

The South Burlington Development Review Board held a regular meeting on Tuesday, 6 October 2020, at 7:00 p.m. via Go to Meeting interactive remote technology.

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

ALSO PRESENT: D. Hall, Administrative Officer; M. Keene, Development Review Planner; A. Portz, A. Rowe, B. Cimonetti, C. Bohlmann, C. Snyder, D. Seff, D and N. Christensen, C. Gendron, G. Rabideau, L. Lackey, L. Murphy, M. Byrne, R. Rushford, S. Woodward, P. Kelley,

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

Mr. Cota asked to move Item #8 (Minutes) to #4. He also noted that Item #6 would not be heard as the zoning permit being appealed has been withdrawn.

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

No issues were raised.

3. Announcements:

Mr. Cota explained the procedure for remote meetings and reminded members of the public to sign in to register their presence in the event they might wish to appeal a decision made by the Board.

4. Minutes of 19 February 2019 and 15 September 2020:

Mr. Cota moved to approve the Minutes of 19 February 2019. Mr. Wilking seconded. Motion passed 4-0 via a rollcall vote with Mr. Langan, Ms. Philibert and Ms. Portman abstaining.

Mr. Cota then moved to approve the Minutes of 15 September 2020. Ms. Philibert seconded. Motion passed unanimously via a rollcall vote.

5. Sketch Plan Application #SD-20-34 of Eastern Development Corporation for a planned unit development on an existing 8.66 acre lot developed with a single family home and 7,000 sq. ft. of storage building. The planned unit development consists of one 6.68 acre lot containing 36 dwelling units in three-family buildings, a 1.28 acre lot containing the existing single family home and storage building, and a third lot containing proposed city streets, 600 Spear Street:

Mr. Cota advised that the applicant has asked for a continuance until 20 October.

Mr. Cota moved to continue SD-20-34 until 20 October 2020. Ms. Philibert seconded. Motion passed unanimously via a rollcall vote.

Ms. Keene noted that Mr. Sullivan has recused himself from the remaining agenda items due to a potential conflict of interest and has left the meeting.

6. Continued Preliminary and Final Plat Application #SD-20-22 of Burlington International Airport & 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 noted that the applicant has provided 2 documents and a 2-page follow-up to answer the Board's questions from the last hearing.

Regarding compliance with the Airport's landscape plan, Mr. Lackey said the Airport will work diligently to get the entrance features done in a timely manner.

Mr. Portz said they have had productive conversations with staff and are comfortable with the conditions proposed by staff.

The Airport must bond for the minimum \$39,600 landscaping budget.

Members commended the team for finding solutions to the issues.

Mr. Cota moved to close SD-20-22. Ms. Philibert seconded. Motion passed 6-0 via a rollcall vote.

7. (previously Agenda item #7) Appeal #AD-20-01 of Beth Zigmund appealing the decision of the Zoning Administrative Officer to issue zoning permit #ZP-20-232 for construction of a single family home, 159 Long Drive:

The Board was advised that the zoning permit has been withdrawn

8. (previously Agenda item #7) Sketch plan application #SD-20-33 of The Snyder Group, Inc., to amend a previously approved plan for a planned unit development of 25.93

acres consisting of 18 single family dwellings, two 2-family dwellings, three 3-unit multi-family dwellings, and an existing single family home. The amendment consists of changing the unit mix to twelve single-family dwellings, thirteen 2-family dwellings, and three 3-unit multi-family dwellings and an existing single family home, removing connections to adjacent streets, and relocating the recreation path from off-street to on-street, 1302, 1340 and 1350 Spear Street:

Ms. Philibert noted that a partner of the law firm representing the applicant is a good friend. She felt she had no conflict with hearing the application.

Mr. Cota explained the nature of a sketch plan and noted that in order to move forward with the plan, the applicant would have to submit a complete, formal plan.

Mr. Cota also noted that this project was approved by the DRB in 2017. That decision was appealed to the Environmental Court and then to the Vermont Supreme Court, both of which upheld the DRB's decision.

Mr. Snyder said some of the proposed changes were requested by neighbors.

Staff notes were then addressed as follows:

- a. The segment of Vale Drive north of Elm St. is proposed to be deleted. Staff feels that connection is consistent with the city's Official Map and with the DRB's original findings related to PUD, Site Plan and SEQ criteria.
- b. The southernmost segment of Vale Drive is proposed to be limited to emergency vehicles only. Staff feels this segment is consistent with the Official City Map and with the DRB's original finding. Staff noted that the applicant is asking to modify elements of the project that were explicitly decided upon and has not demonstrated substantive modifications to the project or regulatory environment. Because of this, staff feels the requests ("a" and "b") are prohibited. In addition, both the Director of Public Works and the Fire Chief do not support any change that doesn't provide connections to the north and south.
- c. Regarding the 2 single-family homes that would be relocated from the northeast corner of the property to the west side of Vale Drive and become duplexes, Staff asks the DRB to consider this request on its merits. The question is whether having all single family homes on one side and all duplexes on the other complies with the regulations.

- d. The shared use path is proposed to be relocated from the eastern boundary of the project to within the Vale Drive right-of-way replacing the 5-foot sidewalk. Staff is concerned that the path would now cross several driveways. If the Board allows this, Staff recommends the driveways be reduced from their proposed 20-foot width.
- e. A no-cut covenant is proposed for existing mature trees on the eastern property boundary. There are no previous findings related to this request. Staff is OK with it as long as it does not limit the project from being built as designed.
- f. The approved easement for the watermain and shared use path across UVM property is proposed to be adjusted to the west. Staff noted that the city has proposed an alternative waterline connection that would reduce the applicant's cost and improve water pressure throughout the system. This change can be done administratively and does not need to be part of this application. The applicant would have to meet current stormwater standards.

Mr. Murphy showed overhead photos of the development area and noted the land along Swift St. and Spear St. have been used by UVM as active agriculture. Mr. Murphy said the applicant is trying to protect that use. That is why they are proposing moving the 2 single family homes and removing the connection to the property to the north. It would also make it less likely that the UVM land would be developed.

Regarding the change in the path, Mr. Murphy said the original location is a main linkage for wildlife. Having the path there would bring people, dogs, and activity against a prime area for protection. Mr. Murphy showed exhibits from the Arrowwood study indicating the habitat blocks and the need for connection between them. The applicant feels having the path cross driveways would be less impact than having it against the woods.

Regarding the connection to the south becoming an emergency vehicles only access, Mr. Murphy said the concern is with the road becoming a 'cut-through' in the neighborhood.

Mr. Wilking noted staff's comments and didn't see a way to get around them. Mr. Murphy felt to would be OK to have a right-of-way to the north for the future, but it didn't seem necessary to connect to a cornfield now. Mr. Wilking said he would love to see the farmland stay as it is, but some day it will get changed, and the interconnection is required by the comprehensive plan and LDR

Mr. Cota said he did not see a change in circumstances that would warrant the proposed changes in the plan. He noted it is the city's intent to connect streets and if they were to start permitting over he'd still direct them to make the connection.

Mr. Behr noted the southern connection has been a requirement since day one and has always been opposed by neighbors. The UVM farm connection involves a future the Board can't control and is needed to keep it from being three separate neighborhoods. Moving the 2 single family homes would create 3 separate areas and have all the duplexes bunched together. Mr. Behr also had an issue with the rec path going along the driveways. He noted the applicant had spoken of meandering the path to avoid cutting trees. He further noted nothing precluding construction of the 2017 approval has occurred.

Mr. Murphy noted a question of the property line in relation to the trees and said it varies from a few feet to 10 feet at most.

Ms. Portman agreed there is no change in circumstances. She didn't see how the Board can make changes regarding connectivity. She was struggling with the rec path issue but noted hiking trails go through the woods without being disruptive to wildlife.

Mr. Langan noted that Pinnacle Drive already has a connection and there doesn't seem to be a cut-through issue. He didn't know why there would be an issue here.

Ms. Philibert said the city has clearly stated that it wants connectivity. She also noted it is possible to create disincentives (e.g. speed bumps) to cut-through traffic. Mr. Cota said that the original design, when approved, was to actively discourage cut throughs. This is to connect the 2 neighborhoods, no to create circulation.

Ms. Keene noted that the UVM land has the same zoning and same development potential as this property has.

Mr. Cota said that until the city no longer wants connectivity, his decision won't change.

Mr. Cota then acknowledged receipt of an email from Dr. Scollins and a comment in the chat box from Mr. Woodward. He offered the public an opportunity to comment.

Mr. Christiansen said he just acquired Vale Dr. property and is concerned about the safety of his young children. The through street is a concern for him.

Mr. Woodward felt a rec path on Vale Drive would create conflict.

Dr. Scollins asked that everyone on the Board read his letter.

There were no further comments.

9. Other business:

No other issues were raised.

As there was no further business to come before the Board, the meeting was adjourned by common consent at 8:15 p.m.

These minutes were approved by the Board on October 20,2020.