

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, September 5, 2017

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

Members present: Robert J. Wernecke, Chair; Karla Nuisl, Vice-Chair; John Friedrich; Josh Fitzhugh; and Shane Mispel.

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

Others present: Thom Lauzon, Karen Lauzon, Ken LaPune, Brian Martin, Monique Denault, Robert Felch, Denise Felch, Jared Felch, and Hannah Cheever.

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. No one present requested party status.

2. New business

A. 17-054 – Edgewood Development, LLC submitted an application to install an 18,000-gallon underground propane storage tank. The property is located at 2178 Airport Road, Berlin, Vermont, in the Light Industrial District, Parcel ID: SA4-045. Thomas J. Lauzon and Karen Lauzon, owners, and Ken LaPune with Fred's Energy were sworn in to give testimony on this matter. In addition, Brian Martin representing an abutter, The Concord Group Insurance, was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-054, received on 07/27/2017; **Exhibit #2:** Site and Utility Plan, C1.02, prepared by DeWolfe Engineering Associates Incorporated, dated 10/14/2016, with revisions on 10/24/2016 and 06/30/2017 for the additional underground storage tank; **Exhibit #3:** Narrative describing the site, its uses, and proposed project; **Exhibit #4:** Fred's Energy – Fire Safety Analysis, prepared by Jody Pratt with Ameden Energy Consulting LLC, dated 07/17/2017; and **Exhibit #5:** Detailed Summary including Site Plan Review criteria dated 09/05/2017.

Thom Lauzon advised that he proposes to install one 18,000-gallon below ground propane tank to service his multi-use facility located at 2178 Airport Road. The proposed tank will replace multiple existing manifolded above ground and/or below ground tanks currently located at the site. He pointed out the locations of the six existing 1,000-gallon tanks on the rendering and noted that if the large tank was not approved at least four more 1,000-gallon tanks would be added to meet the demands. The change to one large tank would increase capacity up to 14,400 gallons. Propane would be delivered via a tractor trailer truck on a monthly basis during the winter months versus weekly trips, thus result in a decrease in truck traffic to the site. Mr. Lauzon offered that the reduction in the number of propane tanks will also improve the site aesthetically.

Mr. Lauzon advised that as part of this application a Fire Safety Analysis was performed by Fred's Energy which concluded that the proposed installation and design exceeds the state's requirements, and is compliant with the National Fire Protection Association (NFPA) standards. The Report dated 07/17/2017 has been submitted as well.

Ken LaPune with Fred's Energy advised that they do have a state permit. He explained that the NFPA is the national organization that governs storage of liquid propane for the industry.

Mr. Lauzon added that this site has a unique public benefit in that this facility serves as the secondary location for Vermont's seat of government in the event of a natural or manmade disaster. This facility is self-contained and is serviced by a high output liquid propane fired generator capable of running all essential systems at the facility.

The Board asked the applicants to address the site plan review criteria and acknowledged that it had also been submitted in writing.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** There would be no change in ingress/egress to the site.
- b. Adequacy of circulation, parking, and loading facilities.** The proposed project has no impact on parking. There is sufficient space for tractor trailer trucks to enter the site and turn around when making fuel deliveries. The tanker truck would enter off Airport Road through the parking lot and service road to the loading point with sufficient space to turn around and exit the site. Deliveries would not occur during regular work hours when the parking lot is full. The lessened need for frequent deliveries allows for more flexibility in delivery schedules.
- c. Bicycle and Pedestrian Access.** The applicants advised that there would be no impact on bicycle or pedestrian access. The project does not create unsafe conditions for vehicular, bicycle, or pedestrian traffic.
- d. Adequacy of landscaping.** The applicants advised that the proposed propane tank would be underground thus not visible from adjoining properties or the roadway. Mr. Lauzon explained that underground meant that the tank would be placed in a ditch with soil brought up around it (bermed). The above-ground fill station (pipe) would be visible but would not be an issue. For safety purposes screening is not recommended around the tank or fill pipe. The Applicants advised that the removal of the existing smaller tanks, both above and below ground, will improve aesthetics. They may put a picnic table where one of the other tanks was located.
- e. Hours of Operation.** There would be no change in the hours of operation for the facility, 24/7. Delivery times via tanker trucks would be either early or late in the day to avoid regular business hours.
- f. Setbacks.** The Applicants advised that setbacks are met and are shown on the application. The propane tank is underground except for the fill station and the center of the tank where there is a hatch for access to a release valve in the event pressure builds.
- g. Adequacy of Exterior Lighting.** No additional exterior lighting is proposed as part of this project.
- h. Stormwater and Drainage.** The proposed tank installation does not affect the design or functionality of the existing stormwater and drainage system. Mr. Lauzon noted that the stormwater and drainage system was updated as part of their prior application for changes in parking.

i. Utilization of renewable energy resources. The proposed project does not interfere with the use of, or access to, renewal energy resources.

j. Municipal Services Impact Evaluation. Mr. Badowski advised he spoke with Police Chief Wolfe who had no concerns about the project. He has not received a response from the Berlin Volunteer Fire Department which was notified on July 27th about the project.

Mr. Lauzon mentioned that their Fire Analysis discussed flow capacity and looked at the Berlin Volunteer Fire Department for response time, and other issues. It was noted that members of the fire department have received some training in this area.

k. Flood Hazard Review. The project is not located within a flood hazard area.

In response to the Board's questions about inspection requirements, Mr. LaPune from Fred's Energy, explained that multiple inspections occur from a variety of inspectors on a monthly basis to check on various aspects of the system. He explained that many safety devices are built in which shut down the system in case of a fire. He noted that valves cannot be locked in the on position due to fire safety concerns. The valves are secure with very limited tampering ability other than shutting off a valve.

Mr. Lauzon noted that other criteria had been addressed in writing with respect to noise, hazards, and so on. He noted the only noise would be delivery vehicles once a month. There would be no significant release of gas into the environment, slight amount when filling. He noted that the 18,000-gallon propane is nine feet in diameter and about 45 feet long.

Brian Martin advised he represents the Concord Group Insurance Company which is an abutting property owner. He mentioned that the 18,000-gallon propane is already on site and partially buried. He asked how far the tank was located from their shared property line.

Mr. Lauzon confirmed that the tank is currently onsite but is not functional or connected to piping. He explained that the application was submitted in time for an August meeting but the agenda was full. Since a delivery date for the tank had already been scheduled, he informed the State and Zoning Administrator that the trench had been dug and that he had to accept the delivery date. He was permitted to have the tank delivered. The tank was placed in the trench and fill was added around it to stabilize the tank. The tank was placed at its final depth and will be about even with the parking lot in elevation when covered. He verified the setback distance to the property line in question at 50 feet. The side yard setback requirement for this district is 25 feet.

Based on documents presented and testimony heard, Ms. Nuisl made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 17-054. The question was called and the motion passed unanimously.

B. 17-056 – Malone Properties submitted an application for an illuminated wall sign totaling 27.71 square feet (*cricket*). The property is located at 856 US Route 302, Berlin, Vermont, in the Highway Commercial District; Parcel ID: US302-042. Monique Denault from Twin State Signs was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Zoning Permit, 17-056, received on 07/31/2017; **Exhibit #2:** Exterior Site Plan; Summary, dated 07/06/2017; and **Exhibit #3:** Sign design and details, prepared by Principle Group, Knoxville, TN.

Monique Denault with Twin State Signs advised that she is representing the applicant for the proposed illuminated sign. The new tenant, Cricket Wireless LLC, is located next to Aspen Dental, and wants to illuminate its sign and logo, *cricket*. The letters are all illuminated and appear white when lit with a green slash in the "k" which is part of their logo. She explained that during the day when the sign is not illuminated, *cricket* will appear black due to the diffuser. She noted that the light-emitting diode (LED) modules are shown on the plans. The sign measures 11 feet, 5 inches in length by 2 feet, 6 inches in height for a total of 27.61 square feet. The frontage of the building space for this tenant is about 29 feet which would allow up to 58 square feet in building/wall signage.

Ms. Denault advised that neither the applicant nor the tenant advised her of the hours that the sign would be illuminated. She did not have the hours of operation for this business readily available but will provide that information to the Zoning Administrator. She assumed they would follow the other tenants in that building. She advised that the *cricket* sign has already been approved and added to the freestanding sign representing the new tenant.

The Board noted that no limits regarding hours of illumination have been placed on the other signs for tenants in that building. Ms. Denault was asked about lumens, foot candles, and wattages for some idea about the amount of light being displayed.

Ms. Denault explained that because of the light diffuser, it was not practical to address lumens or foot candles. She indicated that boards needed to establish those limits for various types of lighting when creating lighting standards. She recommended that boards limit the hours of operation for illuminated signs as the best means of regulating them. Ms. Denault advised that for this sign the LED modules do not exceed 60 output watts. She offered input on proposed regulations and noted that their company publishes information that the Board may also find helpful.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 17-056. The question was called and the motion passed unanimously.

C. 17-058 – Robert W. Felch and Denise I. Felch submitted an application for a Concept Plan Review and Final Plan Review of a Minor Two Lot Residential Subdivision. The property is located at 550 Stewart Road, Berlin, Vermont, in the Rural Residential District, Parcel ID: 19-011. Robert Felch, Denise Felch, Jared Felch and his fiancé Hannah Cheever were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Subdivision Application, 17-058, received on 08/01/2017; **Exhibit #2:** Survey re Subdivision by Robert W. and Denise I. Felch, prepared by Michael J. Patterson, L.S., dated 06/2017; and **Exhibit #3:** Onsite wastewater system design and 2 lot subdivision plan, prepared by Todd Hill Land Planning & Design, dated 08/05/2017.

Robert Felch advised that they want to subdivide their 11.80 acres parcel into two lots consisting of Lot #1 (8.37 acres) and Lot #2 (3.41 acres) so that a new home can be built on Lot #2 being created. The property has been surveyed and an onsite wastewater system has been designed and approved by the state. The plans show contours, test sites, and locations for primary and replacement wastewater systems.

Mr. Felch noted that proposed access to Lot #2 is shown on the plans (gate). The Highway Foreman has reviewed the proposed curb cut but they have not yet obtained approval from the Berlin Selectboard. The proposed location for the new house (1,400 square feet) is shown on Lot #2; the structures shown on Lot #1 are existing. The plans show easements and setbacks for Vermont Electric Power Company and for Green Mountain Power Corp. All abutters and neighbors were notified. Mr. Felch confirmed that he contacted both power companies about the proposed subdivision and plans to put a house on the new lot.

Zoning Administrator Badowski advised that both lots would meet the requirements for the Rural Residential Zoning District. The minimum lot size is 40,000 square feet.

The Board considered the applications separately and first reviewed the criteria for Concept Plan Review which included among other things, plans or drawings showing boundaries, owners and abutters, test pit sites, and classification of the subdivision by the DRB. The Board classified the subdivision as a Minor two lot subdivision.

Mr. Fitzhugh made a motion, seconded by Ms. Nuisl, to approve the Concept Plan for this two lot Minor residential subdivision. Motion passed unanimously.

The Board reviewed the criteria for Final Plan Review of a Minor two lot subdivision which included among other things, plans to scale, contours, boundaries, roads, access, owners, and so forth. The Board noted that a completed survey was submitted with the required data, as well as approval from the state for potable water and wastewater.

Mr. Badowski confirmed that both lots being created meet the requirements for size, depth and so on for the Rural Residential District. The permit for the house has not yet been issued but the proposed location is shown on the plans.

Mr. Felch confirmed that the power companies had no issue regarding portions of the wastewater system being located within their Right-of-Way. He noted they dug 41 test pits in order to find a location without ledge. The survey pins have been set.

Based on documents presented and testimony heard, Ms. Nuisl made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 17-058. The Board explained that Findings of Facts and Conclusion are issued with respect to a Final Subdivision application. 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 August 15, 2017 meeting. With respect to the applications for Brian Morse, the record was corrected to show that the exact location of the Right-of-Way need not be shown on the plans, but the Final Plat must include reference in the Notes to the Right-of-Way.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve the Minutes of the August 15, 2017 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 8:00 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, September 19, 2017.**

8. There being no further business, the meeting was adjourned at 8:19 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin