

WILLISTON CONSERVATION COMMISSION
November 20, 2024

Review Stage: Pre-Application

APPLICATION NO: DP 25-04

PROJECT NAME: Marcotte Subdivision

PROPERTY ADDRESS: Caboose Lane

EXISTING LOT SIZE: ±200.5

ZONING DISTRICT: ARZD

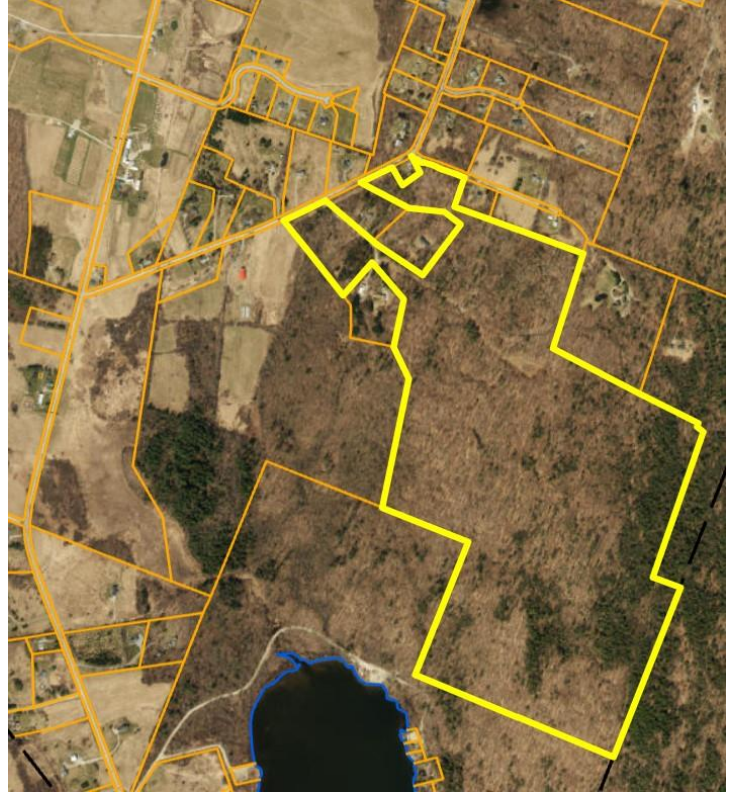
TAX PARCEL: 27:004:220.000

PROJECT SUMMARY

This is a pre-application review for a 9-lot open space subdivision located on Caboose Lane in the ARZD. The subject parcel is ±200.5 acres and is crossed by Caboose Lane and an existing forestry road. The parent parcel is greater than 10.5 acres, so it is subject to Williston’s open space protection provision. The applicant has not decided if they will participate in Growth Management or if they plan to meet the requirements for inclusionary zoning instead.

The proposed site plan shows eight (8) building lots and one (1) open space lot:

- Lot 1: 1.51 Acres
- Lot 2: 1.28 Acres
- Lot 3: 1.62 Acres
- Lot 4: 2.21 Acres
- Lot 5: 1.26 Acres
- Lot 6: 2.47 Acres
- Lot 7: 1.57 Acres
- Lot 8: 2.40 Acres
- Lot 9: 194 Acres (open space)



Lots 1 and 2 will be served by curb cuts on South Road. Lots 3-8 will have access from Caboose Lane which will extend an additional 1,800 linear feet along an existing forestry road. The applicant has not identified the maximum 0.5-acre building envelopes for Lots 1-8, they will be served by on-site septic and wells.

This project is subject to the provisions of Growth Management or Inclusionary Zoning. If the project proceeds under Inclusionary Zoning, the applicant must provide one (1) lot at 100% AMI. If they choose the Growth Management path, proposed project will require a minimum score of 40 points under the category of Proposed Residential Subdivisions Outside the Sewer Service Area (WDB 11.9) to receive dwelling unit allocation in March 2025. The scoring criteria are described in [Chapter 11 of the Williston Development Bylaws](#).

SITE PLAN REVIEW

After review of this application for development, the Conservation Commission finds that the following natural resources as defined in WDB Chapters 27, 28, 29 and 31 may be affected:

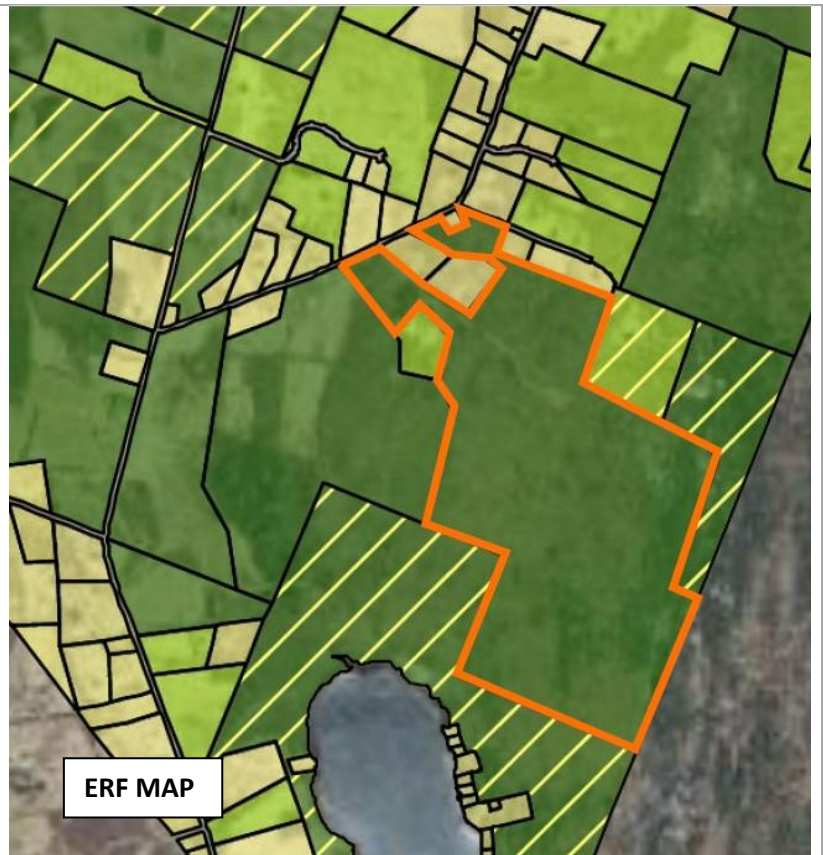
- | | |
|---|--|
| <input checked="" type="checkbox"/> Open Space Development | <input checked="" type="checkbox"/> Primitive Trails |
| <input checked="" type="checkbox"/> Core habitat (SWHA)* | <input type="checkbox"/> Farmlands of local importance |
| <input checked="" type="checkbox"/> Wildlife travel corridors (SWHA)* | <input checked="" type="checkbox"/> Scenic viewsheds |
| <input checked="" type="checkbox"/> Unique natural communities (UNC) | <input type="checkbox"/> Special flood hazard areas (SFHA) |
| <input type="checkbox"/> Uncommon, rare, threatened or endangered species (URTES) | <input checked="" type="checkbox"/> Streams, wetlands, lakes & ponds |

*Significant Wildlife Habitat Area

ERF PRIORITIZATION

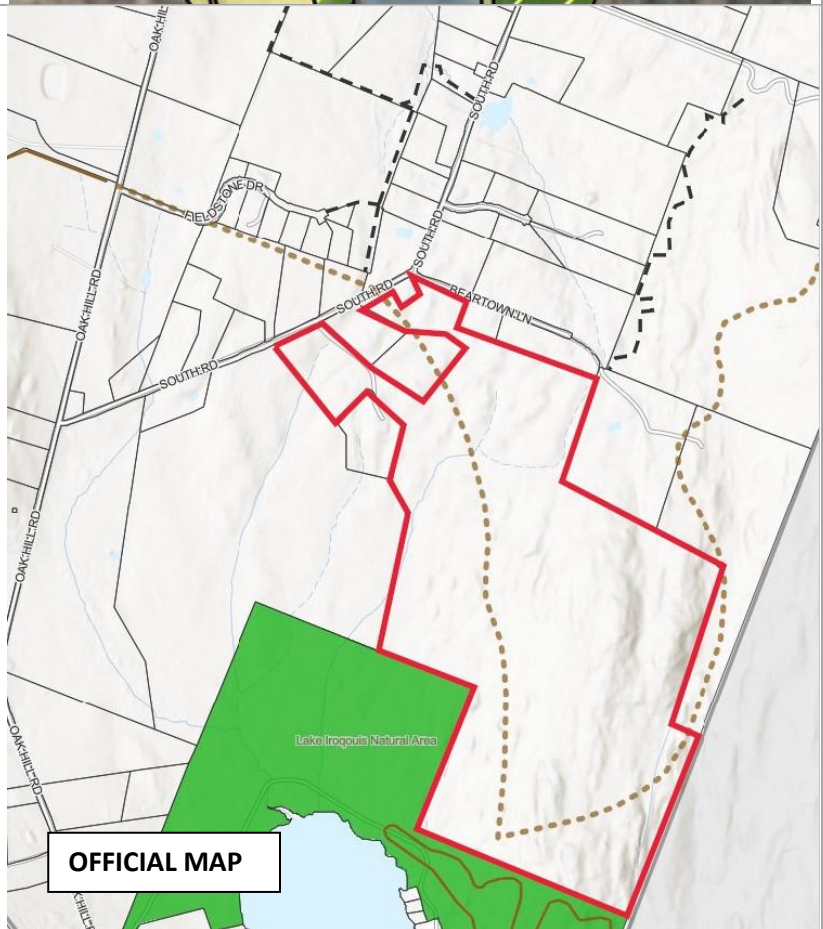
The parcel is assigned **high** conservation priority level in the ERF Prioritization Map.

The Town is interested in conservation opportunities on the parcel and the applicant has contacted staff to discuss opportunities for the proposed open space.



PRIMITIVE TRAILS

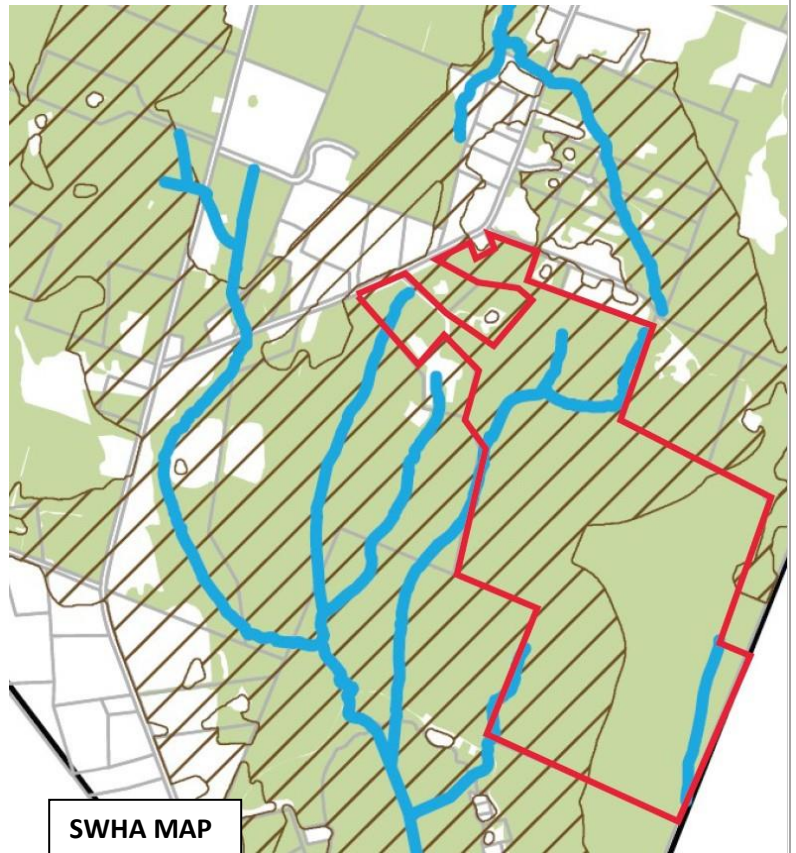
There are two desired primitive trails shown on the property in Map 17 of the Williston Comprehensive Plan and *Williston Official Map* (pictured right). Both sections begin at the Lake Iroquois Recreation District. The desired connection to the west goes northwest to South Road with the intent of connecting to Oak View Hill Trail. The desired connection to the east goes north with the ultimate intent of connecting to the Mud Pond Trails. There are no new trails proposed at this time.



SIGNIFICANT WILDLIFE HABITAT AREA
WDB 27.5

The subject parcel is within a Significant Wildlife Habitat Area (SWHA) due to its designation as both Core Habitat and Wildlife Travel Corridor on the Significant Wildlife Habitat Official Map, adopted as part of WDB 27. WDB 27.5.7 requires that a Habitat Disturbance Assessment (HDA) be prepared by a qualified wildlife biologist and submitted by the applicant as part of a discretionary permit application.

Staff recommends that an HDA be conducted on the northern portion of the parcel where development is proposed. The applicant should contact staff following pre-application review to coordinate an HDA as they can take time to complete.



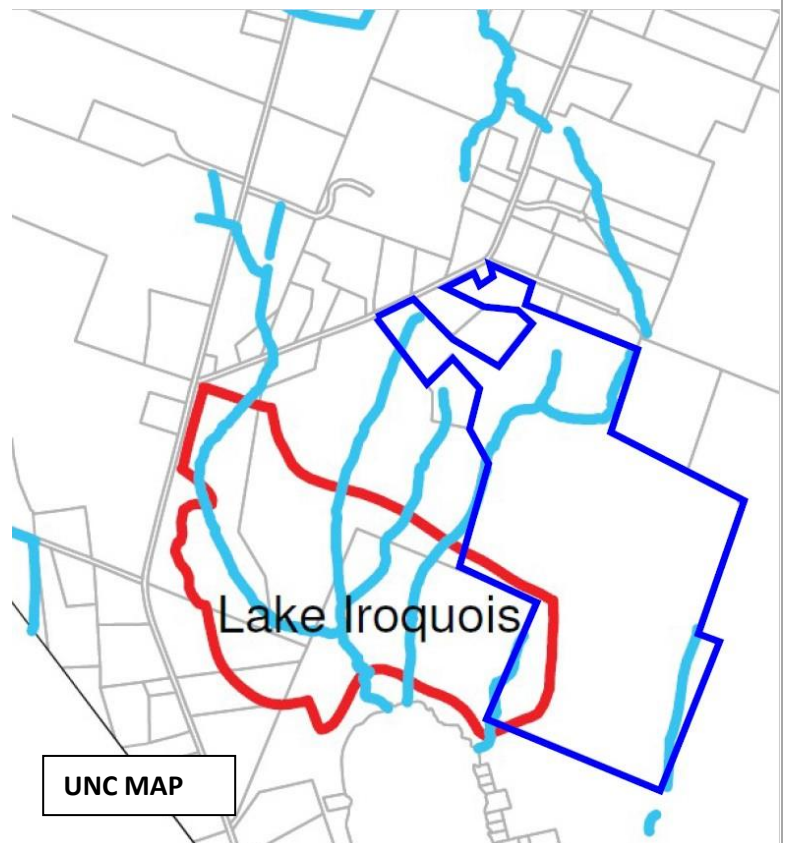
UNIQUE NATURAL COMMUNITIES
WDB 27.6

The subject parcel is identified as containing a Unique Natural Community (Upper Lake Iroquois Watershed) on the Unique Natural Communities Map.

WDB 27.7.4.1 states that the impact to the UNC shall be determined by the Zoning Administrator or DRB. Prior to Discretionary Permit the DRB may request recommendations from the Conservation Commission who will identify the significant resources in the UNC and make recommendations to assure that the development will not conflict with them.

WDB Table 27.A states that the significant resources in this UNC are wildlife habitat and water quality.

The UNC is mapped near the southwest boundary of the parcel. **None of the proposed development is within or immediately adjacent to the UNC therefore the HDA does not need to assess the mapped UNC area.**



UNCOMMON, RARE, THREATENED, AND ENDANGERED (URTE) SPECIES

WDB 27.6

There are no areas identified as containing Uncommon, Rare, Threatened and Endangered Species (URTES) and communities on the URTEs Map on the subject parcel. WDB 27.6 therefore does not apply.

FARMLANDS OF LOCAL IMPORTANCE

WDB 27.8

The subject parcel is identified as containing Farmland of Statewide importance on the Land Evaluation/Site Assessment (LESA) map, but none of the land is considered Farmland of Local Importance on the LESA Map., therefore WDB 27.8 does not apply to this project.

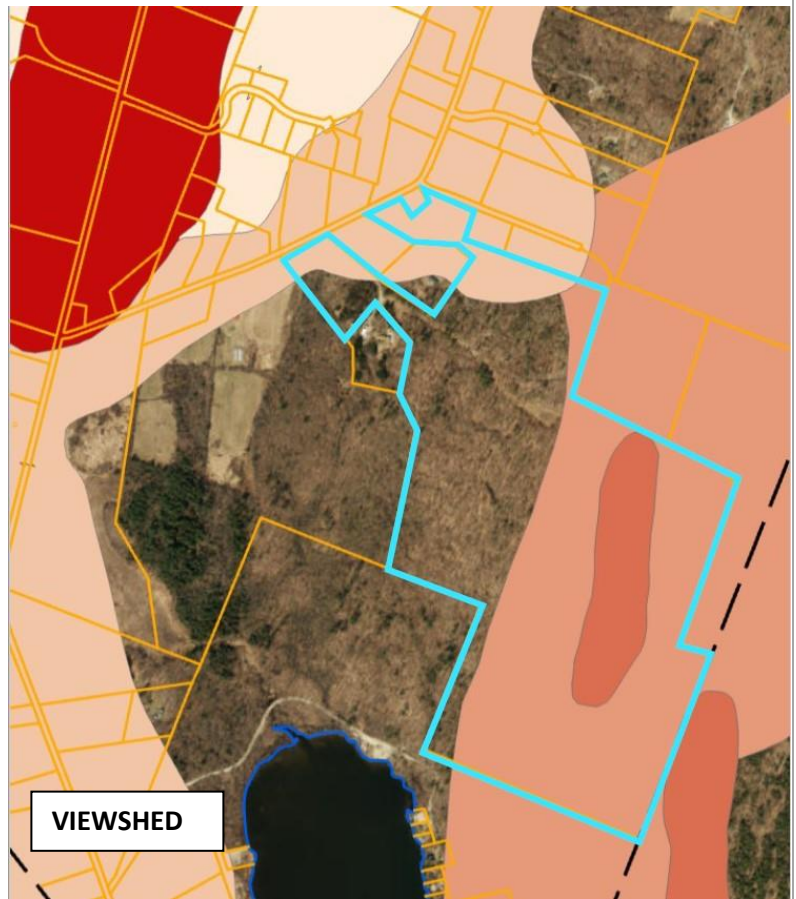
SCENIC VIEWSHED

WDB 27.9

The subject parcel is within an area mapped as a Primary Foreground/Horizon (dark pink), Secondary Background/Horizon (pink), and Secondary Foreground Viewshed Area (light pink) as identified in the Visual Assessment Official Map.

WDB 31.7.2.3 states that landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified views. Lot 6 is proposed within the Secondary Background/Horizon. Lots 1 and 2 are proposed in the secondary Foreground Viewshed area.

The WCC should discuss potential viewshed impacts from Lots 1, 2, and 6 with the applicant.



SPECIAL FLOOD HAZARD AREAS

WDB 28

None of the project area is within a Special Flood Hazard Area (SFHA), as identified on the most current flood insurance maps and studies published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), or its successor, and as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753. WDB 28 is not applicable to this project.

WATERSHED HEALTH

WDB 29

These standards help protect water quality and watershed health in Williston by regulating construction site erosion and stormwater management in new developments and on redevelopment sites. This chapter also establishes standards for the provision and protection of watershed protection buffers along streams and around wetlands and lakes.

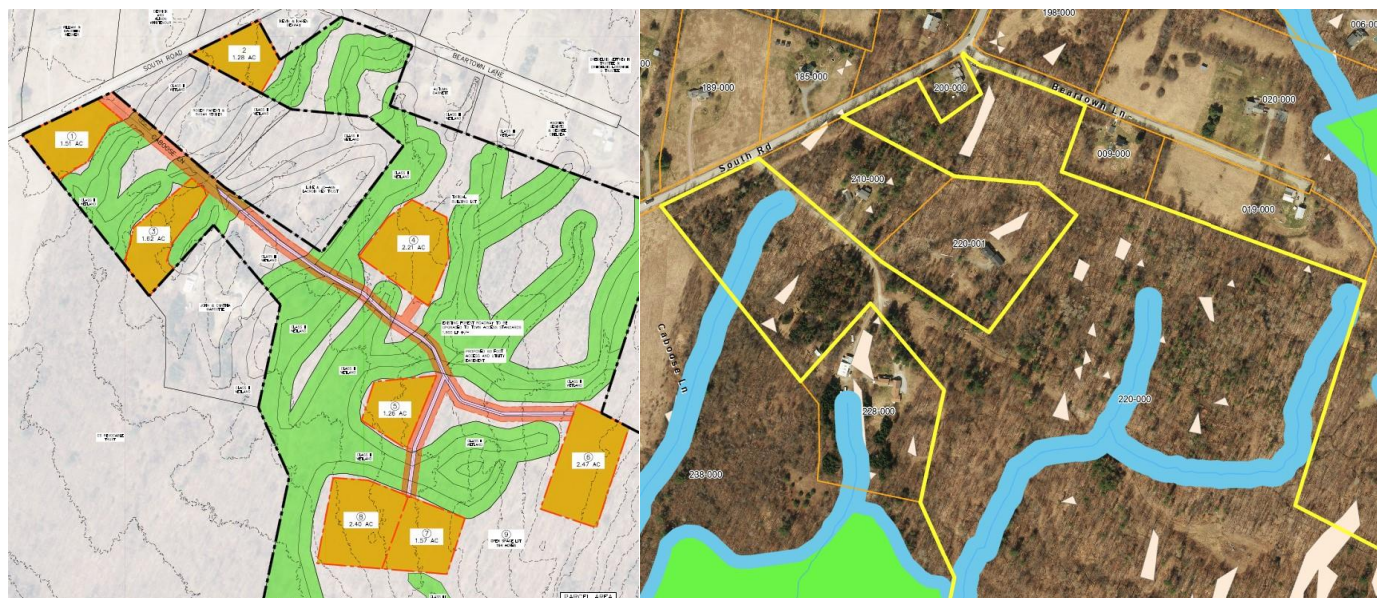
29.4 Runoff and Erosion Control Plans

WDB 29.4 establishes runoff and erosion control standards for larger developments and development in vulnerable areas. A low-risk development is one in which the cumulative land disturbance is greater than $\frac{1}{4}$ (one-quarter) acre, but less than two (2) acres, in which all land that will be disturbed is outside the watershed protection buffers established by Chapter 29, and in which all land that will be disturbed has a slope of less than eight percent (8%).

The proposal disturbs land greater than 2 acres and is therefore high risk. WDB 29.3.1 requires that for high-risk developments the discretionary permit application be accompanied by a professionally prepared Erosion Prevention and Sediment Control Plan that shows how compliance with the performance standards of WDB 29.5 will be attained both during the construction of the proposed development and the continuing use of the site. The applicant should refer to WDB 29.5 for specific runoff and erosion control standards.

WDB 29.8 Wetlands Protection

There are Class II, Class III, and two (2) unnamed streams on the subject property. WDB 29.8.1 states that a wetlands delineation prepared by a professional wetlands scientist in accordance with the current guidelines of the Army Corps of Engineers must accompany all applications for discretionary permits for development on sites where wetlands are known or suspected to exist. WDB 29.8.2 states that wetlands must remain in their natural vegetation, but may be crossed by roads, trail, or utility lines where there is no feasible alternative to such a crossing and where all work is conducted in compliance with an approved runoff and erosion control plan and a Conditional Use Permit approved by the Agency of Natural Resources.



WDB 29.9 Watershed Protection Buffers

There is a requirement for a 50' buffer around the delineated boundary of all Class 2 wetlands (WDB 29.9.4.1) and around the ordinary high water mark of all unnamed streams (WDB 29.9.3.2).

WDB 29.9.6 states that watershed protection buffers shall remain undeveloped and in native vegetation. Outdoor storage is not permitted in watershed protection buffers. No lawn chemicals, including fertilizers, herbicides, and pesticides may be used in watershed protection buffers. The covenants for developments that include watershed protection buffers shall include a reference to the standards adopted under WDB 29.9.5 and WDB 29.9.6. In developments where an owner's association is required, that association is responsible for the protection of the watershed protection buffers. WDB 29.9.7 states that Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.

WDB 31.9 OPEN SPACE DEVELOPMENT

Since the subject parcel is greater than 10.5 acres, this project is subject to the requirement to set aside 75% of the parent parcel as permanently protected open space. The applicant has proposed to protect ±194 acres as open space, comprising 96% of the total parcel area.

WDB 31.7.3 states that open space must be contiguous within a subdivision and with surrounding parcels, except where doing so is not feasible due to small isolated areas of watershed buffer or site constraints. WDB 31.7.4 states "contiguous open space is generally defined as an area of forest and/or other natural community that is unfragmented by development and remains in a natural state. In establishing standards for contiguity, the Conservation Commission and DRB will consider the context of the proposed development, including the type and relative value of resources as identified in WDB 27, 28, and 29 to be protected, and the configuration of open space that will best ensure the protection of those resources."

Protected open space must include watershed protection buffers and slopes of 30% or more. It should include all conservation areas and slopes of between 15% and 29% consistent with the landowners right to beneficial use of their property. This means if the landowner has only conservation areas the Town should work to minimize consumption of lands that should be protected.

In the northern portion of the parcel, the proposed open space surrounds the proposed home sites and avoids the Class II wetlands and their buffers. To the south, much of the open space proposed will not be impacted by development.

WDB 31.9 LOTS AND HOME SITES

WDB 31.9.6.1 establishes a clearing limit for new homesites. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground components of on-site wastewater disposal systems, but does include on-site circulation and parking areas.

FINDINGS AND RECOMMENDATIONS

Findings

1. As a subdivision of a parcel of land greater than 10.5 acres, this project is required to set aside 75% of the parent parcel as open space. The applicant's proposed 194 acres of open space meets this requirement.
2. The subject parcel is designated as a high priority for conservation in the ERF prioritization map.
3. The proposed project will need to participate in Growth Management or meet the requirements for Inclusionary Zoning as described in WDB Chapter 11.
4. There are two desired trails, as identified in in Map 17 of the Williston Comprehensive Plan, on the subject property. No new trails are proposed.
5. The subject parcel is within a Significant Wildlife Habitat Area due to its designation as Core Habitat and a Wildlife Travel Corridor on the SWHA Official Map.

6. The subject parcel is identified as containing a Unique Natural Community (UNC) on the Unique Natural Communities Map. No Development is proposed within or immediately adjacent to the UNC.
7. The subject parcel is within Primary Foreground/Horizon, Secondary Background/Horizon, and Secondary Foreground viewshed areas.
8. The proposed project is considered a high-risk development for watershed health as it will disturb greater than 2 acres and land on a slope of greater than 8%.
9. The proposed project is not anticipated to impact any farmlands of local importance, special flood hazard areas, or uncommon, rare, threatened, or endangered species.

Recommendations:

1. A Habitat Disturbance Assessment (HDA) must be prepared by a qualified wildlife biologist contracted through the Town for the Discretionary Permit application. The HDA should focus on the northern portion of the parcel where development is proposed. The applicant should contact staff following DRB review of the pre-application to discuss procurement of the HDA
2. Limit the extent of forest clearing to the greatest degree possible to reduce impacts to the Significant Wildlife Habitat Area.
3. Site plan should show defined building envelopes of ½ acre or less for the proposed building lots. No structures or forest clearing should be allowed outside the building envelope.
4. A wetland delineation for the proposed development must be prepared by a professional wetlands scientist and the site plan submitted with the discretionary permit application shall show wetlands in and within 100ft of the development lots (if present).
5. Proposed development must not encroach into watershed protection buffers except as provided under WDB 29.9.6.3. Watershed protection buffers must be clearly demarcated on the site plan and on the ground to prevent future disturbance.
6. The applicant must submit a professionally prepared runoff and erosion control plan as part of the discretionary permit application.
7. The applicant should work with staff and the WCC to explore options to create a trail connection between the Lake Iroquois Recreation District and both South Road and parcels to the northeast.