

Berlin, VT
Planning Commission Meeting
November 23, 2020
7:00 PM

APPROVED MINUTES

Planning Commissioner Members Present: Karla Nuissl (KN), Polly McMurtry (PM), Jacob Coakwell (JC), David Huber (DH)

Absent: Jared Felch (JF)

Others: Brandy Saxton (BS), Paul Simon (PS), Eileen Hee (EH), Jim Alvarez (JA), Florence Smith (FS), Joe Weith (JW) and Thomas Badowski (TB).

7:00 PM Call to Order by Chair Nuissl

Public Comment: None

Approval of Minutes

PM moved and JC second a Motion to approve the Minutes of November 11, 2020, as written. With a roll-call vote, Motion passed unanimously.

BTC Updates

BS distributed in advance documents on discussion items including:

Zoning - Dimensional Standards Review and Revise: BS discussed the following suggested edits:

- 2101.D
 - 1) (b) Route 62, Hospital Loop Road and Woodbridge Road will not be considered streets for the purposes of applying the dimensional standards.
 - 2) (c) An applicant may define one or more development envelopes on the site plan for the purposes of applying the form-based dimensional standards (substituting the envelope boundaries for lot lines) on parcels with multiple principal buildings. A development envelope may contain one or more buildings, parking areas and/or greenspace features.
 - 3) (2) Regulating Map and Street Types. Dimensional standards within this district are established based upon the type of street a parcel has frontage on (A-D, H or P). The classification of existing streets and planned streets shown on the Town of Berlin Official Map is shown in the map below. The dimensional standards associated with each street type are shown on the pages that follow. When proposing to construct an unplanned street or to develop on a street or street segment not classified in the map below, the applicant must select a classification for the street or street segment to be reviewed and approved by the Development Review Board as part of the development application
- Form-Based Standards
 - 1) Added illustrations to support text
- A and B Streets
 - 1) Made changes to Parking Setbacks
- Added H Street
- Added P Street
- 2101.E Street Standards
 - 1 Several changes to Street Standards

Other Proposed Changes to Zoning

- Section 1203. Nonconforming Lots
Revise Paragraph 1203.B(3) to read “(3) Is at least 1/8 acre (5,445 square feet) in area or will be connected to municipal water and sewer; and”. State statute regulating pre-existing small lots changed in October 2020 and municipalities can no longer prevent a lot of any size from being developed if it will be connected to municipal water and sewer.
- Section 3101. Accessory Dwelling Unit
Delete Paragraph 3101.A(3), which limited an ADU to two bedrooms. State statute regulating ADUs changed in October 2020 and municipalities can no longer limit the number of bedrooms in an ADU
- Section 3202. Parking and Loading Areas
Revise Paragraph 3202.C to read, “An applicant may propose to create up to twice the minimum number of parking spaces required. An applicant may only create more than twice the minimum amount of parking upon approval by the Development Review Board as follows:”
- Section 3203. Access and Circulation
Revise Paragraph 3202.B to read, “The applicant must demonstrate that proposed land development will have vehicular access from the road via a driveway constructed in accordance with any duly-adopted town public works specifications, VTrans’ B-71 Standards for Residential and Commercial Drives and the standards below.
- Section 3304. Character of the Area
Add new Paragraph 3304.B to read “Multi-family dwellings with three or four units are assumed to be compatible with the character of the area in those districts where multi-family dwellings are a conditional use.” State statute changed in October 2020 to prohibit municipalities from denying applications for three- and four-unit dwellings on character of the area grounds.
- Section 3505. Design and Layout of Necessary Improvements
Revise Paragraph 3505.A to read, “Roads. Applicants must design and construct all new roads within a subdivision in accordance with this subsection. A vehicular way that provides access to more than 3 lots or principal buildings will be considered a road. All other vehicular ways will be driveways subject to the standards of Subsection 3202.B.”
- Figure 4-07. Waiver and Variance Review Criteria
Add new criteria for waivers to read as follows “The proposed development cannot be reasonably located elsewhere on the lot.”

Reviewed changes to Official Map

JA thanked the Commission for its efforts, noting that the NTC/NDA is not an easy task. As CVMC master plan for its campus is evolving it is difficult to address zoning conflicts on conceptual plans. That said, JA expressed his concern that the Front Layer of H Street has a prohibition of parking in its 80’ depth. He cited emergency and attending family vehicles as examples of parking currently within that depth. A lengthy discussion followed. The current Waiver and Variance standards in the existing Land Use and Development Regulations was discussed. JW opined that he was more comfortable with H Street in light of the Waiver language. TB outlined the timeframe for the Public Hearings process. December 16, 2020, is earmarked for the Planning Commission’s hearings on proposed zoning changes and Official Map. He suggested between now and then CVMC and Berlin continue their discussions and use the December 16 date as the place to make, what appear to be non-substantial changes to the zoning, if needed. To that end PM moved and JC second a Motion to accept the zoning and Official Map changes presented tonight and to Warn Public Hearings for December 16, 2020, on these matters. After a brief discussion, KN called for a roll-call vote which passed unanimously.

Funding of NTC Components

KN noted that grant opportunities often come without being on someone's radar screen. She cited the VTrans Transportation Alternative grant recently approved by the Selectboard as an example. With NTC and NDA, opportunities for future grants are highly likely. Discussion on how to fund future grants was had. Possibly requesting the Selectboard to earmark a portion of Zoning Application fees to Planning Commission use. FS encouraged the Commission to make a request of the Selectboard.

Adjourn Chair KN adjourned at 8:47 PM