

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of October 1, 2019

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

Members present: Robert J. Wernecke, Chair, Karla Nuissl, John Friedrich, Josh Fitzhugh, Polly McMurtry

Staff present: None

Others present: Brad Towne, Evan Hinchcliffe, Ed and Jane Benoit, Michael Lajeunesse (contractor), Craig Chase (engineer), Beth and Dave Daut, Charles R. Parker. Meeting is being recorded by ORCA.

Applicants for all hearings were sworn in at 7:01pm.

2. New Business

A. 19-053 – Application by Bradley Towne for a Preliminary and Final Plan Review of a Minor Two Lot Residential Subdivision. The property is located at 523 Three Mile Bridge Road, Tax Map ID: R08-050.000; PID SA2-036. The Property is in the Rural 40 (R40) District.

The applicant has too much acreage and would like to downsize. The land being subdivided off is not useful for agriculture or pasture. The lot has been surveyed. The subdivision meets setback requirements. There are no requests for party status.

Chapter 350 – Subdivision Standards

Section 3502 – Capacity of Community Facilities – no impact on community facilities; not comments from Chiefs of Police and Fire and Road Foreman

Section 3503 – Suitability of the land – the house will be sited on the land that is the least desirable for farming, not in a floodplain, the land does perk for septic

Section 3504 – Design and Configuration of Parcel Boundaries – access will be across from Mrs. White's house and will meet site distances; buyer will need to obtain an access permit

Section 3504.B – Lot Dimensions – meets district standards, plenty of frontage

Section 3504.C – Building Envelopes – not shown on the plat; must be added to the drawing by the surveyor, including all setbacks

Section 3505.A – Roads – need to meet standards and need access permit

Section 3505.C – Water & Wastewater Facilities – wastewater permit has not been applied for yet; board needs a copy of this permit

Section 3506 – Character of the Area – project fits in with the character of the neighborhood, mostly rural residential development on larger parcels of land

Section 3508 – Conformance with the Regulations – projects conforms with all regulations in effect

The lot to be subdivided off is quite a distance from the brook and should not be a factor. A brook will delineate two of the lot lines. Comments from the ZA included: no buildings are currently proposed so no septic design nor building envelope provided.

Motion was made by Mr. Friedrich to close the hearing, seconded by Mr. Fitzhugh; motion passed unanimously

B. 19-054 – Application by David and Elizabeth Daut for a Final Plan Review of a Minor Two Lot Residential Subdivision. The property is located at 793 Crosstown Road, Tax Map ID: R06-048.000; PID 40-029. The Property is in the Rural 40 (R40) District.

Craig Chase was the representative for the applicants. The applicants have a 3.45-acre parcel at the corner of Black and Crosstown Roads and would like to subdivide the lot into two lots: Lot 1 with 1.58 acres with existing residence and Lot 2 as a building lot with 1.87 acres. Both lots exceed the acreage and road frontage requirements. The site has been tested and septic design has been done; permit will be signed and submitted pending DRB approval. Mr. Daut noted that the lot is an L-shaped lot and the subdivision will make two rectangles. The property line was modified because of the mound septic system location. Written testimony from the ZA: 3-bedroom home is proposed, septic design has been sent to the State (actually has not been); building envelope is provided. Chiefs of Police, Fire and Road Foreman had no issues with the application.

Chapter 350 – Subdivision Standards

Section 3502 – Capacity of Community Facilities – no impact from this project

Section 3503 – Suitability of the land – land is not subject to flooding; test pits have been completed, 20% grade where the septic system will be located

Section 3504 – Design and Configuration of Parcel Boundaries – the building envelope is noted

Section 3504.B – Lot Dimensions – meets district standards

Section 3504.C – Building Envelopes – see above

Section 3505 – Design and Layout of Necessary Improvements – grade on the access road is 12% or less; Chair noted that the first 20 feet should meet B71 standards

needs a copy of this permit; the Chair mentioned the well is located in the setback; Mr. Chase noted this is the best location

Section 3505.F – Landscaping – no plan to cut down any trees, but not sure what the new buyer will do; house will be within the noted building envelope

Section 3506 – Character of the Area – project fits in with the character of the neighborhood, mostly rural residential development

Section 3508 – Conformance with the Regulations – projects conforms with all regulations in effect

A utility pole is specifically exempted from the regulations and can be located in a setback. There are no requests for party status.

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

C. 19-055 – Application by Charles Parker for a Site Plan and Conditional Use Review of a request under Section 2005.C "Unlisted Uses" to convert Office Space to Multi-Family Dwelling. The property is located at 641 Comstock Road, Tax Map ID: R02-014.100; PID 14-006. The Property is in the Light Industrial (LI) District.

Mr. Parker was sworn in at 7:39pm. Michael Lajeunesse served as the representative. Presently there is one apartment on the 2nd floor, with two commercial rentals on the 1st floor. The applicants would like to change one of the commercial rentals to a total of three new apartments (1 two-bedroom, 2 1-bedroom) on the 1st floor. Written comments from ZA: the Fire Chief requested hard-wired, connected smoke and carbon monoxide detectors; proposed parking area will not be an issue. Public Works Capacity to Serve letter was attached. There were no requests for party status.

Section 2005.C – Unlisted Uses

The Chair asked the why the DRB should approve multi-family residential in the Light Industrial District. Mr. Parker noted that the upstairs apartment has been there since 1976; the downstairs became commercial in 1981. The upstairs has been rented out continuously. The traffic will be lessened without the commercial use. The DRB is not aware of any other residences in the Light Industrial District.

Section 330 – Conditional Use Standards

Section 3302 – Capacity of Community Facilities and Utilities – impact will be lessened on facilities; will be on town water and sewer

Section 3303 – Traffic – amount of traffic will be lessened with residential units; in an area where there is not much residential use

Section 3304 – Character of the Area – to be determined

Section 3305 – Natural Resources Protection – not applicable

Section 3306 – Energy Conservation – will not impede solar access by adjacent properties

Section 3307 – Conformance with the Regulations – DRB must decide if this is a permitted use in this district

Section 320 – Site Plan Standards

The DRB determined that a site plan review was not necessary since no changes are being made to the footprint; parking and lighting will not be changed.

The applicant has noted that they have never had a problem with the rental apartment and stated that the proposed use would lessen the impact to many facilities and traffic.

Motion was made by Mr. Friedrich to close the hearing, seconded by Mr. Fitzhugh; motion passed unanimously

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the September 17, 2019 meeting.

Motion was made by Ms. McMurtry, seconded by Mr. Friedrich, to approve the minutes as written; motion passed 4-0-1 (Mr. Fitzhugh abstained)

Amendments:

Motion was made to go into deliberative session by Mr. Fitzhugh, seconded by Ms. Nuissl; motion passed unanimously

DRB entered deliberative session at 8:03pm; board exited at _____pm.

4. **Motion was made to adjourn by Mr. Friedrich, seconded by Ms. McMurtry; meeting was adjourned at _____pm.**

Respectfully submitted by Kristi Flynn, Recording Secretary