

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of August 4, 2020

1. The meeting was called to order at 7:05pm

Members present: Bob Wernecke (Chair), Karla Nuissl (Vice Chair), John Friedrich, Josh Fitzhugh (alternate), Polly McMurtry (alternate) and Ture Nelson (alternate)

Staff present: Tom Badowski, Zoning Administrator, Kristi Flynn, Recording Secretary

Others present: Jeff Olesky (Engineer), Michelle Lambert (IP), Adam Lambert (IP), Dan Ray (Jewett Construction-designer), Marilyn Miller (IP), Mike Noyes (IP), John Connor (IP). Meeting is being recorded by ORCA.

The Chair reminded all parties that they are still under oath.

2. Old Business

A. 20-023 – Application by RHTL Partners LLC for a Site Plan and Conditional Use Review under Chapters 320 and 330 and Sections 4302 and 4303 associated with the development of a 22,500 sf car dealership and supporting parking. The project consists of three (3) properties (1189 US Route 2, 12 Marvin Road and 40 Goodnow Road, PIDs US002-003, 25-001, 23-002). The properties are in the Commercial (COM) and Residential (RL-40) Districts.

This is a continuation of the hearings from June 4 and July 7, 2020. Mr. Olesky with Catamount Engineering presented an overview of the changes:

- Added zoning district boundaries to site plan to show the commercial and residential areas
 - Commercial and residential lines bisect the lot on Marvin Road
 - Shows abutting Montpelier boundary which is zoned light industrial
 - There are built-in natural buffers between the commercial and residential areas
- The applicants request a waiver to have one of the parking areas in a residential zone
- The parking areas have been moved away from each other, the lots are smaller and the stormwater systems have been moved out of the wetlands buffers
- The existing wastewater/septic systems are being removed completely
- Added road profiles for road improvements

- Added lighting and landscaping plans, including landscaping in the riparian buffers and wetlands
- Added fire hydrant off Marvin Road at the corner of the building
- Added bike racks
- Relocated the stormwater systems

The board discussed the traffic study done by VHB, some of which utilized traffic counts from the GMC dealer across the street. Mr. Connor disagreed with the traffic counts; he feels the count is higher than reported. The DRB also discussed the uses permitted in the RL40 district. Per Section 2005.C Unlisted Uses, the DRB can determine if the use is similar in use and character. The applicants feel that this is not a typical parking lot and is similar to a contractor's yard, which is a conditional use. Mr. Olesky noted that the applicants should be okay with guaranteeing that the remainder of the residential lot will remain undeveloped. The parking areas do not cover 20% of the parcels, which are merged under common ownership. There was a discussion on where the employees will park and it has been asked of management that employees park at the building where they work so as to minimize foot traffic across Route 2.

Chapter 320 Site Plan Standards

Section 3202 Parking and Loading Areas

Mr. Olesky stated that 51 parking spaces in the proposal are required for regular customer traffic and employee parking. Approximately 30 employees will be onsite each day. The vehicle loading and unloading will take place behind the new building; trucks will pull in, then back out straight onto Goodnow Road. The 156 spaces on the supplemental parking lots will be striped. Show cars will be located at the front of the building along Route 2 with some displayed inside the showroom. The Chair asked about access control to the supplemental lots; Mr. Olesky noted that is not part of the plan; the DRB would like to discourage unauthorized traffic on Goodnow Road. The Lamberts are in favor of gates on the supplemental lots to discourage nighttime visits.

Section 3203 Access & Circulation

It was noted that traffic counts may be off due to the current pandemic situation. A seasonal variation was not really considered. Mr. Noyes wondered why Marvin Road needs to be improved if there are three anticipated test drives per day; Mr. Olesky stated that there is a grading issue and a need to accommodate the vehicle delivery trucks. The applicants are waiting to submit the final layout plan for state highway approval until they receive DRB approval.

Section 3204 Landscaping and Screening

The proposed plan includes a variety of trees and bushes along Route 2 and the front of the building. The three stormwater areas have dense plantings and the parking lot sites have trees and shrubs in the riparian buffer areas. The hope is to revegetate the area. Ms. McMurtry noted that the crab apple trees proposed along Goodnow Road will be bare in the winter. There is no landscaping planned along the back of the building as there is not a lot of room and there is a commercial lot next door with existing

screening. The Chair requested a compliance statement from the landscape architect stating that the plan compliance with the town regulations. The IPs requested some additional information on landscaping and screening; the ZA suggested scheduling an onsite visit with the landscaper, applicants and abutters.

Section 3205 Outdoor Lighting

Mr. Olesky reviewed the light plan (attachment C2.9), which was done with the lighting manufacturer. He feels that it exceeds the regulation requirements. The most intense lighting is along the front of the building. The lights will be on timers year-round; most lights will be off from 10pm-6am. There will be some light left on 24/7 for a basic security level. The lights on the supplemental lots will have motion sensors. There was discussion regarding the total output required in Section 3205.E.2. It was agreed that it refers to the average of all light fixtures on the site. The current average is 2.45 foot candles, which should be able to be tweaked to reach the maximum of 2 foot candles. The Chair asked Mr. Connor to review some of his past projects regarding lighting. The DRB likes the idea of timers, as outlying lots don't need lighting overnight; the board would like clarification on what lights will be on and when.

Section 3206 Signs

There will be logo signs on the building and a ground-mounted sign on Route 2. Mr. Olesky does not have all the details, but the ZA noted that this issue can be handled administratively outside of the site plan review. The signs will be pulled from the application.

Section 3207 Outdoor Use Areas

The supplemental parking lots are for inventory only; the DRB discussed adding this as a condition.

Section 3208 Performance Standards

The applicants feel that this use is appropriate for the area. Any hazardous waste will be stored and disposed of appropriately. An area at the SE corner of the property will be used for trash and waste storage prior to disposal. If the DRB or neighbors feel strongly, the applicant can attempt to limit nighttime vehicle deliveries.

Section 3208.B Noise

The DRB would like to receive some information on noise generated on the property, including a schedule of vehicle deliveries. It was noted that most of the noise comes from the beeps from trucks backing up.

Section 3208.C Glare

Light glare has been a problem for neighbors in the past.

Section 3209 Erosion Control

The plan includes site specific plans; the state requires a Stormwater Permit and an Erosion Prevention & Sediment Control Site Plan (attachment C1.2). The DRB will add the receipt of this permit as a condition.

Section 3210 Stormwater Management

The process plan has not changed, just the locations of the discharge areas. The Stormwater Discharge Permit includes annual maintenance and inspection. This will be conditioned upon state approval. Access permits are required from the SB. Three culvert improvements are part of the proposed plan.

Chapter 330 Conditional Use Standards

Section 3303 Traffic

Part of the traffic count included employees utilizing the current supplemental lots. This was prior to the clarification of the sites operating independently and employees parking at the building in which they work. It was noted that employees will make up most of the peak traffic at 8am and 5pm.

Section 3304 Character of the Area

Ms. McMurtry is concerned with a commercial use in a residential zone. The DRB needs to rule on this use issue. Mr. Olesky requested an answer before they continue work on the proposal so time is not wasted.

Section 3305 Natural Resource Protection

The applicants have defined the wetlands and the 100-year floodplain and will remove the existing septic from the wetlands buffer. The goal is to minimize the environmental impact on the entire property.

The ZA noted that there will be follow-ups on screening and lighting questions.

Motion was made to continue the hearing by Mr. Fitzhugh to August 18, 2020, seconded by Ms. McMurtry; motion passed unanimously by roll call.

3. Review and approval of the Minutes

Tabled approval of July 21, 2020 minutes to a future meeting.

The DRB discussed having a special meeting on August 5 at 7pm for deliberative session. The ZA will warn the meeting as usual.

4. Motion was made to adjourn by Ms. McMurtry, seconded by Mr. Fitzhugh; meeting was adjourned at 9:17pm.

Respectfully submitted by Kristi Flynn, Recording Secretary