

**TOWN OF WILLISTON  
DEVELOPMENT REVIEW BOARD  
November 26, 2024, 7:00 PM  
Town Hall Meeting Room | 7900 Williston Road**

**Minutes approved \_\_\_\_\_ as written.**

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A video recording of the meeting is broadcasted by Town Meeting TV and available at [www.cctv.org](http://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>.

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**Members in attendance:** *Peter Kelley (chair), Scott Rieley (vice chair), Nathan Andrews, Paul Christenson, Lisa Braden-Harder*; **Absent:** *David Turner*

**Planning & Zoning Staff:** *Hanna Hartman, Andrew Plumb, Emily Heymann*

**Attendees who signed in:** *Chapin Kaynor, Jay Belanger, Emily [no last name provided], Karen Benway, Kevin Benway, Amy Lafayette, John Marcotte, Cindy Marcotte, Bryan Currier, Betsy Forrester, Dave Marcotte, Shane Skiff, Bill Skiff, Doug Goulette, Anna Benedetto*

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**AGENDA**

- I. Public Forum**
- II. Public Hearing**
- III. Certificate of Appropriateness**

**HP 25-02 / AP 25-0082** The Williston Federated Church c/o Tony Lamb requests a Certificate of Appropriateness to replace second floor windows, construct a ground-level covered porch on rear façade, and replace the second-level stairwell on rear façade with a covered stairwell at 8195 Williston Road, the Mace House, in the National Register Historic District of the Village Zoning District (VZD).

**HP 25-03 / AP 25-0087** Chapin Kaynor and Patricia Carr c/o Reed and Michelle Car request a Certificate of Appropriateness to replace an existing deck with a screened porch at 77 Penny Lane, the Kaynor House, in the National Register Historic District of the Village Zoning District (VZD).

**HP 25-04 BL Properties LLC** requests a Certificate of Appropriateness for a slate-to-slate roof replacement changing the tile pattern on the rear attached barn at 7921 Williston Road, the Forgione House, in the National Register Historic District of the Village Zoning District (VZD).

- IV. Public Hearing**

**DP 25-04 Pre-app** Charlotte Isham Marcotte Revocable Trust c/o John Marcotte requests pre-application review of proposed 9-lot open space subdivision (8 dwelling lots, 1 open space lot) on

a 200.5-acre property on Caboose Lane in the Agricultural Rural Residential Zoning District (ARZD).

DP 24-09 Gregory, Anna, and Laura Benedetto c/o Doug Goulette requests discretionary permit review of a proposed open space 6-lot subdivision on an existing 10.76-acre parcel to create three (3) dwelling lots (1.53, 0.46, and 0.7 acres) and three (3) open space lots (4.39, 1.37, and 2.31) at 1318 Butternut Road in the Agricultural/Rural Zoning District (ARZD).

DP 25-03 LNP Inc c/o O'Leary-Burke Civil Associates requests discretionary permit review to amend final plans SP-07-12 with an outdoor storage area at 378 Commerce Street in the Industrial West Zoning District (IZDW).

- V. Communication, Final Plans and Other Business
- VI. Minutes from November 12, 2024 DRB meeting
- VII. Adjournment

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7:03 PM Opened public forum

There were no comments from the audience.

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7:13 PM Opened item HP 25-02

HP 25-02 / AP 25-0082 The Williston Federated Church c/o Tony Lamb requests a Certificate of Appropriateness to replace second floor windows, construct a ground-level covered porch on rear façade, and replace the second-level stairwell on rear façade with a covered stairwell at 8195 Williston Road, the Mace House, in the National Register Historic District of the Village Zoning District (VZD).

Anthony Lamb at 24 Beebe Lane, Williston VT 05495  
Emily Heymann read the staff report.

Anthony Lamb stated that the staff report was succinct and explained that the work was being done for safety and meeting the building code as these are two rental apartments.

Paul Christenson asked if this project was on the back of the building – it is not.

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

7:08 Closed item HP 25-02

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**WILLISTON, VERMONT**  
**CERTIFICATE OF APPROPRIATENESS**  
**HP 25-02**

**In accordance with WDB Chapter 42, the Development Review Board, with recommendation of the Historic and Design Advisory Committee, approves a Certificate of Appropriateness with conditions:**

<b>Property Owner:</b>	<u>Williston Federated Church</u>
<b>Tax Parcel ID:</b>	<u>15-104-174-000</u>
<b>Address:</b>	<u>8195 Williston Road</u>
<b>Review Area:</b>	<u>National Register Historic District</u>
<b>Associated Permit(s):</b>	<u>AP 25-0082</u>

**Findings of Fact:**

1. Replace second floor windows with Sierra Pacific Premium Vinyl Windows in Double-Hung and Casement with Check rail with 6/6 exterior grille pattern
2. Construct a ground-level covered porch on rear façade
3. Relocate door and replace the second-level stairwell on rear façade with covered stairwell. Door relocation and stairwell cover to maintain frieze board and decorative bargeboard.
4. The existing windows are not original and are vinyl-replacements with grilles pattern between or interior to the glass.
5. The proposed windows

**Conclusion of Law**

1. Fiberglass or aluminum-clad windows are preferred by the HDAC. Vinyl is an acceptable replacement for an existing non-original window.

**Conditions of Approval:**

1. Complies as proposed
2. All windows on first and second floors may be replaced with the exact style and brand approved in this application

  
\_\_\_\_\_  
Chair, Development Review Board

Dated: November 26, 2024

**7:08 Opened item HP 25-03**

**HP 25-03 / AP 25-0087 Chapin Kaynor and Patricia Carr c/o Reed and Michelle Carr request a Certificate of Appropriateness to replace an existing deck with a screened porch at 77 Penny Lane, the Kaynor House, in the National Register Historic District of the Village Zoning District (VZD).**

**Michelle Carr at 77 Penny Lane, Williston VT 05495  
Emily Heymann read the staff report.**

**Paul Christenson confirmed that the deck is on the back side of the building.**

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

**7:10 Closed item HP 25-03**

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**DRAFT**

# WILLISTON, VERMONT CERTIFICATE OF APPROPRIATENESS

## HP 25-03

In accordance with WDB Chapter 42, the Development Review Board, with recommendation of the Historic and Architectural Advisory Committee, approves a Certificate of Appropriateness with conditions:

**Property Owner:** Chapin Kaynor & Patricia Carr  
**Tax Parcel ID:** 14-104-165-000  
**Address:** 77 Penny Lane  
**Review Area:** National Register Historic District  
**Associated Permit(s):** AP 25-0087

**Description**, as detailed in the application materials and summarized here:

- Replace existing deck with screened in-porch
- Standing seam roof to match existing structure
- Kickwall with wood siding reveal and color to match existing

### Conditions of Approval:

- Complies as proposed



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Chair, Development Review Board  
Dated: November 26, 2024

**7:10 Opened item HP 25-04**

**HP 25-04 BL Properties LLC requests a Certificate of Appropriateness for a slate-to-slate roof replacement changing the tile pattern on the rear attached barn at 7921 Williston Road, the Forgione House, in the National Register Historic District of the Village Zoning District (VZD).**

**Zach Librizzi at 7921 Williston Road, Williston VT 05495**

**Emily Heymann read the staff report.**

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

**7:12 Closed item HP 25-04**

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**DRAFT**

**WILLISTON, VERMONT**  
**CERTIFICATE OF APPROPRIATENESS**  
**HP 25-04**

**In accordance with WDB Chapter 42, the Development Review Board, with recommendation of the Historic and Design Advisory Committee, approves a Certificate of Appropriateness with conditions:**

<b>Property Owner:</b>	<b>BL Properties LLC</b>
<b>Tax Parcel ID:</b>	<b>14-104-144-000</b>
<b>Address:</b>	<b>7921 Williston Road</b>
<b>Review Area:</b>	<b>National Register Historic District</b>
<b>Associated Permit(s):</b>	<b>N/A</b>

**Findings of Fact:**

1. Replace slate with slate
2. Replace the diamond/diagonal pattern with the standard rectangular pattern

**Conclusion of Law**

1. Does not modernize nor try to make the building look more historic than it really is, per the Alteration Standards of WDB Appendix H.

**Conditions of Approval:**

1. Complies as proposed.



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Chair, Development Review Board

Dated: November 26, 2024

## **7:13 PM Opened public hearing for DP 25-04 Pre-app**

**DP 25-04 Pre-app Charlotte Isham Marcotte Revocable Trust c/o John Marcotte requests pre-application review of proposed 9-lot open space subdivision (8 dwelling lots, 1 open space lot) on a 200.5-acre property on Caboose Lane in the Agricultural Rural Residential Zoning District (ARZD).**

Representing the application: Bryan Currier of O'Leary Burke Civil Associates at 13 Corporate Drive, Essex VT 05452 and John Marcotte representing the owners.

Emily Heymann read the staff report and explained the request. Pete Kelley confirmed that the applicant was aware of the changes to the staff report made on November 26, 2024, to address the two comment letters submitted.

Pete asked if the applicants have any questions or comments to supplement, as well as any concerns about the conditions. Bryan Currier clarified that there are 8 building lots, and the 9<sup>th</sup> lot is the open space.

Nate asked if there are barriers to creating separate driveways? Bryan responded that there are no existing impacts (such as driveways) in place, and new driveways would entail new wetland crossings off Beartown or South Road, which was not wanted.

Nate asked if groundwater testing or hydro-geologic mapping had been done. Bryan responded that in the presence of lower density, along with the map, the DRB may waive that requirement. He stated that in his opinion, the bylaw is overreaching here because the state has jurisdiction over well locations. Emily stated that there are no hydro-geological maps adopted in the bylaw.

Nate was curious if the elevation is lower than that of the neighbors who gave testimony in comment letter. Bryan stated that the two building lots closest to South Road are lower than the elevation of the road.

Paul asked if open space would be available for forestry. Bryan responded that yes, forestry would be an allowed use. Paul asked where the access road to that lot is for loggers. Bryan stated that when the open space parcel is created, it would be dedicated to the HOA. Each landowner would have a share of control in the parcel and they would have to agree on the use of the common land.

Karen Benway of 8 Beartown Lane made a public comment stating concern about the availability of well water in the vicinity of the proposed development. Additionally, she asked that the DRB consider a visual buffer between her property and the proposed lot two, due to the reduced privacy around the utility lines.

There was a conversation between the DRB, applicant, and public commentator about the utility lines in relationship to the visual buffer between existing and proposed houses. Bryan confirmed that the building lot design would take the existing house into account. Emily stated that the widest buffer the bylaw allows is a 50ft existing vegetation buffer.

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

## **7:41 PM Closed public hearing for DP 25-04 Pre-app**

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**WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT**

**DP 25-04**

**Pre-Application**

**Marcotte 9-Lot Subdivision**

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

Caboose Lane

27-004-220-000

Charlotte Isham Marcotte Revocable Trust

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

November 26, 2024

Owner c/o John Marcotte

Bryan Currier, P.E., O'Leary Burke CEA

HEARING DATE

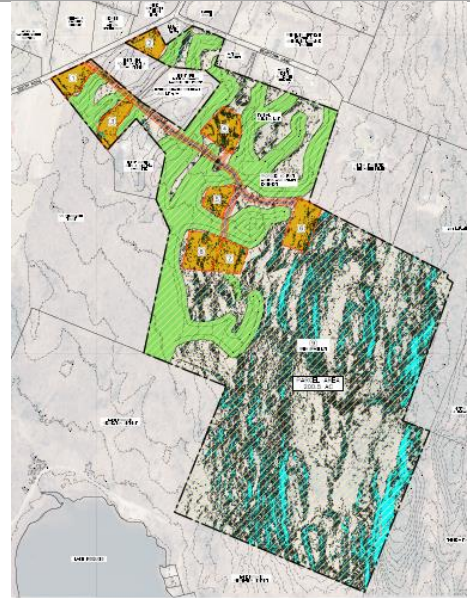
APPLICANT

REPRESENTATIVE

**BRIEF SUMMARY OF REQUEST**

This is a request for pre-application review of a proposed 9-lot subdivision of an existing, vacant parcel. The subject parcel is ±200.5 acres and is crossed by Caboose Lane and an existing forestry road. The parent parcel is greater than 10.5 acres, so it is subject to Williston's open space protection provision. The applicant has not decided if they will participate in Growth Management or if they plan to meet the requirements for inclusionary zoning instead. The proposed site plan shows eight (8) building lots and one (1) open space lot:

- |                   |                               |
|-------------------|-------------------------------|
| Lot 1: 1.51 Acres | Lot 6: 2.47 Acres             |
| Lot 2: 1.28 Acres | Lot 7: 1.57 Acres             |
| Lot 3: 1.62 Acres | Lot 8: 2.40 Acres             |
| Lot 4: 2.21 Acres | Lot 9: 194 Acres (open space) |
| Lot 5: 1.26 Acres |                               |



±200.5 acres	Vacant	Residential	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Agricultural/ Rural	No	Yes	WCC
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

**APPLICABLE BYLAW CHAPTERS:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 2. Nonconforming Lots, Uses, and Structures          | <input checked="" 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 checked="" type="checkbox"/> 26. Street Trees       |
| <input checked="" type="checkbox"/> 11. Growth Management                     | <input checked="" type="checkbox"/> 19. Density, Transfer of Development Rights | <input checked="" 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 checked="" type="checkbox"/> 13. Access, Connectivity, Traffic Studies | <input type="checkbox"/> 21. Telecommunication Facilities                       | <input checked="" 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 checked="" type="checkbox"/> 15. On-Site Infrastructure                | <input checked="" 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>

RECOMMENDATION<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 RECOMMENDATION after closing a hearing.*

Staff recommends approval with recommendations as drafted.

## HISTORY AND COMMENTS

### PROJECT HISTORY

This is the first time the DRB is reviewing the request. Permit history includes:

<b>November 7, 1995</b>	SUB 96-02	Subdivision to create 1 parcel around the existing dwelling at 73 Caboose Lane (4.23 acres) and a BLA with 141-143 Caboose Lane (fka 767 South Road). Thus, the remainder of the acreage became vacant/houseless.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>October 12, 2004</b>	SUB 04-10	1-Lot Subdivision to create a 5.85-acre parcel at 115 Caboose Lane
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

### ADVISORY BOARDS

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

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

### INTERDEPARTMENTAL REVIEW

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

<input type="checkbox"/>	<b>PUBLIC WORKS</b>	November 6, 2024	Included
	DEPARTMENT	MEMO DATE	RECOMMENDATION
<input type="checkbox"/>	<b>FIRE</b>	November 5, 2024	Excluded
	DEPARTMENT	MEMO DATE	RECOMMENDATION
<input type="checkbox"/>	<b>POLICE</b>	N/A	N/A
	DEPARTMENT	MEMO DATE	RECOMMENDATION

NOTES:

Please be advised of the \$5,000 Engineering Fee per DPW Standard Specifications. The Fire Department Plan Review Policy is a Selectboard Policy, not an ordinance, and has no authority for enforcement. The Fire Department Comment Memo is excluded because it has many requests that do not have a parallel standard in the duly adopted Williston Unified Development Bylaw (WDB). Only two requests can be accommodated by the standards of WDB 14 – requiring a 14’ driveway width and E911 Addressing.

### PUBLIC COMMENT

No comment letters were received at the time of mail out (November 21, 2024). Two were received as of 9am on November 26<sup>th</sup>.

NAMES: (Forrester, 11/22/2024; and Whritenour, 11/23/2024)

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## PROJECT ELEMENTS

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

**Agricultural/ Rural Residential Zoning District**

**Standard**

WDB 31

RECOMMENDATION

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**Dimensional Standards**

Compliance anticipated.

Setbacks – For Lots 1 & 2, the Front Yard Setback from South Road is 50 feet. Proposed lots with boundary along the boundary of the original parcel are controlled by the Landscape Buffers of WDB 23 (Lots 1, 2, 3, and 6). All other proposed lot lines, including all of Lots 4, 5, 7, 8 are subject to 15-ft setbacks.

Frontage – All lots shall have a minimum of 40 feet frontage on the existing or proposed driveway.

**31.7 Open Space Development**

Compliance anticipated. The subject parcel is larger than 10.5 acres and required to set aside 75% as open space. The applicant has proposed to protect ±194 acres as open space, comprising 96% of the total parcel area.

**Lot 6 Reconfiguration:** See Recommendation #2h(i). At DP, Lot 6 and Lot 9 Open Space must be reconfigured to provide 100-200 ft wide open space buffer between Lot 6 and the adjoining property. Per WDB 31.7.3, *“The protected open space...must also be contiguous with any open space on adjoining lots or parcels that is currently protected...”* Staff recommends a width of 100-200 ft per WDB 31.8.6 where the minimum buffer width can range from 100-500 ft and the DRB may allow a narrower buffer *“along a property boundary where there is protected open space or terrain that is unsuitable for building on the adjoining property”* per WDB 31.8.6.4.

**31.8 Housing Design in Open Space Developments**

Compliance anticipated. The Discretionary Permit must identify ½ acre building envelopes in compliance with 31.8.1. See Recommendations #4b and #4c. The proposal is anticipated to comply with the cluster requirements of WDB 31.8.4-31.8.6, thus the WCC did not make specific recommendations regarding those standards.

**31.9 Lots and Home Sites**

See Recommendations #4b and #4c. WDB 31.9.6.1 establishes a clearing limit for new homesites. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground components of on-site wastewater disposal systems, but does include on-site circulation and parking areas.

**31.9.1 Provide for Adequate Wastewater Treatment** – Compliance anticipated. See WDB 15.6.

**31.9.2 Ensure an Adequate Water Supply** – N/A. Proposed average density does not exceed 1 unit per 10 acres. See also WDB 15.10.

**31.9.3 Provide for Safe Road Access** – Compliance anticipated. All lots have access to South Road by at least 40 feet of frontage on an existing or proposed public or private road or drive. See also 31.3.6.

**31.9.4 Respect the Terrain** – Compliance anticipated. Show road profile at DP.

**31.9.5 Provide Trail Connections** – Compliance anticipated. See also WDB 11 and Recommendation #4g.

**31.9.6 Minimize Visual Impact Using Existing Vegetation and Terrain** – See also 31.8.1, a ½ acre home site and clearing limit applies. For Lots 1 & 2, see also WDB 11 and 23.

**31.9.7 Minimize Visual Impacts in Open Areas** – Not applicable, this is a forested area.

**31.9.8 Supplement Screening or Absorption, as Necessary** – See also WDB 27.9

□ **Affordable Homes and Growth Management**

**Specific**

WDB 11

RECOMMENDATION

This subdivision has two paths forward and the motion allows for the applicant to concurrently pursue each:

1. Proceed to Discretionary Permit review and provide one (1) dwelling affordable at 100% Area Median Income and other requirements per WDB 11.3, or,
2. Proceed to Growth Management Review in March 2025 prior to filing a Discretionary Permit.

If proceeding to Growth Management, this project is 'Outside the Sewer Service Area,' and subject to the criteria of WDB 11.9. It must score a minimum of 40 points to be eligible for allocation.

- 11.9.1 Conserve Energy, 0-30 points
- 11.9.2 Provide for Paths and Trails, 0-20 points
- 11.9.3 Conserve Open Space, 0-30 points
- 11.9.4 Minimize Visual Impact, 0-20 points

□ **Access, Connectivity, Traffic Studies**

**Specific**

WDB 13

RECOMMENDATION

Compliance anticipated- two exceptions are included in the recommendations. Lots 1 & 2 propose access from South Road. Lots 3-8 will have access from a shared private driveway. The existing private driveway, Caboose Lane, serves 3 separately owned lots and four (4) dwellings: 73, 115, and the duplex at 141-143 Caboose Lane. The proposed driveway extends Caboose Lane along the existing forestry road, traversing Lot 9 Open Space.

**13.2.6.2 Driveway Length Exception:** Compliance anticipated. This property is eligible for the length exception. Existing barriers including parent parcel configuration, wetlands, and limited frontage on South Road and Beartown Road make another point of access infeasible. The reduced density of 1 unit per 10 acres is required and proposed.

- Caboose Lane, existing from South Road to beginning of proposed extension: approx. 700 LF
- Caboose Lane, proposed extension to Lot 6: 1,800 LF
- Caboose Lane, existing and proposed total: 2,500 LF

**13.5.1 Number of Units Served Exception:** Compliance anticipated. As proposed, the private driveway will serve 10 dwellings (4 existing and 6 proposed) where typically 5 dwellings are permitted. A road (69' ROW with 26' paved travel lanes) would significantly impact on wetland and conservations areas per WDB 27 and 29. Therefore, allowing the exception will *"preserve landscape features and neighborhood character that would be adversely impacted by requiring construction of a private or public road."* The reduced density of 1 unit per 10 acres is required and proposed. The entirety of Caboose Lane must meet the standards of 13.2.6 to utilize this exception.

Be advised, the Fire Department Plan Memo has many non-jurisdictional requests. The WDB has no regulations for, and therefore the DRB cannot require or enforce, the following requests from the FD Memo:

- Fire apparatus turnarounds shall be provided where the road is a dead end and is more than one hundred and fifty (150) feet in length.
- Curve Radius – 30' inside radius minimum
- Minimum Width of Caboose Lane shall be 24 feet
- Driveways / Roads shall have clear height unobstructed to 13'-6".
- All driveways and access roads more than 500' shall be required to have and apparatus turnoff every five hundred (500) feet. Turn off shall be designed to fit 50' fire apparatus.
- Driveways designed to allow apparatus to park within a maximum of one hundred (100) feet of the structure. Fifty (50) feet is preferred.

BYLAW EXCERPT:	NOTES
<b>13.2.6 What are the additional standards for the construction of residential driveways?</b> These standards apply to driveways that serve more than one dwelling.	
13.2.6.1 <u>Grade</u> . The grade of a residential drive shall not exceed 10%.	Demonstrate compliance at DP.
13.2.6.2 <u>Width</u> . Residential drives shall be no less than 12 feet in width, and no more than 16. Where the drive travels through brush, woods, or forest, there shall be a cleared area of four feet on either side of the drive.	The driveway shall be 14' wide with 4' clear. The FD request for 6' clear cannot be enforced by the bylaw.
13.2.6.3 <u>Length</u> . No private driveway shall be longer than 1,320 feet. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make provision of another point of access infeasible. Where an exception is permitted, the density of development served by the private driveway shall average 1 dwelling per 10 ten acres or less.	Compliance anticipated. See discussion above.
13.2.6.4 <u>Construction</u> . Residential drives shall consist of a minimum four-inch finish course of gravel or, alternatively of asphalt or concrete paving, a minimum eight (8) inch base course, and a geotextile layer. The first 30 feet back from a paved public road shall be paved. Specifications for these materials are found in the <i>Public Works Standards</i> . Drainage shall be provided in the form of a swale, or swale, and culverts. Runoff and erosion control shall be provided as required by Chapter 29 of this bylaw.	Demonstrate compliance at DP.
13.2.6.5 <u>Pull-Outs</u> . A pull-out permitting vehicles to pass shall be provided for every 400 feet of residential drive.	A 2,500 LF driveway must have 7 pull-outs ( $2,500 \div 400 = 6.25 = 7$ ). This exceeds the FD request of every 500 LF, but the WDB cannot enforce the pull-out dimensions.
13.2.6.6 <u>Natural Hazards</u> . Residential drives shall not be permitted where they would be subject to regular seasonal flooding, slope failure, or other natural hazards.	Demonstrate compliance at DP. The driveway is not mapped a flood zone, but does cross low-lying wetland areas.
13.2.6.7 <u>Addresses</u> . Where the building and required building numbers are not visible from the road, dwellings served by a residential driveway must be identified with a freestanding sign displaying the address number or numbers as required by Williston's Road Name and Road Location Addressing Ordinance, which is attached as Appendix D.	Demonstrate compliance at DP. Contact the E911 Coordinator (Listers and Assessors Office) to determine location addresses per the Ordinance.
<b>13.5.1 How many dwellings may be served by a private driveway?</b> Where a new private driveway is being established in compliance with WDB 13.2, the maximum number of dwellings it may serve is limited to five (5). There are two exceptions to this standard.	
13.5.1.2 <u>Lower Density</u> . The DRB may permit an exception to this standard where doing so will preserve landscape features and neighborhood character that would be adversely impacted by requiring construction of a private or public road, where the existing driveway meets or will be improved to meet the standards of WDB 13.2.6, and where the average density of the development served will be one unit per 10 acres or less.	Compliance anticipated. See discussion above.

<input type="checkbox"/> On-Site Infrastructure	Standard
WDB 15	RECOMMENDATION
Compliance anticipated.	
<b>15.4 Private Utilities</b> – Compliance anticipated. Discretionary permit must identify underground utilities.	
<b>15.6 On-Site Sewage Disposal</b> – Compliance anticipated. This property is outside the Sewer Service Area. The discretionary permit must include plans for on-site sewage disposal.	
<b>15.10 On-Site Water Supply</b> – Compliance anticipated. This discretionary permit must demonstrate that groundwater sufficient to support the development is available.	

□	<b>Maintenance</b>	<b>Specific</b>
	WDB 16	RECOMMENDATION
	Compliance anticipated.	
	<b>16.7 Solid Waste</b> – If an area for shared solid waste containers is proposed and within public view (i.e. can be seen from South Road), then it must be screened and located in compliance with WDB 16.7.	

□	<b>Density, Transfer of Development Rights</b>	<b>Standard</b>																													
	WDB 19	RECOMMENDATION																													
	NOTES: Compliance anticipated. The Discretionary Permit shall include a density analysis based upon the confirmed wetlands delineation. At the base density of 0.55 dwellings per acre, a theoretical maximum is 54 units. This subdivision proposes a reduced density to 1 unit per 10 acres to utilize the driveway exemptions (see WDB 13 above).																														
	<b>Preliminary Density Calculation per Table 19.A</b>																														
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□	<b>Landscaping</b>	<b>Specific</b>															
	WDB 23	RECOMMENDATION															
	Compliance anticipated. The standards of WDB 23 apply to exterior parcel boundaries. Given the vast size of the parcel and the unique layout, the required landscaping is discussed based on proposed building lot. Everywhere else, the 50-ft Existing Vegetation (forested) buffer is required.																
	Lots 1, 2, 3, and 6 should maintain a 50-ft Type I Existing Vegetation Buffer along exterior parcel boundaries. The applicant should also be advised that to score points in WDB 11 for Minimally Visible, the landscaping along South Road may need to be supplemented to comply with a Type I buffer.																
	<i>23.3.2.2 Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer's effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower but are assumed to require regular maintenance.</i>																
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	<p>(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.</p> <p>(2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.</p> <p>(3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.</p> <p>(4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.</p>																

□	<b>Street Trees</b>	<b>N/A</b>
	WDB 26	RECOMMENDATION
	<p>Not applicable. Per WDB 26.1.2.1, “The DRB may waive this chapter’s requirement for street trees where a road passes through existing woods and for open space developments in which formal planting plans are inappropriate.”</p>	
□	<b>Conservation Areas</b>	<b>Specific</b>
	WDB 27	RECOMMENDATION
	<p>Compliance anticipated.</p>	
	<p><b><u>27.5 Significant Wildlife Habitat Areas (SWHA)</u></b> - See WCC Recommendation #4a. A Habitat Disturbance Assessment (HDA) must be prepared by a qualified wildlife biologist contracted through the Town for the Discretionary Permit application. The HDA should focus on the northern portion of the parcel where development is proposed. The subject parcel is within a Significant Wildlife Habitat Area (SWHA) due to its designation as both Core Habitat and Wildlife Travel Corridor on the Significant Wildlife Habitat Official Map, adopted as part of WDB 27.</p>	
	<p><b><u>27.9 Scenic Viewshed</u></b> – Lot 6 is proposed within the Secondary Background/Horizon. Lots 1 and 2 are proposed in the secondary Foreground Viewshed area. The WCC discussed this with the applicant but made no specific recommendations regarding viewshed.</p>	
	<p>Not applicable – WDB 27.6 Unique Natural Communities (mapped at SW corner – far away from proposed development), WDB 27.7 Uncommon, Rare, Threatened, and Endangered (UTRE) Species, WDB 27.8 Farmlands of Local Importance</p>	
□	<b>Watershed Health</b>	<b>Specific</b>
	WDB 29	RECOMMENDATION
	<p><b><u>29.5 Runoff and Erosion Control Standards</u></b> – Compliance anticipated. See WCC Recommendation #4f. The proposal disturbs land greater than 2 acres and is therefore high risk. WDB 29.3.1 requires that for high-risk developments the discretionary permit application be accompanied by a professionally prepared Erosion Prevention and Sediment Control Plan that shows how compliance with the performance standards of WDB 29.5 will be attained both during the construction of the proposed development and the continuing use of the site. The applicant should refer to WDB 29.5 for specific runoff and erosion control standards.</p>	
	<p><b><u>29.8 and 29.9 Wetlands Protection and Watershed Protection Buffer</u></b> – Compliance anticipated. See WCC Recommendations #4d and #4e. There are Class II, Class III, and two (2) unnamed streams on the subject property. The proposed driveway (the existing forestry road) crosses the watershed and buffer areas. WDB 29.8.2 states that wetlands must remain in their natural vegetation, but may be crossed by roads, trail, or utility lines where there is no feasible alternative to such a crossing and where all work is conducted in compliance with an approved runoff and erosion control plan and a Conditional Use Permit approved by the Agency of Natural Resources.</p>	
	<p><b><u>29.10 Source Water Protection</u></b> – Compliance anticipated. See Recommendation #5. This property is mapped as a Surface Water Source Water Protection Area (SPA) in the Lake Iroquois and Patrick Brook Watersheds. Lake Iroquois is part of the watershed for Shelburne Bay, the source for Champlain Water District. Per WDB 29.10.2, no specific standards apply but the Administrator shall refer this application to CWD for comment.</p>	

□ **Impact Fees**

**N/A – FYI Only**

WDB 43-45

RECOMMENDATION

Recreation and Parks Impact Fee and Transportation Impact Fee are assessed with the Administrative Permit. In FY2025, these fees are just below \$4,000. As of November 18, 2024, the School Impact Fee has been retired.

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**RECOMMENDATIONS AND MOTION**

1. The proposed development and use(s) can meet the development standards of WDB Chapter 31.
2. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject to these recommendations of the DRB, including but not limited to:
  - a. WDB 11 – A discretionary permit in compliance with the Inclusionary Zoning Requirements per WDB Chapter 11 or Growth Management (questionnaires sent in January 2025; due February 29, 2025; hearing is March 25, 2025)
  - b. WDB 12 – A subdivision plat in compliance with WDB 12.
  - c. WDB 13 Access – The driveway can proceed with the length and unit count exceptions. Provide specifications and details to demonstrate compliance with the standards of WDB 13.2.6.
  - d. WDB 15 On-Site Infrastructure – Underground utilities, on-site water and on-site wastewater in compliance with the requirements of WDB 15. Well testing not required due to reduced density of 1 unit per 10 acres
  - e. WDB 16 Maintenance – Solid waste containers in compliance with WDB 16.7 if visible from South Road
  - f. WDB 23 Landscape – 50-ft Existing Vegetation Buffers along exterior parcel boundaries on Lots 1, 2, 3, and 6. Standard 15’ setbacks for all internal new boundaries.
  - g. WDB 26 Street Trees – Not applicable due to open space development.
  - h. WDB 31 – Demonstrate compliance with dimensional standards and minimum lot size requirements.
    - i. Reconfigure Lot 6 and Lot 9 Open Space to provide open space, minimum 100-200 ft in width, between Lot 6 and the adjoining property (Forrester, ID 27-028-025-000).
3. The discretionary permit application must address the comments of the following Town departments but only to the extent that they can be enforced by and do not conflict with the Williston Development Bylaws.
  - a. Williston Public Works Memo dated November 6, 2024
4. The discretionary permit application must address the Conservation Commission (WCC) recommendations from their memo dated November 20, 2024:
  - a. A Habitat Disturbance Assessment (HDA) must be prepared by a qualified wildlife biologist contracted through the Town for the Discretionary Permit application. The HDA should focus on the northern portion of the parcel where development is proposed. The applicant should contact staff following DRB review of the pre-application to discuss procurement of the HDA
  - b. Limit the extent of forest clearing to the greatest degree possible to reduce impacts to the Significant Wildlife Habitat Area.
  - c. Site plan should show defined building envelopes of ½ acre or less for the proposed building lots. No structures or forest clearing should be allowed outside the building envelope.

- d. A wetland delineation for the proposed development must be prepared by a professional wetlands scientist and the site plan submitted with the discretionary permit application shall show wetlands in and within 100ft of the development lots (if present).
  - e. Proposed development must not encroach into watershed protection buffers except as provided under WDB 29.9.6.3. Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.
  - f. The applicant must submit a professionally prepared runoff and erosion control plan as part of the discretionary permit application.
  - g. The applicant should work with staff and the WCC to explore options to create a trail connection between the Lake Iroquois Recreation District and both South Road and parcels to the northeast.
5. The Zoning Administrator shall refer this development to the Champlain Water District for comment per WDB 29.10.
  6. Per the Road Names and Location Addressing Ordinance Section V(A), contact the E911 Coordinate regarding addresses and provide a plan with the Discretionary Permit application.

#### **MOTION**

**As authorized by WDB 6.6.3, I Lisa Braden-Harder, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of November 26, 2024, accept the recommendations for DP 25-04 and authorize this application to move forward to Growth Management and/or discretionary permit review.**

**SECONDED BY:     Scott Rieley     VOTE: 5 AYES – 0 NAYES**

**7:41 PM Closed public hearing for DP 25-04 Pre-app**

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**7:42 PM Opened public hearing for DP 24-09**

**DP 24-09 Gregory, Anna, and Laura Benedetto c/o Doug Goulette requests discretionary permit review of a proposed open space 6-lot subdivision on an existing 10.76-acre parcel to create three (3) dwelling lots (1.53, 0.46, and 0.7 acres) and three (3) open space lots (4.39, 1.37, and 2.31) at 1318 Butternut Road in the Agricultural/Rural Zoning District (ARZD).**

Representing the application: Anna Benedetto at 1318 Butternut Road, Williston, VT 05495 and Doug Goulette of TCE at 478 Blair Park Road, Williston, VT 05495.

Emily Heymann read the staff report and explained the request.

Doug stated that the changes in plans from pre-app to DP were driven by neighbor comments, including the consolidation of driveways for lots 2&3, which moved further to the south. Additionally, evergreen trees were proposed on lot 2 to supplement existing landscaping and reduce visual impact. They are now proposing a stormwater detention pond along the frontage of Butternut Road to address Public Works concerns on stormwater.

Doug stated that they are proposing individual open space lots, which is appropriate for this parcel due to the dispersal of natural features, even though it is novel. They proposed 75% open space in accordance with the bylaw. The goal is to have the individual lots own and manage their own open spaces with natural features on each, rather than by a three member HOA.

Doug read the bylaw definition of contiguous (31.7.4) and argued that the parcel does not meet definition because it is not a forest. Ask that the DRB determine if fragmentation is acceptable. The Conservation Commission felt that the open space was fragmented, and the applicant agreed, but argued that the parcel doesn't have the natural resources that the bylaw intends to protect.

Doug requested that the DRB consider modifying the tree cutting condition along Butternut Road because of vagueness. He stated that the condition has no specificity in the case of removal and replacement of trees and requested that the DRB remove extra wording or make it more specific for better guidance.

Paul asked the applicant if open space to benefit each corresponding building lot. Doug responded that open space can be for gardens, landscaping, agriculture, and forestry according to the bylaw. Paul asked if septic fields could be placed in the open space. Doug said yes, including mound systems.

Bill Skiff of 1625 Butternut Road asked the DRB to deny the proposal because open space should remain open, not fragmented. The Marcotte project serves as a perfect example of successful open space development. This proposal is inappropriate because undeveloped rural open space is valuable in itself; to suggest it has no value denies the very concept of open space. Privately owned lots would require permission from the landowners to access, which raises the question of whether community gardens are a feasible option. This is a policy decision that Bill strongly suggests the DRB should not follow.

Richard Park of 1259 Butternut Road submitted written comments stating that this project is appropriate as a single lot of over 4 acres, which would be consistent with the neighborhood. He agrees with Mr. Skiff, noting that contiguous open space cannot be compromised because even though it is not a forest or wetland, meadowland is still important for pollinators. He expressed concern that breaking up ownership could easily result in large lawns.

If there are two units, he suggested they should be clustered. Park also highlighted that Butternut Road is one of the last dirt roads in Williston. Additionally, he pointed out that the grading of the driveway is incomplete, and extensive earthwork will be required, as the land is very steep and the culvert on the property has eroded the land. He recommended that the proposed retaining wall would be a good idea for any number of homes.

Shane Skiff of 1625 Butternut Road recognized that Williston's character is changing and development is inevitable, but this proposed subdivision is not sustainable. This kind of development is concerning as someone who is considering moving back to Vermont long term. He stated that open space is a finite resource and capital for Williston.

Doug stated that they are not proposing that the parcel's open space has no value, and that they are under-designing because the bylaw allows 4 units, and they are proposing 3. He stated that the Conservation Commission recommended one open space lot, and to reconfigure the plan to be less fragmented. This is not the applicant's preference but would do it if it meant approval from the DRB.

Pete stated that the DRB would be continuing this hearing, as they agree with the Conservation Commission's recommendation. The DRB gave the applicant the chance to reconfigure it, and the applicant requested that the hearing be continued until January 28<sup>th</sup>, 2025.

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

**8:23 PM Continued public hearing for DP 24-09 to January 28<sup>th</sup>, 2025.**

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**WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT**

**DP 24-09**

**Discretionary Permit**

**Benedetto Subdivision**

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

1318 Butternut Road

23-026-071-000

Anna, Gregory, and Laura Benedetto

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

November 26, 2024

Owner

Doug Goulette, P.E., Trudell Consulting Engineers

HEARING DATE

APPLICANT

REPRESENTATIVE

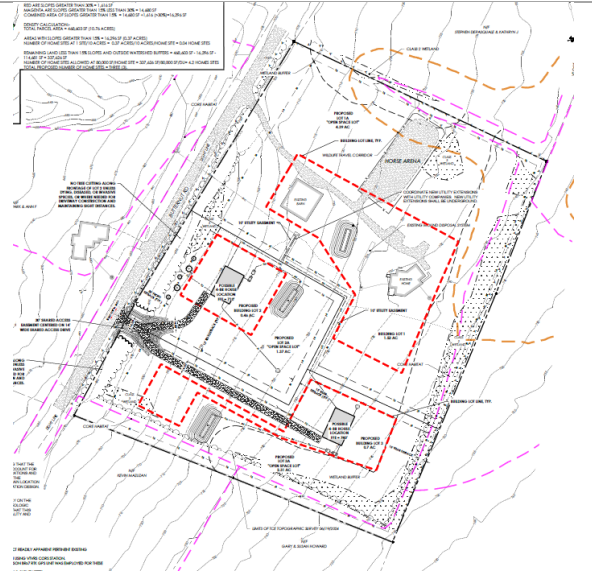
**BRIEF SUMMARY OF REQUEST**

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

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

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

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



10.76-acres

Residential

Residential

Town Road(s)

PROPERTY SIZE

CURRENT USE

PROPOSED USE

ACCESS

Agricultural/ Rural Residential

No

Yes

WCC

ZONING DISTRICT

DESIGN REVIEW

CONSERVATION REVIEW

ADVISORY BOARDS

**APPLICABLE BYLAW CHAPTERS:**

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

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

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

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

**RECOMMENDED ACTION**

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

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

**PROJECT HISTORY**

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

<b>December 12, 2023</b>	<b>DP 24-09</b>	<b>Pre-application review</b>
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

**ADVISORY BOARDS**

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

<input type="checkbox"/>	<b>CONSERVATION COMMISSION (WCC)</b>	<b>November 20, 2024</b>	<b>Included</b>
	NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/>	<b>HISTORIC AND DESIGN ADVISORY COMMITTEE (HDAC)</b>	<b>N/A</b>	<b>N/A</b>
	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>	<b>November 21, 2024</b>	<b>Included</b>
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	<b>FIRE</b>	<b>November 5, 2024</b>	<b>Included, with limitations</b>
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	<b>POLICE</b>	<b>N/A</b>	<b>N/A</b>
	DEPARTMENT	MEMO DATE	CONDITION

NOTES:

The DRB can adopt comments as conditions but only to the extent that they can be enforced by the statutory authority of zoning per VSA Chapter 24. The Fire Department Review Standards are Selectboard Policy. FD comments that are not contained in the Williston Development Bylaws cannot be enforced by the DRB.

**PUBLIC COMMENT**

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

NAMES: N/A

**PROJECT ELEMENTS**

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

**Pre-Application Recommendations**

DRB RECOMMENDATION	APPLICANT RESPONSE
1. The proposed development and use(s) can meet the development standards of WDB Chapter 31.	Standard.
2. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject RECOMMENDATIONS of approval as required by the DRB, including but not limited to:	

□ **Pre-Application Recommendations**

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

**Dimensional Standards**

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

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

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

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

**31.7 Open Space Development**

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

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

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

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

## **BYLAW EXCERPTS:**

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

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

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

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

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

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

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

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

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

## **31.8 Housing Design in Open Space Developments**

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

## **31.9 Lots and Home Sites**

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

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

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

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

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

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

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

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

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

**Subdivisions and Final Plans**

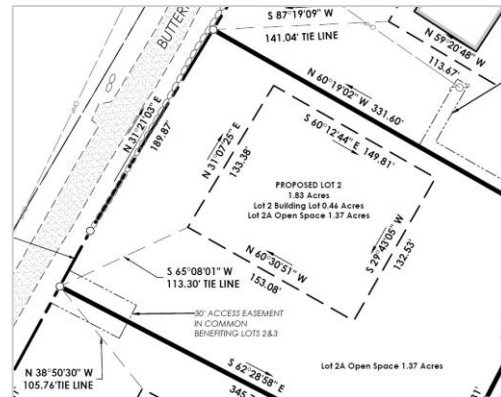
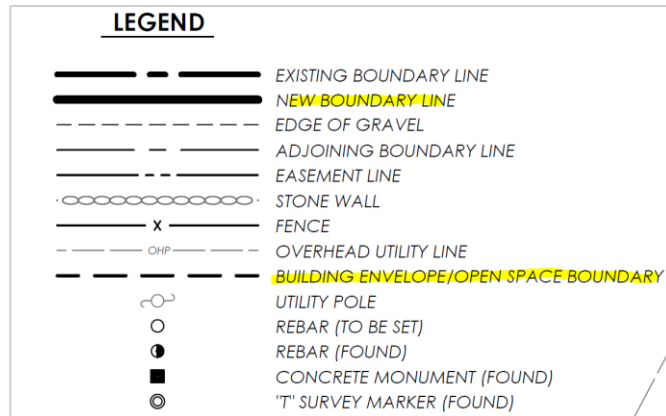
**Specific – Condition #18**

WDB 12

DECISION

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

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



**Affordable Homes and Growth Management**

N/A

WDB 11

DECISION

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

**Access, Connectivity, Traffic Studies**

Specific

WDB 13

DECISION

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

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

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

<input type="checkbox"/> <b>On-Site Infrastructure</b> WDB 15	<b>Specific</b> DECISION
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**15.4 Private Utilities** – Complies as proposed. Shown underground.

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

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

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

<input type="checkbox"/> <b>Density, Transfer of Development Rights</b> WDB 19	<b>Standard</b> DECISION
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Complies as proposed. The applicant has provided a density analysis. 3 homes are proposed (1 existing, 2 new) where up to 4 homes can be allowed.

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

<input type="checkbox"/> <b>Landscaping and Street Trees</b> WDB 23 & 26	<b>Specific – Condition #21</b> DECISION
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Compliance anticipated.

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

**Street Trees** – Complies as proposed, not applicable. At pre-application, the street tree requirement was waived per WDB 26.1.2.1, *“Existing Woods. The DRB may waive this chapter’s requirement for street trees where a road*

passes through existing woods and for open space developments in which formal planting plans are inappropriate.”.

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

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## DECISION AND MOTION

### FINDINGS OF FACT

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

### CONCLUSIONS OF LAW

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

### CONDITIONS OF APPROVAL

1. The applicant shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.
2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items:
  - a. Williston Public Works Memo dated November 21, 2024 and a written response to the department outlining the changes that were made in response to their comments.

- b. Williston Fire Department Memo dated November 5, 2024 and a written response to the department outlining the changes that were made in response to their comments, but only as it pertains to location addressing ordinance.
3. Final plans shall be address the comments of the Conservation Commission memo dated November 20, 2024:
  - a. Signage delineating watershed protection buffers on a 100' interval as proposed is acceptable.
  - b. Open space must be one parcel and the proposed building lots shall be clustered closer together to reduce fragmentation of the open space.
4. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.
5. The applicants shall enter into a development agreement with the town guaranteeing any required public or private improvements. The applicant shall post any required letters of credit or escrow amounts to guarantee the completion of these improvements in accordance with town standards and the conditions of approval prior to the approval of final plans for the proposed development, as specified by WDB 7.1.
6. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
7. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
8. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
9. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
10. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.
11. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.
12. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
13. There shall be no mowing or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
14. Any public improvements required by the approval of this proposed development (including, but not limited to roads, sidewalks, water & sewer connections) must be built in accordance with the Town's specifications as specified by WDB 7.1.3.

15. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
16. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.
17. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
- 18. House lots and open space lot(s) shall be platted and monumented in compliance with WDB 12.4.1.5 and 31.7.8.**
- 19. Prior to Final Plans, confirm location addresses with the E911 Coordinator (Listers and Assessors Office) per the Road Name and Location Addressing Ordinance.**
- 20. The plat and site plans must be revised to designate a 40' private driveway easement from Butternut Road to each house lot.**
- 21. The statement "no tree cutting along frontage of Lot 2/2A and 3/3A unless dying, diseased, or invasive species or where needed for driveway construction and maintaining sight distances" shall be revised to add "and gaps created by removed vegetation shall be replanted in order to maintain effective screening, but not invisible, per WDB 31.9.6"**

**8:23 PM Continued public hearing for DP 24-09 to January 28<sup>th</sup>, 2025**

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**8:23 PM Opened public hearing for DP 25-03**

**DP 25-03 LNP Inc c/o O'Leary-Burke Civil Associates requests discretionary permit review to amend final plans SP-07-12 with an outdoor storage area at 378 Commerce Street in the Industrial West Zoning District (IZDW).**

Representing the application: Al Senecal and Bryan Currier

Andrew Plumb read the staff report and explained the request.

Pete asked the applicants about proposed conditions of approval #22, regarding reseeding and boulders. Al Senecal stated that they would reseed the area, but he did not think it necessary to use boulders, because they will make sure that the tenant doesn't park there. Pete responded that the challenge is enforcement of parking, which could be solved with rocks (not boulders) so that there doesn't have to be any potential zoning violation pursued by the Zoning Administrator.

Pete asked the applicant about bike parking spaces. Al stated that the property had a bike rack, but it was stolen because it wasn't bolted down. They will put another in.

Al requested that the DRB consider reducing the landscaping requirements because the area on the eastern side of the property is heavily wooded, and they would have to destroy existing trees to plant the required landscaping. Additionally, Bryan stated that the storage area would be fenced, which acts as an additional buffer. Pete stated that the DRB will take this issue into consideration.

Al asked for clarification on difference between outdoor storage and working areas in item #21. Pete stated that the applicant should designate all areas used for stored materials, as much as are allowed with the bylaw. He suggested that they do not limit outdoor storage to the fenced-in area on plans, so that the tenant can be given the most latitude in operations.

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

**8:44 PM Closed public hearing for DP 25-03**

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**WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT**

<b>DP 25-03</b>	<b>Discretionary Permit</b>	<b>378 Commerce Street Outdoor Storage</b>
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
378 Commerce Street	07:019:037.000	LNP, Inc.
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
November 26, 2024	Same	O’Leary-Burke Civil Associates
HEARING DATE	APPLICANT	REPRESENTATIVE

**BRIEF SUMMARY OF REQUEST**

The following is a request for a site plan amendment at 378 Commerce Street to establish an outdoor storage area.

There is a history of nonconforming outdoor storage in this part of town, as shown in the picture to the right.



3.68 Acres	Industrial	No Change	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Industrial West	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

**APPLICABLE BYLAW CHAPTERS:**

- |   |  |  |
|---|--|--|
| <input checked="" 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 type="checkbox"/> 12. Subdivisions and Final Plans                       | <input type="checkbox"/> 20. Residential Improvements                        | <input type="checkbox"/> 28. Special Flood Hazard Areas    |
| <input checked="" type="checkbox"/> 13. Access, Connectivity, Traffic Studies   | <input type="checkbox"/> 21. Telecommunication Facilities                    | <input type="checkbox"/> 29. Watershed Health              |
| <input checked="" 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 checked="" 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 take testimony, close the hearing, and approve the application. The DRB should discuss outdoor storage and bike parking with the applicant and edit conditions 21-23 accordingly.

<b>ATTACHMENTS</b>	<input type="checkbox"/> Narrative Letter	<input type="checkbox"/> Photos	<input type="checkbox"/> Public Testimony
	<input 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. Prior approvals include:

<b>April 27, 2007</b>	SP 07-12	Approval for 30,800 SF industrial building
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>November 8, 2005</b>	SP 05-13	Approval for 33,600 SF indoor soccer facility
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>October 26, 1987</b>	SP 88-102	Approval for 12,000 SF building at 378 Commerce Street
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

## ADVISORY BOARDS

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

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

NOTES:

The Fire Department Plan Review Standards are a Selectboard Policy not an ordinance and therefore have no adopted basis for enforcement. The DRB can only enforce the standards of the bylaw; any additional or conflicting request of the Fire Department is not enforceable.

## PUBLIC COMMENT

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

**PROJECT ELEMENTS**

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

<input type="checkbox"/>	<b>Vested Rights, Nonconforming Lots, Uses, Structures</b>	N/A
	WDB 2	DECISION

There are several nonconformities on the parcel as follows:

- Outdoor storage/parking within front setback along east property line
- Outdoor storage within setback along north and east property lines
- Outdoor storage in undesignated areas throughout the site
- No bike parking as proposed in SP 07-12

The DRB has the power to correct nonconformities where they are reasonably proportionate to the scale of the development. These nonconformities are referenced throughout this report. The DRB should discuss the nonconformity with the applicant and discuss solutions that are proportional to the proposed development.

BYLAW EXCERPT:

*2.8 Correction of Nonconformities. The DRB may require that nonconformities be corrected as a condition of approval of a discretionary permit for additional development on the same lot or on adjacent lots in the same ownership. This power is limited to requiring work that is reasonably proportional to the scale of the proposed development.*

<input checked="" type="checkbox"/>	<b>Industrial Zoning District West</b>	Specific – See Conditions 21 and 22
	WDB 36	DECISION

General Contractor	236115	Yes	No change
PROPOSED USE	NAICS CODE	ALLOWED	NOTES

**Dimensional Standards**

Complies. The proposed outdoor storage area is designated outside the 9’ Type III Landscape buffer proposed along the northern property line.

**Outdoor Sales and Storage**

**Compliance anticipated.** Outdoor storage is only permitted in side or rear yards and where it is specifically designated on an approved site plan. The plans submitted by the applicant show existing outdoor storage in setbacks along the north and west property boundaries and the front yard in two areas: on the south side of the entrance to 378 Commerce Street and between 378 Commerce Street and the road. The gravel area west of 378 Commerce street has a long history of use as outdoor storage as seen on historic aerial imagery. Site plans should show all areas that will be used for outdoor storage. **The DRB should discuss the location of outdoor storage onsite with the applicant, then decide how to prevent outdoor storage in the front yard setback, see below.**



SP 07-12 proposed a narrower (24') access and landscaping in the area now used for parking and storage. Landscaping is unlikely to survive in this location given current conditions. Staff recommends that landscaping or a line of boulders is installed in this area to prevent future parking/storage use. Approximate boulder location shown with a red line below.



Staff propose that the applicant take two actions to correct the nonconforming outdoor storage on the site:

1. Designate all areas that will be used as outdoor storage in the side or rear yards for both 378 & 430 Commerce Street
2. Reseed the area previously used as storage then install landscaping or a physical barrier such as a line of boulders along the southern side of the entrance shown above.

The DRB should discuss the measures proposed above by staff and update Condition 21 and 22 accordingly.

<input type="checkbox"/> <b>Access, Connectivity, Traffic Studies</b>	Standard
WDB 13	DECISION
Complies. The parcel has access on Commerce Street, a local road. The driveways comply with the requirements of WDB 13.2.3 on alignment, grade, sight distance and clearance.	
<input checked="" type="checkbox"/> <b>Off-Street Parking and Loading</b>	Specific – See Condition 23
WDB 14	
<b>Vehicular Parking</b>	
<b>Complies.</b> WDB Table 14.A establishes the maximum number of off-street parking spaces with a minimum requirement for 80% of the maximum. Table 14.A states that industrial uses are very diverse with the requirement set by the DRB / Administrator using 1 per 1,000SF as a starting point.	
The existing parking lot to the south of 430 Commerce Street has 43 parking spaces including 2 ADA spaces. This is sufficient to serve both 378 and 430 Commerce Street.	

**Bicycle Parking and End-of-Trip Facilities**

**Compliance Anticipated.** There is no existing outdoor or indoor bike parking for 378 and 430 Commerce Street, and there is no end of trip facility. **The DRB should decide if the applicant shall provide the minimum of 4 outdoor bike parking spaces at 430 Commerce Street. See Condition 23.**

Vehicle and Bicycle Parking Analysis per WDB 14.A							
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)
Industrial	36,800 SF	1.00/1000SF as a starting point	37	*Based on total required spaces for the site as follows:  1-25 = 1 26-50 = 2 51-75 = 3 76-100 = 4 101-150 = 5 151-200 = 6 200+ = see WDB 14.3	5% of vehicular; min 4	75% of required spaces	*Based on total required long-term bicycle spaces for the site as follows:  1-3 = 1 4-17 = 2 18-30 = 4 30+ = 6
<b>Total Required: all uses</b>			<b>37</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>
<b>Total proposed by Applicant</b>			<b>43</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Compliance?</b>			<b>Yes</b>	<b>Yes</b>	<b>See discussion</b>	<b>Existing non-conformity</b>	<b>Existing non-conformity</b>

**Maintenance** Specific – See Condition #24  
 WDB 16 DECISION  
**Compliance anticipated.** WDB 16 requires that snow storage and solid waste containers are shown on applications for a discretionary permit. **Final Plans shall identify snow storage areas, show the location of solid waste containers, and how solid waste containers are screened from public view. See Condition #24.**

**Landscaping** Standard  
 WDB 23 DECISION  
**Complies.** The applicant is proposing plantings to create a 100’ long, 9’ wide Type III buffer along the northern property line to screen the proposed outdoor storage area from the adjacent property. The screening will supplement the existing vegetation along the property line. No additional screening is proposed on the western property line. Due to the location of the existing stormwater pond, improving the landscape buffer on this side of the property would not be proportional with the development proposed.

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## DECISION AND MOTION

### FINDINGS OF FACT

1. The applicant is not proposing a change to the general contractor use on the subject property. WDB Chapter 36 lists NAICS Code 236115 as an allowed use in the Industrial West Zoning District.
2. The applicant proposes to establish additional outdoor storage areas on the site.
3. The following nonconformities exist on the site: outdoor storage/parking within front setback along east property line, outdoor storage within setback along north and west property lines, outdoor storage in undesignated areas throughout the site, no bike parking as required by SP 07-12.

### **4. Landscaping to the north of the proposed outdoor storage area is sufficient to meet the screening requirements of WDB Chapter 23.**

### CONCLUSIONS OF LAW

1. The use(s) proposed as part of this discretionary permit are allowable uses in the Industrial West Zoning District.
2. The proposed development is correcting existing nonconformities proportionate to the proposed development to reach greater compliance with the development standards of WDB Chapter 36 for the Industrial West Zoning District and all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

### **3. The applicant does not need to provide additional landscaping to the north of the proposed outdoor storage area.**

### CONDITIONS OF APPROVAL

1. The applicant shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.
2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items to the extent that they can be enforced by the WDB:
  - a. Williston Fire Department Memo dated November 5, 2024 and a written response to the department outlining the changes that were made in response to their comments.
3. 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.
4. 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.

5. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
6. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
7. 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.
8. 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.
9. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
10. 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.
11. 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.
12. 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.
13. 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.
14. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of an approved master sign plan as required by WDB Chapter 25. The master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.
15. 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.
16. There shall be no mowing or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
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 designate all areas used as outdoor storage and vehicle parking. All other paved or gravel areas will be considered circulation areas that may not be used for storage or parking.**
22. **Final Plans shall show that the applicant will reseed the existing storage area in the front yard setback south of the access to Commerce Street. Final Plans shall also show a line of boulders that will prevent this area from being used as parking or outdoor storage in the future.**
23. The applicant **shall/shall not** provide four (4) outdoor bike parking spaces at 430 Commerce Street.
24. **Final Plans shall identify snow storage areas, the location of solid waste containers, and demonstrate how those containers are screened from the public ROW and adjacent properties.**

#### **MOTION**

As authorized by WDB 6.6.3, 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 the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of November 26, 2024, accept the Findings of Fact and Conclusions of Law for DP 25-03 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.

**SECONDED BY:      Lisa Braden-Harder      VOTE: 5 AYES – 0 NAYES**

**8:44 PM Closed public hearing for DP 25-03**

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**III. Communication, Final Plans, and Other Business**

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**8:44 PM Deliberations opened**

**9:18 PM Deliberations closed**

**IV. Minutes from November 12, 2024, DRB meeting**

I, Scott Rieley, make the motion to approve the minutes of November 12, 2024, as written:

**SECONDED BY: Lisa Braden-Harder**

**VOTE: 5 AYES – 0 NAYES**

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**V. Adjournment**

**9:23 PM Paul Christenson made the motion to adjourn.**

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**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.**