

## Land Use

### A. Introduction

In terms of planning, one of the most complex discussions is about how land will be used in the future. How a town uses its land and plans for future land development can affect a wide range of issues, including the town's character and its ability to provide services adequately and at a reasonable price. In order to ensure that the impacts of future development in Pittsfield do not have unintended consequences, the Town's growth must be managed to reflect the vision of this Plan.

This section discusses both current and future land use patterns, and provides goals, policies, and recommendations for future implementation. Vermont Statutes Title 24, § 4411(a) authorizes towns to implement land use regulations, such as zoning, subdivision, and site plan review, provided that those regulations are in conformance with both this Plan and § 4302 of Title 24, which addresses the state's planning goals. In 2004, the state legislature passed Act 115 to more clearly define "conformance with the plan." It states that:

*All such regulatory and nonregulatory tools shall be in conformance with the plan, shall be adopted for the purposes set forth in section 4302 of this title, and shall be in accord with the policies set forth therein. [§4411(a)]*

A wide range of tools are available to town planners for the purposes of implementing the Town Plan. These tools include subdivision regulations, zoning bylaws, capital budget and programming, as well as other ordinances (see Chapter XIV for more information). All of these tools must conform to the policies of the Town Plan, and, once drafted, the Planning Commission is required to issue a report on how the newly drafted tools implement the Plan.

### B. Current Land Use

Pittsfield remains much as it has been for centuries, with a relatively densely populated village center surrounded by sparsely populated countryside. The Green Mountain National Forest (GMNF) takes up such a substantial amount of land in Pittsfield that the Town has one of the smallest physical settlement areas of Vermont's towns and cities. Most of its easily accessible land lies within the narrow valley that is transected by Route 100, which is bordered on one side by the GMNF and the Tweed River on the other. This reality creates some difficulty for Pittsfield. With a limited amount of developable land, it is complicated for Pittsfield to maintain the same type of rural character while allowing a natural level of growth.

#### Goals

1. Continue Pittsfield's historical land use pattern of denser development within the village and sparser residential development in the countryside.

2. Maintain the rural character of Pittsfield through a balanced consideration of developmental pressures, natural resources limitations, agricultural activities, and home-based occupational opportunities.

### **C. Land Use Regulation**

Historically, the citizens of Pittsfield have generally taken a “no regulation” stance when zoning has been considered. Previous drafts of zoning have fallen short of the votes needed for adoption on two past occasions. This is not to state, however, that the issue may never be raised again. Rather, it is in the interest of the Planning Commission and Town at large to reconsider zoning regulations if the time is ripe for such discussions at a later date.

Towns without land use regulations outside of town plans are always at risk when a large-scale development is proposed. Because of this, State regulators have designated all towns without such land use regulation as “1 Acre Towns” for the purposes of review under Act 250. This designation means the following:

- Any commercial or industrial developments involving over one acre of property triggers a review under Act 250.
- The subdivision of land into six or more lots within a continuous period of five years triggers a review under Act 250.

Under Criterion 10 of Act 250, any proposed project must conform to all duly adopted local and regional plans. It seeks to ensure that new development respects the wishes of Vermont citizens about the future of their town and region.

The Environmental Board has often found it difficult to interpret town plans in a regulatory proceeding because of their inherently vague and non-specific language. Town plans are generally considered visionary documents, and, though not intended to be the word of law, will be used by the Environmental Board for direction if zoning laws do not exist. Considering that Pittsfield does not have land use regulations at this time, the Town must specify the standards it expects a developer to meet if it wants the Town Plan to have controlling weight under Act 250. To that end, Pittsfield’s planners have chosen explicit language to ensure that the Town Plan gives a clear message to an environmental board if the need arises.

### **General Land Use Goals**

1. Continue consideration of the pros and cons of land use regulation (i.e. ordinances or zoning).
2. Recognize that each property is not isolated from others, and ensure responsible development and natural resource management within the community.
3. Development and resource management shall not interfere with public or private water rights.
4. Strengthen the Town Plan with direct and clear language in order to give the District Environmental Commission and Vermont Environmental Board a clear understanding of the Town's desires in the event of an Act 250 hearing.

### **D. Future Land Use**

When surveyed by the Planning Commission, residents have indicated that they would like to maintain the present-day aesthetics of Pittsfield. Residents confirmed that they want to maintain the existing settlement patterns, but are unwilling to regulate how land should be developed.

This document recognizes that not all land is equally suited for all types and intensities of development, and that certain areas of Pittsfield have unique characteristics that are worthy of protection. It is the basic premise of this Plan that future land uses be sensitive to both the physical limitations of a site and to the overall rural character of the Town. Accordingly, four separate geographical areas have been defined in this section and the physical boundaries of each are defined (for planning purposes only) on a proposed Land Use Map. For each area below (Village Center Area, Route 100 Corridor Area, Flood Hazard Area, and Residential Area), the purpose is stated and policies are offered in terms of the compatible types of development, intensity of use, and the conservation of natural resources.

While existing use of land and structures may not be entirely consistent with these proposals, it is the goal of this Plan that all future land development shall be in conformance with these policies.

### **E. Village Center Area**

Pittsfield's Village Center Area covers the more densely developed portion of Pittsfield that runs along Route 100. In 2015, Pittsfield acquired Village Designation through the Vermont Downtown Program, which mirrors the footprint of the Town's Village Center Area. The purpose of the Village Center land use area is to provide for the continuation of Pittsfield's village center as a social and physical center of community services; to enable higher density residential and non-residential uses in the traditional village setting; and to protect and enhance its character and quality in the future.

The scenic village of Pittsfield is a distinct and dynamic entity, serving as the historic commercial center of the Town and the focal point of the community's social life. Future development shall

respect this traditional settlement pattern, its architecture, building proportions and land capability as well. A mix of uses is appropriate in this area, including small-scale commercial and primary retail, residential (including both single-family and multi-family housing), or public uses. Large scale development (typified by buildings over 10,000 square feet) is not consistent with existing development and shall be prohibited. Efforts to disperse services, such as the Post Office, shall be discouraged, as well as commercial activity in excess of the availability of parking or the ability of the village to absorb the additional people and traffic.

### **Goals and Policies in the Village Center Area**

#### **Goal**

Maintain a viable village center through good planning and subsequent development.

Provide a location for thoughtful residential and commercial development at a size and scale consistent with the existing village center that does not negatively impact Pittsfield's ability to provide services or the rural and natural character of the area.

#### **Policies**

1. The density of development in this area shall reflect existing settlement patterns, land capability, and the availability of utilities for expansion.
2. Shops, services, professional offices and public facilities shall be developed at a scale that does not negatively impact parking, pedestrian safety, noise pollution, light pollution, traffic congestion, and is designed consistent with existing characteristics.
3. Locate primary retail establishments within the village (excluding those retail establishments that require substantial area for storage of materials, such as lumberyards and nurseries).
4. Rehabilitation and renovation of structures and older buildings of historic merit is encouraged to enable new and more economical uses of property and to avoid obsolescence.
5. Where new development is being planned, efforts must be directed to ensure that such development shall be complementary and compatible to the configuration of existing buildings and streetscape. Development shall respect traditional scales, proportions, and shapes of the surrounding village.
6. Major public investments, such as improvements to Route 100, should be encouraged and endorsed only on finding that they will not have an undue adverse impact on the character or function of the Village Center. Prior to the commencement of plans, state planners shall consult with the Town and affected property owners regarding these types of activities.
7. The Plan supports pedestrian enhancements that will promote walkability and safety.

### **F. Route 100 Corridor Area**

Vermont Route 100 parallels the Tweed River and its branches along the valley floor, running through the Southeast corner of Pittsfield. This valley floor is a key component of Pittsfield's rural character. The value of much of the Route 100 corridor area stems mainly from its scenic and agricultural qualities. These lands are highly visible from Route 100, the major road through

Pittsfield. Therefore, the open meadows and fields that make up this area are seen and enjoyed on a daily basis by local residents, and may present the only image of Pittsfield to those who are merely passing through. It is this area, with its open views to distant hills and peaks, which contributes to the beauty of the Route 100 corridor. Most of the open space in the Route 100 corridor area still retains some agricultural value. That is, much of the land can still be used for hay, small crops, and small pasturing. The Town of Pittsfield believes that the Route 100 corridor area should continue to be able to be used for agricultural, open space, and scenic purposes, and that new development must be sited and designed in such a manner as to be compatible with existing land use.

There is little commercial development along this road, with the obvious exception of what lies within the Village Center Areas. Any development that occurs in this highly visible area shall be designed so as to minimize the impact on the rural character of this area, while allowing for some future growth (see Map 4 - Future Land Use Map). The Route 100 Corridor Area is an appropriate location for light industrial development, provided that developers make all efforts to protect the visual character of the area through use of screening, locating structures on the edges of open fields, or away from roads, etc. Commercial development that is not agricultural in nature is better suited for the Village Center Area. Development shall only be allowed if it does not have an undue adverse impact on the existing character of the Route 100 Corridor Area. In all cases, development that would be commonly considered to be urban sprawl is prohibited. This includes developments such as gas stations, convenience stores, etc.

Due to the constant ebb and flow of the Tweed River, the Route 100 valley floor has the most concentrated amount of prime agricultural soils in Pittsfield. Prime Agricultural land is defined by the National Soil Conservation Service as land that is well suited for the production of food, feed, forage, fiber, and oilseed crops, with the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when properly treated and managed. This definition, although one dimensional (focused only on growth of products and not taking into account aesthetic values), does point out the value these soils represent to farmers. Therefore, any development in this area must carefully consider the potential negative impacts on Prime Agricultural soils, and attempt to mitigate them.

The Tweed River is also a center for recreational opportunities in Pittsfield. Access to these opportunities shall not be impeded by development in this area. Access to the river allows for swimming, fishing, and other activities. Further, it is a thriving riparian ecosystem that would likely be upset if development were allowed to occur unchecked in the valley.

The Route 100 area is to remain largely open and scenic while retaining the recreational, agricultural, and ecological value of the land. Large-scale developments, such as condominiums and industrial developments, are inappropriate in this area. The permitted density of development in this area, whether for commercial or residential uses, must be lower than the Village Center Area, while respecting the predominantly rural, agricultural nature of the area.

## **Goals and Policies in the Route 100 Corridor Area**

### **Goals**

1. Maintain the distinct scenic value of the Route 100 corridor by allowing only well-planned, carefully designed, low-impact development.
2. Protect the availability of Prime Agricultural Farmland in the Route 100 corridor.

### **Policies**

1. The density of development in this area shall reflect the existing and diffuse settlement patterns.
2. If more than one building is to be included in a development, the buildings will be clustered to avoid impact on the rural character of the Route 100 Corridor.
3. Buildings and roads shall be located at the edges of woodlands and fields, along hedgerows, etc., in an effort to preserve tillable units, whether or not in the same ownership.
4. Commercial development in this area shall be limited to low-impact light industry, and agricultural businesses that are located in clusters, properly screened and set back from the highway in order to avoid an undue adverse impact on the visual character of the area.
5. Land use activities which potentially threaten groundwater quality must be carefully reviewed and monitored to prevent undue loss of quality to groundwater.
6. Development on Prime Agricultural soils is discouraged.
7. Development that is contrary to the goals of this plan is prohibited.

## **G. Flood Hazard Area**

The Flood Hazard area follows the major rivers in Pittsfield, including the Tweed River and its branches and the White River as well. For more information on Flood Hazard Areas, see the Flood Resiliency and Natural Resources chapters of this Plan and the Pittsfield Flood Hazard Area Regulations adopted in 2014.

Floodplains are often excellent agricultural land due to the thick layers deposited river-borne soil. Floodplains also provide natural storage of floodwaters resulting from snowmelt or severe or prolonged rainstorms. Floodplains are poorly suited for structural development. It is prudent Town policy, from a public safety standpoint, to discourage structural development and substantial investment in floodplain areas.

## **Goals and Policies in the Flood Hazard Area**

### **Goals**

1. Agricultural use is encouraged on the high-quality soils of the floodplain.
2. Recognize and maintain the flood plain functions of the valley, particularly sediment storage and nutrient retention.

### **Policies**

1. New development, except for minor improvements to existing structures within the building footprint or relating to infrastructural or health and safety concerns within the limits of the 100-year floodplain, is prohibited.
2. Development within the floodplain shall take into consideration the inevitable changes that will occur in the river's location over time and make all possible efforts not to interfere with this natural process.

## **H. Residential Area**

The Residential Area encompasses all areas in Pittsfield not designated in the land use areas previously discussed in this chapter. Its primary purpose is to protect the natural landscape while allowing a reasonable mix of low-impact uses that perpetuate the pattern of development that has occurred in Pittsfield.

The Residential Area is a mix of residential and agricultural/recreational development. Appropriate uses in this area include farming, forestry, supporting retail and service providers, residential development, home occupations, recreation, agriculture, and cottage industries. Residents in this area should expect to encounter the sights, sounds, smells, and activities typically associated with a working landscape.

Home occupation within the Residential Area should not be used to allow someone to establish an otherwise commercial use in a residential neighborhood. Some uses might be considered to be customarily carried on in a home, while others might be so unique in nature that they could not have as yet established any custom but nevertheless do not change the character of the residential area in which it is proposed.

Some uses should be excluded because they involve too much traffic in the way of customers, deliveries, or visitors. Others should be excluded because they involve too many employees, too much noise, late hours, or some other aspect offensive to residential uses. Home Occupations can be a legitimate means for Pittsfield residents to maintain their homes as places from which they can conduct their business without infringing on the rights of their neighbors to enjoy their homes, or conflict with the primarily residential character of the area.

The Home Occupation should be a discreet, inoffensive, and basically invisible business use of a residential property. A beauty shop with a stream of customers or a doctor's office with a stream of patients do not constitute a legitimate Home Occupations. All parking or service needs should be limited and confined to the property involved.

Commercial and industrial uses shall only be allowed if they are designed to minimize their impact on the rural character of the area. Development that would constitute an undue adverse impact on the visual and natural character of the area is prohibited. Large-scale commerce is inappropriate. Likewise, "right-to-farm" ordinances, and other measures designed to protect and encourage agricultural uses should be included in any future land use ordinances. Larger industrial and retail uses would not be allowed in this area. All uses in this residential area must

be of a size that can support on-site water and sewer while fitting generally within the landscape. Clustered housing with shared driveway access is a recommended development strategy to avoid fragmentation of landscapes and habitats, and to improve the provision of services to the area.

## **Goals and Policies in the Residential Area**

### **Goals**

1. Encourage agriculture of all varieties throughout Pittsfield.
2. Support new agricultural developments provided that they continue to maintain the rural character of the Town.

### **Policies**

1. Maintenance of a working landscape is the primary goal for the Residential Area. Projects which adversely affect the rural setting and conflict with the existing working landscape shall not be located in this area.
2. Agricultural and residential uses are to be the primary and dominant land uses in the Residential Area. Commercial or industrial projects in this area shall be designed so as to not adversely affect the rural character of this area.

## **I. Wildlife and Forest Resources**

### **Forests**

Healthy forests provide a significant number of benefits to our communities, including environmental benefits (such as clean water supply, clean air, mitigation against climate change, wildlife habitat, and biological diversity), and economic benefits (such as tourism, recreation, and the wood products industry).

Trends in forest health have changed over the past decade. In the 2013 US Forest Service's National Forest Inventory and Analysis Program report, figures indicated that since 2007 there has been a continuing, though gradual, loss of about 75,000 acres of forestland in Vermont. Developed land in Vermont increased significantly between 1980-2010 (67%). The pattern of development growth has led to significant forest fragmentation throughout the state.

### **Forest Fragmentation**

Forest fragmentation is the breaking of large, contiguous forested areas into smaller pieces of forest. For natural communities and wildlife habitat, the continued dividing of land with naturally occurring vegetation and ecological processes into smaller and smaller areas creates barriers that limit species' movement and interrupt ecological processes. Since the 1980s, Vermont has experienced "parcelization," which is the result of larger tracts of land being divided into smaller ownerships or land holdings. The more individuals that own smaller parcels of forest, the more likely that the land will ultimately be developed with infrastructure (such as roads and utilities)



and buildings. The 2015 Vermont Forest Fragmentation Report identifies the following causes for this trend:

- Escalating land prices;
- Increased property taxes;
- Conveyance of land from aging landowners; and
- Exurbanization (the trend of moving out of urban areas into rural areas).

Forest fragmentation affects water quality and quantity, fish and wildlife populations, and the biological health and diversity of the forest itself. When many small habitat losses occur over time, the combined effect may be as dramatic as one large loss. Forest fragmentation can disrupt animal travel corridors, increase flooding, promote the invasion of exotic vegetation, expose forest interiors, and create conflicts between people and wildlife. Habitat loss reduces the number of many wildlife species and totally eliminates others.

To help mitigate the effects of human population growth and land consumption, many scientists and conservationists urge governments to establish protected corridors, which connect patches of important wildlife habitat. These corridors, if planned correctly, allow wildlife to move between habitats and allow individual animals to move between groups, helping to restore or maintain genetic diversity that is essential both to the long-term viability of populations and to the restoration of functional ecosystems.

As of 2019 Pittsfield had 30 parcels enrolled in Use Value Appraisal Program in the State of Vermont. This totals 1,519 acres of forestland and 158 acres of agricultural land enrolled in the program. Forest management plans required for enrollment of forest land in the Current Use Program are obliged to be updated every 10 years, and well-crafted management plans can play a large role in ensuring vital wildlife habitat and corridor connectivity.

In 2001 a total of 7,500 acres in the towns of Pittsfield, Chittenden, and Killington became part of the Green Mountain National Forest. This addition of 900 acres in Pittsfield brings the total National Forest acreage in the Town to over 7,400, comprising more than half the total acreage of the Town. The Forest is located on the west side of Route 100 from Killington north to Rochester and extending west to Chittenden. Access is easily accomplished from both Lower and Upper Michigan Roads and from Liberty Hill Road. The Forest serves as an important forest block and habitat connector area in Pittsfield and is a priority location for protection where development and fragmentation should be avoided to protect ecological function.

## **Wildlife**

The interconnection of wildlife with their environment has an impact on the natural environment. Wildlife management requires management of human activities around animals as much as management of animals around human activities. Managing for specific species is not as desirable as managing for the entire ecosystem supporting the species.

Pittsfield's fields, forests, wetlands, and streams are home to a diverse and healthy wildlife population. Nearly all open space provides habitat for game and non-game species. There are, however, some areas in Pittsfield which provide critical habitat that should remain intact. These areas include wetlands, deer wintering areas, and edge (the transition zone between two cover types, such as field and forest). Development or logging in or adjacent to these areas should consider wildlife implications during the planning process.

Wintering areas are an important habitat requirement for deer during the critical winter months when snow depth and climate are limiting factors to survival. Typically, these areas consist of mature softwood stands, at low elevations or along stream beds, which provide cover and limit snow depths. Southerly facing slopes are also beneficial due to good sun exposure and may be utilized even in areas of limited softwood cover. More specific factors, such as percent canopy closure, species of softwoods, and stand age, also figure into the quality of the wintering area.

Most important when considering development and its impact on wildlife is the concept of habitat fragmentation. Forests provide habitat to a diverse population of wildlife, which are negatively impacted when forested land is fragmented through development.

### **Goals**

1. To reduce the fragmentation of forestlands from scattered low-density development.
2. To maintain or improve the natural diversity, population, and migratory routes of wildlife through conservation of forest blocks and habitat connectors.
3. To allow sport and subsistence hunting of ecologically sound intensities to provide continued success of the species.
4. To promote the use of forestlands as part of the working landscape in order to sustain the local forest products economy.
5. To provide the community with access to quality forestland for recreational use.

### **Policies**

1. Long-term protection of forest blocks and habitat connectors through conservation easements, land purchases, leases and other incentives is encouraged.
2. New developments shall take reasonable steps to avoid disruption or loss of major identified forest conservation areas. Fragmentation of wildlife habitat is discouraged.
3. Preference shall be given to development that utilizes existing roads and field lines. The construction of utilities, roads, or other physical modifications in the priority areas identified in this plan as important forest blocks and habitat connectors is incompatible with this plan.

4. Subdivisions and other development on large lots shall minimize impacts on forestry potential and habitat values of undeveloped areas by concentrating development at the forest edge near other development and roads; shall use small lot sizes and shapes so that most of the remaining land is in a large undeveloped tract; shall minimize clearing forest; and shall avoid the creation of additional roads or power lines that would further future development into interior areas.

### **Recommendations**

1. Encourage owners of necessary habitat for threatened species to contact the State for assistance in developing a management plan for these sites.
2. Encourage forest landowners to contact local foresters to help manage their land
3. Support the county forester and conservation commission outreach to local forester landowners

## **J. Wind Generation Facilities**

New highly-efficient technologies are now available to harness wind power, making it a viable alternative to more traditional sources of power. While there are benefits in capturing renewable energy, the location, design, and access and maintenance road locations for wind generators can adversely interfere with scenic and historic resources. In Vermont, ridgelines are the favored sites for large-scale commercial generators due to prevailing wind patterns and topography. Locations between 2,000 and 3,500 feet in elevation are considered ideal for "on the grid" generation. For Pittsfield, this means that there are unlikely to be any sites that are available for commercial generation.

In spite of this, wind energy offers possibilities for on-site generation of electricity for home consumer use. Generally, these are considered accessory uses or structures, subordinate to primary uses such as residences or farms. On-site/off-grid generation facilities are not subject to state permitting, as is the case for commercial generators that are required to obtain approval from the Vermont Public Service Board (24 V.S.A. § 248). Local planning and land use regulation shall consider the potential impacts associated with small-scale, private-use wind towers and provide guidelines for the development of these facilities in Pittsfield. Wind tower generators need to be high to capture the wind, which can raise issues of visual impact. Other considerations include noises emitted from the generator and possible effects on birds and other wildlife.

### **Goals**

1. Design wind projects to protect the visual and natural sensitivity of the area in which they are located, including access roads.
2. Accommodate appropriate scale wind generation as part of a broad-based, decentralized energy approach.

## **K. Act 250 Requirements**

All projects requiring an Act 250 permit shall conform to the following Guidelines. Conformance with these Guidelines is required for being in conformance with the Pittsfield Town Plan under Criterion 10 of Act 250. These Guidelines are in the nature of recommendations for all other projects.

### **Lot Layout – All Uses**

- The amount of frontage and building position shall be varied from lot to lot to avoid a suburban pattern of repeated houses or other buildings situated at or near the middle of adjacent lots one after another.
- Lots shall be laid out to take advantage of and preserve desirable features, such as stone walls, hedgerows, fields, natural clearings, and land contours.
- Locating buildings at the top of ridgelines or at the brows of hills where land is open and sites would be highly visible from nearby public roads is strongly discouraged.
- Excavation for roads or buildings where excessive erosion will be likely is prohibited.
- Buildings and other construction shall be located so that they will not have an undue adverse impact on natural or scenic features.
- In the case of multiple unit projects, buildings shall be clustered.
- On developments involving adjacent buildings or lots, road access points shall be shared.
- Light industrial and commercial uses shall be located so as not to be prominently visible or shall be screened to minimize detrimental impacts on neighboring uses.
- Noisy, toxic, or noxious uses shall be located where they will not be detected from public roads or neighboring uses (especially housing), and shall take all reasonable means to screen or lessen any detrimental impacts of such uses. This provision does not apply to agricultural uses.

### **Construction in Pittsfield Village**

- Proposed construction shall be of a size and scale consistent with that of other buildings in the Village Area.
- Traditional building massing, forms, and materials shall be used within the Village Area.
- Any development within the Village Districts may have an impact on the existing water supplies. Developers must prove that their development will not have any negative effects on public or private water supplies within this area.
- All noisy, toxic, or noxious uses shall be located where they will not be detected from public roads or neighboring uses, (especially housing), and/or take all reasonable means to screen or lessen any detrimental impacts of such uses.

### **Commercial Development along Route 100**

- Development shall be located in clusters and set back from the highway for minimal visual impact.
- Large parking or delivery areas shall be located at the sides or rear of ~~such~~ commercial buildings, away from Route 100 and appropriately screened and landscaped. Where feasible, parking areas shall be shared between adjacent uses.

- A landscaped buffer (using native plants and trees) shall be part of any new construction adjacent to Route 100.
- Paved or impermeable areas shall be kept to a minimum.