

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, November 3, 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; and Paul Irons Alternate. Absent: Henry A. LaGue, Jr.

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

Others present: James Lake, Pastor and Joshua Frost, Youth Pastor.

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. 15-100 – Malone 13 Overlook Drive Properties LLC submitted an application for commercial signage including newly illuminated signs. The property is located at 13 Overlook Drive, Berlin, Vermont, in the Highway Commercial (HC) District, Parcel ID US302-016. No one was present to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 15-102, dated 10/14/2015; **Exhibit #2:** Sign Package (AT&T Authorized Dealer with logo), dated 07/06/2015 from Jones Sign, Croydon, PA, consisting of: Location Plan; Proposed Elevations; Channel Letters on backer for two wall signs (51sf and 37.53 sf); Door Vinyl showing business name and hours of operation; Pylon Replacement Face for existing pylon sign; and Technical Details; and **Exhibit #3:** Authorization and Consent Form from Malone 13 Overlook Drive Properties LLC authorizing Jones Sign and its contractors to perform all work associated with AT&T/Dealer's new signage program, dated 07/17/2015.

Ms. Nuisl disclosed that an AT&T tower is located on her property. No one considered that to be a conflict since this application pertains to an outlet which is very different than the telecommunications tower.

The Board discussed whether to move forward with the application without a representative present to further explain the application. Questions were raised as to whether Overlook Drive is a town road which might impact the amount of wall signage allowed based on road frontage. There were also a few inconsistencies in the drawings which made it a bit confusing.

Zoning Administrator Badowski noted that the Applicant is a sign company working for AT&T out of state. He believed that the two wall signs, consisting of one at 51 square feet and one at 37.53 square feet, would have been approved if they were non-illuminated. The portion of the building utilized by AT&T is 41 feet by 30 feet. The definition under section 3.13 (B) (1) reads: "*The total allowable sign area for wall signs for an establishment shall be two square feet of sign area for each one linear foot of building or structure frontage facing the thoroughfare from which the sign is to be viewed.*"

The Board noted that the way that provision has been interpreted in the past is to mean a public highway. The Board questioned whether the building was on a corner lot. Thoroughfare means goes through, and Overlook Drive is a dead-end road. Members agreed it was less than clear and left to interpretation. Although the Board does not consider Overlook Drive a thoroughfare or public road, the Applicant could make a case for further interpretation. When applied in this situation as it has been in the past it would be based on the 41 feet of road frontage facing U.S. Route 302 and would allow up to 82 square feet of signage. Therefore, the application as proposed with a total of approximately 88.5 square feet of wall signage exceeds the amount allowed by about seven square feet.

Mr. Badowski confirmed that both roads (U.S. Route 302 and Overlook Drive) were considered in this application. He believes that Kohl's was approved for two wall signs, one of which was based on frontage facing the Berlin Mall Road, a private road. He also noted that Ames Drive is a driveway serving multiple businesses. He asked if Overlook Drive would be considered a thoroughfare if it were approved by the Select Board as a town road.

Mr. Badowski clarified that the existing freestanding sign is illuminated and that the panel to be added to the existing freestanding sign would also be illuminated (AT&T). He described how the signage was measured which included the block area in orange and blue. He referred to the drawings provided noting that there cannot be two east elevations.

The Board concluded that the drawing was incorrect and probably is facing west. In addition, the reference to north was also incorrect. In the end, the Board agreed that it must be consistent when considering signage applications and will apply the precedent used in the past with respect to thoroughfares. The Board understood the application was for two wall signs totaling about 88 square feet and a new panel to be added to the existing freestanding or pylon sign. Based on the current interpretation, the Applicant is allowed up to 82 square feet of wall signage based on twice the linear building frontage (41 feet) facing U.S. Route 302.

Mr. Friedrich made a motion, seconded by Ms. Nuisssl, to close the hearing with respect to Application 15-100. The question was called and the motion passed unanimously.

B. 15-101 – Bible Baptist Church of Central Vermont submitted an application for additional parking and general lot improvements requiring Site Plan review. The property is located at 68 Vine Street, Berlin, Vermont, in the Modified Residential (MR) and Rural Residential (RR) Districts, Parcel ID 26-006. James Lake Pastor, and Joshua Frost Youth Pastor were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 15-101, dated 10/14/2015; **Exhibit #2:** Site Plan for Bible Baptist Church showing access, parking, traffic flow, etc. dated 10/05/2015 [Mike Pitoniak - Rogers Construction]; **Exhibit #3:** Aerial View of site; **Exhibit #4:** Letter dated 10/14/2015 to the Berlin Highway Department describing the proposed project for driveway and parking improvements; and **Exhibit #5:** Applicant's written statement addressing Site Plan Review criteria.

Pastor Lake advised that this was previously a school and that about 11 years ago a new driveway was built. He explained that this is a two phase project; the first phase pertains to the lower level parking on the right. They obtained a permit to remove trees and put in a retaining wall because it was washing away. The present driveway runs in front of the Church and is steep.

The second phase is to reroute the entrance into one way traffic and create additional parking which is planned for next summer. The driveway washes out and is steep thus a safety issue. He indicated on the plans where the washout occurs at the steep grade. They plan to reduce the steepness, eliminate the sharp bank, widen the corner, and level the area. They are not changing the water drainage. Pastor Lake noted that Mike Pitoniak designed the plan.

The Applicants addressed Site Plan Review Criteria.

a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network. Pastor Lake reiterated that this is a two phase project, the first phase creates parking on the right and the second phase redirects the driveway which allows for more parking for a total of 19 more spaces. He confirmed that the purpose of the application is to add parking and improve safety by reducing the steepness of the driveway. The entrance to the Church will not change. The proposed plan will provide for a branched off driveway allowing for a smoother entrance and exit into the parking lot. Traffic circulation would be changed to one way, counterclockwise.

The Applicants explained that snow build-up adds to the existing parking problems which should be improved as a result of this project. There is a two tiered bank next to the building. The smaller portion which is about a three foot rise would be removed to create a row of parking nearer to the building. The other tier of the bank is about eight feet or higher.

b. Adequacy of circulation, parking, and loading facilities. The Applicants advised that they would create seven or eight spaces in the first phase which will eliminate the need to park on the driveway. The second phase will create an additional 12 parking spaces. They are not paving so there would be no striping of the parking spaces. They explained that there would be directional and handicap parking signage that would meet the requirements of less than two square feet. They advised that pedestrians would leave their vehicles and move toward the entrance via the shortest distance. There is a handicap accessible entrance at the back of the Church. All four handicap parking areas will be designated as such and are shown on the plans.

Zoning Administrator Badowski advised that there is a specific requirement based on federal law with respect to handicap accessible parking that the Applicants should be aware of. He agreed to research the requirement and share it with the Applicants. He referred to Section 3.12(A)(5) regarding parking for Places of Public Assembly which can be based on the number of seats and/or building square footage.

The group discussed the parking standards based on the number of seats (100; 1 space for every three seats) and based on the size of the building, 6,500 square feet. A building with 100 seats would require a minimum of 33 parking spaces and based on square footage would require 130 spaces. Total net parking including the additional 19 spaces would equal 53 spaces which are shown on the plans.

The Applicants advised that they do not need 100 parking spaces. They exceed the minimum based on the number of seats but agree it is not enough. They advised that they have had problems with insufficient parking which is part of the reason to increase parking. The overall goal is to make it safer. They advised that if parking becomes an issue they would hold two services. The sanctuary is about 70 percent full on Sunday morning; the other services are smaller. The Church has no loading facilities; no deliveries via truck.

- c. *Bicycle and Pedestrian Access.*** The Applicants advised that this criterion does not apply to this application.
- d. *Adequacy of landscaping.*** The Applicants are not proposing any additional landscaping as the existing trees add screening from Vine Street. Decorative cement blocks will be added at the front entrance. Flowers and other plantings would be added in the spring and summer to enhance the Church.
- e. *Hours of Operation.*** The Applicants are not proposing any changes in the hours of operation.
- f. *Setbacks.*** All setbacks are met.
- g. *Adequacy of Exterior lighting.*** There would be no additional exterior lighting as a result of this project.
- h. *Stormwater and Drainage.*** The Applicants advised that they are not changing the flow of the water. The recently installed retaining wall has drainage around it. Runoff currently goes down Vine Street to a small creek and to the existing culvert.

The Board explained that by creating new additional impervious areas stormwater would be impacted to some level. They are adding approximately 19 parking spaces some area of which is currently driveway thus already impervious. The disturbed area appears to be about 4,000 square feet, thus does not exceed one acre and not subject to approval by the State of Vermont.

- i. *Utilization of renewable energy resources.*** The proposed improvements would not interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners' access to such resources.
- j. *Municipal Services Impact Evaluation.*** The Applicants advised that they wrote to the Town Highway, Police and Fire Departments and requested an impact statement. They advised that they are on municipal sewer and are served by the Hedges spring.

Zoning Administrator Badowski advised that he received verbal responses from the Police and Highway Departments, neither of which expressed any concerns. He has not heard from the Berlin Volunteer Fire Department. He noted that the Town will be purchasing the Hedges spring.

- k. *Flood Hazard Review.*** The Applicants advised that the property is not located in a flood hazard area.

The Board advised the Applicants that they do need to provide a listing of the directional signs to be used including the number of them, size and location. It will be a condition of the Permit.

Pastor Lake and Youth Pastor Frost agreed to work with the Zoning Administrator with respect to signage.

Mr. Friedrich made a motion, seconded by Ms. Nussli, to close the hearing with respect to Application 15-101. 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 September 15, 2015 meeting. On page 2, the next to the last sentence under "a" was amended to read: She advised that the road is not as straight as it appears.

On page 3, the first two sentences under "h" were deleted and amended to read: Ms. McClure advised that for 20 years runoff from the neighboring property floods the area where her septic system is located which prevents her from being able to use her washing machine or shower. The 3rd sentence under "j" was amended to read: He explained that it appeared that the property owner had requested approval for access from the State highway in 1984 but the conditions for approval were never completed.

On page 5, the 4th paragraph was corrected to show the number of patients at 450.

On page 6, the last sentence in the 2nd paragraph was amended to read: The Applicants confirmed that there will be security in the parking lot as before to supervise the traffic and people. The 3rd sentence under "c" was deleted. The 2nd paragraph under "d" was amended to read: The Board noted that adding more trees along the perimeter could improve aesthetics and make it more environmentally pleasing (i.e., adding rain gardens). The 2nd sentence in the 3rd paragraph under "d" was amended to read: Ms. Benoit advised that there are trees on the west side but there is nothing on the east side.

A few typographical and grammatical corrections were also suggested.

Mr. Friedrich made a motion, seconded by Ms. Nuisl, to approve the Minutes of the September 15, 2015 meeting as corrected. 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 8:07 P.M. and out at 8:18 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, December 1, 2015.**

8. There being no further business, the meeting was adjourned at 8:22 P.M.

Respectfully submitted,

Carla Preston

