

Brandon Development Review Board Hearing

March 22, 2016

Conditional Use #5782

Applicant: Midway Oil Development

Landowner: MT Associates

Board Members Present: Samantha Stone – Chair, Eric LaRock, Bob Clark, Tom Bohler

Others Present: Charlene Bryant – Secretary, Anna Scheck – Zoning Administrator, Frank Trombetta, Laura Merone Walsh, Jane Young, Shari Vaccarella, Erik Sandblom, Tony Vaccarella, Katharine Briggs, Dave Atherton, Steven Beck, Linda Stewart, Robert Black, Kjel Thompson, Tanner Romano, Bill Moore, Steven Zorn, Linda Thompson, Dan Dukeshire, Seth Hopkins

The hearing was opened at 7:11PM.

The warning was read and found to be in order.

Sam Stone called for any interested parties to state their name and reason and noted all interested parties would be carried over to the following two hearings. Ms. Stone read the criteria for an Interested Party. Any evidence submitted will continue over into the other hearings to avoid restating the facts and it will be new evidence for each of the additional hearings.

Interested Parties:

Shari Vaccarella – 3 Conant Square – Adjoining Neighbor

Kelly Yuncker - 41 Prospect Street – Adjoining Neighbor

Jane Young – 8 West Seminary Street – Adjacent Neighbor

Katharine Briggs, Managing Member of Briggs Lane Brandon LLC - 8 Conant and 14 Conant Square - Neighbor across the Street

Anna Scheck, Frank Trombetta, Laura Merone Walsh, Jane Young, Shari Vaccarella, Erik Sandblom, Tony Vaccarella, Katharine Briggs, Dave Atherton, Steven Beck, Linda Stewart, Robert Black and Kjel Thompson were sworn in.

Sam Stone stated the discussion will be about a Commercial II Conditional Use permit. Other topics will be discussed during the subsequent hearings concerning a Conditional Use permit in a special flood plain area and a variance for signage that exceeds the limits in the central business district.

Frank Trombetta and Laura Merone Walsh, owners of MT Associates have been in business since 1980 and purchased the building from the Paganos in the mid-1990s. It has been a full service gas station and a liquor store was leased for a certain amount of time. There is now a plan to raise the 2500 square foot structure and construct a 3300 square foot structure that will be a convenience store and Dunkin Donuts with a drive-thru. The pumps in front will be demolished and three pumps will replace the two pumps. A

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car wash will be around the back of building that will be 1444 square feet with two bays. The flow of traffic will be around to the back for the Dunkin Donuts drive-thru and the car wash. There will be an easement for the town to have a parking lot behind their buildings. The town will purchase land in the back for a public parking and they will have a right of way. The structure will be set back further from the road.

Laura Merone Walsh stated currently the garage is just a full service station and they have added both businesses under one roof that will attract new people. They were advised that there is a need for commercial and residential vehicle car wash, which is their reason for incorporating a larger cut out to accommodate the larger vehicles. The car wash is an eco-friendly device. The facilities that they own in other locations are called Tennybrook Market. Ms. Walsh provided a rendition of other locations that they own. It is their intent to bring in characteristics from Vermont that include slate columns, and adapt their structures to the community. The colors blend in with the landscape where they are and the columns are made of Vermont slate. They do a hip roof and shingling and the peak supports the Tennybrook name. The Dunkin Donuts is a small service scale and there will also be a convenience store. There will be a lane for the Dunkin Donuts around the back of the building and an escape lane. It is uncertain at this time whether the car wash will be touchless or a brush wash and its structure will complement the other structure. There will be column lights that do not have a halo effect and are just accent lights. Naylor Breen built their Castleton location and it was opened 3/29/09. The accent lights are all cosmetic and the clapboard paint is baked in, which is long-lasting and is a positive for the neighborhood. All signs are internally lit LED's and shows the Tennybrook name. There will be full windows for safety. Inside they do gondolas, but the interior has not been determined at this point. The gas pumps will be self-service with a canopy and one more pump will be added to spread out the flow.

Erik Sandblom from KAS provided an engineering print (Exhibit b). He noted the difference from what was originally submitted to now is due to the coordination with the town regarding the Segment 6 project. The changes primarily are utility issues and not all have been resolved yet. Daryl Burlett, DPW Director, has been working on this and has made his best attempt to determine how the utilities will happen. One of the coordination items with the CLD engineers for Segment 6 indicated there is one storm water structure that will need to come at a right angle to a catch basin. There was consideration to move the structure, but the grade would not be good and it was decided to go with the recommendation from CLD. Notes were also provided on how they relate the elevations to actual sea level elevations because they started using a map that is based on relative benchmarks. Regarding site design, the building and the structures will be pushed back to provide more room and better traffic flow through the site. This will increase parking opportunities. There are two two-way entrances of 40 feet. The work up front will be constructed in the Segment 6 project and there have been discussions with the town to come up with the phasing strategy. By coordinating the two projects, there will be two controlled entrances with an island sidewalk. There are some parking spaces and two-way flow to the parking. The car wash will be one way in the direction coming out. There will be an allowance for six vehicles stacked that will allow a bypass lane between them. The traffic estimates are based on the Vermont Trip manual. The existing is not an actual account and by the expanded use, they would expect an increase of traffic flow but the additional access will provide better flow. As far as drainage, the site will be close to the existing grades. The drainage flow patterns are close to what exists now and the front part will be flowing up and away

towards the church. There is a grade break or high point at the face of the building that will flow away from the property opposite the church and will flow to the existing brook. The only new structure proposed will catch the front drainage to the catch basin and all the rest will go to the back, which is what it mostly does now. There is a large stone culvert under the building and that will need to remain open. The site will be constructed first and Segment 6 will follow the year after. Because the tributary runs to the culvert, it will pass underneath and there will be special consideration with the design of the building to be sure this remains intact. There will be a new primary conveyance structure and the one that exists now will become an overflow. The storm drainage will increase after Segment 6 and consistency is being maintained. They have been working with the town and CLD's design plan and they have updated where the new storm water structure will be. This has been well coordinated and they continue to coordinate to assure both projects blend well. The plan utilizes the existing water facilities and when Segment 6 comes through, they will replace it, as well as the sewer lines. It is anticipated a manhole will be included to take all of the sewer lines and send them to the sewer line where it needs to go, along with the new sewer connection from the car wash that will be pretreated from the car wash manufacturer. They have coordinated the design of the driveway ramps that will stop construction at the right of way line and when Segment 6 is constructed, it will be ramped up and will keep storm water where it should be. There are a number of lighting fixtures that include a pole with an LED fixture that is high efficiency and the LED's can be directed so that they will not cast light off the structure and will have no light pollution casted to the sky. The lighting in the canopy will be for security purposes and only under the canopy.

Anna Scheck stated the application is required because the ordinance outlines Commercial II use is conditional in this area. They are not required to go to Act 250 because the lot size will be under an acre. The requirements and conditions are placed by the town and the types of conditions will need to be determined by the DRB. The applicant has put forth a good idea of what they are doing.

Eric LaRock asked when the property is going to be subdivided by the town. Anna Scheck advised the subdivision permit was received from the town but in order for it to be complete; the state's portion has to be received. The state is currently reviewing this and prior to issuing the permit, there will be negotiations for the sale.

Ann Scheck submitted additional information regarding sewer capacity and water (Exhibit a) that included additional information for the next hearing at the front of the document. The applicant has received their capacity permits.

Sam Stone stated they spoke to the issue of traffic and it states they are anticipating three times the amount of in and out traffic. She asked if the town is satisfied with the plan that has been put together for traffic flow even though there is going to be three times as much traffic. Anna Scheck stated the town accepts the information that has been provided regarding traffic.

Erik Sandblom feels these are conservative numbers because the formula is based on peak hours and each of the services has a different peak hour. It equates to about 50 trips in per hour and with the two-way access, it should not cause traffic backup. Visibility is good and he does not see problems with increased traffic flow to the site.

Sam Stone asked if the lighting can be quantified as far as what is going to be there versus what is there now and are there going to be lights shut off at a given time.

Erik Sandblom stated this can be quantified and a lighting diagram can be provided to show the reflective light intensity that will demonstrate there will not be light casting off the property line. A rendition of the Castleton location was displayed showing what the site will look like at night. There will be no flashing lights.

Laura Merone Walsh stated in the perimeter, they have placed lights in key points that are LED for safety and traffic flow. There is no halo and the light is direct spot down and are based on candle wattage that is the circumference of the area. The lights are LED and energy efficient and at a certain times of the day the light dissipates down by timers. They would be on anywhere from ½ hour to an hour after the store closes for safety of employees. With LED's they have a longer life and less outages and they have a crisp light versus yellow. The building lights go off when the business is closed.

Bob Clark asked about the hours of operation. Laura Merone Walsh stated they are considering 5:30AM to 10:30PM, based on the demand of the business, to capture the guests of the services.

Eric LaRock asked if there has been consideration of the town parking lot in the rear of the building with regard to the traffic estimates.

Erik Sandblom stated they are unsure of the parking for the town and whether it will be a park and ride. They have determined adequate space for flow through, but as far a traffic numbers, they are not sure.

Tony Vaccarella asked if the parking lot will have a lit up right of way through the course of the night. Anna Scheck stated they do not have information on the parking lot as this is a town project. It was recommended Mr. Vaccarella can check in with the town.

Jane Young stated because of the size of the lot, Act 250 does not apply, however, does the town plan to develop the parking lot as a contiguous project with pavement to pavement as a large lot. Anna Scheck stated these two projects are separate projects, with the town owning the parking lot and the two areas will be contiguous but different owners. Ms. Young questioned if the paving will go to the town's line.

Erik Sandblom stated the paved area will go directly behind the store to allow for the lanes of travel to be paved.

Jane Young stated this project is one-half of a project and the other project is not known, but the total paved spaces have two active streams and a wildlife corridor. The only description of the drainage for the car wash will be a catch basin. Ms. Young asked what assessment the town has done regarding the quality of drain off for the added pumps and the activity of the car wash. Anna Scheck stated information has been received from the engineers that have designed the project that has taken all aspects into

consideration. As far as the back parking lot, that project cannot be discussed at this time. Jane Young asked if any engineers have done this assessment.

Erik Sandblom advised that he is a civil engineer. Mr. Sandblom stated they have not completed a hydrologic study of the flows, but there should be a reduced flow of the storm water. The wastewater will be discharged to the sanitary sewer once treated on the property side. There will be an oil-water separator installed to treat the flow from the pump area. There will be pretreatment on site and treatment in the waste water. Mr. Sandblom advise the water drains backwards and will go up hill and the seasonal drain will go to a retaining wall.

Jane Young asked who owns the retaining wall on both sides of the property. Erik Sandblom stated the south retaining wall is on the parcel the town is buying. Ms. Young stated one of the house rests on a retaining wall. Mr. Sandblom stated the drainage is a unique situation, but is what currently exists and when the parking area is developed, it will have to be addressed. Ms. Young stated there is no discussion of the town's project. Sam Stone stated the DRB will note the concern, but are hearing only this project at this time. Anna Scheck stated there is a letter from the DPW Director certifying the plan has sufficient capacity for the Dunkin Donuts, convenience store and the car wash. When the town project comes up, this will need to be discussed again. Kjel Thompson stated the back area used to be a swamp.

Katharine Briggs owns the two properties across this street and she noted that is where the oil is going now. Her understanding is that part of Segment 6 will include a method of taking storm water from the gas station and go into something before it ends up in the stream to reduce the amount of pollution.

Sam Stone stated this does not pertain to the hearing, however, questioned if someone from the town could address the issue of drainage.

Dave Atherton stated CLD has worked with Erik Sandblom to incorporate the drainage design for their project. There is a sand filtration system on the south side that will address these issues. Sam Stone suggested anyone wishing to discuss this issue can call the town office.

Steven Beck stated the gas station replaced a leaking storage tank and questioned how the new construction will impact the existing tank or are there plans to replace the tank.

Frank Trombetta stated there were five 4,000 gallon tanks on the property that were in front of the current building. They were removed about five years ago and a larger 20,000 gallon tank was installed that has two compartments. The existing product lines will be amended to accommodate the new dispensers and the tank will remain as is.

Linda Stewart questioned why the building is being placed farther back from the road, noting the Tennybrook in Middlebury is a reasonable distance.

Frank Trombetta stated the Middlebury location is sufficient, but it is a congested site and this affords the luxury of a passing lane and will accommodate more cars more efficiently with the change in the location of the pumps. He wished that they had this much room in Middlebury.

Steven Beck stated the street flows into the parking lot and into the gas station and questioned what will be done regarding the huge expanse for pedestrians.

Dave Atherton stated the proposal that MT Associates had at first had curbing, however, the majority of this work will be done with Segment 6 and the town will be coordinating with this project regarding this problem.

Robert Black, Chair of the Design Committee for the Downtown Brandon Main Street, stated he has worked on the Segment 6 project and is the architect for the renovations of the town office. Relative to the presentation, there are several issues in terms of conditional use. He appreciates the dilemma, but there are a number of issues to hear and consider due to the aesthetic impact. The Main Street Group has been working with the Brandon Planning Commission regarding what is desired for the look and feel of the town. The town has a unique setting and has the best drinking water in Vermont and Brandon is one of the designated downtowns where a downtown team has met with the town and plans were prepared to provide looks for exterior of buildings. Mr. Black stated an island sidewalk does not do anything for the aesthetics of the property. He suggested that perhaps trees could be added. Mr. Black stated there is a difference between a hip roof that prevents a horizontal line and he suggests that the car wash is not called attention to. He stated it will be quite visible and he is concerned with the aesthetics, as Mr. Beck had mentioned. When coming to the deliberation for conditional uses, the applicant has to add appropriate and reasonable conditions beyond the cash flow of a car wash, Dunkin Donuts and a convenience station. He asked what Brandon will get from this transaction as what happens will set the next history for this town. The DRB has to decide: capacity of existing planning facilities, storm water, characteristics of the area affected and traffic. He stated the church, town hall and town offices are landmarks. The change of use will change the look of the town and traffic will increase, notwithstanding the .5 acres where there will be a 45 to 50 car parking lot. There is an impact on the traffic and they should get a tangible study on the traffic. In the Segment 6 plan, there is a narrowing down that will not be good for left turns and a traffic impact study will show this. One condition considered should be ingress and egress before making a decision. Pedestrian access is very important and he is concerned with people walking back and forth through this area. The back lot, if it becomes a public lot, will need a pedestrian walkway as well. It is very important that these things are considered in the deliberation and the DRB needs to get it quantified according to the Brandon Land Use Ordinance and think about the importance of the look and feel of the town.

Jane Young stated as someone who lives on West Seminary Street, the bottom of West Seminary has become a free for all with traffic and this will aggravate a situation that is adjacent to this property. The store behind the town offices and the credit union are also affecting this area as it is becoming dangerous for pedestrians.

Shari Vaccarella stated the added noise is a concern to her due to the longer hours of operation. She would like to know how long people can wash their cars. Frank Trombetta advised the car wash will close when the businesses close and the car wash is done with closed doors.

Kjel Thompson asked if there will be diesel fuel sold and Mr. Trombetta stated there is no plan to sell diesel. Mr. Thompson asked about trucks coming to fill the tank and how people are going to get around that. He also asked if there will be conditions about no idling of the trucks.

Exhibit A was submitted from the Zoning Administrator – packet included letter from Scott Jensen of Department of Environmental Conservation, Letter dated 3/17/16 from Steven Zorn, Charles Powell and Brent Buehler and additional information provided by KAS Environmental Science & Engineering that included a letter and memo to ZA regarding the Special Flood Hazard Area, a copy of the MT Associates letter from State of VT Department of Environmental Division, MT Associates Land Use Permit #5788, Brandon PWD letter certifying sufficient wastewater capacity and Town of Brandon Tap Permits #C-302 and C-303

Exhibit B was submitted from KAS Environmental Science and Engineering – conceptual design drawing

Sam Stone called for an end to the hearing and advised the DRB has 45 days to render a decision.

Being no further testimony, the hearing closed at 8:30PM.

Respectfully submitted,

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Charlene Bryant