

TOWN OF WILLISTON
DEVELOPMENT REVIEW BOARD
January 9, 2018, 7:00 PM
Police Station Community Room | 7928 Williston Road

Minutes approved January 23, 2018 as written.

A video recording of the meeting is broadcasted by Channel 17 and available at www.cctv.org. The minutes and project proposal information/site plans can be found under Public Records and Documents on the town website, <http://www.town.williston.vt.us>.

Members in attendance: *Scott Rieley (Chair), Peter Kelley, David Turner, John Hemmelgarn, Courtney Doherty, Paul Christenson, David Saladino*

Absent: *none*

Planning & Zoning Staff: *Ken Belliveau, Matt Boulanger, Emily Heymann*

Attendees who signed in: *Susan Lord, Matthew Lock, Angela LaFleche, Rejean LaFleche, Talbert Hill, Andrew Antell, Ben Avery, Paul O'Leary, Karen Maklad, Sue Peters, Evan Langfeldt, Brian & Catherine Biunno, Sandra Barber, Andre Martel, Pete Watson, Brad Rabinowitz, Bryan Harnett, Ian Jewkes, Jesse Carswell, Jim Brown, Mary Hill, Robert Hamble, Grant Butterfield, Chris Geffker, Chris & Kristin Porter*

AGENDA

- I. Public Forum**
- II. Public Hearing**

DP 18-13 Angela and Rejean LaFleche request a discretionary permit to alter front yard landscaping at Blondin Brothers Auto Body, 992-994 South Brownell Road in the Industrial Zoning District West (IZDW).

DP 18-05 Bryan Harnett requests a discretionary permit to construct a 17,384 SF building for Burlington Emergency Veterinary Services (BEVS) on Lot 26 in Production Park on Marshall Avenue in the Industrial Zoning District West (IZDW).

DP 17-01 Blackrock Construction requests a discretionary permit to construct Northridge, a 40-unit subdivision, on a 44 acre parcel north of Metcalf Drive in the Residential Zoning District (RZD).

- III. Communication, Final Plans, and Other Business**
- IV. Minutes from December 12, 2017 DRB meeting**
- V. Adjournment**

7:01 PM Opened public forum

7:02 PM Opened public hearing for DP 18-13

DP 18-13 Angela and Rejean LaFleche request a discretionary permit to alter front yard landscaping at Blondin Brothers Auto Body, 992-994 South Brownell Road in the Industrial Zoning District West (IZDW).

Representing the application: Angela and Rejean LaFleche of 26 Thomas Circle, and Evan Langfeldt of 1855 Williston Rd, South Burlington

Ken Belliveau presented the staff report and explained the request.

Angela LaFleche explained that Blondin Brothers has been in business for 50 years and in this location for 20 years. In the past, the trees were smaller and didn't fully obscure their business. Customers have difficulty finding the building and get confused with Quintin Brothers next door. She noted that Quintin Brothers is now a competitor because they added collision repair work. The landscaping plan decided 20 years ago does not work today. She explained that the pine trees are ugly and bury the building. Currently they only have the sign on the building. She noted that a sign by the road will improve visibility and they have the permit for the sign, but with the trees there is no place to install it.

Evan Langfeldt stated that this property is more heavily landscaped than other businesses down the street. He noted that the hardwoods provide an adequate buffer now that they are mature.

Scott Rieley noted that, based on the plan provided, half of the trees are within the right-of-way (ROW). Rejean LaFleche clarified that the line of hardwoods along the sidewalk are within the ROW, but most of the pines are outside the ROW. Evan Langfeldt noted that pruning the hardwoods in the ROW is also a part of the request.

Angela LaFleche asked if DPW can approve tree removal in the ROW. Ken Belliveau encouraged the applicant to speak with Public Works about it.

Ken Belliveau explained that the front yard setback is over landscaped based on the current standard and staff has no objections to the removal of some trees. Rejean LaFleche noted that some trees were pruned to make the driveway safer and visible for cars entering/exiting.

David Saladino added that if the applicant were to, for example, add another curbcut, they would cut trees down and there should be more flexibility regarding trees in the ROW. Ken Belliveau replied that decision is determined by DPW and the applicant should have a conversation with them. Angela LaFleche explained that when they decided on the project in July she spoke with DPW and was directed to Planning & Zoning.

Ken Belliveau explained that confusion about property line location is common, and it could be different today than when originally approved. Based on the plan provided, it is unclear where the property line is located.

John Hemmelgarn explained that it is hard to compare the plans to the photos. The ROW on plan has trees within it, and it is unclear if the existing sidewalk is located in that ROW or the road ROW.

Evan Langfeldt asked if they could move if forward as proposed if they receive approval from DPW.

Scott Rieley clarified that this is about bringing the property into compliance with current standards. Angela LaFleche explained that they don't have enough parking as it is without adding parking lot landscaping. She noted that they do have bushes and mulch along the front of the building.

Paul Christenson asked for estimates of number of customers that get confused by the location and unscheduled walk-ins. Angela LaFleche estimated 15-25% per day are confused. Paul Christenson asked about adding GPS

directions to the advertisements. She explained that they do not advertise because they already are scheduled far out based on reputation and word of mouth.

Scott Rieley asked about parking lot landscaping standards. Ken Belliveau clarified WDB 23.5.1.1, noting that a landscaped island can be required to break up a row of cars, and suggested the north end where the parking spaces turn from the front to the side of the building. Rejean LaFleche noted that the natural gas line enters on that side, and turning space is needed for vehicles and fire trucks. Ken Belliveau clarified that his suggestion is only for spaces that are currently striped for parking on the site plan.

Ken Belliveau explained that the front yard landscaping is above the minimum and may mitigate the need for more landscaping in the parking area. He noted that the board can require some of the trees but not all of the trees be removed, without destroying the buffer.

Scott Rieley stated the board could use more information, regarding the property line location, DPW and FD comments, before making a decision. He suggested a continuance so the applicant can fine tune their plan.

David Saladino asked about removing the second row of trees that's outside of the ROW. Ken Belliveau clarified that those trees are a part of the required landscaping and the current standard must be met.

Rejean LaFleche clarified that the hardwoods are within the ROW and meet the standard, and the other pine trees are outside the ROW. John Hemmelgarn agreed that his description sounds true for the photographs, but it doesn't match the site plan. Angela LaFleche noted that only one hardwood in the ROW would be removed and that they're not asking for anything outside the current regulations.

David Saladino asked about installing the sign on the other side of the driveway. Angela LaFleche explained that that area is swampy with weeds.

Evan Langfeldt noted Ken's statement earlier that the existing excess of landscaping would mitigate the bylaw requirement for parking lot landscaping. Peter Kelley advised the applicant to hire an engineer and get a site plan that accurately depicts the existing trees and property line, a plan for tree removal, and indicate what remains that keeps the landscaping above the minimum standard. He explained that the board wants to support local business, but they need the formalities.

Angela LaFleche stated that the cost of the sign, tree removal, stump grinding is about \$7,000 and the total before hiring an engineer

Scott Rieley explained that now is when the property can be brought into compliance. Evan Langfeldt asked about an approval based on David Saladino's earlier suggestion. Scott Rieley stated that a continuance can lead to a better outcome. He clarified that the applicant can talk to the Department of Public Works at any time.

Talbert Hill, 961 South Brownell Road, explained a need for landscaping between the industrial use and houses. He has lived across the street for 70 years. He explained that they fought the original development of this parcel and advocated for the planted buffer zone to mitigate the expanse of the industrial building. He asked the board to consider the residential people that have lived there 60+ years when making their decision.

Pete Watson, 126 Coyote Lane, asked for the definition of a discretionary permit. Ken Belliveau gave an overview, please read this [document](#) about the permitting process for more information.

Sandra Barber, addressed not stated, asked if only work by an engineer will be accepted or if the applicant could do the work themselves. Peter Kelley clarified that is an engineer firm is not required, but accurate information must be provided.

Scott Rieley continued the public hearing to February 13, 2018. Additional information must be submitted to staff by Friday, February 2, 2018.

There were no further comments or questions from the board, applicant, or audience.

7:45 PM Continued public hearing for DP 18-13

DP 18-13 STAFF REPORT

Williston Development Review Board (DRB) Staff Report	
Application Stage: Discretionary Permit	Hearing Date: January 9, 2018
Application No: DP 18-13	Project Name: Blondin Brothers Auto Body Landscaping
Property Address: 992-998 South Brownell Road	Zoning District: Industrial Zoning District West (IZDW)
Tax Parcel #: 07:003:035.000	Existing Lot Size: 1.9 Acres



Overview:

This is a request for discretionary permit to modify front yard landscaping at Blondin Brother Auto Body located at 992-998 South Brownell Road in the Industrial Zoning District West (IZDW). The property is developed and operates as an automotive body shop (NAICS code 81112). WDB Table 36.A lists Repair and Maintenance (NAICS 811) as an allowed use in the Industrial Zoning District West (IZDW).

The applicant is proposing to remove trees within front yard landscaping along the eastern property line adjacent to South Brownell Road to increase visibility from the street. The applicant proposes to remove all conifer trees (13 Austrian pines) and 1 deciduous tree as well as prune lower limbs of remaining deciduous trees. The trees are located on an existing earthen berm. The subject parcel is adjacent to industrial uses to the west and south, and a vacant industrial property to the north, and a sidewalk and public road to the east. Across South Brownell Road from the parcel are 3 residential lots and a church.

Project History:

This is the first time this proposal is to be reviewed by the DRB. A pre-application review is not required for this project due to the scale of the proposed project.

- This parcel was created under SUB-86-24 as Lot #2 of Production Park, approved on July 9, 1985.
- A conditional use permit, CU-95-13 was approved for an industrial building on December 5, 1994.
- The existing site plan, SP-95-12, was approved by the Planning Commission on February 6, 1996 for a 14,000 SF industrial building with associated parking and landscaping. An administrative permit was issued July 22, 1996 for the construction based on SP-95-12.
- On November 28, 2017 an administrative sign permit was approved for the installation of a freestanding sign with the condition that tree removal is not permitted and will require DRB site plan approval. The location of the freestanding sign is north of the driveway on the berm between the parking lot and road.

PROJECT ELEMENTS:

Setbacks and Landscaping

The proposed Landscaping Plan is provided. The applicant proposes to remove all conifer trees (13 Austrian pines) and 1 deciduous tree as well as prune lower limbs of remaining deciduous trees. The plan identifies a 10-ft sidewalk right-of-way (ROW) deeded to the town. Staff notes that the applicant also shows removal of trees within the 10-ft ROW.

The parking lot is setback 50-ft from the property line, more than the minimum 35-ft required in the IZDW by WDB Chapter 36. Per WDB 36.3.4, the required setback must be landscaped as a Type I, III, or IV buffer. The current landscaping meets the requirements for a Type III buffer because it includes an earthen berm; however the standard landscaping standard today is different than when the site plan was originally approved.

WDB Chapter 23 requires industrial uses be buffered from the neighboring properties in the following ways:

Required Landscaped Buffers per WDB 23.A						
Existing Land Use	Adjoining Land Use		Type I Existing Vegetation	Type II Dense Plantings	Type III Informal Plantings	Type IV Formal Plantings
Industrial	East	Public Way	35-ft development setback with a "Street tree" section per WDB 26.			
	North	Industrial	50-ft	13-ft	9-ft	23-ft
	South	Industrial	50-ft	13-ft	9-ft	23-ft
	West	Industrial	50-ft	13-ft	9-ft	23-ft

The applicant is proposing buffers as follows:

Required landscaped Buffers per WDB 23.A						
Existing Land Use	Adjoining Land Use		Type I Existing Vegetation	Type II Dense Plantings	Type III Informal Plantings	Type IV Formal Plantings
Industrial	East	Public Way	35-ft development setback with a “Street tree” section per WDB 26.			
	North	Industrial	No changes proposed			
	South	Industrial				
	West	Industrial				

The Type III and Type IV buffers are defined in WDB 23.3 as follows:

23.3 Landscaped Buffers

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.5 Type IV – Formal Plantings. A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

Chapter 23 landscaping requirements for public roads are explained by Chapter 26:

23.6 Landscaping Setbacks from Roads

23.6.1 Is landscaping required along public and private roads? Almost always. Chapter 26 of this bylaw requires street trees along both sides of new roads, public or private, and along the existing road frontage of redevelopment projects. A landscaped front setback area is also required in most zoning districts.

Street Trees

Street tree standards are defined in WDB Chapter 26. The applicant must maintain, at minimum, 1 tree at least every 40-ft along South Brownell Road, per WDB 26.2.1.4. Per WDB 26.1.3, street tree plantings may be considered a Type IV buffer. Street trees are required along existing road frontage of redevelopment projects.

26.1 Purpose – Applicability

26.1.3 How do these requirements interact with other requirements of this bylaw? Street tree plantings may be considered a Type IV Buffer as described in WDB 23.3 and may, therefore, fulfill a portion of a development’s overall landscaping requirements. Street trees must be shown on the landscaping plan required in WDB 23.1.3 and on the runoff and erosion control plans required by WDB 29.4.1.

26.2 Planting Strip Design

26.2.1 Are there standards for design of the planting strip in which trees are to be installed? Yes. The following standards must be met when planning for installation of new street trees. Sample cross sections of planting strips are provided in the *Public Works Standards*.

26.2.1.4 Spacing: Other Developments. In nonresidential developments, street trees must be planted at least every 40 feet along the road.

Parking Lot Landscaping:

23.5 Landscaping Parking Lots Parking lots are subject to the same buffering requirements as the uses they serve. These standards call for additional landscaping within larger parking lots.

23.5.1 Is landscaping required within parking areas? Yes.

23.5.1.1 **5% Landscaping.** Parking areas that include more than 24 spaces shall be broken up by landscaped islands or medians that occupy a minimum of five percent (5%) of the parking area.

Per WDB 23.5, the parking lot is existing nonconforming. The site plan provided indicates a combined total of 30 parking spaces, above the threshold of 24 spaces, and does not show landscaping, such as an island or median, within the parking lot area. For properties with existing nonconformities, the DRB can require additional parking lot landscaping to bring it into compliance with current standards.

Comments from Public Works, Fire Department, and Police Department

This project was reviewed by the police, fire, and public works departments. The Police Department had no comments on the application.

The Fire department commented on December 19, 2017 as follows:

The Town of Williston Fire Department Plan Review Standard (Standard) dated March, 2013 was adopted by the Williston Selectboard on June 17, 2013. Contained within this Standard are a number of requirements including;

SIGNAGE Building and mailbox marking per Town Ordinance

Gas and Sprinkler (if applicable) connections marked with signage

The applicant will need to ensure that this section of the Standard is met.

The Department of Public Works commented on December 11, 2017 as follows:

1. *Trees in the Town's ROW cannot be removed.*

Staff Comments

The applicant has identified trees within the 10-ft sidewalk right-of-way to be removed. Landscaping within the town ROW cannot be removed per DPW comments. The provided landscaping plan is dated February 6, 1997. The provided landscaping schedule identifies small flowering trees, dogwoods, and Rugosa rose trees that do not appear in the provided photographs. A new survey may be needed to locate current vegetation and the 10-ft ROW. The parking lot is existing nonconforming and additional parking lot landscaping can be required to bring the parking lot into compliance.

Recommended Action

Staff recommends approval of this discretionary permit with recommended findings of fact, conclusions of law, and conditions of approval as provided below.

Findings of Fact

1. The applicant is proposing to maintain the existing use of an automotive body shop. This use is coded in the NAICS as 81112. WDB Table 36.A lists Repair and Maintenance (NAICS 811) as an allowed use in the Industrial Zoning District West (IZDW).
2. The applicant has proposed to remove all conifers (13 Austrian pines) and 1 deciduous tree from the front yard landscaping and prune remaining trees.

Conclusions of Law

1. The existing use of this discretionary permit is an allowable use in the Industrial Zoning District West (IZDW).
2. The proposed development can meet the development standards of WDB Chapter 23 and Chapter 26 for the Industrial Zoning District West (IZDW) as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

Conditions of Approval

1. The applicant shall file final plans for approval and signature by the Zoning Administrator within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.
2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items:
 - a. Williston Public Works Department memo dated December 11, 2017.
 - b. Williston Fire Department memo dated December 19, 2017 and a written response to the department outlining the changes that were made in response to their comments.
3. The applicant shall not remove trees within the 10-ft right-of-way.
4. The applicant shall maintain, at minimum, 1 tree per every 40-ft along the road.
5. All landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
6. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
7. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
8. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

9. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
10. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
11. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.

MOTION

As authorized by WDB 6.6.3, I _____, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the *Williston Development Bylaw*, and having heard and duly considered the testimony presented at the public hearing of January 9, 2018, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 18-13, and approve this Discretionary Permit subject to conditions above.

This approval authorizes the applicant to file final plans, obtain approval of these plans from staff, and then seek an Administrative Permit for the proposed development, which must proceed in strict conformance with the plans on which this approval is based.

CONTINUED TO FEBRUARY 13, 2018

7:45 PM Continued public hearing for DP 18-13

7:47 PM Opened public hearing for DP 18-05

DP 18-05 Bryan Harnett requests a discretionary permit to construct a 17,384 SF building for Burlington Emergency Veterinary Services (BEVS) on Lot 26 in Production Park on Marshall Avenue in the Industrial Zoning District West (IZDW).

Representing the application: Brad Rabinowitz of Brad Rabinowitz Architect, Bryan Harnett of BEVS, Jesse Carswell and Ian Jewkes of Krebs & Lansing Consulting Engineers

Matt Boulanger presented the staff report and explained the request.

Ian Jewkes stated that they are in agreement with the staff comments and conditions. He addressed the landscaping buffer along the residential abutting property. Jesse Carswell passed out site photos. Ken Belliveau noted that it is legal nonconforming use. Matt Boulanger clarified that his report was based on the parcel map, which indicates the hedgerow is on the abutter's side, not the parcel being developed.

Brad Rabinowitz addressed the bike/pedestrian path. Jesse Carswell passed out a revised plan for the path and sign location. Ian Jewkes explained their tentative plan to put a curve in the path. Brad Rabinowitz noted the space between utility easement and path. Matt Boulanger stated that the sign location appears to meet the required 5' setback, but the applicant should check with DPW about the path realignment. David Saladino noted that the path should be smoothed out to meet a 100' radius for cyclists.

David Turner asked about the number of parking spaces on the south side. Ian Jewkes clarified 68 to be built, another 18 if needed. David Turner noted that the stretch of 35 spaces needs an island.

John Hemmelgarn asked about adhering to parking requirements if they build the extra spaces. Ian Jewkes clarified that all landscaping, handicap spaces, and stormwater systems are designed for the maximum spaces at full build out, so if they need to add the extra space everything else remains in compliance. John Hemmelgarn asked for clarification on the location of handicap parking.

David Turner asked about access to certain parking spaces. Ian Jewkes clarified that the plan depicts a semi-truck onsite to show turnaround space, the MRI unit is on another side of the building.

David Turner asked about the traffic study, and noted his skepticism on the counts that show the exact same trip volume on both ends of Marshall Ave. Ian Jewkes stated that the counts are variable and they aired on the side of caution. David Turner asked about impact fees. Ken Belliveau clarified that the bylaw is very clear with a formulaic impact fee assessment, emphasizing that there is no credit given for vacating another location in town. Ken Belliveau noted that ACT 250 and VTrans require a traffic study and determine if additional mitigation is necessary.

Karen Maklad, 111 Goodrich Drive, asked about the business hours and services. Bryan Harnett explained that the business has been open 24/7 for about 8 years and has multiple veterinary specialists.

John Hemmelgarn thanked the applicant for their nice presentation.

There were no further comments or questions from the board, applicant, or audience.

8:16 PM Closed public hearing for DP 18-05

DP 18-05 STAFF REPORT

Williston Development Review Board (DRB) Staff Report	
Application Stage: Discretionary Permit	Hearing Date: January 9, 2017
Application No: DP 18-05	Project Name: Burlington Emergency and Veterinary Services (BEVS)
Property Address: Marshall Avenue	Zoning District: Industrial Zoning District West (IZDW); Design Review District
Tax Parcel #: 07:069:045.000	Existing Lot Size: 3.0 Acres

Overview

This is a request for discretionary permit review of a proposal to to adjust a boundary line between two adjacent lots and develop the smaller of the two new lots with a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances on Marshall Avenue in the Industrial Zoning District West (IZDW). The property is currently undeveloped.

Subject Property Overview



0 500 1,000 1,500 Feet

Project History:

The DRB previously reviewed this project on October 24, 2017 as a pre-application. Recommendations made by the DRB at the pre-application and the applicant’s responses to those recommendations are as follows:

Pre-Application Recommendation	Applicant’s Response
<p>1. The applicant shall adjust the parking calculations to reflect demand for a veterinary clinic as described in WDB 14. The applicant shall present the board with supporting data and calculations.</p>	<p>The applicant has complied with this, showing a 68-space parking are with room to expand if necessary.</p>
<p>2. The applicant shall review and respond to the comments noted below as part of the submission of an application for a Discretionary permit.</p> <p>a. Williston Public Works Department memo dated 10/1/2017 and a written response to the department outlining the changes that were made in response to</p>	<p>The applicant has responded to these comments and has received review and comment from these departments on their discretionary permit application.</p>

<p>their comments.</p> <p>b. Williston Fire Department memo dated 10/11/2017 and a written response to the department outlining the changes that were made in response to their comments.</p>	
<p>3. The applicant shall conduct a traffic study.</p>	<p>The applicant has provided a traffic impact assessment; predicting an additional 60 PM-Peak-Hour vehicle trips during the week and concluding that this additional burden will not create undue congestion or adverse impacts to the surrounding road system.</p>
<p>4. The applicant shall obtain all necessary stormwater permits.</p>	<p>The applicant has provided a stormwater narrative.</p>
<p>5. The applicant shall use a consistent land use designation for all trip generation and parking calculations.</p>	<p>The applicant has done this, using the “Animal Hospital/ Veterinary Clinic” land use category.</p>

The property is currently undeveloped. The subject lots, which have the same tax parcel ID number, are lots 26 and 27 of the Production Park commercial subdivision and were created when that subdivision was approved.

PROJECT ELEMENTS:

Proposed Use:

The applicant proposes Veterinary Services, North America Industry Classification System (NAICS) Code 541940, as uses for the property. All Professional, Scientific, and Technical Services (NAICS 54) uses are allowed in the IZDW.

New Structure:

The applicant has proposed to construct a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances. Including parking, lighting, walkways, and stormwater and snow storage areas.

Subdivision and/or Boundary Line Adjustment:

The subject parcels share a common boundary which is proposed to be relocated as part of this proposal. There is no minimum lot size required in the IZDW and both lots will continue to have frontage on Marshall Avenue.

Outdoor Lighting:

Outdoor lighting is proposed as part of this application and compares to the requirements of WDB 24 as follows:

Project Compliance with WDB 24, Outdoor Lighting		
Applicable Lighting Zone: Other	As Required by WDB 24	As Proposed by the Applicant
Any prohibited lighting types per WDB 24.2.4?	Uplighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	No uplighting proposed; complies.

Are lighting fixtures fully shielded per WDB 24.4?	All fixtures must be shielded except "low lumen lighting" (less than 1200 lumens/lamp as provided below:	All fixtures are proposed to be shielded; complies
Maximum Total Unshielded Lumen Output per WDB 24.A	Other: 10,000 lumens/acre	0 lumens/acre; complies
Maximum Total (including shielded and unshielded fixtures) Lumen Output per WDB 24.A	Other: 200,000 lumens/acre	< 200,000 lumens/acre; complies
Parking Lot Illumination Level per WDB 24.B	Other: 1.2 footcandles	1.39-1.45 footcandles; DOES NOT COMPLY. Staff recommends a condition of approval: "Final plans must show a lighting plan that does not exceed the allowed parking lot illumination level of 1.2 fc. "
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	18.5:1; complies.
Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	16.7 footcandles, DOES NOT COMPLY. This appears to be due to fixtures over entryways. Staff recommends a condition of approval: "Final plans must show a lighting plan that does not exceed the 5fc maximum, including at entryways and porches."
Light Timing	<p>Per WDB 24.5.4, all outdoor lighting including sign lighting must be turned off 30 minutes after the close of business and may be turned on 30 minutes prior to the opening of the business.</p> <p>Parking lot lighting must be reduced by 75% but to a level no less than .2 footcandles at grade 30 minutes after the close of business and may be fully turned on 30 minutes prior to the opening of the business.</p> <p>Motion-activated lighting may be on at all times but must be programmed to turn off no more than five minutes following the last detectable motion.</p>	Final plan must include language requiring dimming and shutoff as described in WDB 24.
Luminaire Orientation	<p>Per WDB 24.6:</p> <ol style="list-style-type: none"> 1. Light cannot be directed above horizontal plane. 2. Flood lights may be aimed no more than 45 degrees above horizontal. 3. No light may be directed beyond the parcel boundaries of the site. 	Complies, light trespass is minimal.

Setbacks and Landscaping:

A complete landscaping plan has been included with the application for discretionary permit for this project. The subject parcel is adjacent to a warehouse and shipping company, vacant land, and a residential property. Chapter 23 of Williston’s Unified Development Bylaw (WDB) requires that the proposed veterinary hospital (retail/service commercial) be buffered from the neighboring properties in the following ways:

Required landscaped Buffers per WDB 23.A						
Proposed Land Use	Adjoining Land Use		Type I Existing Vegetation	Type II Dense Plantings	Type III Informal Plantings	Type IV Formal Plantings
Mixed Use Including residential Use	North	Vacant Land	50-ft	13-ft	23-ft	27-ft
	East	Public Way	35-ft development setback with a “Street tree” section per WDB 26. (Complies, as proposed by applicant).			
	South	Warehousing	50-ft	13-ft	23-ft	27-ft
	West	Residential	50-ft	13-ft	27-ft	36-ft

These buffers are defined in WDB 23.3 as follows:

23.3.2.2 Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer’s effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower, but are assumed to require regular maintenance.

23.3.2.3 Type II - Dense Plantings. A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width. This type of buffer is most appropriate in re-development projects where space is limited. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.5 Type IV – Formal Plantings. A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

Staff finds that the landscaping plan generally complies to these standards, but notes that the DRB should consider whether a screening buffer to the residential property to the West should be required. The Type I “Existing Vegetation” buffer as shown on the plan is only grass and the site is likely to be highly visible from the adjacent residential property.

Parking Lot Landscaping:

Per WDB 23.5, the proposed parking lot requires landscaping at a minimum of 5% of the area of the parking lot and must include shade trees. The applicant’s landscaping plan includes this required element.

Outdoor Storage

The applicant is not proposing outdoor storage.

Wetlands, Waterways, and Conservation Areas

Class II wetlands are present on the site, but not on the proposed lot to be developed. Wetland buffers will be a component of the development of the other lot when development is proposed there in the future.

Access

The proposed development will be accessed by a new drive on Marshall Avenue. A multi-use path is proposed along the street frontage of the property. Staff recommends a condition of approval requiring a sidewalk connection between the building and the multi-use path as follows: “Final plans shall include a pedestrian connection (sidewalk) between the proposed building and the multi-use path.”

Traffic

The DRB required a traffic study as part of the pre-application. That study shows trip generation of 60 PM-Peak-Hour vehicle trips and predicts no undue impact on congestion or safety on the surrounding road system.

Traffic impact fees will be assessed by the Zoning Administrator as part of the administrative permitting process.

Parking

The project generates a requirement for additional parking.

Parking requirements in Williston are typically expressed in WDB 14.A as both a minimum and a maximum. This number may then be either increased or reduced through various means allowed in WDB 14. These include the use of transit, shared parking, the use of pervious pavement, and others.

The new development proposed consists of a 17,384 square foot animal hospital. Parking demand for that use per WDB 14, and the applicant’s proposed parking are as follows:

Parking Requirements Analysis per WDB 14							
Use	Amount in SF, students, rooms, seats, or dwelling units	Rate Per Sq. Ft. (WDB 14.A)	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)

Parking Requirements Analysis per WDB 14							
Use	Amount in SF, students, rooms, seats, or dwelling units	Rate Per Sq. Ft. (WDB 14.A)	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)
				*Based on total required spaces for the site as follows: 1-15 = 1 16-30 = 2 31-45 = 3 46-60 = 4 61-75=5 76-100 = 6 + 4% of required spaces over 100			*Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1 4-18 = 1 per gender 17-30 = 2 per gender 30+ = 3 per gender
Hospital	17,384	5.00/1000SF	85	5	5% of vehicular	75% of required bicycle spaces	
Total Required: all uses	n/a	n/a					
Total proposed by Applicant	n/a	n/a	68-86				
Compliance?							
Compliance Summary: As currently proposed,							

Shared Parking:

The applicant was not required by the DRB to submit a shared parking analysis at pre-application. The applicant is not proposing shared parking on the site.

Signs:

The proposed new building and site is not likely to house multiple commercial tenants. A master sign plan is not required. Signage can be permitted administratively within the allowances of WDB 25.A.

Stormwater

A stormwater treatment and detention basin

Utilities

The site plan shows existing and proposed utilities.

Snow Storage

Designated snow storage areas are shown on the plans. When considering revisions to the parking lot landscaping the applicant should incorporate salt-tolerant plant materials. Plant materials selected for these areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow.

Solid Waste

Trash and recycling containers are shown on the site plan with screening as required.

Design Review

This project is subject to design review. The DRB reviews compliance with WDB 22 Design Review with the advice from the Historic and Architectural Advisory Committee (HAAC). The HAAC recommendations as transferred in their minutes from their meeting of December 18, 2017 are as follows:

Chapter 22 requirement	HAAC recommendation
22.3 Architectural Design: Form, Color and Materials. The form (shape), colors, and materials used in the surrounding buildings are, after signs, the most noticeable feature of a streetscape. How well they are designed will be a major determinant of the success – both commercially and a part of the community – of a development.	The proposal complies with this requirement. No additional condition of approval is necessary.
22.3.1 Respect the Context. The choice of building form, colors, and materials should be compatible with the surrounding landscape and built environment. It is especially important that the bulk and proportions (height, width, depth) not be a radical departure from the context, except in redeveloping areas where larger buildings are consistent with the <i>Town Plan</i> or an applicable specific plan.	The proposal complies with this requirement. No additional condition of approval is necessary.
22.3.2 Form Should Follow Function. Building facades should reflect true building form or to say it another way, the building’s functions. False fronts are generally inappropriate.	The proposal complies with this requirement. No additional condition of approval is necessary.
22.3.3 Provide Enclosure. Streets and outdoor spaces like urban parks (greens, plazas, squares, whatever you call them) function best if the surrounding buildings are tall enough to provide a sense of enclosure. Construction of multiple story buildings is strongly encouraged in some zoning districts (BPZD, MUCZD, MURZD, TCZD), but this principle applies everywhere.	The proposal complies with this requirement. No additional condition of approval is necessary.
22.3.4 Size Outdoor Spaces Properly. Urban parks (the generic term for greens, plazas, squares, and similar outdoor spaces) are not comfortable for users if they are too large. These spaces should be sized appropriately so that a sense of enclosure is provided by the surrounding buildings and landscaping.	The proposal complies with this requirement. No additional condition of approval is necessary.

Chapter 22 requirement	HAAC recommendation
<p>22.3.5 Use a Variety of Colors and Materials, but With Restraint. A variety of colors and materials with different textures should be used to create visual interest in buildings, but the variation in color and materials should not be simply for variety's sake. It should reflect the functions that must be served. For example, the sign band on a building or group of buildings could be used to introduce a different color and material. Likewise, different materials could be used to mark entrances, as required by WDB 22.4.1.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.3.6 Avoid Dead Walls. Dead walls are prohibited in the most pedestrian-oriented zoning districts (MUCZD, MURZD, TCZD), but should be avoided in many other situations. At the least architectural features, including doors, windows, and detailing should offer some horizontal and/or vertical relief from monotonous walls.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.3.7 Do Not Use Reflective Materials. Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD and GZDS.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4 Architectural Design: Doors and Windows. Doors and windows connect a building to the community. How they are placed and spaced is an important element of the streetscape.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.1 Mark Building Entrances</p> <p>22.4.1.1 Entrances and Architecture. Principal building entrances should be marked by architectural features that make their location readily visible from the parking areas, pedestrian ways, and streets that serve the building.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.1.2 Entrances and the Site Plan. Way-finding to the principal entrances of the building should be reinforced by the site plan, including the placement of sidewalks, landscaping, outdoor lighting, signage, and the location of functional outdoor areas, which may relate to, but not obscure the entrance.</p>	<p>Staff recommends a sidewalk connection to the multi-use path as discussed above.</p>
<p>22.4.1.3 Relationship to the Street. A strong, direct relationship between principal building entrances and the street is required in some zoning districts. See the BPZD, MUCZD, MURZD, and TCZD.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p>22.4.2 Protect Building Entrances</p> <p>22.4.2.1 From the Climate. Principal building entrances must be provided with permanent overhead protection from the elements, including ice and snow falling from the roof.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.2.2 <u>From Conflicts</u>. Service areas, including dumpster and utility enclosures, must be separated from principal building entrances.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.3 Provide Airlocks. Principal entrances to buildings must incorporate an airlock. This standard does not apply to entrances for vehicles, to loading doors, or to emergency exits used for that purpose only. The DRB may permit other exceptions to this standard for minor entrances.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.4 Use Doors and Windows to Provide a Strong, but Compatible Visual Pattern or Rhythm. The placement and spacing of doors and windows should create a consistent rhythm and the size and design of doors and windows must be compatible with the building's overall size and bulk, and with the pattern of entrances and fenestration of neighboring buildings.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.5 Shield Light Spill from Windows. Where the terrain does not provide it, landscaping shall be used to screen and diffuse the light emanating from large banks of windows. Compliance with this standard is especially important for proposed buildings on slopes. For the application of this standard in the GZDS see WDB 34.8.5.5.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.5.1 Use Pitched Roofs. Pitched roofs are preferred over flat, but it is acknowledged that a flat roof may be most practical for some types of building, especially in the IZDW. Pitched roofs are required wherever a height incentive is claimed under WDB 37.5.4, 38.5.4, or 41.5.4.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.5.2 Consider Sliding Ice and Snow. Building entrances (see WDB 22.4.2.1), parking areas, and pedestrian ways must be protected from ice and snow sliding off roofs. This may be accomplished by a roof plan that directs ice and snow away from these areas and/or by structural protection.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.5.3 Use Compatible Colors, Forms, and Materials. Roof colors, forms, and materials should be compatible with the colors, detailing, and materials used on the building and on neighboring buildings. Variations in roof form should reflect the building's function, reinforce the architectural detailing (for example, roof form could be used to help mark entrances, as required by WDB 22.4.1.1), and not be overly complicated.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p>22.5.4 Hide Roof Drains. Roof drains must be integrated into the design of the facade on which they are mounted, not added as an afterthought.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.5.5 Consider the View from Above. There are a few places in Williston’s design review district where a roof may be viewed from above. New development in those places must provide a rendering of the view of the roof in its application for a discretionary permit and the DRB may require modifications of the plans submitted (switching from roof-mounted to ground-mounted mechanical equipment for example) to minimize the impact on the view.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6 Mixed Use Buildings. Williston’s <i>Town Plan</i> encourages mixed-use development, with the goal of making it possible for people to live near commercial services and places of employment. There is, however, a higher potential for conflict among uses are mixed, and especially where they are mixed in the same building.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.1 What must mixed-use developments do to ensure compatibility? First, the plans submitted for a proposed mixed-use development must clearly demonstrate compliance with the standards adopted in this chapter. In particular, the applicant should anticipate the need for sound-proofing and show how that has been provided in compliance with Chapter 18 of this bylaw.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.2.1 Entrances Different uses may share an entrance, but the principal entrance/s to the dwellings shall not pass directly by solid waste containers or other equipment or installations that must be screened or located away from neighboring uses, as required by Chapter 23 of this bylaw.</p>	<p>This requirement is not applicable to this application.</p>
<p>The principal entrance to the dwellings should be from/through a pedestrian-scale space, not directly from a parking lot that is also used for commercial purposes. This could mean entry from a pedestrian-friendly commercial streetscape or entry via a private courtyard or similar space.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.2.2 Hours of Operation As provided in Chapter 18 of this bylaw, the DRB may impose limits on the hours of operation of businesses in mixed-use developments to help maintain use compatibility.</p>	<p>This requirement is not applicable to this application.</p>
<p>The DRB may also impose limits on the hours during which deliveries may be accepted and/or trash collection may be scheduled.</p>	<p>This requirement is not applicable to this application.</p>

Chapter 22 requirement	HAAC recommendation
<p>22.6.2.3 Outdoor Space. Residents of mixed-use buildings shall have reasonable access to an outdoor space. This could be in the form of a private courtyard or door yard garden, but can also be in the form of an urban or neighborhood park that is within a five-minute walk.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.2.4 Signs and Lighting. The location and design of signs and outdoor lighting is even more important than usual in mixed-use developments. The DRB may impose limits on signs and outdoor lighting that are more stringent than those established elsewhere in this bylaw to ensure use compatibility in mixed-use developments.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.2.5 Soundproofing. The DRB will require applicants to demonstrate that night-time interior sound levels in the residential portions of proposed mixed-use developments will not exceed 40 dBAL10.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.6.2.6 Views. Dwellings in proposed mixed-use buildings must be designed to provide their residents with views to the mountains, nearby open spaces, or attractive streetscapes. Designs that feature views primarily of rooftops, parking areas, or service spaces will be rejected.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.7 Outdoor Lighting. Chapter 24 of this bylaw regulates the intensity and type of outdoor illumination that may be provided. Beyond those standards, design review will consider the choice of luminaires, pole, pole bases, and other elements of the outdoor lighting system, which should complement and be compatible with the other design features of the building and the site.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.8 Signs. Architectural and site design must anticipate the need for signs as required by Chapter 25 of this bylaw.</p>	<p>This requirement is not applicable to this application.</p>
<p>22.9 Site Planning. The functional aspects of site planning are covered in other chapters of this bylaw and additional site design standards apply in many zoning districts.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.9.1 Respect the Terrain. Consistent with the watershed protection standards of Chapter 29 and the specific standards adopted in some districts, buildings, parking areas, and other site improvements should fit the terrain, rather than the land being fit to the building.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.9.2 Build a Strong Street Line, as Appropriate for the Area. Buildings, not parking areas, should dominate streetscapes in the commercial and mixed use zoning districts, while an ample green planting strip and buffer should be provided in the industrial zoning districts.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p>22.9.3 Leave Front Yards Open. Front yard (along the street) fencing is generally not permitted for commercial, industrial, institutional, or multi-family developments. The DRB may allow an exception to this standard for industrial developments where it finds that the presence of hazards or need for security outweigh the aesthetic value of an open streetscape.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.9.4 Fencing and Screening. Where fencing is provided, it shall be of a type that is compatible with the surrounding landscape and uses. Traditional fencing patterns, like stone walls or picket fences, will be preferred. The DRB may permit security fencing of side and back yards where it is necessary to prevent public access.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Comments from Public Works, Fire Department, and Historic and Architectural Advisory Committee

This project was reviewed by the police, fire, and public works departments. The police department had no comments on the application. The HAAC reviewed this proposal at their meeting on December 18, 2017, but other than finding compliance with WDB 22, proposed no additional conditions of approval.

Recommended Action

Staff recommends approval of this discretionary permit with recommended findings of fact, conclusions of law, and conditions of approval as provided below.

Findings of Fact

1. The applicant proposes to adjust a boundary line between two adjacent lots and develop the smaller of the two new lots with a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances on Marshall Avenue in the Industrial Zoning District West (IZDW). The property is currently undeveloped.
2. The applicant proposes Veterinary Services, North America Industry Classification System (NAICS) Code 541940, for the property.
3. Per WDB 36.A, all Professional, Scientific, and Technical Services (NAICS 54) uses are allowed in the IZDW.
4. The applicant has proposed 68 parking spaces plus an additional 14 parking spaces to accommodate a future parking lot expansion.

Conclusions of Law

1. The use proposed as part of this discretionary permit are allowable uses in the IZDW.
2. The proposed development can meet the development standards of WDB Chapter 36 for the IZDW as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

Conditions of Approval

1. The applicant shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval

shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.

2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items:
 - a. Plan changes in response to Williston Public Works Department memo dated 12/11/2017.
 - b. Williston Fire Department memo dated 12/19/2017 and a written response to the department outlining the changes that were made in response to their comments.
3. Final plans must show a lighting plan that does not exceed the 5fc maximum, including at entryways and porches.
4. Final plans must show a lighting plan that does not exceed the allowed parking lot illumination level of 1.2 fc
5. Final plans shall include a pedestrian connection (sidewalk) between the proposed building and the multi-use path.
6. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.
7. The applicants shall enter into a development agreement with the town guaranteeing any required public or private improvements. The applicant shall post any required letters of credit or escrow amounts to guarantee the completion of these improvements in accordance with town standards and the conditions of approval prior to the approval of final plans for the proposed development, as specified by WDB 7.1.
8. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
9. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
10. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
11. Any required vehicular and bicycle parking shall be provided as required by WDB Chapter 14 and indicated on the site plan approved by the DRB. A parking table describing the number of parking spaces, including both vehicular and bicycle parking, and the calculation of how the proposed parking meets the requirements of WDB Chapter 14 shall be included on the site plan submitted for Final Plans.
12. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
13. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
14. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.

15. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.
16. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
17. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of an approved master sign plan as required by WDB Chapter 25. The master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.
18. Any mechanical equipment and utility connections including but not limited to HVAC, water, gas, antennae, and electrical meters and connections shall be fully screened from public view, unless otherwise authorized by the DRB, as required by WDB 18.12.
19. There shall be no mowing or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
20. Any public improvements required by the approval of this proposed development (including, but not limited to roads, sidewalks, water & sewer connections) must be built in accordance with the Town's specifications as specified by WDB 7.1.3.
21. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
22. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.
23. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
24. **Final plans shall include a landscaped island in the row of parking spaces along the south boundary line, reducing the approved number of parking spaces to 67 initially and 85 at future build out.**
25. **The sign shall be located west of the proposed recreation path.**

MOTION

As authorized by WDB 6.6.3, I John Hemmelgarn, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the *Williston Development Bylaw*, and having heard and duly considered the testimony presented at the public hearing of January 9, 2018, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 18-05, and approve this Discretionary Permit subject to conditions above.

This approval authorizes the applicant to file final plans, obtain approval of these plans from staff, and then seek an Administrative Permit for the proposed development, which must proceed in strict conformance with the plans on which this approval is based.

SECONDED BY: David Turner VOTE: 7 AYES – 0 NAYES

8:16 PM Closed public hearing for DP 18-05

8:18 PM Opened public hearing for DP 17-01

DP 17-01 Blackrock Construction requests a discretionary permit to construct Northridge, a 40-unit subdivision, on a 44 acre parcel north of Metcalf Drive in the Residential Zoning District (RZD).

David Saladino and Peter Kelley recused themselves because they are residents of Southridge.

Representing the application: Ben Avery of Blackrock Construction, Paul O’Leary of O’Leary Burke Civil Associates

Ken Belliveau presented the staff report and explained the request.

Paul O’Leary explained revisions to the Phase I plan to be presented at the continuance: inclusion of all 21 allocation units, indicate infrastructure to be built, and constraints analysis. He described the access from Metcalf Drive, noting the measurement of the 50’ buffer from the unnamed stream as well as the boundary line adjustment with the abutting parcel. After the boundary line adjustment, 749 Metcalf Drive will conform to setback standards. Paul O’Leary stated the bylaw’s definition of a subdivision and noted that no new parcels are being created with this boundary line adjustment. Scott Rieley stated that staff will query the land use attorney, as this may be a civil matter between applicant and the HOA.

Paul Christenson asked about the wetlands delineation and no-salt zones on the road. Paul O’Leary clarified the location of Class 2 and Class 3 wetlands, noting that the state permits filling of class 3, and explained that typically the state does not require no-salt zones. Paul O’Leary stated that are aware of all necessary state permits.

John Hemmelgarn asked about the secondary point of access and allocation score. Ken Belliveau clarified that growth management allocation does not have a category for access. Paul O’Leary clarified that a comparison of the pre-application score and this iteration’s score will be provided at the continuation. Ben Avery noted that the ratio of single-family to multi-family homes is unchanged.

Susan Lord, 725 Metcalf Drive, asked about what happens in the growth management/permitting process when the site plan becomes substantially different from the first plan. Ken Belliveau stated that discretionary permit (DP) phase is when all the engineering and precise studies are done, and a project almost always changes as it moves from pre-app to DP. Pre-application is a draft plan where recommendations are made. He explained that the criteria for growth management aren’t based on site engineering, rather the criteria focus on characteristics such as energy efficiency, path connections, and affordability. Susan Lord added that per the requirements the neighborhoods are supposed to be alike, and noted that the original plan was more suburban and this one is more compact. Ken Belliveau responded that the applicant can decide what they apply for and board decides what they will approve within the confines of the bylaw.

Matthew Lock, 725 Metcalf Drive, stated his concerns about the narrow buffer between the bicycle path and the property line as well as 2-story residences uphill looking into their house and yard. Ben Avery clarified that the 4 homes abutting the Metcalf Drive property will be single story.

Matthew Lock asked about the buffer location and stated his concerns for privacy and public access with the bike path along their backyard. Ken Belliveau clarified that the bike path can go in the buffer, and the precise alignment is for the board to decide. He explained that existing residents tend to resist a new bike path near their properties, but the fears they state rarely happen in experience, and, when built out, paths are viewed as amenities and highlighted in real estate listings. Ken Belliveau provided an example of the homes on Coyote Lane and Raven Circle that have wide open yards without fences or landscaping that could have been installed for privacy.

Kristen Porter, 703 Metcalf Drive, stated they purchased their homes before the bike path behind their properties was known. She stated that the old stone wall and existing trees do not provide enough buffering, and trees only provide privacy half of the year.

Gregg Bates, 685 Metcalf Drive, requested an alternative route for the bike path, and suggested a north-south alignment. He noted that under the current plan, houses on Metcalf will have 2 strips of pavement along their properties, the sidewalk and the path. He also stated that the proposed 5th home furthest to the west is shown as 2-stories and was originally was shown a single story.

Susan Lord asked about phasing and project abandonment. Ken Belliveau stated that an approval is based on the assumption of full build out.

Gregg Bates asked if the applicant can change Phase II into condos. Scott Rieley clarified that the board is focused on the Phase I plan, and the applicant can always come back with revisions. Ken Belliveau added that for Phase II or Phase III, the number of units should align with their allocation, and each phase will need growth management re view. He noted that phasing was discussed at Growth Management in March 2017 when the project received partial allocation. Paul O'Leary stated that Phase I includes 14 multifamily units, 7 single-family units, and required infrastructure.

Robert Hamble, 250 Harte Circle, stated that the original plan showed a secondary point of access on land was determined to be on another parcel and questioned why they don't have to start pre-application again.

Meredith Bates, 685 Metcalf Drive, stated her concerns regarding drainage, citing the December 20th DPW memo. The proposed development is uphill from the existing neighborhood where flooding and runoff is already an issue. She asked about the legal opinion. Scott Rieley clarified that a written legal opinion will be added to the public record.

Pete Watson, 126 Coyote Lane, asked about the habitat disturbance assessment and the credibility of the data and author. Scott Rieley stated that the report is done by a qualified preparer. Matt Boulanger stated that the report must be done by someone with the right qualifications and education. He stated that it is reviewed by the Conservation Commission. The DRB considers all submitted materials and the comments of recommending bodies (WCC) to determine if the information is sufficient to make a decision.

Pete Watson questioned aspects of the habitat assessment. He stated that bobcat and deer sitings are common, and that the area is significant habitat, not transitory as stated in the report. Matt Boulanger clarified the requirements

of the bylaw regarding habitat and wildlife. The DRB decides on findings that are based on the wildlife biologist, assessment, and WCC recommendations. Pete Watson emphasized the wildlife are very active in the area. Scott Rieley stated that this is a volunteer lay board that relies on experts to present evidence to us.

Susan Lord noted that the study was short, only conducted twice in the fall. Pete Watson disagreed with statements in the assessment and stated that he hears the coyotes at night. Scott Rieley stated that anyone can invite an expert to give testimony at a public hearing. Matt Boulanger stated that the board makes a decision on the findings and any decision made by the DRB can be appealed.

Meredith Bates asked about the HOA covenant about subdivision and the appeals process. Ken Belliveau explained that after the DRB makes a decision, a notice of decision (NOD) letter goes out to applicant and testifying parties. The appeal is 30 days from the date of the letter. Environmental court decisions are appealable to the Vermont Supreme Court. Ken Belliveau stated that he is not a lawyer, but the HOA covenant may be a matter for civil court. The DRB will get an opinion from the town's land use attorney.

Meredith Bates stated that in the beginning Ben Avery tried to address neighborhood concerns. She stated her disappointment at the changes made by Blackrock and encouraged them to communicate more.

Pete Watson stated that the condos are a different type of home than what currently exists in the neighborhood. The area is going to be louder with higher traffic volume, environmental impact from roofs and blacktops. He stated that the existing buffers should be utilized and not cut down. The condos on the west side should also be 1-story like the condos along the southern boundary.

Pete Watson stated his concern about water quality if rock blasting occurs and asked about a bond held in escrow for potential damages. Scott Rieley clarified that blasting requires a state permit and a licensed company must follow state standards. Paul O'Leary stated that blasting is required for the project and a hydrologic plan may be required, the plan will be reviewed a part of their Act 250 permit.

Ben Avery explained that they bike path location was moved because of the wetlands delineation, and they are open to other configurations. Scott Rieley encouraged the applicant to present alternatives at the continuation.

Susan Lord asked about the road build out in Phase I. Ken Belliveau stated that the revised plan set will identify infrastructure phasing. Scott Rieley explained that the roads must satisfy the Fire and Police Department requirements for safety and emergency vehicle access.

Gregg Bates asked about the length of the new bike path section and the town's role. Paul O'Leary estimated about 500 ft. Scott Rieley explained that connectivity is a stated goal in the town plan, and discretionary permitting is the time to obtain connections. Gregg Bates stated that there is already connectivity with sidewalks.

Karen Maklad, 111 Goodrich Drive, stated that the town maintains the bike path in all seasons, whereas not all neighbors shovel their sidewalks.

Pete Watson asked about the runoff and erosion control plan. Paul O'Leary clarified that it is a part of the plan set available on the town website.

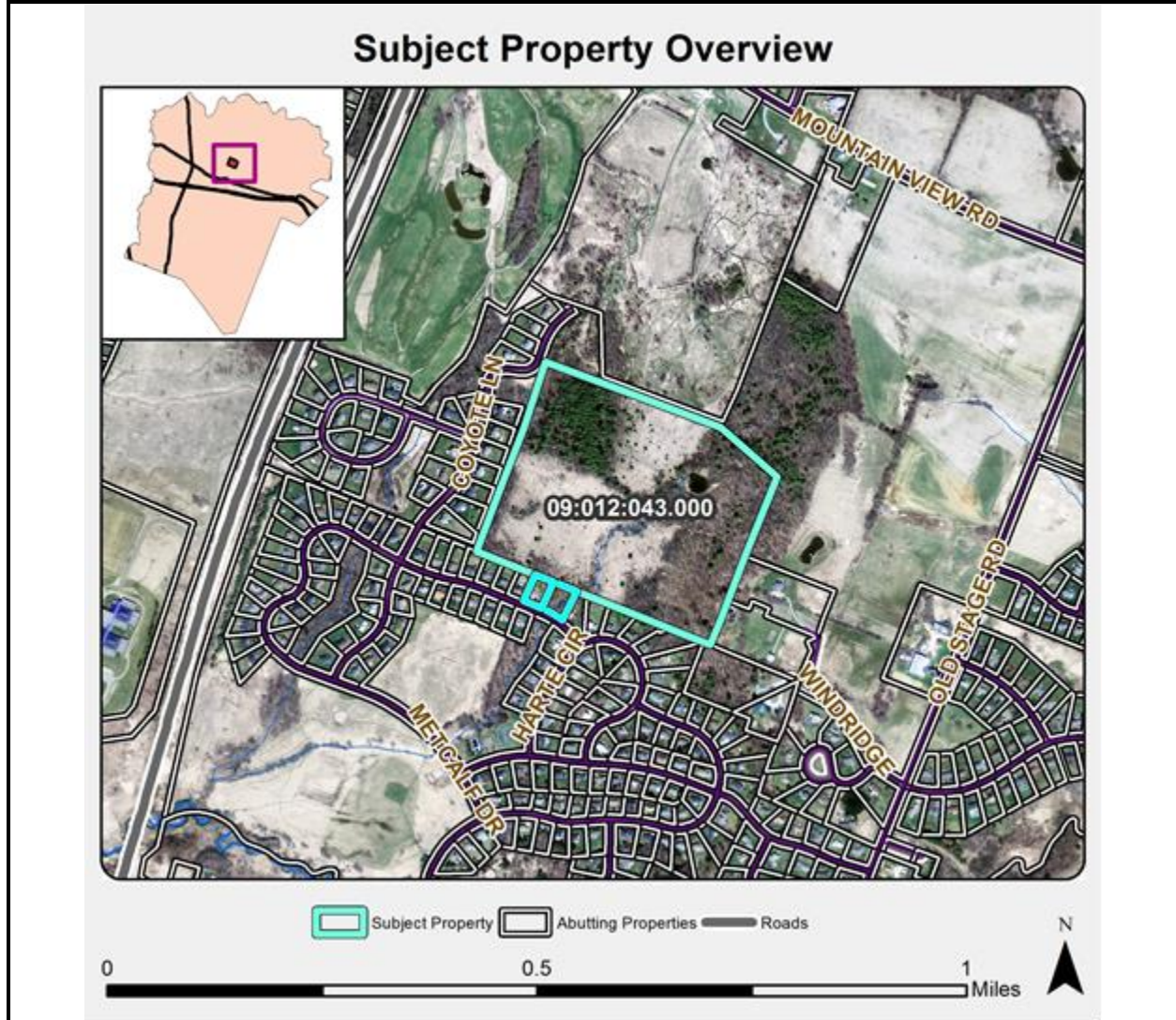
Scott Rieley stated that the hearing will be continued to February 13, with documents to be submitted by the 2nd.

There were no further comments or questions from the board, applicant, or audience.

9:30 PM Continued the public hearing for DP 17-01

DP 17-01 STAFF REPORT

Application No: DP 17 - 01	Name: Northridge Residential Subdivision
Tax Parcel #: 09:012:043, 09:080:102	Property Address: North of Metcalf Drive, East of Coyote Run
Zoning District: Residential (RZD)	Total Acres: 44 ± acres



Overview

This is a request for a discretionary permit for phase I of a proposed 40 unit residential development of a 44 ± acre parcel in the Residential Zoning District (RZD). The first phase seeking approval at this time is for 18 condominium units in the southwestern end of the subject property. The applicant is also requesting a boundary line adjustment with a neighboring property (Tax Parcel # 09-080:002) on the north side of Metcalf Drive in order to have enough land area to locate the proposed access road from Metcalf Drive. The subject property (Tax Parcel # 09:012:043) is an undeveloped parcel located to the north of Metcalf Drive and east of Coyote Lane. Tax Parcel # 09:080:002 is developed with a single family dwelling. The proposal calls for the creation of a network of public streets, with access to the site coming from road connections from both Metcalf Drive and Coyote Lane. Although this project is in the RZD, where there is not a required amount

of protected open space (as there is in the ARZD), this project is considered an open space development under WDB 19, and areas such as watershed protection buffers are required to be included in permanently protected open space. The proposal also includes a community recreation area and an extension of the town's bike path system.

Project History

The DRB approved a pre-application request for DP 17-01 on September 27, 2016.

The DRB awarded DP 17-01 21 units of growth management allocation on March 28, 2017 with the following allocation schedule:

- FY 2018 – 9 affordable units, 2 market rate units
- FY 2019 – 2 market rate units
- FY 2022 – 4 market rate units
- FY 2023 – 4 market rate units

Staff Comments:

The applicant has submitted a plan set that identifies essentially two phases for the build out of the proposed development. Phase I on the southern portion of the property is the subject of this permit request. Phase I identifies 18 dwellings as part of Phase I: 4 single family dwelling and 14 dwellings contained in 7 duplex structures. This phase described condominium type ownership.

Use:

This is a proposed residential subdivision that at build-out would contain 40 dwellings. Single and multi-family dwelling units are considered to be an allowed use in the RZD at a maximum density of three (3) dwelling per acre.

The *Williston Development Bylaw* (WDB) Chapter 19 *Density* does require that lands with wetlands, wetland buffers, and slopes in excess of 30% be taken out of that density calculation, and that lands with slopes between 15-29.9% be calculated at a reduced density of one dwelling unit per ten acres.

There are significant wetlands present on the subject property, and these wetlands and their required buffers will affect the calculation of allowable density, as well as determining the overall design of the development. The applicant has not provided documentation of a constraints analysis for the purposes of calculating the maximum allowed density. Staff recommends that this information be provided prior to the DRB taking action on this application.

Phasing:

The applicant is proposing breaking up the build-out of the proposed residential development into phases, and the discretionary permit being requested is only dealing with 18 dwelling. This phase should be clearly demarcated in the plan set, and all of the details in areas to be included in subsequent phases should be ghosted out, with notes on the plans that any future lots and development in these others areas is subject to future DRB review and approval.

Access:

The development proposal calls for a network of public streets within the development, with proposed road connections from Metcalf Drive to the south. A second access road from Coyote Lane initially shown at pre-application was determined to not be feasible and was thus abandoned. Road access from Metcalf Drive was anticipated years in advance when the Southridge development was approved. The proposed road access to Metcalf Drive is in a reserved right-of-way in the vicinity of an un-named stream. A 50 foot stream buffer from this street is required. In order to meet the stream buffer and have sufficient land area for the width of the proposed public right of way, the applicant is proposing a boundary line adjustment (BLA) with the property to the west (Tax Parcel # 09:080:102). The applicant has not specified how much land area is being requested to be acquired from the westerly parcel. A BLA may be approved by the DRB, however, the BLA

cannot create any non-conformities in either of the parcels of land involved. To that end, Tax Parcel # 09:080:102 would have maintain a 25 foot setback from the proposed road, Kadence Road, and the existing driveway would have to be relocated. Staff recommends that all of these details be shown on the plan set prior to the DRB taking action on this application.

Staff has also received information from some of the residents in the Southridge development indicating that the covenants of the home owners association does not allow subdivisions. Private covenants are not the same as regulatory requirements, and typically are not considered by the town in making permitting decisions. That said, the DRB may wish to consider obtaining a legal opinion from the town's land use attorney on this issue prior to taking action on this application.

Traffic:

The applicant has provided a traffic study as required by the DRB at pre-application. The study estimates that the development would generate on average 33 PM Peak Hour trips at full build-out. Permit applications for all of the proposed new dwellings will have to be accompanied by impact fees including traffic impact fees currently assessed at a rate of \$700 per PM Peak Hour trip.

Utilities:

The proposed development would be served by municipal water and sewer service. The applicant's submittal letter details the estimated amount water and sewer service necessary. The fees and allocation schedule for municipal water and sewer service are handled administratively by the town's public works department. All utilities to the proposed development are required to be placed underground.

Landscaping and Buffering:

The applicant has submitted a proposed landscaping plan that details street trees as required along planned roadways. The landscaping plan also shows vegetated area near the perimeter of the development along with some additional plantings. The applicant will also need to provide a Type I or Type III landscape buffer around the perimeter of the proposed development meeting the requirements of WDB Chapter 23. While the landscaping plan submitted may meet those requirements, the type of buffers have not been identified, nor the required buffer widths been identified. Staff recommends that this information be provided prior to the DRB taking action on this application.

In addition, staff recommends that the borders of all wetland buffers be demarcated by fencing, woody trees or boulders as provided by WDB 29.9.7

Review by other Boards and Town Departments:

Williston's police, fire, and public works departments reviewed the project. The police department had no comments at this time.

The Williston Fire Department has stated the following requirements will need to be addressed with an application for a discretionary permit in their memo dated December 19, 2017:

- 1. SUBMITTALS Elevation plans
 Floor plans
 Hydrant locations up to 1,000 feet in all directions
- 2. ACCESS Road width
 Determination of adequate turning radius for Tower Ladder
- 3. DISTANCE REQ. Separation between townhouse and cluster units
- 4. SIGNAGE Building and mailbox marking per Town Ordinance
- 5. HYDRANTS Numerous hydrants will be needed

Williston Public Works' submitted an extensive list of comments in their memo dated December 20, 2017 (attached). The DPW comments include a number of recommended revisions or clarifications from the applicant. Staff recommends having the applicant address all of these comments with DPW and subsequently submitting a set of revised plans for DRB consideration.

The Williston Conservation Commission also reviewed this project and their findings and recommendations from their January 3, 2018 meeting are listed below.

1. All surface waters on the parcel shall remain undisturbed during and after construction, and all building envelopes must be located outside of any and all watershed protection buffers.
2. Watershed protection buffers must be demarcated on the ground as well as on the final plans. This may be accomplished using plantings, fences or other landscape features such as a line of boulders.
3. The State wetlands office conducted a site visit confirming that none of the wetlands designated as Class 3 on the site plan are connected to Class 2 wetlands. The WCC is therefore not recommending protection of the Class 3 wetlands nor are they recommending establishment of a watershed protection buffer around these wetlands.
4. The Conservation Commission supports the recommendations of the Williston Department of Public Works addressing stormwater infrastructure for the proposed development.
5. The WCC supports the recommendations of the HDA, to: limit disturbance to Class II wetlands to road and utility crossings; maintain damp woods, thickets and scrub areas east of the stream draining from man-made pond; and provide protection for non-disturbed areas by means of a conservation easement, association bylaws or other suitable legal documents.
6. The WCC recommends the elimination of the proposed sidewalk on the east side of Cadence Rd, to mitigate impacts to Class 2 wetlands.
7. The applicant should provide draft documentation for a floating primitive trail easement through the undeveloped portion of the property, the exact location to be determined at a later date and agreed upon by both parties. The WCC would like the applicant to provide some details of the path easement at this time – including a note and general location of the proposed path on the site plan. The WCC recommends the path easement be located as follows: start from the Town-owned right of way north of the parcel, head in a southerly direction just east of the proposed building lots off Asher Circle and west of the wetland and tributary, then just east of the proposed stormwater pond and west of the tributary, then south through the ROW to Metcalf Drive.
8. The site plan should incorporate landscaping around the perimeter as needed for visual screening.

Staff also received two pieces of written correspondence from the public about this proposed development and they are attached to this report.

Staff Recommendation:

Staff recommends that this application be continued to no sooner than the February 6, 2018 DRB meeting so that the applicant can submit revised plans addressing the DPW, Fire Department and DRB questions and concerns.

Recommended Action

Staff recommends approval of this Discretionary Permit with recommended Findings of Fact, Conclusions of Law, and Conditions of Approval as provided below.

Findings of Fact

26. The subject property Tax Parcels 09:012:043, 09:080:102, and Com.48,f, is located on the north side of Metcalf Drive in the RZD. The applicant proposes to develop the property for residential use. WDB 39.1.3 lists residential dwellings as an allowed use in the RZD.
27. The proposed development obtained approval of 21 units of residential growth management allocation by the DRB on March 28, 2017.
28. The applicant is proposing Phase I approval of 18 dwelling units of the proposed development.
29. All utilities serving the project appear to be proposed underground.

Conclusions of Law

30. The use proposed as part of this discretionary permit are allowable uses in the ARZD.
31. The proposed development can meet the development standards of WDB Chapter 31 for the ARZD as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

Conditions of Approval

1. The applicants shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. All development of the subject property shall be in conformance with the Final Plans approved by this permit unless otherwise authorized by the DRB, as specified under WDB 6.10.
2. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
3. Final Plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The Final Plans shall include the following items and revisions:
 - a. Williston Conservation Commission memo dated January 3, 2018:
 - i. The requirement for a Habitat Disturbance Assessment is waived, but a building envelope for Lot 2 shall be designated on the site plan and demarcated on the ground to prevent future encroachment into the forested part of the parcel.
 - ii. All wetland buffers shall be permanently marked on the ground as well as on the final plans. All building envelopes should be outside of the delineated wetlands and associated buffers, and these buffers should remain undeveloped and in native vegetation that remains undisturbed and unmowed.
 - iii. Site the house so as to minimize the impact to the viewshed.
 - b. Williston Public Works Department memo dated December 20, 2018.

4. All exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
5. All landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of Final Plans.
6. that the borders of all wetland buffers be demarcated by fencing, woody trees or boulders as provided by WDB 29.9.7.
7. Any required legal documents, such as easement agreements, offers of dedication of land, warrantee deeds, and development agreements shall be submitted as applicable shall be submitted with the submission of Final Plans.
8. Following the signing of Final Plans, the applicants shall first obtain an Administrative Permit(s) prior to starting any work proposed as part of this project.
9. Prior to obtaining any Administrative Permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapters 43, 44, and 45 and the Williston Impact Fee Ordinance.
10. No occupancy or use of the proposed buildings shall take place until a Certificate of Compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Fire Department's requirements have been satisfied shall also be required prior to the issuance of a Certificate of Compliance.
11. There shall be no mowing, or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
12. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
13. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.

MOTION

As authorized by WDB 6.6.3, I _____, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the *Williston Development Bylaw*, and having heard and duly considered the testimony presented at the public hearing of January 9, 2018, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 17-01, and approve this Discretionary Permit subject to conditions above.

This approval authorizes the applicant to file final plans, obtain approval of these plans from staff, and then seek an Administrative Permit for the proposed development, which must proceed in strict conformance with the plans on which this approval is based.

NO VOTE
HEARING CONTINUED TO FEBRUARY 13, 2018

Peter Kelley and David Saladino recused themselves because they are residents of Southridge.

9:30 PM Continued public hearing for DP 17-01

9:35 PM Deliberations Opened

9:58 PM Deliberations Closed

III. Minutes from December 12, 2017 DRB meeting

I, Peter Kelley, make the motion to approve the minutes of December 12, 2017, with one minor modification.

1. Spelling of Paul Christenson's name.

SECONDED by: Paul Christenson

VOTE: 6 AYES – 0 NAYES – 1 ABSTENTION

David Saladino abstained because he was not present at the December 12th meeting.

V. Adjournment

10:02 PM Scott Rieley made the motion to adjourn.

Project proposal documents and site plans are posted with [Agenda & Minutes](#) and organized by the public hearing date. For further information, please call the Planning & Zoning offices at 878-6704 or visit the offices in the Town Hall Annex at 7878 Williston Road.