

Westfield Planning Commission and the Westfield Zoning Board of Adjustment
Public Hearing December 28, 2020 to January 11, 2021 to January 25, 2021 to February 1, 2021
6:00 pm – via Zoom

Present:

Pat Sagui (chair), Brian Dunn, Kitty Edwards, Ellen Fox, Loren Petzoldt

Applicant and representatives:

Marielle Demuth

Sharon Rosenberger

Devan Currier

Nate Nadeau

Members of the public:

Wendy and Dana Berkowitz, interested party

Heather and Bruce Johnson, interested party

Will Young, Zoning Administrator

Corey Hutson

Call Meeting to Order: Pat Sagui called the hearing to order at 6:05 pm. All attendees at the meeting introduced themselves.

Welcome and opening remarks: Pat welcomed everyone to the hearing and described the meeting as a public hearing to consider application number 2020-18 by Horizons Engineering on behalf of Mark and Marielle Demuth to subdivide property into 4 lots, three 3-acre lots and one 4.3 acre lot where a 40'x80' warehouse storage building and access road, and gravel pad will be constructed. Water and sewer connections are not proposed for the property.

Pat administered the Oath to the applicant and representatives.

The Oath: Do you solemnly swear (or affirm) that the evidence you shall give, relative to the cause now under consideration, shall be the whole truth and nothing but the truth, under the pains and penalties of perjury?

Marielle Demuth, Sharon Rosenberger, Devan Currier, and Nate Nadeau took the Oath.

Pat explained the scope of permissible comments as specific and germane to the matter at hand. She also explained basic Robert's Rules of Order. All comments are to be made to the Planning Commission rather than attendees discussing topics among themselves. The presentation will be made by the applicant, then the Planning Commission and others will have the opportunity to comment in order.

Presentation by Petitioner: Devan Currier clarified the exhibits he has provided to the Planning Commission as part of the application. He has submitted an application form, a parcel map of the site and an site plan showing the location of the proposed lots and building. He described the building as wood frame with metal siding, with one overhead door and a man door on the east side and a man door in the rear for egress. He described the one access road and turn around that will serve both the warehouse and the residential lots. He mentioned that they have been in communication with VTrans to begin the process of an access permit for Route 100.

Questions from the Planning Commission:

Pat-

- Where is the DOT permit process? Devan made application today and is working with Nathan Covey.
- Nate added that DOT has made a site visit. A Letter of Intent from DOT is issued only after review by a committee at DOT. The timing of when and how the Town is notified of the review is not known.
- It is unclear when the driveway into the residential lots would be constructed. For this permit, the Planning Commission would be approving the easements and the location of the road, so to create subdivided residential lots that are not landlocked.
- Waste water permit designs and septic areas have not been identified.

Ellen

- Driveway that is proposed is a gravel surface? yes
- What is the grade of the driveway? Grade of the driveway will meet the DOT guidelines. It is around 8% in the current plan.
- Is there a vision for who maintains the drive to the residential sites for emergency services? Would kids walk to a school bus stop of the same drive as commercial vehicles? The warehouse will generally not be occupied. It will have very little traffic with large deliveries 3 or 4 times a year. Smaller trucks picking up materials once a week?
- Hours of operation? The business hours would be 7 am to 5 pm, weekdays.
- Route from storage would be from proposed warehouse onto Rt 100 to Cemetery Rd to Loop Rd.

Pat

- Occupation of warehouse? There will not be people or vehicles at the warehouse regularly.
- Describe the packaging. There will be tin cosmetic containers, maybe plastic bottles and pumps. No flammable materials.

Ellen suggested that the applicant speak with the Troy Fire Dept about a fire suppression plan or system. There is no fire suppression system in the current building plan.

Pat

- Commented about abutters that are not listed on the permit. Why are they not listed? It is the format of the permit that requests the property owners only on the left and right so those are listed.
- How have prime ag soils been avoided for development? Soil mapping was used to delineate the prime ag and statewide soils.

Ellen

- The building sites are not established, so could they be moved onto prime ag soil? The Act 250 permit process will provide a buildable area that will be approved, and this area is not on prime ag soil in the proposal going to Act 250 review.
- Has there been a conversation with the current farmer? Yes, the current farmer haying it is planning to continue haying it for now.

Pat

- Does the residential development also need an Act 250 permit? Yes, once the commercial building is under Act 250 review, the whole project will be under Act 250.

Kitty

-Would it be possible for a new owner of a lot to put a driveway straight to Rt 100? VTrans would likely not approve another access point to RT 100.

Loren

-Confirming that VTrans would need to approve another access for a new owner. Yes, VTrans would need to approve another access point, and the Act 250 permit access might even preclude approval of any other application for access.

Pat

-Lighting? At the doors, motion sensitive and shielded.

-15 ft building height? It is 15 ft to the eaves with a pitched roof, barn style. The full height at the peak is to be determined.

-Visibility of the building? The field is open and will be visible from most vantage points. Because of the grade only the peak is visible from Rt 100. Minimal visibility from the Daigle property and moderate from the Smith property.

-Setbacks to the wetlands are very close to the building. Is there impervious surface beyond the building? Very little disturbance around the building.

-Driveway storm water drainage plan? The proposal does not meet the 1 acre threshold that requires a full stormwater management plan. Will use sedimentation control for construction site. There will be grass lined ditches to the existing culvert and a new culvert under the access road itself.

-Length of the driveway? 350 ft with ditches on the first 200 ft on both sides.

-Grade of drive at rt 100 for 50 ft? 8% grade so there isn't a bigger cut.

Comments from Will, Zoning Administrator: Concern about building height. Accessory structure is 15 ft, no guidance for commercial structure in bylaw.

Wendy – Concerned about residences and wastewater. How big will the houses be? Increased runoff from the property into the culvert. Organic farm needs to have clean water. Concern about the character of an area and traffic on a small parcel.

Pat to Applicant

-Have you calculated the additional runoff from the project? No, applicant believes the increase is small and could be minimized with swales or similar if needed. Nate mentioned that this will be evaluated as part of the VTrans permit. It is unknown for the residences and would be determined at the time the houses are built.

Further discussion that what is approved in the Act 250 permit would determine the size of the wastewater design (and by extension the size of the house) and would be for single family housing only, not an apartment building or multi family house. Also, the Act 250 review process is just now underway and whether the subdivision will be approved for an Act 250 permit is undetermined at this point.

Ellen mentioned that the Planning Commission does value and consider housing density and rural character of the town. The village area is surrounded by conserved land where the town cannot grow.

Heather- Will the property will be surveyed and blazed? Heather is concerned with the current marker. Nate commented that the overall property has been surveyed. Nate stated that he will communicate with Heather about the survey and she can call him or stop by his office.

Being no other comments from interested parties or members of the public, Loren motioned to suspend the presentation of evidence and comments. Kitty seconded the motion. Motion passed unanimously.

Loren motioned to enter deliberative session. Brian seconded the motion. Loren invited Will to join the deliberative session and the Planning Commission entered deliberative session at 7:32 pm.

Planning Commission exited deliberative session at 8:17 pm.

Ellen made a motion for continuance. Brian seconded. Discussion ensued to establish a date for the meeting to resume. There was consideration of the information needed to be gathered before the next meeting. Motion is to reconvene on January 11 at 6 pm by zoom. Motion carried. The zoom call ended at 8:23 pm.

Hearing resumed January 11, 2021

Present:

Pat Sagui (chair), Brian Dunn, Kitty Edwards, Ellen Fox, Loren Petzoldt

Applicant and representatives:

Marielle Demuth

Sharon Rosenberger

Devan Currier

Members of the public:

None present

Continuance: Pat Sagui opened the continuance of the public hearing at 6:08 pm. This is a continuance of the Public Hearing of December 28, 2020 to consider application 2020-18 submitted by Devan Currier on behalf of Demuth/Rozelle's.

Acknowledge applicant responses: The Planning Commission sought additional information and continued the public hearing. Pat acknowledged receipt of the additional information from the applicant and entered the questions and responses into the public record (attachment A to these minutes)

Members of the Planning Commission had some follow up questions.

Q What will be the overhang of the roof?

A Not sure at this point

Q Will there be equipment housed at the warehouse site?

A No, any large equipment such as a forklift will be transported by trailer and stored at the Loop Rd facility. Material will be handled with a pallet jack at the proposed warehouse.

Pat clarified that the permit needs to be revised to reflect the height at the peak of the proposed warehouse. In addition, the applicant will need to request a variance if the height of the building will exceed 15 feet. The current proposal has a building height in excess of 15 feet.

Devan will request these revisions to the permit application with the Zoning Administrator.

Being no further questions or general discussion, Ellen made a motion to enter executive session for deliberation, Loren 2nd the motion and it carried unanimously. The applicant and representatives left the meeting, and the Planning Commission entered executive session at 6:20 pm.

The Planning Commission exited executive session, returning to the Public Hearing at 7:56 pm.

Discussion of the need for a variance: It was determined that a height variance is not needed for the project. The proposed warehouse would be the principal structure on the parcel and so would not be subject to the 15 foot height maximum for accessory structures. The 35 foot building height maximum for all other buildings in the Rural/Agricultural Zoning District would apply (Westfield Zonign Bylaw section 204.03.) Any subsequent structures on the parcel would be subject to the bylaw in effect at that time.

Brian made a motion for continuance to January 25 at 6 pm. Kitty seconded the motion. Discussion included that Ellen will draft the additional questions for the applicant and communicate that there is not a need to request a variance. Motion carried unanimously. The zoom call ended at 8:10 pm.

Hearing resumed January 25, 2021

Present:

Pat Sagui (chair), Brian Dunn, Kitty Edwards, Ellen Fox, Loren Petzoldt

Applicant and representatives:

None present

Members of the public:

None present

Continuance: Pat Sagui opened the continuance of the public hearing at 6:02 pm. This is a continuance of the Public Hearing of December 28, 2020 previously continued to January 11, 2021 to consider application 2020-18 submitted by Devan Currier on behalf of Demuth/Rozelle's.

Executive session: Brian motioned to enter executive session. Kitty seconded the motion, and the Planning Commission entered executive session at 6:03 pm. The Planning Commission exited executive session, returning to the Public Hearing at 6:56 pm.

Ellen made a motion for a continuance to February 1, 2021 to provide time for the applicant to submit requested information. Brian seconded the motion, and it carried unanimously at 7:00 pm.

Hearing resumed Feb 1, 2021

Present:

Pat Sagui (chair), Brian Dunn, Kitty Edwards, Ellen Fox, Loren Petzoldt

Applicant and representatives:

Sharon Rosenberger

Devan Currier

Members of the public:

None present

Continuance: Pat Sagui opened the continuance of the public hearing at 6:08 pm. This is a continuance of the Public Hearing of December 28, 2020 previously continued to January 11, 2021 and January 28, 2021 to consider application 2020-18 submitted by Devan Currier on behalf of Demuth/Rozelle's.

Acknowledge applicant responses: The Planning Commission/Zoning Board of Adjustment sought additional information and continued the public hearing. Pat acknowledged receipt of the additional information and a site plan illustrating drainage from the applicant and entered these materials into the public record (attachment B to these minutes.) Devan Currier provided an overview of the information submitted including description of planned ditching and culvert and the existing culvert under Route 100. The applicant described the additional drainage produced by the proposed warehouse and access road as minimal in context of the 126 acres currently draining to the wetland and culvert under Route 100.

Members of the Planning Commission /Zoning Board of Adjustment had some follow up questions.

Q: Will increased storage of water on the west side of the road increase the velocity on the west side coming out of the culvert, resulting in scouring at the outlet?

A: No. There will be negligible water accumulation on the west side. The culvert does not appear to be undersized.

Q: Describe the level spreader in the drainage plan

A: The level spreader will accumulate drainage from around the north side of the building via a slightly graded grass swale and will transmit the water as sheet flow when it becomes full.

Q: Describe the ditching along the access road.

A: A ditch will be installed along the steeper grades of the drive, generally from Route 100 up to the flatter section where there is a split in the access road. It will be lined with stone;

Q: Could you use a grassy swale design in place of the ditch to promote infiltration rather than runoff?

A: The steepness of the area requires stone to prevent erosion, and the stone will allow some infiltration.

Q: What is the construction timeline?

A: Start as soon as permits are in place and the spring weather begins. Plan to complete the project by mid-August. Could use erosion control for winter stabilization if it goes beyond the season.

Q: Will you build the spur to the other lots at the same time?

A: That has not been decided at this time; goal is to establish the storage warehouse.

Q: What are the size of the trees to be planted?

A: No decision has been made, and we are open to guidance from the Planning Commission/Zoning Board of Adjustment, perhaps 5 ft trees to be planted.

Q: What is the plan for maintenance of the level spreader and the plan to be sure the new trees are well established?

A: The level spreader will receive very little sediment and require minimal maintenance. The applicant has ability to bring water to the site to water trees while they establish.

Q: What will happen to the topsoil that is excavated as part of the construction?

A: The soil will be stock-piled and used on site for the grading plan around the building.

Executive session: Ellen motioned to enter executive session. Kitty seconded the motion, and the Planning Commission/Zoning Board of Adjustment entered deliberative session at 6:47 pm. The Planning Commission/Zoning Board of Adjustment exited executive session, returning to the Public Hearing at 7:35 pm.

Motion for Decision:

Loren made a motion

- 1) to grant Conditional Use Approval for construction of a 40'x80' warehouse subject to the revised site plan including revisions made by the Zoning Board of Adjustment for additional landscaping.
- 2) to disapprove the site plan for a 4 lot subdivision based on submission of a conceptual rather than an actual site plan for review.

Brian seconded the motion. The motion carried unanimously.

Loren made a motion to adjourn, Brian seconded, motion carried, and the hearing adjourned 7:39 pm.

Minutes respectfully submitted by Ellen Fox

Attachment A:



8836 Pomfret Rd, PO Box 346, North Pomfret, VT 05053 • Ph 802-457-3151 • Fax 603-444-1343 • www.horizonsengineering.com

Westfield Planning Commission
38 School Street
Westfield, VT 05874

January 11, 2021

Dear Ms. Fox

Below please find responses to the question posed during the Boards review and consideration of our application for Town approval. I will respond in the order you provided them for simplicity.

The follow up questions are the result of discussion during deliberation and a site visit by Planning Commission members on January 1:

1. How will electrical service be conveyed to the warehouse? And to the residential lots?
Will it be underground or on poles?

Response: The local power company has not been contacted at this point, but we are planning for above ground to bring power across Route 100 and likely above ground along the access drive, and underground drops to the buildings from the closest pole.

2. Color of roof and siding?

Response: The color of the roof is black. The side walls will be grey with a darker grey at the bottom, with white trim.

3. Do the sidewalls need to be 15'? Why?
Height of building at roof peak?

Response: The side walls are typical for a warehouse type building so that material can be efficiently stored vertically. The footprint is smaller as a result of going up rather than out. The height at the peak is approximately 22-feet, that is with a 4/12 roof pitch.

4. How will inventory be stacked?

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Response: The inventory of cosmetic packaging will be stored on pallets, and a portion will be on vertical pallet type racks.

5. Will there be a floor drain and if so what is the outflow plan?

Response: No Floor Drain, no water to the building.

6. Provide estimates of line of site to Route 100 and any plan for vegetative screening to supplement existing wetland vegetative screening?

Response: The finish floor of the building is approximately 16-feet above the grade of Rte. 100 in front of the site, and the building front is 300-feet from the road. In the area of the building frontage there is an abrupt rise up from the proposed access. I believe a person driving from the North will see the building as they get to the property frontage and lose sight of it to some extent as they pass adjacent to the drive due to the distance back and elevation difference. Coming from the South the tree line will obstruct the view to some degree.

The project is not planning to impact the existing tree line, and will not disturb the 50-foot wetland buffer.

The applicant would be open to additional screening in the form of evergreen type plantings.

7. How large is the teardrop shaped vegetated area in the drive turn around?

Response: The teardrop tapers from 40-foot width to 10-foot in approximately 80-feet of length.

8. Can you use the teardrop area for planting vegetation/trees?

Response: No reason it could not be planted with some screening trees.

9. Is there any reason you cannot plant screening vegetation along the upper portion of the drive and in the teardrop area? Possibly along the NW side of the structure?

Response: No, and the applicant will plan to incorporate some screening into the plan. It will help to break up the length of the building and screen it from the road.

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10. Do you plan to cut trees at the treeline? If so, approximately how many feet into the wooded area?

If no additional trees cut, how far from the current tree line will the foundation excavation be?

Response: No, we do not plan to cut trees, the tree line is within the 50-foot wetland buffer. The tree line is 40-feet from the closest building corner.

11. Will trucks only enter from the northbound lane? If not, please indicate adequate turning radius for 90 degree turn from south bound lane.

Response: We used a program called auto-turn to determine what was needed to allow the occasional tractor trailer to access the site. As noted during the meeting tractor trailers are not expected to be the predominant vehicle, except maybe in the initial stocking of the facility. That said, a tractor trailer coming from the North will need to swing approximately halfway into the opposing lane to make the turn. As noted during the meeting, the access is on a straight section of Rte. 100 with good sight distance in both directions. Entering from the South is an easy maneuver for a tractor trailer vehicle.

12. What are the tradeoffs to curving the bottom (entrance) of the drive to the south to reduce the grade?

Response: Due to the need to stay 50-feet from the wetland limit and not disturb that area it would be difficult to gain much by curving the access with the contour in the area. More area would be disturbed as well due to cut and fill slopes and a slightly longer road.

Contrary to what was stated at the meeting on the 28th, the grade within 50-feet of the road is at or below 5% as noted in the bylaws. There is a short section of 7.8% grade before flattening out in the turn-around area.

13. Will there be deliveries in the winter months?

Response: Deliveries are expected in the winter months.

14. Do you anticipate any temporary outdoor storage, e.g. pallets, product overflow, trash? Will there be a dumpster?

Response: Outside storage is not expected. A dumpster will be part of the plan and placed in a wood fence type enclosure off the North side of the gravel pad.

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15. What are your options to infiltrate all runoff (from structure and driveway) on site from a 2" rain?

Response: This property is part of a much larger drainage area that flows off the hills to the west into the wetland areas on the property.

The increased impervious area is approximately a third of an acre, 3200 sf of roof and 9200 sf of new gravel road/ pad. The intent is to maintain the natural sheet flow of drainage from the site. The pitched roof and gravel pad will drain to flat areas on both sides of the building where the runoff will remain as sheet flow via level spreader type grading. For about 150-feet of the 24-foot-wide access road there will be shallow roadside ditches that will pick up 1/2 of the 24-foot wide road and a small amount of grassed back slopes. Given the small areas and gravel surfacing it would be hard to discern any real increase in flow to the culvert crossing under Route 100.

16. What is the current % soil organic matter adjacent to proposed drive and structure?

Response: Attached please find the NRCS Soils Map information for the property.

If you have additional questions please let us know. Thank you for your attention in this matter.

Regards,

A handwritten signature in black ink, appearing to read "Devan M. Currier", is written over a thin horizontal line.

Devan M. Currier, P.E.

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Attachment B:

Demuth hearing update

Devan Currier <dcurrier@horizonsengineering.com> Fri, Jan 29, 2021 at 11:09 AM

To: Ellen Fox <ellenmfox1@gmail.com>

Cc: pat sagui <saguiapat@gmail.com>, "mdemuth@rozelle.com" <mdemuth@rozelle.com>, Sharon Roseberger <sharon@rozelle.com>

Ellen,

Please find the attached revised drawing set for the Board's review. We have added a grading and drainage sheet in order to better show how the stormwater will work and some detail on the permanent drainage features. Also we added some landscaping in the form of evergreen trees along the south and east. Following is a narrative discussing the overall drainage area and the 3 drainage subcatchments associated with the site. I've included a separate .pdf with approximate site drainage areas and flow direction represented for clarity.

Overall Drainage:

The overall drainage area contributing to the 36" culvert under Rte. 100 just south of the new access is approximately 125 acres of woods and fields draining from the hills to the west. The site is within this drainage area, as stated previously the new gravel road and building roof is approximately 1/3 of an acre, very small in relation to the existing watershed. We are working with VTRANS as a result of the driveway permit, they recognize the minimal impact but have requested we take a quick look at that culvert just to be sure it is correctly sized. The town will get a copy of the permit and any requirements that go along with the permit.

Site Drainage:

SC#1 – This area drains to the access road ditch along the North side, it is a total of 0.33 Acres (2/3 grass, 1/3 gravel road). During a 10yr design storm the rock-lined ditch will flow ¼ of a foot deep. We have indicated on the plans the ditch is to have 6-inch minus rock in areas in excess of 5% ditch slope, that will be for much of the ditch from Rte. 100 to where it flattens out on top closer to the building.

SC#2 – This area is the other south side road ditch, similarly it is approximately a 1/3 or less of an area with the same proportion of Grass and gravel. Similar flow conditions as the above.

SC#3 – This area drains to the swale on the uphill side of the new warehouse, it picks up the roof and about an 1.5 AC of forest and field, the runoff is intercepted with a swale that gently slopes to the west and around the building effectivity increasing the normal flow path. The flow concentrated in the flat swale will be spread out into sheet flow when it makes it to the 20-foot long level spreader on the south side of the building. At that point it will once again be sheet flow down to the wetland. The swale flows at 1/3 of a foot deep during a 10-year storm.

The remainder of the site is graded such that the gravel will sheet flow to the grassed areas to the south prior to eventually making the wetland and the cross culvert.

One other minor change we made was to move the building 15-feet from the wetland buffer, about another 8-feet, to allow

for construction. A silt fence and orange construction fence will be placed along the wetland buffer in this area during construction.

2/2/2021 Gmail - Demuth hearing update

<https://mail.google.com/mail/u/0?ik=4ff1c80614&view=pt&search=all&permmsgid=msg-f%3A1690238009440310054&simpl=msg-f%3A169023800944...> 2/2

I hope this meets your request for additional information, please let me know if you have any additional questions.

Thank you,

Devan Currier, P.E.

[Horizons Engineering, Inc.](#)

2 attachments

20713_ROZELLE SUBDIVISION.pdf

3696K

Sub_Cat Drainage 20713_ROZELLE SUBDIVISION.pdf

Board of Adjustment Hearing Minutes-Demuth 12-28-20; 1-11-21; 1-25-21; 2-1-21 to January 11 2021 to January 25, 2021 to February 1, 2021

ROZELLE, INC. ROZELLE SUBDIVISION

WESTFIELD, VERMONT
JANUARY, 2021
PRELIMINARY DESIGN



OWNER:
ROZELLE, INC.
17-000
WESTFIELD VT, 05674

DESIGNER:
BEN ROZELLE & ASSOCIATES

16M NORTH ROAD
WESTFIELD, VT 05674
(802) 463-8500

SHEET NO.:

SHEET 1: COVER
SHEET 2: EXISTING CONDITIONS
SHEET 3: CONCEPTUAL LAYOUT SITE PLAN
SHEET 4: DRAINAGE AND GRADING PLAN
SHEET 5: EROSION CONTROL

APPROVED:

DATE:
1/11/21

