MEMO

To: Williston Selectboard
From: Emily Heymann, AICP, Senior Planner
Matt Boulanger, AICP, Planning Director
CC: Erik Wells, Town Manager; Jack Glaser, Property Owner
Date: January 12, 2024
Re: **SP 23-01 Glaser Specific Plan – Town Plan and Bylaw Amendments Transmittal**

INTRODUCTION

On January 16, 2024, the Selectboard will hold a public hearing to consider Town Plan and Bylaw amendments. The Selectboard should consider a recommendation from the Planning Commission (see page 4).

OVERVIEW OF SPECIFIC PLAN

Specific Plan is a zoning tool unique to Williston and codified in *Williston Unified Development Bylaw* (WDB) Chapter 9. It was created in 2009 with the adoption of the WDB and replaced the Planned Unit Development/Planned Residential Development (PUD/PRD) provisions. The Specific Plan option exists because it is impossible for conventional zoning to anticipate all possibilities for achieving Town Plan goals and objectives. A Specific Plan is a guideline for the development of a site presented in the form of proposed amendments to the Town Plan and zoning bylaw. If the development proposed by the applicants is not made, the underlying zoning remains in place. The Specific Plan process cannot begin without a formal finding by the Planning Commission, that a *substantial public benefit* could result.

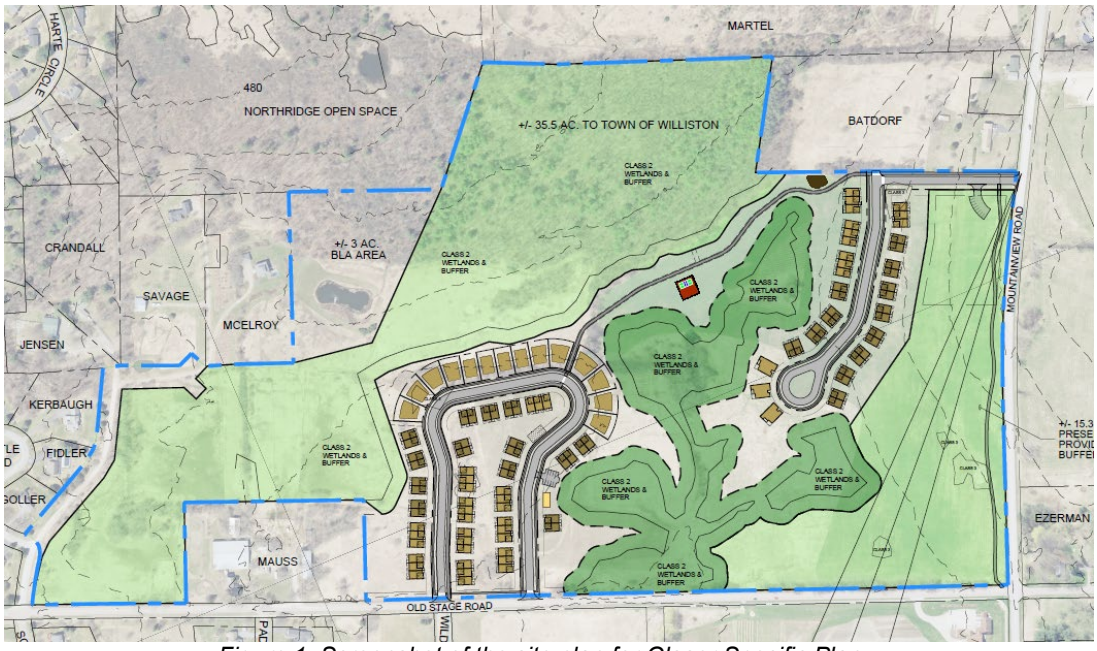

Figure 1. Screenshot of the site plan for Glaser Specific Plan.

SUMMARY OF THE GLASER SPECIFIC PLAN PROPOSAL

The Glaser Specific Plan (SP 23-01) proposes a ±109-unit residential subdivision with ±50-acres open space donated to the Town as the substantial benefit. Jack and Caitlin Glaser own ±97-acres at the southwest corner of Mountain View Road and Old Stage Road. The homes are proposed in two distinct areas: ±39-units on a cul-de-sac located off Mountain View Road and ±70-units with two-points of access onto Old Stage Road (across from Wildflower Circle). The open space proposed is also in two distinct areas: ±15-acres fronting on Mountain View Road with views of the Green Mountains and ±35-acres of pasture, wetland, and forest. The land is undeveloped, and portions are currently leased to a neighboring farm for hayfield and horse pasture. This property is in the Residential Zoning District (RZD) and municipal water/sewer service area.

SUBSTANTIAL BENEFIT – OPEN SPACE DONATED TO TOWN

The Specific Plan tool may only be used where a substantial benefit is provided at the applicant's expense. WDB Chapter 9 lists five categories for substantial benefit including, "*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.*" The Planning Commission, their advisory committee, and Conservation Commission all recommend that the proposed open space is a substantial benefit.

Town Plan Chapter 3 Land Use and Chapter 13 Natural and Cultural Resources describe the town's goals and objectives for open space. The Glaser's property is explicitly referenced in Scenic Viewshed goals in Section 13.2, "*Scenic properties that currently have no formal protection from incompatible uses include: … the fields southwest of the intersection of Mountain View and Old Stage roads.*" There is no "one size fits all" definition or a singular goal for open space. The goals range from protecting sensitive ecosystems where human activity is discouraged to providing outdoor recreation opportunities, including parks developed for intensive recreational uses.

The applicant proposes to donate ±50-acres open space to the Town in two distinct areas:

1. **±15-acres of unconstrained land fronting on Mountain View Road** with views of the Green Mountains, a view that is identified in the town plan. Land appraisal is $1.85 million.
2. **±35-acres of pasture, wetland, and forest**, in alignment with broader town plan goals to support working landscapes and conservation. Land appraisal is $35,000.

'Mere compliance' with the bylaw is not a substantial benefit. The substantial benefit must be an action 'above and beyond' the requirements of the bylaw (WDB 9.2.2.8). The Planning Commission identified two ways in which the Glaser Specific Plan goes above and beyond the bylaw requirements:

1. Donating land to the Town where the bylaw incentivizes permanent protection (via an easement or site plan designation on private property) in the Growth Management 'Neighborhood Design' criterion per WDB 11.8.
2. Conserving viewshed land that is minimally protected by the RZD Open Space Development Standards and otherwise developable per WDB 39.8.2.5-39.8.2.7 and 31.9.7.

Following Planning Commission transmittal, Planning staff identified a third way in which the Specific Plan goes above and beyond the bylaw requirements:

3. Conserving farmlands of local importance by minimizing encroachment and clustering development per WDB 27.8.6 where 'protecting farmland is not a primary goal' in the RZD Open Space Development Standards and those farmlands are otherwise developable per WDB 39.8.2.7.

Figure 2. Viewshed Rendering. The proposed 39-unit cluster will not obstruct the view of Camel's Hump in the background or Yantz Hill in the middleground.

PROPOSED TOWN PLAN AND BYLAW AMENDMENTS

A Specific Plan can refine and add detail to the Town Plan, as well as refine the Zoning Bylaw or create a new zoning district. Only one substantive change to the bylaw is proposed (WDB Chapter 11), the other amendments to Town Plan and WDB are clerical. The proposed town plan and bylaw amendments are summarized here:

- **Town Plan Chapter 13 Natural and Cultural Resources,** Section 13.2– Refer to the fields southwest of the intersection of Mountain View and Old Stage as a protected viewshed, rather than unprotected. Also, acknowledge the other protected open spaces for working landscape and conservation.

  "Scenic viewsheds that are at least partially protected from incompatible development include: … the fields southwest of the intersection of Mountain View and Old Stage roads, approx. 15± acres, as well as an additional approx. 35± acres of forest, pasture, and wetland open space, which are protected as open space and offered as town property as the substantial benefit for the Glaser Specific Plan SP 23-01. Parcel ID 09-012-082-000."

- **WDB Chapter 11 Including Affordable Homes and Residential Growth Management** - The Glaser Specific Plan must maintain a minimum score of 50-points. No more than 18 dwelling units (DU) per fiscal year can receive administrative permits to begin construction until project completion (18 DU/year). (Note: This allocation phasing is separate from 80 DUe/year Growth Target where allocation is administered annually on 10-year rolling horizon with 20 DUe/year in this allocation zone)

  "11.2.3 Glaser Specific Plan. The Glaser Specific Plan can proceed from pre-application to discretionary permit. The DRB must make findings that the discretionary permit application upholds a Growth Management score of at least 50 points based upon the criteria of WDB Chapter 11 as amended October 4, 2022, except WDB 11.7.1 and 11.7.9 which can be based upon the Energy Efficiency or Sustainable Transportation criteria of Chapter 11 as amended October 17, 2023 or any future version of the WDB. Following discretionary permit approval and final plans approval, the applicant may receive administrative permits for new dwellings up to a maximum of 18 dwellings per fiscal year until project completion. The rules of 11.2.3 shall supersede all other rules of WDB 11."

- **WDB Chapter 26 Street Trees** - Clarify that the exemption from street trees to preserve a scenic vista applies to this property's frontage along Mountain View Road and Old Stage Road.

  "26.1.2.2.1 SP 23-01 Glaser Specific Plan. Street trees shall not be required along Mountain View Road and Old Stage Road in order to preserve the scenic vista looking east."

- **WDB Chapter 39 Residential Zoning District:** Recognize the existence of the Specific Plan and codify its required substantial benefit (i.e. irrevocable offer for donated land, path easements, etc.)

  "39.8.2.13 SP 23-01 Glaser Specific Plan. Parcel ID 09-012-082-000. The Glaser Specific Plan shall provide 50± acres of designated open space as substantial benefit for the purpose of upholding viewshed, working landscape, and conservation goals of the 2016-2024 Comprehensive Plan 13.2 and 13.3.3. The open space is two distinct areas: ±15-acres fronting on Mountain View Road with views of the Green Mountains and ±35-acres of pasture, wetland, and forest. The discretionary permit shall include irrevocable offer(s) of dedication to the Town for the ownership of the open space area(s). Floating easement(s) for path connectivity towards the south and west may be required across minor sections of private land that may exist between the proposed the dedicated town open space and multi-use path that connects the two neighborhood clusters (see Appendix F site plan for notations). Other bylaw amendments for SP 23-01 can be found in WDB 11.2.3, 26.1.2.2.1. Refer to Appendix K for Specific Plan site plan and accompanying documents."

- **WDB Appendix K:** The site plan and all accompanying materials from the Specific Plan process will be archived and available as reference during the subsequent DRB review and final permitting.

PLANNING COMMISSION RECOMMENDATION – POND BOUNDARY LINE ADJUSTMENT (BLA)

The Selectboard is holding a public hearing on amendments, including site plan, that describe ±50-acres open space including ±15-acres viewshed and ±35-acres of pasture, wetland, and forest – a configuration that would exclude ±2.5-acres of forest/wetland from the town-owned open space (figure 4). This configuration is different from the original version transmitted by the Planning Commission (Figure 3; ±53-acres including ±38-acres wetland/forest/pasture). The land in question is the lowest valued open space in the substantial benefit – appraised at $921/acre (compared to viewshed value of $123,000/acre). The ±15-acres viewshed open space is not changing.

The pond Boundary Line Adjustment (BLA) was discussed at the Selectboard's informational session on November 21st in response to the applicant's request to reconsider the proposed boundary around the pond. The manmade pond is a liability to the town and the layout should be designed to reduce potential conflict between town- and privately-owned land. Ultimately, the goal is to ensure that the layout approved by the Selectboard aligns as closely as possible to the layout that will be submitted to the Development Review Board during permitting. It is better for the DRB to review a site plan with more open space acreage than described in the bylaw, rather than less acreage.

On January 2nd, the Planning Commission made a recommendation to the Selectboard for a different configuration around the pond that would keep the ±2.5-acres of forest/wetland in town ownership, thus resulting in a total of ±51-acres open space including ±36-acres of pasture, wetland, and forest (±15-acres viewshed is unchanged). They also recommend adding a notation to the site plan that requires a floating path/trail easement near the pond. The Selectboard should seek comment from Jack Glaser, property owner, on this matter at the Jan 16th hearing.

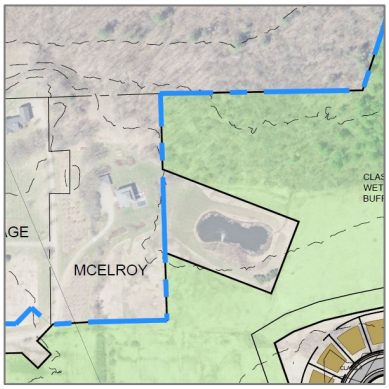

Figure 3. Site plan as transmitted from PC to SB, October 2023. Pond BLA = ±1.5-acres

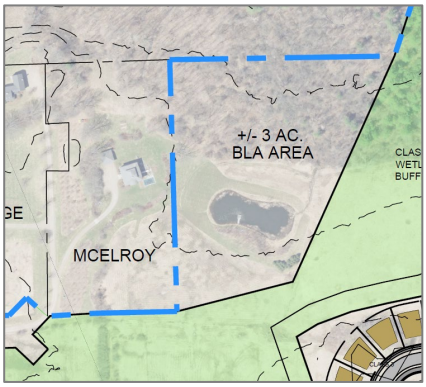

Figure 4. Site plan as warned by SB for public hearing, November 2023. Pond BLA = ±5-acres

Figure 5. Site plan as recommended by PC for SB hearing, January 2024. Pond BLA = ±2.5-acres

PROPOSED MOTION

The Selectboard has two options to choose from this evening:

	OPTION 1 – MOVE FORWARD AS-IS	**OPTION 2 – ACCEPT PC RECOMMENDATION**
PROCESS	Close hearing & vote on January 16th	Open new hearing on February 6th
OPEN SPACE ACREAGE IN TOWN PLAN, BYLAW	±50-acres (±15-acres viewshed and ±35-acres of pasture, wetland, & forest)	±51-acres (±15-acres viewshed and ±36-acres of pasture, wetland, and forest)
PC RECOMMENDATION ON PATH/TRAIL EASEMENT	Required by bylaw standards	Required by notation on site plan
PC RECOMMENDATION ON BLA LAYOUT	May be voluntarily met by applicant during permitting, but not required	Required by Specific Plan approval