

TO: Dummerston Selectboard & Planning Commission
FROM: Route 5 & 30 Corridor Study Committee
DATE: January 10, 2012
RE: Final Report

Our committee first met in December of 2010 and spent our first two meetings organizing and meeting with Matt Mann from WRC to get ideas of how best to proceed. Much discussion revolved around the importance of public input, comments from Town Commissions and other Committees, and the importance of reviewing data on land use, constraints, and resources.

At our February, March, April, and May meetings we heard from property owners within three geographical sub areas of the Route 5 corridor and Route 30 corridor.

Many of our meetings included discussions of farmland protection and ways to accomplish this with no property specific recommendations other than Howe Farm and east of Dummerston School. Much of our agricultural land is located along Route 5 where development may be limited by the large aquifer protection area for Pepsi and the scarcity of water in some areas on Route 5.

Much of our March meeting was dedicated to discussion about Sweet Tree Farm and conservation restrictions. Greg Brown and Cindy Wilcox discussed higher-density housing and both stated that any development on Route 5 must consider the lack of municipal water and sewer. Lew Sorenson distributed corridor maps prepared by WRC showing parcel information, land use, constraints, and natural resources.

The committee spent much of April's meeting considering Exit 4 and the current commercial/Industrial use with access to rail service, plus three-phase power and proximity to I91. Dutton Pines was also reviewed; Bill Schmidt gave a summary of the State's long-range plan. The Dummerston Historical Society has also been exploring ideas/options.

Our May meeting was held at the Community Center in West Dummerston. The committee received a lot of input from the community. Maple Valley was discussed as well as the West River, Black Mountain, both bridges, and Route 30 swimming. We discussed how the topography of Route 30 would limit development. JB Auto and the fact that it wasn't in Rural Commercial were talked about.

The July meeting was used to discuss JB Auto. The committee thought the commercial/industry overlay on Old Ferry Road may be incorrect and needed more research. One question was why it extends west of I91. We invited representatives from Housing, Farmland Protection, Planning Commission Ag Sub-Committee, Energy, and

Lister's to our meeting to provide essential data to our Committee. Non-conforming lots were discussed with no action taken.

In August, we heard from the committees we had invited. The Ag Committee (Matt Hoffman) wanted us to look at cluster housing as a way to develop smaller portions of Ag land and preserve larger areas. Mary Ellen Copeland of the Conservation Commission presented their concerns for Ag soils, Canoe Brook, Dutton Pines, gravel resources, and to sensitive natural resource areas west of I91 by Allard's Lumber Mill. John Anderson of the Conservation Commission discussed the importance of brooks and maintaining buffers and wildlife crossings south of Maple Valley and north of Dunklee's property. He also presented information on the importance of the water resource on Leonard Farm for the West Village.

The Housing Committee reported the west and south areas of Route 5 are desirable for housing. Route 30 isn't so suited due to physical limitations. Much discussion followed this relative to bringing water and sewer from Brattleboro or Putney. Although no motion was made or passed, the general feeling was it would put undue pressure on the agricultural lands and increase development in the corridors. We talked about using LESA scores to prioritize farmland. Bill Schmidt urged the use of an agricultural overlay district and discussed Westminster's use of such a district.

The September meeting included a discussion with Town Lister, Doug Hamilton, on the effect of zoning on tax appraisals, enforcement, and penalties. The committee voted to recommend extending the Rural Commercial zone to south of JB Auto. Much discussion was presented relative to sections of land east of I91 that could be removed from Rural Commercial. Also of interest were railroad right-of-way provisions. Greg Brown looked into the subject and concluded the railroad could do as they wished if they wanted to add a siding, as they are exempt from zoning and town plan.

October meeting was spent reviewing zoning bylaws. The four things we recommend the Planning Commission review are:

- 1.) Page 7, Section 225 Rural Commercial side road development.
- 2.) Page 7, Home Business, Recommend to clarify #7 permitted uses
- 3.) Explore policies regarding regulating energy generating structures such as solar and wind arrays.
- 4.) Page 8, section 230 first paragraph change the word planted to planned.

The committee also recommends that the Planning Commission amend the Town Plan to add language that gravel pits when exhausted be considered for residential or commercial development.

In November, the committee reviewed options for defining "Grandfathering" that the Planning Commission could consider when discussing this issue. Two options were recommended that allows property to continue to be used, as it was when the law was adopted. (Attached) Greg Brown reviewed the State's interstate interchange study of

several years ago and proposed that the area be the focus of a design study which would look at options.

Areas that we would recommend to the Planning Commission and Selectboard to remove from Route 5 Rural Commercial and redistrict are as follows:

1. From Old Ferry Road east of railroad north to Dummerston Station Road and put into Resource.
2. From North of Dummerston Station Road to south end of state fishing access east of I91 into Resource.
3. From east of Route 5 across from Schoolhouse Road to the south end of Sweet Tree Farm into Rural
4. From North of Ryan Road to Middle Road west of Route 5 to Conservation.
5. Dutton Pines change to Rural.

At our December meeting we listened to the Selectboard's neighborhood meeting regarding the opening of a new gravel pit on Route 5.

On the subject of farmland protection, the Committee did not take formal action of any kind on how this should occur. There is a consensus however that farmland is a valuable resource and that the Town through its Farmland Committee and Planning Commission should work with farmland owners and others to find ways to preserve it.

The committee thanks Zeke Goodband for his excellent notes and dedication to helping this committee.

Thank you,



Steve Glabach, Chair
Route 5 & 30 Corridor Committee

Attachment

Unapproved
Rt. 5&30 Corridor Committee
Addendum to the minutes of November 8th 2011

The text of the two definitions of Grandfathering approved on a 7-0 vote are as follows:

“a clause in a statute or zoning ordinance (particularly a city ordinance) which permits the operator of a business or a land owner to be exempt from restrictions on use if the business or property continues to be used as it was when the law was adopted. Upon passage of the statute or regulation, the specific property may be referred to as “grandfathered in”. Example: the city passes an ordinance which does not permit retail businesses in a particular zone, but any existing store can continue to function in the area, even with new owners. However, if the premises stop being a retail outlet then the grandfather clause will lapse.”

Grandfathered refers to continued use of property as it was when restrictions or zoning ordinances were adopted. Grandfather clause is a legal term used to describe a situation in which an old rule continues to apply to some existing situations, while a new rule will apply to all future situations.