TOWN OF WILLISTON

M E M O R A N D U M

July 28, 2023

TO: Williston Planning Commission

CC: Ken Belliveau, Planning and Zoning Staff

FROM: Williston Conservation Commission

RE: Glaser Specific Plan (SP 23-01)

PART 1: WILLISTON CONSERVATION COMMISSION RECOMMENDATION TO PLANNING COMMISSION FOR GLASER SPECIFIC PLAN (SP23-01)

Staff notes: The motion below is for the WCC to support the open space as a substantial benefit. If the WCC is moving towards a different recommendation then they should provide direction to staff and continue the discussion prior to making a formal decision. Or the WCC can decide not to make a recommendation.

Part 2 of the memo contains a section to allow the WCC to agree or disagree with each different element of the recommendations for the use of the open space made by the Specific Plan Advisory Committee.

WHEREAS, the Specific Plan option in the Williston Development Bylaws may be used only where the Planning Commission determines that a substantial benefit to the town could result in accordance with WDB 9.2.1, and

WHEREAS, a substantial benefit is an action taken by the applicant at their expense that implements the town's Comprehensive Plan in accordance with WDB 9.2.2, and

WHEREAS, a substantial benefit can be conserving one or more open space assets identified in the town's Comprehensive Plan, or another open space asset acceptable to the Conservation and Planning Commissions in accordance with WDB 9.2.2.1, and

WHEREAS, in making its determination of a substantial benefit the Planning Commission shall consult as appropriate with the Conservation Commission,

THEREFORE, as authorized by WDB 9.2.2.7, I, _____, move that the Williston Conservation Commission support the open space proposed as part of the Glaser Specific Plan SP 23-01 and recommend to the Planning Commission that it is acceptable as a substantial benefit as defined by WDB 9.

PART 2: UNOFFICIAL WCC COMMENTS AND BACKGROUND

The Glaser Specific Plan

This is an open space residential development for 109± dwellings clustered in two areas, 10% of the units are affordable. A multi-use path connects the two clusters and Mtn View Road. The latest site plan is linked here.

The applicant requested to not compete through the normal growth management process with a separate phasing schedule of 18 dwellings per year. Notwithstanding this, the project must score at least 50 points against the growth management scoring criteria at discretionary permit stage.

Two areas of open space are offered for dedication to town ownership. To the north ±15 acres to protect the viewshed from Mtn View Road; to the south and west ±38 acres of wetlands (forested and pasture). This totals ±53 acres that could come into town ownership.

A further central area of wetlands will remain in private ownership of the HOA for the development.

On January 3, 2023 the Planning Commission formed an Advisory Committee for the Glaser Specific Plan and gave them a charge of 11 issues to examine. The Advisory Committee worked with the applicant over the winter and spring of 2023 to examine those issues and develop the specific plan. It was reported to the Planning Commission on June 6, 2023 (document and recording linked here). The Planning Commission voted to warn public hearings for the Town Plan and Bylaw amendments following a legal review. A public hearing is anticipated in October 2023.

Substantial Public Benefit

As set out in WDB 9.2.2.1 an open space asset (either identified in the Comprehensive Plan or acceptable to the Conservation Commission and Planning Commissions) can be a substantial benefit for Specific Plan approval.

Comprehensive Plan 13.2 seeks to protect scenic viewsheds. On page 102 it identifies scenic properties that have no protection from incompatible uses including the Glaser Parcel:

- *open fields and meadows, including the pastures along River Cove Road;* ***the fields southwest of the intersection of Mountain View and Old Stage roads****; meadows south of Governor Chittenden Road; and portions of several parcels along Oak Hill;*

The first open space asset is the protection of the scenic viewshed from Mt. View Road. The viewshed rendering is linked here.

Comprehensive Plan policy 13.3 relates to working landscapes. It encourages landowners to manage their resources for the production of food, forest and earth products, wildlife, scenic views and outdoor recreation. It protects important agricultural lands. The application site is identified on Comprehensive Plan Map 16 as having a LESA score of between 119 and 162 (second most important agricultural land).

The second open space asset is the protection of agricultural land that would enable it to be retained as a working landscape. The Committee recommended that it be leased to Windswept Farm to maintain it

as a working landscape. If the lease to Windswept Farm did not work out or Windswept Farm ceased to operate, the Town would still own the land and could lease the land for other agricultural uses.

The Substantial Benefit proposed by the applicant is town ownership of two open space assets (38.5 acres of wetlands to the south and west, and 15.3 acres of viewshed to the north) which enables it to implement the Town Plan. A multi use path or primitive trail is not an open space asset, and is not proposed as the substantial benefit by the applicant.

WDB9 identifies potential substantial benefits. Infrastructure can be a substantial benefit if it is identified in the Town Plan. However, this particular section of multi use path is not identified in the Town Plan.

The applicant's site plan accommodates the Town-wide official map by not placing development in the way of a path connection towards Harte Circle or North Ridge, as well providing necessary easements over private land to access the proposed town land to ensure the connection could be made. The bylaw requires the construction of multi-use paths and/or sidewalks along existing or proposed roads, which is satisfied on the Glaser site plan.

Mere compliance with the bylaw is not a substantial public benefit so staff have prepared a table summarizing what open space would be provided to meet the bylaw standard through a standard subdivision process to compare to the Specific Plan.

	Bylaw Standard	**Glaser Specific Plan**
Open Space land area	No quantitative minimum (29.8.2). 53 acres wetlands (54%) open space in HOA ownership. None in Town ownership.	54% (53 out of 97 acres) in town ownership (viewshed and wetlands). 15 acres wetlands in HOA ownership. Total 68.4 acres open space (71%).
Open Space viewshed	"People should expect to have views that include residential neighborhoods in the RZD" 39.8.2.6	15 acres under public ownership
Open space working landscape	"Protecting farmland is not a primary goal in the RZD" 39.8.2.7	A means for Windswept Farm to remain viable, or allow another ag use to operate on Town land
Open space – Town ownership	Third-party easement is incentivized but rarely used	Donation to Town via irrevocable offer of dedication
Residential Density	130-218 homes	109 homes

Windswept Farm

The Specific Plan Committee were directed to examine options for continued operations of Windswept Farm on the Open Space. Town ownership will provide a high level of protection while simultaneously preserving future options to the Town for possible uses of the land other than Windswept Farm.

The simplest mechanism for continued operations would be a lease agreement between the Town and Windswept Farm. Currently, Mike and Tina Mauss of Windswept Farm lease the land from Jack and Caitlin Glaser. Upon property transfer, it would be up to the Selectboard to initiate a new lease agreement with Windswept Farm. Mike and Tina Mauss provided an operations description in January

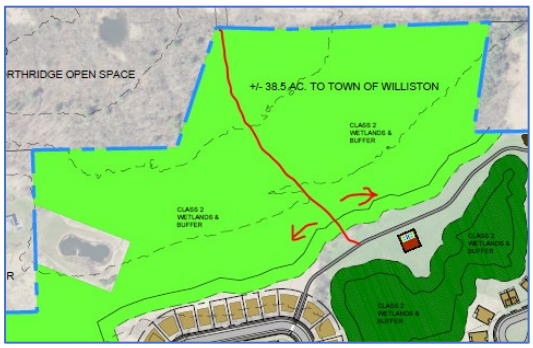
2023 as well as a letter dated May 18, 2023 that summarizes their ideal lease terms that can be used as a starting point for discussion. The specific plan committee supported the continued use of the open space by Windswept Farm and recommended lease terms that are fair to both the Town and Windswept Farm. They recommended that the lease agreement provide terms for modification of the lease in the event that Windswept Farm ceases to operate, there is a change in ownership of the farm, or the leaseholder fails to live up to the terms of the agreement

Detailed Open Space Proposal

The 53 acres of open space has three distinct areas. The Specific Plan Committee provided a recommendation for each:

1. Forested Land abutting NorthRidge and Martel

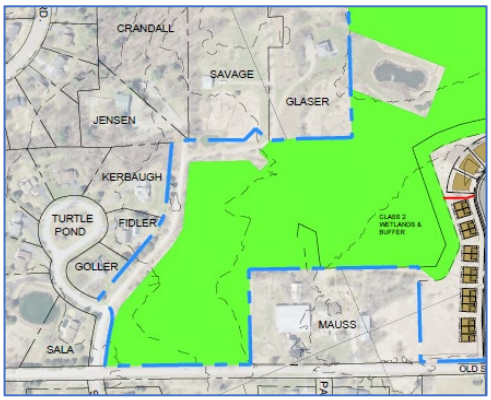
The Specific Plan Committee said: "Development within the forested area is not anticipated nor recommended, except for a trail or multi-use path per Official Map, most likely connecting to the Coyote Run open space known as "Martel Park" near the northern edge of NorthRidge. The applicant has accommodated the Official Map by not proposing development that would prevent the connection. The multi-use path between the two neighborhoods, combined with a floating easement (red arrows) over private HOA land that exists between multi-use path and town open space, creates ample opportunity for a connection point."



WCC to add this statement: The WCC [agrees or disagrees] with this recommendation for the use of the land. However, the Commission highlights that this land is significantly constrained by wetlands such that a multi-use path or primitive trail may be very difficult to deliver. It believes that the opportunity for a connection point is not 'ample' and the forested wetland and associated easement is not part of any substantial benefit, it is compliance with the bylaw

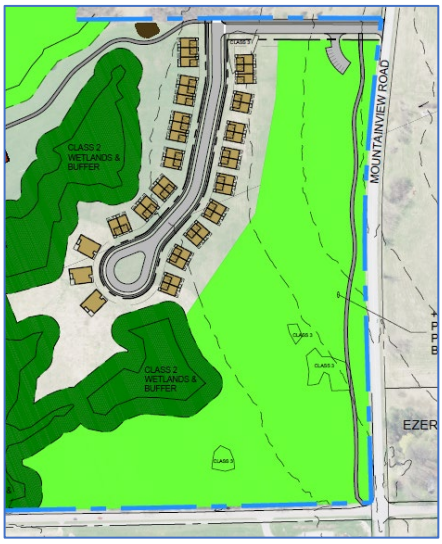
2. Pastureland Surrounding Windswept Farm

The Specific Plan Committee said: "The open space immediately adjacent to Windswept Farm is critical for their operations. Windswept Farm can purchase hay offsite but is not viable without pastureland for the horses. Therefore, the purpose of this land should be to uphold working landscapes. A multi-use path easement will be provided at the 70-unit loops pointing towards Windridge Road (Red line) to uphold Official Map."



WCC to add this statement: The WCC [agrees or disagrees] with this recommendation. The Commission supports continued operation of Windswept Farm. The ability of the town, through ownership of the land, to facilitate working landscapes either with Windswept Farm or another agricultural operator or another agricultural use [is / is not] a substantial benefit.

3. Viewshed along Mountain View Road



The Specific Plan Committee said: "The committee recommended leasing this land to Windswept Farm for hayfield after its conveyance to the Town. Long-term, the Town may desire to create a viewshed public park. The Committee and applicant have discussed possible future scenarios for this area. A use and structure such as a Community Center, and its accompanying parking lot, would consume a lot of this land and is counter to the goals of working landscape and viewshed. The intent of the viewshed park should be to provide public access and enjoyment of the view. The purpose of developing a park and park structures should be for the goal of supporting and enhancing public access to the view. Examples of appropriate park development include:

- A parking area, designed in a manner that minimizes impervious surface and impact on the viewshed. Design that allows for small initial construction and future expansion as needed. Street parking along the cul-de-sac road is encouraged to offset impervious area.
- Open air pavilion (no exterior walls), no larger than 4,000 SF oriented towards the view
- Enclosed structures, no larger than 1,500 SF and only if contained within or immediately adjacent to a pavilion
- Restroom structure no larger than 2,000 SF (may be larger if contained within pavilion footprint)
- Trails, walking paths, meadows, orchards, berry farm, community gardens (with a small shed for tools)

Park development not appropriate for the viewshed includes, but is not limited to: community center, athletic fields, bleachers, fenced in recreation areas, large-scale play equipment, and swimming pools."

WCC to add this statement: The WCC [agrees or disagrees] with this recommendation.

The table below seeks to provide clarity to the importance of the substantial benefits. The Commission should discuss the table:

	Protection Type	**Potential for Development**	**Potential for Working Landscapes**	**Score**
Viewshed	Town owned	Yes	Yes	3
Pasture	Town owned	Unknown	Yes	2
Forest wetland	Town owned	No	No	1

Building Paths and Trails (Growth Management Scoring)

Part of the Planning Commission's charge included that the development should achieve a score of at least 50 against the growth management criteria. The applicant can choose which criteria to undertake to achieve their target score – individual criteria are not mandatory, only the total score is. One of the areas that they can potentially score points is to build trails.

The Official Map shows a multi-use path connecting through to North Ridge / Coyote Run in the southern part of the parcel. As part of the Planning Commission charge on Growth Management the Committee were instructed to explore the feasibility of delivering this multi-use path connection.

The applicant received comment from the State Wetlands Specialist on the path via email on May 24. The specialist indicated that a path should be considered on a wider scale and as part of a master plan. This would identify the least impactful route, which may involve more abutting property owners. They also indicated that the path should use techniques to minimize impacts such as boardwalks and crossing wetlands at the narrowest points, which may preclude the multi-use path.

Staff have advised that the path is beyond the scope of bylaw compliance and there is no standard strong enough to require its construction by the applicant. As stated above, the layout of the Specific Plan includes easements to connect to a future path and does not prevent it from coming forward in the future. The applicant provided additional information in a memo dated July 7, 2023 which indicated that the forested wetland area was nearly contiguous wetlands and their associated buffer zones.

What is a Specific Plan

Specific Plans are regulated in Chapter 9 of the Williston Development Bylaws (WDB). They are intended to allow creative development that would help realize the objectives of the Comprehensive Plan.

A Specific Plan is a set of amendments to the Comprehensive Plan and the WDB that permits a specific form of development. The applicant works with the public and Planning Commission to develop specific performance standards for a development which it must meet or it cannot proceed. As a Specific Plan amends the WDB and Comprehensive Plan it must be subject to public hearings and approval by the Selectboard. Following Selectboard approval the Specific Plan would then go through the regular permitting process including seeking a discretionary permit from the DRB. The process is shown on this flowchart.

A specific plan can only be approved where the Planning Commission find that a 'substantial benefit' to the town could result. This is an action(s) taken by the applicant at their own expense which implements the Comprehensives Plan. It must go beyond mere compliance with the bylaw. WDB Chapter 9 lists what a substantial benefit could be, including:

9.2.2.1 Open Space. Conserving one or more open space assets identified in the town's Comprehensive Plan, or another open space asset acceptable to the Conservation and Planning Commissions.