

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

**APPROVED MINUTES
Meeting of TUESDAY, May 1, 2018**

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

Members present: Robert J. Wernecke, Chair; Karla Nuisl, Vice-Chair; John Friedrich; Josh Fitzhugh; and Shane Mispel.

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

Others present: John Kerin, Jim Fecteau, Bernie Chenette, Gene Kreis, Carolyn Kreis, Fred Satink, Susan Gretkowski and Guy Page.

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. Old business

A. 18-009 – John Roberti (Vermont Flying Service, Inc.) and the State of Vermont submitted an application for a newly illuminated sign (*Shell Aviation*) of approximately 25.5 square feet. The property is located at 2137 Airport Road, Berlin, Vermont, in the Light Industrial () District; Parcel ID: SA4-040. John Kerin with Kerin's Signs was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #5:** Letter dated 04/24/2018 from the Vermont Agency of Transportation, Policy, Planning & Intermodal Development Division, signed by Rollin S. Tebbetts, Statewide Aviation Operations & Maintenance Manager, authorizing the proposed wall sign (*Shell Aviation*) to be placed on the building owned by Vermont Flying Service Inc.

This matter was continued from April 17, 2018 meeting pending authorization from the property owner, State of Vermont for the Edward F. Knapp State Airport. Since the state owns the airport property it must be a co-applicant in this matter.

Mr. Kerin advised he submitted a letter from the state authorizing the sign to be placed on the building owned by Vermont Flying Service Inc. Mr. Roberti with Vermont Flying Service Inc. owns the building and controls the fuel (*Shell Aviation*) on the lower side of the terminal. As an authorized seller of Shell aviation fuels, branding on the building is required. They are proposing a single sided 25.5 square foot illuminated (LED) sign (Shell logo and Aviation) on building. The portion of the building facing the road measures 50 feet thus the proposed sign is well within the maximum size allowed (two square feet for each one linear foot or 100 square feet).

Based on documents presented and testimony heard, Mr. Mispel made a motion, seconded by Mr. Fitzhugh, to close the hearing with respect to Application 18-009. The question was called and the motion passed unanimously.

3. New business

A. 18-012 – Fecteau Residential, Inc. submitted an application for a Concept Plan Review of a proposed amendment to an existing site plan involving reconfiguration of Phase V and Phase VII. The property is located on Mansfield Lane, Berlin, Vermont, in the Highway Commercial (HC) and Rural Residential (R-40) Zoning Districts; Parcel ID: 27-037. Jim Fecteau, owner and Bernie Chenette, P.E. were sworn in to give testimony on this matter. In addition, Gene Kreis, Carolyn Kreis, Fred Satink, Susan Gretkowski and Guy Page, abutters who are residents of existing units were also sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 18-012, received on 04/19/2018; **Exhibit #2:** Site Plan re Heney Partners, Ltd, prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 03/10/2004 with revisions on 03/07/2007 and on 11/06/2007; **Exhibit #3:** Site Plan re Fecteau Residential, prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 04/04/2018; and **Exhibit #4:** Letter dated 04/05/2018 from Kris Jurentkuff, Project Manager, with Chase & Chase Surveyors & Septic Designers Inc. describing the proposal.

Chair Wernecke disclosed that he was involved in the original design of this project years ago (1980s) but has no affiliation with the current owners of the project. No one expressed any objections to Mr. Wernecke serving on the hearing panel.

The Board explained that concept plan review of proposed changes to an existing site plan is to consider the feasibility of the changes without all of the required engineering and site details. If the Applicant pursues the project, the matter would be re-warned at a future date and abutters and other interested persons would be notified.

Bernie Chenette advised that Fecteau Residential Inc. purchased the remaining undeveloped portions of the Mansfield Lane project from Heney Partners, Ltd. He pointed out the areas already developed on the rendering and described the changes over time. There were 24 units in the original project, 12 of which have been developed. This discussion represents the final 12 units to be built. He advised they want to reconfigure Phase V and Phase VII of the approved project by changing the footprint making one level living that is compliant with the Americans with Disabilities Act (ADA). The two issues of concern are 1) a third access to the project from Partridge Road, and 2) setback requirements including a buffer to the wetland area. The lower units are accessed from Mansfield Lane, the third access is needed for the upper level. Side setbacks are also at issue and dependent upon how the side yard is determined. He referred to the letter from Kris Jurentkuff, Project Manager which explained the issues in further detail.

Jim Fecteau advised that the proposed changes are based on marketing strategies in that people prefer one level living, particularly as they age. As designed, the remaining units could not be ADA compliant due to the slopes. If the units were built based on the previously approved plan they would be worth less. He acknowledged that the setback to the Class III wetland is tight with a 50-foot buffer. He noted that they may also propose changes to Phase VI with living space on one floor versus multiple levels, two-car garage at the basement level, with stairs to living space above on two levels. He confirmed that changes to Phase VI are not shown as part of this project for concept since it was discussed after these plans were submitted. They may come back with a redesign for Phase VI as well.

Mr. Fecteau advised that the units would have access from two levels, entrance to the garage underneath from Mansfield Lane, as well as access to the living space from the proposed new upper drive. The units would have the same quality of construction and same finishes. Access would be available from both levels depending upon which floor met peoples' needs. He advised that Mansfield Lane is a private road which is maintained by the association. The proposed new upper drive would also be a private road that is maintained by the association.

The Board indicated that the regulations address front yard setback requirements when two roads are involved. The Board acknowledged that classifications for wetlands were updated in 2009 and may impact how the wetland at issue had been classified.

The Board invited comments from the audience again noting that concept review was essentially a "weather" report for the applicant regarding the feasibility of their proposal. Abutters and interested parties would be notified when the application was resubmitted with further details.

Susan Gretkowski advised she resides in Unit #47 and asked for further clarification about the proposed design changes.

Mr. Fecteau mentioned the market and what people are looking for with respect to housing. The units to be built would not be identical to the one in which Ms. Gretowski resides but would be similar. He explained that the units would be reconfigured so that there is one floor of living space over the two-car garage with access at both levels.

Guy Page advised he resides in Unit #65 off Mansfield Lane. He asked about the construction of the units, modular or stick built.

Mr. Fecteau advised that due to the difficulties in finding qualified carpenters, it is possible that about 75 percent of the units would be modular. He offered copies of building specifications when available.

The Board noted that specific details were not necessary for concept plan review. Parties will have an opportunity to review the plans and specifications in detail should the applicant proceed.

Gene Kreis advised they reside in Unit #22. He asked for additional information about elevations, and whether those units would have decks or porches.

Mr. Fecteau advised he did not know the details about decks or porches at this time. There may be some differences in style.

Fred Satink advised he resides in Unit #28. Based on the proposed changes including Phase VI, the units would not match thus changing the character of the area. The proposal also changes how the units are accessed which in turn changes the traffic pattern.

Members of the Board asked questions about having a garage at the upper level, traffic issues, sight distances, and driveway connections and locations. Other possibilities were mentioned for discussion purposes.

Mr. Fecteau advised that there is a demand for two-car garages and noted that there is not enough space (3200 square feet) to have a garage at the first-floor level. People may enter from the

garage at the lower level and walk up the stairs or enter from the upper level to the living space. It would really depend upon the person's needs. He noted that the stairs are straight, thus a lift could be installed from the garage level to the upper level if desired. The garage space is part of the unit, how or whether it is utilized, is up to the owner. According to the market, as people age, they want one level living with an attached garage.

Mr. Chenette believed that sight distance was good to the east. In response to questions about elevations, he presented a rendering showing elevations. The units that are built have a walk-out basement and drives on the upper side. He noted that parking for the units is in the two-car garage and utilizing the space behind the garage doors. There is also space for overflow parking.

Mr. Chenette advised that the road on the left is well traveled serving 20 plus houses which is around 50 cars a day. He noted they would be looking at the traffic patterns and may need to change orientation. They feel that parking is sufficient.

Mr. Kreis (Unit #22) noted that the street is narrow and expressed concerns about backing out of his garage in to the street with increased traffic. The building is close to the street.

Mr. Fecteau measured the distance at about 10 feet noting that that building is closer to the street than other buildings.

Linda Foti advised she resides in Unit #26. She advised that when unit owners met with Viateur (Vic) Fecteau residents asked about appearance and construction of the units. They were told construction would be the same, stick built, and then they were advised by Jim Fecteau the units would be modular.

Mr. Fecteau indicated that they hoped to stick build the units which was the original plan but had to do what was necessary to have a better opportunity to sell the units. He elaborated further about market research, design and size of units in demand.

The Board advised that the zoning regulations are applicable for concept plan review which in this case pertains to setbacks. The front yard setback must be a minimum of 50 feet. The buffer with respect to the wetland area must also be considered. The Board noted that the proposed new regulations might reduce setbacks depending upon this district in which located.

Mr. Chenette indicated that the front yard measures 47 feet but there is room to move another three feet to meet the front yard setback.

The Board noted that data regarding spacing of the two drives, sight distance, and traffic data for the average daily trips are necessary. If the results are acceptable from a safety point of view and comply with the regulations, it is likely to be acceptable by the Board.

Based on documents presented and testimony heard, Mr. Friedrich made a motion, seconded by Mr. Fitzhugh, to close the hearing with respect to Application 18-012. Mr. Fecteau agreed to make their application and revised plans available to interested persons when they are ready to move forward. The question was called and the motion passed unanimously.

4. Review and approval of the Minutes.

The Chair called for approval of the Minutes of the April 17, 2018 meeting.

Mr. Friedrich made a motion, seconded by Ms. Nuisl, to approve the Minutes of the April 17, 2018 meeting as submitted. The question was called and the motion passed unanimously.

5. Public Comment

Persons present participated in the meeting as noted above.

6. Other Business

7. Status of Findings.

The Board voted to go into deliberative session at 7:58 P.M. and out at 8:00 P.M. to discuss the status of Findings. The Board's decision with regard to (closed) adjourned applications will be reported in its Findings.

8. The next meeting of the Development Review Board is scheduled for **Tuesday, May 15, 2018.**

9. There being no further business, the meeting was adjourned at 8:01 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin