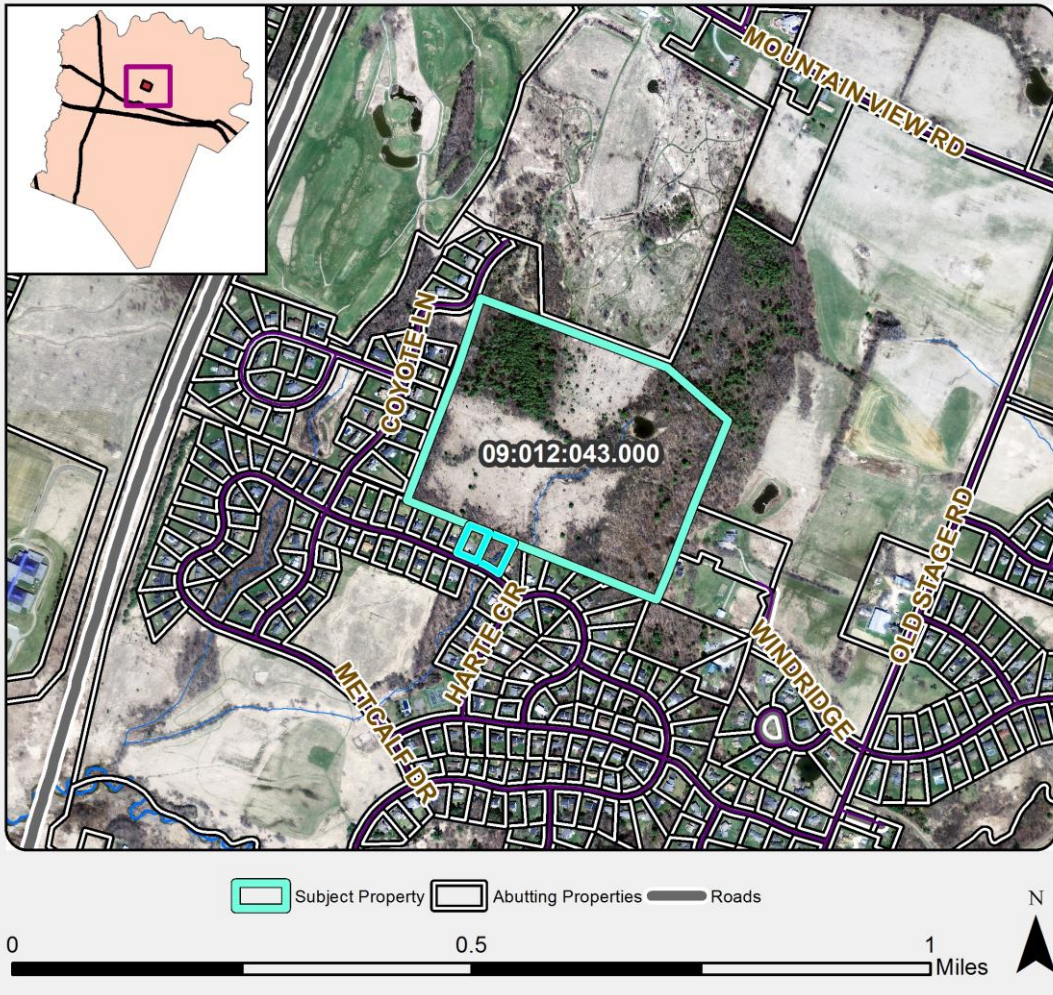


**Williston Development Review Board – January 9, 2018
DP 17 - 01, Northridge Residential Subdivision**

Staff Notes

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

Subject Property Overview



Overview

This is a request for a discretionary permit for phase I of a proposed 40 unit residential development of a 44 ± acre parcel in the Residential Zoning District (RZD). The first phase seeking approval at this time is for 18 condominium units in the southwestern end of the subject property. The applicant is also requesting a boundary line adjustment with a neighboring property (Tax Parcel # 09-080:002) on the north side of Metcalf Drive in order to have enough land area to locate the proposed access road from Metcalf Drive. The subject property (Tax Parcel # 09:012:043) is an undeveloped parcel located to the north of Metcalf Drive and east of Coyote Lane. Tax Parcel # 09:080:002 is developed with a single family dwelling. The proposal calls for the creation of a network of public streets, with

access to the site coming from road connections from both Metcalf Drive and Coyote Lane. Although this project is in the RZD, where there is not a required amount of protected open space (as there is in the ARZD), this project is considered an open space development under WDB 19, and areas such as watershed protection buffers are required to be included in permanently protected open space. The proposal also includes a community recreation area and an extension of the town's bike path system.

Project History

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

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

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

Staff Comments:

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

Use:

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

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

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

Phasing:

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

Access:

The development proposal calls for a network of public streets within the development, with proposed road connections from Metcalf Drive to the south. A second access road from Coyote Lane initially shown at pre-application was determined to not be feasible and was thus abandoned.

Road access from Metcalf Drive was anticipated years in advance when the Southridge development was approved. The proposed road access to Metcalf Drive is in a reserved right-of-way in the vicinity of an un-named stream. A 50 foot stream buffer from this street is required. In order to meet the stream buffer and have sufficient land area for the width of the proposed public right of way, the applicant is proposing a boundary line adjustment (BLA) with the property to the west (Tax Parcel # 09:080:102). The applicant has not specified how much land area is being requested to be acquired from the westerly parcel. A BLA may be approved by the DRB, however, the BLA cannot create any non-conformities in either of the parcels of land involved. To that end, Tax Parcel # 09:080:102 would have maintain a 25 foot setback from the proposed road, Kadence Road, and the existing driveway would have to be relocated. Staff recommends that all of these details be shown on the plan set prior to the DRB taking action on this application.

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

Traffic:

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

Utilities:

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

Landscaping and Buffering:

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

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

Review by other Boards and Town Departments:

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

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

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

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

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

1. All surface waters on the parcel shall remain undisturbed during and after construction, and all building envelopes must be located outside of any and all watershed protection buffers.
2. Watershed protection buffers must be demarcated on the ground as well as on the final plans. This may be accomplished using plantings, fences or other landscape features such as a line of boulders.
3. The State wetlands office conducted a site visit confirming that none of the wetlands designated as Class 3 on the site plan are connected to Class 2 wetlands. The WCC is therefore not recommending protection of the Class 3 wetlands nor are they recommending establishment of a watershed protection buffer around these wetlands.
4. The Conservation Commission supports the recommendations of the Williston Department of Public Works addressing stormwater infrastructure for the proposed development.
5. The WCC supports the recommendations of the HDA, to: limit disturbance to Class II wetlands to road and utility crossings; maintain damp woods, thickets and scrub areas east of the stream draining from man-made pond; and provide protection for non-disturbed areas by means of a conservation easement, association bylaws or other suitable legal documents.
6. The WCC recommends the elimination of the proposed sidewalk on the east side of Cadence Rd, to mitigate impacts to Class 2 wetlands.

7. The applicant should provide draft documentation for a floating primitive trail easement through the undeveloped portion of the property, the exact location to be determined at a later date and agreed upon by both parties. The WCC would like the applicant to provide some details of the path easement at this time – including a note and general location of the proposed path on the site plan. The WCC recommends the path easement be located as follows: start from the Town-owned right of way north of the parcel, head in a southerly direction just east of the proposed building lots off Asher Circle and west of the wetland and tributary, then just east of the proposed stormwater pond and west of the tributary, then south through the ROW to Metcalf Drive.
8. The site plan should incorporate landscaping around the perimeter as needed for visual screening.

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

Staff Recommendation:

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

Recommended Action

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

Findings of Fact

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

Conclusions of Law

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

Conditions of Approval

1. The applicants shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. All development of the subject property shall be in conformance with the Final Plans approved by this permit unless otherwise authorized by the DRB, as specified under WDB 6.10.
2. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
3. Final Plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The Final Plans shall include the following items and revisions:
 - a. Williston Conservation Commission memo dated January 3, 2018:
 - i. The requirement for a Habitat Disturbance Assessment is waived, but a building envelope for Lot 2 shall be designated on the site plan and demarcated on the ground to prevent future encroachment into the forested part of the parcel.
 - ii. All wetland buffers shall be permanently marked on the ground as well as on the final plans. All building envelopes should be outside of the delineated wetlands and associated buffers, and these buffers should remain undeveloped and in native vegetation that remains undisturbed and unmowed.
 - iii. Site the house so as to minimize the impact to the viewshed.
 - b. Williston Public Works Department memo dated December 20, 2018.
4. All exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
5. All landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of Final Plans.
6. that the borders of all wetland buffers be demarcated by fencing, woody trees or boulders as provided by WDB 29.9.7.
7. Any required legal documents, such as easement agreements, offers of dedication of land, warrantee deeds, and development agreements shall be submitted as applicable shall be submitted with the submission of Final Plans.
8. Following the signing of Final Plans, the applicants shall first obtain an Administrative Permit(s) prior to starting any work proposed as part of this project.
9. Prior to obtaining any Administrative Permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapters 43, 44, and 45 and the Williston Impact Fee Ordinance.

10. No occupancy or use of the proposed buildings shall take place until a Certificate of Compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Fire Department's requirements have been satisfied shall also be required prior to the issuance of a Certificate of Compliance.
11. There shall be no mowing, or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
12. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
13. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.

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 January 9, 2018, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 17-01, and approve this Discretionary Permit subject to conditions above.

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