

TOWN OF WILLISTON
Planning Commission
Minutes of November 15, 2022– 7:00 P.M.
Police Station Meeting Room, 7928 Williston Road, Williston VT 05495
Location: Zoom Meeting ID 158-006-871 on zoom.us/join or by calling 1-646-558-8656
Zoom Recording: <https://youtu.be/fPrp2FIJ--M>

Planning Commission Present: Meghan Cope (chair), Cate Lamar (vice chair), Chapin Kaynor, Shayla Livingston, Alex Daley, Ellie Beckett; **Absent:** Jill Pardini; **Staff:** Matt Boulanger, Emily Heymann, Andrew Plumb, Melinda Scott, Simon Myles; **Public Signed-In:** Ken Belliveau, Jude Hersey, Mike Mauss, Tina Mauss, Lisa Braden-Harder, Alex Murphy, Doyle Strack, Pamela Allen, Mike Isham, Helen Weston, Brownley/Browley?, Rebecca Ruid, Sherri Arnold, Shawn Handy, Alexis Brown, Robyn Young, Marcia Urie, Kyle Sala, Georgann Jenkins, Kate Cieri, Jim McCullough, Steve Page, Chris Sedic-Lawton, Tony Palmer, Robert Kilmartin, Dave Westman, Jim Heltz, Dorothea Wilkinson, Alex Horne, Katherine Boucher
Public on Zoom: 1802####8700, 1802####1329, 1802####4826, 1802####6444, Alex Mauss, Ariana Maserejian, Bea Fales Harvey, Blythe Leonard, Breen Loney, Brian Forrest, Carl Runge, Chris Belanger, Chris Sedic-Lawton, A Jane Doe, Chuck and Deb Goller, Danielle Brooks, Drew Crandall, Grace Hemmelgarn, Hans Buehler, Heather's iPhone, Jenn Townley, Jane Stickney, Jenn Townley, John Hemmelgarn, Kelly Barland, Kim Sears, Kyle Sala, Leigh Samuels, Lisa Barland, Mack McElroy, Maherg's iPad, Marie Kerbaugh, Mark McElroy, Matt Johnson, Maureen, Pat Brown, Peggy Larson, Reed Carr, Reuben S Escorpizo, Sarah B, Sue Jones, Terri Zittritsch, Wayne Wilkinson

CALL TO ORDER

The meeting came to order at 7:00 PM.

INTRODUCTIONS (Commissioners & staff)

PUBLIC COMMENT (items not on the agenda)

No comments.

GLASER SPECIFIC PLAN – COMMUNITY MEETING

OVERVIEW FROM STAFF

- [PRESENTATION SLIDES](#)
- [STAFF REPORT](#)
- [AREA MAP](#)
- [BYLAW AUDIT](#)
- [SPECIFIC PLAN FLOWCHART](#)

Emily and Matt provided an overview of the Specific Plan process with presentation slides. This process is detailed in Chapter 9 of the Unified Development Bylaws. The Planning Commission must consider if the substantial benefit could comply with WDB 9.2.2.1, “*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.*” WDB 9.2.2 defines a substantial benefit as: “*an action or actions, to be taken by the applicant/s at their expense, which implements the town’s Comprehensive Plan.*” WDB 9.2.2.8 states, “*Mere Compliance is NOT a Substantial Public Benefit. Compliance with the requirements of this bylaw is a minimum expectation, not a substantial benefit to the community. Substantial benefits must be actions above and beyond what an applicant would be required to take to comply with this bylaw.*”

PRESENTATION FROM APPLICANT

- [NARRATIVE LETTER AND SITE PLANS](#)

Ken Belliveau, representative of Jack Glaser, spoke. Regrettably, Jack Glaser was unable to attend this meeting. Ken gave a summary of the proposed site plan. He discussed the wetlands that have been delineated on the site and where room is left for development. He then explained what parts of the wetlands could be used by Windswept Farm. He explained the viewshed and how the development is proposed in a way to prevent the viewshed from being obscured. He explained that there are about 53 acres of open space and 44-45 acres of potential development. The amount of development the Glasers are proposing is less than the maximum residential density for the Residential Zoning District (RZD). He described the layout of the proposed development. He stated that he would like to answer any questions people have. He noted that they had informal meetings with the Commission in January and March to discuss the potential for a specific plan, and designed the site plan using the Commission's early feedback on viewshed and open space.

SURVEY RESULTS, Q&A, GENERAL DISCUSSION

- [SURVEY RESULTS](#)

- 60 responses and three letters had been submitted as of 2 pm today. During the meeting, it became clear some folks couldn't find the survey link online. At the request of the Commission, staff will reopen the survey link.

- [ANSWERS TO SURVEY COMMENTS/QUESTIONS](#)

- Emily Heymann explained that many of the survey comments are related to growth & development, but beyond the scope of the Commission's "determination of substantial public benefit." This document is a "mega-FAQ" providing context and links to relevant information on a wide variety of comments and concerns that have emerged through the public process. This document will probably be updated and expanded over time as more questions emerge.

Meghan Cope opened the hearing to comments and questions for the Planning Commission.

Chapin Kaynor asked about the existing Growth Management process. Chapin asked about the number of units proposed in relation to Growth Management. He hopes that this sort of project is at the top of growth management scoring before asking for special exceptions. Management has a growth target of 80 DUE/year town-wide, including 20 DUE/year in this part of Town. Glaser is requesting 25 DUE/year in addition to that. Growth Management is a rolling 10-year cycle: anticipating 200 units in 10 years. Matt Boulanger explained the 10-year schedule and screenshared the Growth Management table.

Matt explained the Growth Management scoring process. It is competitive when many subdivisions are proposed. In the upcoming March 2023 Growth Management cycle, it is anticipated that 5 subdivisions will compete for 114.5 DUE allocation, but there's only 23 DUE (including 15 DUE affordable) available. For larger developments seeking many units, it could take 4-9 years to get all their allocation and that's not factoring in the potential for more subdivisions to enter the permitting process. Matt Boulanger explained that under conventional development review with the current competition, it may not be realistic for the Glaser property to receive their allocation within the next 10 years. Furthermore, Growth Management does not reward the donation of land to the town, nor does it reward lease/use agreements to maintain farm operations. Matt Boulanger also explained how the donation of land to the town is less incentivized in this zoning district than Ag/Rural Residential Zoning District. He explained that an amendment is required of the bylaw in order for a project to have its own individual growth management schedule. He explained how the number of units served on a dead-end road in the bylaw is 40 units—this plan proposes a greater number of units on a dead-end road.

The Commission asked about the open space proposed and subdivision design if it were to go through conventional development review. Up to 40 dwellings are currently allowed on a dead-end road, so a Specific Plan process would need to consider this possible amendment to allow 48 and 52 units. Residential density would allow for 141-235 dwellings where 100 are proposed. The Residential Zoning District development standards also have weak protections for viewshed and little/no protections for farmland. Under conventional development

review, more development would likely be proposed in the viewshed along Mountain View Road. Furthermore, the open space would likely be private and there would be no guarantees that Windswept Farm could be operating on the land. The commission also discussed the open space proposed in the plan.

Ken Belliveau explained that you would see an additional 40 houses in standard development, likely in the proposed open space, possibly in the wooded area. He explained that reduced development is part of the applicant's proposal. Given the arrangement of wetlands, the upland areas behind the Mauss property near Windridge Road are likely to be undevelopable since access would cross wetlands.

Emily Heymann noted the juxtaposition of growth management/development density and open space goals because the scoring criteria incentivize larger developments with more units. This zoning district is in the sewer service area and intended for residential development. She emphasized RZD bylaw quotes such as "people should expect to have views that include residential neighborhoods in the RZD," and "protecting farmland is not a primary goal of the RZD."

Chapin asked about community space proposed in other similar developments. Emily explained that WDB 11.6.4 incentivizes neighborhood space that "need not be maintained by the town," such as private HOA pools or community rooms. These spaces are not public. A Specific Plan creates an opportunity for the Town to take ownership of the open space that Windswept Farm relies on for horse pasture. Protecting work landscapes, including agriculture and "fee-based outdoor recreation" are goals in the Town Plan but less of a goal in the RZD.

Emily noted that she prepared a separate document, the "Bylaw Audit" to compare the Glaser's sketch plan proposal to all the requirements of the bylaw. If the Commission moves forward, the bylaw audit can be used to prepare an advisory community charge and set direction for where the Specific Plan should and should NOT amend the bylaws.

Meghan Cope summarized the points scoring systems in Growth Management, noting that the audit demonstrates ways in which the subdivision could be improved to achieve a higher score. Ken Belliveau explained that the site plan submitted is similar to "pre-application," a sketch plan, where growth management elements are unknown and not included. In conventional development review, pre-application is required before growth management.

Meghan asked if Ken could explain the different types of development proposed on the plan because there was no legend on the map. Ken said most likely the yellow duplexes are single-story but without the key is not sure about the tan and black & white. He will communicate this to the engineer and have a key added to the plans. Meghan pointed out that many people seem to be concerned with the type of development and that information would be very valuable.

Meghan opened the meeting to public comment. **Staff did their best to capture most comments, but a complete record is available by watching the recording (linked above).**

Terri Zittritsch said Chapin's comment resonated, noting that current zoning already requires open space, so it is unclear what the town is really getting. Terri does not see a substantial public benefit. She echoing what Ken stated, it is unclear if 40 more units (max out at the density with 140 total units) would even be possible.

Sandra Martel Barber asked about the easement for the bike path and potential for road connectivity to Mountain View Road. She noted Peggy Larson's parcel and her parents' farm next door. She asked about the use of the wetlands and farmland pasture. Tina Mauss confirmed the horses currently use the land for pasture. Emily Heymann explained street/bike path connectivity. The newly adopted Town-wide Official Map and the bylaw's connectivity standards show a desire for an east-west and north-south connection across the Glaser property. Emily explained that the Glaser Plan submitted is concept level and will evolve with more detail as it achieves compliance with the bylaws. Constructing the bike path along the Glaser's Mountain View Road frontage is a requirement and cannot be counted towards the substantial benefit.

Brian Forrest said one of the possible benefits of this development could be housing diversity, noting the need for affordable housing. He asked if affordable housing is being considered. Ken Belliveau said the number of homes proposed is below allowed density and they are proposed as market rate units.

Georgann Jenkins asked about how many developments are being proposed for growth management. Emily Heymann said of the 3 allocation areas in town, this one is the most competitive. Emily anticipates in March 2023 that 5 subdivisions will request 114.5 DUEs and compete for allocation of 23 DUEs. It could be 4-9 years for the subdivisions in the queue to receive all their allocation. Matt Boulanger explained that Growth Management could incentivize a property like this to subdivide in two different ways: 1) propose a few large lots and a minimum growth management score, thus requesting fewer units and potentially going through fewer Growth Management cycles to receive all requested allocation, or 2) strive for the highest score and maximize the number of units to justify the incentivized amenities hoping that a higher score gives precedence to receive allocation first. With the constraints on Growth Management, either option would take several years.

Wayne Wilkinson asked about traffic impact, particularly traffic impact of this development on Old Stage Road and Williston Road intersection, and the Mountain View Road/Route 2A intersection. Matt Boulanger explained that if the Specific Plan moves forward and approved, then the developer would seek its discretionary permit with the Development Review Board. At the time of discretionary permit, a traffic impact assessment would be submitted. A “traffic study” is prepared by a qualified engineer. New development inevitably creates more traffic. The traffic study does not say if the project is “go or no go,” rather, it predicts vehicle movements in comparison to known traffic counts to predict if intersection delays would necessitate intersection improvements like turning lanes or a stop light. The DRB can require intersection improvements, but the DRB cannot deny a development because it will create traffic.

Ken Belliveau and Matt Boulanger both reiterated that Specific Plan does not exempt development from permits and traffic studies. Emily Heymann noted that the same process is true for habitat disturbance assessment and other bylaw requirements that won’t be amended by specific plan process.

Tina Mauss, of Windswept Farm, expressed gratitude to the Glasers and their equestrian community who support Windswept Farm. Tina stated that she would like to find a way to conserve the land. She requested that anyone at the meeting who agrees with her to reach out to help with doing so. She asked for her website and email to be made part of the record so people can contact her about fundraising and land conservation:

tinatmauss@gmail.com <https://www.tinatmaussphotography.com/>

Dorothea Wilkinson had comments and questions about the need for a Williston community center or senior center, the impact of population growth and residential development on school capacity, and a desire for land conservation and funding. She asked if it’s possible to get donations towards a trust to give the owners the value of the land to then be turned over to the town. People are more inclined to donate when they see funding has been committed and funds can be collected by a trustworthy source. There are several banks in town, perhaps the banks could make contributions towards land conservation. Tina Mauss agreed that part of the process is fund raising.

Emily Heymann responded to the questions about school impact, community center, and land conservation.

- Schools: Williston has an active school impact fee through FY2025 that is charged for new dwelling permits. Impact fees need to be based on a known project; impact fee studies must demonstrate that new units be paying their fair share of the cost. An impact fee cannot be a “pot of money” stashed away; it needs to be tied to a study and a facility expansion that goes the money goes towards the impact new dwellings are placing on the school. The Williston Central School and Allen Brook School are part of the Champlain Valley School District. School districting means additions or new schools would be funded and budgeted on the district-wide basis. If a new school was needed in Hinesburg or Charlotte, it would be up to the school district to determine how that cost is distributed among all district towns. It is the responsibility of the school district to manage their facilities based on existing and predicted student population. Matt Boulanger explained that the school population trend has been very steady, and slightly decreasing in some years. Vermont and Williston are experiencing demographic shifts: smaller household sizes, fewer children per household, and an aging population. These trends mean even as new homes are created and population increases, the school population is not drastically increasing. The Planning Commission [reviewed this memo in June 2022](#) following the CVSD demographic report.

- Community Center and Library Scoping Study: This project is finally off the ground. For several years, the Selectboard had scoping study money in the future fiscal years of the capital budget, but it got bumped during COVID. During “My Taft Corners” visioning for form-based code input was received about the needs and desires for senior center, community center, town pool, dog park, etc. This scoping study will be the appropriate forum for such input. A consultant has been hired and a steering committee established. Stay tuned as the process will begin with community outreach and engagement to determine Williston’s needs and desires for community and library space. The next steps will include scoping for possible locations, architectural designs, and anticipated cost for the town to build it.
- Land Conservation: “I think we ought to go and take up a collection and buy the damn farm and that would be the end of it.” Emily began by reading that quote from a [Don Melvin article the January 19, 1983 issue of Burlington Free Press](#). This article was about a 500-unit developed proposed by Robert Ezerman on lands that included Glaser property as well as lands now occupied by Northridge, Turtle Pond Road, Wildflower Circle, Southfield Drive, and Paddock Lane. Emily explained, referring to her slide with trains tracks, that land conservation would be a separate “track” from Specific Plan, but the two options could be pursued in parallel at the discretion of the landowner. Land conservation using Williston’s Environmental Reserve Fund (ERF) would begin with a request to the Conservation Commission and ultimately need approval of the Selectboard. The Selectboard budgets some money in each year, but paused contributions to the ERF during the COVID years. Currently there is about \$450,000 in the ERF. Matt asked hypothetically, “How much land could \$450,000 buy in Williston today? Not much.” He explained the ERF is best utilized when it leverages other funds. The most recent example would be Catamount Community Forest where the town contributed roughly \$400,000 to the \$1.9 million project cost. Now Williston owns a town forest that will be a legacy for future generations.

A woman from the audience expressed frustration with the process, and that it will likely move forward with next steps. Oftentimes the Selectboard and town boards make decisions despite public opposition. Meghan Cope explained the Planning Commission seriously considers the comments in their decision-making process. The Commission is made up of volunteer residents of Williston: parents, taxpayers, commuters just like everyone else and often want similar things, but may disagree on the finer points. The Commission has reviewed all the survey comments and the letters.

Jude Hersey asked if the Commission is going to listen to everyone. She expressed frustration that the attendees here tonight didn’t come just to listen, and many haven’t spoken. There is more and more development, and its time the town paused and think about what can be done to benefit everyone in town, above and beyond building houses. She served on the Conservation Commission for 18 years. There needs to be an opportunity to hear what everyone in the room is thinking.

Reuben Escorpizo discussed the short- and long-term implications of the specific plan. He explained that Old Stage Road is a bottleneck for school and work traffic and that this would need to be addressed. He explained that the lack of mechanism in place to address these problems (schools, traffic) is the root of the problem.

Just before 9 pm, Meghan Cope called public comment to a close, noting that the community meeting has gone over scheduled time. Several people in the room and on Zoom raised their hands but have not yet spoken.

The Commission decided to continue the Community Meeting on December 6th.

DISCUSS DECISION OPTIONS (see staff report)

Not discussed – community meeting continued to December 6th.

DIRECT STAFF ON NEXT STEPS

Not discussed – community meeting continued to December 6th.

END OF COMMUNITY MEETING

OTHER BUSINESS

FY2024 MUNICIPAL PLANNING GRANT APPLICATION

- [MEMO TO SELECTBOARD](#)
- [RESOLUTION FORM](#): Commission Chair must sign this in-person

The commission voted unanimously to support the Municipal Planning Grant.

REVIEW LAST YEAR'S APPROVED CAPITAL BUDGET ([CIP FY2023-2028](#))

Not discussed.

MINUTES OF NOVEMBER 1, 2022 ([public access PDF](#))

Link for PC to edit: [Draft Minutes – November 1, 2022](#) (see email for password)

The Commission did not vote on the minutes.

ADJOURN

The meeting adjourned at 8:58 PM.

For more information about Planning Commission meetings, go to town.williston.vt.us and click on “Public Records and Documents,” then “Agendas & Minutes.” Or call 802-878-6704, or stop by the Planning & Zoning Office at 7878 Williston Road.