

## LAND USE

### **Existing Land Use**

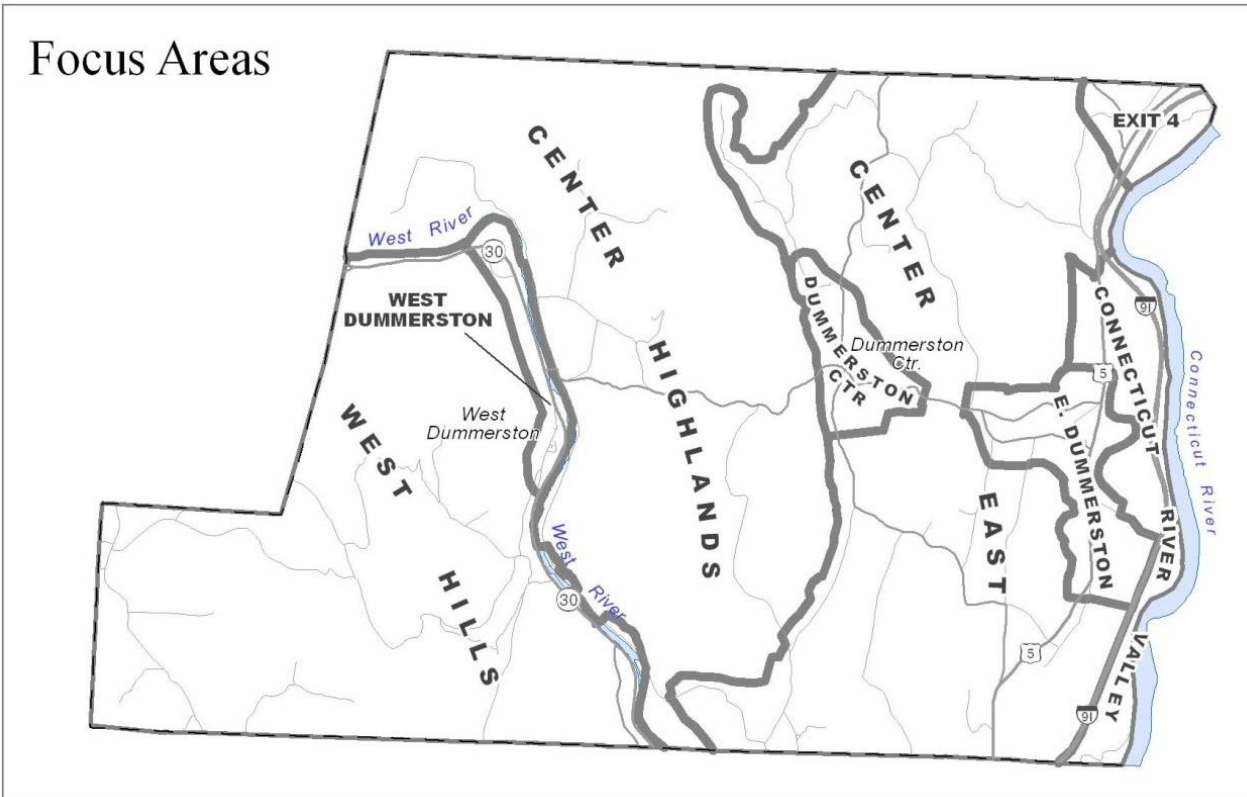
Dummerston's pattern of development reflects the influences of the historic settlement pattern discussed in the Community Profile as well as topography and the transportation system.

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 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-East Dummerston, 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, restaurants, and camping facilities.
3. **Industrial Development** in Dummerston is limited. There is some industrial development in the northeast corner of town. In the southeast corner of town, a lumber yard located on Old Ferry Road in Brattleboro extends into Dummerston. Other industrial uses are 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.
5. **Conservation** includes publicly-owned lands, lands owned by a conservation organization, and private lands with a conservation easement.
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.

### **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.



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 Johnsons 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.

The gently rolling landscape and fertile soils of the **Connecticut River 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.

The **East Dummerston** focus area stretches from the north end of Carpenter Road to Dummerston School along Route 5 and up East-West Road and School House Road into the residential area known as Slab Hollow. The town's largest concentration of commercial operations is scattered along Route 5. Slab Hollow is a single-family residential neighborhood of small lots with development close to the road.

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.

**Dummerston Center** 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.

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.

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, which 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, with scattered commercial and residential development along Route 30. 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 use the parking lot at the covered bridge.

The **West Hills** is a high elevation area with large, undeveloped tracts of land. 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.

## ***Future Land Use***

The Future Land Use Plan 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 1970 and 2010, the population increased 144% and housing units by 193%. While the population has stabilized in the last 20 years, housing growth has not slowed, with the average household size declining from 3.14 in 1970 to 2.26 in 2010. Prior to the 2014 update, the zoning

bylaw delineated districts using an arbitrary setback from the road, a method which does not respect the physical limitations of the land nor unique cultural and/or natural resources value that may be present. The unintended consequence of this, along with arbitrary minimum lot size requirements, was that most residential development occurred in areas farther from village centers and main roads.

**Community Input**

The Planning Commission held two public forums on the Town Plan update in 2016 and 2017, taking feedback from residents and using it to revise the draft.

**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 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.

***Land Use Districts***

The following land use districts guide growth and conservation efforts in Dummerston. The Future Land Use map depicts the areas that are described below. The map and the descriptions below are a guide to the land use districts in the Zoning Bylaw.

**Conservation**

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

**Productive Lands**

Productive lands 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-density 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.

**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 forestry and agriculture. Habitat protection and the preservation of the rural landscape are also important.

**Rural Residential**

Rural residential areas consist of residences 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 resource use (e.g., agriculture, forestry, outdoor recreation) are encouraged.

**Residential**

The goal is to encourage the most intensive use of land with a wide variety of housing types and retail and service establishments in scale with the neighborhood. Future development is meant to be compatible with the existing character of the area. More intense use of land within these areas may require shared water supply, sewage disposal and driveway access solutions.

**Rural/Commercial**

This district includes lands along Route 5 and the west side of Route 30. These lands fit the criteria for Rural Residential, and appear generally suitable for light commercial uses that require good access to a main traveled road. Both residential and commercial uses including recreation are suited for this area. Commercial uses should be compatible with surrounding predominantly residential uses. Strip development should be discouraged and its negative impacts minimized if possible, by techniques such as shared access points, increased landscaping, sign control, and emphasis on pedestrian movement.

**Commercial/Light Industrial**

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.

**Settlement Areas**

Of Dummerston's original settlement areas, three remain West Dummerston Village, Dummerston Center and Slab Hollow. Settlement patterns in these areas include historic structures with mixed uses sited close to the street, mostly on narrow lots, or at least close to each other. Currently these areas provide a focus for Town cultural and social activities and for mixed residential, commercial, spiritual, educational and government uses. The compactness of building densities, relative uniformity of scale and design, and age of the structures, give them the effect of typical New England villages.

- **West Dummerston Village** is located adjacent to the Route 30 Corridor, and includes historic structures that once were churches, a Grange, and a school. Many have undergone adaptive reuses, mostly to become residential. West Dummerston Village also has a library, Community Center, a Church, a Post Office, a firehouse and a cemetery. In

order to encourage compact settlement in the Village, the Town needs to consider current restraints created by inadequate water and septic needs.

- **Dummerston Center** is located at the crossroads of the East West, Middle, Bunker, and Park Laughton roads. The focal point of this 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. This is also the location of the Town Offices, the Town Garage, a Fire Station and the Historical Society. This area may allow opportunities for appropriate infill development provided attention is paid to scale and design that complements the existing historic character of the area.
- **Slab Hollow** is located on the east side of Dummerston mainly at the intersection of East West Road and Schoolhouse Road. The settlement area extends generally east, west and southeast along Salmon Brook. Formerly the site of several mills and a village-like center, it is now entirely residential. However, should development opportunities arise, the character of the area should be maintained and an appropriate variety of uses be encouraged.

### **Overlay Areas**

Overlay areas provide additional information on the Future Land Use Map.

**Connecting Habitats** are areas that provide naturally vegetated linkages to support daily and seasonal wildlife movement between larger tracts of undeveloped or conserved lands. The goal is to encourage continued stewardship and minimize development activities that would block or limit wildlife movement between unfragmented blocks of forest.

### **Land Use Goals, Policies, and Action Steps**

Land use planning impacts real property, and therefore the Town is especially committed to working in collaboration with residents to develop land use regulations. Through the established hearing processes, as well as through less formal methods, the Town relies on public involvement to help weigh the interests of individual landowners with the town-wide goals of thoughtful development and conservation.

**Goal 1** — *Achieve a balance between development activities, preservation of natural resources, and undeveloped land in Dummerston.*

**Policy 1.1** Designate distinct zoning districts to regulate land use activities to ensure compatibility with the purposes of those respective districts.

#### *Action Steps*

- a. Preserve the **Conservation** District for the purpose of maintaining large tracts of undeveloped land, as well as to protect habitats, watersheds and conservation corridors. To this end
  - i. Limit permitted uses within the Conservation District to residential, 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. Limit the creation or extension of new town roads through the Conservation District.

- iii. Investigate public and private strategies for maintaining undeveloped land in a manner that reflects the needs of landowners and protects habitats, watersheds and conservation corridors.
- b. Preserve the **Productive Lands** District to recognize and provide for the continued use of lands that have economic value when in productive use and to preserve the rural character. To this end
  - i. Productive Lands districts should be used for residences, forestry, agriculture, and low-intensity recreation.
  - ii. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
- c. Preserve the **Rural** District to provide housing while maintaining forestry and agriculture that contribute to the rural character. To this end
  - i. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
  - ii. Continue to permit a mix of rural land uses, including residential, agriculture, forestry, and outdoor recreation.
- d. Preserve the **Rural Residential** District to provide for moderate density housing while maintaining a rural feel. To this end
  - i. Continue to conditionally permit multi-family housing in the rural residential district.
  - ii. Continue to permit a mix of rural land uses, including residential, agriculture, forestry, and outdoor recreation.
- e. Preserve the **Residential** District to promote moderate density residential development that is consistent with existing uses and is sensitive to the limitations of the land. Generally the lot sizes are smaller and therefore most appropriate for residences and their accessory uses. To this end
  - i. Residential Districts should permit a mix of uses, including residential, agriculture, forestry and outdoor recreation.
  - ii. Maintain a settlement pattern that allows for safe proximity of water wells and septic systems.
  - iii. Allow a variety of conditional uses which would be compatible with the existing uses and surrounding aesthetic.
- f. Preserve the three **Settlement Area** Districts, West Dummerston Village, Dummerston Center and Slab Hollow, to encourage increased compact settlement consistent with traditional development patterns in Dummerston. To this end
  - i. Conditionally allow commercial uses in Settlement Areas where they have traditionally been found or where they are compatible with existing uses.
  - ii. Encourage uses that do not noticeably increase traffic or noise and are compatible with the quiet residential nature of the Areas.
- g. Preserve the **Rural/Commercial** District to permit a mix of uses, including commercial, residential, agriculture, forestry, and recreation.
  - i. Allow a variety of conditional uses which would be compatible with the existing uses and surrounding aesthetic.
- h. Preserve the **Commercial/Light Industrial** District to facilitate commercial development in a manner that minimizes impact on the land and avoids strip development.

- i. Investigate the creation of overlay areas to facilitate more flexible zoning and land use in different areas of Dummerston, including the possibility of Agriculture, Recreation, Commercial, and Light Industrial Overlay areas. (Planning Commission, Conservation Commission, Farmland Protection Committee, Recreation Board)
- j. Look for opportunities with the Town of Putney to determine land uses that provide opportunity for residential and commercial development that benefits both towns by providing needed services or employment; support continued agricultural use of productive farmland; and protect undeveloped land with wildlife habitat value.
- k. Investigate the feasibility of a variable-lot-size provision in the zoning bylaw (Planning Commission).

**Goal 2** — *Protect the natural environment and its economic, ecological, and aesthetic benefits.*

**Policy 2.1 Encourage development projects to integrate natural features and resources so that the losses of these are minimized.**

*Action Step*

- a. Develop an informational packet for permit applicants to aid in siting.

**Policy 2.2 Create a network of green spaces 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 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 except as provided by State regulations. (See, also, Flood Resilience chapter.)

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

**Goal 3** — *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 future land use map.**

**Policy 3.2 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.**