

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

**UNAPPROVED MINUTES**

Meeting of July 21, 2020

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

Members present: Karla Nuissl (Vice Chair), John Friedrich, Polly McMurtry (alternate) and Ture Nelson (alternate)

Staff present: Tom Badowski, Zoning Administrator, Kristi Flynn, Recording Secretary

Others present: Derek Pedley, Ron Cadorette. Meeting is being recorded by ORCA.

2. New Business

- A. 20-038 – Application by Lague Inc. and Radius Point Property, LLC** for a Waiver request under Section 4502 to allow encroachment into the Side Yard Setback for the placement of fuel storage tanks. The property is located at 322 Industrial Lane. Tax Map ID: R02-012.J00; PID 73-015. The property is in the Light Industrial (LI) District.

The ZA noted the Lague Inc has sold all rights to the property and is no longer part of the application. The applicants and ZA were sworn in at 7:02pm. No interested parties were in attendance. Mr. Pedley stated that Essex Equipment has purchased two properties in Berlin as they want a presence in Central Vermont. They need to re-fuel rentals that are returned and if the tanks need to conform to the side setback, they would be right in the flow of traffic and would block the loading dock. The applicants are requesting a 50% reduction in the side setback. The proposed location is the best location for safety and traffic flow. The lot to the south is a vacant lot owned by Robert and Andrea Leddy, who were notified as abutting landowners. The property is currently being rented by the State from Lague Inc for testing purposes.

The change of use on the property was taken care of by Lague Inc earlier this year, with the involvement of Essex Equipment. The tanks do not exist right now; there will be three double wall tanks above-ground with the appropriate safety devices: one 550 gallon tank for diesel, one 300 gallon tank for kerosene and one 300 gallon tank for gas. Because the tanks are double wall versions, there is no need for a catch area and covers.

**Chapter 450 Appeal Procedures**

**Section 4502 Waivers**

**Figure 4-07 Waiver and Variance Review Criteria**

- 1) Character of the area – fits in with the light industrial character
- 2) Impair development of adjacent property – the tanks are 50-55 feet from the building; the DRB noted that the placement might increase the side setback for the Leddy property
- 3) Be detrimental to public health, safety – should be no impact; the layout is similar to their other locations; the fact that the tanks are close to the loading dock is not as much of a concern as safety and traffic flow; there will be a concrete pad under the tanks, which will be anchored properly to the pad
- 4) Beneficial for continued use – the location is beneficial for traffic flow and the safety of fuel transport

**Motion was made by Mr. Friedrich to close the hearing for Application #20-038, seconded by Mr. Nelson; motion passed 4-0 by roll call**

3. Review and approval of the Minutes

The Vice Chair tabled the approval of the Minutes of the July 7, 2020 meeting.

**Motion was made by Ms. McMurtry to go into deliberative session, seconded by Mr. Friedrich; motion passed 4-0 by roll call**

DRB entered deliberative session at 7:26pm; DRB exited at 7:29pm.

**4. Motion was made to adjourn by Mr. Friedrich, seconded by Ms. McMurtry; meeting was adjourned at 7:30pm.**

*Respectfully submitted by Kristi Flynn, Recording Secretary*