

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, January 5, 2016

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

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

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

Others present: David L. Frothingham, PE, John Fournier, Timothy Nelson and Robert Felch.

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. Timothy Nelson, Robert Felch, and John Fournier advised they were representing Concord Group Insurance which abuts the Applicant's property and requested party status. The Board granted party status to the Concord Group Insurance and its representatives.

2. New business

A. 15-111 – Edgewood Development LLC submitted an application for improvements to the driveway, parking areas – with the addition of four parking spaces, and the installation of a new waterline. The property is located at 2178 Airport Road, Berlin, Vermont, in the Light Industrial District, Parcel ID SA4-045. David L. Frothingham, PE with DeWolfe Engineering Associates, Incorporated, as well as representatives, Timothy Nelson, Robert Felch, and John Fournier for abutting property owner, Concord Group Insurance, were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 15-111, dated 12/17/2015; **Exhibit #2:** Site Plans prepared by DeWolfe Engineering Associates Incorporated consisting of: Cover Sheet re 2178 Airport Road Site Improvements, C0.01 dated 11/23/2015; Legend and General Notes, C0.02 dated 11/23/2015; Existing Conditions; C1.01 dated 11/23/2015; Site Plan, C1.02 dated 11/23/2015 with revision – add treatment swale #3 on 01/04/2015 [sic]; Erosion Control Plan, C1.03 dated 11/23/2015 with revision – add treatment #3 on 01/04/2016; Road, Walks, and Utility Profile Views, C2.01 dated 11/23/2015; Construction Details C5.01 dated 11/23/2015; **Exhibit #3:** Applicant's letter dated 12/16 and 17/2015 addressing the site plan review criteria; **Exhibit #4:** Aerial View via Vermont Agency of Natural Resources, Natural Resources Atlas, showing project location, dated 11/20/2015; **Exhibit #5:** Lighting cut sheets – Cimarron LED by Spaulding Lighting; **Exhibit #6:** Letter dated 11/23/2015 from the Applicant to the Berlin Highway Department describing the proposed project and requesting an impact statement; **Exhibit #7:** Letter dated 11/23/2015 from the Applicant to the Berlin Police Department describing the proposed project and requesting an impact statement; and **Exhibit #8:** Letter dated 11/23/2015 from the Applicant to the Berlin Voluntary Fire Department describing the proposed project and requesting an impact statement.

Mr. Fitzhugh advised he serves on the Board of Directors for Union Mutual Insurance Company, a competitor of the abutting property owner. No one expressed any concerns regarding Mr. Fitzhugh serving on the hearing panel.

Overview: Mr. Frothingham advised that the Applicant proposes to improve the parking area, add a gravel access drive along the side to the rear of the building, and install a new water line to connect to the new Town of Berlin public water system. He explained that since the plans were submitted he added more stormwater treatment which is shown on Sheet C1.02 as revised. The new paved parking area will be located on the front side of the building between the building and Airport Road. There would be 12 parking spaces which is an increase by four spaces and relocates the eight existing parking spaces. Parking along the drive would be removed for safety purposes and added in front of the building which includes one handicap accessible parking space near the new staircase and ramp. They also propose to construct a 16 foot wide gravel drive around the side of the building for access to the propane gas tanks which would eliminate the need to go across abutter's property to access them. The Applicant plans to connect to the Town of Berlin's public water system so the project includes a new waterline that will run from the rear of the building along the northern property line to the stub set for 2178 Airport Road which will replace the existing wells and fire pond. Mr. Frothingham advised that the front of the building is heavily landscaped. They propose to add more landscaping along the berm to screen the parking lot. They have provided for stormwater and drainage for the gravel drive which consists of a grassed treatment swale. The added swale and treatment center meets the state's requirements. He mentioned changes in stormwater treatment standards regarding the Champlain Watershed which essentially requires treatment of runoff to make zero phosphorus to offset the additional impervious area.

In response to questions from Board members as to the location of parking, Mr. Frothingham explained that parking will be located in the front versus on the side because that area is utilized by another tenant, the Vermont Agency of Transportation (VTTrans). He advised that VTTrans uses the area for storage and the treatment swale is in that low area. He noted that the rear portion of the building is VTTrans' pavement and materials lab. The portion of the building previously occupied by Barry T. Chouinard, Inc. is now vacant.

Zoning Administrator Badowski advised that he had no additional comments at this time.

The Gentlemen present representing the abutting property owner advised that because the abutter's property sits below the grade of the Applicant's property stormwater runoff is their primary concern. They were concerned about water coming toward their site which freezes and turns to ice. They were also concerned that with the increase in impervious area with the proposed gravel drive, additional runoff could be expected. Currently, propane delivery trucks have to drive over their lawn to access the tanks creating a lot of ruts. They acknowledged that the gravel drive to access the tanks and grassed swale are proposed to address those issues.

Mr. Frothingham confirmed that the proposed grassed swale would provide treatment for stormwater runoff. He advised that the swale should reduce the amount of water in the drive and referred to the plans for details. He noted that the entire building is heated by propane which would mean several delivery visits to fill the 1,000 gallon tanks during the winter months.

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 change in access off Airport Road to the site. The proposed parking area in the front of the building includes pedestrian walks and stairs to the front door. There is a door on the side of the building for access from the existing parking area. Existing parking and loading is located on the side of the building and is served by an existing

two way drive. They propose to remove the parking spaces that are adjacent to the driveway which will prevent vehicles from backing out into the main drive and improve safety. These spaces are relocated in the front of the building. There would be no change in the amount of vehicular traffic to the site as a result of this project.

- b. Adequacy of circulation, parking, and loading facilities.** Mr. Frothingham advised that the Applicant is approved for 80 employees, 60 of whom are in the laboratory portion of the building and 20 of whom are in the warehouse portion of the building. They currently have 94 parking spaces for the site and propose to add four additional spaces. He advised that the number of spaces has proven to be adequate for the site and the proposal adds four spaces. He noted that based on the formula for warehouse (1 space for every 200 square feet) it would require 103 parking spaces. He explained their rationale noting that parking for laboratories is not specifically addressed and in this situation, employees work both in the lab and in the office space or may be on the road, therefore 60 spaces is sufficient. The layout works for a total of 98 spaces.

In response to questions concerning new tenants with different uses needing additional parking, Mr. Frothingham advised that should the need arise, they would return to the Board for approval. He indicated that of the total 62,360 square feet of building area, Barry Chouinard previously utilized the front area and warehouse space consisting of 36,800 square feet and that about 25,560 square feet of area is utilized by VTrans for its laboratories and offices, with the remaining area as a warehouse. He advised that there is room for more parking if needed which would be located in the front because the property drops off in the back.

The Board noted that efforts are being made to keep parking at a minimum to reduce impervious areas in general. The Applicant proposes to remove eight spaces along the road and relocate those spaces to the front of the building and add another four spaces.

Mr. Frothingham advised that the new gravel drive will provide improved access to the western side of the building for fuel deliveries and emergency services. Snow storage for the new parking and internal drive is provided along the edge of the parking and drive. Mr. Frothingham advised that there would be no change in loading and/or deliveries. Deliveries are made to the warehouse in the parking lot side to the east where there is a set of double doors. There is no loading dock. He pointed out the location for refuse storage on the plans which is beside the swale.

- c. Bicycle and Pedestrian Access.** Mr. Frothingham advised that new concrete pedestrian walks and stairs would be provided from the new parking area to the building's main entrance. There is access to the side door of the building from the existing parking area. They are not proposing to add a bicycle rack but could if needed. There are no existing pedestrian or bicycle facilities on Airport Road.
- d. Adequacy of landscaping.** Mr. Frothingham advised that the trees and shrubbery in front of the building will remain. They are proposing to add a row of Annabel Hydrangeas along the outside edge of the stormwater treatment swale. These plantings will provide screening of the parking area. He advised that two trees at the bottom of the bank would be removed for construction of the waterline and parking improvements. The site has existing landscaping along Airport Road including a row of mature pines and landscaped areas to the north of the drive. There are several Honey Locust trees that are located on the abutter's property.

In response to questions about relocating the propane tanks, Mr. Frothingham advised that it had been discussed however the mechanical room is in that area thus moving them further away would not be practical. He believed that one of the tanks shown on the plans had been removed and agreed to verify that for the Board. He mentioned that the old fire pumps to the pond as well as the fire pond will not be needed once they connect to the Town of Berlin's water system. The pond was created for fire suppression and will be emptied and graded over. He noted that that pond is too high in elevation to be used for stormwater.

- e. Hours of Operation.** The Applicant advised that there would be no change in the hours of operation, 7:00 AM to 5:00 PM.
- f. Setbacks.** The Applicant advised that there would be no change in setbacks. All of the existing buildings meet setback distances for the district.
- g. Adequacy of Exterior lighting.** Mr. Frothingham advised that they are proposing to add two new pole lights, one to illuminate the parking area and one along the new walkway. The pole lights would have a single head, downcast fixture consisting of light-emitting diode (LED). He advised that the plans identify the pole light locations with a star. He advised the lights would be photovoltaic and that they could add timers to reduce the light levels. Mr. Frothingham confirmed that lighting of the site would be reduced after 10:00 PM, but would not be turned off completely.
- h. Stormwater and Drainage.** Mr. Frothingham advised that the site in general drains as overland flow into a culvert along Airport Road which eventually drains to an unnamed tributary of Pond Brook. Runoff from the proposed new gravel drive will sheet flow across the lawn to the swale. The new expanded impervious areas will require a permit from the Vermont Department of Environmental Conservation Watershed Protection Division. He advised that treatment is provided through sheet flow and the swale. There would be no reduction in volume and there would be a minor increase in discharge. He explained that due to the new requirements relating to phosphorus issues they have added additional treatment for the parking lot that also drains to Airport Road but to a different culvert. They are well over an acre of impervious area, approximately 2.5 acres. He advised that there was no stormwater treatment in place until the last application at which time they added a treatment swale and dry pond which was approved by the state. Mr. Frothingham pointed out stormwater treatments on the plans and explained what the flow does from each area. He advised that from the two culverts where runoff is collected along Airport Road it ends up on Comstock Road and from the other side of the road goes down Route 62 and ends up in Stevens Branch. He referred to Sheet SW.01 which is not part of the application before the Board but is part of their stormwater application to the state. He advised that the Agency of Natural Resources is telling them how to offset the additional increase.

Mr. Frothingham confirmed that the existing fire pond will be eliminated once they are connected to Berlin's new public water system. The pond will be changed to grass so it will not create a lot of additional runoff. He advised that the large swale along the property line is shown on the plans, which is about one foot deep, four feet across on the bottom with a four foot slope and is eight feet across the top. He advised that the swale drops three feet the total way, thus less than four percent. He advised that grading will come up to the edge of the property.

- i. Utilization of renewable energy resources.* The Applicant advised that the project would not interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or eliminating nearby property owners' access to such resources.
- j. Municipal Services Impact Evaluation.* The Applicant advised that letters requesting an impact statement were sent to the Berlin Police, Fire and Highway departments on or about November 23, 2015. He has not received any written responses.

Zoning Administrator Badowski advised that he has spoken with the Police Chief and Fire Chief, neither of whom expressed any concerns. He also advised that the Road Foreman had no concerns, due in part because he believed that the property was accessed off a state highway.

The Board noted that frontage and the driveway for the subject property is served by town highway, not state.

- k. Flood Hazard Review.* The Applicant advised that no portion of the site is within the 100-year floodplain or flood way.

The Gentlemen representing the abutting property owner asked for clarification about snow removal. They also asked about erosion control measures during construction.

Mr. Frothingham referred to the plan and identified storage areas for snow. He confirmed that the fire pond is built up and will be leveled off. He referred to Sheet C1.03 and pointed out erosion control measures during construction which includes a silt fence and construction fence. He noted that due to the grade of the land (contours), a portion of the fence might be located on the abutter's property.

The representatives of the abutter had no objection to the location of the fence for erosion control. They noted that they had much rather deal with a silt fence on their property for a short term versus the Applicant having an issue building the swale that will prevent runoff.

The Board advised the Applicant to submit a revised narrative and plans to address the changes made since the application was submitted. In addition, a copy of the application submitted to the State of Vermont for Stormwater management and the permit when issued, must be provided.

There being no further testimony, Mr. Irons made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 15-111. 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 December 1, 2015 meeting. No changes were mentioned.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve the Minutes of the December 1, 2015 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

6. Status of Findings.

The Board voted to go into deliberative session at 8:00 P.M. and out at 8:13 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 19, 2016.**

8. There being no further business, the meeting was adjourned at 8:22 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin