WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 17-01.4	Discretionary Permit	Northridge – Amendment #4
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
749 Metcalf Drive	09:012:043.123, 09COM.043.000	John Evans
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
October 13, 2020	BlackRock Construction, LLC	O'Leary-Burke Civil Associates
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

BlackRock Construction, LLC requests a Discretionary Permit to amend Northridge Subdivision Phase II to consolidate two lots and modify the landscaping plan areas north of Metcalf Drive and east of Coyote Lane in the Residential Zoning District (RZD). The applicant is proposing to eliminate the 0.38-acre Lot #23 and relocate the previously proposed duplex on this lot to Lot #26. This would result in 2 duplex units located on footprint lots within Lot #26. The applicant is also proposing to retain existing vegetation for screening within the open space corridor running north-south between Bobcat Drive and Chloe Drive, and eliminate the previously proposed new plantings. The subject parcels are currently undergoing the preliminary stages of construction including roads, utilities and other infrastructure.

22 acres±	Vacant	Residential	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Residential	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

APPLICABLE BYLAW CHAPTERS:

☐ 2. Nonconforming Lots, Uses, and Structures	☐ 16. Maintenance	☐ 24. Outdoor Lighting
☐ 4. Permit Exemptions	☐ 17. Non-Residential Accessory Uses and Structures	☐ 25. Signs and Public Art
☒ 10. Boundary Adjustments	☐ 18. Compatibility, Potential Hazards, and Nuisances	☐ 26. Street Trees
☐ 11. Growth Management	☐ 19. Density, Transfer of Development Rights	☐ 27. Conservation Areas
☐ 12. Subdivisions and Final Plans	☐ 20. Residential Improvements	☐ 28. Special Flood Hazard Areas
☐ 13. Access, Connectivity, Traffic Studies	☐ 21. Telecommunication Facilities	☐ 29. Watershed Health
☐ 14. Off-Street Parking and Loading	☐ 22. Design Review	☒ 31-42. Zoning District
☐ 15. On-Site Infrastructure	☒ 23. Landscaping	☐ 43-45. Impact Fees

Chapters 1, 3, 5-9, 30, 46 and Appendices are not usually discussed in DRB staff reports.

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	DECISION[3]

Procedural notes: [1]When continuing, the DRB must specify reason or request additional information and announce a date certain. [2]The DRB cannot deliberate or decide until a hearing has been closed. [3]The DRB has 45 days to issue a decision after closing a hearing.

Staff recommends the DRB take testimony, close the hearing and deliberate tonight. Staff recommends approval of this Discretionary Permit amendment with Findings of Fact, Conclusions of Law and Conditions of Approval stated at the conclusion of the staff report.

ATTACHMENTS						
	☒	Narrative Letter	☐	Photos	☒	Public Testimony
	☒	Site Plan(s)	☐	Elevations	☒	Other (specify): Department of Public Works memo

PROJECT HISTORY

This is the first time the DRB is reviewing this request. Prior approvals include:

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
September 27, 2016	DP 17-01	Northridge subdivision reviewed as pre-application
March 28, 2017	DP 17-01	Northridge (Phase I) received allocation for 21 Dwelling Unit Equivalents
March 13, 2018	DP 17-01	Northridge received Discretionary Permit approval
June 12, 2018	DP 17-01	DRB approved final plans for Northridge
December 11, 2018	DP 17-01.1	DRB reviewed a preapplication for Northridge Phase I to amend its allocation schedule to allow more units to be built sooner.
March 26, 2019	DP 17-01.1	The application for Northridge was withdrawn, so the original allocation schedule was not amended.
November 12, 2019	DP 17-01.2	DRB reviewed a preapplication for the remaining 18 units of the previously approved Northridge subdivision. Preapplication approval was necessary for the project to move forward to growth management review in the upcoming calendar year.
March 24, 2020	DP 17-01.2	Northridge (Phase II) received allocation for 18 Dwelling Unit Equivalents
October 13, 2020	DP 17-01.3	Northridge (Phase I) proposed amendment to establish footprint lots for units along Zoey Drive and construct a 6' high stone retaining wall along 300' of the proposed recreation path North of Metcalf Drive

DATE OF HEARING	PERMIT NUMBER	DESCRIPTION

INTERDEPARTMENTAL REVIEW

☒ *Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB*

	DEPARTMENT	MEMO DATE	CONDITION	NOTES
☐	**PUBLIC WORKS**	September 30, 2020	Included	Yes, see below
☐	**FIRE**	September 21, 2020	Excluded	N/A
☐	**POLICE**	N/A	N/A	N/A

NOTES:

The Fire Dept did not have comments. The Department of Public Works noted that Lot 26 is not adequately labeled on the site plan. Staff has included a proposed condition to require that Lot 26 be labeled near where the duplexes are shown on the site plan. Staff also recommends the duplexes on Lot 26 be numbered as the other dwellings on footprint lots are.

PUBLIC COMMENT

1 comment letter (with attachments) was received at the time of mail out (October 8, 2020).

NAMES: Lori Marino

PROJECT ELEMENTS

☒ *Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB.*

☒ **Discretionary Permit Procedures** N/A

WDB 6 DECISION

NOTES:

The proposed project is the fourth amendment to a development previously approved by the DRB as DP 17-01. The proposed changes relate solely to landscaping and lot layout. As stated under WDB 6.10.3.1, **the scope of the hearing and DRB action will be limited to determining whether the proposed amendment complies or fails to comply with this bylaw.** WDB 6.10.3.2 provides that the scope of review may be expanded when the subject property is not in full compliance with the bylaw.

BYLAW EXCERPT:

6.10.3 What if a substantial change is necessary? The approved final plans must be amended. Final plan amendments are made using the discretionary permit procedure of this chapter, but skipping the pre-application step, and subject to the additional rules established here.

6.10.3.1 Limited Scope. The scope of the hearing and DRB action will be limited to determining whether the proposed amendment complies or fails to comply with this bylaw.

6.10.3.2 Exception to Limited Scope. The scope of review may be expanded when an amendment to the approved final plans is proposed on a property that is not in full compliance with those plans or this bylaw.

6.10.3.3 Conditions. The DRB may impose conditions designed to ensure compliance with specific, cited requirements of this bylaw on the approval of a proposed amendment.

6.10.3.4 Depiction. The plans submitted with the proposed amendment must show the proposed changes from the approved final plans using color or another technique that makes it easy for reviewers to identify the changes.

☐ **Residential Zoning District** Standard

WDB 39 DECISION

PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Residential		Yes	Residential use does not have a NAICS code

Dimensional Standards

NOTES:

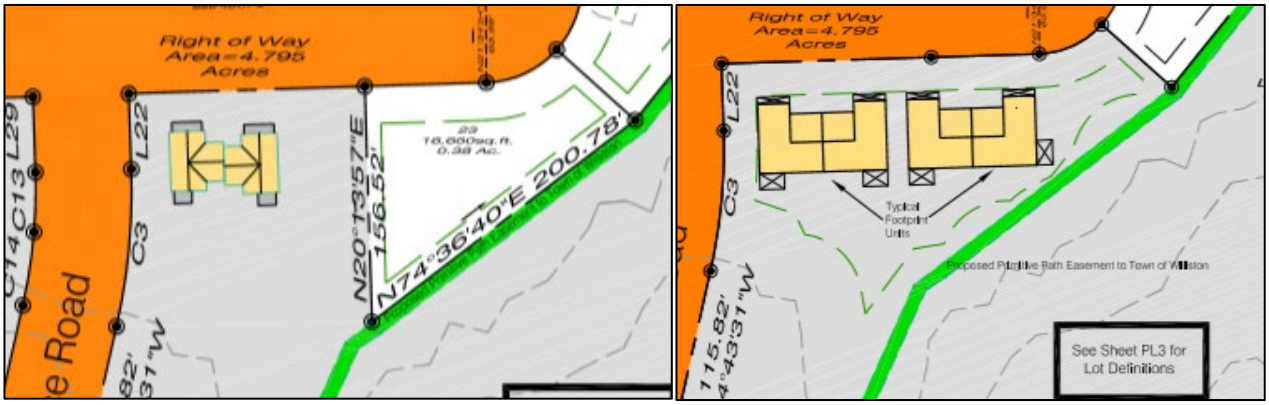
The placement of both duplexes on Lot #26 appear to comply with all setback requirements.

☐ **Boundary Adjustments** Standard

WDB 10 DECISION

NOTES:

The applicant is proposing to merge two lots in a previously approved residential subdivision. Lot #23 (0.38 acres) is proposed to be eliminated or merged into Lot #26. Lot #26 will increase in size to 22.11 acres. No new lots will be created, and the boundary adjustment will not result in additional development potential. A duplex was previously proposed for Lot #23 and will be relocated to Lot #26. The total unit count will remain at 39 residential units. According to WDB 10.1.1 the proposed Boundary line Adjustment may be approved by the Administrator.



BYLAW EXCERPT:

10.1.1 What is a boundary adjustment? A boundary adjustment is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

EXHIBITS:

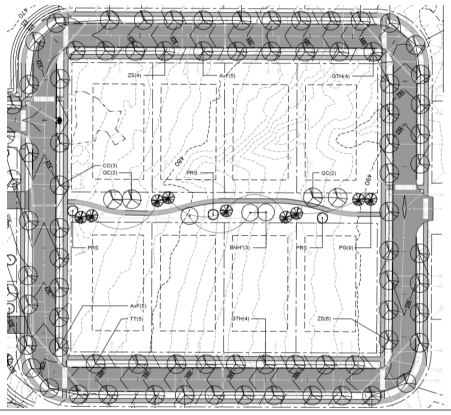
Plan Sheets 3 and 4 (both labeled as PL2) show the previously approved and proposed lot configurations.

☐ **Landscaping** Standard

WDB 23 DECISION

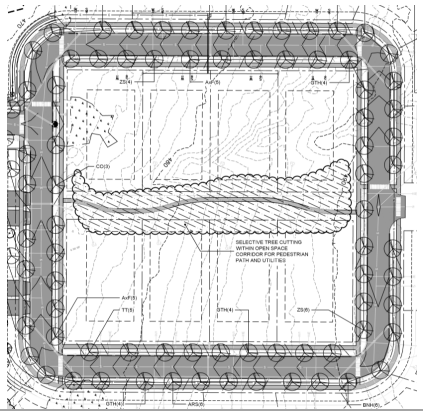
NOTES:

WDB 23 requires a landscaped buffer to be provided for adjoining uses around the outside perimeter of a proposed development. WDB 23.A establishes a minimum width for landscaped buffers of different types in different situations. WDB 23.2.2 requires that existing vegetation, where it can serve as landscaping, be retained to the extent possible. The applicant proposes to retain the majority of the existing wooded vegetation within the 35ft open space corridor separating the rear of Phase I lots 15-18 and Phase II lots 19-22 and eliminate the proposed plantings. The proposed amendment to the Landscaping Plan complies with WDB 23. No changes to perimeter landscaping are proposed.



Left – previously approved landscaping plan element showing open space corridor with path and proposed plantings.

Right – proposed landscaping plan showing open space corridor with path and existing vegetation.



BYLAW EXCERPT:

23.3.1 Must a development provide landscaped buffers for adjoining uses? Table 23.A shows where landscaped buffers are required. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below.

23.2.2 Can I replace all existing vegetation? Existing vegetation that can effectively serve the landscaping functions listed in the introduction to this chapter shall be retained to the extent possible, while accommodating the permitted level of development. An application for a permit may be rejected solely on the grounds that it fails to retain existing vegetation where that vegetation can fulfill the functions listed in the introduction to this chapter.

DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to develop the property for Residential Use. WDB Chapter 39 lists Residential as an allowed use in the Residential Zoning District.

2. The applicant is proposing amendments to a residential subdivision previously approved as DP 17-01.

CONCLUSIONS OF LAW

1. The use(s) proposed as part of this discretionary permit are allowable uses in the Residential Zoning District.

2. The proposed development can meet the development standards of WDB Chapter 39 for the Residential Zoning District as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

CONDITIONS OF APPROVAL

1. The applicant shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.

2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items:

    a. Williston Public Works Memo dated September 30, 2020 and a written response to the department outlining the changes that were made in response to their comments.

3. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.

4. The applicants shall enter into a development agreement with the town guaranteeing any required public or private improvements. The applicant shall post any required letters of credit or escrow amounts to guarantee the completion of these improvements in accordance with town standards and the conditions of approval prior to the approval of final plans for the proposed development, as specified by WDB 7.1.

5. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.

6. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.

7. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.

8. Any required vehicular and bicycle parking shall be provided as required by WDB Chapter 14 and indicated on the site plan approved by the DRB. A parking table describing the number of parking spaces, including both vehicular and bicycle parking, and the calculation of how the proposed parking meets the requirements of WDB Chapter 14 shall be included on the site plan submitted for Final Plans.

9. 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.

10. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

11. 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.

12. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.

13. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.

14. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of an approved master sign plan as required by WDB Chapter 25. The master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.

15. Any mechanical equipment and utility connections including but not limited to HVAC, water, gas, antennae, and electrical meters and connections shall be fully screened from public view, unless otherwise authorized by the DRB, as required by WDB 18.12.

16. 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.

17. Any public improvements required by the approval of this proposed development (including, but not limited to roads, sidewalks, water & sewer connections) must be built in accordance with the Town's specifications as specified by WDB 7.1.3.

18. 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.

19. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.

20. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.

21. Lot #26 shall be clearly labeled on the site plan near the proposed footprint lots.

22. The two (2) duplexes shown on footprint lots within lot #26 shall be numbered in a manner similar to the other proposed footprint lots.

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 October 13, 2020, accept the Findings of Fact and Conclusions of Law for DP 17-01.4 and approve this Discretionary Permit subject to the Conditions of Approval 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.

Williston Fire Department **FIRE / EMS**

MEMO

To: DRB Staff

From: Ryan Prouty, Lieutenant

Date: September 21, 2020

Re: DP 17-01.4 Northridge

The Fire Department has completed review of the above referenced project and offers the following;

The Fire Department has completed review of the Discretionary Permit and has no further comment at this time.

Thank you for including the Fire Department in the review process.

Town of Williston
7900 Williston Road
Williston, VT 05495
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1763
•
Public Works
(802) 878-1239

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: September 30, 2020

RE: DP 17-01.4 Northridge

Public works has completed a technical review of the above referenced plan. Project shall conform to the latest Public Works Standard Specifications. As-Built plans and Engineering Certifications are required at the completion of the project, prior to Certificate of Occupancy (CO). Please provide a **written response** to the following items prior to receiving approval for the project:

1. Lot 26 is not label, or not easy to locate.

The applicant must obtain the signature of DPW staff on the Final plans Checklist showing that the final plans address the above comments prior to submitting final plans to the Planning and Zoning staff for review and approval.