

**MEMO**

To: Planning Commission  
 From: Emily Heymann, Senior Planner  
 Date: November 10, 2022  
 Re: **Glaser Specific Plan - Bylaw Audit**

**Overview:** *Planning staff has prepared this table to demonstrate how the proposed Specific Plan is anticipated to comply with the bylaws as written, and where amendments will be required. If authorized to move forward, it should be expected that this list will evolve as the Specific Plan is developed by the applicant, staff, and advisory committee.*

	<b>Chapter</b>	<b>Proposed Amendments for Form-Based Code</b>
<b>ADMINISTRATION</b>		
1	Authorities, Basic Principles	N/A – a specific plan cannot change administrative procedures. Many of these procedures are statutory (Vermont law) and cannot be changed.
2	Nonconforming Lots, Structures, Uses	
3	Actors in the Administration of this bylaw	
4	Permit Exemptions	
5	Administrative Permit Procedures	
6	Discretionary Permit Procedures	
7	Enforcement, including guarantees that improvements will be made	The Specific Plan cannot change administrative procedures of this chapter. It can, however, specify the guarantees and legal documents for land conveyance open space and Windswept Farm operations that will be submitted at discretionary permit.
8	Variances and Amendments	N/A – Not applicable
9	Specific Plans	N/A – A specific plan cannot amend the specific plan procedures.
10	Boundary Adjustments	N/A – still applicable in Overlay District as written
11	Growth Management	Discussion required. The applicant proposes phasing of 25 DUE per year separate from and in addition to the 80 DUE/year growth target. This project should achieve at least a minimum score of 30 points. The applicant, staff, and committee should work together to evolve the subdivision design to improve its Growth Management score.
12	Subdivisions, Final Plans	N/A – same process for subdivision, plats, survey monuments
<b>STANDARDS THAT APPLY TO ALL ZONING DISTRICTS</b>		
13	Access, Connectivity, Traffic Studies	Access - Under current rules, up to 40 dwellings can be served by a dead-end road. This application proposes 48-unit and 52-unit dead end roads. Connectivity – See also WDB 13, 30, and Official Map. The subdivision should plan for connections to abutting properties and explore a route to connect the multi-use path to Northridge. For example, the northern cul-de-sac loop could instead extend north to Mountain View Road. Windridge Road – This should be subdivided off as its own parcel and not given to the town. The town is not interested in a private driveway easement over town-owned land.
14	Off-Street Parking and Loading	N/A – compliance. anticipated as written
15	On-Site Infrastructure	
16	Maintenance	
17	Non-Residential Accessory Uses and Structures	
18	Compatibility, Potential Hazards & Nuisances	
19	Density, Transfer of Development Rights (TDR)	Amendments not anticipated. The proposal complies with the density standards and does not exceed the maximum density.
20	Residential Improvements	Not applicable – this chapter explains what residents can do after occupancy (sheds, pools, ADUs, etc.)
21	Telecommunication Facilities	N/A – none proposed
22	Design Review	N/A – Not applicable in the Residential Zoning District
23	Landscaping	N/A – Compliance anticipated as written

24	Outdoor Lighting	
25	Signs and Public Art	
26	Street Trees	Typically, street trees required along all existing and proposed roads. The DRB can provide an exception to preserve a scenic vista. The advisory committee, staff, and applicant shall determine if and where street trees are appropriate along the proposed streets, Mountain View Road, and Old Stage Road.
27	Conservation Areas	Amendments not anticipated. The subdivision layout must demonstrate compliance with the standards of WDB 27, particularly 27.8 Farmlands of Local Importance, 27.9 Scenic Viewshed.
28	Special Flood Hazard Areas	N/A – not in a SFHA
29	Watershed Health	Amendments not anticipated. Class II wetlands require a 50' buffer. The proposed layout considers wetlands and buffers. The subdivision should be designed with sufficient distance between new homes and wetland buffers, especially if the buffers are town-owned land, to allow homes to have mowed lawn or decks. The applicant, staff, and committee should explore the potential for an path alignment to connect the multi-use path to the Northridge or Martel/Coyote run path easements.
30	Official Zoning Map (and Other Regulatory Maps)	The subdivision layout must demonstrate compliance with the Town-Wide Official Map for street connectivity to abutting properties. For example, providing a right-of-way to Larson and/or Martel property to west. Or changing the northern cul-de-sac to a street corner that connects to Mountain View Road. Compliance anticipated by providing the multi-use path along Mountain View Road frontage.
<b>ZONING DISTRICTS</b>		
31	Agricultural/ Rural Residential	Not applicable
32	Business Park	
33	Gateway North	
34	Gateway South	
35	Industrial East	
36	Industrial West	
37	Mixed-Use Commercial	
38	Mixed-Use Residential	
39	Residential	Discussion required. The applicant, staff, and committee should work together to evolve the subdivision design to meet the requirements of the bylaw, particularly WDB 39.8 Open Space Development (discussed below). Amendments may also be considered to setbacks to ensure a compact neighborhood design that maximizes open space.
40	Gateway West	Not applicable
41	Taft Corners	
42	Village	
<b>IMPACT FEES</b>		
43	School Impact Fee	Compliance anticipated – Paid per dwelling at time of administrative permit
44	Parks and Recreation Impact Fee	
45	Transportation Impact Fees	
46	Definitions	N/A
A	Appendices A-J, various	N/A

□ **Residential Zoning District (RZD) – 39.8 Open Space Development**

WDB 39

Key excerpts for the Residential Zoning District (RZD):

- proposed developments in the RZD must generally be consistent with Williston’s goal of creating a compact, walk-able neighborhoods while conserving open space (39.8.1)
- there is no quantitative minimum requirement for open space conservation in the RZD...The goal is to conserve as much as possible of the lands listed below, while permitting residential development at the density permitted. (39.8.2)

RZD Open Space Protected Lands	Staff Comment
<p><b>39.8.2.1 Watershed Protection.</b>  <i>The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.</i></p>	<p>Compliance anticipated. The Specific Plan can comply with watershed protection standards as written.</p>
<p><b>39.8.2.2 Significant Wildlife Habitat Areas.</b>  <i>The protected open space must include all significant wildlife habitat areas identified in WDB Chapter 27 to the extent consistent with the landowner’s right to beneficial use of his or her property. This means that if a landowner has only significant wildlife habitat areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 19 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.</i></p>	<p>Town Plan “Map 18 Conservation Areas” identifies the open hayfields as wildlife core habitat and travel corridor. However, it does not include existing forested area. This appears to be a mapping error.</p>
<p><b>39.8.2.3 Uncommon, Rare, Threatened, or Endangered Species.</b>  <i>The protected open space must include all uncommon, rare, threatened, or endangered species as identified in WDB Chapter 27.</i></p>	<p>Not applicable. None mapped on Glaser property.</p>
<p><b>39.8.2.4 Unique Natural Communities.</b>  <i>The protected open space must include all unique natural communities identified in WDB Chapter 27 to the extent consistent with the landowner’s right to beneficial use of his or her property. This means that if a landowner has only unique natural communities or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.</i></p>	<p>Not applicable. None mapped on Glaser property.</p>
<p><b>39.8.2.5 Scenic Viewsheds.</b>  <i>The protected open space should include scenic viewsheds that are identified in WDB Chapter 27 or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that partial protection of a viewshed may be combined with development through good site planning. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view/s.</i></p>	<p>Potential for substantial benefit. The viewshed along Mountain View Road is prime developable land that is only partially protected by WDB 39.8.2.5 and 27.9.</p> <p>This property is mapped as primary background/horizon and secondary middleground on Town Plan <a href="#">Map 9 Visual Assessment</a></p>
<p><b>39.8.2.6 Minimizing Visual Impacts.</b>  <i>People should expect to have views that include residential neighborhoods in the RZD, but the DRB may, with the advice of the Conservation Commission, require any of the mitigating measures listed in WDB 31.9.7 in order to protect a specific view.</i></p>	<p>Compliance anticipated. The applicant proposes single-level duplexes for units closest to Mountain View Road. If authorized to move forward, the applicant, staff and potential advisory committee can discuss other mitigating measures.</p>
<p><b>31.9.7 Minimize Visual Impacts in Open Areas.</b>  <i>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</i></p>	<p>If authorized to move forward, the applicant, staff and potential advisory committee can discuss incorporating these</p>

<p><i>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.</i></p>	<p>mitigating measures in the subdivision design.</p>
<p><b>39.8.2.7. Farmlands of Local Importance.</b>  <i>Protecting farmland is not a primary goal in the RZD. It is assumed that residential development is desirable in this zoning district. The Conservation Commission and DRB will still evaluate the possibilities for protecting important farmlands, as identified in WDB Chapter 27, where they adjoin farms in the ARZD or where they may be used for community gardens.</i></p>	<p>This property is mapped as a “Farmland of Statewide Importance.” Does not adjoin a farm in the ARZD. Potential for a substantial benefit. Protecting farmland is not a primary goal of the RZD, so creating a mechanism for the continued operations of Windswept Farm would go above and beyond the bylaw requirements, and aligns Town Plan goals for Working Landscapes.</p>
<p><b>39.8.2.8 Community Gardens.</b>  <i>The provision of community gardens may be required where gardens associated with individual dwellings are not feasible.</i></p>	<p>Not applicable. Single- and multi-unit buildings can have backyard garden space.</p>
<p><b>39.8.2.9 Slopes: 30% or More.</b>  <i>The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.</i></p> <p><b>39.8.2.10 Slopes: 15%-30%.</b> <i>The protected open space should include all slopes of 15%-30% to the extent consistent with the landowner’s right to beneficial use of his or her property.... This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and DRB will work with that landowner to effect a transfer of development rights (see Chapter 19 of this bylaw) or to create an open space development that minimizes consumption of lands that should be protected. Where development is permitted on slopes of 15-30%, its density shall be reduced to one dwelling unit per acre.</i></p>	<p>Slopes greater than 15% not present on the property.</p>
<p><b>39.8.2.11 Neighborhood Parks.</b> <i>Neighborhood parks are generally required in residential developments. See WDB 15.4.</i></p>	<p>Compliance anticipated. If authorized to move forward, the applicant, staff and potential advisory committee can discuss a private neighborhood park for residents and incorporating it into the subdivision design.</p>
<p><b>39.8.2.12 Other Lands.</b>  <i>Other lands within a proposed development may be included as protected open space in order to comply with the contiguity standard of WDB 39.8.3 and/or to provide a landscaped buffer required by Chapter 23 of this bylaw.</i></p>	<p>Compliance anticipated.</p>

**WDB Chapter 11 Growth Management – Glaser Speculative Score**

See <a href="#">WDB Chapter 11.7</a> for scoring criteria.	Scoring Options	Speculative Score	Room to increase score?
<b>11.7.1 Conserve Energy</b> <i>State regulations will require the homes to meet Stretch Code. The Efficiency VT “High Performance Level” is a higher standard that can be infeasible or very costly for production-build.</i>	0, 4, 6, 10	0	Maybe (0)
<b>11.7.2 Build Affordable Housing</b> <i>The applicant has not proposed affordable housing. Doing so may necessitate building more homes (100 units is below allowed density).</i>	0, 4, 8, 12, 16, 20	0	Maybe (4)
<b>11.7.3 Offer Housing Choices</b> <i>Mostly duplexes are proposed. A wider variety of home sizes/styles could increase the score.</i>	0 - 20	5	Yes (15)
<b>11.7.4 Provide Neighborhood Space</b> <i>Private space for the residents (like a pool, gazebo, or community room) could potentially be incorporated into the design.</i>	0 - 10	0	Yes (5)
<b>11.7.5 Build Paths and Trails</b> <i>Full points anticipated for building their entire portion of path along Mtn View Road frontage.</i>	0 - 10	10	No (10)
<b>11.7.6 Design for Context</b> <i>Full points anticipated.</i>	0 – 5	5	No (5)
<b>11.7.7 Build Close to Services</b> <i>Not eligible due to geographic distance from Village focal points/intersections.</i>	0, 5, 10	0	No (0)
<b>11.7.8 Neighborhood Design</b> <i>Full points anticipated for home siting and providing open space. Bonus +5 for permanent protection by giving it to the Town.</i>	0 – 5 (+5)	10	No (10)
<b>11.7.8 Sustainable Transportation</b> <i>Potential to include a carpool/transit shelter, EV charge, carpool/carshare spaces, and/or secure bike storage. For example, if the street connected to Mtn View Road near Larson parcel and these amenities were located near viewshed area.</i>	0, 2, 4, 6, 8, 10	0	Yes (10)
<b>TOTAL</b>	<b>30</b>	<b>59</b>	