

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont
UNAPPROVED MINUTES
Meeting of TUESDAY, May 17, 2016

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: Randall LaGue, Chris Austin, Brian Grearson and Abigail Shatney.

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. Mr. Grearson and Ms. Shatney requested and were granted party status.

2. New business

A. 16-016 – Maplewood Limited of Montpelier submitted an application for illuminated signs. The property is located in the Commercial District at 159 Paine Turnpike North, Berlin, Vermont, Parcel ID SA1-047.500. Randall LaGue, owner and Chris Austin with Grenier Engineering, PC were sworn in to give testimony on this matter. In addition, abutters Abigail Shatney and Brian Grearson were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 06-016, received on 04/27/2016; **Exhibit #2:** Site Plan prepared by Grenier Engineering, PC, dated 08/04/2014, with revisions on 08/25/2014, 10/15/2014, 11/07/2014, 01/08/2015, 01/23/2015, 04/17/2015, and on 02/04/2016; **Exhibit #3:** Sign designs and details for Irving Oil Ltd., prepared by Pro Sign Company, Downingtown, PA, dated 04/11/2016; **Exhibit #4:** Letter dated 4/21/2016 from Grenier Engineering, PC describing the proposed illuminated signage; **Exhibit #5:** Sketch showing additional sign for *Maplewood* on the building; and **Exhibit #6:** Sketch showing etched granite sign and Vermont shaped logo for *Vermont Travelers Service Center* in or near the retaining wall.

Mr. LaGue advised they are proposing five signs consisting of one illuminated ground or freestanding sign, an etched granite sign in or near the retaining wall, gas canopy sign and two signs on the canopy for diesel. The free standing sign would have the logo of the business, *Irving* and pricing and is located at the north entrance. He advised that traffic enters at the north entrance and then circulates around the site. He referred to the sign details and plans showing the locations of the proposed signs.

Mr. Austin advised that the freestanding sign is 12 feet from the edge of the Right of Way for Paine Turnpike. He pointed out the location of that sign on large scale plans. The viewable surface of the freestanding sign is 61.65 square feet which is less than the 64 square feet allowed in this district. The sign is 20 feet high, less than the maximum of 25 feet. The sign would be illuminated from within with no blinking lights. The Maplewood logo (Maple Leaf) will be above the pricing on the pendant shaped portion of the sign. The proposed sign was measured to include the portion in blue and letters for *Irving*, but not the posts.

Mr. Austin advised that the second proposed sign, *Vermont Travelers Service Center* with Vermont shaped logo, would be etched granite located in the retaining wall facing the main entrance. The size of the etched granite sign would be 32 square feet.

Mr. Austin advised that the third 30 square foot sign is for the gas canopy, which is a larger single layout. The corporate name *Irving* and red pin striping are both illuminated, not the blue portion. Mr. LaGue added that this is very similar to what they have at the current location. Vehicles approach the gas pumps from the north.

In response to Zoning Administrator Badowski's question concerning whether the red strip was included in the measurement, Mr. Austin advised it was not included. The red strip is part of the canopy and not really part of the sign.

Mr. LaGue advised the red strip is a trim detail and confirmed it is their position that the red strip is not part of the sign. He advised it is very small and does not project light; it is more of a trim detail. He noted that the red LED band is part of Irving's sign package. He advised is the same as their current location and believes it to be the same at the Barre location. They did not wish to place signage on the east, west or south toward the residential area. Advertising faces away from the residential area.

Mr. Austin advised that signs four and five are on the diesel canopy which would not be illuminated and has no red striping. A sign stating *Irving 24* with truck insignia (44 sf) is located on one corner and a sign stating *Diesel* (20 sf) would be located on the north side of the canopy. These signs would be the same as what is existing.

Mr. Austin advised that they considered the canopy signs as wall mounted signs. Section 3.13 of the regulations allows for 300 square feet based on the frontage of the building. The building is 150 feet thus twice the linear distance would allow 300 square feet of signage. They are proposing 94 square feet of wall signage consisting of *Irving* for gas (30sf), *Irving 24* (44sf), and *Diesel* (20sf).

The Board asked how the applicants were presenting the *Vermont Travelers Service Center* sign. The regulations do not permit two freestanding signs. The proposed sign is not located on the wall or foundation of the building but within the retaining wall.

The Applicants advised they would like the granite sign considered as a wall sign since it would still be within the allowable square footage (total of 126 square feet). The sign is not on the wall of the building but is on a retaining wall.

The Applicants mentioned a proposed sixth sign *Maplewood* mounted to the building over the entrance and not illuminated. They advised they are not including this sign as part of their sign package at this time but wanted the Board to be aware of it. The sign would be around 60 square feet, 20 feet long by three feet wide, but they do not yet have specific details. Their plan is to submit another application for the Zoning Administrator's approval since the proposed wall sign would not be illuminated.

The Board advised that the square footage allowed is for total signage whether or not it is illuminated.

Zoning Administrator Badowski cited the regulation that allowed for his approval. He again mentioned the red border or strip and asked whether it should be considered as part of the signage.

Mr. Austin calculated the square footage of the red pin stripe based on the assumption that the strip was about three inches wide and 175 feet long for a total of 43.75 square feet. The square footage of the proposed signage would still be within the maximum allowed.

The Applicants indicated that there would be directional signage on site as well. The directional signs would be two square feet or less and not illuminated and consist of Entrance, Exit, No Parking, and separate signs for cars and trucks. In response to the Board's request, the Applicants agreed to submit a revised drawing showing the locations of the directional signs mentioned.

Brian Grearson, abutter/neighbor advised he had no specific questions but did request more information about the *Vermont Travelers Service Center* sign.

The Applicants explained that the sign would not be on the building but would be on the retaining wall needed for the elevation to match the grade. The retaining wall has a decorative component but also serves a purpose. The words *Vermont Travelers Service Center* would be etched into one of the blocks that make up the wall. At the closest point the building is about eight feet to the retaining wall.

The Board confirmed it was considering the application for five signs. The sixth sign for *Maplewood* will be submitted at a later date. The Board asked the purpose of the red trim in the canopy.

Mr. LaGue advised the red trim is decorative and does not project a lot of light. The canopy is very well illuminated. He noted that all Irving signs have the red band and that it is in existence at both of their locations, Berlin and South Barre. The Applicants explained that the sign company provided the sign details for Irving and noted that the measurements may have been taken differently. Mr. LaGue advised that the entire blue area on the freestanding sign would be illuminated.

The Board noted that although the proposed freestanding sign could be measured in a way to reduce the proposed 62 square feet, it is within the square footage allowed. The Board advised that it must determine how to consider the proposed *Vermont Travelers Service Center* sign since only one freestanding sign is permitted and it is not on the wall of the building. The Board referred to the definition of freestanding sign and noted that it must consider applications based on the regulations in effect at the time of the application.

The Applicants confirmed that the *Vermont Travelers Service Center* sign would be 4 feet by 8 feet for a total of 32 square feet. They are hoping it can be considered as a wall sign even though it would be on the retaining wall. Mr. LaGue indicated that the sign would look nice as part of the wall and that they are trying to keep signage to the north side so there is less impact on the south side by the residential area. They have no intention of proposing it as a freestanding sign. They are not saying that the retaining wall is part of the building and noted that the canopy is not really part of the building either but signage on the canopy is considered as building or wall signs.

In response to the Board's question about the relationship between the Vermont Travelers and the State of Vermont, the Applicants advised that they will get signage on Interstate 89 and will be the only 24-hour rest area off the highway. That explanation raised questions as to whether that sign would fall under the exemption.

Mr. Grearson asked the Applicants if the new building would have shower facilities. It was his understanding that there would be no shower facilities which was discussed under the ACT 250 application.

Mr. LaGue advised that the building would have a family shower facility available. He advised there would be no long term parking at the site.

Ms. Shatney advised that it was her understanding there would be no shower facilities. The intent was to avoid the truck stop operation.

The Board advised that any issues concerning shower facilities were not part of this signage application and directed the group back to the proposed signage. The Board noted that it has discussed illuminated backdrops as part of a sign and how or whether to consider it. Examples of illuminated background signs were mentioned.

Mr. LaGue offered to go measure the width of the LED red pin stripe. Mr. Austin asked if there was no branding on the canopy would it be considered part of the sign. It is part of the whole lighting scheme but does not give off much light.

The Board advised that since branding calls attention to the public it is considered under the definition of signage. If the red pin stripe was considered part of the sign it would not exceed the square footage allowed.

Mr. LaGue advised that they want to open on September 1st with a soft opening in August. The entire store would be open 24/7.

The Board reiterated that it is not acting on the *Maplewood* sign on the building. A new application will be submitted to the Zoning Administrator for approval. The Board requested that the location of all directional signs be shown on the site plan.

Based on documents presented and testimony heard, Ms. Nuisl made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 16-016. 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 April 19, 2016 meeting.

Chair Wernecke made a motion, seconded by Ms. Nuisl, to approve the Minutes of the April 19, 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

A. Election of Officers.

Ms. NuiSSL nominated Mr. Wernecke as Chair, seconded by Mr. Friedrich. Motion passed.
Mr. Friedrich nominated Ms. NuiSSL as Vice Chair, seconded by Mr. Fitzhugh, Motion passed.

B. On-the-Record discussion. Chair Wernecke asked the Board to consider whether the DRB should be on the record. He referred to an article in the Vermont League of Cities and Towns and noted that the VLCT advocates for it. The pros and cons about this procedure were discussed and how it might impact the parties, including the Town of Berlin. Over the past five years there were only three decisions appealed to Environmental Court. In the end, the Board concluded that it was not ready to change procedures but might consider it for some types of applications (i.e., conditional use), in the future.

C. Upcoming VLCT conference. Some members may attend this conference for presentations of interest which will be held on June 15th.

D. After the hearing regarding 16-016 had closed, Mr. LaGue returned to verify that the red stripe was one inch wide. He will be advised he may request an administrative amendment to reduce the square footage of the red stripe on the canopy since the Board must consider it three inches wide as mentioned during the hearing.

6. Status of Findings.

The Board voted to go into deliberative session at 8:22 P.M. and out at 8:39 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 7, 2016.**

8. There being no further business, the meeting was adjourned at 8:41 P.M.

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin