

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of TUESDAY, February 21, 2017

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

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

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

Others present: James V. Manley, Brian Lane-Karnas, P.E., and David Birmingham.

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. 17-003 – Pike Industries, Inc. submitted an application for Site Plan Review to construct a 3,200 square foot (40' by 80' by 18' high) Material Storage Shed for Recycle Asphalt Pavement. The property is located at 165 Granger Road, Berlin, Vermont, in the Light Industrial District, Parcel ID # 62-010.100. James Manley with Pike Industries, Inc. was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-003, received on 01/30/2017; **Exhibit #2:** Site Plan showing existing and proposed structures, access, parking, and so forth, prepared by Green Mountain Engineering, dated 01/13/2017; **Exhibit #3:** Narrative dated 02/09/2017 from Pike Industries Inc. describing the project and addressing site plan review criteria; and **Exhibit #4:** State of Vermont, District 5 Environmental Commission, Land Use Permit, Administrative Amendment pursuant to ACT 250 re Case: 5W0244-B dated 02/06/2017.

Jim Manley advised that they are proposing a structure, 40 feet wide by 80 feet long and 18 feet high, to cover the recycled asphalt pavement (RAP) to reduce moisture. The ends of the structure would be open. The RAP would be temporarily stored in the shed to dry. Once dried the RAP is moved to the plant for use, and more RAP is brought to the storage shed to dry. He advised that for air quality purposes the state mandates keeping the recycled asphalt pavement as dry as possible. The storage shed would be located on the west side of the plant along the berm which is close to the location of the current RAP stockpile. The shed would have the appearance of a Quonset hut on a cinder block foundation. The outside of the structure would consist of flame resistant sheeting and would be installed by the manufacturer, a company out of the State of Maine. No excavation would be required for the installation of this structure. Mr. Manley advised that the building would have no electricity or other utilities. The only employee at the site would be the loader operator bringing material in and out of the storage shed. He added that putting a roof over the RAP stockpile is the least expensive way to protect the material and keep it as dry as possible which will save on fuel needed to process it. He advised that the moisture content needs to be four to six percent which is tested daily by quality control personnel.

Zoning Administrator Badowski reported that the property is located in the Light Industrial District and noted that the Applicant is proposing an accessory structure which meets required setbacks.

The Board asked Mr. Manley to comment on the site plan review criteria even though it had been addressed in writing.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** Mr. Manley advised that there would be no change in access or impact on the adjacent street network as a result of this project. He indicated that there would be no increase in traffic. The amount of RAP will not change due to the proposed storage shed. Mr. Manley confirmed that the second sentence under A in the written criteria dated 02/09/2017 should read: This project does NOT increase traffic on and off the site. There will be no change in vehicular or pedestrian circulation by the proposed recycle asphalt pavement shed installation.
- b. Adequacy of circulation, parking, and loading facilities.** Mr. Manley advised that there would be no change in traffic patterns or parking as a result of the proposed RAP storage shed. There is no change in the number of employees that would require additional parking. A RAP stockpile has always existed on site thus circulation patterns onsite will not change.
- c. Bicycle and Pedestrian Access.** The proposed project does not affect or change safety regulations with respect to bicycle or pedestrian access.
- d. Adequacy of landscaping.** Mr. Manley advised that they are not proposing any additional screening or landscaping. The proposed structure would be located up against the existing berm and is not as high as the asphalt plant. He noted that the shed might be visible from Route 62 at some point during the winter months. The shed at a maximum of 18 feet high, would be slightly higher than the trailers (14 high) used for the compressed gas station. He noted that the proposed location of the shed is pretty secluded and would cover an existing RAP stockpile. The Applicants believe that existing natural buffers to the north and west are sufficient and noted that most of the area is owned by the Applicant.
- e. Hours of Operation.** There would be no change in the hours of operation as a result of the proposed project.
- f. Setbacks.** All setbacks are met for the district and shown on the plans.
- g. Adequacy of Exterior lighting.** No additional exterior lighting is being proposed. Mr. Manley advised that existing lighting is adequate for site operations.
- h. Stormwater and Drainage.** Mr. Manley advised that the proposed shed will not change onsite drainage patterns. He pointed out current drainage patterns on the large-scale map noting that stormwater runoff is directed to a drainage swale and settling pond located to the south of the project area. They have a stormwater and drainage permit from the State of Vermont. He confirmed that no excavation is required for the installation of the proposed storage shed as it will be installed on the existing grade surface.
- i. Utilization of renewable energy resources.** The proposal will not interfere with the future use of sustainable renewable energy resources as it does not limit access or availability to any such resources.
- j. Municipal Services Impact Evaluation.** Mr. Manley advised that municipal service impact statements were requested from the Berlin Police, Highway and Volunteer Fire Departments.

Mr. Badowski advised that he received an email from Police Chief Wolfe stating that the proposed project would have no adverse impact on the Berlin Police Department. Tim Davis with the Highway Department verbally reported to him that the proposal would have no adverse impact on the Berlin Highway Department. Mr. Badowski advised that he has not received a response from the Berlin Volunteer Fire Department.

k. Flood Hazard Review. The subject property is not located within a flood hazard area. A copy of the FEMA Flood Insurance Rate Map was provided illustrating that the property is located with the Flood Zone X indicating a 0.2 percent chance of annual flooding.

Mr. Manley advised that they have received an amendment from ACT 250 which has been forwarded to the Zoning Office.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 17-003. The question was called and the motion passed unanimously.

B. Berlin Automotive H1, Inc. d/b/a 802 Honda submitted an application for Site Plan Review to construct additions (5,150 gross square feet) to the existing dealership with associated minor site improvements. The property is located at 224 Paine Turnpike North, Berlin, Vermont, Parcel ID #: SA1-051. David Birmingham with 802 Honda and Brian Lane-Karnas with DeWolfe Engineering Associates, Incorporated were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-004, received on 01/30/2017; **Exhibit #2:** Site Plan dated 01/30/2017 showing existing and proposed structures, access, parking, and so forth, prepared by DeWolfe Engineering Associates Inc. consisting of: Cover Sheet, C0.01; Legend and General Notes, C0.02 with revision on 02/10/2017 re Bid Documents; Existing Conditions, C1.01 with revision on 02/10/2017 re Bid Documents; Site and Utility Plan, C1.02 with revision on 02/10/2017 re Bid Documents and on 02/15/2017 re Alternate C1, Added Propane Tank; Grading Plan, C1.03; and Construction Details, C5.01; **Exhibit #3:** Site Electrical Plan, SE.01, prepared by Wiemann Lamphere Architects, dated 01/27/2017; **Exhibit #4:** Letter dated 01/30/2017 from Brian Lane-Karnas, PE with DeWolfe Engineering Associates, Incorporated describing the project and addressing site plan review criteria; **Exhibit #5:** Location Map re 802 Honda Additions; **Exhibit #6:** Flood Insurance Rate Map effective 03/19/2013; **Exhibit #7:** Traffic Study – Peak Hour Data for Intersection; **Exhibit #8:** Lighting Specifications, WPLED18N; **Exhibit #9:** Email dated 01/30/2017 from Police Chief William H. Wolfe to the Applicant stating that the proposed project would have no adverse impact on the Berlin Police Department; and **Exhibit #10:** Email dated 02/02/2017 from Kevin Burke, Stormwater Program, stating that a permit is not required for the minor addition of impervious area involved in the project.

Brian Lane-Karnas, P.E. with DeWolfe Engineering Associates Incorporated advised that Dave Birmingham owner of 802 Honda (formerly known as Town & Country Honda), is proposing additions to existing buildings (5,150 square feet) and other improvements to meet national standards for dealerships (American Honda Motors). The project will require some site work including changes in parking. As a result of the project the number of employees will increase from 24 to 35 people.

Mr. Lane-Karnas presented a revised set of plans which included minor updates since being submitted to the Zoning Office.

In response to the Board's request for visual changes to the structures, Mr. Lane-Karnas presented a rendering which showed the proposed additions. There would be a covered entrance to the building for vehicles being serviced along the west side of the existing building which would have the same footprint except for the northwest corner. The façade of the building to the west is insulated panels with a lot of glass as well. The entranceway will consist of glass and metal panels and will appear like the rest of the building. The panels will not be internally illuminated. Mr. Lane-Karnas advised that requests for signage changes would be under a separate application.

Zoning Administrator Badowski advised that the property is located in the Light Industrial District and that all setbacks would be met.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. Mr. Lane-Karnas referred to Sheet C1.02 noting that traffic flow around the building would be maintained. He advised that there would be small changes with respect to parking for better access around the building. Several parking spaces would be removed from the north end of the parking stalls adjacent to the curb cut which will improve the ability of trucks and emergency vehicles to access the site. The existing handicap accessible parking spaces would be relocated closer to the building so people do not have to cross drive aisles to enter the building. Customers requiring service of their vehicles will drive into the building for drop-off further reducing pedestrian crossing of circulation aisles. Employees will bring the vehicle back out to the parking area when completed. The drive aisle is 22 feet wide. They do not anticipate any circulation issues based on these changes. He described the relocation of parking spaces in the front and referred to Sheets C1.01 for existing conditions and C1.02 for proposed conditions.

Mr. Lane-Karnas advised that the proposed project will not have an adverse effect on traffic on adjacent streets. They do anticipate an increase in traffic as a result of this project and provided trip generation rates based on the Institute of Transportation Engineers (ITE). He explained their calculations in detail noting that the project is expected to create about 14 additional vehicles during the PM peak hour, seven of which would be using the northbound lane of Paine Turnpike North or about 1.5 percent increase. He advised that the Agency of Transportation (VTrans) now publishes this trip generation data online but noted that formatting it for printing proved difficult. He elaborated further about the ITE with respect to how it determines estimates for traffic counts based on uses, locations, and other factors.

In response to further questions from the Board about the data, Mr. Lane-Karnas referred to diagrams previously submitted for further clarification. Copies of that diagram were provided to members since it was inadvertently omitted from the packets. In the end, the Applicants testified that the proposed additions will add some traffic during peak hours, approximately 14 vehicles. Mr. Lane-Karnas also referred to their written criteria for detailed calculations.

Mr. Badowski mentioned the proximity of the driveway located across the street and asked if the Applicants had considered aligning those driveways. The driveways are also close to the intersection.

Mr. Lane-Karnas noted that because it is an existing access or curb cut, and no changes were proposed to access, they did not consider the proximity of accesses located across the street to their access point. He advised that the existing driveway is 24 feet wide which is standard. He pointed out issues with respect to setbacks, existing utilities and signage that could make any changes to the curb cut more difficult.

Mr. Birmingham acknowledged that the proximity of the driveways is awkward, a topic that has also been raised by his customers. He noted that entering Paine Turnpike North has improved since Maplewood moved its driveway further south.

The Board agreed that the location of the driveways in proximity to the intersection is not ideal but noted that they have existed for a long time. The Board referred to the current standards established by VTrans for future reference.

- b. Adequacy of circulation, parking, and loading facilities.** Mr. Lane-Karnas advised that the parking areas are designed to municipal standards with 9-foot by 19-foot parking spaces and 22 foot aisles which are also adequate for emergency vehicles. The parking spaces intended to store vehicles for sale are slightly smaller at 8.5 feet by 18 feet since they are only accessed by dealership employees.

In response to the Board's request for further clarification about how parking requirements were calculated, Mr. Lane-Karnas explained that the interior of the building is being wholesale configured. The showroom is being moved and offices are being reconfigured. With respect to parking calculations they considered the showroom, service bays, offices, bathrooms, the number of business vehicles, employees, vehicles being serviced per day, and so forth. The service area was considered commercial space consisting of 13,000 square feet less storage, bathrooms, etc. The first set of figures is based on existing conditions and a strict interpretation of the regulations. The second set of figures represents the same space but is reallocated with consideration of commercial space since they are not using the space in the same way.

Mr. Lane-Karnas confirmed that about 18 parking spaces would be removed, and that they are adding 11 more employees as a result of this project. There are 216 parking spaces provided on the site consisting of the required 113 spaces, four of which are accessible spaces, and 103 spaces for inventory. Mr. Birmingham acknowledged that inventory parking would be actively managed to ensure adequate parking. The Applicants referred to the application for the totals of existing and proposed square footages.

- c. Bicycle and Pedestrian Access.** The Applicants advised that they are not proposing pedestrian or bicycle facilities along Paine Turnpike North or VT Route 62 because there are no existing facilities to which to connect. New sidewalks are proposed for pedestrian access from customer parking areas to the building.

The Board corrected the Applicant's characterization regarding no pedestrian/bicycle connections and pointed out that there is a pedestrian crossway on VT Route 62. The walkway is light activated and located on the same side of the road as the subject property. In addition, there are bicycle and pedestrian facilities located at Maplewood. The Board noted that the new regulations being proposed will require applicants to add a sidewalk.

Mr. Lane-Karnas advised that they could consider installing a sidewalk up to the point of lands owned by the State of Vermont. The existing landscaped islands, signage, and utilities could make it difficult to fit a sidewalk on that side of the road. He confirmed that adding a sidewalk was not considered part of this application, particularly since no changes were being proposed to access.

The Board indicated that Paine Turnpike would benefit from a sidewalk to connect the school, fire department, and bank to the commercial options on this side of the intersection. The question of maintenance and plowing and who would be responsible for it must also be considered.

Mr. Birmingham acknowledged that there is pedestrian use along the road which is dangerous under the current conditions. He was concerned about all of the driveways across the road. The Applicants apologized for the statement indicating that nothing was present with respect to bicycle or pedestrian access along Paine Turnpike.

- d. Adequacy of landscaping.** Mr. Lane-Karnas advised that the internal landscaped island areas would be reconfigured as part of the project. The existing row of conifers would remain along VT Route 62. The island to the south of the westerly building addition would be reduced slightly to accommodate a door in the addition. The island to the north would be relocated to the edge of the proposed curbed island. There are two trees and small plantings in the front.
- e. Hours of Operation.** The Applicants initially reported that there would be no change in hours of operation as a result of this project. However, after further discussion, Mr. Birmingham confirmed that he wished to amend their hours of operation as follows: Monday through Friday, 6:00 AM to 7:00 PM; and Saturday, 7:00 AM to 6:00 PM. He noted that car carriers have no specific schedule and show up at various times.
- f. Setbacks.** The Applicants advised that all setbacks are met and are shown on the application.
- g. Adequacy of Exterior lighting.** Mr. Lane-Karnas advised that there would be no change in pole lighting for the site. They propose to replace six exterior building mounted lights with fully cut-off optics, shielded and LED illumination. Most of the lights shut off at 10:00 PM but there would be minimal security lighting on all night. Mr. Birmingham noted that they are working with Efficiency Vermont to change out the fixtures.
- h. Stormwater and Drainage.** Mr. Lane-Karnas advised that the impervious area on the site currently drains to a series of grassed drainage swales that provide water quality treatment to the stormwater before it is discharged from the site. The proposed additions will require minor site regrading to accommodate at grade and accessible entrances to the building but will not change the site drainage. The reconfiguration will result in an increase in impervious area of 283 square feet. He confirmed that there would be no significant change to the stormwater and drainage on site from the State Operational permit issued in 2009 at which time potential impacts on the state's drainage system was discussed. Mr. Lane-Karnas advised that he confirmed with the state that an amendment was not needed in this situation since most of the changes involve impervious to impervious with the exception of less than 300 square feet.
- i. Utilization of renewable energy resources.** The project will not interfere with the sustainable use of renewable energy resources on adjacent properties. No renewable energy use is contemplated for the proposed project.
- j. Municipal Services Impact Evaluation.** Mr. Lane-Karnas advised that letters requesting municipal impact statements were sent to the Berlin Volunteer Fire, Police and Highway Departments.

Mr. Badowski advised that he received an email from Police Chief Wolfe stating that the proposed project would have no adverse impact on the Berlin Police Department. Tim Davis with the Highway Department verbally reported to him that the proposed project would have no adverse impact on the Berlin Highway Department. He has not yet received a response from the Berlin Volunteer Fire Department.

A brief conversation ensued regarding where car carriers unload vehicles. Mr. Birmingham acknowledged that depending upon the driver, unloading vehicles has occurred offsite in the road. He confirmed there is sufficient space onsite to unload vehicles and noted that the proposed changes will improve that situation.

Mr. LaGue, also a member of the Berlin Sewer Commission, made the Applicants aware of changes in municipal services coming to that area for future consideration.

k. Flood Hazard Review. The subject property is not located within a flood hazard area. A copy of the FEMA Flood Insurance Rate Map was provided.

Based on documents presented and testimony heard, Ms. Nuisl made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 17-004. 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 January 17, 2017 meeting. On page 2, re 16-079, the last sentence in the 7th paragraph was amended to read: The new lot will be served from the north.

Chair Wernecke made a motion, seconded by Mr. Fitzhugh, to approve the Minutes of the January 17, 2017 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 8:35 P.M. and out at 8:44 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, March 21, 2017.**

8. There being no further business, the meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Carla Preston, Recording Secretary
Town of Berlin