

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

**APPROVED MINUTES**  
Meeting of September 1, 2020

1. The meeting was called to order at 7:12pm

Members present: Bob Wernecke (Chair), Karla Nuissl (Vice Chair), John Friedrich, Polly McMurtry (alternate) and Ture Nelson (alternate)

Staff present: Tom Badowski, Zoning Administrator

Others present: Jeff Olesky (Engineer), Michelle Lambert (IP), Adam Lambert (IP), Mike Noyes (IP), Cindy Noyes (IP), John Connor (IP), Mark Nicholson (applicant), Kris Jurentkuff (consultant). Meeting is being recorded by ORCA.

The Chair reminded all other parties that they are still under oath.

2. New Business

**A. 20-047 – Application by Mark Nicholson** for a Site Plan Review under Chapter 320 and Section 4302 associated with the construction of a 40' x 100' cold storage building. The property is located at 3122 Airport Road. The property is in the Light Industrial (LI) District.

Applicant and representative were sworn in at 7:13pm.

Application applies to the construction to a storage building on Mr. Nicholson's property on Airport Road. It involves some stormwater management and re-grading of the existing gravel parking area. The building will be located in the southwest corner of the property; it meets the proposed setbacks. The roof will be single-pitched toward the west toward Airport Road, discharging into a small retention area to both retain and treat the stormwater coming off the building, which will then empty into a re-configured swale running around the rear of the property. Proposed impervious surfaces will be reduced significantly by about 3500 square feet.

The property is in the Airport overlay district and the applicant has reached out to Jennifer Davis for approval by the FAA for the development. They do not anticipate any issues and will send the letter to the town when received. The ZA noted that the applicant has received a Letter of Intent (LOI) from VTrans.

Ms. McMurtry asked why the location was chosen. The applicant noted that it is primarily for stormwater management discharge. Regarding the parking area approved for the previous use, the applicant noted that the use has not changed and there are generally 8-10 vehicles parked there. The building will store about 10 vehicles during the winter.

## **Chapter 320 Site Plan Standards**

### **Section 3202 Parking and Loading Areas**

Applicant is requesting more parking spaces than the regulations provide for, but it is for business vehicle parking. Mr. Jurentkuff noted that the impervious surface is being reduced by 3500 square feet from the previous permit approval. The parking will be expanded slightly but the stormwater management system will be expanded and improved.

### **Section 3203 Access & Circulation**

As the project is for an existing business currently being parked on-site, there will be no increase in traffic on Airport Road. The site will not have public access and therefore no pedestrian facilities.

### **Section 3204 Landscaping and Screening**

No additional landscaping is proposed. The existing landscaping will be preserved. The proposed building will provide increased screening from vehicles parking to the rear.

### **Section 3205 Outdoor Lighting**

Site lighting will be limited to motion sensor lights over one or more of the overhead doors. While not yet specified, the lights will be down-shielded. There should be no impact to adjacent properties.

### **Section 3206 Signs**

No signs are part of the proposal.

### **Section 3207 Outdoor Use Areas**

Except for parking of vehicles, there are no proposed outdoor uses.

### **Section 3208 Performance Standards**

#### **Section 3208.B Noise**

The only noise will be vehicles coming and going from the site during normal business hours. No change is proposed.

#### **Section 3208.C Glare**

The proposed lighting is down-shielded and on the rear of the building away from Airport Road; there are no residential properties immediately adjacent to the property that could be affected.

#### **Section 3208.F Particulate Matter and Airborne Solids**

Dust from the gravel parking area will be controlled with application of calcium chloride and water as required.

**Section 3208.I Flammable, Toxic or Hazardous Substances**

Certain materials used in the applicant’s business may fall into this category and if stored on-site, will be located either within the proposed building or in approved transport vessels. The company is certified by the appropriate authority.

**Section 3209 Erosion Control**

There may be some earth disturbance associated with the project but it will be below the 1-acre threshold requiring a Construction General Permit. However, the applicant is discussing whether a permit is needed. If so, it should be considered Low-Risk, requiring only an application and Notice of Intent. If a permit is required, it will be provided prior to construction.

**Section 3210 Stormwater Management**

The roof of the proposed building will be single-pitched toward the west toward Airport Road, discharging into a small retention area to both retain and treat the stormwater coming off the building, which will then empty into a re-configured swale running around the rear of the property. Proposed impervious surfaces will be reduced significantly by about 3500 square feet. The discharge swale is an upgrade from the current swale, which is in poor condition. Some fill is needed to expand the parking area for vehicle turnaround, the top of which will rise such that no runoff from the parking lot will discharge over the slope onto the Lague property.

**Section 3211 Conformance with These Regulations**

The project conforms with all other applicable provisions of the Berlin Land Use and Development Regulations.

The ZA thanked the applicant for a very professionally-prepared application.

**Motion was made to close the hearing by Mr. Friedrich, second by Ms. McMurtry; motion passed unanimously by roll call.**

3. Old Business

**A. 20-023 – Application by RHTL Partners LLC** for a Site Plan and Conditional Use Review under Chapters 320 and 330 and Sections 4302 and 4303 associated with the development of a 22,500 sf car dealership and supporting parking. The project consists of three (3) properties (1189 US Route 2, 12 Marvin Road and 40 Goodnow Road, PIDs US002-003, 25-001, 23-002). The properties are in the Commercial (COM) and Residential (RL-40) Districts.

The Chair reminded participants that they were still under oath.

This is a continuation of the hearings from June 4, July 7, August 4 and September 18, 2020. Mr. Olesky with Catamount Engineering presented an overview of the changes to the lighting plan:

The updated plan from the manufacturer, LSI, was provided to Mr. Olesky late last night. The new plan makes sure that the average foot candle (fc) is under 2 fc for each shared area. The layout did not change, but the building footprint on the lighting was changed slightly. Ms. Nuisl asked what the averages are including; Mr. Olesky noted that each area goes to the edge of pavement. The building area excludes the area of the building and just includes the perimeter parking area.

The Chair noted the new plan meets the regulations. There were no other questions from the board.

Mr. Connor continues to have concerns with the traffic coming on and off the property. Today there was a car carrier in the breakdown lane on Route 2 across from the property off-loading cars. He believes the DRB should require that all dealerships in Berlin to have a specific place on property for carriers to on-load and off-load cars. The previous testimony was that the site behind the building at 1189 will be used for car carrier deliveries. The applicant designed this site to address this issue. The intent is that GMC cars will also be delivered there. Mr. Connor suggests that the truck access needs to be addressed.

Mr. Noyes agrees with Mr. Connor's comments about trucks backing up onto Goodnow Road. In reality there will probably not be a second person stopping traffic and he feels it is dangerous.

Ms. Nuisl suggested that the applicant find an alternate site to off-load vehicles. Mr. Olesky noted that he will need to check with Mr. Toll. The ZA suggested a fine for the applicant if the car carriers don't use the designated delivery site; could add a condition. DRB will discuss their options.

Mr. Connor reiterated that there is an overall concern regarding car and truck traffic on the site that puts residents at risk. There should be a designated delivery area where the truck can drive in and out of the property without having to back up.

Mr. Noyes wondered if the Marvin Road lot was going to be used for employee parking versus inventory only. The ZA noted that the lot closest to Route 2 was currently not under the prohibition of employee parking. Ms. Nuisl stated that Volkswagon employees would park there and it is hard to prohibit GMC employees from parking there.

**Motion was made to close the hearing for #20-023 by Mrs. Nuissl, seconded by Mr. Nelson; motion passed unanimously by roll call.**

**4. Review and approval of the Minutes**

**Motion was made by Ms. McMurtry to approve the August 18, 2020 minutes as amended, seconded by Mr. Friedrich; motion passed unanimously.**

**Motion was made to go into deliberative session by Ms. Nuissl, seconded by Mr. Friedrich; motion passed unanimously by roll call**

DRB entered deliberative session at 8:24pm; DRB exited at 8:27pm

**5. Motion was made to adjourn by Mr. Friedrich, seconded by Ms. McMurtry; meeting was adjourned at 8:28pm.**

*Respectfully submitted by Kristi Flynn, Recording Secretary*