

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, January 21, 2014

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

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

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

Others present: Gerard Otis, Gerry Myers, James V. Manley and David Wilcox.

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. 13-064 – Malone 1755 US Route 302 Properties LLC submitted an application for change of use requiring Conditional Use Review and Special Flood Hazard Area. The property is located at 1755 US Route 302, Berlin, Vermont, in the Highway Commercial Zoning District, Tax Map U05-008.000.

Zoning Administrator Schulz reported that the Applicant contacted the Town to request a continuance because they were not yet ready to present their application and be heard.

The Board voted to grant the continuance and the matter was recessed to the next scheduled meeting.

B. 13-069 – Pike Industries LLC submitted an application to install a compressed natural gas system and replace/add recycling bins to the asphalt plant requiring Site Plan Review. The property is located at 165/249 Granger Road, Berlin, Vermont, in the Light Industrial Zoning District, Tax Map R02-009.A00. Gerard Otis and James Manley with Pike Industries and Gerry Myers with NG Advantage LLC were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 13-069, dated 11/07/2013; **Exhibit #2:** Site Plan prepared by NG Advantage, LLC, dated 12/23/2013; **Exhibit #3:** Plan showing details for Relocatable Recycle Bins; **Exhibit #4:** Plan showing details for Bin Replacement; **Exhibit #5:** List of Abutters; and **Exhibit #6:** Flood Insurance Rate Map and zone key.

Jim Manley advised that they want to install a compressed natural gas system at the asphalt plant which is more efficient and cheaper. Natural gas is more environmentally friendly as it burns 40 percent cleaner. He indicated that NG Advantage based out Milton is taking the initiative. There are six such operations in the State of Vermont. They are asking for approval to store up to three box trucks at the facility but will likely only have two there at one time. The Conex boxes would be added to the facility which would be monitored 24/7 from the Milton site. He noted they are very secure.

Mr. Manley described the existing conditions and site improvements. The gas would be piped underground. He explained that the Conex box is essentially an equipment shelter that would be filled with the compressed gas, similar to a camper but more industrial. The shelter has a small furnace that is needed for a heat exchanger. The heat exchanger is electric for the smaller units.

Gerry Myers from NG Advantage did a power point presentation that showed the interior of the box and how the equipment functioned. He indicated that the natural gas is compressed in Milton and then transported to trucks. He described it as a brand new industry and noted that Irving Oil is doing it in Canada. He advised that they will be working with the Fire Chief and provide training to fire department personnel. He advised that they do a three part fire safety analysis to make sure it is understood. They bring empty trailers to the fire dept for viewing and then bring fire department personnel to the site for review. He noted that the State fire marshal and hazmat chief made it mandatory to have a fire safety permit which includes training.

Mr. Myers explained that the equipment takes the gas and compresses it to 4000 PSI to fit into the trailer, 8 feet by 12 feet by scale. The hoses and equipment are all professional. Inside the Conex box will be a boiler, pumps, a series of pipes and valves, and composite tanks made of fiberglass and other materials with fire prevention vents. The gas must be heated to burn. A view of the Conex box showed that the pressure leaves the pipe at 50 PSI which is then further reduced to burn at between 3 and 7 PSI. Natural gas is much safer. The tanks have a fire protection system. The tanks vent from the top and would not be ignitable up to 50 feet up because natural gas is lighter than air so it goes upward. The tanks will be up on the hill so there should be no issue. The gas would flame but the tanks do not explode. They noted that trailers are vented on a weekly basis which puts gas into the air. Air tests show nothing after testing.

The Applicants confirmed that they are asking for three trailer plots but will likely only have two there. When a trailer becomes empty another full truck will pull in and take away the empty trailer. They have been doing this in Milton since March of 2013. They mentioned the other sites in Vermont and New England where this is being done. There would be a fence around the equipment.

Mr. Manley advised that they plan to take the existing recycle bin out and replace it with two recycle bins. He noted that there is a push to recycle asphalt as well as reclaiming it from asphalt shingles. They have ground shingles in another bin for a mix design. The steel bin would be 28 feet by 10 feet by 14 feet high. The angle of the bins would be changed to shorten the conveyor. The bins ground the materials which then go up the conveyor into the plant to be mixed with other materials.

Zoning Administrator Schulz advised that no impact letters had been sent out to the Berlin Police and Highway departments. He acknowledged that the Applicants have been working with the Berlin Fire Chief. The Board relies on feedback from those departments. He noted that the hearing may not close until impact statements have been received.

The Applicants advised that they will send out a description of the project to the Berlin Fire, Police and Highway departments and request an impact statement from each department.

The applicants addressed Site Plan Review Criteria.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. There would be no change in access. They anticipate two more

trucks per day depending upon how busy they are and weather conditions. The Applicants advised that an additional two trucks per day is insignificant when considering the number of the dump trucks in an out of the facility each day. They believe two trips a day is the most that the project would increase traffic. There would be no change in traffic circulation; it is the same loop. The trailers would weigh less than a fully loaded oil truck. The plans showed the curb cuts and drives. There is adequate sight distance and the highway is wide at the entrance to the site. The Applicants noted that the existing pine trees get pruned as needed to maintain visibility.

- b. Adequacy of circulation, parking, and loading facilities.** The only change in parking pertains to the parking area needed for the proposed trailers (Conex boxes). They are requesting space for up to three trailers. An empty trailer would be replaced with a full trailer. There is sufficient space for turning radius onsite for the trucks and trailers.
- c. Bicycle and Pedestrian Access.** The Applicants advised that they would install a crosswalk from the plant to the trailers. The Applicants will consider the suggestion about posting no trespassing signs for safety purposes. They have cameras around the site.
- d. Adequacy of landscaping.** The Applicants advised that they are not proposing any changes in landscaping. Behind the plant is a four to five foot berm that drops down to the belt line. The Conex boxes would not be visible from the beltline. The area would be fenced in.
- e. Hours of Operation.** There would be no change in the hours of operation.
- f. Setbacks.** The Applicants advised that setbacks are met. A security fence is mandated by the State Fire Marshal, thus they are proposing a fence all the way around the Conex boxes, 8 feet high by 90 feet by 50 feet. The fence would consist of chain link with activated gates which are shown on the plans. The trailer (Conex box) is 9 feet high. The Conex boxes will be monitored from the Milton site via cameras.
- g. Adequacy of Exterior lighting.** The Applicants advised that they are proposing one additional 18 foot high pole light with two downcast fixtures which is shown on the drawing. The illumination would be light emitting diode (LED). The camera and lights would be on the same pole.
- h. Stormwater and Drainage.** The Applicants advised that there would be no impact on stormwater and drainage as a result of this project because the area consists of very well packed gravel, thus is already impervious. They will include it on the stormwater plan but it would not change. They described the flow which was approved at the last meeting.
- i. Utilization of renewable energy resources.** The Applicants advised that the proposed project would not cause interference with the sustainable use of renewable energy resources.
- j. Municipal Services Impact Evaluation.** The Applicants reported that they have communicated with the Berlin Fire Chief but do not have anything in writing from him with respect to potential impacts. They will contact the Berlin Police and Highway departments to request an impact statement.

The Board confirmed that responses from the municipal departments would be needed.

k. Flood Hazard Review. The Applicants advised that the property is not located within a flood hazard area.

The Board requested a copy of the Applicant's Fire Safety Permit and noted that the Town would be copied on their ACT 250 permit. The Board also requested a copy of the PowerPoint presentation for the file.

The Applicants confirmed that other permits are needed. They hope to begin construction in June.

The Board noted that the application would remain open until receipt of the requested impact statements (or after being given 30 days response time). If the impact statements express no concerns then the Applicants would not need to return to the DRB. If there are concerns, the Applicants would need to be present to address any issues raised.

Chairman Wernecke made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 13-069 subject to receipt of favorable impact statements from the Berlin Fire, Police and Highway departments. The question was called and the motion passed unanimously.

A. 13-074 – George Wilcox, Virginia Wilcox and Geoffrey Wilcox and David Wilcox submitted an application for Concept Plan Review of a proposed two lot subdivision. The property is located at 1458 West Hill Road, West Berlin, Vermont, in the Rural Residential (RR) Zoning District, Tax Map R11-002-000. David Wilcox was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Subdivision Application, 13-074, dated 12/27/2013; **Exhibit #2:** Survey of property prepared by Robert Townsend, dated 11/13/2013; **Exhibit #3:** Preliminary Wastewater Disposal Design, Sheets 1 and 2, prepared by Robert Townsend, dated 12/02/2013; **Exhibit #4:** Wilcox Property Abutters' list; **Exhibit #5:** 12/13/2013 letter from David Wilcox to the Berlin Fire Department requesting an impact statement; **Exhibit #6:** 12/13/2013 letter from David Wilcox to the Berlin Police Department requesting an impact statement; and **Exhibit #7:** 12/13/2013 letter from David Wilcox to the Berlin Highway Department requesting an impact statement.

Dave Wilcox advised that they are proposing to subdivide out a 5-acre parcel of the family's land which consists of about 228 acres. He advised that Geoffrey is his brother and George and Virginia Wilcox are their parents. They have provided a preliminary survey and septic design for the 5 acres parcel which would be sold. He noted that the land is in current use. The property was viewed on a larger scale colored topographic map. Other parcels were shown that had been subdivided out of the original parcel.

Mr. Wilcox advised that the entire perimeter of the property has not been surveyed but noted there is a fence around it. The 5 acres parcel has been surveyed and the pins have been placed. He advised that another landowner owns 21 acres within the boundary however the shape of the 21 acres parcel is not correct and the tax map is not correct. The road frontage has all been surveyed. He confirmed that the perimeter of the larger parcel has never been surveyed only parts of it from other surveyors.

The Board advised that it is risky to subdivide when only surveying out 5 acres from a large parcel because it can be easily misrepresented.

Mr. Wilcox was comfortable that the fence depicted the property line. He noted that the lines are parallel to his lines but the 5 acres parcel would not be parallel lines. The 5 acres parcel has more road frontage and acreage than required for the R-80 district (two acre minimum). He explained that the people who wish to purchase the property currently live on the hill and want some pasture and garden land so they agreed to sell them 5 acres to keep them as neighbors. The buyers want to build in the spring.

Mr. Wilcox noted that the 10 acres parcel shown was surveyed by Greg DuBois. The 21 acres parcel was surveyed by Wayne Lawrence but has not been filed yet because some changes were needed regarding the names of abutters and so forth. He advised that the pins are in the ground but it has not yet been recorded. He advised that Rob Townsend prepared this map and relied on Mr. Lawrence's information.

Mr. Wilcox advised that they have spoken with the Berlin road foreman but have not yet determined the exact location for the curb cut. The road is straight there.

The Board advised that the curb cut off West Hill Road would need to be shown on the final survey plans. A curb cut and proposed house location are shown on the wastewater disposal design plan.

Mr. Wilcox advised he would again discuss access with the Berlin road foreman and will flag the location of the curb cut. He noted that wastewater will be onsite so there is no need for easements. There was overshadowing on the well of the neighbors which is standard and no issue. He advised that the proposed septic is a Presby system so no replacement or alternate site is needed.

Zoning Administrator Schulz advised that the Applicants did submit a form regarding access to the Town which was approved. The proposed driveway is within the area shown on the wastewater disposal design plan. He noted that the grade is away from the road.

Based on documents presented and testimony heard Ms. Nuissl made a motion, seconded by Mr. LaGue, to approve Concept Plan Review of the proposed two lot Minor subdivision with respect to Application 13-074. 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 January 7, 2014 meeting. To avoid confusion about persons requesting party status, references to James Daniels were amended from neighbor to a member of the public. Mr. Daniels owns property close in proximity to the Applicants' property but is not an abutter thus is not eligible for party status. The Board noted that further clarification regarding testimony pertaining to Application 13-073, RHTL Partners, LLC (Capital City GMC), will be requested at future meetings.

Chairman Wernecke made a motion, seconded by Ms. Nuissl, to approve the Minutes of the January 7, 2014 meeting as corrected. The question was called and the motion passed unanimously.

5. Pubic Comment

Persons present participated in the meeting as noted above.

6. Other Business

7. Status of Findings.

The Board voted to go into deliberative session at 8:29 P.M. and out at 8:58 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, February 18, 2014.**

9. There being no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin