

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, December 1, 2015

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

Members present: Robert J. Wernecke, Chair; Karla Nuisl, Vice-Chair; Henry A. LaGue, Jr.; John Friedrich and Josh Fitzhugh Alternate.

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary (via phone).

Others present: Aaron Fuller and Keith Schumacher.

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. 15-103 – Ironwood LLC submitted an application to add a 750 square foot addition to an existing structure requiring Site Plan Review. The property is located at 107 Marvin Road, Berlin, Vermont, in the Highway Commercial (HC) District, Parcel ID US002-003.200. Aaron S. Fuller with North Country Septic Design and Keith Schumacher with Ironwood 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, 15-103, dated 11/10/2015; **Exhibit #2:** Site Plan, prepared by Aaron S. Fuller with North Country Septic Design, dated 11/06/2015 with revisions on 11/12/2015 re pond details and 12/01/2015; **Exhibit #3:** Zoning Narrative submitted with Application and updated as of 12/02/2015; **Exhibit #4:** Copies of letters (dated 11/09/2015) from Applicant to Berlin Highway, Police, and Volunteer Fire Departments describing the project and requesting an impact statement; and **Exhibit #5:** Aerial views (via Google Earth) showing the site, access, existing structures, etc.

Mr. LaGue disclosed that he is stockholder and officer in a corporation that owns an abutting property and would recuse himself if the Applicants wished. No one expressed any concerns about Mr. LaGue serving on the hearing panel.

Mr. Fuller advised that the Applicant, Ironwood, LLC, plans to add an addition (28 feet by 26 feet) to an existing warehouse and office building. He noted that minor changes have been made to the site plan previously submitted. They also propose to add a graveled drive to encompass the building. A small stormwater detention pocket pond or micro pool has been added as shown on the plan. The detention area would store about 300 cubic feet of water or 1.5 inches per 24 hour storm event. He advised that it would not contain water in a 100-year storm but noted it would help.

Zoning Administrator Badowski advised that the property is located in the Highway Commercial District. He reported that the proposed addition meets setbacks but was uncertain whether setbacks had to be met for the pocket pond.

Mr. Fuller explained that the changes made to the site plan are technical in nature and not substantial. Notes about the ditch and erosion control were added, revision date of December 1, 2015. The detention pond, existing warehouse, proposed addition and graveled drive are all shown on the site plan. There is no graveled drive there now. The shaded area on the plan shows the proposed drive. They provided two orthophotos from Google Earth which shows the site. One of the photos was from 2012 and the other photo is more current which shows the metal bending shop previously approved.

The applicants addressed Site Plan/Conditional Use Review Criteria.

- a. *Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.*** There is no change in access off Marvin Road to this industrial site. The current tenant, Watershed Construction and Restoration, LLC (formerly known as Headwaters Construction LLC), needs the warehouse addition for additional storage of building supplies. Mr. Schumacher advised that this business is separate from Ironwood LLC, the property owner. There would be no additional traffic as a result of the warehouse addition. No more materials would be coming on site; they are overflowing and need additional storage. The site has three existing buildings with limited space around them.
- b. *Adequacy of circulation, parking, and loading facilities.*** The Applicants advised that they are proposing to change traffic circulation through and around the site. They are proposing to redirect traffic around the building making it more circular. The previous owner started the drive around the building but did not finish it. The drive needs to be completed and improved for maximum use. The area is mucky in the spring and needs to be improved for access around the building. The ability to drive around the building will also improve loading and unloading trucks, as well as moving materials on site from one point to another. Traffic enters from the upper area and loops around the northern perimeter to turn down that drive or go around the building. There is also a drive to the metal bending shop. The Applicants explained that parking has been moved away from the building which was indicated on the previous application. The nine parking areas are gravel, thus not striped, one of which is handicap accessible.

The Board noted that the regulations regarding parking requirements include a ten foot buffer along the property line. The parking spaces were not delineated on the plan thus it appeared that vehicles would be parked wherever. In addition, Section 3.12 regarding parking criteria for the number of spaces required was reviewed for warehouse use.

The Applicants advised that a neighboring business, car dealership, has a lot of vehicles parked along U.S. Route 2. There is a buffer and screening of trees there now. Another neighbor built storage sheds which are not visible from this site. The Applicants advised that there is space enough for nine parking spaces. They noted that employees often park in the four spaces located in the lower area based on the topography of the site. There are 11 employees who come and go but are not on site at all times. During employee meetings all of the employees could be present at one time however there is an abundance of open area to allow for the additional parking when needed. The Applicants advised that typically there would be seven employees there at one time. The tenant has five pick-ups and a dump truck for the business as well as heavy equipment that would be on site. Mr. Fuller advised that there would typically be five vehicles there in the morning for a short time which would then disperse to the job locations. The foreman drives a company vehicle. He confirmed that there is sufficient space on the site for parking.

The Board expressed concerns that the site plan did not show designated parking areas or signage that would indicate where to park. Between the employees and work vehicles it seemed as though it could be difficult to ensure parking for everyone. The Board noted that parking would be a condition of the permit.

Mr. Fuller advised that they could designate nine parking spaces on site and show space for at least two additional spaces. He pointed out the location of the majority of the parking. The company vehicles would be parked in front of the existing warehouse on the north side when not in use. He agreed to add this information to the site plan.

- c. *Bicycle and Pedestrian Access.*** The Applicants advised that this criterion is not applicable for warehouse use.
- d. *Adequacy of landscaping.*** The Applicants advised that they are not proposing any additional landscaping. As part of the previous application four screening trees were required to the west and they added five trees over one inch in diameter. There is natural screening to the south with a steep embankment. They referred to the orthophotos which showed more of the tree line just off the property. Mr. Fuller noted that the trees could have been located along the edge of the road but it would be difficult to do so now. It is an industrial area with a neighboring car dealership and storage units. The storage shed has no screening between the properties. There are different grades on this 1.29 acre parcel, a portion of which is flat and then increases in grade to the northeast. The bank is a vegetated buffer with grass. There is also a ditch there with no trees to block stormwater runoff which flows westerly toward the road. The ditch continues along the easterly side of Marvin Road. There is a secondary swale to the north on Mr. and Mrs. Richardson's property which was added when the storage units were built. Mr. Fuller noted it would be difficult to add more landscaping due to the swales and grades. There is an existing brook on the eastern side of the property which has caused some erosion and silting which has to be maintained. The brook splits on the Richardson property with a portion going toward Marvin Road and a portion continuing to the north.

The Board agreed that it would be difficult to add more landscaping and still maintain drainage.

- e. *Hours of Operation.*** There would be no change in the hours of operation, 7:00 AM to 7:00 PM.
- f. *Setbacks.*** All setbacks have been met for the building in the Highway Commercial District. Mr. Fuller advised he was unsure whether setbacks had to be met for the micro pond which the Zoning Administrator mentioned earlier.

The Board advised that it would review the regulations concerning structures to determine whether the pond would be subject to setback requirements.

- g. *Adequacy of Exterior lighting.*** The Applicants advised that there is an existing downcast light that is motion censored on the warehouse/office building. They would be adding a shielded light fixture over the door on the north end of the proposed addition. The light would consist of a light-emitting diode (LED) fixture and likely be on a timer or motion censored. The lights would not be on 24 hours.
- h. *Stormwater and Drainage.*** Mr. Fuller advised that the past use of this lot was approximately 80 percent of un-vegetated space. The Applicants are adding grassed areas to the west and

south of the existing building which will improve stormwater and drainage control from what has previously existed. Since the disturbed area remains less than one acre (0.72), state permitting for stormwater management is not required. The proposed warehouse addition will increase the impervious area by 1150 square feet. He noted that the plan detail should indicate pocket pond not ditch. There is a sill way on the northwest side and essentially four sides that slope at a 2-1 ratio and flat at the bottom. He noted that the material to be used is topsoil which would overflow in a heavy storm. Stormwater will be transported via overland flow to ditches to the north of the project. Drainage around the building will be collected in a footing drain and discharged via a buried pipe to the northern ditch. They anticipated additional runoff from the new graveled area which would be directed to the detention pond. The finished grade of the ditch would be about six inches deep represented on the site plan with a dotted line that leads to the pocket pond. The pocket pond is about two feet deep and would exit the pond via outlet overflow, no drain. In most storms the pond would retain water which would be absorbed back into the ground when the storm ends. In a severe storm event, the pond would not handle the runoff and would overflow.

Zoning Administrator Badowski advised that he discussed the new requirements for stormwater management with the Applicants. He believes that the Applicants have made efforts to correct and address the issue. He mentioned the low risk site handbook from the Agency of Natural Resources which indicates that if the development involved more than one acre it would be subject to additional regulation. In this situation, the proposed impervious area is less than one acre, 0.72 acres.

Mr. Fuller advised they are aware that there would be sediment which will plug the drainage areas and that it must be maintained. He advised that he looked at the standards for micro pools and felt this was a better option because traditional stormwater ponds would be more toward the interior of the lot and forced to go outward.

Mr. Schumacher, owner, confirmed that the site would be monitored and that materials would be removed when needed to restore grades and ensure proper drainage.

The Board noted that as proposed the building and graveled areas are impervious. Topsoil and grassed areas are pervious.

- i. Utilization of renewable energy resources.* The Applicants advised that the proposed project would not interfere with any other abutters' ability to use renewable energy resources.
- j. Municipal Services Impact Evaluation.* The Applicants advised that letters requesting an impact statement were sent to the Berlin Highway, Volunteer Fire, and Police Departments on or about November 9, 2015. Mr. Badowski reported that he received verbal responses from all three departments, none of which reported any concerns.
- k. Flood Hazard Review.* The Applicants advised that based on the Federal Emergency Management Agency's (FEMA) mapping, the lot is not located in a flood hazard area.

In response to the Board's request, Mr. Fuller advised that he would submit a revised narrative and site plan. The large scale site plan revised on December 1, 2015 was submitted to the Zoning Administrator. Mr. Fuller advised that he would ask a professional engineer to seal/stamp the site plan if the Board required it.

Mr. Friedrich made a motion, seconded by Ms. Nuisssl, to close the hearing with respect to Application 15-103. 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 November 3, 2015 meeting. On page 3, the last sentence in the third paragraph under "b" re 15-101 was amended to read: Total net parking including the additional 19 spaces would equal 53 spaces which are shown on the plans.

Mr. Friedrich made a motion, seconded by Ms. Nuisssl, to approve the Minutes of the November 3, 2015 meeting as corrected. Mr. Fitzhugh and Mr. LaGue advised that they were not present at the November 3rd meeting. The question was called and the motion passed, 3 for and 2 abstentions.

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 8:23 P.M. and out at 8:32 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, January 5, 2016.**

8. There being no further business, the meeting was adjourned at 8:35 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin