TOWN OF WILLISTON
DEVELOPMENT REVIEW BOARD
March 9, 2021, 7:00 PM
Zoom Meeting ID: 823-369-798 | 7900 Williston Road

Minutes approved March 23, 2021 as written.

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

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

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

Attendees who signed in: *Jacques Larose, Tim Carney, Bill Niquette, Dave Marshall, Cindy Provost*

AGENDA

I. Public Forum
II. Public Hearing

DP 21-10 Nedde Real Estate requests a discretionary permit to construct a 9,632 SF addition to the existing 13,990 SF building to improve operations and product storage for FleetPride at 60 Krupp Drive in the Industrial Zoning District West (IZDW).

III. Communication, Final Plans and Other Business

New England Chimney Supply Specific Plan – FYI & Process

Form-Based Code Public Outreach Sign Up

IV. Minutes from January 26, 2021 DRB meeting
V. Adjournment

7:03 PM Opened public forum

Tim Carney introduced himself as with the Forest Run HOA and learning how the DRB works.

7:09 PM Opened public hearing for DP 21-10

DP 21-10 Nedde Real Estate requests a discretionary permit to construct a 9,632 SF addition to the existing 13,990 SF building to improve operations and product storage for FleetPride at 60 Krupp Drive in the Industrial Zoning District West (IZDW).

Representing the application: Jacques Larose 10 Mansfield View Lane, South Burlington; Bill Niquette 31 Lambert Lane Williston; Dave Marshall Civil Engineering Associates

Pete Kelley stated that he has through his employment worked with Nedde Real Estate and Bill Niquette but does not see that as a conflict of interest.

Emily Heymann read the staff report and explained the request.

Jacques Larose explained the project. He stated that they are required to go through an act 250 permit and so are looking at wetlands and stormwater issues. They are not planning to do work at the back of the property and plan to maintain the natural vegetation that has grown up over the years. Jacques stated that the site was originally permitted for approximately 5000 square feet of gravel in the rear of the site that was not installed. He stated that the driveway is actually non-conforming as it is now and they are just moving the driveway a very short distance.

Bill Niquette, Realty Advisors VT, the applicants are generally fine with the conditions, the proposed condition 22 was discussed at length with the Williston Conservation Commission (WCC)and if the condition were imposed it would make the property unusable for the current tenant. Bill stated that it is a fully permitted storage area that is actually not being used to the full extent of the original permit, they plan to demarcate the area in accordance with the WCC's suggestions.

Bill N stated that the applicant does not want EOTs and would the DRB consider waving that requirement.
Bill N stated that there was a concern about the location of the driveway itself is too close to the next driveway, could a condition be coordinated and approved by public works.

Pete K asked Emily Heymann to review the DRB's ability to trump the Department of Public Works (DPW) or does the DRB need to abide by DPW specifications. Emily H stated the DRB does need to abide by DPWs specs and the final plans will need to be reviewed by DPW. Bill N stated that is the DRB has concerns about the driveway he would like to know now.

David Saladino asked if the existing vegetation in the front of the building will be removed and then replaced. Bill N stated that they need to remove the berm so that they can install the stormwater system.

David S stated that as a traffic engineer, he doesn't have any concerns with the driveway spacing.

John Hemmelgarn looking at the trailers in the rear of the site and wondering if there is space to move the storage closer to the building to restore the stream buffer in the back of the property. Jacques L stated that tenant uses all of that storage space. Bill N stated that it did come up with the WCC and they need the storage space.

John H stated that he understands what everyone is saying but that if this addition goes on there isn't much space on the site and that this might be the towns last chance to get that buffer established. Scott Rieley stated that the board holds everyone accountable to watershed buffers.

Bill N stated that the ordinance is clear that non-conformities are allowed to continue where they are in alliance with their permits and when a change is made it must be proportional and reasonable to the change. The state wetland division stated that they don't need to do anything non-conformities stay. John H asked if he is reading the plans right that they are increasing the building size by 70%. Bill N stated that they are increasing the size of the building in the front and they are building new stormwater infrastructure to manage the increased building size. John H stated that its hard to imagine that a 70% increase in building size isn't a significant change. Bill N stated that they don't feel it isn't significant but are making the argument that the standard in the ordinance is that the change be proportional to the project and that non-conformities stay and it is a discretion of the board, and he stated as a practical matter if the DRB were to require the expansion of the watershed buffer they would lose their

tenant and they would not proceed with the project and they would still be allowed to use that space. John H stated that that issue is almost not pertinent to the DRB review. Bill N stated that if there additional protections outside of the gravel area that can help they are open to that.

Jacques L asked if it would help to take a look at what was originally permitted and there was a significant amount of impervious surface that was permitted that never was built. The runoff goes to the rear of the property and then is directed to the stormwater system at the front of the site.
Scott Rieley stated that they may have had a permit to increase the surface area and as it has not been developed even if it is permitted you cannot go now and increase the existing non-conformity.

Bill N stated that the applicant engaged in a conversation with the WCC and the same condition was discussed and that the WCC was comfortable with the adjustments made to allow for the non-conformity to continue. Bill stated that the water that hits the gravel storage area in the rear of the lot it flows to the front of the property and the stormwater management system.

John H asked how the snow storage is kept at the rear of the property without the snow draining into the stream. Jacques L stated that there is a drainage swale at the rear of the property and it drains to the front. He stated there is a noticeable berm at the rear of the property which would prevent water from flowing towards the stream.

Pete K stated that if there is significant snow storage in the rear of the property is there a chance of any untreated water draining into the stream. Jacques L stated that most of the snow storage is on the side of the property. Bill N stated that they are willing to establish a hard edge to the property that would include snow storage.

Dave Turner asked why trailers are being stored on the site. Bill Niquette explained the purpose of the storage area.

Paul Christenson asked about the buffers between the properties. Jacques stated that they have developed a very dense landscaping plan to buffer from the other property. Paul C stated it looks like there is only 5 feet, Jacques stated there is 9 ft with the proposed landscape buffer.

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

7:53 PM Closed public hearing for DP 21-10

WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT

DP 21-10	Discretionary Permit	FleetPride Addition
PERMIT NUMBER	REVIEW PHASE	PROJECT NAME
60 Krupp Drive	07-073-003-000	Thomas L. Booska
PROPERTY ADDRESS	PARCEL ID NUMBER	PROPERTY OWNER
March 9, 2021	Nedde Real Estate c/o Bill Niquette	Jacques Larose, P.E. of CEA, Inc.
HEARING DATE	APPLICANT	REPRESENTATIVE

BRIEF SUMMARY OF REQUEST

Thomas Booska in coordination with Nedde Real estate is proposing a 9,632 SF addition to the exis 13,990 SF building to facilitate improved operatio and product storage for the existing FleetPride operations at 60 Krupp Drive.

FleetPride provides a full spectrum of heavy-duty truck and trailer parts for applications such as brake and wheel ends, drive trains, engine components, hydraulics, suspensions and electrical. At this location they also provide truck repairs.

3.07 acres	Industrial	No Change	Town Road(s)
PROPERTY SIZE	CURRENT USE	PROPOSED USE	ACCESS
Industrial West	No	Yes	WCC
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.

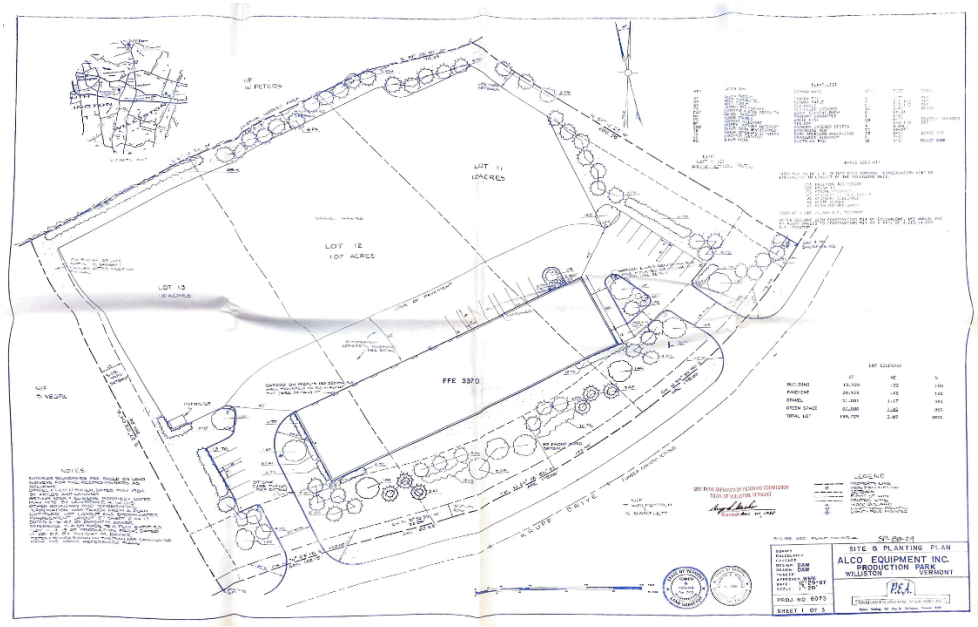
Staff recommends approval of the discretionary with conditions as drafted below.

ATTACHMENTS					
☒	Narrative Letter	☒	Photos	☐	Public Testimony
☒	Site Plan(s)	☐	Elevations	☒	Other (specify): Correspondence re VT Wetlands Programs

PROJECT HISTORY

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

DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
April 20, 1988	SP 88-29	13,900 SF industrial building for ICV Construction, Inc. with 20,928 SF pavement and 51,000 SF gravel parking area on Lots 11, 12, 13
November 23, 1987	SUB 86-24	Lots 11,12,13 created in Production Park subdivision (parcels along Krupp Drive, Leroy Road, and some of Marshall Ave)



ADVISORY BOARDS

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

	NAME	TRANSMITTAL DATE	CONDITION
☐	**CONSERVATION COMMISSION (WCC)**	March 3, 2021	Included

INTERDEPARTMENTAL REVIEW

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

	DEPARTMENT	MEMO DATE	CONDITION
☐	**PUBLIC WORKS**	February 17, 2021	Included
☐	**FIRE**	February 24, 2021	Included
☐	**POLICE**	N/A	N/A

NOTES:

The applicant and DPW are in conversations about the driveway culvert and stormwater, among other things. The applicant followed up to the DPW memo by email on February 19, 2021.

PUBLIC COMMENT

No comment letters were received at the time of mail out (March 4, 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** — **Standard**

WDB 36 — DECISION

PROPOSED USE	NAICS CODE	ALLOWED	NOTES
Motor vehicle parts & repair	441	Yes	heavy-duty truck & trailer parts, repairs & maintenance

Dimensional Standards

The front yard setback is 35-ft from the property line. The front addition (solid grey) extends up to the front setback. The perimeter sand filter (dark grey pattern) is allowed in the setback.

Outdoor Sales and Storage

Outdoor storage is existing and proposed to remain to the rear of the building on paved and unpaved surfaces. See discussion below about watershed health.

☒ **Vested Rights, Nonconforming Lots, Uses, Structures** — **Other, see notes**

WDB 2 — DECISION

The site was developed in 1988. The gravel outdoor storage area is shown on the site plan and extends into the watershed buffer. The DRB does have authority over existing nonconformities when a substantial change is proposed. See discussion in watershed health below.

BYLAW EXCERPT:

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

☐ **Access, Connectivity, Traffic Studies** — **Specific**

WDB 13 — DECISION

The property has 2 curb cuts onto Krupp Drive. The western curb cut will be relocated to accommodate the addition. DPW provided several comments about the project on February 17th. The applicant responded by email on February 19th. The applicant will need the Dept of Public Works to sign off on the final plans checklist before the Zoning Administrator can approve final plans and issue administrative permits for construction. A condition is included.

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

WDB 14

Vehicular Parking

Vehicle parking complies as proposed. The applicant is proposed 17 spaces for employees and customers. The remainder of the paved/unpaved area is considered outdoor storage of trucks and equipment and does not get counted towards parking.

Bicycle Parking and End-of-Trip Facilities

Final plans must specify the location of the interior bike storage and lockers. An End of Trip (EOT) facility must be shown on final plans. An EOT facility would be a changing area with a shower. The DRB's power to correct nonconformities is "*limited to requiring work that is reasonably proportional to the scale of the proposed development*." The building footprint is increasing by about 70%. For example, a 250 SF EOT facility would represent 1% of the new building footprint. Therefore, staff recommends the scale to be proportional and added the condition.

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	23,622 SF	1.00/1000SF as a starting point	24 (23.62)	*Based on total required spaces for the site as follows: 1-25 = 1 26-50 = 2 51+ = see WDB 14.3	2 (1.2) 5% of vehicular	75% of required spaces	*Based on total required long-term bicycle spaces for the site as follows: 1-3 = 1 4-18 = 1 per gender 18+ = see bylaw
Total Required: Non-residential							
Total Required: all uses	**--**	**--**	**24**	**1**	**2**	**1**	**1**
Total proposed by Applicant			**17**	**1**	**2**	**1**	**None**
Compliance?			**Yes**	**Yes**	**Yes**	**Yes**	**No**

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

WDB 15 DECISION

The property is served by municipal water and sewer. No changes to utilities, other than relocating the gas meter, are proposed.

☐ **Maintenance** **Standard**

WDB 16 DECISION

Solid waste containers and snow storage are shown in compliance with WDB 16 as proposed.

☐ **Landscaping** **Standard**

WDB 23 DECISION

The western property line abuts a stream, wetlands, and residential property. Removal of gravel storage area from the 50’ watershed buffer and replanting can suffice as a Type I or Type III informal plantings buffers. Side buffers and the front yard landscaping with street trees complies as proposed. Staff recommends retaining existing front yard trees where feasible and identifying them at final plans.

Required Landscaped Buffers per WDB 23.A						
Proposed Land Use	**Adjoining Land Use**		**Type I** Existing Vegetation[1]	**Type II** Dense Plantings[2]	**Type III** Informal Plantings[3]	**Type IV** Formal Plantings[3]
Heavy commercial/ industrial	North	Heavy commercial/ industrial	50’	13'	9'	23'
	South	Heavy commercial/ industrial	50’	13'	9'	23'
	West	Other residential subdivisions	50’	23'	36'	48'
	East	Public way	*Typical Street Tree Section per WDB 26.*			

(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** **Specific**

WDB 26 DECISION

The landscaping plan identifies street trees in compliance with WDB 26. Existing trees shall be retained where feasible and identified on final plans. A condition of approval is included.

☐ **Conservation Areas** **Specific**

WDB 27 DECISION

27.5 Significant Wildlife Habitat Areas (SWHA): The subject parcel is within a Significant Wildlife Habitat Area (SWHA) due to its designation as Wildlife Travel Corridor on the SWHA Map. The wildlife travel corridor is essentially the stream and riparian buffer to the north of the subject parcel, currently encroached by a gravel storage yard. As detailed in the watershed protection buffer section, staff has recommended that the existing stream buffer be reestablished and maintained in the future.

27.6 Uncommon, Rare, Threatened, and Endangered Species (URTES): The subject parcel contains an area mapped with an Uncommon species. The species is Central Mudminnow and the State Rank is S3S4 (uncommon to common in Vermont). The applicant should obtain a written opinion issued by the Vermont Fish and Wildlife Department (VFWD) confirming the presence or absence of URTES. If a URTES is present, the applicant must obtain a written opinion from the VFWD indicating what measures must be taken to assure that the proposed development will not result in undue adverse impact to the URTES. A condition of approval is included.

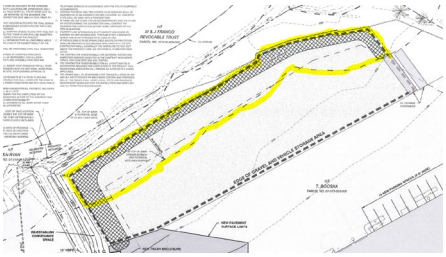
Not applicable: Unique natural communities, farmlands of local importance, scenic viewshed, special flood hazard areas.

☒ **Watershed Health** **Other, see notes**

WDB 29 DECISION

29.4 Runoff and Erosion Control: Because the proposed disturbance of the subject property may be within watershed protection buffers, the proposed disturbance is considered high risk. The applicant has included a professionally prepared Erosion Prevention and Sediment Control Plan including erosion control notes, silt fence details, and final stabilization details. The Department of Public Works is reviewing the EPSC Plan, including proposed stormwater infrastructure, and DPW staff and the applicant are communicating to ensure the EPSC Plan meets the town's requirements. A condition is included.

Yellow highlights gravel storage area in wetland buffer:



29.8 Wetlands Protection: There is an unnamed tributary and wetland to the north of the subject parcel. An existing gravel storage yard encroaches on the 50ft watershed protection buffer. The DRB can require correction of nonconformities as a condition of approval of a discretionary permit for additional development on the same lot or on adjacent lots in the same ownership, provided that the corrective measures are reasonably proportional to the scale of the proposed development. **The WCC recommends delineating the existing area with a fence or boulders to prevent further encroachment (condition #3b). However, given the power to correct nonconformities, the DRB may require the revegetation and demarcation of all buffer area. The DRB must decide and edit condition #22.**

☐ **Outdoor Lighting** **Standard**

WDB 24 DECISION

The outdoor lighting is generally compliant. Final plans must specify light timing and security lighting plans.

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** N/A lumens/acre
Maximum Total Lumen Output per WDB 24.A	Other: 200,000 lumens/acre	**Complies as proposed** 14,772 lumens/acre
Maximum Unshielded Lumens per WDB 24.A	10,000 lumens/acre of surface to be lit	**None proposed** N/A lumens/acre
Parking Lot Average Illumination Level per WDB 24.B	Other: 1.2 footcandles	**Complies as proposed** 1.04 footcandles
Parking Lot Uniformity Ratio per WDB 24.B	Other: 20:1	**Complies as proposed** 18.97:1 and 17.78:1
Maximum Illumination of any Point per WDB 24.B	Other: 5.0 footcandles	**Complies as proposed** 4.92 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.	Light timing notes must be included on final plans.
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	**Unknown, see notes**
Maximum Average Illumination for security lighting (horizontal at grade) per WDB 24.C	Other: 1.5 footcandles	Unknown footcandles
Maximum Average Illumination for security lighting (vertical, 5' above grade) per WDB 24.C	Other: 1.5 footcandles	Unknown footcandles

☐ **Impact Fees** **Standard**

WDB 43-45 DECISION

Impact fees will be assessed by the administrator for the additional vehicle trips generated by the expansion.

Williston Fire Department FIRE / EMS

MEMO

To: DRB Staff

From: Ryan Prouty, Lieutenant

Date: February 24, 2021

Re: DP 21-10 60 Krupp Drive

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

SPRINKLER	Replace 2 ½" Siamese FDC to 4" Storz Connection
SIGNAGE	Building and mailbox marking per Town Ordinance
	Sprinkler Connection marked with signage
	Gas Connection marked with signage
	All commercial and industrial buildings shall have affixed to them an NFPA 704 M Identification System Plaque. The plaque's location will be determined by the Williston Fire Department.
	Any building larger than fifteen thousand (15,000) sq. ft. in size will have all exterior doors (exit, entry, overhead, mechanical, rollup….etc.) marked with a combination letter/numerical sign. The letter shall designate which side of the building the door is located on. The four sides of the building will be designated a letter starting with A, and proceed around the building clockwise to B, C, then D. The number shall correspond to the number of doors on a given side of a building. For example: A1, A2, B1, B2, B3 etc
	Krupp The sign should be planned into the design of the building and be aesthetically pleasing. The sign shall have digits that are ten (10) inches high. Furthermore, the digits shall be reflective, and they shall contrast the color of the door itself. Both the interior and exterior of the door shall have a sign.

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 Final 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.

Town of Williston
7900 Williston Road
Williston, VT 05495
•
1763
•
Public Works
(802) 878-1239

MEMORANDUM

To: Matt Boulanger, Town Planner

From: Lisa Schaeffler, PW Assistant Director

CC: Bruce K. Hoar, Public Works Director

Date: February 17, 2021

RE: DP 21-10 - 60 Krupp Drive

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. Driveway culvert shall be minimum of 15”
2. The stormwater treatment system shall not be in the Right of Way.
3. Provide total impervious area calculations
4. Provide detail of the DMH including rim and invert.
5. Please submit $2,500 for engineering fees.
6. What is the radius for the proposed new entrance? This distance between driveways does not our standards.

For unsignalized access spacing standards, the Agency uses the lower limit of the AASHTO stopping sight distance approach. The resultant spacing standards, shown in Table 2-2, would enable a driver traveling at the design or posted speed to monitor only one driveway at a time and, if necessary, to stop.

Table 2.2 - Unsignalized Access Spacing (ft)

POSTED SPEED or DESIGN SPEED (mph)	UNSIGNALIZED ACCESS SPACING* (ft)
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495

(*Spacing shown is based on level terrain: adjustment factors are required for segments with grades)
Source: Derived from Exhibit 3-1(Pg.112) (Stopping Sight Distance) from AASHTO A Policy on Geometric Design of Highways and Streets, 2001

As these standards are applied, especially along highways with considerable amounts of existing development, in many cases it will not be possible to achieve the defined standard. Rather, it is important to "maximize" spacing achieving the "best possible" driveway spacing given the property limits and physical constraints.

The minimum spacing requirement between any access and any entrance or exit ramp, providing access to any limited access highway, will be 500 feet in rural areas, and 250 feet in urban areas. When this spacing requirement cannot be obtained due to property limitations, the Agency will consider the purchase of access rights or the maximum attainable distance will be provided between the ramp and the access.

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.

DECISION AND MOTION
FINDINGS OF FACT

1. The applicant proposes to expand the existing truck parts and repair Use. WDB Chapter 36 lists NAICS Code 441 as an allowed use in the Industrial West Zoning District.

2. A portion of the gravel storage area is existing nonconforming because it is located within the watershed health buffer to the wetland and unnamed stream to the rear of the property.

3. Per WDB 2.8, "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."

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.

3. The DRB has discretionary to require the correction of nonconformities per WDB 2.8.

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 February 17, 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 February 24, 2021 and a written response to the department outlining the changes that were made in response to their comments.

3. The final plans shall also address all comments identified in the Williston Conservation Commission memo dated March 3, 2021:
    a. The applicant should obtain a written opinion issued by the Vermont Fish and Wildlife Department (VFWD) confirming the presence or absence of URTES. If a URTES is present, the applicant must obtain a written opinion from the VFWD indicating what measures must be taken to assure that the proposed development will not result in undue adverse impact to the URTES.
    b. The existing stream buffer should be delineated, and further encroachment prevented, with a line of boulders.
    c. Ensure the stormwater system is in compliance with the existing state stormwater permit and is effectively directing sheet flow away from the tributary and towards the front of the property.

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.
    a. **Final plans must ~~specific~~ specify the security light plan, if proposed, and light timing**

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.
    a. **Existing trees in front yard should be retained where feasible and noted on 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.
    a. **Final plans must ~~specific~~ specify interior long-term bike parking and an EOT facility**

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.

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. The applicant is required to remove all impervious surface and/or storage areas from the wetland and watershed buffers, and demarcate the buffer with a fence or line of boulders. If so required, this condition supersedes condition #3b from the Conservation Commission.

MOTION

As authorized by WDB 6.6.3, I David Turner, 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 March 9, 2021, accept the Findings of Fact and Conclusions of Law for DP 21-10 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: 7 AYES – 0 NAYES

7:53 PM Closed public hearing for DP 21-10

III. Communication, Final Plans, and Other Business

New England Chimney Supply Specific Plan – FYI & Process

Emily briefly described the specific plan process and the New England Chimney Supply's specific plan. Emily stated that we will be looking for a DRB member to be included on the community group that will be helping to review the plan.

David Saladino asked if the specific plan made permanent changes

Emily responded

Scott stated that if the specific plan is approved but the project doesn't move forward than the plan is stays with the property or it is voided.

Emily stated that it would be void.

John asked what the time commitment would be for the community group. Emily laid out the timeline of the project and meetings.

John stated he would volunteer.

David Saladino stated that maybe the Gateway West could be the focus of a project to figure out what should happen in that area.

Form-Based Code Public Outreach Sign Up

Emily stated that there are still some more spaces that need to be signed up for.

8:10 PM Deliberations opened
8:31 PM Deliberations closed

IV. Minutes from January 26, 2021 DRB meeting

I, Steve Lambrecht, make the motion to approve the minutes of January 26,2021 as written:

SECONDED BY: David Turner VOTE: 7 AYES – 0 NAYES

V. Adjournment

8:35 PM Steve Lambrecht 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.