

**DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont**

**UNAPPROVED MINUTES
Meeting of WEDNESDAY, July 5, 2017**

1. The meeting was called to order at 7:10 P.M.

Members present: Robert J. Wernecke, Chair; Shane Mispel, and Paul Irons, Alternate.
Absent: Karla Nuissl, Vice-Chair; John Friedrich; and Josh Fitzhugh.

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

Others present: Jason P. Merrill

2. New business

A. 17-031 – J & H Properties LLC submitted an application to construct nine storage units. The property is located at 6451 VT Route 12, Berlin, VT, in the Commercial District; Parcel ID: VT 12-001. Jason Merrill, owner, was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-031, received on or before 06/16/2017; **Exhibit #2:** Site Plans prepared by Marsh Engineering Services PLC, consisting of: Proposed Storage Units Overall Plan, C-1, dated 12/23/2016 and revised on 06/16/2017 re Stormwater; Details Plan, D-1, dated 12/23/2016; and Lighting Plan, L-1, dated 12/23/2016; **Exhibit #3:** Location Maps; **Exhibit #4:** Site Plan Review Narrative addressing criteria; **Exhibit #5:** Lighting Specifications – RAB Lighting; **Exhibit #6:** Vermont Agency of Transportation, Policy, Planning & Intermodal Development Division, *Letter of Intent*, dated May 30, 2017; and **Exhibit #7:** List of Abutters/Adjoiners.

Jason Merrill advised he wants to construct nine additional storage units in varying sizes on this 5.2-acre parcel. The size of the individual units would be based on need, some smaller and some larger totaling between 90 and 100 units. The property was formerly owned by Wyman Properties. There are three existing commercial buildings on this site. There would be no water or wastewater facilities provided. He was required to obtain approval from the Vermont Agency of Transportation (VTrans) regarding access off Route 12.

Zoning Administrator Badowski explained that VTrans had warned people along Route 12 that access or curb cuts would require review with any new application.

Mr. Merrill advised that the curb cut was 80 feet wide and has been reduced to 40 feet wide. He referred to the Letter of Intent (LOI) he received from VTrans and noted that they were trying to get the access point further away from the power pole.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. Mr. Merrill advised there is no change in the access point off Route 12 but it would be reduced to 40 feet wide which has been approved by VTrans. The project will not result in a significant increase in traffic. They estimated that the project would likely generate approximately five round trips with cars or small trucks per day at full build out. The commercial site currently has seven employees.

Mr. Badowski mentioned that there is a second access off Dog River Road which is about 25 feet from Route 12. He advised he discussed the proposed application with the Berlin Road Foreman who reported no concerns at this time. The situation would need to be evaluated further with any new application. Applicable standards for the town and state would have to be met at the time, and would be based upon the proposed use.

Mr. Merrill advised that the Dog River Road driveway is not used very much but agreed it was close to Route 12. He does not anticipate storage unit renters utilizing that access point. He advised he is not yet prepared to change that access because they do not know what they are doing with the lower property. He acknowledged that the location of that driveway could be moved but preferred to address it with any new application for future development.

The Board raised concerns about the steepness (15 percent grade) of the gravel access drive. Although there are no restrictions, a 10 percent grade is usually the maximum for an access drive. The plans show a stone lined ditch coming down to a catch basin but does not mention the gravel drive itself. The plans did not offer any special conditions to address the steepness of the drive and how it would be impacted by drainage. The Board suggested that the Applicant give paving serious consideration since it is a commercial use.

Mr. Merrill acknowledged that paving the driveway would be the best option.

b. Adequacy of circulation, parking, and loading facilities. Mr. Merrill advised that the 20-foot wide access drives between the buildings provides adequate parking for someone visiting their rented unit and still allow someone to pass. He noted that all of the proposed storage buildings would be up against concrete retaining walls in the back.

The Board pointed out that based on the plans there was only 15 feet at the corner of Building D which would not accommodate a parked vehicle and sufficient space for another vehicle to pass. The Board also expressed concerns about the slope with respect to access and location of some of the units.

Mr. Merrill suggested posting signage for one-way traffic at that closest point as a solution. It was also suggested eliminating one unit in that building to make enough space for traffic circulation. One unit could be eliminated at Building D and one unit could be added to Building C since there is room at either end of Building C. Mr. Merrill also suggested pushing Building H further back by cutting into the bank more. Some buildings could not be pushed back because they would not meet setbacks.

The Board again expressed concerns about stabilization of the bank and questioned whether cutting further back into the bank could be accomplished due to the steepness of the site. The site plans did not address erosion control. Mr. Merrill was advised that the proposed straw mat and mulch on the bank was insufficient and would not be stable. The Board reiterated the slopes at this site and mentioned the standards for highway design. The application cannot be approved as submitted. Mr. Merrill was advised to discuss erosion control, stabilization, and treatment with his professional engineer. They are creating a flat area from a sloped area but contours are not shown under the cut. The Applicant must show how the area will be stabilized, decide how sufficient space for traffic circulation will be accomplished, and show it on the plans.

- c. *Bicycle and Pedestrian Access.*** Mr. Merrill advised that this site would be unlikely to receive bicycle or pedestrian traffic. He noted that there are no sidewalks along Route 12.
- d. *Adequacy of landscaping.*** Mr. Merrill advised that they propose to remove the existing trees and grass which would be replaced with four Crabapple trees. The lot is currently forested which they propose to clear in its entirety. He advised that the majority of the trees are of no value, Poplar trees and very sporadic throughout. There are a few points along Route 12 or Dog River Road where the buildings might be visible.

The Board asked that elevations and finish grades of the buildings also be provided and shown on the plans. That information will also show how the cut will be performed.

The Board noted that the existing trees do provide screening and asked if there was any particular reason to clear cut the area.

Mr. Merrill agreed that there could be trees along the bank and slope. There are large pines at the front near Route 12. He explained that the proposed buildings would require removal of much of the forested area.

The Board was opposed to clear cutting and suggested either selective cutting of the existing trees or planting replacements for screening along the bank, particularly near the bottom of the lot. The trees would not need to be very tall but should be spaced 20 to 25 feet apart.

- e. *Hours of Operation.*** Mr. Merrill noted that the hours of operation for this commercial site is from 6:00 AM to 9:00 PM. He requested no restrictions in the hours of operation for the storage units, 24/7.
- f. *Setbacks.*** Mr. Merrill advised that all setbacks are met for the proposed structures which are shown on the plans.
- g. *Adequacy of Exterior lighting.*** Mr. Merrill advised that they are proposing light fixtures mounted to the buildings at the ends and some in the middle of the long runs. All fixtures would be downcast and shielded and meet the requirements. He referred to the lighting specifications submitted.
- h. *Stormwater and Drainage.*** Mr. Merrill advised that state approval is required because they would be disturbing more than one acre of land. He was unsure of the status of the construction and operational permit applications but indicated they had been submitted to the state. The updated plans pertained to a change in the location of a stormwater pond to northwesterly corner. It was located along the adjacent property but had to be moved to the lower elevation which will also be in place for future growth. Runoff is directed to a grass lined treatment swale along the upper portions of the project and then to a stormwater treatment/detention pond. There are four catch basins shown, one grass swale, and a stone-lined road ditch. Runoff would be piped behind Building A. Mr. Merrill was reminded that copies of the state's permits must be submitted to the town and will be a condition of his permit from the DRB.

The Board reiterated that concerns regarding the bank and road stability had been raised. Further clarification about the grassed treatment swale and stone-lined ditch needs to be verified

and shown on the plans. The Board wants the calculations regarding the amount of water flowing down the ditch and the design of the ditch. The Board questioned whether a 15-inch pipe would handle the water but explained that it relies on the state for the permit. The plans need to be revised to show the updates.

i. Utilization of renewable energy resources. The project will not interfere with future potential uses of renewable energy and will not preclude the neighbors from developing renewable energy sources. They are not proposing solar options at this time.

j. Municipal Services Impact Evaluation. Mr. Badowski confirmed that he discussed access off Dog River Road with the Berlin Road Foreman who reported no concerns at this time. He reported no concerns from the Berlin Police or Fire Departments. He indicated that the Applicants have received a Letter of Intent from the State of Vermont.

The application was not warned as a conditional use because the existing building that does not meet setbacks was not being modified.

k. Flood Hazard Review. Not applicable.

The Board confirmed that the matter would have to be recessed or continued based on the additional information needed which included: reconfiguring buildings so that at least 20 feet of space was between buildings, erosion control, bank stabilization, driveway steepness and runoff concerns, elevations and finish grades (to reveal contours under the cut), details on ditches, and updated landscaping plan. The plans must be revised showing the updated information.

Chair Wernecke made a motion, seconded by Mr. Mispel, to recess Application 17-031 to July 18, 2017 pending receipt of the information requested. 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 June 20, 2017 meeting. On page 4, under Other Business, the date of the VLCT conference was corrected to show it was held on June 14, 2017.

Chair Wernecke made a motion, seconded by Mr. Mispel, to approve the Minutes of the June 20, 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

The Board confirmed that Shane Mispel is now regular member of the Development Review Board and that Henry LaGue is an Alternate.

6. Status of Findings.

The Board voted to go into deliberative session at 8:18 P.M. and out at 8:21 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, July 18, 2017.**

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

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin