

**TOWN OF WILLISTON  
DEVELOPMENT REVIEW BOARD  
May 24, 2016, 7:00 PM  
Town Hall Meeting Chamber**

**Minutes approved June 14, 2016 as written.**

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Digitally Recorded Minutes are available in the Planning & Zoning Offices, 7878 Williston Road or the Town Clerk's Offices located at 7900 Williston Road. The minutes are also found on the Williston Town website.

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**DRB members present:** *Scott Rieley, John Hemmelgarn, Claire Forbes, Peter Kelly, David Turner, and Brian Jennings.*

**Members absent:** *John Bendzunas*

**Staff:** *Ken Belliveau, Matt Boulanger, Melinda Scott.* **Absent:** *Carol Daigle*

**Others signing in:** *Andy Rowe, Debra Bell, Bryon Kent, Mike DesLauriers, Andrew Henderson, Chris Snyder, Steve Hackett, Jonathon Erdman, Allison and David Cranmer, Doug Goulette, Frank DeVita, Jean Kissner, and Theresa Zittritsch. (Tim McKenzie, George Bachinski and Gary Holbrook didn't sign in).*

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- I. Public Forum**
  - II. Public Hearings**
  - III. Minutes**
  - IV. Communications or Other Business**
  - V. Adjournment**
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**7:00 P.M. Public Hearing**

- I. Public Forum**
- II. Public Hearings**

**Agenda:**

**DP 15 – 06:** Alex and Kathy Pintair, 1147 Oak Hill Road, requests Discretionary Permit level review for a 2-lot subdivision of 7997 Williston Road, a 1.7 acre lot with an existing dwelling on proposed .5 acres and for a duplex residential dwelling on the 1.2 acres in the National Historic Registry within the Village Zoning District (VZD). Postponed pending resolution of litigation.

**DP 16 – 22:** Heritage Meadow HOA, c/o Liza Pouliot, 418 Wildflower Circle, requests Discretionary Permit level review for a proposed expansion of the existing stormwater pond located off Wildflower Circle in the Residential Zoning District (RZD).

**DP 12 –07 Amendment #3:** South Burlington Realty Co. LLC, PO Box 2204, South Burlington, 05407-2204, requests Discretionary Permit review to reduce a June 2015 approval of a 15,000 sf expansion of an existing building on 4.77 acres at 85 Shunpike Road to 10,150 sf service area and

**1,920 sf for Green Mt. Gear Heads for a total of 12,070 sf plus a Master Sign Plan in the Industrial Zoning District West (IZDW).**

**DP 15 – 02: The Snyder Group Inc., 4076 Shelburne Road, Shelburne for Bryan Common, west off North Williston Road, is requesting Discretionary Permit level review of a proposal for 35 units including 27 SFD, a triplex, and a four-plex, with a neighborhood park, open spaces and a primitive path access to the school/rec park in the Residential Zoning District (RZD).**

**DP 16 – 20: Frank DeVita, PO Box, Holly Springs, NC 27540, for Pre-Application review for a 4-lot subdivision of previously approved Lot #5 (SUB 95-10) of 35.4 acres, changes to septic systems, and merging Lot #1 and Lot #6 off Fieldstone Drive, in the Agricultural Residential Zoning District (ARZD). CONTINUED FROM APRIL 26<sup>TH</sup> MEETING**

### **III. Minutes from April 26, 2016 DRB meeting**

#### **IV. Communication, Final Plans and Other Business**

**HP 16-02; AP 16-0237, request for a Certificate of Appropriateness (CoA) by Jon Erdman to replace vinyl siding with composite (Hardi-Type) on an existing structure at 7559 Williston Road in the VZD. (Inside “additional review area”)**

#### **V. Adjournment**

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

**7:07 P.M. Opened public hearing DP 16 – 22.**

**DP 16-22: Heritage Meadow HOA, c/o Liza Pouliot, 418 Wildflower Circle, requests Discretionary Permit level review for a proposed expansion of the existing stormwater pond located off Wildflower Circle in the Residential Zoning District (RZD).**

**Representing the application were *Mr. Andrew Rowe, Lamoureux & Dickinson, Essex, and Mr. James Sherrard, Williston DPW, Stormwater Coordinator.***

The representatives gave an explanation of the project which is an upgrade of the stormwater treatment systems in the Heritage Meadow Subdivision.

Ken Belliveau gave the staff report and explained that the DRB would be seeing a large number of projects like this over the next few months, as many stormwater systems need to be brought up to state standards and the amount of work required to do this often is above the threshold where the Williston Development Bylaw (WDB) requires DRB review.

Belliveau explained the pond upgrades are adjacent to and overlapping with a 20-foot wide easement that was granted to the public as part of subdivision approval. The stormwater pond improvements will encroach on that easement by about 10 feet. Belliveau said that the project was also reviewed by the Williston Conservation Commission (WCC) and their proposed conditions of approval are included in the staff’s recommended conditions.

Rowe clarified that the 20-foot wide easement is actually a strip of land owned by the town. James Sherrard gave the board an overview of the town's stormwater program.

Brian Jennings asked about the increased holding capacity that will be created by the pond upgrades and if there was a fence around the pond. Sherrard said that the larger basins, combined with smaller outlets, will decrease the velocity of Allen Brook during storm events, mitigating erosion problems in the brook. Rowe said that there is a fence, which is proposed to be removed and reinstalled as part of this project.

Pete Kelley asked when construction was planned. Sherrard said that it might be between five and ten years. Theresa Zittritsch, 160 Wildflower Circle, confirmed the timeline. Peter Kelley asked about the deadlines and expirations associated with DRB review. Ken Belliveau explained the deadlines and timeframes associated with projects reviewed by the DRB. Belliveau also said the project would be treated as a residential project. Final plans do not expire for residential projects. Brian Jennings asked if the deadlines could be stretched out. Belliveau said that the filing of final plans should happen within the deadlines, but that the DRB could make a finding that the project is residential and therefore that those final plans do not expire. David Turner asked what would happen if the state stormwater rules changed. James Sherrard said that these projects would be held to the standards of the 2002 stormwater manual as long as the neighborhoods continue to work with the town.

Brian Jennings asked if the town is considered to be a co-applicant. John Hemmelgarn asked if options that did not impact the town land were considered. Sherrard said that those options were considered but that the expansion of the pond was desirable to achieve better treatment and to expand the pond in the other direction would impact a wetland.

John Hemmelgarn asked about the evergreens just outside the fence. Andy Rowe said that they would be removed. Alison Cranmer, 94 Keystone Drive, asked about the town's financial responsibility for stormwater upgrades. James Sherrard said that the upgrades are all solely the responsibility of the permit holders- the homeowner's associations. Theresa Zittritsch asked about the permit timelines and why applications to the DRB were required at this time by the Public Works Department. James Sherrard explained that the submission deadline will allow the town to make a positive report on its overall progress by October 2016.

Mike DesLauriers, 340 Wildflower Circle, said he had some concerns about the construction and how close it would be to his property. Andy Rowe showed the distance between the project and Mr. DesLauriers' house. DesLauriers said that he had been maintaining the strip of town land over the years and wanted to know whether the town would maintain the land in the future. Ken Belliveau said that in the long term, the town would be looking to install and maintain a trail over that strip of land, but that the town does not mow or maintain that land at this time. Mr. DesLauriers explained his concerns about his dogs and their potential interactions with walkers on a future path. Mr. DesLauriers said that he would like to have privacy for his pool and yard. Mr. DesLauriers said that Mr. Fitzgerald, the developer of Heritage Meadows, told him that the pond would never be expanded because it was up to code and that he was not told about the trail or the land deeded to the town until after he had agreed to purchase the property. Mr. DesLauriers asked how long construction would take once it began. Andy Rowe said that it would probably be three to four weeks of work over a total period of about two months.

Alison Cranmer, 94 Keystone Drive, asked if the reason the town was in this position was because the state did not keep up with the stormwater permits. James Sherrard said that permits had expired. Sherrard said that projects with a valid permit are likely to be fine and as long as those permits are maintained they are not likely to be subject to new requirements.

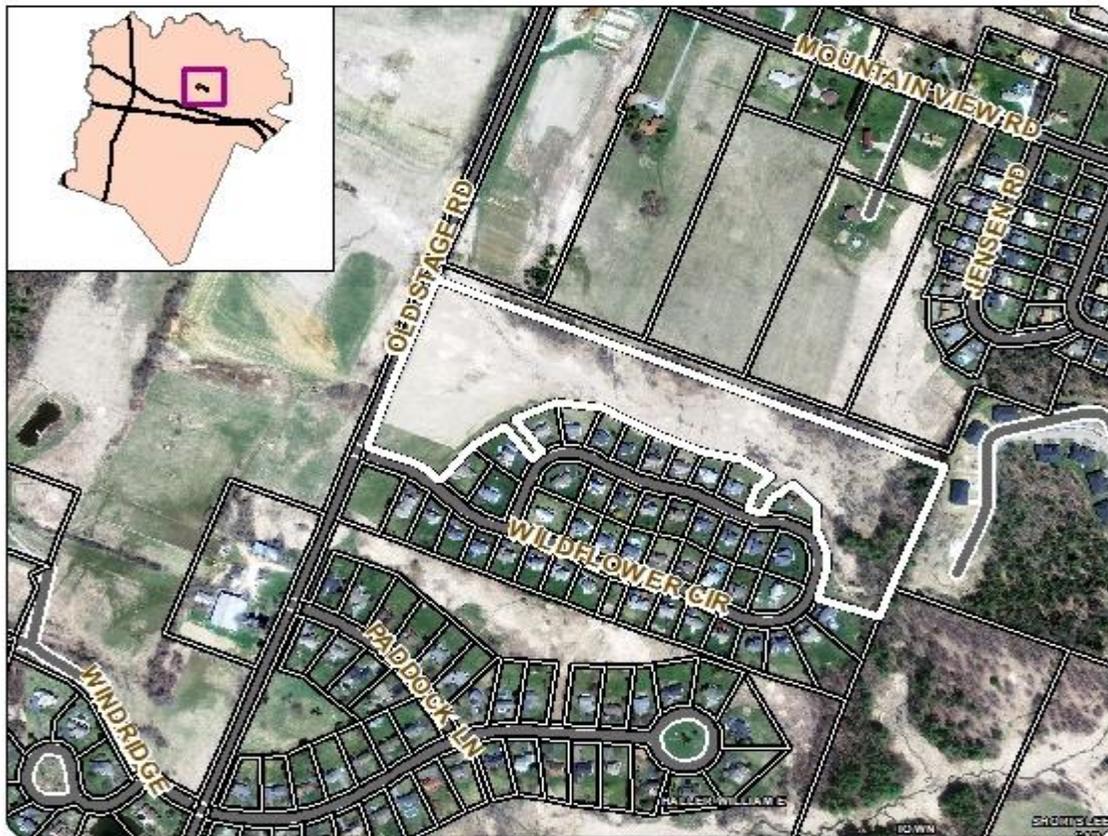
Ken Belliveau noted that the record should reflect that the Town of Williston is a co-applicant.

Scott Reiley suggested that the item be continued to allow the town to be identified as a co-applicant. Andy Rowe asked if the current situation might be considered the same as when work is proposed in a town right-of-way. Ken Belliveau said that because a plat is being amended in this case, it is different from when an applicant is simply working within a town right-of-way.

**STAFF NOTES**  
**Williston Development Review Board**  
**May 24, 2016**

<b>Application No:</b> DP 16-22	<b>Project Name:</b> Heritage Meadows Stormwater Improvements
<b>Property Address:</b> Wildflower Circle	<b>Zoning District:</b> Residential Zoning District (RZD)
<b>Tax Parcel #:</b> # COM.047,b	<b>Existing Lot Size:</b> 17.81 Acres

**Subject Property Overview**



### **Overview**

This is a request for discretionary permit review for improvements and modifications to the existing stormwater detention system within the Heritage Meadows residential neighborhood. The proposed improvements would be located on a 17.81 acre parcel of common land at Wildflower Circle in the Residential Zoning District (RZD). Wildflower Circle is located on the east side of Old Stage Road. The proposal calls for expanding the existing stormwater pond and encroaching into an area previously designated as a pedestrian path as part of the original approval for the Heritage Meadows development.

### **Project History:**

- Heritage Meadows is a 46 lot residential subdivision approved by the planning commission under SUB 95-15 on May 14, 1996.

As a Municipally Separate Storm Sewer (MS4) Community containing a stormwater impaired waterbody, the Allen Brook, the Town of Williston is required to implement a flow restoration plan (FRP). The purpose of the FRP is to identify stormwater treatment practices (including retrofits to existing systems) which when implemented will work towards removing an impaired waterbody from the State's List of Impaired Waters. The FRP identifies 22 stormwater systems with expired permits (not in compliance with current 2002 State standards). Williston's MS4 permit requires that those systems be brought into compliance within the next 10 years.

To incentivize compliance with the FRP, the Town of Williston has offered to assume control of the expired residential stormwater permits in the Allen Brook Watershed as put forth in the Residential Expired Permit Policy (adopted 5/18/2015). Williston Public Works Department has been working with a number of residential properties to implement the necessary upgrades. The current proposal is one of 16 stormwater system improvement projects anticipated to come before the DRB for Discretionary Permit review. These projects involve an amount of work that triggers discretionary permit review by the Williston DRB, either due to their scale or because what is proposed is a definitional "substantial change" to a project already approved by the DRB. This is the first time the current 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.

### **PROJECT ELEMENTS:**

#### **Stormwater**

The applicant is proposing stormwater improvements consisting of:

- Dredging the existing pond to remove accumulated sediment and constructing a forebay,
- Expanding the pond to the south,
- Constructing an access drive between Wildflower Circle and the new forebay,
- Replacing the existing outlet structure,
- Replacing the existing outlet pipe and reconstructing the spillway, and
- Reinstalling a fence around the perimeter of the enlarged pond.

These stormwater improvements have been designed in accordance with the Engineering Feasibility Analysis (EFA) approved by the Town in 2015.

#### **Access**

Upon completion of construction of the stormwater improvements, the Town will be responsible for the operation and maintenance of the stormwater system. An easement around the stormwater system will be conveyed to the Town for access, operation, and maintenance. No subdivision of the existing open space parcel is proposed.

The applicant is proposing an access drive between Wildflower Circle and the new forebay, consisting of a gravel subbase with grass surface, for future Town access to maintain the stormwater system.

### **Primitive Trails**

The expansion of the stormwater pond will involve grading into one-half (10 feet) of the 20ft easement granted to the Town for a “possible future non-motorized path” (recorded in Volume 38, page 144 of the Williston Land Records). The Conservation Commission has agreed that the remaining 10ft wide strip should be adequate to accommodate a pedestrian path, thus the proposed work will not have an adverse impact on the use of the easement for a future path.

### **Landscaping**

The existing stormwater system and proposed improvements are located within the HOA’s open space. Existing vegetation currently serves as landscaping per requirements of WDB 23.2 and no additional landscaping is proposed. All existing trees will be retained and disturbed areas will be seeded with conservation mix. Pond side slopes will be seeded with wetland mix and conservation mix.

### **Wetlands, Waterways, and Conservation Areas**

A class 2 wetland is located along Allen Brook to the east and north of the stormwater pond. No work is proposed within the wetland. A portion of the stormwater pond, outlet pipe, and spillway are located in the 50ft wetland buffer. The majority of the proposed work is proposed within the footprint of the existing stormwater pond, or involves the replacement of the existing outlet pipe and reconstruction of the stone spillway. Only 160 sf of wetland buffer impact is proposed outside of the footprint of the existing pond improvements. The applicant has requested a review/jurisdictional determination from the State Wetland Office. Based upon their guidance for similar projects, the applicant anticipates this project will be considered an allowed use and will not require a wetland permit.

### **Comments from Public Works, Fire Department, and Conservation Commission**

The Department of Public Works (DPW) had no comments for the proposed project. The Fire Department had no comments for the proposed project. The Williston Conservation Commission (WCC) provided the following recommendations in a memo dated May 19, 2016:

1. All proposed construction shall be done in conformance with the guidance provided in the current edition of Vermont’s Low Risk Site Handbook for Erosion Prevention and Erosion Control.
2. Prior to commencing construction, the class 2 wetland shall be clearly marked in the field to prevent any and all disturbance during construction to the class 2 wetland.
3. Prior to obtaining an Administrative Permit, the applicant shall submit documentation from the State Wetland Office stating the project is an allowed use.
4. The WCC recommends the DRB allow the use of up to one-half (10 feet) of the 20 ft. trail easement for expansion of the existing stormwater pond.

### **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 Heritage Meadows development was approved by the planning commission on May 14, 1996 authorizing the creation of this residential development.
2. Existing and proposed conditions are shown on the plans submitted by Lamoureux & Dickenson dated 4/21/16. A reduced final plan is enclosed with these findings and conclusions.
3. As a Municipally Separate Storm Sewer (MS4) Community containing a stormwater impaired waterbody, the Allen Brook, the Town of Williston is required to implement a Flow Restoration Plan (FRP). The FRP identifies 22 existing stormwater systems with expired State stormwater permits. Williston's MS4 permit requires those systems be brought into compliance by no later than 2023.
4. The proposed stormwater improvements for Heritage Meadows residential development are necessary for compliance with current State standards, and have been designed in accordance with the Engineering Feasibility Analysis (EFA) approved by the Town in 2015.
5. Upon completion of construction of the stormwater improvements, the Town will be responsible for the operation and maintenance of the stormwater system. To facilitate future maintenance, the applicant is proposing an easement around the stormwater system to be conveyed to the Town and construction of a gravel access drive between Wildflower Circle and the new forebay.
6. The expansion of the stormwater pond will involve grading into one-half (10 feet) of the 20ft easement granted to the Town for a possible future non-motorized path.
7. The proposed improvements to the stormwater detention facilities shall be completed in compliance permitting requirements of the State of Vermont DEC Watershed Management Division and requirements of WBD 29.5.
8. The applicant has provided a draft Development Agreement.

### **Conclusions of Law**

1. The existing residential development is an allowed uses in the RZD; no change of use has been proposed.
2. The proposed stormwater improvements can meet the development standards of WDB Chapter 39 for the RZD 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. 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 May 19, 2016,
    1. All proposed construction shall be done in conformance with the guidance provided in the current edition of Vermont's Low Risk Site Handbook for Erosion Prevention and Erosion Control.

2. Prior to commencing construction, the class 2 wetland shall be clearly marked in the field to prevent any and all disturbance during construction to the class 2 wetland.
  3. Prior to obtaining an Administrative Permit, the applicant shall submit documentation from the State Wetland Office stating the project is an allowed use.
  4. The WCC recommends the DRB allow the use of up to one-half (10 feet) of the 20 ft. trail easement for expansion of the existing stormwater pond.
- b. All required legal documents, such as easement agreements, offers of dedication of land, warrantee deeds, and development agreements as applicable shall be submitted with the Final Plans.
3. 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.
  4. 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.
  5. 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.
  6. 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.
  7. 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.

### **Proposed 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 May 24, 2016, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 16 - 22, and approve this Discretionary Permit subject to conditions 1-7 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 motion was made as the application was continued to the meeting of June 28, 2016.**

Speaking from the audience were: Allison Cranmer, 94 Keystone, Theresa Zittritsch, 160 Wildflower Circle, and Mike DesLauriers, 340 Wildflower Circle.

**7:58 P.M. Continued public hearing of DP 16 – 22 to June 28, 2016.**

**8:00 P.M. Opened public hearing for DP 12 – 07 Amendment #3**

**DP 12 –07 Amendment #3: South Burlington Realty Co. LLC, PO Box 2204, South Burlington, 05407-2204, requests Discretionary Permit review to reduce a June 2015 approval of a 15,000 sf expansion of an existing building on 4.77 acres at 85 Shunpike Road to 10,150 sf service area and 1,920 sf for Green Mt. Gear Heads for a total of 12,070 sf plus a Master Sign Plan in the Industrial Zoning District West (IZDW).**

**Representing the application were Ms. Debra Bell, Trudell Consulting, 478 Blair Park Road, and Mr. Timothy McKenzie, South Burlington Realty, 85 Shunpike Road.**

Melinda Scott briefed the board and applicant on her staff notes. The applicant is requesting to modify a discretionary permit approved June 20, 2015, requesting to reduce the area of the addition to the existing building. They are also asking to reduce the number of parking spaces. The proposed use is automotive repair. There is also proposed outdoor storage to the rear of the building. There is also a master sign plan that is part of this application. Melinda Scott read from the staff notes describing in detail the proposed development. Scott Rieley asked Ms. Scott if the proposed conditions of approval are the same as previously approved, to which she confirmed they are. Debra Bell stated that the request is the same as the previously approved permit, except for the reduction in the proposed addition. Rieley asked about the number of pine trees in the landscaping. Ms. Bell said that the use would operate inside of the building and there would be no painting or washing of the vehicles. Ken Belliveau asked the operator of the business to be reminded that the conditions of approval are expected to be followed.

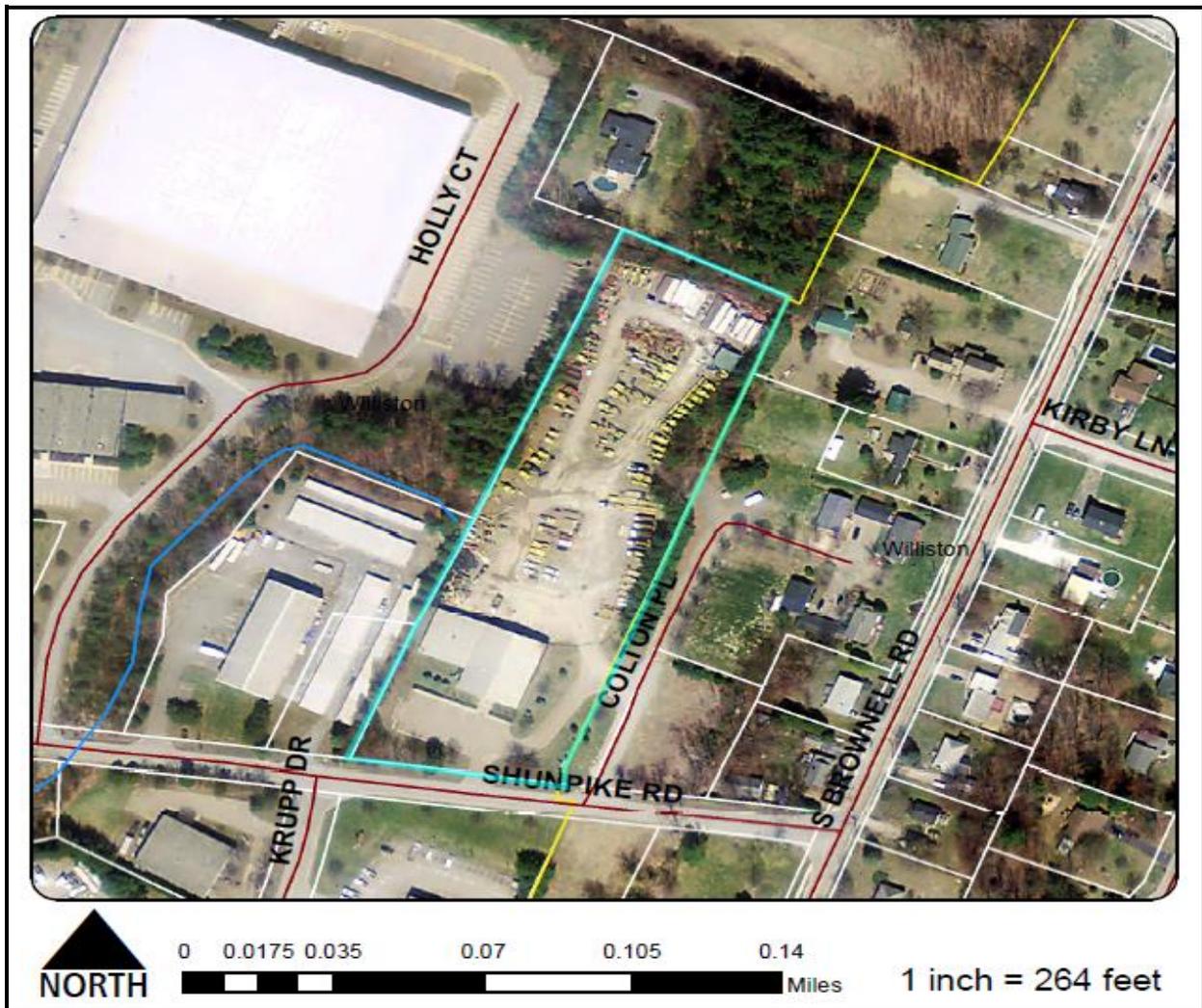
She informed the board an e-mail had been received that afternoon with some written comments from David and Michele Steady, 670 South Brownell Road, who are abutting property owners. They expressed concerns about noise and odors from engines, and inquired about the hours of operation. They requested additional screening be added on the north side of the property bordering their property and minimum lighting with lights pointed downward so as to not shine over the property line. They were informed the hours of operation would be 8:00 a.m. to 5:00 p.m. Monday – Friday and 9:00 a.m. to 2:00 p.m. on Saturdays.

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**Staff Notes**

**Williston Development Review Board – May 24, 2016  
DP 12-07 South Burlington Realty Company, LLC- Amendment #3: Addition  
85 Shunpike Road**

<b>Application No:</b> DP 12-07 Amendment #3	<b>Name:</b> DP 12-07 Amendment #3 South Burlington Realty Company, LLC
<b>Tax Parcel #:</b> 07:016:010.000	<b>Property Address:</b> 85 Shunpike Road
<b>Zoning District:</b> Industrial Zoning District West (IZDW)	<b>Parcel Size:</b> 4.77 acres



### Overview

The applicant is requesting a discretionary permit for adding a use, expanding an existing building, installing an overhead door and person door on the south side of the existing building, creating new employee parking, adding new signage and making changes to outdoor lighting at an existing developed site located at 85 Shunpike Road in the Industrial Zoning District West (IZDW).

This application proposes to add a use- automotive modification/repair. WDB 36, the chapter governing allowed uses in the IZDW, states that Repair & Maintenance uses under the North American Industrial Classification System (NAICS) category 811 are allowed. Automotive Repair and Maintenance (8111) is included in this category.

This request proposes a 10,150sf rear building expansion and a building infill of 1,920sf on the southwest corner with an overhead door and paved 12-foot wide entrance allowing customers to drive into the front of the building. The proposal also includes reconfigured outdoor lighting and creates approximately 15 new employee parking spaces in an area currently used as outdoor storage. The entire parcel (85 Shunpike Rd.) lies within the IZDW. The Residential district borders this parcel to the east, on the other side of Colton Place. A residential property (Steady) abuts the parcel on the north.

### **Permit History**

This application is amendment #3 to a discretionary permit approved by the DRB on January 14, 2012 for a salt shed at the rear of the property. Amendment #1 was very similar to the current proposal, only with a larger (15,000sf) rear building expansion, no building infill, and 19 rather than 15 additional parking spaces.

The DRB issued a denial on April 14, 2015 for Amendment #1, based on inadequate information. Some items which needed to be further addressed were:

- Tire pile located onsite
- Unnamed stream not shown on the map with buffer
- Landscape buffering to abutting properties
- Outdoor lighting compliance
- Outdoor storage, depicted on a site plan showing the full extents of the property
- Master sign plan needed

The applicant resubmitted the proposal as Amendment #2, with sufficient additional information for the DRB to issue an approval on June 23, 2015.

### **Planning Staff Comments**

#### **Use:**

The site at 85 Shunpike Road contains a combination office/mechanical services building with a parking area for employees and visitors on the south side, and an outdoor storage area on the north side. The current occupants are South Burlington Realty and Munson Earth Moving. This discretionary permit application proposes to add an addition to the existing building, and make associated modifications to lighting and signage. The application also adds a use- automotive modification/repair.

Per the Williston Development Bylaw (WDB) 36, a broad range of industrial uses are allowed in the IZDW. WDB 36, the chapter governing allowed uses in the IZDW, states that Repair & Maintenance uses under the North American Industrial Classification System (NAICS) category 811 are allowed. Automotive Repair and Maintenance (8111) is included in this category.

The proposed new use will be to perform high-end automotive modifications, and will take place in the existing building. The previous office space occupied by South Burlington Realty will also remain in the old building. The maintenance shop for heavy equipment will be moved to the new addition.

The application narrative submitted 4/15/16 provides the following additional information:

- The proposed use does not involve the use or generation of hazardous materials
- Odors will not impact the surrounding neighbors
- All activities will occur inside
- Activities such as automotive painting and washing or reconditioning are not part of the business operation.
- The building is permitted for 30 employees, but the current employee count is 15 and is not anticipated to change.

### **Parking and Traffic:**

This proposal would add an overhead door and new person door on the south side of the building, which fronts on Shunpike Road. A 12-foot wide paved access will be added, leading from the front parking area

to the new overhead door. The new overhead door on the front of the building will allow customers (for the proposed business) to drive into the front of the building. The space on the interior is large enough to turn vehicles around, and the overhead door will be used as both an entrance and an exit. A side person door is proposed for customer access to separate customers from the shop.

The circulation for the construction company remains the same with heavy equipment located at the rear of the property, as is employee parking and entrance. The current office space (Munson Earth Moving and South Burlington Realty) will continue to utilize existing front yard parking. The lane width in the front parking area (24ft) appears to be just wide enough for two-way traffic.

WDB Chapter 14 *Off-Street Parking and Loading* requires 39 parking spaces and 39 spaces are proposed – see table below for parking requirements analysis. A portion of the outdoor storage area is being converted into 15 new parking spaces, one of which is handicapped. 24 spaces are shown on the south (Shunpike Rd.) side of the building, 2 of which are handicapped. A new 3-space bike rack is proposed in the front parking area. Long term bicycle spaces and end-of-trip facilities are not indicated on the plans. The parking calculation is shown below and on sheet C2-01 of the plans.

Parking Requirements Analysis							
Use	Amount in Sq. Ft.	Rate Per Sq. Ft. (WDB 14.A)	Vehicular Parking Spaces	Accessible Spaces	Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities
Required - Office	4,840	3.5/1000	17	2	7% of vehicular = 1.2	50% of required = 0.6	
Required - Auto Repair	7,277	1/1,000*	7	1	7% of vehicular = 0.5	75% of required = 0.375	
Required - Equipment Service	14,953	1/1,000*	15	1	5% of vehicular = 0.75	75% of required = 0.5625	
Total Required	n/a	n/a	39	4	3	2	1
Total Proposed	n/a	n/a	39	3	3	0	0

*\*Industrial uses are very diverse. Use 1.00 spaces per 1000 SF GFA as a starting point. The actual requirement will be set by the Administrator or the DRB.*

**Compliance Summary:**

As currently proposed, the site meets the vehicular parking requirements of WDB 14.A. There are 39 parking spaces required and 39 proposed. There are 3 accessible parking spaces proposed where 4 are required by WDB 14.3. However, WDB 14.3 has a provision stating that industrial uses may be permitted to meet the ADA standards, which are lower. The proposed parking would meet the ADA standard for required number of accessible off-street parking spaces.

The proposed development meets the requirements of WDB 14.A for total bicycle parking spaces; however, it does not meet the requirement for long-term bicycle spaces or end of trip facilities. The DRB can use some discretion with regard to these requirements if it is determined that the nature of the proposed development make the use of bicycles highly unlikely (WDB 14.8.5).

**On-site Infrastructure and Maintenance:**

The application narrative submitted 4/15/16 provides the following additional information:

- The site is served by town water and sewer and no new demand for capacity of these is proposed.
- A single floor drain is located in the existing shop and drains to an oil/grit holding tank. Scheduled pumping of this tank occurs on an as-needed basis. There are no floor drains proposed in the new addition.
- Two fuel tanks shown on the plan will be removed and disposed of in accordance with VTDEC Aboveground Storage Tank Rules.

**Accessory Structures:**

There are no new proposed accessory structures.

**Design Review:**

The subject parcel is outside of the Design Review District.

**Outdoor Storage:**

Outdoor storage of equipment and materials currently takes place on the northern portion of the site in a fenced-in gravel yard. The site plan shows the new building addition and 15 new parking spaces extending into the area presently used for outdoor storage, reducing that area by approx. 12,850sf.

The application narrative and site plan submitted 4/15/16 provides the following additional information:

- Jersey barriers are proposed to be installed protecting the 50ft buffer surrounding the stream at the western property boundary. A note on the site plan indicates that the buffer is to be cleared of all storage, with vegetation permitted to grow.
- All outdoor storage and/or work area for heavy equipment and vehicles takes place at the rear of the building and will continue to be secured with a 6-foot fence, and screened with a mixture of native and planted vegetation.
- Tire storage occurs in the storage yard for both new and used tires. The applicant has a tire recycling program in place for those tires that have exceeded their retread life.
- No outside storage is proposed for the new use.

Outdoor storage is subject to requirements for screening and buffering. These requirements are described further in the next section.

**Setbacks and Landscaping:**

The proposed Landscaping Plan is provided on Plan Sheet C2-01. The subject parcel is adjacent to industrial and residential uses. Chapter 23 of Williston’s Unified Development Bylaw (WDB) requires that the proposed industrial/heavy commercial uses be buffered from the neighboring properties in the following ways:

<b>Applicant’s proposed land use</b>	<b>Adjacent land Use</b>	<b>Type I Existing Vegetation</b>	<b>Type II Dense Plantings</b>	<b>Type III Informal Plantings</b>	<b>Type IV Formal Plantings</b>
Industrial/Heavy Commercial	Public Street (south)	n/a	n/a	n/a	n/a
Industrial/Heavy Commercial	Residential (east)	50	23	27	36
Industrial/Heavy Commercial	Residential (north)	50	23	27	36
Industrial/Heavy Commercial	Industrial/Heavy Commercial (west)	50	13	9	23

During a site visit conducted in April 2015 it was observed that the earthen berm on the eastern property boundary as well as several mature pine trees appeared to offer screening from Colton Lane, with only the tops of the equipment visible. Staff did not enter the abutting property to the north during the site visit.

**South side:**

No modifications to existing landscaping are proposed. As this side faces a public street, no landscape buffer is required.

Meets standards.

**East side:**

Uses being buffered: Industrial/heavy commercial to residential

Proposed: A mixture of existing 37.5ft Type I buffer with opaque fence and existing 30ft Type II buffer with 5ft berm. Six additional Arborvitae trees are proposed to enhance existing vegetated buffers.

Meets standards.

**West side:**

Uses being buffered: Industrial/heavy commercial to Industrial/heavy commercial

Proposed: Mixture of existing 20ft Type I buffer (pine trees and mixed hardwoods) around storage yard and 13ft Type II buffer next to building additions and around HVAC.

Meets standards.

**North side:**

Uses being buffered: Industrial/heavy commercial to residential

Proposed: Existing 17.5ft Type II buffer with a privacy screen for existing 6ft chain link fence, and 15ft Type III buffer at northwest corner. The landscape buffer proposed complies with the DRB’s previous recommendations.

The proposed Landscaping Plan meets the standards of the bylaw for the south, east and west property lines. WDB Chapter 23 recommends a 23ft Type II buffer between industrial and residential uses, and allows that width to be reduced by the height of an opaque screening fence. The DRB included a condition in its previous approval of Amendment #2 requiring the applicant to convert the existing 6ft

chain link fence immediately surrounding the outside storage area to an opaque screening fence, by adding privacy screen to the fence along the northern property boundary, and along the western property boundary to a point approximately 80 feet from the fence corner. The applicant has proposed this, as well as 5 to 8 new white pine trees at the northwest property corner to supplement screening for the property owner to the north.

**Outdoor Lighting:**

The Lighting plan, L1-01, shows both existing and new proposed fixtures. According to the application narrative submitted 4/15/16, outdoor lighting on the site has been brought into compliance with the current bylaws. The proposed outdoor lighting compares to the requirements of WDB 24 as follows:

<b>Project Compliance with WDB 24, <i>Outdoor Lighting</i></b>		
<b>Applicable Lighting Zone: IZDW</b>	<b>As Required by WDB 24</b>	<b>As Proposed by the Applicant</b>
Any prohibited lighting types per WDB 24.2.4?	Up lighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	No prohibited lighting types
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:	Lighting fixtures are fully shielded per WDB 24.4
Maximum Total Unshielded Lumen Output per WDB 24.A	10,000 lumens/acre	0 lumens/acre
Maximum Total (including shielded and unshielded fixtures) Lumen Output per WDB 24.A	200,000 lumens/acre	105,485 lumens/acre
Parking Lot Illumination Level per WDB 24.B	1.2 footcandles	Front Parking : 0.8 footcandles Rear Parking: 1.0 footcandles
Maximum Uniformity Ratio per WDB 24.B	20:1	20:1
Maximum Illumination of any Point per WDB 24.B	5.2 footcandles	4.7 footcandles

<p>Light Timing</p>	<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>	<p>Hours of Illumination Table on Sheet L1-01 indicates that building wall-pack fixtures and pedestrian way bollards will be turned off ½ hour after close of business, and parking lot lighting will be reduced by 75% within 30 minutes of closing by turning off 3 of 4 fixtures, which will provide 0.2 footcandles of illumination. This meets the requirements of the WDB.</p>
<p>Luminaire Orientation</p>	<p>Per WDB 24.6:</p> <ol style="list-style-type: none"> <li>1. Light cannot be directed above horizontal plane.</li> <li>2. Flood lights may be aimed no more than 45 degrees above horizontal.</li> <li>3. No light may be directed beyond the parcel boundaries of the site.</li> </ol>	<p>Wall mounted and pole mounted fixtures are downward facing.</p>
<p>Security Lighting and Security Plan</p>	<p>Security lighting can be brighter in spots than the parking lot limitations in WDB 24.B, and is instead governed by the average illumination requirements of WDB 24.C</p> <p>If security lighting is proposed, it must be accompanied with a security plan showing the area to be lit and explaining the need. Applicants are encouraged to use alarm systems and motion-detected lighting in lieu of full-time security lighting</p>	<p>Memo included in DP application states that fixtures along the storage yard perimeter are intended to function as security lighting. The applicant has proposed that security lighting be illuminated from 7am to 5pm, with additional hours as needed for job mobilization, on motion sensors/timers. This meets the bylaw requirements.</p>
<p>Maximum Average Illumination for security lighting (horizontal at grade) per WDB 24.C</p>	<p>1.5 footcandles</p>	<p>0.4 footcandles</p>

Maximum Average Illumination for security lighting (vertical, 5 feet above grade) per WDB 24.C	1.5 footcandles	0.4 footcandles
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The lighting plan shows a maximum total lumen output, as well as maximum average illumination levels, which appear to meet the bylaw (see tables on Lighting Plan L1-01). The specs included for the wallpacks and pole lights show fully shielded, downcast fixtures per WDB 24.6.1.

**Master Sign Plan:**

WDB 25.5 provides a mechanism by which a commercial site may gain approval for a master sign plan from the DRB. Master sign plans are required in Williston:

- for a new or existing commercial building that will or could have multiple tenants,
- for a type of sign that can only permitted under a master sign plan, such as awnings,
- For a greater number of signs or for signs that are larger in size than are allowed by WDB 25.A

In this case, a master sign plan is required because:

- the site contains or could contain multiple commercial tenants.
- for a greater number of directional signs than are allowed by right, in WDB 25.A

A master sign plan and application were included in the 4/15/16 submission package. The applicant is proposing window, wall, directional and freestanding signs, as follows:

<b>Proposed and Existing Signs, 85 Shunpike Rd Master Sign Plan</b>				
<b>Sign Type</b>	<b>Existing or Proposed</b>	<b>Designation on Site Plan</b>	<b>Maximum Allowable Size Without A Master Sign Plan</b>	<b>Proposed Maximum Size, square feet</b>
<b>Wall</b>		B	24 square feet	15
		C	24 square feet	24
<b>Total Wall Signs:</b>				<b>39</b>
<b>Window</b>		D	20% of Window	1
		E	20% of Window	.7
<b>Total Window Signs:</b>				<b>1.7</b>
<b>Freestanding</b>		A	32 square feet	31.5
<b>Total of Freestanding Signs:</b>				<b>31.5</b>
<b>Directional</b>		F	4 @ 2 square feet each	<b>(9@0.75sfs each) 6.75</b>
<b>Total of All Existing and Proposed Sign Area:</b>				<b>78.95</b>

**Calculating Signage under a Master Sign Plan**

WDB 25 allows a maximum potential amount of allowable signage under a master sign plan at 8% of the area of the street facing elevation of the building on the site. The applicant's proposal compares to that maximum as follows:

<b>Area of the Street-Facing Building Elevation:</b>	2,900 sf
<b>Percentage of Building Elevation:</b>	8%
<b>Maximum Potential Sign Area Allowed</b>	232 sf
<b>Proposed Sign Area</b>	78.95

- The proposed total sign area (78.95sf) does not exceed the maximum total sign area allowed by the regulations (232sf)
- The existing free-standing sign is proposed to be upgraded to 31.5sf
- Two (2) wall signs, each centered over a person-door and each measuring less than 24sf, are proposed on the south façade.
- Two (2) window signs are proposed, which meet the size requirement
- Nine (9) directional signs are proposed, which label designated parking spots. More than 4 directional signs area allowed at the discretion of the DRB, if they are in overall context with the site. A recommended finding has been included, which approves the five additional directional signs.

This master sign plan appears to comport with the Williston Development Bylaw.

**Special Flood Hazard Areas:**

This property is not within a Special Flood Hazard Area (SFHA).

**Watershed Health:**

There is an unnamed stream that begins at the western property boundary. This stream and buffer are now shown on the site plan, and are to be protected from encroachment by the use of jersey barriers.

**Review by other Departments:**

This project was reviewed by the Williston Department of Public Works (comments attached), which asked for additional information about stormwater. Additional information was provided to the satisfaction of that department (attached).

The Williston Fire Department had previously submitted the attached comments for DP 12-07 Amendment #2, asking for the addition of a Knox box for emergency access and asking that the applicant for the new use meet with the fire department for an inspection prior to taking occupancy. They did not submit comments for the currently proposed project.

**Actions:** 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 requesting a discretionary permit for adding a use, expanding an existing building, installing an overhead door and person door on the south side of the existing building, creating new employee parking and making changes to outdoor lighting at an existing developed site located at 85 Shunpike Road in the IZDW. The application also includes a master sign plan.
2. The existing uses include office space, an equipment service area and outdoor storage for a Construction company (Munson Earth Moving) and office space for South Burlington Realty. The proposed new use will include a customer greeting area, automotive service area, and outdoor storage for an automotive modifications and repair business.
3. Automotive repair (NAICS 8111) is an allowed use in the IZDW.
4. Nine directional signs marking the front parking spaces are proposed, which is more numerous than the four directional signs allowed per site in the bylaw.
5. The DRB makes the following findings related to the proposed master sign plan. The signs proposed by the applicant and described in above are:

- a. Consistent with the 2011-2016 Williston Comprehensive Plan (WCP):
  - i. Because the WCP requires multi-tenant properties to be regulated under master sign plans and calls for flexibility in the administration of master sign plans, including the allowance for larger or more numerous signs where they may be appropriate;
  - ii. Because allowing signs that are more numerous than the maximum allowed by WDB 25.A at 85 Shunpike Rd. is consistent with *WCP 2, "Williston's Vision for the Future*, where that vision includes a statement that the town will *"attend to the details of site planning and architectural design, including outdoor lighting, signage, access, and landscaping that give development both market appeal and long-term community value."*
- b. Consistent with the purpose and principles of WDB 25:
  - i. Because allowing signs that are more numerous than the maximum allowed by WDB 25.A at 85 Shunpike Rd. satisfies *WDB 25.1.2.4, "Well designed signs in the right locations can make a positive contribution to Williston's landscape, economy, and community life. Compliance with these standards will ensure they do so."*
  - ii. Because allowing signs that are more numerous than the maximum allowed by WDB 25.A at 85 Shunpike Rd. is in accordance with *WDB 25.1.2.5 Location Matters. "Different types, numbers, and sizes of signs are appropriate in different parts of Williston and the standards adopted here vary accordingly."*

#### **Conclusions of Law**

1. The proposed use, automotive modification and repair, is an allowed use in the IZDW.
2. The proposed development can meet the development standards of WDB Chapter 36 for the IZDW as well as other applicable sections of the WDB if it 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. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Outdoor storage is limited to the areas designated on the Final plan.

8. All outdoor storage must be buffered from public ways and adjoining properties, as required by Chapter 23.
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. All outdoor lighting fixtures shall be downcast, fully shielded and properly installed in accordance with WDB Chapter 24.
12. In accordance with WDB 24.7.3.4., parking area illumination must be reduced by at least 75% within 0.5hr of the close of the business the parking area serves.
13. Signage must be installed in accordance with the approved master sign plan. Any changes to the approved master sign plan are subject to approval by the DRB.
14. Privacy screen shall be added to the existing chain link perimeter fence surrounding the outdoor storage area, along the entire northern boundary and along 80 feet of the western boundary as measured from the northwest corner of the existing perimeter fence.
15. Absolutely no storage of debris or other materials will occur within the stream buffer.
16. The expansion shall match the existing in color and elevations.

**MOTION:**

**As authorized by WDB 6.6.3, I, *David Turner*, 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 May 24, 2016, accept the Findings of Fact and Conclusions of Law proposed by staff and approve DP 12 - 07 Amendment #3 for the proposed new use, building expansion, modifications to the existing building, and changes to outdoor lighting.**

**This approval authorizes the applicant to file final plans, obtain approval of those 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: *Peter Kelley***

**Vote: 6 Ayes – 0 Nays**

**\*Copy of e-mail from David & Michele Steady is attached to the end of the minutes.**

**8:15 P.M. Closed public hearing for DP 12 – 07 Amendment #3.**

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**\*Mr. Rieley recused himself from the hearing for DP 15 – 02 and Mr. Kelly chaired the discussion.**

**8:17 P.M. Opened public hearing for DP 15 – 02**

**DP 15 – 02: The Snyder Group Inc., 4076 Shelburne Road, Shelburne for Bryan Common, west off North Williston Road, is requesting Discretionary Permit level review of a proposal for 35 units**

**including 27 SFD, a triplex, and a four-plex, with a neighborhood park, open spaces and a primitive path access to the school/rec park in the Residential Zoning District (RZD).**

Representing the application was *Mr. Chris Snyder* of Snyder Homes, 4076 Shelburne Road, Ste.6, Shelburne, VT 05482, and *Mr. Andrew Rowe*, Lamoureux and Dickinson, Essex, VT.

Matt Boulanger read from the staff notes. The applicants are requesting a 35 unit residential development. He reviewed the growth management allocation schedule with the board. He also reviewed some of the applicant representations made at growth management. The applicant has submitted a traffic study as required. The development will result in approximately 38 PM peak hour trips. He added the comments from the Fire Department were from a couple of years ago and should probably be updated. He reviewed the recommendations from the Conservation Commission. Matt also reviewed how density is calculated, using only the land area that is not subject to watershed health requirements or that has steep slopes.

Chris Snyder spoke about the proposed development. Four of the dwellings proposed along the southerly property line of the property have been shifted to be part of the proposed development accessed by the loop road. Snyder stated that he didn't understand why the DPW wants the proposed road to be private and not public. Brian Jennings asked staff if there is an established policy regarding which roads become public and which ones are private. Ken said he was not sure is there is an established policy on this question. Jennings said it would be good to know the answer to this question.

Dave Turner asked if there are any raised crosswalks planned within the development that might slow traffic down. Rowe responded three striped crosswalks are planned including one at the intersection with North Williston Road. John Hemmelgarn asked about the proposed trails and if they developer would actually build them or just dedicate the land. There was a discussion about adding street trees along North Williston Road. Rowe said there is a Class II wetland in the area and tree planting could be difficult.

Allison Cranmer, 94 Keystone Drive, asked about the requirements for a landscaped buffer. She also suggested that the location of the path should be very clearly marked so that walkers are not roaming all over the place. She asked if there was going to be fence around the perimeter of the property. Boulanger explained the various buffer options in the town's regulations and there was not a fence proposed or required.

Jean Kissner, 305 North Williston Road, suggested there should be some sort of easement on the private road to insure there is public access to the path. She also requested there be some additional plantings along the south property line area. She also asked for an additional explanation of the three proposed lots.

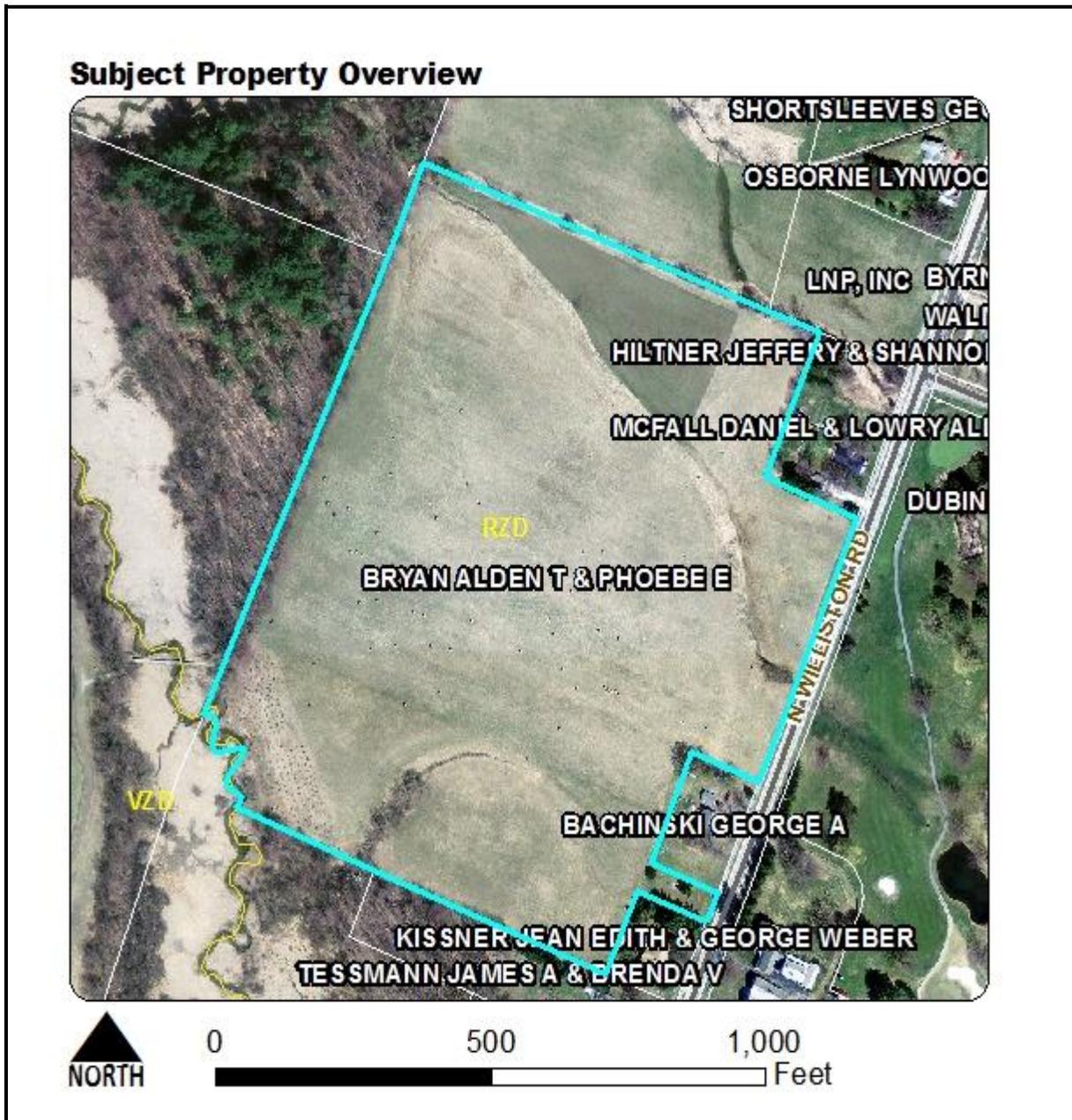
George Bachinski, 349 North Williston Road, said he lived close to several of the proposed houses and would like some screening as well.

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**Williston Development Review Board – May 24, 2016**  
**DP 15-02, Bryan Snyder/Creeks Edge Subdivision, Discretionary Permit Review**

**Staff Notes**

<b>Application No:</b> DP 15-02	<b>Name:</b> Bryan Snyder/Creeks Edge
<b>Tax Parcel #</b> 15:099:033.000	<b>Property Address:</b> North Williston Road
<b>Zoning District:</b> RZD	<b>Total Acres:</b> 23.25



**Overview:**

This is a request for discretionary permit review for a proposed 35-unit residential development of a 23.25 acre parcel in the Residential Zoning District (RZD). The subject property is located on North Williston Road.

The proposal calls for the creation of a new street in a loop configuration with 22 single-family homes on the outside of the loop and 13 multi-family units on the inside. The multi-family units are proposed to be in one four-plex and three tri-plex buildings. The parcel is proposed to be subdivided to create three parcels: Lot 1 near North Williston Road where the proposed neighborhood park will be built, Lo2 2 in the interior of the street loop, and Lot 3, on the exterior of the street loop. Each dwelling is also proposed to exist on its own “footprint” lot (a homeowner owns the land exactly beneath their foundation). “Footprint” lots have

been used before in Williston (in the Hamlet) and have generally not been treated as parcels for purposes of determining required setbacks or other requirements that are normally based on parcel boundaries.

**Project History:**

The proposed development was reviewed as a pre-application on September 23, 2014 and received residential growth management allocation for the construction of 35 proposed new dwelling units at the DRB's growth management hearing on March 24, 2015. The DRB awarded the project 35.5 points. The applicants returned to Growth Management on March 22, 2016 and received a score of 34.5 points and an allocation schedule that is slightly accelerated as compared to the original schedule awarded.

As a proposal on an undeveloped parcel of land, allocation is required for all units in excess of the single unit that could be built on the parcel without allocation. For this project, that means that 34 units of allocation are necessary to construct a total of 35 units.

Allocation for the project was awarded in March 22, 2016 is as follows:

<b>Bryan/Snyder Residential Development (Creeks Edge) Residential Growth Management Allocation</b>								
	Fiscal Year							
	2016	2017	2018	2019	2020	2021	2022	TOTAL
Units Allocated	6	9	6	4	4	4	1	34

At pre-application, the applicant showed a concept that included a second private street that would have served four single-family homes, with fewer multi-family homes in the center of the proposed loop street. The applicant's current proposal eliminates that private street and places more units in a multi-family configuration in the center of the loop.

The DRB's pre-application recommendations and the applicant's responses are shown below:

<b>Pre-Application Recommendation</b>	<b>Applicant's Response</b>
<p>1. All proposed findings and recommendations made by the Williston Conservation Commission at their 9/3/2014 and 9/17/2014 meeting shall also be adopted as Pre-Application recommendations:</p> <p>1. <i>A Habitat Disturbance Assessment shall be prepared by a qualified wildlife biologist and submitted by the applicant as part of a discretionary permit application. The HDA shall also address attributes to the site that contribute to its designation as a Unique Natural Community under WDB 27.7.</i></p> <p>2. <i>All watershed protection buffers should be permanently established in the field using trees, shrubs, boulders, or other method of permanent demarcation. No mowing or removal of vegetation should occur within</i></p>	<p>1. <i>The applicant has provided a Habitat Disturbance Assessment.</i></p> <p>2. Watershed buffers are delineated and proposed to be marked as shown on the landscape plan.</p>

<p><i>the buffers and should be stated so in the Homeowners Association Covenants.</i></p> <p>3. <i>The centerline of the unnamed tributary that runs through the northern portion of the parcel should be shown on the plans.</i></p> <p>4. <i>Stormwater outfalls should not daylight into wetlands. Stormwater Management Areas should be planted with wetland plants for the purpose of bio-remediating potential pollutants. Designated snow storage areas should be shown on the plans outside of all wetlands and wetland buffers.</i></p> <p>5. <i>The applicant should provide a brief feasibility analysis for the use of pervious pavement and explore the use of bio-retention practices (rain gardens, grass swales, etc.) or other methods (e.g. rain water cisterns) to disconnect both front and rear roof runoff from the stormwater system.</i></p> <p>6. <i>Draft easement documents for the proposed 10' primitive paths should be provided for the locations shown on the plans.</i></p> <p>7. <i>All buildings and appliances should meet Energy Code Plus standards.</i></p>	<p>3. There is no defined channel through the Class II wetland.</p> <p>4. Stormwater outfalls are located at the edge of the wetlands. Wetland plants are proposed in the stormwater infrastructure. Snow storage for street plowing is provided between the street curbs and the sidewalks.</p> <p>5. Applicant states that the soils on site and short driveways do not support the use of pervious pavement.</p> <p>6. Draft easements have been provided.</p> <p>7. All buildings have been promised to meet Five-Star per Growth Management representations made by the applicant.</p>
<p>8. All comments made by the Department of Public Works and stated in their memo dated 9/11/2014 shall also be adopted as pre-application recommendations. The applicant shall meet all Public Works Standard Specifications.</p>	<p>8. The applicant has responded to DPW comments and has received comment on the discretionary permit proposal as discussed below.</p>
<p>9. Recommend the applicant should be prepared to address traffic impact on North Williston Road to assure safe and adequate access to the development.</p>	<p>9. The applicant has provided a traffic impact assessment.</p>
<p>10. The landscaping plan shall provide screening behind units 1-5 to North Williston Road, street trees, and abutting properties.</p>	<p>10. Per the revised site plan, proposed homes have been moved away from North Williston Road Landscaped buffers are shown on the plan in some areas.</p>

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

This application was reviewed by Williston's police, fire, and public works departments.

The Williston Fire Department has not made recent comments on this project. A records search by staff reveals that comments on the pre-application of this project were sent to staff on September 18, 2014, but the staff notes for the September 23 hearing had been distributed at that time. WFD comments in 2014 identified a need for WFD to review road widths and hydrant placement as well as spacing between buildings. WFD also recommended that all of the units be protected with sprinkler systems. Staff has attached WFD's 9/18/2014 memo to this report and recommends a condition of approval that the applicant meet with the Fire department to discuss this recommendation prior to the filing of final plans.

The memo from the Williston Public Works department dated May 10, 2016 (attached) requests that the proposed street be private and not public. The memo goes on to address several plan details including utility connections, the lack of a need for a stormwater easement, and the requirement for a pre-construction meeting. Staff recommends a condition of approval requiring compliance with DPW's memo.

The Williston Conservation Commission also reviewed this project and the submitted HDA. Their transmittal is attached. The WCC's recommendations are as follows:

5. All watershed protection buffers should be permanently established in the field using trees, shrubs, boulders, or other method of permanent demarcation. No mowing or removal of vegetation should occur within the buffers and should be stated so in the Homeowners Association Covenants.
6. The portion of open space on Lot 3 outside the watershed protection buffers should be mowed only once annually, in late summer.
7. Stormwater Management Areas should be planted with wetland plants for the purpose of bio-remediating potential pollutants.
8. Densely planted trees or a hedge is recommended to the west of units 9, 10 and 11 to screen properties from the nature trail.
9. All buildings and appliances should meet Efficiency Vermont Certified standards.

Staff has drafted a condition requiring compliance with all comments from other departments and town boards as expressed in their attached memoranda. The WCC conditions have also been referenced as DRB conditions.

**Staff Comments:**

**Use:**

The proposed subdivision will be for the purpose of adding 35 new dwellings to the parcel. Single and multi-family dwelling units are an allowed use in the RZD.

**Residential Density:**

The applicant is proposing a development which will result in 35 dwelling units on 23.25 acres of land, where the maximum allowed residential density in the zone is three dwelling units per 43,560 square feet (1 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.

The applicant has provided an assessment of these constraints and has determined that approximately 9.24 acres are in wetlands or wetland buffers. The remaining 14.01 acres have less than a 15% slope and are outside of mapped wetlands and wetland buffers, leaving the potential for up to 42 dwelling units.

<b>Constraint</b>	<b>Acres</b>	<b>Allowable density/Acre</b>	<b>Allowable Dwelling Units</b>
wetlands, wetland and stream buffers and slopes 30% and greater	9.24	0 Dwelling units/Acre	0
slopes 15-29.9%	0	RZD: 1 Dwelling unit/ 1 acre	0
unconstrained	14.01	RZD: 3 Dwelling units/ 1 acre	42.03
<b>Total</b>	<b>23.25</b>	<b>n/a</b>	<b>42</b>
<b>Proposed</b>			<b>35</b>

Because WDB 1919.1.3.3 requires rounding down to the nearest whole number when determining residential potential, the maximum number of dwellings allowed on the parent parcel is estimated at 42, where at total of 35 are proposed.

**Access:**

The new dwelling units are proposed to be accessed by a new curb cut and street off North Williston Road. Pedestrian access will be provided via sidewalks on both sides of the street and with two primitive trail connections to the town’s existing trail system.

WDB 39 also requires that parcels have a minimum 40 feet of frontage on a public or private road. Lots 1-3 as proposed meet this requirement.

**Setbacks:**

All of the proposed dwelling units are shown a minimum of 25 feet from the proposed street right-of-way, as required by WDB 39. Other setbacks on the project are governed by WDB 23, *Landscaping and Buffering*. Staff notes that “higher density residential subdivisions” are required by WDB 23.a to have a minimum 36-foot wide Type III buffer to “agriculture or conserved lands,” such as those to the west of the subject parcel. Staff notes that there does not appear to be room for a 36-foot buffer shown between units 9, 10, and 11 and the property line of the subject parcel, nor are any plantings proposed in that location. Staff recommends that a 36-foot wide Type II buffer is required between units 9, 10, and 11 and the adjacent conserved lands. Here there is room, a 50-foot buffer consisting of existing wooded vegetation is may be utilized.

**Traffic:**

Permit applications for new single and multi-family homes have to be accompanied by impact fees including traffic impact fees. The DRB did request a traffic impact analysis for this project. The analysis provided by the applicant shows that there will be 38 PM-Peak Hour trip ends generated by the added development on this parcel. The analysis also concludes that the project will not create adverse traffic congestion or unsafe conditions on the surrounding roads and intersections.

**Outdoor Lighting:**

No outdoor lighting is proposed beyond typical lighting fixtures on the homes themselves.

**Design:**

Although this project is not within the Village Zoning District or the Design Review District, the DRB did discuss building designs with the applicant at the pre-application hearing. The applicant has submitted renderings of the proposed structures and of the view of the overall project from North Williston Road.

**Staff Recommendation:**

Staff recommends that the discretionary permit application be approved with the following findings of fact, conclusions of law, and conditions of approval.

**Findings of Fact:**

1. This is a discretionary permit review for a 35-unit residential development of a 23.25 acre parcel located off North Williston Road in the Residential Zoning District (RZD).
2. WDB 39 states that single-family and multi-family dwellings are an allowed use in the RZD.
3. On March 22, 2016, the DRB approved growth management allocation for 34 dwelling unit equivalents (DUe) for this project. One DUe is defined by WDB 11.3.2 as a dwelling containing two or more bedrooms.
4. A portion of the parcel falls within a mapped wildlife travel corridor and core habitat.
5. The Development Review Board has determined that the proposed project qualifies for the exemption to the prohibition on encroachment upon sensitive wildlife habitat areas (SWHA) under WDB 27.5.6.6., *Documentation of No Adverse Effect* where the conditions below are applied.

**Conclusions of Law:**

1. The proposed residential use is an allowed use in the RZD.
2. The proposed development can meet the development standards of WDB Chapter 39 for the RZD as well as other applicable sections of the WDB if it 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. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB.
3. 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.
4. 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.
5. 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 43, 44, and 45.
6. 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.

7. 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.
8. All residential outdoor lighting shall be in conformance with WDB 20.11.
9. All new utilities shall be installed underground.
10. 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.
11. Final plans shall comply with the recommendations contained within the comments transmitted to the DRB by the Williston Public Works Department on 5/10/2016, excluding the comment that read that the road shall be private. The DRB has determined that the road may be a public road/street.
12. Prior to the submission of final plans, the applicant shall discuss the recommendations contained within the comments transmitted to the DRB by the Williston Fire ~~Works~~ Department on 9/18/2014, excluding the comment about sprinklers. The DRB has determined there is no code requirement for sprinklers in buildings.
13. These conditions of approval also adopt the findings and recommendations transmitted by the Williston Conservation Commission on 5/19/2016, as findings of fact and conditions of approval, respectively.
14. 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.
15. 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.
16. 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.
17. A 36-foot wide Type II buffer is required between units 9, 10, and 11 and the adjacent conserved lands. Where there is room, a 50-foot buffer consisting of existing wooded vegetation is may be utilized.
18. Open space and watershed protection buffers shall be permanently demarcated on the ground as shown on the current plans.
19. The applicant shall provide increased landscaping on the southeast corner extending from the wetland buffer to the Bachinski property to better buffer the properties from the adjoining properties.
20. Striped crosswalks need to be shown on the Final Plans
21. The applicant will work with the Conservation Committee on how primitive paths shall be shown or identified on the property.

**MOTION:**

**As authorized by WDB 6.6.3, I, *Brain Jennings*, move that the Williston Development Review Board, having reviewed the application materials 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 May 24, 2016, accept the Findings of Fact, Conclusions of Law and Conditions of Approval proposed by staff for the review of DP 15 - 02 and approve this Discretionary Permit for a 35 unit residential subdivision.**

**The DRB will retain the review and approval of final plans for this development.**

***Changes were made to conditions #11; #12; and conditions #19; #20; and #21 were added as was approval of final plans by the DRB.***

**SECONDED by: *Claire Forbes*                      VOTE: 5 Ayes – 0 Nays- 1 Abstention (Rieley)**

**9:08 P.M. Closed public hearing for DP 15 – 02**

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**\*Chairman Rieley returned to chair the DeVita proposal.**

**9:10 P.M. Opened public hearing for DP 16 – 20.**

**DP 16 – 20: Frank DeVita, PO Box, Holly Springs, NC 27540, for Pre-Application review for a 4-lot subdivision of previously approved Lot #5 (SUB 95-10) of 35.4 acres, changes to septic systems, and merging Lot #1 and Lot #6 off Fieldstone Drive, in the Agricultural Residential Zoning District (ARZD). CONTINUED FROM APRIL 26<sup>TH</sup> MEETING**

**Representing the application were *Mr. Doug Goulette, Lamoureux and Dickinson, Essex, Vt., and Mr. Frank DeVita, PO Box, Holly Springs, NC.***

Ken Belliveau gave the staff report, including the project history and the recent review by the DRB of the proposed changes. Belliveau said that the project was continued by the DRB to give the staff time to review the open space requirements for open space from the original project approval. Belliveau said that his conclusion after a review of the file is that establishing further development on Lot#5 of the original subdivision should be reviewed based only on the land area of Lot #5 and not the entire subdivision. Belliveau said that the staff continues to recommend that the street be brought up to current standards and be modified to end in a cul-de-sac instead of a hammerhead.

Doug Goulette said that they agree with the interpretation by staff on the use of Lot#5 for project review, but do not agree with establishing a cul-de-sac at the end of the street. Frank DeVita said that he did not think there was room for a cul-de-sac without pushing the proposed houses into the approved mound system locations.

John Hemmelgarn asked about the Lot 6 and Lot 1 changes. Doug Goulette said that those changes are “housekeeping” changes to eliminate a “septic lot” by merging lot #1 with lot #6.

Ken Belliveau said that there would be a net reduction in mound systems for the overall project with this change, because today only one system is required whereas when it was originally proposed a backup system for each unit was also proposed.

Gary Holbrook, Underhill, stated that he had visited the property a number of times and wants to build a house there. He said that he would walk away from the lot if a cul-de-sac was required. It would take away land from the lot he is considering to purchase. He would not want to live in a development where he had to pay taxes plus pay to maintain the road. He felt a cul-de-sac would become a ‘turn around’ for everyone off Oak Hill Road.

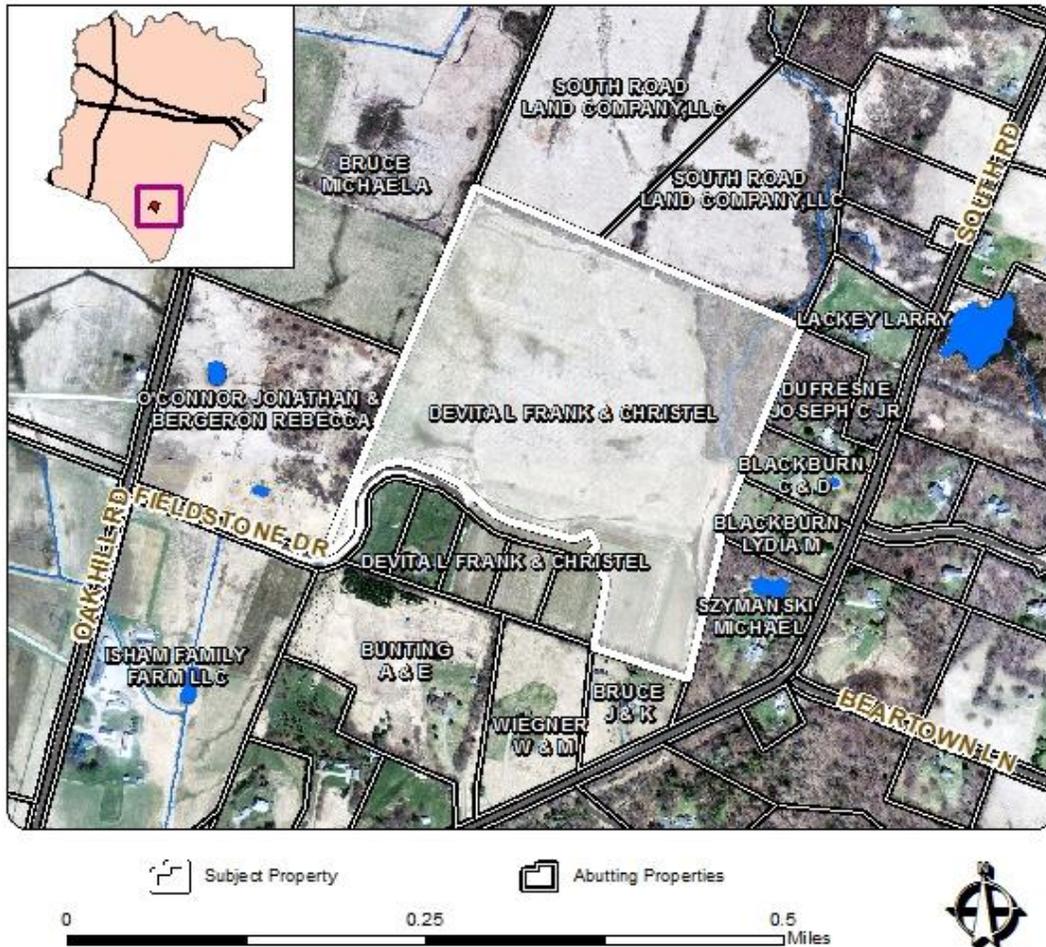
**Williston Development Review Board – May 24, 2016  
 DP 16-20 DeVita 4-lot Subdivision, Pre - Application Review  
 Staff Notes**

<b>Application No:</b> DP 16-20	<b>Name:</b> DeVita 4-lot Subdivision
<b>Tax Parcel #:</b> 24:166:101.000e &000f	<b>Property Address:</b> 290 Fieldstone Drive
<b>Zoning District:</b> Agricultural Rural Residential (ARZD)	<b>Total Acres:</b> 35.44 ± acres

**Overview**

This is a request for Pre-Application review for a proposed amendment of 3-lot residential subdivision 35.44± acre parcel in the Agricultural/Rural Residential Zoning District (ARZD). The subject property is located on the east side of Oak Hill at Fieldstone Drive. The property is currently developed with a one single family dwelling, addressed as 290 Fieldstone Drive with an additional 4 residential lots that as of now have not been built upon. The proposal calls for changing the configuration of two of the lots by moving lot lines and resulting in an additional 3 building lots. This request was continued from the April 26, 2016 DRB meeting to allow staff to review the original subdivision approval.

**Subject Property Overview**



### **Project History**

A 5-lot residential subdivision was approved on this property by the planning commission as SUB 95-10 on December 19, 1995. The project received 5 units of residential growth management allocation as part of that approval. It should be noted that although this was called a 5 lot residential subdivision under SUB 95-10, there were 5 building lots and a 6<sup>th</sup> non-buildable lot for the location of some of the disposal mounds for the septic system. The original subdivision SUB 95-10 was approved prior to the current 75% open space requirement.

On June 11, 2013 the DRB reviewed the Pre-Application for the Fieldstone Drive Subdivision (DP 13-22) for additional development of the subject property; however, the applicants subsequently decided to withdraw the proposal and build the originally approved subdivision.

### **Open Space**

The current proposal from the applicant calls for two modifications of the open space for the subdivision as it was originally approved as described below:

1. Lot 6 of the approved subdivision was not designated as an open space lot or as a building lot. Rather it was a lot that was reserved for the location of disposal mounds for some of the septic systems serving the subdivision. This lot is immediately to the west of Lot 1. The current proposal calls for eliminating the lot line between these two lots, resulting in the septic systems being located on Lot 1.
2. Lot 5 of the approved subdivision is a building lot, and in addition it also contains the land area designated as a “no build zone”, which today would be labeled as open space. The current proposal would separate the designated open space for the subdivision into its own separate lot (Lot 6), leaving the buildable area of Lot 5 with a land area of approximately 1.4 acres.
3. Taken together, these two changes would result in 5 building lots and a 6<sup>th</sup> open space lot.

### **Growth Management**

Additional growth management allocation will be required for the three (3) additional house lots.

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

#### **Conservation Commission**

The proposed development was reviewed by the Conservation Commission at their April 7, 2016 meeting. Their recommendations are listed below:

1. At least 75% of SUB 95-10 (26.55 acres) must be designated as open space. Open space must be contiguous, must be plated as a separate parcel, clearly delineated on the site plans and permanently monumented on the ground.
2. The applicant needs to submit a Habitat Disturbance Assessment (HDA) prepared by a qualified wildlife biologist as part of their Discretionary Permit application.
3. The applicant must further assess the impacts of proposed development on the secondary middle ground and primary foreground viewshed corridors. Mitigation strategies should be employed as necessary.
4. Prior to submitting a Discretionary Permit application, the applicant must contact the District 4 Environmental Commission and obtain a written opinion on whether the

proposed project will require an amendment to Act 250 Land Use Permit 4C0980 or any associated permits.

### **Public Works**

The Public Works Department has submitted comments in their memo dated April 18, 2016. The Public Works Department has stated that Fieldstone Drive would need to meet the town's current public works design standards. This will likely mean that the "hammerhead" at the end of fieldstone Drive would have to be replaced with a "cul-de- sac" as provided by the town's public works design standards.

### **Discussion**

The applicant is proposing to further subdivide land that has already been subdivided under previous town regulations. The original approval (SUB 95-10) authorized the creation of 5 buildable lots with an open space area defined on the plat. This previous approval pre-dates the town's current requirements for a set aside of a minimum of 75% of the acreage as open space as required under the current bylaw. The applicant is asking that four of the originally approved buildable lots be excluded from consideration in this review. The request focuses on merging Lot 1 with part of Lot 6, and then dividing Lot 5 into 3 additional building lots.

At the direction of the DRB, staff has reviewed the file of SUB 95-10 again to help inform the decision making concerning this request. There is no record in the file of SUB 95-10 that the development was considered to be a PUD, and thus the existing platted lots should be considered as separate from the land area under this proposal. The DRB should base its decision on density calculations and open space requirements on the 35.44 acres as part of Lot 5 from the original subdivision approval

### **Recommendations:**

1. The applicant shall be authorized to file an application for a discretionary permit to amend SUB 95-10 to change the proposed property lines as discussed.
2. Septic disposal fields and mounds located on lots other than the lot being served by the septic system shall be granted access to those fields and mounds through the creation of easement(s).
3. ~~The existing road (Fieldstone Drive) shall be brought up to the town's current public works standards.~~
4. The applicant shall submit a revised water and wastewater discharge permit reflecting any changes in the design of the septic systems or well locations in the proposed subdivision.
5. The applicant shall obtain a storm water discharge permit and meet the town's current stormwater discharge requirements.
6. All proposed findings made by the Williston Conservation Commission at their 4/7/2016 meeting shall also be adopted as Pre-Application recommendations.
7. A minimum of 75% of the land area of the lot to be subdivided shall be designated as permanently protected open space. All of the land area designated as the "no building zone" in SUB 95-10 shall be included in the designated open space area, and none of the proposed lots shall encroach within this area
8. ~~All comments made by the Department of Public Works and stated in their memo dated 4/18/2016 shall also be adopted as Pre-Application recommendations.~~

**MOTION:**

As authorized by WDB 6.6.3, I, *Peter Kelly*, 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 April 26<sup>th</sup> and May 24, 2016, accept the recommendations proposed by staff for the review of DP 16 - 20, and authorize the applicant to proceed to residential growth management review in accordance with the recommendations stated above.

**Recommendations #3 and #8 were eliminated.**

SECONDED by: *John Hemmelgarn*                      Vote: 5 Ayes - 1 Nay (Jennings)

Speaking from the audience was Gary Holbrook, Underhill.

9:24 P.M. Closed public hearing of DP 16 – 20.

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III. Minutes for April 24, 2016

Minutes for April 24, 2016 were approved “as written” at a specially called DRB meeting on May 10, 2016, (5:10 p.m. – 5:11 p.m.) just to approve the minutes. The motion was made by Brian Jennings and seconded by David Turner. The vote was 4 Ayes – 0 Nays.

IV. Other Business and Communications

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9:25 P.M. Opened public hearing for HP 16 – 02

**HP 16-02 Erdman: Certificate of Appropriateness**

Jonathan Erdman, 7595 Williston Road, represented his application before the board. Matt Boulanger read from his staff notes. The applicant is requesting to reside a house with Hardiplank in the Village Zoning District. There is a recommendation for approval from the HAAC.

**MOTION:**

I, *David Turner*, make the motion to approve HP 16-02, a Certificate of Appropriateness, with recommendations 1 and 2 as forwarded by the HAAC, for Jonathan Erdman to replace his siding and shutters with hardi-type composite materials

SECONDED by: *Brian Jennings*    VOTE: 6 Ayes – 0 Nays

9:27 P.M. Closed hearing for HP 16 – 02.

V. Adjournment

Meeting was adjourned at 10:24 P.M.

**For further information, please call the Planning & Zoning offices at 878-6704 or visit the offices in the Annex at 7878 Williston Road.**

**\*See attachments for: 85 Shunpike; Bryan Commons and Eardman siding**

**Ken Belliveau**

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**From:** mcsamst@comcast.net  
**Sent:** Tuesday, May 24, 2016 12:33 PM  
**To:** Ken Belliveau  
**Subject:** DP 12-07 Amendment #2: South Burlington Realty Co. LLC

Ken,

Referencing DP12-07 Amendment #2 concerns and requests by the Steadys that own property to the north of the South Burlington Realty Co. property at 85 Shunpike Road.

**Concerns:** Noise and smells from engines from Green Mt. Gear Heads  
Hours of operation for Green Mt. Gear Heads

**Requests:** Additional screening on north side of So. Burlington Realty property bordering Steady property  
Minimum lighting in rear of new constructed building and lighting pointed downward not to cascade toward the Steady property line.

Thank you,  
David & Michele Steady





Bryan Commons / Creeks Edge

**Bryan Commons**  
North Williston Road  
Williston, Vermont



**Traffic Impact Assessment**

**Project Introduction**

Bryan Common (hereafter referred to as the Project) is a proposed planned residential development located on the west side of North Williston Rd opposite the Williston Golf Course. The Project will include 23 single family residences and 13 multi-family condominium units. Each residential unit will be located on a footprint lot. Access to this Project will be provided onto North Williston Rd via a new public street to be named "Bryan Common". New sidewalks located on both sides of Bryan Common will also link to the existing shared-use path on the west side of North Williston Rd to facilitate bicycle and pedestrian travel modes. The Project will also include a link to the existing Williston trail system with a boardwalk across Allen Brook to provide convenient pedestrian access to the Williston Central School.

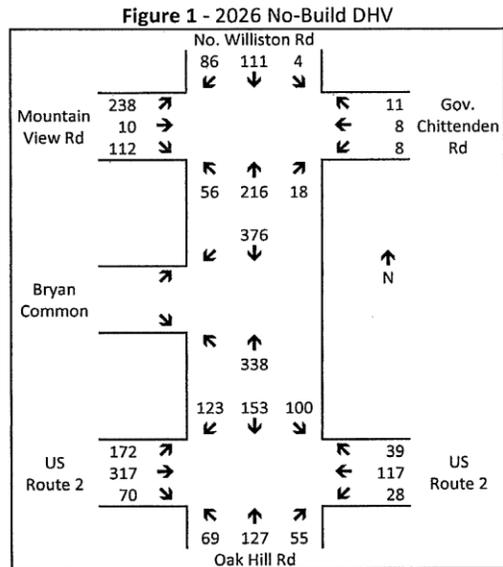
Construction of this Project will be phased over a 4-5 year period beginning in 2017.

**Background Traffic Volumes**

Background traffic volumes on North Williston Rd in the immediate vicinity of this Project were obtained from a turning movement count performed by the Vermont Agency of Transportation (VTrans) at the US 2/North Williston Rd intersection on August 1 & 2, 2013. The observed pm peak hour volumes from that count were adjusted to a design hour volume (the 30<sup>th</sup> highest hour of traffic volumes in a year) using data from VTrans Continuous Count Station (CTC) D129, located nearby on VT Route 2A in Williston. Background traffic volumes at the North Williston Rd/Mountain View Rd intersection were also obtained from the 2012 *Intersection Study* performed by Resource Systems Group, Inc.

Background daily traffic volumes and annual design hour volumes at the two Williston CTC stations, D061 on US Route 2 and D129 on VT Route 2A, have been flat or declining since 2011. VTrans' most recent estimates of traffic growth in Vermont's urban areas predict continued declining traffic volumes. For the purpose of this traffic impact assessment, zero growth has been used from 2016 to 2026. Figure 1 presents the estimated 2026 background (no-build) design hour turning movement volumes in the vicinity of this Project.

With am peak hour volumes being less than pm peak hour volumes at both intersections, this traffic impact assessment (TIA) only examines traffic congestion conditions during the latter time period.



**Project-Generated Traffic**

Anticipated peak hour trips for this Project were calculated using published trip generation rates<sup>1</sup> for single family dwelling and residential condominium (ITE Land Use Categories #210 and #230, respectively). Table 1 summarizes the resulting peak hour trip generation estimates.

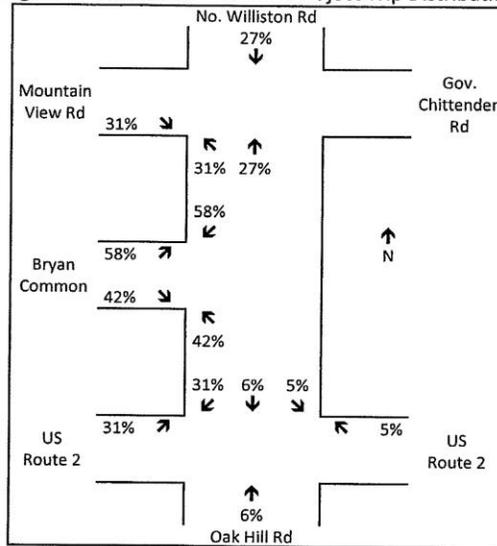
**Table 1 - Weekday Trip Generation**

Average Weekday (vte/day)	AM Peak Hour (vte/hr)			PM Peak Hour (vte/hr)		
	Enter	Exit	Total	Enter	Exit	Total
249	6	21	27	24	14	38

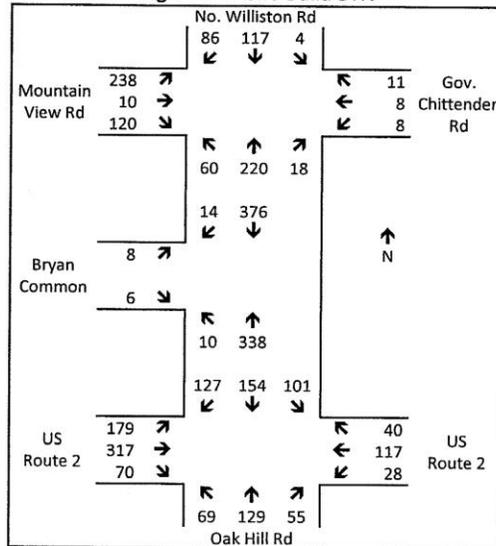
The directional distributions of peak hour project-generated trips were estimated using Williston residence-to-workplace travel data from the 2010 US Census combined with local knowledge and engineering judgement regarding the route choices to/from this Project. Figure 2 presents the estimated peak hour directional distributions. Combining the project-generated trips with the no-build volumes provides the 2021 Build DHV turning movements shown in Figure 3.

<sup>1</sup> *Trip Generation*, Institute of Transportation Engineers, 9<sup>th</sup> Edition

**Figure 2 - Estimated Peak Hour Project Trip Distribution**



**Figure 3 - 2026 Build DHV**



**Traffic Congestion**

Levels of service (LOS) at intersections are determined by the average control delay; measured in seconds per vehicle. The methodology for analyzing LOS is established by the *Highway Capacity Manual (HCM)*<sup>2</sup>. Table 2 summarizes the LOS/delay criteria for signalized and unsignalized intersections.

**Table 2 - Level of Service/Delay Criteria**

LOS	Avg. Delay (sec/veh)		LOS	Avg. Delay (sec/veh)	
	Signalized	Unsignalized		Signalized	Unsignalized
A	≤10	≤10	D	≤55	≤35
B	≤20	≤15	E	≤80	≤50
C	≤35	≤25	F	>80	>50

In Vermont, LOS C represents the desired design standard for roadways and signalized intersections<sup>3</sup>. At two-way stop controlled (unsignalized) intersections having greater than 100 vph approach volume on a single-lane side street approach or greater than 150 vph approach volume on a two-lane side street approach, the VTrans level of service policy establishes LOS D as the desired design standard on the minor street approach(s). There is no level of service standard for unsignalized intersections not meeting the above side street volume thresholds. Reduced levels of service are acceptable in densely settled areas where volume/capacity ratios remain below 1.0 and/or the improvements required to achieve LOS C would create adverse environmental and cultural impacts. Transportation demand management (TDM) strategies can also be used to help mitigate levels of service not meeting the foregoing standards.

The US 2/North Williston Rd and North Williston Rd/Mountain View Rd intersections meet the above approach volume thresholds for unsignalized intersections, but the North Williston Rd/Bryan Common Rd intersection does not.

Future traffic congestion conditions in the immediate vicinity of this Project were determined by performing unsignalized intersection capacity analyses at each intersection. All analyses were performed using *Synchro v.8*. The results are presented in Table 3. Detailed analysis worksheets are also attached in Appendix A.

<sup>2</sup> *Highway Capacity Manual*, Transportation Research Board, 2010

<sup>3</sup> Vermont Agency of Transportation Highway Design "Level of Service" Policy, May 31, 2007

**Table 3 - Intersection Levels of Service**

Intersection / Approach	2026 PM Peak Hour (DHV)					
	No-Build			Build		
	LOS	Delay*	Max Q	LOS	Delay*	Max Q
<b><u>No. Williston Rd &amp; Mtn. View Rd</u></b>						
Mtn. View Rd EB	D	26	153'	D	29	170'
Gov. Chittenden Rd WB	B	13	5'	B	13	5'
No. Williston Rd NB	A	2	3'	A	2	3'
No. Williston Rd SB	A	0	0'	A	0	0'
<b><u>No. Williston Rd &amp; Bryan Common</u></b>						
Bryan Common EB	-	-	-	B	13	3'
No. Williston Rd NB LT	-	-	-	A	1	0'
<b><u>US 2 &amp; No. Williston Rd/Oak Hill Rd</u></b>						
US Route 2 EB	F	120	705'	F	121	703'
US Route 2 WB	C	15	48'	F	16	48'
Oak Hill Rd NB	C	19	80'	C	19	80'
No. Williston Rd SB	D	29	185'	D	30	198'

\* seconds per vehicle

**Traffic Safety**

The posted speed limit on North Williston Road in the immediate vicinity of the Project is 35 mph. At 35 mph, the minimum safe stopping sight distance (250 ft) represents the minimum sight distance required to provide adequate safety. The recommended intersection sight distance of 390 ft provides improved traffic flow and safety. Traffic exiting Bryan Common will have over 500 ft of available sight distance both north and south on North Williston Rd.

During the five-year period from 2011-2015, a total of five (5) crashes were reported on North Williston Rd between US Route 2 and Mountain View Rd. Two of the five were single vehicle crashes (one DUI and the other technology related). The remaining crashes appear to involve operator error (driving too fast, followed too closely, etc.) rather than geometric conditions (e.g. sharp curve, steep grade or limited sight distances). There are no high crash locations in the vicinity of the Project.<sup>4</sup>

**TDM Strategies & Multi-Modal Connections**

The proposed sidewalks along both sides of Bryan Common will connect to the Town of Williston's existing extensive shared-use path and sidewalk network at its intersection with North Williston Rd. A new trail connection will also extend west to the Town's existing trail system connecting to the Williston Central School.

<sup>4</sup> Vermont Agency of Transportation 2010-2014 High Crash Location Report, November 2015

Local transit service during weekday morning and afternoon peak periods is provided along North Williston Rd by the Burlington/ South Burlington/ Williston bus route (Route 1V). Existing bus stops are located just north of Route 2 and at Fairway Dr.

**Fair-Share Contribution**

Chapter 45 of the Town of Williston's Land Development Regulations (LDR) (see **Appendix B**) requires all development in the Town of Williston to pay a transportation impact fee. For this Project, the required contribution will equal \$22,652 (22 single family units @ \$707 per unit plus 13 multiple family units @\$546 per unit ).

Chapter 45 identifies 15 separate projects (8 local plus 7 state) as being eligible for transportation impact fee funding (Table 45.A). Included are future intersection improvement projects at the US 2/North Williston Rd and North Williston Rd/Mountain View Rd intersections. Recent studies have been performed at both intersections by the Chittenden Regional Planning Commission/Town of Williston to identify improvements that would reduce traffic congestion and improve traffic safety.

At the US 2/North Williston Rd intersection, an *Initial Scoping Report* was prepared in October 2009 by Resource Systems Group, Inc. That study recommended the installation of a roundabout, which was initially adopted by the Williston Selectboard as the preferred alternative. Subsequent public meetings, however, resulted in that alternative being abandoned. This intersection has been an all-way stop control intersection since 2001. Flashing red beacons were installed on the stop signs of both US 2 approaches in 2009 to improve traffic safety.

An *Intersection Study* was also prepared for the North Williston Rd/Mountain View Rd intersection prepared in July 2012 by Resource Systems Group, Inc. This study's preferred alternative maintains the existing intersection geometry and two-way stop control, but recommended the installation of new curbing, sidewalks, a crosswalk with raised median islands and warning signs to improve safety.

**Conclusion**

We conclude, based on the foregoing analyses, that the proposed Bryan Common planned residential development will not create adverse traffic congestion or unsafe conditions on the surrounding roads and intersections. This Project also includes new sidewalk and trail connections which will promote the use of alternative travel modes; thereby reducing the use of individual vehicles.





Erdman Residence at 7559 Williston Road