

Dummerston Planning Commission

Approved Minutes

May 23, 2012

Meeting was called to order at 6:30 at the West Community Center by Sam Farwell

Members Present: Steve Glabach, Annamarie Pluhar, Cynthia Wilcox, Bill Schmidt, Sam Farwell, Deb Forett, Beverly Tier, Rich Coglian, Andrew MacFarland

Also present: Emilia and George Houghton, Linda W. Hellus, Chip Hellus, Eva Greene, John Anderson, John Evans, Theresa Chapman, David Koski, Kevin Koski, Jean Momaney, Beverly Kenney, Lester Dunklee, Maria Glabach, Mark Whitaker, Charlotte Annis, Claudia Teachman, Greg Brown, Lew Sorenson

Absent:

1. Minutes/Meeting notes of May 01, 2012

No objections. Minutes accepted.

2. Public Invited to make comments

Lew Sorensen stated that for the topic of "Uses not listed" he has a memo for the DCP that Sam has received.

3. Corridor reports

Sam reviewed the history of the corridor effort with the charge from SB (letter Feb 14, 2011) to the DPC with the charge to study the corridor reports.

a. Corridor Committee chair

Steve Glabach presented on the Corridor Committee report.

b. Other Committee members

Greg Brown, Lew Sorenson and Bill Schmidt made statement. (Attached to these minutes.)

Mark Whitaker and Steve Glabach made statements regarding the work of the Corridor Committee

Members of the Corridor Committee answered questions from the Planning Commission about their work as presented in the reports. The Planning Commission heard many questions and comments from others present regarding the Corridor Committee work and Zoning in the corridors.

4. Decide on further actions by PC on Town Plan and Zoning with regard to corridors

Bill motioned to take up the corridor report after the current work on the zoning update is completed. Cindy seconded. Passed with a vote of 4-3.

5. Other business

Next meeting. June 5th WRC Consultation meeting and address setbacks in the village.

We will divide up and work outside the meeting on wording for Special Events, the amendment of Waivers, and Uses. The latter requires research.

6. Work session on Settlement Area setbacks – proposals for next meeting

Town Center:

- 31.5' Church to EW Rd
- 44' Church to Middle Rd
- 20.5' 21 Park Laughton, garage to EW Rd
- 35.5' 32 Park Laughton, house to Rd.
- 29' Grange to EW Rd

Slab Hollow

- House #408: House to center of road (including 7' 9" porch) 28 feet
- House #503: House to center of road 25' 4"
- House #483: House to center of road 24' 6"
- Garage at #417: Side of Garage to center of road 18' 4"

West Dummerston Village

- #8 Lyons st. (old catholic church) 26' to center of West st.
- #154 West st. 28' to center of street
- #182 West st. (Grange) ~9' to center of Th 65; ~9' to property line on North
- #184 West st. 26' to property line on South
- #179 West st. 0' to property line on North
- #139 West st < 10' to property line on North
- #129 West st. < 20' to property line on North
- #75 West st. < 25' to center of Leonard rd.

7. Meeting adjourned.

Next Meeting: Tuesday, June 5th, 6:30, Town Office.

Submitted by Annamarie Pluhar

A Study of the Rt.5 and Rt.30 Corridors
Recommended Town Plan Land Use Districts

Report to the Planning Commission from
Corridor Committee Members Greg Brown, Bill Schmidt and Lew Sorenson

The following explains the context for the report we submitted.

1. 2009 Town Plan draft – controversy over proposed land use districts in the two corridors.
2. The Selectboard adopts the Town Plan on September 22, 2010 with an amendment (Goal 1, Policy 1.1, Action Step m (pg. 20) calling for a study of the Rt.5 and Rt.30 corridors to develop recommendations for land use districts.
3. November 3, 2010, the Selectboard creates the Corridor Study Committee and issues directions for the work the committee is to do.
4. The Committee met approximately 12 times totaling about 20 hours during the next year, gathering data and taking testimony from corridor residents and property owners as well as from other town committees on their desires for future land use in the corridors.
5. The Selectboard asks the Corridor Committee to wrap up its work and submit a report on its findings and recommendations in December, 2011. The Selectboard also invites individual members of the Committee to submit comments or recommendations.
6. Committee final report drafted by the Chair passes by a 4-3 vote at the Committee's December meeting. Three members vote not to approve the draft report because it does not meet the Selectboard's request.
7. The three members of the Committee voting against the draft report submit a separate list of recommended land use districts to the Selectboard, generally known as "the Minority Report" in January 2012.
8. The "Minority Report" is based on the same public input as the Committee Report plus other data, but uses substantial additional information as the basis for recommended town plan land use districts that is consistent with the Selectboard directions to the Committee.
9. Neither report has been circulated to the public for comment or has to date been the subject of a formal public hearing.

How the Recommendations were Developed

- **Town Plan Focus** – We first decided that our recommendations should address the Town Plan's interim Rural Commercial districts for the corridors. The 2010 Town Plan adoption makes clear that the retention of the Rural Commercial corridors has yet to be decided. Zoning is to implement the Town Plan, so the first step should be a completion of the Plan's land use districts. However, we strived to use property lines as district boundaries whenever possible to ease the future zoning process.
- **Use of Town Plan Goals, Purpose Statements and Policies** – The Plan gives good and clear direction on the purpose and range of uses appropriate for each land use district. It also provides important Town wide goals and policies. Designation of land use districts should be in concert with the text of the Plan.
- **Comprehensive view** – We looked at the entire geography of both corridors and made our recommendations for each portion of the corridors rather than approaching the task based on what properties could be changed from, or to, Rural Commercial. We also refreshed our knowledge of each portion of the corridors by an on-the-ground review as well as use of available maps.
- **Use of Factual Data as well as Public Comment** – We, along with the rest of the Committee members, heard from property owners along each section of the corridors, and we benefited from and used those opinions and preferences. However, we also relied on a wealth of other information, which while available to the Committee, was discussed only minimally. This information includes:
 - The 1990 LESA (Land Evaluation and Site Assessment) Study on agricultural lands.
 - The 2009 Biodiversity Inventory Report of the Dummerston Conservation Commission.
 - Mapped data from the 2010 Town Plan, from the Grand List and various corridor maps prepared for the Committee by the Windham Regional Commission:
 - Existing land use
 - Parcel size
 - Town Plan LU districts adjoining the corridors
 - Topography/slope
 - Neighboring land uses
 - Natural resources values
 - Availability of services
 - Ground water limitations and protection needs
 - Soil quality, especially agricultural soils
 - Road access
- **Additional Recommendations:**
 1. Undertake a land use and design study of the Exit 4 area in partnership with the Town of Putney
 2. Undertake a land use and design study of the West Dummerston Village
 3. Develop an agriculture lands overlay district in consultation with the Farm Land Protection Committee & Conservation Commission to compliment non-regulatory efforts
- **Data & Results of the Recommendations:**
 - ❖ There are currently 28 nonresidential uses in the corridors. Only one (Fairpoint) would be made non-conforming by the recommended land use districts.
 - ❖ Within the recommended Rt-30 Rural Commercial districts there are 11 parcels in addition to the Village. Of these 8, plus Maple Valley would be available for new commercial development.
 - ❖ Within the recommended Rt-5 Rural Commercial & Commercial/Light Industrial districts there are 39 parcels. Of these 23 would be available for additional commercial development.
 - ❖ The remaining recommended districts will allow a rich mix of other valuable uses. Residential, Agricultural and Institutional Uses also deserve appropriate land use designations.

Agricultural Lands in the Route 5 Corridor

Remarks on Corridor reports and ag land, for PC 5/23/12 meeting, Bill Schmidt

Rt. 5 corridor contains some of the best ag land in town, county and state. It's identified and ranked according to soil quality and related criteria in the 1990 LESA (land evaluation site assessment) report. Some of this land is on the Sweet Tree Farm, Walker Farm, Howe Farm, Barrett Farm, Houghton Farm and Jillson Farm. On the alternative report Rt. 5 corridor map, most of this land is designated resource. On the committee report Rt. 5 corridor map, most of this land is designated rural commercial.

Ag land gets more attention than any other kind of land in the town plan. The plan makes it abundantly clear that ag land is a valuable resource in many ways, including production of food and other ag crops and preservation of the town's rural character and scenic beauty. The plan has as a goal "the preservation of agricultural lands for agricultural use and maintenance of a strong agricultural economy."

All this said, agricultural land is the most easily and economically developable land in the corridor. To call it rural commercial land invites development. Actually it's resource land according to the town plan and information gathered in the corridors' study. It needs to be identified as such, as the alternative report map makes indicates.

Despite the difference of the two reports in calling the land rural commercial or resource, both reports say this land should be protected for present and future agricultural uses.

To protect this land, the PC needs to consider all options and in the process do what is right for the owners of this land, the town as a whole, and the land itself. Options include both private and public approaches to land conservation.

Private approaches include the donation or sale of development rights or a combination of both, making use of the Town's farmland protection fund. land purchase and resale to a farmer, among others. Public approaches include designation of ag land as resource land and consideration of an agricultural overlay district for qualifying farmland. The purpose of an agricultural overlay district is to locate and design new development on farmland in ways that enable most of the land to continue in productive agricultural use. Neither resource designation or an ag overlay district make the land undevelopable. What they do is guide what kind of development can occur and where it's done on the land.

If we truly value farmland and want it to have it in town in the future, all options need to be considered and a comprehensive farmland protection strategy needs to be supported by the town.