

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, February 3, 2015

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

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

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

Others present: Jeffrey Olesky, Ronald Lyon, Robert Mallette, Richard Morley and Nicole Duncan.

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. 15-002 – RHTL Partners, LLC (Capital City GMC) submitted an application for the temporary on-lot storage of motor vehicles (change of use). The property is located at 12 Marvin Road, Berlin, Vermont, in the Highway Commercial District. 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, 15-002, received 01/01/2015; **Exhibit #2:** Overall Existing Conditions Site Plans, C1.0 prepared by Wilson Consulting Engineers, PLC dated 08/11/2014; **Exhibit #3:** Proposed Conditions Site Plans, C1.1 prepared by Wilson Consulting Engineers, PLC dated 08/11/2014 with revisions on 09/12/2014 and 12/29/2014; **Exhibit #4:** Letter dated 12/30/2014 from Jeffrey Olesky, PE with Wilson Consulting Engineers, PLC to the Town of Berlin describing the proposal and addressing Site Plan Review Criteria; **Exhibit #5:** State of Vermont Land Use Permit, dated 09/22/2014; and **Exhibit #6:** Memorandum dated 01/13/2015 from the Berlin Police Department stating that the proposed application would have no adverse impact on the Berlin Police Department.

Mr. Olesky advised that a condition of a prior permit was to obtain approval for the temporary parking of inventory vehicles. The Applicant proposes to store its vehicles on the 10.9 acre parcel located at 12 Marvin Road, which it recently purchased, to facilitate the construction of the new Capitol City GMC dealership located across the street at 1162 U.S. Route 2. They are not proposing any construction with this application. The proposed designated parking areas are shown on the plans. Mr. Olesky advised that two of the areas are higher ground areas bisected by a grass swale at the intersection of Goodnow Road and Marvin Road. He confirmed that the Applicant has now purchased both residences in that area. Existing access to the property is via a 14 foot curb cut off Marvin Road to the triangular open lawn area. He advised that the Class II wetlands as well as the 50 foot buffer are shown on the plans. The floodplain limits are delineated on the site plans and correlate to the 545 foot contour based on the National Flood Insurance Program Rate Map. He advised that permitting conditions of the Agency of Natural Resources were to stay out of all buffers. There would be no impacts to the wetland or wetland buffer.

Zoning Administrator Badowski mentioned that there were concerns regarding floodplain with respect to the new regulations. He advised that based on FEMA mapping it was determined that they are clearly out of the 100 year floodplain. Sacha Pealer, Central Vermont Floodplain Manager has signed off on it.

Mr. Olesky addressed Site Plan Review Criteria.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. Mr. Olesky advised that access to the triangular shaped parking area would be via an existing curb cut off Marvin Road. He anticipates that the existing structures would be removed and that the area would be used for long term vehicle storage in the future. Mr. Olesky explained that the owner had applied to the Town of Berlin for a secondary 12 foot wide access to the southern portion of the lot off Goodnow Road which was approved. That access was reviewed with other groups including ANR as part of their amendment. It was later determined that a second access off Marvin Road, which was being used by the Applicant, cannot be permitted and has been fenced off.

Mr. Badowski confirmed that the Applicant had applied for access to the site from Goodnow Road which was approved by the Berlin Select Board, Permit #14-083. The second access point being used off Marvin Road was not legitimate and has been removed. The existing curb cut is now functional. He noted that there have been no recent complaints from neighbors.

The Board questioned the driveway for commercial use due to the grade and close proximity to the access point off U.S. Route 2. That issue would have to be addressed should the Applicant request permanent vehicle storage at that location.

Mr. Olesky agreed that any proposed new construction would require reevaluating that access point. He noted that minimal construction would be needed to facilitate access due to the difference in grade (3 to 4 feet) between the driveway and lawn area. There would be very few trips in and out of there. The driveway to the other lot consists of a graveled area and is not shown on the plans because the house has been vacant for a while and the area has become vegetated.

The Board indicated that if the Applicant proposed permanent storage at that site, requirements for a commercial curb cut, sight distance, and so forth must be met. The regulations preclude an access point that close to a major highway. The Board could not approve the existing driveway for commercial use.

b. Adequacy of circulation, parking, and loading facilities. Mr. Olesky advised that the intent was to create a middle throughway for access to rows of vehicles on site. A representative from the Berlin Highway Department has visited the site. The snow storage areas are shown on the plans. Since the temporary storage is proposed in the winter, there would be no sand or salt, just plowing.

The Board mentioned concerns about springtime conditions, erosion and runoff, which turns the area into a quagmire. Members noted an April 1st cutoff date but wondered if the Applicant had made provisions for spring conditions.

Mr. Olesky advised that they would install some silt fence and other stabilization if the situation arose to facilitate the need. The parking areas shown are flat at about a 3 to 4 percent grade.

He agreed that they would have to monitor the weather and be cognizant of early thaws. He indicated that they had no plans in mind should that occur. The Board advised that April 1st is border line for getting vehicles out of there when it becomes a muddy mess. A condition may be imposed to address that concern.

Mr. Olesky advised they would look at it and noted that the owner would not want to drag those new vehicles through the mud. He confirmed that this was for vehicle storage and not intended for display. A salesperson would go to get the vehicle from that site if someone wanted to test drive it. He noted however that they cannot stop people from looking.

- c. *Bicycle and Pedestrian Access.*** Not applicable for this application.
- d. *Adequacy of landscaping.*** Mr. Olesky advised that no consideration has been given to landscaping regarding this application.
- e. *Hours of Operation.*** Mr. Olesky advised that the hours of operation would be consistent with the car dealership located at 1162 U.S. Route 2. He agreed to verify those hours and report back to the Town.
- f. *Setbacks.*** Mr. Olesky advised that the existing structures conform to setback requirements and that no changes are being proposed.
- g. *Adequacy of Exterior lighting.*** Mr. Olesky advised that no exterior lighting is being proposed for the temporary vehicle storage. He noted that when permanent storage is proposed they would request approval for lighting.
- h. *Stormwater and Drainage.*** Mr. Olesky advised that there should be no impacts to the stormwater or drainage of the site since no construction is involved and the parking areas are planned to remain as grassed lawn. He noted that there may be some stabilization done but nothing specific. The application was sent to ANR and they signed off on it via email.

The Board noted that there would be issues with stormwater when the area begins to thaw.

Mr. Olesky advised that they plan to have the vehicles off the lot before it becomes an issue. He agreed to forward the email from ANR to the Town for the file.
- i. *Utilization of renewable energy resources.*** There would be no adverse impact to the potential for utilization of renewable energy resources.
- j. *Municipal Services Impact Evaluation.*** Mr. Olesky advised that requests for impact statements were submitted to the Berlin Fire, Police and Highway Departments on or about December 30th. Mr. Badowski reported on the site visit with Tim Davis, Berlin Road Superintendent. The Berlin Police Department advised that the proposal for temporary vehicle storage would have no adverse impact on its Department.
- k. *Flood Hazard Review.*** Mr. Olesky confirmed that they are not proposing any work within the floodplain area. The vertical datum for these site plans references NAVD88. The floodplain limits are delineated on the site plans and correlate to the 545 foot contour as determined by the FIRM. They have received confirmation from Sacha Pealer regarding stormwater and wetlands. He will forward that information to the Town for the file.

There being no further testimony, Mr. Friedrich made a motion, seconded by Ms. Nuisl, to close the hearing with respect to Application 14-002 subject to receipt of approvals from the State's floodplain management and stormwater as well as confirmation regarding the hours of operation. The question was called and the motion passed unanimously.

B. 15-003 – Central Vermont Medical Center submitted an application for the additions of a Terrace and Greenhouse constructed on the existing roof of the first floor. The property is located at 130 Fisher Road, Berlin, Vermont, in the Commercial District. Ronald C. Lyon, P.E. with DuBois & King Inc.; Robert Mallette, Architect with MorrisSwitzer, and Nicole Duncan and Richard Morley with CVMC were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 15-003, received on 01/07/2015; **Exhibit #2:** Site Plans prepared by DuBois & King, Inc. dated January of 2015 consisting of: Proposed Greenhouse and Terrace Plan, Orthophoto-Vicinity Plan, C-1 and C-2; Proposed Greenhouse and Terrace Site Plan C-3; **Exhibit #3:** Architectural Plans consisting of: Overall Building Plan showing proposed locations of additions; CVMC Inpatient Psychiatric Unit Terrace, Northwest Elevation and CVMC Palliative Care Suite Greenhouse, Southwest Elevation and Southeast Elevation; **Exhibit #4:** Six photographs of the facility from various angle views; **Exhibit #5:** Letter dated 01/09/2015 from Ronald C. Lyon, PE with DuBois & King Inc. describing the project and addressing Site Plan Review criteria; **Exhibit #6:** Letter dated 01/13/2015 from Ronald C. Lyon, PE with DuBois & King Inc. advising that the proposed additions would not extend higher than the roof of the adjacent existing hospital building; and **Exhibit #7:** Statement from Nicole Duncan, Project & Property Manager, UVMHN Central Vermont Medical Center, authorizing Messrs Lyons and Mallette to represent the applicant.

Overview: Mr. Mallette advised that the Applicant is proposing two small rooftop additions (142 square feet and 112 square feet) that would line up with the second and third floor levels of the existing facility. There would be no ground level construction; it is all rooftop. Each addition would be constructed on the existing roof of the first floor. The proposed additions would provide areas with natural light for casual use by patients and patient visitors to the Psychiatric and Palliative Care facilities. On the south side of the hospital facing Fisher Road would be the sunroom or greenhouse addition to the Palliative Care suite. The proposed sunroom or greenhouse would be 8.5 feet by 13 feet with a southern exposure. A ten foot wide picture window (not shown) would be added into the wall off the foot of the bed for an easterly view.

Mr. Mallette advised that on the north side of the hospital they propose to add another small terrace addition to the inpatient psychiatric unit. Patients' access to the screened-in terrace would be controlled and supervised for outside space which would be offered as a reward for good behavior. This would provide open air space with heavy gage mesh. Mr. Mallette explained that because this addition lines up with the third floor roof line a gap was created at the second floor level which would become a storage area for nursing. The proposed psychiatric unit terrace would be 13.5 feet by 10.5 feet which is the same size as the storage space under it. The terrace may or may not be utilized during all four seasons.

Mr. Mallette referred to the architectural plans which represent the proposed locations for the two additions. The southeast and southwest building elevations show the rooftop visual of the proposed palliative patient room sunroom addition, picture window and existing windows. The other view shown represents the terrace addition to the psychiatric unit in the corner as well as the storage unit under it. Mr. Mallette indicated that the structures would sit on a concrete deck and that the

exterior of the proposed additions would appear like the rest of the building.

Messrs Mallette and Lyon discussed the photographic views of the site taken from various angles and locations. Views were taken from Fisher Road, across the intersection by the hotel parking lot, the helipad, main entrance and other locations. They noted that the proposed additions would be visible from several locations, especially the terrace because it comes up to the third floor elevation.

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.** There would be no impact on the adjacent street network and no additional pedestrian or vehicular traffic.
- b. Adequacy of circulation, parking, and loading facilities.** There would be no change in traffic circulation, parking or loading facilities.
- c. Bicycle and Pedestrian Access.** The Applicants advised that there would be no impact on bicycle or pedestrian access.
- d. Adequacy of landscaping.** The Applicants advised that no additional site landscaping is proposed. In the summer months there would be potted plants and accessories.
- e. Hours of Operation.** There would be no change in the hours of operation, 24/7.
- f. Setbacks.** There would be no change in setbacks since the proposed additions are located on the roofs of existing structures.
- g. Adequacy of Exterior lighting.** No exterior lighting is proposed. The terrace addition to the Psychiatric unit would have a light in the ceiling.
- h. Stormwater and Drainage.** Mr. Lyon advised that since the proposed structures are located on existing impervious roof surfaces, no additional stormwater runoff would be generated.
- i. Utilization of renewable energy resources.** Not applicable.
- j. Municipal Services Impact Evaluation.** There would be no impact on municipal services due to the size of the proposed additions and rooftop location.
- k. Flood Hazard Review.** The project is not located within a flood plain.

There being no additional testimony, Mr. Friedrich made a motion, seconded by Mr. Golubock, to close the hearing with respect to Application 15-003. 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 January 20, 2015 meeting. On page 3, the first sentence in (h) under stormwater and drainage was amended to read: Mr. Olesky advised that they do not need an operational or construction permit from the State of Vermont.

Mr. Friedrich made a motion, seconded by Ms. Nuisl, to approve the Minutes of the January 20, 2015 meeting as amended. 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 7:55 P.M. and out at 8:15 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, February 17, 2015.**

8. There being no further business, the meeting was adjourned at 8:16 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin