

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

**APPROVED MINUTES**

Meeting of June 2, 2020

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

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

Staff present: Tom Badowski, Zoning Administrator, Kristi Flynn, Recording Secretary (7:45pm)

Others present: Evan Hinchcliffe (ORCA), Katrina Collins, Tina Bohl, VTrans, Derek Kenison, VTrans Project Supervisor, Scott Burbank, Consultant Project Administrator from VHB, Dennis Vertiyev, Green International, Erik Atkins, Green International, Mr. Robert Clark. Meeting is being recorded by ORCA.

The Chair recessed the third hearing for Application #20-023 to Thursday, June 4, 2020 at 7pm. Anyone who wants to attend should contact the Zoning Administrator for a Zoom meeting invitation.

The five voting members of the DRB for these hearings are B. Wernecke, K. Nuissl, J. Friedrich, J. Fitzhugh and P. McMurtry.

2. New Business

**A. 20-021 – Application by Katrina Collins** for a Waiver Request under Section 4502 to allow encroachment into the Front Yard Setback for construction of a garage. The property is located at 1302 Chase Road. Tax Map ID: R10-043.000; PID 35-010. The Property is in the Rural 40 (RL-40) District.

The applicant was sworn in at 7:03pm. No interested parties were present. Applicant is removing a non-conforming structure, a pole barn, and replacing it with another structure, a 2-car garage. It will be less non-conforming, but will still be too close to the front setback. The current structure is 13' from the property line; the proposed structure will be 25' from the property line. The applicant is requesting a 50% waiver for the front setback. The applicant noted that the topography of the parcel requires that the structure be located where the old structure is currently located. Ms. McMurtry asked if any screening or landscaping will be added. Ms. Collins noted that the lot will mainly be the way it is with some nicer landscaping around the new building. Mr.

Fitzhugh clarified that the new garage will be accessed from the dooryard and not the road.

The applicant answered the criteria in a clear and concise manner and the DRB reviewed those answers and determined that the applicant meets the criteria.

## **Chapter 450 Administrative Procedures**

### **Section 4502 Waivers**

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

- 1) Character of the area – residential properties in the area
- 2) Impair development of adjacent property – no impact
- 3) Be detrimental to public health, safety – not detrimental because the proposed development is moving the structure further from the road edge, thus improving public safety
- 4) Beneficial for continued use – the current structure is not in great shape and for safety reasons should probably be removed

**Motion was made to close the hearing by Ms. McMurtry, seconded by Mr. Fitzhugh; passed unanimously by roll call.**

- B. 20-022 – Application by State of Vermont** for a Site Plan Review under Chapter 320 and Section 4302 associated with an expansion and improvement of a Park and Ride facility. The property is located at 11 Pike Drive. The Property is in the Town Center (TC) District.

The Chair opened the hearing at 7:15pm. Ms. Bohl introduced the team on the project. Mr. Clark would like to be an Interested Party. The applicants and IP were sworn in at 7:20pm. Mr. Kenison noted that VTrans is working on a plan to expand the Park & Ride at Exit 7 off I-89. The project will expand parking, make it easier for cars and buses to get in and out, and add a bus shelter and bike rack, along with electric charging stations. The plan includes additional landscaping to fit in with the character of the Town Center though all the trees along Route 62 between the Park and Ride and the road will be removed. VTrans has received input and feedback from numerous boards and community members in town.

Mr. Vertiyev presented the project as designed by Green International. Facility is located at the intersection of Paine Turnpike and Route 62. The facility was identified at being over capacity. They looked at numerous alternatives before deciding on the current alternative. It provides additional 36 parking spaces, a bus shelter, bike rack,

upgraded lighting and signage. There is no property line between the facility and Route 62. The layout provides for one-way circulation with one entrance and two exits. One exit empties directly onto Route 62. The berm is provided for drainage on the site. The snow removal will allow the snow to be stored on site. The plan provides additional screening for the abutting landowner and includes the removal of all trees between the Park and Ride and Route 62. Also, the parking spaces are angled so that the lights from cars should not affect this landowner. There are trees located along the far end of the facility to provide additional screening from Route 62. The project includes a widening of Paine Turnpike to have a dedicated right turn only lane on Paine Turnpike onto Route 62. The plan adds 'do not block striping' in front of the entrance/exit to prevent back-up into the facility. The plan also includes an exit that directly empties onto Route 62 from the Park and Ride to help relieve the congestion on Paine Turnpike.

The lighting plan shows the proposed poles in the center of the parking spaces for more efficient use and light levels. Taking into account the vegetation and elevation, the applicants feel that no light will leave the facility. VTrans feels that a fully-lighted facility feels safer for those using the facility.

Ms. McMurtry asked about the berm at the far end. It will be a place to store material from the construction and provide screening from Route 62 for the abutting landowner. VTrans will provide something off-site during construction for commuter parking.

Mr. Clark stated that the area is too small for the change in the traffic flows that has occurred. He wishes that it would be moved to a different location, such as across from Maplewood. Mr. Clark read his written testimony. There are people living in their cars, and drug transactions. The trash is not cleaned up and the facility is not policed by AOT. He believes this is the wrong location, but concedes that AOT has tried to be sensitive to encroachment on his lot.

## **Chapter 320 Site Plan Standards**

### **Section 3202 Parking and Loading Areas**

Mr. Fitzhugh asked if the AOT did a study of future utilization. Ms. Bohl noted that the use of park and rides generally depends on the price of gas. Traffic counts are done three times a year at all park and rides but analyses are not done. Regarding the people living in their cars, AOT has reached out to local police. Mr. Kenison noted that a park and ride is identified for expansion when it reaches 50% capacity. Mr. Friedrich wondered what the capacity is for the current facility; there are 76 spaces and sometimes there are more cars parked there in order to fit in; the facility is beyond capacity. Ms. Nussl asked about alternative sites. Ms. Bohl noted that there were 7

alternatives that were evaluated; this plan was the preferred alternative that met all the criteria.

### **Section 3202.H Design, Construction and Maintenance Standards**

The Chair asked who will be responsible for the maintenance of the facility. Ms. Bohl noted that the district office is responsible, which is District 4 out of White River Junction. She noted that the new bus shelters don't seem to attract as much trash and graffiti. Someone needs to contact AOT if the facility needs to be cleaned up. She suggested calling Joe Russo as the DTA directly. Ms. Nuisl wondered if AOT has considered adding security cameras. Ms. Bohl said they had not because they don't have the resources to monitor and maintain them and they don't want to give people a false sense of security. Ms. Nuisl noted that there could be a sign that says recorded not monitored. It was noted that police monitoring would have to come out of the maintenance budget; upgrades to the facility should encourage less trash. Mr. Clark feels that there should be a regular maintenance plan for the site and security cameras should be added. Trash receptacles are no longer provided at park and rides and pull-offs throughout the state.

### **Section 3203 Access & Circulation**

Mr. Fitzhugh inquired about the exit only driveway onto Route 62; he feels that there should be a sign that specifies that you can only go to I-89. Mr. Vertiyev noted that there is a one-way sign but the DRB wants to make it clear that there is no alternative except getting onto I-89. Mr. Fitzhugh is concerned with site visibility entering onto Route 62, even with the stop sign there. Mr. Burbank noted there is no merge lane as there is not enough room to get up to speed. This situation is safer than a yield sign to pull into the travel lane with the traffic light timing. Based on the traffic count, there are 10-11 cars leaving the facility each hour. For the traffic study at the intersection, am peak was a service level C and pm peak was a service level D; with upgrades, am peak would be a service level B and pm peak would be a service level C. The plan adds 5 vehicles to the pm peak, with 300 vehicles currently. The upgrades will reduce queues to 145 feet instead of traffic backing up to the fire station. The Chair requested access to the traffic study. Ms. McMurtry noted that the fire department is concerned with the emergency vehicles being able to get through the critical intersection. There is not anything to stop people from coming out of the park and ride. Ms. Bohl will discuss a preemptive system with the AOT traffic department.

### **Section 3204 Landscaping and Screening**

Ms. McMurtry wondered if the trees will be a net gain or loss. AOT is trying to maximize the number of trees saved and added, including preserving as many trees as possible north of the berm. Mr. Clark noted that there is a forest full of buckthorn that he's trying to get rid of and requested that the AOT remove as much as possible.

**Section 3205 Outdoor Lighting**

There is no light in or on the bus shelter, as the nearby light should provide adequate light. Each light will be fully-shielded and downward-facing and provide 3.1 foot candles which meet at least the minimum AOT and Berlin regulation requirements but do not exceed that minimum. They are trying to avoid light pollution. Mr. Vertiyev noted that the poles meet the light pole height requirements of the town at 20 feet. All lights are LED; the lumens are based on the height of the pole and space between the poles.

**Section 3206 Signs**

All the signs on the facility are directional signs and meet state and federal standards. AOT will avoid sign clutter as much as possible. No signs will be lit, simply reflective. The signs are part of the application.

**Section 3207 Outdoor Use Areas**

There will only be a bench in the bus shelter.

**Section 3208 Performance Standards**

For the issues of noise, glare and odors, the AOT stated there should be no change.

**Section 3209 Erosion Control**

AOT must receive approval from ANR to meet their standards

**Section 3210 Stormwater Management**

Ms. McMurtry asked about the impervious surfaces. Mr. Vertiyev stated that there are permanent check dams in the swales to help with sediment control. They are increasing impervious surfaces, though they are decreasing it in other areas. They are under the threshold for a stormwater management plan. All erosion will be controlled during the construction phase. Mr. Vertiyev noted that all drainage flows south and east.

**Chapter 330 Conditional Use Standards**

**3303 Traffic**

The applicants have addressed the traffic issues through a traffic study using turning counts at the traffic signal.

The Chair asked Ms. Bohl if she would be opposed to adding the preemptive system for the fire department; she stated she is not opposed but needs to talk with the traffic department. The ZA asked about landscaping in the swale. Mr. Vertiyev noted that it makes it hard to maintain, including mowing the grass and the steep slope. The Chair noted that the design standards for the town require landscaping along frontage. The AOT feels they have maximized the landscaping on the property.

**Motion was made to close the hearing by Mr. Fitzhugh, seconded by Ms. McMurtry; passed unanimously by roll call.**

The next meeting is June 4, 2020 at 7pm for the continuation of Application #20-023.

3. Review and approval of the Minutes – tabled to a future meeting
- 4. Motion was made to adjourn by Mr. Friedrich, seconded by Ms. McMurtry; meeting was adjourned at 9:00pm.**

*Respectfully submitted by Kristi Flynn, Recording Secretary*