

**WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT**

**Discretionary**

**DP 25-02**

**Permit**

**Glaser Boundary Line Adjustment**

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

SW Corner of Old Stage Road & Mountain View Road; 195 Windridge Road, Williston, VT

09:012:082.000;  
09:012:033.000

Jacob & Caitlin Glaser; Mark and Hieu McElroy

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

October 8, 2024

Jacob & Caitlin Glaser

Bryan Currier, O'Leary-Burke Civil Associates

HEARING DATE

APPLICANT

REPRESENTATIVE

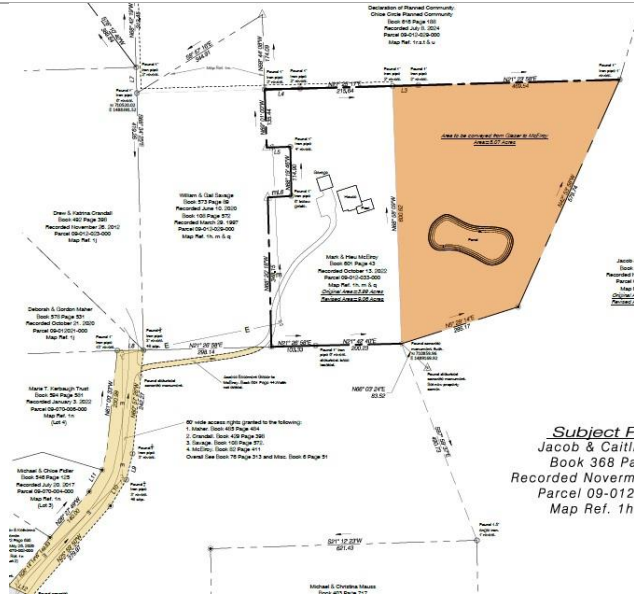
**BRIEF SUMMARY OF REQUEST**

This is a request for a boundary line adjustment to transfer 5.07 acres from Jacob & Caitlin Glaser at the SW Corner of Old Stage Road & Mountain View Road to Mark and Hieu McElroy at 195 Windridge Road.

Glaser Parcel (vacant) – decreases from 99.73 acres to 94.66 acres.

McElroy Parcel (dwelling) – increases from 3.99 acres to 9.06 acres.

The proposed BLA is specifically identified in the approved WDB Appendix K Glaser Specific Plan.



99.73	Residential & Vacant	No Change	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Residential	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

**APPLICABLE BYLAW CHAPTERS:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> 2. Nonconforming Lots, Uses, and Structures | <input type="checkbox"/> 16. Maintenance                                     | <input type="checkbox"/> 24. Outdoor Lighting              |
| <input type="checkbox"/> 4. Permit Exemptions                        | <input type="checkbox"/> 17. Non-Residential Accessory Uses and Structures   | <input type="checkbox"/> 25. Signs and Public Art          |
| <input type="checkbox"/> 10. Boundary Adjustments                    | <input type="checkbox"/> 18. Compatibility, Potential Hazards, and Nuisances | <input type="checkbox"/> 26. Street Trees                  |
| <input type="checkbox"/> 11. Growth Management                       | <input type="checkbox"/> 19. Density, Transfer of Development Rights         | <input type="checkbox"/> 27. Conservation Areas            |
| <input checked="" type="checkbox"/> 12. Subdivisions and Final Plans | <input type="checkbox"/> 20. Residential Improvements                        | <input type="checkbox"/> 28. Special Flood Hazard Areas    |
| <input type="checkbox"/> 13. Access, Connectivity, Traffic Studies   | <input type="checkbox"/> 21. Telecommunication Facilities                    | <input type="checkbox"/> 29. Watershed Health              |
| <input type="checkbox"/> 14. Off-Street Parking and Loading          | <input type="checkbox"/> 22. Design Review                                   | <input checked="" type="checkbox"/> 31-42. Zoning District |
| <input type="checkbox"/> 15. On-Site Infrastructure                  | <input type="checkbox"/> 23. Landscaping                                     | <input type="checkbox"/> 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<sup>1</sup>

DELIBERATE<sup>2</sup>

DECISION<sup>3</sup>

Procedural notes: <sup>1</sup>When continuing, the DRB must specify reason or request additional information and announce a date certain. <sup>2</sup>The DRB cannot deliberate or decide until a hearing has been closed. <sup>3</sup>The DRB has 45 days to issue a decision after closing a hearing.

Staff recommends the DRB approve the application with conditions as drafted.

**ATTACHMENTS**

- |  |                                     |   |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> Narrative Letter | <input type="checkbox"/> Photos     | <input type="checkbox"/> Public Testimony |
| <input checked="" type="checkbox"/> Site Plan(s)     | <input type="checkbox"/> Elevations | <input type="checkbox"/> Other (specify): |

**PROJECT HISTORY**

This is the first time the DRB has reviewed this request. Project history includes:

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>January 16, 2024</b>	N/A	Selectboard approval of Glaser Specific Plan
<b>November 29, 2023</b>	DP 24-06 Pre-App	Pre-app review of proposed Glaser subdivision
<b>February 11, 2003</b>	SUB 03-10	Concept approval for Ezerman to convey 7 acres to Mauss (Windswept Farm) and 90 acres to Glaser. This application did not move forward to final review.
<b>October 9, 1990</b>	SUB 90-17	Savage & Evans 3-Lot Subdivision approved by Williston Planning Commission.
<b>1983</b>	N/A	Concept review of "Littlefield 500-unit subdivision." Plan included lands that were subsequently subdivided into developments known today as Northridge, Turtle Pond, Heritage Meadows, Old Stage Estates, and the Town Disc Golf Course behind WCS.

**ADVISORY BOARDS**

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

<input type="checkbox"/> <b>CONSERVATION COMMISSION (WCC)</b>	N/A	N/A
NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/> <b>HISTORIC AND DESIGN ADVISORY COMMITTEE (HDAC)</b>	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"/> <b>PUBLIC WORKS</b>	September 10, 2024	N/A
DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/> <b>FIRE</b>	September 9, 2024	N/A
DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/> <b>POLICE</b>	September 2, 2024	N/A
DEPARTMENT	MEMO DATE	CONDITION

NOTES:


All three comment memos stated that the respective department had no comments.

**PUBLIC COMMENT**

No comment letters were received at the time of mail out (October 3, 2024).

**PROJECT ELEMENTS**

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

☐	<b>Glaser Specific Plan</b>	N/A
	WDB Appendix K	DECISION
<p>The approved Glaser Specific Plan specifically identifies this boundary line adjustment. The Plan states that the Glaser’s plan to transfer ownership of the land surrounding the pond to the McElroys prior to the proposed transfer of the remaining open space on the ±99.72-acre Glaser parcel to the town.</p>		
BYLAW EXCERPT:	EXHIBITS:	
<p><i>“The pond boundary line adjustment may increase from 1.5 acres to 4.8-5.5 acres, reducing town owned open space from 38.5± acres to 33± acres. This pond, c.2010, is located on the 97-acre subject parcel, directly adjacent to the house at 195 Windridge Road. Jack and Caitlin Glaser sold 195 Windridge Road (ID 09-012-033.000) to Mark and Hieu McElroy in October 2022. The pond is a liability and maintenance responsibility and should not be conveyed to the town. The site plan before the Selectboard excludes 1.5 acres in an unusual rectangular configuration around the pond. Increasing the boundary adjustment land area will allow for a regular lot shape to reduce conflict between private and town-owned lands.</i></p>		

☐	<b>Residential Zoning District</b>	Standard
	WDB 39	DECISION
<p><b>Dimensional Standards</b></p>		
<p>Complies. The proposed Glaser and McElroy parcels comply with the dimensional standards for the Residential Zoning District (RZD). The existing 3.99-acre McElroy parcel contains one (1) dwelling. The proposed 9.06 McElroy parcel will meet the dimensional standards for the RZD. The proposed 94.66-acre Glaser parcel will comply with the frontage requirements for the RZD.</p>		

Subdivisions Final Plans

Specific – See Condition 1a

WDB 12

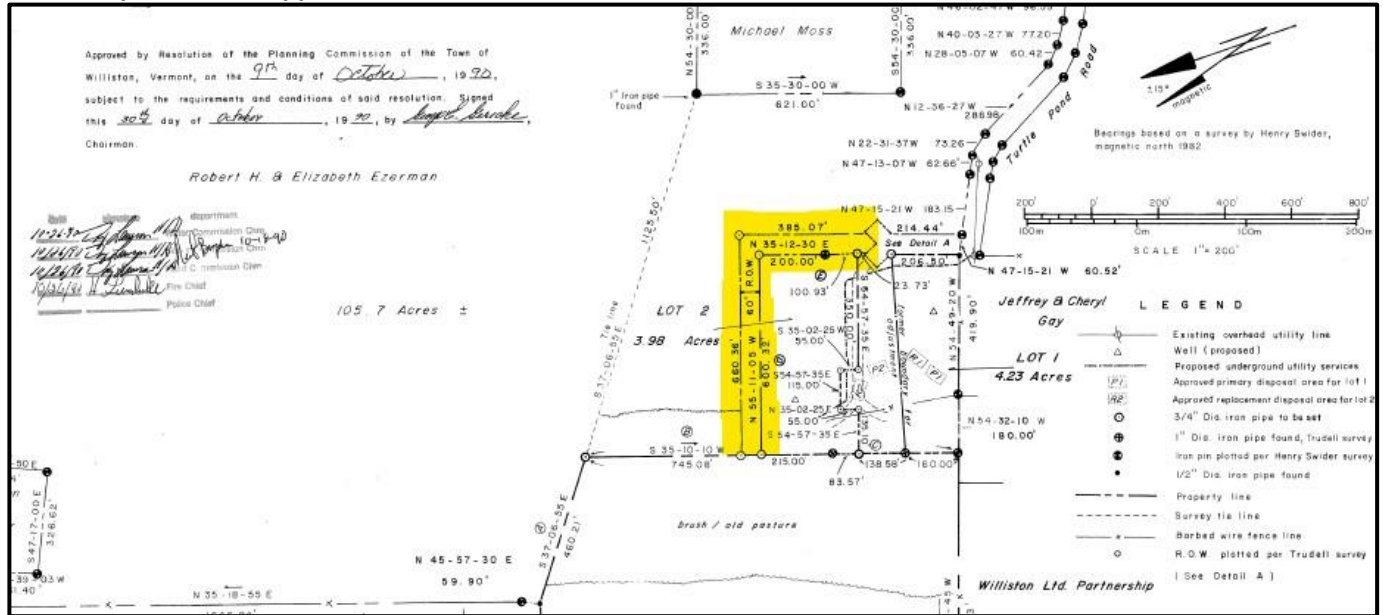
DECISION

Compliance anticipated. **Final Plans and plats must include all existing rights-of-way.** Staff have identified an existing private right-of-way on the Glaser property (ID 09:012:082.000) that is not shown on the proposed plat.

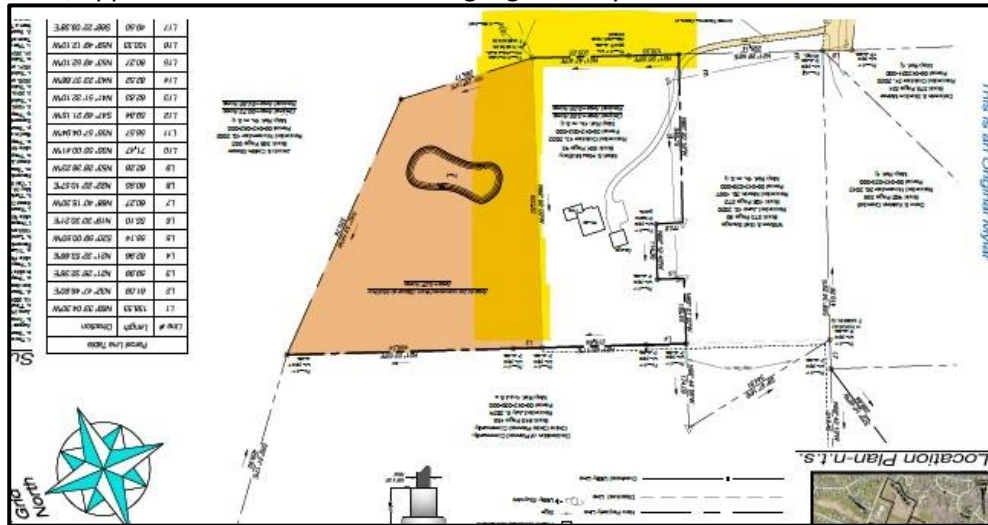
WDB 12.3.1 requires that final plans and plats must include everything on the Final Plan Checklist. The Final Plans Checklist requires that “all existing easements, rights-of-way, driveways, roads, and utilities shall be shown...”

As seen on the subdivision plat for SUB 90-17 Savage & Evans 3-Lot Subdivision and described in the Williston Land Records Book 82, Page 411-413, there is an existing private ROW on the Glaser property.

**The final plat for this application shall include this ROW. See Condition 1a.**



Proposed Plat below; approximate location of ROW highlighted in yellow:



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## DECISION AND MOTION

### FINDINGS OF FACT

1. The applicant proposes a boundary line adjustment transferring 5.07 acres.
2. No new lots are created, and no development is proposed.

### CONCLUSIONS OF LAW

1. The proposed development can meet the development standards of WDB Chapter 39 for the Residential Zoning District 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 a plat 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.
  - a. **The final plat must include the right-of-way described in Williston Land Records Book 82, Page 411-413.**
2. Plats of boundary adjustments must comply with the surveying and monument standards established by Chapter 12
3. 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.
4. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.

### 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 8, 2024, accept the Findings of Fact and Conclusions of Law for DP 25-02 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.**