

**DEVELOPMENT REVIEW BOARD**  
**UNAPPROVED MINUTES**  
**Meeting of TUESDAY, AUGUST 14, 2007**

1. The meeting was called to order at 7:01 p.m.

Members present: John Hurley, Vice-Chair; Muriel Morse; Robert G. Manley; Henry A. LaGue, Jr.; and Alternate Paul Irons re 07-071. Absent: Robert J. Wernecke, Chairman.

Staff present: Peter E. Noyes, Interim Zoning Administrator and Carla Preston, Recording Secretary.

Others present: Paul Irons, Peggy Irons, Bradley Tubbs, Debbie Wolf, and Henry A. LaGue.

The Board explained its Policy and definition of party status and interested persons to attendees.

2. New Business

- A. **07-067 - Paul and Peggy Irons d/b/a Acorn Properties** submitted an application for Site Plan Review to re-configure the front entryway to include new stairs and an elevator. The property is located at 652 Granger Road, Berlin, in the Light Industrial (LN) District, Tax Map R2, Lot 19B. Paul and Peggy Irons were sworn in to give testimony on this matter.

Mr. LaGue said he is an officer and shareholder in a corporation that abuts the applicant's property and would recuse himself if the applicant wished. No one expressed any objections to Mr. LaGue serving on the Board regarding this matter.

The following documents were submitted and admitted as exhibits. **Exhibit #1:** Application For Zoning Permit dated July 16, 2007; **Exhibit #2:** Plans showing existing and proposed floor plan, building entryway reconfiguration, location of proposed elevator, etc., prepared by David Blosser Designs, Inc., dated July 18, 2007; **Exhibit #3:** The Applicant's Narrative addressing Site Plan Review Criteria; **Exhibit #4:** July 31, 2007 letter from the Berlin Volunteer Fire Department stating minimal impact; **Exhibit #5:** July 26, 2006 [sic] letter from Berlin Police Department stating minimal impact; **Exhibit #6:** Several photographs of the site; **Exhibit #7:** Lighting specification cut sheet; and **Exhibit #8:** Zoning Administrator's Report for DRB meeting August 14, 2007.

Mr. Irons said he wants to improve the exterior stairway and access for the handicapped to this building. He said the existing stairway would be replaced and an elevator added. The new stairway, elevator and the existing portico would be enclosed. He said the existing handicap "switchback" entrance ramp would remain. He described several pictures of the building and entranceway and explained the proposed improvements to site. He said the entrance would be ground level with stairs and an elevator to the upper levels of the building. He stated the building would not extend further into the parking lot.

Mr. Noyes said impact letters from the Berlin Police and Fire departments have been submitted. He said the Highway Department had not submitted an impact statement, however no changes to access are being proposed. He said the existing building meets all setbacks and the uses are permitted in this district.

The Board asked the applicants to address the Site Plan Review Criteria.

- a. **Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** Mr. Irons said there would be no change in access or in vehicular or pedestrian circulation. He said visitors to the site would be able to enter weather-tight space at the parking lot level, chose between the stairs or the elevator, and then proceed to their destination with greater safety and comfort.

- b. **Adequacy of circulation, parking, and loading facilities.** Mr. Irons said no changes are contemplated regarding parking or driveway connections. He said parking spaces for the handicapped would be increased from three to four and placed between the new entrance and the existing ramp. He indicated that the loading and delivery areas, refuse and recycling storage areas, snow removal and emergency access are all adequate and would not be altered.
- c. **Bicycle and Pedestrian Access.** Mr. Irons indicated no changes are being proposed, but believes that this criterion is not applicable for this site.
- d. **Adequacy of landscaping.** Mr. Irons said there are numerous plantings in front of the building, grass and trees are currently around the perimeter of the parking lot. The landscaping is adequate and would be maintained. He said trees/shrubs by the existing stairs would be removed and replaced after construction.
- e. **Hours of Operation.** Mr. Irons said the hours of operation would remain the same, 6:30 AM to approximately 9:30 PM. He said those hours of operation do not adversely affect anyone's reasonable expectations.
- f. **Setbacks.** Mr. Irons said there would be no change in setbacks based on this project. All setbacks are met for this district.
- g. **Adequacy of Exterior Lighting.** Mr. Irons said he is proposing to add one exterior sharp cut-off light fixture that would be mounted over the new entrance door. He referred to the lighting specification cut sheet. Otherwise, exterior lighting is adequate and would not change.
- h. **Stormwater and Drainage.** Mr. Irons said stormwater and drainage would not be affected by this project. No changes are being proposed.
- i. **Utilization of renewable energy resources.** Mr. Irons said this criterion is not applicable.
- j. **Municipal services Impact Evaluation.** Mr. Irons said he has received impact statements from the Berlin Police and Fire Departments. He said both departments stated no impact based on his proposed project. He said there would be no impact on highway or schools from this project.
- k. **Flood Hazard Review.** Mr. Irons said the property is not located within a flood hazard area.

Based on the documents presented and testimony heard, Ms. Morse made a motion, seconded by Mr. Manley, to close the hearing in the matter of Application 07-067. The question was called and the motion passed unanimously.

- B. 07-068 – Bradley Tubbs d/b/a The Source/Foreign Car Specialist** submitted an application for Site Plan Review to pave the front lawn for vehicle parking. The property is located at 605 U.S. Route 2, Berlin, in the Highway Commercial (HC) District, Tax Map U7-12. Bradley Tubbs, owner, and Debbie Wolf, Business Manager, for The Source 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 July 16, 2007; **Exhibit #2:** Site Plan showing parking lot expansion and details, prepared by Dufresne & Associates, P.C., dated July 11, 2007; **Exhibit #3:** The Applicant's June, 2007 Narrative addressing Site Plan Review Criteria; **Exhibit #4:** November 2006 copy of original permit issued by VTrans; **Exhibit #5:** August 29, 2006 letter from the Berlin Volunteer Fire Department stating minimal impact; **Exhibit #6:** September 22, 2006 letter from the Berlin Police Department stating no adverse impact; **Exhibit #7:** Several photographs of the site were presented; and **Exhibit #8:** Zoning Administrator's Report for DRB meeting August 14, 2007.

Mr. Tubbs said he sells used cars at this location, which are placed on the lawn, shown in the shaded areas on the plans. He said he wants to convert their front lawn into a paved parking lot. He indicated that this would better display the cars they have for sale and would minimize the development of mud on the lot in the spring. It would create an aesthetically pleasing and professional looking appearance for the business. He said the setback from the center of road and the area where the cars are parked is 50 feet.

The project would involve making the driveway four feet wider than it is currently, in order to meet the Vermont Agency of Transportation's (VTrans) requirements (B71). It would also include re-grading the yard and laying down a parking lot made of reclaimed asphalt and stone. The proposed project does not exceed state standards that would require a stormwater runoff permit.

Mr. Noyes said letters from the Berlin Police and Fire Departments have been received. He said he has not seen a letter from VTrans regarding performing work in the State's Right-of-Way, but understands it is being considered. He said the applicant has a permit for the sign and for the change in use to auto sales.

Mr. Tubbs said the matter has been discussed with Del Thompson, of VTrans who indicated that the project would be approved. He believes a copy of the updated Permit is already on its way to him. He provided a copy of his original permit issued in November of 2006. He said he would provide the Board with a copy of the updated permit as soon as he receives it.

The Board asked the applicants to address the Site Plan Review Criteria.

- a. ***Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.*** Mr. Tubbs said there would be no significant increase in traffic based on the development of a parking lot at this site. The current access would be improved to meet the State's requirements of B71, by widening it by four feet with the proper angles, etc. He said sight distance was not measured, but would also be part of the State's permit. Ms. Wolf said they believe the sight distance in both directions is fine and noted that it was considered by the State.
- b. ***Adequacy of circulation, parking, and loading facilities.*** Mr. Tubbs said there would be no increase in the amount of vehicle parking associated with this project. The parking would remain in front of the building to display the vehicles for sale. He said there are two employees at this location and the maximum number of vehicles allowed for sale at this site is 25 vehicles. There would be no change in the adequacy of parking for people with disabilities. He said there is no loading or delivery that takes place at this location. He explained that cars coming in for sale are delivered to their repair shop in Montpelier and then driven individually to this Route 2 location. There would be no anticipated change for refuse storage and disposal, snow removal, and emergency access. He said there are plenty of places for snow storage.
- c. ***Bicycle and Pedestrian Access.*** Mr. Tubbs said there is adequate space in the breakdown lane off U.S. Route 2 for bicycle and pedestrian traffic. This project should not create any change in the current access for bicycles and pedestrians.
- d. ***Adequacy of landscaping.*** Mr. Tubbs referred to the site plan for the location of proposed green spaces between the road and the lot, directly in front of the building, to the sides of the building, and in the backyard. He said it would include a combination of shrubs, plants, grass, and ground cover. The intent of this project is to create an aesthetically pleasing and professional looking appearance for the business.
- e. ***Hours of Operation.*** Mr. Tubbs said the hours of operation would not change based on this proposed project, 9:00 AM to 5:00 PM.
- f. ***Setbacks.*** Mr. Tubbs said all setbacks are met for the district.

- g. Adequacy of Exterior lighting.** Mr. Tubbs said no additional exterior lighting is being proposed at this time.
- h. Stormwater and Drainage.** Mr. Tubbs said that the project does not exceed the State's requirement with regard to stormwater runoff therefore a permit is not required. He said the water would sheet flow to an existing swale, catch basins with culverts and pointed out their location on the map. He said there is a small stream nearby, which is not listed as an official stream on applicable maps. He was uncertain if there was water in the stream year around. He said there would be water in it after it rains. He said the distance to the stream is approximately 20 to 25 feet.
- i. Utilization of renewable energy resources.** Mr. Tubbs said this criterion is not applicable.
- j. Municipal services Impact Evaluation.** Mr. Tubbs said he has received impact statements from the Berlin Police and Fire Departments, both of which stated no adverse impacts. He said they have submitted the necessary information to VTrans and expect an updated permit very soon.
- k. Flood Hazard Review.** Mr. Tubbs said this site is not located within the flood hazard area.

Based on the documents presented and testimony heard, Ms. Morse made a motion, seconded by Mr. Manley, to close the hearing in the matter of Application 07-068 pending receipt of the updated Permit from VTrans. The question was called and the motion passed unanimously.

- C. 07-071 – LaGue, Inc.** submitted an application for Site Plan Review to construct a 40-foot by 80-foot addition to an existing building. The property is located at 413 Industrial Lane, Berlin, in the Light Industrial (LN) District, Tax Map R2, 12 I. Henry A. LaGue, Vice-President, was sworn in to give testimony on this matter.

Paul Irons, Alternate, served on the hearing panel for this application. Mr. Irons said he rents a house to the manager of the business who rents the property from the applicant and would recuse himself if the applicant wished. No one expressed any objections to Mr. Irons serving on the Board regarding this matter.

The following documents were submitted and admitted as exhibits. **Exhibit #1:** Application For Zoning Permit dated July 18, 2007; **Exhibit #2:** Site Plan, prepared by Lajeunesse Construction Inc., dated July 12, 2007; **Exhibit #3:** Floor Plan and building elevation, prepared by Lajeunesse Construction Inc., dated July 12, 2007; **Exhibit #4:** The Applicant's July 18, 2007 Narrative addressing Site Plan Review Criteria; **Exhibit #5:** July 31, 2007 letter from the Berlin Volunteer Fire Department stating minimal impact; **Exhibit #6:** August 6, 2007 letter from the Berlin Highway Department stating minimal impact; **Exhibit #7:** July 26, 2006 [sic] letter from the Berlin Police Department stating no adverse impact; **Exhibit #8:** Several photographs of the area were presented; and **Exhibit #9:** Zoning Administrator's Report for DRB meeting August 14, 2007.

Mr. LaGue showed the current conditions on a set of large-scale plans. Pictures of the building and site were also presented for review. He said the proposed 40-foot by 80-foot addition would be used for office space and display space. He said there would be no change in the number of employees and the same amount of traffic is expected. The tenants just need more space. He said they intend to remove the siding on the end wall and would place it on the new end wall so the colors would match. He said parking would be the same.

Mr. LaGue referred to the floor plans and indicated that the business plans to continue operating while under construction. He said the current entry door would move once the changes were made.

Mr. Noyes said the applicant proposes to add a 40-foot by 80-foot addition to an existing building. He said impact letters have been received from the Berlin Police, Highway, and Fire Departments all of which stated no adverse impacts. He said all setbacks for the current building and the proposed addition have been. The current uses are permitted in this district.

The Board asked the applicants to address the Site Plan Review Criteria.

- a. ***Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.*** Mr. LaGue said the proposed 3200 square foot addition would not change the present vehicular and/or pedestrian circulation on the site and would not have any adverse impact on the adjacent street network. He said vehicles would enter and exist on the same driveway that has been in use for the past 12 years. He said no employees are being added as a result of this project.
- b. ***Adequacy of circulation, parking, and loading facilities.*** Mr. LaGue said four additional parking spaces would be created and located in the front or east side of the proposed addition. A landscaped buffer would be added between the parking area and the street area. He said the total acreage is 2.19 acres so there is more than adequate space. The overall building coverage was calculated to be at 12 percent. He said there would be no change in access to the site. He said there is one parking space for people with disabilities. He said there would be no change in loading or delivery areas, trucks unload from the front not the rear of the building. He said refuse storage and disposal, snow removal and emergency access all remain the same.
- c. ***Bicycle and Pedestrian Access.*** Mr. LaGue said this criterion is not applicable for this industrial site.
- d. ***Adequacy of landscaping.*** Mr. LaGue said the landscaping would be continued as is presently used and extended to the front and south end of the proposed addition. He said the existing trees are close to the border and are expected to remain. He said some of the existing landscaping has expired and would be replaced. He said he would hire experts to take care of the landscaping.
- e. ***Hours of Operation.*** Mr. LaGue said the hours of operation would remain the same, 5:00 AM to 8:00 PM, five days a week, and emergency openings when necessary.
- f. ***Setbacks.*** Mr. LaGue said all setback requirements are met and would not be affected by this project.
- g. ***Adequacy of Exterior lighting.*** Mr. LaGue said additional lighting would be added to the building, all of which would be sharp cut-off fixtures. He said one more light on the front and one on the south end of the building. He did not provide cut sheets but noted that it would be the same fixtures he has used on other recent projects, which are already on file.
- h. ***Stormwater and Drainage.*** Mr. LaGue said the site is fairly level with a good deal of grassed area. He said no water detention is planned for the present proposed addition. Mr. LaGue said there are ditches and that most of the runoff drains to the west and north.
- i. ***Utilization of renewable energy resources.*** Mr. LaGue said the proposed project would not interfere with anyone's use of renewable energy resources.
- j. ***Municipal services Impact Evaluation.*** Mr. LaGue indicated that the Berlin Sewer Commission had previously approved an increase in allocation for a total of 1250 gallons for this business, but was found to be using well under it. He said impact statements have been received from the Berlin Police, Highway and Fire Departments, all of which indicated no adverse impact based on this proposed project.
- k. ***Flood Hazard Review.*** Mr. LaGue said this property is not located within a flood hazard area.

Based on the documents presented and testimony heard, Ms. Morse made a motion, seconded by Mr. Manley, to close the hearing in the matter of Application 07-071. The question was called and the motion passed unanimously.

3. Pubic Comment.
4. The Vice-Chairman called for approval of the Minutes of the August 7<sup>th</sup> meeting. On page two, the Board discussed relocating the second to the last sentence under (b) pertaining to refuse to another area. A few typographical errors were noted. Ms. Morse made a motion, seconded by Mr. Manley, to approve the Minutes of the August 7, 2007 meeting as corrected. Motion passed, 3-0. Messrs. LaGue and Irons did not participate in this discussion since they were not present at the August 7<sup>th</sup> meeting.
5. Other Business
6. Status of Findings.  
  
The Board voted to go into deliberative session at 8:06 p.m. and out at 8:15 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, August 21, 2007** at the Berlin Elementary School. The following meeting is scheduled for **September 4, 2007**.
8. There being no further business, the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Carla Preston  
Recording Secretary  
Town of Berlin