

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES

Meeting of June 4, 2020

1. The meeting was called to order at 7:15pm

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 (8:20pm)

Others present: Jeff Olesky (Engineer), Randy White (IP), Linda Mirabile (IP), Michelle Lambert (IP), Adam Lambert (IP), Dan Ray (Construction designer), Marilyn Miller (IP), Mike Noyes (IP), John Connor (IP). Meeting is being recorded by Zoom.

The applicants, representatives and Interested Parties were sworn in at 7:20pm.

2. New Business

A. 20-023 – Application by RHTL Partners LLC for a Site Plan and Conditional Use Review under Chapters 320 and 330 and Sections 4302 and 4303 associated with the development of a 22,500 sf car dealership and supporting parking. The project consists of three (3) properties (1189 US Route 2, 12 Marvin Road and 40 Goodnow Road, PIDs US002-003, 25-001, 23-002). The properties are in the Commercial (COM) and Residential (RL-40) Districts.

Mr. Olesky with Catamount Engineering presented an overview of the project. This is a preliminary hearing to get some initial feedback from the town and neighbors so that they can refine the plan. He asked people to add questions to the Chat function.

Existing conditions at the property include the 3-4 properties involved. RHTL Partners LLC built the Capital City GMC dealership across Route 2 from the properties and built a supplemental parking lot across from the dealership and acquired two additional properties on Goodnow and Marvin Roads. They have historically been residential in nature. The proposal would have a new car dealership at the existing parking lot location across from the GMC dealership. The Mazda/Volkswagon dealership will be a 12,400 square foot building within the footprint of the existing parking lot. The existing houses at 40 Goodnow Road and 12 Marvin Road will be removed and two supplemental parking lots will be constructed. There will be access from Route 2 and Goodnow Road for the dealership parcel at 1189 Route 2 and from Goodnow and Marvin Roads for the

proposed parking areas. The existing GMC dealership has water and sewer access from the city of Montpelier; this will come into play in the proposed project.

For the proposed 22,500 sf building, there will be parking around the front and sides, with access from Route 2 and Marvin Road. The parking lots at 40 Goodnow and 12 Marvin Roads will have single accesses on the respective roads. There is an existing manmade ditch that bisects the properties that discharges water run-off. For utilities, the plan is to piggyback of the existing municipal services from the existing GMC dealership; the pipes will be run under Route 2 to the new building.

Mr. Olesky noted that he has received a letter from the Berlin Fire Chief in support of the project with a few conditions. There may be a new hydrant on the property or a fire station hook-up to the municipal system. The plan is to remove the water and septic from the 12 Marvin Road property to open up the existing leech field for more access to parking. For stormwater management, there is a preliminary design. There are three proposed wetland areas and there are state permits that need to be received regarding the stormwater management and discharge plan.

Landscaping and lighting have not been designed yet. As part of the project, the applicants would like to make improvements to the access point of Marvin Road and Route 2; the proposal will create an AOT-approved intersection. The plan is to increase the width of Marvin Road down to Goodnow Road, as well as part of Goodnow Road to the access to the parking area.

The car dealership is intended to re-locate the Mazda/Volkswagon dealership from Route 302; it is not known what the current owners of Walker are planning for the property. The applicant owns approximately 14-15 acres in total. The plan is to pave the parts of Marvin and Goodnow Roads that are being improved. There are no fire hydrants in the area. There is a 6-inch wide pipe from the Winooski River. Mr. Olesky noted that they will do their due diligence on the fire safety for the property.

The ZA noted that Mr. Olesky has attended a Public Works Board meeting, who had some recommendations regarding public water and sewer for the property. The Chair requested the recommendations in writing; they are in the minutes forwarded to the DRB.

Mr. Connor asked the following questions:

- Has every neighbor been notified? Mr. Olesky noted that each abutting landowner was notified by the town
- Will the existing Route 2 access be adequate for increased traffic from the new dealership? The Chair noted that the applicants are currently in talks with the state for approval of all accesses and it will be a condition of DRB approval
- Do floodplain requirements fall under the state or the town? The Chair noted it is the town; Mr. Olesky stated they are getting an Act 250 permit

Mr. Olesky gave an update on the status of the permits that have been applied for/being worked on:

- AOT Work Permits for Goodnow and Marvin Roads
- ANR Wetlands Permit - Class 2 wetlands will not be impacted by this project
- Stormwater Construction and Discharge Permits
- State Wastewater Permit
- Stream Operations Permit, possible
- Act 250 permit will be applied for in the future once the plan is more complete

The timeframe is to finish the planning process this summer and construction won't start until the fall. Mr. Connor encouraged the town to require a traffic study for this project, particularly regarding loading and unloading cars from transport trucks. This will be addressed during the Conditional Use criteria discussion.

Chapter 320 Site Plan Standards

Section 3202 Parking and Loading Areas

For parking, there are 50 parking spaces proposed for the 1189 Route 2 lot. One of the benefits of this project is that there will be sufficient space on each lot for employees to park. For access and loading, there is a plan to revise the Marvin Road access to the south so that transport vehicles can unload cars behind the Mazda/Volkswagon dealership and back out onto Marvin Road. There are no vehicle doors at the rear of the building. Per Mr. Olesky, AOT should be on board with retaining the two accesses to the Mazda/Volkswagon building; the GMC cars will also be unloaded here. The 50 parking spaces are for employees and customers; most of the inventory will be in the Goodnow/Marvin Road lots. There are approximately 15 employees expected each day. The DRB requested an accurate count of employees between sales and service and number of customers expected. Mr. Noyes asked about the inventory lots; they are planned to serve both GMC and Mazda/Volkswagon dealerships. Mr. Noyes would suggest a traffic study for this busy location. Mr. Connor noted that there are many instances where cars are being unloaded on Route 2 and pedestrians are crossing the road. Mr. White noted that some loading and unloading is also being done on Goodnow Road, often late into the evening.

Section 3203 Access & Circulation

Mr. Olesky reviewed the upgrades planned for Marvin and Goodnow Roads, particularly the intersection of Marvin and Route 2. The intersection of Marvin and Route 2 will be moved farther east down the road to make substantial improvements to the area. An internal sidewalk is proposed along the front of the building to promote safe pedestrian movement. The accesses on Marvin Road do not currently meet A76 and B71 standards and the proposal does not correct that. Mr. Olesky noted that they are looking at this

issue. Mr. Connor noted that there are routinely vehicles in the driveway that are part of the state ROW along Route 2. Mr. Fitzhugh brought up concerns with getting to and from the GMC dealership to the inventory lots across Route 2. Mr. Olesky feels that the proposal makes this safer, but they will look to see if modifications are warranted. It was noted that there have been no accidents at the site, as far as anyone is aware. Mr. Noyes asked about the improvements to Marvin Road. The grading and the siting at a perpendicular angle will make it safer to pull out onto Route 2. Mr. Noyes brought up a concern about the bus stop at the end of Marvin Road and employees pulling around a stopped bus with flashing lights. The Chair noted that a stop sign should be added to the end of Goodnow Road.

Section 3204 Landscaping and Screening

This issue will be reviewed when a landscaping plan is presented.

Section 3205 Outdoor Lighting

As some neighbors have already complained about light glare, the Chair requested that the applicants be sensitive to residents behind the property. Mr. White noted that lighting and traffic should be addressed; the DRB will review the light plan when it is presented.

Section 3206 Signs

The applicants plan to incorporate this into this application. The plan is to have one mounted sign at the entrance of the property at US Route 2. The DRB will need to review the sign plan.

Section 3207 Outdoor Use Areas

There is nothing planned for outdoor use.

Section 3208 Performance Standards

The applicants feel that this use is appropriate for the area. Any hazardous waste will be stored and disposed of appropriately. An area at the SE corner of the property will be used for trash and waste storage prior to disposal.

Section 3208.B Noise

The DRB would like to receive some information on noise generated on the property, including a schedule of vehicle deliveries. It was noted that most of the noise comes from the beeps from trucks backing up.

Section 3208.C Glare

Light glare has been a problem for neighbors in the past.

Section 3209 Erosion Control

The applicants noted that an erosion plan must be developed for the state. This plan will be included with the application.

Section 3210 Stormwater Management

The applicants noted that a stormwater management plan will be included with the plan for DRB review. There are currently grass swales around the parking areas. The new

plan will be to treat aboveground and drain to a pre-treatment area near Route 2 then to the state ditch along Route 2. This will be conditioned upon state approval.

Chapter 330 Conditional Use Standards

Section 3302 Capacity of Community Facilities and Utilities

The Berlin Fire Chief asked that a hydrant be added near the building. The applicant stated that plowing should be easier on both Goodnow and Marvin Roads; the Chair will check in with the Road Foreman. The police gave no written opinion. The applicant will adjust the plans to address the Fire Chief's concerns. The utilities will be provided by the city of Montpelier unless/until Berlin provides water and sewer to the area.

Section 3303 Traffic

The applicants are actively working with AOT on the access plans; AOT isn't requiring a traffic study but the applicants are willing to do one for the DRB, if necessary. They hope to address all safety issues, though the speed limit on Route 2 has not been part of the AOT discussions. It is felt that this part of Route 2 would benefit from lower speeds. The Chair is interested in learning more about trips along Marvin and Goodnow Roads for internal trips/transfers between dealerships/test drives; he would like to see a traffic study by an independent engineer. The applicants plan to make it easy for vehicle delivery trucks to access the property and will look at traffic calming techniques. The Gun Club has said that they have no objection to the project. The Chair will request that the RPC conduct a 7-day traffic count on Goodnow Road. Mr. Olesky does not know if the Kia dealership down the road will use the proposed lots. One of the abutting landowners requested a sign asking people to refrain from using Goodnow and Marvin Roads for test drives.

Section 3304 Character of the Area

Section 3304.A.2 Impair or Diminish Use of Other Property

As this is adjoining an existing residential neighborhood, the residents are concerned with commercialization. The DRB requested the applicants minimize impact on these properties through screening and lighting; the applicants understand the importance of these issues.

Section 3305 Natural Resource Protection

The applicants have defined the wetlands and the 100-year floodplain and will remove the existing septic from the wetlands buffer. The goal is to reduce the amount of fill put in the wetlands buffer but there will be some fill in the buffer along the Goodnow Road lot. The applicants are meeting with the state's floodplain manager next week, and will come up with a plan to pull away from the buffer as much as possible.

Motion was made to recess the hearing by Mr. Fitzhugh to July 7, 2020, seconded by Ms. Nuissl; passed unanimously by roll call.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the February 18, 2020 meeting.

Motion was made by Ms. Nuissl, seconded by Ms. McMurtry, to approve the minutes as amended; motion passed 5-0 by roll call

The DRB discussed having a special meeting on June 8 at 7pm for deliberative session. The ZA will warn the meeting as usual.

4. Motion was made to adjourn by Ms. Nuissl, seconded by Ms. McMurtry; meeting was adjourned at 9:30pm.

Respectfully submitted by Kristi Flynn, Recording Secretary