

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 17-01.6

Discretionary Permit

Northridge – Gravel Path

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

Chloe Circle – interior block

09-COM-043-000

NorthRidge Williston, LLC

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

April 25, 2023

BlackRock Construction, LLC

Benjamin Avery

HEARING DATE

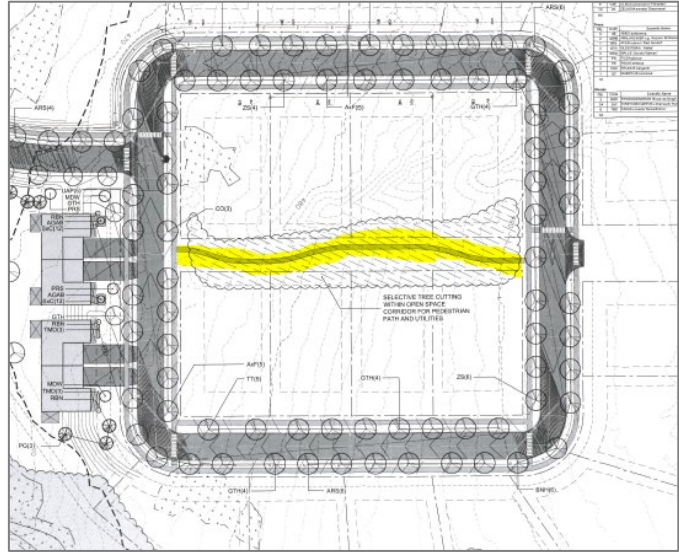
APPLICANT

REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request to amend Final Plans for DP 17-01, the NorthRidge subdivision, to eliminate a proposed gravel path.

The unbuilt path is within a 35.38’ wide private right-of-way located behind the homes at 182, 196, 214, 228, 346, 360, 376, 390 Chloe Drive.



0.82 acres

Residential

No Change

Private Road

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
- 4. Permit Exemptions
- 10. Boundary Adjustments
- 11. Growth Management
- 12. Subdivisions and Final Plans
- 13. Access, Connectivity, Traffic Studies
- 14. Off-Street Parking and Loading
- 15. On-Site Infrastructure

- 16. Maintenance
- 17. Non-Residential Accessory Uses and Structures
- 18. Compatibility, Potential Hazards, and Nuisances
- 19. Density, Transfer of Development Rights
- 20. Residential Improvements
- 21. Telecommunication Facilities
- 22. Design Review
- 23. Landscaping

- 24. Outdoor Lighting
- 25. Signs and Public Art
- 26. Street Trees
- 27. Conservation Areas
- 28. Special Flood Hazard Areas
- 29. Watershed Health
- 31-42. Zoning District
- 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

HEARING¹

DELIBERATE²

DECISION³

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

Staff recommends that the DRB conduct a public hearing on the request, close the hearing, deliberate, and consider conditions of approval for the amendment, which have been drafted by staff and are attached to this report. Staff notes specific condition #19 – no action on final plans can be taken until the Development Agreement and guarantees for private improvements are renewed pursuant to WDB Chapter 7 and as expounded among in a Zoning Administrator letter dated August 12, 2024.

PROJECT HISTORY

This is the first time the DRB is reviewing amendment #6. Prior approvals include:

September 27, 2016	DP 17-01	NorthRidge subdivision reviewed as pre-application
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
March 28, 2017	DP 17-01	NorthRidge (Phase I) received allocation for 21 Dwelling Unit Equivalents and a score of 44.5 points
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
March 13, 2018	DP 17-01	NorthRidge received Discretionary Permit approval
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
June 12, 2018	DP 17-01	DRB approved final plans for NorthRidge
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
December 11, 2018	DP 17-01.1	DRB reviewed a pre-application for NorthRidge Phase I to amend its allocation schedule at Growth Management hearing to allow more units to be built sooner.
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
March 26, 2019	DP 17-01.1	The Growth Management application for NorthRidge was withdrawn, so the original allocation schedule was not amended.
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
November 12, 2019	DP 17-01.2	Pre-application approval for the remaining 18 units to move forward to growth management review in the upcoming calendar year.
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
March 24, 2020	DP 17-01.2	NorthRidge (Phase II) received allocation for 18 Dwelling Unit Equivalents and a score of 48 points.
DATE OF APPROVAL	PERMIT No.	DESCRIPTION
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 No.	DESCRIPTION
October 13, 2020	DP 17-01.4	NorthRidge (Phase II) proposed amendment to eliminate a lot and place two duplex units on footprint lots, increasing the size of lot 26, and to modify the landscaping plan for the gravel path between lots 15-18 and 19-22
DATE OF HEARING	PERMIT No.	DESCRIPTION
April 25, 2023	DP 17-01.5	Modify community elements (pool, poolhouse, sidewalks) in Kadance Circle
DATE OF HEARING	PERMIT No.	DESCRIPTION

ADVISORY BOARDS

<input type="checkbox"/>	CONSERVATION COMMISSION (WCC)	N/A	N/A
	NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/>	HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)	N/A	N/A
	TRANSMITTAL DATE	TRANSMITTAL DATE	CONDITION

INTERDEPARTMENTAL REVIEW

<input type="checkbox"/>	PUBLIC WORKS	September 23, 2024	N/A – No Comment
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	FIRE	September 18, 2023	N/A – No comment
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	POLICE	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION

PUBLIC COMMENT

No comment letters were received at the time of mail out (October 3, 2024).

NAMES: N/A

<input type="checkbox"/>	Enforcement and Guarantees	Specific – Condition #19
	WDB 7	DECISION
<p>The Development Agreement and Letters of Credit must be renewed before any more permits, including final plans for this request DP 17-01.6, certificates of occupancy, and zoning compliance certifications are approved. WDB Chapter 7 requires a Development Agreement and that all public and private improvements be guaranteed. All improvements in Northridge are private and can be guaranteed by escrow or letter of credit. The NEFCU letters of credit expired in June 2023 and April 2024.</p> <p>As part of this development agreement, cost-estimates and close out schedule for all outstanding work is required. P&Z and DPW staff compiled a list of outstanding work, including but not limited to:</p> <ol style="list-style-type: none"> 1. Pool house, pool, playground, practice field with soccer nets, sidewalks, landscaping per DP 17-01.5 Final Plans 2. Street trees and landscaping per DP 17-01.3 & 17-01.4 Combined Final Plans L-101 and L-102. 3. Chloe Circle interior block 4' wide gravel path (note: may be eligible for removal from the approved plan set via a discretionary permit amendment) 4. Repair and/or replace damaged (cracked & chipped) curbs 5. Repair and/or replace cracked and lifting sidewalks 6. Inlet protection needs to be removed 7. Silt fence removed 8. Top lift/wearing layer for roads 9. Compliance with SW Permit 8008-9050 10. Hydrant Flag 11. *added 10/3/2024* Irrevocable Offers of Dedication and Warranty Deeds for roads and bike path, excluding the 32.38' wide right-of-way through the Chloe Circle center block 		

This matter is before the DRB for review because “Build Path and Trails” is a Growth Management criterion. Modifications to any residential subdivision should not change the vested Growth Management score.

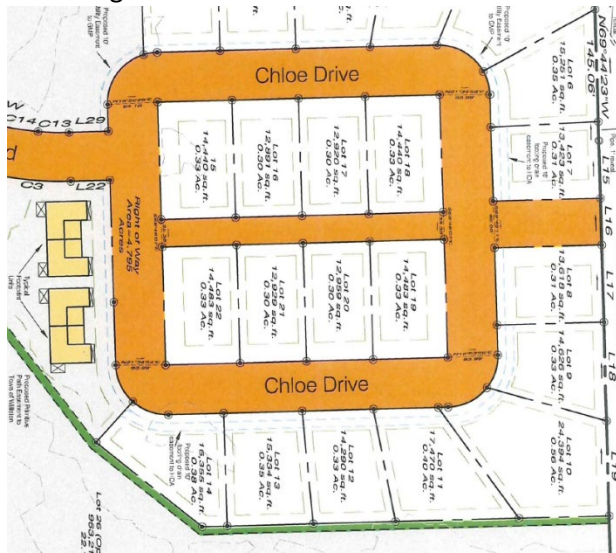
Planning staff recommends that it is acceptable to removal of the unbuilt gravel path from the final plans. This change does not impact the vested Growth Management score. The 5/10 score was primarily based upon the 500’ bike path and floating trail easement, with no explicit mention of this gravel path. This area is still platted as right-of-way and the plat is not changing. The homes are served by sidewalks on both sides of Chloe Circle. Constructing the gravel path would require grading and removal of trees.

This application does not modify the other ‘Build Path and Trail’ elements. The 500’ bike path was constructed. The floating trail easement is not changing.

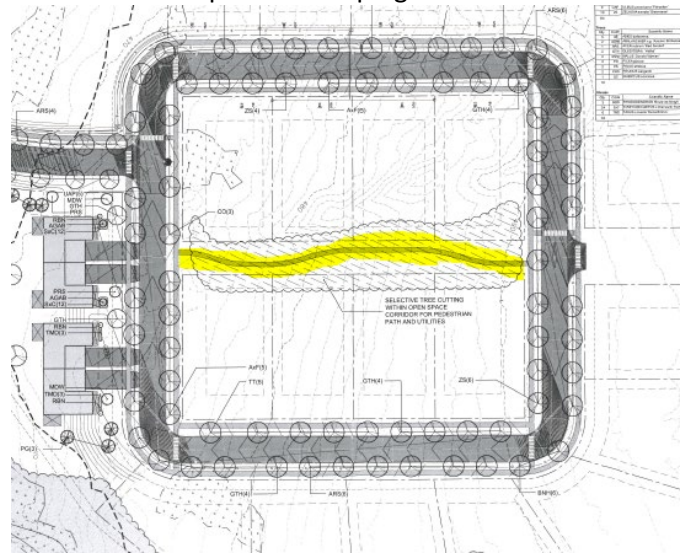
2020 Growth Management Summary:

The DRB’s review and decision should be based upon the 2020 score. NorthRidge received a score of 48 points, including 5/10 points for ‘Build Paths and Trails.’ 2020 Questionnaire statement: “We are building approximately 500’ of new bike path. We have also granted a floating trail easement through the open space that would be approximately 2000’ feet. Both have access to pedestrian connectivity.”

Northridge Plat screenshot:



Final Plans Excerpt – Landscaping Plan



BYLAW EXCERPT:

11.8.5 Build Paths and Trails (0-10 points). This criterion favors proposed residential subdivisions that build their portion of the paths and trails called for by the 2016–2024 Williston Comprehensive Plan (see Policy 6.6).

- The majority of the proposed dwelling units are served by the town’s path and trail system, with the developer building all on-site path segments and dedicating all on-site trail segments – 1-10 points, depending on the length of the path or trail segment/s.
- no path or trail connection is built or dedicated – 0 points

DECISION AND MOTION

FINDINGS OF FACT

1. This application is based upon the October 15, 2019 version of Chapter 11 in the Williston Unified Development Bylaw (WDB).
2. The applicant proposes to remove an unbuilt gravel path from the final plans and landscaping plan set that was proposed for the platted right-of-way behind the homes at 182, 196, 214, 228, 346, 360, 376, 390 Chloe Drive.
3. The 2020 Growth Management score for “WDB 11.8.5 Build Paths and Trails” is 5 out of 10 points.
4. The applicant’s 2020 Growth Management questionnaire referred to “*building approximately 500’ of new bike path*” and “*granted a floating trail easement through the open space.*”

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.
3. Eliminating the gravel path does not change the Growth Management score of 5/10 points for WDB 11.8.5 Build Paths and Trails.

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.
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. 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.
15. 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.
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. 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.
18. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
- 19. Final Plans shall not be approved until the Northridge subdivision is brought into compliance with WDB Chapter 7 Guarantees for public and private improvements.**

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 8, 2024, accept the Findings of Fact and Conclusions of Law for DP 17-01.6 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.