

DEVELOPMENT REVIEW BOARD
108 Shed Road
Berlin, Vermont

APPROVED MINUTES
Meeting of TUESDAY, October 21, 2014

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

Members present: Karla Nuissl, Vice-Chair; Henry A. LaGue, Jr.; Harvey Golubock and John Friedrich.
Absent: Robert J. Wernecke, Chair.

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary.

Others present: Charles Storrow, Esq., Ken Simon, Andi Simon, Stephen Powers, Barry Hosmer, Timothy McGuire, Shaun Kelly, Eric Borckenhagen, Jim Charbonneau and Roger Williams.

The Board explained its Policy and definition of party status and interested persons to attendees. Copies of the Rules and Policies and Procedure were available as handouts. No one present requested party status.

2. New business

A. 14-061 – Berlin Mall, LLC submitted an application for the construction of a 55,502 square foot freestanding *Kohl's* department store requiring Site Plan Review. The property is located at 282 Berlin Mall Road, Berlin, Vermont, in the Town Center (TC) Zoning District. Charles Storrow, Esq. with Storrow Buckley Hughes LLP, Attorney for the Berlin Mall, Ken Simon, Berlin Mall owner and his wife Andi Simon, Stephen J. Powers, P.E. with Greenberg Farrow Architecture Incorporated, Barry J. Hosmer, Landscape Architect, Timothy McGuire, P.E. with Vanasse Hangen Brustlin, Inc., Shaun Kelly, P.E. with Vanasse & Associates, Inc., and Eric Borckenhagen with Kohl's Corp. were sworn in to give testimony on this matter. In addition James Charbonneau and Roger Williams with Twin City Subaru, abutting property owners, were sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application For Zoning Permit, 14-061, received on 09/29/2014; **Exhibit #2:** Site Plans, prepared by GreenbergFarrow dated 03/20/2014 and revised 07/25/2014 consisting of: Title Sheet; Site Layout Plan, C3.0; Overall Plan, C3.1; Truck Maneuvering Plan, C3.2; Grading & Drainage Plan, C4.0; Utility Plan, C5.0; Erosion Control Plan, C6.0; Photometric Plan, PH-1.0; Construction Details, C7.0, C7.1, C7.2, C7.3, C7.4 and Landscape Plan, L1.0; **Exhibit #3:** Survey Plans, Tax Map R2, Lot 33B, Outlot E, prepared by Doucet Survey Inc. dated 01/02/2013 **Exhibit #4:** Traffic Impact and Access Study for Proposed Kohl's Department Store, Berlin, VT, prepared by Vanasse & Associates Inc. dated August 2014; **Exhibit #5:** Memorandum dated 08/21/2014 from Charles Storrow, Esq. re Narrative addressing site plan review criteria; **Exhibit #6:** Building Elevations re Kohl's prepared by Mulvanny G2 Architecture; **Exhibit #7:** Signage information re illuminated freestanding pylon signs, prepared by Poyant Signs, dated 11/20/2013; **Exhibit #8:** Aerial Map of subject property; **Exhibit #9:** Email dated 07/18/2014 from Michael LaCroix with the State of Vermont, Agency of Transportation to Charles Storrow re estimated completion date in early winter of 2015 for upgrades to the Route 62/Fisher Road/Airport Road Intersection; **Exhibit #10:** Excerpts from the Traffic Study prepared by Vanasse & Associates Inc.: Site Location Map, Proposed VTrans Improvements, Trip-Generation Summary, Berlin Mall Traffic Improvements and Proposed Traffic Mitigation Measures – Fisher Road at Berlin Mall Drive and CVMC Drive; **Exhibit #11:** Photograph showing ground mounted lighting toward building; **Exhibit #12:** Lighting

Specifications for ground mounted lights, 2011 Ruud Lighting Inc.; **Exhibit #13:** Letter dated 09/29/2014 from the Berlin Volunteer Fire Department Inc. requesting a Fire Department Connection (FDC) 4 inch Storz type for fire suppression system and Lock Box; **Exhibit #14:** Memo dated 08/05/2014 from the Berlin Police Department stating recommendations for improvements to the intersection of Berlin Mall Road and Fisher Road to facilitate orderly flow of ingress and egress traffic; and **Exhibit #15:** Letter dated 10/14/2014 from the Berlin Sewer Commission granting approval subject to corrections to the application.

Project Overview: Charles Storrow, Esq. advised that his law firm represents the Berlin Mall LLC and introduced the rest of the team for this project, Ken Simon, Berlin Mall owner and his wife Andi Simon, Stephen J. Powers, P.E. with Greenberg Farrow Architecture Incorporated, Barry J. Hosmer, Landscape Architect, Timothy McGuire, P.E. with Vanasse Hangen Brustlin, Inc., Shaun Kelly, P.E. with Vanasse & Associates, Inc., and Eric Borkenhagen with Kohl's Corp.

Mr. Storrow handed out aerial views of the project area referred to as Outlot E, which is a portion of the 60 acre parcel owned by Berlin Mall, LLC. The subject area is a partially paved vacant lot currently used by the automotive dealership for vehicle storage. The Applicants are proposing to build a Kohl's Department Store including parking, utilities and so on. They have provided elevations to show what the store will look like once complete. They propose to replace the two existing freestanding pylon signs at the Mall entrances with illuminated signs. He mentioned that the existing pylon sign at the Fisher Road entrance is larger than the Route 62 entrance based on ACT 250 permitting during the Walmart expansion project. They also wish to install a flag pole at the Route 62 entrance. Other improvements in connection with the Walmart expansion included the reconfiguration of the traffic lights to add a dedicated exclusive left turn phase in either direction at the Fisher Road intersection to mitigate traffic issues, a push button activated pedestrian crossing phase from the north side of Fisher Road, and a paved pathway along the Berlin Mall Road. He advised that they feel the improvements are also supportive of the Kohl's project.

The Board asked about the proposed orientation of the store noting that it appeared to be separated from the rest of the Mall property. Members asked why the front is facing Fisher Road versus the Mall area. The proposed building appeared further away because there were no proposed entrances along the end near the JC Penney entrance to the Berlin Mall.

Steve Powers explained that due to site constraints and the narrowness of the lot, the building needed to be positioned as proposed to meet setbacks and balance the requirements. He advised that there are wetlands along the property which shrinks the area with which to work. They also prefer parking in front by the store entrance. Even though there is no entrance on the side of the building facing the rest of the Berlin Mall, there would be a walkway connecting the two buildings. If the building were moved to the north they would not have enough room because of the wetlands to meet the 50 foot setback. They have proposed parking up against the wetland area. Overall they determined that this was the best position for the building based on this site.

Ken Simon added that from the perspective of a mall developer it is best that the main door of the building face the public access which in this matter is Fisher Road. He confirmed that with the site constraints the building needs to be located as proposed.

Zoning Administrator Badowski advised that the project is located within the Town Center District. He confirmed that as proposed setbacks are met for the district and it is a permitted use. He also mentioned concerns regarding the look of the building with no entrance on the side facing the rest of the Berlin Mall.

The applicants addressed Site Plan Review Criteria.

- a. Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.** Mr. Storrow advised he was aware of new legislation that required a notice of intent from the Agency of Transportation (VTrans) regarding its willingness to allow a curb cut for access or work within the highway right of way. He feels that the new provision would not apply in this matter since it does not involve a new curb cut, relocating an existing curb cut or doing any other work within the highway right of way such as the recent work regarding traffic lights. He noted that with respect to the Walmart project they previously obtained a permit from the Berlin Select Board but they are not doing any of that work concerning this application. He again reiterated their position that there is no reason for VTrans to issue a notice of intent since they are not doing anything within the right of way. Mr. Storrow advised that he spoke with Attorney Rice at AOT about the issue.

ZA Badowski advised he spoke to someone at VTrans who indicated that it was required. The issue will be discussed later.

Shaun Kelly from Vanasse & Associates Inc. reported the results of their traffic study. He handed out some excerpts from the study for discussion purposes which included a Site Location Map showing the intersections, Proposed VTrans Improvements, Trip-Generation Summary, and the Berlin Mall Traffic Improvements and Proposed Traffic Mitigation Measures – Fisher Road at Berlin Mall Drive and CVMC Drive. He advised that all area intersections were looked at and that the study was conducted in accordance with safety guidelines (Institution of Transportation Engineers (ITE)). Counts were taken during peak hours over the last twelve months. Traffic volumes would increase between 2016 and 2021 about 10 percent. They reviewed background traffic growth and included traffic associated with other development, which included Walmart's expansion, the new mental health facility, the Northfield Savings Bank and the Maplewood Convenience Store project even though it's not yet complete. They anticipate a one percent growth rate with a 10 percent seasonal variation. He advised they contacted VTrans regarding the planned improvements for the intersection of Route 62 and Fisher Road which would widen the corridor to provide for an exclusive left turn lane and signal timing and phasing improvements. Those changes would bring the intersection from level F to level D with much improvement. He advised that they also looked at projected traffic impacts for their project based on ITE trip generation rates coded for department store use. On a daily basis there would be 1270 total trips and 1410 trips on Saturdays. He advised their focus was on peak hours. He noted that some trips would already be at the Berlin Mall and calculated pass-by trips at about 25 percent. According to their calculations there would be 110 new trips on Saturdays at peak hour, thus increase the delay by one second per vehicle. He advised they also considered Berlin Mall improvements which included the designated bus stop area, pedestrian pathway and traffic light improvements. Faded pavement markings were repainted, a new crosswalk with push buttons and left turn phasing were added. He noted it is now safer and more efficient. Based on their findings, they feel that the improvements will accommodate traffic increases from the new Kohl's store and other new development.

ZA Badowski mentioned concerns that a backlog at the second entrance (Fisher Road) could be created.

Mr. Kelly believes that based on volumes it would not be an issue, about 30 vehicles or one vehicle every other minute. That number would increase to around 50 vehicles on Saturday or

about one vehicle per minute. People would likely find a parking spot in the front versus coming in from the back.

There would be three entrances into the site from the Berlin Mall access road. Two of the entrances connect to a perimeter roadway and one entranceway to the south side of the lot from the adjacent parking for the Berlin Mall. Mr. Storrow outlined the planned route for truck deliveries. They believe there would be traffic from both entrances but the majority of it would be from Fisher Road.

Mr. Kelly confirmed that traffic coming off Paine Turnpike or Airport Road would likely go to the Fisher Road entrance. Traffic coming off Route 62 would likely enter at the Berlin Mall entrance. The volumes were split in his report noting about 130 off Route 62 and twice as much at the Fisher Road entrance at 280, which would increase with Kohl's at that end.

In response to Chair Nuissl's question whether VTrans received all of the required information to evaluate the project, Mr. Storrow advised that VTrans did receive the traffic study but may not have received the proposal. He advised that an ACT 250 application has been filed. In response to questions concerning when the intersection would be upgraded Mr. Storrow provided an email from Michael LaCroix with VTrans dated 07/18/2014 which reported a projected completion date by early winter of 2015.

During the discussion concerning the entrances the issue of signage arose. The Applicants agreed that better signage was needed at the Route 62 entrance but the State (ACT 250) opposed a larger sign at that entrance. This matter was discussed later.

The Board raised questions about the rationale for two entrances off the Berlin Mall Road in addition to the entrance at the rear. It could be confusing to traffic about which entrance is correct. Concerns were also raised about access points along the Berlin Mall Road regarding truck traffic due to the proximity to access points for the abutting property owner.

Mr. Powers advised that there would be little truck traffic and confirmed that the access point is located directly across from the automobile dealership. He advised they have found it is best to locate such access points directly across from each other. The main entrance to the site is separate.

Mr. Powers advised that there are two reasons for the other entrance off Berlin Mall Road, one is for truck circulation around to the back to the loading docks. He noted that emergency vehicles have the same size path on all sides of the building. Trucks leaving would head out of the site at the rear or at the back of the Berlin Mall. He noted that the other reason for the secondary access is to avoid a funnel in getting in or out. There are two options to leave the site, particularly important in the case of an emergency. He noted that the curb cuts will remain where they currently exist. He pointed out the areas for employee parking to the rear and side.

ZA Badowski asked how the areas would be marked and where stop signs would be located.

Messrs Kelly and Powers advised there would be painted drives and stop signs that would meet standard street design. The traffic lines would be striped. There would be signage to encourage people to use the drive in the front at the entrance.

The Applicants advised that truck traffic would be approximately two trucks per week but more often during the busy season. Eric Brokenhagen from Kohl's advised that trucks usually arrive early in the morning before the store opens.

In response to concerns raised about the location of parking pursuant to the regulations, Mr. Storrow reiterated the site limitations and wetlands noting it was determined to be the best layout for the size and shape of the lot. In addition, the store wants to be near the main access versus toward the end of the Mall. He noted that the Development Review Board has the authority to approve it. They feel they have addressed those issues.

Mr. Powers advised that the site is screened from Route 62 due to the topography, a hill, and the existing vegetation along the wetlands area. They feel it is compatible with other area uses, a hospital, automobile dealership, and so on thus do not feel it is out of the character of the area.

Mr. Storrow advised that based on the results of the traffic study the proposed development will provide for safe vehicular and pedestrian circulation on site, result in only a slight increase in traffic on the adjacent street network, and not result in a reduced loss of service at any intersection adjacent to the Berlin Mall.

- b. Adequacy of circulation, parking, and loading facilities.** Mr. Powers advised that based on the formula used for calculating parking spaces, 264 would be required however they are proposing 294 parking spaces which are in addition to the 903 parking spaces located on the Berlin Mall's existing parking areas. They have provided eight large spaces for persons with disabilities at the front of the store. He referred to the plans for large truck maneuvering. Trucks would enter the Kohl's parking area from the parking area entrance closest to Fisher Road and travel along the outer travel lane of the parking area to the delivery docks located at the easterly side of the store and depart by traveling behind the Kohl's to the Berlin Mall Road and out to Fisher Road. Refuse storage and disposal containers are also located in that area. He pointed out snow storage areas along the side and rear of the building noting that the Berlin Mall has other snow storage areas available as well.
- c. Bicycle and Pedestrian Access.** Mr. Powers advised there would be a sidewalk along the north side of the store that connects to the pedestrian pathway along the Berlin Mall access road. There will be a 33 foot wide striped pedestrian crossing across the roadway running in front of the store with pedestrian crossing signs on each side. There will be pedestrian crossings that connect to the pathways to JC Penney's and to the intersection. Bicycle racks will also be provided. He noted that the pedestrian walkway is already paved and would be maintained.
- d. Adequacy of landscaping.** Barry Hosmer, Landscape Architect, referred to the landscape plan, L1.0 and highlighted the proposal which would include native trees, shrubs and perennials suited to the local climate and conditions of the site. He noted that there would be islands to enhance and break up parking areas. There would be larger shade trees along the Berlin Mall Road and a berm with existing vegetation along Fisher Road. The expanse of the parking lot is broken up by landscaped end-cap islands consisting of shade or ornamental trees, deciduous and evergreen shrubs and flowering perennials. The front façade of the building is enhanced with upright deciduous trees and a planter. He advised there would be 8 to 10 foot evergreens planted around the propane tanks. There would be planted landscaping and additional vegetation from the wetlands.

Mr. Powers advised that the propane tanks would be above ground and would be enclosed with a chain link fence. He referred to the building elevations which is standard elevations provided from Kohl's Corp. They are proposing what is shown on the plans. There would be no signage at the rear of the building, only on the front.

- e. Hours of Operation.** Mr. Storrow advised that their narrative indicated the hours of operation to be from 9:00 AM to 10:00 PM Monday through Thursday; 9:00 AM to 11:00 PM on Friday; 8:00 AM to 11:00 PM on Saturday; and 9:00 AM to 9:00 PM on Sunday. Kohl's would also have limited special events which would extend the hours. He noted that the hours for Walmart and the Berlin Mall differ and differ from Kohl's. Mr. Storrow advised that after further consideration, they asked the Board to not limit their hours of operation. They prefer to have no restrictions and have flexibility on the hours of operation since they are not near any residences. He noted that Walmart has its own hours which vary and is open more hours than the rest of the Berlin Mall. Hours from 7:00 AM to Midnight was mentioned but may or may not include special events such as "Black Friday" when many stores are open for 24 hours.

Mr. Brokenhagen confirmed that they do want flexibility and noted that a general limit from 5:00 AM to Midnight would cover most events. There would be no impact on neighbors which includes a hospital and automobile dealership.

Mr. Simon advised that they are now competing against the Internet therefore need to be current and should not have a restriction on their hours of operation. They are not disturbing anyone else.

ZA Badowski wondered how ACT 250 would address that issue and asked the Applicants to submit a revised narrative stating what they were proposing for their hours of operation. The application needs to be clear and reflect what they want.

- f. Setbacks.** Mr. Powers advised that setbacks are all met for the Town Center District and are stated on the Site Plan. The proposed building is oriented toward Fisher Road with setbacks greater than the required 15 foot front yard setback and 10 foot side and rear yard setbacks.
- f. Adequacy of Exterior lighting.** Mr. Powers referred to the photometric plan, PH.1.0. They are proposing diecast aluminum housing fixtures located on 30 foot high poles. The lighting would consist of light emitting diode (LED) which is the only difference from other lighting at the Berlin Mall. The lights will shut off after closing. He mentioned the photometric plan noting zero foot candles thus light would not spill onto other areas. There would also be four light fixtures mounted onto the building. Lighting is downcast and dark-sky compliant.

Mr. Storrow advised that Kohl's also want ground mounted lights that shine upward on the lower portion of the walls. A photograph of a Kohl's building showing the light and lighting specifications were provided for that ground mounted light. The light would be 12 inches by 12 inches positioned in a green space by a tree to show the foundation. It would light upward about 20 degrees to shine on the building and would not cause any glare toward traffic.

In response to questions about illuminating the pedestrian path, Mr. Powers advised that the street lights would light up the path. He agreed to provide the cut sheets for the pole lighting.

g. Stormwater and Drainage. Tim McGuire advised that the Berlin Mall property has an existing operational stormwater permit for the entire site covering 4.1 acres which drains from Lot 3 to a stormwater pond in back of the Mall. This project increases the impervious area to 4.43 acres which is 0.33 over as is currently constructed thus they could either amend the permit or obtain a new permit. After speaking with representatives from the Department of Environmental Conservation, they decided to obtain a new permit for this project which was submitted to the State. He advised that stormwater is basically taken from the proposed Kohl's roof and goes through a filter system and to an underground storage where flows are maintained and then go to the wetlands. He noted that there is a small area that does not flow back into the parking lot which flows to the swale on the side. In response to questions concerning clogging and maintenance, Mr. McGuire advised they use a Jellyfish filter that can be replaced. He noted that the runoff would only be from the rooftop thus it would be easy to maintain. He believes that the system will handle it. He noted that maintenance is performed by the Berlin Mall who hires engineers to do it and report back to the State of Vermont. The systems are usually randomly inspected during the summer with results reported back to the State. They agreed to provide the Town with a copy of their stormwater permit application as well as their construction permit application. The Board has been provided with a copy of the grading and erosion control plan. He advised that it is deemed a moderate risk project and noted that construction entrances have been specified and silt fences would be provided where needed. There are existing and proposed catch basins, piping, and filters to prevent debris from entering the stormwater system. He advised the application and plan was sent to the State a month ago and noted that the comment period had ended which means the permit should be issued very soon. He confirmed that they are over treating the area since they only have to treat 0.33 acres but they are treating over 1.33 acres.

In response to ZA Badowski's question concerning the wetlands, Mr. McGuire advised that there is a bit of Berlin Mall property along the wetlands designated as Class II which requires a wetlands permit from the Department of Environmental Conservation. There is also a Class III wetlands area which was created by prior development. He advised that they will seek a permit from the Army Corp of Engineers to fill that wetland. The Central Vermont Medical Center owns abutting land including the contiguous wetland however they are not encroaching on that property. He confirmed that wetland permits are required from the State and Army Corp of Engineers and noted that copies of said applications will be provided to the Town.

i. Utilization of renewable energy resources. Mr. Storrow advised that this project would not interfere with anyone else's opportunity to utilize renewable energy resources. He noted the project will be compatible with solar but they are not proposing it.

j. Municipal Services Impact Evaluation. Mr. Storrow advised that the Berlin Fire Chief made two requests, one regarding fire suppression (4 inch Storz connection) and one for a lock box both of which will be provided. He noted that in early August of 2014 the Berlin Police Chief commented on the traffic increase and recommended improvements to the intersections. They believe that those improvements are being addressed.

Mr. McGuire advised that they have received approval from the Berlin Sewer Commission with respect to a sewer allocation for the property. The required corrections were made to the application. The Berlin Mall has its own public water system which will be utilized. They will utilize water from the CVMC for fire suppression.

Mr. Storrow noted that existing water and fire are adequately sized now for this project. They have signed a letter of intent with the Town of Berlin to go to the Town's water source once it is in place. They will be with the Berlin Mall's potable water system until the new system with the Town is available.

k. Flood Hazard Review. The proposed development is not located in a flood hazard area.

The Board asked the Applicants to address their proposed changes in signage. Based on the regulations the Applicant's signs are not in compliance.

Mr. Storrow noted that the regulations only allow one freestanding sign, however in this case, the State under ACT 250 review allowed the Berlin Mall to have a freestanding sign at each entrance location. He referred to the graphics presented from Poyant Signs with the application noting that the first sign pictured would replace the existing sign at Fisher Road. It is less than 25 feet tall and would be illuminated. The next page shows existing signage there. He noted that the State would not approve a larger sign at the Route 62 entrance. They want to add the names of the individual tenants and have it illuminated to further highlight that entrance. Both replacement signs would be in the same location as they currently exist and both would be internally illuminated. He advised that a maximum of 64 square feet is allowed and believed the proposed sign would not exceed that square footage.

The Board noted that the Route 62 proposed sign appeared larger than 64 square feet. Questions arose concerning how the sign was measured and whether the pillars (support structure) have to be part of the overall measurement. Wall signs are shown on the drawings with elevations but did not include any dimensions, locations or other specifics.

After further review of the regulations the Board concluded that support posts are not considered part of a sign's square footage. However, the triangular design on the top with the two evergreen trees inside it would be considered part of the overall signage.

Mr. Storrow noted that this Applicant has two entrances on opposite sides and benefits from having two freestanding signs. The number of signs permitted must be clarified. He believes that the Applicant has the right to replace preexisting structures with the same size structure although these signs would be illuminated and include the names of the tenants.

Section 3.13 (c) pertains to signage for shopping centers which allows one sign not to exceed 150 square feet. The Board noted that additional documentation regarding signage was needed.

Mr. Borkenhagen believes that the proposed signage would be less than 150 square feet. They agreed to submit additional information with respect to the Applicant's proposed signage.

Since the proposed signage is illuminated and for commercial use it cannot be approved by the Zoning Administrator. In addition, the Board needs to consider the issue regarding the two signs when its regulations only permit one freestanding sign.

Mr. Simon noted that the issue was not raised during the Walmart application concerning wall or building signage and questioned why it was at issue now.

The Board explained that the prior application pertained to wall signage, not the freestanding signs. In that application an existing building sign was being replaced and was illuminated.

ZA Badowski referred to the drawings with the elevations and expressed concerns that the building appeared utilitarian on the end next to the Berlin Mall since there were no entrances.

Mr. Hosmer advised that the proposed landscaping which includes White Spruce, Yellowwood – compound tree would break up the appearance of that wall. He noted that the White Spruce could grow to 75 feet tall. The evergreen trees would be installed at about six feet tall. The Yellowwood would have an approximate 2½ inch caliper and be about 15 feet tall.

Mr. Storrow recapped the punch list regarding the additional documents or information needed which included, a follow-up application regarding their sign package (number of building signs, dimensions, square footage, locations, whether or not illuminated, etc.); revised narrative regarding proposed hours of operation; lighting cut sheets for the pole mounted lights; copies of the stormwater operational permit application and construction permit application; wetland applications from the Army Corp of Engineers and the Department of Environmental Conservation, and finally confirmation from VTrans regarding whether a notice of intent is required with respect to a curb cut to work within the right of way.

Mr. McGuire advised that with respect to the VTrans letter of intent they seek permits all the time and will obtain the permit sheet to determine what is needed. A hearing is scheduled on November 10th with the District Commission.

The Board noted that it also needs comments from VTrans regarding its evaluation of the traffic study. The Board discussed the Applicant's question concerning whether they would have to appear at a future meeting or just provide the requested documents. The Applicants noted that no one had expressed opposition or requested party status.

In the end, the Board agreed to recess the application to a future date allowing time for the additional submittals. The information should be received not later than one week prior to the scheduled meeting date to allow time for review. If no issues are found that would require additional testimony, the hearing could close after review of the documents. If additional testimony is needed, the Applicants would need to be represented at that scheduled meeting.

Mr. Borkenhagen advised that Kohl's only has two opening dates a year, during the first week of March and the first week of October. Their target date is March of 2016 which has been set. They anticipate a 10 month construction period.

The Board confirmed that it does want comments from VTrans based on the traffic study however it is not needed by the next schedule meeting.

Based on the discussion that ensued, Mr. Golubock made a motion, seconded by Mr. Friedrich, to recess Application 14-061 to November 18, 2014 pending receipt of the above mentioned information. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Board tabled review of the Minutes of the October 7, 2014 meeting.

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, November 4, 2014.**

8. There being no further business, the meeting was adjourned at 9:38 P.M.

Respectfully submitted,

Carla Preston

Carla Preston
Recording Secretary
Town of Berlin