

TOWN OF WILLISTON
Planning Commission
Minutes of March 21, 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://youtu.be/X-3glwX4xro>

Planning Commission Present: Cate Lamar (vice chair), Jill Pardini, Chapin Kaynor, Ellie Beckett, Shayla Livingston, Alex Daley; **Absent:** Meghan Cope (chair); **Staff:** Matt Boulanger, Melinda Scott, Emily Heymann; **Public:** Mack McElroy, Tim Carney, Deb, Rick Hamlin, Pierre Simard, Ray Piche, Ian Campbell

CALL TO ORDER

The meeting came to order at 7:01 pm.

PUBLIC COMMENT (items not on the agenda) None

MINUTES OF MARCH 7, 2023 ([public access PDF](#))

The Planning Commission reviewed the meeting minutes of March 7, 2023. Chapin Kaynor moved to approve the minutes as amended. It was seconded by Shayla Livingston and approved 5-0.

NECS SPECIFIC PLAN – INFORMAL MEETING

Emily Heymann gave an overview of the process for the NECS Specific Plan redux. Rick Hamlin, Pierre Simard, and Ray Piche were present. In 2021 there was a Specific Plan process but it failed in the end due to complications related to intersection improvements at the traffic light. There was a concern that the sidewalk section would not get built concurrently with the NECS addition. NECS has made a request to revive the Specific Plan process. NECS has proposed funding and building the sidewalk connection themselves. Chapin asked if there are any regulatory constraints that would prevent this from reapplying, and Matt responded that the rule about not applying for the same thing over and over only applies to applications before the DRB, not to the Specific Plan application which is a legislative process. It would be treated as a new application. Chapin asked whether the owners of the Robear lots would be willing to contribute to the cost of the sidewalk, and although it had been explored it did not end up happening.

Rick Hamlin spoke to the Commission. Goal is the expansion of NECS. Understanding with VTrans that improvements are needed at the intersection of S. Brownell Rd and Williston Road. Rick asked to what degree NECS completes the improvements – land acquisition, permits, “shovel ready,” actual construction? What would meet the bar for substantial benefit for Specific Plan? Cate asked if the property owner has been approached for acquisition, and Rick stated they have been and are amenable to the right-of-way acquisition.

Alex stated he was on the original Committee, and he remembers a lot of conflict from the neighbors that was eventually resolved. The public benefit was dubious if just a bus stop, but with a pedestrian connection, sidewalk and bus stop Alex felt there was potential. If the Planning Commission was to reconsider it, they would need to make sure it would happen as planned. Escrowed money and/or

agreement is one way to secure the commitment. Pedestrian connection and sidewalk would need to happen concurrently for VTrans to approve. Costs to construct are greater than \$1 million, and NECS would like the PC to consider the value of doing the permitting and design and essentially handing the town a “Shovel-ready” project.

Matt encourages the Commission to review the process for the last submission and hold this application to the same standards. The definition of substantial benefit is “at applicant’s expense.” Emily stated the project could be conditioned that the permits would not be granted until the sidewalk is guaranteed to be constructed concurrently with the expansion.

For SP, only necessary to agree on the substantial benefit and its concurrency to development. Then both move through the permitting process. Several steps along the way including DP, AP and CO. Matt emphasized that the Planning Commission should build some serious safeguards into the process and not leave it to the very last permit or certificate. Simple mechanisms work best, Matt stated. Proceed with caution and be realistic about what can be built and when. A refinement of the plan with more certainty could be a path forward.

Shayla asked if there is a proposed timeline for the construction of improvements. Then PC can make a judgment about whether it’s realistic or not. Ellie asked if the sidewalk is really a substantial benefit? Does it connect to another facility and would people use it? Emily stated the substantial benefit is the sidewalk beyond what fronts the property line and would connect to N Brownell sidewalk.

Jill said she does not consider this SP a priority and is surprised to see it come back to the PC.

Chapin stated he has always felt ambivalent about this. Voted against it the first time because the property abuts a residential neighborhood. Emily showed the site plan to show where the different zoning districts are in relation to the property lines.

NECS wants to be a good neighbor and feels it came up with solutions that the neighbors agreed to. Pierre stated that he has not received any calls over the past year and the neighbors have his personal number in case issues arise.

Chapin stated if the neighbors are still having issues he wouldn’t support going ahead. If the issues have been resolved, then he would be in favor of moving forward. It bothers him to put a bus stop with a pull off because there is not a good access from the other side of the road and there is not a big demand; he would rather there be a bus stop in a different place – at Commerce St. Location of bus stop does not ring true, especially with a pull off and shelter. Chapin suggested that perhaps the sidewalk and intersection improvements would be enough benefit on their own, omitting the need for the bus and bike amenities.

Emily stated that there is a letter of support for the bus stop and shelter from GMT. However, the letter is over 2 years old. Emily stated there are new PC members who were not there for the last NECS Specific Plan, so she reiterated some of the things that were done during the process – sound study, sound wall, landscaping, lighting, etc.

Cate asked for a straw poll of the PC members support of the project. Alex stated he would be willing to consider because this would be a benefit to an area that has a history of a lack of investment in pedestrian facilities. Ellie Becket is also interested. Shayla has concerns and would like to know how the timing

would work, wants assurances that the sidewalk and intersection work would be done. Cate is willing to move forward, she agreed with Shayla but thinks those details can be worked into the process, a mechanism can be figured out. Jill stated she does not support. Chapin stated he is ambivalent, thinks there is a potential substantial benefit, but it needs to be guaranteed.

Most of PC is willing to consider a second application for NECS Specific Plan.

GLASER SPECIFIC PLAN - BRIEF STATUS UPDATE

Emily Heymann provided a status update for Glaser Specific Plan. Emily showed a revised site plan. Committee and applicant have been working collaboratively together. Street connection to Mountain View Rd, as called for in Official Map. Open space has increased by a couple of acres. Project should make that minimum 50-point score in Growth Management. Items on the charge are getting done. Still waiting to hear from Fire and Police about more than 40 units on a single point of access. CVSD information has been provided via demographic study showing project population trends, so most of the committee is okay with not seeking a direct comment memo. Planning Commission will need to proceed without comment from Selectboard, particularly around a possible real estate transfer. Emily noted that Selectboard takes PC recommendations very seriously.

Alex noted that the wetlands survey came back very differently than what was first anticipated. Permanently affordable homes and a variety of housing types proposed. There are still a few asks from the committee, namely alterations to community space to make it more useable.

Chapin asked why the access to Mountain View is not at the highest point, and Alex said it was and noted that there is proposed overlook parking so others can enjoy the view. Chapin asked about the path connection east-west through the middle of the property, and Alex noted the proposed path locations, but that the proposed path locations are not at the southern end towards Northridge. Emily said that is not likely to happen during this project, but the door can be open to happen later. Chapin stated he is disappointed about that because he has mentioned that at every meeting. Alex said it could be part of the project but hasn't been looked at yet. A site visit can happen to look at the trail connections.

Cate asked if the path leading to Wildflower Circle would require a flashing crosswalk over Old Stage Rd, and Emily said it would consider and possibly required as part of discretionary permit but ultimately up to Public Works because it is a Town road. Alex stated 1) site visit will happen, 2) ask the applicant to include the desired path in the next revision of the site plan.

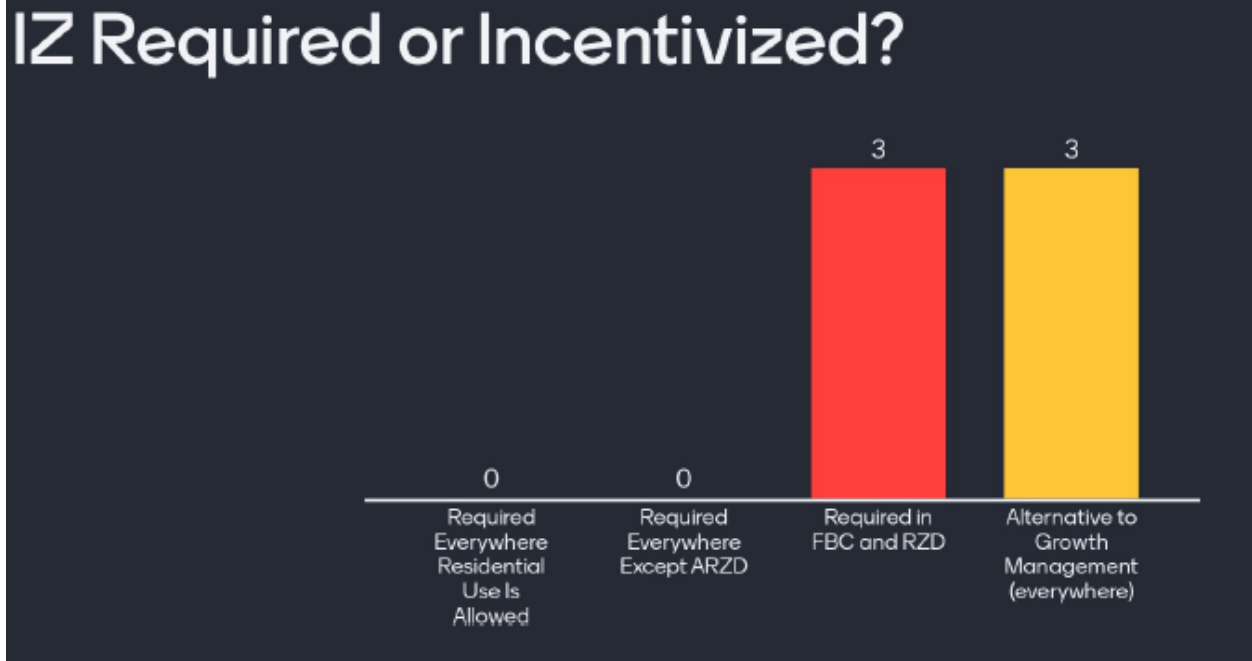
Alex stated the ask has slowed down the build speed to 18 per year. Emily noted more compact duplexes are proposed than the original duplexes.

There was discussion about the east-west path near Mt View. Shayla noted that the path should be sited in such a way as to have a view while walking the path. The Mausses have concerns about the path being in the middle of the field because they want to hay it.

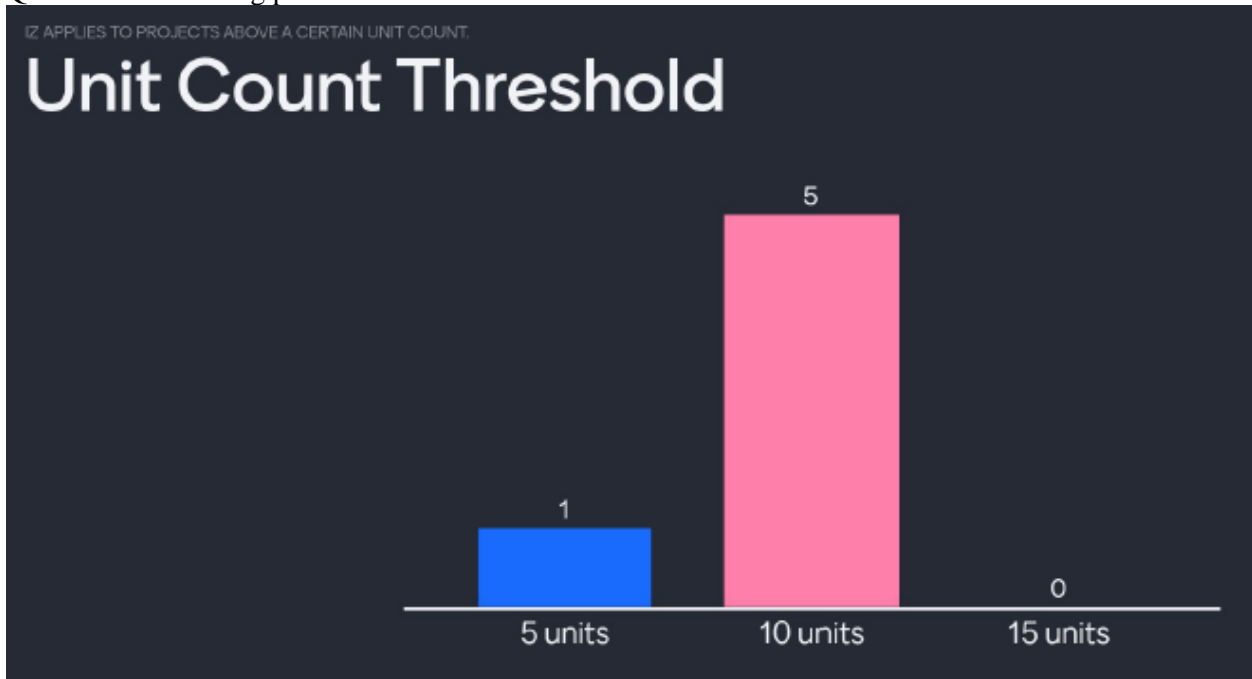
POTENTIAL HOUSING BYLAW AMENDMENTS

Melinda Scott began an overview at 8:20pm. Mentimeter poll responses are saved at the end.

Question 1 –Alex commented, based on his experience scoring Glaser in Growth Management, how little affordable is incentivized in that system and that the Commission should consider fixing the points allotted to affordability, as well as energy efficiency, if growth management remains going forward.

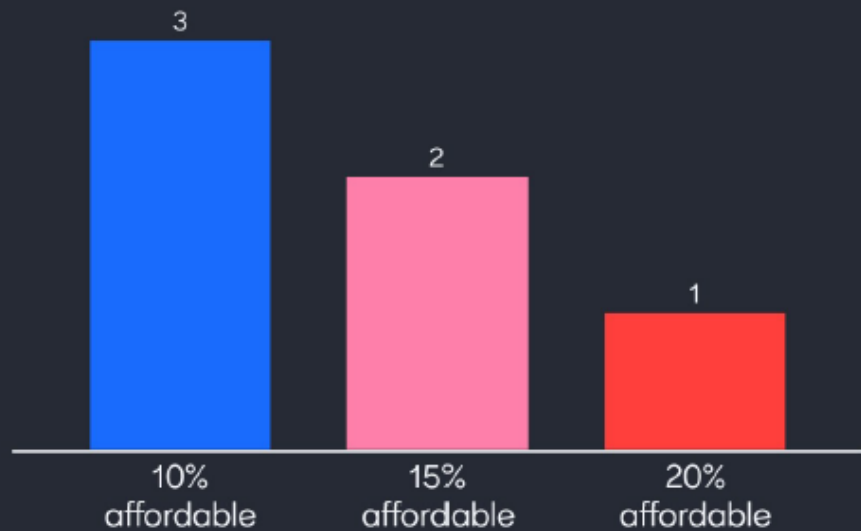


Question 2 – A strong preference for 10 units.



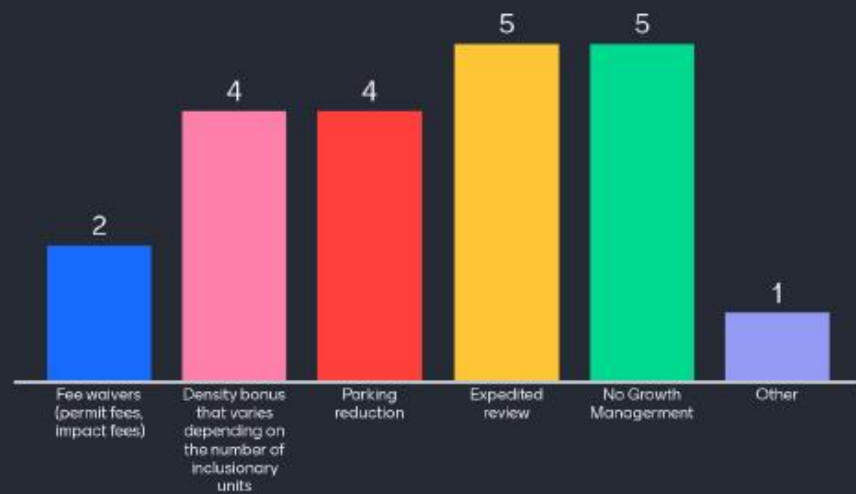
Question 3 –Melinda noted that if the bar is set too high, they risk having no housing production. With a new regulation, it is better to have a lower threshold, monitor, and increase it later based on utilization. A slight preference for 10% of units.

Minimum Percentage Affordable



Question 4 – The commission discussed additional incentivizes for inclusion of affordable units. Chapin and Shayla supports replacement Growth Management with IZ in the FBC district. A strong consensus for additional incentives.

Incentives for Inclusion of Affordable Units



Question 5 –

What other incentives should be offered for IZ?

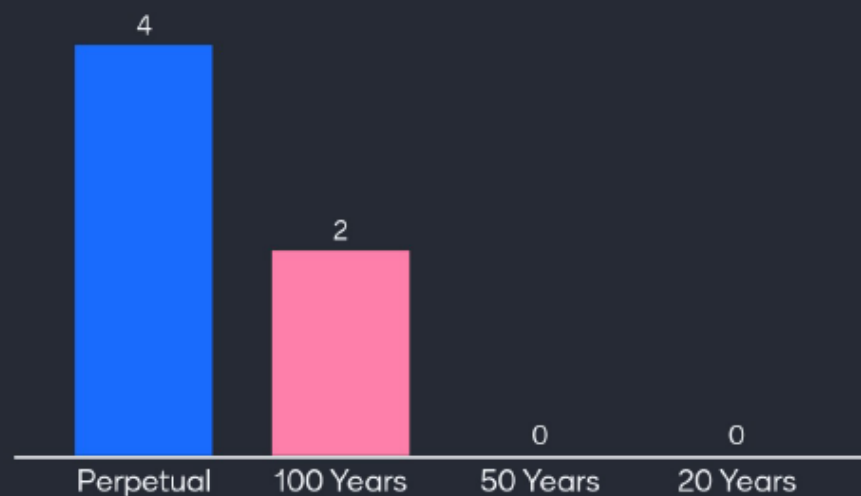
TIF area in FBC area

In growth management, give more bonus for more affordable housing (linear or geometric)

Another story.

Question 6 – Affordability term/length. The Commission would like more information about standard practice in other communities.

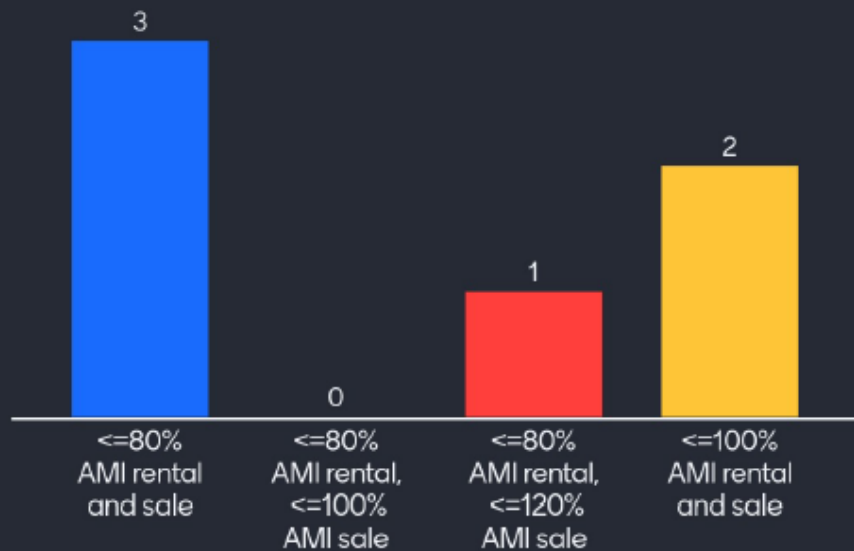
Affordability Term/Length



Ian Campbell commented in support generally for the need for housing, but it is also it is a matter of town and state improving infrastructure prior to or at the same time of the housing. The commission briefly discussed this but generally felt this comment has been raised before and is beyond the scope. Chapin noted programmatic solutions the town is pursuing like the transit hub and microtransit studies. The Form-Based Code guarantees that the growth center will continue to grow into a place that people can walk and use transit. People have cars and still need affordable homes.

Question 7 – Matt clarified the state definition of a priority housing project is 120% AMI for owner and 80% AMI rental. Matt explained the price restriction is embedded in the deed and the price fluctuates as market trends change. As interest rates rise, the price restriction gets tighter. The price restriction has boundaries, meaning you can't force someone to sell the home for less than they paid. The agreement also treats the developer as the first owner, a commonplace clause, but means as capital costs increase (like price of materials) so too does the sale price to the buyer. In practice, developers take a hit on the market rate units increasing sale price there to cover for the inclusionary unit. Shayla noted that she is attracted to 80% level but also knows the dire need for homes, so concerned for too restrictive standards. Alex dislikes the rental vs. homeowner price split which sets a higher bar to ownership rather than rental.

Income Eligibility



Question 8 – Payment in lieu. The Commission discuss the town’s ability to effectively use and manage the Housing Trust Fund. The ERF has been well-managed and supported. Different ways that housing trusts have been used, matching funds, first buyer home downpayment programs. Well-funded it would be leveraged and used. The town is not good at being a developer or building homes, but rather would use the funds as greater leverage. For example, helping an affordable housing project comply with high design standards. Only a municipality can buy a distressed property through tax title

Payment in Lieu - Yes or No?

Yes

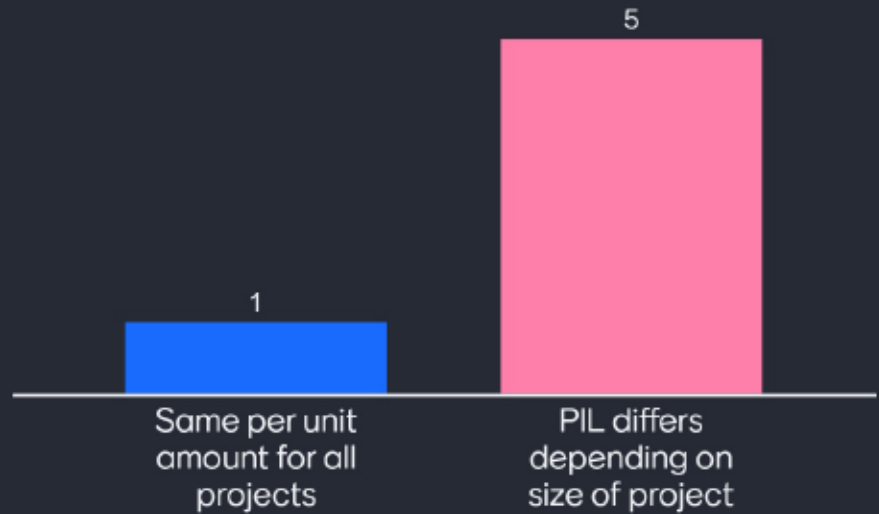


No



Question 9 – The Burlington the PIL varies based on size of the project. Bigger projects by their size should be able to work in affordable, whereas a smaller project may not be able to.

Payment in lieu options



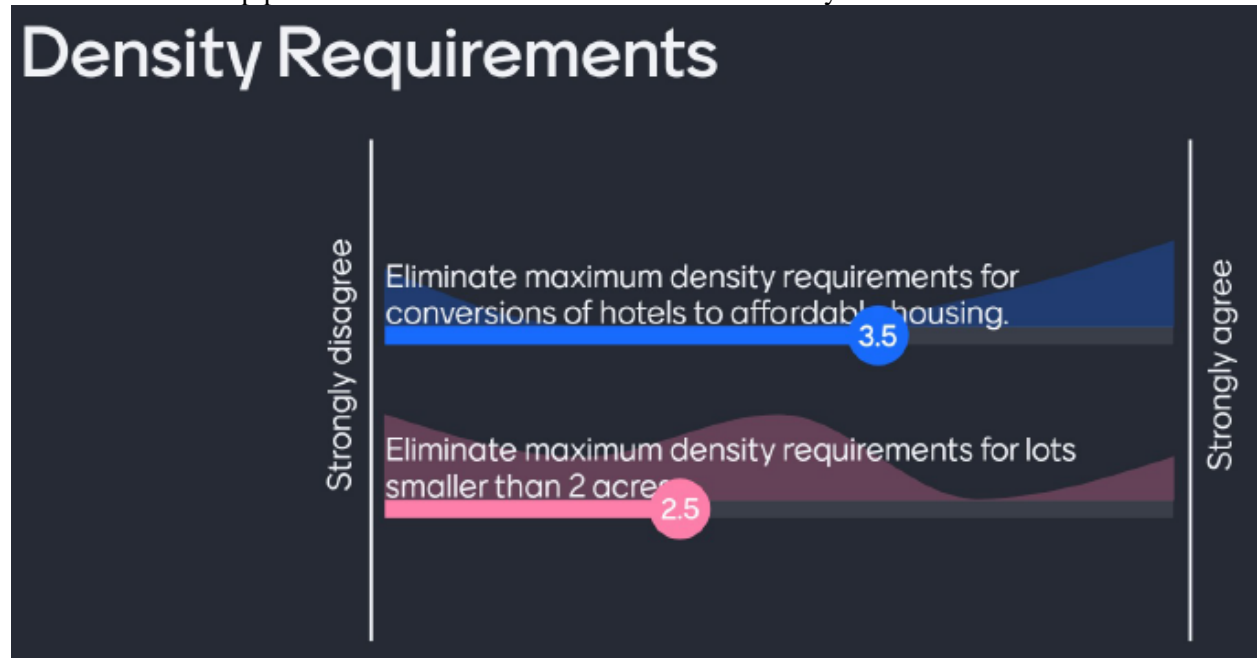
Part 2 of the Mentimeter poll focused on other amendments to support housing.

Question 10 – Exemptions from Growth Management. Workforce housing in ARZd was clarified as farmworker housing. Currently only 1- and 2-unit buildings are allowed.

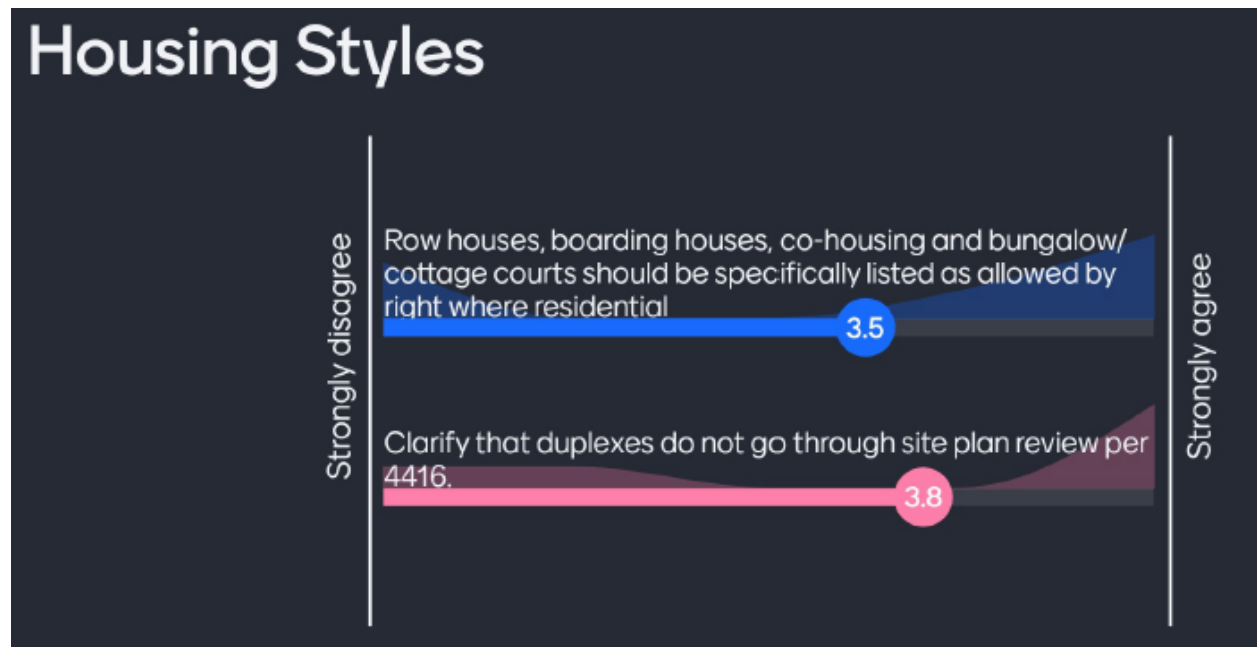
Exemptions from Growth Management



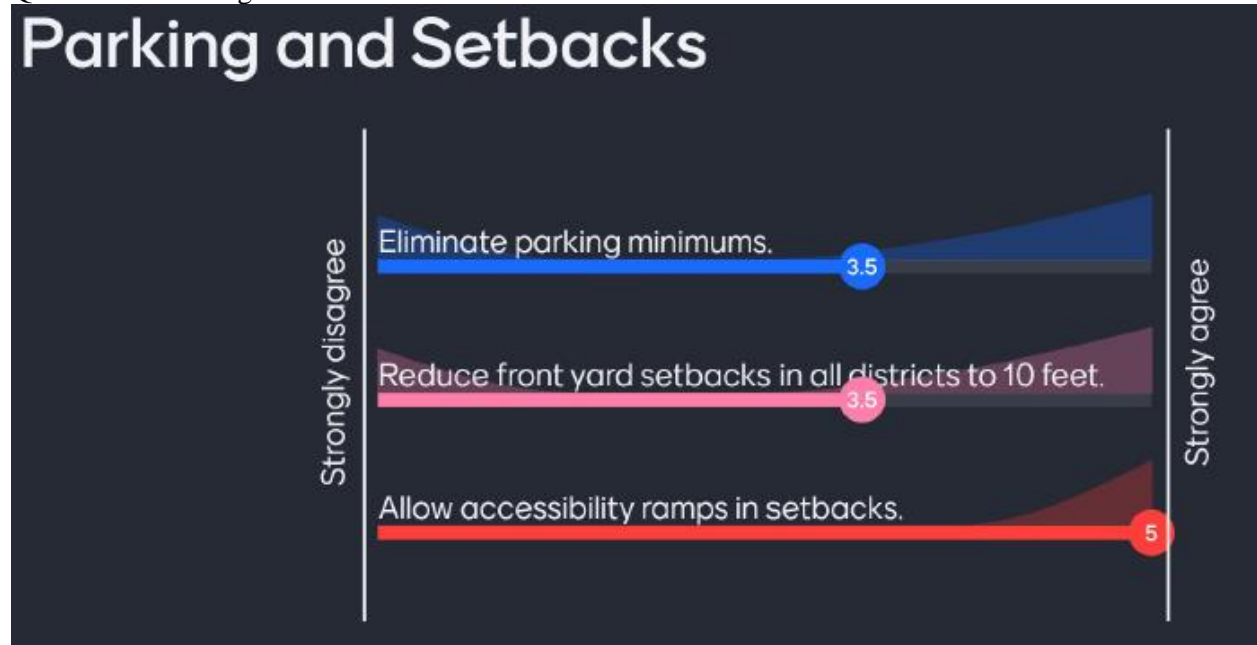
Question 11 – For example Gate way South density limit that prevents a hotel conversion on Hurricane Lane from being feasible. The Commission suggested a time line, existing unit clause or contiguous beneficial ownership provision so the subdivision is not used a density runaround.



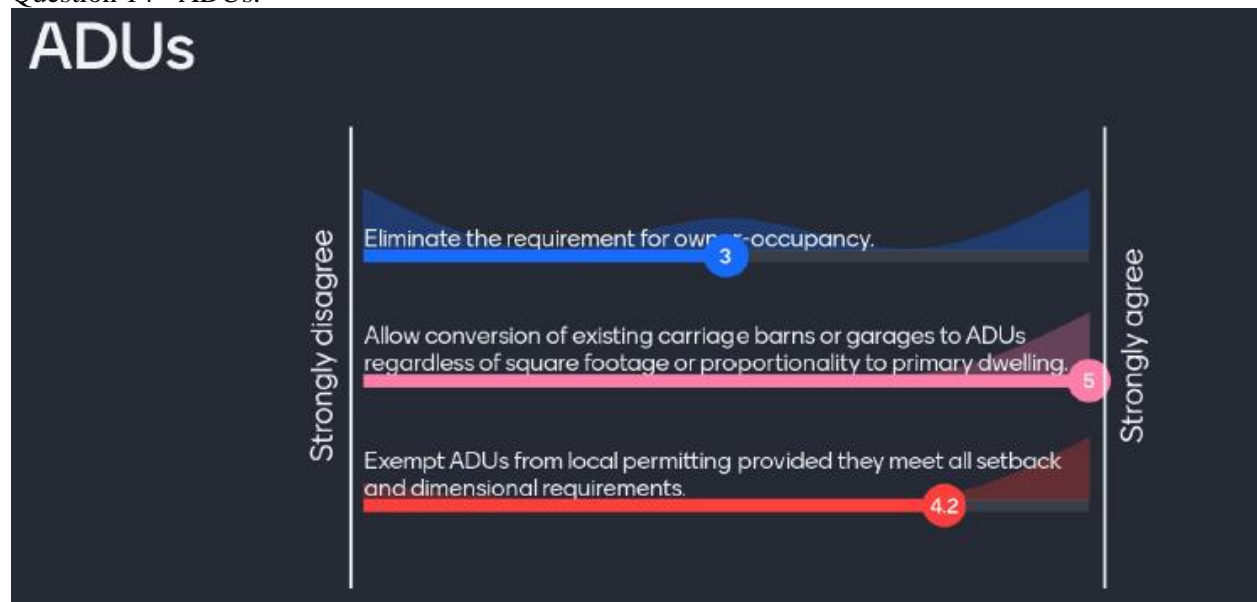
Question 12 -The intent is to allow more support for missing middle housing that is not a single-family detached unit. More explicit that these are allowed in RZD. In ARZD, only one- and two-family dwellings except extremely rare conversion of a historic barn. A potential version going through senate that says by-right a 4-unit building must be allowed by-right anywhere residential is allowed.



Question 13 Parking and Setbacks –



Question 14 - ADUs.



The short-term rental questions will be asked next time.

ADJOURN

The meeting adjourned at 9:05 pm.