

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of March 5, 2019

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

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

Staff present: Thomas J. Badowski, Zoning Administrator and Kristi Flynn, Recording Secretary

Others present: Peter Brousseau, Bess Chamberlain, Immanuel Diamant. Meeting is being recorded by ORCA.

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

2. New Business

- A. **19-002 – FL Brousseau Stone Products, Inc.** submitted an application for a Conditional Use Review associated with a request to Import 50,000 cubic yards of fill from a VTrans project near I-89 Exit 6. The property is located at 200 Williams Road, Tax Map ID: R04-052.A00; PID 64-007.100. The Property is in the current Commercial and proposed Rural 40 Zoning Districts.

Mr. Brousseau is asking to bring in 50,000 cubic yards of fill from a VTrans project near I-89 off Exit 6. The fill will be stored on-site until it is crushed and used.

Written testimony from Mr. David Marble was received from an abutting landowner; he has requested interested party status. Mr. Marble is concerned with soil contamination.

The highway ramp will be closed northbound for the duration of the project. The only traffic will be trucks and construction equipment.

The material will be stored in the same location on the property as existing fill; most of the fill will be ledge, not topsoil. Their preference is not to accept any topsoil that may be contaminated.

Conditional Use Criteria

Truck traffic – there will be traffic coming in southbound; trucks transporting the ledge will be coming right on to Brousseau's property. Brousseau's are not offering any traffic and dust control; these should be conditions of the contract for the state subcontractor.

The Chair would like to know who would be responsible for any repairs to the town road. The ZA noted that the Road Foreman stated that Brousseau did take care of the maintenance of Williams Road since they have been there from 1996. The DRB stated that a load permit approval for the use of the town road needs to be received from the SB; this can be added as a condition to the DRB approval. The contractor can't begin moving the fill to Brousseau until that permit is granted.

Hours of Operation – Mr. Brousseau feels that this will occur Monday through Friday, though it may include Saturdays. He has not gotten a sense from the State yet. The applicant will revise his statement to request six days a week, 6am to 6pm. The State is estimating six weeks for the duration of the project.

Capacity of Facilities and Utilities – the ZA has spoken with the Fire Chief and the Road Foreman; the only concern is with traffic. The Chair noted that is in the best interest of the town to limit the distance the trucks with the fill have to travel.

Traffic – has been discussed; will be up to 100 daily truck trips for the duration of the project. Traffic will be restricted to the short stretch of road along Williams Road.

Traffic impacts – confident State will take care of traffic control issues.

Character of the area – the quarry has been in business since 1996 and the storage is all on-site out of the public view.

Natural Resource Protection – no natural resources will be adversely impacted. The applicants will not be receiving topsoil or other overburdened material.

Energy Conservation – will not reduce solar access on adjacent properties. Short truck trips are always better than longer trips.

Figure 4.04 – the Chair feels that having this table in administrative processes section is redundant and sometimes contradictory with the actual criteria in the section. The DRB agrees to use the criteria in the conditional use section of the regulations.

Motion: I move to close the hearing of Application #19-002, made by Mr. Friedrich, second by Ms. Nuissl; motion passed unanimously.

- B. **19-003 – Immanuel Diamant** submitted an application for a Conditional Use Review associated with a request to develop a Primitive Camp. The property is located at 793

Bartlett Road, PID 16-006.100 Lot 2. The Property is in the current Rural Residential and proposed Rural 40 Zoning Districts.

Mr. Diamant would like to create a single-family residence, with a Primitive Camp as a first step. There is already electricity on the parcel. He plans to work on the septic system and a well in the short-term. The land has been untouched for a long period of time and he would like to blend his residence in with the character of the neighborhood. He would like to live there as he works on the house and the property.

The ZA noted that in the new regulations, camps are not listed as a use in the Rural 40 district. The Chair feels that this is a temporary single family dwelling. The initial house will be a 500 square foot residence, with some additions over time. There was discussion regarding living on the site for 90 days in any calendar year. There is a composting toilet on the property; the well should be installed this summer.

The applicant plans to have a livable residence by the end of summer 2019. There is a cabin on the property currently, which includes a foundation. The DRB can decide how long he can live there without a septic and water system and can approve uses that are similar to other permitted uses and that are not detrimental to adjacent properties.

Conditional Use Criteria

- Capacity of facilities and utilities – Chief Wolf, Fire Chief and road Forman do not have an issue with this use.
- Traffic – not applicable
- Mitigation – not required
- Character of the area – area is residential; this use is appropriate
- Natural resources - much of the property is wetland but there do not seem to be many restrictions in the area he is planning to build; no rare and endangered species or floodplain issues
- Conformance with regulations – appropriate per the DRB

Motion: I move to close the hearing of Application #19-003, made by Mr. Friedrich, seconded by Ms. Nussli; motion passed unanimously.

- C. **19-004 – Bess Chamberlain** submitted an application for a Conditional Use Review associated with a request to develop a Doggie Day Care/Kennel. The property is located at 4096 VT Route 12, TID R09-016.000; PID VT12-044. The Property is in the current Rural Residential and proposed Rural 40 Zoning Districts.

Ms. Chamberlain is requesting a day care and kennel for dogs. There will be a fenced in dog run area at the back of the house. The kennel dogs will be kept inside the house overnight; there is no proposed additional structure besides the fence. The applicant is requesting two additional parking spaces; VTrans is requiring the driveway entrance to be widened. The fence enclosure will be 30' by 40'. The applicant is planning some screening on the north side; the river abuts the south side.

The ZA noted that the abutting landowners have been notified and no comments were received from those landowners.

Fencing will be made of wire. As a business, Ms. Chamberlain will receive proof of registration and shots for each dog she accepts.

Conditional Use Criteria

- Capacity of facilities and utilities – Police Chief and VTrans don't have an issue, Fire Chief is concerned with traffic and access; widened driveway entrance should help
- Traffic – maximum of ten dogs, not an appreciable increase in traffic
- Character of the area – not a problem
- Natural resources – dog run is not in the floodplain
- Energy conservation – no issue, will not reduce solar access to adjacent properties
- Landscaping – will include addition of shrubs and trees
- Hours of operation – the applicant will change the hours to 24 hours to include dogs she keeps overnight

Motion: I move to close the hearing of Application #19-004, made by Mr. Friedrich, second by Mr. Mispel; motion passed unanimously

3. A. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the February 5, 2019 meeting.

Motion was made by Mr. Friedrich, seconded by Mr. Mispel, to approve the minutes of February 5, 2019 as amended; motion passed unanimously.

Amendments: clarified the level of service at the Route 62 intersection; noted the hydrant in front of Walmart; clarified the site plan's stormwater and erosion control criteria

B. Reorganization meeting

Motion was made to nominate Mr. Wernecke as Chair, made by Mr. Friedrich, second by Ms. Nuissl; motion passed unanimously

Motion was made to nominate Ms. Nuissl as Vice Chair, made by Mr. Friedrich, second by Mr. Mispel; motion passed unanimously

Motion was made to go into deliberative session by Ms. Nuissl, seconded Mr. Friedrich. The DRB entered deliberative session at 8:27pm; DRB exited at 8:55pm.

- 4. Motion was made to adjourn by Mr. Friedrich, seconded by Mr. Mispel; meeting was adjourned at 8:56pm.**

Respectfully submitted by Kristi Flynn, Recording Secretary