

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

**APPROVED MINUTES**  
**Meeting of TUESDAY, March 17, 2015**

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

Members present: Robert J. Wernecke, Chair; Harvey Golubock and John Friedrich.  
Absent: Henry A. LaGue, Jr. and Karla Nuisel, Vice-Chair.

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

Others present: John Floyd with Design Signs, Inc.

2. New business

**A. 15-009 – Superior Development Ltd. Co.** submitted an application for changes in signage involving the University of Vermont Health Network. The property is located at 244 Granger Road, Berlin, Vermont, in the Light Industrial Zoning District. John Floyd, owner of Design 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, received on 02/23/2015; **Exhibit #2:** Site Plan showing access, parking, structures and locations of signs to be changed; **Exhibit #3:** Sign details showing existing and proposed signage for a non-illuminated wall sign, W-01: The University of Vermont Health Network – Central Vermont Medical Center – Occupational Medicine & Rehabilitation Therapy, dated 02/11/2015; **Exhibit #4:** Sign details showing existing and proposed signage for an internally illuminated freestanding sign, F-02: The University of Vermont Health Network – Central Vermont Medical Center – Berlin Health Center, dated 02/11/2015; **Exhibit #5:** Sign details showing existing and proposed signage for a non-illuminated post and panel sign, D-03: Occupational Medicine & Rehabilitation Therapy; Orthopedics; Aquatic Therapy; Family Medicine; Pediatric Primary Care, dated 02/11/2015; **Exhibit #6:** Letter dated 02/02/2014 from Randy LaGue of Superior Development authorizing Fletcher Allen Partners to perform associated work with sign conversion (Icon Identity Solutions); **Exhibit #7:** Description of proposed signs dated 02/24/2015 from Design Signs, Inc. (John Floyd); and **Exhibit #8:** Photos of similar signs taken at another facility (Fanny Allen Campus) showing the illumination in the daytime and at night.

John Floyd advised that he was hired by Icon Identity Solutions to replace signs at the Berlin Health Center which is affiliated with the University of Vermont Health Network. The new signs read as follows: F-02 – The University of Vermont Health Network – Central Vermont Medical Center – Berlin Health Center, 244 & 246 Granger Rd; D-03 – Occupational Medicine & Rehabilitation Therapy, Orthopedics, Aquatic Therapy, Family Medicine, Pediatric Primary Care *with directional arrows*, and the wall sign W-01 – The University of Vermont Health Network – Central Vermont Medical Center – Occupational Medicine & Rehabilitation Therapy. Mr. Floyd advised that the existing 25 square foot sign (F-02), which was illuminated with flood lights, would be replaced with a smaller 17 square foot sign that would be internally illuminated. He advised that the directional sign (D-03) would be slightly bigger at 17 square feet versus the existing 16 square foot sign. The existing 5 square foot wall sign over the door (W-01) would be replaced with an 18 square foot sign to identify the name of the facility. Mr. Floyd presented photos of the Fanny Allen Campus to demonstrate how the sign will look at night when it is illuminated. He explained that the letters are illuminated with a light wash that flows around the base of the sign.

Chair Wernecke pointed out that the zoning regulations only allow one freestanding sign and that directional signs must not exceed two square feet. He noted that the Applicant wishes to replace pre-existing signs which brought into question prior permits for the existing signs. He advised that this is a relatively new facility thus would have been subject to signage permits. He noted that the second freestanding sign (D-03) is greater than two square feet but acknowledged that it is an existing sign. He noted that the Board has approved replacement of non-compliant existing signs in the past provided the signs in question pre-existed zoning regulations or had been in existence for years without raising concerns about the violation. The Berlin Planning Commission is aware of the issue.

The Board also questioned the distance between the illuminated freestanding sign and the road mentioning the distances freestanding signs must be from property lines or highway rights of way. After further discussion, the Board was satisfied that the freestanding sign would not be located with the highway right of way, particularly since it would be placed about 4 feet further back from the road. The freestanding sign is located off Granger Road which is not a state highway.

Mr. Floyd advised that he did not know whether the signs were previously permitted. He explained that he did not know how far from the road the freestanding sign was located because Icon Identity Solutions took the measurements. He would guess that it is at least 15 feet from the edge of the road.

The Board advised that it needed to know whether the signs were previously permitted. The directional sign, D-03 is at issue since it appears as a second freestanding sign and is much larger than the square footage allowed for directional signs.

The Board reviewed the application for changes in signage on merit, noting that the illuminated freestanding sign proposed at 17 square feet is much less than the 64 square feet allowed. The proposed building or wall sign at 18 square feet is much less than the 120 square feet allowed based on the frontage of the building. The other freestanding sign serving as a directional sign is very similar in size to the existing sign. The Board advised that the proposed new signs are very similar in size to the existing signs, thus if the existing signs were permitted, the application would likely be approved. The Board advised that it wanted to hold hearing open long enough to check on the permits. The regulations have not changed since the building was built.

The Board asked Mr. Floyd to address the other criteria concerning signs with respect to the source of light, whether glaring, and so forth. The Board noted that there would be no issue with the traveled portion of the highway and believe that the location of the freestanding sign meets that requirement.

Mr. Floyd advised that the illumination would consist of light emitting diode (LED), would have no moving parts or be flashing, and would not cause any glaring. All illumination is indirect lighting and only illuminates the surface.

Chair Wernecke made a motion, seconded by Mr. Friedrich, to recess Application 15-009 until April 7, 2015 to allow the Board an opportunity to view the existing sign permits for this property. The Board explained that if the signs were not permitted the matter would need further review to determine how it happened or whether the property owner was asked at any time to correct the problem. The Board cannot issue a variance and avoid the requirements. If the signs were approved it may have been considered by using the total square footage which is less than what

would be allowed based on the formulas used. The Board needs a premise on which to approve the application. The Zoning Administrator will notify Mr. Floyd if he needs to return to the Board which is dependant upon whether the signs were preapproved. 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 March 3, 2015 meeting. The third paragraph on page 3 was amended to clarify signage: In response to the Board's concerns about directional signage, Mr. Powers agreed that a sign near S22 on the east side of the building needed to be added to restrict the general public or customers from entering the rear of the building to avoid delivery vehicles. Mr. Powers advised that a sign would be added to read "Service Deliveries/Employees Only," similar to that of sign #36 which was discussed at the last hearing.

Mr. Friedrich made a motion, seconded by Mr. Golubock, to approve the Minutes of the March 3, 2015 meeting as corrected. The question was called and the motion passed unanimously.

4. Pubic Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings. The Board did not go into deliberative session.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, April 7, 2015.**

8. There being no further business, the meeting was adjourned at 7:35 P.M.

Respectfully submitted,

*Carla Preston*

Carla Preston  
Recording Secretary  
Town of Berlin