

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 1

DEVELOPMENT REVIEW BOARD

21 JULY 2020

The South Burlington Development Review Board held a regular meeting on Tuesday, 21 July 2020, at 7:00 p.m. via Go to Meeting remote technology

MEMBERS PRESENT: M. Cota, Chair; J. Wilking, M. Behr, D. Philibert, J. Langan, E. Portman

ALSO PRESENT: D. Hall, Administrative Officer; M. Keene, Development Review Planner; A. Hergenrother, A. Portz, B. Servis, B. Zigmund, C. Orben, C. Frank, D. Marshall, D. Angwin. D. Stewart, C. Gendron, G. Rabideau, J. Hodgson, J. Page, L. Lackey, L. Angwin, A. Stewart, A. Spencer, C. Orben, D. Sonneborn, E. Langfeldt, P. Kelley, S. Dooley, S. Homstead, A. Gill, J. Moscatelli

1. Additions, deletions, or changes in order of agenda items:

No changes were made to the agenda.

2. Comments and questions from the public not related to the Agenda:

No issues were raised.

3. Announcements:

Mr. Cota explained the process of the remote meeting and stressed the opportunities for public input. He reminded attendees to sign the virtual sign-in sheet or to email Marla Keene or himself. This is necessary in order to obtain party status for a potential appeal

4. Continued final plat application #SD-20-19 of Adam Hergenrother Companies to amend a previously approved planned unit development for 450 acre Planned Unit Development for a golf course and 354 unit residential development. The amendment consists of amending the approved Tree Preservation Area and landscape planting plan, reducing the rear setback for Lot 6 of the Long Drive Project Area, and allowing a private easement and fence to be placed in common lands, 159 Long Drive:

Staff comments were addressed as follows:

1. The revised clearing plan submitted by the applicant now shows no net loss in "no cut" area. Mr. Hergenrother said there is zero net reduction. They are just revising the location of plantings. Mr. Marshall said they will still create

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 2

the same amount of wooded area as originally proposed. He noted they provided a long list of corrective items to Ms. Keene. They will create screening on the north side for the residential lots. On the south site, there are no residential units. Mr. Marshall said they have actually exceeded the original plan. Two large pines (24 total inches) will come down to allow for a driveway. This will be offset by 24 inches of new trees. He showed a drawing of how this layout will work and indicated the area to be treed around the lot.

2. No longer applicable.
3. No longer applicable.
4. No longer applicable.
5. Staff is asking that trees be replaced on the same side of the lot as those being removed. Mr. Marshall said that with regard to the 2 pine trees, they felt it was better to have most trees on the west side. Mr. Hergenrother said they will actually be providing 27-1/2 inches of new trees. There is still screening on the east side of the lot, and it makes more sense to add screening on the side where there are neighbors. Mr. Cota felt that made sense. Mr. Wilking said that ultimately the smaller trees will grow and improve the view for neighbors.
6. Re: types of trees in an area where it is unclear what is proposed. Mr. Marshall said the #1 tree indicated by staff is to be relocated. It needs TLC with regard to its status. They are OK with staff's plan to correct the oversight. The #4 tree will be retained. Mr. Marshall then reviewed the 9 items in the narrative provided to staff: trees 1, 2 and 3 will be relocated, #4 is now shown (had been omitted in error), #5 are proposed to be retained. On the supplemental plan, Tree #1 in cyan is being removed from on the lot to off the lot. The tree is being relocated from dashed to solid cyan. Tree #2 is relocated from the dashed green to solid green. Tree #3 is a proposed new tree which was incorrectly shown as an existing tree to be relocated. The tree shown in purple is newly proposed. All proposed trees will be 2 1/2".
7. House size is reduced but house size is no relevant to the decision.
8. The applicant is ok with a condition saying no fence is allowed.

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 3

Mr. Cota noted receipt of emails from A. Maino and a group including B. Zigmund and J. Moscatelli. Both were present and commented as follows:

Ms. Zigmund: Said she opposes the changes as they are not compliant with the Court settlement or with staff's interpretation of the Court settlement. The amendments are being made to accommodate a pool and patio, and there is still a reduction in the treed area. They will be planting smaller trees to replace the larger pines coming down. She was concerned that this will create a precedent for other developers in the area. She asked members to visit the site to understand the concerns. She felt that if they want a pool/patio, they should reduce the size of the house.

Mr. Moscatelli: The applicant is looking to remove trees from his parcel and put them in common space to accommodate a pool. He felt a lot of people may wish to do the same thing and this will open things up to more challenges and legal action.

Mr. Cota then moved to close SD-20-19. Ms. Philibert seconded. Motion passed 6-0 via a rollcall vote.

- 5. Continued Preliminary Plat Application #SD-20-16 of O'Brien Farm Road, LLC, for the next phase of a previously approved master plan for up to 458 dwelling units and up to 45,000 sq. ft. of office space. The phase consists of six multi-family residential buildings with a total of 342 dwelling units, of which 48 are proposed inclusionary units, and an additional offset of 48 market rate units, for a total of 390 dwelling units and underground parking, and 3,500 sq. ft. of commercial space, 255 Kennedy Drive:**

Mr. Cota noted this is the third preliminary plat review following a sketch plan review. He explained the process going forward and stressed that this very large project will receive extensive review.

Staff comments were then reviewed as follows:

- a. Consider whether the amount of façade dedicated to usable inside space is sufficient – require the applicant to consider spaces such as lobby, gym, etc., with respect to the street-facing façade: Mr. Langfeldt said he didn't feel they should get into interior spaces as they are not fully planned at this time. Mr. Cota said this is some guidance which can be more fully discussed at final. Ms. Keene said that because the project is on a hill, the first floor of the large building is parking garage. The applicant says the goal is to create a neighborhood feel. It is difficult to fake street presence for building after building, and seeing parking garages all along will be

- obvious. Staff would like some “programmed space.” Mr. Behr agreed and suggested the applicant get some pedestrian scale things and address better pedestrian connectivity at street level. Mr. Gill said only 2 buildings have parking at street level. He felt that what they are doing on the outside would address concerns.
- b. Regarding lot 10: staff feels the northwest and northeast facades should have more programmed inner space, possibly false windows or architectural enhancements for a more interesting street presence. Mr. Gill showed slide of the proposed building elevation facing O’Brien Farm Road. He said they had added a pedestrian door and some signage and significant glazing along with Juliet balconies, and lively corner space. There is also the opportunity to add to the color palette. He also showed the other side of the building with 2 pedestrian doors added and slides of the corner with amenities. Mr. Gill then showed slides of corners with amenities. Mr. Hodgson said each intersection corner will be treated differently (e.g., benches, movable café furniture, etc.) Mr. Cota said it looks like an urban neighborhood which is what the plan calls for.
 - c. Regarding lot 11: Mr. Gill showed a slide and indicated the building is a mirror image to the Lot 10 building. It will have a different color palette, a different access panel, etc., so the buildings won’t look identical. Mr. Gill also noted that a portion of the exposed garage will be hidden as you go up the graded road. He stressed the role of grading in this project. Ms. Philibert liked the transition from traditional to urban and the scattering of places for people to sit. Mr. Wilking noted that he has just returned from Wisconsin, and this is the type of development he saw there. Mr. Langfeldt said he thought the commercial uses to the north will increase pedestrian use.
 - d. Regarding the Lot 12 affordable requirement/inclusionary zoning: Mr. Gill noted they have to provide a written response to assure that they meet the regulations. He showed a list of “offset units” for the inclusionary units.
 - e. Regarding the Lot 12 elevation: Mr. Cota noted the exterior is similar to buildings on other lots. Mr. Gill showed a slide and indicated the glazing. He also showed a slide of the elevation along Two Brothers Drive and indicated the grading heading down and how they will landscape the lower corner. Amenities will include a grilling area. Mr. Langfeldt stressed that amenities will be available to everyone in the PUD. Mr. Gill added that there are still details to work out as to how grills will work, etc.

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 5

- f. Regarding Lot 13, staff would like to require some first floor doors to residential units. Mr. Gill noted an additional access door and also indicated the grading. He said there are security concerns with first floor doors to units. They will add a secure entrance into the common area which will require a culvert. Mr. Langfeldt said another issue is that in some units, people would be walking into a bedroom, and that is a security concern. They will, however, “energize” the streetscape with landscaping.
- g. Review the sidewalk elevation and the need for a functional transition along that façade: Mr. Gill showed the elevation and explained that they expanded the landing and patio area and took away 2 garage bays. They added another entry door. The interior space to the right is a common room. It will be a very active corner. The blank wall will have a decorative panel. Mr. Wilking suggested terracing the sloping area.
- h. Re: the first floor of the building on Lot 13 and external space: Mr. Gill said they will provide a new sketch to replace the pool that has been removed from the project. They will provide what other buildings have at grade (grilling, etc.) and if there are things that are only on Lot 13, they will provide access for tenants of other buildings.
- i. Re: upper story amenities in all buildings: Ms. Keene said staff is looking at inside spaces or roof terraces. Mr. Langfeldt said no roof decks are planned. The “amenity deck” is the rooftop of the garage. There will be a ski workshop in the building on Lot 13. If it can’t be replicated in other buildings, residents would have access here. Mr. Gill asked that inside amenities not be a condition or consideration at this time. They hear the request and will evaluate it. He felt that some opportunities will arise as they work through the process. Mr. Behr said it could make the buildings more marketable. Mr. Gill agreed but said they are working through a number of large issues and he hoped this could be a final plat discussion.
- j. Regarding parking on Lot 16, staff noted that the 2 spaces at O’Brien Farm Rd. do not meet the requirement that parking be located to the rear of the building. They need an area for snow storage and could have a planting area which wouldn’t exclude snow storage. Mr. Langfeldt said there could be 2 parallel spaces behind the building façade. Mr. Cota suggested removing the 2 spaces and determining what that space becomes.
- k. Regarding Lot 13, staff noted spaces to be removed in front of the building but no indication of what will replace them. Mr. Gill said they will look at that.

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 6

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 6

- l. Re: overflow parking on Lot 13: Mr. Gill said the on-street spaces are not necessarily needed by the units, but they hadn't planned on allowing people not living in the multifamily buildings to park there.
- m. Re: dimensions of compact parking spaces and whether they are needed: Mr. Gill said they are 1 foot less wide than code. It seemed a more efficient use of space to allow for another parking space. Ms. Keene said 8'x18' is not a big deal; if spaces were any smaller, there could be a problem.
- n. Re: retaining walls on Lot 10 which don't meet the setback requirements for retaining walls: Mr. Gill asked if the requirement can be waived. Ms. Keene said the Board cannot waive the 5-foot setback for structures. Mr. Homsted said it can work without them. Mr. Gill said they will be eliminated.
- o. Re: screening for parking between the building and street on Lot 10: Mr. Gill said the grading may hide the parking. Mr. Homsted said there could be a hedge.

At this point, Mr. Cota noted there were other items to be heard and suggested continuing the hearing. Mr. Gill asked for guidance regarding the rec path connection (comment #28). Mr. Cota said he was fine with a sidewalk as it is an urban setting. Mr. Gill said that was approved by the Bike/Ped Committee without a connection, and he felt they could look at some wider concrete surfaces. Ms. Frank of the Bike/Ped Committee said the bike path is the obvious way to get to Kennedy Drive and also has advantages for residents to use the downhill access to Kennedy Drive. Mr. Gill said the Bike/Ped Committee endorsed the current plan, and they relied on that. He added that if they removed the bike path, they can have a wider sidewalk. Mr. Langfeldt said that is why they meet with committees. Their approval is memorialized in the Master Plan. Mr. Cota suggested they describe what they want to do at the next hearing.

Mr. Cota moved to continue SD-20-16 to 15 September. Mr. Langan seconded. Motion passed 6-0 via a rollcall vote.

6. Continued Master Plan Application #MP-20-01 of O'Brien Farm Road, LLC, to amend a previously approved master plan for a planned unit development to develop 39.16

acres with a maximum of 458 dwelling units and 45,000 sq. ft. of office space. The amendment is to add 0.60 acres to Zone 2A without changing the approvals or use for that zone and remove 0.60 acres from Zone 7, 255 Kennedy Drive:

Mr. Cota moved to continue MP-20-01 to 15 September. Ms. Philibert seconded. Motion passed 6-0 via a rollcall vote.

- 7. Preliminary and Final Plat Application #SD-20-21 of Beta Air, Inc., to amend a previously approved plan for an airport complex. The amendment consists of constructing a 23,500 sq. ft. 3-story addition to an existing 39,200 sq. ft. one-story existing hangar/office building, reconfiguring the adjacent parking area, and related site improvements, 1150 Airport Drive:**

Mr. Stewart said Beta currently occupies the building. This project will put an addition on the north side for additional staff space (office, presentations, etc.).

Staff comments were then addressed as follows:

1. Regarding the net reduction in coverage, staff is questioning this: Mr. Stewart explained the calculation excluded permeable pavers. He presented updated lot coverage and said the project has a very small impact on overall Airport coverage.
2. Re: front setback coverage: Mr. Stewart noted that the DRB had shown support at sketch. The applicant has since reduced the pervious area in the setback by 1200 sq. ft. They handled this as appropriately as possible.
3. Re: building height: Staff and the DRB had no issues as long as the FAA is OK with it.
4. Re: safe pedestrian movement at the building entrance: Mr. Stewart showed an extension of the existing sidewalk. It will cross the entrance to the parking lot and there will be a new sidewalk to the front door. This provides access from both the north and south. He indicated the location of the only crosswalk just below this site. Mr. Cota felt that made sense.
5. Re: non-conforming parking in front that does not meet the criteria: Mr. Stewart said they have increased the amount of green space and eliminated a parking space directly in front and added green space. He indicated the

additional green space on the southwest corner of the building (10 or 12 feet). They angled the parking lot on the side toward Airport Drive and moved it out a bit to protect the trees. They also added landscaping on 2 islands (shade trees).

6. Re: new electric service into the building: Mr. Stewart identified the pad and noted there is no overhead electric service to the building. Mr. Stewart said they will show the screening of the transformer with the landscape plan.
7. Re: Dumpster screening: Mr. Stewart showed the enclosure and said the screening will match the metals of the HVAC in front of the building. The location of the dumpster is basically the same.
8. Staff asked for details of the \$123,000 landscaping to meet the intention of the LDRs: Mr. Stewart showed the landscape budget and noted that the new requirement is \$86,200. They have included decorative fencing and trees for a total of \$96,653.
9. Re: Compliance with arborist's request and tree protection plan: Mr. Stewart showed the tree protection plan.
10. Re: Compensation for trees being removed: Mr. Stewart showed the trees to be retained and those to be removed. They are adding 15 replacement trees for the 5 being removed.
11. Re: trees retain in parking lot or replaced: Mr. Stewart said they are adding green space in front of those trees to protect them. There is no intention to lose them.
12. Re: Calculation in interior parking lot landscaping: Mr. Stewart said they have added 2 islands in the south lot to accommodate shade trees and break up the parking. Ms. Keene said they appear to be 216 sq. ft. under the requirement. Mr. Stewart suggested using the green space at the end of the lot. He felt they have done everything within reason to meet the requirement. Ms. Keene said the Board has the authority to do that. All members except Mr. Behr were fine with it.
13. Regarding limiting curbing breaks to 5 feet: Mr. Stewart said there is curbing only at the entrances. They have designed a buffer for stormwater

management which is allowed not to have curbing. It also protects planting areas. Mr. Gendron showed this on the plan. There will be curbs at the entrances and will capture runoff in the most efficient manner. Mr. Wilking noted this had been done before with the Bartlett Brook Apartments.

14. Question of whether the tree in the northern lot is a shade tree: Mr. Stewart said that tree is dying (a box elder), and they will put another shade tree there. He also showed a 20 foot hedge that blocks the parking lot. Some branches come out to the street. It is not supposed to be removed according to the Airport Master Plan. The arbor vitae are fully mature and block parking all year. He felt they can get to 5 shade trees, not 6. Ms. Keene said the arbor vitae is fine to count toward shade trees.
15. Re: additional screening for the HVAC unit: Mr. Stewart said they are increasing metal screening on the west and south sides of the unit. He felt that would be aesthetically wonderful.
16. Ms. Keene felt the City Arborist should review landscaping to see if what is proposed makes sense, and then the DRB can decide whether non-trees and shrubs are allowable to meet the requirement. Ms. Orben explained the "ground cover" that softens the look of the building and complements the river birch. Mr. Cota noted that at sketch the DRB was OK with the fencing counting as landscaping. Mr. Wilking said they also discussed perennials. He had no issues. Mr. Behr and Ms. Philibert were also OK with landscaping.
17. Re: minimizing site disturbance as much as possible: Mr. Stewart was OK with this and with a condition that the applicant maintain the stormwater installation.
18. Re: water comments: There were 4 requests from the Water Department including a main line valve on the sprinkler line, water shut-off, inspection of connections prior to burying, and providing details for the water line installation. Mr. Stewart said there is an enormous water service coming in at the northwest corner of the building. There is also another water service into the building. The applicant is agreeable to all 4 requests.
19. The applicant was OK with the 21 additional vehicle trip ends calculated for impact fees.

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 10

20. Re: Modifying light fixtures to meet the limit and dimming them when the building is not occupied: Mr. Stewart said the fixtures can be modified. He noted that the light fixture is behind most of the trees and doesn't shed light on the road. The photometrics did not take landscaping into account. Ms. Keene said taking into consideration the trees, the lighting is probably fine.

21. Re: bike parking: Mr. Stewart said they now have inside bike storage and a shower. Lockers will remain. They will add a gym and shower and additional bike spaces. There will be 6 bike racks in front. Mr. Stewart said Beta is very actively involved with bicycles.

Public comment was then solicited. There was no public comment.

Mr. Cota moved to continue SD-20-21 until 4 August. Ms. Philibert seconded.

Mr. Stewart noted that Beta is desperately in need of space and want to begin work in the fall. Mr. Cota felt this can be accomplished on 4 August.

In the vote that followed, the motion passed 5-1 via a rollcall vote with Mr. Wilking voting against.

8. Preliminary and Final Plat Application #SD-20-22 of Burlington International Airport and BGTV Hotel, LLC, to amend a previously approved plan for an airport complex. The amendment consists of constructing a 111 room hotel near the northern end of the existing parking garage, 1200 Airport Drive:

Mr. Cota noted that the sketch plan was heard on 7 April. He also noted that an approved plan had to be redone because of FAA requirements.

Mr. Rabideau said the hotel will be 5 stories, 60,000 sq. ft. with 111 rooms at the north end of the parking garage. The issues identified at sketch were: access, circulation and architecture.

Staff comments were then addressed as follows:

1. Show the planned right-of-way: Mr. Rabideau said the right-of-way is 7 feet closer. They have added an 80-foot right-of-way. The building is still compliant with a 50-foot setback. They are OK with that as a condition.

DEVELOPMENT REVIEW BOARD

21 JULY 2020

PAGE 11

2. Re: the outdoor patio: Members liked the patio.
3. Staff asked for an architect's rendering to support the height waivers: Mr. Rabideau showed a rendering of what one would see driving around the Airport. And a view from Airport drive which included the landscaped terrace. Mr. Behr felt this was a great improvement. Members supported the height waiver.
4. Re: FAA approval letter: Mr. Lackey noted they now have FAA approval for this building.
5. Re: circulation and the question of pedestrian sight distancing: Mr. Rabideau showed the pathway from the garage and indicated the sidewalk to keep people from walking on the driveway. There is also a sidewalk to the terminal without going through the garage.
6. Staff asked for clarification as to where vehicles will enter the garage: Mr. Rabideau said vehicles will enter at the same entrance as other vehicles. There will be a one-way "in" from the hotel site and the same exit route as other traffic.
7. Re: ADA compliant spaces: Mr. Rabideau identified 2 next to the front door and the remainder in the garage.
8. Re: utility service including the transformer: Mr. Rabideau showed a plan with the transformer pads. Power comes under the road.
9. Re: removal of trees: Mr. Portz showed an overlay with trees to be removed. He noted that between the patio and Airport Drive there will be some grading that requires some tree removals. Mr. Cota noted that 35 trees are being removed. Ms. Keene asked whether the Board would allow that or require elimination of the grading to save the trees. Staff feels the loss of trees is a real loss to the neighborhood. Members agreed and asked for a plan that does not remove as many trees. Mr. Cota said he hoped for a compromise and will return to this issue at the next hearing.

Ms. Philibert moved to continue SD-20-22 until 15 September. Mr. Behr seconded. Motion passed 6-0 via a rollcall vote.

9. Minutes of 7 July 2020:

Mr. Behr noted the misspelling of his name at the bottom of p. 10.

Ms. Philibert moved to approve the Minutes of 7 July with the above correction. Mr. Behr seconded. Motion passed unanimously.

10. Other Business:

No other business was presented.

As there was no further business to come before the Board, the meeting was adjourned by common consent at 11:04 p.m.

These minutes were approved by the Board on September 1, 2020.