

Berlin Development Review Board
Unapproved Minutes
Meeting of Tuesday, February 15, 2011

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

Members present: Robert J. Wernecke, Chairman; Muriel I. Morse, Vice-Chair; and Alida VanDenBerg.
Absent: Henry A. LaGue, Jr. and Kyle Faye Mooney.

Staff present: Jeffrey Schulz, Town/Zoning Administrator and Carla Preston, Recording Secretary.

Others present: Jason Owen with the Vermont Agency of Transportation, Aviation Program; Valerie Cyr, Romeo Cyr, Timothy Pratt, and Paul Irons.

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.

2. New Business

A. 11-002 – Vermont Agency of Transportation, Aviation Program submitted an application for review of section 3.16 B to erect an eight foot high woven wire fence around the Edward F. Knapp State Airport. The property is located at Airport Road, Berlin, in the Light Industrial (LN) District, Tax Map R2, Lot 73.4. Jason Owen (VTrans), Valerie Cyr, Romeo Cyr, Timothy Pratt, and Paul Irons were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit dated January 21, 2011; **Exhibit #2:** Copy of Site Layout Plan proposed fence, dated June 24, 2009, prepared by Hoyle, Tanner & Associates, Inc.; **Exhibit #3:** VTrans Specifications for fence, F-1; **Exhibit #4:** Email to the ZA explaining aerial map dated January 26, 2011 showing proposed fence and its height; **Exhibit #5:** Aerial Map showing locations for proposed 6 foot high fence and 8 foot high fence dated January 12, 2011; **Exhibit #6:** List of Abutters; **Exhibit #7:** VTrans project description received on January 21, 2011; **Exhibit #8:** Article titled "Fences and Deer-Damage Management: A Review of Designs and Efficacy" received on January 21, 2011; **Exhibit #9:** January 26, 2011 email from Jason Owen to the ZA concerning the distance of the fence from Scott Hill Road; **Exhibit #10:** January 14, 2011 letter from VTrans to the Berlin Police Department describing the project and requesting an impact statement; **Exhibit #11:** January 14, 2011 letter from VTrans to the Berlin Highway Department describing the project and requesting an impact statement; **Exhibit #12:** January 14, 2011 letter from VTrans to the Berlin Volunteer Fire Department describing the project and requesting an impact statement; **Exhibit #13:** Letter from Charles R. Parker, abutter, expressing concerns as to the need for the fences, the cost of the proposed project, and who is paying for it; **Exhibit #14:** January 20, 2011 response from the Berlin Police Department stating that the proposed application will have no adverse impact on the Berlin Police Department; and **Exhibit #15:** January 19, 2011 response from the Berlin Highway Department stating that the proposed application is deemed acceptable and would have no impact on the Town's roads.

Jason Owen, Project Manager, provided an overview of the project. He said the Vermont Agency of Transportation (VTrans) is proposing to install approximately 7000 feet of perimeter fence along the western side of the airport property. He said about six years ago they received approval for some fencing. He pointed out on the maps where there is existing fencing along Comstock Road to the hangars. He said the fence near the terminal area has been in place for years.

Mr. Owen said additional fencing is needed due to ATVs and snowmobiles on the property as well as deer and other animals. He said the fence would begin near Scott Hill Road and run parallel to the north along the wood line and tie into the fence on Comstock Road at the existing gate. He said the height of the fence is six feet in areas near the airport and eight feet in other areas. He said the line shown in red on the map represents fence that would be eight feet high and the line shown in green would be six feet high. He said they cannot use chain link fencing because it could interfere with electronic signals. The fence would be woven wire, painted black, not shiny.

Jeff Schulz, Zoning Administrator, indicated that this matter is before the DRB since the proposed fence would be six feet or greater. The criteria include sight distance, maintenance, character of area, etc. He said the Applicant has addressed one issue with respect to distance from the roads. The fence would be at least 50 feet from the edge of the roads. He noted that the Highway Foreman has no concerns regarding potential impacts on the road or other aspects.

In response to the Board's question regarding the fence being located in wetland areas, Mr. Owen said they have reviewed the plans with the US Army Corps of Engineers, wetlands personnel, and their engineers. The gray area on the map represents wetlands. They have no concerns about the proposed fence's locations. He confirmed that the fence would be located 50 feet or more at all points from traveled portions of the roads. He said they have a document stating that no wetlands permit is needed and that requirements have been met.

Tim Pratt, abutter, said he resides at 472 Scott Hill Road, the end of the runway. He asked about the distance of the fence from the end of the runway, the wetland area, the steep bank, and so on. Mr. Pratt said there is an active stream bed at the end of the runway with a three foot culvert. He said the stream bed runs from across the other side of the road.

Mr. Owen said the fence would be located over the bank far enough so not to interfere with air traffic. He said the fence would run along the edge of the gully or stream bed and diagonally west to the marsh area. He said the fence would be located well inside their property line and would be closer to the runway than to the property line. The fence runs parallel with the trees, not along the property line.

Val Cyr, abutter, who lives across from the Airport, asked if the fence would be visible due to the topography of the land.

Mr. Owen said the fence would be located some distance up the hill so they probably would see the fence. The green line indicates that the fence would be six feet high and the red line indicates the fence at eight feet high. He said it will be parallel with the runway. The fence goes around the southwest corner, 50 feet off the edge of the highway, slowly climbing up the hill by the windcone on the inside of the fence, and continues parallel to the west of the tree line. The property is close to the runway at that point. He said there would be no cutouts in the fence with the hopes that the deer will not be trapped in there.

Mr. Pratt asked if the Applicants had discussed potential impacts on changing the pattern of the deer herd.

Mr. Owen said the reason for the fence is to keep out large mammals and people. It is a Federal Aviation Administration (FAA) requirement. He said there have been deer, moose and other animals on the runway.

The Board asked the Applicants to address the criteria.

Mr. Owen said there would be no impact on sight distance or adjacent roads. The fence would be 50 feet away from the traveled edge of the roads. He said Comstock Road would be closer than 50 feet at the gate since it connects to the existing eight foot high fence there.

Paul Irons asked about the color of the fence. He noted that the shiny or galvanized color is better since it becomes dull and does not stay shiny for very long.

Mr. Owen said they plan to paint the fence black versus leaving it the shiny woven wire. He said there would be no slats. He said he has no objections to keeping the fence shiny, galvanized.

Romeo Cyr noted that some of the green slats in the existing fence had blown off leaving the vinyl coating chain link fence. He asked if the slats were for aesthetics. The slats end up on the runway and then on the fence. He said he does not want to see the slats added to the proposed fence.

Mr. Owen said the dark green slats were not intended for aesthetics. They have been used more as snow fence in the past years to reduce drifting snow. The fence has no impact on the runway. The proposed woven wire fence would be around 4 inch by 4 inch squares in shape.

Mr. Owen said there would be no impact in highway maintenance. He said during construction the only traffic hazard would be related to vehicles being parked close to the road. He said contractors would be using Scott Hill Road since the area is wet and they cannot be parked on the runway. He said they hope to begin construction in July and anticipate it taking about two months to complete.

Mr. Owen said there would be no impact on drainage. The fence would cross the gully or stream.

Mr. Pratt said the three-foot culvert carries runoff from the top of the hill, near Henry Perron's property and drops 8-10 feet. He said there is an active beaver dam there now on the point and noted that it is marshier due to the beaver dam and pond. He said it is located about 75 feet west of Mr. Perron's property. He said the beavers have taken down a series of trees there.

Mr. Owen said the fence would not be located near that beaver dam. He offered to walk the fence line with Mr. Pratt.

Mr. Owen said there would be no impact in the character of area affected. He said there is some fence existing now. He acknowledged that it could/would change the deer herd run.

Mr. Owen said there would be no impact on public safety. He noted that during the construction period they may have trucks parked in the road. There would be no impact on runways. There would be no barbed wire on the top of this fence.

Messrs Irons and Pratt commented on the funding of this project. In addition, the Board acknowledged the Memorandum from abutter Charles R. Parker which also concerned funding. They were opposed to spending the money when the need has not been proven.

Mr. Owen noted that funding for the project has been approved by the Legislature. The fencing project has been mandated by the FAA. He noted that the Airport is being proactive but understood their position.

Attendees asked about potential changes in the use of the Airport. They expressed concerns about the removal/closure of Sambel's Restaurant, which raised questions about the State's future plans for the Airport.

Mr. Owen said there are no future plans for the airport being considered as part of this application; single, twin engine and some jets. He mentioned the last project which eliminated a runway intersection, made parallel runways, etc. to improve safety. He said they will need an ACT 250 permit.

Based on documents presented and testimony heard, Ms. Morse made a motion, seconded by Ms. VanDenBerg, to close the hearing in the matter of Application 11-002. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Chairman called for approval of the Minutes of the January 18th meeting. The Minutes were revised to show that Henry LaGue was not present. Ms. Morse made a motion, seconded by Ms. VanDenBerg, to approve the Minutes of the January 18, 2011 as corrected. 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 7:55 P.M. and out at 8:03 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, March 15, 2011.**

8. There being no further business, the meeting was adjourned at 8:04 P.M.

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin