

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

UNAPPROVED MINUTES
Meeting of January 2, 2019

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

Members present: Robert J. Wernecke, Chair, Shane Mispel, Karla Nuissl, John Friedrich and Josh Fitzhugh

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

Others present: Bill & Michelle Snyder (IPs), Mike Rushman, Brad Dousevicz, Paul O'Leary, Greg Rabideau, Shawn Cunningham, Roger Dickinson, Polly McMurtry

The Chair reviewed the criteria for being an interested party. The applicants and interested persons were sworn in at 7:01pm.

2. New Business

- A. **18-062 – Berlin Mall LLC** 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.

Mr. Rushman has been working with the owners of the mall in looking at turning the mall into a multi-use facility, such as Planet Fitness, Walk the Long Trail and various community events. They would like to bring in non-retail uses to the unused parcels on the property. The senior housing would be located to the south of Wal-Mart, on a 1.95-acre building envelope; the housing would be a mixture of independent living, assisted living and memory care center. An existing Act 250 permit will need to be amended. The water system and electrical system would be expanded from the mall building. Preliminary talks have taken place with the state, but permits have not been submitted. Elevation is 980 feet which is similar to the surrounding land. Curbs and sidewalks have been added to make it more like a street-scape. There will be underground parking with about 76 spaces coming in from the back of the building.

A retaining wall will be built along the back lot line, with another one along the front. A sewer line that goes through the lot comes from the school and will be connected there until the school sewer project is completed.

Mr. Badowski noted that the applicants are applying for a permit to the Public Works Board, who will have comments as the process goes along. Mr. Snyder requested the Act 250 permit number that is being operated under; the original permit is in effect with any amendments that have occurred since then.

Mr. Dickinson reviewed the traffic assessment with access off Berlin Mall Road. Frontage is on a private road but access is off a town road. Some independent seniors will have cars but will generally not drive during the peak hours on Route 62 and going in/out of the mall. For the purpose of the traffic study, it was assumed that all trips would use the Route 62/Berlin Mall Road entrance. The intersection operates at a level of service A during the peak hours, though left turns would experience level of service C; Mr. Dickinson believes this project will not significantly impact traffic at this intersection. The Chair wondered if changing the timing of the lights could make the left turn lanes a level of service B; Mr. Dickinson will check with the state.

Route 62 is a high-accident area, mostly occurring at Fisher Road. See Table 4 of the Traffic Impact Assessment that deals with Route 62/Berlin Mall Road. The state has installed dilemma zone technology to help with crashes at Paine Turnpike/Fisher Road. The mall has a number of bus routes that the seniors will probably utilize. The AWD traffic from the senior housing would be 311vph. Mr. Dickinson will revise his study report on the traffic growth factors. Kohl's traffic study was 10 years old; Mr. Dickinson could not find updated traffic count numbers on the state's site. Mr. Fitzhugh asked about a traffic study done at the Fisher Road intersection; Mr. Dickinson noted that a traffic count has not been done at this site.

The number of employees will be 20-30 people, but some would be part-time caregivers and food workers. Food service is available on-site. A van will take residents to appointments off-site; the facility is purposely close to services, such as Wal-Mart and the hospital. For pedestrians, there doesn't appear to be a crosswalk to get to the mall. At a minimum, a crosswalk will be added; the Chair suggested that a landing point and signage be added, as well. Mr. Rabideau noted that this has not been looked at closely yet. Mr. Rushman stated that it is anticipated that sidewalks and crosswalks will be added along both sides of Berlin Mall Road to Route 62 once Lot C is developed. Mr. Badowski suggested a timed crossing light. The owners of the mall are very interested in making this a safe crossing area. Mr. Friedrich suggested a covered walkway for pedestrians. Mr. Mispel asked about the space between the new parking lot and the garden center for Wal-Mart. Mr. Rushman sees this as a series of incremental steps to change this area into a true town center. Mr. Mispel doesn't see enough space along the service road; the DRB requested a drawing that includes the garden center, as well as crosswalks and sidewalks to show the space that is available. There are no speed

limit signs around the mall; the DRB would suggest adding some type of signage. The Chair asked about sidewalks all along Berlin Mall Road to the hospital end.

The curb will extend across the entire front of the property with a 3-5-foot strip of grass. There was a discussion about re-paving Berlin Mall Road to Route 62. Mr. Snyder gave some background on the mall property. He feels that traffic from the senior center to the hospital will go along the front of the mall; he has suggested adding an additional road to Route 62 or changing the road in front of the mall to one-way. Mr. Richman noted that the area for a new access would be going through wetlands, which would not happen. Mr. Fitzhugh noted that he is the Chairman of the Act 250 commission and would recuse himself from their hearing on this project. Mr. & Mrs. Snyder left the meeting at this point.

For parking, there are 76 underground and 36 above-ground spaces. There should be plenty of spaces available for employees, residents and guests. The 16 spaces on the Wal-Mart side could go away if there is concern with space. Generally, the applicant is looking at 1 parking space per two beds; the independent living residents will probably have a vehicle and the additional residents will not have vehicles; there will be 5-7 employees working at any one time. Mr. Rabideau noted that they will look at coming back to the board with a revised pedestrian walkway that would utilize the existing mall parking. The site distance at both entrances is 335 feet. Deliveries will mostly come in through the front of the building; the commercial kitchen is in a one-story vented section. Mechanical units for heat and air conditioning will be located on the roof. Units for hot water will be spread throughout the building.

Dumpsters will be located in the basement with access through trash chutes; the dumpsters will be rolled out from there. They will be serviced twice a week, based on their experience at other facilities. If the parking spaces are removed, a dumpster might be located there.

Pedestrian/Bicycle Access – see comments above. A bike rack will be added to the front of the building.

Adequacy of Landscaping – Mike Lawrence prepared the plan, including the courtyard layout. The patios have loops as opposed to dead-ends. There is a streetscape along Berlin Mall Road. The north side should include shade-tolerant plants and trees. The applicants are agreeable to a condition that requires a three-year guarantee on all plants on the property.

Hours of Operations – 24/7

Setbacks – front setback of 36 feet; district calls for 10 feet for left, right and rear setbacks. Currently there are no dimensions of the outlot, but the lot will be legally subdivided off before the project is completed. The Chair requested the setbacks correctly noted on the permit application. He also requested a revision to the building height, which shows 60 feet; the current zoning is a maximum of 45 feet and the proposed zoning is 60 feet. The application should show 43.5 feet in height.

Exterior Lighting – proposing all LED fixtures. All poles are 20 feet tall that will define the entrances, with a small mounted light at the entrance to the parking garage. Some recessed lighting will be located at the canopy over the front entrance. There will be some lighting on the patios. There are some existing street lights along Berlin Mall Road, which will be added to the lighting plan. Ms. Nuisl asked how many doors there are to the building; there is the main entrance and secondary doors to each patio. There will be recessed lights at each door; all doors would be on a photo cell. Patios are not generally lit, except by the doors. The ZA suggested talking with the airport about lighting and their flight paths.

Stormwater Drainage – everything is being funneled underground, collect roof and surface run-off to four locations. A 24-inch sand filter system treats the one-inch rainfall and discharges towards the back of Wal-Mart. The second containment system deals with the 100-year rainfall because of the amount of impervious surfaces. Therefore the discharge will not be any more than it is right now. This design has not been submitted to the state yet. The maintenance of these systems involves inspections annually and regular cleaning of the systems. The life of the sand filter system is anticipated to be 10-20 years. The first inch of rain needs to be treated, the subsequent inches do not. Storm water must be pumped from the parking garage ramp up to a collection basin; no drains located in the rest of the garage. The permit will be conditioned on receiving state approval of this plan.

Renewable Energy – considering adding some rooftop solar systems, there is good southern exposure

Municipal Services – Chief Wolf requested the traffic study and he feels comfortable with it. No LOI needed. The Fire Chief has no concerns.

Ms. Nuisl wondered about adding green space and gardens to the roof; Paul noted that it is difficult structurally and expensive. Mr. Friedrich wondered if a walking trail is planned with this project. Mr. Rushman noted that the school has some trails on its 10-acre property; the mall owners have been in discussions with VT Youth Conservation Corps about creating a walking trail in cooperation with other local businesses.

The first Tuesday in February would give the applicants adequate time to address the DRB's concerns. The subdivision could also be warned for the first meeting in February.

Motion was made by Mr. Wernecke to recess the hearing for Application #18-062 to February 6, 2019, with the condition that the outstanding zoning fees are paid, seconded by Mr. Friedrich; motion passed unanimously.

3. Review and approval of the Minutes

The Chair called for the approval of the Minutes of the September 18, 2018 meeting.

Motion was made by Mr. Nuissl, seconded by Mr. Mispel, to approve the minutes of September 18, 2018 as amended; motion passed unanimously.

Amendments: Dubois & King was revised to Dubois Construction; Rae Washburn was added as the signatory to the approval letter

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, February 6, 2019**. There is no meeting January 15, 2019.

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

Respectfully submitted by Kristi Flynn, Recording Secretary