

TOWN OF WILLISTON

MEMORANDUM

May 10, 2017

TO: Rick McGuire
CC: Ken Belliveau
FROM: Melinda Scott
RE: Protection of Agricultural Uses on Town-Owned Mahan Farm Parcel

Issue: In February 2017 the Town applied for a Recreation Trails Grant to construct a trail through a Town-owned open space parcel (formerly owned by Al Senecal, adjacent to the Keystone subdivision – see attached map) to extend the popular Allen Brook Nature Trail to Jensen Rd. As required for the grant application, Planning Staff communicated with the District 4 Commission to determine what permits would be needed. District 4 Coordinator Peter Keibel stated that the project area, the Town-owned open space parcel, had been set aside for protection of primary agricultural soils under Land Use Permit #4C1220 for the Keystone development in 2009. Subsequent communication with the Vermont Agency of Agriculture, Food and Markets has indicated that the proposed and existing trails are not an allowed use on the parcel, as this use constitutes “activities, structures, or other nonagricultural improvements that might ... prevent or reduce the use of the protected soils for economic or commercial agriculture.” The only way the existing and proposed trails could be allowed is through an amendment to the Act 250 Land Use Permit #4C1220 referred to above.

Background: The subject parcel plays a critical function in the Allen Brook watershed, and is designated in the Town Plan as the Allen Brook Confluence conservation area. Three tributaries that drain approximately 1,000 acres come together here. These tributaries drain existing development along Mountain View, North Williston, and Governor Chittenden roads; Chatham Woods; Golf Links, and Pleasant Acres. In 2006, the Town began negotiations to purchase this parcel from Alfred Senecal. The land purchase was initially contemplated as a way to shift dense residential development from a sensitive area to the Growth Center, through a Transfer of Development Rights. The Conservation Commission envisioned the implementation of stream restoration efforts and establishment of formal walking trails on the parcel. The Selectboard approved the purchase of this parcel on August 18, 2008. The purchase was implemented in 2010. Town staff apparently were unaware at the time that this parcel was under Act 250 Jurisdiction as mitigation for primary agricultural soils.

In November of 2008 the Town used grant funding to implement a riparian planting on the parcel with the intention to aid in sediment load reduction to Allen Brook as well as to generate

stormwater offset credits for the benefit of the Town. An offset permit was granted by the Vermont Stormwater Division in September 2010. A trail was constructed on the parcel in 2010 and the currently planned trail extension project has been in the works for several years now. The existing trail is well-used and well-loved by Village residents.

Proposal: Planning Staff and the Conservation Commission would like to submit an application to amend Land Use Permit #4C1220 to remove the requirement for agricultural soils protection from the subject parcel so as to allow the maintenance of existing trails and construction of new trails. Discussions with District 4 Coordinator Peter Keibel have indicated a path forward to achieve this, as follows. To achieve the required agricultural soils mitigation under Act 250, staff is proposing to “swap” the mitigation on the existing parcel for mitigation on an alternate parcel. The proposed alternate parcel is the portion of the Mahan Farm parcel located south of Route 2 (aka Area 1, Mahan Farm Task Force Report). Protecting agricultural uses on the Mahan Farm in perpetuity is consistent with the recommendations of the Mahan Farm Task Force Report. The report states:

This area should remain in agricultural use for as long as feasible. The Town should explore possible incentives to retain the agricultural use...Agricultural use provides visual benefits by keeping the property open though a working landscape and helps support agriculture in Williston. (Mahan Farm Task Force Report, IV, A. - p. 6)

The WCC and Planning Staff are requesting Selectboard approval to transfer the perpetual protection of agricultural uses and accompanying restrictions from the former Senecal parcel to the Town-owned Mahan Farm parcel (Area 1). If the proposed Act 250 permit amendment was granted, it would effectively allow the continued maintenance of the existing Allen Brook Nature Trail and construction of a new trail connection to Jensen Rd while ensuring the continued protection of agricultural uses on the Mahan Farm parcel, in keeping with Town goals.

Planning Staff feels confident that the District 4 Commission and Natural Resources Board will be receptive to this proposal because the alternative parcel is better suited for agricultural uses than the originally designated Allen Brook Confluence. It provides direct, easy access from a public road; contains the necessary acreage of contiguous, un-impacted primary agricultural soils; is currently maintained in active agricultural use, and doesn't conflict with other existing or planned uses.

The Williston Conservation Commission Planning Staff have put much time and effort into developing a Town-wide trail network, and the currently encumbered parcel is a key component of the development of trail connections in the Village. The subject parcel is part of the Allen Brook natural area, one of the few remaining wild areas in the Village that sees regular use by walkers, runners, and wildlife watchers alike. It would be disappointing to the Conservation Commission and Williston residents to have to abandon the use of these trails. The proposed solution to the current conflict is consistent with Town goals and Act 250 goals, and can be implemented at no additional expense to the Town.