

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES

Meeting of June 4, 2019

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

Members present: Robert J. Wernecke, Chair, Karla Nuissl, John Friedrich, Shane Mispel and Josh Fitzhugh

Staff present: Thomas J. Badowski, Zoning Administrator

Others present: Richard Bell, James Cultrera, Nancy Carpenter. Meeting is being recorded by ORCA.

Applicants for all hearings were sworn in at 7:01pm.

2. New Business

A. 19-027 – The Central Vermont Chamber of Commerce and the Berlin Public Works Board submitted a joint application for a Waiver of a side setback to facilitate Essential Services associated with a municipal water sewer improvement project. The property is located at 33 Stewart Road, Tax Map ID: R07.053.000; PID SA1-024.

The applicant and IPs were sworn in at 7:01pm. The ZA is acting as the applicant. The ZA has been working as the staff for the Public Works Board and they are working on an initiative to bring gravity sewer service from the intersection of Route 62 and Paine Turnpike North to intersection of Fisher Road and Paine Turnpike North. The town voted on a bond to get this work done. There are numerous older pump stations in the area around 802 Honda, the school, Northfield Savings Bank and the Chamber of Commerce and this initiative would replace all of those stations. A new pump station would be located on the property of the Chamber of Commerce; the Public Works Board is requesting a waiver for the side setback so that they can stay as much out of the paved area of the Chamber's property as possible. All of the town's pump stations run through an older pump station on Route 302.

The ZA reviewed the details of the new gravity pump station. The Chamber's property is the only property that will be affected; the generator is the only thing that will be aboveground and it meets the setback requirement, everything including the pump station affected by the setback will be underground.

Section 4502 – Waivers

The side setback for this district is 15 feet and the DRB may grant a waiver for a 50% Reduction, therefore the ZA is requesting a side setback of 7½ feet. The board reviewed the criteria listed in Figure 4-07:

- 1) Character of the neighborhood: the aboveground generator will be sound attenuated; all but the generator and service panel will be subsurface; these are common features in this district and will be located in an existing parking lot
- 2) Impair adjacent property: will not impair use of adjacent property, currently a pasture, and will enhance its' development capability; the Chamber is comfortable with the pavement remediation proposal, required that the subsurface items are not under their pavement
- 3) Not detrimental to public health: public health and safety will be increased with the project as aged critical infrastructure will be replaced with gravity conveyance and state of the art pump station; shorter run over critical wetlands
- 4) Necessary for continued use: beneficial to the users of the Berlin sewer system by replacing aged infrastructure; beneficial to the property by eliminating the management of an on-lot, private municipal pump station; beneficial to the Town by adding to the Grand List with future development opportunities

The abutting landowners were notified. The plan is to start the project this fall.

Motion: I move to close the hearing of Application #19-027, made by Mr. Fitzhugh, second by Mr. Friedrich; motion passed unanimously.

- B. **19-028 – Nancy Carpenter and Karen Grace** submitted an application for a Final Plan Review of a Minor Four (4) Lot Residential Subdivision. The property is located at 4232 VT Route 12, Parcel ID VT12-037. The Property is in the Rural 40 (R-40) Zoning District.

This subdivision was previously approved under the old regulations but the plat was not filed within the requisite 180 days. This application is being reviewed under the new regulations. The ZA noted that the State is happy with the new curb cut; the plat is generally the same as the last approved.

Chapter 350 – Subdivision Standards

Section 3502 – Capacity of Facilities – not a town road issue, State is happy with the new curb cut; there was some clarification on Lot 6 being a 3-bedroom single-family residence

Section 3503 – Suitability of the land – parts of the property is in the 100-year floodplain, but the development is not planned in this area

Section 3504 – Design and Configuration of Parcel Boundaries – Mr. Mispel questioned the headlights of cars exiting but it was noted that a single entry for the four lots is preferable

Section 3504.B – Lot Dimensions – meets district standards for road frontage and other dimensions

Section 3504.C – Building Envelopes – noted on the drawing, includes buildable land outside the floodplain

Section 3505 – Design and Layout of Necessary Improvements – the access serves all four lots , though the access road serves three lots; the road does not need to meet town road standards, per DRB; the DRB suggested including a road maintenance agreement in the deeds

Section 3505.B – Pedestrian & Bicycle Facilities - not applicable

Section 3505.C – Water & Wastewater Facilities – received state approval for water and wastewater facilities

Section 3505.D – Firefighting Facilities – not applicable

Section 3505.E – Public & Private Utilities – not applicable

Section 3505.F – Landscaping – applicants did not submit a landscaping plan; the individual landowners will choose the landscaping once a house is built; the distance from the road to the new gravel drive is 38 feet, new road will be below Route 12, there was discussion on whether this area is a good place for some trees; the applicants would prefer to give the individuals the choice on landscaping, but DRB would like to ask the applicant to add some groundcover to the area between the road and Route 12

Section 3505.G – Erosion Control – Section 3209 will be a requirement of whatever development is done

Section 3505.H – Stormwater Management – not applicable

Section 3505.I – Monuments and Lot Markers – have been installed

Section 3505.J – Construction and Maintenance – road maintenance agreement will be required; DRB would like to see the language in the deeds as a condition of the permit

Section 3506 – Character of the Area – project fits in with the character of the neighborhood

Section 3507 – Soil Preservation – applicant must comply with these provisions

Section 3508 – Conformance with the Regulations – projects conforms with all regulations in effect

Motion: I move to close the hearing of Application #19-028, made by Mr. Friedrich, seconded by Mr. Mispel; motion passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the April 16, 2019 meeting.

Motion was made by Mr. Fitzhugh, seconded by Mr. Mispel, to approve the minutes as amended; motion passed unanimously.

Amendments: Added some default language for the review of standards, changed some details of the testimony

Motion was made to go into deliberative session by Mr. Fitzhugh, seconded Mr. Friedrich. The DRB entered deliberative session at 8:10pm; DRB exited at 8:24pm.

4. Motion was made to adjourn by Mr. Friedrich, seconded by Mr. Fitzhugh; meeting was adjourned at 8:25pm.

Respectfully submitted by Kristi Flynn, Recording Secretary