

Berlin Development Review Board
Unapproved Minutes
Meeting of Tuesday, January 20, 2009

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

Members present: Muriel I. Morse, Acting Chair, Henry A. LaGue, Jr.; Robert G. Manley; Jane C. Bartrum and Kyle Faye Mooney, Alternate. Absent: Robert J. Wernecke, Chairman.

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

Others present: David Guadalupe, Scott Fortney, Val Cyr, Romeo Cyr, Randy Loso, Thomas Webster, and John Roberti.

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. 08-048 – Edward F. Knapp State Airport submitted an application for Site Plan Review to expand the taxiway and reconstruct and expand the terminal area. The property is located at 1979 Airport Road, Berlin, in the Light Industrial Zoning District, Tax Map R2, 73.300. Scott Fortney, with the Aviation Program, Operations Division of the Vermont Agency of Transportation and David Guadalupe, P.E. with Hoyle, Tanner and Associates, were sworn in to give testimony on this matter. This matter was recessed from prior meetings.

The following documents were submitted and admitted as exhibits: **Exhibit #18:** December 15, 2008 Minutes of the Berlin Select Board meeting regarding routes for truck traffic on Town roads; **Exhibit #19:** Letter of Intent between the Town of Berlin and The Vermont Agency of Transportation dated January 20, 2009; and **Exhibit #20:** E.F. Knapp Airport map of Proposed Haul Routes prepared by Hoyle, Tanner & Associates, Inc. (received January 20, 2009).

Scott Fortney said he is the project manager with the State's Aviation Program and noted that this matter was recessed regarding the truck hauling issue, particularly on town roads. He said they have investigated possible destinations for the waste material but have learned that it is not within their purview. He said it is typically part of the bid process and becomes a contract issue. He said they have met with Town Manager Jeff Schulz, Road Superintendent Richard Tetreault, and officials for the Town of Barre looking for travel options in all directions. He said they presented a plan for options to the town and received approval for use of Airport Road and Comstock Road. He said he assumed Granger Road would be acceptable since Pike is located on that road and operates larger trucks now. He said there are obvious constraints to the highway system right down to Barre. He said damage to roads, and to mitigate such damage, is already in the town's requirements. He said he cannot make that as a requirement to the contractor. He said they would agree to help make an assessment (i.e., video initial road conditions) as a basis of claims should there be any. He said according to Richard Tetreault, getting off the project site onto a road is biggest issue. He believes that the estimated \$100,000 for damages would be reasonable to accommodate that insurance claim. He said they would use Comstock Road only to the point where it intersects with Granger. They do not know where the fill would be dumped. He said it is the best they can do at this point. He said they have discussed the issue with several pits in central Vermont that indicate they would take material, but is up to the contractor. He said the contractor makes those arrangements, thus there is no way for AOT to make that determination. He said they are specifying which roads can and cannot be used.

Mr. Fortney said they have also looked at the Interstate option. He said travel on the Interstate is a federal highway issue, not a state issue. He said he learned that Interstate travel may be permitted but it is more expensive (\$20 per truck) for the larger axel trucks. He said a bidder could apply for the permits but it would be a larger expense.

Mr. Fortney said they are looking at their ability to reuse/reclaim product on site which would reduce truck traffic. He said they are reclaiming some material. The northern part of the project contains silt, thus not great, so it might not be wanted. He said the material from southern part of the site where blasting is needed could be reclaimed. He said they would bring in crushers and process that material on site to reduce truck traffic.

Jeff Schulz asked for confirmation of their communication with officials from Barre. Did they contact Barre City or Barre Town or both? He also asked about the status of their stormwater permit.

The applicants said they contacted Barre Town. Since the road through Barre City is part of the state highway system (US Route 302), there is no issue there with the use of the road. They verified that Barre officials are also concerned about truck traffic. The applicants noted that their options are limited.

David Guadalupe said they can speculate where the fill may be going but do not know for sure. He said pit owners might need ACT 250 permitting to accept the fill. He said contractors would be given haul routes so they know how to bid the project. He said the stormwater permit application was submitted a couple of months ago. He noted that they cannot proceed without that permit.

Mr. Fortney added that they have been working with the Agency of Natural Resources since day one, which has been over two years. He said they have had communication back and forth and do not believe it would be denied since they have had so much involvement in the project.

The applicants referred to page two of their handout. They said they need to bring runway 17-35 into compliance. They explained that the standards have changed in that a parallel runway is required when there is an instrument landing system. They need a parallel taxiway to meet requirements. The proposed changes are for safety purposes.

Mr. Roberti, (Vermont Flying Service) said students use the runway. It is not used in the winter.

The Board noted that some permits are outstanding. The Board is concerned about using a portion of Comstock Road to access the Pike plant.

The Applicants referred to their document titled, "Letter of Intent Between the Town of Berlin and The Vermont Agency of Transportation" regarding haul routes, potential damages to town roads, requirements or obligations for contractor(s), and so on. The Letter of Intent includes the use of flaggers for traffic control when trucks enter the road, video logs of all town roads in the vicinity of the Airport, and other standard items included in VTrans' bidding documents.

Mr. Guadalupe indicated that they could use three town roads, a portion of Granger Road, Comstock Road and Airport Road. He said the use of East Road is not favorable with the residents and it is a newly repaired road. They are relying on the state highway system. If they find a local pit to accept fill, it would need to be addressed by the Town of Berlin. They would be able to use about 2000 feet of Airport Road. They cannot take trucks down the Airport runway to access other roads. He said their goal is to get the project permitted and get it moving. They have done their due diligence.

Mr. Manley made a motion, seconded by Ms. Bartrum, to recess the hearing in the matter of Application 08-048 for additional permits and more information regarding haul routes. Mr. Schulz noted that the Applicants are on the agenda for the next Select Board meeting. The question was called and the motion passed unanimously.

- B. 08-082 – Randal Loso and Thomas Webster** submitted an application for Final Review of a two lot Subdivision. The property is located at 91 Peach Street, Berlin, in the Rural Residential Zoning District, Tax Map R7-22. Randy Loso and Thomas Webster were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Subdivision Application dated December 29, 2008; and **Exhibit #2:** Survey Plans dated February 22, 2008.

Mr. Loso noted that their conceptual plan was approved. They are proposing a two lot subdivision on Peach Street. They have a State-approved septic design. He said there are no changes since the last meeting, which was held on December 2, 2008.

Mr. Schulz noted that the Board had approved the conceptual plan with no outstanding issues. The proposed plan met all requirements and was in accordance with the regulations.

Mr. Loso said the private road was approved or accepted by the Berlin Select Board. They have submitted a revised application showing the acreage for each lot being created. The 7.24 plus/minus acre lot would be divided into two lots consisting of 4.67 acres (Lot #1) and 2.57 acres (Lot #2).

Based on the documents presented and testimony heard, Mr. Manley made a motion, seconded by Ms. Bartrum, to close the hearing in the matter of Application 08-082. The question was called and the motion passed unanimously.

- C. 08-081 – Robert and Wendy Manley and Charles Crandall** submitted an application for Boundary Line Adjustment. The property is located at 1090 Brookfield Road, Berlin, in the Highland Conservation Zoning District, Tax Map R4-16 and R4-17. Robert Manley was sworn in to give testimony on this matter. He recused himself from serving on the Board since he is the applicant.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Boundary Adjustment dated December 22, 2008; **Exhibit #2:** December 5, 2008 letter from Charles D. Crandall authorizing Robert and Wendy Manley to represent him before the Berlin Development Review Board; and **Exhibit #3:** Survey Plans prepared by Gregory F. Dubois, LS dated November 8, 2008.

Mr. Manley indicated that the Notes at top of the survey explain the change in lines for this simple boundary adjustment. He said he and his wife have a 5.26 acres parcel and Charles Crandell has a 51 acres parcel. Mr. Crandall is trying to create road frontage on that area so he can later subdivide it to split the acreage between his two children. Mr. Manley said to accomplish that they are essentially trading .99 acres. He said their total overall acreage would remain the same and the sizes of the lots would not change. He gives up .99 acres and receives .99 acres at another point on the parcel. He said abutters have been notified with no objections. He said there is a small cabin on the 51 acres parcel which is shown on plans. There is a Right-of-Way behind one house and along the field. He said the parcel was 200 acres at one time years ago and was subdivided by their great grandparents. He said they are trying to straighten out some of the property lines to make use of the properties more feasible. Mr. Manley said Mr. DuBois will provide a final Mylar for the Board's signature and recording.

Mr. Schulz confirmed that no non-conforming lots are being created. The proposed use is residential, which is a permitted use in this district.

The Board reviewed the criteria and definition for boundary line adjustments and found that the proposal was in conformance. The applicants were reminded that a Mylar must be filed with the Town of Berlin.

Based on the documents presented and testimony heard, Ms. Mooney made a motion, seconded by Mr. LaGue, to close the hearing in the matter of Application 08-081. The question was called and the motion passed unanimously, 4-0.

3. Pubic Comment.

4. The Chairman called for approval of the Minutes of the January 9th meeting. On page two, regarding Town and Country Honda, the last paragraph was amended to show that the proposed addition was driven by Honda to reduce the long waiting time for service and that it would immediately create two new full time positions. Ms. Mooney made a motion, seconded by Mr. Manley, to approve the Minutes of the January 9, 2009 meeting as amended. Motion passed unanimously.

5. Other Business

Members of the Board briefly discussed receipt of a letter from Ms. McAvoy regarding the dismissal of her appeal and the concerns she raised about the Board's actions. Mr. Schulz said the Select Board will advise the DRB on that issue.

6. Status of Findings.

The Board voted to go into deliberative session at 7:50 p.m. and out at 8:07 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, February 17, 2009.**

8. There being no further business, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin