Burlington Development Review Board
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Austin Hart, Chair
Geoff Hand
Alexander J. LaRosa
Brad Rabinowitz
Israel Smith
Wayne Senville
Alexandra Zipparo,
Jim Drummond, (alternate)
Rob Purvee, (alternate)

Burlington Development Review Board
Corrected Findings of Fact
Deliberative Hearing Monday, February 6, 2017

Board Members Present: Austin Hart, Brad Rabinowitz, Alexander LaRosa, Ali Zipparo, Wayne Senville, Jim Drummond (alternate) and Rob Purvee (alternate.)

Absent: Israel Smith, Geoff Hand (recused.)

Staff members present: O'Neil, Kimberlee Sturtevant.

File: ZP17-0623CA/MA
Location: 329-375 North Avenue
Zone: NAC-CR **Ward**: 4N
Date application accepted:
Applicant/ Owner: BCCH, LLC & 375 North Avenue LLC / Eric Farrell

Request: Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 off-street parking spaces.

Evidence Presented:
The Board examined the materials submitted in support of this request.

I. Findings

Background: Known as Cambrian Rise, the application proposes development with mixed commercial and residential uses, related buildings and infrastructure across approximately 21.65 acres (per plan BA1) at 329-375 North Avenue. The total unit count has fluctuated somewhat but settles to 739 residential units, inclusive of the 65 units already permitted in the former orphanage building.

During the summer and fall of 2016, this project underwent several sketch plan reviews with the Conservation Board, Design Advisory Board, and Development Review Board. Conservation Board comments centered on stormwater management and commended the proposed management of stormwater management onsite, rather than utilization of the city system. The Design Advisory Board reviewed the sketch plans twice. Doing so allowed the DAB an opportunity to get an overview of the proposal; comments were limited to questions about the overall development, and a desire to cut back the hard edges of the buildings along North Avenue as they abutted smaller structures (to the south). The Board acknowledged the large scope of the project, and their limited time or opportunity to discuss any

i) At building Q, the stair tower at the northwest corner of the building shall be treated with similar cladding and screening materials as the main building, to improve the terminus view from North Road. [See QR-1 and QR-2.] √

2. **Prior to release of the zoning permit**, final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
3. Per Section 10.1.10 and **prior to the release of any zoning permit** for construction associated with an approved final plat, the applicant shall file with the administrative officer and the city clerk for recording, a covenant acceptable to the city attorney, running with the land committing the applicant to complete all required improvements within ten years (phasing permitted by the DRB as a condition of approval) of the final plat. Financial surety (bond, letter of credit, or escrow) shall secure the covenant. The amount of such bond, letter of credit, money, or negotiable securities (security deposit) shall be based upon the estimated cost of such improvements verified by the city engineer or appropriate department head, plus a ten percent (10%) contingency factor and the estimated maintenance cost for such improvements for a period of 2 years following their completion. If a performance bond is filed, the penal sum of such bond shall be one hundred percent (100%) of the above determined amount. The bond or any other form of surety or security shall be approved as to legal sufficiency, form, and manner of execution by the city attorney and as to credit worthiness by the city's chief administrative officer. If money or negotiable securities are filed, the necessary sum shall be one hundred percent (100%) of such above determined amount. Bonding for public improvements may be broken into segments to correlate to the phasing schedule of the overall development.
4. **Prior to release of the zoning permit**, revised plans or related documentation addressing the following shall be submitted, subject to staff review and approval.
    a) Definition of the cemetery access plan and the written acceptance by the Department of Parks & Recreation;
    b) Confirmation of driveway access grading into Building E;
    c) Continuous concrete sidewalks across all driveways;
    d) Compliant parking space and circulation aisle dimensions for all parking areas (surface and structured);
    e) Final selection of street trees with the written approval of the City Arborist;
    f) Revised outdoor lighting plan compliant with Sec. 5.5.2 and IESNA standards, as applicable. Confirmation of compliance by an independent lighting consultant at the cost of the applicant will be sought;
    g) Buried electrical transformers where feasible;
    h) Identified mailbox locations;
    i) Identification of all screening materials;
    j) Intercom systems for multi-family housing is recommended;
    k) Compliant inclusionary housing proposal, including 25% of the entire 739-unit count. Written approval of the inclusionary housing proposal by the manager of the city's Housing Trust Fund is required.

5. **Prior to construction,** final plat approval of the subdivision of the property shall be sought and obtained.
6. The following comments and requirements of the Department of Public Works are incorporated into these conditions of approval. All improvements are at the expense of the applicant:
    a. The existing crosswalk (and bus stop) near Champlain Farms should be removed, as the ultimate spacing of crosswalks and stops will be more uniform with the planned crossings and stops at the Project's southern drive.
    b. New crosswalk should be placed proximate to the new Parks & Recreation redeveloped path near Covent Square with that project
    c. At the northern project drive, a crosswalk shall be provided if requested by the Department of Public Works. Pedestrian counts shall be taken prior to issuance of a certificate of occupancy. If warrants for a crosswalk are met at this location, it shall be installed.
    d. Per the project plan set, crosswalks shown at the project intersection of South Road/North Ave.
    e. The Applicant will be required to replace the sidewalk more than 5 years old on the West side of North Ave between the southern property line (Building K) and the northern property line (north of North drive)
    f. The signal at North Ave and South Road should be installed during phase two of the project and left in flash, until either trip/pedestrian warrants are met, at which time the signal should become active.
    g. A No Parking flashing beacon should be installed at/near the intersection of North Ave and South Road; the cost of the beacon is the responsibility of the Applicant. Due to the unique nature of these beacons DPW will install the beacon and seek reimbursement for the materials and cost of installation.
    h. DPW and Applicant to discuss narrowing of the painted median on the north side of the intersection of North Ave and South Road, DPW to review final plan before line work is implemented.
    i. Bike lane shall have stop bars marked within the bike lanes, these could be offset from the travel lane stop bars if appropriate.
    j. Bike lane markings across intersection at South Road shall be consistent with City typical markings in both size and configuration. This should include skip lines at the intersection and bike size chevron in the lane. Also diagonal line striping in the separated portion of the bike lane should be removed
    k. DPW and Applicant to review bicycle left turns at North Ave and South Road. DPW would like to see a pull off ahead of the crosswalk to allow bicycles to utilize the pedestrian push button, an alternative we would consider is a bicycle box in the lane striping. DPW to review and approve final plan before work is implemented.

l. At the Northwest corner of North Ave and South Road the proposed bus stop area shows a significant amount of concrete/hardscape area. This area will need to be revisited/revised with DPW.
m. Applicant will seek to adjust property boundary lines in the future on North Ave to place the sidewalk along North Ave back in the ROW.
n. A crosswalk needs be placed at the west side of the intersection of South Road and West Road. This will facilitate pedestrian movements given the planned commercial activity in the area, adjacent recreational facilities, and ability for DPW to maintain and clear snow at the intersection.
o. Applicant to review location of stop bars relative to the crosswalks at the intersection of North Road and West Road. Crosswalks should be placed in front of stop bars.
p. Signage and Striping:
    i. Crosswalk warning signs MUST reflect YIELD to pedestrians, per VT State Law
    ii. Share the lane signage should be independent of the pedestrian crossing signs
    iii. The only on street striping should be for crosswalks, stop bars, and in the immediate vicinity of the proposed signal for center line delineation. No line striping should be placed for individual parking spaces, center line, or fog lines.
    iv. No speed limit signs within the development
q. Sidewalk configuration/alignment and connection to Lakeview Cemetery will need to be reviewed by DPW/Parks prior to construction if Applicant pursues acceptance of project streets by the City.
r. Applicant to review bicycle/pedestrian connection from Building O and P to the bike path to the west to determine whether additional connection will be at back of building or at end of sidewalk.
s. Applicant will be required to submit design drawings for retaining wall along North Road, stamped by a Professional Engineer registered in the State of Vermont.
t. Applicant will be required to place monuments at all parcel boundaries.
u. All public infrastructure intended to be part of the dedication bust be within the proposed limits of the ROW.
v. Any materials used in the ROW that exceed City Standards will be the responsibility of the Applicant, and the Applicant will be required to enter into a License Agreement with DPW, unless otherwise waived, for the care, maintenance, replacement, removal for the life that material unless otherwise replaced with a Standard material, at which time the Agreement can be dissolved.

w. For the dedication process the Applicant must, at minimum, provide the following:
    i. As-built drawings of all infrastructure in the ROW
    ii. Certification from the engineer of record that infrastructure constructed was completed per plans and specification
    iii. All documentation by the project resident engineer for all infrastructure in the ROW. This shall include but is not limited to: Notes, photographs, reports, quality control testing, change orders, submittals.
    iv. The City shall be invited to participate at all construction meetings;
    v. The City shall have the right to have oversight during construction, review of resident engineer documentation, submittals.

x. Review the sequence of work to connect South Road sidewalk/path to the proposed Parks Path, a connection to those facilities in advance of 2022.

y. There is a discrepancy between the phasing of the project shown on P1.0 by CEA and sheet 2 of 2 by VHB with regard to when Building H, Q, and R will be constructed. Of concern is the varying stormwater treatments that occur during construction, treatment types shown varies.

7. All proposed sidewalk construction within the public street right-of-way is subject to review and approval of the Dept. of Public Works. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
8. There shall be the addition of an enhanced and heated bus stop on the corner of South Road [so called] and North Avenue;
9. On site car share pod(s) are to be developed in consultation with CarShare VT or similar organization;
10. There shall be continued membership in CATMA or similar Transportation Demand Management association;
11. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development. Impact fees may be paid on a per-phase basis. Per the development agreement, a $300K credit will apply to parks impact fees due.
12. A 10-year construction period is included in this zoning permit. Project phasing shall be as depicted in Plan L-EX4. Any change, variation, rearrangement of phases, or request to omit buildings shall require review and approval by the Development Review Board, with such request submitted prior to expiration of the 10-year period. Board review of a change to the phasing schedule will be limited to: (a) assurance that amenities are constructed to support the phasing plan; (b) inclusionary unit are being constructed appropriately in each phase; (c) the project, if no further phases are constructed, presents an integral project that

will stand on its own; and (d) in review of the phasing schedule, the applicant must return to the Board to show how project would look under revised phasing schedule if subsequent changes are made where further phases are not constructed. As this was presented as an integrated project, the Board requires completion of the green areas and public access westerly from the parking area marked "D"; including handicap accessible walkways toward the public lands.

13. Days and hours of construction are limited to Monday – Friday 7:00 AM – 6:00 PM; interior work only on Saturdays; no construction activities on Sundays.
14. A State of Vermont wastewater permit is required.
15. All new utility lines shall be buried.
16. It is the applicant's responsibility to comply with all applicable ADA requirements.
17. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
18. Any outdoor signage will require a separate sign permit.
19. During the course of construction, a pathway shall be maintained to the city public lands.
20. Standard Conditions 1-15.

Second: A. J. LaRosa
Vote: 6-1 (AZ)
Vote: motion carried

This **amended** set of Findings is dated at Burlington, Vermont, this _____ day of March, 2017.

Respectfully Submitted,

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Austin D. Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:
(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statues Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)