WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

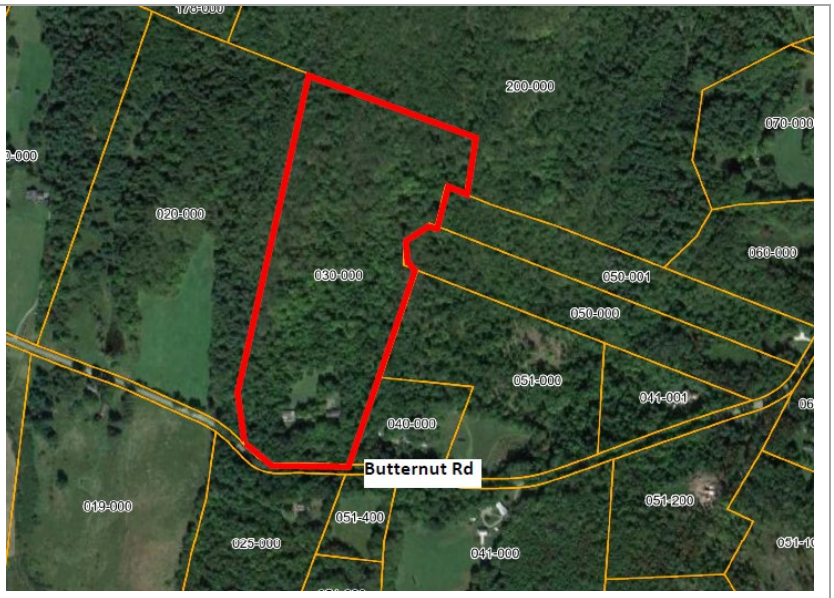
DP 24-05	Pre-Application	Fournier Subdivision
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
615 Butternut Road	23:026:030.000	Armand Fournier
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
October 24, 2023	Owner	McCain Consulting (George McCain Jr)
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for a 4-lot subdivision on Butternut Road in the ARZD. The parcel is occupied by 1 existing dwelling with a garage and accessory dwelling unit.

The proposal will create 2 additional dwellings on their own lots and an open space parcel.

If the existing access can be modified to meet the town's private driveway standards it will be reused for the development. If not, a new driveway will be constructed.



28 acres	Residential	Residential	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Agricultural/ Rural Residential	No	Yes	WCC
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]	RECOMMENDATION[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 RECOMMENDATION after closing a hearing.

Staff recommends approval and allowing the project to proceed to Growth Management with recommendations as drafted.

HISTORY AND COMMENTS

ATTACHMENTS						
	☒	Narrative Letter	☒	Photos	☐	Public Comment
	☒	Site Plan(s)	☐	Elevations	☐	Other (specify): .

PROJECT HISTORY

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

August 13, 1979	BP 1648	House and garage
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
March 26, 20212	AP 12-0165	1Bed Accessory Dwelling Unit
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

ADVISORY BOARDS

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

☐	**CONSERVATION COMMISSION (WCC)**	October 4, 2023	Included
	NAME	TRANSMITTAL DATE	RECOMMENDATION
☐	**HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)**	N/A	N/A
	TRANSMITTAL DATE	TRANSMITTAL DATE	RECOMMENDATION

NOTES:

INTERDEPARTMENTAL REVIEW

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

☐	**PUBLIC WORKS**	October 5, 2023	Included
	DEPARTMENT	MEMO DATE	RECOMMENDATION
☐	**FIRE**	September 21, 2023	Included
	DEPARTMENT	MEMO DATE	RECOMMENDATION
☐	**POLICE**	N/A	N/A
	DEPARTMENT	MEMO DATE	RECOMMENDATION

NOTES:

The DRB can adopt comments as conditions only to the extent that they can be enforced by the statutory authority of zoning per VSA Chapter 24. The Fire Department Review Standards are Selectboard Policy. FD comments that are not contained within the Williston Development Bylaws cannot be enforced by the DRB. Of the comments made in the FD memo only the building identification comment is included in the WDB and can be enforced.

PUBLIC COMMENT

No comment letters were received at the time of mail out (October 19, 2023).

NAMES:

PROJECT ELEMENTS

☒ *Checked boxes indicate that a determination and/or new recommendation must be made by the DRB*

☐ **Agricultural Rural Residential** — Standard

WDB 31 — RECOMMENDATION

PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Residential	n/a	Yes	

Dimensional Standards

WDB 31.3.2 states that setbacks from the rear and side property lines are controlled by the landscape buffer requirements of Chapter 23.

WDB 31.3.6 states that lots must have a frontage of at least 40ft on an existing or proposed public or private road or drive. At discretionary permit the site plan should show a 40ft frontage for each home lot onto the private drive.

Development Pattern

NOTES:

WDB 31.7 Open Space Development

WDB 31.7 requires developments that involve more than 10.5acres to protect at least 75% of their total area as open space. The site plan shows 21acres as a platted open space lot which amounts to 75% of the parcel.

WDB 31.7 states that protected open space must include all watershed protection buffers and slopes of 30% or more. Open space should include all conservation areas and 15% and 29% slopes consistent with a landowner's right to beneficial use of the property. If the landowner only has conservation areas the Conservation Commission and DRB should work with them to minimize the consumption of lands that should be protected.

The property is entirely covered in conservation areas (see section on WDB 27). At discretionary permit the Conservation Commission will recommend to the DRB whether the open space project minimizes the consumption of important conservation lands.

WDB 31.8 Housing Design

WDB 31.8 states that open space developments may have a density of no more than 1 dwelling per 1.84 acres, lots should be on 25% of the parcel, lots should be a minimum size of 0.344 acres and lots should have a ½ acre building envelope. The development is capable of meeting these requirements.

WDB 31.9 Lots and Home Sites

WDB 31.9 sets out criteria for newly created lots to best maintain environmental quality, accessibility, compatibility with neighbors and the rural character of the zoning district. Matters related to waste and drinking water and safe access are dealt with in other chapters of the WDB. The discretionary permit must demonstrate compliance with these criteria.

☐ **Growth Management** Specific – Recommendation 2

WDB 11 RECOMMENDATION

NOTES:

Under the current bylaws if this project completes pre-application in 2023 it is eligible for growth management review in March 2024. The project is not eligible for the minor subdivision exemption because the base lot area of the parent parcel is more than 10 acres. This property is located outside of the sewer service area and is subject to the criteria of WDB 11.8. This region of town is not currently very competitive at growth management, but the project will need to score the minimum of 30 points to be considered for allocation. The DRB awards allocation based on ranking.

The Selectboard voted to adopt bylaw amendments on October 17th, 2023. One amendment to Chapter 11 would exempt from growth management the construction of up to four dwellings on any parcel where dwellings are permitted (subject to allowed uses and density). The Selectboard amendments will take effect on November 7th 2023 if no petition signed by more than 5% of votes in the town is received calling for a ballot on the amendments. In that event the application would not need to compete at Growth Management in 2024 and could proceed straight to discretionary permit.

The DRB should be aware of this but should focus on the current bylaws and allow it to proceed to Growth Management. The recommendation includes that the applicant contact staff to discuss the process once November 7th passes.

☐ **Access, Connectivity, Traffic Studies** Specific – Recommendation 3

WDB 13

NOTES:

WDB 13.2 relates to Access Management. The existing home uses a driveway to access Butternut Road that traverses a grade of 10%. WDB 13.2.6 states that where a residential driveway serves more than 1 dwelling the grade shall not exceed 10%.

The applicant intends to investigate whether the existing driveway can be modified to comply with WDB 13.2.6; or whether a new driveway needs to be designed.

At discretionary permit the applicant should demonstrate compliance with all the criteria for at WDB 13.2.6.

BYLAW EXCERPT:

13.2.6 What are the additional standards for the construction of residential driveways? These standards apply to driveways that serve more than one dwelling.

13.2.6.1 Grade. The grade of a residential drive shall not exceed 10%.

13.2.6.2 Width. Residential drives shall be no less than 12 feet in width, and no more than 16. Where the drive travels through brush, woods, or forest, there shall be a cleared area of four feet on either side of the drive.

13.2.6.3 Length. No private driveway shall be longer than 1,320 feet. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make provision of another point of access

infeasible. Where an exception is permitted, the density of development served by the private driveway shall average 1 dwelling per 10 ten acres or less.

13.2.6.4 Construction. Residential drives shall consist of a minimum four-inch finish course of gravel or, alternatively of asphalt or concrete paving, a minimum eight (8) inch base course, and a geotextile layer. The first 30 feet back from a paved public road shall be paved. Specifications for these materials are found in the Public Works Standards. Drainage shall be provided in the form of a swale, or swale, and culverts. Runoff and erosion control shall be provided as required by Chapter 29 of this bylaw.

13.2.6.5 Pull-Outs. A pull-out permitting vehicles to pass shall be provided for every 400 feet of residential drive.

13.2.6.6 Natural Hazards. Residential drives shall not be permitted where they would be subject to regular seasonal flooding, slope failure, or other natural hazards.

13.2.6.7 Addresses. Where the building and required building numbers are not visible from the road, dwellings served by a residential driveway must be identified with a freestanding sign displaying the address number or numbers as required by Williston's Road Name and Road Location Addressing Ordinance, which is attached as Appendix D.

☐ **On-Site Infrastructure** Standard

WDB 15 RECOMMENDATION

NOTES:

The new lots would be served by on-site wastewater and wells. WDB 15.6.3 requires that the discretionary permit include plans (prepared by a licensed designer) for an on-site wastewater disposal system that meets all the standards established by the Vermont Department of Environmental Conservation. WDB 15.10 requires the applicant to demonstrate that there is sufficient groundwater to support the development in line with the requirement of the Vermont Water Supply Rule.

WDB 15.4 requires private utilities to be shown on the plans submitted at discretionary permit stage and that they be placed underground.

☐ **Density, Transfer of Development Rights** Specific – Recommendation 3

WDB 19 RECOMMENDATION

NOTES:

WDB 19.1 requires density to be calculated on a dwelling unit equivalent basis (DUe) per acre. A DUe is a dwelling containing 2 or more bedrooms, whereas a dwelling containing 1 or fewer bedrooms is 0.5DUe. Acreage does not include land within watershed protection buffers or that has an average slope of 30% or more. The acreage that has a slope of 15-30% has a rate of 1 dwelling per 10 acres in the ARZD.

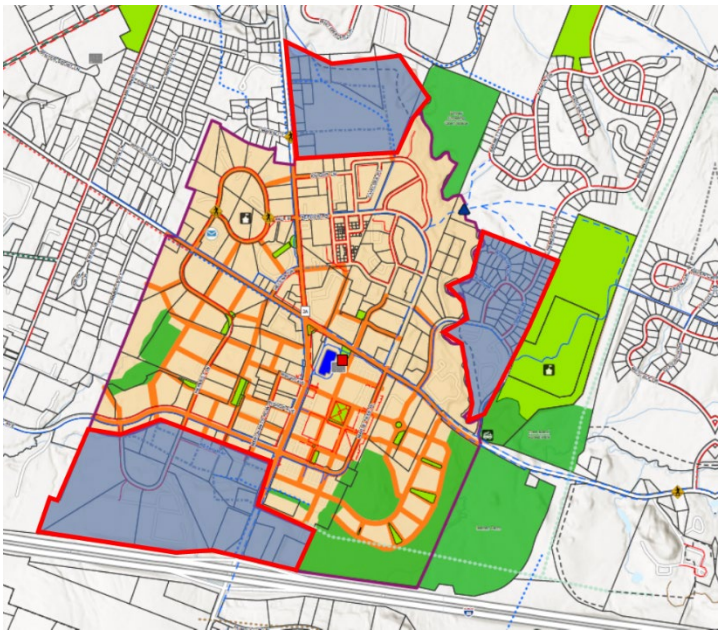
Two additional DUe are proposed. Because WDB 19.1.3.3 requires rounding down to the nearest whole number when determining residential potential, the maximum number of dwellings allowed on the parent parcel is nine (9). The existing ADU is not a dwelling for density purposes.

* The applicant needs to complete a wetlands delineation. This may affect the total allowable density as more land may be constrained than shown here. The applicant has proposed that there will be a total of three (3) units on the parcel. The applicant's submittal should include an accurate density calculation at discretionary permit.

Preliminary Density Calculation per WDB 19.A			
Constraint	**Acres**	**Mx. Allowable Density per Acre**	**Max Allowable Dwelling Units**
Unconstrained	14.7	1 Due per 1.84 acres (0.55 Due/acre)	8.09*
Watershed Buffers	TBD*	0 Due per acre	0*
Slopes 15-29.9%	9.7	1 Due per 10acres (0.10 Due/acre)	0.97
Slopes greater than 30%	3.6	0 Due per acre	0
Total Land Area	28	**Total Dwelling Units Allowed**	9.06*
		Total Dwelling Units Proposed	9.06*

19.5 Transfer of Development Rights (TDR)

The applicant has indicated in the narrative that they may wish to use a TDR for the unused density on the parcel in the future. WDB 19.5.2 allows residential development rights to be transferred from lands in the ARZD to lands within the growth center on a one-to-one basis, up to the maximum density permitted in the receiving zoning district. For example, in the Mixed-Use Commercial Zoning District there is a net density of 7.5 DUe/Acre without TDR or 15 DUe/acre with TDR.



WDB 19.5.4 sets out the mechanics of TDR. TDR must be proposed at discretionary permit with draft deeds of conveyance between landowners on the donating and receiving parcels of land.

With adoption of the Taft Corners Form Based Code density is no longer a constraint in the majority of the Growth Center. Few potential receiving sites remain available for TDR (see land shaded blue).

BYLAW EXCERPT:

19.5.1 What is the transfer of development rights? *A transfer of development rights occurs when the right to develop on one parcel of land is used on a noncontiguous parcel. The parcels involved may be in the same or different ownerships.*

19.5.2 Is the transfer of development rights permitted in Williston? *Yes. Residential development rights may be voluntarily transferred from lands in the ARZD or from conservation areas shown in the Open Space Plan in other zoning districts to lands within the growth center. Development rights may be transferred one-to-one up to the maximum density permitted in the receiving zoning district by Tables 19.A and 19.B.*

19.5.3 Is special permission required for a transfer of development rights? *No. Transfers are permitted within the density limits established in Tables 19.A. and 19.B. The resulting development must, of course, comply with all requirements of this bylaw.*

19.5.4 What are the mechanics of a transfer of development rights? *A transfer of development rights is a private transaction. While it is enabled and encouraged by this bylaw, the town does not require TDRs.*

19.5.4.1 TDRs at Pre-Application. An applicant who proposes to use TDRs in a development must make this clear in the pre-application materials.

19.5.4.2 TDR's and Growth Management. A TDR does not exempt the proposed dwelling units from growth management review, as required by Chapter 11 of this bylaw.

19.5.4.3 TDR's at Permit Review. Drafts of the instruments of conveyance for the TDR must accompany the application for a discretionary permit.

19.5.4.4 TDR's in Final Plans. The signed instruments of conveyance for the TDR must accompany the final plans. They must be recorded after approval of the final plans and before an administrative permit for any work on the site is approved.

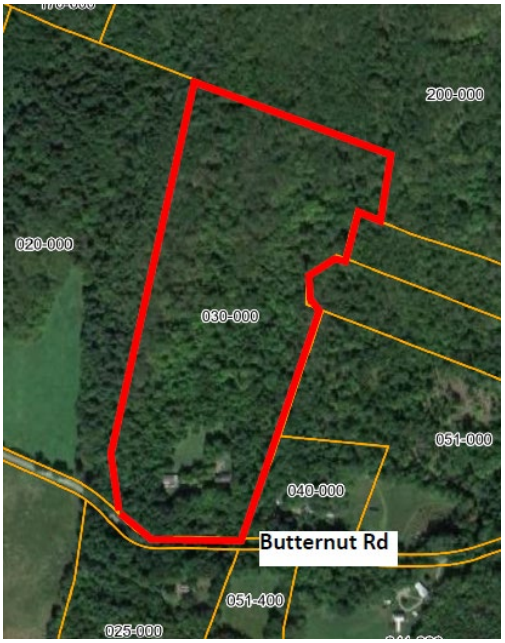
☐ **Landscaping** Specific – Recommendation 3

WDB 23 RECOMMENDATION

NOTES:

WDB Chapter 23 states that open space residential developments in the ARZD must provide ample buffers but does not specify minimum buffer widths. In the ARZD buffers typically consist of existing vegetation. WDB 23.3 and 31.8.6 allow the DRB considerable discretion in determining the minimum width and what type of buffer will be appropriate in a particular context.

In this case the site has extensive existing vegetation and Type I 50ft existing vegetation buffers are recommended.



BYLAW EXCERPT:

Required Landscaped Buffers per WDB 23.A						
Proposed Land Use	**Adjoining Land Use**		**Type I** Existing Vegetation[1]	**Type II** Dense Plantings[2]	**Type III** Informal Plantings[3]	**Type IV** Formal Plantings[3]
Open space residential, ARZD	North/East/West	Any other use	*Open space developments must provide ample buffers. See Chapters 31 and 39 of this bylaw.*			
	South	Public ways	*Typical Street Tree Section per WDB 26.*			

(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.
(2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.
(3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.
(4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.

☐ **Street Trees** Specific – Recommendation 3

WDB 26 RECOMMENDATION

NOTES:

The parcel is located in a forested area where the provision of street trees as formal plantings is inappropriate. Per WDB 26.1.2.1 staff recommends that the requirement for street trees on Nob Hill Road is waived.

BYLAW EXCERPT:

26.1.2 Must street trees be provided in my project? *Probably. These standards apply to all development for which a discretionary permit is required. Street trees are required along both sides of new roads, public or private. They are also required along the existing road frontage of redevelopment projects. There are two possible exceptions to this requirement.*

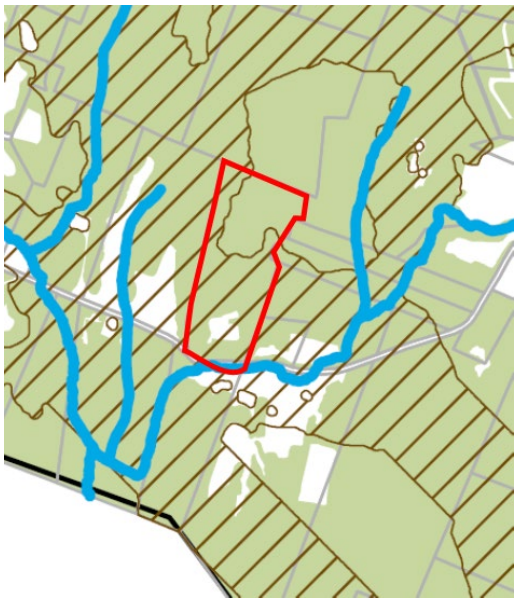
26.1.2.1 Existing Woods. The DRB may waive this chapter's requirement for street trees where a road passes through existing woods and for open space developments in which formal planting plans are inappropriate.

☐ **Conservation Areas** Specific – Recommendation 4 and 6

WDB 27 RECOMMENDATION

NOTES:

The subject parcel has numerous conservation areas.



1. SWHS extent

The subject parcel is within a Significant Wildlife Habitat Area (SWHA) due to its designation as Core Habitat and Wildlife Travel Corridor on the Significant Wildlife Habitat Official Map. WDB 27.5.7 requires that a Habitat Disturbance Assessment (HDA) be prepared by a qualified wildlife biologist and submitted by the applicant as part of a discretionary permit application. The Conservation Commission recommends that forest clearing be limited to the greatest extent possible and that a designated building envelope of ½ acre or less be established for the proposed lot.

On October 17th the Selectboard voted to adopt an amendment that requires the town to contract with the biologist who completes the HDA for the discretionary permit, at the applicant's expense, instead of the applicant contracting directly. The amendment will take effect on November 7th 2023 if no ballot is required. The applicant should meet with Planning Staff to discuss procurement of the HDA prior to submitting their discretionary permit.

2URTES

The subject parcel is identified as containing Uncommon, Rare, Threatened and Endangered Species (URTES) and communities on the URTES Map. WDB 27.6.6.1 states that all development located within a designated URTES habitat which is not exempted by WDB Chapter 4 will require a written opinion issued by Vermont Fish and Wildlife confirming the presence or absence of URTES. If URTES are present the applicant must obtain a written opinion from VFWD indicating what measures must be taken to assure that the development will not result in undue adverse impact to the URTES.

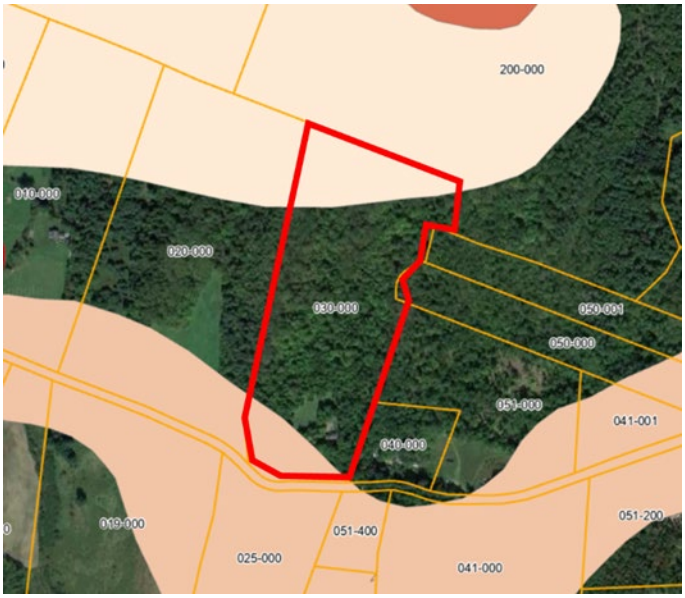
4Unique Natural Community

The subject parcel is identified as containing a Unique Natural Community (Gramma Ridge) on the Unique Natural Communities (UNC) Map. WDB 27.7.4.1 states that the impact to the UNC shall be determined by the Zoning Administrator or DRB. Prior to Discretionary Permit the DRB may request recommendations from the Conservation Commission who will identify the significant resources in the UNC and make recommendations to assure that the development will not conflict with them.

The URTES are in the open space parcel and the UNC is predominantly in the open space parcel. The recommendation is that the HDA confirm

the extent of these two conservation areas and that they be prioritized for inclusion in the open space parcel. If these resources are present in the new residential parcels the applicant will need to demonstrate compliance with WDB 27.6 and WDB 27.7.

The subject parcel is also covered by a Scenic Viewshed (Secondary Foreground in the south and Secondary Middleground in the north. The Conservation Commission did not raise concern over the impact to the viewshed.



5Scenic Viewshed

Summary

The property is substantially encumbered by conservation areas. An HDA should confirm whether the URTES and the UNC are near / in the residential parcels as well as impact on SWHA.

Once that HDA has been prepared staff has drafted an additional recommendation that the applicant meet with the Conservation Commission before submitting their discretionary permit to ensure that the development creates an open space pattern that minimizes the consumption of land that should be protected, per WDB 31.7.2.2.

The applicant has focused development in the south of the parcel which appears to be the most appropriate strategy, but this should be verified with the HDA.

BYLAW EXCERPT: *31.7.2.2 Conservation Areas. The protected open space must include all conservation areas identified in the Comprehensive Plan Chapter 13 to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only conservation areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.*

☐ **Watershed Health** Standard

WDB 29 RECOMMENDATION

NOTES:

Wetlands are suspected to exist on the parcel. WDB 29.8.1 requires a wetlands delineation prepared by a professional wetlands scientist to accompany the discretionary permit. The WCC recommended that this be completed for the proposed lots and all areas within 100ft of the development area (to avoid the applicant having to survey the entire parcel).

WDB 29.4 establishes runoff and erosion control standards for larger developments and development in vulnerable areas. The proposal disturbs land with a slope greater than 8% and greater than 2 acres and is therefore high risk. Therefore, WDB 29.3.1 requires the discretionary permit application be accompanied by a professionally prepared Erosion Prevention and Sediment Control Plan that shows how compliance with the performance standards of WDB 29.55. The applicant should refer to WDB 29.5 for specific runoff and erosion control standards. A recommendation has been included.

☐	**Impact Fees**	Standard
	WDB 43-45	RECOMMENDATION

NOTES:

Transportation, recreation and school impact fees are assessed when administrative permits are submitted to construct new dwelling units. While impact fees increase every fiscal year, the current fees are about $8,000 for a new single-household dwelling unit.

RECOMMENDATIONS AND MOTION

1. The proposed development and use(s) can meet the development standards of WDB Chapter 31.

2. The applicant should contact Planning staff to discuss the Growth Management process.

3. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject RECOMMENDATIONs of approval as required by the DRB, including but not limited to:
    a. Compliance with the residential driveway standards of WDB 13.2.6
    b. An accurate density calculation per WDB 19
    c. If Transfer of Development Rights are proposed, draft deeds of conveyance per WDB 19
    a. Type I landscape buffers are recommended per WDB 23 and no street trees are required per WDB 26

4. The applicant should meet with the Conservation Commission to discuss the results of the HDA and the inclusion of conservation areas in the open space parcel prior to submitting their discretionary permit.

5. The discretionary permit application must address the comments of the following Town departments but only to the extent that they can be enforced by and do not conflict with the Williston Development Bylaws.
    a. Williston Public Works Memo dated October 5, 2023
    b. Williston Fire Department Memo dated September 21, 2023

6. The discretionary permit application should address the Conservation Commission (WCC) recommendations from their memo dated October 4, 2023:

    a. A Habitat Disturbance Assessment (HDA) should be prepared by a qualified wildlife biologist for the Discretionary Permit application. The applicant is encouraged to meet with Planning Staff to discuss the HDA prior to submitting their discretionary permit as bylaw amendments take effect on November 7th 2023 that control its procurement.

    b. The HDA should identify whether any URTES are located within the parcel and confirm their extent.

    c. The HDA should identify any significant resources in the Unique Natural Communities located within the development parcels.

    d. Limit the extent of forest clearing to the greatest degree possible to reduce impacts to the Significant Wildlife Habitat Area.

    e. Site plan should show defined building envelopes of ½ acre or less for the proposed lots 2 and 3. No structures or forest clearing shall be allowed outside the building envelope.

f. If a new shared drive is proposed, at the time that shared driveway is completed and operational, the existing driveway shall be abandoned and restored to a forested condition. Final plans must provide details for how restoration will be implemented.

g. A wetland delineation for the proposed development must be prepared by a professional wetlands scientist and the site plan submitted with the discretionary permit application shall show wetlands in and within 100ft of the development lots (if present). If the delineation identifies Class 3 wetlands a functional assessment of those wetlands shall be provided.

h. Proposed development must not encroach into watershed protection buffers. Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.

i. The applicant needs to submit a professionally prepared runoff and erosion control plan as part of the discretionary permit application.

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 24, 2023, accept the recommendations for DP 24-05 and authorize this application to move forward to Growth Management in 2024.

Williston Fire Department FIRE / EMS

MEMO

To: DRB Staff

From: Ryan Prouty, Lieutenant

Date: September 21, 2023

Re: DP 24-05 Butternut Rd

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

Access	The Fire Department recommends utilizing the relocated driveway due to the current incline and Fire Department access. Fire apparatus turnarounds shall be provided where the road or driveway is a dead end and is in excess of one hundred and fifty (150) feet in length. All Driveways over 500' in length shall have a fire apparatus turnoff every 500'. The driveway width shall be a minimum of 14' in width. Driveways shall maintain 13' 6" of overhead clearance. Curve Radius – 30' inside radius minimum All driveways and roads shall have at least a six-foot-wide zone on each side of the driveway/road clear of encumbrances.
Building Identification	State Fire Prevention Code, and local Williston ordinance, cite that all buildings have their assigned street address numbers placed in a position to be plainly visible from the street or road fronting the property. Numbers shall contrast with their background and be reflective.

I encourage the applicant to access this Standard so that these needs can be addressed. I also encourage the applicant to meet with the Fire Department in order to ensure that all requirements within the Standard are met.

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

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

MEMORANDUM

To: Planning & Zoning

From: Christine Dougherty, PW Assistant Director

CC: Bruce Hoar, Public Works Director

Date: 10/05/2023

RE: DP 24-05 (Pre-application)

Public Works has completed a review of the above referenced plan.

The project shall conform to the latest Public Works Standard Specifications (last revised 2/7/2023) which can be found on the Town's website www.town.williston.vt.us. If needed, requests for variances will be evaluated on a case-by-case basis and may require additional time for review.

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.

WILLISTON CONSERVATION COMMISSION
4th October 2023

Review Stage: Pre-Application

APPLICATION NO: DP 24-05	PROJECT NAME: Fournier 4 Lot Subdivision
PROPERTY ADDRESS: 615 Butternut Road	EXISTING LOT SIZE: 28acres
ZONING DISTRICT: ARZD	TAX PARCEL: 23:026:030.000

PROJECT SUMMARY

Project Summary: This is a pre-application review for a 4-lot subdivision located at 615 Butternut Road in the ARZD. The subject parcel is 26 acres. It contains one single family home and ADU served by an onsite septic system and drilled well. The applicant is seeking Growth Management allocation for two dwelling units. The parent parcel is greater than 10.5 acres so it is subject to Williston's open space protection provision.

Proposed Lot 1 will retain the existing home and an ADU on a lot of 2 acres. Lot 2 will be a single family home on 2 acres and lot 3 a single family home on 3 aces. The new lots will be served by on-site septic and wells. Lot 4 will be the open space lot of circa 21acres.

The applicant is investigating whether the existing drive can be meet the driveway standards in the WDB and therefore be used to serve the development. If not a new driveway will need to be developed.

This project is subject to the provisions of Growth Management and is not eligible for an exemption because the parent parcel is greater than 10 acres. The proposed project would require a minimum score of 30 points under the category of Proposed Residential Subdivisions Outside the Sewer Service Area (WDB 11.8) to receive dwelling unit allocation in March 2024. The scoring criteria are described in Chapter 11 of the Williston Development Bylaws.

PROJECT HISTORY

None

SITE PLAN REVIEW

After review of this application for development, the Conservation Commission finds that the following natural resources as defined in WDB Chapters 27, 28, 29 and 31 may be affected:

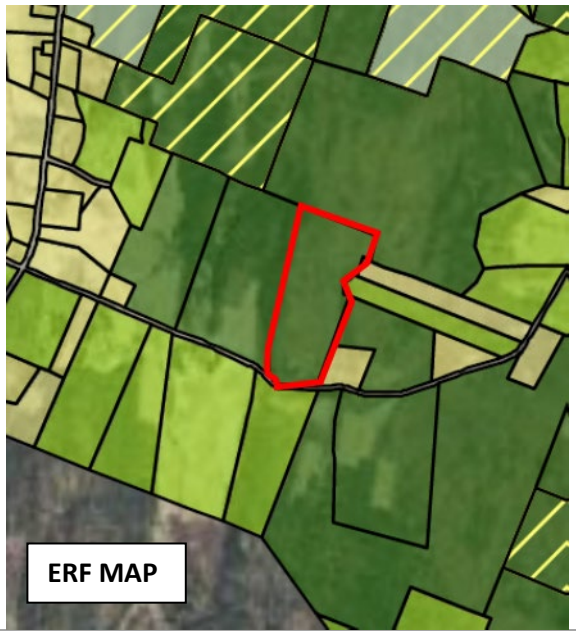
- ☒ Open Space Development
- ☒ Core habitat (SWHA)*
- ☒ Wildlife travel corridors (SWHA)*
- ☒ Unique natural communities (UNC)
- ☒ Uncommon, rare, threatened or endangered species (URTES)
- ☐ Primitive Trails
- ☐ Farmlands of local importance
- ☒ Scenic viewsheds
- ☐ Special flood hazard areas (SFHA)
- ☒ Streams, wetlands, lakes & ponds

*Significant Wildlife Habitat Area

ERF PRIORITIZATION

The parcel is assigned a conservation priority level of **high** in the ERF Prioritization Map.

There are no desired or built primitive trails shown on the property in Map 17 of the *Williston Comprehensive Plan*



SIGNIFICANT WILDLIFE HABITAT AREA
WDB 27.5

The subject parcel is within a Significant Wildlife Habitat Area (SWHA) due to its designation as both Core Habitat and Wildlife Travel Corridor on the Significant Wildlife Habitat Official Map, adopted as part of WDB 27. WDB 27.5.7 requires that a Habitat Disturbance Assessment (HDA) be prepared by a qualified wildlife biologist and submitted by the applicant as part of a discretionary permit application.

UNCOMMON, RARE, THREATENED, AND ENDANGERED (URTE) SPECIES
WDB 27.6

The subject parcel is identified as containing Uncommon, Rare, Threatened and Endangered Species (URTES) and communities on the URTES Map.

WDB 27.6.6.1 states that all development located within a designated URTES habitat which is not exempted by WDB Chapter 4 will require a written opinion issued by Vermont Fish and Wildlife confirming the presence or absence of URTES. If URTES are present the applicant must obtain a written opinion from VFWD indicating what measures must be taken to assure that the development will not result in undue adverse impact to the URTES.

The URTES is Dry Oak Hickory Hornbeam Forest.

The URTES is in the proposed open space parcel.

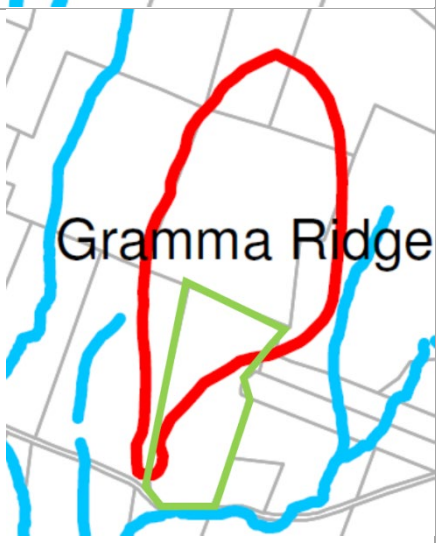
UNIQUE NATURAL COMMUNITIES
WDB 27.6

The subject parcel is identified as containing a Unique Natural Community (Gramma Ridge) on the Unique Natural Communities Map.

WDB 27.7.4.1 states that the impact to the UNC shall be determined by the Zoning Administrator or DRB. Prior to Discretionary Permit the DRB may request recommendations from the Conservation Commission who will identify the significant resources in the UNC and make recommendations to assure that the development will not conflict with them.

WDB Table 27.A states that the significant resources in this UNC are forested uplands, vernal pools, wildlife habitat.

Some of the UNC is within the western part of proposed lots 2 and 3.



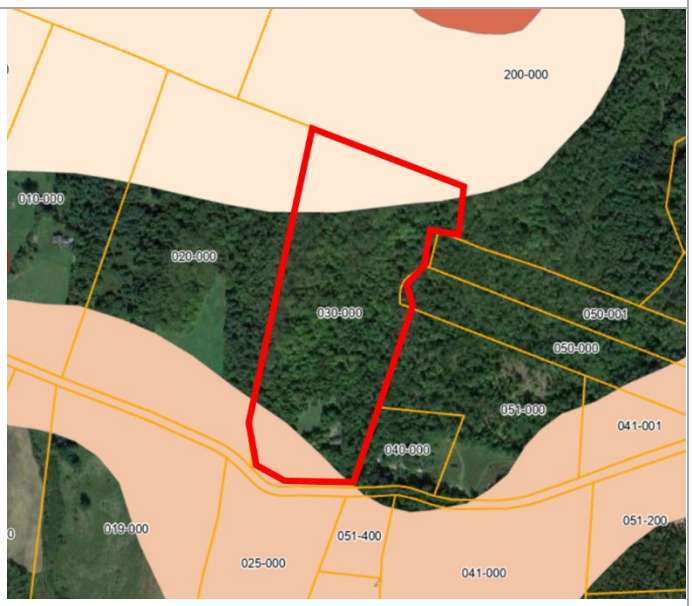
FARMLANDS OF LOCAL IMPORTANCE
WDB 27.8

The subject parcel is identified as containing Farmland of Statewide importance on the Land Evaluation/Site Assessment (LESA) map, but none of the land is considered Farmland of Local Importance on the LESA Map., therefore WDB 27.8 does not apply to this project.

SCENIC VIEWSHED
WDB 27.9

The subject parcel is within an area mapped as a Secondary Middleground Viewshed Area and Secondary Foreground Viewshed Area as identified in the Visual Assessment Official Map.

WDB 31.7.2.3 states that landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified views. No development is proposed in the secondary middleground. Lots 2 and 3are in the secondary foreground.



SPECIAL FLOOD HAZARD AREAS
WDB 28

None of the project area is within a Special Flood Hazard Area (SFHA), as identified on the most current flood insurance maps and studies published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), or its successor, and as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753. WDB 28 is not applicable to this project.

WATERSHED HEALTH
WDB 29

These standards help protect water quality and watershed health in Williston by regulating construction site erosion and stormwater management in new developments and on redevelopment sites. This chapter also establishes standards for the provision and protection of watershed protection buffers along streams and around wetlands and lakes.

<u>29.4 Runoff and Erosion Control Plans</u>
WDB 29.4 establishes runoff and erosion control standards for larger developments and development in vulnerable areas. A low risk development is one in which the cumulative land disturbance is greater than ¼ (one-quarter) acre, but less than two (2) acres, in which all land that will be disturbed is outside the watershed protection buffers established by Chapter 29, and in which all land that will be disturbed has a slope of less than eight percent (8%).

The proposal disturbs land greater than 2 acres and with a slope greater than 8% and is therefore high risk. WDB 29.3.1 requires that for high risk developments the discretionary permit application be accompanied by a professionally-prepared Erosion Prevention and Sediment Control Plan that shows how compliance with the

performance standards of WDB 29.5 will be attained both during the construction of the proposed development and the continuing use of the site. The applicant should refer to WDB 29.5 for specific runoff and erosion control standards.

WDB 29.8 Wetlands Protection

There are no state or Town mapped Class 2 wetlands on the subject parcel and no advisory wetlands. The site plan indicates that there may be a stream on the subject property. WDB 29.8.1 states that a wetlands delineation prepared by a professional wetlands scientist in accord with the current guidelines of the Army Corps of Engineers must accompany all applications for discretionary permits for development on sites where wetlands are known or suspected to exist.

WDB 29.9 Watershed Protection Buffers

There is a requirement for a 50' buffer around the delineated boundary of all Class 2 wetlands (WDB 29.9.4.1) and around the ordinary high water mark of all unnamed streams (WDB 29.9.3.2).

WDB 29.9.6 states that watershed protection buffers shall remain undeveloped and in native vegetation. Outdoor storage is not permitted in watershed protection buffers. No lawn chemicals, including fertilizers, herbicides, and pesticides may be used in watershed protection buffers. The covenants for developments that include watershed protection buffers shall include a reference to the standards adopted under WDB 29.9.5 and WDB 29.9.6. In developments where an owner's association is required, that association is responsible for the protection of the watershed protection buffers.

WDB 29.9.7 states that Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.

WDB 31.9 OPEN SPACE DEVELOPMENT

Since the subject parcel is greater than 10.5 acres, this project is subject to the requirement to set aside 75% of the parent parcel as permanently protected open space. The applicant has proposed to protect 21 acres as open space, comprising 75% of the total parcel area in a single open space lot.

Protected open space must include watershed protection buffers and slopes of 30% or more. It should include all conservation areas and slopes of between 15% and 29% consistent with the landowners right to beneficial use of their property. This means if the landowner has only conservation areas the Town should work to minimize consumption of lands that should be protected.

The proposed open space is situated in the north of the parcel. **The Commission should discuss the open space and what the priorities are for inclusion given the extent of different conservation areas across the parcel.**

WDB 31.9 LOTS AND HOME SITES

WDB 31.9.6.1 establishes a clearing limit for new homesites. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground components of on-site wastewater disposal systems, but does include on-site circulation and parking areas.

FINDINGS AND RECOMMENDATIONS

Findings

1. As a subdivision of a parcel of land greater than 10.5 acres, this project is required to set aside 75% of the parent parcel as open space. The applicant's proposed 21 acres of open space meets this requirement.

2. The subject parcel is designated as a high priority for conservation in the ERF prioritization map.

3. The proposed project is required to obtain allocation for two dwelling units through Growth Management. The proposed project is not eligible for an exemption because it is greater than 10 acres.

4. There are no desired trails, as identified in in Map 17 of the Williston Comprehensive Plan, on the subject property and no trails are proposed.

5. The subject parcel is within a Significant Wildlife Habitat Area due to its designation as Core Habitat and a Wildlife Travel Corridor on the SWHA Official Map.

6. The subject parcel contains Uncommon, Rare, Threatened and Endangered Species (URTES) and communities on the URTES Map.

7. The subject parcel is identified as containing a Unique Natural Community on the Unique Natural Communities Map.

8. The subject parcel is within Secondary Middleground and Secondary Foreground viewshed areas.

9. The proposed project is considered a high-risk development for watershed health as it will disturb greater than 2 acres and land on a slope of greater than 8%.

10. The proposed project is not anticipated to impact any farmlands of local importance or special flood hazard areas.

<u>Recommendations:</u>

1. A Habitat Disturbance Assessment (HDA) should be prepared by a qualified wildlife biologist for the Discretionary Permit application. *The Selectboard will be considering bylaw amendments that require the town to contract with the biologist who completes the HDA for the discretionary permit, at the applicant's expense. The applicant is encouraged to meet with Planning Staff to discuss procurement of the HDA prior to submitting their discretionary permit.*

2. The HDA should identify whether any URTES are located within the parcel and confirm their extent.

3. The HDA should identify any significant resources in the Unique Natural Communities located within the development parcels.

4. Limit the extent of forest clearing to the greatest degree possible to reduce impacts to the Significant Wildlife Habitat Area.

5. Site plan should show defined building envelopes of ½ acre or less for the proposed lots 2 and 3. No structures or forest clearing shall be allowed outside the building envelope.

6. If a new shared drive is proposed, at the time that shared driveway is completed and operational, the existing driveway shall be abandoned and restored to a forested condition. Final plans must provide details for how restoration will be implemented.

7. A wetland delineation for the proposed development must be prepared by a professional wetlands scientist and the site plan submitted with the discretionary permit application shall show wetlands in and within 100ft of the development lots (if present). If the delineation identifies Class 3 wetlands a functional assessment of those wetlands shall be provided.

8. Proposed development must not encroach into watershed protection buffers. Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.

9. The applicant needs to submit a professionally-prepared runoff and erosion control plan as part of the discretionary permit application.