

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES

Meeting of October 15, 2019

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

Members present: Robert J. Wernecke, Chair, Karla Nuissl, John Friedrich, and Josh Fitzhugh

Staff present: Thomas J. Badowski, Zoning Administrator, Kristi Flynn, Recording Secretary

Others present: Cheryl Peterson, Paige Crandall, Kent Bolding, Craig Chase, Karson Clark, Ron Lyon. Meeting was recorded by ORCA.

Applicants for all hearings were sworn in at 7:01pm.

2. New Business

A. 19-056 – Application by Jeffrey Crandall, Craig Crandall and Paige Flaherty for a Final Plan Review of a Minor Four Lot Residential Subdivision. The property is located on Mirror Lake Road, Tax Map ID: R04-025.000; PID 43-032. The Property is in the Shoreland Conservation (SC) District.

Craig Chase acted as representative of the applicants. Ron Lyon, adjacent property owner, requested party status with concerns about impacts to wetlands and natural resources.

Mr. Chase read the narrative. The project is a 4-lot subdivision with Lot 1 keeping the seasonal residence and 23.72 acres; Lots 2-4 will be approximately 5 acres each with no development planned. All lots meet the minimum lot size and lots 2-4 meet the minimum road frontage. Lot 1 is served by an existing driveway and undefined easement off Brookfield Road and will be served by an easement over Lot 2 from Mirror Lake Road.

Mr. Lyon would like to know where the delineated wetlands are and to make sure that the development will avoid these areas. Mr. Chase noted that because no development is planned at this time, the wetlands will be looked at when a specific plan is developed.

Chapter 350 – Subdivision Standards

Section 3502 – Capacity of Community Facilities – no impact on community facilities; no comments from Chiefs of Police and Fire; Road Foreman asked for a minimum of 18” culverts on any new driveways; conditioned on approval from State of on-site septic and water systems

Section 3503 – Suitability of the land – once development plans are made, the wetlands will have to be delineated and considered, the land does perk for septic, but will need State approval; the Chair noted that each lot appears to have enough land outside of the wetlands for a building envelope

Mr. Lyon suggested having the Berlin permit be conditioned on the wetlands being field-delineated as he doesn't feel the State looks at it that closely in their approval process; should the survey include areas that are not buildable, including the required 50-foot buffer.

Mr. Chase has not run into these issues and feels the State will take a close look at the wetlands and Chase & Chase has done their due diligence in digging test pits on each lot.

Section 3504 – Design and Configuration of Parcel Boundaries – regulations limit the number of lots that can be subdivided; no more than 3 lots can be accessed by one road/driveway; current drainage toward Berlin Pond; there is a small stream that will affect the ROW to Lot 1; most of the water is on the northerly side of the property

Section 3504.B – Lot Dimensions – meets district standards, plenty of road frontage

Section 3504.C – Building Envelopes – building envelopes should be no more than 1 acre in area, doesn't have to be final but will give some guidelines based on topography and wetlands

Section 3505 – Design and Layout of Necessary Improvements – these standards will be conditioned on the permit and the ZA suggested that this issue should be noted on the plat and in the deed so that buyers know what regulations apply to the lots

Section 3505.A – Roads – need to meet standards and need access permit

Section 3505.C – Water & Wastewater Facilities – Chase only tested for septic, buyers will need State approvals

Section 3505.E – Public and Private Utilities – easements for overhead utility lines will be added to the plat; utilities not included with the lots

Section 3506 – Character of the Area – will be dealt with when development is planned

Section 3508 – Conformance with the Regulations – projects conforms with all regulations in effect

The DRB requested building envelopes that reflect where building can be done. Mr. Lyon suggested adding the wetlands delineation to the plat so that any buyers know how much of the property is developable. The ZA suggested having two pages of plat so that it is not so busy with both building envelopes and wetlands delineation, though the envelopes will be dependent on the wetlands.

Motion was made by Mr. Fitzhugh to close the hearing, seconded by Mr. Friedrich; motion passed unanimously

B. 19-057 – Application by Karson Clark and Mark Nicholson for a Site Plan and Conditional Use Review of a request to allow an Additional Use of “Rental and Leasing” to a 2.06-acre parcel. The property is located at 3122 Airport Road, Tax Map ID: R02-046.000; PID SA4-027. The Property is in the Light Industrial (LI) District.

Mr. Clark is proposing to move an existing Penske Truck Rental from Barre to a vacant building in Berlin. The parcel is currently being used for overflow vehicles. The parcel has two separate sides so the two businesses can co-exist. Rental use requires conditional use. There are about 6-10 trucks stored on-site on average. Existing parking lot will be used by Penske Trucks.

Chapter 320 – Site Plan Standards

Section 3202 – Parking and Loading Areas – average of 6-10 trucks will be parked in the existing parking area; the largest truck is 32’ and the smallest is 17’ long; the only other vehicles would be the one employee’s; on occasion, clients may park their car on the property when they rent a truck; the parking lot is currently stay-mat/gravel surface

Section 3202.E – Loading Areas – not applicable

Section 3202.H(4) – Snow Storage – will stay as it is now

Section 3203 – Access and Circulation – the access must meet State standards; the current access will be narrowed and some low bushes will be added; only one access will be used, the others will be closed; the applicant has a Letter of Intent from VTrans approving the access plan

Section 3204 – Landscaping and Screening – landscaping required for 20 or more spaces; there is some current landscaping; does not apply to existing parking spaces

Section 3205 – Outdoor Lighting – plan to add a floodlight or motion light at the corner of the building that will illuminate a walkway to the lockbox for evening rental returns

Section 3205.E – General Standards - the light shall be downward-facing at a 45 degree angle; there is currently a streetlight by the road

Section 3205.G – Security Lighting – DRB may waive requirements to allow for security lighting; the light will only be on at dark and motion-activated; the light should be less than 2000 lumens

Section 3206 – Signs – applicant is not asking for a sign at this time

Section 3207 – Outdoor Use Areas – not applicable; no outdoor storage

Chapter 330 – Conditional Use Standards

Section 3302 – Capacity of Community Facilities and Utilities - the ZA did not receive anything from the Police Chief. No impact from Chief Wolf.

Section 3303 – Traffic – 25-35 transactions per week; one transaction is one truck coming and going

Motion was made by Mr. Friedrich to close the hearing, seconded by Ms. McMurtry; motion passed unanimously

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the October 1, 2019 meeting.

Motion was made by Mr. Wernecke, seconded by Mr. Friedrich, to approve the minutes as amended; motion passed 4-0

Amendments: minor typos, clarify the Parker building was previously a residence

The DRB discussed a site visit to the appeal property. Mr. Bradley has noted that they are satisfied with the shielding done by Green Mountain Power. The DRB Chair will schedule a site visit within the next couple of weeks.

Motion was made to go into deliberative session by Mr. Friedrich, seconded by Mr. Fitzhugh; motion passed unanimously

DRB entered deliberative session at 8:29pm; board exited at 9:15pm.

4. **Motion was made to adjourn by Mr. Friedrich, seconded by Ms. Nuisl; meeting was adjourned at 9:16pm.**

Respectfully submitted by Kristi Flynn, Recording Secretary