

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

**APPROVED MINUTES
Meeting of TUESDAY, March 18, 2014**

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

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

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary.

Others present: Jeffrey Schulz, Town Administrator, Mark P. Youngstrom, P.E., and Michael A. Yaeger.

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. The Board granted party status to Mike Yaeger who is an abutter.

2. New business

A. 14-006 – Town of Berlin (Municipal Facility/Public Utility) submitted an application for the construction of a Well Pump Control Building and Water Storage Tank requiring conditional use review. The property is located at 45 Scott Hill Road, Berlin, Vermont, in the Highland Conservation District, Tax Map R03-027.000. Jeffrey Schulz, representing the Town of Berlin, and Mark Youngstrom, P.E. with Otter Creek Engineering, Inc., were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 14-006, dated February 25, 2014; **Exhibit #2:** Site Plans: Dodge Farm Road Water Main Plan and Profile, C-19, C-20 and C-21, dated 02/21/2014; **Exhibit #3:** Water Storage Tank Site Plan, C-45, dated 02/21/2014; **Exhibit #4:** Water Storage Tank Details and Sections, C-46, dated 02/21/2014; **Exhibit #5:** Well Pump Control Building Elevations, C-49, dated 02/21/2014; **Exhibit #6:** February 21, 2014 letter from Mark Youngstrom to the Zoning Administrator and Project Narrative dated 02/21/2014; **Exhibit #7:** Copy of February 21, 2014 to the Berlin Volunteer Fire Department requesting an impact statement; **Exhibit #8:** Copy of February 21, 2014 to the Berlin Police and Highway Departments requesting an impact statement; **Exhibit #9:** Copy of Memorandum dated February 26, 2014 sent to abutters; **Exhibit #10:** List of Abutters; and **Exhibit #11:** February 27, 2014 Memorandum from the Berlin Road Superintendent stating that the proposed application would have no adverse impact on that Department.

Mr. LaGue advised that he is an officer in a corporation owning property that abuts the Applicant's property and would recuse if the Applicant preferred. No one expressed any objections to Mr. LaGue serving on the hearing panel.

Jeff Schulz confirmed that he is representing the Applicant, Town of Berlin. As part of the proposed Berlin water system project, they are proposing a 14 foot by 18 foot masonry well pump control building and a 400,000 gallon in-ground concrete water storage tank. He referred to the topographic map showing existing structures and abutters. He pointed out the location of the three existing wells and proposed location for the storage tank and structure housing the well pump and equipment. The storage tank would be located close to the wells. He noted that the Town's professional engineer, Mark Youngstrom, was also present.

Mr. Schulz advised that Dodge Farm granted an easement to the Town to construct the wells and storage tank. Access to the site would be via a 12-foot wide gravel roadway from the existing cul-de-sac at the end of Dodge Farm Road.

Mr. Youngstrom advised that the well pump station would consist of split-faced concrete block, a very durable concrete block surface, with a standing seam metal roof. The building is designed to be very durable with very low maintenance. The concrete storage tank would be mostly in-ground with about 15 feet above surface. He noted it would appear very similar to Montpelier's water storage tank on Paine Turnpike.

Mr. Youngstrom advised that the site is lightly wooded but they are not proposing to do much clearing. There would be no disturbance within 15 feet of the property line. There would be some disturbance during construction to get the tank built. There would be some open space left around the storage tank. There would be underground power from the cul-de-sac to the control building.

Mike Yaeger advised that he resides in the area and that his home would be located closest to the proposed storage tank. He asked about fencing and noted that it was mentioned in the covenant for the Dodge Farm Property. He feels screening is important but admitted that he would not see the structures from his home. They would be visible from the access road and area trails. Mr. Yaeger also mentioned that testing of wells in the area had been conducted due to the impact of pulling that number of gallons per day. He advised his well is closest but was not tested at the time because it did not exist. He indicated that their Homeowner's Association has an agreement with Mr. Maloney for plowing snow and asked what the Town's arrangements would be for the access road to the structures.

Mr. Youngstrom suggested renegotiating the agreement with respect to fencing. He noted that the building would be secure. He advised that the wells are in place; this application is for approval of the structures and associated piping, water main, power, and so forth. In response to Mr. Yaeger's concerns during construction, Mr. Youngstrom advised that construction would take place Monday through Friday and noted that there would not be generators running all the time. There would be a back-up generator in the event of a power outage.

Mr. Schulz confirmed that there were covenants set forth in the agreement. He advised that he has spoken with Jack Barnes about these matters. He advised that the proposed use fits the description of municipal building or facility which is identified as a conditional use in the Highland Conservation District.

- a. *Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.*** Mr. Youngstrom confirmed that the point of access to the site is at Dodge Farm Road (private road) off the cul-de-sac and onto the road. That road was a trail that was improved some when the wells were drilled. The existing road is about 10 feet wide but would be widened a bit for municipal traffic. When complete the access road would consist of a one lane gravel road that is 12 feet wide for the Town to maintain the buildings and equipment. The water line would be under the road which is shown on the plans. He noted that the road has been in existence for some time as it was constructed prior to the wells being drilled. He advised that the cul-de-sac is a private road which was approved when the owners sought approval for the homes. The Town will have a private drive from the end of the cul-de-sac to the storage tank and well pump control building. Contractors have a requirement to maintain the road during construction.

- b. Adequacy of circulation, parking, and loading facilities.** Mr. Youngstrom advised that he recommends a representative of the Town (Town Water Operator) visit the site once per day, seven days a week. In response to questions from the Board concerning state or federal requirements mandating the number of visits to the site he advised he would verify whether any regulations in effect required it more often. He advised that if there is work to be done, Town officials will go to the site to do it. He noted that other areas do not have daily visits by a technician. There would be an automatic chlorine analyzer and recorder. He noted that water does not have to be disinfected with trace of chlorine. The equipment is monitored from other locations. There would be a turnaround area by the buildings and enough space to park two vehicles. He noted that they were not proposing to install a gate at this time. He reported that vandalism such as graffiti had not been a problem in other areas.

[On March 19, 2014, Mr. Youngstrom advised that he had spoken with both Tom Brown and Tim Raymond at the State's Water Supply Division. He learned that there is no overall requirement that a water system operator visit water sources, reservoir or a well pumping station daily. If the operating permit requires that a daily measurement (water meter reading, chlorine residual, etc.) be taken every day then a visit is necessary. But, if there is no such requirement, or if monitoring equipment to perform these tasks without a visit is in place, then a daily visit is not required. A daily visit is recommended and most operators he knows do visit these facilities daily, but unless there is a specific permit requirement, daily visits are not required in the Water Supply Rule or any Federal regulation.]

- c. Bicycle and Pedestrian Access.** Mr. Youngstrom advised that there are no provisions for bicycle or pedestrian access. The property is owned by Dodge Farm Community and the Town has an easement limited to space to accommodate the wells, storage tank, well pump control building and access road. He referred to the plans showing the area and noted that the easement also included access for electrical needs, pipeline, and so forth.

Mr. Yaeger advised that there are hiking trails in that area from the Dodge Farm property.

- d. Adequacy of landscaping.** Mr. Youngstrom advised that they are not proposing any landscaping. The proposed site is completely screened from existing and proposed house sites by significant woodland vegetation. All disturbed surfaces would be graded, seeded and mulched. They would stabilize slopes but no landscaping. He noted that clearing limits are shown on the construction plans. Nothing would be cut within 15 feet of the property line. He confirmed that the storage tank would be buried but about eight feet of it would be visible above ground. The dome ring is about six to eight feet high therefore a total of about 15 feet of the storage tank would protrude above grade. He noted that the tank would be sitting on ledge. The tank would be surrounded by woods and not visible from Mr. Yaeger's house.
- e. Hours of Operation.** The hours of operation would be 24 hours, 7 days a week, 365 days a year. The site would be unoccupied. A Town employee would visit the site once a day.
- f. Setbacks.** The setbacks are met and either meet or exceed the requirements for this district.
- g. Adequacy of Exterior lighting.** The plans show one exterior shielded light over the entrance of the pump station. It would consist of a light-emitting diode (LED) fixture that is motion activated. The proposed light will meet the requirements stated in the regulations.

- h. Stormwater and Drainage.** Mr. Youngstrom advised that all drainage would be overland flow to wooded areas. The grade is gently sloping and would be seeded and mulched. There would be shallow ditching around the building and the turnaround area. There would be no stormwater ponds, culverts, etc. just overland flows. The project area consists of less than a quarter acre. There is an overflow from the system in the event the wells kept pumping which would direct water to a stone apron down toward a wooded slope. He noted that the wells only pump 50 gallons per minute. The water would be directed in the opposite direction of Mr. Yaeger's property.
- i. Utilization of renewable energy resources.** The project does not involve the use of renewable energy resources.
- j. Municipal Services Impact Evaluation.** The project actually provides a municipal service, water supply. Mr. Schulz advised that the Town Highway Department reported no adverse impact. He received a verbal response from the Berlin Volunteer Fire Department advising no impact. He had not received any response from the Police Department. Mr. Schulz advised that there would be a system in place to notify someone if water levels become low.
- k. Flood Hazard Review.** The site is not located within a flood hazard area.
- l. Character of the area affected; neighboring uses.** The nearest residential property is about 1000 feet away which is Mr. Yaeger's home. There are other houses proposed but Mr. Yaeger's would be the closest to the site. The area is heavily wooded. The structures would sit back into the woods about 600 feet.
- m. Bylaws then in effect.** The proposed project is consistent with the Town Plan.

Mr. Youngstrom advised that the structures would be very secure. The proposed storage tank would be double shielded, stainless steel which is very secure. Security measures for water supplies were increased after 2001. They would consider the idea of a gate at the entrance to the access road but would not advocate for a fence. The alarm, cellular based with battery backup, would signal information sent to a secure website. During a power outage a message is sent to the website. There would be an audible alarm and light. There would be an emergency light and a horn located on the building.

Based on documents presented and testimony heard, Ms. Mooney made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 14-006. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes of the previous meeting. On page 3, the next to last paragraph was corrected to reflect that allowing 30 days for responses to impact statements is the Board's policy, not a statutory provision. On page 5, the 5th paragraph was corrected to read: The Applicants were also advised that the plan for securing their proposed propane tank must meet the design standards established by the Federal Emergency Management Agency (FEMA). On page 6, 3rd paragraph, 3rd sentence from the end was corrected to read: Mr. Wilcox advised that the 21-acre parcel is shown on the tax map as perpendicular to the road but it is actually parallel to his property lines.

Mr. LaGue made a motion, seconded by Ms. Nuissl, to approve the Minutes of the February 18, 2014 meeting as corrected. The question was called and the 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 7:57 P.M. and out at 8:09 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, April 1, 2014**

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

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin