



SELECT BOARD  
L. RICHARD PAQUETTE  
HERBERT DOWNING  
MARC LANDRY  
MYRON PALMER  
NADINE SCIBEK

TOWN MANAGER  
ALBIN VOEGELE  
264-5501

DIRECTOR OF PLANNING &  
ZONING  
SARAH HADD  
264-5602

ZONING ADMINISTRATOR  
LISA RIDDLE  
264-5604

ASSISTANT ZONING  
ADMINISTRATOR  
JANE DION  
264-5603

BUILDING INSPECTOR  
DEREK SHEPARDSON  
264-5607

ADMINISTRATIVE ASSISTANT  
TAYLAR FOSTER  
264-5606

WASTEWATER OFFICIAL  
DENISE JOHNSON-TERK  
264-5601

RECORDS CLERK  
CARLA BABINEAU  
264-5608

FAX NUMBER  
(802) 264-5503

**AGENDA**  
**Colchester Planning Commission**  
**The Meeting House**  
**Main Street, Colchester Village, VT**

Meeting @ 7:00 PM

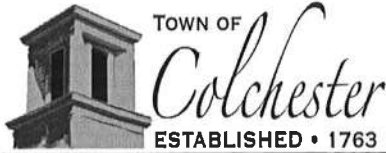
Tuesday, December 6, 2011

1. Call to Order
2. Town Plan –Natural Resources Chapter Review
3. Review Drafts of Parks, Utilities, and Land Use Chapters
4. Minutes of October 25, 2011 & November 15, 2011
5. Future Agendas & Packet Information
6. Adjourn

***AMERICANS WITH DISABILITIES ACT***

*In compliance with the Americans With Disabilities Act those requiring accommodation for this meeting should notify the Zoning Office at least 24 hours prior to the meeting, at (802) 655-0813, 1-800-253-0191 (TEXT/TELEPHONE); 1-800-253-0195 (VOICE)*





To: Colchester Planning Commission  
From: Sarah H. Hadd, Director of Planning & Zoning  
Re: December 6, 2011 agenda items  
Date: December 2, 2011

**2. Town Plan Natural Resources Chapter Review:** Enclosed is the current Town Plan Natural Resources chapter with some edits proposed (shaded areas). These edits are limited to updates regarding plans that were under development during the last plan and similar dated information. Please review the draft and be prepared to discuss it at the meeting and recommend any additional changes that may be needed.

**3. Review Drafts of Previously Discussed Chapters:** Enclosed are drafts of chapters previously discussed at Commission meetings. Staff has edited the chapters per the instruction of the Commission and requests feedback on the drafts. Items changed are shaded and still darker shading is meant to note areas for further changes once additional information such as the Integrated Water Resources Management Plan or Heritage Plan are released.

**5. Future Agendas & Packet Items:** Enclosed are notices from the City of Burlington regarding zoning amendments and notification of a new cell tower on Diversity Hill in Colchester. Staff will also be attending a Development Review Board meeting in December as the Board has stated it has a running list of modifications they wish to see made to the Zoning Regulations. Staff will assemble this list and provide the Commission with it in early January.



## **Natural Resources Chapter**

**Vision:** The Town of Colchester should to continue to conserve and protect its natural resources for their intrinsic value as well as for their importance to quality of life within the community.

### **Overview**

From the shores of Malletts Bay and Lake Champlain to the adjacent wetlands, fertile uplands, and dry sandplains, Colchester has an abundance and diversity of natural resources rarely found within the borders of a single town. The total land area of the Town is 24,000 acres. Approximately 12% of these lands are owned by local, state, or federal government or by other public or not-for-profit entities. In addition to these lands, another 20% of Town land is characterized as floodplain, wetland, significant habitat site or other natural area. As a result of public ownership and these natural features, one third of total town acreage is “Open Space”. Colchester also contains 2,662 acres of water resources just within Malletts Bay. These varied resources provide an attractive and healthy place to live and work, however, these resources can be challenging to manage and integrate into land use planning.

The following will focus on several aspects of the Town’s natural resources including Open Space. While natural resources is a very broad subject that can often include discussion of parks, working lands and multi-use path corridors, these subjects are covered within the Parks and Recreation Chapter, the Agricultural section of the Land Use Chapter and the Transportation Chapter respectively. It should also be recognized that Open Space often means different things to different people. For the purposes of this chapter, the Open Space discussion will focus on those areas that contain important natural features and those areas that enhance a natural feature or enhance access and enjoyment of a natural feature. It should be noted that within the Neighborhoods Chapter additional information may be found on specific areas of Town.

**Lake Champlain** - Colchester's single greatest asset is Lake Champlain. The Town has twenty-seven miles of shoreline which influences our economy, land use patterns, and everyday life in the community.

Outstanding views can be enjoyed, both from the shoreline and from the water. Views of Colchester from the Lake generally belie the developed nature of the Town. Structures that are well screened and meet the substantial setbacks from the shoreline required by current regulations minimize intrusion into these views. It is important for the town to continue to encourage new development as well as re-development that is sensitive to the Lake views.

Water quality in Malletts Bay is a community-wide concern. Increasing pollution from storm water runoff, septic contamination, invasive species, blue-green algae and acid rain are some of the variety of water quality inhibitors that plague the greater Lake. The inner bay continues to be plagued by sporadic outbreaks of high bacterial counts that close beaches to swimmers. Heavy metals have been detected in the sediments off Porters Point. The problem is of unknown origin and extent. Recent outbreaks of blue-green algae have occurred in a variety of locations. While the Lake provides for a diversity of wildlife species, pollution such as blue-green algae threatens the habitat of these animals. Exotic species such as Eurasian milfoil, Zebra Mussels, and Alewife fish have entered the Lake and are spread by unwitting boaters and fishermen. Due to the high volume of boat traffic in Colchester, exotic species will continue to be a threat to the

natural state of the Bay.

In 2003 the Town of Colchester developed a Strategic Water Quality Plan for the Town. This Plan comprehensively evaluates all of the water quality influences, history, and current conditions and provides recommended courses of action for the Town. The Town is currently working on securing assistance from the Environmental Protection Agency to perform several of the next steps recommended within this plan that include resource mapping, storm water studies, and evaluation of on-site septic system management. The 2001 microbial source tracking investigation the Town conducted in cooperation with the University of New Hampshire could be furthered by these next steps conclusively determining the source of E.coli pollution in the Bay through the use of DNA ribotyping. As the Town works toward a larger implementation of water quality recommendations, it will continue its current efforts to perform summer water quality testing. Several recent changes in regulations should also serve to provide greater water quality protections. The Shoreland Overlay District section of the Zoning Regulations encourages preserving natural vegetation around the Lake and limits disturbance within 100 feet of the mean water mark (elevation 95.5') which provides opportunities for preserving natural habitat, views, and filtering runoff. The Colchester Code of Ordinances Chapter Eighteen also regulates storm water runoff and erosion control more directly.

The Town of Colchester continues to recognize that an important component of maintaining Malletts Bay as a community asset is maintaining its water quality, however, the Lake is a international asset that requires the efforts of many others to preserve. To this end, the Town will continue to work with various other organizations and governments to find long-term cost effective solutions to water quality issues.

**Winooski and Lamoille Rivers** - Colchester's southern border consists of about 9 miles of frontage on the Winooski River between the Lime Kiln Gorge and Delta Park. The river corridor in Colchester upstream of the City of Winooski is undeveloped and a spectacular gorge and a hydro-electric dam exist between the Lime Kiln Bridge and I-89. Between the City of Winooski and River Road, the river bank consists of uninhabited flood plains. Between River Road and the confluence, there is a high, steep, eroding bank, with some structures close to the edge.

The lower Winooski River is currently assessed as not fully fishable or swimmable under the criteria of the Clean Water Act. The lower Lamoille is rated as fully fishable and swimmable. Given the drainage basin characteristics it is not likely that significant contamination enters either the Winooski or Lamoille River from Colchester. The State of Vermont is currently assembling a **created a Lower Winooski River Basin plan process in 2010 listing draft objectives, goals, and action plans for treating stormwater, managing roads and parking lots, and stream crossings, and that will evaluate the full ninety miles of river in order to identify and prioritize state and local water quality issues and implement on-the-ground watershed protection and restoration projects. The Town should utilize this opportunity to work with its other neighbors in the basin to improve water quality.**

Colchester has three miles of frontage on the Lamoille River. The shoreline of the river is forested, inaccessible and sustains productive wildlife habitat. A Lamoille River Basin Plan is currently in development **was approved in 2009** for the 84 miles of river. **This plan identifies**

**the top water quality issues in the basin and gives guidance through actions that can be taken to address these issues over the next five years.** The Lamoille River Watershed Council has been formed to assist **in the implementation of this plan** ~~this process, similar to that of the Winooski River basin.~~ While the quality of the Lamoille River is generally in better shape than that of the Winooski River, the Town should also participate in this larger planning process as a way of improving water quality at the mouth of this river in Colchester.

Both the Lamoille and Winooski Rivers are protected by the Shoreland Overlay District in the Zoning Regulations. In addition, the majority of parcels along the rivers are restricted by the Zoning Regulations' top of bank setback requirement. Many properties along the Winooski River were developed prior to these regulations though and are threatened by bank slumping and erosion. New development and redevelopment of these properties should stabilize the bank and meet current setbacks in order to limit threats to water quality as well as threats to public infrastructure and public welfare.

**Colchester Pond** - Colchester Pond is located in the far Northeast corner of Town and is one mile long and a quarter mile wide. The Pond is within the Shoreland Overlay District that prohibits most development and clearing within 100 feet of the mean water mark. The Pond results from impounded drainage. Most of the shoreline of the pond is undeveloped woodland and pasture. The Pond is hydrologically isolated, has good water quality and no known exotic species. Colchester Pond and most of the surrounding land is owned by the Winooski Valley Park District. The State of Vermont has recognized Colchester Pond as an exceptional water resource and has excluded motor-boats.

**Floodplains** - ~~Twelve~~ **Fifteen** percent of the land area in Colchester has been identified as wetlands or floodplains. The majority of the floodplain area in Colchester lies along Lake Champlain and the Winooski and Lamoille Rivers. The fertile floodplain of the Winooski River, often referred to as the Intervale, is involved in active agricultural production and contains a substantial portion of the Town's working lands. The 100 year flood elevation of Lake Champlain (Zone A), as determined by the Federal Flood Insurance Program is at 102 feet above sea level and is depicted on the FIRM maps. Minimum federal standards prohibit any construction within the designated "floodway" and require any development within the 100 year floodplain (Zone A) to be built on sufficient fill to avoid being subject to flood hazard. Development within the Flood Zone is now prohibited but significant development predated the regulations and there are more than 100 structures located in the flood hazard zone. In ~~2011~~ **1993 and 1994** Lake Champlain ~~exceeded the~~ **approached the** 102 ft. level and many structures in the flood hazard area were damaged **and destroyed**. In areas exposed to wave action even structures above the 102 ft. level were damaged. Inundated **homes and associated infrastructure such as** sewage disposal systems caused water pollution and public infrastructure was damaged. Colchester should maintain its current Flood Plain Zoning District standards prohibiting any new floodplain construction to protect the public good. In addition, the Town should maintain its cooperation with Federal Agencies in reviewing floodplain projects.

**Wetlands** - There are extensive areas of wetlands in Colchester. Wetlands enhance water quality, are important wildlife habitats, attenuate flooding and are recreational resources. About 93% of Colchester's wetlands are functionally significant (Class 2) according to the State

Wetland Rules. Class 2 wetlands are identified on National Wetland Inventory (NWI) maps. These mapped wetlands, and any additional wetlands that are found to directly connect to NWI wetlands, are subject to both State and Federal regulations. Federal definitions of wetlands have expanded since the NWI maps were prepared. Additional “wet meadows” and other lands are also now considered wetlands (Class 3) under the federal definition, however remain unmapped. Several of the Natural Areas within Colchester contain significant wetland areas such as Half Moon Cove. Colchester requires a fifty-foot buffer from the edge of Class Two wetlands in keeping with State requirements through its Water Protection Overlay District. The Town maintains communications with the State and Federal permitting agencies to provide consistency in regulating these areas to the greatest extent practicable.

**Watercourses** – Watercourses consist of named and unnamed streams, brook, tributaries, and drainage ways. The majority of watercourses have been mapped using remote sensing technology, however, these resources are undergoing constant changes that can alter the course of mapped resources. Mapped resources also do not accurately depict intermittent drainage ways and streams. Colchester has implemented within the Water Protection Overlay District streambank buffers that require an 85-foot setback from the centerline of watercourses. These buffers have been created with the intention of providing protection for the natural areas along the Town’s surface waters and to provide improved protection for water quality and the provision of open space areas and wildlife habitat. While the buffers prohibit most disturbances within the setback, there are exemptions for pre-existing residences which allow encroachment. Whenever feasible, encroachment should be minimized. While the buffering has worked well and should be maintained, it is likely the more restrictive State requirements will result in the Town eliminating these exemptions in the short term. The State of Vermont also regulates most aspects of watercourses.

**Significant Habitat Sites** - Significant habitat sites are considered to be rare or irreplaceable natural or fragile areas or wildlife or endangered species habitat. These habitat sites are regulated by the State and Federal Governments and can carry the consequences of criminal prosecution for alteration or demolition.

**Deeryards** – The locations and boundaries of deeryards was determined using color infrared aerial photos by the State. Like watercourses, deeryards are dynamic and prone to change location as well as size. Deeryards are critical winter habitat for deer and other wildlife. While protection is provided to deeryards under State Act 250 permitting it generally must be found to be “necessary” habitat or habitat of high quality and not widespread for its location. There are no regulations regarding deer or other wildlife habitat. While several adjacent communities have studied wildlife corridors, experts remain mixed on how to best conserve wildlife habitat. Given the significant natural areas within the community that are publicly owned, privately protected, and permanently restricted such as floodplains, the Town should consider how to provide connectivity between these resources that might foster wildlife habitat. As described in the Parks and Recreation Chapter, wildlife habitat conservation is an important resource in Colchester that is vital to preserving passive recreation and hunting opportunities.

**Endangered Species Sites** - The Nongame and Natural Heritage Program (NNHP) of the Vermont Department of Fish and Wildlife has identified a number of sites containing one or

more rare, threatened, or endangered species or one or more significant natural communities within Colchester. The size of these sites varies and State mapping is intentionally not exact to hide the location of these sites. Since all potential areas have not been inventoried, additional sites may exist. In 2005-2006 the State adopted new rules that make the alteration or destruction of these sites criminally prosecutable. It is therefore recommended that all potential development projects seek determinations from the State as part of the development design process. Many of Colchester's natural areas contain these endangered sites limiting recreational development opportunities. In addition, many biological natural areas such as Sand Plains contain endangered species sites.

**Biological natural areas** - In 1991, the Vermont Nongame and Natural Heritage Program (NNHP) prepared a report entitled "Biological Natural Areas of Chittenden County". Approximately 30 sites were identified in Colchester and included several sandplains, vernal woodland pools, peat bogs and other ecologically significant natural communities. The approximate dimensions of all of these areas were mapped. One additional site was identified and mapped in a 1994 sandplains report. Simultaneous to the NNHP's effort, the Agency of Natural Resources inventoried natural areas throughout Chittenden County in 1991. Many of these areas overlap with those identified by the NNHP. Colchester, with 29 sites with statewide significance, was noted for supporting "one of the greatest biotic diversities of any town in Vermont." Some are now under protection to a greater or lesser degree; others, some of which include irreplaceable habitat, are under direct threat of development and need protection. Both the NNHP and ANR sites areas overlap with the endangered species sites.

An important subset of the Biological Natural Areas and ANR's Natural Areas is sand plain habitat. Colchester is the only area in Vermont with extensive areas of sandy well-drained soils. The Pine/Oak/Heath plant community that inhabits these sandplains is largely unique to Colchester. Sandplains are characterized by flat, well-drained soil (making it desirable for development) that is acidic and nutrient-poor. They have an open canopy more characteristic of woodlands than forest. Pitch pine, white pine, black oak, red oak, and heath shrubs predominate. Colchester's sandplains are home to 27 rare plants, including 6 grasses, 4 sedges, 13 herbs, 3 shrubs, 1 tree and 2 rare animals. Less than five percent of the original sandplain habitat exists.

Opinions differ on the minimum size of land necessary to sustain the community, ranging from a low of 25-40 acres to a high of 2000 acres. It is generally believed that with proper management, communities as small as 50 acres could preserve a large majority of the natural community's members. No sandplain communities larger than 250 acres exist in Colchester. Public and private development occurring either prior to or after the 1991 report has significantly reduced the natural portion of some mapped areas. Diminished sites include the Old Colchester Airport (fringes of sandplain at the edge of town ballfields), Porters Point Road Sandplain (Crossfield subdivision) and the Holy Cross Church Woodland (elderly housing complex).

Because the lowest estimate of minimum size needed is 25-40 acres, the Vermont Natural Heritage program considers the following sites to be "Rare and Irreplaceable Nature Areas":

- Camp Johnson (250 acres): no legal protection; MOU governs current management
- Colchester High School Vicinity (164 acres):
- Sunderland Brook (92 acres): 25 acres protected to mitigate impact of Circ Highway
- Holy Cross Vicinity (45 acres): no protection currently in place

Other smaller parcels containing sandplains (acreage as of 1997):

- Smith Hollow Vicinity-(26 acres)
- Bayside (20 acres)
- Sunny Hollow (15 acres)
- Winooski Bluff (8 acres)
- Little Gap Woods (10 acres)
- Twin Bridges (5 acres)
- Macrae Road (5 acres)

Though the largest remaining local habitat at Camp Johnson has a Memorandum of Understanding (MOU) covering ecological management, none of these sandplains have permanent legal protection. Since sandplains are unique to Colchester, there are many challenges in how to manage these areas. Sandplains exist on public as well as private property and can restrict the potential use of these areas. The Town will continue to work with State agencies to determine suitable alternatives for these areas.

### **Open Space Protection Methods**

A variety of techniques are appropriate for the protection of open space resources including education, regulation and public policy. One of the most important open space protection techniques is simply a general public awareness of natural resources. Colchester's natural resources serve a variety of purposes from enjoyment of open space to animal habitat to storm water filtration. Colchester's many natural areas under public or not-for-profit ownership often include a variety of educational signage and interpretative materials. Efforts to sustain and enhance on-site interpretive resources and awareness of these resources should be supported by the Town. Another educational tool is Geographic Information Systems (GIS). GIS is a software tool that can depict the location of natural resources on the land in relation to landmarks, roads, property lines, and geographic features allowing users to easily visualize the scope of the resource. The Town of Colchester maintains a GIS system in ArcGIS that is used in-house by staff in reviewing projects and long-term planning, however, efforts are underway to expand this system for public use. These efforts should be sustained and enhanced to better delineate and define geographic data as well as involve the public in management and stewardship of natural resources. Wildlife habitat mapping is a data set that is currently deficient in Colchester and deserving of development.

### **Regulating Open Space**

Federal, State, and Local Regulations also provide for open space preservation techniques. Local Regulations most often guide new development, resource protection, and sustainable land use patterns and therefore can have significant impacts on open space preservation. Local Regulations impacting open space range from the broader goals for Planning Areas in the Town Plan to the specific Zoning District requirements of the Zoning Regulations.

### **Zoning & Open Space**

The minimum requirement of 25 acres per dwelling unit in the Agricultural District is in keeping with the Rural Planning Areas' goal to be open, sparsely developed and low-density. This District, due to its high minimum lot size requirement, is very effective at conserving open space

and overall rural character. It is also important to take natural resource limitations into consideration with zoning as an area zoned for high density but containing significant natural resources such as wetlands or rare and endangered species may not permit the area to be developed in keeping with the high density expectations. Similarly, natural resources should be taken into consideration when designing infrastructure such as sewers as natural resources can change anticipated designs and expected densities. Planned Unit Developments (PUDs) are a type of development allowed under the Zoning Regulations that allows for clustering of development and dimensional waivers. PUDs are effective at fitting development in areas that have limitations due to natural resources and are an effective open space conservation tool. PUDs often result in the creation of open space lots or recreational amenities that are privately held by an association in perpetuity. As development occurs on smaller and smaller lots, thought should be given to the minimum lot size requirements for PUDs. The PUD regulations should also be reviewed from time to time to ensure that the goals of these regulations to enable and encourage flexibility of design and development of land is being maintained. Large tracts of undeveloped land that are being considered for development should be encouraged to comprehensively plan for the entire parcel and connectivity to adjacent parcels and natural areas. Well-thought-out conservation plans are encouraged and piece-meal developments of large tracts of land are discouraged. To this end, it may be advantageous for applicants to utilize the PUD regulations to subdivide large tracts of land.

### **Open Space & Town Policy**

Public policy may include a variety of funding and other decisions. Public policy includes sustaining current efforts of cooperation among Town Boards and Departments to conserve open space. Support should be provided to re-activating the Colchester Land Trust to assist the Town in open space conservation efforts and to work with these Boards and Departments to achieve Town open space goals. This category also includes developing and sustaining management plans for the Town's various natural areas, parks, conserved land, and public parcels that include significant natural resources. The Town also encourages the development of management plans for privately held lands that contain significant natural resources as well as privately conserved land such as PUD open space lots. The Winooski Valley Park District has recently undertaken several wildlife surveys of its lands that will contribute to the stewardship of its natural areas.

### **Open Space Taxation**

State and local tax policy also affects private ownership and protection of open lands. An often criticized State law is that all property must be taxed at "fair-market" value. This results in land being taxed based upon development value rather than the current use value as working land or other open space. The necessitated development of property as a result of skyrocketing taxes is not a desirable outcome. While the Town could put into practice a localized current use program that reduces taxes for properties committed to a multi-year stewardship program, this would not substantially reduce taxes for property owners as the majority of tax burden is the State property tax. While the State has current-use programs available for properties that are currently worked, a more comprehensive restructuring of State tax laws is perhaps needed.

### **Funding Open Space**

Most often local public policy is set by funding priorities. Public funding can be used to acquire land outright, acquire the development rights of a parcel of land, or to purchase easements. In

the purchase of development rights, a landowner retains the right to work the land but loses all rights to develop the land. In the purchase of easements, these easements are usually used for trails or for view protection along scenic corridors. Public funds are limited though and prioritization must be given to the use of funds as well as given to which properties are acquired. Often the Town is offered undevelopable lands that do not contain significant natural resources or recreation potential and that will become a liability to the Town in terms of cost of ownership and maintenance. Preference for acquisition should be given to those projects where money can be leveraged or stretched to accomplish several goals such as the purchase of easements or development rights in conjunction with other not-for-profit entities. The Town should develop a policy of prioritization for land acquisition and study preferred financing options. Local funds, derived primarily from the tax dollar, are limited, however could be supplemented through fees, partner organizations with outside funds, and State and Federal funding sources.

### **Colchester's Open Space Plan**

The 2000 Colchester Open Space Plan identified parcels that are considered to be high-priority parcels for conservation based upon their importance as natural areas and their risk of significant alteration. The 2000 Open Space Plan should be referenced for specific parcels and conservation techniques. Below is a listing of the areas mentioned in the 2000 Open Space Plan that are identified as having a high priority for further identification of natural resources, public funding for conservation, creation of tax policy that encourages retention of open space, conservation of specific areas through the PUD development review process, and / or development of appropriate maintenance plans for the areas:

- Camp Holy Cross Vicinity
- Sunny Hollow Area
- Smith Hollow Area
- Camp Johnson Vicinity
- The undeveloped lands to the north and east of Segment I of the Circumferential Highway Right-of-Way including those undeveloped lands in the Shipman Hill vicinity along Malletts Bay Avenue.

The following areas that have been identified by the Town as sites of natural resource significance that, should development be proposed within these areas, care should be taken to conserve these features and mitigate any long term adverse impacts to these resources:

- Cave Island contained within parcel: 57-012002
- Cave West of Indian Brook contained within parcel: 08-014003
- Clay Point Road Caves contained within parcels: 16-057000 and 16-042000
- Colchester Bog contained within parcels: 33-056002, 33-058002, 34-100002, 34-101002, 44-004072, 43-034002, 43-026002, 44-045012, 44-007022, 44-007002, 43-009002, 31-007062, and 30-002002
- Colchester Point Rush meadow contained within parcel: 29-002002
- Colchester Pond Ridge contained within parcels: 12-036000, 12-030000, 15-001000, 12-035000, and 15-011000
- Colchester Sea Caves contained within parcels: 14-007020 and 14-007010
- Devil's Den Caves contained within parcels: 08-014003 and 08-014013
- Malletts Head contained within parcel: 56-004002

*November 28, 2011 Draft Colchester Town Plan – Natural Resources Chapter*

- Malletts Bay North Shore Headlands – From Niquette Bay State Park westwardly along the shoreline terminating on parcel 77-020000
- Malletts Creek Marsh – Munson Flat contained within parcels: 11-016020, 11-020000, 11-017010, 11-025000, 14-020000, 14-022000, 11-004003, and 14-026020
- Marble Island contained within parcel: 57-013002
- Parrot Jasper Mine contained within parcel: 13-003000
- Walnut Ledge Cave contained within parcels: 16-028000 and 16-032010
- Pine Island Flood Plain contained within parcels: 06-013002, 02-026052, and 02-006002

**POLICIES**

1. The Town should continue to encourage new development as well as re-development that is sensitive to the Lake views.
2. The Town will continue to work with other organizations and governments to find long-term cost effective solutions to water quality issues.
3. The Town should work with its neighbors within the Winooski River Basin to improve water quality per the Basin Plan under development by the State.
4. The Town should also participate in this Lamoille River Basin planning process.
5. New development and redevelopment of properties along the Winooski and Lamoille Rivers should stabilize the banks and meet current setbacks in order to limit threats to water quality as well as threats to public infrastructure and public welfare.
6. Colchester should maintain its current Flood Plain Zoning District standards prohibiting any new floodplain construction to protect the public good.
7. The Town should maintain its cooperation with Federal Agencies in reviewing floodplain projects.
8. The Town should continue to maintain communications with the State and Federal permitting agencies to provide consistency in regulating wetlands to the greatest extent practicable.
9. Colchester should maintain its Water Protection Overlay District and adapt these regulations as needed to comply with all applicable State requirements.
10. The Town should evaluate connectivity between significant natural resources that would foster wildlife habitat.
11. The Town will continue to work with State agencies to determine suitable alternatives for Sandplain areas.
12. Efforts to sustain and enhance on-site interpretive resources and awareness of Open Space resources should be supported by the Town.
13. The Town of Colchester should continue to maintain and enhance its GIS system in part to better delineate and define geographic data as well as involve the public in management and stewardship of natural resources.
14. Wildlife habitat mapping should be enhanced.
15. As development occurs on smaller and smaller lots, PUD minimum lot size and other requirements should be reviewed to ensure continued compliance with the intent of these regulations.
16. Large tracts of undeveloped land should be comprehensively planned for connectivity to adjacent parcels and natural areas. Well-thought-out conservation plans are encouraged and piece-meal developments of large tracts of land are discouraged.

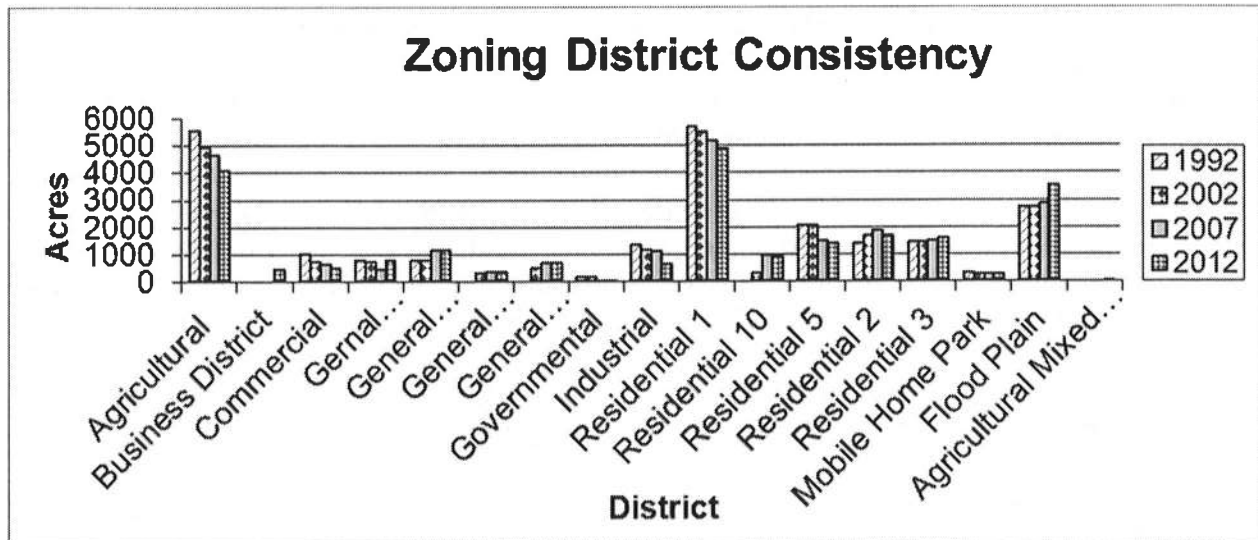
17. The Colchester Land Trust should assist the Town in open space conservation efforts and to work with these Boards and Departments to achieve Town open space goals.
18. Management plans should be developed or sustained for the Town's various natural areas, parks, conserved land, and public parcels that include significant natural resources.
19. The Town encourages the development of management plans for privately held lands that contain significant natural resources as well as privately conserved land such as PUD open space lots.
20. The Town should develop a policy of prioritization for land acquisition and study preferred financing options.
21. The 2000 Open Space Plan should be referenced for specific, high-priority parcels for conservation and recommended conservation techniques.
22. Care should be taken to conserve important features and mitigate any long term adverse impacts of development to natural resource areas of significance listed within this Chapter.

**LAND USE**

Colchester has a unique diversity of land types and uses including: seasonal residential, residential, agricultural, recreational, commercial, industrial, institutional, and natural areas. It is important to preserve this diversity to maintain and enhance the character of the Town.

**BACKGROUND**

Colchester was primarily an agricultural community through the mid-1960's. Agricultural uses and lands remain an integral part of the economy and character of the community. About 20% of the land area in Colchester is currently zoned for agricultural use. The economic viability of agricultural uses has declined regionally in recent years while demand for residential development has remained high creating substantial development pressures on the rural areas surrounding developed portions of the community. The following chart demonstrates the impact of these development pressures in Colchester over the past ~~fifteen~~ **twenty** years:



Source: 2002 Colchester Town Plan & 2005 & 2011 Colchester Zoning Map

The original zoning map for Colchester included a limited number of uses including commercial, industrial, residential, and resort. All of these land uses are still present as predominant land uses with the exception of resort. This land use classification was utilized for summer seasonal camp communities which, although somewhat scattered, exist in areas such as Sand Dunes, Colchester Point, Mills Point, Spauldings West Shore, Porters Point, Coates Island and Goodsell Point. These communities were generally constructed in the 1940's and 1950's and owned by successive generations of the same families; however, over the past decade, these seasonal summer cottages, or camps, have transitioned to year-round occupation. In 2002 the Town developed guidelines to allow for the conversion of camps to year-round structures provided infrastructure and access were sufficient to allow for the expansion of the use to ensure against environmental degradation and devaluation of surrounding properties.

While Colchester continues to transition, the land use patterns it historically developed since its inception continue to persist. The multiple village areas within the Town's boundaries served as commercial centers for various portions of the community at a time when travel was more

infrequent and restricted. Suburban residential patterns have grown at the expense of rural areas and created demand for more urban amenities. The following section discusses the current land uses within the community and its planned growth as the community looks to the future.

### **LAND USE CATEGORIES**

The following narrative describes the general land use categories for Colchester. These land use categories set forth the anticipated future land uses for Colchester over the term of this plan and over the long-term. The Future Land Use Map illustrates the location of the general land use categories and should be looked to for guidance in determining the land use plan for a particular area. The uses indicated within these land use categories will be designated in more detail in the Zoning Code in order to reflect the policies and strategies of this plan and other bylaws.

**Growth Center:** This area calls for higher density, compact, well integrated, mixed use development and is intended to be the primary area for new development in Colchester. Some of the uses appropriate for the growth center include office, restaurant, civic facilities, residential, retail and a variety of businesses. There must be a high level of integration between the high density residential development and non-residential uses. Multi-family and high density single-family residential are strongly encouraged as permitted uses. Building heights within this area will be higher than other areas of Town providing they can be blended into the topography, are visually compatible with the area and include architectural features that mitigate the visual impacts. The growth center requires substantial infrastructure, including municipal water and sewer, and should be a priority area for allocations of municipal resources and public amenities.

~~**Future Growth Center:** This area is a growth center designated for long-term development after the substantial build-out of the growth center as designated by State Law.~~

**Village Mixed Use:** These are primarily existing developed areas and future development is meant to be compatible with the existing diverse mix of uses. Additional infrastructure will generally not be required to support desired levels of growth and density **with the exception of the Exit 17 neighborhood**. Uses appropriate for village mixed use include small office, restaurant, small retail, agriculture, and many businesses integrated into neighboring residential uses. Appropriate industrial uses should be conditioned on their ability to fit with neighboring uses. Although Planned developments (PUD, PRD), multi-family and higher residential densities are to be encouraged, lower densities such as R-1 and especially R-2 are also compatible in village mixed use areas. ~~Building heights and sizes should be comparable to most areas of town other than growth centers. There is a desire to explore a new district that could provide for a broader range of mixed use during the term of this plan.~~ **These areas are generally zoned GD1, GD2, or GD4.**

**Rural:** These areas generally are distant from facilities and services and tend to be open and sparsely developed. Agricultural uses and low density residential uses are compatible land uses within these areas that often include significant natural resources, prime agricultural soil, and other characteristics that generally make these areas unsuitable for development. Some limited silvicultural activities, such as firewood operations, also occur within these areas although these

activities tend to be small and informal. ~~Extension of municipal infrastructure to these areas will be a low priority, and may not be permitted.~~

**Suburban Residential:** These areas are appropriate for residential development at a medium density of one to three units/acre, generally matching the existing development pattern. Limited development of neighborhood commercial services, such as professional offices or small stores may also be considered where appropriate.

**Business Use ~~Commercial/Industrial:~~** This area is primarily within the Exit 16 core and serves as the dominant community commercial and industrial business center. This area also exists in a more limited area directly abutting Colchester's railroad right-of-way along Route 2A. These areas support large scale commercial development and/or manufacturing and distribution uses. These areas are zoned either commercial, ~~or industrial,~~ **or business district** with care being taken to, when necessary, separate these uses within the land use categories. Growth and expansion of existing businesses, especially research and high-tech uses, is encouraged within this area.

**Agriculture / Mixed Use:** This area consists of the agricultural lands located along Malletts Bay Avenue and Lavigne Road, at the top of Shipman Hill. This area's unique characteristic is the farming community located within its boundaries. These farms are an important part of Colchester's economy, community character and heritage; the Town seeks to retain and support these farms. The majority of this area is classified as primary agricultural soil by the State of Vermont and therefore limited in development potential through the State's land use permitting process. ~~The Agricultural Mixed Use Zoning District coupled with the enablement of transfer of development rights land use planning for this area should promote the continued agricultural use of this area while respecting property owners' needs to access the equity in their land. Given the current State Primary Agricultural Soils, there are limited options as to what can be developed within this area. The Planning Commission should continue to work with property owners to develop a comprehensive land use plan that balances continued agricultural use with property owners' needs and also includes opportunities for agricultural tourism and the commercial elements that are necessitated by the changing face of agriculture. The Town should also encourage the work of land trusts within this area to provide land owners with fair compensation for their development rights.~~

## **NEIGHBORHOOD AREAS**

Within land use categories are individual neighborhood areas. Neighborhoods are more easily recognized by community members. Neighborhood areas sometimes overlap land use categories, however, more often serve as subsets of land use categories. When focusing on individual neighborhood areas, care should be taken to ensure that continuity throughout the neighborhood areas and the larger community is examined particularly for natural resources and pedestrian and bicycle circulation. Neighborhood areas provide for specific implementation strategies for future land use plans and recognize the specific characteristics and qualities of an area as well as physical limitations and opportunities. The Neighborhood Area Map should be looked to for guidance on the location and boundaries of these areas.

## **Severance Corners Growth Center**

Severance Corners is located at an important transportation hub at the intersection of Route 7, Blakely/Severance Road, and the future Circumferential Highway. The area is confined to properties around the intersection and future interchange and is surrounded by low and rural density zoning districts. The Town adopted general development three zoning for this area to promote a dense, mixed use village type development pattern for this area. The area is intended to contain pedestrian amenities and connectivity, community spaces and access to public transportation.

Development for this area should be balanced in terms of residential and commercial development. As the growth center develops, residential density increases may be considered especially to help the commercial uses be more viable. Density increases could be achieved through transfer of development rights. This area is entirely within an approved sewer district and is served by municipal water. This area is a high priority for infrastructure. The Town recently completed a study with the Metropolitan Planning Organization to determine the scope and location of pedestrian and bicycle facilities within the growth center. These recommendations should be implemented as the area develops and links to surrounding neighborhoods. While civic uses are permitted and encouraged in the growth center, the Town will maintain its core service area in the Town Services Neighborhood. Satellite town facilities, churches, and private schools could be developed within the growth center as it develops.

No changes to the zoning for this area are anticipated over the term of this plan as development is currently either under review or approved for three of the four main corners. The Town is currently pursuing State New Town Center designation and growth center designation for Severance Corners. One of the predominant benefits of State designation of a growth center is prime agricultural soil mitigation rights which makes it advantageous to develop within growth centers and in-fill development and more restrictive to build on agricultural soils outside of these areas. Under Vermont State Title 24 Section 2791, the Town may only designate one growth center for a period of twenty years. A growth center must accommodate the majority of the Town's growth over this twenty year period. In order to achieve this density, the Town may consider additional density bonuses such as transfer of development rights or expansion of the growth center to the east. Penalty ordinances such as growth caps in other areas of Town are not appropriate at this time. The Town believes that the current growth center configuration should accommodate the majority of the Town's growth over the next twenty years especially when the current rate of growth is evaluated. It is hoped that the State will accept the current configuration of Severance Corners as a State Designated Growth Center; however, the density or scope of the growth center may need to be modified over the term of this plan to achieve State Designation.

As the growth center develops and background traffic continues to increase traffic improvements will be necessary including improvements to the Severance Corners intersection. The Town should continue to work with the State of Vermont and developers within the growth center to preserve options for this intersection and ensure that improvements occur in a manner that will continue to facilitate growth within the neighborhood.

#### Policies

1. No changes in the current zoning are anticipated over the term of this plan. Density bonuses beyond those permitted under current zoning or expansion of the growth center should only be

considered if required by State Growth Center Designation requirements.

2. Development for this area should be balanced in terms of residential and commercial development.

3. This area is a high priority for infrastructure.

4. The Town should work to implement the recommendations of the bicycle and pedestrian study of this area conducted by the Metropolitan Planning Organization.

5. The Town should obtain State New Town Center designation and State Growth Center designation for Severance Corners.

6. The Town should continue to work with the State of Vermont and developers within the growth center to preserve options for this intersection and ensure that improvements occur in a manner that will continue to facilitate growth within the neighborhood.

7. This area is designated as a growth center on the Future Land Use Map.

### **EXIT 17**

This neighborhood is bounded on the north by the Milton Town Line, on the south and east by the rural lands of the Northeast Quadrant, and on the west by Niquette Bay Road, Route 2, and the Lamoille River. Within this neighborhood is the Exit 17 future growth center as well as low-density residential and village mixed uses north of Route 2.

The Exit 17 future growth center is bounded on the south and east by the rural lands of the Northeast Quadrant, on the west by Niquette Bay Road to the south and the intersection of Raymond Road to the north, and on the north by Jasper Mine Road and the Milton Town Line. It is bisected by the Interstate 89 Exit 17 interchange and US Route 2: a limited access highway. Originally adopted as a growth center in 2000 (see Exit 17 Growth Center Plan), this area is best characterized as a long-term economic future growth center to be fully utilized after the Severance Corners growth center is completed. It is largely undeveloped with some light industrial and residential uses scattered mostly within the area east of Interstate 89.

Development within this area is inhibited by poor on-site soils, a lack of water and sewage infrastructure, and limited access opportunities. Until the Town can focus on improving the infrastructure available for this area it is unlikely that significant construction will occur here. The Town should work to ensure that as development continues to occur within the future growth center, it is compatible with the goals of the growth center including provisions for recreation and pedestrian/bicycle circulation. The Town should also continue to work with the State to implement traffic improvements within the area, such as those detailed in the 2006 Exit 17 Traffic Scoping Project, that preserve capacity for the future growth center and sufficiently handle background growth in traffic. A comprehensive development plan should be developed for this area for future development that takes into account all the required improvements: sewer, water, traffic, pedestrian, recreation, etc. The existing zoning should remain intact to preserve economic growth opportunities for the Town as it develops over the long-term.

The low density residential area north of Route 2 lacks sufficient potable water to sustain build-out even under current zoning. On-site soils vary widely in this area but are mostly marginal. Long-term municipal potable water should be planned for this area in part to provide adequate fire protection. Residential densities should remain as-is. The village mixed use area between Route 2 and Jasper Mine Road also suffers from the same infrastructure deficiencies and