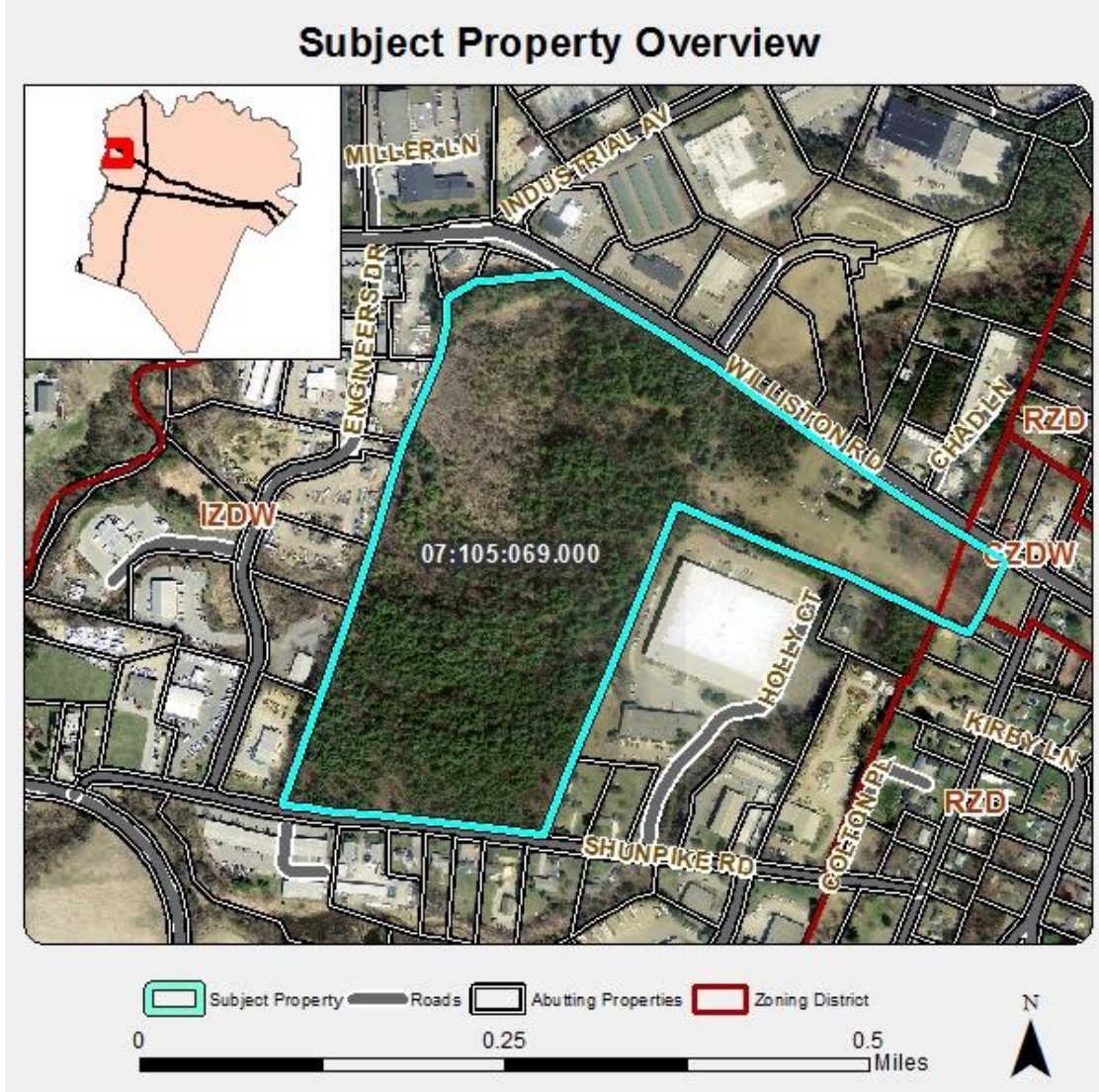


**Williston Development Review Board – July 10, 2018  
 DP 18 - 21, Robear Subdivision, Pre - Application Review**

**Staff Notes**

<b>Application No:</b> DP 18 - 21	<b>Name:</b> Robear Subdivision
<b>Tax Parcel #:</b> 07:105:069,a	<b>Property Address:</b> Williston Road
<b>Zoning District:</b> Industrial Zoning District West (IZDW) and Gateway Zoning District West (GZDW)	<b>Total Acres:</b> 55.8 ± acres

**Subject Property Overview**



**Overview**

This is a request for pre-application review for a proposed 9subdivision of land of a 55 + acre parcel located primarily in the Industrial Zoning District West (IZDW) and partially in the Gateway Zoning District West (GWZD). The subject property has frontage on both shunpike Road to the south and Williston Road to the north, and it is address as 4964 Williston Road. The property is currently

developed with a single family dwelling. The development proposal calls for the creation of 9 lots, with 8 of those lots for future development and one lot (Lot 5) as a proposed 17 acre conservation parcel. Four of the proposed lots would have frontage on Williston Road, three would have frontage on Shunpike Road, and one lot would be accessed front Shunpike Road via a private drive.

Proposed Lot 1 is the only portion of the subject property that is within the Gateway Zoning District West. The proposed western property line of this parcel would trace the zoning district boundary between the GWZD and the IZDW.

### **Project History**

This is the first time this property has been reviewed by the DRB for potential development.

### **What is Pre-application?**

This is the first step in the development review process, and it is called pre-application. It is not a formal request for project approval or a permit; it is a preliminary level of review. Proposed residential developments potentially receive authorization to proceed the annual residential growth management allocation process held in March of next year (2017).

The purpose of pre-application review within the town's development regulations (WDB 6.2) is as follows:

*“6.2.2 What is the purpose of pre-application review? The purpose of pre-application review is to acquaint the DRB and its advisors with a proposed development site and its possibilities without requiring the presentation of extensive surveying, engineering, or design data. At this step in the review process, plans for complex projects should be presented in an informal way that invites comment and the discussion of alternatives.”*

The town's development regulations provide that the DRB may take certain actions, as excerpted below:

*“6.2.8 What type of action is taken on a pre-application? A pre-application is a basis for discussion. It is neither approved nor rejected and creates no vested rights. The DRB will adopt written recommendations that should be reflected in the application for a discretionary permit. The DRB may also require that certain information be included in the application for a discretionary permit, including:*

6.2.8.1 ... the wetlands delineation and/or functional assessment that may be required by WDB 29.8.1;

6.2.8.2 ... the shared parking study that may be required by WDB 14.2.2; and/or

6.2.8.3 ... a traffic study, where it is determined that existing studies do not provide sufficient information (see WDB 13.8).

6.2.8.4 Other Determinations. Pre-application review is also the time at which the DRB may:

- exempt proposed infill developments in the RZD from open space development requirements; and/or

- authorize the transfer of development rights in a discretionary permit application.
- The DRB may also recommend that the applicant prepare a specific plan before an application for a discretionary permit is filed.”

**Staff Comments:**

This review is for a proposed subdivision of land where the development of each site is still to be determined and would likely take place on a parcel by parcel basis. While this is not a typical type of application for DRB review, it is allowed. It should also be noted that one of the proposed lots has some residential development potential. The creation of this lot also allows for the surveying of the zoning district boundary between the IZDW and the GZDW

**Use:**

No specific uses have been identified as part of this submittal. Any future proposed site development of the proposed lots would have to be consistent with the development standards of the underlying zoning district. The applicant should not consider this review as an entry point to growth management review or the approval for residential development.

**Residential Density:**

Proposed Lot 1 is in the GZDW where residential uses are allowed in addition to non-residential uses. The subdivision of this lot is being proposed in order to define the zoning district boundary between the IZDW to the west and the GZDW to the east. The review of this subdivision should not be viewed as providing an entry point to residential growth management review. Any proposed residential development of this lot would be required to begin at the Pre-application stage of review.

**Access:**

Three of the proposed lots would be accessed from Williston Road which is a state highway and governed by VTrans. The applicant will be required to obtain approval for access from VTrans (111 permit) as part of a submittal for discretionary permit. Four of the lots would be accessed from Shunpike Road and access will have to meet the town’s DPW requirements. Lots in the IZDW are required to have a minimum of 40 feet of frontage on a public or private drive.

**Traffic:**

Pre-application is also the stage of review where the DRB may ask for a traffic impact study if they so desire. Staff recommends that a traffic study be submitted with an application for a discretionary permit.

**Habitat:**

The applicant has submitted a habitat assessment and this has been reviewed by the conservation commission. Their review and comments are attached.

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

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

Williston Public Works’ comments (attached) requested that the applicant provide the following information as part of an application for a discretionary permit:

Please provide a **written response** to the following items prior to receiving approval for the project:

1. Pedestrian facilities shall be constructed on both Williston Road and Shunpike Road.

The planning office also been informed by Public Works that each individual lot will have to be reviewed by PW when they come in for approval to develop each property and more detailed comments will be offered at that time. Public works will likely require a single water main run onto the property so that the lots can connect that way instead of multiple connections to the water line. However this will have to be looked at as their plans solidify.

The Williston Conservation Commission also reviewed this project and their findings and recommendations are listed below.

Recommendations:

1. The proposed 17-acre conservation land (Lot 5) should be expanded in area to include Class 2 wetland and associated 50ft buffers, to the extent feasible, in order to insure the protection of this resource.
2. Further development of any proposed individual lot should be required to obtain a Discretionary Permit; an Erosion Prevention and Sediment Control Plan should be submitted as part of said application for Discretionary Permit.

Staff recommends that all findings and recommendations made by the Conservation Commission be adopted as pre-application recommendations.

**Staff Recommendation:**

Staff recommends that the project be allowed to move forward to growth management review with the following recommendations.

**Recommendations:**

1. The applicant shall submit a traffic study meeting the requirements of WDB 13.8.2.
2. All proposed findings and recommendations made by the Williston Conservation Commission at their June 20, 2018 meeting shall also be adopted as Pre-Application recommendations.
3. All comments made by the Department of Public Works and stated in their memo dated June 7, 2018 shall also be adopted as pre-application recommendations. The applicant shall meet all Public Works Standard Specifications for public infrastructure.
4. No approval of any residential development is being conferred by the DRB at this time. Any future residential development on Lot would have to be reviewed from pre-application on as part of a separate submittal to the town.

## **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 July 10, 2018, accept the recommendations proposed by staff for the review of DP 18-21, and authorize the applicant to proceed to discretionary permit.**