

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of February 5, 2019

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

Members present: Robert J. Wernecke, Chair, John Friedrich and Josh Fitzhugh

Staff present: Thomas J. Badowski, Zoning Administrator and Kristi Flynn, Recording Secretary

Others present: Paul O'Leary (Engineer), Shawn Cunningham (Engineer), Chuck Storrow (Lawyer), Eldon Dubie. The minutes were recorded by ORCA.

Applicants were sworn in at 7:01pm.

2. New Business

- A. **18-062 – Berlin Mall LLC** (continuation) submitted an application for a Site Plan Review associated with the erection of a ninety-nine (99) unit senior housing facility. The Property is located on Berlin Mall Road, Outlot "B". Tax Map IDs: R02-033.B00; PID SA6-003. The Property is located in the Town Center District.

Paul O'Leary reviewed the changes to the application. More detail has been added to the plan, including stairwells. The number of living units has not changed. There are 72 parking spaces underneath the building with a ramp from the WalMart side, with some additional parking spaces at the front of the building for a total of 91 spaces. The applicants feel that 40-50 spaces will be used by the residents, with about 30 spaces used by employees. The curbing details are clearer, with curbing planned all along the front of the building; entrance to the back of the mall beside Walmart will now have a 4-way stop with a crosswalk for better access to the mall. The applicants have proposed adding some speed limit signs, as well as having some informational signage at least a month before the opening of the new building. Minor changes have been made to the lighting plan. The dumpster pad has been added to the top of the ramp to make it easier for the garbage truck pick-up. Mr. Dickinson looked at the timing of the traffic lights for the left hand turn lanes at the Route 62 intersection and the best that can be achieved is Level of Service C; the applicants have also looked at traffic data for Fisher Road and Airport Road intersections. A bike rack has been added to the plan near the front entrance to the building. The landscape plan is largely unchanged. Some of the

retaining walls have been removed except the ones by the ramp to the parking garage, and the sidewalk on the WalMart side has been removed.

Mr. Fitzhugh asked about the road to the back of the mall and the ramp to the parking garage. It appears that the removal of the parking spaces here would keep the amount of pavement the same. The curbing along there would make it easier for pedestrians to cross but could also make it slightly harder for trucks to make the turn. Mr. O'Leary has tested the turning radius of the larger trucks to make sure there is plenty of space. In general, the truck and car traffic should be able to co-exist.

The sidewalk and pedestrian crossing signage has been addressed on the plan.

Lighting changes have been made to the plan. The overhead light has been moved closer to the pedestrian crossing.

The landscaping plan has not changed since the last plan. There is a row of trees in the front of the building to give it a street scape feel. The landscaping might be adjusted in the area where the parking spaces have been removed.

The dimensions from the building to the WalMart garden center have now been delineated on the plan. There are some storage units outside the garden center that appear to be used by WalMart; they don't seem to have always been there.

Mr. Badowski asked for some copies of the plan to send to the town's wastewater engineer for review and comments.

Mr. O'Leary does not believe there will be additional signage for the complex at the entrances to the mall. The Chair believes that the mall should consider adopting a speed limit for the entire Berlin Mall Road. He asked Mr. Storrow if the mall owners might want to add a speed limit sign at the Fisher Road entrance.

Motion was made by Mr. Fitzhugh to close the hearing, seconded by Mr. Friedrich; the motion passed unanimously.

- B. **19-001 – Berlin Mall LLC** submitted an application for Preliminary and Final Plan Review of a Two (2) Lot Subdivision of 1.94 acres and 63.83 acres. The Property to be subdivided is on Berlin Mall Road, currently referenced as Outlot "B". Tax Map IDs: R02-033.B00; PID SA6-003. The Property is located in the Town Center District.

The DRB must review this application under both the current and the proposed regulations. The ZA feels that the changes in the regulations don't come into play for this application. There are some additional steps that need to be taken; the ZA deals with the sketch plan, the DRB with the preliminary and final reviews.

Mr. O'Leary reviewed the Outlots delineated on the mall's map. The applicants are concerned with Outlot B. This will be the first lot officially subdivided. There is road frontage on the Berlin Mall Road.

Chapter 350 – Subdivision Standards

3502 – capacity of community facilities – the ZA noted that the police department did not have any comments or concerns; the fire department did not come back to the ZA. There are existing fire hydrants along the mall road, with the closest one in front of WalMart; the ZA doesn't see any issues.

The Chair feels that ROWs and easements are required because access is across private land; however, as this property will be leased, Mr. O'Leary believes the owners will have to give this access. In this case, all of the utilities are private, except for Green Mountain Power. Mr. O'Leary believes the accesses will be part of the lease language. Mr. Storrow noted that a declaration of covenants exists on the property so that all of the leasees have access to and from the private road. The Chair feels that the bank and the owners would like to have these assurances in place; the land ownership will remain with the mall owners. The Chair has requested a copy of the lease for the town's records.

The Chair feels that the applicants answered most of the subdivision questions.

- 3503 – suitability of the land – okay
- 3504 – design and configuration of parcel boundaries – this lot doesn't preclude the use of any other lot
- 3504.B – lot dimensions – setbacks on all sides have been met; the building also meets the square footage requirements
- 3504.C – building envelopes – not applicable
- 3505 – design and layout of necessary improvements – has been discussed
- B – pedestrian and bicycle – has been addressed
- C – water and wastewater – has been addressed, public utilities accessed through private lines (see above)
- F – landscaping – has been addressed by the site plan
- G – erosion – the applicants have applied to the State for stormwater and erosion control plan approval

- H – stormwater – sand filters and underground storage will be utilized to achieve adequate stormwater treatment/management
- I – monuments and lot corner markers – have been delineated on the map

The ZA reviewed pages 2-4 regarding lot size and density; it was determined that this section mainly deals with residential lots as opposed to commercial development and does not apply to this application. Mr. Fitzhugh feels that this project fits in with the district purpose statement.

Motion was made by Mr. Friedrich to close the preliminary and final review of Application #19-001, seconded by Mr. Fitzhugh

Discussion ensued regarding Figure 4-05 and Section 350, which are in different orders.

Motion was passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the January 2, 2019 meeting.

Motion was made by Mr. Wernecke, seconded by Mr. Friedrich, to approve the minutes of January 2, 2019 as amended; motion passed unanimously.

Amendments: specified the role of participants and noted that ORCA recorded the hearing

Motion was made to go into deliberative session by Mr. Wernecke, seconded Mr. Friedrich.

The DRB entered deliberative session at 8:17pm; DRB exited at 8:57pm.

4. Motion was made to adjourn by Mr. Friedrich, seconded by Mr. Fitzhugh; meeting was adjourned at 8:59pm.

Respectfully submitted by Kristi Flynn, Recording Secretary