

**TOWN OF WILLISTON  
DEVELOPMENT REVIEW BOARD  
July 10, 2018, 7:00 PM  
Police Station Community Room | 7928 Williston Road**

**Minutes approved July 24, 2018 as written.**

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The minutes and project proposal information/site plans can be found with “Agenda & Minutes” under “Public Records and Documents” on the town website, <http://www.town.williston.vt.us>.

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

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

**Attendees who signed in:** *Jacob Reed, Peter Lind, Jim Robear, Ashley Bond, Andy Rowe, Brian Wright, Jeff Nick, William Andrus, Ryan Nick, Michele and David steady*

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**AGENDA**

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

**DP 16-11.1 VT Transco/VELCO requests a discretionary permit to construct a larger storage facility than originally proposed at 694 Redmond Road in the Industrial Zoning District West (IZDW).**

**DP 18-21 The Robear Family requests pre-application review of a proposed 9-lot subdivision of a 55.8-acre parcel located at 4964 Williston Road in the Industrial Zoning District West (IZDW).**

- III. Communication, Final Plans and Other Business**
  - IV. Minutes from June 26, 2018 DRB meeting**
  - V. Adjournment**
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**7:05 PM Opened public forum**

**7:05 PM Opened public hearing for DP 16-11.1**

**DP 16-11.1 VT Transco/VELCO requests a discretionary permit to construct a larger storage facility than originally proposed at 694 Redmond Road in the Industrial Zoning District West (IZDW).**

Representing the application: Jacob Reed, Environmental Specialist, and Peter Lynn, Project Manager, both of VELCO

Matt Boulanger read the staff report and explained the request.

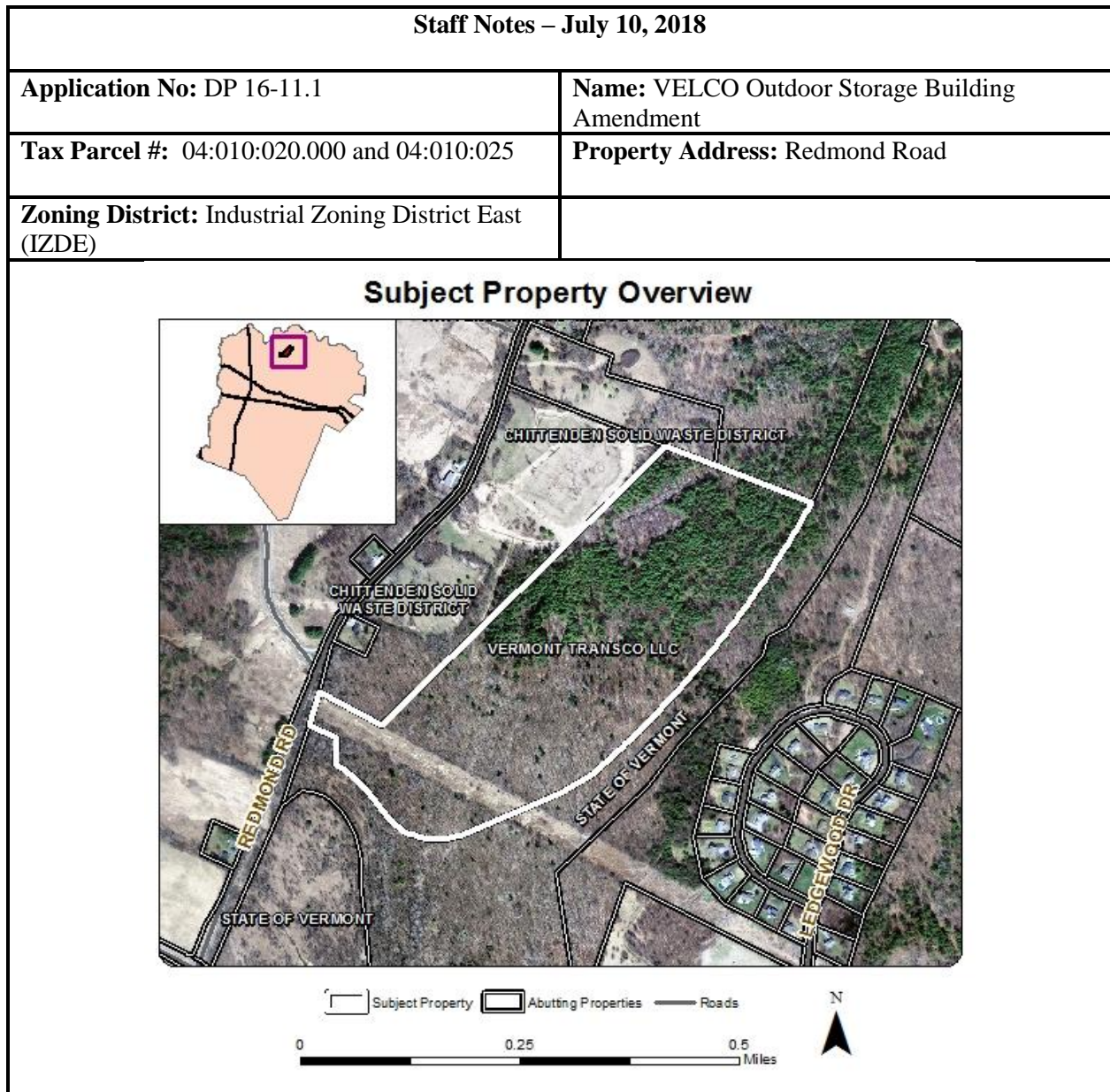
Paul Christenson asked if they considered using clearspan, a more modular material than metal. Jacob Reed said for security reasons that type of structure is not a good option.

John Hemmelgarn clarified that the structure is larger in both directions. Jacob Reed confirmed it is 75 x100 ft.

David Saladino asked about the access ramps. Jacob Reed said they are CSWD access, mostly for mowing.

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

**7:12 PM Closed public hearing for DP 16-11.1**



**Overview**

This is a request for a discretionary permit to amend the size of a previously-approved storage building contained within an outdoor storage and work area off Redmond Road in the IZDE. The original site plan, including a smaller version of the storage building, was reviewed and approved by the DRB on March 8, 2016.

**Permit History:**

The DRB approved the original site plan on March 8, 2016. The applicant is requesting discretionary permit approval to increase the overall size of the building from 80 by 100 feet to 104 by 100 feet. The building height will remain under 30 feet.

### **Planning Staff Comments**

Planning staff recommends that the project as proposed appears to comply with the requirements of the Williston Development Bylaw, with specific comments and exceptions noted below:

#### **Use:**

Per the Williston Development Bylaw (WDB) 35.7.2, outdoor storage is allowed in the IZDE, but it must be screened in compliance with WDB 23 and may be required to be fenced. Outdoor storage in the IZDE can only be approved by the DRB as a discretionary permit. No change in the outdoor storage is proposed.

#### **Access**

Access to the site is provided via a proposed gravel drive across land owned by the Chittenden Solid Waste District (CSWD). No changes to the access are proposed.

#### **Setbacks and Landscaping and Buffering:**

The entire outdoor storage area is buffered by a minimum of 50 feet of existing wooded vegetation, in compliance with the requirements of WDB 23.A.

#### **Outdoor Lighting**

Some changes to the location of building mounted lighting will change with the building expansion.

#### **Conservation Areas**

No changes to impacts to Conservation Areas are proposed.

#### **Parking and Traffic**

No changes to the amount of vehicular traffic generated by the site are proposed.

#### **Review by other Boards and Departments**

This application was reviewed by the police, fire, and public works departments. The public works department submitted a memo stating that they did not have comments.

#### **Recommended Action**

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

#### **Findings of Fact**

1. The applicant has developed an access road and a fenced, gravel surface for the storage of materials and equipment related to its electrical power transmission operation. The proposal also included the construction of a “substation garage,” a building with a pitched roof and two roll-up doors, on a concrete foot pad.
2. The applicant is requesting discretionary permit approval to increase the overall size of the building from 80 by 100 feet to 104 by 100 feet. The building height will remain under 30 feet.
3. The subject parcel is accessed off Redmond Road in the Industrial Zoning District East (IZDE)
4. Outdoor storage is an allowed use in the IZDE, as long as it is properly fenced and screened in compliance with WDB 23.
5. Outdoor lighting is proposed. The applicant is proposing minimal outdoor lighting, which will only be used when personnel are on the site.

#### **Conclusions of Law**

1. The proposed building and approved outdoor storage uses are allowable uses in the IZDE.
2. The proposed development can meet the development standards of WDB Chapter 35 for the IZDE as well as 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 and reflect compliance with the following recommendations by other Town departments and boards:
  - a. Williston Conservation Commission memo dated March 3, 2016
4. 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.
5. The applicants shall enter into a Development Agreement with the town and shall post any required letters of credit or escrow amounts insuring that all required public or private improvements shall be completed in accordance with town standards and the conditions of approval prior to obtaining any Administrative Permits for the proposed development, as specified by WDB 7.1.
6. 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 and the Williston Impact Fee Ordinance.
7. Prior to obtaining 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.
8. 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.
9. All signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of WDB Chapter 25.
10. All 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.

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. All 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.
13. 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.
14. 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.
15. All conditions of approval established by the DRB under DP 16-11 not modified by the conditions here remain in full force and effect.

### **MOTION**

**As authorized by WDB 6.6.3, I Peter Kelley, move that the Williston Development Review Board, having reviewed the application submitted and 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 July 10, 2018 and the findings of fact and conclusions of law proposed by staff for the review of the DP 16-11.1, and approve this discretionary permit amendment 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: Paul Christenson**

**VOTE: 6 AYES – 0 NAYES**

**7:12 PM Closed public hearing for DP 16-11.1**

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**7:13 PM Opened public hearing for DP 18-21**

**DP 18-21 The Robear Family requests pre-application review of a proposed 9-lot subdivision of a 55.8-acre parcel located at 4964 Williston Road in the Industrial Zoning District West (IZDW).**

Representing the application: Andy Rowe of Lamoureux and Dickinson and Jeff Nick of JL David Realty

Scott Rieley stated for the record that his company does business with Lamoureux and Dickinson.

Ken Belliveau read the staff report and explained the request.

Scott Rieley asked about Lot 1 and the staff recommendation. Ken Belliveau explained that property line coincides with the zoning district boundary. At this time, pre-application does not make sense as an entry into growth management and it could be developed in conjunction with the neighboring Greer property.

Ken Belliveau continued reading the staff report.

Jeff Nick explained that the property has been in the Robear family since 1927, and introduced audience member Jim Robear, one of the owners. He explained that this subdivision unique opportunity for small family businesses to explained because there are very few industrial lots for sale in Chittenden county.

Andy Rowe gave staff and board members revised site plans, please note the lots are renumbered. The boundary lines were adjusted in response to the Conservation Commission recommendations. The new boundary lines incorporate more of the wetland buffers into the open space lot, while maintaining a portion of the buffer within individual properties to meet landscaping requirements. He gave an overview of the existing site and noted minor changes made to boundary lines. He explained the connection to sewer service utilizing a low pressure effluent collection area. Each developable lot will have an onsite septic tank and pump into the force main that runs along the property lines. Lots 5-8 will have connections onto Shunpike Road. He explained that 1,500 gallons are already reserved for this parcel, and there may be off peak pumping.

Scott Rieley asked about the low-pressure system. Andy Rowe explained that extending the gravity sewer system with pump station would be costly, this method is cost effective albeit unconventional and better than commercial sites with individual septic systems. Lots 1-4 will share a common force main. Lots 5-8 will have individual connections to the force main.

Andy Rowe stated that they have met with VTrans regarding the curb cuts. They will provide a traffic study but it will be different because at this phase in the subdivision they do not exact uses planned for each lot.

Scott Rieley asked about the 3 curb cuts on for Lots 1-4 on a section of Williston Road that frequently backs up. Andy Rowe said that VTrans was okay with individual entrances in the initial meeting. The 2 new driveways align with Chad Lane and Munson Way. Lot 1 could be accessed from Lot 2 if it does not merge with the Greer property.

Jeff Nick explained that the existing dwelling is currently occupied but Lot 3 will be sold.

David Saladino suggested shrinking Lot 3. Andy Rowe explained that the residential dwelling is existing nonconforming and the zoning is pushing for something else. The house is historic and though the town does not have restrictions on demolition outside of the historic village, if there is an Act 250 proceeding the state has entry to retain the house.

Andy Rowe noted a 20 ft easement for sidewalks on both Williston Road and Shunpike Road, noting topographic challenges along Williston Road. Jeff Nick said the northside of Williston Road would make the most sense for a sidewalk. Paul Christenson asked about the sidewalk dead ending at 4660 Williston Road. Ken Belliveau noted that the VTrans ROW on the Andrus property is more extensive than the roadside reflectors.

Ken - landscape buffer for the wetlands would be the required lot landscaping. Andy – overlap into one and the same area, take advantage of wetland buffer as landscape buffer. Ken- industrial property, only a matter of time before things that happen at the edge of property lines.

Jeff Nick stated that they have had a conversation with Nick Warner at the Winooski Valley Parks District (WVPD) about a trail on the open space land.

David Saladino asked about Williston Road access for Lot 9 between Lot 4 and 9. Andy Rowe clarified that the location is actually the wetland buffer and is not necessary because they meet frontage requirements. Matt Boulanger explained that the easiest way to control impacts to the wetland is to control the ownership pattern. A separate openspace parcel keeps future landowners out of the wetland if they don't own the land.

David Saladino asked about potential uses beyond warehouses. Ken Belliveau explained that it is not suited for heavy industrial but also space intensive retail such as auto repair, boat dealers, home furnishings.

Paul Christenson stated that they should pitch lots 3 and 4 to UVM.

William Andrus, 4626 Williston Road, stated that he owns the 2 neighboring lots at the Industrial Ave/Route 2A intersection. VTrans has a plan for sidewalks and a bus pull area by 2020. The bus pull off is planned for the eastern side of the lot and the intersection will get straightened out.

Ashley Bond, representing 327 Holly Court/ UVM Medical Center, stated for the record that they want to be notified of future development and have concerns about storm water management facilities. Scott Rieley clarified that storm water systems are designed when a specific site development is proposed. Ken Belliveau explained that abutting property owners get notified via mail, but only for lots that abut their property.

David Saladino asked if they experienced any storm water related problems. Ashely Bond stated that UVM has issues with the shared system on Blair Park Road but has not had issues at this location.

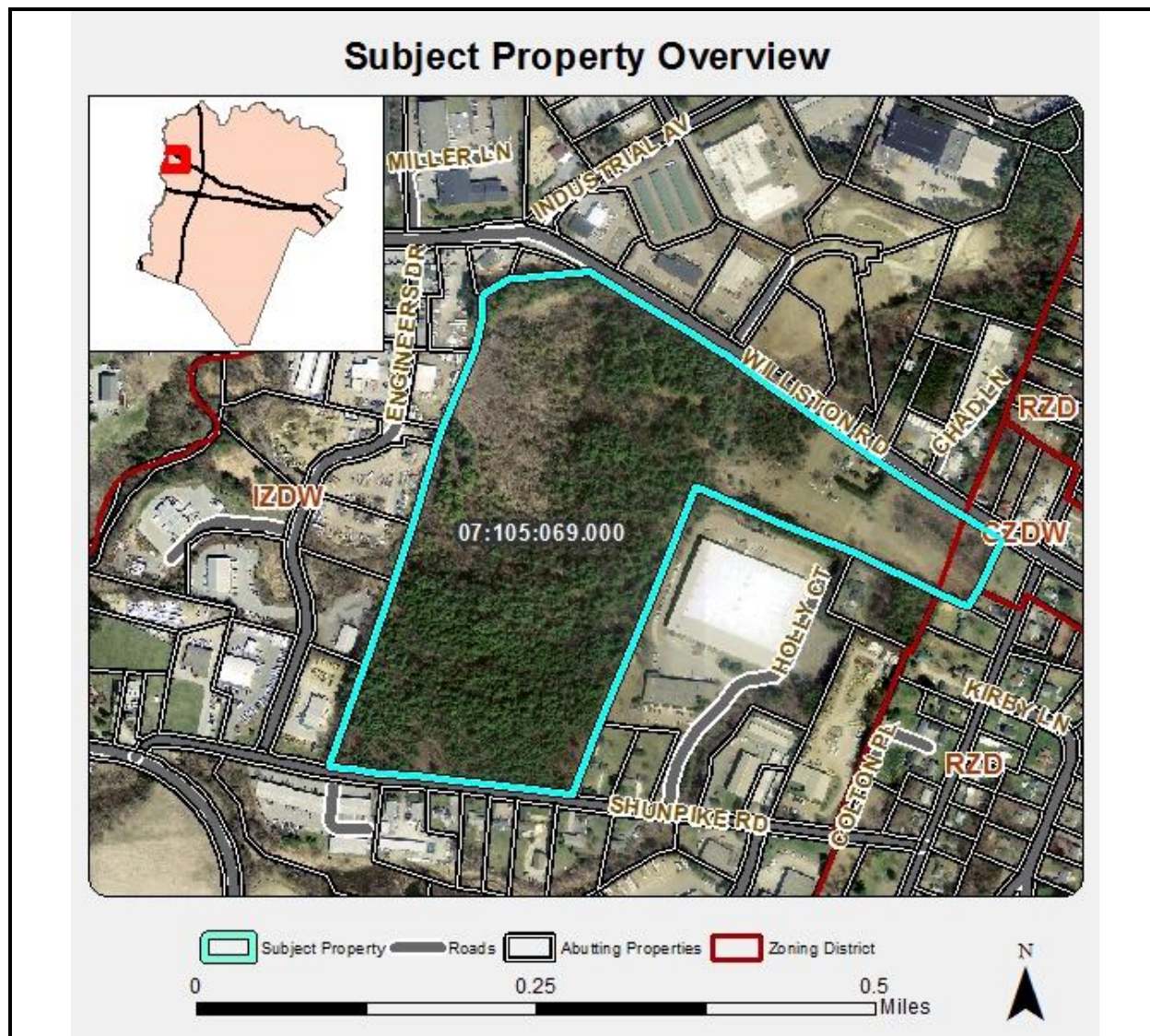
David Steady, 677 South Brownell Road, requested notifications for Lots 1, 2 and 3 because they can hear and see Lot 3 even though they do not share a property line. Ken Belliveau stated that their request can be noted in the file. He stated that Lot 3 is the existing house and low risk for development at this time.

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

**7:58 PM Closed public hearing for DP 18-21**

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<b>STAFF REPORT</b>	
<b>Application No:</b> DP 18 - 21	<b>Name:</b> Robear Subdivision
<b>Tax Parcel #:</b> 07:105:069,a	<b>Property Address:</b> Williston Road
<b>Zoning District:</b> Industrial Zoning District West (IZDW) and Gateway Zoning District West (GZDW)	<b>Total Acres:</b> 55.8 ± acres



### Overview

This is a request for pre-application review for a proposed 9-subdivision of land of a 55+ acre parcel located primarily in the Industrial Zoning District West (IZDW) and partially in the Gateway Zoning District West (GWZD). The subject property has frontage on both Shunpike Road to the south and Williston Road to the north, and its address is 4964 Williston Road. The property is currently developed with a single-family dwelling. The development proposal calls for the creation of 9 lots, with 8 of those lots for future development and one lot (Lot 5) as a proposed 17-acre conservation parcel. Four of the proposed lots would have frontage on Williston Road, three would have frontage on Shunpike Road, and one lot would be accessed from Shunpike Road via a private drive.

Proposed Lot 1 is the only portion of the subject property that is within the Gateway Zoning District West. The proposed western property line of this parcel would trace the zoning district boundary between the GWZD and the IZDW.

### Project History

This is the first time this property has been reviewed by the DRB for potential development.

### What is Pre-application?

This is the first step in the development review process, and it is called pre-application. It is not a formal request for project approval or a permit; it is a preliminary level of review. Proposed residential developments potentially

receive authorization to proceed the annual residential growth management allocation process held in March of next year (2017).

The purpose of pre-application review within the town's development regulations (WDB 6.2) is as follows:

***“6.2.2 What is the purpose of pre-application review?”*** The purpose of pre-application review is to acquaint the DRB and its advisors with a proposed development site and its possibilities without requiring the presentation of extensive surveying, engineering, or design data. At this step in the review process, plans for complex projects should be presented in an informal way that invites comment and the discussion of alternatives.”

The town's development regulations provide that the DRB may take certain actions, as excerpted below:

***“6.2.8 What type of action is taken on a pre-application?”*** A pre-application is a basis for discussion. It is neither approved nor rejected and creates no vested rights. The DRB will adopt written recommendations that should be reflected in the application for a discretionary permit. The DRB may also require that certain information be included in the application for a discretionary permit, including:

6.2.8.1 ... the wetlands delineation and/or functional assessment that may be required by WDB 29.8.1;

6.2.8.2 ... the shared parking study that may be required by WDB 14.2.2; and/or

6.2.8.3 ... a traffic study, where it is determined that existing studies do not provide sufficient information (see WDB 13.8).

6.2.8.4 Other Determinations. Pre-application review is also the time at which the DRB may:

- exempt proposed infill developments in the RZD from open space development requirements; and/or
- authorize the transfer of development rights in a discretionary permit application.
- The DRB may also recommend that the applicant prepare a specific plan before an application for a discretionary permit is filed.”

**Staff Comments:**

This review is for a proposed subdivision of land where the development of each site is still to be determined and would likely take place on a parcel by parcel basis. While this is not a typical type of application for DRB review, it is allowed. It should also be noted that one of the proposed lots has some residential development potential. The creation of this lot also allows for the surveying of the zoning district boundary between the IZDW and the GZDW

**Use:**

No specific uses have been identified as part of this submittal. Any future proposed site development of the proposed lots would have to be consistent with the development standards of the underlying zoning district. The applicant should not consider this review as an entry point to growth management review or the approval for residential development.

**Residential Density:**

Proposed Lot 1 is in the GZDW where residential uses are allowed in addition to non-residential uses. The subdivision of this lot is being proposed in order to define the zoning district boundary between the IZDW to the west and the GZDW to the east. The review of this subdivision should not be viewed as providing an entry

point to residential growth management review. Any proposed residential development of this lot would be required to begin at the Pre-application stage of review.

**Access:**

Three of the proposed lots would be accessed from Williston Road which is a state highway and governed by VTrans. The applicant will be required to obtain approval for access from VTrans (11-11 permit) as part of a submittal for discretionary permit. Four of the lots would be accessed from Shunpike Road and access will have to meet the town's DPW requirements. Lots in the IZDW are required to have a minimum of 40 feet of frontage on a public or private drive.

**Traffic:**

Pre-application is also the stage of review where the DRB may ask for a traffic impact study if they so desire. Staff recommends that a traffic study be submitted with an application for a discretionary permit.

**Habitat:**

The applicant has submitted a habitat assessment and this has been reviewed by the conservation commission. Their review and comments are attached.

**Review by other Boards and Town Departments:**

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

Williston Public Works' comments (attached) requested that the applicant provide the following information as part of an application for a discretionary permit:

Please provide a **written response** to the following items prior to receiving approval for the project:

1. Pedestrian facilities shall be constructed on both Williston Road and Shunpike Road.

The planning office also been informed by Public Works that each individual lot will have to be reviewed by PW when they come in for approval to develop each property and more detailed comments will be offered at that time. Public works will likely require a single water main run onto the property so that the lots can connect that way instead of multiple connections to the water line. However, this will have to be looked at as their plans solidify.

The Williston Conservation Commission also reviewed this project and their findings and recommendations are listed below.

Recommendations:

1. The proposed 17-acre conservation land (Lot 5) should be expanded in area to include Class 2 wetland and associated 50ft buffers, to the extent feasible, in order to insure the protection of this resource.
2. Further development of any proposed individual lot should be required to obtain a Discretionary Permit; an Erosion Prevention and Sediment Control Plan should be submitted as part of said application for Discretionary Permit.

Staff recommends that all findings and recommendations made by the Conservation Commission be adopted as pre-application recommendations.

**Staff Recommendation:**

Staff recommends that the project be allowed to move forward to discretion permit review with the following recommendations.

**Recommendations:**

1. The applicant shall submit a traffic study meeting the requirements of WDB 13.8.2.
2. All proposed findings and recommendations made by the Williston Conservation Commission at their June 20, 2018 meeting shall also be adopted as Pre-Application recommendations.
3. Comment made by the Department of Public Works and stated in their memo dated June 7, 2018 shall also be adopted as pre-application recommendations as revised below. The applicant shall meet all Public Works Standard Specifications for public infrastructure.
  - a. Pedestrian facilities shall be constructed **within the easement** on both Williston Road and Shunpike Road **at the time of development of each individual lots.**
4. No approval of any residential development is being conferred by the DRB at this time. Any future residential development on **Lot 1** would have to be reviewed from pre-application on as part of a separate submittal to the town.

**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 July 10, 2018, accept the recommendations proposed by staff for the review of DP 18-21, and authorize the applicant to proceed to discretionary permit.**

**SECONDED BY: Peter Kelley VOTE: 6 AYES – 0 NAYES**

**7:58 PM Closed public hearing for DP 18-21**

**7:58 PM Deliberations opened**

**8:20 PM Deliberations closed**

**IV. Minutes from June 26, 2018 DRB meeting**

I, Peter Kelley, make the motion to approve the minutes of June 26, 2018, with a grammatical change.

**SECONDED BY: John Hemmelgarn VOTE: 5 AYES – 0 NAYES – 1 ABSTENTION**

*Scott Rieley abstained.*

**V. Adjournment**

**8:26 PM Courtney Doherty made the motion to adjourn.**

**Project proposal documents and site plans are posted online with [Agendas & 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.**