

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

**UNAPPROVED MINUTES**  
**Meeting of TUESDAY, November 1, 2016**

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

Members present: Robert J. Wernecke, Chair; Karla Nuisl, Vice-Chair; Josh Fitzhugh; and Shane Mispel, Alternate: Absent: John Friedrich and Henry A. LaGue, Jr.

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

Others present: John Kerin with Kerin's Sign Service.

2. Old business

**A. 16-056 – Christina Castegren** submitted an application for Site plan and Conditional Use review of a rural enterprise which engages in agri-tourism and direct marketing of locally produced, value added farm products. The property is located at 4373 VT Route 12, Berlin, Vermont, in the Rural Residential Zoning District, Parcel ID VT12-038. Continued from October 4, 2016.

The Applicant requested a continuance with respect to this application. Chair Wernecke made a motion, seconded by Ms. Nuisl, to continue the application until December 6, 2016. The question was called and the motion passed unanimously.

**B. 16-063 – Malone Properties** submitted an application for a newly illuminated wall sign (*Miracle Ear*). The property is located at 856 U.S. Route 302, Suite #4, Berlin, Vermont in the Highway Commercial District, Parcel ID US302-042. John Kerin with Kerin's Sign Service was sworn in to give testimony on this matter which was continued from the October 18, 2016 meeting.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 06-063, received on 09/26/2016; and **Exhibit #2:** Sign Design and Details for *Miracle Ear and logo* prepared by Tube Art Group, Washington.

Mr. Kerin advised that the wall sign has been installed but is not illuminated. He explained that the tenant was not able to move in as soon as they had hoped.

The Board explained that under the current regulations illuminated signs must be approved by the DRB. That issue will be addressed in the revised regulations. Non-illuminated signs may be approved by the Zoning Administrator. The regulations for wall signs allow up to two square feet of signage for each linear foot of frontage, which in this situation is 32 square feet.

Mr. Kerin advised that wall sign is for tenant *Miracle Ear* located in Pat Malone's new building. They want to illuminate the existing non-illuminated sign. He explained how he measured the sign which is 27.49 square feet. The blue logo waves and the lettering would be internally lit with light emitting-diode (LED) illumination (60 watt). He advised that the background of the sign is not illuminated.

Zoning Administrator Badowski advised that the application states that total square footage is 31.5 square feet which agreed with his calculation after speaking with someone from Tube Art Group for Miracle Ear. The white portion of the sign is not illuminated but it is the backdrop.

In response to questions about how long the sign would be illuminated, Mr. Kerin was uncertain but advised that it is run off a breaker and assumed that a timeclock will be added. He does not expect that the sign would be illuminated all night long. The white part of the sign is out from the building about five inches. The letters are flush on the white panel and only the front side of the letters will be lit. He confirmed that the panel is not lit, only the letters. The frontage of the building or leased facia is 16 feet which allows up to 32 square feet of wall signage.

The Board noted that any limits to how long the sign could be illuminated should match the other signs for businesses there (*Aspen Dental*).

Mr. Kerin believed that the sign would turned off by 11:00 PM or so and understood that it would not be illuminated during the day. He was uncertain of the store hours for this business but noted that there were no restrictions (24/7) placed on the application for the property owner. Based on the sign on the door, the hours of operation for *Miracle Ear* appeared by be 9:00 AM to 5:00 PM.

The Board advised that the wall sign should be lit with the same restrictions as the sign for Aspen Dental which was recently approved. Although both measurements of the sign mentioned are within the allowable amount, the Board considered the proposed illuminated sign to be 31.5 square feet based on the application and way it was measured.

Based on documents presented and testimony heard, Mr. Mispel made a motion, seconded by Ms. Nuisl, to close the hearing with respect to Application 16-063. 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 October 4, 2016 meeting. On page 1, under B, the first sentence in the third paragraph was amended to read: Ron Lyon presented a rendering showing the CVMC campus and location of the 125 square-foot shed. On page 2, under g, the first sentence was amended to read: Mr. Lyon advised that as part of a recent permit, they added additional security lighting around the perimeter of the parking area because the lot in the back is used for hospital employee parking.

Chair Wernecke made a motion, seconded by Mr. Fitzhugh, to approve the Minutes of the October 4, 2016 meeting as amended. The question was called and the motion passed unanimously.

### 4. Public Comment

Persons present participated in the meeting as noted above.

### 5. Other Business

6. Status of Findings.

The Board voted to go into deliberative session at 7:25 P.M. and out at 7:36 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, November 15, 2016.**

8. There being no further business, the meeting was adjourned at 7:37 P.M.

Respectfully submitted,

Carla Preston  
Recording Secretary  
Town of Berlin