

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of February 18, 2020

1. The meeting was called to order at 7:00pm

Members present: Bob Wernecke (Chair), Karla Nuissl (Vice Chair), John Friedrich and Polly McMurtry (alternate)

Staff present: Tom Badowski, Zoning Administrator

Others present: Evan Hinchcliffe (ORCA), Roland Pepin. Meeting is being recorded by ORCA.

2. New Business

A. 20-003 – Application by Roland Pepin for a Waiver Request under Section 4502 to allow encroachment into the Side Yard Setbacks for construction of a new single family home. The property is located at 1882 Paine Turnpike South. Tax Map ID: R03-037.000; PID SA1-090. The Property is in the Shoreland Conservation (SC) District.

The applicant was sworn in at 7:01pm. Mr. Pepin has a small lot on Berlin Pond. There is a well on the property with a rental mobile home. The current tenant has lived there for about 15 years but is moving and the mobile home is not in great condition. Mr. Pepin would like to sell the property as a building lot but because the lot is so small, he is requesting a waiver from the side yard setbacks. The lot is $\frac{1}{4}$ of an acre at 70' wide and 180' deep. The ZA noted that there is no recorded survey of the property in the town records.

Ms. Nuissl questioned whether the residence could be placed either longways on the property or have a house that is narrower to avoid a setback issue. The board discussed the fact that the side setback is 25'; therefore the structure could only be 20' wide. Mr. Pepin also noted that the property is very hilly. The slope from the road is about 10% up to the existing trailer and the slope is 20% beyond that. The lot to the right is an undeveloped lot; the lot to the left is owned by the city of Montpelier.

Chapter 120 Vested Rights & Pre-Existing Development
Section 1203 Nonconforming Lots
Section 1203.B

1) Is legally subdivided – yes

- 2) Existed as of the effective date of these regulations – yes
- 3) Is at least 1/8 of an acre – yes, it is 1/4 of an acre
- 4) Is not less than 40 feet wide or deep – no, it is 70' x 180'

The DRB determined that this application meets the criteria.

Chapter 450 Administrative Procedures

Section 4502 Waivers

Figure 4-07 Waiver and Variance Review Criteria

- 1) Character of the area – residential properties in the area
- 2) Impair development of adjacent property – no impact
- 3) Be detrimental to public health, safety – not detrimental, no planned development beyond residential; met as long as the applicant has water/wastewater permit
- 4) Beneficial for continued use – is the only reasonable use of the property; the ZA asked if the board is okay with allowing the applicant to put a structure in the same place it is now, right up against the property line

The ZA stated that the only unknown is the lack of a survey. A buyer of the property will probably request a survey. The Chair noted that the applicant is requesting a waiver that can be no more than 50% of the current side setback of 25 feet. The applicant stated that he will most likely have a survey done of the property for any potential buyer.

Motion was made to close the hearing by Ms. Nuissl, seconded by Ms. McMurtry; passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the February 4, 2020 meeting.

Motion was made by Mr. Friedrich, seconded by Ms. Nuissl, to approve the minutes as written; motion passed unanimously

Motion was made to go into deliberative session by Mr. Friedrich, seconded by Ms. McMurtry; passed unanimously

DRB went into deliberative session at 7:26pm; board exited at 7:42pm

4. **Motion was made to adjourn by Mr. Friedrich, seconded by Ms. McMurtry; meeting was adjourned at 7:45pm.**

Respectfully submitted by Kristi Flynn, Recording Secretary