

Town of Berkshire Vermont

DEVELOPMENT REVIEW BOARD

Thursday, July 13, 2023

**** AMENDED APPROVED MINUTES ****

DRB Members Present: Dustin Broe, Claude Charron, Jason Doe, Russ Ford, Jason Jutras, Kris Lantz, Margo Sherwood, Carl Ruprecht

DRB Members Absent:

Zoning Administrator / DRB Clerk: Ann Lavery

Interested Parties: Nevaeh Beyor, Michael Gervais, Bernard Martel, Lita Martel, Tyler Martel, Ernie Minetti, Lynn Minnetti, Claudine Safar, Dennis Sheridan, Annabelle Ship,

Meeting called to order at 7:05 PM.

➤ NEW BUSINESS

▪ **BERNARD and LITA MARTEL – Wedding Venue / Conditional Use Hearing Continued**

- Bernard Martel presented a Site Plan, Project #23037 from **CROSS CONSULTING ENGINEERS**, for his proposed **EVENT VENUE** at **485 Mine Road**. All DRB members received copies as did Claudine Safar Esq, representing Annabelle Ship. Bernard presented a Supplement /Amendment to his original Change of Use Permit. He is adding the Title: **ACCESSORY ON FARM BUSINESS (AOFB)** under **Act 143**, to his application. See Exhibit 1 & 2 for the State of Vermont Regulations demonstrating that Bernard Martel meets the eligibility requirements for **Act 143** and **24 V.S.A. Chapter 117, 4412**.

Bernard explained that their 50.1 acre parcel is used primarily for ag/farming purposes. Qualifying products include hay, sap, fruits, vegetables, wood/veneer, and equine boarding. Events held on this property will feature their agricultural products, as well as carriage rides, farm tours, and vegetables, eggs, syrup, etc. available for sale.

Bernard continued by sharing a copy of the letter Annabelle Ship had distributed to Berkshire residents. Bernard then addressed the areas of concern:

- **Sound / Noise** The **ANR Map** and **Cross Engineers Site Plan**, show that Ms. Ship's property is over 900 feet from the Event Site. Her property is downhill and located through a stand of trees. He then presented Decibel Scales, and a hand out on Sound Attenuation (Exhibits 3 & 4). His point being that the intensity of sound diminishes over distance and barriers such as trees. He then demonstrated with a phone app and an electric razor. He concluded the noise issue by stating Berkshire has no noise ordinance and he then presented **Vermont Noise Statutes** (Exhibit 5).
- **Traffic** This project is a Small Scale Event. The Vermont Fire Marshal has set the maximum capacity for this venue at **118 – 148 people**. Bernard has parking space for 80 vehicles. Many events will be much smaller and the traffic generated much less. He compared it to Berkshire School where there are 54 parking spaces, and many other vehicles drop off and pick up students twice daily. He then pointed to Berkshire Municipal Plan where traffic generated on the major roads; West Berkshire Road, Berkshire Center Road, and Richford Road equals 700 to 1000 cars on weekdays. Events held at this venue will be on weekends where traffic is much less.

Mine Road is a Class 3 Road. It meets Vermont safety standards and is maintained year round. It is safe enough for school busses to transport children as well as emergency vehicles.

Mr. Martel concluded his presentation by stating he has a report from the **Vermont Fire Marshal** coming which will be filed with the Berkshire Town Office. He is willing to abide by the following DRB conditions;

- 1- **The maximum number of events per year will be no more than 14.**
- 2- **Curfew is at 11 PM**
- 3- **Amplification will be used only inside the Barn...Exception being short outside Vows ceremony.**
- 4- **No more than 80 vehicles allowed, with a Traffic Coordinator present to direct parking.**
- 5- **Events will be monitored at all times for excessive noise and participant behavior.**

Annabelle Ship, an abutting property owner then addressed the group. She is very opposed to the Martel Plans. Her concerns are that it will generate "unbelievable noise." She has been impacted now, by worry and not being able to sleep because her "peace and quiet" will be destroyed if this Venue is allowed. She cannot sleep because cars traveling on the Mine Road wake her.

Claudine Safar, Esq. representing Annabelle stated that noise was difficult to measure. She did not believe that Mr. Martel's statements were accurate. Noise certainly could reach the Ship property causing harm. She then asked for Berkshire Road Standards. However, the DRB replied, Mine Road is a 3rd Class Road, and Berkshire Class 3 Roads are governed by a Vermont State Highway Engineer and the Berkshire Select Board. Ms. Safar states that Mine Road is not acceptable for travel, and would be a dangerous road for folks going to and coming from an event.

At this point Chairman Carl Ruprecht asked for any further questions from either of the parties or the DRB. Kris asked for a quick review of the proposal. Russ wanted to be certain that the above mentioned conditions would be part of the final proposal.

Moved by Jason J. and seconded by Claude: **Is the Berkshire Development Review Board ready to take a final vote on the Conditional Use Application proposed by Bernard and Lita Martel to use their barn as an Event Venue under Act 143?** Voice vote. **Unanimous Approval**

Again the floor was open to any last comments, questions or suggestions. Hearing none, Kris moved: **The Berkshire DRB vote to approve the Martel Event Venue, Conditional Use Application, AOFB under Act 143.** Seconded by Jason D. A Roll Call Vote was requested: Dustin Broe, **YES**; Claude Charron, **YES**; Jason Doe, **YES**; Russ Ford, **YES**; Jason Jutras, **YES**; Kris Lantz, **YES**; Margo Sherwood, **NO**. Application Approved: **6 YES 1 NO**

Ann was directed to: Include the conditions listed above in the Final Permit.

- **DENNIS and TYLER SHERIDAN - Wedding / Party Venue / Change of Use Hearing**
 - Michael Gervais presented a **Final Sketch Plan** for Sheridan's proposed **Venue Site at 27 Cross Road**. This is a **2/3 Acre Lot**, with the former Methodist Church. The Church will be converted to a **Wedding / Party Venue**. Water and sewer are already existing. The Fire Marshal has determined that the site could hold a maximum of 100 seats. Parking for 36

vehicles is shown on the Site Plan. A handicapped ramp and designated handicapped parking, is also included. Dennis will hire a **Parking Attendant** so that the abutting property owners experience as little light pollution and traffic noise as possible. Parking will be in the rear spaces first and then down the West side. The Minetti Property line parking will be used last. Cars parked there must back into the space. Street parking will not be allowed. Concerns were expressed with the intersection of Cross Road and VT Rte. 108. Dennis will encourage traffic to use Potato Hill by posted signs and the Traffic Attendant. Abutting property owners, **Ernie and Lynn Minetti** were present. Dennis appears to have worked with the Minetti's and they have reach a conclusion on a **Stockade Fence** along Dennis' property line.

Conditions for Approval of the Application were as follows:

- 1 - **Maximum of TWO events per week**
- 2 - **Smoking Area will be on the North West corner of the property under the trees**
- 3 - **10 PM Curfew..Bar and Music stop at 10 and Site will be clear at 11PM**
- 4 - **Bell will never ring after 9 PM**
- 5 - **Dennis will keep the fence in good repair**
- 6 - **Shrubs / flowers will be planted to enhance the appearance**
- 7 - **Lighting will be as minimal as possible and on timers**

Jason D moved, and Russ seconded: **The Berkshire DRB Approves the Sheridan Event Venue.**
Unanimous Approval.

Ann will include the conditions listed above in the Final Document.

➤ **RECOGNITION OF VISITORS**

- **Michael Gervais** presented a **3-Lot Subdivision SKETCH PLAN** for **Paul Hatch**.
 - Lot One in Extended Village will be 1.8 Acres
 - Lot Two in Extended Village and Rural Land will be 5.0 Acres
 - Lot Three in Rural Lands will be 18 +/- Acres.

**Ann and Michael will check on a Variance to improve the shape of Lot Two.
- **Michael Gervais** presented a **SKETCH PLAN** for **Gilles Hardy**.
 - Moving the Boundary Line so that Gilles begins with 10.61 Acres and ends with 5.0 Acres.

➤ **OLD BUSINESS**

- **Minutes of June 8, 2023** were approved as written by acclamation.
- Margo questioned the Warning of Abutters for the Bradley / Megan St. Pierre Subdivision. Ann responded that Mr. Elander's land is NOT directly across from the St. Pierre property, and does not touch the St. Pierre Property, therefore he is not an abutter.
- Ann shared that Berkshire now has **DESIGNATED VILLAGE CENTERS** in both **EAST BERKSHIRE** and **WEST BERKSHIRE**.

➤ **ADJOURNED**

- **10:35 PM** Approved by Acclamation

➤ **NEXT MEETING – AUGUST 10, 2023**

Respectfully submitted,

Ann E. Lavery