

The South Burlington Development Review Board held a regular meeting on Tuesday, 15 September 2020, at 7:00 p.m. via Go to Meeting remote participation..

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. Portz, A. Demetrowitz, A. Gill, C. Frank, C. Gendron, D. Wells, E. Langfeldt, G. Richards, G. Rabideau, J. Hodgson, M. O'Brien, P. Kelley, L. Lackey.

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 sign-in process and noted that in a person must be shown as present at a hearing in order to later appeal a decision of the Board.

4. Continued Preliminary and Final Plat Application #SD-20-22 of Burlington International Airport and BTV 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 reviewed the history of the application and noted that the DRB had asked the applicant to try to save as many trees as possible.

Mr. Lackey said they have submitted updated plans. There had previously been 35 trees removed; that number is now reduced to 27, two of which are ash trees in the city right-of-way which are being removed at the City Arborist's recommendation. The Airport will replace those trees on the City's behalf.

Staff comments were then addressed as follows:

- a. Regarding the rec path, staff is asking if the rec path could be retained in its current alignment to would retain more trees and be more interesting. Mr. Portz showed

the plan and said they propose to realign a portion of the path because of pedestrian crossing at the entry. They propose to bring the pedestrian crossing closer to the threshold of the drive. He showed where the path is currently on the plan. They have added landscaping between the path alignment and the patio. Mr. Portz said they feel that realigning the path improves the project and pedestrian safety. The path will still meander. Mr. Portz also noted that although the path now moves into the city right-of-way, the Airport will continue to maintain the path. Mr. Lackey noted that regrading did manage to save some trees.

Mr. Cota said he understood both arguments. Mr. Wilking said he was OK with the depth of the trees and felt the path looked a little more natural. Ms. Philibert liked the meandering approach. Mr. Behr said that with a variety of trees and shrubs it could look very nice.

- b. The applicant must update the calculations for replacement value of trees so that the size or value of new trees equals the size of removed trees: Mr. Portz said they believe what they proposed is consistent with previous approvals and would far exceed the landscaping budget. Mr. Cota stressed that the LDR requires replacement on the basis of existing size, not value. Mr. Gendron said they are replacing trees that were part of a previous applications. Ms. Keene said the difference here is that the LDRs don't state a methodology for tree replacement for trees over 5-inches in caliper. In the previous plan (for the south side of the garage) those trees had been transplanted once. Now the trees in question are larger trees. There is also a vision for Airport landscaping now. The City Arborist says new trees should equal the replacement value of the removed trees today, not when they were planted. Mature trees have a lot more value to the city. Mr. Wilking noted the Board has allowed several smaller trees to equal the caliper of a larger tree (e.g., replacing 40 inches of trees with 40 inches of trees, however number of trees it takes to equal that. Ms. Keene said that is the normal thing to do. If they can fit 40 inches of trees, that is OK, but if not, they are required to use the overall landscaping plan. Mr. Portz said they are taking down 276 caliper total. That would require planting 138 2-inch caliper trees. Mr. Wilking said their other choice is 10-inch caliper trees, which would be much more expensive. The applicant said they will propose to follow the offsite methodology in alignment with the overall landscaping plan scheme. Mr. Cota said that would be consistent. Mr. Wells asked how the 2 ash trees figure in. Ms. Keene said those can be left out of the calculation for replacement.

- c. Staff asked the Board to weight in on whether pavers, ornamental grasses, etc. further the landscaping plan. Mr. Portz said a previously approved plan included those things. He noted that the landscaping budget it in excess of the requirements, and they feel those items are in alignment with the ordinance. Mr. Cota said he had no problem with it this time around but he wouldn't consider it automatic. Mr. Wilking had no issue with the stone wall. He questioned the pavers at the entrance. Mr. Behr agreed. He felt the budget is over because of things that are not normally included as landscaping. Mr. Wilking felt the pavers in the patio area were OK as landscaping, not the ones in the driveway.
- d. Staff noted the applicant is proposing a drive aisle width of 19.28 feet when 22 feet is required. Mr. Gendron said the dimension was accidentally measured from the brick pavers. The actual width is 25 feet. Mr. Cota said the plan should be updated to indicate that.
- e. Lighting is in excess of allowable foot candles: Mr. Gendron said they will relocating the pole to eliminate the foot candles beyond the property line. Lights will be downcast, shielded fixtures.
- f. The applicant showed photos of the existing lights which will be relocated.
- g. Signage should be removed from the plan.

Ms. Keene said the applicant needs to submit a plan that indicates what the landscape budget will be.

Public comment was solicited. There was no public comment.

Mr. Cota moved to continue SD-20-22 until 6 October 2020. Mr. Wilking 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 6 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 3500 sq. ft. of commercial space, 255 Kennedy Drive:**

Mr. Cota reviewed the history of the application and noted that this is the 4th preliminary plat hearing. There will still be a final plat hearing. Tonight's plan is to address specific questions from staff.

The applicant contends that if a request is not spelled out in the LDRs, there is no requirement to comply. Mr. Cota reminded the applicant that this is a PUD. It is a negotiation. Staff has a viewpoint. The applicant has a viewpoint. The DRB has a position. It is a compromise. Mr. Langfeldt said they do not challenge the DRB's authority regarding PUDs; however, the success of the project relies on some things, especially height.

Mr. Cota said it is good to step back and see what is happening here. The hope is to have the development designed right so it becomes something the city is proud of. There are still some outstanding issues, one of which is the importance of the affordable housing element and the decision to have Champlain Housing Trust (CHT) run one of the buildings and whether that complies with Inclusionary Zoning. Mr. Cota asked Ms. Demetrowitz to describe the project and CHT's management.

Ms. Demetrowitz said there are 2 ways to provide Inclusionary Zoning which has to be affordable to those at 80% of median income. If you integrate the Inclusionary Zoning throughout the project, what you will get is that 80% group. By having CHT's involvement, they can bring in other subsidy to include people from homeless all the way to 100%. Most will be in the 60% of median income range.

Mr. Langfeldt said there will be 49 inclusionary units, including many larger units. Ms. Demetrowitz said that in their City Center project, there are twelve 3 and 4 bedroom units where larger families are served. This development will also include some 3 and 4 bedroom units. Mr. Gill noted there will also be two market rate units in the building. He felt those numbers were pretty solid at this time. Mr. Cota said the Board will need final numbers at Final Plat. Mr. Langfeldt said "absolutely."

Mr. Cota said he feels this is an accessible way to comply with affordable units in South Burlington. Ms. Philibert said the regulations allow this, and CHT says this is the best way to provide affordability. Ms. Demetrowitz said the alternative could not involve CHT as they could not own units scattered throughout the development, and they would probably all be to people at 80% of median income, not a range of affordability.

Mr. Langfeldt noted that they had participated in the Inclusionary Zoning discussions. They could not do this on their own and get financing. They are trying to comply with the intent and

spirit of Inclusionary Zoning. The building would be on the most prominent corner, not “tucked away”

Mr. Behr said Inclusionary Zoning is a new way to look at affordability. He had no issue with it now that it is in the zoning regulations. He did question when the inclusionary building will go up and asked why it is the 3rd or 4th building.

Ms. Demetrowitz said resources are limited and competitive. They expect to get it funded annually and already have a 2021 and 2022 project. This would be for 2023. They are committed to getting it funded and are looking to a construction date late 2023. Mr. Langfeldt added the intent is to build 2 buildings concurrently. They are requesting some leeway and that a market rate building be able to pull a permit concurrently with the affordable building. Mr. Gill noted that buildings #13 and #15 would be the first built, representing 56% of the market rate units. He added that they would prefer to say the affordable building would be the 5th to be built. Ms. Keene said it shouldn't be 5th if they would like to pull concurrent permits, but it could be 5th without concurrent permits or 4th with concurrent permits.

Mr. Behr said there are always ways to deal with timing. He didn't want the affordable building to languish, but he understood the financing issue. Mr. Wilking said he had no issue with it being the 5th as long as it is before the CO for the 6th building is pulled. He felt that holding the CO for building #6 is plenty of leverage.

f. Staff is asking whether a traffic study update evaluating the reduction of 146 trips should be done at preliminary plat or final plat. Mr. Gill said the original proposal had a commercial building instead of building #6. When that was changed to a residential building, there was a reduction in trips. They had their traffic consultant look at this, and he said a traffic light is warranted with the 6th building. Restriping of the road is warranted immediately for safety. Members were OK with deferring the traffic discussion to final plat.

Regarding landscaping (not a numbered staff comment), Ms. Keene asked the Board to weigh in on any issues they might have with what has previously been discussed. No issues were raised by the Board.

- g. Regarding safety of the bike lane/rec path/urban sidewalk: Mr. Gill showed a plan of the road. Mr. Langfeldt said it is their opinion that the road was permitted in the master Plan and that it was deeded to and accepted by the City. Doing all three (bike lane, rec path, and urban sidewalk) would be a complete redesign. Ms. Keene indicated the bike lane is in the roadway and stated staff's and the Bike/Ped Committee's desire for a connection to other developments. Mr. Langfeldt said the

challenge is the rec path and greenbelt. Ms. Keene said the sidewalk and bike lane could be replaced by a rec path. She asked whether what the applicant is proposing is better for an urban setting. She asked that they provide a streetscape expert to say what is the best solution. Mr. Gill felt it was better to look at this at Final Plat in conjunction with landscaping at the corners, etc. He noted there are essentially 16 sides of the road, each with a unique condition. Different things cause different problems in different places, and no one thing works universally. He said they were open to having a streetscape expert look at the situation. Ms. Frank of the Bike/Ped Committee felt that looking at the larger picture is a good idea. The goal is to allow for pedestrians and cyclists to get to the other side of Kennedy Drive and Kimball Ave. She said the Committee is happy to participate in the discussion when they have permission to meet. Mr. Cota stressed he did not favor redesigning the road but did favor figuring out the answer to connectivity. Ms. Philibert said she wasn't sure she understood the difference between a rec path, bike path and walking path and would take the lead from an expert. Mr. Behr agreed and said the Board could hear this at the next stage. Mr. Gill said that removing the bike lane from the road would allow something to be put together. He was comfortable doing that at Final Plat.

- h. Staff noted that snow storage areas are indicated in areas of "usable open space" and is asking the Board whether this is acceptable. Ms. Keene showed the Lot 12 snow storage area and asked whether it can also be considered "community space." Mr. Gill said they have a limited amount of space on the site. Snow storage is important, and folks don't sit outside in the winter. There will be some winter outdoor areas (e.g., fire pit), and they hope the uses can overlap. Mr. Langfeldt noted that to the south of this area, there is a landscaped walking area. Mr. Cota noted that with young children, snow storage can be a place for sliding. Mr. Gill said they can make it work. Members were OK with the snow storage areas.

Mr. Gill noted an item regarding parking on Lot 13 where staff is asking that parking be removed from the area of the front line of the building and street. Ms. Keene said this is non-negotiable. Mr. Gill explained the history: if they move the line and put parking onto 13 and 15, they lose 18 units of housing. They are looking to permit the parking as a "conditional use" so those 18 units don't evaporate. He felt there is nowhere else to put parking. Ms. Keene said it sounds like a "technical loophole" and she was not sure it is a solution. She added that if it is a conditional use, it would have to meet criteria that it would have no adverse impact on the neighborhood, and parking right up to the street would not meet that criteria.

Mr. Gill noted that right across the street there is a park where parking is allowed in front.

Mr. Behr asked about plans for Lot 17. Mr. Gill said the plan is to have a building located at the corner. Mr. Behr said he has a problem with parking in front of the Lot 13 building via a "conditional use" permit. He would want to see the proposed layout for a building on lot 17 to consider a conditional use.

Mr. Gill asked if they could put a brick half-wall around the corner to hide the parking. Mr. Wilking said it has to be a building and block the view of the parking. Ms. Keene noted the Pizzagalli solution on Shelburne Street where a 5 to 6-foot wall blocked the view of parking. Mr. Gill said they could explore that. He also felt Mr. Behr's solution was interesting. Mr. Behr said he could support parking that is not visible from the road and keeps the density. He also wanted to see a plan for Lot 22. Mr. Hodgson felt there are ways to work this out with a combination of architecture and modifying the lot a bit.

Mr. Gill asked for feedback regarding access from Lot 13 to the street. They added an entrance on that street and questioned whether the Board is comfortable with the amended elevation with another entry door by not having individual entrances to each living space on the street level. He showed a southeast elevation indicating the additional door. They also created a community room along with that door.

Mr. Langfeldt noted a concern with "control points" with larger buildings. Residents have concerns with safety and with furniture placement with individual entrances. Ms. Keene said she would like to hear testimony from a security expert, possibly having the Police Chief testify. She questioned whether there could be "implicit bias" implications. Mr. Wilking said there is no question that multi-family buildings have far more security issues. He felt the "implicit bias" idea was "bogus." Mr. Cota said he has lived in large apartment buildings, and the lobby is where you meet your neighbors. Having that access point is OK with him, and the lobby is a point of appeal for him.

Mr. Behr said in a multi-story building you stack the utilities, etc. An outside door changes how a unit functions and is set up. He felt the lobby is an essential focal point. He did want to see the new door look more "gracious," possibly a patio to indicate a common room behind it. Mr. Langfeldt said they can make the door more prominent.

Mr. Gill noted a staff comment about a "harmonious relation" between buildings where Phase 1 abuts Phase 2. Ms. Keene said they should just make sure it is not an abrupt transition. Mr. Gill said they are providing significant landscaped space. Ms. Keene said the landscaping should complement a change to a more urban space. Mr. Wilking suggested a possible wrought iron fence or park bench on one side and landscaping on the other.

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

Ms. Keene suggested continuing the hearing to allow Mr. Sullivan to review the tape. Staff can begin writing a decision in that time.

Mr. Cota moved to continue SD-20-16 until 20 October. Mr. Behr seconded. Motion passed 6-0.

- 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 to remove 0.60 acres from Zone 7, 255 Kennedy Drive:**

Mr. Gill suggested continuing this with the other application. Ms. Keene agreed.

Mr. Cota moved to continue MP-20-01 to 20 October. Mr. Behr seconded. Motion passed 6-0.

- 7. Minutes:**

No minutes were presented for approval.

- 8. 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 10:00 p.m.

These minutes were approved by the Board on ____.