

**DEVELOPMENT REVIEW BOARD**  
**108 Shed Road**  
**Berlin, Vermont**  
**APPROVED MINUTES**  
**Meeting of TUESDAY, December 2, 2014**

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

Members present: Robert J. Wernecke, Chair; Karla Nussli, Vice-Chair; John Friedrich; and Harvey Golubock. Absent: Henry A. LaGue, Jr.

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

Others present: Angela Mercier, Craig Chase, LS, Jeffrey Olesky, PE and Roland Jones

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. No one present requested party status.

2. New business

**A. 14-063 – Angela Mercier and Rick Mercier (Donald Mercier Estate Subdivision)** submitted an application for Final Plan review approval of a two lot subdivision involving a 45.2 acre parcel. The property is located at 3796 Crosstown Road, Berlin, Vermont, in the Highway Commercial Zoning District. Angela Mercier and Craig Chase, LS were sworn in to give testimony on this matter. Concept Plan was approved on October 7, 2014.

The following documents were submitted and admitted as exhibits: **Exhibit #6:** Memorandum dated 11/10/2014 from Dana I. Hadley, Town Administrator to the DRB advising that the Berlin Select Board voted to designate Mercier Road as a private road.

The Board noted that the prior application had been warned for both Concept and Final subdivision approval but because of access concerns it was only approved in concept at that time. Three possible solutions were discussed to resolve the issue: 1) an easement through Lot F to Lot A; 2) approval from the Select Board for Mercier Drive to be designated as a private road; or 3) a boundary line adjustment.

Angela Mercier advised that they chose to seek approval from the Select Board for Mercier Road to be designated as a private road which was granted. She advised that they have a maintenance agreement among the residences to maintain the road. The 5.2 acre parcel created would become her property and the rest of it would be conveyed to her brother, Rick Mercier.

The Board noted that it would be best to have the maintenance agreement as part of the deed so that the requirement remains when residences change. The Board will discuss that recommendation with the Select Board.

Mr. Chase confirmed that the plans have not been changed since Concept Plan review. He advised that he has not yet obtained approval from the State of Vermont regarding wastewater but will be submitting the application soon. Lot A is deferred and test pit locations are shown on the plan for a replacement septic system for Lot F. He advised that an engineer from the State has visited the site and determined a suitable location for the replacement system (mound).

The Board noted that the Final Plat has been submitted and reviewed the criteria for Final Plan approval for Minor subdivisions.

Zoning Administrator Badowski confirmed that the application has satisfied the zoning requirements.

Based on testimony heard and documents submitted, Mr. Golubock made a motion, seconded by Mr. Friedrich, to close Application 14-063 with respect Final Plan Review of a two lot Minor subdivision. The question was called and the motion passed unanimously.

**B. 14-081 – RHTL Partners, LLC (Capital City GMC)** submitted an application to Amend its permit (13-073) for replacement of existing structures and construction of a 17,645 square foot car dealership requiring Conditional Use Review in a Special Flood Hazard Area. The properties are located at 1162 US Route 2 and 1189 US Route 2, Berlin, Vermont, in the Highway Commercial Zoning District, Tax Map U6-2 and U6-4. Jeffrey Olesky, P.E. with Wilson Consulting Engineers, PLC, was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit (Amendment to 13-073), 14-081, received 11/12/2014; **Exhibit #2:** Site Plans, prepared by Wilson Consulting Engineers, PLC dated 07/22/2013 with revisions on 01/28/2014, 02/10/2014, 04/29/2014, 06/27/2014, and 10/27/2014: Overall Proposed Conditions Site Plan, C2.0; Proposed Utilities Site Plan, C2.1; Proposed Grading Plan, C2.2; Proposed Landscaping Plan, C2.4; and **Exhibit #3:** Letter dated 11/12/2014 from Jeffrey Olesky, PE with Wilson Consulting Engineers, PLC to the Town of Berlin describing the requested revisions and addressing Conditional Use and Site Plan Review criteria.

Jeff Olesky advised that the proposed amendment pertains only to the property with the existing facility located at 1162 US Route 2; no amendments are being proposed to the site on the other side of the road. They now propose to retain the back portion of their existing facility (5,360 square feet or about 40 percent) which would be utilized as additional vehicle service area and be connected to the proposed new building. Thus the amendment also includes expanding the proposed new building from the approved 17,100 square feet to 17,645 square feet to accommodate the link connection between the two buildings. Parking spaces would be reduced from 360 to 319 to allow for the retention of the existing building. He confirmed that the only significant change is to retain the back portion of that building. He noted that the proposed location of the dumpsters shifted to another corner and would be on a concrete pad. He advised that other permitting agencies including the Agency of Natural Resources, U.S. Army Corps of Engineers, and the Agency of Transportation have been contacted and confirmed that no further amendments are needed with respect to wetlands, stormwater, floodplain, and highway. An updated plan will be submitted to those agencies. He advised that they have received approval (Administrative) from ACT 250.

Mr. Olesky advised that their ACT 250 permit included approval for the temporary storage of vehicles at that location.

The Board advised that the Applicant needs a permit from the Town for the temporary storage of vehicles as well.

Mr. Olesky advised that Sheet C2.6 shows stormwater and drainage and explained the changes. Parking would be reduced by 41 spaces which would be made up by a reduction in inventory. He advised that the Applicant has purchased the lot off Marvin Road with the house on it which could be used for additional parking but he was not sure of their plans.

Zoning Administrator Badowski advised he had no questions or comments at this point.

The Board noted that permits were needed for offsite parking which may be a condition of the permit. The property owner should request a permit for temporary or permanent offsite parking.

Mr. Olesky addressed the Conditional Use Review and the Special Flood Hazard Area criteria.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** There would be no change in access to the site. In response to the Board's question concerning how traffic circulation was affected, Mr. Olesky advised that they will maintain the ability to circle around the building. He indicated that customer parking dead-ends and the aisle has been truncated along the building. There would be no change in curb cuts and the drive-thru area remains for service. He referred to the floor plans from the original application and explained what changed and what would remain the same. He advised the truck service area will remain in the back and the eastern wing will be for cars. The front of the building would be reconstructed. He advised there would be more vehicle service area and less showroom area.
- b. Adequacy of circulation, parking, and loading facilities.** Mr. Olesky advised that the number of parking spaces would be reduced from 360 to 319 by retaining a portion of the existing building. The parking spaces are standard 9 feet by 18 feet. There would be no change to the loading and delivery areas. The trash and recycling area would remain where it is now but would be on a concrete pad and enclosed by a fence.
- c. Bicycle and Pedestrian Access.** There would be no change to bicycle or pedestrian access.
- d. Adequacy of landscaping.** Mr. Olesky advised that as part of the sign off from the State regarding stormwater the Applicant needed to maintain green space. There would be a net increase (approximately 100 square feet) in green space associated with these revisions. The green belt previously designed for the west site of the proposed building would be relocated along the south (front) and west sides of the portion of the existing building to remain. Runoff from the roof top would be collected and piped to drainage systems.
- e. Hours of Operation.** No change in the hours of operation.
- f. Setbacks.** Mr. Olesky advised that all setbacks would be met for the district.
- g. Adequacy of Exterior Lighting.** Mr. Olesky advised that changes in exterior lighting included removal of two proposed light poles and two additional building mounted lights. All proposed exterior lights would be light emitting diode (LED), downcast and shielded consistent with the cut sheets provided with the original application. They did not provide a new photometric light plan.
- h. Stormwater and Drainage.** Mr. Olesky advised that the only change in stormwater and drainage is that runoff from the rooftop would be collected from the existing building and tied into the drainage line discharge for the proposed building. Other drainage patterns remain the same. He advised that a revised plan has been submitted to ANR's Stormwater Division.
- i. Utilization of Renewable Energy Resources.** There would be no change in this criterion.

**j. *Municipal Services Impact Evaluation.*** Mr. Olesky advised that they did not request municipal impact evaluations since there are no proposed changes to municipal services. The Board concurred that the plans were not materially different, only slightly larger square footage therefore municipal impact evaluations were not needed.

**k. *Flood Hazard Review.*** Mr. Olesky advised that they have submitted revised plans to ANR's Central Vermont Floodplain Manager and that they have no concerns with the revised plans with the condition that the as-built Federal Emergency Management Agency's Elevation Certificate included the portion of the existing building to be retained in addition to the proposed building. The 100 year flood elevation is 550 feet. The first floor elevation of the existing building to be retained is 553.7 feet and the new building first floor elevation is 554.0 feet. He referred to Sheet C2.2 noting that the contour intercept is shown based on FEMA mapping which was coordinated with Ms. Pealer, Flood Plain Manager. He advised that Ms. Pealer has signed off on the plans.

Mr. Olesky advised that the initial ten foot gap between the buildings will increase the square footage. He advised that ANR had no objections to the location of the dumpsters which is out of the flood plain and is outside of the stream buffer but is within the wetland area. He confirmed the dumpsters would remain where they are currently located and would be on a concrete pad and fenced in.

The Board reiterated the need for the Applicant to apply for offsite parking permits whether it is temporary or permanent and whether it is owned by the Applicant or someone else.

Based on testimony heard and documents submitted, Ms. Nuisl made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 14-081. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Chair called for approval of the Minutes of the November 18, 2014 meeting.

Ms. Nuisl made a motion, seconded by Mr. Friedman, to approve the Minutes of the November 18, 2014 meeting as presented. The question was called and the motion passed unanimously.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

The Board discussed upcoming trainings offered by the Vermont League of Cities and Towns.

6. Status of Findings.

The Board voted to go into deliberative session at 7:45 P.M. and out at 8:05 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 6, 2015.**

8. There being no further business, the meeting was adjourned at 8:06 P.M.

Respectfully submitted,

*Carla Preston*

Carla Preston  
Recording Secretary  
Town of Berlin