

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES (1/2/19)
Meeting of September 18, 2018

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

Members present: Robert J. Wernecke, Chair, Shane Mispel, Karla Nuissl, and Josh Fitzhugh (7:30pm)

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

Others present: Matthew Morse, Nancy Carpenter, James Cultrera, Susan Law, Steven Deyo, Helen Bryan, Betty Sweet

The applicants and interested persons were sworn in at 7:01pm.

2. New Business

- A. **18-053 – Nancy Carpenter and Karen Grace** submitted an application for a Boundary Adjustment. The properties are located on VT Route 12. Tax Map IDs: R09-012.000 Lot #3 and R09-01.000 Lot #2. The properties are located in the Rural Residential District.

Ms. Carpenter and Ms. Grace would like to do a boundary adjustment to give a piece of property to an abutting neighbor so that the neighboring property can be farmed. The parcel of 19 acres has previously been sold to the neighbor, Mr. Morse. ZA noted that both lots continue to meet the zoning regulations for the District. The acreage figure of 15.35 acres is the amount being transferred through this adjustment. The DRB members did not have any additional questions.

The Chair noted that this will have no impact on roads, ROWs and public facilities. No new lots are being created. The ZA testified that no non-confirming lots are being created.

Motion was made by Ms. Nuissl to close the hearing for Application #18-053, seconded by Mr. Mispel; motion passed unanimously.

- A. **18-054 – Bartlett Hill Co LLC and Susan Lee** submitted an application for a Boundary Adjustment. The properties are located on Bartlett Hill. Tax Map IDs: R08-043.A00 Lot #7 and R08-043.A00 Lot #1. The properties are located in the Rural Residential and Highland Conservation Districts.

The applicants were sworn in at 7:08pm.

Ms. Law owns 44 acres off Bartlett Hill Road. Mr. Deyo is an abutting landowner. Each of the landowners is comfortable with sharing a driveway. They would like to do an even land swap. Mr.

Deyo owns Lot #7 which includes a strip down to Bartlett Road. The strip was the access to Lot #7 originally. There will be three lots using the shared driveway and for E911 reasons, the road will need to be named and become a private road. It was constructed to town standards and was verified by Dubois Construction, Inc, who constructed the road. The ZA believes the SB will agree to naming the road and making it a private road. The other item that should be considered is a road maintenance agreement; a separate agreement will not be needed if there is sufficient language in each of the land deeds. The applicants need to confirm with the ZA that sufficient language is in each deed. Ms. Law noted that her deed does include road maintenance language and made sure it was included with specific mechanics. The DRB would like to see the copy of the deed; Mr. Deyo provided a copy of his deed and it will be included in the evidence for the hearing. The ZA stated that an approval should be conditioned on the language included in the deed.

The DRB's approval will be conditioned on the SB's approval of the naming of the private road. The Chair noted that the private road is being driven by the E911 requirement. Ms. Law wondered why the boundary adjustment triggered the private road discussion; the DRB noted that they can approve the application without the private road, but will need to condition the approval on the SB's approval of the creation and naming of the private road.

The Chair noted there will be no new building lot; it will have no impact on roads, ROWs or town facilities. The ZA testified that this adjustment will not create any non-conforming lots.

The ZA feels that the letter from Rae Washburn at Dubois Construction Inc and the deed language should satisfy the SB. The boundary adjustment is removing the second access to the Lot #7 so that the approval needs to be contingent on the SB's approval.

Motion was made by Ms. Nuissl to close the hearing for Application #18-054, seconded by Mr. Mispel; motion passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the September 4, 2018 meeting.

Motion was made by Mr. Wernecke, seconded by Ms. Nuissl, to approve the minutes of September 4, 2018 as amended; motion passed unanimously.

Amendments: page 2, last word of first paragraph: change Industrial to Commercial; page 3, f: replace with 'This is an existing building and there are no changes to setbacks'; page 3, j: remove 'as it is on a state highway'

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

The Chair mentioned the Planning and Zoning Forum on October 20, 2018. Any DRB members interested should let the ZA know. The Chair noted the each member should be on the VLCT mailing list as they often have very interesting topics.

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

The DRB entered deliberative session at 7:39pm; the DRB exited at 7:49pm. Mr. Fitzhugh did not participate in the deliberative session discussions.

6. Status of Findings.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, October 16, 2018**. There is no meeting October 2, 2018.

8. Motion was made to adjourn by Mr. Fitzhugh, seconded by Ms. Nuissl; meeting was adjourned at 7:50pm.

Respectfully submitted by Kristi Flynn, Recording Secretary