





Recommendations from:

Conservation Commission

Historic & Architectural Advisory Committee

Comments from:

- Public testimony
- Public Works Department
- Fire Department
- Police Department
- School District

Development Review Board

Public Hearing Process

7:00 PM on 2nd and 4th Tuesdays

Pre-Application

Discretionary Permit

Growth Management

New residential only

"Rules"
Unified Development Bylaw

Zoning Administrator

Ensuring bylaws and DRB conditions are met

Final Plans

Administrative Permit

Certificate of Compliance

Permit Conditions Enforcement

Factors outside of town zoning that influence growth and development in town:

- State of Vermont: Act 250 review & others, Division of Fire Safety, DEC Water and Wastewater, Agency of Transportation, and more...
- Town Sewer Service Area and annual sewer budget
- Location of the I-89 and highway exits, state highways (Route 2 and 2A), Winooski River crossings
- VELCO transmission lines, electric and gas utility lines
- Construction cost, construction financing, real estate trends
- Preferences of the commercial or residential buyer/tenant
- Can you think of any other factors?

Public Participation FAQ

Version April 9, 2020

This is first version of a living document. If there's a question you would like answered, or find a statement needs more clarity, please reach out to Emily Heymann, eheymann@willistonvt.org or 802-878-6704.

How can the public be effective in the development review process?

The most common public input expressed at DRB hearings is often outside the jurisdiction of the bylaw and DRB: economic impact, usage of public roads & sidewalks, impacts to town services like water/sewer, police and fire, and residential density. All public testimony is heard by the board, but the most effective comments are those that relate to the project's compliance with specific bylaw requirements. The Planning Commission and/or Selectboard is the most effective public forum when the standards of the bylaw itself are in question. The Selectboard is most effective when it's a concern about another town policy, ordinance, or town budget. Not sure which board to direct your comments or concerns to? That's okay- public process is often confusing. Planning and Zoning staff are happy to answer your questions and guide you to next steps.

What are the 2016-2024 Comprehensive Plan (Town Plan) and Unified Development Bylaw (WDB)?

Those two documents, created by Town citizens, are a significant part of Williston's "Owner's Manual." The way land is preserved, used, and developed in Williston is a reflection of the vision expressed in them, tempered by the limits of the Town's power. Williston has a long history of wrestling with development pressure. While the Town's vision (itself a product of compromise) is clear, achieving it is a lengthy process defined more by compromise than absolute authority. Towns in Vermont can only regulate what state allows them to via statute. Some property owners are exempt from zoning. Property rights can only be limited within the boundaries of the Constitution. And, while the rules are laid out in black and white, reasonable people can disagree on their application.

What is the Unified Development Bylaw?

Land use regulations are one of the many ways the town implements the goals and vision of the Comprehensive Plan. In Williston, subdivision and land use regulations are "unified" in one document. The Planning Commission is responsible for writing and revising the bylaw, and any changes must be approved by the Selectboard. The 324-page document can be daunting. Planning staff are here to help you navigate the 46 chapters and 9 appendices. Please reach out!

What is the role of the Development Review Board (DRB)?

The DRB is a seven-member volunteer board appointed by the Selectboard. The role of the DRB is strictly to apply the [Unified Development Bylaw](#) (WDB) to proposed projects, with recommendations from the two advisory boards: Conservation Commission (WCC) and Historic and Architectural Advisory Committee (HAAC) as applicable. This includes site plan and subdivision review. Though their role is quasi-judicial (public hearings; appeal-able decisions), the authority of the DRB is quite limited by state statute and town bylaws. The bylaw is quite prescriptive and even decisions that require their discretion have a limited range.

Why does the DRB approve almost every application before them?

The majority of hard "no's" happen before an application is even submitted. Planning staff answer questions about what is or is not allowed by the bylaw every day so the DRB's time is not wasted on outright deniable applications. Applicants typically hire a professional engineer or consultant to design a project that meets their desired goals and town regulations. If an application is submitted that may not be approvable, the hearing may be postponed or continued so the applicant can revise it, or withdraw completely, before the DRB makes a final decision.

The DRB reviews applications for new development carefully, always trying to build consensus and always returning, even when it is late at night, to the vision the Town has forged in its Plan and wrought in its Unified Development Bylaw. Projects that are approved by the DRB are subject to specific recommendations or conditions of approval the DRB imposes on them to ensure compliance with the Bylaw.

What is the Planning Commission?

The Planning Commission is a seven-member volunteer board appointed by the Selectboard. The function of this Commission is long range planning which includes preparation and revisions of the Town's Comprehensive Plan of Development, Zoning Regulations, and Subdivision Regulations. The Planning Commission may undertake studies and make recommendations regarding future development.

What is the role of the Selectboard?

This is a five-member elected board. Revisions to the Town Plan or Bylaws must be approved by the Selectboard. The Selectboard appoints volunteer board members. The board is also responsible for setting the general policy direction, passing ordinances, setting the tax rate, reviewing the budget, supervising the Town Manager and a host of other related tasks.

How do I find more information?

Go to town.williston.vt.us and click on "Departments and Services," then "Planning and Zoning." Planning & Zoning staff are always happy to answer questions about the town's development history, regulations, and effective participation in public process. Please call 802-878-6704, email ehemann@willistonvt.org or stop by the office a 7878 Williston Road.

- **What about the impact on school population? Will there be overcrowding?**

Short answer: School age population has been declining since it peaked in the early/mid-2000s. Though it is expected to increase slightly from 2020-2030, it will remain several hundred students smaller than the early-2000s peak. See Chapter 10/page 79 in the Town Plan.

Long answer: At the dawn of the 21st century, there was great concern about rising school enrollment levels and the ability of the town to ensure that school facilities could keep pace with the needs of the projected student population. The 2000 plan projected that the local schools would begin to exceed the capacity of the school system's facilities in the 2006-07 school year, and modular classroom facilities were installed at the Allen Brook School. Before Act 60 was adopted in 1997 (and Acts 68 and 130 after that) town taxpayers were fully responsible for funding the local schools. Before Act 60 and the creation of the Champlain Valley School District (CVSD), there was a more direct correlation between a rise in school age population and the tax burden. Now, school funding is centralized through the state. In fact, Williston pays more in annual education property taxes than it receives back per pupil.

The last decade has seen a slow but steady drop in school enrollment numbers. From 2020-2030, school populations are projected to increase steadily, but remain several hundred students smaller than the early 2000s peak (see page 79 of Town Plan). These declining enrollment numbers allowed the Williston School System to remove the modular classroom buildings from the Allen Brook School campus in 2010 after a reorganization of programming at the town's two elementary schools. An analysis of changing enrollments by grade and the number of births to Williston residents suggests that this pattern of small but steady declining enrollment levels before stabilizing will continue through the 2016-2024 timeframe of this plan. The school board is not currently proposing a new or expanded facility at this time, but will likely look to expand the Allen Brook School should school enrollment patterns change course and point to the need for additional classroom space. In November 2016, Williston voters approved a \$19.85 million bond to pay for extensive renovations and improvements to the Williston Central School. Those renovations removed a number of existing deficiencies in the school facilities, and enables the school to continue to serve Williston children for decades to come. The renovated and expanded Champlain Valley Union High School (CVU) has a capacity of approximately 1,460 students. The October 1 SY 2015-2016 enrollment was 1268 students, or 87% of the high school's capacity. Enrollment levels at CVU have varied slightly in recent years, having reached its highest level of 1,418 during the 2009-2010 school. However, moving forward, the school system is projecting the student population at CVU to decline during the planning period, and thus staying well within the design capacity of the existing school building. Over the time frame of this plan, no new or expanded facilities are contemplated at this time at CVU.

- **What is the school impact fee?**

Short answer: The school impact fee ensures that new residents bear a fair portion of the costs of improvements to both Williston Schools (K-8) and Williston's share of improvements to CVU High School (9-12). The FY2021 impact fee for a new single-family dwelling is \$8,125.78. See WDB Chapter 44.

Long answer: In 2016, the fee dropped from \$12,816.39 to \$5,872.57 when the Allen Brook School construction fee was retired. The remaining fee supports the town's share of recent bond upgrades to CVU High School. The construction of a new dwelling unit requires the payment of 3 impact fees: school, recreation, and transportation. School impact fees were used to pay for the bonds used to finance the construction of the Allen Brook School in 1997, and the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. School impact fees may not be used for other purposes, except that to support the update and revision of [Chapter 44].

- **What about impacts to Police & Fire services?**

Short answer: The Police Department and Fire Department are notified of every project and provided the opportunity to comment. Before 2009, EMT/ambulance services were provided by St. Michael's college and response times were higher. In 2009, the town began providing its own EMT services through the Fire Department. Coordination between state police and other municipal police/fire departments ensures that response times throughout the county are short and ever improving.

The first purpose of Growth Management is to "ensure that residential growth does not exceed the capacity of the town's existing infrastructure and support planning for the expansion of municipal facilities and services." Pacing development means town services can keep pace with demand.

- **What about the impact to municipal sewer?**

Short answer: The applicant must provide a "Capacity to Serve" letter from the Dept. of Public Works when submitting a discretionary permit application. The applicant also must purchase sewer allocation from the town in order to receive a permit to begin construction. The town has an annual municipal sewer budget. If sewer allocation is sold out in a given year, then the applicant will need to wait until the next fiscal year to purchase. The sewer budget is approved by the Selectboard and administered by the Department of Public Works.

Long answer: Every year, the Selectboard makes allocation decisions of available wastewater treatment capacity reserved for the Town of Williston at the Essex Junction Wastewater Treatment Facility. The treatment capacity of the facility is shared by the communities of Essex Junction, Essex, and Williston under a contractual agreement. The sewer budget has a 20-year horizon and a reserve capacity of 7% of the town's total available wastewater treatment capacity at the facility, as recommended by the town's engineering consultant.

The town has a longstanding history of maintaining, but not expanding, the sewer service area. The only time the sewer service area has been expanded was for environmental mitigation purposes when the septic systems failed at Meadowridge and Porterwood. The Selectboard's authority for allocating any available wastewater treatment capacity is specified in the Sewer Allocation Ordinance, last amended on May 4, 2015. The ordinance provides a method for allocating wastewater treatment capacity for new or expanded industrial, commercial, and residential uses in accordance with Williston's *2016-2024 Comprehensive Plan* (Town Plan) goals, zoning districts, and land use classifications. Attachment A is proposed by the Planning & Zoning Office using data from the Department of Public Works about average daily sewerage flows, allocation purchased and in-use.

- **What about the impact to municipal water?**

Short answer: Our region does not have water scarcity problems. Municipal water is provided by the [Champlain Water District](#) (CWD). Water is drawn from Shelburne Bay and treated at the Peter L Jacob treatment facility in South Burlington. Williston works with CWD to provide the highest quality water at an affordable price. The applicant must pay one-time connection and meter fees. Water service is billed quarterly based on usage.

Long answer: CWD was chartered in 1971 as a Municipal Consolidated Water District. Williston joined CWD in 1973 when the water treatment facility was completed. CWD is governed by a Board of Commissioners publicly elected from each member community. CWD water is highly awarded. In 2016, Champlain Water District's Peter L. Jacob Water Treatment Facility maintained the highest degree of

treatment process optimization and was recognized for maintaining the elite “Excellence in Water Treatment” status for 17 years from 1999 to the present day. In 2014, CWD’s water has been named “Best Drinking Water in New England.” CWD’s water has received the prestigious “Best of the Best” People’s Choice Taste Award for North American water suppliers in a taste competition among North America’s regional taste test winning water suppliers.

- **What is a traffic impact study? Will more development increase traffic?**

Short answer: The DRB often requires project submit a traffic impact study. The purpose of the study is to determine if infrastructure improvements are needed to surrounding intersection to ensure safe and effective movement of traffic. The majority of traffic experienced on Route 2 and 2A, is originating and ending outside of Williston. People are commuting from lower cost of living areas into Chittenden County, specifically Burlington and South Burlington. Traffic in Taft Corners and Industrial Ave area is associated with our strong retail and service commercial opportunities that contribute to 25% of municipal revenue through local options sales tax.

Long answer: There is also a discrepancy between “system capacity” and “user preference.” The traffic study does not determine a limit on the number of vehicle trips allowed, it determines if the roads and intersection design can adequately handle the vehicle trips. A traffic study may say that 5 cars queued a stop sign during the PM peak hour (4-6 pm) is an acceptable level of service, but a nearby resident may find even 2 cars waiting unacceptable. Traffic study are focused on system efficiency and capacity- not capping the number of vehicles deemed acceptable.

Oftentimes a project is required to submit a traffic impact study and pay for improvements to nearby impacted intersections. For example, Cottonwood Crossing was required to put in the turn lane and signal at Route 2 and Talcott Road, as well as the pedestrian crosswalk bulb-outs on Maple Tree Place Road.

- **What is affordable housing?**

Short Answer: In Williston’s bylaw, affordable housing, housing that the median family in Chittenden County can pay for without sacrificing other necessities, is encouraged and incentivized. When cost of housing rises beyond about 30% of a family’s gross income, that cost begins to undermine the family’s ability to pay for food, education, retirement savings, transportation, and other necessities. While Williston’s incentives begin with the median family in the county, homes that are affordable for families that make below the median income are further incentivized- especially homes that are affordable for families making at or below 80% of the median income.

Long Answer: Where Williston’s bylaws incentivize affordable housing, they require that housing to be perpetually limited in price, usually with a deed restriction, to a level that the median family in Chittenden County can afford to pay using no more than 30% of their income. Housing costs allowed to be included in the 30% maximum are mortgage, taxes, and insurance for ownership dwellings and rent and utilities for rentals. As of 2020, the median three-person family in Chittenden County has a annual income of \$82,479, or \$6873/month. 30% of 6873 is \$2062, so an affordable 2-bedroom apartment or home would have to cost under that monthly amount to be considered affordable.

While financing mechanisms and interest rates can vary, one example of a limited affordable purchase price is as follows: For homeownership, \$2062/month on mortgage, tax, and insurance with a 5% down payment , interest rate of 3.25%, monthly insurance payment of \$55, and monthly property taxes of \$479, with a 30-year mortgage, equates to a home price maximum of \$369,860.

For a rental, a monthly rent of \$1862 with \$200 in utilities would be considered affordable for the median 3-person family in Chittenden County.