

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of August 6, 2019

1. The meeting was called to order at 7:01pm

Members present: Robert J. Wernecke, Chair, Karla Nuissl, John Friedrich, Shane Mispel and Josh Fitzhugh

Staff present: Thomas J. Badowski, Zoning Administrator, Kristi Flynn, Recording Secretary

Others present: Susan Britto, Cy Britto, Chris Bradley, Jacki Adams, Andy Adams, Jody Power
Meeting is being recorded by ORCA.

Applicants for all hearings were sworn in at 7:02pm.

2. New Business

- A. 19-031 – Appeal of Zoning Administrator’s Decision per Section 4501 by Susan Britto.** Applicant is appealing Zoning Administrator’s decision that an outdoor light fixture on a single family residential property at 1609 Hill Street Extension was exempt from Town of Berlin Land Use and Development Regulations.

Mr. Bradley reviewed section of the written appeal narrative under Zoning Administrator’s Decision. The ZA denied Ms. Britto’s appeal based on an e-mail received from Zachery Casey of Green Mountain Power (GMP). The ZA also spoke with the light manufacturer, Cree, who noted that the streetlight is fully-shielded. Mr. Bradley noted that they believe the streetlight needs to have an accessory shield installed in order to prevent glare and light trespass. Mr. Bradley read an e-mail from Pete Strasser of the International Dark-Sky Association (IDA). Mr. Bradley noted that GMP initially said there was not a shield available on this streetlight from Cree. GMP has since installed a side and back shield on the streetlight, though Mr. Bradley notes that light is still seen from the appellant’s property, including flood lights on the house at 1609 Hill Street Extension. A picture of the light was entered as evidence. The ZA noted that the 1699 property is below the horizontal plane of the offending streetlight. Mr. Bradley noted the following applicable sections of the zoning regulations: Section 3004.A, 3004.B and 3004.C.

Mr. Bradley feels that Ms. Britto has attempted to work with the neighbors but has been rebuffed by Ms. Jacki Adams and her son, Mr. Andy Adams.

GMP has installed a cul-de-sac shield but Ms. Adams requested that it be removed because it reduced the light on their property. The back and side shields were installed but it does not help with the front, which shines on Ms. Britto's property.

The appellants are simply requesting that a front shield be installed on this streetlight in order to prevent glare and light trespass onto their property. Ms. Britto stated that the light shines directly into her eyes on her back deck and in her bedroom. She has lived at the property since September 2015.

There was some discussion regarding glare and its definition in the zoning regulations. Mr. Bradley stated that this light in question was installed by GMP in March 2019 as the old fixture was deemed toxic.

The ZA reviewed his testimony which is based on the administrative officer administering the bylaws literally. He stated that the new bylaws were in effect at the time that the new light was installed. The ZA also read the bylaw from Section 2202, and he noted that the initial output is less than 3000 lumens. The definition of full-shielded is new to the town with the new regulations. The ZA also contacted Mr. Strasser from IDA and included his reply with his testimony. He noted that the Adams family felt they did not get the necessary light on their property when the cul-de-sac shield was installed on the light. He included a map which shows that the 1699 property is located more than 350 feet from the streetlight.

Mr. Adams noted that the cul-de-sac shield was added by GMP because of a request from the neighbors. Ms. Adams requested that the shield be removed. GMP will install streetlights at the request of homeowners and paid for by those homeowners. The current light illuminates the right side of her property, away from the appellant's property. The height of the streetlight is approximately 18-20 feet high. Ms. Adams house is downhill from Ms. Britto's house; the ZA estimated the Adams' house is 15-17 feet below elevation. Mr. Adams stated that the light is mainly for security purposes as there have been a number of crime events in the neighborhood.

Mr. Britto testified that they simply want a shield on the side of the light that faces their property which will not get in the way of illuminating Ms. Adams' property for safety reasons. Mr. Bradley stated that Mr. Casey from GMP noted that he doesn't believe that the light is fully-shielded.

The Vice Chair noted that the neighbors need to work together in order to mitigate this issue. The DRB will need to issue a decision regardless.

Mr. Adams noted that GMP stated it is the landowner's decision on whether to have a shield or not and it is the neighbor's responsibility to shield the light on their property.

The DRB discussed recessing the hearing until a date certain in order to have a site visit.

Motion was made by Mr. Fitzhugh to go into deliberative session, seconded by Mr. Friedrich; motion passed unanimously.

The DRB entered deliberative session at 7:47pm; the board exited at 7:59pm.

Motion was made by Mr. Fitzhugh to recess this hearing and plan a site visit after the August 20, 2019 meeting, seconded by Mr. Friedrich; motion passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the June 4, 2019 meeting.

Motion was made by Mr. Fitzhugh, seconded by Mr. Friedrich, to approve the minutes as amended; motion passed unanimously.

Amendments: minor amendments for typos

4. **Motion was made to adjourn by Mr. Friedrich, seconded by Mr. Fitzhugh; meeting was adjourned at 8:02pm.**

Respectfully submitted by Kristi Flynn, Recording Secretary