

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, May 5, 2015

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

Members present: Robert J. Wernecke, Chair; Karla Nuisl, Vice-Chair; John Friedrich; Henry A. LaGue, Jr. re 15-022; and Paul Irons, Alternate.

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

Others present: Henry A. LaGue, Jr. (re 15-021), Michael Lajeunesse, Brenda Gagnon, and Paul Simon.

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.

2. New business

A. 15-021 – LaGue, Inc. submitted an application to construct a new 50 foot by 100 foot (5,000 square feet) commercial building requiring Conditional Use Review. The property is located on Industrial Lane, Berlin, Vermont, in the Light Industrial Zoning District. Henry A. LaGue, Jr. with LaGue, Inc., Michael Lajeunesse with Lajeunesse Construction, Inc. and Brenda Gagnon with Central Vermont Addiction Medicine (CVAM) were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 15-021, dated 04/15/2015; **Exhibit #2:** Architectural Plans showing building elevations and layout, A-1, prepared by Allen Lumber Co., dated 02/24/2015; **Exhibit #3:** Site Plans, Cover Sheet, C0.01; Legend and General Notes, C0.02; Existing Conditions Plan, C1.01; Site Plan, C1.02; and Construction Details, C5.01, prepared by DeWolfe Engineering Associates Incorporated, dated 04/28/2015; **Exhibit #4:** Landscape Plan, L1, prepared by DeWolfe Engineering Associates Incorporated, dated 04/28/2015; **Exhibit #5:** Updated set of plans which added, Proposed First Floor Plan and Proposed First Floor Plan – Detail Plan, prepared by Harvey Hacker Architects, San Francisco, CA, dated 04/24/2015; **Exhibit #6:** Site Plan, C1.02, prepared by DeWolfe Engineering Associates Incorporated, dated 04/28/2015 and revised on 05/01/2015 (added drive culvert, revised utilities); **Exhibit #7:** Construction Details, C5.01, prepared by DeWolfe Engineering Associates Incorporated, dated 04/28/2015 and revised on 05/05/2015 (added flared end section); **Exhibit #8:** Narrative describing the proposed project and addressing the review criteria dated 04/29/2015; and **Exhibit #9:** List of Abutters.

Overview: Michael Lajeunesee from Lajeunesse Construction Inc. referred to the narrative from John Svagzdys, PE with DeWolfe Engineering Associates Incorporated. The property is not currently developed. They propose to construct a 5,288 square foot commercial building for medical services or offices. He advised that Central Vermont Addiction Medicine (C.V.A.M.) currently occupies property located on Granger Road across from Carroll Concrete and wishes to relocate to this larger site. He noted that due to the nature of the services there would be no signage, just a number on the building. He advised that employees would park in the front of the building and patients would park at the back of the building. They believe that parking is adequate for employees and patients. He introduced Brenda Gagnon who is the Clinical Director of the program.

Ms. Gagnon described the purpose of the program which deals with treatments for drug addiction (Methadone and Suboxone). She advised that the facility operates seven days a week with dosing hours for patients from 5:30 AM to 11:30 AM during the week, 6:00 AM to 11:00 AM on Saturday and 6:00 AM to 10:00 AM on Sunday. They have a strict dose and go policy. Some patients are also required to attend counseling which will also be offered at the facility. The hours of operation for administrative functions and counseling services is slightly different ranging from 5:30 AM to not later than 4:00 PM. She noted that the services provided are meant to be discrete. She advised that in her 1.5 years working at this facility there have been only a few instances requiring the police, one of which involved domestic violence of which they are a mandatory reporter. She advised that they have a good relationship with the Berlin Police Department. A police report was presented for review. She advised that the organization also employs two security guards who are on the premises. She noted that they just hired a medical doctor to oversee the process. Patients are required to sign in at the business office, are added to the queue, and then notified when to see someone. Ms. Gagnon advised that in the future they may also offer trainings at this facility.

Mr. Lajeunesse noted that Dewolfe Engineering Associates prepared the engineering and Harvey Hackle Architects from California took care of the building design. He referred to those plans and noted that the building is set up to have the patient enter one door and exit through another door.

In response to Board comments concerning which direction certain aspects of the building were facing, Mr. Lajeunesse agreed that the plans were incorrect. The back of the building is facing west. He noted that the plans were drawn up in California which likely contributed to the error.

The Board advised that the application should have been warned as Conditional Use Review because the proposed use is neither permitted nor conditional in this district. It was unclear whether the tenant or property owner sought permitting for the current location even though it is located within the same district, thus could not use the argument that it had been previously approved in this district.

The applicants addressed Conditional Use Review Criteria.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. Mr. Lajeunesse advised that access is as shown on the plans, a single paved drive onto Industrial Lane. Staff will park in the front of the building and patients will park in the rear. There will be concrete sidewalks about the perimeter of the building. The traffic circulation design allows for slower pace traffic on site.

The Board asked the applicants to address potential traffic impact. The Board also wanted further discussion concerning the location of the access point in relation to the access point for Calmont Beverage Co. Inc. Currently the driveways are offset versus directly aligned across from each other which could result in conflicts.

Ms. Gagnon advised that they see around 250 patients per day many of whom utilize public transportation bringing 15 to 20 people in at the same time. She advised that they have 100 people on a waiting list which can be attributed to insufficient staffing (counselors/clinicians). She explained that all new patients must see the physician first and noted that the prior physician only worked part-time. They recently hired their eighth clinician and now have a full time physician. Ms. Gagnon believes they will be able to take care of any anticipated growth which will level off after a while. She believes that the number of patients will stay around 450 to 470 but not all of them would come in daily. Once the wait list is taken care of they could see up to 300 patients daily.

She reiterated that many of their clientele utilize public transportation or ride sharing. The bus arrives every hour on the hour. There is only one bus there at a time. They are currently servicing that many patients at the Granger Road location. Based on the hours of operation traffic to the facility should not interfere with traffic generated from Blue Cross and Blue Shield and other businesses in that area.

The Board noted that a designated place for bus parking is not shown on the plans. The commuter bus would take up at least two parking spaces and may not fit due to the length of the bus. The professional engineer's calculation for required parking was based on the regulations with respect to proposed use and size of the building.

Mr. LaGue pointed out the logical place for a bus turnaround and parking area. There is additional space to the north and west. The facility has adequate parking at its current location which is smaller than this site. Their engineer asserts that there would be no significant impact on traffic. Supervised parking is mandatory for this type of operation.

The Board asked the Applicants to clarify on the plans where the commuter bus would enter, turn around and park.

The Applicants agreed that the two access points are close and that it would be better if they were aligned directly across from each other. Mr. LaGue noted that truck traffic would be at different times. He also noted that they were trying to avoid interfering with the signals from Comcast's antennas and satellite dishes. It was determined that the drives were about 120 feet apart. Mr. LaGue agreed that it would be better to locate the driveways directly across from each other for better alignment and will consider it. It was noted that the whole facility could be relocated if necessary.

The Board referred to the State of Vermont standards for driveways, B71 which requires a 40 foot minimum from edge to edge of the drives. The Applicant does have room to move the drive to meet standards. The Board advised that it would be best to have the access points across from each other which would also create more space for buses. The road must be wide enough to accommodate pedestrians and bus traffic. The Board advised that a road 20 feet wide would not provide enough space for two way vehicle traffic and pedestrian traffic. The road must be at least 24 feet wide.

b. Adequacy of circulation, parking, and loading facilities. Mr. Lajeunesse advised that they are proposing a total of 50 parking spaces. There would be directional signage to direct patients where to park and there would be a full time employee (security) in the yard to direct traffic. There would be 23 spaces in front which allows for about 20 employees, 9 clinicians and 8 others presently. The employees would not be present all at the same time, about 14 employees present at one time.

The Board advised that the site plan should recognize transit bus traffic and suitable parking spaces. The plan should be reallocated for buses to be turned around when needed. The Board noted that 20 employees plus 250 patients per day could amount to around 600 trips per day if all of them drove separate vehicles.

The Applicants pointed out a place for buses to park without getting into the parking area. It was noted that many patients do car pool as much as possible. They noted that most of the traffic would be off Airport Road.

- c. *Bicycle and Pedestrian Access.*** The Applicants advised that Industrial Lane is configured without sidewalks however there is reasonable space for pedestrians and bicyclists to travel along the route. The driveway, parking and sidewalk configurations on site lend themselves to use by pedestrians, cyclists or the driving public. The Applicants noted that there is pedestrian traffic along the route. There are sidewalks going from crosswalks to the building which is shown on the plans.
- d. *Adequacy of landscaping.*** The Applicants referred to their landscaping plan which consisted of 1.5 inch caliper Honey Locust trees along the roadway and some small shrubs on either side of the building entrances. They are not proposing any landscaping between the buildings. The Board asked the Applicants to consider planting larger size trees to which they agreed. It was noted that in general there is not much landscaping in the Light Industrial District.
- e. *Hours of Operation.*** After a bit of discussion, the Applicants advised that the overall hours of operation would be between 5:30 AM to 4:00 PM during the week, and 6:00 AM to 11:00 AM on Saturday and Sunday. Ms. Gagnon advised that the Sunday hours currently end at 10:00 AM but they are considering increasing the hours of operation to 11:00 AM. Mr. LaGue advised that trucks would be there even earlier to plow snow or sand during the winter months.
- f. *Setbacks.*** The Applicants advised that all setbacks are met for the district.
- g. *Adequacy of Exterior lighting.*** The Applicants advised that there would be lights at each entrance and over the vestibule consisting of downcast fixtures. They are proposing four 16 foot high pole lights, one light each, to illuminate the parking areas. The lights would consist of downcast light emitting diode (LED) fixtures. Mr. LaGue advised that due to their proximity to the airport the height of the poles is limited and overall illumination will be designed to minimize light pollution. Mr. Lajeunesse advised that this is not the final plan and noted that there would be lights on each gable end of the building, along the walkway and at the rear entrances. As noted earlier, the building will have security due to its operation. The Applicants agreed to provide the cut sheets as the Board requested.
- h. *Stormwater and Drainage.*** Mr. Lajeunesse referred to the narrative from John Svagzdys, PE regarding this criterion and Sheet 1 of 6 of the plans. He advised that they are not required to obtain an operational stormwater permit from the Agency of Natural Resources because the total impervious area involves less than one acre (0.63). The site has been designed however utilizing generally accepted civil engineering practices for permitting. A culvert has been added in the ditch line beneath the new driveway. There are culverts under Airport Road and under the runway. The discharge point is by Calmont and then flows to the airport property. The runoff will discharge into the existing wide slope ditch and culverts. The Applicants will provide a copy of the Construction General Permit which is required by the State of Vermont.
- i. *Utilization of renewable energy resources.*** The Applicants advised that the project will not interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or eliminating nearby property owners' access to such resources.
- j. *Municipal Services Impact Evaluation.*** The Applicants advised that letters were sent to the Berlin Police, Fire and Highway Departments requesting an impact statement. Mr. Badowski reported that Tim Davis, Road Superintendent advised him verbally that the project would have no adverse impact on town roads. Berlin Fire Chief Silk requested a lock box in the event of a fire. The Berlin Police Department had concerns about two facilities operating at the same time.

Ms. Gagnon advised that the existing facility would close and cease operation once the new building is completed. There would not be two facilities operating at the same time. She noted that they currently have three facilities in operation in Vermont and will be opening one soon in Bennington.

- k. Flood Hazard Review.** The Applicants advised that the project is not located within a flood hazard area.
- l. Character of the area affected; neighboring uses.** The Board asked the Applicants to address this criterion since the application falls under conditional use review because the use or service is not permitted in the Light Industrial District.

Zoning Administrator Badowski noted that the organization currently operates within the Light Industrial District but agreed it was unclear whether the specific use had been previously permitted.

The Board believes it would have been considered under medical office which is not listed as permitted or conditional use thus it must be approved. The proposed use cannot be detrimental to the area.

The Applicants advised that this facility has been in operation in this District without any issues. They described the use as a medical office building.

The Board agreed that it is similar to other uses, research facility, nursing homes, etc. and is being treated as an office building since there is no distinction as a medical office building.

- m. Bylaws then in effect.** Not applicable.

The Applicants agreed to submit documents showing the changes discussed with respect to bus maneuvering, pull off or turnaround area, increase in the width of the driveway, landscaping with respect to the size of the trees, and cut sheets for light fixtures. They will also consider changing the point of access to align with the access point across the street (Calmont Beverage) to minimize conflicts. The Applicants will provide copies of applications and permits submitted to the State of Vermont (Construction Permit).

Mr. Friedrich made a motion, seconded by Ms. Nuissl, to close the hearing with respect to Application 15-021 subject to receipt of the documents discussed above. The question was called and the motion passed unanimously.

B. 15-022 – Northfield Savings Bank submitted an application to Amend Permit 13-061 to add a Commercial Shed (96 square feet). The property is located at 1021 Paine Turnpike North, Berlin, Vermont, in the Rural Residential Zoning District. Paul Simon with White + Burke Real Estate Investment Advisors 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, 15-022, dated 04/15/2015; **Exhibit #2:** Site Plans showing the location of the proposed shed; **Exhibit #3:** Two Photo simulations or architectural drawings of the proposed shed showing style and design; **Exhibit #4:** Lists of Abutters; and **Exhibit #5:** Letter dated 04/09/2014 from Vermont Department of Environmental Conservation, Stormwater Management Program, to the Applicant re Authorization to Discharge Permit No. 7142-9015.

Overview: Mr. Simon advised that the Applicant is proposing to erect a shed for equipment storage such as snow blowers, gas trimmers, and so forth. The shed would be 8 feet by 12 feet in size on a crushed stone pad and located near the retaining wall to the back. The architectural design of the shed is comparable to that of the building with a rubberized membrane roof. There would be a small concrete walkway to the shed. The shed would be located 57.9 feet from the edge of the pavement off Stewart Road considered as the front yard setback. There would be no power to the shed however they would add an outdoor receptacle. There is an existing light pole near the shed's location.

The Board noted that this is an amendment to an existing permit which was considered under conditional use review. The applicants addressed Conditional Use Review Criteria.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** Mr. Simon advised that there would be no change in this criterion based on the addition of the storage shed.
- b. Adequacy of circulation, parking, and loading facilities.** Mr. Simon advised that there would be no change in this criterion based on the addition of the storage shed.
- c. Bicycle and Pedestrian Access.** There would be no change in bicycle or pedestrian access. They are proposing a sidewalk to the shed.
- d. Adequacy of landscaping.** Mr. Simon advised that there would be no change in landscaping. The shrubs or trees shown in the drawings will not be added.
- e. Hours of Operation.** There would be no change in the hours of operation as a result of this project.
- f. Setbacks.** Mr. Simon advised that the setbacks are met for the Rural Residential District. The property is located on a corner thus involves two roads. Due to the location of the shed the front yard is considered off Stewart Road at 57.9 feet with a 25 foot side yard to the property line next to the retaining wall. If the location of the shed was considered as a rear yard setback off Paine Turnpike, a greater setback would have to be observed because of the commercial use in that district.

As an aside, the Board noted that the walls around the equipment area attached to the building appear like structures. It was noted that it falls under walls and fences but it is not what it appears like. The Board advised that it does meet the letter of the criteria but not its intent.

Mr. Simon advised that the walls or fencing in question screens the emergency generator and pump station for the building.
- g. Adequacy of Exterior lighting.** There would be no change in exterior lighting. A light pole is nearby so there would be no light fixture added on the shed.
- h. Stormwater and Drainage.** Mr. Simon noted that there would be a slight change in the swale there. The existing wall behind the shed is about five feet high.
- i. Utilization of renewable energy resources.** There would be no change in this criterion.

j. *Municipal Services Impact Evaluation.* There would be no impact on municipal services as a result of this project.

k. *Flood Hazard Review.* Not applicable.

There being no further comments, Mr. Friedrich made a motion, seconded by Mr. LaGue, to close the hearing with respect to Application 15-022. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Chairman called for approval of the Minutes of the April 21, 2015 meeting. On page 1, the 5th sentence in the 3rd paragraph under #2 was amended to read: Ms. Denault advised that they measured the individual words for each sign which totaled around 87 square feet. On page 2, the last sentence in the third paragraph was amended to read: The architectural portal is a feature of that original design. The last sentence in the 3rd paragraph under B was amended to read: They believe that the designers of the districts anticipated that the lots in the 100 foot strip in the Rural Residential District along Crosstown Road would include land in the Highland Conservation District.

Chair Wernecke made a motion, seconded by Mr. Friedrich, to approve the Minutes of the April 21, 2015 meeting as corrected. Mr. Irons did not participate in the vote since he was an applicant. The question was called and the motion passed.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

Chair Wernecke noted an upcoming conference titled *Spring Planning and Zoning Forum* to be held on June 10th at the Lake Morey Resort which is sponsored by the Vermont League of Cities and Towns. He encouraged members and staff to attend and noted that the topics would be beneficial to the Planning Commission. Mr. Badowski advised he was planning on attending and others will consider it.

6. Status of Findings.

The Board voted to go into deliberative session at 8:47 P.M. and out at 9:04 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, May 19, 2015.**

8. There being no further business, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Carla Preston

Carla Preston

