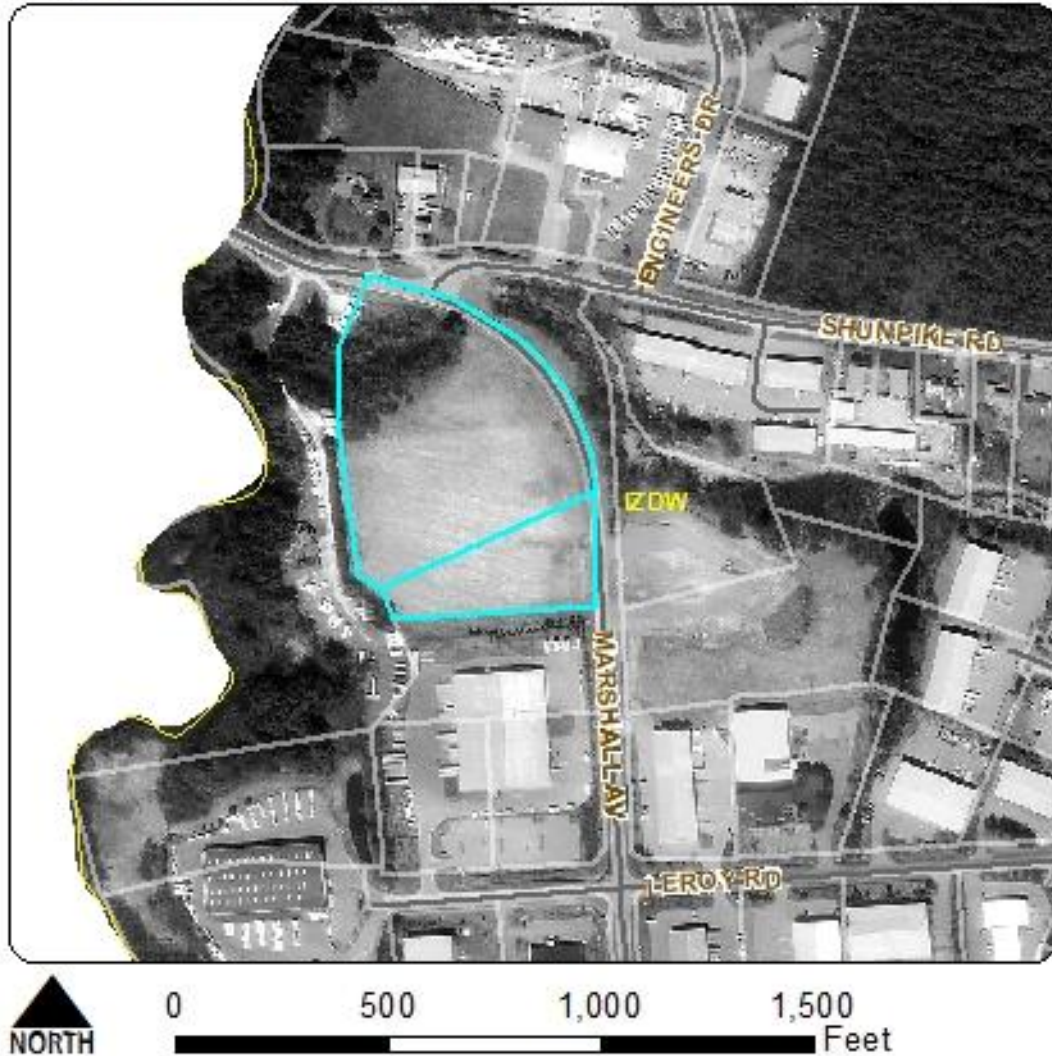


**Williston Development Review Board (DRB) Staff Report**

<b>Application Stage:</b> Discretionary Permit	<b>Hearing Date:</b> January 9, 2017
<b>Application No:</b> DP 18-05	<b>Project Name:</b> Burlington Emergency and Veterinary Services (BEVS)
<b>Property Address:</b> Marshall Avenue	<b>Zoning District:</b> Industrial Zoning District West (IZDW); Design Review District
<b>Tax Parcel #:</b> 07:069:045.000	<b>Existing Lot Size:</b> 3.0 Acres

**Subject Property Overview**



**Overview**

This is a request for discretionary permit review of a proposal to to adjust a boundary line between two adjacent lots and develop the smaller of the two new lots with a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances on Marshall Avenue in the Industrial Zoning District West (IZDW). The property is currently undeveloped.

**Project History:**

The DRB previously reviewed this project on October 24, 2017 as a pre-application. Recommendations made by the DRB at the pre-application and the applicant’s responses to those recommendations are as follows:

<b>Pre-Application Recommendation</b>	<b>Applicant’s Response</b>
1. The applicant shall adjust the parking calculations to reflect demand for a veterinary clinic as described in WDB 14. The applicant shall present the board with supporting data and calculations.	The applicant has complied with this, showing a 68-space parking are with room to expand if necessary.
2. The applicant shall review and respond to the comments noted below as part of the submission of an application for a Discretionary permit. a. Williston Public Works Department memo dated 10/1/2017 and a written response to the department outlining the changes that were made in response to their comments.  b. Williston Fire Department memo dated 10/11/2017 and a written response to the department outlining the changes that were made in response to their comments.	The applicant has responded to these comments and has received review and comment from these departments on their discretionary permit application.
3. The applicant shall conduct a traffic study.	The applicant has provided a traffic impact assessment; predicting an additional 60 PM-Peak-Hour vehicle trips during the week and concluding that this additional burden will not create undue congestion or adverse impacts to the surrounding road system.
4. The applicant shall obtain all necessary stormwater permits.	The applicant has provided a stormwater narrative.
5. The applicant shall use a consistent land use designation for all trip generation and parking calculations.	The applicant has done this, using the “Animal Hospital/ Veterinary Clinic” land use category.

The property is currently undeveloped. The subject lots, which have the same tax parcel ID number, are lots 26 and 27 of the Production Park commercial subdivision and were created when that subdivision was approved.

**PROJECT ELEMENTS:**

**Proposed Use:**

The applicant proposes Veterinary Services, North America Industry Classification System (NAICS) Code 541940, as uses for the property. All Professional, Scientific, and Technical Services (NAICS 54) uses are allowed in the IZDW.

**New Structure:**

The applicant has proposed to construct a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances. Including parking, lighting, walkways, and stormwater and snow storage areas.

**Subdivision and/or Boundary Line Adjustment:**

The subject parcels share a common boundary which is proposed to be relocated as part of this proposal. There is no minimum lot size required in the IZDW and both lots will continue to have frontage on Marshall Avenue.

**Outdoor Lighting:**

Outdoor lighting is proposed as part of this application and compares to the requirements of WDB 24 as follows:

<b>Project Compliance with WDB 24, <i>Outdoor Lighting</i></b>		
Applicable Lighting Zone: Other	As Required by WDB 24	As Proposed by the Applicant
Any prohibited lighting types per WDB 24.2.4?	Uplighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	No uplighting proposed; complies.
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:	All fixtures are proposed to be shielded; complies
Maximum Total Unshielded Lumen Output per WDB 24.A	Other: 10,000 lumens/acre	0 lumens/acre; complies
Maximum Total (including shielded and unshielded fixtures) Lumen Output per WDB 24.A	Other: 200,000 lumens/acre	< 200,000 lumens/acre; complies
Parking Lot Illumination Level per WDB 24.B	Other: 1.2 footcandles	1.39-1.45 footcandles; DOES NOT COMPLY. Staff recommends a condition of approval: "Final plans must show a lighting plan that does not exceed the allowed parking lot illumination level of 1.2 fc. "
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	18.5:1; complies.

Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	16.7 footcandles, DOES NOT COMPLY. This appears to be due to fixtures over entryways. Staff recommends a condition of approval: "Final plans must show a lighting plan that does not exceed the 5fc maximum, including at entryways and porches."
Light Timing	<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>	Final plan must include language requiring dimming and shutoff as described in WDB 24.
Luminaire Orientation	<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>	Complies, light trespass is minimal.

**Setbacks and Landscaping:**

A complete landscaping plan has been included with the application for discretionary permit for this project. The subject parcel is adjacent to a warehouse and shipping company, vacant land, and a residential property. Chapter 23 of Williston’s Unified Development Bylaw (WDB) requires that the proposed veterinary hospital (retail/service commercial) be buffered from the neighboring properties in the following ways:

<b>Required landscaped Buffers per WDB 23.A</b>						
<b>Proposed Land Use</b>	<b>Adjoining 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>
Mixed Use Including residential Use	North	Vacant Land	50-ft	13-ft	23-ft	27-ft
	East	Public Way	35-ft development setback with a “Street tree” section per WDB 26. (Complies, as proposed by applicant).			
	South	Warehousing	50-ft	13-ft	23-ft	27-ft
	West	Residential	50-ft	13-ft	27-ft	36-ft

These buffers are defined in WDB 23.3 as follows:

23.3.2.2 Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer’s effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower, but are assumed to require regular maintenance.

23.3.2.3 Type II - Dense Plantings. A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width. This type of buffer is most appropriate in re-development projects where space is limited. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.5 Type IV – Formal Plantings. A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

Staff finds that the landscaping plan generally complies to these standards, but notes that the DRB should consider whether a screening buffer to the residential property to the West should be required. The Type I “Existing Vegetation” buffer as shown on the plan is only grass and the site is likely to be highly visible from the adjacent residential property.

**Parking Lot Landscaping:**

Per WDB 23.5, the proposed parking lot requires landscaping at a minimum of 5% of the area of the parking lot and must include shade trees. The applicant’s landscaping plan includes this required element.

**Outdoor Storage**

The applicant is not proposing outdoor storage.

**Wetlands, Waterways, and Conservation Areas**

Class II wetlands are present on the site, but not on the proposed lot to be developed. Wetland buffers will be a component of the development of the other lot when development is proposed there in the future.

**Access**

The proposed development will be accessed by a new drive on Marshall Avenue. A multi-use path is proposed along the street frontage of the property. Staff recommends a condition of approval requiring a sidewalk connection between the building and the multi-use path as follows: “Final plans shall include a pedestrian connection (sidewalk) between the proposed building and the multi-use path.”

**Traffic**

The DRB required a traffic study as part of the pre-application. That study shows trip generation of 60 PM-Peak-Hour vehicle trips and predicts no undue impact on congestion or safety on the surrounding road system.

Traffic impact fees will be assessed by the Zoning Administrator as part of the administrative permitting process.

**Parking**

The project generates a requirement for additional parking.

Parking requirements in Williston are typically expressed in WDB 14.A as both a minimum and a maximum. This number may then be either increased or reduced through various means allowed in WDB 14. These include the use of transit, shared parking, the use of pervious pavement, and others.

The new development proposed consists of a 17,384 square foot animal hospital. Parking demand for that use per WDB 14, and the applicant's proposed parking are as follows:

Parking Requirements Analysis per WDB 14							
Use	Amount in SF, students, rooms, seats, or dwelling units	Rate Per Sq. Ft. (WDB 14.A)	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)
				*Based on total required spaces for the site as follows:  1-15 = 1 16-30 = 2 31-45 = 3 46-60 = 4 61-75=5 76-100 = 6 + 4% of required spaces over 100			*Based on total required long-term bicycle spaces for the site as follows:  1-3 = 1 4-18 = 1 per gender 17-30 = 2 per gender 30+ = 3 per gender
Hospital	17,384	5.00/1000SF	85	5	5% of vehicular	75% of required bicycle spaces	
Total Required: all uses	n/a	n/a					
Total proposed by Applicant	n/a	n/a	68-86				
Compliance?							
<b>Compliance Summary:</b> As currently proposed,							

**Shared Parking:**

The applicant was not required by the DRB to submit a shared parking analysis at pre-application. The applicant is not proposing shared parking on the site.

**Signs:**

The proposed new building and site is not likely to house multiple commercial tenants. A master sign plan is not required. Signage can be permitted administratively within the allowances of WDB 25.A.

**Stormwater**

A stormwater treatment and detention basin

**Utilities**

The site plan shows existing and proposed utilities.

### Snow Storage

Designated snow storage areas are shown on the plans. When considering revisions to the parking lot landscaping the applicant should incorporate salt-tolerant plant materials. Plant materials selected for these areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow.

### Solid Waste

Trash and recycling containers are shown on the site plan with screening as required.

### Design Review

This project is subject to design review. The DRB reviews compliance with WDB 22 Design Review with the advice from the Historic and Architectural Advisory Committee (HAAC). The HAAC recommendations as transferred in their minutes from their meeting of December 18, 2017 are as follows:

Chapter 22 requirement	HAAC recommendation
<b>22.3 Architectural Design: Form, Color and Materials.</b> The form (shape), colors, and materials used in the surrounding buildings are, after signs, the most noticeable feature of a streetscape. How well they are designed will be a major determinant of the success – both commercially and a part of the community – of a development.	The proposal complies with this requirement. No additional condition of approval is necessary.
<b>22.3.1 Respect the Context.</b> The choice of building form, colors, and materials should be compatible with the surrounding landscape and built environment. It is especially important that the bulk and proportions (height, width, depth) not be a radical departure from the context, except in redeveloping areas where larger buildings are consistent with the <i>Town Plan</i> or an applicable specific plan.	The proposal complies with this requirement. No additional condition of approval is necessary.
<b>22.3.2 Form Should Follow Function.</b> Building facades should reflect true building form or to say it another way, the building’s functions. False fronts are generally inappropriate.	The proposal complies with this requirement. No additional condition of approval is necessary.
<b>22.3.3 Provide Enclosure.</b> Streets and outdoor spaces like urban parks (greens, plazas, squares, whatever you call them) function best if the surrounding buildings are tall enough to provide a sense of enclosure. Construction of multiple story buildings is strongly encouraged in some zoning districts (BPZD, MUCZD, MURZD, TCZD), but this principle applies everywhere.	The proposal complies with this requirement. No additional condition of approval is necessary.

Chapter 22 requirement	HAAC recommendation
<p><b>22.3.4 Size Outdoor Spaces Properly.</b> Urban parks (the generic term for greens, plazas, squares, and similar outdoor spaces) are not comfortable for users if they are too large. These spaces should be sized appropriately so that a sense of enclosure is provided by the surrounding buildings and landscaping.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.3.5 Use a Variety of Colors and Materials, but With Restraint.</b> A variety of colors and materials with different textures should be used to create visual interest in buildings, but the variation in color and materials should not be simply for variety's sake. It should reflect the functions that must be served. For example, the sign band on a building or group of buildings could be used to introduce a different color and material. Likewise, different materials could be used to mark entrances, as required by WDB 22.4.1.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.3.6 Avoid Dead Walls.</b> Dead walls are prohibited in the most pedestrian-oriented zoning districts (MUCZD, MURZD, TCZD), but should be avoided in many other situations. At the least architectural features, including doors, windows, and detailing should offer some horizontal and/or vertical relief from monotonous walls.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.3.7 Do Not Use Reflective Materials.</b> Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD and GZDS.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.4 Architectural Design: Doors and Windows.</b> Doors and windows connect a building to the community. How they are placed and spaced is an important element of the streetscape.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p><b>22.4.1 Mark Building Entrances</b></p> <p>22.4.1.1 Entrances and Architecture. Principal building entrances should be marked by architectural features that make their location readily visible from the parking areas, pedestrian ways, and streets that serve the building.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.1.2 <u>Entrances and the Site Plan</u>. Way-finding to the principal entrances of the building should be reinforced by the site plan, including the placement of sidewalks, landscaping, outdoor lighting, signage, and the location of functional outdoor areas, which may relate to, but not obscure the entrance.</p>	<p>Staff recommends a sidewalk connection to the multi-use path as discussed above.</p>
<p>22.4.1.3 <u>Relationship to the Street</u>. A strong, direct relationship between principal building entrances and the street is required in some zoning districts. See the BPZD, MUCZD, MURZD, and TCZD.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.4.2 Protect Building Entrances</b></p> <p>22.4.2.1 From the Climate. Principal building entrances must be provided with permanent overhead protection from the elements, including ice and snow falling from the roof.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p>22.4.2.2 <u>From Conflicts</u>. Service areas, including dumpster and utility enclosures, must be separated from principal building entrances.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.4.3 Provide Airlocks</b>. Principal entrances to buildings must incorporate an airlock. This standard does not apply to entrances for vehicles, to loading doors, or to emergency exits used for that purpose only. The DRB may permit other exceptions to this standard for minor entrances.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p><b>22.4.4 Use Doors and Windows to Provide a Strong, but Compatible Visual Pattern or Rhythm.</b> The placement and spacing of doors and windows should create a consistent rhythm and the size and design of doors and windows must be compatible with the building's overall size and bulk, and with the pattern of entrances and fenestration of neighboring buildings.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.4.5 Shield Light Spill from Windows.</b> Where the terrain does not provide it, landscaping shall be used to screen and diffuse the light emanating from large banks of windows. Compliance with this standard is especially important for proposed buildings on slopes. For the application of this standard in the GZDS see WDB 34.8.5.5.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.5.1 Use Pitched Roofs.</b> Pitched roofs are preferred over flat, but it is acknowledged that a flat roof may be most practical for some types of building, especially in the IZDW. Pitched roofs are required wherever a height incentive is claimed under WDB 37.5.4, 38.5.4, or 41.5.4.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.5.2 Consider Sliding Ice and Snow.</b> Building entrances (see WDB 22.4.2.1), parking areas, and pedestrian ways must be protected from ice and snow sliding off roofs. This may be accomplished by a roof plan that directs ice and snow away from these areas and/or by structural protection.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.5.3 Use Compatible Colors, Forms, and Materials.</b> Roof colors, forms, and materials should be compatible with the colors, detailing, and materials used on the building and on neighboring buildings. Variations in roof form should reflect the building's function, reinforce the architectural detailing (for example, roof form could be used to help mark entrances, as required by WDB 22.4.1.1), and not be overly complicated.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.5.4 Hide Roof Drains.</b> Roof drains must be integrated into the design of the facade on which they are mounted, not added as an afterthought.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

Chapter 22 requirement	HAAC recommendation
<p><b>22.5.5 Consider the View from Above.</b> There are a few places in Williston’s design review district where a roof may be viewed from above. New development in those places must provide a rendering of the view of the roof in its application for a discretionary permit and the DRB may require modifications of the plans submitted (switching from roof-mounted to ground-mounted mechanical equipment for example) to minimize the impact on the view.</p>	<p>This requirement is not applicable to this application.</p>
<p><b>22.6 Mixed Use Buildings.</b> Williston’s <i>Town Plan</i> encourages mixed-use development, with the goal of making it possible for people to live near commercial services and places of employment. There is, however, a higher potential for conflict among uses are mixed, and especially where they are mixed in the same building.</p>	<p>This requirement is not applicable to this application.</p>
<p><b>22.6.1 What must mixed-use developments do to ensure compatibility?</b> First, the plans submitted for a proposed mixed-use development must clearly demonstrate compliance with the standards adopted in this chapter. In particular, the applicant should anticipate the need for sound-proofing and show how that has been provided in compliance with Chapter 18 of this bylaw.</p>	<p>This requirement is not applicable to this application.</p>
<p><b>22.6.2.1 Entrances</b> Different uses may share an entrance, but the principal entrance/s to the dwellings shall not pass directly by solid waste containers or other equipment or installations that must be screened or located away from neighboring uses, as required by Chapter 23 of this bylaw.</p>	<p>This requirement is not applicable to this application.</p>
<p>The principal entrance to the dwellings should be from/through a pedestrian-scale space, not directly from a parking lot that is also used for commercial purposes. This could mean entry from a pedestrian-friendly commercial streetscape or entry via a private courtyard or similar space.</p>	<p>This requirement is not applicable to this application.</p>
<p><b>22.6.2.2 Hours of Operation</b> As provided in Chapter 18 of this bylaw, the DRB may impose limits on the hours of operation of businesses in mixed-use developments to help maintain use compatibility.</p>	<p>This requirement is not applicable to this application.</p>

Chapter 22 requirement	HAAC recommendation
The DRB may also impose limits on the hours during which deliveries may be accepted and/or trash collection may be scheduled.	This requirement is not applicable to this application.
<b>22.6.2.3 Outdoor Space.</b> Residents of mixed-use buildings shall have reasonable access to an outdoor space. This could be in the form of a private courtyard or door yard garden, but can also be in the form of an urban or neighborhood park that is within a five-minute walk.	This requirement is not applicable to this application.
<b>22.6.2.4 Signs and Lighting.</b> The location and design of signs and outdoor lighting is even more important than usual in mixed-use developments. The DRB may impose limits on signs and outdoor lighting that are more stringent than those established elsewhere in this bylaw to ensure use compatibility in mixed-use developments.	This requirement is not applicable to this application.
<b>22.6.2.5 Soundproofing.</b> The DRB will require applicants to demonstrate that night-time interior sound levels in the residential portions of proposed mixed-use developments will not exceed 40 dBAL10.	This requirement is not applicable to this application.
<b>22.6.2.6 Views.</b> Dwellings in proposed mixed-use buildings must be designed to provide their residents with views to the mountains, nearby open spaces, or attractive streetscapes. Designs that feature views primarily of rooftops, parking areas, or service spaces will be rejected.	This requirement is not applicable to this application.
<b>22.7 Outdoor Lighting.</b> Chapter 24 of this bylaw regulates the intensity and type of outdoor illumination that may be provided. Beyond those standards, design review will consider the choice of luminaires, pole, pole bases, and other elements of the outdoor lighting system, which should complement and be compatible with the other design features of the building and the site.	This requirement is not applicable to this application.
<b>22.8 Signs.</b> Architectural and site design must anticipate the need for signs as required by Chapter 25 of this bylaw.	This requirement is not applicable to this application.
<b>22.9 Site Planning.</b> The functional aspects of site planning are covered in other chapters of this bylaw and additional site design standards apply in many zoning districts.	The proposal complies with this requirement. No additional condition of approval is necessary.

Chapter 22 requirement	HAAC recommendation
<p><b>22.9.1 Respect the Terrain.</b> Consistent with the watershed protection standards of Chapter 29 and the specific standards adopted in some districts, buildings, parking areas, and other site improvements should fit the terrain, rather than the land being fit to the building.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.9.2 Build a Strong Street Line, as Appropriate for the Area.</b> Buildings, not parking areas, should dominate streetscapes in the commercial and mixed use zoning districts, while an ample green planting strip and buffer should be provided in the industrial zoning districts.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.9.3 Leave Front Yards Open.</b> Front yard (along the street) fencing is generally not permitted for commercial, industrial, institutional, or multi-family developments. The DRB may allow an exception to this standard for industrial developments where it finds that the presence of hazards or need for security outweigh the aesthetic value of an open streetscape.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>
<p><b>22.9.4 Fencing and Screening.</b> Where fencing is provided, it shall be of a type that is compatible with the surrounding landscape and uses. Traditional fencing patterns, like stone walls or picket fences, will be preferred. The DRB may permit security fencing of side and back yards where it is necessary to prevent public access.</p>	<p>The proposal complies with this requirement. No additional condition of approval is necessary.</p>

**Comments from Public Works, Fire Department, and Historic and Architectural Advisory Committee**

This project was reviewed by the police, fire, and public works departments. The police department had no comments on the application. The HAAC reviewed this proposal at their meeting on December 18, 2017, but other than finding compliance with WDB 22, proposed no additional conditions of approval.

**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 applicant proposes to adjust a boundary line between two adjacent lots and develop the smaller of the two new lots with a 17,384 square foot veterinary hospital with parking, signage, outdoor lighting, and appurtenances on Marshall Avenue in the Industrial Zoning District West (IZDW). The property is currently undeveloped.
2. The applicant proposes Veterinary Services, North America Industry Classification System (NAICS) Code 541940, for the property.

3. Per WDB 36.A, all Professional, Scientific, and Technical Services (NAICS 54) uses are allowed in the IZDW.
4. The applicant has proposed 68 parking spaces plus an additional 14 parking spaces to accommodate a future parking lot expansion.

### **Conclusions of Law**

1. The use proposed as part of this discretionary permit are allowable uses in the IZDW.
2. The proposed development can meet the development standards of WDB Chapter 36 for the IZDW 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. Plan changes in response to Williston Public Works Department memo dated 12/11/2017.
  - b. Williston Fire Department memo dated 12/19/2017 and a written response to the department outlining the changes that were made in response to their comments.
3. Final plans must show a lighting plan that does not exceed the 5fc maximum, including at entryways and porches.
4. Final plans must show a lighting plan that does not exceed the allowed parking lot illumination level of 1.2 fc
5. Final plans shall include a pedestrian connection (sidewalk) between the proposed building and the multi-use path.
6. 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.
7. 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.
8. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.

9. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.

### **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 18-05, 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.**