TOWN OF WILLISTON
DEVELOPMENT REVIEW BOARD
November 9, 2021, 7:00 PM
Town Hall Meeting Room | 7900 Williston Road

Minutes approved _____ as written.

A video recording of the meeting is broadcasted by Town Meeting TV and available at www.cctv.org. The minutes and project proposal information/site plans can be found with "Agenda & Minutes" under "Public Records and Documents" on the town website, http://www.town.williston.vt.us.

Members in attendance: *Peter Kelley (chair), John Hemmelgarn (vice chair), Scott Rieley, David Turner, Paul Christenson* **Absent:** *David Saladino*

Planning & Zoning Staff: *Matt Boulanger, Emily Heyman, Simon Myles*

Attendees who signed in: *Ken Belliveau, Matthew Miller, Robyn Young, Chris Senesac, Arthur Hawgood, Eli Hawgood, Andy Rowe, Alex Kourebana, Kevin Manuzan, Ian Campbell, Chris Snyder, Jeff Boliba, Matthew Spitznagle*

AGENDA

I. Public Forum
II. Public Hearing

DP 20-18 Pre-App Ethan Allen Holdings LLC c/o Chris Senesac requests pre-application review to participate in Growth Management in March 2022 for their proposed residential subdivision located on a 30± acre parcel located at 1400 Mountain View Road in the Residential Zoning District (RZD).

DP 09-01.23 The Snyder FC Commercial Properties LLC and Rieley Properties LLC requests a discretionary permit to construct building H (restaurant) and the urban park at Holland Lane and Market Street in Finney Crossing in the Taft Corners Zoning District (TCZD).

III. Communication, Final Plans and Other Business
IV. Minutes from October 26, 2021 DRB meeting

Memo re. revisions to Conditions of Approval for DP 20-13 (New public safety facility at 3294 St George Road).

V. Adjournment

7:06 PM Opened public forum

There were no comments from audience

7:07 PM Opened public hearing for DP 20-18

DP 20-18 Pre-App Ethan Allen Holdings LLC c/o Chris Senesac requests pre-application review to

participate in Growth Management in March 2022 for their proposed residential subdivision located on a 30± acre parcel located at 1400 Mountain View Road in the Residential Zoning District (RZD).

Representing the application: Ken Belliveau of 683 Maple Street, Waterbury Center; and Chris Senesac of 4 Pearl Street, Essex Junction.

John Hemmelgarn recused himself.

Emily Heyman read the staff report and explained the request.

Ken Belliveau stated that staff report was a good summation. He noted that the site plan was different from what board has seen in the past. The reasons for this include that they are in process of drafting the Discretionary Permit application for the first phase of the project, likely to be submitted in early 2022. Minor changes have been made to the layout as part of undertaking engineering studies, wetlands analysis, road alignment, and meeting Department of Public Works requirements. The unit count is also different as a result of the specific findings from this work. He stated that the project is largely the same as previously reviewed by the DRB. It has all the same elements it secured points for in Growth Management from March 2021. He believes some of changes to the plan, such as the amended road alignment, will deliver a better proposal. He stated that the purpose of pre-app is to participate in Growth Management in March 2022.

Paul Christenson asked if John Hemmelgarn's letter will be incorporated at Discretionary Permit phase. Peter K said yes.

Eli Hawgood and Arthur Hawgood from 1448 Mountain View Road both spoke. They are abutters. Arthur Hawgood is president of the HOA of the townhouses at Catamount. Eli H expressed concern about traffic. Requested lowering of speed limit, or stop signs, or traffic lights to control the speed of traffic on Mountain View Road. She has witnessed cars come off road near their property in their last 6 months, one incident occurring very close to their boundary. Stated that 130 units will generate 260 cars which will generate more traffic which will affect safety unless the speed limit is lowered or stop signs added. More concern should be given to road safety. Arthur Hawgood stated that there is no walkability on this section of Mountain View Road, so adding traffic will create a significant burden. Eli H sought comment on sewer capacity and whether it will be sufficient. Peter K thanked them for thoughtful comments. He noted that speed limits and sewer allocation are out of purview of the DRB, so is not the forum to make that case but appreciates their comments.

Emily H stated that project will be required to provide a traffic study at discretionary permit review. This will assess whether the subdivision will result in capacity issues at neighboring intersections, how the intersection with Mountain View Road should be designed and if it should include features like a stop sign or queueing lanes. She stated that in terms of roadway design and speeds on town roads, the Selectboard has a traffic calming policy that sets out the steps citizens can take to make their comments on traffic calming and speeds known, and the process for resolution. She stated that several years ago the Selectboard did consider a study of the Mountain View Road corridor. In making a decision on that study they decided to implement on-street cycle lanes on Mountain View Road. She noted that when traffic flows are reviewed it is regional traffic network comprising vehicles passing through to other locations in Chittenden County. She noted that sewer allocation was more constrained in previous years than now, the Selectboard has a policy on allocating sewer capacity.

Eli H stated that although studies have been completed they have not considered the extent of accidents or extent of speeding, and have not addressed her concerns or those of the HOA. Believes the traffic will create more problems on the road. She reiterated that cars are coming off road near their property. Stated that development affects traffic and traffic affects development and the two issues are intertwined and cannot be ignored.

Ian Campbell lives at 117 Hanon Drive and has family that lives at 574 Zephyr Road. He has spoken previously on the developments at the Essex Alliance Church property. He provided two drawings he provided showing the Catamount plans overlaid on existing properties with Circ highway right of way highlighted. He supports growth and people moving into Williston. He noted that the local area is very expensive. However, he believes the town needs to be careful how it makes the transition from the urban district to the rural district. He referenced his drawings and stated that there is twice the population density in the Catamount proposal compared to surrounding areas. He questioned why this much density was occurring in this location.

Peter K noted that he errs on the side of letting people speak. But this is currently pre-application stage, where the concept is being advanced to participate in Growth Management in March 2022. There will be more detail at discretionary permit phase where more input is sought with more input from the community. He also advised that the DRB judges projects for compliance with Williston Unified Development Bylaws (WDB). Density is in the WDB that are recommended by Planning Commission and ratified by the Selectboard. The DRB has no say over what that density is. Ian C wants board to be mindful of the issue going forward. He noted that Taft Corners visioning that had taken place focused growth there and sought to preserve the rural character of Williston. He would like everyone to view his slides which show the Trinity Baptist Church proposals, the Essex Alliance Church proposal and the Catamount proposal. He asked that the objective of not be seeing higher densities in population away from the urban core be remembered. Catamount is trending in the denser direction. Higher density development can be out of character with surroundings in these outlying areas and it should instead be directed to Taft Corners. Ian C asked that slides be put into record with his statement. Emily H confirmed they would be. Ian C signed off from the meeting on this application but noted comments and concerns with traffic safety on Zephyr Road / Day Lane in reference to application DP 09-01.23.

Arthur H asked what the next step was. Emily H stated that in March 2022 the project will go to Growth Management where it will be scored in accordance with WDB Chapter 11 and given an allocation schedule. Because the project went to Growth Management in 2021 they are authorized to go to discretionary permit stage prior to Growth Management in 2022. At discretionary permit the site plan will be fully scrutinized against the WDB, including density. After discretionary permit it proceeds to Final Plans. In response to question from Arthur H on whether public comment will be taken and welcomed by the DRB at discretionary permit stage, Peter K stated that he did not say that the points raised were not valid but that they are out of the DRB's control. Arthur H stated that the DRB should be interpreting the bylaws as there is always room for interpretation in any set of rules and the DRB should listen to other viewpoints.

Kevin Manuzan of 1120 Butternut Road spoke. He had a question for applicant as to whether they will apply for the conserve energy component as part of their Growth Management application in 2022. Ken B said that they did their best to score as highly as possible in Growth Management 2021 looking at all the objectives. But the bar to score points is extremely high under the conserve energy criterion so at this point can't make adjustments that would result in them getting a different score. He stated that all units will meet or exceed the Vermont energy efficiency requirements. Kevin M stated that he is familiar with bylaw and has committed to meeting that

criterion in his Growth Management points' score for his own project. He would ask that they reconsider in developing the design as energy is a priority for the town.

Emily H stated that Williston Planning and Zoning is open to having more in depth conversations with citizens about planning and zoning than can be provided in a DRB meeting. Staff are happy to discuss questions about the WDB, particularly the growth management elements, and how it is applied.

There were no further comments or questions from the board, applicant, or audience.

7:44 PM Closed public hearing for DP 20-18

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 20-18	Pre-Application for Growth Mgmt.	Catamount Golf Subdivision
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
1400 Mountain View Road	09-009-061-000 & 09-009-063-000	The Big Three, LLC c/o Alex Kourebanas
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
November 9, 2021	Ethan Allen Holdings, LLC c/o Chris Senesac	Ken Belliveau
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

The purpose of this pre-application is clerical – a request to participate in Growth Management in March 2022. This project proposes 130 DUe total (including 7 DUe affordable ≤ 80% AMI), received 60 DUe at Growth Management in March 2021, and therefore has 63 DUe requiring allocation.

Catamount Subdivision proposes 148 dwellings (130 DUe) as a variety of housing unit types and including affordable housing, open space, shared recreation facilities, multi-use path and trails, and road connections to Mountain View Road and Raven Circle. The subject parcel is currently developed with a golf course, banquet facility, and related appurtenances. The golf course and banquet facility will continue to operate on the remaining 26± acres.

56.12	Commerical	Residential	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Residential	No	Yes	WCC
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

DRAFT

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 with motion drafted below. Recommendations are not required tonight as this approval only authorizes the applicant to participate in Growth Management. Recommendations about overall subdivision design were approved by the DRB at the original pre-application review in 2020.

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

HISTORY AND COMMENTS

PROJECT HISTORY

This is the first time the DRB is reviewing this request. This property has a lengthy permitting history and was previously contiguous with the lands now subdivided into Coyote Lane, Raven Circle, and various parcels along Mountain View Road. For a detailed project history, read the May 26, 2020 staff report. This most recent subdivision review history includes:

March 23, 2021	DP 20-18	Growth Management. Scored 67 points and allocated 60 DUe.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
June 23, 2020	DP 20-18	Deliberative session and decision on pre-application.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
April 14 & May 26, 2020	DP 20-18	Pre-application public hearings
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
December 10, 2019	DP 20-18	Pre-application hearing continued without testimony
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

DRAFT

ADVISORY BOARDS

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

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

Not applicable to a clerical request to participate in Growth Management.

INTERDEPARTMENTAL REVIEW

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

☐	**PUBLIC WORKS**	N/A	N/A
	DEPARTMENT	MEMO DATE	RECOMMENDATION
☐	**FIRE**	N/A	N/A
	DEPARTMENT	MEMO DATE	RECOMMENDATION
☐	**POLICE**	N/A	N/A
	DEPARTMENT	MEMO DATE	RECOMMENDATION

Not applicable to a clerical request to participate in Growth Management.

PUBLIC COMMENT

1 comment letters were received at the time of mail out (November 4, 2021).

NAMES: John Hemmelgarn (10-21-2021)

STAFF COMMENT

The site plan and unit count are slightly different than those presented during the original pre-application review and March 2021 Growth Management hearing. The DRB will have an opportunity to review the road alignment and address the comments in Mr. Hemmelgarn' s letter at discretionary permit. The first discretionary permit application has not yet been filed, but it is anticipated in the coming months.

Subdivision designs change between pre-application (sketch/concept plans), growth management, and discretionary permit as the applicant studies land constraints and designs infrastructure and construction plans. It is not uncommon for unit count and road alignment to change. At discretionary permit, the DRB will make findings that the proposed lay out and all its design elements uphold the Growth Management score and meet the other land development standards of the Unified Development Bylaws.

PROJECT ELEMENTS

☐	**Growth Management**	**Standard**
	WDB 11	RECOMMENDATION

If authorized tonight, Catamount Golf can participate in the March 2022 Growth Management hearing. Catamount Golf currently proposes 148 dwelling units as 130 DUe including affordable housing. At the March 2021 Growth Management hearing, this project scored 67 points and received allocation for 60 DUe (13 DUe between 81-120% AMI and 47 DUe market rate). The applicant attested in their 2021 GM questionnaire that 7 DUe will be affordable at or below 80% AMI, 14 DUe affordable between 80-100%, 6 DUe affordable between 100-120% AMI and therefore 27 total DUe affordable below 120% AMI.

This property is located outside the growth center but within the sewer service area and is subject to the criteria of WDB 11.8:

- 11.8.1 Conserve Energy (0-10 points)
- 11.8.2 Build Affordable Housing (0-20 points)
- 11.8.3 Offer Housing Choices (0-20 points)
- 11.8.4 Provide Neighborhood Space (0-10 points)
- 11.8.5 Build Paths and Trails (0-10 points)
- 11.8.6 Design for the Context (0-5 points)
- 11.8.7 Build Close to Services (0-10 points)
- 11.8.8 Neighborhood Design (0-5 points)
- 11.8.9 Sustainable Transportation (0-10 points)

Supplemental Information about Density, Affordability, and GM Allocation

In Williston, density and Growth Management allocation are based on Dwelling Unit Equivalents (DUe) whereby a studio or 1-bedroom unit = ½ DUe and a 2+ bedroom unit = 1 DUe. Per WDB 11.2.2.3 and 11.3.4, a minimum of 25% of the dwelling units in each allocation area shall be reserved expressly for perpetually affordable housing as defined by WDB 46.3.9 and units that are proposed to be perpetually affordable at 80% or less of the Area Median Income may be approved outside of the Growth Target as provided in WDB 11.2.2.3. Thus, the allocation table splits each fiscal year into "affordable" and "market" rate columns. It also means units at or less than 80% AMI are not accounted for on the table and can proceed from pre-application to discretionary permit (as the DRB recently experienced with DP 21-17 Champlain Housing Trust).

To further complicate things, the RZD density bonus for provision of affordable housing is based on actual dwelling units regardless of bedroom count. Per WDB 39.10.3: "*The average density of residential development in the RZD may be increased to five dwelling units per acre (5 DU/A) in any proposed development in which at least 30% of the proposed dwellings will be perpetually affordable.*" To uphold the density bonus 45 out of 148 dwellings must be affordable. Therefore, 27 DUe affordable must be built out as 45 actual dwellings. The Growth Management questionnaire, first discretionary permit and subsequent amendments must include a careful accounting of each unit, its bedroom count, and affordability status to make sure the density bonus and allocation schedule for the overall subdivision is upheld. Staff will work the applicant on a tracking mechanism.

Therefore, if filed before March 2022 Growth Management allocation, the discretionary permit can include:

13 DUe at 81-120% AMI + 47 DUe at Market Rate + 7 DUe at ≤ 80% AMI = 67 DUe total

If filed after March 2022 Growth Management allocation, the discretionary permit can include more units:

67 DUe already allocated + ___ new DUe at 81-120% AMI + ___ new DUe Market Rate = ____ DUe total

BYLAW EXCERPT:

11.4 Growth Management Procedure

11.4.1 At what point in the development review process does growth management review occur? *Growth management review follows pre-application review. All proposed residential subdivisions that have cleared pre-application review on or before December 31 of any year shall be subject to growth management review in the following year except as otherwise exempted. If a proposed residential subdivision has not cleared pre-application review by December 31 of a given year, it will not be reviewed during the following year.*

DRAFT

MOTION

As authorized by WDB 11.4.1, I Scott Rieley, 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 having heard and duly considered the testimony presented at the public hearing of November 9, 2021, authorize DP 20-18 to participate in Growth Management in March 2022.

SECONDED BY: Paul Christenson VOTE: 4 AYES – 0 NAYES – 1 RECUSED

7:44 PM Closed public hearing for DP 20-18

7:45 PM Opened public hearing for DP 09-01.23

DP 09-01.23 The Snyder FC Commercial Properties LLC and Rieley Properties LLC requests a discretionary permit to construct building H (restaurant) and the urban park at Holland Lane and Market Street in Finney Crossing in the Taft Corners Zoning District (TCZD).

Representing the application: Andy Rowe of Lamoureux & Dickinson 14 Morse Drive, Essex; and Chris Snyder of Snyder Homes & Snyder FC Commercial Properties, 4706 Shelburne Road Suite 6, Shelburne.

Scott Rieley recused himself. John Hemmelgarn returned to the meeting as a board member

Emily H read the staff report and explained the request.

Peter K requested applicant provide a detailed response to the points made by staff.

Chris Snyder noted that urban park is another important component of Finney Crossing and the size and location of the park were approved with permit for the hotel in 2017. At that point the park was assessed and reviewed. He noted that since pre-application stage they have worked with the design team to update plans to reflect comments and concerns of the DRB, the Historic and Architectural Advisory Committee (HAAC) and staff. The park has an improved layout and is in a good location with more usable park space than previously designed. Building H focuses views onto the park area and is an important backstop and view point when entering Finney Crossing on Holland Lane.

Chris S noted that park has become a gathering spot. It is smaller than designed in 2011, but since then they have discovered that smaller park areas work better. They are more usable, friendlier and more enticing to go to. So have augmented the usability of the park with the landscape architect. It is adjacent to hotel lobby, the new patio for the restaurant, near Healthy Living and near LL Bean. He believes that the park will get used by a lot of people in a lot of different ways. Is a private park not public and will be maintained in same way as other buildings in Finney Crossing. Their focus for the park is to improve its usability.

Chris S stated that they have addressed concerns with appearance of the mechanical plant on the roof to building H by making modifications to shield it so it will not be visible from the street. He stated that the Fire Department and Vermont Department of Public Safety typically want trash enclosures to be 30' from the building. They have

located the trash in an area that is accessible for a truck. He stated that if it was located nearer the building it would be difficult for pick up. He also stated moving it closer to Building H would create an alley effect.

Andy Rowe confirmed long term bike spaces can be accommodated in back yard area in the west end of the building. End of trip facilities for the restaurant will be shared with Building E. They can include notes on lighting plan regarding dimming lights on building, and requested guidance on whether lights in park should be dimmed or turned off.

Chris S noted that during development of Finney Crossing other open spaces / park areas had been added that weren't defined as park spaces. He cited examples of a large gardening area that was provided behind apartment building 4; smaller spaces that were provided along Holland Lane; and a swimming pool, gardening areas and tennis courts that were provided for residents.

David Turner asked about definition of the neighborhood park. He is concerned about storm water pond being defined as a park. Emily H confirmed that the applicant prepared an analysis of open space in their application material that included the storm water pond as part of the neighborhood park provision; in her view it is not a park. Unlike in the Agricultural / Rural Residential Zoning District there is no quantitative open space requirement in the growth center.

Paul Christenson stated he was good with changes.

John H confirmed dumpster enclosure is well located. He is concerned that the back of the enclosure is adjacent to hotel walkway and asked what kind of screening is provided for members of public walking along that pedestrian path. Chris S advised that design of the enclosure is a fence which is appropriate, and they can add some landscaping along Curtis Lane bike path. John H thinks it needs attention as he is concerned with the pedestrian environment.

John H noted lack of connection between the park and hotel outdoor spaces. He said the relationship between the outdoor terrace area of restaurant and sidewalk needs clarity. Chris S confirmed the restaurant terrace and sidewalk would be at same elevation but with a planting bed and fence between them (the fence is needed because alcohol will be served in that location). He stated it won't be a solid fence, it is likely to be 42" high open black aluminum fence. Andy R confirmed that there is a sidewalk connection between the park and the hotel open space.

John H asked if the urban park and hotel area open space will be completely separate. Chris S responded to state that the hotel open space is for hotel customers, but park is for general public. They want to encourage hotel customers to use the park and become part of the general public.

John H asked a question as to who is using the park, why are they there, what are they going to do when they get there and is there enough space for them to be able to do that. When Holland Lane was relocated he was not completely happy with that decision. The park as proposed is small and it is hard to consider that this is an equivalent park to the much larger one previously proposed. This previously proposed park was of a scale that could have created more flexibility, being broken up for different uses. He wants to avoid having an open space in the center of the park that no one uses because there is no purpose to it.

Chris S said the park is for use by any people who come to the commercial establishments at Finney Crossing, hotel guests, and residents of Finney Crossing. They have sought to create seating areas, benches, tables, and open spaces that can be utilized by anyone coming to the property or people who already live there.

John H said a lot of urban parks that are successful don't have a large open space at their center they have a focal point with plenty of places to sit in proximity to each other. Concerned that there is such a large area of open space when there are also concerns about the small size of the park. Given a large area of park has been distilled into a smaller one there should be a more concentrated set of activities proposed. He needs to be convinced that the park will be a dynamic space that can achieve the original intent for the parks in Finney Crossing.

Chris S stated that one of the primary reasons changes had been made to the park so as not to recreate the Maple Tree Place open space. That space has not provided the usability sought because of the traffic flow around it. They had received comments to that effect. Consequently 5 years ago they started re-looking at the usability of the Finney Crossing park. He stated that this is an expensive park using features that the public will enjoy. The public will also have other spaces along Holland Lane that provide open space. He eliminated Curtis Lane as a vehicular route to create the bike path now and make Finney Crossing more pedestrian orientated. He stated that the plan from 2017 approved the park to proceed in this direction changing from a larger green open space to a more active space. He considers that the park has improved in quality since 2017; and that this is a more appropriate comparison than comparing the park to the version shown in 2011.

John H referenced 2017 plan and how another smaller park off Holland Lane facilitated pedestrians wandering from green space to green space. Chris S stated that the smaller park had already been provided. John H doesn't feel that the existing smaller park is noteworthy or provides a refuge from hustle and bustle of Holland Lane. Chris S believes the urban park as proposed is more interesting place to go then that previously proposed. John H does not feel park is interesting enough or provide sufficient features to provide excitement for users. He considers the park is too small for a lot of the active uses suggested by applicant. The original park was much more prominent. This current park does not provide the focal point to draw people into Finney Park that was promised previously. Chris S noted that he and his team has worked hard to follow through on their promises on the park and other commitments. He stated that they have provided other open spaces around the neighborhood that are not defined as parks but are being used as parks by people.

John H said the park should either be a densely developed activity space or a bigger open space, and it is neither. There is a lack of focus in the center of the park. He believes it is unclear who the intended user is for the park.

David T agrees with John H that the park is not going to be a destination space or as highly utilized as it was previously thought. It will have some use with the restaurant and hotel, but it is less appealing that the previous park which was bigger and with more amenities. However, he does believe it will serve as a park.

Paul C recalled discussions about fencing off the park to allow its use for outdoor events by the restaurant. Chris S said this fencing is no longer required in this scenario as the restaurant terrace is fenced off from the park. Paul C said he can't predict who will be using the space and how popular it is going to be.

Matthew Spitznagle said in the Zoom chat that: "I would agree with John. A park with a purpose is more important to me."

DRAFT

Peter K asked the DRB whether they should close the hearing and deliberate or continue it to another date. He believes that they should close the hearing as they have the option to insert conditions. David T said he had not done a complete walk through of Finney Crossing to look at the other open spaces and would like to do so. Suggested that they have a board site visit to inspect the open areas.

Peter K asked how long they have to make a decision after closing the hearing. Emily H confirmed that they have 45 days, if they want to have a site visit they would need to warn the site visit as a public hearing.

John H asked what continuing the application would achieve. John H queried whether they would ask for a revised plan with the continuance. Peter K said that would be an option. David T said closing the hearing without the site visit is acceptable to him.

Chris S said that they had spent a lot of time on the park, it had been reviewed by the HAAC twice, and they had submitted the plan through the pre-app process. He asked what the DRB thought could be added that would make the plan drastically different from what is currently proposed. John H said that he does not favor designing the park from as a DRB member. It may be that no amendments to the site plan are achievable.

Chris S indicated he was surprised by approach of reviewing the park, referencing back to 2017. John H said that there was no park designed in 2017 that was available for the DRB to comment on, that is why they are commenting on it now. He does not know how the park should be designed to meet their requirements.

Peter K said that Chris S had delivered clarity in his message and John H's perspective had been clearly articulated.

Andy R summarized there was a disagreement with approach taken to the park with either a large central open space or an active area. He said the key thing was whether it met 5 of 9 criteria in WDB or whether it was a simply differing view on park design.

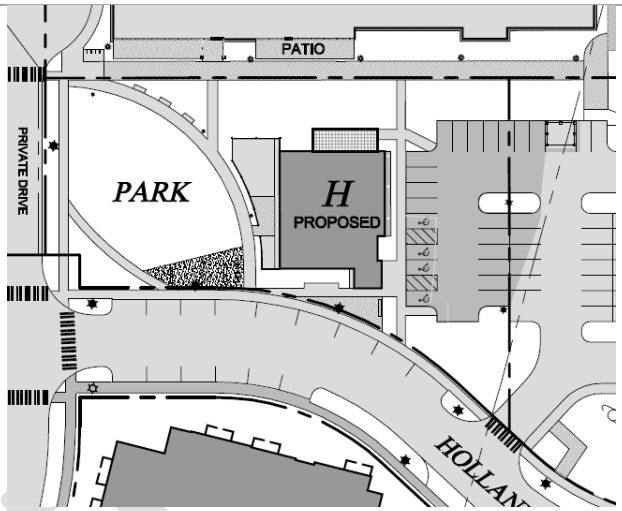
There were no further comments or questions from the board, applicant, or audience.

8.59 PM Closed public hearing for DP 09-01.23

DP 09-01.23	Discretionary Permit	Building H and Urban Park
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
282 Holland Lane (Lot C-10)	08-143-010-513	Snyder FC Commercial Properties, LLC & Rieley Properties, LLC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
November 9, 2021	Chris Snyder	Andy Rowe, Lamoureux & Dickinson
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for discretionary permit to construct Building H (restaurant, single-story, 4,300 SF) and the Finney Crossing Urban Park with parking, sidewalks, and related appurtenances. This property is currently vacant.



0.85 acres	Vacant	Commercial & Park	Town & Private Roads
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Taft Corners	Yes	No	HAAC
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

APPLICABLE BYLAW CHAPTERS:

☐	2. Nonconforming Lots, Uses, and Structures	☒	16. Maintenance	☒	24. Outdoor Lighting
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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]	DECISION[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 decision after closing a hearing.

Staff recommends approval, but only if the DRB carefully considers the findings, conclusions, and conditions drafted for the Urban Park and growth management score. If the DRB would like additional design elements added to this Urban Park or other parks in Finney Crossing, then the hearing should be continued so the applicant can provide more information and site plans.

ATTACHMENTS					
	☒	Narrative Letter	☐ Photos	☐	Public Testimony
	☒	Site Plan(s)	☒ Elevations	☒	Other (specify): Parking and trip analysis, materials, staff park analysis

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PROJECT HISTORY

This is the first time the DRB is reviewing the discretionary permit for Building H and Urban Park. Finney Crossing has a lengthy permitting history that began in 2003 prior to the current bylaws and includes several amendments as each phase moved from sketch plan to reality. Planning staff has excerpted some important dates as they pertain to this review:

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
July 13, 2021	DP 09-01.23	Pre-application recommendations for Building H and Urban Park
November 28, 2017	DP 09-01.12	DP. Hotel and reconfigure street layout. Urban Park reduced from approx. 1.45-acres to 1/3-acre. Other park spaces eliminated/modified.
March 28, 2017	DP 09-01	Growth Management to adjust allocation schedule fiscal years for previously allocated dwelling unit equivalents (DUe). Scored 67 points, including 15/15 points for Neighborhood Space criterion.
August 1, 2011	DP 09-01	Overall project approval under *Unified Development Bylaws* (adopted June 2009). The 2011 final plans scale back the 2005 amphitheater to a green but still retain a large central common and a large, secondary green on far SW corner (present day Building J, parking lot, stormwater basin)
April 1, 2007	SUB 04-01	Finney Crossing's original approval after a lengthy review that began in 2003. The 2005 site plan depicts more greens and commons in the commercial side of the development, including an amphitheater. The vesting of the overall project under the pre-June2009 Williston Zoning Ordinance and Subdivision Regulations had been lost when a portion of the growth management allocation had expired.

ADVISORY BOARDS

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

	NAME	TRANSMITTAL DATE	CONDITION
☐	**CONSERVATION COMMISSION (WCC)**	N/A	N/A
☒	**HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)**	November 2, 2021	Included

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	CONDITION
☐	**PUBLIC WORKS**	October 20, 2021	Included
☐	**FIRE**	October 19, 2021	Included
☐	**POLICE**	N/A	N/A

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PUBLIC COMMENT

1 comment letter was received at the time of mail out (November 4, 2021).

NAMES: Brian Forrest (11-3-2021)

PROJECT ELEMENTS

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

☐ **Pre-Application Recommendations**

DRB RECOMMENDATION	APPLICANT & STAFF RESPONSE
1. The proposed development and use(s) can meet the development standards of WDB Chapter 41.	Complies.
2. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject to recommendations of the DRB, including but not limited to: a. WDB 23: Landscaping and street trees in compliance, Type III and/or Type IV buffers are recommended b. WDB 41.4: Specify the equipment and activities within the "backyard" c. WDB 14: The use shall be compared to either fast food and quality restaurant for the purposes of calculating vehicular parking. The applicant should provide parking generation data to support the number of vehicles spaces proposed at discretionary permit. Bicycle parking shall be provided not only as anticipated for the restaurant use but include additional bike parking for the urban park. d. WDB 11: The discretionary permit must summarize the statements made about the urban park in growth management questionnaires and demonstrate how the urban park uphold the growth management score. ~~WDB 25: Public art and a public bulletin board is recommended in the urban park~~. Struck by DRB.	a. Provided. b. "*Mechanical equipment and utility meters will be located within an enclosure on the west side of Building H. Deliveries, prior to opening, will be routed from the shared parking area to the service entry within the enclosure.*" c. Provided double the required number of bike racks for a restaurant. DRB may choose to require more racks or disperse around the building/park. d. Provided. See discussion. Applicant provided an open space analysis comparing the 2005 and 2021 open space. However, this analysis was based on an expired 2005 approval and includes elements like landscape buffers and stormwater ponds as "neighborhood parks.
3. A discretionary permit shall be in conformance with WDB 18 as follows: a. WDB 18.3 Air Quality: The plans submitted with the discretionary permit must demonstrate that proposed exhaust vents, stacks, fans, and similar equipment will not direct cooking odors, gases, hot air, smoke, steam, or vapor onto adjacent properties or public ways. b. WDB 18.6: Discretionary permit must include information on hours of operation, including deliveries and solid waste management c. WDB 18.10 Noise: Discretionary permit must include information about noise levels and activity in the	a. "*Kitchen exhaust vents will be vented through the roof, away from the paved path and park*." b. "*The restaurant will not open until 11:30 AM, allowing for morning deliveries. Deliveries will be prior to opening, utilizing the parking area and routed to the service entry within the enclosure on the west end of the building. Trash and recycling will be within a fence enclosure located within the shared parking area. Trash pick-up will also be in the morning hours*." c. "*Activity in the 'backyard' area will include*

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☐	**Pre-Application Recommendations**	
	restaurant's enclosed "backyard" area. d. WDB 18.12 Screening: Must demonstrate compliance with requirements as well as HAAC Recommendation #5d e. WDB 16: Maintenance of landscaping, urban park, litter, snow, solid waste. The solid waste containers for the restaurant shall be contained within an architectural extension of the building per WDB 16.7.2.4.	*deliveries, taking out trash and recycling, and will be limited to only employees.*" d. "*All mechanical equipment and utility meters will be located within the enclosure on the west end of the building or surrounded by screening on the rooftop*." Applicant has revised elevation drawings to ensure mechanical is screened by parapet.
	4. The discretionary permit application must address the comments of: a. Williston Public Works Memo dated June 23, 2021 b. Williston Fire Department Memo dated June 30, 2021	Narrative includes written responses.
	5. The discretionary permit application must address the Historic and Architectural Advisory Committee (HAAC) recommendations from their memo dated June 15, 2021:	
	a. Provide material samples and renderings at discretionary permit. Wood is encouraged.	Provided. See pages 19-40.
	b. Provide a rendering and material sample/image of the proposed ~~fencing~~ **barrier** for the restaurant patio	Provided. See sheet L200 / page 9.
	c. Provide elevations of the west façade facing the Curtis Lane pedway and hotel showing the landscaping and "backyard fencing."	Provided. See pages 15 & 18.
	d. Mechanical equipment, if roof-mounted, must be fully-shielded with a parapet such that it is not visible from any public road or pedestrian path in Finney Crossing. Mechanical equipment, if ground-mounted, shall be located away from the urban park and Holland Lane frontage.	Provided in October 26th revisions; "*The building design was modified to conceal the rooftop equipment within the parapet, eliminating the need for additional screening around the mechanical equipment…* *- the roof deck was lowered (reducing the interior ceiling height) - thus making the parapet effectively taller by 2 feet.* *- the mechanical equipment was moved to an area of the roof that is more than 1 foot lower.* *- the design is upon the actual anticipated mechanical unit and its factory curb-mount dimensions."*
	e. Provide material samples, elevations, and renderings for all sides of the building.	Provided. See pages 19-40.
	f. Consider public art in the urban park. Consider a commemorative plaque or informal sign about the history of the Finney Crossing land (former horse farm, Abenaki, etc.)	Not proposed.
	g. The discretionary permit must include specifications for the landscaping, seating, and arrangement of the Urban Park. An interactive water feature and sun pockets are strongly encouraged. Sun pockets are designed to maximize solar gain and lengthen the park's useful season into cooler months. There should be comfortable places to sit (benches with backs, tables, dry lawns, etc.), areas for children to play, and	Provided. October 26th revisions: *"The granite block seating has been removed. Benches have replaced the granite block seating near the primary entrance, at the northeast corner of Building H. Picnic tables have replaced the granite blocks in the stonedust triangle at the east end of the park. Included in this area are* *several concrete globes to engage that space and*

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☐	**Pre-Application Recommendations**	
	vignettes of landscaping and park elements to draw people into the space. Sterile plazas that meet the letter of the bylaw but are not inviting are strongly discouraged. The water feature can be small, the HAAC does not recommend a major feature as it is will be closed for half the year. Additional benches should line the perimeter of the lawn.	*encourage some play in that zone. At the west end of the park, a series of dimensional boulders have been inserted into the berm along with several more concrete globes. This will allow seating for adults and children during events and will allow for climbing and playing in that zone. The lawn area is a sun pocket - and we do not want to encumber that space with any more elements which would intrude on pedestrian flow and events taking place there."*
	h. Provide a comfortable seating area with benches in the greenspace adjacent to Holland Lane between Building H and the VELCO easement. Consider flower beds, more than planters with annuals, to provide more color along Holland Lane (similar to the plantings at Marshall Ave median).	Provided. Granite blocks replaced with benches. Landscaping provided around snow storage area. See HAAC/design review discussion.
	6. A shared parking study shall be submitted as part of an application for discretionary permit.	Provided.
	7. A study shall be submitted as part of an application for discretionary permit comparing vehicle trips to cost of constructing Zephyr Road.	Provided.

☒	**Taft Corners Zoning District**			**Specific – Findings, Conclusions, Conditions**
	WDB 41			DECISION
	Restaurant & drinking place	722	Yes	Drinking places allowed as accessory to restaurant
	PROPOSED USE	NAICS CODE	ALLOWED	NOTES

Dimensional Standards

Complies as proposed. The primary entrance is pulled to the street. There is no minimum lot size. The building is 24' tall, excluding chimney, well below the 36' height limit.

Outdoor Sales and Storage

Complies as proposed. No outdoor sales or storage is proposed. The applicant is proposing a lean-to like addition on the west side of the building for restaurant mechanical, delivery area, and storage.

41.5 Development Pattern

Complies as proposed. The new building is brought up to the street, Holland Lane. No walls are inferior – all use the same materials and color pattern. The building mass is broken up by a taller entryway element, a sloped parapet and chimney, and strong window line along Holland Lane and the restaurant patio facing the park. The building height is 36' and the applicant is not seeking a height increase incentive.

41.5.3 "5 of 9" Design Elements

May comply. The DRB should discuss the Urban Park's compliance with this standard. New development in the TCZD must offer at least five (5) of the elements listed below. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal. The 5 elements provided in Finney Crossing include:

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Element Definition	Compliance?
***multiple uses**, containing a combination of one retail use and at least one of the following: retail, office or residential uses on the same property.*	**Yes**. Finney Crossing includes 587 dwelling units, and several commercial uses: hotel, bank, grocery store, general retail/service including the anticipated LL Bean.
***lodging** (a hotel) and/or **residential uses**, including affordable dwelling units*	**Yes**. Finney Crossing includes 587 dwelling units and a 100-room hotel.
***multiple stories,** not just the appearance of multiple stories where the floor area of upper-level stories must be at least 60% or more of the first story floor area*	**Yes**. Applicant has provided an analysis for all buildings within Finney Crossing. Currently 92% of the floor area is upper level and will be 98% if the senior living facility builds out.
***wide sidewalks** that may be used for outdoor dining and/or with seating that encourages outdoor social interaction*	**Yes**. Multi-use path along Zephyr Road, Curtis Lane pedestrian path between hotel and Building H.
*an **urban park**, as discussed in 4.4 of the 2016-2024 Williston Comprehensive Plan Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.*	**Compliance TBD**. The DRB should discuss the quality and quantity of park space within Finney Crossing. See also "Growth Management" discussed below.

☒	**Growth Management**	**Specific – Findings, Conclusions, and Condition #21**
	WDB 11	DECISION

The DRB must decide if the Urban Park upholds the Growth Management (GM) score of 67 points, with full points (15/15) for neighborhood space. The DRB should also review all neighborhood space in Finney Crossing for compliance. If the park(s) do not uphold the score, then the DRB and applicant should discuss remedies such as enhanced programming of existing park space with the residential and commercial areas of Finney Crossing.

GM scores rarely come up in the review of commercial site development. However, in this case, the Urban Park is an element of Finney Crossing's overall neighborhood space. Staff has analyzed the permitting history for Finney Crossing and the evolution of neighborhood/ park space as each phase built out. A detailed analysis with highlighted site plans is attached. In summary, the number of parks/greens was reduced, the overall land area reduced, and programming simplified or not fulfilled.

March 2017 was the last time Finney Crossing participated in Growth Management. The DRB scored the project with 67 points, including 15 out of 15 points for neighborhood space. This score was based on the 2017 site plan (screenshot below) and this statement: "*We are planning to have neighborhood spaces around the 3 buildings [A1, A2, A3]. There will also be indoor space in each building that can accessed by the tenants. There are sidewalks, bike paths, gardening areas, large open spaces throughout the neighborhood. What type of dedication or easement for securing this space in perpetuity will be provided? The open space will be part of the overall neighborhood and will be constructed per the approved plans. There are a total of 28 acres north of Allen Brook.*" The site plan presented at 2017 Growth Management

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included:

- Retained central "common" approx. 1.5-acres in size with crisscrossing sidewalks (screenshot below)
- Retained plaza across Holland Lane from "Common." Approx. 0.20-acres in size.
- Eliminated 0.60-acre green on Lot C-4 shown on 2011 site plan (amphitheater in 2005 plan)
- Retained an approx. 1.4-acre "Green" on Lot C-1 (what is today Building J, Building J parking lot and stormwater basin).
- Two play areas, one adjacent to each residential community building (not constructed)
- Walking paths through the green near pool and tennis courts at 20 Kettlepond road (not constructed)
- 2 community buildings, 2 pools, and community gardens in residential area (constructed as planned).

In November 2017, the DRB approved DP 09-01.12 for the hotel. This was the first commercial site approved within Finney Crossing. This approval significantly reconfigured the concept plans for the commercial portion of Finney Crossing. The site plan made the following changes:

- Reconfigured Holland Lane and Curtis Lane; shifted and consolidated future building footprints
- Reduced the central "Common" from approx. 1.4-acres to the 1/3-acre park shown today
- Created 3 pocket parks along Holland Lane
- Eliminated the approx. 1.4-acre park on Lot C-1 (what is today Building J, parking lot, stormwater basin)
- Eliminated the 0.20-acre plaza south of central common

Staff Comment: Finney Crossing is a 105-acre development with 587 dwelling units, approx. 225,000 SF commercial space (including anticipated senior living), and 46.2-acres open spaces (everything from 36.7-acres Allen Brook Conservation Area and Buffer to commercial building stormwater ponds). It was awarded full points for neighborhood space with the expectation that the residential parks would be completed with play areas/walking paths and the commercial area would be built out with 3 park spaces totaling approx. 2.5-3.5 acres. Since then, the park space has been reduced to 1 acre: 1/3-acre publicly accessible Urban Park next to Building H and 2/3-acre anticipated with senior living facility.

Questions for the DRB to consider:

- **Does the proposed 1/3-acre Urban Park uphold the DRB's expectation for full points in neighborhood space? If not, what programming elements can be added to this park and/or throughout Finney Crossing to uphold the score?**
- **Is the GM score upheld if the 2 play areas and sidewalks through neighborhood green not constructed? If yes, findings and conclusions should justify this conclusion.**

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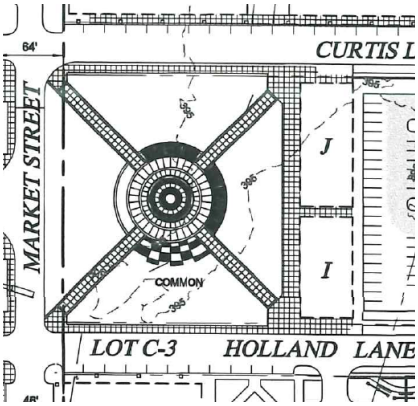
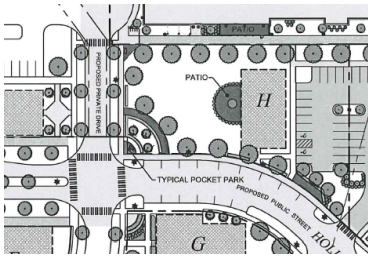
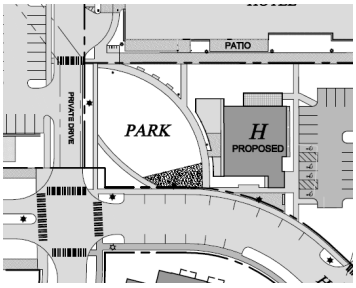
2017 Growth Management	2018	Today
		 Note: this simple site plan does not depict trees, but trees and landscaping are proposed.

BYLAW EXCERPT:

11.7.4 Provide Neighborhood Space (0-10* points). *This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 1.2 and 2.2 of the Chapter 13 of the 2016-2024 Williston Comprehensive Plan, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town.*

- *The proposed subdivision provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-10* points, depending on the size, diversity of functions, and other characteristics of the space/s provided.*
- *The proposed residential subdivision provides no such space, or inadequate space – 0 points.*

**Weighted on checklist by x1.5. The 2019 amendments to WDB Chapter 11 updated the mechanics and scoring, but not the qualitive criterion elements.*

☐ **Access, Connectivity, Traffic Studies** **Standard**

WDB 13 DECISION

Complies as proposed. Vehicular access to Building H is through the shared parking lot, with curb cuts on Curtis Lane and Holland Lane. Pedestrian and cyclist access is provided by sidewalks and the Curtis Lane multi-use path.

☐ **On-Site Infrastructure** **Standard**

WDB 15 DECISION

This site is served by municipal water and sewer. Proposed utility connections must be located underground.

15.2 Circulation: Complies as proposed. Vehicular and pedestrian access are adequately provided for with streets, sidewalks, and crosswalks.

15.3 Neighborhood Parks: Parks are "required improvements" subject to the guarantee and maintenance requirements of WDB 7 and 16. Further development and additional facilities are regulated through the Growth Management criteria and scoring. See WDB Chapter 11 discussion.

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☒ **Off-Street Parking and Loading** **Specific – Condition #11**

WDB 14 DECISION

Vehicular Parking

Complies as proposed. Building H is a 4,300 SF restaurant and on its own, the bylaw would require 86 parking spaces as a starting point. 69 surface parking spaces and 15 on-street Holland Lane spaces are directly adjacent to the restaurant. The applicant has provided a shared parking analysis for building J (Healthy Living, Folino's, general retail/services), Building H (restaurant), Building A2 (65 dwelling units). Additional shared parking is available in the Building J parking lot. When looking the 5 uses separately, 86 restaurant spaces and 378 total spaces would be required (applicant's analysis used 1.5 spaces/unit for residential and calculated 362 spaces total). Given the 3 buildings proximity to one another and hours of peak demand, the maximum number of spaces required is 241 around 6:00 pm during the PM peak hour. Building A2 includes garage parking (structured parking per WDB 14.2.4.1). In, summary, sufficient parking is shown on site plan for the shared uses.

ADA Parking

Complies as proposed. Eight (8) ADA parking spaces are proposed in the shared parking lot. 4 spaces adjacent to Building H's entrances and 4 spaces adjacent to Building A2.

Bicycle Parking and End-of-Trip Facilities

Can comply with conditions. Six (6) bicycle racks (12 parking spaces) are provided in the NE corner of the urban park. These bike racks are visible and accessible to both the Urban Park and restaurant entrances. **The DRB should discuss if the number and location of the racks are sufficient. If not, Condition #11 must be modified**. Final plans must include 2 long-term spaces and demonstrate that Building H employees will have access to the shared end-of-trip facilities in Building E.

Vehicle and Bicycle Parking Analysis per WDB 14.A.

Note: Bicycle and ADA parking are based on the required parking spaces without the shared parking analysis.

Use	Amount in SF, students, rooms, seats, or dwelling units	Rate of Off-Street Vehicle Spaces	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)
Quality Restaurant	4,300 SF	20.00/1000SF	86	*Based on total required spaces for the site as follows: 76-100 = 4 See WDB 14.3 for more info	7% of vehicular spaces	20% of required bicycle spaces	*Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1 4-18 = 1 per gender 17-30 = 2 per gender 30+ = 3 per gender
Recreational: Urban Park	13,000 SF (0.30 acres)	*Too diverse to list. Individual analysis required			TBD?	N/A	
Total Required: all uses			**86**	**4**	**6**	**2**	**2**
Total proposed by Applicant		**288 available per shared parking analysis**		**4**	**12**	**1**	**TBD – see discussion**
Compliance?			**Yes**	**Yes**	**TBD**	**No**	**TBD**

☒ **Maintenance** **Specific – DRB may add a new condition**

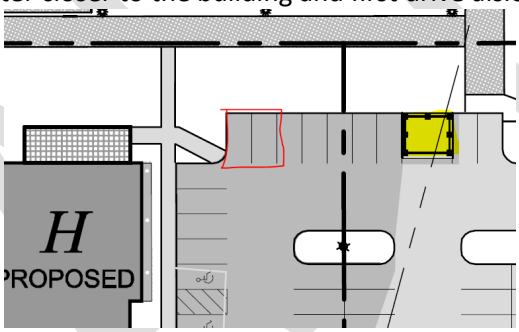
WDB 16 DECISION

16.4 Litter: Complies as proposed. Sheet SW1 includes the location and specifications for trash/recycling containers throughout the commercial portion of Finney Crossing.

TRASH / RECYCLING CONTAINER

16.6 Snow Removal and Storage: Complies as proposed. Snow storage area shown adjacent to parking lot. Snow management plan provided on Sheet 3 Erosion Control Plan.

16.7 Solid Waste: The DRB must decide if the enclosure location and screening complies as proposed. WDB 16.7 prefers screening solid waste containers by placing them in the structure they serve or walls that are an architectural extension, but the DRB may permit an enclosure away from buildings. Given the site lay out (and Fire Dept's preference is trash containers 30-ft from buildings) it is not feasible to locate the enclosure within or attached to the building. The applicant proposes a cedar enclosure, like the one provided at Building J. The placement in the parking lot is designed for hauler access using the drive aisle, but it may be possible to locate the dumpster closer to the building and first drive aisle (red box):



☒ **Compatibility, Potential Hazards and Nuisances** **Specific – DRB may add a new condition**

WDB 18 DECISION

The DRB must decide if the application complies as proposed. The DRB has authority to review smoke/odor (air quality), hours of operation, and screening (especially the screening of mechanical equipment). The other standards of WDB 18 (light/glare from welding equipment, vibration, hazardous materials) are not applicable to a light commercial use such as a restaurant.

18.3 Air Quality: Complies a proposed. The plans submitted with applications for discretionary permits must demonstrate that proposed exhaust vents, stacks, fans, and similar equipment will not direct cooking odors, gases, hot air, smoke, steam, or vapor onto adjacent properties or public ways. The narrative states: "*Kitchen exhaust vents will be vented through the roof, away from the paved path and park.*"

18.6 Hours of Operation: If the DRB would like to limit hours, then a new condition must be written. The DRB may limit the hours of operation of commercial, industrial, and institutional uses to protect the residents of nearby dwellings and/or or the residents of mixed-use buildings. These limits may set the hours when deliveries and solid waste collection are permitted, as well as the hours when the use is open. The narrative states: "*the restaurant will not open until 11:30 AM, allowing for morning deliveries. Deliveries will be prior to opening, utilizing the parking area and routed to the service entry within the enclosure on the west end of the building. Trash and recycling will be within a fence enclosure located within the shared parking area. Trash pick-up will also be in the morning hours.*"

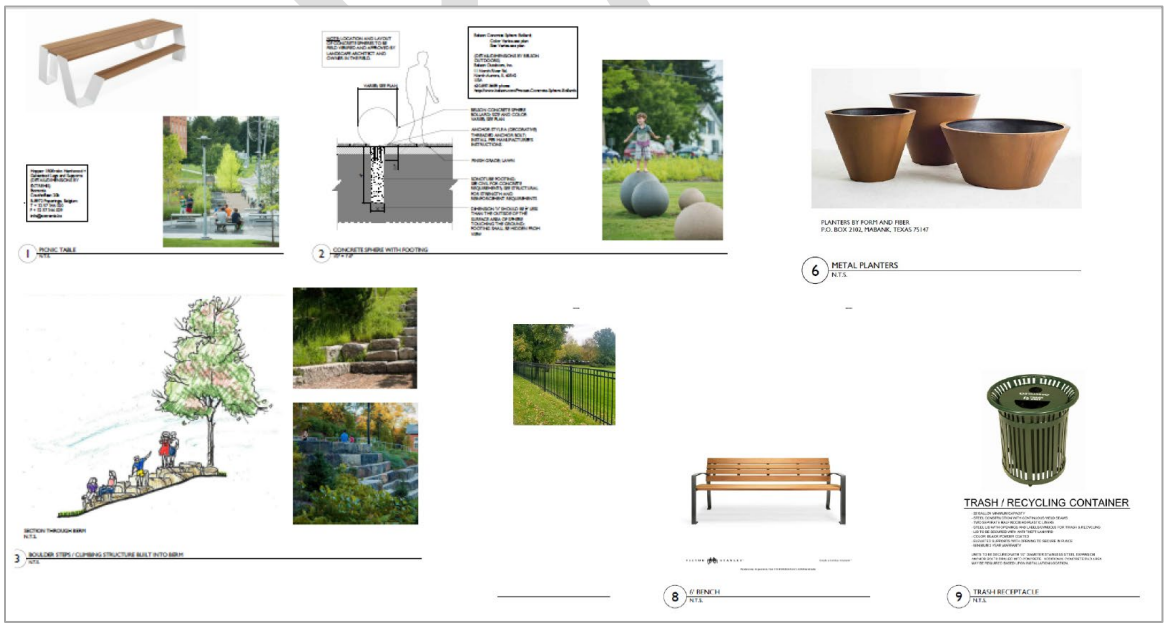
18.12 Screening: Complies as proposed because the applicant revised the roof-mounted mechanical screening plan. Utility installations, mechanical equipment, and solid waste containers must be screening from public ways and neighboring properties. Per the pre-app recommendations and WDB 18.12.3, roof-mounted equipment must be screened by the parapet. The original application included a 4' metal panel fence to screen the mechanical, which would have been visible above the parapet. The applicant has confirmed the true height of the mechanical equipment and lowered the interior ceiling height by 2' in order to screen the mechanical with the parapet. Utility meters and mechanical equipment will be contained within the enclosed "backyard" area.

☒ **Design Review** **Specific – Condition #4**

WDB 22

The applicant's original submission did not respond to all pre-app recommendations: particularly "comfortable places to sit (benches with backs, tables, dry lawns, etc.), areas for children to play, and vignettes of landscaping and park elements to draw people into the space" and "screening rooftop mechanical with parapet." The applicant submitted revised landscape plans, elevations, and narrative addressing these recommendations.

After the HAAC review, Brian Forrest submitted a comment letter about using hedges to enclose the park space. The landscaping proposed around the park benches are perennials and ornamental grasses.



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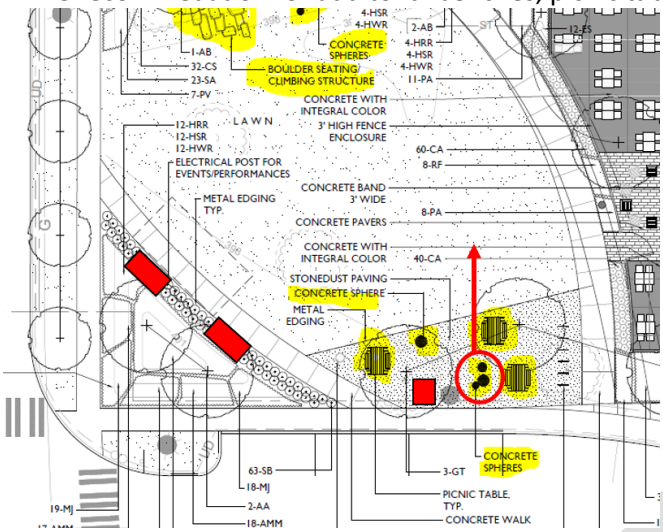
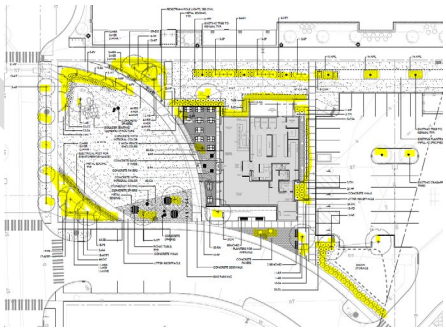
HAAC recommedation for additonal benches, picnic table, and moving spheres shown in red:



☐ **Landscaping and Street Trees** **Standard – Condition #10**

WDB 23 & 26 DECISION

Complies as proposed. Per WDB 41.3.1.3, road setbacks in the TCZD must be landscaped as a Type III or IV buffer. A buffer analysis table is not provided because Lot C-10 is internal to Finney Crossing and the landscape buffers of WDB 23 typically apply to exterior property boundaries. Street trees are existing and proposed along Holland Lane and the Market Street driveway. Landscaping and trees are also existing and proposed along the pedestrian path (Curtis Lane extension) between hotel and park/Building H. At pre-application, the HAAC/DRB recommendation additional landscaping.



BYLAW EXCERPT:

41.3.1.3 Must development in the TCZD be set back from roads? *Yes. The minimum setbacks from roads in this zoning district shall be: … Along other roads, buildings will generally come to the sidewalk, with the exceptions provided by WDB 41.5.1.2. …These setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 23 of this bylaw.*

23.3.2.4 Type III – Informal Plantings. *A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting.*

23.3.2.5 Type IV – Formal Plantings. *A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways.*

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☐ **Signs and Public Art** **Standard**

WDB 25 DECISION

No master sign plan is required and no public art proposed. Building H is a single-tenant property. Signs that meet the size and location requirements of WDB 25.A can be approved administratively. This should be noted in the overall Finney Crossing MSP the next time it is amended to provide clarity to future tenants.

☐ **Impact Fees** **Standard**

WDB 43-45 DECISION

Impact fees are typically assessed when an administrative permit is filed, however this development is exempt from impact fees. Non-residential projects are exempt from school and recreation impact fees. Finney Crossing is exempt from transportation impact fees for constructing Zephyr Road.

☐ **Outdoor Lighting** **Specific – Condition #9**

WDB 24 DECISION

Complies with conditions. Overall, the lighting plan complies. Final plans must include light timing notes. A publicly accessible urban park is considered open 24/7 and should some level of illumination throughout the night but not full illumination. Whereas the restaurant lighting should be dimmed after close of business.

Project Compliance with WDB 24, *Outdoor Lighting*		
Applicable Lighting Zone: Other	**As Required by WDB 24**	**As Proposed by the Applicant**
24.2.4 Prohibited Lighting Types	Uplighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	**None proposed**
24.4 Fully-Shielded Light Fixtures	All fixtures must be shielded except "low lumen lighting" (less than 1200 lumens/lamp as provided below:	**Complies as proposed**
Maximum Total Unshielded Lumen Output per WDB 24.A	Other: 10,000 lumens/acre	**Complies as proposed** N/A lumens/acre
Maximum Total Lumen Output (shielded and unshielded fixtures) per WDB 24.A	Other: 200,000 lumens/acre	**Complies as proposed** 45,448 lumens/acre
Parking Lot Illumination Level per WDB 24.B	Other: 1.2 footcandles	**Complies as proposed** 1.2 footcandles
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	**Does not comply, see notes** >20:1 due to low levels within park green space
Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	**Complies as proposed** 4.95 footcandles
Light Timing	Choose an item.	Notes in this box would generally explain whether the applicant's lighting plan shows operational notes that their lighting will comply with these timing and lighting level standards.

Luminaire Orientation	Per WDB 24.6: 1. Light cannot be directed above horizontal plane. 2. Flood lights may be aimed no more than 45 degrees above horizontal. 3. No light may be directed beyond the parcel boundaries of the site.	**Complies as proposed**
Security Lighting and Security Plan	Security lighting can be brighter in spots than the parking lot limitations in WDB 24.B, and is instead governed by the average illumination requirements of WDB 24.C	**None proposed**
Maximum Average Illumination for security lighting (horizontal at grade) per WDB 24.C	Other: 1.5 footcandles	Unknown footcandles
Maximum Average Illumination for security lighting (vertical, 5' above grade) per WDB 24.C	Other: 1.5 footcandles	Unknown footcandles

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DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to develop the property for restaurant use. WDB Chapter 41 lists NAICS Code 72 Accommodation and Food Services as an allowed use in the Taft Corners Zoning District.

2. The applicant proposes a 1/3-acre Urban Park adjacent to Building H.

3. The following neighborhood/park spaces were represented to the DRB at Growth Management in March 2017:
    a. Residential neighborhood areas: 2 pools, 2 community buildings, 2 play areas, 1 community garden area, 1 tennis court area, sidewalks in green near tennis court.
    b. Commercial area: Approx. 2.5-3.5-acres of park space in 3 areas: 1) ~1.4-acre green on lot C-1; ~1.5-acre central "common" with central plaza and crisscrossing sidewalks; ~0.2-acre plaza

4. The applicant has provided a shared parking analysis.

CONCLUSIONS OF LAW

1. The use(s) proposed as part of this discretionary permit are allowable uses in the Taft Corners Zoning District.

2. The proposed development can meet the development standards of WDB Chapter 41 for the Taft Corners Zoning District as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

3. The Urban Park adjacent to Building H **[~~DOES /~~ DOES NOT]** uphold the Growth Management Score of 67 points with full points (15/15) for Neighborhood Space as represented at Growth Management in 2017 and as defined by WDB 11.7.4. *[DRB: If "does not" is selected, then a condition of approval must be added to bring neighborhood space into compliance or continue hearing for more information.]*

4. The neighborhood park areas without two 2 plays areas and walking paths **[DOES ~~/ DOES NOT]~~** uphold the Growth Management Score as represented at Growth Management in 2017 and as defined by WDB 11.7.4. *[DRB: If "does not" is selected, then a condition of approval must be added requiring the play area and walking path completion. If "does" is selected," then a statement must be added this conclusion that justifies the DRB's decision.]*

5. The Urban Park adjacent to Building H **[DOES ~~/ DOES NOT]~~** fulfill of the TCZD "5 of 9" criteria for urban park as defined by WDB 41.5.3.9. *[DRB: If "does not" is selected, condition of approval must be added to bring urban park into compliance or continue hearing for more information.]*

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. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10

3. The final plans shall also address all comments and requirements identified in the following items:

    a. Williston Public Works Memo dated October 20, 2021 and a written response to the department outlining the changes that were made in response to their comments.
    b. Williston Fire Department Memo dated October 19, 2021 and a written response to the department outlining the changes that were made in response to their comments.

4. Final plans shall address the comments of the Williston Historic and Architectural Advisory Committee memo dated November 2, 2021:

    a. Stonedust paving area: Add 1-2 more picnic tables and relocate the concrete spheres to the lawn area.
    b. Consider colorful concrete spheres. Spheres clusters should be spaced with child's play safety in mind.
    c. Add 1-2 benches on the SE corner of the park facing into the park.

5. 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.

6. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

7. 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.

8. 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.

9. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
    ~~**a. Final plans must include light timing notes. A publicly accessible urban park is considered open 24/7 and should some level of illumination throughout the night but not full illumination.**~~

10. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.

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a. Final plans must include additional landscape screening between the dumpster enclosure and Curtis Lane bike path per WDB 18 & 23.

11. Any required vehicular and bicycle parking shall be provided as required by WDB Chapter 14 and indicated on the site plan approved by the DRB. A parking table describing the number of parking spaces, including both vehicular and bicycle parking, and the calculation of how the proposed parking meets the requirements of WDB Chapter 14 shall be included on the site plan submitted for Final Plans.
    a. Final plans must include 2 long-term bicycle parking spaces and demonstrate that Building H employees will have access to the shared end-of-trip facilities in Building E.
    b. Final plans must include a minimum of 6 additional short term bicycle parking spaces near the south-western corner of the park convenient to the bike path.

12. 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.

13. 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.

14. 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.

15. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of WDB Chapter 25. The Finney Crossing master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.

16. Any mechanical equipment and utility connections including but not limited to HVAC, water, gas, antennae, and electrical meters and connections shall be fully screened from public view, unless otherwise authorized by the DRB, as required by WDB 18.12.

17. 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.

18. 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.

19. 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.

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

21. Final Plans shall include revisions to the Park to add elements that activate the central area and provide a defining feature of Finney Crossing.

MOTION

As authorized by WDB 6.6.3, I John Hemmelgarn, 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 9, 2021, accept the Findings of Fact and Conclusions of Law for DP 09-01.23 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 the DRB ~~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.

SECONDED BY: David Turner VOTE: 4 AYES – 0 NAYES – 1 RECUSED

8.59 PM Closed public hearing for DP 09-01.23

III. Communication, Final Plans, and Other Business

9.00 PM Deliberations opened
10.16 PM Deliberations closed

IV. Minutes from October 26, 2021 DRB meeting

I, David Turner, make the motion that the minutes of the meeting of October 26, 2021 constitute the DRB's written decision including the Conditions of Approval for DP 20-13. Approval of the minutes will make the decision official. Staff advises the DRB to amend the minutes by removing condition #2(a)(1) and #21 for DP 20-13 and approve the minutes as amended.

SECONDED BY: Paul Christenson VOTE: 4 AYES – 0 NAYES – 1 ABSTENTION

V. Adjournment

10.29 PM John Hemmelgarn made the motion to adjourn.

Project proposal documents and site plans are posted with Agendas & Minutes and organized by the public hearing date. For further information, please call the Planning & Zoning offices at 878-6704 or visit the offices in the Town Hall Annex at 7878 Williston Road.

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