

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

**APPROVED MINUTES
Meeting of TUESDAY, June 3, 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.; Harvey Golubock; and John Friedrich.

Staff present: Thomas J. Badowski, Assistant Town/Zoning Administrator and Carla Preston, Recording Secretary. Absent: Jeffrey Schulz, Town/Zoning Administrator.

Others present: Matthew W. White, Maranda L. White, William Lyon, James Kurrle, and Alida VanDenBerg.

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. Ms. VanDenBerg and Mr. Penniman had been previously granted party status as abutting property owners.

2. Old business

A. 13-071 – White’s Heating, Inc. submitted an application for a new trucking terminal requiring Site Plan Review. The property is located on Route 12, Berlin, Vermont, in the Industrial Zoning District, Tax Map R11-013.000. The initial meeting on this application was held on May 6, 2014. Matthew White, Mandy White, William Lyon, and James Kurrle were sworn in to give testimony on this matter. In addition, abutter Alida VanDenBerg was also sworn in to give testimony.

The following documents were submitted and admitted as exhibits: **Exhibit #10:** Site Plan (Sheet 1 of 2) prepared by Robert A. Townsend, PE, American Consulting Engineers and Surveying, dated 12/9/2013 and modified on 02/06/2014, 03/27/14 and 05/20/2014; **Exhibit #11:** Site Plan – Notes & Details (Sheet 2 of 2), prepared by Robert A. Townsend, PE, American Consulting Engineers and Surveying, dated 12/9/2013 and modified on 02/06/2014; **Exhibit #12:** Applicant’s letter received 05/22/2014 addressing Site Plan Review criteria; **Exhibit #13:** SPCC Guidance for Regional Inspectors, 12/16/2013, Chapter 4: Secondary Containment and Impracticability Determination, received 05/22/2014; and **Exhibit #14:** Lighting specifications from RAB Lighting, Inc. received 05/22/2014.

Matt White advised that they believe that the outstanding issues from the last meeting have been addressed. The plans have been updated to include property lines, elevations, grades, location of the slab, lighting details, and landscaping. He indicated that the plans now show the berm and the species of the proposed trees which would be Dark Green American, a type of Cedar tree. Those trees/shrubs are nursery fed and would be planted at about four feet high. He advised that those trees grow straight upward and would be groomed to be about eight feet high. The berm is two feet high which would bring the landscaping to ten feet. It is likely that some portion of the tanks would be visible. He advised that property lines were added to the plans noting that the front yard setback was corrected when measured from the edge of the traveled portion of the highway versus the center.

Mr. White advised that there would be one switched light where the trucks load and the others would be motion activated. All light fixtures would be downscope or downcast.

The Board questioned whether the proposed light fixture is shielded because the specifications do not indicate shielded. The Board confirmed that the light fixtures must be shielded in accordance with the zoning regulations and cannot broadcast outward. It appeared that the bulb would be visible.

Mr. White advised that these fixtures were recommended by his electrician. He indicated that the lighting would comply with the regulations. He noted that the elevations are shown on plans and that they amended their narrative to include more detail. He advised that excess water in the berm would be properly disposed of when necessary.

The Board pointed out some confusion with respect to elevations. The understanding was that the dike would be recessed, not at ground level, and that the loading pad would be at ground level. However both the slab and dike are shown at the same elevation, 997 feet. The assumption was that it would be high enough to allow gravity flow of oil spills to flow into the dike but it was noted that such flows would not work if the pad and dike were at the same elevation. The Board needs to know how the applicants would be containing any spills.

Mr. White advised that different engineers or other professionals are working on specific portions of this application. He noted that an engineer from Massachusetts put that information together.

Mr. Kurrle advised that they basically utilize two designs, one of which the loading pad pitches into the dike or those with walls and not open, have a hole or avenue in it that collects underneath. The pad has to contain the largest compartment of the truck sitting on it. He agreed that the elevations needed to be modified. It was noted that there is a fair amount of fill needed to make the site work, thus it does not make sense to have them at the grade. Mr. Kurrle advised that the foundation should be sunken down in as the loading rack has to be higher to drain into the system. It would save some grading when it's complete. The Applicants indicated that they understood the error and will correct it. As a result the tanks would be lower so the shrubs would just about cover the tanks at 10 feet high. Mr. Kurrle confirmed that the structure will be designed so it drains well.

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. Mr. White advised that they have been working with VTrans, Shane Covey, with respect to access and are of the impression that there should be no problems. He indicated that all of the paperwork was submitted about a month ago. He advised that trucks would drive in and back into slab. He confirmed that trucks will not be parking on Route 12 and backing into the site. It was noted that the grade is 13% thus driving in and backing back around during the winter months could be problematic. Mr. Kurrle advised that the trucks have the capability of loading off either side of the transport. The first corner is where the driver would be looking and the intention is to turn there. It was noted that fill could be added to widen the area which would improve truck access and turning radii. Mr. Lyon, property owner, had no objections. The Applicants confirmed that trucks would not be backing into the area off Route 12. They will add fill to the lower area if needed to make the area wider and reduce the grade. Trucks will drive in forward, back into the loading area and drive out. They again confirmed that trucks will not back out into the road.

In response to the Board's question regarding the fence, the Applicants advised that a fence is not required but they prefer to add it for security purposes. The proposed fence would consist of a six foot high chain link.

- b. Adequacy of circulation, parking, and loading facilities.** After a bit of discussion, the Applicants decided to request two parking spaces. They confirmed that there would be no overnight parking however there might be a vehicle parked at the site for maintenance purposes (e.g., mowing lawns, painting, etc.). Mr. White drew the location of two proposed parking spaces on the plans by the side of the driveway. They will be shown on the revised plans to be submitted.
- c. Bicycle and Pedestrian Access.** Not applicable.
- d. Adequacy of landscaping.** The Applicants advised that they may or may not clear all of the existing vegetation. They confirmed that there are some existing very large mature locust trees. Mr. Lyon indicated that they may be able to save some of those trees. Those trees provide a lot of screening at the site now. Mr. White indicated that they plan to clean up the site noting that some space would be lawns. They will leave the healthy mature trees if possible since they are located outside the construction zone. The proposed Dark Green American trees/shrubs will be maintained so they remain around eight feet high therefore the recessed tanks would not be visible.
- e. Hours of Operation.** The Applicants noted that they are busier in the wintertime which is when the hours might be extended. It is difficult to deliver oil when it is dark out. Mr. White noted that emergency calls would not be made at night at that site. He will provide further detail with respect to their extended hours.
- f. Setbacks.** The Applicants advised that the site plans have been updated to reflect the correct information. All setbacks would be met for the district.
- g. Adequacy of Exterior lighting.** Mr. White advised that the proposed security lighting would be light-emitting diode (LED) motion activated fixtures which would be located on three corners of the property. The fixtures will be downcast and sit on the concrete wall. Mr. White advised that he will make sure that the light fixtures are shielded to prevent horizontal light and that they are in compliance with the regulations.
- h. Stormwater and Drainage.** Mr. White noted that rainwater trapped in the dike would be pumped out and would be documented. He advised that if there is a sheen on the water it cannot be pumped out according to regulations. In that event, the State would be notified and a company specializing in such waste will be contacted (e.g., Hartigan or Safety Kleen) to deal with the residue in it. He noted that it is part of their SPCC plan. The plan cannot be written until the structure is built. They agreed to provide that information to the Town and to the State once available. The Board noted that it would be a condition of the order. The Board reminded the Applicants that they would be bound by the Findings of Facts and Conclusion and any conditions imposed. The Minutes of applicable meetings will also be a part of the Findings.
- i. Utilization of renewable energy resources.** Previously addressed.
- j. Municipal Services Impact Evaluation.** Previously addressed.

k. Flood Hazard Review. This application is not located within a flood hazard area.

Ms. VanDenBerg, abutter, had no further questions or comments.

The Applicants agreed to submit revised plans showing elevation corrections, proposed parking spaces, etc. and will provide new lighting cut sheets if needed.

Based on documents presented and testimony heard, Mr. Friedrich made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 13-071 subject to receipt of the revised plans. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Chairman called for approval of the Minutes of the May 6, 2014 meeting. The date of the next regularly scheduled meeting was corrected to read June 3rd. A few changes in verbiage were suggested to clarify points.

Ms. Nuissl made a motion, seconded by Mr. Golubock, to approve the Minutes of the May 6, 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 7:46: P.M. and out at 7:50 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, June 17, 2014**, however no applications were warned for that date.

8. There being no further business, the meeting was adjourned at 7:51 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin