

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

**APPROVED MINUTES**  
**Meeting of TUESDAY, June 7, 2016**

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

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

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

Others present: Monique Denault with Twin State Signs, Inc.

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. 16-021 – Malone Properties, Inc.** submitted an application for illuminated signs and awnings for *Aspen Dental*. The property is located in the Highway Commercial District at 856 U.S. Route 302, Berlin, Vermont, Parcel ID US302.042. Monique Denault with Twin State Signs, Inc. was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 06-021, received on 05/11/2016; **Exhibit #2:** Site Plans prepared by Michael F. Sullaway, PE (VT License #018.0068259) with Sullaway Engineering, San Diego, CA, for Chandler Signs, Vista, CA, dated 06/25/2015, with revisions on 07/01/2015, 03/31/2016, 04/06/2016 and 04/07/2016, consisting of: Aerial Map - Proposed Site Map, Sheet 1 of 6; Proposed West Elevation (Partial View) – DM-40 & Awnings, Sheet 2 of 6; Proposed South Elevation – DM-38 & Awnings, Sheet 3 of 6; Aspen Dental, (A) Letter Section – (A) ID# DM-40, Sheet 4 of 6; Aspen Dental, (B) Letter Section – (B) ID# DM-38, Sheet 5 of 6; and Non-Illuminated Awning Details, Sheet 6 of 6; **Exhibit #3:** Sign schematics and details for *Aspen Dental*, prepared by Sullaway Engineering, San Diego, CA, dated 04/28/2016; and **Exhibit #4:** Letter from Patrick Malone with Malone Properties authorizing Twin State Signs Inc. to submit an application re signage for a tenant.

Ms. Denault advised she is representing Chandler Signs, the fabricator for Aspen Dental. They are proposing two building signs, sign A to the west at 48.9 square feet and sign B to the south at 43.1 square feet. The proposed awnings do not have signage on them but are shown to make the Board aware of them. She advised they discussed with the Zoning Administrator shuffling the measurements of the signage for calculation purposes. The two wall signs would be illuminated by light emitting diode (LED).

The Board asked for clarification of what was and was not illuminated and for further explanation as to how the measurements were calculated.

Ms. Denault referred to the drawings on pages 1 to 6 of the plans. The awnings are referred to as letters E, D, F and G. Page 4 of 6 shows the larger scale letters which highlights the oversized letter A as the logo described as a snow peak which is white in color and would be illuminated. She

verified that proposed signs A and B (Aspen Dental) would have LED illumination. The word Aspen is blue in color with a white halo cap on the A, and the word Dental is white. Typically, the signs on the building would be illuminated during hours of operation but might be lit a bit longer.

Zoning Administrator Badowski advised that they initially measured a rectangle around the top of the A and the bottom of the P but found it included a lot of area that was not letters or part of the signage. The measurements taken are represented by the dotted line around the letters. The frontage of the building measures 51 feet and 4 inches, thus a total of 102 feet and 8 inches or 102.7 square footage of wall signage would be the maximum allowed.

Chair Wernecke explained that the sign ordinance does not define exactly what part of a sign must be included in the measurements. He noted that typically the letters making up the word(s) are blocked off for measurement purposes. Signage can be described as what brings attention to the public and may include letters, background, logos, etc. The Board has typically not allowed measurements on slopes but has squared it off to surround the letters. He noted that taking the letter D (encompassing the letters T, L and part of A) of the proposed signage at a height of 31 5/8 inches, would be a total of 56 square feet when using a block measurement. By using minimal dimensions for the proposed sign on the side of the building the measurement would be 50.7 square feet, not 43 square feet as proposed bringing the total square footage to around 106.7 square feet, exceeding the amount allowed. He reiterated that there is nothing in the ordinance that specifies this method but noted that past practice has been to block off the letters for measuring purposes.

Ms. Denault advised that they are applying for a total of 92 square feet of the 102.7 square feet allowed. The proposed signage is the registered logo or Trade Mark for Aspen Dental.

Chair Wernecke indicated that the canopy and peaks included in the proposed signage may be considered part of the sign because it calls attention to the facility. The definition covers architectural or structural additions that are part of the identification. Examples of such signs were mentioned, particularly when that portion of the sign is illuminated. He noted that background colors are also being considered.

Zoning Administrator Badowski explained that if adopted, the proposed new regulations would allow separate measurements around each letter or logo. He also noted that a letter from the property owner allowing representatives from Twin State Signs to present an application had been submitted.

The Board indicated that the property owner is the applicant and may authorize others to present an application. This application pertains to one building and one tenant thus the square footage is based on twice the linear frontage of the building facing a thoroughfare. The maximum square footage allowed for wall signage for the applicant and all tenants is 300 square feet. The Board noted that Ames Drive is not considered a thoroughfare despite the amount of traffic it receives. The signage allowed for this building is based on twice the 51.4 linear feet facing U.S. Route 302 for a maximum of 102.8 square feet.

The Board noted that the heights of other letters in the words Aspen Dental were not mentioned in the details. Members concluded that it would be best to use block measuring versus trying to measure each letter independently. The square footage would be much greater based on block measurements around the words.

Ms. Denault advised that it makes more sense to use geometric shaping to calculate measurements. She mentioned other towns that have determined if the background color is the same color as the building, it does not have to be included in the measurements. She has found geometric shaping a good tool versus trying to calculate space in between the letters. She also mentioned other towns that have accepted separate geometric measuring of letters.

The Board referred to the drawings for the awnings and acknowledged that the color scheme is a Trade Mark for the business. Because the awnings are not illuminated and have no lettering or signage, the Board concluded that they do not need to be considered from a signage perspective. The awnings do not effect setbacks thus do not really need to be considered as part of the site plan.

Ms. Denault advised that the awnings are removable and described them similar to those for Applebee's and Panera Bread. She noted that the awnings serve a purpose to provide shade for patients.

Chair Wernecke noted that the question for the Board is whether to accept the new dotted line approach or the blocked off measurement approach as it has in the past. The Board understands that the applicant is accustomed to adjusting signage to fit a town's ordinance. With respect to the proposed new regulations, the Board noted that the square footage allowances may be changed as well as how signage is measured. The regulations do not restrict the number of wall or building signs, but they must be within the maximum allowed for the size of the building.

Ms. Denault advised that other towns have used geometric shaping so she is not sure if the applicant has run into this type of issue regarding is signage.

Members were polled to determine how the measurement of the signage should be considered for this application, dotted line shown or some form of blocking. Chair Wernecke prefers block measurements and noted that based on dimensions given, the total square footage would be about 118 square feet (67 plus 51). The block measurement he used does not include the snow peak of the letter A or the bottom of the letter P. Mr. Fitzhugh agreed to utilize the block measurement style described since it is currently in effect and has been consistently relied upon in the past. Mr. Friedrich agreed that using the block style as described was best. Mr. Mispel advised that since the new regulations are not yet in effect, the Board needs to rely on the current regulations and how they have been interpreted. Chair Wernecke reiterated that his block style measurements included the height of the letter D and most of the other letters at 31 5/8 by 21 feet 2 1/2 inches for sign A, and 30 inches high for letter D and most of the other letters at 30 inches by 20 feet 3 1/4 inches for sign B; the snow peak of the letter A and the bottom of the letter P were not included.

In response to Zoning Administrator Badowski's question regarding whether the Applicant needed to return to the DRB for approval, the Board advised they would not need to return provided the proposed total signage was within 102.8 square feet. If significant changes were proposed, such as one much larger sign and one smaller sign, a revised application and DRB approval would be needed.

Ms. Denault advised that her client will likely be looking at other signs in the area that have been approved based on geometric shaping and asked the Board if it would reconsider the application if two or more examples were found. She noted that it is possible they would reapply if the regulations are amended to allow signage as proposed. She noted that if asked by her client, she wanted to have a response.

The Board advised that any proposed examples would have to be researched. There are pre-existing non-compliant signs which have been allowed to continue. The Board would reconsider its decision based on evidence of prior approval of signage on that basis.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 16-021. 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 17, 2016 meeting.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve the Minutes of the May 17, 2016 meeting as presented. 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 7:58 P.M. and out at 8:05 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 21, 2016.**

8. There being no further business, the meeting was adjourned at 8:06 P.M.

Respectfully submitted,

*Carla Preston*

Carla Preston  
Recording Secretary  
Town of Berlin