

**DEVELOPMENT REVIEW BOARD**  
**108 Shed Road**  
**Berlin, Vermont**

**APPROVED MINUTES**  
Meeting of March 19, 2019

1. The meeting was called to order at 7:02pm

Members present: Robert J. Wernecke, Chair, John Friedrich, Shane Mispel, Karl Nuisl and Josh Fitzhugh

Staff present: Thomas J. Badowski, Zoning Administrator and Kristi Flynn, Recording Secretary

Others present: Elliott Curtin

The meeting was recorded by ORCA.

Applicant was sworn in at 7:03pm.

2. New Business

- A. **19-007 – Elliott Curtin and Andy Ribolini** submitted an application for a Conditional Use Review associated with a Change of Use request to convert a commercial use property into a residential use property. The Property is located at 570 Route 302, Tax Map ID: U02-010.000; PID US302-053. The Property is located in the current Highway Commercial and proposed Mixed Use Zoning Districts.

The applicants would like to change the structure from a commercial use to a multi-family dwelling. The property is currently zoned commercial. The structure is set up for office space and is vacant. The owners are Mr. Curtin and Mr. Ribolini. The property is located on Route 302 next to Twin City Family Fun Center. It was a residential structure before it was renovated for office space.

The ZA noted that this application will be reviewed under the new regulations.

Section 3302 – Conditional Use Review

**Municipal Services Impact Evaluation** – this use should not need a letter of intent. No impact on current services. Privately owned water (Hedges) and municipal sewer system.

**Traffic Impact** – with a maximum of 4 residential units, there should be a decrease on traffic use.

**Character of the area** – the residence will fit in with the mixed uses in the neighborhood. The applicants plan to fix up the property and sell the residence. There are three floors with a square footage of 3,000 feet.

**Natural Resources** – the property is not in the floodplain. The driveway is at approximately a 10% grade.

**Energy Conservation** – Mr. Curtin noted that the basement has been spray-foamed and lights have been upgraded. The use of public transportation is feasible.

**Conformance with these Regulations** – the front and side setback requirements are not met; the road frontage does not meet the requirements. As this is a pre-existing structure, the DRB has grandfathered this property as long as further expansion into the setbacks are not requested in the future. Mr. Curtin wondered if the use could be changed back to commercial in the future; the DRB noted that it could depending on the business. The ZA noted that an accessory dwelling could be added at the rear of the structure, if desired.

**Motion was made by Mr. Friedrich to close the preliminary and final review of Application #19-007, seconded by Ms. Nuisli; motion was passed unanimously.**

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the March 5, 2019 meeting.

**Motion was made by Mr. Wernecke, seconded by Mr. Friedrich, to approve the minutes of March 5, 2019 as written; motion passed unanimously.**

4. Other Business

The ZA noted that the Planning Commission will be making some minor changes to the new zoning regulations. The plan is to get a town vote on the ballot for the zoning regulations in an upcoming school budget vote. A new part of the regulations is a Certificate of Compliance and the ZA will work on the language; the state statute says that construction must be completed within two years of permit approval. An applicant can request a twelve-month extension from the ZA. The DRB has the authority to grant a deadline longer than two years.

**Motion was made to go into deliberative session by Mr. Fitzhugh, seconded by Mr. Friedrich.** The DRB entered deliberative session at 7:25pm; DRB exited at 7:38pm.

5. Motion was made to adjourn by Mr. Friedrich, seconded by Mr. Fitzhugh; meeting was adjourned at 7:40pm.

*Respectfully submitted by Kristi Flynn, Recording Secretary*