

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

**APPROVED MINUTES**  
**Meeting of TUESDAY, January 7, 2014**

1. The meeting was called to order at 7:10 P.M.

Members present: Robert J. Wernecke, Chairman; Karla Nuissl, Vice-Chairperson; Kyle Faye Mooney and Paul Irons, Alternate. Absent: Alida VanDenBerg and Henry A. LaGue, Jr.

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

Others present: Robert Townsend, PE, Russell Richardson, Rita Richardson, James Daniels, Mark Stewart, Jeff Olesky, PE, George Thayer and Mary Thayer.

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. Old business

**A. 11-012 – Rita Gravel Richardson and Russell L. Richardson (Perrfect Self Storage)**

submitted a revised application to construct six, 40-foot by 60-foot commercial self storage units. The property is located at Marvin Road, Berlin, Vermont, in the Highway Commercial District, Tax Map U6-Lot 4A. Russell Richardson and Rita Richardson were sworn in to give testimony on this matter. In addition, James Daniels (member of the public) was sworn in to give testimony on this matter. The application was previously reviewed by the DRB on April 5, 2011, February 19, 2013, July 16, 2013, September 3, 2013 and on October 15, 2013.

The following documents were submitted and admitted as exhibits: **Exhibit #28:** Site Plan, Sheets 1 and 2, prepared by Robert A. Townsend, PE with American Consulting Engineers and Surveyors, dated July 30, 2013 with revisions on 08/15/2013, 09/11/2013 and on 12/16/2013 showing access, proposed locations of the six, 40 ft by 60 ft self storage units, areas to be landscaped, grade percentages, drainage ditches, erosion control measures, sill elevations and so forth; **Exhibit #29:** Light Fixture details (Architectural LED Wall Sconce); and **Exhibit #30:** January 7, 2014 statement from James Daniels, member of the public, with attached email communication with state representatives (dated October 2013) concerning wetland areas and sections of the zoning regulations.

Zoning Administrator Schulz recapped the prior discussions regarding this application. He noted that at the last meeting (October 2013) the Board had expressed concerns that the site was crowded and that the buildings (previously proposed as three, 30 ft by 200 ft storage units) were too big for the site which limited the opportunity for proper drainage. The Applicants resubmitted their proposal with a new configuration reducing the size of the buildings, improving circulation around the buildings, and increasing the size of the drainage ditches.

The Board advised that this application had been reviewed at several meetings over the past few years (beginning in 2011). The Board advised that the application review process would essentially start over with this significantly revised proposal.

Mr. Richardson advised that with the new proposed configuration they gained space on both sides of the lot and between the buildings. He advised that there would be ten feet between the buildings fitting end to end. The width of the road was increased and there is more space for turning radius at the end of the buildings. There would also be more space for snow storage.

The Applicants advised that each building is the same size, 40 feet by 60 feet. Most of the individual units would be the same size with six of them along the sides however they may change the configuration to maximize the building's potential. The Applicants advised that all of the site work would be completed at the same time but were unsure whether they would construct all six buildings at the same time.

For the Board's benefit, Mr. Townsend indicated what each of the lines referred to on the plans. He noted that the solid green line represents the edge of the graveled area or traveled portion. The dashed line shown in purple or magenta around the sides and back refers to the drainage ditches. The line crossing the entrance of the site indicates an overhead utility line. He advised that there are broken lines representing existing contour lines and existing edges of the traveled area. The solid lines with labels (gray) represent the proposed contours. The light blue line with a dash and two dots represents the edge of the pond. The block line refers to the property line. The wooden stockade fence with square posts is also shown.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** There is no change in access however the existing access would be improved. There are no specific pedestrian crosswalks provided for this project. Pedestrians would have access to the units and around the site. There would be no increase in traffic. Traffic circulation around the site has been improved by widening the lanes between the buildings and around the buildings. The turning radius at the ends of the buildings has also been increased for better circulation around the site. The Applicants advised that there would be sufficient space for vehicles towing boats or trailers to access the site.
- b. Adequacy of circulation, parking, and loading facilities.** The Applicants advised that there are no parking spaces proposed on site. Vehicles would be parked in front of the unit rented. The width of the lanes on the sides and back of the site is 22 feet. The entrance to the units would be from the sides and at the outside ends, not in between the buildings placed end-to-end.
- c. Bicycle and Pedestrian Access.** The Applicants advised that there are no specific provision for bicycle and pedestrian access.
- d. Adequacy of landscaping.** The Applicants advised that landscaping at the front entrance on both sides of the driveway would be a mulched bed with a rock garden feel which would include large stones, low plantings and trees such as Crabapple. The vegetation would be low so that the storage units would be visible from the road. There would be grassed swales on both sides of the site for drainage. They would try to preserve the existing lilac trees. There is an existing wooden stockade style fence at the back. The Applicants advised that they would have to remove some vegetation to create the swales. Some of the existing trees have died out and would be removed. The ten foot spaces between the ends of the middle buildings would be graveled to start but likely end up with some grass.

- e. Hours of Operation.** The Applicants advised that access to the storage units would be 24 hours a day/7 days a week. It would not be gated.
- f. Setbacks.** The Applicants advised that all setbacks are met for the district. The property line and setbacks are shown on the plans. Mr. Townsend advised that although the property was not surveyed, the property lines were verified from other surveys.
- g. Adequacy of Exterior Lighting.** The Applicants advised that exterior lighting would consist of light-emitting diode (LED) which was previously presented. They are proposing one shielded light at every unit entrance or every other unit entrance. For the most part there would be six individual units at each building but the configuration may be changed, particularly those at the ends of the buildings. They will determine if enough light cascades to cover two units or if a fixture needs to be positioned at every unit. There is one existing utility light on a pole that lights up the entrance which is on all night. The lights over the individual units would be motion activated.
- h. Stormwater and Drainage.** Mr. Townsend advised that the slope at the southeast corner is no more than one foot vertical rise to two feet horizontal (one on two) where it ties in at the back. They maintained the slope of the longest ditch to the end at one half percent. The slope of the ditch to the rear of the property line is one on two. The depth of the ditch at the very top end is about a foot and then tapers out to nothing. The depth of the ditch varies down through the ditch. Mr. Townsend advised that the buildings would be guttered and the water caught would be directed to the ditches and then to the drainage pond. Both swales will be grass lined and one foot wide at the bottom at a half percent slope all the way. There would be peastone edging material on the south and north at the traveled area to minimize sediment. He advised that the ditches will need to be maintained due to sediment buildup. He noted that the longer ditch widens out at the bottom and discharges to the pond which can store some water in that area. The traveled surface area maintains about two percent slope in most areas. Mr. Townsend advised that overall there would be less impermeable area. He advised that they have not yet submitted an application to the state for an erosion control permit but they are aware one is required. He advised that there would be stone check dams and silt fences while the project was under construction to limit the impact. He noted that it would be a pretty even cut with respect to fill thus they may not need to bring in any fill. However they may need some better material brought in to put under the slabs. Mr. Richardson advised that the existing culvert works well now and noted that the pond has never overflowed. The steepest slope is on the southeast corner at one on two. The Applicants advised that if they can establish vegetation it would be stable with grass treatment. If it becomes an issue, they would use stone.

The Board advised the Applicants to provide a copy of their permit application regarding construction and erosion control measures submitted to the state.

- i. Utilization of renewable energy resources.** The storage units proposed would not interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners' access to such resources.
- j. Municipal Services Impact Evaluation.** The Applicants advised that there would be no negative impact on municipal services. Zoning Administrator Schulz confirmed that the Police and Highway departments had previously reported no concerns.

**k. Flood Hazard Review.** The Applicants advised that the proposed project is not located within a flood hazard area. The elevation was carried from the benchmark.

Jim Daniels advised he is a member of the public who resides in the area and still has concerns about the proposed project as he had expressed in the past. He asked the Board to admit his written exhibits. Mr. Daniels advised that State representative Shannon Morrison had visited the wrong area concerning wetland issues. He believes that the applicants have not addressed the buffer zone requirement for wetlands or streams. Persons from the state indicated that the applicants need a permit from the Army Corp of Engineers. He feels that the Class III wetlands should be shown on the plans and addressed. According to the regulations there is a 50 foot buffer from any wetland not just designated wetlands and referred back to Richard DeWolfe's notes regarding the slope. He noted that the ditch was moved closer to units. He noted that since they are keeping the development less than one acre a discharge permit is not needed however a construction permit is needed. He questioned whether they are less than one acre and whether they will meet the requirements for the state or town.

Ms. Richardson advised that there could be grass in the front but they are going with mulch which is also permeable. Mulch is less maintenance than grass.

The Board agreed to admit Mr. Daniel's written statement with attachments. Since Mr. Daniels is not an abutter he was not granted party status but was allowed to express his concerns as a member of the public.

There being no further comments, Ms. Mooney made a motion, seconded by Ms. Nuisl, to close the hearing with respect to Application 11-012. The question was called and the motion passed unanimously.

### 3. New Business

**A. 13-073 – RHTL Partners, LLC (Capital City GMC)** submitted an application to construct a 17,620 square foot car dealership to replace an existing facility requiring Flood Hazard Area and Conditional Use Review. The properties are located at 1162 US Route 2 and 1189 US Route 2, Berlin, Vermont, in the Highway Commercial Zoning District, Tax Map U6-2 and U6-4. Mark G. Stewart, Architect and Jeff Olesky, PE with Wilson Consulting Engineers, PLC, were sworn in to give testimony on this matter. In addition, abutters George Thayer and Mary Thayer were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 13-073, received December 16, 2013; **Exhibit #2:** Preliminary Site Plans, prepared by Wilson Consulting Engineers, PLC dated July 22, 2013 with revisions October 14, 2013 were submitted as follows: Existing Conditions Site Plan, C1.0; Erosion Prevention and Sediment Control Site Plan, C1.1; Demolition Site Plan, C1.2; Proposed Site Improvements, C2.0; Proposed Utilities Site Plan, C2.1; Proposed Grading Plan, C2.2; Proposed Surfacing Site Plan, C2.3; Proposed Landscaping Site Plan, C2.4; and Proposed Site Improvements, C2.5; **Exhibit #3:** Architectural Plans prepared by Mark G. Stewart dated November 19, 2013 were submitted as follows: Overall Plans, A.1.1; Overall Upper Level Plans, A.1.2; and Proposed Elevations, A.7; **Exhibit #4:** Signage Plans, prepared by Pattison Sign Group Inc., Knoxville, TN, dated May 21, 2012 with revisions on December 9, 2013; **Exhibit #5:** December 23, 2013 letter from Jeff Olesky PE to the Town describing the project and addressing site plan review criteria; **Exhibit #6:** FEMA Flood Insurance Rate Map (FIRM) for Washington County (effective 03/18/2013), showing the flood zones with elevations noted on Site Plan C1.0; **Exhibit #7:** Copy of Vermont Department of Environmental Conservation, Watershed

Management Division, River Corridor and Floodplain Management, Development Review Submission Checklist submitted on December 16, 2013; **Exhibit #8:** Copy of Email communications (January 2014) between Sacha Pealer, Central Vermont Floodplain Manager and the Applicants; **Exhibit #9:** January 6, 2014 letter from Sacha Pealer, Central Vermont Floodplain Manager to the Town of Berlin, regarding this application (demolition and reconstruction of nonresidential structure).

Mark Stewart, Architect and Jeff Olesky P.E. advised that last summer the Applicant had previously proposed to erect two additions to the existing structure, add parking spaces, a new façade and other site improvements. They advised that they do have a letter from the property owner authorizing them to present the application. They advised that it became evident that the existing building was not in good condition thus it was best to spend the money for a brand new building for the dealership. They also purchased an abutting property across the street previously owned by Steve Ribolini and will utilize that property. They showed a rendering of the existing conditions as well as the second property recently purchased which are located in the Highway Commercial Zoning District. The Ribolini property has a house and commercial building which would also be demolished. That lot would be utilized as additional car inventory storage and display for the redeveloped car dealership and off loading vehicles. Currently, the GMC dealership operates with a forced sewer main under the Winooski River which would be maintained. They are proposing a similar concept for the water service tying into the existing waterline which is why they are showing Gallison Hill Road on the plans. They currently have a drilled well which would be eliminated. They have had conversations with the City of Montpelier and have made formal allocation requests.

Mr. Olesky provided an overview of the proposal noting that the dark shaded area reflected the proposed new "T" shaped building. He noted that the dashed line on Sheet C2.0 represented the existing building. Access to the GMC dealership would remain the same as existing. The Ribolini property has two points of access, one off Marvin Road and one off U.S. Route 2. The Marvin Road curb cut would be cut wider for trucks and the Route 2 curb cut would be relocated to become adjacent to the GMC dealership. There would be all new electrical lines. The project involves Class II wetlands at the northwest corner of the GMC property and a small Class III wetlands area on the Ribolini property. They have shown a buffer of 50 feet. Vertical datum for these site plans was determined by GPS observations taken at the time of the survey and references to NAVD 88. In addition, they have spoken with Sacha Pealer, Central Vermont Floodplain Manager.

Mr. Olesky noted that the lots are pretty well developed and that there is not much extra room on site. He advised that vehicle and pedestrian safety on site will be improved from existing conditions. They propose to take the bulk of their car storage and shift it to the other side of the road (Ribolini property). Parking spaces will be widened to the standard and the travel width between the areas would be 24 feet. They will maximize vehicle storage but it will be more accessible than it is now.

Zoning Administrator Schulz asked about the existing building on the parcel adjacent to the GMC dealership. Mr. Olesky advised that the building is owned by Connor and that Connor will be doing the construction for this project. He noted they had discussed purchasing that property but chose to purchase the property across the road instead. He advised that to his knowledge the owner has no plans to purchase and incorporate that building or property into this project. They have done a full topography for the properties and are not proposing any boundary adjustments or subdivisions.

The Applicants addressed the Site Plan and Special Flood Hazard Review Criteria.

**a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** The Applicants advised that they have provided a written narrative to address these criteria. They noted that the Vermont Agency of Transportation (VTrans)

expressed concern that the existing curb cut for the Ribolini property off Route 2 was so close to the other access point. To resolve the issue they proposed to move the access points directly across from each other which located it further away from the Marvin Road access point. In doing so it creates a better and wider radius for access on the lot with better overall flow. They have had preliminary conversations with VTrans and have met with them after purchasing the lot. They advised that VTrans is in favor of relocating the access. Since there is no existing sidewalk off Route 2 they are not proposing any connections from the parking lot. They will not be taking customers across the street to view vehicles. Staff will bring a vehicle of interest to the GMC site for viewing if necessary. They will have a variety of makes and models on the GMC side to avoid the need for customers to cross the road. They plan to unload vehicles on the Marvin Road side versus off the edge of Route 2 as they currently do. They advised that some improvement may need to be done to the Marvin Road curb cut in order to do so. This will make vehicle delivery much safer. They have had discussions with the regional engineer about it but have not yet submitted a permit application to VTrans.

Zoning Administrator Schulz advised that the Applicants did meet with the Berlin Highway Foreman to discuss ways to mitigate the problem with unloading vehicles. He confirmed that he has met with the Applicants to go over the proposal. He noted that this is a preliminary review as several state permits would be needed. They plan to return before the Board but wanted to be sure there were no major red flags.

The Applicants indicated that the current GMC site creates a bottleneck which is why they have created a service drive-thru. The drive-thru would allow customers to pull in undercover where the vehicle is assessed and then staff will take the service vehicles out of the way.

The Applicants did not provide a profile of Marvin Road which may not meet current state standards. They feel that the vertical component is the most important since there is a three to four foot difference in elevation along Route 2. They would bring the grade up which could impact vegetation but they have not yet worked out the details. The existing curb cut on Marvin Road is shown on the plans which would be altered.

Although the plans indicate one-way traffic they prefer two-way traffic onsite as the lanes would be 24 feet wide. Vehicles would be able to exit the Ribolini property onto Marvin Road. The Applicants advised that the grades on the new drive will meet state standards which would likely be a condition of the State's permit.

**b. Adequacy of circulation, parking, and loading facilities.** There would be 14 parking spaces adjacent to the west side of the building intended for customers including two handicap accessible spaces. There would be a dedicated sidewalk around the building. The existing curb cut to the Ribolini property would be relocated to align with the existing curb cut to the GMC property to facilitate easier access between the sites. The Applicants referred to Sheet C2.0 which shows the proposed parking space summary. They propose 197 parking spaces on the GMC property and 166 spaces on the Ribolini lot to the south for a total of 363 parking spaces. They have planned for 300 display spaces and the balance is for customers and service.

The Applicants confirmed that they do utilize other satellite locations as well for inventory. The Applicant-owner also owns two off site lots immediately adjacent to the south which abuts the Richardson's property. They also mentioned other properties owned by the Applicant.

The Board expressed concerns that those lots are being used for vehicle storage however it is likely that the property owner does not have a permit to do so. The property owner and applicant need authorization to use those sites for that purpose.

Mr. Stewart advised he would research that issue further and provide more information. He advised that dump trucks fit the spaces confirmed by dimension studies. They are increasing the width to 9 feet by 18 feet. The Applicants have provided for an enclosed trash and recycling dumpster location as well as snow removal.

**c. *Bicycle and Pedestrian Access.*** The Applicants are not proposing any bicycle or pedestrian connection to U.S. Route 2 since this is nothing existing to which to connect. They might provide a bicycle rack. The Board noted that a bike path is being proposed across the river so they may want to consider it in the future.

**d. *Adequacy of landscaping.*** The Applicants have included a landscaping plan and referred to Sheet C2.4. There is a substantial hedgerow along the property which would be retained. A few of the trees in the back would be removed to accommodate the turning radius for vehicles there. They advised that they are proposing some landscaping on the Ribolini property with the intent to not impede view of the vehicles. They would have green belts, small shrubs, grasses, etc. along Marvin Road and the abutting property of Richardson. They plan to retain most of the existing trees but would remove some for the parking expansion. The area is mostly all gravel. Some of the trees in the wetland area may be impacted with the proposed parking expansion.

The Applicants advised that some of the existing trees on the GMC property would be removed to accommodate the new building. They hope to be able to retain the large deciduous trees if possible. They noted that if trees are shown on the proposed plans they would be retained. They noted that the corner is scarce but they want to see treatment there in conjunction with improvements to the site. It is largely a graveled surface interrupted by the building and large trees so they feel they could add some landscaping. The discussion included ways to keep some of the large existing trees.

The Board was pleased that the Ribiloni property would not be used as a display area as it could be a problem. The Board will defer to VTrans for approval.

**e. *Hours of Operation.*** The hours of operation for the sales department would be from 8:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturday. The hours of operation for the service department would be from 7:00 AM to 5:00 PM Monday through Friday.

**f. *Setbacks.*** The Applicants advised that the proposed building conforms to all setback requirements. They advised that they have parking within the buffer zone to the stream. They do plan to repave on the northern side but would not expand further into the wetland area. They advised they have met with state representative Shannon Morrison and noted that they are 50 feet from the wetland area. They indicated that only the east corner and path could be impacted.

The Board advised that the State of Vermont has jurisdiction regarding wetlands but the town has jurisdiction regarding streams which requires a 75 foot buffer. The Applicants were advised to address the buffer to the stream and their plan to reduce or limit impacts.

**g. Adequacy of Exterior lighting.** The Applicants advised that they have included a preliminary exterior lighting plan but have not yet called out a specific fixture. The final plan to the Board will show the location of poles and photometric plan and fixtures. There would be lights over the entrances and recessed lighting under the canopy. There would be several pole lights at a maximum of 20 feet high. They advised that they have not yet done a light analysis but noted that the illumination would be LED. They noted that lighting on the Ribolini property would be different which could be reduced off hours. The building would have standard lighting inside.

**h. Stormwater and Drainage.** The Applicants advised that they have not yet provided a drainage plan but have presented a grading plan. They noted that the properties are heavily developed but believe they will need drainage and operational permits from the State. There would be some new paving on the Ribolini property. They would be tying in the roof drain system and basins. They are working on the soil analysis and water table now. They feel they can meet the state's standards for a Stormwater Management Plan but have not yet completed the analysis. They will take into consideration the lack of the mutual swale that was located between Ribolini and Richardson properties. The Applicants believe they will be able to put in good swale to address it. They will provide a copy of the analysis as well as the application submitted to the state to the Board.

**j. Utilization of renewable energy resources.** The Applicants advised that this application is substantially a redevelopment of an existing facility with minimal expansion thus would not appear to have any adverse impact to the potential for utilization of renewable energy resources.

**i. Municipal Services Impact Evaluation.** The Applicants advised that they have been working with the City of Montpelier regarding sewer and water. They will put together a packet for the Berlin Police and Fire Departments and request an impact statement. They are working with the VTrans and the Berlin Highway Department concerning access to the sites and improving safety. They advised that they will provide water to a fire hydrant since they felt that the Berlin Volunteer Fire Department would request it. The buildings would be sprinkled. They indicated that the City of Montpelier was not comfortable serving both buildings and a hydrant off the six inch main from Gallison Hill Road.

Zoning Administrator Schulz advised that he would reach out to the City of Montpelier since they would be extending a service which may require Berlin Select Board approval. He noted they are trying to establish a more formalized process before extending into another municipality.

**k. Flood Hazard Review.** The Applicants advised that no new development is proposed within the floodplain except repaving of a portion of the existing parking area. They have met with Sacha Pealer concerning flood issues and have submitted a letter to the Town regarding her findings. They noted that they are in agreement with her assumptions and conditions but will review them in more detail before going on record. They will provide the required certification concerning the propane tank.

- I. Character of area affected.*** The Applicants advised that there is no change of use but an extension of an existing use. Both properties are commercial in nature and are located within the Highway Commercial District.

George and Mary Thayer advised they are abutters and expressed concerns about how the proposed project might impact the culvert and their driveway and property. They wondered if the change in grade would impact drainage and safety for their driveway. In addition, they were very concerned about lighting and noted the dealership has extensive lighting now which illuminates their property all night.

Mr. Stewart admitted that the existing GMC lighting is very bad and spills into the area along US Route 2. He indicated that lighting would be significantly improved. He noted that it would be good to maintain the trees for their benefit as well. The lot is flat and wet and below the level of the road. The elevation of the lot will be raised by about two feet. They would be bringing in material to do so, about 18 inches of sub-base.

Mr. Olesky indicated that he would discuss the driveway and access with the Thayers to address their concerns.

The Board advised Mr. and Mrs. Thayer that they could have party status if they wished and encouraged them to do so. They will return at the next hearing. The Application needs to be recessed for additional information.

Ms. Mooney made a motion, seconded by Ms. Nuissl, to recess Application 13-021 to the February 18, 2014 meeting. The question was called and the motion passed unanimously.

#### 4. Review and approval of the Minutes.

The Chairman called for approval of the Minutes of the December 3, 2013 meeting. On page 2, the 2<sup>nd</sup> paragraph was amended to clearly indicate that the State and Federal regulations do not require one foot above the Base Flood Elevation but the Berlin Zoning Regulations do require it. On page 4, the 3<sup>rd</sup> paragraph was amended to add clarity concerning signage regulations and how they could be applied to applications.

Ms. Mooney made a motion, seconded by Ms. Nuissl, to approve the Minutes of the December 3, 2013 meeting as amended. The question was called and the motion passed unanimously.

#### 5. Public Comment

Persons present participated in the meeting as noted above.

#### 6. Other Business

Copies of the revised regulations effective July 23, 2013 were distributed to members.

#### 7. Status of Findings.

The Board voted to go into deliberative session at 9:38 P.M. and out at 9:48 P.M. to discuss the status of Findings. The Board's decision with regard to (closed) adjourned applications will be reported in its Findings.

8. The next meeting of the Development Review Board is scheduled for **Tuesday, January 21, 2014.**
9. There being no further business, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

*Carla Preston*

Carla Preston  
Recording Secretary  
Town of Berlin