TOWN OF WILLISTON
Planning Commission
Minutes of June 6, 2023 – 7:00 P.M.
Annex Conference Room, 7878 Williston Road, Williston VT 05495
Zoom Meeting ID 873 0175 0819 on www.zoom.us/j/87301750819 or call 1-646-558-8656
Zoom Recording: https://www.youtube.com/watch?v=FGxBpYB_j7s

Planning Commission Present: Meghan Cope (chair), Cate Lamar (vice chair), Alex Daley, Chapin Kaynor (until 9:00pm), Ellie Beckett, Jill Pardini, Shayla Livingston, **Absent:** none; **Staff:** Melinda Scott, Matt Boulanger, Emily Heymann, Simon Myles **Public:** Ken Belliveau, Bryan Currier, Jack Glaser, Jenn Townley, Ian Campbell, Jason Starr (Williston Observer), Reuben Escorpizo, James Heltz, Mark McElroy, Mike Mauss, Tina Mauss, Tom Shepard, Peter Shepard

CALL TO ORDER

The meeting came to order at 7:00 pm.

PUBLIC COMMENT (items not on the agenda) Alex announced this is his last meeting. He is moving for work and he is not being reappointed to the Commission. Meghan thanked Alex for his work on the Commission especially in the Specific Plan and Form-Based Code.

MINUTES OF MAY 16, 2023

The Planning Commission reviewed the meeting minutes of May 16, 2023. Meghan stated she made some minor changes, Chapin also made some minor changes. Chapin Kaynor moved to approve the minutes as written. Cate Lamar seconded the motion. The motion was carried with a 4-0-1 vote.

HOUSING BYLAW AMENDMENTS –

Melinda explained the amendments seek to provide an alternative pathway to growth management for some residential projects. Draft WDB 11.2 sets out new exemptions including inclusionary zoning projects, adaptive reuse of non-residential buildings, and additions of up to 4 dwellings to an existing residential property. She explained that the adaptive reuse exemption does not exempt hotels unless they exercise the inclusionary zoning exemption.

Shayla asked for some background on the exemptions. Melinda said the exemption for small projects is because they have a small impact on provision of services. It is also consistent with the newly enacted S.100 bill. Development of these parcels would still have to meet other bylaw requirements (eg density). Matt said small projects normally can't compete with larger ones at growth management, but a 4 unit project is too small for inclusionary zoning. Meghan explained this provision is important, it would help deliver small residential projects. Matt said the exemption projects will still have to go through the DRB procedure. Alex asked that the title of Chapter 11 clarify that some developments that do provide affordable still need to go through growth management.

Melinda said that draft WDB 11.3 requires developments with 10 or more units provide affordable housing or follow growth management and provide a payment in lieu. Landowners can't artificially split up their projects within a 5 year period.

Melinda explained the affordable requirements were set as a sliding scale with a higher number of units required where the AMI level of those units is less affordable. She explained the affordable homes should integrated, and be similar in design and construction to the private homes. Affordable units have to be

constructed at the same pace as the market units. Affordable projects are entitled to a density bonus, expedited review and in some cases a waiver of impact fees. The draft also specifies how perpetual affordability will be controlled with deed and resale restrictions and limits on rent increases.

Alex asked how the equity appreciation restriction worked. Matt explained that there is a cap that restricts the subsequent sale price to below market value, buyers are aware of this when they purchase. The current draft restricts it to a 25% increase in value. Alex said that the draft was complicated and he had previously seen examples where it is linked to income. Megan suggested an example be provided in the bylaw to help explain the restrictions. Alex suggested a restriction that controlled price indexed to income in case significant increases in the housing market makes the unit unaffordable. Matt suggested reworking it to index link to income but allow for equity appreciation for the owner. Chapin said that some appreciation of investment is appropriate but it needs to remain affordable for the next buyer.

Chapin said the provision that all affordable be marketed to those on 120% AMI income should be changed to match the affordability of the unit (eg 80%AMI affordable homes are marketed to people who make 80%AMI). The Commission agreed this change should be made.

Melinda explained that the payment in lieu amounts were based on precedent in Burlington. The PIL was per unit required (eg 20 units make 2 payments as they are required to provide 2 affordable units), with fractions used instead of rounding up. Alex suggested adding another example to clarify. Melinda explained that changes to the PIL level would require amendments to the bylaw which would need to be monitored by the Commission. Chapin noted that they may want to change the PIL amounts depending on how successful the amendments are.

Matt said expiration provisions under growth management had been simplified as they had been challenging to administer. He said that the potential for a large number of subdivisions to all come forward at once was receding in Williston as it moves from RZD subdivisions to growth center apartments, reducing the need for these requirements. Melinda explained that residential proposals will no longer be expected to repeatedly apply for pre-application review to compete at growth management every year. They could file their discretionary permit prior to receiving all their growth management and then amend the phasing under final plans.

Ken Belliveau asked about how these changes would affect vesting under the bylaw. Matt explained that this would affect how vested subdivisions are scored at growth management but they would retain their vesting in layout, affordability and other bylaw requirements. Ken asked if this would be an incentive for a vested subdivision to reapply under the revised bylaw requirements. Matt said that this may be an option applicants explore.

Melinda explained the changes to energy criteria under growth management seek to better incentivize applicants to pursue these points. Chapin asked that the on-site energy storage be reinserted back into the draft as decentralization of energy storage was important. Meghan said that the use of the term “renewable energy” in the incentives should be treated cautiously to avoid applicants advocating that the gas derived from methane would allow them to score points.

Chapin asked whether they will be revisiting the principle at the start of WDB 11 of projects being able to avoid growth management by using the new exemptions. He is not completely comfortable yet with the potential for large numbers of units being delivered at the same time. Melinda said that in the growth center a lot of new residential would be beneficial. In the RZD there aren’t many large parcels that would support large projects. The lack of land availability would constrain development. Matt explained that the town has not hit the 80 unit a year limit under growth management for some time now. Meghan said she would like to review this issue at a further meeting. Melinda said she would research further information.

COLLECTED BYLAW AMENDMENTS – Simon Myles reviewed the changes made since May 26 meeting. Solar canopies over parking lots without a permit within setbacks provided 3ft from the abutting property. Allow EV charging stations in any zoning districts without a permit. Allow EV charging stations on residential properties without a permit. Allowing chickens on residential properties < 1 acre.

Chapin asked about what would constrain the number of homes built if growth management didn't? An unlimited number of homes? Meghan stated the PC could review the materials Melinda presented to the Selectboard.

GLASER SPECIFIC PLAN – INTRODUCTION BY STAFF

Emily summarized the process of the Glaser Specific Plan. The Commission established the committee in January. It was truly a collaborative process.

GLASER SPECIFIC PLAN – PRESENTATION BY APPLICANT AND ADVISORY COMMITTEE

Ken Belliveau provided a presentation. He stated he is proud of what has come out of the process. This project supersedes anything the town has gotten out of a Specific Plan proposal before. Ken compared the original site plan to the current site plan. Increased the viewshed to town as northern open space area from 11 to 15 acres. The southern open space area, which has a lot of wetlands, was proposed to be for the continued operations of Windswept Farm, also a substantial public benefit. Today, the northern open space area is 15 acres, and abuts the wetland. The northern development area has one point of access and stubs onto the abutting property. The southern development area has two points of access. Access issues of concern have been addressed. The development is now proposing a greater variety of dwelling units. 10% of the dwellings are proposed as perpetually affordable. 109 dwelling units proposed. Also requested an alternate phasing schedule originally 25 units/year, now a maximum of 18 units/year.

Alex Daley presented information about the substantial public benefit. The plan preserves the viewshed and the working landscape, which addresses a lot of the concerns brought forth by the public. The applicants have added certain amenities to the development that would make it score highly in growth management. Result has been a development that meets the development standards of the town of Williston and provides a qualifying substantial benefit in exchange for its own phasing schedule.

Jacob Glaser stated that he is proud of the outcome of the Specific Plan process as well.

PLANNING COMMISSION QUESTIONS, DISCUSSION

Meghan asked if the applicant could state how the Specific Plan addresses the Charge. Ken went through items 1 and 2 and stated how the SP meets the criteria. Emily reviewed how the project would have scored in growth management.

Meghan asked why points under energy were not considered. Alex stated because the energy criteria currently are not achievable. Ken stated that under Act 250 the project will need to meet stretch code standards.

Meghan asked if all the homes are two and three bedrooms. Yes, they are. Alex stated that the Committee discussed this at length, and the developer could choose to build smaller if desired. Meghan would still like to push for a variety of housing, noting the growth in single-person households.

Meghan asked if there is a playground, and what is in the neighborhood building. Stated that they didn't get into the specifics about the neighborhood building, no floor plan, etc. Alex reminded PC members that the project will still undergo DRB review.

Meghan is confused about transportation amenities. Didn't see a 5-person bus shelter or 10 secure bike storage facilities on the site sketch. Why are points being awarded for this? It is not in an area where bus service currently exists. Ken explained that the GM criteria does not consider bus service, it just incentivizes the 5 kinds of transportation amenities regardless of their geography in town. The exact location of a transit shelter would be determined at DRB review. Emily stated there is flexibility in the scoring criteria so one thing could be substituted for another. Meghan stated she didn't think what was proposed was worth 6 points, and that would put the project over 50 points, so that's why she is concerned.

Shayla asked whether the group had thought about including deeply affordable housing or reach out to a housing developer about how that could happen. Ken stated they had not, they had strictly focused on meeting the criteria of growth management. Meghan stated the reaching out to affordable housing agencies was part of the charge. Alex stated that most of the time and energy of the Committee was spent in reviewing how the development could score points under growth management without overreaching the authority of the Town and bylaws. The Committee did prioritize certain elements of the Charge over others. Shayla stated this conversation is informative to the current conversation about amending the bylaws regarding affordable housing.

Chapin stated he appreciates the work of the Committee. The project is better having had the involvement of the Committee. However, he is disappointed with the lack of creativity in meeting the Charge, and the lack of a multi-use path through the parcel towards Northridge/Southridge. He felt there was no interest on the part of the applicant, Committee, and staff to pursue the path connection as described in the Charge. Chapin asked which state agencies had commented on the project. Tina Heath, State of Vermont Wetlands Ecologist for District 4, had commented that she thought it would not be feasible to build a path connection through the wetland as proposed, and there are other ways to make that connection when looking at the broader geography of the area.

Alex stated that Chapin's assessment doesn't reflect the reality of on the ground conditions. Chapin stated his main point is that by itself the viewshed is not significant enough to add 100+ houses that bypass Growth Management phasing. Without more benefit to the public, Chapin stated he could not support the project.

Emily went over the requirements of the Specific Plan and the criteria that must be met. The applicant has some options to choose between for the public benefit. She clarified the requirements of the Official Map – the developer needs to accommodate it not build it. To accommodate it means not build something in the way of the path.

Ken reminded Chapin that development offsite is not possible here. Bryan stated they are developing many feet of path that are not in a wetland. Meghan asked Bryan if he could share the wetland assessment with the Planning Commission, and Alex stated that it is already in the shared documents. Bryan pointed out on the screen where the wetlands are. Chapin had to leave the meeting at 9:00 pm.

Meghan asked for a temperature check from the Commission. Alex stated that he believes there is a huge public benefit in this project, and feels the applicant has been very reasonable and had the goal of preserving some valuable land, and this Specific Plan meets those goals. Ellie stated she supports the Specific Plan and thinks the open space constitutes enough of a substantial benefit to move it forward. Jill stated she feels conflicted. She agrees with Chapin on the lack of creativity in the project development. Cate stated she also feels conflicted. She is not sure if the view is enough of a substantial enough benefit for the town. The path would have been a benefit, but not sure the viewshed is enough. Shayla stated she feels frustrated around the justification for Specific Plan but not the Committee, makes her better understand the changes that should be made in the bylaw going forward.

Meghan asked Emily if she had more information to share with the PC that could clarify. Emily stated the amendments to the town plan and bylaw are very simple: In the town plan, acknowledge that the listed view is protected. In the bylaw, the changes are: 1) designating the allocation schedule, 2) clarity that the existing waiver for street trees to preserve a scenic vista applies here; 3) and acknowledge the substantial benefit and irrevocable offer of land to the town. Emily explained that, though many side conversations of the charge were not discussed tonight, the important highlights and bylaw requirements were discussed. Lastly, she noted that in terms of "working landscape" the plan keeps the door open for Windswept Farm to remain viable. Ultimately, any lease terms and agreements would be up to the Selectboard after the Specific Plan process, but the path forward has been identified and committee has provided some recommendations to guide the Selectboard in those matters.

Meghan stated that was helpful and said she is ready to call for a vote. Emily clarified that this vote just authorizes staff to schedule the hearing. The Planning Commission will need to vote again to transmit the Town Plan and Bylaw amendments to the Selectboard for their consideration and possible adoption.

WARN TOWN PLAN AND BYLAW AMENDMENT HEARINGS

MOTION

As authorized by WDB 9.4, I, Meghan Cope, move that the Williston Planning Commission authorize staff, following the completion of legal review, to warn public hearings for SP 23-01 Glaser Specific Plan Town Plan and Bylaw amendments.

Seconded by Alex Daley. 4-2-0 vote motion carried. Chapin was absent at the vote.

Matt stated he appreciates Emily's leadership and Alex leading the Committee. Both have done an exemplary job in running a public process. He thanked the Committee and applicant for all their work. During the public hearing process the conversation can continue and other questions may come up. This is taking a first step.

Meeting adjourned at 9:24 pm.