

TOWN OF WILLISTON
Planning Commission
Minutes of February 1, 2022– 7:00 P.M.
Location: Zoom Meeting ID 158-006-871 on zoom.us/join or by calling 1-646-558-8656
Williston Police Station, Williston Road
Zoom Recording:

Planning Commission Present: Meghan Cope (Chair), Chapin Kaynor (Vice Chair), Cate Lamar, Alex Daley, Shayla Livingston, Jill Pardini; **Staff:** Matt Boulanger, Melinda Scott, Emily Heymann, Simon Myles, Taylor Newton (CCRPC), Geoff Ferrell (FBC Consultant); **Public:** Al Senecal, Alex Judge, Amy Brewer, Andy Rowe, Barb Giardi, Bradley Williams, Brian Bertsch, Carl Runge, Chelsea Levis, Chris Snyder, David Westman, DKeefe, Elizabeth Logan, Ellie Beckett, Emily Morton, Hans, Jason Carney, Jeff Nick, Jeremy Matosky, John Marcotte, Jude Hersey, Karen Munn, Kevin Thorley, Kyle Sala, Marcy Kass, Peggy Larson, Phyllis Donohue, Reed Parker, Sam Judge, Sascha Mayer (Mamava), Scott Rieley, Stuart Meyer, Terry Marron.

7:00 PM CALL TO ORDER Meghan called the meeting to order at 7:02 pm.

7:05 PM PUBLIC COMMENT (Items not on the agenda) There was no public comment.

-- BYLAW AMENDMENT PUBLIC HEARING --

7:05 PM INTRODUCTIONS, MEGHAN COPE, CHAIR – Meghan welcomed the public to the public hearing and had Planning Commission members, planning staff and FBC team introduce themselves. Meghan gave an introduction stating the purpose of the public hearing.

7:10 PM STAFF REPORT, MATT BOULANGER

Matt provided an overview of the proposed amendments including the adoption of Form Based Code and Official Map. Numerous goals in the town plan call for the proposed amendments. Matt reviewed what those goals are and noted a specific policy to “Consider adopting a Form Based Code in Taft Corners.” Matt stated that Form Based Code is a type of zoning that regulates building architectural design as well as shape and form and building placement on the street and its relationship to the public realm. This is different from the zoning that Williston has in most of the town and currently has in Taft Corners, which is quite heavily based on what uses are allowed at what levels of intensity are allowed.

Matt acknowledged the tremendous efforts of the Planning Commission and citizens throughout this project and thanked the entire community for all of their active participation and hard work on this project.

7:15 PM FORM-BASED CODE PRESENTATION, GEOFF FERRELL
(An overview of how the Form-Based Code works, the highlights of the code (architecture, building form, streets & parks), changes made in response to Planning Commission review since October 2021)

Geoff presented the basics of the Form Based Code. Form Based Code is made of three easy pieces – 1) Regulating Plan, 2) Building Form Standards and 3) Architectural

Standards. He showed the Regulating Plan and described what the symbology stands for – building line (so buildings line up consistently), parking setback line (You will never be walking past a parking lot), alleys (connections from one side of the block face to the other). The configuration can change but basically you have to be able to get an automobile, a bicycle or pedestrian through the middle of the block from one side to the other. Different colors in the street space represent different frontage standards, which tells you what the rules are for the construction of a building on your property. Form Based Code provides a set of parameters. Along with that, there are a set of configuration diagrams kind of like tofu diagrams.

A lot of people don't understand when they first look at a form base code actually how much flexibility there is in the code. FBC focuses regulations on the front of the building because that is what faces the public and makes the public realm. FBC much less prescriptive in allowed uses than typical zoning codes are, and it tends to be laid out in broad categories. Architectural standards are the “dress code,” mostly concentrated on the facade of the building.

Geoff briefly summarized the FBC sections. Regulating Plan guide is mainly for large landowners where subdivisions and new block layouts would apply. Four kinds of intensity – Urban General, where storefronts are allowed; Storefront, a subset of Urban General where storefronts/first floor retail is required; Urban General II and Urban Neighborhood frontages drop down in intensity.

Public Realm Standards – cover the pedestrian part of that street space as well as the automobile part of the street space. There are dedicated bicycle lanes separated from the cars and also separated from the pedestrians. Cycle track knots the 4 quadrants together. Lots of room for street trees to thrive.

Parking and Loading – stresses smart parking, park once environment. FBC addresses off street commercial and residential parking and street parking. Common sense nuisance protections but does not micromanage uses or parking.

Building functions – the main point is not to micromanage uses but let the market forces determine uses. Form based codes use broad categories of use. However, there are common sense nuisance controls and protections.

7:35 PM

QUESTION & ANSWER

(No statements of position or opinion will be taken at this time. Help participants understand amendment process and establish the facts per WDB 8.2.6.2)

Jeremy Matosky stated he owns a property in Blair Park with a curve radius as a frontage (there are a lot of curved streets in Blair Park). He asked about how to deal with frontage requirements under this scenario without having to build a curved building or have a saw tooth building form. Is there any flexibility built into the code to make allowances for situations such as this one.

Matt stated changes can be made to the document during the hearing process based on concerns raised, including about parking, names of districts, and what to do about curved streets. Matt stated staff had come up with a couple of different strategies, and settled on a 60 foot minimum frontage could be straight and it needs to touch the build to line at its

corners, but could then just be a straight line. Matt and Geoff thanked Mr. Matosky for bringing this up.

Elizabeth Logan, resident of Taft Corners, asked if the Code addresses the protection of green space in Taft Corners. She noted that the remaining green space is on the outskirts and not really useable because it is wetlands.

Meghan said that green space is a big priority to the Planning Commission and important that it be public, usable space and not wet. Geoff stated there are two different types of open space – civic greens and natural areas. They laid out the green spaces so that they are located within a 10-minute walk of any place in Taft Corners, with exception of some of northeast quadrant. He mentioned Burr Oak Park, Harvest Park.

Elizabeth asked if there is certainty that those green spaces will materialize in the future. Matt responded that along with FBC the Planning Commission is proposing to adopt an Official Map Official Map is a unique Vermont law revision, that allows communities to plan for public facilities, including planning for public facilities that exist on what is today privately owned land. Once the town has adopted official map, it may require a private landowner who's developing that property to incorporate their portion of the planned public facility into their development plan. If they do not incorporate it into their development plan, there is a process by which the town can deny the proposed development allowing for a set period of time to negotiate the town's purchase of the land on which facilities are planned. If the Selectboard chooses not to purchase the land, then the development is allowed to proceed as proposed. If adopted, these proposed amendments are the strongest provisions available to the town to protect those spaces. Matt mentioned that other bylaw amendments are being considered to incentivize the provision of those green spaces, for example, by offsetting recreation impact fee liability for residential projects.

Elizabeth asked if the Code will provide for more lower and middle income housing or otherwise consider the provision of affordable housing. Meghan stated that affordable housing is a big concern of the Planning Commission. Staff has put in a request to CCRPC to do an affordable housing needs assessment in the next fiscal year, which is the first step in a larger process to consider Inclusionary Zoning. A great deal of the plan for this area is residential, it means that there would be increased amount of housing stock, which in itself will provide opportunities for affordable housing.

Matt stated FBC encourages the creation of affordable housing not through density but by regulating form and mass, and to allow efficient use of buildings by increasing height limits. The Code allows accessory units where they are not allowed in a row home today, like in a finished basement. The Code has flexibility around parking which makes it easier to develop affordable housing. Matt stated the Planning Commission has begun to consider Inclusionary Zoning, requiring the inclusion of affordable housing in new projects or projects of a certain size.

Chapin reiterated that increasing density encourages affordable housing. Chapin also stated that green space is very important to the Planning Commission. Also, in order to have the kind of density called for, stormwater will need to be managed differently.

Jeff Nick stated he is speaking on behalf of Taft Corners Associates, which owns a lot of property in Taft Corners. While they are generally supportive of the Form Based Code,

they are concerned about unintended consequences. He pointed out that the area south of Marshall Ave. where the big box stores are - Home Depot and Walmart - would be very challenging from a market standpoint to develop that area in the way prescribed by the Code. In other instances, the building height requirements would be a problem, for example, if someone wants to develop a bowling alley or supermarket. Jeff noted that roughly 26% of Church St is comprised of single story buildings, so it's possible to figure out how to make a single story building fit into the form based code standards.

Matt stated that the boundary of the district follows Marshall Ave and Harvest Lane. South of that line where Walmart and Home Depot are located, is not in the FBC district. Matt stated on the dark orange streets in what's currently named urban general in the draft code, there's a minimum three stories high and maximum five stories high, so no one-story buildings could be built.

Geoff stated any buildings here now are allowed to exist in perpetuity. He pointed out that even though one-story buildings exist on Church St they don't necessarily contribute to it being a great place. Geoff stated he and staff are interested in having a kind of workshop session with landowners and developers to help them understand the form based code.

Chris Snyder asked for information about and examples of areas with retail on the first floor and residential on the second floor on wide streets being successful. Chris stated that the road right of ways are too wide, and Geoff stated that the 80ft width is allowed not required, and it's from building face to building face. Geoff stated not all FBCs are alike. Matt stated a lot of FBCs aspire to have retail on ground floor and residential above. Williston FBC only requires it along 800 feet of Wright Ave.

7:55 PM

TESTIMONY

(Statements are to address the merits of the proposed amendment. Public to state name and address for the record. Chair to set time limits as necessary.)

Chapin stated he is totally in support of the FBC and thinks that it should move forward. However, there are changes he would like to see made. Concept of solar canopies should be in the definitions section. In Regulating Plan, the Harvest Lane loop should remain entirely open space to retain its value. This would improve the value of the land around it if it could be used for recreation facilities ballfields festivals outdoor concerts, etc. He feels the same about the Alliance Church property. Chapin stated in the block on the southeast corner of the main intersection bounded by Rt. 2A, Rt. 2, Connor and Sycamore Street, he would like to see reserved for civic structures. In addition to the indicated transit center we may need a satellite library, police station, community center, playground, tourist Information Center, museum etc. in that area and he feels it is the ideal place. In Public Realm Standards, he feels the 4-5 ft dooryards are too narrow. 7 ft is minimal width. Parking and Loading could use a statement of intent that the use of solar canopies is encouraged and also he would like to see more photos of that in the code. He would like to see more open green spaces within the Form Based Code district.

Al Senecal stated this is a lot of information to digest. He liked the part where the code mentions working with the landowners, and he stated the staff and Planning Commission has done a good job involving and communicating with the landowners. He would like to continue that involvement and learn more about FBC because there's an awful lot to learn. He noted there is a lot of green space on his property. 20 of the 40 acres are

designated green space. This is probably some of the best developable land because it's on the higher side. Al stated he would like to work with the town to provide some green space but half of his property seems a little bit excessive in his opinion.

Matt responded that the area Al mentioned is already designated as a Unique Natural Community and there are already restrictions via local zoning on what can be developed there. Matt stated the retention of green space is required in the Official Map. He stated there are a lot of areas on this property that can offset the green space. There is a process for the town to buy the property if it chooses to under the provisions of state statute. The Official Map provides the strongest tools available under state statute to achieve open space goals, but ultimately the Selectboard needs to make a decision to purchase the land if it really wants it.

Geoff stated that the code permits more stories than existing bylaw allows and allows development to proceed without a lot of soft costs (all the public hearings required under the current zoning).

Al stated he still thinks this is still very restrictive, and he is bearing the burden of the green space taking up half his property. Matt stated staff and consultant would continue to follow up with developers and workshop the code. Matt stated staff recently received approval from the town manager to amend the contract with the consultant to help develop the administrative tool kit that would go with the code, including the user guide and application checklists and materials which will serve the applicant community, help the staff do their job, and make sure that when projects are approved in this new form based code area, the decision process is one that any citizen can understand.

Marcy Kass stated she has lived in Williston for over 25 years. She appreciates the situation Al is in and appreciates his careful consideration of development. But the point of this entire project is to change the direction Williston is going and to make it a better place for people to live. For that reason, she supports the green spaces, perhaps having more green spaces would make it easier to lease out the first floor to retailers. Marcy stated she hopes that that FBC gets adopted and that Williston becomes more people centric rather than car centric, and it becomes more of a place for the community to feel good about instead of just like a developer's paradise.

Jude Hersey stated she served on the Conservation Commission for 18 years and has lived in Williston for 23 years. She says she has not heard anyone talk about viewscapes during this process, and how important they are. From Taft Corners you can see Adirondacks and Mt. Mansfield. She wonders if viewscape has been considered given the proposed increase in allowed building heights. Meghan responded that part of the Planning Commission's goal is to preserve some of those amazing views that we have, and they have frequently raised that issue.

Geoff stated there is ecological value for having dense development in Taft Corners and that goal conflicts a bit with the goal of preserving viewsheds. There's a special provision in the code to make space for roof decks that are viewing platforms. There are also some limited areas where across the green, you will be able to see the mountains.

Chapin stated that a lot of the greens in the Regulating Plan run east to west in order to facilitate views of the mountains.

Jeff Nick stated the area south of Marshall Ave next to Petsmart has been attractive to retailers, but there is no interest in providing second story residential or office space. Harvest Park doesn't make sense to him. Jeff asked staff to display the concept plan he had shared with them for the corner of Merchants Row and Trader Lane. He thinks there should be flexibility built into the code regarding alley ways and other elements.

Matt stated when you overlay Jeff's plan onto the Regulating Plan it shows the street and building cutting into the Trader Lane Green. Matt stated there are maximum building footprints and frontages. There is a process by which the Regulating Plan can be adjusted, via amendments. The Planning Commission can consider requests as they arise.

Meghan stated this is a fifty-year plan not a five-year plan. Good to keep this in mind.

Geoff stated for the last fifty years we have let our spaces be designed incrementally by developers, now planners are going back to planning towns. It doesn't make sense to let the town be the result of incremental developer driven projects. A government and the citizenry can think long term and try and set up something that's going to work for everyone in the long term. It's very important that this form base code works for the private sector, nothing's going to get built if it doesn't make a profit. The town does need to look at some tools for phasing to promote building in one area, like building Trader Lane, so there's a concentration of development that fosters place making and not little scattered things spread over the landscape. But it will be a long buildout. Geoff stated that the concept plan does show some good although a lot of the details are wrong. He clarified that the code does not limit surface parking, it limits surface reserved parking. The green in Jeff's concept plan is not a public green it is privatized. The public green (Trader Lane Green) is cut off by the large building and street.

Chris Snyder spoke about the timing of the Code adoption and how a project he is proposing under today's bylaw is in limbo because they will not be able to vest in the current bylaw due to Growth Management. There should be a way to make allowances for projects that are caught in the middle.

Marcy Kass stated that there are great aspirations in Williston that have not yet been realized. She hopes this gets approved quickly, even though there are projects that will get caught in the middle. If the concessions are made to the developers, that's just more of the same Williston.

8:45 PM

CLOSE OR CONTINUE HEARING

(Two Options: 1) Close the hearing and transmit bylaw amendments to Selectboard, or 2) continue the public hearing to February 15, 2022)

Meghan asked the Planning Commission what they would like to do. Emily recommended that the Planning Commission continue the hearing, and in the meantime, staff can coordinate a workshop with developers to help them work out issues and better understand the code. Chapin made a motion to continue the hearing to February 15, and Alex seconded the motion. The motion was carried unanimously.

Chapin stated the Planning Commission recognizes that it is a hard transition for developers, but the town is taking steps to develop the Taft Corners in a more wholistic way.

8:55 PM

MINUTES OF PRIOR MEETINGS

(One motion for all 3 documents recommended; note: commissioners can review and vote on the minutes even if they were absent. Check email/spam folder for access code)

MINUTES OF January 18, 2022 ([public access PDF](#))

Link for PC members to edit: [PC Draft Minutes – January 18, 2022](#)

MINUTES OF December 21, 2022 ([public access PDF](#))

Link for PC members to edit: [PC Draft Minutes – December 21, 2021](#)

MINUTES OF December 7, 2022 ([public access PDF](#))

Link for PC members to edit: [PC Draft Minutes – December 7, 2021](#)

Chapin made a motion to approve the minutes as amended. Cate seconded the motion. Chapin and Meghan had both edited the minutes. The motion was carried unanimously.

9:00 PM

ADJOURN The meeting was adjourned at 9:07 pm.