TOWN OF WILLISTON
DEVELOPMENT REVIEW BOARD
June 8, 2021, 7:00 PM
Zoom Meeting ID: 823-369-798 | 7900 Williston Road

Minutes approved _____ as written.

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

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

Planning & Zoning Staff: *Emily Heymann, Bonnie Woodford*

Attendees who signed in: *Curtis Trousdale, Dan Heil, Jason Adams, Jim…, Chris Snyder, Cleary Buckley, Andy Rowe*

AGENDA

I. Public Forum
II. Public Hearing

DP 21-12 Grey Birch, LLC c/o Curtis Trousdale requests pre-application review to convert an existing commercial unit to residential unit in a mixed-use building located at 141-149 Knight Lane in the Taft Corners Zoning District.

DP 21-13 Adams Real Properties LLC c/o Jason Adams requests a discretionary permit to establish an approx. 2,162 SF outdoor storage area at 31 Adams Drive in the Industrial Zoning District West (IZDW).

DP 16-05.3 Community Bank NA c/o Kris Francis requests a discretionary permit amendment to reconfigure the drive-thru access lanes at their existing building located at 28 Cottonwood Drive in the Mixed-Use Residential Zoning District (MURZD).

DP 09-01.22 Snyder FC Commercial Properties LLC and Rieley Properties LLC request a discretionary permit to construct a multi-tenant commercial building (approx. 26,000 SF) on Lot C-2 (3.08 acres) in Finney Crossing at the corner of Holland Lane and Williston Road in the Taft Corners Zoning District (TCZD).

DP 09-01.22 Snyder FC Commercial Properties LLC and Rieley Properties LLC request a discretionary permit to amend the Master Sign Plan for Finney Crossing to include Building E in the Taft Corners Zoning District (TCZD).

III. Communication, Final Plans and Other Business
IV. Minutes from May 11, 2021 DRB meeting
V. Adjournment

7:03 PM Opened public forum

DRAFT

There were no comments from audience

7:11 PM Opened public hearing for DP 21-12

DP 21-12 Grey Birch, LLC c/o Curtis Trousdale requests pre-application review to convert an existing commercial unit to residential unit in a mixed-use building located at 141-149 Knight Lane in the Taft Corners Zoning District.

Representing the application: Curtis Trousdale 147 Knight Lane

Emily Heymann read the staff report and explained the request.

Curtis Trousdale expressed that they hope to turn the existing office into a one-bedroom apartment.

Scott Rieley stated it may be hard to score the necessary growth management score. Emily H responded with the notes on Growth management and that it is close to meeting those points but that the DRB may need to grant an exemption if they don't meet the score. David Saladino asked if they have to wait until growth management or could they grant an exemption as part of this approval. Emily H responded they would have to wait.

Pete Kelley stated it would be wise for the applicant to seriously look into growth management and to try to get as many points as they can.

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

7:22 PM Closed public hearing for DP 21-12

DRAFT

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 21-12	Pre-Application	149 Knight Lane Conversion
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
141-149 Knight Lane	08-154-030-000	Grey Birch, LLC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
June 8, 2021	Curtis Trousdale	N/A
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for pre-application review to convert an existing commercial unit to residential at 149 Knight Lane. The multi-tenant mixed-use property is existing, and no exterior or interior modifications are proposed. Pre-application review is required for growth management in March 2022.

0.827 acres	Mixed-Use	No Change	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Taft Corners	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

APPLICABLE BYLAW CHAPTERS:

☐ 2. Nonconforming Lots, Uses, and Structures	☐ 16. Maintenance	☒ 24. Outdoor Lighting
☐ 4. Permit Exemptions	☐ 17. Non-Residential Accessory Uses and Structures	☐ 25. Signs and Public Art
☐ 10. Boundary Adjustments	☐ 18. Compatibility, Potential Hazards, and Nuisances	☐ 26. Street Trees
☒ 11. Growth Management	☐ 19. Density, Transfer of Development Rights	☐ 27. Conservation Areas
☐ 12. Subdivisions and Final Plans	☐ 20. Residential Improvements	☐ 28. Special Flood Hazard Areas
☐ 13. Access, Connectivity, Traffic Studies	☐ 21. Telecommunication Facilities	☐ 29. Watershed Health
☒ 14. Off-Street Parking and Loading	☐ 22. Design Review	☒ 31-42. Zoning District
☐ 15. On-Site Infrastructure	☐ 23. Landscaping	☒ 43-45. Impact Fees

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

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	RECOMMENDATION[3]

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

Staff recommends approval with recommendations as provided below.

HISTORY AND COMMENTS

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

PROJECT HISTORY

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

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
April 15, 1997	SP 97-17	Site plan approval for Lot 5 Mansfield Business Park
September 6, 1994	SUB 94-16	Lot 5 created in 9-lot subdivision (Mansfield Business Park)

ADVISORY BOARDS

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

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

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	RECOMMENDATION
☐	**PUBLIC WORKS**	May 14, 2021	Included
☐	**FIRE**	May 7, 2021	Included
☐	**POLICE**	N/A	N/A

NOTES:

DPW stated that additional sewer allocation may be required to change from office to 1-bedroom unit. Fire comments relate to signage and key safe/lock box access.

PUBLIC COMMENT

No comment letters were received at the time of mail out (June 3, 2021).

NAMES: N/A

PROJECT ELEMENTS

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

☐ **Taft Corners Zoning District (TCZD)** **Standard**

WDB 41 RECOMMENDATION

Proposed Use & Dimensional Standards

No new structures or parking area expansions are proposed. The building has 4 existing approved commercial units and 1 approved residential apartment unit located at 141 – 149 Knight Lane. The unit requesting change of use from a commercial unit to a 1-bedroom residential unit is identified as 149 Knight Lane. Currently the unit exists as a commercial office space with two office rooms, a full bathroom, a full kitchen, a foyer and entrance area and a rear deck along with locked storage unit in the community basement area. This is a main level unit located in the connector between the main building and the southernly barn building.

Outdoor Sales and Storage

NOTES:

No outdoor sales or storage associated with a commercial use are proposed. Outdoor storage associated with a residential use is permitted and subject to the standards of WDB Chapter 20.

Development Pattern

NOTES:

Complies as proposed. If this site is to be redeveloped in the future, then the standards of WDB 41.5 would apply (pedestrian connectivity, building line to the sidewalk, etc.)

☐ **Growth Management** **Standard**

WDB 11 RECOMMENDATION

NOTES:

If this project successfully completes pre-application in 2021, then it is eligible for growth management review in March 2022. Allocation is awarded as whole units, so this unit would potentially be eligible for a 2+ bedroom unit or an additional 1-bedroom/studio unit (3rd residential unit overall). Growth Management is a competitive process. This project must either receive a minimum score of 30 points to be considered for allocation or receive an exemption from the DRB. Per WDB 11.2.2.2, this project is eligible for an exemption because the parent parcel is less than 10 acres and no more than two (2) units are requested. This property is located within the growth center and is subject to the criteria of WDB 11.7:

- 11.7.1 Conserve Energy (0-10 points)
- 11.7.2 Build Affordable Housing (0-20 points)
- 11.7.3 Offer Housing Choices (0-20 points)
- 11.7.4 Provide Neighborhood Space (0-10 points)
- 11.7.5 Build Paths and Trails (0-10 points)
- 11.7.6 Conserve Open Space (0-10 points)
- 11.7.7 Design for Context (0-10 points)
- 11.7.8 Sustainable Transportation (0-10 points)

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

WDB 13 RECOMMENDATION

NOTES:

No changes to access are proposed.

☐ **Off-Street Parking and Loading** **Specific**

WDB 14

Vehicular Parking

NOTES:

Vehicle parking complies as proposed. No new parking spaces are proposed nor required.

Bicycle Parking and End-of-Trip Facilities

NOTES:

The discretionary permit must include a site plan and specifications for bicycle storage in compliance with WDB 14.8.3. End-of-trip facilities are not required because the existing commercials are not being modified (residential units are not required to have an EOT facility because each unit has a bathroom and housekeeping facilities).

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)**
Office Building	**5,852 SF**	**3.50/1000SF**	**21 (20.48)**	***Based on total required spaces for the site as follows: 1-25 = 1 26-50 = 2 51+ = see WDB 14.3**	**1 5% of vehicular**	**1 75% of required spaces**	***Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1 4+ = see bylaw**
Residential: Multiple Family Dwellings	**2 units**	**1.75/Unit**	**4 (3.5)**		**1 10% of vehicular**	**1 per 4 units**	
Total Required: all uses	**-**	**-**	**25**	**2**	**2**	**N/A**	**N/A**
Total proposed by Applicant	**-**	**-**	**26**	**2**	**Unknown**	**N/A**	**N/A**
Compliance?	**-**	**-**	**Yes**	**Yes**	**TBD**	**TBD**	**N/A**

☐ **Density, Transfer of Development Rights** **Specific**

WDB 19 RECOMMENDATION

NOTES:

In Williston, density is based on Dwelling Unit Equivalents (DUe) whereby:

- **Studio or 1-bedroom unit = ½ DUe**
- **2+ bedroom unit = 1 DUe**

There is an existing dwelling unit on the property. The applicant proposes a second unit with 1-bedroom (1/2 DUe). The parent parcel is 0.827 acres with no constrained lands (wetlands, steep slopes). This property complies with the net density standards of 7.5 DUE/acre. However, the minimum density in TCZD is 5 DUe/acre (4 units minimum for the subject property). Given that this is a modification to an existing development, and not greenfield development or significant redevelopment, staff recommends the DRB use their power to correct nonconformity and allow this property to remain nonconforming in terms of residential density. If this is property were to redevelop in the future, then the minimum density standard may apply. **The DRB must consider the minimum density standards for the TCZD. A recommendation is drafted.**

> **WDB 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.*"

☐ **Design Review** **Not Included**

WDB 22 RECOMMENDATION

NOTES:

No exterior changes are proposed.

☐ **Outdoor Lighting** **Standard**

WDB 24 RECOMMENDATION

NOTES:

If changes to outdoor lighting are proposed, they must be updated in accordance with the lighting standards of WDB 24.

☐ **Impact Fees** **Not Included**

WDB 43-45 RECOMMENDATION

NOTES:

School, recreation, and transportation impact fees will be assessed when an administrative permit is filed. Currently, impact fees for a new multi-household unit is around $4,000.

Williston Fire Department **FIRE / EMS**

MEMO

To: DRB Staff

From: Ryan Prouty, Lieutenant

Date: May 7, 2021

Re: DP 21-12 Grey Birch 141 – 149 Knight Lane

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

ACCESS	Key Safe/Lock Box access
SIGNAGE	Building and mailbox marking per Town Ordinance
	Gas connection marked with signage

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

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

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: May 11, 2021

RE: DP 21-12 PREAPPLICATION 141-149 Knight Lane

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

1. Additional Sewer Allocation may be required for change of use from office to 1 bedroom unit.

RECOMMENDATIONS AND MOTION

1. The proposed development and use(s) can meet the development standards of WDB Chapter 41.

2. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject RECOMMENDATIONs as provided by the DRB, including but not limited to:
    a. Bicycle storage in compliance with WDB 14
    b. Solid waste containers enclosed and screened in compliance with WDB 16
    c. Outdoor lighting in compliance with WDB 24

3. The discretionary permit application must address the comments of:
    a. Williston Public Works Memo dated May 14, 2021
    b. Williston Fire Department Memo dated May 7, 2021

4. Per WDB 2.8 Correction of Nonconformities, the DRB may choose at discretionary permit to allow the creation of one (1) new dwelling unit without bringing the property into compliance with minimum density (5 DUe/acre).

MOTION

As authorized by WDB 6.6.3, I Paul Christenson, 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 June 8, 2021, accept the recommendations for DP 21-12 and authorize this application to move forward to discretionary permit review.

SECONDED BY: John Hemmelgarn VOTE: 5 AYES – X NAYES

7:22 PM Closed public hearing for DP 21-12

7:23 PM Opened public hearing for DP 21-13

DP 21-13 Adams Real Properties LLC c/o Jason Adams requests a discretionary permit to establish an approx. 2,162 SF outdoor storage area at 31 Adams Drive in the Industrial Zoning District West (IZDW).

Representing the application: Jason Adams 307 Boyer Circle

Emily Heymann read the staff report and explained the request.

Jason Adams asked about the proposed location for the bike rack. Staff and DRB stated that they think the proposed location for the bike rack is fine.

David S asked if there is access to the storage area from the outside. Jason A responded that there is an access to the driveway and access into the building from the storage area.

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

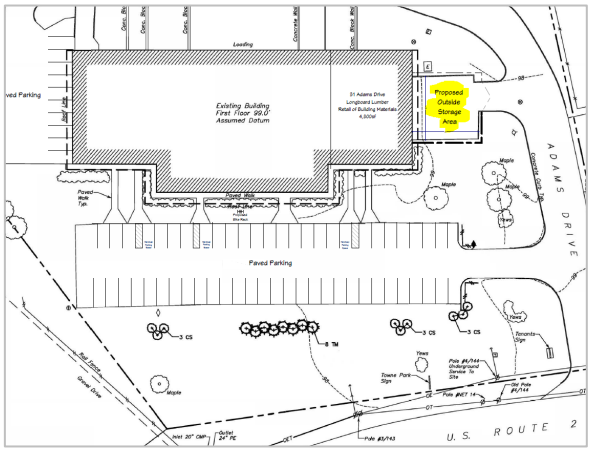
7:29 PM Closed public hearing for DP 21-13

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 21-13	Discretionary Permit	Longboard Lumber Outdoor Storage
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
31 Adams Drive	07-105-090-000	Adams Real Properties, LLC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
June 8, 2021	Jason Adams	N/A
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for a discretionary permit to establish a new outdoor storage area at 31 Adams Drive. This property is developed with three commercial/industrial buildings and related appurtenances.



8.3 acres	Industrial	Industrial	State 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:

☐ 2. Nonconforming Lots, Uses, and Structures	☐ 16. Maintenance	☐ 24. Outdoor Lighting
☐ 4. Permit Exemptions	☐ 17. Non-Residential Accessory Uses and Structures	☐ 25. Signs and Public Art
☐ 10. Boundary Adjustments	☐ 18. Compatibility, Potential Hazards, and Nuisances	☐ 26. Street Trees
☐ 11. Growth Management	☐ 19. Density, Transfer of Development Rights	☐ 27. Conservation Areas
☐ 12. Subdivisions and Final Plans	☐ 20. Residential Improvements	☐ 28. Special Flood Hazard Areas
☐ 13. Access, Connectivity, Traffic Studies	☐ 21. Telecommunication Facilities	☐ 29. Watershed Health
☐ 14. Off-Street Parking and Loading	☐ 22. Design Review	☒ 31-42. Zoning District
☐ 15. On-Site Infrastructure	☐ 23. Landscaping	☐ 43-45. Impact Fees

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

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	DECISION[3]

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

Staff recommends approval with findings, conclusions, and conditions as drafted.

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

PROJECT HISTORY

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

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
November 24, 2020	DP 21-06	Change-of-use for wholesale bakery at 31 Adams Drive. Due to septic system constraints, this permit did not move forward to final plans.
November 12, 2019	DP 20-14	Outdoor storage and install fence at 78 & 90 Adams Drive
July 10, 2012	DP 12-16	3,000 SF paved outdoor storage and fence
January 12, 2010	DP 10-23	Master Sign Plan
July 25, 2006	SP 06-32	Add 8 parking spaces to 17 Adams Drive
July 23, 1985	SUB 87-12	Towne Park subdivision & site plan approval

ADVISORY BOARDS

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

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

TRANSMITTAL DATE

NOTES:

Due to the minor nature of outdoor storage in the industrial zoning district, this was not reviewed by the HAAC.

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	CONDITION
☐	**PUBLIC WORKS**	May 14, 2021	N/A – No Comment
☐	**FIRE**	May 7, 2021	N/A – No Comment
☐	**POLICE**	N/A	N/A

PUBLIC COMMENT

No comment letters were received at the time of mail out (June 3, 2021).

NAMES: N/A

PROJECT ELEMENTS

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

☐ **Industrial Zoning District West IZDW)** **Standard**

WDB 36 DECISION

PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Lumber Wholesale	42	Yes	Wholesale Trade allowed in IZDW
Various	##	Yes	Other uses in the multi-tenant building are existing and comply

Dimensional Standards

No new structures or parking areas are proposed.

Outdoor Sales and Storage

The outdoor storage area complies as proposed. It is located in a side yard and screened by a fence.

☐ **Design Review** **Specific**

WDB 22 DECISION

The 8’ cedar fence complies as proposed.

☐ **Off-Street Parking and Loading** **Standard**

WDB 14 DECISION

Vehicular Parking

NOTES:

Complies as proposed. The outdoor storage area will displace 5 parking spaces; however the property will still have 26 spaces above the Town’s requirements (existing nonconforming parking lot).

Bicycle Parking and End-of-Trip Facilities

NOTES:

Bicycle racks and indoor bike storage are shown on the site plan. Because no significant remodel or addition is proposed, end-of-trip facilities are not required. The style of bike rack proposed does not comply with WDB 14.8.4, particularly the parking shall be on a paved surface and “*Bicycle racks shall be securely anchored to the ground, allow the bicycle wheel and frame to be locked to the rack with a U-lock, and be in a well-lit, highly visible location.*”

Proposed Bike Racks:

Example of a compliant bike rack:

Williston Fire Department **FIRE / EMS**

MEMO

To: Williston Fire Department

From: Ryan Prouty, Lieutenant

Date: 05/7/21

Re: DP 21-13 31 Adams Drive

The Fire Department has completed review of the above and has no requests for action at this time.

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

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: May 14, 2021

RE: DP 09-01.22 Finney building E

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

1. No comments at this time.

DECISION AND MOTION

FINDINGS OF FACT

1. The existing wholesale lumber use was approved administratively. WDB Chapter 36 lists NAICS Code 42 Wholesale Trade as an allowed use in the Industrial West Zoning District.

2. Outdoor storage area of 2,162 SF is proposed in the side yard and screened with 8' cedar fence.

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 can meet the development standards of WDB Chapter 36 for the Industrial West Zoning District as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

CONDITIONS OF APPROVAL

1. The applicant shall file 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 May 14, 2021 and a written response to the department outlining the changes that were made in response to their comments.
    b. Williston Fire Department Memo dated May 7, 2021 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.

DRAFT

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.

    a. **Final plans must specify bike racks in compliance with WDB 14.8.3.**

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.

DRAFT

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.

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 June 8, 2021, accept the Findings of Fact and Conclusions of Law for DP 21-13 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: Paul Christenson VOTE: 5 AYES – X NAYES

7:29 PM Closed public hearing for DP 21-13

7:30 PM Opened public hearing for DP 16-05.3

DP 16-05.3 Community Bank NA c/o Kris Francis requests a discretionary permit amendment to reconfigure the drive-thru access lanes at their existing building located at 28 Cottonwood Drive in the Mixed-Use Residential Zoning District (MURZD).

Representing the application: Dan Heil, O'Leary Burke 13 Corporate Drive Essex Junction

Pete Kelley recused himself as his employer was the general contractor on the project.

Emily Heymann read the staff report and explained the request.

Dan Heil described the improvements proposed and discussed the reason for the request and described the shared parking agreement.

DRAFT

Dan H stated that some of the conditions may not apply to the project and requested they be removed. John Hemmelgarn stated that many of the conditions are boiler plate, and the Board will discuss if they need to be kept or not.

David Saladino stated it seems like there is a sidewalk the terminates in the drive-thru isle and there is no longer a crosswalk and would they consider taking out. Dan H said they would consider removing that section of sidewalk.

John H asked what tree is being relocated, Dan H responded with the location of the tree and they plan to try to transplant the current tree.

David S stated that there may be a danger in having the crosswalk strips with someone visually impaired assuming that there is then a crosswalk where there is not one. Dan H stated they are okay with removing that piece of sidewalk.

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

7:42 PM Closed public hearing for DP 16-05.3

DRAFT

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 16-05.3	Discretionary Permit	Community Bank Drive-Thru
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
28 Cottonwood Drive	08-104-011-000 & 08-104-019-000	Community Bank N.A.
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
June 8, 2021	Kris Francis (Community Bank)	Dan Heil, O'Leary-Burke
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for a discretionary permit to reconfigure vehicular access at the drive-thru to improve traffic circulation and stacking queue at Community Bank.

Community Bank is Building A2 located on Phase II of Cottonwood Crossing Development.

1.69 acres	Commerical	No Change	Private Road
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Mixed Use Residential	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

APPLICABLE BYLAW CHAPTERS:

☐ 2. Nonconforming Lots, Uses, and Structures	☒ 16. Maintenance	☒ 24. Outdoor Lighting
☐ 4. Permit Exemptions	☐ 17. Non-Residential Accessory Uses and Structures	☐ 25. Signs and Public Art
☐ 10. Boundary Adjustments	☐ 18. Compatibility, Potential Hazards, and Nuisances	☐ 26. Street Trees
☐ 11. Growth Management	☐ 19. Density, Transfer of Development Rights	☐ 27. Conservation Areas
☐ 12. Subdivisions and Final Plans	☐ 20. Residential Improvements	☐ 28. Special Flood Hazard Areas
☒ 13. Access, Connectivity, Traffic Studies	☐ 21. Telecommunication Facilities	☐ 29. Watershed Health
☒ 14. Off-Street Parking and Loading	☐ 22. Design Review	☒ 31-42. Zoning District
☐ 15. On-Site Infrastructure	☒ 23. Landscaping	☐ 43-45. Impact Fees

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

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	DECISION[3]

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

Staff recommends approval with findings, conclusions, and conditions as drafted.

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

PROJECT HISTORY

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

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
October 8, 2019	DP 16-05.2	Discretionary permit for Phase II, including Community Bank

ADVISORY BOARDS

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

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

NOTES:

This item was not reviewed by the HAAC because no architectural elements are changing.

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	CONDITION
☐	**PUBLIC WORKS**	May 14, 2021	N/A – No Comment
☐	**FIRE**	May 7, 2021	N/A – No comment
☐	**POLICE**	N/A	N/A

PUBLIC COMMENT

No comment letters were received at the time of mail out (June 3, 2021).

NAMES: N/A

PROJECT ELEMENTS

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

☐ **Mixed-Use Residential Zoning District (MURZD)** **Standard**

WDB 38 DECISION

PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Bank	52	Yes	Finance and Insurance allowed

Dimensional Standards

Complies as proposed. No changes to front, side, or rear setbacks are proposed. No changes to building or building height are proposed. The building and drive-thru awning remain the same.

Outdoor Sales and Storage

No outdoor sales or storage are proposed, nor allowed.

Development Pattern

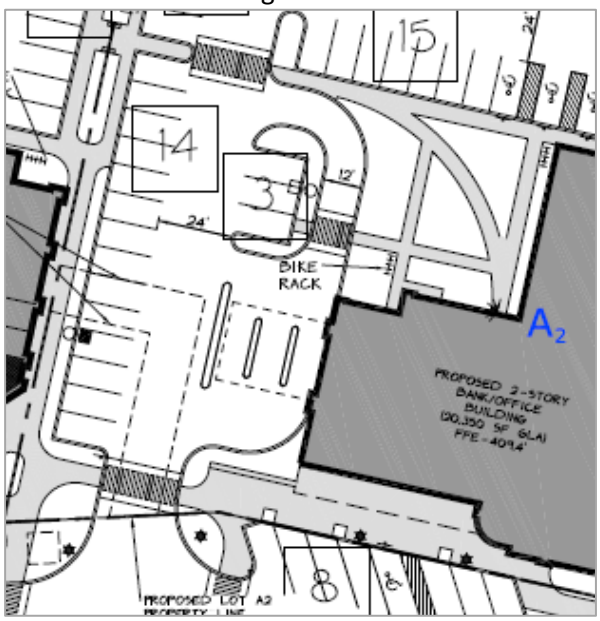
Complies as proposed. No modifications to building layout or access are proposed.

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

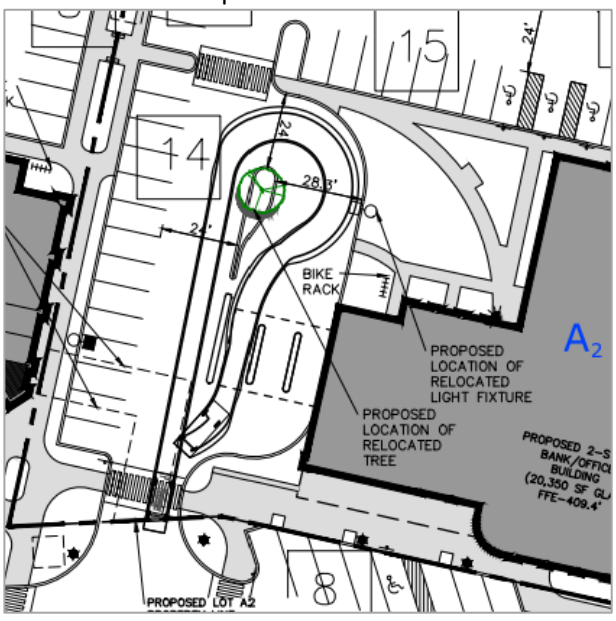
WDB 13 DECISION

Complies as proposed. No changes to road access. One pedestrian crosswalk is being removed. However, this crosswalk only serves the 3 parking spaces which will be eliminated. Two other crosswalks remain unchanged.

Existing Conditions:



Proposed Conditions:



☐ **Off-Street Parking and Loading** **Standard**

WDB 14

Vehicular Parking

Complies as proposed. The applicant provided a shared parking calculation. The drive-thru reconfiguration and second dumpster bay remove 4 parking spaces from the overall development. However, the number of parking spaces provided meet the shared parking requirements for both Phase II and Overall Development. 3 parking spaces on Connor Way Extension are included in the Phase II share analysis.

Bicycle Parking and End-of-Trip Facilities

Complies as proposed. The location and number of bicycle parking racks are not changing.

☐ **Maintenance** **Standard**

WDB 16 DECISION

The applicant is proposing a second dumpster enclosure screened in compliance with WDB 16.7. The dumpster enclosure will reduce the available parking spaces by 1 space.

☐ **Landscaping** **Standard**

WDB 23 DECISION

Complies as proposed. One tree in the drive-thru median will be relocated. The drive-thru median will be landscaped in complies with the parking lot landscaping standards.

☐ **Outdoor Lighting** **Standard**

WDB 24 DECISION

Complies as proposed. One light fixture is relocated.

Williston Fire Department **FIRE / EMS**

MEMO

To: Williston Fire Department

From: Ryan Prouty, Lieutenant

Date: 05/7/21

Re: DP 16-05.3 Community Bank

The Fire Department has completed review of the above and has no requests for action at this time.

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

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: May 14, 2021

RE: DP 16-05.3 Community Bank

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

1. No comments at this time.

DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to retain the exiting bank use. WDB Chapter 38 lists NAICS Code 52 Finance and Insurance as an allowed use in the Mixed Use Residential Zoning District.

2. The applicant proposes a reconfiguration of the drive-thru access, and minor modifications to parking and landscaping.

CONCLUSIONS OF LAW

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

2. The proposed development can meet the development standards of WDB Chapter 38 for the Mixed Use Residential Zoning District as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

CONDITIONS OF APPROVAL

1. The applicant shall file 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 May 14, 2021 and a written response to the department outlining the changes that were made in response to their comments.
    b. Williston Fire Department Memo dated May 7, 2021 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.

DRAFT

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.

DRAFT

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.

MOTION

As authorized by WDB 6.6.3, I David Saladino, 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 June 8, 2021, accept the Findings of Fact and Conclusions of Law for DP 16-05.3 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: Scott Rieley VOTE: 4 AYES – X NAYES 1- Abstention
Pete Kelley Abstained

7:42 PM Closed public hearing for DP 16-05.3

7:43 PM Opened public hearing for DP 09-01.22

DP 09-01.22 Snyder FC Commercial Properties LLC and Rieley Properties LLC request a discretionary permit to construct a multi-tenant commercial building (approx. 26,000 SF) on Lot C-2 (3.08 acres) in Finney Crossing at the corner of Holland Lane and Williston Road in the Taft Corners Zoning District (TCZD).

Representing the application: Chris Snyder 4076 Shelburne Rd STE 6, Shelburne; Andy Rowe 14 Morse Drive, Essex; Cleary Buckley 431 Pine Street Burlington

Scott Rieley recused himself as he has a financial interest in the application.

Emily Heymann read the staff report and explained the request.

Chris Snyder discussed the changes on the site plans.

Andy Rowe described some of the site plans changes around the walkways. Chris S stated the end of trip facilities are planned to be located where they are accessible to other tenants.

Chris S described the changes to the building elevations and discussed the pitched roofs and new colors on the building facades and renderings. Chris S described the proposed artwork and suggested that they could come back for an amendment so that the artwork could be reviewed by the board.

Pete Kelley asked about the HAAC's window recommendation for the "dead" walls. Emily H discribed the HAAC recommendations. Chris S stated they plan to have landscaping to break up the walls and with the art present it will help to break up the dead walls. Andy R stated that the HAAC was looking for the windows not to break up the dead wall but, to give it more of a pedestrian feel and that the applicant does not feel they qualify as dead walls.

Emily H brought up the wall that faces Union bank. Chris S responded that the windows on the second floor of Union bank most likely won't be looking at the wall.

John H asked what the distance between Union bank and the proposed building. Andy R described the sidewalk around Union Bank, and it is about 15 feet between the two buildings. John H asked about the landscape plans for that area, Andy R responded.

John H stated that the wall facing union bank is a little lifeless and maybe some modulation of siding. Pete K asked if they have any ideas of breaking up some of the wall. Cleary Buckley stated that the wall has to be fire rated which limits what is able to be on the wall but they could work on the materials to create some variation on the wall.

Cleary B stated maybe there could be a trellis or some sort of plant species that would climb up the building. Chris S discussed the challenges with the landscaping in that area as the plants might struggle. Pete K stated that this wall is not an issue that will hold up approval and they can delegate the review to staff. John H agreed and stated that the landscape architect could try to work something out for that wall facing Union Bank.

John H stated that in his opinion the kayaks are not a sign or art but are just good architecture. Pete K agreed.

John H stated that this is a very busy façade and that it is okay to have some respite in between the main facades and it enhances the design. Cleary B stated that the transitions between the lower veneer and upper wood design is about 11ft and the windows would not be at the pedestrian level.

Chris S expressed his appreciation for the board and Williston that a tenant like LLBean wants to be in Williston.

John H asked about the landscaping on the backside of the trash house. Chris S stated that there are dwarf honey suckle, street trees and there is also a hydrant located. John H asked if running the dwarf honey suckle around the corner of the trash house is a possibility. John H asked for clarification on the park on the corner of Market and Holland. Chris S described that it is a bit of a hill.

John H asked about the materials for the art. Chris S described the materials they have discussed which are a hard vinyl or a Corten steel. John H asked about the reasoning for the change from the timber posts. Chris S described the issues that arose and why they made the changes to not have the timber frame. John H stated it is quite a different outcome from what the HAAC reviewed, and the Board will need to decide how they feel about it in deliberations.

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Paul Christenson stated he liked the proposed images of the artwork.

Pete Kelley asked the DRB to comment whether they would like to close or continue the hearing. All members agreed to close the hearing.

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

8:49 PM Closed public hearing for DP 09-01.22

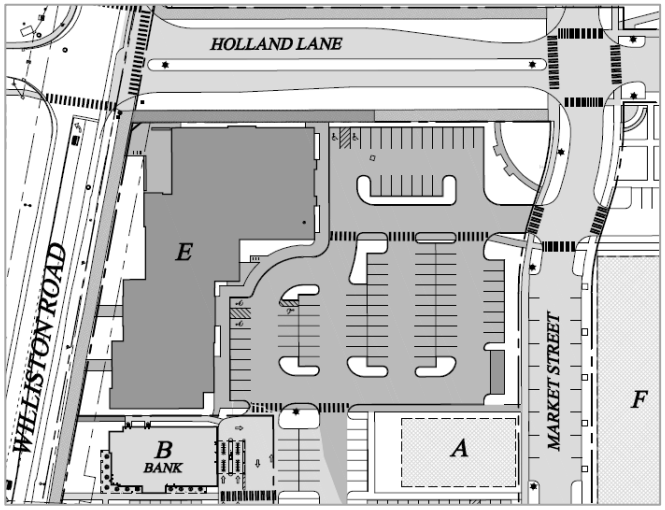
DRAFT

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 09-01.22	Discretionary Permit	Building E – Finney Crossing
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
Lot C-2 Holland Lane/Market Street	08-143-010-502	Snyder FC Properties, LLC and Rieley Properties, LLC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
June 8, 2021	Chris Snyder	Andy Rowe, Lamoureux & Dickinson
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is request for discretionary permit to construct a multi-tenant commercial building at Finney Crossing along with parking, lighting, pedestrian facilities, and other appurtenances. The applicant is proposing to provide common end- of trip facilities (lockers and showers for workers commuting to the site by bicycle etc.) that will serve the proposed building as well as tenants in existing Building J.



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

APPLICABLE BYLAW CHAPTERS:

☐	2. Nonconforming Lots, Uses, and Structures	☒	16. Maintenance	☒	24. Outdoor Lighting
☐	4. Permit Exemptions	☐	17. Non-Residential Accessory Uses and Structures	☒	25. Signs and Public Art
☐	10. Boundary Adjustments	☐	18. Compatibility, Potential Hazards, and Nuisances	☒	26. Street Trees
☐	11. Growth Management	☐	19. Density, Transfer of Development Rights	☐	27. Conservation Areas
☐	12. Subdivisions and Final Plans	☐	20. Residential Improvements	☐	28. Special Flood Hazard Areas
☒	13. Access, Connectivity, Traffic Studies	☐	21. Telecommunication Facilities	☐	29. Watershed Health
☒	14. Off-Street Parking and Loading	☒	22. Design Review	☒	31-42. Zoning District
☒	15. On-Site Infrastructure	☒	23. Landscaping	☒	43-45. Impact Fees

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

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	DECISION[3]

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

Staff recommends that the DRB proceed through testimony, deliberations, and approval at this meeting. Minor adjustments to the project as discussed by the DRB can be required on the final plans as Conditions of Approval.

ATTACHMENTS					
	☒	Narrative Letter	☒ Photos	☐	Public Testimony
	☒	Site Plan(s)	☒ Elevations	☒	Other (specify): 3D Renderings, Parking Analysis, Traffic Analysis

PROJECT HISTORY

The DRB reviewed this request as a pre-application on April 13, 2021. The overall Finney Crossing project has a lengthy approval and amendment history dating to 2008.

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
April 13, 2021	DP 09-01.22	Pre-application review of Building E

ADVISORY BOARDS

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

	NAME	TRANSMITTAL DATE	CONDITION
☐	**CONSERVATION COMMISSION (WCC)**	N/A	N/A
☐	**HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)**	June 1, 2021	Included

NOTES:

The HAAC reviewed the application on May 18th and provided recommendations. On June 1st, the HAAC reviewed the new renderings that were created in response to HAAC recommendations. The June 1 renderings are the ones in use for this DRB review.

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	CONDITION
☐	**PUBLIC WORKS**	May 14, 2021	Included
☐	**FIRE**	May 7, 2021	Included
☐	**POLICE**	N/A	N/A

NOTES:

DPW did not have comments. Police did not respond to the request for comments. The applicant responded to the Fire Dept's pre-application comments. The Fire Department is satisfied with the applicant's narrative and has no further requests.

PUBLIC COMMENT

No comment letters were received at the time of mail out (June 3, 2021).

NAMES: N/A

☐ **Pre-Application Recommendations**

DRB RECOMMENDATION	APPLICANT RESPONSE
1. The proposed development and use(s) can meet the development standards of WDB Chapter 41 and 22. a. Discretionary permit shall demonstrate compliance with outdoor sales and storage limitations. b. Renderings and photographs shall demonstrate show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development per WDB 41.7.	a. Outdoor storage is not proposed. Outdoor sales will be limited to special events such as 'sidewalk sales'. The placement of kayaks on the north elevation of tenant space 1 are proposed as an architectural element. These kayaks are not 'for sale' merchandise and will be bolted to a frame mounted on the exterior wall. b. The patio area at the southwest corner of Building E will offer views to the west of the Adirondacks. The westerly view along the Williston Road corridor offers a view unobstructed by buildings at or adjacent to Finney Crossing. The benches at the southeast corner of Holland Lane and Market Street will also offer a westerly view along the Market Street corridor.
2. A discretionary permit application shall be in conformance with all the WDB requirements and standards, and subject to the DRB recommendations, including but not limited to: a. Per WDB 16.7, solid waste containers shall be screened by placing them in the structure they serve, accessible via loading doors, or to use walls that are an architectural extension of the structure served by the containers. The SE corner of Market Street/Holland Lane is too prominent for the solid waste structure. Consider an alternative location. b. Per WDB 16.4, outdoor trash receptacles to serve the users of a development. The discretionary permit must provide specifications and drawings or photographs demonstrating that the proposed outdoor trash receptacles will be consistent with the architectural and landscape design themes of the development.	a. A structure for trash, recycling and compost is proposed at the northeast corner of the parking area b. Receptacles for trash and recycling will be located throughout the commercial portion of the development. Adjustments to receptacle locations may be made in the future depending on tenant uses and in response to pedestrian patterns.
3. The discretionary permit application must address the comments of: a. Public Works Memo dated March 29, 2021 b. Fire Department Memo dated March 26, 2021	N/A for HAAC review
4. The discretionary permit application must address the Historic and Architectural Advisory Committee (HAAC) recommendations from their memo dated April 6, 2020:	See discussion below of items #a-m.
5. A master sign plan shall be submitted as part of an application for a discretionary permit.	Provided.
6. A shared parking study shall be submitted as part of an application for discretionary permit.	Provided. N/A for HAAC review.

☐ **Pre-Application Recommendations**

7. A traffic study shall be submitted as part of an application for discretionary permit.	Provided. N/A for HAAC review.
8. Consider enhancing the corridor between Building E and Union Bank from an alleyway to an activated area.	Landscaping and pedestrian scale bollard lighting are proposed along the sidewalk between Buildings E and Union Bank. This sidewalk will provide a connection between the bike path and the parking area, but also will continue north to Market Street.
9. Consider an upgraded pedestrian experience along Holland Lane through use of enhanced landscaping, hardscape, public art, etc. that leads to a pocket park feature at SE corner of Holland Lane/Market Street.	Landscaping and building mounted artwork are proposed along Holland Lane. Ornamental grasses are proposed to complement and contrast with the base of the artwork. Densely spaced shrubs are proposed between the parking spaces and the bike path. Grading and landscaping are also proposed to enhance the southeast corner of Holland Lane and Market Street, with benches facing the larger park area to be located diagonally across the intersection.

PROJECT ELEMENTS

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

☐ **Taft Corners Zoning District** **Standard**

WDB 41			RECOMMENDATION
L.L Bean – Retail	45	Yes	A broad variety of retail is allowed
PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Not Specified/Commercial	n/a	Yes	Uses for the other tenant spaces are TBD
PROPOSED USE	NAICS CODE	ALLOWED	NOTES

Dimensional Standards

The proposed building appears to meet the height and setback requirements for the Taft Corners Zoning District.

Outdoor Sales and Storage

NOTES:

The DRB should discuss outdoor displays and sales. The applicant proposes wall-mounted kayaks on the LL Bean portion of the building. These kayaks are designed to be permanently mounted, not sold to customers. "*Outdoor storage is prohibited in this zoning district. Outdoor sales in the TCZD will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.*" Given their permanent nature, the DRB may want to consider whether the kayaks should be treated as signage or public art. **The DRB may choose to add a specific condition of approval related to this element of the proposal.**

Development Pattern

NOTES:

In the TCZD, development standards related to "*dead walls*" and other architectural elements (WBD 41.5) apply- see HAAC comments and recommendations.

TCZD 5 of 9 Criteria

NOTES:

The application upholds the 5 of 9 criteria for Finney Crossing. New development in the TCZD must offer at least five (5) of the elements listed in WDB 41.5.3. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal. Finney Crossing's 5 criteria are listed in the HAAC design review addendum.

Adirondack Views

NOTES:

The discretionary permit must, "*show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development*." This does not mean that views must be left unimpeded. It does mean that developments must find a way to use this natural asset. Compliance with this standard could take a variety of forms, including, but not limited to, an urban park (see WDB 41.5.3.9) with westward views, windows from indoor "public" spaces facing west; an outdoor dining area with an Adirondack view, etc.

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

WDB 13 DECISION

Access to the site for vehicles will be from Holland Lane and Market Street within Finney Crossing. Pedestrian access is provided along the multi-use path parallel to Route 2 and Holland Lane as well as pedestrian access from a sidewalk along Market Street. A pedestrian pathway consisting of refuge islands and striped crosswalks through the proposed parking area is provided between Market Street and the entrance to the major retail tenant's section of the building. A pedestrian pathway between the proposed building and Union Bank extends from the multi-use path to Market Street as well.

No alterations to the plans related to access and connectivity are recommended by staff.

☐ **Off-Street Parking and Loading** **Standard**

WDB 14

Vehicular Parking

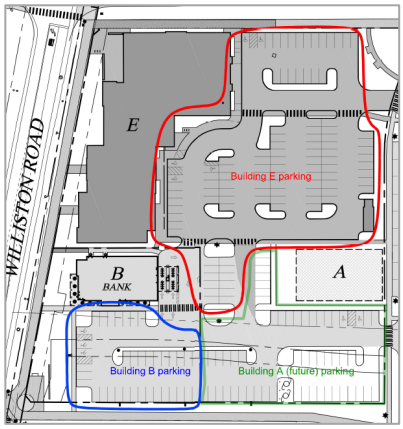
The applicant has proposed additional vehicular parking on the site as part of this development as well as a narrative discussing shared parking and parking arrangements. Staff agrees with the applicant's narrative regarding additional parking present on the site in excess of WDB requirements, which was built with the Union Bank site and will eventually become part of the required parking for future Building A. Proposed parking spaces meet Williston's dimensional requirements and provide the required number and arrangement of ADA accessible parking spaces. Spece is provided for off-street loading and service to the trash structure on the site.

Bicycle Parking and End-of-Trip Facilities

The applicant is proposing bicycle parking and end-of trip facilities as part of this development. End-of-trip facilities have been sized to serve the proposed building as well as the commercial tenants in Building J and any other future commercial buildings who do not have access to the facilities in that building.

Shared Parking

The applicant has provided a narrative and shared parking analysis. Except for the additional spaces that will be needed for future Building A, the applicant is building the amount of parking required by WDB 14 with a shared parking analysis.



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)
General Retail, Shopping Center	25,730	4.00/1000SF	102.92	*Based on total required spaces for the site as follows: 1-25 = 1 26-50 = 2 51-75 = 3	5% of vehicular =5.1	75% of required spaces =3.8	*Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1
Bank with Drive-Through	3,360	4.75/1000SF	15.96		7% of vehicular spaces =1.1	20% of required vehicular spaces =0.2	

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)**
Office	5,952	3.5/1000SF	19.57	76-100 = 4 101-150 = 5 151-200 = 6 200+ = see WDB 14.3	7% of vehicular spaces =1.4	20% of required bicycle spaces =0.3	4-18 = 1 per gender 17-30 = 2 per gender 30+ = 3 per gender
Total Required: all uses	**-**	**-**	**139**	**5**	**8**	**2**	**1**
Total proposed by Applicant	**-**	**-**	**156**	**10**	**12**	**2**	**1**
Compliance?	**-**	**-**	**Yes, considering shared parking and future Building A**	**yes**	**yes**	**yes**	**yes**

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

WDB 15 DECISION

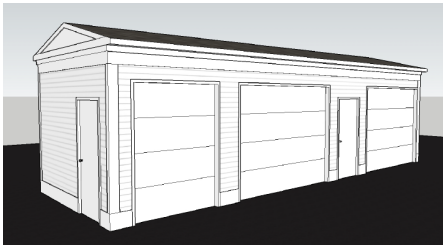
Water and sewer for this development will be municipal. Solid waste disposal will be handled internally and with outdoor waste receptacles, with trash, recycling, and compost handled in a structure on the Market Street side of the side. A pocket Park at the corner of Market and Holland is proposed as part of this development. No public streets are proposed as part of this development.

A TRASH / RECYCLING CONTAINER

☐ **Maintenance** **Other, see notes**

WDB 15 DECISION

At pre-app, the DRB requested, "*solid waste containers shall be screened by placing them in the structure they serve, accessible via loading doors, or to use walls that are an architectural extension of the structure served by the containers*." While the building has been moved away from the prominent street corner, it is still a separate structure. **The DRB should discuss the location, style, and materials of the proposed solid waste building. The DRB may choose to add a condition.**



Siding: Painted fiber cement lap siding and trim; Roof: Asphalt shingles; Doors: Painted hollow metal and prefinished sectional overhead

☐ **Design Review** **Specific**

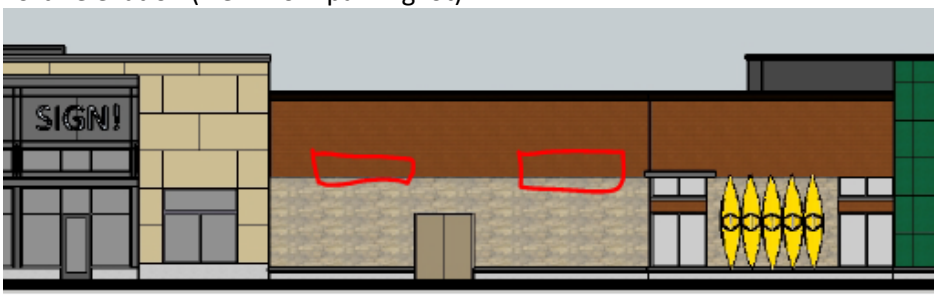
WDB 22 DECISION

HAAC recommendations are included as conditions and detailed in a separate report (including photos) resulting from their review. Since pre-application and during the Design Review of the Discretionary permit by the HAAC, the applicant has made several revisions and additions to the building plan, including:

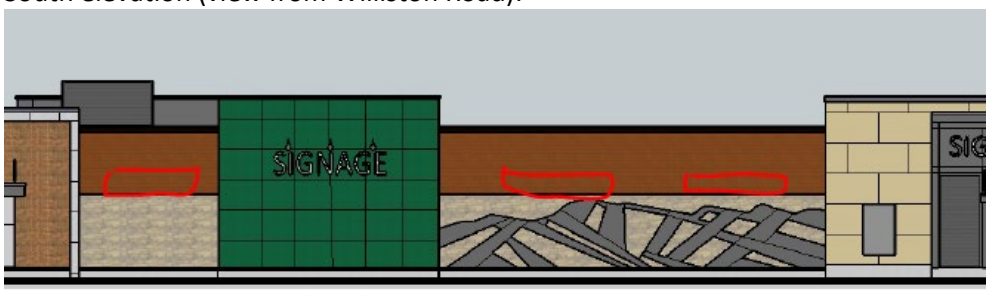
- re-working of the entry structure at the corner of Holland Lane and Route 2 to include a pitched-roof element with wood-clad supports.
- red facade material, enhanced cornice, and pitched-roof entryways over the middle two entrances facing Route 2

The DRB should review the HAAC recommendations and decide if additional conditions are required. The HAAC recommended additional windows on the most unadorned walls of the structure to ensure they are not defined as "dead walls" under WDB 41 and 22. At the June 1st HAAC meeting, the applicant represented that additional windows would need to be very high on the wall in order to accommodate interior retail shelving. The HAAC disliked windows that are too high up because they have an "industrial" feel, for example, the windows above the Healthy Living loading dock.

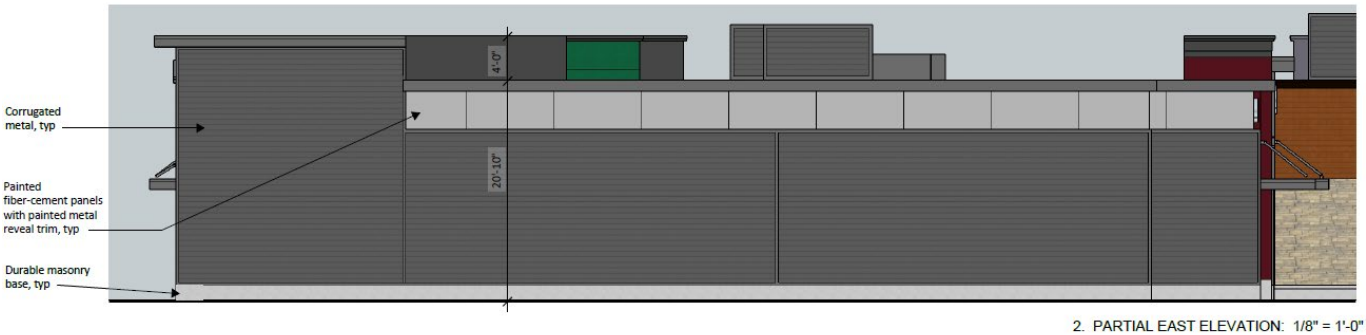
North elevation (view from parking lot):



South elevation (view from Williston Road):



Lastly, the DRB should consider the pedestrian experience along the pathway between Building E and Union Bank. The HAAC did not write recommendation about the east façade:

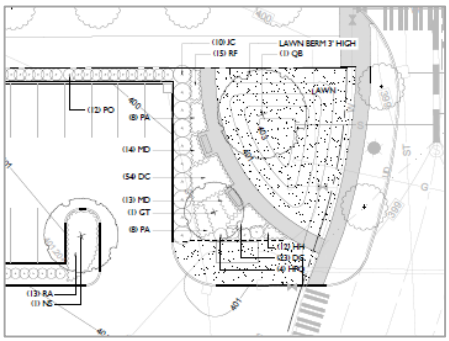


2. PARTIAL EAST ELEVATION: 1/8" = 1'-0"

☐ **Landscaping** **Standard**

WDB 23 DECISION

The applicant has provided a landscaping plan in compliance with WDB 23. Landscaping along Holland Lane, the multi-use path, and Market Street is proposed. The landscaping plan also shows landscaped islands in the parking areas and the pocket park at the corner of Holland Lane and Market Street.



☐ **Street Trees** **Standard**

WDB 26 DECISION

Street trees in compliance with WDB 26 are shown along the frontages of all streets adjacent to the proposed development, wherever buildings, like Building A, are not brought directly to the sidewalk.

☐ **Signs and Public Art** See MSP Staff Report

WDB 25 DECISION

The master sign plan for Finney Crossing is also getting update. See separate staff report.

☐ **Impact Fees** **Not Included**

WDB 43-45 DECISION

Finney Crossing is not subject to transportation impact fees in exchange for the construction of Zephyr Road. The applicant has provided an analysis that compared overall vehicle trips in Finney Crossing to the cost of construction. Finney Crossing, with the development of the site proposed under this application, is predicted to generate 674 Weekday Peak-Hour vehicle trips, with a permitted maximum of 777 trips.

☐ **Outdoor Lighting** **Standard**

WDB 24 DECISION

The applicant has provided a lighting plan in compliance with WDB 24, as discussed in the table below.

Project Compliance with WDB 24, *Outdoor Lighting*		
Applicable Lighting Zone: Other	**As Required by WDB 24**	**As Proposed by the Applicant**
24.2.4 Prohibited Lighting Types	Uplighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	**None proposed**
24.4 Fully-Shielded Light Fixtures	All fixtures must be shielded except "low lumen lighting" (less than 1200 lumens/lamp as provided below:	**Complies as proposed**
Maximum Total Unshielded Lumen Output per WDB 24.A	Other: 10,000 lumens/acre	**None proposed**
Maximum Total Lumen Output (shielded and unshielded fixtures) per WDB 24.A	Other: 200,000 lumens/acre	**Complies as proposed**
Maximum Total Lumen Output (shielded and unshielded fixtures) per WDB 24.A	Other: 5,000 lumens/unit; up to 200,000 lumens/acre	**Complies as proposed**
Parking Lot Illumination Level per WDB 24.B	Other: 1.2 footcandles	**Complies as proposed** 1.2 footcandles
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	**Complies as proposed** 10.67:1
Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	**Complies as proposed** 3.2 footcandles
Light Timing	Per WDB 24.5.4, all outdoor lighting including sign lighting must be turned off 30 minutes after the close of business and may be turned on 30 minutes prior to the opening of the business.	The applicant's lighting plan includes operational notes in compliance with WDB 24.
Luminaire Orientation	Per WDB 24.6: 1. Light cannot be directed above horizontal plane. 2. Flood lights may be aimed no more than 45 degrees above horizontal. 3. No light may be directed beyond the parcel boundaries of the site.	**Complies as proposed**
Security Lighting and Security Plan	Security lighting can be brighter in spots than the parking lot limitations in WDB 24.B, and is instead governed by the average illumination requirements of WDB 24.C	**Complies as proposed**
Maximum Average Illumination for security lighting (horizontal at grade) per WDB 24.C	Other: 1.5 footcandles	1.5 footcandles
Maximum Average Illumination for security lighting (vertical, 5' above grade) per WDB 24.C	Other: 1.5 footcandles	1.5 footcandles

Williston Fire Department FIRE / EMS

MEMO

To: DRB Staff

From: Ryan Prouty, Lieutenant

Date: May 7, 2021

Re: DP 09-01.22 Finney Crossing

The Fire Department has completed review of the above referenced project 09-01.22 and offers the following;

The applicant has addressed the Fire Departments comments from the memo dated 3/26/21 in the applicant's narrative dated 4/30/21. The Fire Department is satisfied with the applicant's narrative and has no further requests.

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

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: May 14, 2021

RE: DP 09-01.22 Finney building E

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

1. No comments at this time

DECISION AND MOTION
FINDINGS OF FACT

1. The applicant proposes to develop the property for retail and commercial Use. WDB Chapter 41 lists NAICS Code 45, "Retail Trade," as an allowed use in the Taft Corners Zoning District.

CONCLUSIONS OF LAW

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

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

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 May 14, 2021 and a written response to the department outlining the changes that were made in response to their comments.
    b. Williston Fire Department Memo dated May 7, 2021 and a written response to the department outlining the changes that were made in response to their comments.

3. The final plans shall address the recommendations from the Historic and Architectural Advisory Committee as excerpted from their memo dated May 18, 2021 and June 1, 2021:

    a. Add a non-vertical element (angle/sloped roof) to break up the flat roof.
    ~~b. Consider smaller, elevated windows (similar to size/style windows on east end of Building J). The windows should be approximately halfway up the wall or embedded in the stone portion rather than near the top to bring a "human scale" to the wall and avoid an "industrial" feel as shown.~~
    c. Consider an angled awning ~~support by wooden columns~~ to bring more dimension and a porch roof effect. ~~See LL Bean sample photos as selected by HAAC.~~
    d. Landscaping and lighting comply as proposed for the pathway between Building E and Union Bank.
    e. Consider a cornice or molding that compliments Union Bank. Consider other materials. (~~Complies as proposed in June 3rd renderings~~). **Continue the cornice and red elements on the north elevation.**

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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. 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.

10. 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.

11. 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.

12. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.

13. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.

14. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.

15. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of 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.

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

17. 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.

18. 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.

19. 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.

20. 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.

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

22. Provide a change of color, texture, material or building applied landscaping on the lower 4 to 8 feet of the east façade facing Union Bank.

MOTION

As authorized by WDB 6.6.3, I John Hemmelgarn, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of June 8, 2021, accept the Findings of Fact and Conclusions of Law for DP 09-01.22 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: Paul Christenson VOTE: 4 AYES – X NAYES 1- abstention
Scott Rieley Abstains

8:49 PM Closed public hearing for DP 09-01.22

8:49 PM Opened public hearing for DP 09-01.22

DRAFT

DP 09-01.22 Snyder FC Commercial Properties LLC and Rieley Properties LLC request a discretionary permit to amend the Master Sign Plan for Finney Crossing to include Building E in the Taft Corners Zoning District (TCZD).

Representing the application: Chris Snyder, Andy Rowe 14 Morse Drive Essex

Scott Rieley recused himself as he has a financial interest in the application

Emiley Heymann read the staff report and explained the request.

Andy Rowe discussed portable signs.

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

8:53 PM Closed public hearing for DP 09-01.22

DRAFT

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 09-01.22 MSP	Master Sign Plan	Finney Crossing Commercial
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
129 Market Street	08:143:010.501	The Snyder FC Commercial Properties LLC and Rieley Properties LLC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
April 13, 2021	owner	Andrew Rowe- Lamoreaux and Dickinson
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request to amend the Master Sign Plan at Finney Crossing to include wall, window, and portable signs for Building E. Two wall signs, EN 1 and ES2, are proposed to be 45 SF. Staff recommends approval with special findings.

2.88 acres	Taft Corners	Multiple Tenants	Maybe
PROPERTY SIZE	ZONING DISTRICT	OCCUPANCY STATUS	DESIGN REVIEW

APPLICABLE BYLAW CHAPTERS:

☐ 2. Nonconforming Lots, Uses, and Structures	☐ 16. Maintenance	☐ 24. Outdoor Lighting
☐ 4. Permit Exemptions	☐ 17. Non-Residential Accessory Uses and Structures	☒ 25. Signs and Public Art
☐ 10. Boundary Adjustments	☐ 18. Compatibility, Potential Hazards, and Nuisances	☐ 26. Street Trees
☐ 11. Growth Management	☐ 19. Density, Transfer of Development Rights	☐ 27. Conservation Areas
☐ 12. Subdivisions and Final Plans	☐ 20. Residential Improvements	☐ 28. Special Flood Hazard Areas
☐ 13. Access, Connectivity, Traffic Studies	☐ 21. Telecommunication Facilities	☐ 29. Watershed Health
☐ 14. Off-Street Parking and Loading	☐ 22. Design Review	☐ 31-42. Zoning District
☐ 15. On-Site Infrastructure	☐ 23. Landscaping	☐ 43-45. Impact Fees

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

RECOMMENDED ACTION

Take Testimony & Close	Tonight	Approve
HEARING[1]	DELIBERATE[2]	DECISION[3]

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

Staff recommends approval with findings, conclusions, and conditions as drafted.

ATTACHMENTS							
	☒	Narrative Letter	☒	Photos	☐	Public Testimony
	☒	Sign Plan(s)	☒	Elevations	☐	Other (specify):

HISTORY AND COMMENTS

PROJECT HISTORY

This is the first time the DRB is reviewing this amendment request.

December 8, 2020	DP 09-01.20	Approve window signs for Healthy Living
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
July 14, 2020	DP 09-01.19	Amendment to MSP to permit Building J signs
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
June 25, 2019	DP 09-01.16	Construct building J and site
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
May 22, 2018	DP 09-01.14	Construct Union Bank and amend MSP
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
November 28, 2017	DP 09-01.12	Rework site design, construct Hotel, commercial MSP
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

INTERDEPARTMENTAL REVIEW

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

☐	**FIRE**	October 30, 2020	N/A	Yes, see below
	DEPARTMENT	MEMO DATE	RECOMMENDATION	NOTES

NOTES:
Fire department noted it has no comment at this time

PUBLIC COMMENT

No comment letters were received at the time of mail out (June 3, 2021).

PROJECT ELEMENTS

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

☐	**Overview**	**Not Included**
	WDB 25	DECISION

The applicant is proposing:

- a MSP because the site contains or could contain multiple commercial tenants.
- wall signs that are larger than the 24 square foot maximum size allowed by WDB 25.A. which can only be approved if the DRB approves a master sign plan with special findings that the proposed signage is in accordance with the 2011-2016 Williston Comprehensive Plan (WCP) and WDB, as they relate to signs.

Sign Types, Proposed

NOTES:
See Table 3 in the conditions of approval for a list of signs proposed. The MSP proposes window, projecting, wall, internal directory, portable, and freestanding signs.

Illumination

NOTES:
Wall signs will be illuminated with fully-shielded, downward facing lights. Window and portable signs at Building E will not be illuminated. All sign lighting at Finney Crossing is in compliance.

Non-Conforming Signs

NOTES:
There are no nonconforming signs currently on the site.

☐ **Frontage Calculation** **Complies as proposed**

WDB Table 25.A DECISION

Table 1. Maximum Allowed Sign Calculation	
Area of the Street-Facing Building Elevation	26,193 SF
Percentage of Building Elevation	All other: 8%
Maximum Potential Sign Area	2,095.4 SF
Proposed Sign Area	2,081 SF

DECISION & MOTION

FINDINGS OF FACT

1. The applicant proposes to install signs, including wall, window, and freestanding signs at Building E Finney Crossing.

2. WDB 25.5.5, effective June 22, 2009, allows the DRB to permit wall signs larger than 24 SF as a part of a Master Sign Plan approval.

3. The DRB makes the following findings related to the proposed signs identified above. The signs proposed by the applicant and described in above are:

    a. Consistent with the 2011-2016 Williston Comprehensive Plan:
        i. Because the WCP requires multi-tenant properties to be regulated under master sign plans and calls for flexibility in the administration of master sign plans, including the allowance for larger or more numerous signs where they may be appropriate;
        ii. Because allowing signs that are larger/ more numerous than the maximum allowed by WDB 25.A at Building E Finney Crossing is consistent with *WCP 2, "Williston's Vision for the Future,* where that vision includes a statement that the town will *"attend to the details of site planning and architectural design, including outdoor lighting, signage, access, and landscaping that give development both market appeal and long-term community value."*

    b. Consistent with the purpose and principles of WDB 25:
        i. Because allowing signs that are larger/more numerous than the maximum allowed by WDB 25.A at Building E Finney Crossing satisfies *WDB 25.1.2.4, "Well designed signs in the right locations can make a positive contribution to Williston's landscape, economy, and community life. Compliance with these standards will ensure they do so."*
        ii. Because allowing signs that are larger/more numerous than the maximum allowed by WDB 25.A at Building E Finney Crossing is in accordance with *WDB 25.1.2.5 <u>Location Matters</u>. "Different types, numbers, and sizes of signs are appropriate in different parts of Williston and the standards adopted here vary accordingly."*

CONCLUSIONS OF LAW

1. A master sign plan is required for any new signage to be installed at Building E, including new signs proposed as a part of this application.

2. The applicant's master sign plan, as proposed, complies with all of the requirements of WDB 25: "Signs and Public Art".

3. The applicant's master sign plan, as proposed, may be approved in accordance with WDB 25 subject to the following conditions:

CONDITIONS OF APPROVAL

1. Final plans must be filed within one year of the date of the notice of decision of this approval or it becomes void.

2. Final plans must show all existing and proposed sign locations in plan and elevation view and must include a table of approved sign locations and dimensions, sorted by sign type.

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3. The signs listed in the following table are the only signs authorized for the subject property, and no other signage can be placed on the site without the approval by the DRB of an amendment to this master sign plan.

Table 3. Proposed and Existing Signs, Master Sign Plan				
Sign Type	**Existing or Proposed**	**Designation on Site Plan**	**Maximum Allowable Size Without A Master Sign Plan (SF)**	**Proposed Maximum Size (SF)**
Wall	Existing	A (hotel)	24	105
	Existing	B (hotel)	24	49
	Existing	C (hotel)	24	76
	Existing	I (bank)	24	42
	Existing	J (bank)	24	36
	Existing	K (bank)	24	27
	Existing	L (bank)	24	27
	Existing	M (bank)	24	27
	Existing	O (bank)	24	12
	Existing	Q (bank)	24	12
	Existing	S (Bank)	24	12
	Existing	JN 1	24	133
	Existing	JN 2	24	24
	Existing	JN 3	24	24
	Existing	JN 4	24	24
	Existing	JN 5 (wall or projecting)	24	24
	Existing	JN 6 (wall or projecting)	24	24
	Existing	JE 1	24	81
	Existing	JS 1	24	119
	Existing	JS 2	24	24
	Existing	JS 3	24	24
	Existing	JS 4	24	24
	Existing	JS 5	24	24
	Existing	JS 6	24	24
	Existing	JW 1	24	24
	Proposed	EN 1	24	45
	Proposed	EN 2	24	24
	Proposed	EN 3	24	24
	Proposed	EN 4	24	24
	Proposed	EN 5	24	24
	Proposed	ES 1	24	45
	Proposed	ES 2	24	24
	Proposed	ES 3	24	24
	Proposed	ES 4	24	24
	Proposed	ES 5	24	24
	Proposed	ES 6	24	24
	Proposed	EW 1	24	24
			Total Wall Signs:	**1,352**
Window	Existing	E (hotel)	25% of glass facing public way	12
	Existing	F (hotel)	25% of glass facing public way	4.5

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Table 3. Proposed and Existing Signs, Master Sign Plan				
Sign Type	**Existing or Proposed**	**Designation on Site Plan**	**Maximum Allowable Size Without A Master Sign Plan (SF)**	**Proposed Maximum Size (SF)**
	Existing	G (hotel)	25% of glass facing public way	4.5
	Existing	H (hotel)	25% of glass facing public way	9
	Existing	N (bank)	25% of glass facing public way	8
	Existing	P (bank)	25% of glass facing public way	4
	Existing	R (bank)	25% of glass facing public way	4
	Existing	JN 7 (Building J)	25% of glass facing public way	40
	Existing	JS 7 (Building J)	25% of glass facing public way	50
	Existing	JN 8 (Building J	25% of glass facing public way	10
	Existing	JS 8 (Building J)	25% of glass facing public way	12
	Existing	JN 9 (Building J)	25% of glass facing public way	10
	Proposed	EN 6 (Building E)	25% of glass facing public way	24
	Proposed	EN 7 (Building E)	25% of glass facing public way	10
	Proposed	EN 8 (Building E)	25% of glass facing public way	10
	Proposed	EN 9 (Building E)	25% of glass facing public way	10
	Proposed	EN 10 (Building E)	25% of glass facing public way	10
	Proposed	ES 7 (Building E)	25% of glass facing public way	4
	Proposed	ES 8 (Building E)	25% of glass facing public way	4
	Proposed	ES 9 (Building E)	25% of glass facing public way	6
	Proposed	ES 10 (Building E)	25% of glass facing public way	6
	Proposed	ES 11 (Building E)	25% of glass facing public way	24
			Total Window Signs:	**276**
Freestanding	Existing	D (light pole banners)	32 square feet	27 @ 15 SF ea = 405 (**decrease from 435)**
	Existing	Portable Signs (building J)	32 square feet	6 @ 6 SF ea = 36
	proposed	Portable Signs (Building E)	32 square feet	2 @ 6 SF = 12
			Total of Freestanding Signs:	**453**
			Total of All Existing and Proposed Sign Area:	**2,081 SF**

4. Final plans must include a listing of any existing nonconforming signs on the site and must address, if these signs are nonconforming as to their illumination or setback, how and when these signs will be made conforming. Signs that are nonconforming due to size but that are approved with special findings as a part of this plan do not need to be listed.

5. Prior to installing any signs or beginning any work, the applicant shall obtain administrative permits, which may only be issued following the approval of final plans.

MOTION

As authorized by WDB 6.6.3, I John Hemmelgarn, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of June 8, 2021, accept the Findings of Fact and

Conclusions of Law for DP 09-01.22 and approve this Discretionary Permit for a master sign plan subject to the Conditions of Approval above.

This approval authorizes the applicant to submit final plans, obtain approval of these plans from staff, and then seek administrative sign permit(s), which must proceed in strict conformance with the plans on which this approval is based.

SECONDED BY: David Saladino VOTE: 4 AYES – X NAYES – 1 abstention
Scott Rieley Abstained

8:53 PM Closed public hearing for DP 09-01.22

III. Communication, Final Plans, and Other Business

8:53 PM Deliberations opened
9:34 PM Deliberations closed

IV. Minutes from May 11, 2021 DRB meeting

I, Scott Rieley, make the motion to approve the minutes of May 11, 2021 as written:

SECONDED BY: David Saladino VOTE: 5 AYES – X NAYES

V. Adjournment

9:48 PM Paul Christenson made the motion to adjourn.

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

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