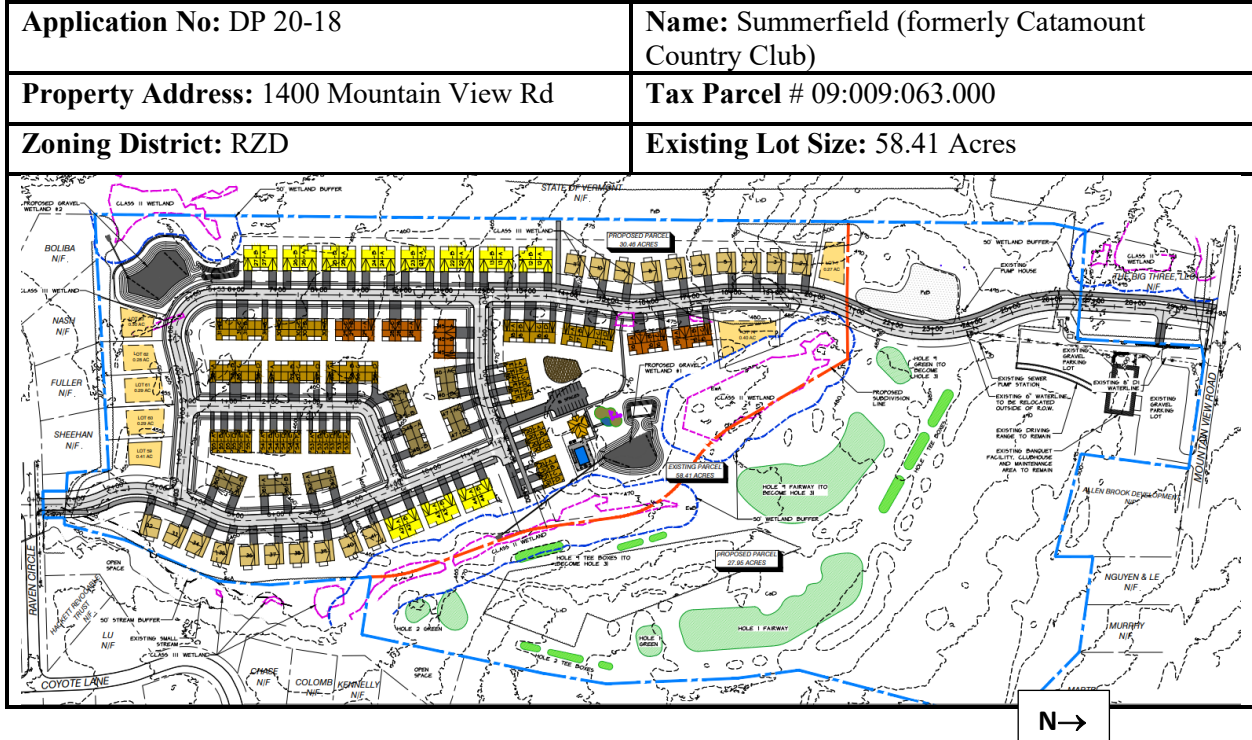


Williston Conservation Commission

Conservation Commission Meeting, April 6, 2022
Review Stage: *Discretionary Permit*



Project Summary: This is a discretionary permit review of Phase I of a proposed 138-unit residential subdivision (27 single family units, 36 duplex units, 15 triplex units, 36 fourplex units and 24 sixplex units) with a road connection to Raven Circle and community amenities on a 58± acre parcel located at 1400 Mountain View Road in the Residential Zoning District (RZD). Phase I includes 60 dwelling unit equivalents (47 market rate and 13 affordable), Kourebanas Drive connecting Mountain View Road to Raven Circle, the stormwater system, and planned community facilities (community building, pool, playground, gardens).

Project History: The Conservation Commission reviewed the proposed project on April 1, 2020 and made the following recommendations.

Recommendation	Applicant’s Response
1. The proposed houses should be sited in such a way as to minimize impacts on the viewshed.	The homes are sited outside the primary foreground viewshed of Mountainview Rd.
2. The site plan should incorporate landscaping around the perimeter as needed for visual screening.	The applicant has provided a landscaping plan that shows how the development will be screened.
3. The applicant needs to submit a professionally prepared runoff and erosion control plan as part of the discretionary permit application.	The applicant has submitted a professionally prepared runoff and erosion control plan as part of the discretionary permit application.

4. Relocate the duplexes currently sited just west of the unnamed tributary, so as to avoid impacts to the 50-foot stream buffer.	The houses appear to be in the same location as at Preapplication.
5. 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 all wetlands on the property. Class 2 wetlands must be depicted with associated 50-foot buffers.	A wetland delineation has been conducted and conformed by the Vermont Wetlands Division. The applicant's site plan shows all wetlands on the property and Class 2 wetlands are shown with associated buffers.
6. The development should utilize onsite stormwater infiltration design to the degree possible to reduce impacts to nearby streams.	The applicant's EPSC plan shows two gravel wetlands proposed for stormwater infiltration.

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:

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

M Conservation Priority Level (H=high, M=medium, L=low)

*Significant Wildlife Habitat Area

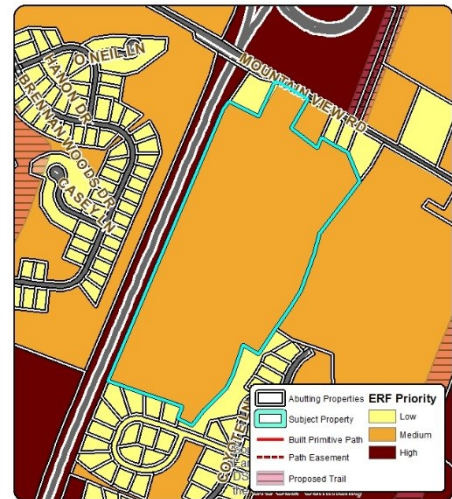
WDB 39.8 Open Space Development

Unlike the ARZD, there is no quantitative minimum requirement for open space conservation in the RZD. However, WDB Chapter 39 notes that proposed developments in the RZD must generally be consistent with Williston's goal of creating compact, walkable neighborhoods while conserving open space. This open space must include steep slopes, significant wetlands and associated buffers, and any other resources required to be protected under WDB 27 and 29.

The proposed residential development is designed to occupy 30± acres of the parcel, with the remaining 27± acres to continue the existing use as a golf course. The applicant's preapplication site plan showed 6.08 acres of protected open space (including the community building, playground and pool). The overall site plan submitted at Discretionary Permit does not demarcate areas of protected open space. Some contiguous open space should be proposed as part of this project and should be shown on the overall site plan.

ERF Prioritization/Desired Paths and Primitive Trails

The parcel is assigned a conservation priority level of **medium** in the ERF Prioritization Map. There are no desired primitive trails shown on the property in Map 17 of the *Williston Comprehensive Plan*, and the applicant is not proposing any primitive trails or easements as part of this project. The applicant is proposing a paved multiuse path, shown on the site plan, to connect Raven Circle to Mountain View Rd.



WDB 27.5- Significant Wildlife Habitat Areas

None of the subject parcel is within an area mapped as a Significant Wildlife Habitat Area (SWHA) on the Significant Wildlife Habitat Official Map adopted as part of WDB 27. WDB 27.5 is not applicable to this project.

WDB 27.6- Uncommon, Rare, Threatened, and Endangered (URTE) Species

None of the subject parcel is within an area mapped with Uncommon, Rare, Threatened, or Endangered (URTE) species. WDB 27.6 is not applicable to this project.

WDB 27.7- Unique Natural Communities

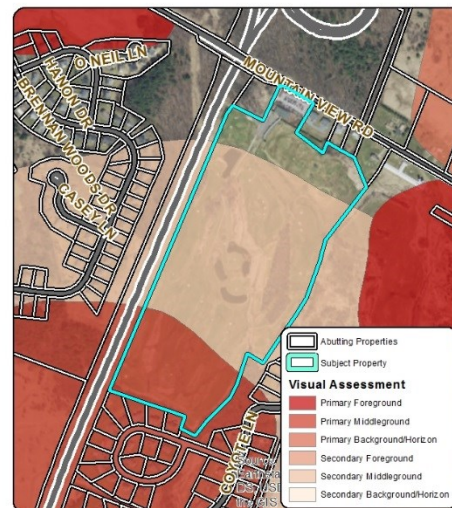
None of the subject parcel is within an area mapped as a Unique Natural Community (UNC). WDB 27.7 is not applicable to this project.

WDB 27.8- Farmlands of Local Importance

The subject parcel is identified as containing Farmland of Statewide importance and Farmland of Local Importance on the Land Evaluation/Site Assessment (LESA) map, but the parcel has previously been developed with other uses. WDB 27.8 does not apply to this project.

WDB 27.9- Scenic Viewshed

The subject parcel contains Primary and Secondary Middleground areas in the Visual Assessment Official Map. WDB 39.8.2.5 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. The houses are sited such that they are mostly screened from Mountain View Rd and abutting developments by existing forested vegetation, which will be supplemented by planted trees and shrubs.



WDB 28 – Special Flood Hazard Areas

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 does not apply to this project.

WDB 29 – Watershed Health

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 proposed development falls within the category of higher risk development because the amount of land disturbance will exceed 2 acres and because some disturbance may occur within a watershed protection buffer. As required by WDB 29.3.1, the discretionary permit application includes a professionally prepared runoff and erosion 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 EPSC Plan includes a Preconstruction Plan, a Construction Plan for each phase of development, a Stabilization Plan and EPSC Details. The Conservation Commission recommended at Preapplication that the development utilize onsite stormwater infiltration design to the degree possible to reduce impacts to nearby streams. The site plan shows two gravel wetlands proposed for stormwater infiltration.

WDB 29.9 Watershed Protection Buffers

WDB 29.9.3.2 states the requirement for a 50-foot buffer above the ordinary high-water mark of all perennial or intermittent unnamed streams. There is a mapped unnamed tributary on the subject property, north of Raven Circle and east of the proposed access road. Building labeled #32 touches the 50ft watershed protection buffer. Planning staff have observed that people generally desire to have some mowed area around their homes, which in this case would result in an encroachment into the stream buffer. Impacts to the watershed protection buffer should be minimized by shifting or relocating the residential building #32 further away from the stream buffer.

The proposed street ROW providing access from Raven Circle intrudes upon the 50ft watershed protection buffer. This ROW was established via previous DRB approval of the Coyote Run development in 2004. The town's attorney provided a legal opinion in January 2020 stating that the 2004 Coyote Run approval provides vested rights to build a future road within this ROW, even though it will encroach upon the watershed protection buffer and would otherwise not be approvable under the current bylaw. Therefore, the town has no ability to enforce the stream setbacks with respect to the road location.



WDB 29.9.4.1 states the requirement for a 50-foot buffer around the delineated boundary of all Class 2 wetlands. WDB 29.8.3 states that although Class 3 wetlands are not protected by State law, the DRB may, upon recommendation of the Conservation Commission, require that Class 3 wetlands with significant functional values remain in their natural vegetation.

A wetlands delineation was conducted for the subject property in August 2021, and Class 2 and 3 wetlands are shown on the site plan. Some of the Class 3 wetlands are proposed to be filled, but all proposed development is shown as outside of Class 2 wetlands and associated 50ft buffers. All watershed protection buffers must be demarcated on the ground with boulders or fencing. Several homes on the east side of the parcel are located close to Class 2 wetland buffers. In these areas, signage should be installed explaining the purpose of the buffer and that it is not to be disturbed (see example at right). In addition, the Lot 14 building envelope should be moved away from the wetland buffer and buffer signage installed there as well.



Proposed landscaping adjacent to 50ft watershed protection buffers or serving as the development's perimeter landscape buffer should not include trees that will grow tall enough to pose a future threat to nearby homes, as those trees will inevitably be removed if they show signs of disease, and the buffer will be compromised. A condition should be included that requires any trees removed from a watershed protection buffer or required landscape element to be replaced with native trees of similar growth pattern.

Findings:

1. The proposed project is located in the RZD. It is considered an open space development; however, unlike the ARZD, the RZD has no quantitative requirement for acreage to be set aside as contiguous open space. The applicant proposed 6 acres of open space at Preapplication. The site plan submitted for Discretionary Permit does not demarcate any open space.
2. There are no desired trails, as identified in in Map 17 of the *Williston Comprehensive Plan*, on the subject property.
3. The subject parcel is within the Primary and Secondary Middleground in the Visual Assessment Official Map.
4. The proposed development is categorized as higher risk development because the amount of land disturbance will exceed 2 acres and because some disturbance may occur within a watershed protection buffer.

5. There is a mapped unnamed tributary on the subject property, north of Raven Circle and east of the proposed access road. Building labeled #32 touches the 50ft watershed protection buffer of this stream.
6. The proposed access road from Raven Circle, if built to public works standards, will encroach upon the 50-foot watershed protection buffer of an unnamed tributary. The road ROW was established via a 2004 DRB approval and is therefore a vested right.
7. The building envelope of Lot 14 touches a wetland buffer.
8. The proposed development is not anticipated to impact Significant Wildlife Habitat Areas, Uncommon/Rare/Threatened/Endangered species, Unique Natural Communities, Farmlands of Local Importance, or Special Flood Hazard Areas.

Recommendations:

1. Some open space must be proposed as part of this project and shown on the overall site plan.
2. Impacts to the watershed protection buffer must be minimized by shifting or relocating the residential building #32 at least 20ft away from the stream buffer.
3. Move the building envelope of Lot 14 at least 20ft away from the wetland buffer, so as to allow for some mowed area without disturbing the buffer.
4. All watershed protection buffers must be clearly demarcated on the final plans, and on the ground with boulders or fencing.
5. Where watershed protection buffers are within 100ft of homes or building envelopes, informational signage should be posted along the edge of the buffer to inform the residents of the buffer's purpose and to prevent future disturbance.
6. Proposed landscaping adjacent to 50ft watershed protection buffers or serving as the development's perimeter landscape buffer should not include trees that will grow tall enough to pose a future threat to nearby homes.
7. After issuance of a Certificate of Compliance for public and private improvements, any trees removed from a watershed protection buffer or required landscape element must be replaced with native trees of similar growth pattern.

Approved by the Williston Conservation Commission

Date: 4/6/2022