

LAND USE

Existing Land Use

1. Existing Land Use Pattern

Dummerston covers approximately 19,815 acres of land. The town's pattern of development reflects the influences of the historic settlement pattern discussed in the Community Profile as well as topography and the transportation system.

Physical limitations continue to exert major control on the use of land in Dummerston. Soils and steep slopes have played a dominant role in limiting development in many parts of Town. Where soils are shallow, unstable and impermeable or subject to wetness or erosion, land development becomes extremely difficult. The result is that development has located along road frontage, particularly in the central and western part of Town.

The *Conserved and Working Lands with Existing Development* map shows the general pattern of development in Dummerston along with the location of buildings. This pattern has not changed appreciably over the years; development has merely extended along the road frontages in all sections of town. The *Existing Land Use by Parcel* map shows the dominant land use on each parcel. A more detailed description of these land use categories displayed on this map follows.

1. **Residential Development** is primarily located along the town's rural roads. More recently (post 2001); residential development has been spreading into previously undeveloped areas located further off town roads. The densest concentration of residences can be found in West Dummerston, Dummerston Center, Slab Hollow, Little Connecticut and along Houghton Brook Road near the Putney border.
2. **Commercial Development** is, for the most part, scattered along Route 5 and Route 30. The Commercial uses include retail and automotive services, farm stands and camping facilities.
3. **Industrial Development** in Dummerston is limited. There is some industrial development associated with Putney Paper in the northeast corner of town. In the southeast corner of town, the Allard Lumber yard located on Old Ferry Road extends into Dummerston. Other industrial uses include the Vermont Agency of Transportation Maintenance Garage and a trucking company, both located on Route 5.
4. **Public Services/Cultural** uses include the following facilities: Town Office, Dummerston School, Lydia Taft Pratt Library, Community Center, [West Dummerston Post Office](#), Evening Star Grange, Historical Society, Green Mountain Camp, fire stations, churches and cemeteries. These facilities are primarily located in Dummerston Center and West Dummerston.

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5. **Conservation** includes publicly-owned lands, lands owned by a conservation organization, and private lands with a conservation easement¹.
6. **Farms** refer to lands that are utilized for the cultivation of crops, dairy farming, raising of livestock and poultry, orchards and tree farms.
7. **Undeveloped** land represents land not being used for development at this time. A large portion of this area is forestland, most of which is in private, non-industrial ownership.

Future Land Use

1. Land Use Districts

The Future Land Use Plan has realigned the land use districts from previous Town Plans to allow growth but direct it to locations that are more reflective of Dummerston's traditional settlement pattern and unique landscape features. It also provides for the preservation of Dummerston's natural resources, biodiversity and rural character. The following factors were considered in developing this plan:

- **Population and Development trends:** Between 1960 and 2000, the population increased 120 percent and housing units by 141 percent, while the average household size declined from 3.14 in 1970 to 2.41 in 2000. Coupled with this population and housing growth, the zoning bylaw has led to increased residential sprawl and strip development throughout the town. Most of the zoning districts were delineated using an arbitrary setback from the road. This method of delineating zoning districts does not respect the physical limitations of the land nor unique cultural and/or natural resources value that may be present.
- **Community Input:** Over the past several years, the Town has been gathering public input on the goals and values of the community. These activities have included a 2002 Planning Commission survey to discern what the residents wanted the town to be like, Dummerston Y2C in 2007, participation in University of Vermont and Shelburne Farms PLACE program, and community presentations and work sessions on a draft land use plan.
- **Biodiversity:** Dummerston is fortunate to have a landscape that supports a diverse ecosystem of plants and animals. Conservation Commission efforts to document this biodiversity have been used to help develop a land use plan that will protect the integrity of the town's biodiversity.
- **Working Landscape:** Unlike many Vermont towns, agricultural activity (dairy, orchards, haying, etc.) and forestry are still very much a part of the landscape. In a time where land prices and the economy make it difficult to convert new land for

¹ A conservation easement is a recorded land use agreement in which the property owner conveys by sale or gift certain development rights to a governmental agency or qualified charitable organization like a land trust. (cont.pg14 The holder is required to enforce the easement in perpetuity for public benefit. Easements can protect lands, buildings, or both. Another name for a conservation easement is conservation restriction.

farming, this land use plan recognizes the importance of the existing working landscape and seeks to maintain it for use into the future.

- **Land Capability:** Natural features of the landscape can serve as major development constraints. Steep slopes, flood-prone areas, wet soils and shallow soils all present challenges to development that may be able to be overcome but do not reflect efficient and environmentally sound planning.

The following land use districts were developed to guide growth and conservation efforts in Dummerston. The *Future Land Use* map depicts the areas that are described below. They will be used to guide future changes to the land use districts in the Zoning Bylaw.

a. **Conservation:** Conservation areas are so designated because of their special and unique value to the region's ecosystems. Lands within this area primarily include publicly-owned lands (either town or federal), lands with conservation easements, steep slopes and critical conservation corridors. The priority in the conservation areas is to maintain undeveloped land as well as to protect habitats, watersheds and conservation corridors.

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b. **Resource:** The resource areas contain lands that currently have or have the potential for productive agricultural or forestry uses. In most locations, undeveloped land, conservation corridors, large parcels, low impact recreation and habitat protection are maintained. There are some low to very low density² residential areas located in these resource areas. The purpose of the resource area is to recognize and provide for the continuation of economic values when the land is in productive use. Another purpose is to preserve the rural character of Dummerston which is characterized by extensive woodlands and undeveloped fields, while accommodating low to very low density residential development that avoids the need for new road infrastructure.

c. **Rural:** The rural areas contain low density development and are generally located at a distance from facilities and services. The rural areas off Bunker Road and Miller Road tend to be undeveloped fields. The Rural areas in the western part of town tend to be forested. These are areas that can support limited residential growth due to topography and soil conditions. The goal of rural lands is to provide for some housing while maintaining moderate levels of forestry and agriculture. Habitat protection and the preservation of the rural landscape are also important. We would like the Planning Commission to revisit this to determine if areas off Bunker Road and Miller Road should be a Resource district instead of a rural district.

d. **Rural Residential:** Rural residential areas are residentially developed areas that are easily accessible by the existing road network. The goal of the rural residential area is to provide for low to moderate density housing while maintaining the rural feel. Both site specific habitat preservation (e.g. streams, wetlands, vernal pools) and, where possible, resource use is encouraged.

² Density is the amount of development per acre. It is typically measured in dwelling unit per acre.

- e. **Mixed Density:** Mixed density areas are areas with existing development. The goal is to encourage the most intensive use of land within these mixed density areas. This development would include small scale services and a wide variety of housing options. Future development is meant to be compatible with the existing uses in each mixed density area. More intense use of land within these areas may require shared water supply, sewage disposal and driveway access solutions.
- f. **Critical Conservation Corridor Overlay District:** Critical Conservation Corridors are areas that provide naturally vegetated linkages to support daily and seasonal wildlife movement. The goal is to minimize activities that block or limit wildlife movement between unfragmented blocks of forest. Some fleshing out of this paragraph, clarifying its importance and how it can be managed would be helpful.
- g. **Dummerston Center Historic Overlay District:** The Dummerston Center Historic Overlay District is located at the crossroads of the East West, Middle, and Bunker roads. Dummerston Center hamlet is significant historically and architecturally as representative of the small, mill-oriented communities that characterized much of the region from this date to the mid-19th century. The focal point of this overlay district is the intersection where the Congregational Church, Grange, and common are located. Residential buildings dating from the late 18th to mid-19th centuries surround this area, which once served as a town center. The purpose of this overlay district is to allow for the establishment of design review in an area considered worthy of preservation because of its architectural, cultural and historic significance.
- h. **Commercial/Light Industrial Overlay District:** The purpose of these areas is to encourage well planned and coordinated development of commercial and light industrial (e.g. manufacturing, warehousing, building trades, storage, etc.) within the Town. Efforts will be made to guide and regulate development in such a way to ensure wise public investment and minimize impacts on the land and surrounding community while avoiding strip development and supporting a range of economic development and business opportunities in the Town.

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****Add Village & Hamlet districts (use description in current town plan)**

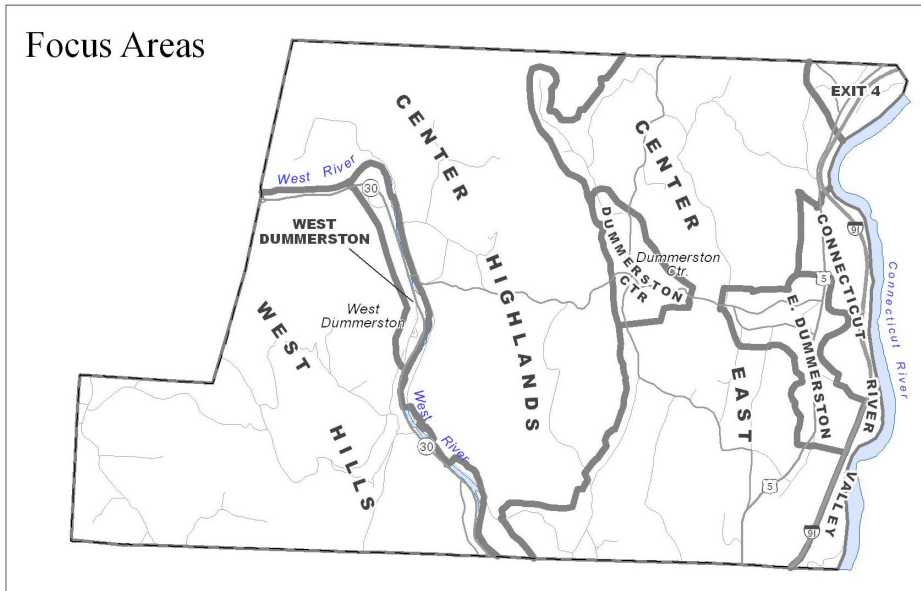
i. Village: This district includes the traditional village area of West Dummerston. Villages provide a focus for Town cultural and social activities and provide for mixed residential, agriculture, commercial, and government uses. Of critical importance is the preservation of the historic character of the village.

j. Hamlet: The Hamlet District provides for the orderly development of a hamlet center within a rural district, and provides a complimentary mixture of land uses related to traditional hamlet centers or clusters which will increase the employment, shopping, cultural or recreational opportunities

conveniently available to nearby residents, seasonal residents and transients, and which will not unnecessarily duplicate services offered in the village or urban areas. The principal land use for Hamlet Districts should be residential.

2. Focus Areas

As part of the process to develop the future land use districts, focus areas depicted on the map below were created to evaluate the landscape and unique values of various parts of Town. These focus areas provide a more detailed description of what each part of Town is like. They should be used in conjunction with the land use districts to evaluate the “character of the area” during development review.



Designate West Dummerston as a village and Slab Hollow and Dummerston Center as hamlets on map.

a. Exit 4

The Exit 4 focus area is located on Route 5 with easy access to the Interstate 91 interchange. In the vicinity of Houghton Brook Road and Johnson’s Curve, the development is residential. Near the Exit 4 interchange there is commercial development, 2-3 establishments which are connected to Putney’s sewer/water line. The area east of the railroad tracks is currently undeveloped and includes two boat landings which provide public access to the Connecticut River. There is active farming occurring in this focus area (an orchard and corn field) and it is important to protect this agricultural land as well as other natural resources.

b. Connecticut River Valley

The gently rolling landscape and fertile soils of the Connecticut Valley have long supported agricultural use of the land in this focus area. The landscape is a patchwork of

fields and forested areas. Existing development in this area includes residential development and working farms. There is industrial development on Old Ferry Road, which is accessed by way of Brattleboro. [Descriptive language for Exit 3 area would be helpful.](#)

c. East Dummerston

The East Dummerston focus area stretches from Hidden Acres campground to Dummerston School along Route 5 and up East-West Road and School House Road into the residential area known as Slab Hollow [hamlet](#). The town's largest concentration of commercial operations is scattered along Route 5. Slab Hollow [hamlet](#) is one of three historic compact settlement areas in Dummerston and serves as a single-family residential neighborhood of small lots with development close to the road.

d. Center East

The Center East focus area contains a mixture of scattered development, undeveloped land, and undeveloped areas. Farming has left an imprint on this focus area with fields, some still actively farmed, and forests surrounding the residential development. Most of Dummerston's orchards are found in this focus area. The rising hills to the west provide scenic forested views.

e. Dummerston Center

Dummerston Center [hamlet](#) typifies the traditional village center of the rural upland farming communities which have historically dominated Vermont's agricultural landscape. Community, religious and residential structures combine with undeveloped land to form a community center of cultural significance. The built environment has a consistency in form, material, texture and color. Important landscape features include fields stretching toward the ridge, surrounding woodlands, many large shade trees and the pond and brook located at the crossroads of Middle Road and East-West Road.

f. Center Highlands

The Center Highlands focus area is comprised of a connecting swath of land that runs north-south through Dummerston. Black Mountain and Prospect Hill are important high elevation landmarks. The dominant feature in this focus area is the forested landscape, much of which is remote and undeveloped. The forested landscape plays an integral role in the town's biodiversity. Large contiguous areas of unfragmented habitat extend beyond the town borders into the neighboring towns. This unfragmented habitat is critical for animal migration.

High elevations and steep slopes in many parts of this focus area constrain development. Several large parcels have already been conserved. There is some low density residential development on Black Mountain Road, East-West Road and Camp Arden Road. More dense development is located on and around Hague Road, an area known as Little Connecticut. In the areas of residential development there is a peaceful, quiet nature to the area given surrounding forested landscape.

g. West Dummerston

The West Dummerston focus area is situated along Route 30, a major transportation route between Brattleboro and towns along West River Valley. It includes West Dummerston Village, one of Dummerston’s historic village areas. Today, West Dummerston Village is primarily residential with a few public buildings. Lot sizes are generally one acre or less and structures rely on individual wells and septic systems. The combination of small lot sizes and on-site water and waste water systems is a development constraint. This focus area is defined by the West River and the steep, wooded slopes behind it as opposed to the scattered commercial and residential development. The commercial development that exists is small in scale and is primarily art-related crafts that are located in residences. There are also some auto service garages and a gasoline station. Route 30 is a popular route for bicyclists and for recreation users, who take advantage of the parking lot at the covered bridge.

h. West Hills

This focus area is a high elevation area with large, undeveloped tracts of lands. It is largely forested and is part of a greater contiguous forested habitat that extends into neighboring towns. A significant portion of the area has been conserved because it serves as a watershed area for Brattleboro’s water supply. Residential development is scattered along the roads. Known as Dummerston Hill, it was an early settlement abutting the towns of Marlboro, Brattleboro and Newfane. Existing low density development, steep terrain and limited access from Dummerston contribute to the remote feeling of this focus area.

Land Use Goals, Policies, and Action Steps

Goal 1: To achieve a balance between development activities, preservation of natural resources, and undeveloped land in Dummerston.

Policy 1.1: Develop, in consultation with landowners, distinct zoning districts to regulate land use activities to ensure compatibility with the purposes of those respective districts.

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Action Steps:

- a. Adopt a Conservation District for the purpose of maintaining undeveloped land, as well as to protect habitats, watersheds and conservation corridors. To this end:
 - i. Limit permitted uses within the Conservation District to residences, agriculture, forestry, individual recreational hunting and fishing camps, seasonal or occasional use camps, and accessory uses to the permitted uses on the same lot.
 - ii. Discourage the creation or extension of new roads through the Conservation District.
 - iii. Encourage a very low density of development that reflects the needs of landowners and protects habitats, watersheds and conservation corridors by allowing variable lot sizes; encouraging landowners to work with conservation organizations; exploring innovative mechanisms to manage density, such as PUD’s and TDR.

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This is the area of the plan that generated the most comment, most of which was unfavorable, to 1 unit per 27 acres. The Selectboard cannot support a minimum lot size this large and feel that requiring density standards of 1 unit per 27 acres is problematic and difficult to administer. We support the goal of low density development and maintaining unfragmented land. We just don't know how to do it. We would like the PC to revisit this issue and determine if a specific number of units/ acre of density is necessary. This pertains to the Rural and resource districts as well.

b. Adopt a Resource District to recognize and provide for the continuation of lands that have economic value when in productive use and to preserve the rural character. To this end:

- i. Encourage a low to very low density of development (1 unit per 10-27 acres).
- ii. Resource districts should be used for forestry, agriculture, low-intensity recreation and housing.
- iii. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
- iv. Conditionally permit agricultural tourism use so that property owners can diversify and bolster income sources.

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c. Adopt a Rural District to provide housing while maintaining modest levels of forestry and agriculture that contribute to the rural character. To this end:

- i. Encourage a low density of development (1 unit per 10 acres).
- ii. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
- iii. Continue to permit a mix of rural land uses, including agriculture, forestry, outdoor recreation and housing.
- iv. Conditionally permit agricultural tourism use so that property owners can diversify and bolster income sources.

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d. Preserve the Rural Residential District to provide for moderate density housing while maintaining a rural feel. To this end:

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- i. Revise the Zoning Bylaw to conditionally permit multi-family housing in the rural residential district.
- ii. Continue to permit a mix of rural land uses, including agriculture, forestry, outdoor recreation and housing.
- iii. Preserve the existing density of 1 unit per 2 acres for residential uses.
- iv. Review setback requirements and reduce them where the predominant development pattern is contrary to the existing setback requirement.

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e. Adopt Village and Hamlet Districts to encourage compact settlement areas consistent with traditional development patterns in Dummerston. This includes the Village of West Dummerston and the hamlets of Dummerston center and Slab Hollow. To this end:

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- i. Evaluate building setback patterns and create setbacks that are consistent with the existing development patterns in each mixed density district.
- ii. Evaluate commercial uses and allow them to continue in mixed density areas where they have traditionally been found or are compatible with existing uses.

iii. Permit a range of densities within these districts ranging from a high density, when supported by shared water supply, sewage disposal and access, of 1 unit per ½ acre for residential uses and 1 unit per 1 acre for commercial uses to a moderate density of 1 unit per 2 acres.

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iv. Maintain the traditional uses in West Dummerston village and the hamlets of Slab Hollow and Dummerston Center to ensure retention of their character and historic and scenic resource qualities.

v. Maintain uses in West Dummerston village and the hamlets of Slab Hollow and Dummerston Center that are compatible with their quiet residential nature and that do not noticeably increase traffic or noise.

f. Consider, in consultation with affected landowners, a Critical Conservation Corridor Overlay District to minimize activities that block or limit wildlife movement between unfragmented blocks of forest. (Planning Commission and Conservation Commission)

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g. Investigate the feasibility of Local Historic Districts in Dummerston Center, Slab Hollow and West Dummerston Village to maintain and improve the aesthetic quality and architectural character of the area.

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h. Investigate the creation of an Agricultural District or overlay district. (Planning Commission, Conservation Commission, Farmland Protection Committee)

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i. Investigate the creation of a Recreation Overlay District. (Planning Commission and Recreation Board)

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j. Review and upgrade the Zoning By-laws Commercial/Light Industrial District.

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Goal 2: To protect the natural environment and its economic, ecological, and aesthetic benefits.

Policy 2.1: When appropriate, encourage, development projects to integrate natural features and resources so that the losses of these are minimized.

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Action Steps:

a. Encourage overall site plan review standards that ensure that overall site design respects the natural characteristics of the land and enhances the character of the district within which a development is located.

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b. Develop standards in the Zoning Bylaws to restrict development on steep slopes.

Policy 2.2: Create a network of greenspaces and greenways that protects and preserves the environment, wildlife habitats, natural resources, scenic landscapes, and provides recreation.

Action Steps:

- a. Maintain a minimum setback of 50' from rivers and perennial streams. Encourage the establishment of and maintenance of a vegetated buffer along the shoreline for erosion control, filtration and/or capture of nutrient and chemical runoff.
- b. Prohibit new development in flood hazard areas.
- c. Concentrate conservation efforts on lands in the Conservation District and in critical conservation corridors.

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Policy 2.3: Prohibit the storage and disposal of radioactive materials and nuclear waste.

Goal 3: To promote intensive land uses and development only in areas where adequate public services and facilities are available.

Policy 3.1: Limit light industrial development to areas shown as Commercial/Light Industrial on the generalized land use map.

Consider eliminating the route 5 strip Overlay. Mixed density allows when appropriate. Also, consider changing the Overlay at exit 4 to C/LI district and add designation of C/LI to to Old Ferry Rd. between railroad and I-91.

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Inserted: ferry Rd. between railroad and I-91.

Policy 3.2: Prohibit extension of transmission facilities through Conservation lands and discourage roads or other utility services through Conservation lands.

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Policy 3.3: Construct corridors for new energy transmission or distribution facilities only when needed, and then only within or adjacent to existing operational energy transmission facility corridors to the maximum extent possible. Minimize their visual impact on ridgelines, slopes and undeveloped areas, and avoid important natural and historic resources.