

Date: January 25, 2012

To: Dummerston Selectboard
Dummerston Planning Commission

From : Lew Sorenson
Greg Brown
Bill Schmidt

Re: A Minority Report on Town Plan Land Use Districts in the Rt.5 and Rt.30 Corridors

Consistent with Town Plan Goal 1, Policy 1.1, Action Step m (pg. 20), with the Selectboard's December 2009 charge to the Corridor Committee, and with the Board's invitation to all members of the Corridor Committee to submit their own comments, we recommend the amendments described below to the 2010 Town Plan as they relate to the Rt.5 and Rt.30 Corridors. These proposed amendments are shown on the accompanying maps.

We make these recommendations because we found the report submitted by the majority of the Corridor Committee to be incomplete. Our primary intent is to respond directly to the charge from the Selectboard by collecting and analyzing relevant information and then proposing amendments to Town Plan land use districts in the corridors that will best implement Town Plan goals. Our recommendations are specifically to address Town Plan Policy 1.1, (m) to undertake a corridor study of the Route 5 and Route 30 Corridors to determine appropriate land use districting. We see this as a crucial first step that should be completed prior to adoption of the Zoning Bylaw update.

We deeply respect the desires of property owners for their property. The Corridor Committee devoted extensive time to listening to corridor residents, from which we gained useful information. To the fullest extent possible, we have taken this information into account in our recommendations, but it is not the sole factor we have considered.

To develop our recommendations, in addition to testimony from the public, we consulted the following sources of data and information, some used by the Corridor Committee, some not.

- The 2010 Dummerston Town Plan goals, policies, maps, district descriptions and action steps.
- Written and/or oral testimony from the Conservation Commission, the Housing Advisory Commission, and a lister

We consulted the following documents:

- The 1990 LESA (Land Evaluation and Site Assessment) Study on agricultural lands
- The 2009 Biodiversity Inventory Report completed by the town Conservation Commission.
- Mapped data from the 2010 Town Plan, from the Grand List and from the Windham Regional Commission for:
Current parcel size

- Topography/slope
- Neighboring land uses
- Natural resources values
- Availability of services
- Ground water limitations and protection needs
- Soil quality, especially agricultural soils
- Road access

We suggest that the best way to review our recommendations is to do a side-by-side comparison of our districts recommended for the Rt.5 and Rt.30 Corridors, as detailed on our maps 1-6, with those adopted in the 2010 Town Plan Future Land Use Map.

You will see that we recommend breaking up the long Rural Commercial District in the RT. 5 Corridor into a number of smaller, more compact units. These proposed districts, like our recommended districts in the Rt.30 Corridor, are based on the physical limitations and values of the land, on landowner input and on current uses. In general, we propose edges for the new land use districts that are based on parcel boundaries because they are known and clearly illustrated in various town maps. In those cases where a parcel is very large, we suggest district edges that do not follow property lines, but that do make sense given the physical condition of the land. We can do this because the Town Plan is not a regulatory document requiring the same precise lines as those required for the Zoning Bylaw. As we considered which Town Plan land use districts would be most appropriate in any given location, we also reviewed the district description for neighboring lands to ensure as much compatibility as possible.

Because the Town Plan must be used as the foundation for the town's zoning bylaw, we drew proposed land use districts to accommodate current uses to the extent possible to avoid creating large and unnecessary numbers of non-conforming uses that would cause future problems for the property owner and for the Town.

The Selectboard also directed the Corridor Committee to recommend densities for each of the land use districts. The majority report does not address this topic. While the time period between the submission of the final Committee report and now was insufficient for us to develop any recommendations on density, we note that both the Planning Commission and the former Zoning Bylaw Re-write Committee did extensive work on this issue. We recommend that the Planning Commission use the strong foundation built by these groups as they consider both Town Plan and Zoning Bylaw amendments. The scheduled Planning Commission meeting with former Commission members and with WRC staff creates an excellent opportunity to begin this consideration.

We recommend three further actions by the Planning Commission to update the 2010 Town Plan. First, the Commission should conduct a careful future land use and design study of the land around Exit 4 off I-91. As the economy recovers, it is highly likely that the now-vacant land in Dummerston around the exit will become very attractive to developers for commercial and perhaps relatively dense residential projects. Because the land around the exit is the most appropriate in Dummerston for these types of land use, and because such development would be consistent with Town Plan policies on Commerce and Industry (see Goal 1 and Policies 1.1, 1.2 and 1.4, pg. 68) and Land Use (see Goal 1, Action Step h, pg. 20; and Goal 3, Policy 3.1, pg. 21), the Town should prepare to carefully guide such development. We strongly recommend that the Planning Commission use state planning tools designed to help towns at such sites. We specifically recommend that a new Action Step "n" be added under Policy 1.1 (pg.20): "Undertake, with the invited participation of the Town of Putney, a land use and design

study of the Exit 4 Interchange area.” We also recommend that the Planning Commission and the Selectboard implement Policy 1.1, Action Step h (pg. 20) that calls for a “commercial/light industrial” zoning overlay as the most effective way allow development consistent with our land use goals.

Second, we recommend that a new Policy 1.1, Action Step f, iv be added “Undertake a detailed land use and design study of West Dummerston Village to ensure that it maintains its classic Vermont Village characteristics while also accommodating appropriate scale residential and commercial development”.

Third, the Route 5 corridor contains much of Dummerston’s best remaining agricultural lands. The Corridor Committee majority report did not make any recommendations concerning the future use of these lands. This is a serious omission given the strong statements in the 2010 Town Plan, which were echoed by the Corridor Committee, about the significance of agriculture to the town. For example see the Working Landscape discussion starting on Page 21 of the Plan, in addition to Working Landscape Goal 1, Policies 1.1, Action Steps a-c and Policy 1.2, Action Steps b & c. In addition, the factual data contained in the 1990 LESA evaluation of the town’s agricultural lands amply demonstrates the significance of the parcels in the Rt.5 Corridor.

After careful review of Town plan goals and policies on the Working Landscape, we identified important agricultural lands in the Corridors and, as illustrated on our maps, strongly recommend that their district designation be changed from the temporary “Rural Commercial” to “Resource”. Further, we recommend that the Planning Commission, with the assistance of the Farmland Protection Committee and the Conservation Commission, develop an agricultural lands overlay district for inclusion in the Town’s Zoning Bylaw (see Land Use Goal 1, Policy 1.1 Action Step j on pg. 20). This tool is the most effective way to allow property owners flexibility in the way they develop their land while also protecting productive agricultural soils.

Finally, we recommend that the Selectboard send these Town Plan changes to the Planning Commission as provided under 24 VSA 4384. We understand that the Planning Commission is currently deeply involved with amendments to the zoning bylaw to meet a deadline set by a state planning grant. Therefore we recommend that the Planning Commission’s response date for these Town Plan amendments allow for the grant work to be completed, but with the understanding that hearings on zoning districts should follow and implement final resolution and adoption of the Town Plan’s land use districting.

We are prepared to answer any questions you may have about our minority report.