

To: East Montpelier Planning Commission

From: Planning Commissioner Gianna Petito (with assistance from Kim Watson and Zach Sullivan)

Re: Exploring planning approaches and tools to balance affordable housing and renewable energy development goals with preservation of open spaces, forest blocks, prime agricultural lands, and other aesthetic and natural resources of the town.

Date: 1/16/2022

The following is a draft scope of work for the East Montpelier Planning Commission (EMPC) to consider amending and addressing to advance specific goals and actions outlined in the 2018 East Montpelier Town Plan.

Overarching Purpose for this Work

- How to guide the development of residences, home businesses and other allowed uses, as well as renewable energy generation, in ways that minimize their impact on the working and natural environment, including open spaces, core forests, wildlife habitat, agricultural soils, farming, wetlands, ridgelines, and ecologically sensitive areas;

and/or

- How to guide preservation of working and natural environment, including open spaces, core forests, wildlife habitat, agricultural soils, farming, wetlands, ridgelines, and ecologically sensitive areas in ways that still allow for affordable housing and renewable energy development.

How to Progress

- Discuss/Select/Edit/Confirm overarching purpose(s) as drafted above
- Refine purpose(s) with definitions and targets
 - The “what”
 - Defining affordable housing - owner-occupied? Rentals? Median cost? New development?
 - Defining conservation - UVA? Easements? Overlay zones? How “protected” are we aiming for?
 - Types of ag/forest to be conserved?
 - Intact blocks of specific acreage?
 - High priority blocks identified in Bio Finder?
 - Prime ag soils regardless of current use?
 - Setting measurable targets -
 - see Town Plan for number of new affordable units,
 - See town plan for renewable energy generation targets
 - what about acres for conservation? How much is too much or enough?
 - Are we looking for specific balance between UVA vs. easements in terms of acreage under each/both?
 - The “where”

- Do we still agree with the locations identified in the town plan for:
 - Affordable housing. Where can EM afford to develop hamlets/communities?
 - Renewable energy
 - Preservation of ag and forest blocks
 - Where are we proposing renewable energy vs. affordable housing development vs. priority conservation areas? Are they in conflict with each other?
- Do we need updated maps/more information on existing maps to compare these locations?
 - Seeing the “negative space” - i.e. what’s left after you take out existing easements?
 - What’s just UVA land or non conserved that overlaps with prime soils or priority forest blocks? Get a count on number of parcels affected? Comparing existing locations of conserved land and where it overlaps with conservation overlay zones?
 - **Look at existing maps in town plan for reference:**
 - 187 - forest integrity study area
 - 183 - study area + forest areas + conserved land/current use
 - 182- conservation easements
 - 181 - ag land and conserved/current use
 - 180 - housing density
 - REDO Maps to document out districts to conserved/current use land?
 - Export parcel ownership data?
- Discuss the “how” to achieve these targets
 - List out planning and zoning potential tools we could use:
 - Maximum Lot density
 - Minimum Lot Size
 - What does lot size mean to guide development and meet objectives above?
 - 7 acre
 - 5 acre
 - 3 acre – allows for PUD development
 - 1 acre - allows for PUD development
 - None – allows for PUD development
 - Overlay Zones
 - Development/subdivision regulations
 - PUDs
 - Non-regulatory approaches in partnership? (i.e. easements, UVA education, habitat for humanity communications, support for wastewater infrastructure investments etc.)

- What’s currently in place and why is this or isn’t this working?
- How do these tools impact each of our respective goals (housing, conservation, etc.)
 - Does location matter/ affect the impact?
- What are external factors we need to consider? (e.g. wastewater infrastructure limitations on affordability)
 - Can/should we address these within the scope of this proposal? Or acknowledge them as an outside factor that should affect our other decisions?
- Brainstorm resources and trainings we need to explore the impacts of these tools and how to choose which are the best fit for our multiple goals:
 - Understand what’s implementable. Speak with:
 - DRB
 - ZA
 - Ask CVRPC for towns with good examples of implementation of this “balance”
 - Make a list of questions we need answered and other expertise we need to draw on
- Start responsibilities and timeline work plan for this proposal (see below)

Responsibilities and timeline work plan

PC Member	Responsibilities/Next action items	Timeline/target completion

Expected Outputs from this Work

- New proposed... (depends on which tools we think will be most appropriate)
 - Edits to development regulations
 - Edits to overlay zones
 - etc.

Background Reading

Relevant Planning Commission Goals and Action Items from 2018 Town Plan

Renewable Energy Development

Goal 6.17: Create guidelines for siting and design of new renewable energy development.

Action 6.17.1: Provide specific siting and design standards in the East Montpelier Energy Plan.

Affordable Housing Development

Goal 8.1: Provide a range of housing opportunities including single-family, multi-family, mixed use, and affordable and senior housing

Action 8.1.4: Consider conducting a housing needs assessment and developing a housing action plan for the town.

Preservation of Prime Agricultural Lands

Goal 7.4: Promote and support the viability of sustainable agricultural enterprises.

Action 7.4.2: Ensure zoning bylaws support agricultural enterprises.

Goal 9.10: Support a diverse agricultural community.

Action 9.10.2: Ensure that subdivision, access, and rights-of-way preserve the viability of productive farmland.

Goal 9.12: Support the conservation of prime and actively-used farmland outside of village and growth areas.

Action 9.12.1: Coordinate conservation efforts with landowners and conservation organizations to ensure that town goals are met.

Action 9.12.2: Use the Conservation Fund to support farmland conservation that meets town goals.

Preservation of Forests

Goal 9.7: Protect forest integrity

Action 9.7.1: Review and update Land Use and Development Regulations to promote protection of priority forest blocks and riparian wildlife connectivity.

Action 9.7.2: Evaluate and implement non-regulatory approaches to promote forest integrity

Goal 9.8: Ensure that existing forest areas are managed for long-term sustainability.

Action 9.8.1: Work with landowners and conservation partners to conserve the town's most valued forestland.

General Preservation of Open Space/Aesthetic/Natural Resources

Goal 8.2: Concentrate new residential development in East Montpelier Village or an identified growth area.

Goal 9.14: Retain the scenic rural character of town roadways.

Action 9.14.2: Ensure that Land Use and Development Regulations encourage compact development that protects scenic and natural resources.

Goal 10.1: Ensure that land use patterns retain the values expressed by citizens including rural development patterns, protection of agricultural land and open space, and the enhancement of East Montpelier's villages.

Action 10.1.4: Develop zoning regulations that encourage new developments to reflect historic landscape patterns such as compact development, a close and positive relationship to the street, and orientation of buildings and structures parallel or perpendicular to the road and other structures.

Action 10.1.6: Protect riparian forests through conservation easements and Land Use and Development Regulations.

Goal 10.5: Focus conservation efforts in areas outside of East Montpelier Village that have the highest resource values.

Action 10.5.1: Prioritize areas that would benefit from conservation including agricultural lands, priority forest blocks, riparian connectors, wetlands, and scenic resources.

Action 10.5.2: Consider how conservation projects contribute to accomplishing other town goals—such as recreation, housing or renewable energy generation—when evaluating support from the town's Conservation Fund

Goal 10.6: Promote energy-efficient land use patterns that facilitate walking, bicycling, and use of public transportation.

Explanation of lot size vs. density (from Zach)

The idea is that you would have both a maximum density and a minimum lot size, so you could, for example, keep the density at 1 unit per 7 acres, but have the minimum lot be 1 acre. This means that if a person had a 15 acre lot they could subdivide it into a one acre lot (and build a house on it) and a 14 acre lot with a house, but that 14 acres couldn't be subdivided further even though it's in the 7 acre zone (or potentially could be, but with a restriction that one of the lots couldn't then be developed - in theory you could conserve it and sell the conserved land). Basically, with each lot where the land records now record that you have X acres and a dwelling, it would now say that you have X acres, a dwelling, and Y unused development rights, and when you subdivided you'd also need to divide out the development rights to make sure that you kept to the average density. Addison County does this in a lot of places, and it's had the effect of moving the houses closer to the road and leaving larger continuous spaces in back. It also creates the potential for more of a mix of larger, more expensive lots mixed with smaller, more affordable ones. You could do this with a PUD as well, but the disadvantage of a PUD is that you have to plan the whole thing from the start, and unless you figure out a really clever way of creating much higher and lower value properties in the same PUD you still have the same problem of having the land cost so much that you lose affordability before you even start digging the foundation.

Data From Kim:

What is the total acreage in EM? 23,040 acres

**What is conserved land and how much do we have in EM? Permanent Conservation 3,786 acres
Conservation Easement**

Summary. A conservation easement is a voluntary agreement between a landowner and a land trust or government agency that limits the type or amount of development on one or more parcels of land.

What is Current Use land and how much do we have in EM? 9, 752 acres. Forest area in EM =11,419 arces

Use Value Appraisal: Use Value Appraisal, or “Current Use” as it is commonly known, is a property tax incentive available to owners of agricultural and forestry land in Vermont. ... While enrolled, the land cannot be developed and, instead, must remain agricultural or forest land.

Current Use: Maintaining Enrollment

This next installment of our look at the Current Use program goes over actions landowners should take and considerations to keep in mind in order to keep their forests enrolled in the program.

As was previously stated in earlier articles, for forestland to qualify for the program a parcel must be at least 25 acres with at least 20 acres of forest that will be managed under an approved forest management plan. Parcels with productive soil can have plans that revolve around sustainable timber harvest and are compatible with other goals like wildlife habitat, watershed protection, recreation, and others.

Upon enrollment following your management plan is the main responsibility for landowners. Creating an approved 10-year management plan is a requirement for enrollment into the Current Use program. This plan should explain the long-term forest management goals for the land, describe forest stand conditions, and provide a detailed map and schedule for forest management activities. Plans need to be updated every ten years with current data, objectives, and a schedule of activities in the next ten years in order to be assessed at use value.

For the 2020 tax year, the Current Use Advisory Board has established the following use values:

- Agricultural Land: \$382/acre
- Forest Land: \$151/acre

A common thread amongst each of these considerations is the involvement of your forester. Independent, consulting foresters are often employed to develop and write management plans with landowners. They help in making property maps, filing current use paperwork, filing FMARs, withdrawing land from the program, overseeing projects, and more. They are involved in all aspects of management activities that take place and help keep your forest in line with the management plan.

Context from Relevant Sections of the 2018 EM Town Plan:

Affordable Housing

Because East Montpelier’s property values are high, with building lots costing \$50,000 and up, it is difficult to build affordable single-family housing. East Montpelier does not have critical infrastructure, such as municipal water and wastewater treatment, that is typically necessary in order to achieve the density that makes affordable housing development viable. Market forces alone are unlikely to be sufficient to develop affordable housing units under existing conditions (98)

East Montpelier faces several challenges in meeting the housing allocation goals.

Approximately 50 percent of the town’s land area is conserved and/or in current use. Both reduce the amount of land available for development. The town also has long had large-lot zoning regulations to encourage the continuation of the farming community. Although East Montpelier is a desirable place to live, high land costs, reduced land availability, and the lack of municipal water and wastewater infrastructure hinder the development of new homes. (100)

- Town zoning allows mobile homes anywhere single-family homes are permitted.
- Accessory dwellings are allowed in all zoning districts.
- Planned residential developments are allowed in all zoning districts except Zone B - Industrial. Planned residential developments may receive a 25 percent density bonus and a 50 percent density bonus if at least 20 percent of the units are affordable.
- The town has a revolving loan fund that was originally created to pay for sewage system upgrades to the Sandy Pines Mobile Home Park. The town has been exploring ways to use this fund to assist with making housing in East Montpelier more affordable.
- In 2015, the town purchased the 48-acre Old LaPerle Farm property in East Montpelier Village. This property is being evaluated for a mixed-income development that would include senior housing.
- In 2017, the town developed a Master Plan for East Montpelier Village. This plan proposes new village zoning with smaller lot sizes and greater opportunities for new single-family and multi-family housing.
- A new, passive-energy affordable home on US 2, built by Habitat for Humanity, was completed in 2017.
- The town has been in discussions with Habitat for Humanity for development of an affordable multi-family home in East Montpelier Village

Map 8 shows the distribution of housing in town, the number and location of homes built since 2013, and the preferred areas for future residential growth (East Montpelier Village, North Montpelier, and Gallison Hill). A buildout analysis for the Village Master Plan indicates that there is the potential for 169 new residential parcels in East Montpelier Village; this is over 80 percent of the remaining new housing goal under the Regional Housing Distribution Plan. (100)

Farmland conservation is not necessarily a good idea everywhere. The town wishes to concentrate growth within its villages and growth areas. Ensuring that sufficient developable and affordable land exists for future housing growth is an important town goal. Future land conservation for agricultural purposes will not meet the goals of this town plan. Village growth areas are best suited to housing and/or businesses growth. At present, East Montpelier Village is the only village with defined boundaries. (120)

Renewable Energy

To meet the town's share of the total goal set by the Vermont Comprehensive Energy Plan, an additional 9.5 MW of solar photovoltaic (PV) capacity must be installed within the town by 2050. This corresponds to approximately 76 acres of land devoted to new solar arrays based on today's technologies. East Montpelier's low rolling hills with significant areas of open fields and scrub vegetation is potentially suited to solar development, so there appears to be little impediment to accommodating this goal. (86)

Preferred sites for larger solar photovoltaic arrays (150 kW or larger) are located within the current Industrial District and Commercial District (excluding defined villages). These areas are generally on or near state highways and near three-phase transmission lines. Appropriate screening from roadsides and residential areas is required for all solar projects. - review pages 88-90 on siting location preferences

Significant Natural Resources: These areas are identified in the Town Plan and include flood hazard areas, river corridor areas, wetlands, high elevation protection zones, wildlife habitat areas, significant forest blocks, and prime agricultural soils. Minimum buffer areas of 50 feet are required between any part of a solar project and these resource areas (89)

Evaluating the industrially-zoned lands and examining the potential for added infrastructure will be important for future planning and to attract businesses. The industrial area may be suited to future energy growth such as larger solar projects.(134)

Agricultural and Forest Land Conservation

Approximately 58 percent (11,419 acres) of East Montpelier is forested (see Map 9). This is less than the 74 percent of Vermont that is forested, due in part to the abundance of open agricultural land in East Montpelier. Publicly-owned forestland accounts for about 260 acres. (110). As Map 9 shows, much of the town's forested land is either conserved or enrolled in the state's Current Use Value Program, which provides significant tax incentives for land owners who agree to keep woodland undeveloped and follow forest management plans.(110)

Our forests are exposed to a number of threats, perhaps the greatest of which is the conversion of forests to other uses. Conversion may stem from parcelization (subdividing a large parcel of land), changing landowner objectives, and development(112)

Map 11 shows the locations of the priority and highest priority interior forest blocks and connectivity blocks, and highest priority wildlife crossings, as identified the state Agency of Natural Resources. The state identifies blocks that are greater than 20 acres; the town may have important smaller blocks that are not shown on this map. (112)

Most of the priority and highest priority forest blocks are in the northern part of town and connect with similar contiguous forest blocks in Middlesex and Calais (112)

Based on the priority forest blocks (both interior and connectivity blocks), this Town Plan identifies a Forest Integrity Study Area (see Maps 11 and 14) to help focus regulatory and non-regulatory forest integrity protection efforts. East Montpelier's Land Use and Development Regulations should be updated to provide clear and specific guidance for siting development and associated infrastructure to protect forestland. Energy siting guidelines discourage most energy development in significant forested areas. (114)

In 2011, East Montpelier had conserved 3,095 acres. This increased to 3,786 conserved acres by 2017. As shown on Maps 9 and 10, a large proportion of the conserved land is farmland. (117) In 2011, there were 8,823 acres of East Montpelier's agricultural and forestland enrolled in the Current Use Program. As of 2017, there were 9,752 acres enrolled. (117)

Over 20 percent of the acreage in town is currently under cultivation, substantially more than other towns in Central Vermont (118)

The Selectboard and Planning Commission have recently noted that nearly 50 percent of the land area in town is either protected by conservation easements (33 parcels; 3,786 acres) and/or is in the Current Use Program (109 parcels; 9,752 acres). Discussions have focused on the extent to which the amount of conserved land may inhibit residential growth within the town. Other discussions have considered whether conservation easement projects seeking contributions from the town's Conservation Fund should include provisions that help accomplish

some of the town's other goals such as renewable energy generation, recreational trail easements or housing. Another issue that has been raised in recent years is poorly-planned subdivisions, where houses sprawl across the landscape. Poorly-planned subdivisions erode valuable farm and forest lands and disrupt the traditional rural pattern of clustered buildings separated by open space.(133)

EMPC Tools

Additionally, the town has two conservation overlay districts. The wetland overlay district with a minimum 50-foot buffer protects wetlands and helps preserve their ability to slow and absorb floodwaters. The high elevation overlay district restricts development in areas over 1,500 feet in elevation; keeping these higher elevations in agriculture or forests helps rainfall infiltrate naturally and reduces fluvial erosion (60)

Siting development at the edge of valued open agricultural fields or intact woodland blocks, rather than within them, can help retain rural character. Clustering buildings and structures, reducing visibility of parking and other discordant structures, and sharing driveways can also help. (122)

Overall densities will remain low, and clustering of structures will be encouraged in order to keep agriculture and forestlands open. Front setbacks should be reduced to allow development closer to the road. Shared driveways and infrastructure will be encouraged. Regulatory options should be evaluated to promote more efficient development siting on large lots retaining more contiguous open space. Structures will be oriented, to the extent possible, to reflect traditional patterns and forms. Visually intrusive or discordant elements such as larger parking areas, utilities, and storage areas should be screened and/or located away from roadways.(133-134)

General notes

Between 2013-2018 The Selectboard held a community forum to discuss the current status and future of land conservation in town (pg 4)

The Conservation Fund Advisory Committee reviews proposals to conserve land involving allocations from the Town's Conservation Fund. Such projects may involve local funding to purchase development rights from local landowners in order to preserve our open, scenic, and agricultural land. The Committee reviews project to ensure they are consistent with the conservation and economic interests of the town in mind. (18)

In addition to regulating new development in floodplains and river corridors, the town's Land Use and Development Regulations require that all new structures have a 50-foot setback from surface waters with a 25 foot vegetative buffer. Both requirements help improve stormwater infiltration and limit flood damage. (60)

In 1989, the town acted on the recommendation of the Agriculture and Open Space Committee to establish a land conservation fund. The purpose of this fund is to help preserve agricultural and other lands that were identified as important in the LESA system. During the 1990s, six agricultural land parcels were preserved using money from the Town Conservation Fund. Farm and forestland lands in town continue to be protected with assistance from a variety of land conservation organizations, such as the Vermont Land Trust, Trust for Public Lands, and others. Funding from the US Department of Agriculture's Farm and Rangeland Protection Program or Forest Legacy Program is used as well.(117)

However, owners of larger properties including existing farmland may wish to sell or subdivide these properties. Moreover, citizens have expressed a desire to encourage growth, especially within our identified villages and growth areas. Town residents have expressed interest in providing more affordable land and housing within these areas. Renewable energy facilities also have the potential to create aesthetic impacts. planned revisions to the Land Use and Development Regulations will discourage strip development and help protect scenic views.(127) The rural areas of town generally retain a pattern of homes separated by open space with occasional clusters of houses concentrated on smaller lots. Housing subdivisions tend to be small, consisting of two or three lots. A five-lot subdivision is on the larger end of what typically comes before the Development Review Board. (133)

Zone D Rural Residential and Agricultural District (8,004 acres): Zone D is divided among three areas of town. Most of East Montpelier Center is within this zone. Its purpose is to “promote agriculture and forestry while accommodating low density residential development and other compatible non-residential uses.” Minimum lot size is 3 acres.

Zone E Agricultural and Forest Conservation District (8,998 acres): Zone E covers the rural areas in the northern part of town. Many of the town’s conserved lands are within this zone. Its purpose is to “promote agriculture, forestry and low density residential development in areas with limited access to public roads and community services while protecting natural resources and the district’s rural character.” The minimum lot size is 7 acres.

Conservation Areas Overlay Districts: East Montpelier has two conservation districts, the overall purpose of which is to “ensure the protection of critical natural resources by ensuring that development does not degrade or impair the ecological values and functions associated with the resources in the overlay districts regardless of the underlying zone.” The Wetland Overlay District includes all known wetlands and surrounding buffer areas. The High Elevation Overlay District includes all lands in town over 1,500 feet in elevation. These areas are currently forested. (135)

Resources

<https://eastmontpeliervt.org/documents/planning-zoning-documents/>

[EM Conservation Overlay Map](#)

[Guide to Natural Resource Inventory Community Planning](#)

[Other NR planning tools from VTFW](#)

[VT ANR Atlas](#)

- Prime ag land layer
- Existing ag land layer
- Biofinder - conservation priority blocks

[2018 EM Town Plan](#)

- Pg 11 shows operating non-profits in town that might serve as resources