

The South Burlington Development Review Board held a regular meeting on Tuesday, 20 October 2020, at 7:00 p.m. via Go to Meeting interactive technology.

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

**ALSO PRESENT:** M. Keene, Development Review Planner; A. Dery, A. Gill, C. Frank, D. Marshall, D. Sherman, E. Burti, E. Langfeldt, F. Von Turkovich, J. Larkin, S. McClellan, L. Thayer

**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 encouraged attendees to sign the sign-in sheet or to report their presence at the meeting to Ms. Keene. This would be necessary in order to appeal any decision made by the Board. Mr. Cota also reviewed the opportunity for public comment on applications heard at the meeting.

**4. Continued Preliminary and final plat application #SD-20-02 of CEA Properties, LLC, to construct two 2-story office buildings of 7,200 sq. ft. each on an existing 3.1 acre lot currently developed with a 7,200 sq. ft. office building and 1,000 sq. ft. storage building, 10 Mansfield View Lane:**

Mr. Marshall advised the Board that they have made a request to withdraw this application.

**5. Sketch plan application #SD-20-36 of Lark-Inns, LP, to amend an existing planned unit development on 13.26 acres consisting of a 121 room hotel, an 84 room hotel, a 60 room hotel, a restaurant and a 3-unit multi-family building. The amendment consists of converting the 84-unit hotel to a 78 unit multi-family building, 1720 Shelburne Road;**

Mr. Cota explained the nature of a sketch plan and noted that there will be no decision rendered by the DRB.

Mr. McClellan said the hotel units in the 84-unit hotel are underused and could better serve as residences. They are mostly one bedroom and studio units with eight 2-bedroom units. The building will need an elevator, a community room, and an area for bike storage. No exterior changes are planned except for the addition of a larger bike rack. The units will be kept affordable. There will be 12 inclusionary units, 6 in each wing. Mr. McClellan showed where the new elevator will be located between the two wings. All units will be rental.

Mr. McClellan noted that the top of the building will be raised to allow for the elevator. Mr. Larkin noted there are now 2 elevators, and they need to add a third. He added that they will show the Board at the next phase how the elevator will look.

Ms. Philibert asked if the ballroom will remain. Mr. McClellan said it will, but they are not sure how it will be used. It is not part of this proposal.

Ms. Keene asked about the timeline. Mr. Larkin said "as soon as possible." They have an empty hotel and there is a demand for apartments. They would like to have something done by early next year. Mr. McClellan said each wing will be a phase, with the uphill side first, then the downhill side. They are planning to do them relatively quickly. Ms. Keene suggested applying for phasing.

Staff comments were then addressed as follows:

1. Trip generation will be increased by a small number. That number will be provided at the next stage. Mr. McClellan said they will have a traffic person do a quick analysis of the difference between the hotel and the residences. Mr. McClellan added that the area to the east will be a beautiful spot for a real amenity to the project. Mr. Larkin noted there is a pool in the building to the west. There will be fitness rooms and room for more amenities.
2. Staff asked whether the Board wants an analysis of existing unchanged site features for the next review. Mr. Cota said his concern is not increasing the degree of non-conformity. Mr. Wilking said he was fine with taking a look at it, but he has never seen a parking issue, and the area is well landscaped now. Mr. Behr agreed. He couldn't imagine a problem as it has been functioning for decades.
3. Handling of waste: Mr. McClellan showed the area where the dumpster is located and said it will remain there.

Mr. Langan noted there is likely to be more pedestrian traffic. The closest park is to the east, and he suggested a possible connection to it. He asked about a sidewalk. Mr. McClellan said there is plenty of room for pedestrians and cars. Mr. Cota noted it is not part of this PUD. Mr. Wilking noted a ravine to the north and walking path along the ravine. He felt this is an opportunity to do a path near the river bed. Mr. Larkin liked that idea. Mr. Cota suggested they talk with the Bike/Ped Committee who may have some ideas. Mr. Larkin indicated they would look into connection to Harbor Ridge Road or the Baycrest neighborhood.

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

**6. 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. storage building. The Planned Unit Development consists of one 6.68 acre lot containing 36 dwelling units in three-family buildings, a 1.38 acre lot containing the existing single family home and storage building, and a third lot containing proposed city streets, 600 Spear Street:**

Mr. Cota explained the nature of a sketch plan.

Both Messrs. Wilking and Behr noted that years ago they had done business with Mr. Von Turkovich but did not feel they had to recuse themselves.

**Mr. Von Turkovich** showed an overhead of the parcel and identified Spear Street and I-89. He noted that the parcel is located between 2 UVM-owned parcels. It is zoned R-4. Currently, there is a 2-story house and a large steel building on the parcel. The latter was used for storage by the prior owners, the Couillard family. The property was filled in the 1980s and the grade was raised 6-8 feet with fill from the UVM campus. Research has shown there are no hazardous substances, but they may have to cap some areas. There is no ground contamination.

Mr. Von Turkovich said there is a wetland in the southeast corner of the property that will be avoided. Other than that, the land is buildable. Ms. Philibert asked if any fill was done prior to 1978. Her concern is with lead. Mr. Von Turkovich didn't know, but did say the Phase 2 study tested for metals, and they can provide the study with future applications.

Ms. Thayer then addressed the proposed site plan. There would be 8 4-plex buildings and a new city street to replace the existing driveway. There would be a connection to both UVM parcels. Development is planned to the west end of the parcel, buffered from the I-89 corridor. There will be no impact to the wetland.

Ms. Thayer said they are trying to create a strong street presence. They have added a central green area, and each unit would have private outdoor space as well, either a patio or a porch. There would be on-street parking and a connection to the Spear Street bike path. As the property is a mile south of UVM, they are trying to encourage use of the bike path.

Mr. Von Turkovich then showed renderings of the buildings. Each half building has two units – one up and one down. The attic story would not be occupied – would be scaled to complement the existing house. The existing house would be converted into 2 units, possibly three. The steel building is in very good condition. Demolition would be expensive and wasteful. One idea is to use 1500 sq. ft. for storage space for the units. There could also be workshop space and possibly some office space for people working from home. Maintenance equipment would also be stored there. Windows and a new HVAC system would be added, and there would be solar panels on the roof. Ms. Philibert suggested a more muted color.

Mr. Von Turkovich then showed street views. He noted they would probably build a berm with trees as buffer to noise from I-89. They would also propose to install some solar to the east to help make this a “net zero” development.

Mr. Behr said he liked the layout as it created its own neighborhood, was the right scale, creates a common area and provided a connection to the rec path.

Staff comments were then addressed as follows:

1. Maximum lot coverage of 40% is exceeded in front. Staff supports a waiver based on the total property. Ms. Keene asked if the applicant would be amenable to a larger waiver for flexibility. Ms. Thayer said they would. Mr. Von Turkovich noted they went to the City Council last night and were continued to the next meeting. They want to meet current and proposed PUD standards. Ms. Keene noted that the PUD standards will deal with building types allowed in an area, mix of uses, street-facing, etc, and the project meets those criteria.
2. Staff is asking whether the applicant would be OK with a 20 foot wide road with 8 feet for parking. Mr. Von Turkovich said they would, and the Board was OK with this.
3. Ms. Keene noted that as shown, there is a 5-foot setback for the existing house. This is not allowable. It needs to be at least 10 feet. If, in the future, the whole roadway becomes public, it wouldn't be straight. She showed where there would be a “jog” in the road. One solution is to provide a 40-foot

right-of-way. Mr. Von Turkovich had no issue with that. Ms. Thayer suggested proposing 40 feet instead of 50 and working with UVM in the future to get a 50 foot right-of-way. Ms. Keene said that would work if they dedicate 40 ft. at this time with the condition that it go to 50 ft. in the future. Mr. Wilking noted that the “jog” is where there is a private road. He asked if it mattered. Ms. Keene said the road could become public in the future. Mr. Wilking said they could deal with it then. Mr. Behr asked if UVM is granting an easement for street trees. Mr. vonTurkevich said he believes so. He suggested issuing the right-of-way width with them. Ms. Keene said staff is fine with a condition that UVM would have to add to the right-of-way. Mr. Wilking said that narrowing the road solved the setback issue.

4. Staff is asking that the access to the parking should look more like a driveway. Ms. Thayer said they can include benches or other strategies.
5. Staff is asking that the applicant consider a safe crossing for connection to the rec path, possible signage as well. Mr. Von Turkovich felt the flashing light signals are very effective. Mr. Cota felt that was a great idea.
6. Staff would like more information regarding use of the storage building, particularly access. Mr Von Turkovich said they will come back with ideas. Ms. Thayer said as they figure out the interior uses, they will have appropriate access. Mr. Wilking suggested talking with UVM about uses for the building.
7. Staff is requesting delineation of open spaces. Mr. Cota suggested delineating with landscaping. Ms. Thayer said they would consider boulders, shrubs, a split rail fence, etc. , for the next round.
8. Regarding parking: staff noted the 7 head-in spaces at the common area would never be approved by the city for a public street thought they are OK for a private road. Mr. Wilking said it is a non-issue since it is a private road. The city could negotiate for a public street in the future. Mr. Von Turkovich said they like how the parking works as it is. Ms. Thayer said a simple change in striping could make the spaces diagonal. Members were OK as it is.

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

7. **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 units, for a total of 390 dwelling units and underground parking, and 3,500 sq. ft. of commercial space, 255 Kennedy Drive:**

Mr. Cota reviewed the history of the project and noted it had been before the Board several times.

Staff comments were then addressed as follows:

1. Regarding "general" but not "specific" requirements, Mr. Langfeldt said they understand and agree they can't work out every detail at Preliminary Plat. He felt they can provide more certainty as they move forward. Height is the most important element as well as building setbacks and the location of the inclusionary units in one building. Mr. Gill noted they submitted a brief letter regarding road width and building locations. If there are any major changes that the Board or staff wants, he felt they should know at this time.
2. Staff asked if the Board is OK with the "decorative elements" related to common spaces. Ms. Keene showed a concept for building 10 and said staff wants to be sure this is representative of what they propose so it can be put into a stipulation. Mr. Behr said he was OK with it and felt there is enough design intent. Other members agreed.
3. Staff is asking the applicant to consider a proposal for building 14 adjacent to a treed area and whether more of a transition is needed. Mr. Gill showed a rendering of that. He said the trees will remain. He also noted the existing buildings. The building proposed for lot 14 is only 3 stories in order to address the transition issue. Mr. Cota liked the transition. Mr. Gill noted the trees in one area are protected as they are within a wetland.
4. Regarding roadway geometry and sidewalk. A different configuration of roads, paths, sidewalks may be needed to meet objectives. Mr. Gill said they are working on getting someone to help with that. Mr. Cota emphasized that the bike & ped committee should review. Mr. Behr emphasized that they need more detail. Mr. Wilking noted there is no reason to change the ROW; it can all be accomplished within the approved ROW.

5. Re: lot 17, Mr. Cota noted that Lot 17 is not part of this permit and would require a conditional use permit. Mr. Gill noted they had talked about a possible wall to shield parking. He showed a new concept including a privacy wall with a staircase in it. He said they are open to the aisle being temporary. Mr. Langfeldt noted there is also a grade change so passersby would not be looking at parking. The wall would be part of this project. Mr. Behr asked about proposed development on Lot 17. Mr. Gill said he felt like the parking spaces would have to be temporary because Lot 17 is so unknown. Mr. Behr felt the parking spaces on the access drive really stick out. He asked if they are needed. They would only have to lose 3 or 4 spaces to be compliant. Ms. Keene said the parking spaces on lot 17 are not allowed to be approved as part of this project, and it would be incumbent on the applicant to demonstrate that the access drive is acceptable and that the spaces could be compliant when Lot 17 is developed. Mr. Langfeldt thought they could find 3 parking space elsewhere.
6. The applicant was asked to confirm that the drive aisle width will be a standard 24 feet. Mr. Gill did so confirm.

Ms. Keene indicated an area near Kennedy Drive and asked whether those trees would be retained. Mr. Gill said that area is most likely the place for a stormwater treatment pond and the trees would need to be removed. That will be addressed with the landscaping plan. He felt they could place new trees around the pond.

Public comment was solicited. There was no public comment.

Mr. Cota moved to close SD-20-16. Ms. Philibert seconded. Motion passed 6-0 via a roll call vote.

**#8. 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:**

Ms. Keene recommending closing this application at this time. She would confirm that the previously drafted decision was consistent with the evolution of the project since it's drafting. The applicant was OK with this.

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

**8. Minutes of 15 September and 6 October 2020:**

Mr. Cota moved to approve the Minutes of 15 September and 6 October 2020 as written. Mr. Wilking seconded. Motion passed 6-0.

**9. Other Business:**

Ms. Keene reminded members that the next meeting will be on Wednesday 4 November.

As there was no further business to come before the Board, the meeting was adjourned by common consent at 9:15 p.m.

*These minutes were approved by the Board on November 18, 2020.*