

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont
APPROVED MINUTES
Meeting of TUESDAY, June 6, 2017

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

Members present: Robert J. Wernecke, Chair; Karla Nussli, Vice-Chair; John Friedrich; Josh Fitzhugh; and Shane Mispel, Alternate. Absent: Henry A. LaGue, Jr.

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

Others present: David Blythe, Esq., David Jennett, Keith Herring, Carol Herring, and Randy Longe.

The Board explained its Policy and definition of party status and interested persons to attendees. Copies of the Rules and Policies and Procedure were available as handouts. No one present requested party status.

2. New business

A. 17-024 – Carol and Keith Herring, David and Mary Jennett, and Ellen Matheson submitted an application for boundary adjustment. The properties are located at 268 Haskins Terrace: Parcel ID: 53-031.000; and at 192 Lovers Lane, Parcel ID: 61-005.000, in West Berlin, Vermont, in the Rural Residential (R-40) District. David Blythe, Esq. with the law firm Taylor & Blythe, David Jennett, Keith Herring and Carol Herring were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-024, received on 05/16/2017; **Exhibit #2:** Survey and Subdivision of the Lands of Keith & Carol Herring, prepared by McCain Consulting, Inc., dated 02/14/2017; **Exhibit #3:** Memorandum dated 05/14//2017 from David J. Blythe, Esq. to Zoning Administrator Badowski regarding the proposed boundary adjustment; and **Exhibit #4:** Memorandum dated 06/01/2017 from Ellen Matheson to the DRB confirming consent to the approval of the proposed boundary adjustment.

Attorney David Blythe noted that the prior hearing (January 17, 2017) for the subdivision mentioned this boundary adjustment but was not part of that application. The parties had to work out an agreement regarding the fence and right-of-way which has been accomplished. He presented a survey with colored areas representing the acreage (0.06) to be exchanged by the Applicants.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Ms. Nussli, to close the hearing with respect to Application 17-024. In response to questions about the process, Chair Wernecke explained that Findings of Facts and Conclusion will be issued at a future date which will likely impose conditions for submittal of applicable deeds and of the final Plat/Mylar.

Attorney Blythe advised that the final Plat or Mylar has been filed and asked if it would have to be filed again. The Mylar included the subdivision and proposed boundary adjustment. He noted that deeds referenced the preliminary survey not the final survey thus had to be redone. He advised that the parties have agreed and the deeds are ready to be filed. The plat is the same and will be mentioned in the deed.

The Board advised Attorney Blythe to discuss the matter with the Town Clerk. The question was called and the motion passed unanimously.

B. 17-025 –Twin City Lanes II, Inc./Longe Properties submitted an application for Site Plan review associated with a 564-square foot Outside Seating/Dining Area. The property is located at 708 US Route 302, Berlin, Vermont, Parcel ID: US302-048. Randy Longe, 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, 17-025, received on 05/15/2017; **Exhibit #2:** Portions of Site Plan showing existing structures, parking area and proposed area for outdoor seating; **Exhibit #3:** Sketch of Proposed Outdoor Seating, 12 feet by 47 feet, adjacent to existing building; **Exhibit #4:** Photo of proposed 5 foot high fence; **Exhibit #5:** Description of proposed fence, Weatherables Scottsdale Vinyl D Lattice Top Privacy Panel Kit; **Exhibit #6:** Cover Memorandum describing project; and **Exhibit #7:** Narrative addressing site plan review criteria, dated 05/23/2017.

Randy Longe advised that he wants to add some outdoor seating area for his restaurant (*K's Korner*) located on the southwest [*sic*] corner of the Twin City Lanes building (southeast). The dimensions of the area would be 12 feet by 47 feet due to the layout at the end of the building. He advised that the door shown was intended for an emergency exit but will be used to access the outdoor seating area in the summer months. The area will be closed off during the winter months. The seating area would be fenced in. He noted that the Liquor Control Board conducted an inspection and approved the area.

Mr. Longe advised that there are three entrances to the building, the main entrance in the front, the south side entrance with the vestibule to the bowling center, and the entrance at the northeast [*sic*] end of the building (northwest). He noted that the Fire Marshall recommended utilizing the existing exit from the restaurant to the patio. There will be an emergency gate in the fenced in area, however people will not be permitted to enter the outdoor seating area from outside of the building. Signage will be added to discourage people from using that exit.

Mr. Longe added that this area is separate and designed to be a restaurant not as a pub and grill. There would be no piped in music or loud speakers.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. There would be no change in access or traffic and pedestrian circulation on site. There would be no impact on traffic.

b. Adequacy of circulation, parking, and loading facilities. Mr. Longe advised that four of the 165 existing parking spaces would be eliminated as part of this project. He advised that parking was calculated based on the additional 30 seats bringing it up to 329 seats for the entire building, and resulting in 110 parking spaces required. They will have 160 parking spaces remaining after the outdoor seating is completed which exceeds their needs. There would be no impact on circulation.

c. Bicycle and Pedestrian Access. There would be no change in bicycle or pedestrian access.

The Board noted that the bicycle and pedestrian traffic study went up to Ames Drive but did not include this site. However, the state did put in a bicycle lane along U.S. Route 302 by the site to Barre. There is sufficient space along the route to add a sidewalk in the future.

Mr. Longe advised he would add a bicycle rack if one was requested.

- d. Adequacy of landscaping.** There is landscaping in place including potted plants in the front of the building. Mr. Longe advised he would add four potted plants along the fencing.

There would be a five to six-foot high fence surrounding the seating area. The higher sections of the fence would be solid near the entrance to the bowling area. Mr. Longe advised he wanted the fence high enough to block the seating area from the parking area. The five-foot high section of fence is solid for three feet and the upper portion is more open (lattice work). He noted that people seated would not be able to see outside to the parking area. There will be an emergency gate in the fenced in area which will be discouraged for use by patrons. Cameras may be added for security purposes.

- e. Hours of Operation.** Mr. Longe advised that he did not wish to restrict the hours of operation for any of the activities at the site noting that the hours of operation for the bowling area differ and may vary for some events. The hours of operation for the restaurant are from 11:00 AM to 11:00 PM. He explained that the only access to the outdoor seating area is through the restaurant.

- f. Setbacks.** All setbacks are met. The property line to the south would be reduced but is still met.

- g. Adequacy of Exterior lighting.** No additional outdoor lighting is being proposed. There is existing lighting under the soffit which should be sufficient. There may be candles or other small lights on the tables.

- h. Stormwater and Drainage.** Mr. Longe advised that there is no change in stormwater and drainage. The area used to create the open seating area is currently asphalt which will be removed and replaced with decorative concrete pavers.

In response to the Board's questions about existing stormwater management on his property, Mr. Longe advised that there is a perimeter storm drain with collection sites that go through the state's drainage system and then flows toward the river.

The Board explained that the existing system offered no treatment, such as runoff flowing through grass to remove any carbons, before ending up in the river. The Board gave Mr. Longe a heads up about upcoming changes in stormwater management requirements which may require updates in the future. Updates may consist of removing some parking and turning it into green space to allow for stormwater treatment.

Zoning Administrator Badowski advised that the new requirements would apply to new projects first and the move to existing situations. He noted that the initial focus will be for properties located near Lake Champlain.

- i. Utilization of renewable energy resources.** The proposed project would not cause any interference with any renewable energy resources, present or future.
- j. Municipal Services Impact Evaluation.** Zoning Administrator Badowski advised that the Berlin Police Chief met with Mr. Longe to discuss the proposed project and possible impacts and concluded there would be no negative impact on that department. The Berlin Volunteer Fire and Highway Departments did not express any concerns about the project.

k. Flood Hazard Review. Mr. Longe advised that according to the maps, the property is not located in a flood hazard area.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 17-025. 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 May 16, 2017 meeting.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve the Minutes of the May 16, 2017 meeting as submitted. The question was called and the motion passed unanimously.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings.

The Board voted to go into deliberative session at 7:47 P.M. and out at 7:57 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, June 20, 2017**. The following DRB meeting is scheduled for **Wednesday, July 5, 2017**.

8. There being no further business, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin