

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 24-09

Discretionary Permit

Benedetto Subdivision

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

1318 Butternut Road

23-026-071-000

Anna, Gregory, and Laura Benedetto

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

November 26, 2024

Owner

Doug Goulette, P.E., Trudell Consulting Engineers

HEARING DATE

APPLICANT

REPRESENTATIVE

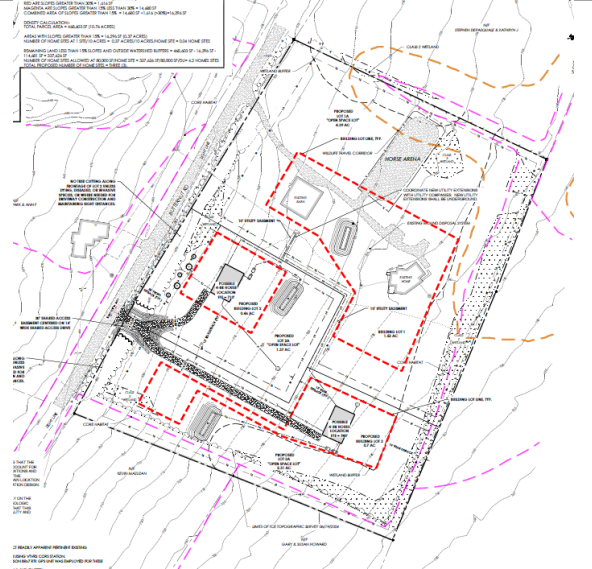
BRIEF SUMMARY OF REQUEST

This is a request for a discretionary permit to subdivide a 10.76-acre parcel to create two (2) new house lots:

Lot 1: existing dwelling & barn, 1.53-acres
 Lot 1A: open space, 4.39-acres

Lot 2: proposed dwelling, 0.46-acres
 Lot 2A: open space, 1.37-acres

Lot 3: proposed dwelling, 0.70-acres
 Lot 3A: open space, 2.31-acres



10.76-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
- 4. Permit Exemptions
- 10. Boundary Adjustments
- 11. Growth Management
- 12. Subdivisions and Final Plans
- 13. Access, Connectivity, Traffic Studies
- 14. Off-Street Parking and Loading
- 15. On-Site Infrastructure

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

- 24. Outdoor Lighting
- 25. Signs and Public Art
- 26. Street Trees
- 27. Conservation Areas
- 28. Special Flood Hazard Areas
- 29. Watershed Health
- 31-42. Zoning District
- 43-45. Impact Fees

Chapters 1, 3, 5-9, 30, 46 and Appendices are not usually discussed in DRB staff reports.

RECOMMENDED ACTION

The application could be closed and decided tonight if the DRB modifies Conclusion of Law #3 and Condition of Approval #3a. However, if the DRB concurs with the WCC for WDB 31 open space, then a continuance is recommended so the applicant can revise their subdivision layout.

If continued to January 14th, the applicant must submit revised plans by Monday, December 9th for WCC review on December 17th. If continued to January 28th, revised plans must be submitted by Monday, January 6th for WCC review on January 15th. It is not possible for the applicant and staff to turn materials around on November 27th for WCC review on December 3rd prior to the last DRB meeting of 2024 on December 10th.

PROJECT HISTORY

This is the first time the DRB is reviewing the discretionary permit request.

December 12, 2023 DP 24-09 Pre-application review

DATE OF APPROVAL PERMIT NUMBER DESCRIPTION

ADVISORY BOARDS

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB

<input type="checkbox"/>	CONSERVATION COMMISSION (WCC)	November 20, 2024	Included
	NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/>	HISTORIC AND DESIGN ADVISORY COMMITTEE (HDAC)	N/A	N/A
	TRANSMITTAL DATE	TRANSMITTAL DATE	CONDITION

INTERDEPARTMENTAL REVIEW

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB

<input type="checkbox"/>	PUBLIC WORKS	November 21, 2024	Included
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	FIRE	November 5, 2024	Included, with limitations
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	POLICE	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION

NOTES:

The DRB can adopt comments as conditions but 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 in the Williston Development Bylaws cannot be enforced by the DRB.

PUBLIC COMMENT

No comment letters were received at the time of mail out (November 21, 2024).

NAMES: N/A

PROJECT ELEMENTS

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB.

Pre-Application Recommendations

DRB RECOMMENDATION	APPLICANT RESPONSE
1. The proposed development and use(s) can meet the development standards of WDB Chapter 31.	Standard.
2. 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:	

□ **Pre-Application Recommendations**

<ul style="list-style-type: none"> a. The applicant may choose, but is not required, to develop using an open space pattern. b. The applicant should consider additional plantings to thicken the screening from Butternut Road provided by the roadside vegetation per WDB 31.9.6 and 31.9.8. c. There should be a shared driveway for the two new dwellings per WDB 13.2.1. d. Compliance with the design standards for points of access per WDB 13.2.3. e. Utilities should be underground per WDB 15.4; wastewater system to meet the requirements of WDB 15.6 and on-site water to meet the requirements of 15.10. f. An accurate density calculation per WDB19. g. Relocation of the home in Lot #2 further from the wetland buffer. 	<ul style="list-style-type: none"> a. N/A – this based on an assumption of <10.5 acre parcel size b. Five (5) plantings proposed on Lot 2/2A where across from 1259 Butternut Road. c. Complies. Shared driveway proposed d. See DPW Comment memo. e. Complies. f. Complies. g. Lot 2 is not proposed in the wetland buffer.
<p>3. 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.</p> <ul style="list-style-type: none"> a. Williston Public Works Memo dated November 21, 2023 b. Williston Fire Department Memo dated November 17, 2023 	<ul style="list-style-type: none"> a. See DPW DP memo. b. Except for the 14' driveway width, all over comments are non-jurisdictional and not enforceable by the DRB.
<p>4. The discretionary permit application must address the Conservation Commission (WCC) recommendations from their memo dated December 6, 2023:</p> <ul style="list-style-type: none"> a. The site plan submitted with the Discretionary Permit Application shall show all wetlands and their buffers on the property as shown on a wetland delineation for the proposed development prepared by a professional wetlands scientist and confirmed by the Vermont Wetlands Office. b. Proposed development must not encroach into watershed protection buffers other than the exceptions listed in 29.8.2. Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance. The applicant shall work with staff to decide on the method by which the watershed protection buffer is demarcated on the ground. c. The applicant needs to submit a professionally prepared runoff and erosion control plan as part of the discretionary permit application. d. A Habitat Disturbance Assessment is not recommended since no construction is proposed in the SWHA. e. A trail easement is not required. 	<ul style="list-style-type: none"> a. Complies, wetlands and buffers identified. b. Complies, buffer demarcated. c. Complies, plan provided. d. N/A e. N/A
<p>5. The Board recognizes the concerns of the neighbor Mr Richard Park located at 1259 Butternut Road, and requests that the applicant consider the relevant portions of his comment letter.</p>	<p>Consolidated driveways and providing five (5) plants to supplement the vegetated buffer on Lot 2/2A</p>

Dimensional Standards

31.3.1 Building Height – Not applicable at this time. The maximum 36’ building height and confirmed at administrative permit when plans for house construction are submitted.

31.3.2 Setbacks from property lines – Compliance anticipated. Final plans shall identify 15’ side and rear setbacks on each house lot. Though the bylaw does not have a parcel configuration requirement, the layout of Lot 3 is concerning. The long, narrow strip is ~15’ wide and thus cannot accommodate any structure due to setbacks. The square area closer to Butternut Road is approx. 85x85’ which yields a 55x55’ building envelope. The applicant and future owners should be aware of the limitations this lot layout will have for house placement, additions, and accessory structures.

31.3.3 Setbacks from Roads – Complies as proposed. All existing and proposed structures meet the 50’ setback from Butternut Road.

31.3.6 Lot Dimensions – The plat and site plans must be revised to designate a 40’ private driveway easement from Butternut Road to each house lot. The open space lots meet the frontage requirement along Butternut Road. Even if open space lots are conveyed with a house lot, the house lots need frontage on a 40-ft wide “road or drive.” Lot 1 needs a 40’ access easement over Lot 1A. The plat identifies a 30’ easement extending into Lot 2A and 3A, but it does not extend to Lots 2 and 3. As proposed, Lots 2 and 3 do not have frontage on a public or private road or driveway.

31.7 Open Space Development

DRB discussion and a possible continuance is needed. The DRB must edit Conclusion #3 and 4. WCC Condition #3b states, “Open space must be one parcel and the proposed building lots shall be clustered closer together to reduce fragmentation of the open space.” The DRB must make two decisions: 1) Does the proposed layout meet the contiguity standards of WDB 31.7, or does it need revision? 2) Are multiple open space lots acceptable?

Open Space, Number of Lots – Pre-application design was based on a parcel size of 10.38-acres. Since then, the property has been surveyed and was determined to be 10.76-acres, above the 10.5 acres for open space threshold thus requiring a separate open space. The applicant has proposed a design which creates three (3) building lots and separates the open space lot into three (3) parcels, one for each building lot. They have proposed that the deeds will restrict uses on the open space lots and link each one to a building lot. WDB 31.7.7 states that protected open space must be platted as a separate lot. The singular language in this requirement suggests that open space will be one (1) lot, but it does not clearly require it.

Open Space, Configuration & Contiguity – Condition #3b necessitates a revision to the layout, a layout that was otherwise acceptable at pre-application prior to the open space requirement. The WCC Finding #4 concluded, “The proposed open space is not contiguous” but that it could “be approved under Williston’s development standards for open space subdivisions” if the applicant revises the site plan in accordance with Condition #3b. WDB 31.7.2 lists 7 resources that must be included in open space: 4 are not applicable, 2 already protected by the layout (SWHA and watershed buffers), and 1 category remains: “31.7.2.7 Other Lands.” The open space is contiguous with open space on adjoining properties to east and south. The bylaw gives the DRB and WCC discretion in determining the configuration of open space, but WDB 31.7.3 requires that open space be contiguous. The bylaw does not provide further guidance in 31.7 for what “contiguous open space” looks like, especially in areas that are not specifically mapped for habitat protection, wetlands, important farmland, or steep slopes.

See also the WCC Staff Report and Recommendations for more discussion on this topic.

BYLAW EXCERPTS:

“31.7.2 Must certain lands be included in the open space? Yes. Protected open space must meet the following requirements, as applicable.

31.7.2.7 Other Lands. Other lands within the proposed development may be included as protected open space in order to provide the minimum 75% open space required by WDB 31.7.1, and to comply with the contiguity standard of WDB 31.7.3, below.”

“31.7.1 How much open space must be conserved? All developments that involve more than 10.5 acres in this zoning district must protect at least 75% of their total area as open space. The proposed protected open space must be clearly delineated on the concept plan submitted with the pre-application, on all plans submitted with the application for a discretionary permit, and on the approved final plan.”

“31.7.3 Must the protected open space be contiguous? Yes. The protected open space must be contiguous, except as provided here. It must also be contiguous with any open space on adjoining lots or parcels that is currently protected or is identified for protection in the Town Plan. The DRB may allow exceptions to this standard where:

31.7.3.1 ... a small area that is isolated from the rest of the open space on the site is within a watershed protection buffer required by Chapter 29 of this bylaw; or

31.7.3.2 ... the only home sites that comply with the standards of this chapter are adjacent to protected open space on an adjoining lot or parcel.

31.7.4 How is contiguity defined? Contiguous open space is generally defined as an area of forest and/or other natural community that is unfragmented by development and remains in a natural state. In establishing standards for contiguity, the Conservation Commission and DRB will consider the context of the proposed development, including the type and relative value of resources as identified in WDB 27, 28, and 29 to be protected, and the configuration of open space that will best ensure the protection of those resources.

31.7.7 Must the protected open space be platted as a separate lot? Yes, the protected open space required by this chapter must be platted as a separate lot.

31.7.8 Must the protected open space be surveyed? Yes. The protected open space required by this chapter must be shown on the final plans and must be monumented in accordance with the requirements of 12.4.1.5 with the same degree of accuracy as a building lot. Open space areas must also be marked and the applicant will provide latitude and longitude coordinates from the Vermont state grid so that the town can easily find the open space boundaries in the field should the monuments be insufficient.

31.8 Housing Design in Open Space Developments

The DRB should discuss the proposed House Lot and Open space configuration. The WCC provided no specific recommendations for 31.8, and most standards are not applicable as it is intended for a large subdivision clustering several lots. WDB 31.8 states that *“housing (or other) development may take place on no more than 25% of any site of more than 10.5 acres.”* WDB 31.8.1 further states that specific home sites must be designated on a portion of a proposed open space development that is 25% or less of the developable area. The bylaw does not specify whether the area proposed for development needs to be contiguous or if the “portion” of land used for development can be separated by open space and therefore spread over an area that is greater than 25% of the parcel.

31.9 Lots and Home Sites

31.9.1 Provide for Adequate Wastewater Treatment – Complies. See WDB 15.6.

31.9.2 Ensure an Adequate Water Supply – Compliance anticipated. See also WDB 15.10.

31.9.3 Provide for Safe Road Access – Compliance anticipated. See WDB 31.3.6 for frontage requirements.

31.9.4 Respect the Terrain – Complies. The driveway serving the home on Lot 3 is ~10.7% grade.

31.9.5 Provide Trail Connections – N/A. No desired trails are mapped here.

31.9.6 Minimize Visual Impact Using Existing Vegetation and Terrain – Complies. See also WDB 26 regarding the Type I Existing Vegetation Buffer along the South Road frontage.

31.9.7 Minimize Visual Impacts in Open Areas – Not applicable. The forested ridge continues to rise to rear/east of Lot 3 such that the proposed home on Lot 3 will not be “outlined against the sky.”

31.9.8 Supplement Screening or Absorption, as Necessary – Not applicable. The DRB did not provide recommendations at pre-application and WCC had no specific comments at DP.

31.9.9 Demonstrate Compliance – Not applicable. At pre-app the DRB and WCC (and WCC at DP) did not request photos or simulations to show compliance with the visual absorption requirements.

Subdivisions and Final Plans

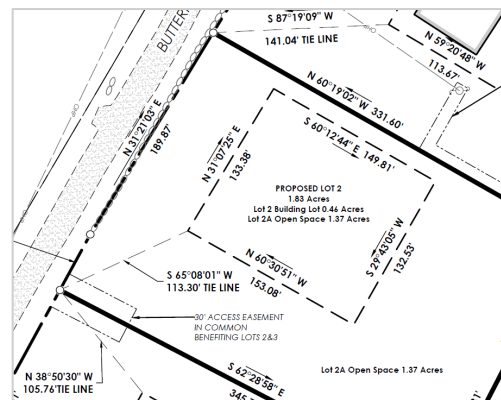
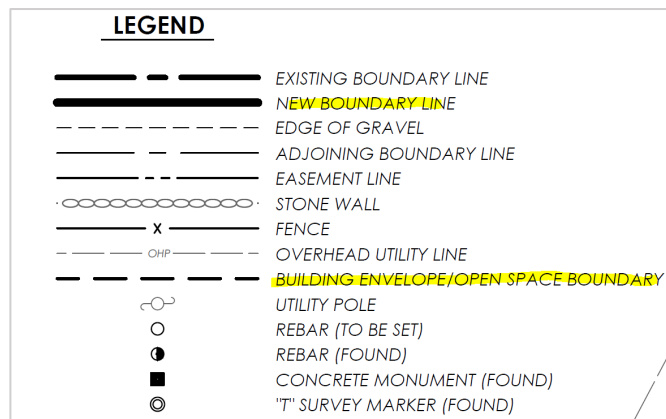
Specific – Condition #18

WDB 12

DECISION

At Final Plans, the plat must be revised. Per WDB 31.7.7, open space must be platted separately. Per 31.7.8, “...open space ...must be monumented in accordance with the requirements of 12.4.1.5 with the same degree of accuracy as a building lot.” For parcels larger than 10.5 acres, open space cannot be designated with a building envelope and open space area within the same lot. The narrative letter describes a 3-lot subdivision where the applicant is intending to create 6-lots. The plat needs to be revised to eliminate the ‘building envelope/open space boundary’ designation and show all proposed boundaries as ‘new boundary line.’ The plat must be revised to include survey monuments for the house lots same as the open space lots in conformance with WDB 12.4.1.

The WDB is silent on deed conveyance. For example, 6 lots can be conveyed by way of 3 deeds (2 lots per deed: one open space and one house lot).



Affordable Homes and Growth Management

N/A

WDB 11

DECISION

The project proposes fewer than four (4) new dwellings. Thus, the project was able to proceed from pre-application review to discretionary permit without Growth Management review.

Access, Connectivity, Traffic Studies

Specific

WDB 13

DECISION

Compliance anticipated. Since pre-application, the applicant has reduced the number of access points onto Butternut Road. The two new homes will be served by a shared curb cut onto Butternut Road. The applicant and Public Works Department have been discussing the driveway and culvert design. Final Plans shall address the comments of the DPW Department and requirements of the Public Works Standard Specifications.

See also WDB 31.3.6 above, the driveway easements must be 40' to each house lot.

13.2.6 – These standards apply to driveways that serve more than one (1) dwelling and thus are not applicable after the shared driveway splits. The applicant has proposed 14' wide driveways to meet the Fire Department preferences.

On-Site Infrastructure **Specific**
WDB 15 DECISION

15.4 Private Utilities – Complies as proposed. Shown underground.

15.6 On-Site Sewage Disposal – Complies as proposed. Plans prepared by a licensed designer have been submitted.

15.10 On-site Water – Final plans shall include a State Water and Wastewater Permit to demonstrate compliance with WDB 15.10 and Pre-app Recommendation #2e. A water well yield summary indicated an average well yield of 7.8 gpm. Also, there is a drilled well already serving this property with a reported yield of 30 gpm. The applicant requests that the existing well act as evidence to satisfy the requirements of Section 15.10. This statement on Sheet C2-01 is to be eliminated from the plans, *“The proposed well locations have been selected only on the basis of wastewater isolation distances. No hydrogeologic information was gathered or analyzed to establish that this location will supply potable water of sufficient quality and quantity.”*

Per subsections of WDB 15.10, *“...the applicant must demonstrate that groundwater sufficient to support the development is available. This must be done by conducting on-site well tests under the supervision of a registered engineer or a groundwater hydrologist....Well tests shall be conducted in accord with the current requirements of the Vermont Water Supply Rule for long-term yield testing....”*

Density, Transfer of Development Rights **Standard**
WDB 19 DECISION

Complies as proposed. The applicant has provided a density analysis. 3 homes are proposed (1 existing, 2 new) where up to 4 homes can be allowed.

Density Calculation per WDB 19.A			
Constraint	Acres	Mx. Allowable Density per Acre	Max Allowable Dwelling Units
Unconstrained	7.751	1 DU per 1.84acres (0.55 DU/acre)	4.26
Watershed Buffers	2.63	0 DU per acre	0
Slopes 15-29.9%	0.337	1 DU per 10acres (0.10 DU / acre)	0
Slopes greater than 30%	0.037	0 DU per acre	0
Total Land Area	10.76	Total Dwelling Units Allowed	4
Total Dwelling Units Proposed			3 (1 existing; 2 new)

Landscaping and Street Trees **Specific – Condition #21**
WDB 23 & 26 DECISION

Compliance anticipated.

Landscaping – Compliance anticipated. For the north, east, and south boundaries of the parent parcel, the 50-ft Existing Vegetation Buffer is maintained per WDB 23. At final plans, the statement *“no tree cutting along frontage of Lot 2/2A and 3/3A unless dying, diseased, or invasive species or where needed for driveway construction and maintaining sight distances”* shall be revised to add *“and gaps created by removed vegetation shall be replanted in order to maintain effective screening, but not invisible, per WDB 31.9.6”*

Street Trees – Complies as proposed, not applicable. At pre-application, the street tree requirement was waived per WDB 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	Standard
	WDB 27	DECISION
	<p>27.5 Significant Wildlife Habitat Area (SWHA) – Complies, no development is proposed within the Core Habitat and Wildlife Travel Corridor as mapped on northeast corner.</p> <p>27.9 Scenic Viewshed – Complies, not applicable. Neither the DRB nor the WCC recommended any mitigation for possible viewshed impacts at pre-application. The subject parcel is within an area mapped as a Secondary Foreground Viewshed in the Visual Assessment Official Map. The viewpoint is at the Butternut Road / Route 2a Intersection over 1 mile away.</p> <p>Not applicable – 27.6 Uncommon Rare, Threatened and Endangered Species, 27.7 Natural Community, 27.8 Farmlands of Local Importance, 27.9 Scenic Viewshed</p>	
□	Watershed Health	Specific – Condition #3a
	WDB 29	DECISION
	<p>Complies as proposed.</p> <p>29.4 Runoff and Erosion Control – Complies, the applicant has provided a professionally prepared erosion prevention and sediment control plan which demonstrates compliance with WDB 29.5. The proposal disturbs more than 2 acres and is therefore high risk.</p> <p>29.8 and 29.9 Wetlands Protection and Watershed Protection Buffers – Complies as proposed. See WCC Condition #3a permitting signage on 100’ intervals to delineate the buffer per WDB 29.9.7. No development is proposed within Class II or III wetlands, which are limited to the perimeter edges.</p>	
	BYLAW EXCERPT:	
	<p>29.9.7 How will people know where watershed protection buffers are? <i>Watershed protection buffers must be marked on the ground as well as on the final plans. This may be accomplished using plantings, fences, or other landscape features, like a line of boulders. The DRB may permit an exception to this standard where a watershed protection buffer is marked by a definite change in the terrain.</i></p>	
□	Impact Fees	N/A – FYI Only
	WDB 43-45	DECISION
	<p>Recreation and Parks Impact Fee and Transportation Impact Fee are assessed with the Administrative Permit. In FY2025, these fees are just below \$4,000. As of November 18, 2024, the School Impact Fee (~\$4,000) has been retired.</p>	

DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to develop the property for residential open space subdivision, an allowed use and development pattern in the Agricultural/ Rural Residential Zoning District per WDB 31.
2. The project includes a 10.76-acre parcel at 1318 Butternut Road.
3. The project proposes to maintain the existing dwelling and create 2 proposed dwellings: Lot 1: existing dwelling & barn, 1.53-acres; Lot 1A: open space, 4.39-acres; Lot 2: proposed dwelling, 0.46-acres; Lot 2A: open space, 1.37-acres; Lot 3: proposed dwelling, 0.70-acres; Lot 3A: open space, 2.31-acres.
4. The parcel is subject to the Williston Development Bylaw's open space requirements for parcels larger than 10.5 acres and must therefore set aside 75 percent of its land area as designated open space.
5. The project proposes consolidated access with the proposed 2 dwellings served by one access point onto Butternut Road.
6. The property contains SWHA and Class II and III wetlands that are not developed or impacted by this subdivision.

CONCLUSIONS OF LAW

1. The use(s) proposed as part of this discretionary permit are allowable uses in the Agricultural/ Rural Residential Zoning District.
2. The proposed development can meet the development standards of WDB Chapter 31 for the Agricultural/ Rural Residential Zoning District as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.
3. **Three (3) open space lots totaling 75% [DOES OR DOES NOT] not meet the singular open space lot requirement of WDB 31.7.7.**
4. **The subdivision layout [DOES OR DOES NOT] meet the configuration and contiguity requirements of WDB 31.7**

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. Williston Public Works Memo dated November 21, 2024 and a written response to the department outlining the changes that were made in response to their comments.

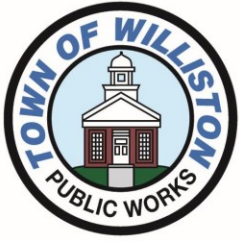
- b. Williston Fire Department Memo dated November 5, 2024 and a written response to the department outlining the changes that were made in response to their comments, but only as it pertains to location addressing ordinance.
3. Final plans shall be address the comments of the Conservation Commission memo dated November 20, 2024:
 - a. Signage delineating watershed protection buffers on a 100' interval as proposed is acceptable.
 - b. Open space must be one parcel and the proposed building lots shall be clustered closer together to reduce fragmentation of the open space.
4. 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.
5. 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.
6. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
7. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
8. 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.
9. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
10. 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.
11. 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.
12. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
13. 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.
14. 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.

15. 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.
16. 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.
17. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
18. **House lots and open space lot(s) shall be platted and monumented in compliance with WDB 12.4.1.5 and 31.7.8.**
19. **Prior to Final Plans, confirm location addresses with the E911 Coordinator (Listers and Assessors Office) per the Road Name and Location Addressing Ordinance.**
20. **The plat and site plans must be revised to designate a 40' private driveway easement from Butternut Road to each house lot.**
21. **The statement "no tree cutting along frontage of Lot 2/2A and 3/3A unless dying, diseased, or invasive species or where needed for driveway construction and maintaining sight distances" shall be revised to add "and gaps created by removed vegetation shall be replanted in order to maintain effective screening, but not invisible, per WDB 31.9.6"**

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 November 26, 2024, accept the Findings of Fact and Conclusions of Law for DP 24-09 and approve this Discretionary Permit subject to the Conditions of Approval above.

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



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: 11/21/2024
RE: DP 24- 09 Benedetto Residential Subdivision

Public works has completed a technical review of the above referenced plan. Project shall conform to the latest Public Works Standard Specifications. As-Built plans and Engineering Certifications are required at the completion of the project, prior to Certificate of Occupancy (CO). Please provide a **written response** to the following items prior to receiving approval for the project:

DPW has reviewed this application. Applicant has been responsive to the DPW's concerns, and has no additional comments at this time.

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.

MEMO

To: DRB Staff
From: Ryan Prouty, Lieutenant
Date: November 5, 2024
Re: DP 24-09 1318 Butternut Subdivision

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

Access

Fire apparatus turnarounds shall be provided where the road is a dead end and is more than one hundred and fifty (150) feet in length.

Driveway shall have a solid base of fourteen feet in width

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.

Driveways / Roads shall have clear height unobstructed to 13'-6".

All driveways and access roads more than 500' shall be required to have an apparatus turnoff every five hundred (500) feet. Turn off shall be designed to fit 50' fire apparatus.

Driveways designed to allow apparatus to park within a maximum of one hundred (100) feet of the structure. Fifty (50) feet is preferred.

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.