



Dummerston Treasurer <dvtreas@gmail.com>

Corridor Committee Final Report addition

1 message

Bill Schmidt <elysian2@sover.net>

Wed, Jan 18, 2012 at 11:42 AM

To: Dummerston Selectboard <Selectboard@dummerston.org>

To Selectboard,

Attached is a statement that's I've written to accompany the Final Report of the Corridor Committee that you should have received by now since it was approved at the Committee's meeting last week. This statement has already been sent to th Planning Commission and Conservation Commission as background for the agricultural overlay districtt subject which both commissions are considering at their meetings this week. The Farmland Committee will discuss the ag overlay at its meeting later this month.

The second attachment is specifically on the ag overlay.

Bill Schmidt

Elysian Hills
209 Knapp Rd.
Dummerston, VT 05301

802/257-0233
elysian2@sover.net

2 attachments

 **Farmland Statement to Selectboard and Planning Commission.docx**
15K

 **AG District**
13K

DRAFT.docx

Route 5 Corridor and Farmland

The Corridor Committee's final report says that the Committee values farmland. In this regard the Committee supports the Town Plan which is emphatic and detailed in lauding the value of agricultural land in producing food and with neighboring forest land providing scenic and other environmental benefits to the Town's working landscape and rural character. Agricultural land gets more attention and space than any other kind of land in the Town Plan. It's a valuable resource that's one of a kind. At the same time it's land that's most easily and economically developed but when developed it loses its agricultural value for present and future generations. For this reason the fourth goal in the Town Plan's statement of goals is "to preserve agricultural lands for agricultural use and maintain a strong agricultural economy."

A significant amount of the Town's agricultural land, and its most productive farmland, is in the Connecticut River Valley or Route 5 corridor part of town. This is the area that's identified as one of two rural commercial areas in the current Town Plan, the other area being part of the Route 30 corridor. The rural commercial designation, it must be noted, is not set in stone in the Plan. It's actually a temporary designation pending review by the Corridor Committee that was charged by the Selectboard with the task of determining appropriate land use districting for the two corridors, which would then be incorporated as an amendment in the Town Plan and Zoning Bylaw after public hearings. The Corridor Committee's final report, however, maintains the rural commercial designation for most of the Route 5 corridor.

The rural commercial designation for most of the Route 5 corridor coupled with the important and irreplaceable resource value of the farmland that's in the corridor is an anomaly. The two don't mesh with one another. On the one hand the Town Plan says farmland should be protected and preserved and on the other, in its future land use map and in the Corridor Committee's final report, it says that most of the farmland in the Route 5 corridor should be open to rural commercial development. The only agricultural land exceptions are the Howe Farm, the conserved Sweet Tree farm, a parcel directly south of Sweet Tree Farm, and two small parcels east of I 91 south of the State Fishing Access. The Zoning Bylaw currently requires conditional use approval for commercial development of the agricultural land but there are no specific standards in it that call for farmland protection of any kind. The Plan only contains the general statement that any commercial development should be done in "a manner that minimizes impact on the land and avoids strip development."

The Town Plan to its credit recognizes the 1990 LESA study that specifically identifies and rates the Town's important farmland. More, it amplifies its call for farmland preservation by identifying a comprehensive range of actions by which such preservation can be achieved. One is the preservation of agricultural land by non-regulatory means such as the donation or sale of the land's development rights by its owner, possibly making use of the Town's Farmland

Protection Fund in the process. Another is the consideration of land use regulations that require development to be located off or away from important agricultural lands, perhaps through the addition of an agricultural district or overlay district to the zoning bylaw. Owners of agricultural land are also encouraged to participate in the State's Use Value Appraisal Program which provides a modicum of protection for such land. And finally, there are listed several ways by which the Town can support farmers, farming and agricultural activity such as revision of the Zoning Bylaw to permit farm-related businesses on farms and diversification of agricultural activities including specialty crop cultivation and innovation. Non-farm related activities are also possible but they would be more strictly regulated.

The Corridor Committee in its conversations about farmland was supportive of non-regulatory means to protect farmland for present and future agricultural use. This support now needs to be extended to consideration by the Farmland Committee, Conservation Commission, Planning Commission, and Selectboard of amendments to the Town Plan and Zoning Bylaw that would create an agricultural overlay district for qualifying farmland. This kind of districting of agricultural land exists elsewhere in Vermont, in Westminster and Hartland for example. In Westminster the Town's LESA ranking above a defined score identifies the qualifying agricultural land. Any proposed development of land in the agricultural overlay district must be located and designed to preserve neighboring agricultural land and must be compatible with it and not interfere with accepted farming practices carried out on adjacent agricultural land. No buildings or roads shall be sited in the middle of open farmlands but must be in adjacent wooded areas or on the edge of fields. The overlay agricultural district approach enables both preservation of important farmland and allows the owners of this land to continue to receive a fair return for their land should they need or want to sell it.

A comprehensive approach to preservation of important agricultural land is essential if this land is going to be protected for agricultural use by future generations. Private non-regulatory means should be used whenever and wherever possible but they need to be supplemented by acceptable regulations and ongoing support by the town and townspeople for farmers and farming activities. Both farmer and community stewardship of farmland are called for.

Note: Copies of the Westminster and Hartland agricultural lands district overlays are available along with WRC technical help to assist in the drafting of a Dummerston agricultural lands district overlay.

Bill Schmidt

11 January 2012

DRAFT

DRAFT

AGRICULTURAL OVERLAY DISTRICT

An overlay district is a special district “created to supplement or modify the zoning requirements otherwise applicable in underlying districts...” (24 VSA 4414{2})

Purpose

The purpose of a special Dummerston Agricultural Land Overlay (AG) District is to enable owners of locally important farmland to receive a reasonable return on their land holdings in a way that allows their land to remain un-built for present and future generations. The AG District is created to encourage patterns of land development that:

- Preserve large, contiguous tracts of locally important farmland for existing and future production of food and other crops;
- Maintains and encourages the future growth of Dummerston’s agricultural base by protecting existing agricultural operations from incompatible land uses and by providing a stable land base for future agricultural uses; and,
- Maintains a sufficiently large scale of agriculture in Dummerston to encourage the economic feasibility of necessary support services for the agricultural community.

Lands Included In This District

These regulations impose additional restrictions on lands located within the AG District. These districts are identified in the Dummerston Land Evaluation and Site Assessment System (LESA) and include all lands which meet the LESA threshold score of ___ or greater as identified in the 1990 LESA Summary Report. Any proposed development within this district must meet the requirements of this section in addition to the requirements of the underlying zoning district. Where provisions of the AG District regulations overlap or conflict with the provisions of the underlying zoning district, the provisions of the AG District shall prevail.

Requirements

Use regulations. Permitted uses are agricultural uses and buildings and customary agricultural accessory uses (e.g. barns, sugar houses, etc.) and forestry and wildlife refuge uses. Conditional uses allowed with approval by the DRB are subdivision of land and all other uses that are permitted or conditional uses according to the underlying zoning district.

Development Standards

The subdivision of lots and the siting of all non-agricultural buildings, including dwellings for farm workers and farm families in the AG district shall be subject to the following requirements:

Lots shall be located and sized, proposed development shall be designed and sited, so as to preserve large blocks of contiguous farmland within the AG district to the maximum extent possible.

Land subdivision and development shall be compatible with agricultural land uses and operations, and shall not interfere with accepted farming practices carried out on adjacent lands.

Buildings and other structures, as well as roadways, shall not be sited in the middle of open farmlands, but shall be located in wooded areas, or at the edge of fields, every effort shall be made to locate the proposed use or subdivision upon land which is unsuitable or least productive for agricultural use and has the least impact on the agriculturally productive use of the remainder of the parcel.

At a minimum, ___% of farmland involved in the development or subdivision of a parcel of land shall be preserved for present and/or future agricultural use as defined in Article __ (shall not be built upon); permanent conservation restrictions shall be applied to the undeveloped portion of the property in order to keep it open and available for agricultural use.

All applications for development within the AG shall require site plan review.

Bill Schmidt 1/11/12