

MEMO

To: Planning Commission
From: Emily Heymann, Senior Planner
CC: Glaser applicant team (Jack & Caitlin Glaser, Ken Belliveau, David Burke); survey respondents
Re: **Answers to Survey Comments and Questions**

Overview: The purpose of this memo to provide context and clarify for questions and comments raised in the survey responses.

Preserving more land or the entire 97 acres: This is beyond the scope and authority of the Specific Plan process and conventional development review process. However, that does not preclude the landowner or others from seeking out funding or other opportunities for land preservation (such as private fundraising or Vermont Land Trust). The Town maintains an [Environmental Reserve fund \(ERF\)](#). The [2020 Conservation Prioritization](#) Map lists the Glaser property among many other properties as a “high priority” for conservation. Most recently, the town ERF was one of [many funding sources](#) that resulted in the conservation of the Catamount Community Forest. Spending the ERF does not involve the Planning Commission or Development Review Board. An ERF request would begin with the Conservation Commission and ultimately require Selectboard approval.

Future of the “Pasture,” 42-acres near Windswept Farm/Mauss property: Staff estimates approx. 20 acres is forested and 22-acres pasture. This land is anticipated to contain wetlands based on the applicant’s site plan. Under conventional development review, wetlands and watershed buffers must be included as private open space to comply with WDB 39.8. The Glaser’s propose giving this land to the town, a gesture which goes above and beyond the requirements of the bylaw. While wetlands can continue to be used as agricultural pasture, they cannot be developed. Windswept Farm is interested in continued use of this land as horse pasture. Therefore, the Specific Plan would need to include drafts of the necessary easements or other agreements to allow the town to lease this land to Windswept Farm (similar to how the town leases other town land for hayfields). The transfer of the land to the Town should be as unrestricted as possible. For example, if Windswept Farm ceases to operate, the Town should have the ability to lease the farmland for other agricultural purposes.

Affordable Housing; Cost of Units: The Glaser’s application does not propose affordable housing as an element of their proposal. Per WDB Chapter 9, only 1 substantial benefit is required. Though affordable housing is listed an option for substantial benefit, they selected Open Space. Chapter 11 Growth Management incentivizes, but does not require, affordable housing. WDB Chapter 39 allows a residential density of up to 5.0 DUe/acre where 30% or more of the dwellings meet the definition for affordable. The Glaser’s proposed 100 units. WDB 39 base density allows 141 units and the bonus allows up to 235 units.

Affordable Housing, Bylaw Definition: Per WDB 46.3.9, affordable housing is based on the “median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development” and means a household spends “no more than thirty (30) percent of their incomes on housing costs.” For example, according to VHFA in 2022 the area median income for a family of 3 people is \$96,600. At that income level, an affordable 2-bedroom home would be \$2,400/month rent

& utilities or a purchase price of \$333,500 when factoring in mortgage, tax, and insurance. Staff does not recommend amending the definition as an element of Specific Plan. Furthermore, per Vermont Statute, the town must complete a housing needs assessment before considering a requirement of affordable housing (aka “inclusionary zoning”). The town is currently working on a Housing Needs Assessment and anticipates establishing a Housing Committee in early 2023.

Existing Sidewalks/Multi-Use Path along Old Stage Road: Sidewalk on one side of the street is provided from Williston Road to Paddock Lane. Then, an off-road multi-use path is provided from Paddock Lane to Mountain View Road. The portion of Old Stage Road north of Mountain View Road (a dead end) does not have sidewalks or multi-use path. At the time, Williston’s Public Works Department does not have any plans to upgrade the sidewalk to multi-use for the portion from Cross Vermont Trail to Paddock Lane (approx. 0.3 mile).

Recreation/Multi-use Path, who pays for it: The multi-use path (easement and/or construction) cannot be counted towards the Glaser’s substantial benefit, nor is that what the applicant is proposing. Both Specific Plan and the conventional development review process would require an easement, and most likely construction, of the portion of path along Mountain View Road (approx. 0.3-miles). The bylaw would also require sidewalks along the new streets. This would comply with the newly-adopted [Town-Wide Official Map](#) and access standards of WDB 15.2.4.

Recreation Path Connection, Mountain View Road: The exact alignment of the multi-use path along Mountain View Road is subject to change as the specific plan is further written. The bylaws are vague on this matter. The newly-adopted [Town-Wide Official Map](#) shows a desired path along Mountain View Road but a “Tier 2” facility is intended to convey general direction. If the Specific Plan moves forward, the applicant working with town staff and advisory committee can explore feasible path alignments based on existing grade and the views to Green Mountains.

Recreation Path Connections, Coyote Lane: North of Northridge is a strip of land (approx. 40’ wide) that was shown on the SUB 03-09 Coyote Lane subdivision as reserved for future town park and/or path. While a connection to this area across the Glaser property is possible, it would require crossing forest block and potential wetlands. [Refer to the Area Map.](#)

Recreation Path Connection, Chloe Circle: The Official Map identifies a Tier 2 (unscoped) desired connection from Old Stage Road to Northridge along an east-west alignment. This would involve an abutting property owned by Savage, as well as Northridge open space constrained by wetlands and buffers. [Refer to the Area Map.](#)

Street Connections, Coyote Lane & Chloe Circle: connecting to these streets is not feasible as an element of Specific Plan. Under the conventional permitting process, the DRB can require an applicant to provide a right-of-way or stub street up to a property line. The Specific Plan process and conventional development review processes cannot require an applicant to construct infrastructure on another person’s property. If the Larson and/or Martel properties come in for development in the future, then desired streets have the potential to connect to Coyote Lane and/or Chloe Circle. [Refer to the Area Map.](#)

Subdivision Design, Growth Management: Williston’s zoning bylaws do not have design standards per se for homes in the residential zoning district. Growth Management incentivizes some elements of residential subdivision design:

- 11.7.3 Offer Housing Choices: incentivizes a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. (*Glaser has proposed mostly duplexes and a few single units in an area where existing homes are predominantly single house units*)
- 11.7.4 Neighborhood Space: incentivizes developed neighborhood space that is easily accessible and useful to its inhabitants. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town. (*Glaser’s concept level plan does not currently propose neighborhood space, such as community house or gazebo for the residents of the new neighborhood. Through the drafting of the specific plan and subsequent development review, the subdivision design could be enhanced to provide neighborhood space*).
- 11.7.6 Design for Context: scale of housing (height, bulk) that is compatible with the surrounding uses. This does not mean that the density or mix of housing forms must be identical or very similar. (*Compliance is anticipated here*).

Subdivision Design, Viewsheds and Visual Impact: The open space standards for scenic vistas recognize that views of residential neighborhoods should be expected but offers mitigation measures. If authorized to move forward, the applicant, staff, and advisory committee can explore bylaw amendments and subdivision design improvements to ensure this proposal complies with the bylaws.

- 39.8.2.5 Scenic Viewsheds “... partial protection of a viewshed may be combined with development through good site planning.” (*The 11-acres of Viewshed places the homes 250+ feet from Mountain View Road goes above and beyond this standard.*)
- 39.8.2.6 Minimize Visual Impact “People should expect to have views that include residential neighborhoods in the RZD, but the DRB may... require any of the mitigating measures listed in WDB 31.9.7 in order to protect a specific view” (*The yellow duplex units indicate single-story homes. This is not shown on a map key but was clarified verbally on October 4th*).
- 31.9.7 Minimize Visual Impacts in Open Areas. “Where homes and accessory buildings cannot be effectively screened by existing vegetation or the terrain, they should be sited where they will be visually absorbed by a slope and or woods. This means that the structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is “absorbed” is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.”

New Home Energy Efficiency: State regulations for this type of development will require new homes to meet Vermont Stretch Code. Williston’s growth management incentivizes “Efficiency Vermont High Performance Level. Though the bylaw still refers to “High Performance Level,” it is important to note that Efficiency Vermont recently replaced it with “[Certified Efficient Home Construction](#).” It remains the understanding of Planning Staff that High Performance Level/Certified Efficient is not practical on the production-build scale or at an affordable price-point, but is feasible for custom home builds.

Outdoor Lighting: Williston Zoning Bylaw Chapter 24 regulates outdoor lighting, including outdoor lighting for one- and two-family dwellings. Streetlights are regulated by the Public Works Specifications (beyond authority of Specific Plan). Staff does not anticipate, nor would recommend, amendments to WDB Chapter 24 as part of the Specific Plan to increase lighting levels. This development can and must comply with the existing outdoor lighting standards. These standards have been in place since the bylaws were adopted in 2009 and were written using “dark sky compliant” lighting thresholds.

Route 2A and Mountain View Road Intersection: Essex Road/Route 2A is a state highway under the jurisdiction of and maintained by the Vermont Agency of Transportation (aka “VTrans” or “VT AOT”). Construction is planned for this intersection in December 2024 to Summer 2026 to improve the intersection, including left turn lanes. [Learn more here.](#)

Schools: Williston is within the Champlain Valley School District (CVSD). CVSD is responsible for the Williston Central School and Allen Brook School. School districts are not under the jurisdiction of any one municipality and school taxes are paid separately from municipal taxes. Williston assesses a school impact fee on new residential homes (roughly \$4,000 per single-family home and \$1,400 for multi-family homes). This fee helps pay off the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. Schools are notified during the conventional development review process and has the opportunity to comment on proposed residential subdivisions. If the application moves forward to advisory committee, the group can seek comment from CVSD on the proposed construction schedule of an additional 25 units/year on top of Williston’s 80 dwellings/year Growth Target.

Solar Generation: Solar generation is not listed as an option for substantial benefit. Williston’s growth management system incentivizes solar generation, but only where 75% of demand is generated on-site *and* in combination with the “High Performance Level” build standard which may be challenging or impossible for this subdivision design and price-point.

Specific Plan, History of: The 2006 Town Plan called for the use of the specific plan as a tool that replaces the Planned Unit Development/Planned Residential Development (PUD/PRD) provisions of the bylaws as they then existed. The Williston Unified Development Bylaws (WDB) were adopted in 2009 and replaced the prior zoning standards. To date there have been 4 specific plan applications but only 1 has been actualized.

- 1) Hurricane Lane expansion of Gateway South Zoning District- not actualized.
This land is now a solar field behind 208 Hurricane Lane
- 2) Pine Ridge School to Maple Leaf Farm (addiction treatment facility) – withdrawn
- 3) Pine Ridge School to New England Theological Seminary (NETS) – completed
42 acres given to Town, including 29 acres under a conservation easement
- 4) New England Chimney Supply (NECS) expansion – Denied because of complications with implementing the substantial benefit in Route 2 state highway right-of-way

Sewer Service: Sewer capacity is a constrained resourced budgeted by the Town through a Sewer Ordinance. The Glaser Property is located within the Town’s sewer service area. Williston receives sewer treatment at the Essex Junction Plant through a tri-town agreement between City of Essex Junction, Town of Essex, and Williston. The Selectboard’s Sewer Ordinance and annual Attachment A budget the available sewer capacity by fiscal year and use categories. The Specific Plan process cannot adjust sewer allocation. The Sewer Ordinance is its own ordinance adopted and amended by the Selectboard. If the Specific Plan is approved, the development

would move forward to permitting which requires site specifications for sewer line connections and it must purchase sewer allocation the same as every other development. For example, in FY2023 the town budgeted 16,400 gallons per day (gpd) for new residential homes. 16,400 gpd equates to 70 3-bedrooms homes or 121 2-bedroom homes. If all budgeted sewer allocation is sold in FY2023, then new house permits must wait until FY2024 to purchase sewer.

Speed Limits, Safety, and Maintenance on Old Stage Road: Speed limits are regulated by Williston's [Motor Vehicle and Traffic Ordinance](#). A Specific Plan cannot amend this ordinance or the procedures for adjusting speed limits. Requests for speed limit changes, speed tables/bumps, or other traffic calming measures should be directed to the Selectboard's [Traffic Calming Policy](#). Old Stage Road is a town road. It is up to the Department of Public Works how it prioritizes and schedules town roads for repaving and maintenance.

Traffic Impact: If the Specific Plan is approved, then it will go through state and local development permitting. At that time, the Development Review Board (DRB) may require a traffic impact assessment. Vermont Act 250 permit may also require a traffic analysis. Traffic studies analyze predicted vehicle congestion at intersections and level of service. Level of service is average delay (measured as seconds per vehicle). The longer the wait, the worse the LOS rating. The purpose of a traffic study is to determine if vehicle queuing would get to a level that warrants intersection improvements, such as dedicated turning lane or traffic signals. Most likely, this development would not warrant traffic signals at the new intersections nor at the intersections of Old Stage Road with Williston Road or Mountain View Road. The development review process, whether through the conventional DRB process or specific plan, cannot deny an application because it will generate new traffic. Rather, a permit would be approved on a condition that a traffic improvement would be made to maintain the level of service.

Traffic, Construction Vehicles: Williston's zoning bylaws cannot regulate construction traffic or routes. Enforcement of vehicle speeds and moving violations is with the Police Department. The State's Act 250 regulations do regulate traffic and has been known to place conditions on new development for construction traffic. See [Act 250 Criterion 5\(a\) and 5\(b\)](#). Contact District 4 Coordinators Stephanie or Rachel, [emails here](#).

Water Service: Water service is not a constrained resource. The Glaser property is located within Williston's water service area. Water service is provided to Chittenden County by the Champlain Water District (CWD). The water is sourced from the deep waters of Shelburne Bay. Champlain Water District's Peter L. Jacob Water Treatment Facility continues to maintain the highest degree of treatment process optimization and has maintained the elite "Excellence in Water Treatment" status for 22 years from 1999 to 2021. If the Specific Plan is approved, the development would move forward to permitting which requires site specifications for water line connections. The development would be required to install water lines and apply for water service.

Weight Regulations on Public Roads: Williston's Public Works Department, via the authority of the [Motor Vehicle and Traffic Ordinance](#), issues overweight permits for vehicles heavier than 24,000 lbs. and posts weight restrictions in the springtime to prevent damage to town roads.

Windridge Road: Windridge Road currently exists as a shared private driveway with an easement over the Glaser's property (Parcel ID 09-012-082-000). It is unpaved and extends from Turtle Pond Road. Windridge Road is currently and will remain a shared private driveway.

As part of the Specific Plan and subsequent permit approvals, the details will need to be worked out. Most likely, subdividing Windridge Road off as its own parcel and conveyed to the 4 properties that use it for access. The town is not interested in a private driveway easement over town land. These documents and agreements would be drafted after Specific Plan during the development review process.

Windridge Road, Public vs. Private: The acceptance of a private roadway as public is a different process than Specific Plan. In general, the town's policy has only been to accept streets that connect through, and streets that dead-end remain private. In the past, roads like Turtle Pond became publicly owned and maintained. It is up to the Selectboard, with recommendation from the Public Works Director, to accept a new road.