

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

**UNAPPROVED MINUTES
Meeting of TUESDAY, September 19, 2017**

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

Members present: Karla Nuissl, Vice-Chair; John Friedrich; Josh Fitzhugh; Shane Mispel, and Paul Irons, Alternate. Absent: Robert J. Wernecke, Chair

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary via phone.

Others present: Peter Kelley

The Board explained its Policy and definition of party status and interested persons to attendees. Copies of the Rules and Policies and Procedure were available as handouts. No one present requested party status.

2. New business

A. 17-066 – Azza’s Farm, LLC and Peter Kelley submitted an application for Boundary Adjustment. The properties are located in the Rural Residential (R-40) District at: 129 Vine Street Extension, Berlin, Vermont, Parcel ID: 26-030; and at 100 Mount Street, Berlin, Vermont, Parcel ID: 26-023. Peter Kelley was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Boundary Adjustment, 17-066, received on 08/15/2017; and **Exhibit #2:** Boundary Adjustment Plan showing the properties, area involved in the boundary adjustment, access, existing structures, etc. prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 05/25/2017.

Peter Kelley advised that his lot consists of 5.11 acres and abuts property owned by Thomas Sullivan (Azza’s Farm LLC). He asked Mr. Sullivan to sell him some land and they agreed upon 11.53 acres which will be merged with his 5.11-acre lot. They propose the boundary line adjustment to accomplish this change. The parcel owned by Azza’s Farm, LLC, consisting of 251.8 acres, would decrease by 11.53 acres resulting in 240.3 acres after the adjustment. The parcel owned by Peter Kelley, consisting of 5.11 acres, would increase by 11.53 acres, resulting in 16.64 acres after the adjustment.

Zoning Administrator Badowski advised that the lots would be in conformance with the zoning regulations.

Mr. Kelley confirmed that the existing wastewater system (leach field) for Azza’s Farm LLC is located on the property he purchased. They agreed that if necessary, a replacement system could be placed on his property. He is confident that a suitable location for a replacement wastewater system can be found on the remaining 240 plus/minus acres owned by Mr. Sullivan.

The Board reviewed the definition for boundary adjustment and found that no new lots are being created. The boundary adjustment does not result in the creation of a nonconforming lot or use. A complete survey was submitted showing applicable boundaries, before and after the adjustment, existing structures, accesses, roads, and so forth.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Irons, to close the hearing with respect to Application 17-066. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Vice-Chair called for approval of the Minutes of the September 5, 2017 meeting.

Mr. Friedrich made a motion, seconded by Ms. Nuisl, to approve the Minutes of the September 5, 2017 meeting as amended. The total acreage in the Felch subdivision (17-058) was corrected to read 11.80 acres. The question was called and the motion passed unanimously.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings.

The Board voted to go into deliberative session at 7:09 P.M. and out at 7:11 P.M. to discuss the status of Findings. The Board's decision with regard to (closed) adjourned applications will be reported in its Findings.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, October 3, 2017.**

8. There being no further business, the meeting was adjourned at 7:12 P.M.

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin