

**TOWN OF WILLISTON
DEVELOPMENT REVIEW BOARD
July 9, 2024, 7:00 PM
Town Hall Meeting Room | 7900 Williston
Road**

Minutes approved August 13, 2024 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), Scott Rieley, Nathan Andrews, Paul Christenson, Lisa Braden-Harder*

Absent: *David Turner, Scott Rieley*

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

Attendees who signed in: *Esther Lotz, Andy Rowe, Chris Snyder, Samantha Sleeper, Dave Marshall, Jesse Carswell, Ken Pidgeon, Mike Provost, Rex Accavallo, Susan Cote, Matt Parisi, Tucker Jones*

AGENDA

I. Public Forum

Certificate of Appropriateness:

HP 24-04 Blair Knowles and Matthew Parisi request a Certificate of Appropriateness to replace the slate roof with asphalt shingles at 7997 Williston Road, known as the Lantman House, in the National Register Historic District of the Village Zoning District (VZD).

II. Public Hearing

DP 09-01.27 Rieley Properties, LLC and The Snyder FC Commercial Properties, LLC c/o Andy Rowe request a discretionary permit for a two (2) lot subdivision of 3.08-acres to separate 27 Market Street (0.83-acres, future building pad site) and 69 Market Street (2.25-acres, L.L.Bean building) in the Taft Corners Zoning District and TBFBC Overlay District.

DP 24-15 Engineers Construction, Inc. c/o Ken Pidgeon requests discretionary permit review of the proposed ±2,855 SF addition and associated site work for the existing ±7,080 SF building at 99 Engineers Drive in the Industrial Zoning District West (IZDW).

DP 24-21 Mochi Investments requests discretionary permit review of proposed site modifications at 151 Avenue C in the Industrial Zoning District West (IZDW).

III. Communication, Final Plans and Other Business

Status Update on Appeal Proceedings: Docket No. 23-ENV-00133 - Brownell & LaMarch Administrative Permit (DP 19-03 and AP 24-0016).

IV. Minutes from June 11, 2024 DRB meeting

V. Adjournment

7:03 PM Opened public forum

There were no comments from audience.

7:08 PM Opened public hearing for HP 24-04

HP 24-04 Blair Knowles and Matthew Parisi request a Certificate of Appropriateness to replace the slate roof with asphalt shingles at 7997 Williston Road, known as the Lantman House, in the National Register Historic District of the Village Zoning District (VZD).

Representing the application: Matt Parisi at 7997 Williston Road, Williston VT.

Emily Heymann read the staff report and explained the request.

Matt Parisi stated that the roof is not particularly visible from the road because of tree growth. He said that requiring a slate roof would cause an unreasonable financial burden for the building and added that the findings of the Town on past decisions are inconsistent. Matt P said that the current use, with a business in the front and residence in the back, is consistent with the historic use, which is what makes the building historic.

Paul Christenson asked if the applicant was made aware that the building was in the VZD when purchased, and if they knew about zoning restrictions. Matt P responded that he did not. Peter Kelley said he didn't see relevance of this point because it is the responsibility of the buyer to investigate zoning. Matt P pointed out that in the HDAC meeting minutes, one board member thought it was unreasonable due to financial burden to require replacement of roof with slate. Matt P said that if slate is required, he would be better off continuing to patch the existing roof. Matt P mentioned that he wants to take the issue to environmental court because of inconsistencies with past decisions.

Nate Andrews brought up that the applicant included metal roofing as an option in the application and asked for more information. Matt Parisi responded that he is a small developer, and slate is very rare for reroofing. He said he would like to install corrugated metal roofing, but he would also install artificial slate shingles. Emily Heymann clarified that in the HDAC meeting, the committee included shingles instead of metal roofing in the report, because that is what is preferred. The current options before the DRB are between slate and artificial slate shingles, and metal roofing is not an option.

When given an opportunity for a final question by Pete K, Matt P asked if any other applicants referenced in the staff report appealed to E-court. Emily H said that they hadn't.

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

7:18 PM Closed public hearing for HP 24-04

WILLISTON, VERMONT

CERTIFICATE OF APPROPRIATENESS

HP 24-04

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

Property Owner:	<u>Matthew Parisi & Blair Knowles</u>
Tax Parcel ID:	<u>14-104-150-000</u>
Address:	<u>7997 Williston Road</u>
Review Area:	<u>National Register Historic District</u>
Associated Permit(s):	<u>N/A, No AP required per WDB 4.5.2</u>

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

- 1) Replace slate roof on main block with asphalt shingles.
- 2) Replacing existing asphalt shingles on porch roofs and rear addition in-kind

Finding of Fact:

1. The structure was constructed c. 1849 and has a c. 1950s rear addition.
2. The slate roof is identified in the Historic Sites and Structures Survey (Lantman House, No. 0417-082) conducted in 1976 and 1999.
3. The existing roofs on front porches and rear addition are asphalt shingles.
4. The slate roof on main block is an original material.
5. The proposed replacement material on main block is asphalt shingles.

Conclusions of law:

1. Bylaw Requirement per WDB Appendix H Alterations and Renovations, "*Do not obscure original materials, "Respect the original character and period of the building, structure or landmark... Do not try to modernize the architectural features of a building, structure or landmark."*
2. The proposed material [~~does~~ or does not] respect the original character of the c. 1849 structure.

Conditions of Approval:

1. Slate roof shall be replaced with slate.



Chair, Development Review Board

Dated: July 9, 2024

Historic and Design Advisory Committee (HDAC) Staff Report

Application Stage: Certificate of Appropriateness	Submitted: June 18, 2024
Application No: HP 24-04	Project Name: Roof Replacement
Property Address: 7997 Williston Road	Property Owner: Blair Knowles & Matt Parisi
Tax Parcel #: 14-104-150-000	Existing Lot Size: 0.5 acres

Project Description: The applicant proposes to replace the existing slate roof on the main block with asphalt shingles. The two front porches and rear addition are currently shingles and can be replaced in-kind at any time without HP/COA review.

Property information: Known as the Lantman House in the Williston Village National Register Historic District application. Today the building is a mixed-use property with commercial use (real estate office) and a residential dwelling unit. The HSSS describes an Italianate style, 2 story house constructed date of c. 1849. Excerpt from the 1978 survey states, *“The gable-front main block was the original section of the house and both side ells were added later. All include paired drop pendant brackets supporting the cornice and molded window heads. The original rear ell was small and housed the kitchen and woodshed. In the mid-1950’s the woodshed was remodelled and an extension added.”*

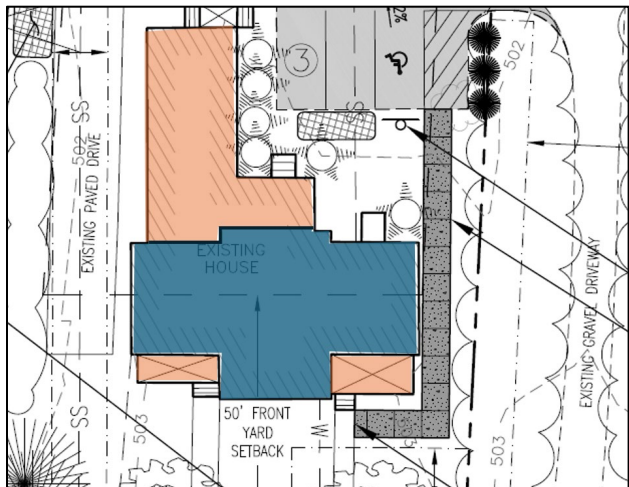


Figure 1. Blue = existing slate. Orange = existing shingles.

Figure 2. 1977 Historic survey photo.

HDAC Recommendation to DRB:

- Material consistency between main block roof and porch/addition roofs is preferred if a non-slate material is required for main block.
- Materials preferred: Asphalt shingles, artificial or real slate

Staff Recommendation to HDAC: First, the HDAC should decide if enough information is provided. At the time of agenda posting on 6/26, the applicant had not submitted information about the proposed material brand/specifications or photos of the existing roof. This information may be available before or at the 7/2 meeting. If more information (or more time to review) is needed, the HDAC may continue to July 16th. Second, the HDAC should consider the guidance of Appendix H and issue a recommendation for the DRB to consider. **July 2nd update:** See pages 8-18, which were provided this morning. The applicant has provided options for metal roofing and an article with several asphalt shingles options that look like slate.

Bylaw Requirements:

WDB Appendix H Historic Village Design Guide Alternations and Renovations:

“Incorporate elements of the original building, structure, or landmark into the renovation scheme.

- *Do not obscure original materials.*
- *Do not alter the shape of original openings such as windows and doors.*
- *Do not obscure the facade or facade details by covering them with materials such as metal or plastic panels, signs, by painting them out, etc.*

Respect the original character and period of the building, structure or landmark.

- *Do not try to make the building, structure or landmark look "historically" older than it really is. This devalues what is truly historic.*
- *Do not try to modernize the architectural features of a building, structure or landmark.”*

Slate Roof Precedent:

1. **HP 22-03, 8099 Williston Road, 15-104-170-000.** The applicant requested to replace the slate on main roof with asphalt shingles (lower porches/additions already had shingles). The HDAC recommended shingles as proposed on June 7, 2022. The DRB on approved HP 22-03 on June 28, 2022 with the condition, *“Existing slate shall be replaced with slate.”*
2. **HP 22-05, 7921 Williston Road, 14-104-144-000.** Associates in Orthodontics. The applicant, among other changes, requested to replace the slate roof on the main block with synthetic slate. The HDAC recommended ‘real or synthetic slate’ on July 5, 2022. The DRB approved HP 22-05 with a condition of approval requiring ‘*real slate*’ on July 26, 2022.
3. **HP 22-06, 8031 Williston Road, 14-104-154-000.** On June 29, 2022, the Zoning Administrator issued a Notice of Zoning Violation for replacing the slate roof with asphalt shingles without a permit. To resolve the violation, the applicant submitted HP 22-06. As resolution, the DRB approved HP 22-06 on August 9, 2022 with the following condition, *“The applicant shall restore the slate roof on the street-facing roof and the porch within 1 year.”* The work was completed in May 2023.

SECONDED BY: Nathan Andrews VOTE: 4 AYES – 0 NAYES

7:18 PM Closed public hearing for HP 24-04

7:19 PM Opened public hearing for DP 09-01.27

DP 09-01.27 Rieley Properties, LLC and The Snyder FC Commercial Properties, LLC c/o Andy Rowe request a discretionary permit for a two (2) lot subdivision of 3.08-acres to separate 27 Market Street (0.83-acres, future building pad site) and 69 Market Street (2.25-acres, L.L.Bean building) in the Taft Corners Zoning District and TBFBC Overlay District.

Representing the application: Chris Snyder and Andy Rowe, of Snyder Homes, at 4076 Shelburne Road, Suite 6, Shelburne, VT 05482

Emily Heymann read the staff report and explained the request.

Pete Kelley asked the applicants if they had anything to supplement the staff report, and if they have read the conditions or had any questions. The applicants did not have any questions. Paul Christenson asked if they knew the tenant out of curiosity, the applicants do not.

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

7:24 PM Closed public hearing for DP 09-01.27

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

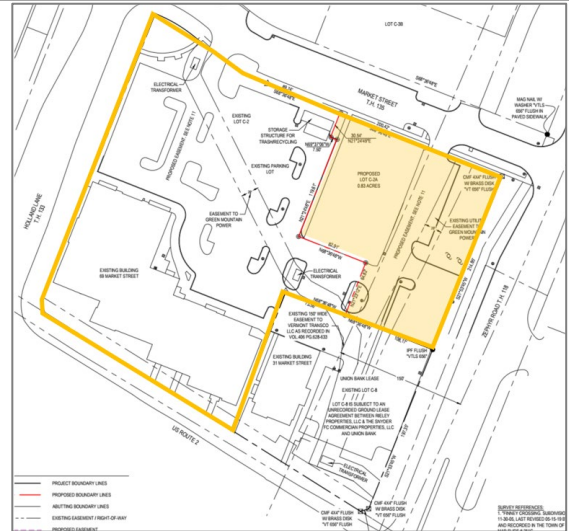
DP 09-01.27	Discretionary Permit	Finney Crossing Lot C-2 Subdivision
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
27 & 69 Market Street	08-143-010-502	Rieley Properties, LLC & Snyder FC Properties, LCC
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
July 9, 2024	Owner c/o Chris Snyder	Andrew Rowe, P.E.
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a discretionary permit request to subdivide Lot C-2, a 3.08-acre parcel, into two parcels:

- Lot C-2, 2.25 acres, 69 Market Street (Building E/ L.L. Bean)
- Lot C-2A, 0.85 acres, 27 Market Street (Building A)

Building A is the last footprint remaining in Finney Crossing – a master planned development that began its permitting 21 years ago in 2003. Building A has an approved design and, pending submission of administrative final plans, can begin construction soon.



3.08 acres	Commerical	No Change	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Taft Corners Form Based Code	No	No	N/A
ZONING DISTRICT	DESIGN REVIEW	CONSERVATION REVIEW	ADVISORY BOARDS

APPLICABLE BYLAW CHAPTERS:

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

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

RECOMMENDED ACTION

Take Testimony & Close

Tonight

Approve

HEARING¹

DELIBERATE²

DECISION³

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

Staff recommends approval of the subdivision, with standard conditions as drafted.

PROJECT HISTORY

This is the first time the DRB is reviewing this application. History for Lot C-2 includes:

January 5, 2024	AP 24-0071	FBC Certificate of Conformity Notice of Decision letter for Building A at 27 Market Street
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
July 23, 2021	AP 22-0005	Building E administrative permit.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
June 8, 2021	DP 09-01.22	DP. Site layout and architectural design for Building E. This approval included the Building A footprint and shared parking lot.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

ADVISORY BOARDS

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

<input type="checkbox"/>	CONSERVATION COMMISSION (WCC)	N/A	N/A
	NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/>	HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)	N/A	N/A
	TRANSMITTAL DATE	TRANSMITTAL DATE	CONDITION

INTERDEPARTMENTAL REVIEW

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

<input type="checkbox"/>	PUBLIC WORKS	June 12, 2024	N/A – No comments
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	FIRE	July 2, 2024	N/A – No comments
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	POLICE	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION
	NOTES: Public Works and Fire Depts did not have comments on the subdivision. Their comments as it pertains to site development were handled through the “Certificate of Conformity” administrative review process.		

PUBLIC COMMENT

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

NAMES: N/A

STAFF COMMENT

The WDB was amended in June 2024. The Taft Corners Form-Based Code “Overlay District” per WDB Appendix F was converted to a “Zoning District” as WDB Chapter 32. WDB Chapter 32 was formerly the ‘Business Park Zoning District’ which no longer exists. The Taft Corners FBC Zoning District is NOT to be confused with the Taft Corners Zoning District (TCZD) per WDB Chapter 42. TCZD still remains in two areas near The Annex and PetSmart/REI.

The DRB may recall a similar subdivision in Finney Crossing (DP 09-01.26; June 27, 2023) to subdivide Lot C-3 prior to the permits for the hotel (AP 23-0188; October 4, 2023) and 40-unit apartment building (AP 24-0102; May 22, 2024). The key difference here is Building A footprint is vested in the approved site plan that existed prior to Form-Based Code, and thus subdivision was not required prior to the Certificate of Conformity for Building A.

PROJECT ELEMENTS

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

<input type="checkbox"/>	Subdivision; Final Plans	Standard
	WDB 12	DECISION
	Complies as proposed with the plat and monument requirements of WDB 12. While most development activities can be approved administratively in the Taft Corners Form-Based Code Zoning District, the bylaw still requires that subdivisions receive approval from the DRB.	

<input type="checkbox"/>	Taft Corners Form-Based Code Zoning District	Standard
	WDB 32	DECISION
	Dimensional Standards	
	Complies as proposed. Lot C-2A has 200.42’ of Town Center Frontage (orange) on Market Street. Lot C-2A can accommodate a building in compliance with the building frontage limitations (60’ minimum; 180’ maximum).	
	Regulating Plan	
	Complies as proposed. This BLOCK FACE has a length greater than 360’ and a proposed lot length greater than 200’. The existing pedestrian way (between Building E/Men’s Warehouse and Union Bank and alongside Building A) meets the through-access requirement of WDB 32, Section 2.C.2, “Lots with over 200 feet of street frontage must meet the through-access requirement within their lot, unless already satisfied within that block face.”	
	<p>Block Area Description: Lot C-2 and C-8 make up a block that is bounded by Market Street (north), Zephyr Road (east), Holland Lane (west), and Williston Road/Route 2 (south). This block is constrained by the VELCO easement on the eastern end along Zephyr Road. VELCO restrictions are factored into the Regulating Plan (ex. No RBL under VELCO easement because VELCO prohibits buildings under it). Prior to FBC adoption, Lot C-2 was developed with Building E and Building A footprint designed and contemplated in the design. The existing curb cuts and driveway access form the block’s ALLEY. Lot C-2A has “Town Center” frontage, designated in dark orange, where building façade must consume 80% of the RBL and frontage is min. 60’ to max. 180’ per WDB-F 3.2(C).</p>	

Regulating Plan excerpt:



DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to subdivide Lot C-2 (3.08 acres) into two lots: C-2 (2.25 acres) and C-2A (0.85 acres)
2. Lot C-2 shares a block, as defined in Form-Based Code, with Lot C-8 (Union Bank). Building B (Union Bank, 31 Market street, Lot C-8) and Building E (L.L.Bean, 69 Market Street, Lot C-2) were developed and master planned under DP 09-01 prior to the adoption of Form-Based Code.

CONCLUSIONS OF LAW

1. The subdivision proposed as part of this discretionary permit complies with the requirements of WDB 32 and subdivision requirements of WDB 12, as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.
2. The proposed subdivision complies with WDB Chapter 32 Section 2 Regulating Plan as it pertains to lot dimensional requirements.

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 memos from Public Works Dept and Fire Dept did not have any comments to reference herein.
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. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.

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 July 9, 2024, accept the Findings of Fact and Conclusions of Law for DP 09-01.27 and approve this Discretionary Permit subject to the Conditions of Approval above.

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

SECONDED BY: Lisa Braden-Harder VOTE: 4 AYES – 0 NAYES

7:24 PM Closed public hearing for DP 09-01.27

7:24 PM Opened public hearing for DP 24-15

DP 24-15 Engineers Construction, Inc. c/o Ken Pidgeon requests discretionary permit review of the proposed ±2,855 SF addition and associated site work for the existing ±7,080 SF building at 99 Engineers Drive in the Industrial Zoning District West (IZDW).

Representing the application: Ken Pidgeon of Engineers Construction at 98 Engineers Drive in Williston, VT and Jesse Carswell of Krebs & Lansing at 168 Main Street Colchester

Andrew Plumb read the staff report and explained the request.

Paul Christenson asked about drilling in ash trees, rather than cutting the tree down.

Pete Kelley asked the applicants if they had anything to supplement the staff report, and if they have read the conditions or had any questions. Jesse Carswell supplemented the report with a visual of the mapped soils on the site that shows where the snow storage will be moved, which was sent to Andrew P on the day of the meeting. Pete K. asked why the change was needed. Andrew P. explained that because the original area is permeable, the Bylaw requires Type A or B soil, which is found in the new location, which drains more adequately. Pete K. suggested this change in snow storage location could be added to the conditions. If the storage is moved to this location, the Final Plans will demonstrate compliance with the bylaw regarding snow storage.

Additionally, Ken Pidgeon had comments about the ash tree replacement, as they would prefer not to remove the tree because at the moment it looks healthy. Pete K. trusts that Ken P. would remove the tree, but generally, there is not the staff power to ensure that the trees are replaced when they die. Therefore, the DRB would be setting a precedent in allowing the tree to remain at risk of disease.

There was a discussion between Andrew P, Paul Christenson, Nate Andrews, and Pete Kelley about the various protection methods against emerald ash bore. To avoid removal of the tree, the applicant would have to present to the selectboard about anticipated protection methods. Nate A. thinks there is general hysteria about the ash trees. It was of his opinion that the pesticide treatments on the tree are very bad for pollinators, and therefore it would be better to cut the tree down. Pete K. agrees, as because the tree must be injected every 2 years, there would have to be some sort of proof to the town that the treatment is continuing, which goes back to the problem of staffing and setting a precedent. Lisa Braden-Harder suggests that the tree could be supplemented with a third tree that would act as a replacement for when the ash tree eventually needs to be cut down. Solutions will continue in deliberations.

Ken Pidgeon is fine with the boulders in condition 23, and they will plan to use boulders instead of concrete.

Nate Andrews inquired about the wash system, specifically about where the wash goes. Jesse Carswell explained that the water is deposited into holding tanks and eventually into the municipal sewer. Paul C. added that the

system is to take the salt out of the water. Paul C. had questions about the capacity of the holding tanks, out of curiosity.

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

7:52 PM Closed public hearing for DP 24-15

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 24-15

Discretionary Permit

99 Engineers Drive Addition

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

99 Engineers Drive

07:105:091:020

Pidgeon Farm Properties

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

July 9, 2024

Engineers Construction (Ken Pidgeon)

Krebs & Lansing (Jesse Carswell)

HEARING DATE

APPLICANT

REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

This is a request for discretionary permit review to develop a 2,300SF addition to a 7,080SF building which has been in use as a repair garage. Part of the existing building is occupied by White’s Truck & Auto Repair. The vacant space and addition would be occupied by ECI for vehicle maintenance including a pressurized vehicle wash system.

The existing building is old (1970 per lister’s card) and like most of its neighbors on Engineers Drive is non-conforming with the Williston Development Bylaws in several areas.



1.3 Acres

Industrial

Industrial

Private Road

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

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

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

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DELIBERATE²

DECISION³

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

Staff recommends approval of the application with conditions as drafted.

PROJECT HISTORY

This is the first time the DRB has reviewed this request. The only relevant project history is the pre-app for this application:

February 27, 2024 DP 24-15 Pre-App Pre-app for building addition.

DATE OF APPROVAL PERMIT NUMBER DESCRIPTION

ADVISORY BOARDS

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

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

INTERDEPARTMENTAL REVIEW

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

<input type="checkbox"/>	PUBLIC WORKS	June 26, 2024	N/A
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	FIRE	June 26, 2024	Included, with limitations
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	POLICE	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION

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

PUBLIC COMMENT

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

PROJECT ELEMENTS

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

Pre-Application Recommendations

DRB RECOMMENDATION	APPLICANT RESPONSE
a. WDB 36.3.3: The front yard setback from Engineers Drive for this parcel is 23ft	Complies.
b. WDB 2: The existing non-conforming fence and 2 parking spaces in the front yard can be retained and altered provided they do not increase the extent or nature of the non-conformity.	Complies.
c. WDB 36, 23 and 2: The outdoor storage areas should be defined on the site plan at discretionary permit. The applicant SHOULD relocate the outdoor storage out of the 9' buffer to the northern property line. Landscape buffer SHOULD NOT be provided on the northern property line.	Complies. See chapter 29 discussion regarding outdoor storage adjacent to a Class II wetland.

□ **Pre-Application Recommendations**

d. WDB 14: Provide car parking, short term bike parking, long term bike parking and end of trip facility details. Confirm EoT is sufficient to serve 98 and 99 Engineers Drive if properties share.	Car and bike parking comply as proposed. EoT complies for 99 Engineers Drive.
e. WDB 15: A sidewalk IS NOT required along Engineers Drive.	N/A
f. WDB 15: Overhead power IS NOT required to be placed underground.	N/A
g. WDB 16: Snow storage should meet the water quality requirements. Confirm how the solid waste store is screened from public view.	Compliance anticipated. Applicant relocated snow storage but must demonstrate compliance with WDB 16.6.3.1. Solid waste storage complies.
h. WDB 26: Additional street trees SHOULD NOT be provided along Engineers Way. The ash street tree should be removed and replaced with a different species.	Compliance anticipated. No additional street trees proposed. Ash tree shall be removed and replaced with a new street tree.
i. WDB 29: The plan submitted with the discretionary permit application should show all wetlands and buffers on the property as delineated by a professional wetland scientist. Development should not encroach on the watershed buffers except where the applicant has a right to maintain outdoor storage use of that land as an existing non-conformity under WDB 29.9.9.2. The extent of the watershed protection buffers and/or non-conforming outdoor storage areas should be marked per WDB 29.9.7	Compliance anticipated. See Chapter 29 discussion regarding proposed outdoor storage in the Class II wetland and its associated buffer.

□ **Industrial Zoning District West**

Standard

WDB 36

DECISION

Vehicle repair 8111 Yes

PROPOSED USE NAICS CODE ALLOWED NOTES

Dimensional Standards

Complies as proposed. The proposed addition is below the 36ft maximum building height, and the lot frontage is greater than the minimum 40ft.

A front yard setback of 35ft from the right-of-way is required for private roads. WDB 36.3.3.3 allows the DRB to provide a setback exemption where the average existing setback on all properties within 300ft is used to determine the reduced setback. The exemption states that the setback must be deep enough to allow for the construction of a sidewalk. No sidewalk is required nor proposed; however, the 23ft setback meets this requirement. The table below sets out the average setback exemption calculation:

Property	Average distance from building to Engineers Drive
99 Engineers Drive	24'
98 Engineers Drive	40'
63 Engineers Drive	12.5'
54 Engineers Drive	30.5'
4560 Williston Road	24'
4580 Williston Road	9'
Average setback to Engineers Drive	23'

The proposed addition complies with the average setback of 23ft. The expanded driveway for the addition complies as it crosses the setback at an angle of 90 degrees.

The two parking spaces in the north-west corner of the lot are an existing nonconformity in the front yard setback. The parking will be retained, striped, and one will be made ADA compliant. Per WDB 2.6.3, the alterations to the parking are allowed as they do not increase the degree of non-conformity.

Outdoor Sales and Storage

Front and side setbacks:

Complies. At pre-application, the DRB discussed the existing outdoor storage within the front and side setbacks on the property. The DRB recommended that the applicant relocate outdoor storage outside the 23' front and 9' side setbacks. The applicant has proposed outdoor storage areas that comply with these setbacks.

Rear setback:

Compliance anticipated. Outdoor storage is proposed within the Class II wetland in the northeast corner of the parcel. The proposed outdoor storage in the watershed protection buffer is an existing non-conformity that pre-dates the current version of the bylaw—see Chapter 29 discussion.

Vested Rights, Nonconforming Lots, Uses, Structures N/A

WDB 2

DECISION

There are a number of non-conformities on the parcel, as follows:

- Outdoor storage in setback along north property line
- Outdoor storage areas in the wetland and associated buffer along the east property line
- Parking in front setback
- No bike parking or end of trip facility
- No sidewalk to Engineers Drive
- Overhead utilities
- Not enough street trees along Engineers Drive

The DRB has the power to correct non-conformities where they are reasonably proportionate to the scale of the development. These non-conformities are referenced throughout this report.

BYLAW EXCERPT:

EXHIBITS:

***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.*

Access, Connectivity, Traffic Studies Standard

WDB 13

DECISION

Complies. The parcel takes direct access to Engineers Drive, a local road, which is acceptable. The driveways comply with the requirements of WDB 13.2.3 on alignment, grade, sight distance and clearance.

The 6 parking spaces that will be retained on Engineers Drive to serve the development do not back onto a public road in compliance with WDB 13.2.1.3.

The parcel has a long curb cut to Engineers Drive that serves the two existing garage bays and will be retained to serve the two new garage bays. Per WDB 13.2.2 these accesses are acceptable as they are necessary to serve the existing and proposed uses of the property.

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

WDB 14

Vehicular Parking

Complies as proposed. WDB Table 14.A establishes the maximum number of off-street parking spaces with a minimum requirement for 80% of the maximum. Table 14.A states that industrial uses are very diverse with the requirement set by the DRB / Administrator using 1 per 1,000SF as a starting point.

The 8 spaces proposed meet the requirement. Six of these are located on Engineers Drive which is under the ownership of the applicant and can therefore serve the development.

Bicycle Parking and End-of-Trip Facilities

Complies. The applicant is proposing 4 outdoor short term bike storage spaces and 3 indoor long term bike storage spaces which meets the minimum requirement for industrial uses.

Vehicle and Bicycle Parking Analysis per WDB 14.A							
Use	Amount in SF, students, rooms, seats, or dwelling units	Rate of Off-Street Vehicle Spaces	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)
Industrial	9,380	1.00/1000SF as a starting point	8	1	4	3	1
Total Required: all uses			8	1	4	3	1
Total proposed by Applicant			8	1	4	3	1
Compliance?			Complies	Complies	Complies	Complies	Complies

□ **On-Site Infrastructure** Standard

WDB 15

DECISION

Sidewalks:

Complies. During pre-application, the DRB did not recommend a sidewalk along Engineers Drive. WDB 15.2.4.2 allows the DRB to waive the requirement for a sidewalk for industrial development. No sidewalk is proposed nor required.

Private Utilities:

Complies. 99 Engineers Drive has existing, above ground utilities. During pre-application review, the DRB waived the requirement for underground utilities as this requirement was not proportionate to the scale of development proposed.



Maintenance

Specific – See Condition 21

WDB 16

DECISION

Snow Storage:

Compliance anticipated. The applicant has proposed snow storage in the southwest corner of the property. WDB 16.6.3.1 states snow storage must drain to an approved stormwater system, flow over 100’ of heavily vegetated land, or infiltrate through at least four (4) feet of unconsolidated, Type A or Type B soil before reaching the water table. The site does not have an existing stormwater system or any heavily vegetated areas. The location where snow storage is proposed is mapped as Munson and Raynham silt loam (Type C/D soil). **Final Plans must demonstrate compliance with WDB 16.6.3.1. Staff recommends the applicant demonstrate the proposed snow storage areas have Type A or Type B soils on Final Plans OR excavate the location and fill it with soil that will meet the requirements. See Condition 21**

Solid Waste:

Complies. The site plan shows a dumpster pad that will be screened with a 6’ fence. The applicant has relocated the enclosure outside of the mapped wetland buffer.

BYLAW EXCERPT:

EXHIBITS:

16.6.3.1 Impact on Water Quality. Areas proposed for snow storage must drain to an approved stormwater system. The DRB may permit an exception to this standard only where the applicant clearly demonstrates that melt water from a proposed snow storage area that is not served by an approved stormwater system will receive adequate treatment before entering a watercourse or reaching the water table. For the purposes of this sub-section, adequate treatment shall mean that melt water must flow across at least 100 feet of heavily vegetated land or infiltrate through at least four (4) feet of unconsolidated, Type A or Type B (highly to moderately permeable) soil before reaching the water table.

Landscaping

Standard

WDB 23

DECISION

Complies. The DRB has considerable discretion in determining landscaping buffers. At pre-application, the DRB recommended that a landscape buffer should not be provided on the northern property line.

The subject parcel is buffered to the east and south by land owned by the applicant. It has been DRB precedent not to require landscape buffering between properties in the same ownership.

The adjoining parcel to the north is an industrial use. No landscape buffer is proposed nor required by the DRB.

Required Landscaped Buffers per WDB 23.A

Proposed Land Use	Adjoining Land Use		Type I	Type II	Type III	Type IV
			Existing Vegetation ¹	Dense Plantings ²	Informal Plantings ³	Formal Plantings ³
Heavy commercial/ industrial	North	Heavy commercial/ industrial	50'	13'	9'	23'
	South	Applicant owned land				
	East	Applicant owned land				
	West	Private Road	<i>Typical Street Tree Section per WDB 26.</i>			

(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.
 (2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.
 (3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.
 (4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.

☒ **Street Trees**

WDB 26

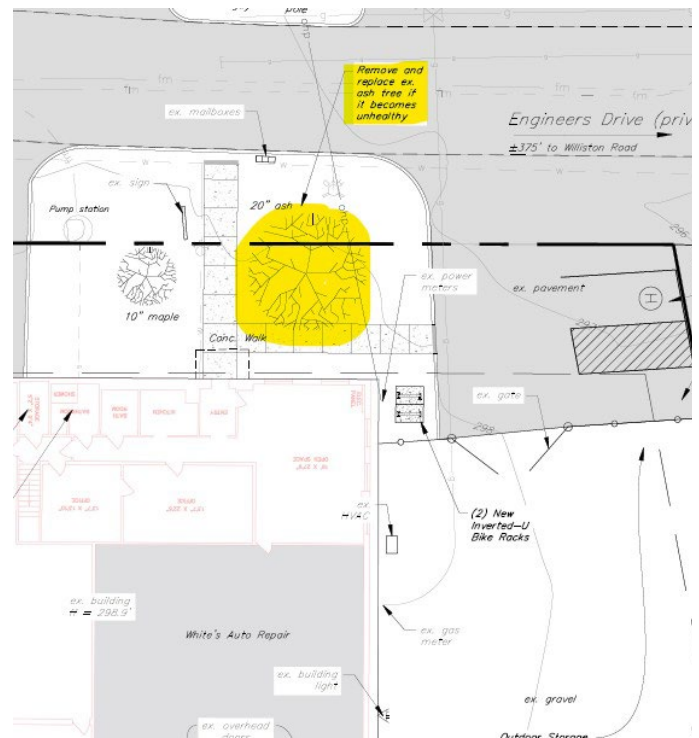
Compliance anticipated. WDB 26.11.2 requires street trees along the existing road frontage of redevelopment projects. The site has 2 existing trees along the existing 270' of frontage where 6 trees would normally be required. One of the existing trees is an ash tree.

The DRB recommended that additional street trees should not be provided along Engineers Drive but recommended that the existing ash tree should be removed and replaced with a different species due to the threat of the Emerald Ash Borer. The applicant has not proposed additional street trees and has stated that "the existing ash tree will be removed and replaced if it becomes unhealthy due to the Emerald Ash Borer."

The applicant shall replace the existing ash tree with a new street tree. Final plans shall include detail demonstrating compliance with WDB 26.4. See Condition 22.

Specific – See Condition 22

DECISION



☒ **Watershed Health**

WDB 29

WDB 29.4 Runoff and Erosion Control Plans

Complies. Proposed development in which the cumulative land disturbance including all clearing, grading, and excavation is less than ¼ (one-quarter) acre and all land that will be disturbed is outside the watershed protection buffers are exempt from the runoff and erosion control standards in WDB 29.3 – 29.6.

WDB 29.8 Wetlands Protection

Compliance anticipated. The applicant must comply with wetland protections and delineate the edge of the Class II wetland to ensure the existing outdoor storage does not encroach upon it.

The applicant has submitted a site plan which delineates a Class II wetland and its associated 50' watershed protection buffer along the extent of the eastern property line. The parcel has historically had outdoor storage within the watershed protection buffer and possibly within the mapped wetland.

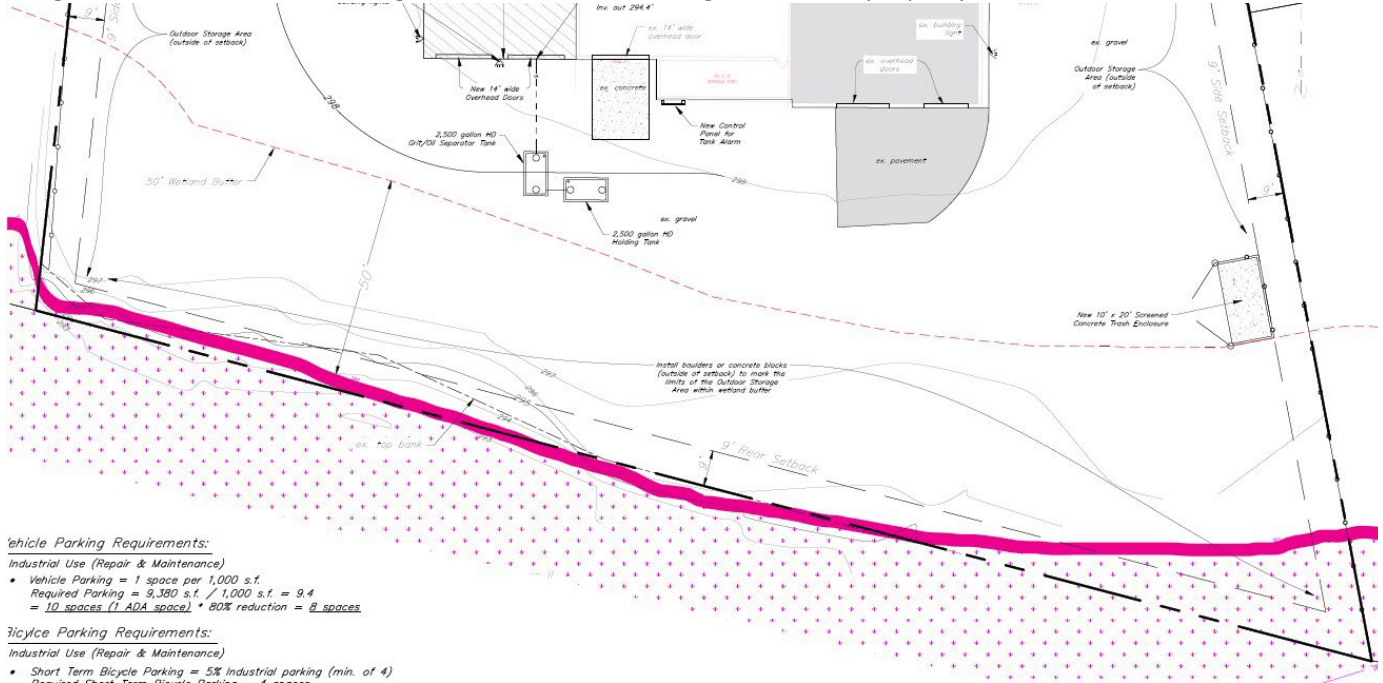
WDB 29.8.2 states that Class II wetlands are protected by state law and Williston's bylaw. Continued outdoor storage within the Class II wetland is not permitted.

WDB 29.9.9.2 allows nonconformities located in watershed protection buffers to be maintained, repaired, replaced and enlarged provided that the degree of nonconformity is not increased. WDB 29.9.7 requires that watershed protection buffers are marked on Final Plans and on the ground. The applicant has proposed outdoor storage within the 50' watershed protection buffer and has moved the proposed dumpster enclosure and snow storage out of the buffer. **Outdoor storage in the watershed buffer may continue, however the edge of the Class II wetland must be marked with boulders or concrete blocks on the ground and on final plans. See Condition 23.**

Specific – See Condition 23

DECISION

Image below: Pink line shows edge of Class II wetland along the eastern property line.



Outdoor Lighting

Standard

WDB 24

DECISION

Complies. The applicant has submitted a lighting plan that complies with the WDB Chapter 24 requirements for lighting levels, locations, mounting height, uniformity ratios, shielding, orientation, and total output. The applicant has indicated that the lights will be motion activated and will turn off 5 minutes after the last motion is detected. Compliance is analyzed in the table below.

Project Compliance with WDB 24, <i>Outdoor Lighting</i>		
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 13,297 lumens/acre
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	Complies as proposed 10:1
Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	Complies as proposed 4.9 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.	Applicant has indicated that lights will be motion activated. The lights will turn off 5 minutes after motion was last detected.
Luminaire Orientation	Per WDB 24.6: <ol style="list-style-type: none"> 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	Not Applicable	None proposed

Signs and Public Art Standard
WDB 25 DECISION
 No new signs are proposed. Future and replacement signs can be approved administratively.

Impact Fees Standard
WDB 43-45 DECISION
 Impact fees may be assessed at the time of administrative permit. The applicant has indicated that the addition will not result in any additional vehicle trips because they are relocating part of their existing operations on Engineers Drive.

DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to develop the property for Vehicle Repair. WDB Chapter 36 lists NAICS Code 8111 as an allowed use in the Industrial West Zoning District.
2. The application proposes a 2,300 square foot building addition for vehicle repair and a pressurized vehicle wash system with associated site improvements at 99 Engineers Drive.
3. The following non-conformities have existed at 99 Engineers Drive since at least June 2009: outdoor storage in setback along north property line, outdoor storage areas in the wetland and associated buffer along the east property line, parking in front setback, no bike parking or end of trip facility, no sidewalk to Engineers Drive, overhead utilities, not enough street trees along Engineers Drive.

CONCLUSIONS OF LAW

1. The use(s) proposed as part of this discretionary permit are allowable uses in the Industrial West Zoning District.
2. The proposed development is correcting existing non-conformities proportionate to the proposed development to reach greater compliance with the development standards of WDB Chapter 36 for the Industrial West Zoning District and all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.
3. The front yard setback for 99 Engineers Drive is 23 feet, which complies with the average setback exemption granted under WDB 36.3.3.3.

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 June 26, 2024 and a written response to the department outlining the changes that were made in response to their comments.
 - b. Williston Fire Department Memo dated June 26, 2024 and a written response to the department outlining the changes that were made in response to their comments.
3. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.
4. The applicants shall enter into a development agreement with the town guaranteeing any required public or private improvements. The applicant shall post any required letters of credit or escrow amounts to guarantee

the completion of these improvements in accordance with town standards and the conditions of approval prior to the approval of final plans for the proposed development, as specified by WDB 7.1.

5. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
6. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.
7. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
8. Any required vehicular and bicycle parking shall be provided as required by WDB Chapter 14 and indicated on the site plan approved by the DRB. A parking table describing the number of parking spaces, including both vehicular and bicycle parking, and the calculation of how the proposed parking meets the requirements of WDB Chapter 14 shall be included on the site plan submitted for Final Plans.
9. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
10. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
11. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.
12. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.
13. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
14. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of an approved master sign plan as required by WDB Chapter 25. The master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.
15. Any mechanical equipment and utility connections including but not limited to HVAC, water, gas, antennae, and electrical meters and connections shall be fully screened from public view, unless otherwise authorized by the DRB, as required by WDB 18.12.
16. There shall be no mowing or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
17. Any public improvements required by the approval of this proposed development (including, but not limited to roads, sidewalks, water & sewer connections) must be built in accordance with the Town's specifications as specified by WDB 7.1.3.

18. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
19. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.
20. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
21. **Final Plans must demonstrate compliance with WDB 16.6.3.1 for snow storage.**
22. **Two (2) street trees shall be maintained in front of 99 Engineers Drive.**
23. **The applicant shall delineate the Class II wetland using boulders or concrete blocks on the ground and on final plans.**

MOTION

As authorized by WDB 6.6.3, I Lisa Braden-Harder, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of July 9, 2024, accept the Findings of Fact and Conclusions of Law for DP 24-15 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.

MEMO

To: DRB Staff
From: Lt. Ryan Prouty
Date: June 26, 2024
Re: DP 24-15

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

- | | |
|-----------------------|--|
| ACCESS | Key Safe/Lock Box access required (@KNOX) on building |
| DISTANCE REQUIREMENTS | Refuse/recycling containers need to be at least 30 feet from adjacent structures or in sprinklered area

Equipment refueling/storage area must be in compliance with NFPA |
| SIGNAGE | Building and mailbox marking per Town Ordinance

Gas and Sprinkler connections marked with signage

Truss roof and/or floor (If applicable)

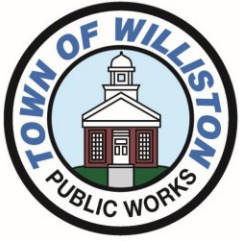
All electrical, mechanical, elevator and sprinkler rooms shall be marked on the outside of the door

All electrical panels and mechanical systems shall clearly identify which parts of the building each controls.

NFPA 704 Identification Plaque if hazardous materials on site, with the location to be determined by the Williston Fire Department |
| HAZARDOUS MATERIALS | Per the Williston Unified Development Bylaw (WDB) 18.5: Applicant will disclose any hazardous materials and include a management plan for review by the Williston Fire Department |

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 to ensure that all requirements within the Standard are met.

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



Town of Williston
7900 Williston Road
Williston, VT 05495

1763

Public Works
(802) 878-1239

MEMORANDUM

To: Planning & Zoning
From: Christine Dougherty, PW Assistant Director
CC: Bruce K. Hoar, Public Works Director
Date: 06/26/2024
RE: DP 24-15

Public works was provided with a copy of the Pre-application and has the following questions and/or comments which should be addressed by the applicant when submitting plans for review as part of the Discretionary Permit application process.

The applicant has not proposed any new public infrastructure, changes to existing public infrastructure, or work within the public Right-of-Way.

The proposed project includes a vehicle wash bay. The applicant has requested additional water allocations for the wash bay. DPW's acceptance of the plans is separate from the request and approval/denial for additional water allocation.

The applicant must obtain the signature of DPW staff on the Final plans Checklist showing that the final plans address the above comments prior to submitting final plans to the Planning and Zoning staff for review and approval.

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

7:52 PM Closed public hearing for DP 24-15

7:53 PM Opened public hearing for DP 24-21

DP 24-21 Mochi Investments requests discretionary permit review of proposed site modifications at 151 Avenue C in the Industrial Zoning District West (IZDW).

Representing the application: David Marshall of Civil Engineering Associates, Inc. at 10 Mansfield View Lane, South Burlington VT; and Rex Accavallo of Mochi Investments, LLC at 24 New England Drive, Suite 30, Essex Junction VT.

Emily Heymann read the staff report and explained the request.

Pete Kelley asked the applicants if they had anything to supplement the staff report, and if they have read the conditions or had any questions.

Dave Marshall had concerns about bike parking, as all employees of the proposed owner have company vehicles, therefore not requiring bicycle parking. Dave M would like the DRB to consider reducing the amount of required bicycle parking.

Emily H read the Bylaw about bicycle parking:

- 4 bike parking spots on 2 inverted u-racks create outdoor short-term bike parking
- long-term bicycle parking meaning indoor space to park a bike, such as near the break room.

Pete K asserted that this is not an onerous requirement.

All other requirements were accepted by the applicants.

Paul Christenson asked if customers ever come to the facility. Applicant Rex Accavallo explained that there is no retail space, only a few people in the building during the day because the technicians are elsewhere.

Lisa Braden-Harder asked if the applicant would like to do a Master Sign Plan at this point. Dave Marshall has communicated with the owner & applicant, who do not currently want to, but Marshall will work on it.

Paul Christenson clarified that DRB process is required for most signs, and Emily Heymann elaborated. Dave Marshall took the suggestion as 'good advice.' Paul Kelley suggested that in the conditions of approval, the applicant could have the option to create a MSP, which Dave M accepted. The conditions will be amended to give the applicant the option.

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

8:04 PM Closed public hearing for DP 24-21

PROJECT HISTORY

This is the first time the DRB is reviewing the request. The permit record is sparse because the building was constructed c. 1973 and has little to no change. AP 24-0190 was approved on June 24, 2024 to administratively permit the change-of-use and allow for internal renovations to begin (activities that do not require DRB approval).

Separate from zoning authority, a protective covenant exists within the deed prohibits ‘construction of improvements’ and ‘storage of volatile materials’ within 35 feet of the property boundaries. This private protective covenant is more restrictive than the WDB setbacks per WDB 23.

ADVISORY BOARDS

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

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

INTERDEPARTMENTAL REVIEW

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

<input type="checkbox"/>	PUBLIC WORKS	June 27, 2024	N/A – No Comment
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	FIRE	July 2, 2024	Included, with limitations
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	POLICE	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION

PUBLIC COMMENT

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

NAMES: N/A

PROJECT ELEMENTS

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

Industrial Zoning District West

Specific

WDB 36		DECISION	
Security Systems Services	561620	Yes	NAICS 5616 is allowed
PROPOSED USE	NAICS CODE	ALLOWED	NOTES
TBD	Unknown	Maybe	Future use in leased space must comply with 36.A
PROPOSED USE	NAICS CODE	ALLOWED	NOTES

Dimensional Standards

Complies as proposed. The applicant is regrading the loading and parking area (more than 1,000 SF of site work thus necessitating a discretionary permit) and reconfiguring overhead doors on the building. The applicant is refreshing the building façade, however this is not a design review district. No dimensional changes (footprint or height) are proposed to the building. No new paved surface is created.

Outdoor Sales and Storage

Final plans must identify outdoor storage areas in side and/or rear yards in compliance with WDB 36.7. No outdoor sales or storages areas are identified on the site plan, but common for multi-tenant industrial uses. Identifying outdoor storage now avoids a future discretionary permit should the existing or future tenants need it.

Access, Connectivity, Traffic Studies

Standard

WDB 13	DECISION
Complies, no changes proposed. The property has a single curb cut onto Avenue C, a town road.	

Off-Street Parking and Loading

Specific

WDB 14	DECISION
Vehicular Parking	
Complies as proposed. No new parking is proposed. 20 parking spaces exist.	
Bicycle Parking and End-of-Trip Facilities	
Final plans must identify short- and long-term bicycle storage. Short-term bicycle storage must be shown on final plans and comply with WDB 14.8. (i.e. 2 inverted-u racks mounted on a concrete pad). Long-term bicycle storage for employees can be demarcated on floor plan within each tenant space. An end-of-trip facility is identified on the floor plan and complies.	

Vehicle and Bicycle Parking Analysis per WDB 14.A

Use	Amount in SF, students, rooms, seats, or dwelling units	Rate of Off-Street Vehicle Spaces	Required Vehicular Parking Spaces	Required ADA Accessible Spaces	Outdoor Bicycle Spaces	Long Term Bicycle Spaces	End of Trip Facilities (showers)
Industrial	10,800 SF	1.00/1000SF as a starting point	11	*Based on total required spaces for the site as follows: 1-25 = 1 26-50 = 2 51+ = see WDB 14.3	5% of vehicular; min 4	75% of required spaces	*Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1 4-17 = 2 18-30 = 4 30+ = 6
Total Required: all uses			11	1	4	3	1

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)
Total proposed by Applicant			20	1	0	0	1
Compliance?			Yes	Yes	No	No	Yes

On-Site Infrastructure **Standard**
WDB 15 DECISION
Complies as proposed. No changes to utilities are proposed.

Maintenance **Specific**
WDB 16 DECISION
Final plans must identify solid waste containers and snow storage in compliance with WDB 16.6 and 16.7.

Compatibility, Potential Hazards and Nuisances **Specific**
WDB 18 DECISION
Per WDB 18.5 (and noted in the Fire Department Comment Memo), a hazardous materials management plan must be submitted and reviewed by the Fire Department if the existing or future uses have them.

Landscaping **Standard**
WDB 23 DECISION
Complies as proposed. The applicant is modifying decorative landscaping along the front of building. Planning staff does not recommend a landscape buffer along the southern property line, as no development or changes are proposed in that area. Landscaping to the west/back is sufficient, and to the north the existing pavement extends to the property line.

Required Landscaped Buffers per WDB 23.A						
Proposed Land Use	Adjoining Land Use		Type I	Type II	Type III	Type IV
			Existing Vegetation ¹	Dense Plantings ²	Informal Plantings ³	Formal Plantings ³
Heavy commercial/ industrial	North	Heavy commercial/ industrial	50'	13'	9'	23'
	South	Heavy commercial/ industrial	50'	13'	9'	23'
	West	Heavy commercial/ industrial	50'	13'	9'	23'
	East	Public way	<i>Typical Street Tree Section per WDB 26.</i>			

(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.
(2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.
(3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.
(4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.

Street Trees **Standard**
WDB 26 DECISION
No changes proposed. Existing white pine meets the street tree requirement.

□ **Outdoor Lighting**

Standard

WDB 24

DECISION

Complies as proposed. Lighting plan must provide total lumen output as expressed in lumens per acre. Light timing notations must also be provided in compliance with WDB 24.5.4, including any security lighting.

Project Compliance with WDB 24, Outdoor Lighting		
Applicable Lighting Zone: Other	As Required by WDB 24	As Proposed by the Applicant
24.2.4 Prohibited Lighting Types	Uplighting (except one flag per parcel), Laser and Search Lights, Moving lights, and Mercury Vapor lights are prohibited.	None proposed
24.4 Fully-Shielded Light Fixtures	All fixtures must be shielded except “low lumen lighting” (less than 1200 lumens/lamp as provided below:	Complies as proposed
Maximum Total Unshielded Lumen Output per WDB 24.A	Other: 10,000 lumens/acre	Complies as proposed ____ lumens/acre
Maximum Total Lumen Output (shielded and unshielded fixtures) per WDB 24.A	Other: 200,000 lumens/acre	Unknown, see notes ____ lumens/acre
Maximum Total Lumen Output (shielded and unshielded fixtures) per WDB 24.A	Other: 5,000 lumens/unit; up to 200,000 lumens/acre	Unknown, see notes ____ lumens/acre
Parking Lot Illumination Level per WDB 24.B	Other: 1.2 footcandles	Complies as proposed 0.89 footcandles
Maximum Uniformity Ratio per WDB 24.B	Other: 20:1	Complies as proposed 20:1
Maximum Illumination of any Point per WDB 24.B	Other: 5.2 footcandles	Complies as proposed 3.9 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.	Final plans must specify light timing schedule.
Luminaire Orientation	Per WDB 24.6: <ol style="list-style-type: none"> 1. Light cannot be directed above horizontal plane. 2. Flood lights may be aimed no more than 45 degrees above horizontal. 3. No light may be directed beyond the parcel boundaries of the site. 	Complies as proposed
Security Lighting and Security Plan	Security lighting can be brighter in spots than the parking lot limitations in WDB 24.B, and is instead governed by the average illumination requirements of WDB 24.C	None proposed
Maximum Average Illumination for security lighting (horizontal at grade) per WDB 24.C	Other: 1.5 footcandles	N/A footcandles
Maximum Average Illumination for security lighting (vertical, 5’ above grade) per WDB 24.C	Other: 1.5 footcandles	N/A footcandles

<input type="checkbox"/>	Signs and Public Art	Specific
	WDB 25	DECISION
	<p>The applicant is establishing a second tenant space and has no plans for signage. Final plans shall include a Master Sign Plan in compliance with WDB 25 to accommodate future optional signage. Planning staff recommends this because establishing signage in the future would be a separate discretionary permit application.</p>	

<input type="checkbox"/>	Impact Fees	Standard
	WDB 43-45	DECISION
	<p>Impact fees are assessed at Administrative Permit and not required for this site.</p>	

DECISION AND MOTION

FINDINGS OF FACT

1. The applicant proposes to maintain industrial/heavy commercial uses. WDB Chapter 36 lists NAICS Code 561620 as an allowed use in the Industrial West Zoning District.
2. The applicant proposes to convert an existing single-tenant commercial building to a multi-tenant commercial building.
3. No approved site plan is on file, therefore no existing outdoor sales or storage areas are permitted.
4. The applicant proposes more than 1,000 SF of site work. No new impervious surface is created.
5. Based on testimony presented by the applicant, the location and nature of the proposed development make the use of bicycles highly unlikely.

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 Fire Department Memo dated July 2, 2024 and a written response to the department outlining the changes that were made in response to their comments.
3. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.
4. The applicants shall enter into a development agreement with the town guaranteeing any required public or private improvements. The applicant shall post any required letters of credit or escrow amounts to guarantee the completion of these improvements in accordance with town standards and the conditions of approval prior to the approval of final plans for the proposed development, as specified by WDB 7.1.
5. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
6. Any exterior lighting shall utilize full cut off fixtures and shall be in compliance with the lighting level requirements of WDB Chapter 24.

7. Any landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
8. Any required vehicular and bicycle parking shall be provided as required by WDB Chapter 14 and indicated on the site plan approved by the DRB. A parking table describing the number of parking spaces, including both vehicular and bicycle parking, and the calculation of how the proposed parking meets the requirements of WDB Chapter 14 shall be included on the site plan submitted for Final Plans.
9. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
10. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
11. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.
12. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.
13. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
14. Any signage proposed for this proposed development, including prospective future tenant(s), shall be in conformance with the size, location, and lighting requirements of an approved master sign plan as required by WDB Chapter 25. The master sign plan shall include a table indicating the size, location and sign type of all proposed signage as approved by the DRB.
15. Any mechanical equipment and utility connections including but not limited to HVAC, water, gas, antennae, and electrical meters and connections shall be fully screened from public view, unless otherwise authorized by the DRB, as required by WDB 18.12.
16. There shall be no mowing or application of lawn chemicals including fertilizers, herbicides and pesticides, or storage of materials within any watershed protection buffers as specified under WDB 29.9.5.
17. Any public improvements required by the approval of this proposed development (including, but not limited to roads, sidewalks, water & sewer connections) must be built in accordance with the Town's specifications as specified by WDB 7.1.3.
18. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
19. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the

Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.

20. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.
21. **Final Plans shall identify outdoor sales and/or storage areas in compliance with WDB 36.7.**
22. **Final Plans ~~shall include~~ should consider a Master Sign Plan per WDB 25 to accommodate future signage for the new tenant space.**
23. **Final Plans shall include snow storage areas and solid waste containers in compliance with WDB 16.**
24. **Final Plans shall include bicycle storage (short- and long-term) in compliance with WDB 14.8. Two (2) short-term spaces are required where the minimum is 4, per WDB 14.8.5.**
25. **Any future uses that include hazardous materials must comply with WDB 18.5.**

MOTION

As authorized by WDB 6.6.3, I Nathan Andrews, 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 July 9, 2024, accept the Findings of Fact and Conclusions of Law for DP 24-21 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.

MEMO

To: DRB Staff
From: Lt. Ryan Prouty
Date: June 26, 2024
Re: DP 24-21 Royal Group

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

- | | |
|-----------------------|--|
| ACCESS | Key Safe/Lock Box access required (@KNOX) |
| DISTANCE REQUIREMENTS | Refuse/recycling containers need to be at least 30 feet from adjacent structures or in sprinklered area |
| SIGNAGE | Building and mailbox marking per Town Ordinance

Gas connections marked with signage

Truss roof and/or floor (If applicable)

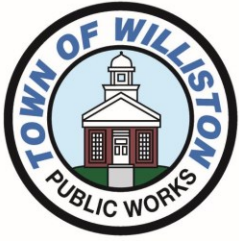
All electrical, mechanical, elevator and sprinkler rooms shall be marked on the outside of the door

All electrical panels and mechanical systems shall clearly identify which parts of the building each controls.

NFPA 704 Identification Plaque if hazardous materials on site, with the location to be determined by the Williston Fire Department |
| HAZARDOUS MATERIALS | Per the Williston Unified Development Bylaw (WDB) 18.5:Applicant will disclose any hazardous materials and include a management plan for review by the Williston Fire Department |

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 to ensure that all requirements within the Standard are met.

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



Town of Williston
7900 Williston Road
Williston, VT 05495

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Public Works
(802) 878-1239

MEMORANDUM

To: Planning & Zoning
From: Christine Dougherty, PW Assistant Director
CC: Bruce K. Hoar, Public Works Director
Date: 06/27/2024
RE: DP 24-21

Public works was provided with a copy of the Pre-application and has the following questions and/or comments which should be addressed by the applicant when submitting plans for review as part of the Discretionary Permit application process.

The applicant has not proposed any new public infrastructure, changes to existing public infrastructure, or work within the public Right-of-Way.

DPW has no comments on the plans as presented.

The applicant must obtain the signature of DPW staff on the Final plans Checklist showing that the final plans address the above comments prior to submitting final plans to the Planning and Zoning staff for review and approval.

SECONDED BY: Lisa Braden-Harder VOTE: 4 AYES – 0 NAYES

8:04 PM Closed public hearing for DP 24-21

III. Communication, Final Plans, and Other Business

**Status Update on Appeal Proceedings: Docket No. 23-ENV-00133 - Brownell & LaMarch
Administrative Permit (DP 19-03 and AP 24-0016).**

8:06 PM Deliberations opened

8:30 PM Deliberations closed

IV. Minutes from June 11, 2024 DRB meeting

I, Lisa Braden-Harder, make the motion to approve the minutes of June 11 as written:

SECONDED BY: Nathan Andrews

VOTE: 4 AYES – 0 NAYES

V. Adjournment

8:37 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.