

Note: Proposed 2017 revised language appears in **bold type** in the body of the text below.

## **XIV. Land Use**

### **A. Current Land Use and Sharon's Rural Character**

Sharon's rural character is **shaped by its natural setting, patterns** of development, buildings and their relationship to the landscape, and the sense of community **derived from the** people living and working here. Current Land Use is shown on Map 1 attached to this Plan.

The beauty and rural character of the town are valued by residents, and are also attractive to tourists. Tourism has become Vermont's second-largest industry. **Tourists are drawn** to Sharon and the Upper Valley **owing to** its scenery and rural life style.

Because the Town of Sharon does not have protection that comes from a zoning or development ordinance, it is essential to define "rural character"<sup>1</sup> with specificity for the purposes of review under Act 250.

**Rural character is exemplified by the many attributes of the Town of Sharon: the tranquility of the vast amount of wooded and undeveloped land; its small-scale village center; the White River and its tributaries; and abundant and diverse wildlife. The Town of Sharon is a traditional Vermont village. A mixture of residential and commercial uses exist in harmony. As development pressures increase upon the Town and its less densely populated areas, it is vital that the defining characteristics of the Town be preserved.**

**Most surveyed residents indicate a preference for Sharon's existing rural character rather than a densely populated community. They want growth to occur at a pace and in a manner which does not destroy the character and fabric of the community or result in significant tax increases. Growth deemed good for the Town should enhance the social, environmental, cultural, and economic values of the Town. It should not undermine the ability of the taxpayers to support the Town on a sound financial basis.**

Sharon is a small Vermont town, bisected by the White River, Interstate 89, Route 14, and the Railroad. Sharon contains large tracts of contiguous woodlands **that adjoin woodlands in neighboring towns. These forested tracts act as wildlife corridors, allowing animals unrestricted movement not possible in more developed areas.** Development within Sharon Village is typical of **that in other small New England towns. The Village center contains approximately 40 houses on small lots with modest setbacks from the road which** they share with stores, a church, post office, library and the town green. **In addition to the paved routes 14 and 132, Sharon has XX miles of gravel roads. Most residents live on these routes, outside the village center, in a dispersed fashion.**

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The citizens of Sharon **value** their town. The balance between the dense concentration of development in Sharon Village, the diffuse residential development of the areas surrounding the Village, **and the contiguous woodlands are** important. Sharon Village is the center of our community life.

Because of the natural resources that exist in Sharon, there are abundant opportunities for outdoor recreation **including** hunting, fishing, hiking, cross-country skiing, snowmobiling, horseback riding, **and** swimming. The rural character of the Town **makes many of these activities possible**.

There are 27 working farms in Sharon. While the number of dairy farms has dwindled; (in 2007, there were only two working dairy farms in Sharon according to the US Census of Agriculture), **the number of small-scale farms** emphasize the need to identify and develop effective growth and land use development policies that will serve the long-term interests of the community, and help to maintain Sharon's identity as a small rural town.

## **B. Overall Land Use Goals**

In formulating **the Future Land Use plan, consideration has been given to maintaining** the existing settlement pattern consisting of the Sharon Village area, the surrounding low-density rural and agricultural areas, and large **tracts of undeveloped land with open meadows** and forests.

Sharon's overall goals for land use are:

1. Maintain an identity for Sharon as a distinct community, with a **single** dynamic community **center**.
2. Respect the community's identity and maintain qualities of scale and form with existing development.
3. Protect the environment from degradation while allowing appropriate access to natural resources.
4. **Retain clear evidence of the community's history while making provision for future needs.**

## **C. Future Land Use**

This Plan recognizes that not all land is equally suited for all types and intensities of development. Rather, it is the basic premise of this Plan that future land uses must be sensitive to the physical limitations of a site and that in planning for the development of a parcel, more than the market value of the property must be recognized. Accordingly, separate Future Land Use Areas have been defined in this section and the physical boundaries of each are shown on the Future Land Use Map attached to this Plan. All future land development shall conform to the policies for each Future Land Use Area described below.

In addition, all projects requiring a town Subdivision permit or an Act 250 permit shall conform to the following Guidelines. Conformance with these Guidelines is required to be in conformance with the Sharon Town Plan under Criterion 10 of Act 250.

**The following shall apply to all new development**

1. Avoid monotonous lot layout of equally sized and shaped lots, especially along a road frontage.
2. The amount of frontage and building position will 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.
3. Creating more than one adjacent lot with a depth greater than four times its frontage (“spaghetti lots”) is prohibited.
4. Buildings shall be located at the edges of woodlands and fields, relatively close to roads, along hedgerows, etc., in an effort to preserve agricultural soils, whether or not in the same ownership.
5. Lots **must** take advantage of and preserve desirable features, such as stone walls, hedgerows, fields, natural clearings, and land contours.
6. 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 prohibited.
7. Excavation that will cause excessive **movement of material or erosion** is prohibited.
8. Locate buildings and other construction **so as to** minimize impact **on** natural or scenic features, such as bodies of water or historic resources.
9. In the case of multiple unit projects, buildings shall be clustered to preserve open space and protect agricultural soils.
10. On developments involving adjacent buildings or lots, driveways must be shared.
11. Locate light industrial and commercial uses where they will not be prominently visible, or screen such uses to minimize detrimental impacts on neighboring uses.
12. Locate any noisy, toxic, or noxious uses such as **drilling, excavating, state-approved** junk yards 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. This provision does not apply to agricultural uses.
13. Retail establishments (excluding **home businesses and** those that require substantial outside storage such as lumberyards or nurseries) shall only be located in the Village Area.

**Village Area**

The Sharon Village has a unique and special character in its buildings, streetscape, and landscape. The Village is the focal point of the community. It is the recognized place for civic, economic, and social interaction.

The Village of Sharon is **comprised of** many historic buildings (private, civic, and religious) listed on Vermont’s Register of Historic Places, and which form a traditional Vermont village. The Village has a traditional green, Town Office, two general goods stores, a church, a library, two schools and various historic houses as well as other commercial enterprises. It is a fundamental premise of this Plan that the town should make every effort to ensure the continued existence of the Village as a dynamic community center.

The purpose of the Village Area is to maintain the variety of uses currently existing in the Village and promote the Area as the center for Sharon. These purposes provide for the pleasant experience of visiting with a neighbor at the stores, the Post Office, the Town Office, the library, the church, and the school.

Because Sharon Village is immediately adjacent to Interstate 89, it is readily accessible from outlying areas. Townspeople and visitors alike find it easy to locate and to reach.

**New development in the Village shall respond to existing settlement patterns, density, land capacity, and the availability of water and sewer for expansion.** Uses should continue to be mixed, allowing for the development of multi-family housing, commercial (including primary retail establishments) and civic uses. When possible, existing structures should be adaptively reused. The architecture and scale of new development should **not detract from** the historic character of the Village Area.

Residents who attended a Planning Commission Forum on Village Development in 2009 expressed interest in increasing the vitality and vibrancy of Sharon Village. They wanted to see more dense residential development with commercial uses mixed in. Development of septic and drinking water capacity will be essential to this effort, as will the addition of parking for businesses.

Because of its proximity to I-89, Sharon Village is experiencing increases in traffic. The threshold level of traffic that is compatible with a small village has already been exceeded. In order to increase economic and social development of our Village, the Town will first need to evaluate the impact of traffic on the character of Sharon Village to determine whether Routes 14 and 132 can handle increased trips without congestion, as well as consider how traffic on these roads affects the community's ability to enjoy its village and promote the values articulated in this Plan.

Since 2005, Sharon Village has been designated under the State's Downtown and Village Program as a village. Village centers are eligible for benefits including tax credits and priority consideration from other state programs and agencies.

### **Policies**

1. Retail shops and services, tourist businesses, lodging and public facilities **are appropriate in the Village Area., if** at a scale and design consistent with the existing **architectural** character.
2. Conversion of structures and older buildings of historic merit is encouraged to enable **preservation of the town's built fabric.**
3. Where new development is planned, efforts must be made to ensure that it is complementary and compatible with the architecture and configuration of existing buildings and streetscape, and respects the traditional size and scale, proportions, and shape of the neighborhood.
4. Single, two, and multiple family housing at medium to high densities is encouraged.
5. Major public investments, such as improvements to Routes 14 and 132, should be encouraged and endorsed only on finding that they will not unreasonably or unnecessarily jeopardize or endanger the unique and special character of the Village Area. Planners shall consult with the Town and affected property owners regarding such activities.
6. New businesses shall be limited to uses that do not adversely affect the quality of life, the unique character and historic atmosphere of the village, or the rural residential nature of the Town.
7. The Town shall maintain the Village Area Designation with the Vermont Agency of Commerce and Community Development.

## Rural Residential Area

Lands outside of Sharon Village are predominantly rural. Historically, much of this outlying area was associated with agricultural and forestry uses. With the decline in the number of dairy farms, much of the open land has reverted back to forests. **Over time, scattered single-family homes have been built along the rural roads. Challenging** topography and the **potentially** higher cost of development (e.g. power, telephone and driveways) **have kept much of the more remote land in Sharon undeveloped.**

The purpose of the Rural Residential Area is to preserve the rural character of the Town and allow for residential development, home businesses, agriculture, forestry, and outdoor recreation. Commercial- or industrial-scale development is not appropriate in the Rural Residential Areas. Density in the Rural Residential Area **must be low. Development of lots less than one-acre in size is not permitted in the Rural Residential Area.** New development needs to occur at a reasonable rate of growth so as not to unduly burden the ability of the Town to provide services. **New development should locate in areas where municipal highways exist, rather than in areas that will require new or upgraded roads. It needs to be sensitively planned to allow for continued forestry and agricultural uses.** Special or unique resources, including critical wildlife habitats (e.g. deer wintering areas), historic sites, archeological sites (**including ancient stone chambers**) and wetlands must be evaluated and respected when developing projects in the Rural Residential Area.

## Home Business

Home businesses **are those that** that meet the following criteria:

- a) the owner of the home business reside on the property;
- b) the space designated for business occupies less than 50% of the total square footage of the dwelling, and is secondary to the residential use of the property;
- c) a home business employs no more than four people on site;
- d) hours of work are consistent and compatible with residential neighborhoods;
- e) pick-up and deliveries are limited, as much as possible, to smaller carriers;
- f) a bed and breakfast is an acceptable home occupation, as long as the owner lives on the premises. Breakfast may be served. The establishment shall not be used on a regular basis in any manner that alters the rural residential nature of the surrounding area.

A home business will be considered commercial when it becomes necessary to build accessory buildings or to enlarge the space occupied by the business to the point that it encompasses over 50% of the building. Such change of use will be subject to an Act 250 hearing.

Businesses **or industry** that produces excessive noise, traffic, truck traffic, or which require **significant** lighting, parking, or signage are considered inappropriate uses for rural residential areas. Such businesses shall be located in commercial areas.

The cleaning of hazardous waste containers, storage of hazardous wastes, junk cars, or the creation of a junkyard are inappropriate for rural residential areas and are not considered acceptable as home occupations.

## Policies

1. Maintenance of a rural living environment is the primary goal for the Rural Residential Area. New development needs to observe and promote this goal. Projects that adversely affect the rural setting and conflict with existing rural land uses shall not be located in this Area.
2. Residential, agricultural, and forestry uses are to be the primary and dominant land uses in the Rural Residential Area. Commercial (including all retail) or industrial development shall not be located in the Rural Residential Areas.
3. New land development shall be planned and sited to **enable** its continued use for agriculture and forestry. This can be accomplished by siting residential and other non-agricultural uses on the least productive soils. In addition, the layout of building lots shall be designed to conserve crop and pasture land and managed woodlands.
4. Residents are free to conduct an occupation in their homes provided that the nature of the occupation is customary or appropriate in rural residential areas, that it does not detract from the rural character of the area, and that it does not cause an undue burden on the ability of the town to provide services such as **road maintenance** and fire protection.
5. Major retail enterprises or service centers which draw principally on regional market shares, including **dollar stores**, factory outlets, fast food establishments, shopping malls, service stations and self-storage units shall not be located in the Rural Residential Areas.

## Small Enterprise Area

The Small Enterprise Area is established west of the Village Area along Route 14. The purpose of the Small Enterprise Area is to provide opportunities for business expansion and relocation in an area close to the Village and a major highway. This Area, which was previously in residential and agricultural use, consists presently of several small service establishments. Through designation of this Area for business, it is intended that small enterprises will benefit from favorable access and higher traffic volumes afforded by Route 14.

Small non-retail commercial establishments are intended to be the dominant use for this Area. Primary retail establishments that do not require substantial outdoor storage (such as dry goods and grocery stores) are not appropriate for this area. Primary retail establishments that do require outdoor storage (such as lumberyards or nurseries) may be compatible with this area provided that they do not have an undue adverse impact on traffic or aesthetics. Residential uses are secondary, and future residential development here is not encouraged. **Sight distances in this Area are generally favorable.** Soil and slope conditions in this Area range from fair to excellent. Some sites offer favorable conditions for on-site sewage disposal and water supply. **However, it should be noted that some low-lying portions of this Area north of Route 14 experienced significant flooding in the wake of Tropical Storm Irene in 2011, although not marked as at-risk properties on FEMA flood maps at the time.**

Maintenance of the natural landscape and the introduction of development compatible with the site is the principal challenge for this Area. **Strip development, with its typically confusing vehicular access and layout that undermines the historical building patterns of small towns, is emblematic of sprawl in communities nationwide and is inappropriate for any commercial areas in Sharon.**

The Small Enterprise Area is dedicated for commercial use, but not without some limitations. This Area is a gateway to the community and is scenic. Given its high visibility and proximity to the White River, a nationally recognized recreational resource, future development needs to be sensitive to the preservation of its scenic qualities. Commercial development must be designed to promote traffic and pedestrian safety, and to provide an attractive and convenient place to conduct business. The density of development within this area should be higher than **that of** the Rural Residential Area, with a rough minimum density of one **business per acre**.

#### Policies

1. To contain development in the Small Enterprise Area in a way that makes it a more hospitable environment, design considerations must include:
  - location and size of parking areas;
  - landscaping;
  - pedestrian circulation;
  - size and scale of structures;
  - location of structures within the site; and
  - appropriate lighting and signage.
2. New projects must include the following design considerations:
  - a compact and densely developed project which uses land efficiently;
  - reducing the impact of parking by dividing areas into smaller lots, with integrated landscaping;
  - providing pedestrian and vehicular links between projects;
  - green space between the project and the street, including use of large trees; and
  - signage that effectively communicates the desired message without being unreasonably large or bright.
3. The creation of numerous curb cuts contributes to traffic congestion and safety problems and is discouraged. The Sharon Highway Ordinance shall be followed in all new developments.
4. Commercial projects shall use the following design principles:
  - provide pedestrian and vehicular links between projects;
  - reduce impact of parking areas by breaking lots into small groups with integrated landscaping;
  - encourage compact and densely developed projects which use land efficiently;
  - preserve open space of a distinct area of visual or functional importance;
  - provide trees to act as buffers between traffic arteries and interior drives;
  - lay out the project site to allow for coordinated future use of the entire parcel;
  - reduce apparent scale of large development by pattern, number, size, and location of structures within the site;
  - employ screening plans for visually objectionable features on the site, including dumpsters, refuse disposal sites, building equipment; and
  - minimize **the number of** access roads or curb cuts onto public highways, and use common access drives.

## Sharon Commerce Park

The Town of Sharon recognizes that business and industry offer potential benefits including tax revenue and local jobs. However, businesses can also create fiscal and environmental costs that may outweigh potential benefits. These include the need to create, maintain, or repair infrastructure, increased traffic, and health or safety risks for residents.

The Sharon Commerce Park is highly visible from I-89 and River Road and is located close to the White River. Formerly called the Industrial Park, it was created in 1975 on 41.5 acres of land that had been a farm until it was bisected by the interstate. The purpose of the Sharon Commerce Park is to serve as a site for commercial operations and light industry. Currently, it **is home to** several light industrial businesses and a solar energy generation facility.

Access to the park is problematic. **Truck traffic from Interstate 89 must negotiate the village center, the narrow 1927 Sgt. Carlton Clark Memorial Bridge, and an at-grade railroad crossing to reach the Commerce Park. For traffic safety reasons, businesses that rely on a large number of truck visits are discouraged from basing their operations in this park.**

Because of the limitations of this site for industrial use, the Town **in 2000 limited** its future development to commerce and light industry. The Town also constructed a new and safer access road to the Commerce Park, which was completed in December 2003.

### Policies

1. Acceptable uses for the Sharon Commerce Park include corporate offices, service businesses, renewable energy generation and small-scale commercial or light industrial companies. Primary retail establishments that require extensive storage (such as lumberyards or nurseries) may be appropriate in this area. All businesses must be clean, non-polluting, and not large truck-based. Businesses that would be considered inappropriate include large truck-based transfer/distribution, heavy manufacturing or assembly, storage or transfer of toxic or hazardous materials, or any businesses that are not clean, safe, or non-polluting (including pollution from noise, excess lighting or signage), or which have extensive hours of operation beyond the normal work day.
2. Minimize the visual impact of any businesses located there. Architecture that is appropriate in design and scale, landscaping to reduce the impact of buildings, small-scale parking areas, screened storage, and minimal lighting and signage.
3. Increase commercial development at the Sharon Commerce Park that will add to the Town's Grand List and increase the number of jobs provided there, while minimizing the negative impact on town infrastructure (roads/bridges) and our quality of life.
4. Promote use of the Sharon Commerce Park as a business incubator site.

## Forest Conservation Area

The predominant characteristics of the Forest Conservation Area are its steep slopes and undeveloped condition. Most of this land is in large **forested** tracts, **logged intermittently, and otherwise serving as** wildlife habitat.

**The purpose of the Forest Conservation Area is to maintain the area in its undeveloped state, to benefit Sharon by providing a source of clean water to streams and the contiguous space necessary to support wildlife. Much of this land is not posted and it provides recreational opportunities, such as hunting, hiking, cross-country skiing, and snowmobiling.**

In addition to steep slopes, the soils that characterize these highland areas are generally extremely shallow and susceptible to high rates of erosion. The cost of siting buildings and constructing foundations, driveways, and septic and drinking water systems is substantially higher where these conditions prevail. Because of the severity of these problems, the economic feasibility of land development is at best marginal and the cost of public services such as road maintenance and fire protection is measurably higher.

**Given these limitations, these areas have very low suitability for residential development, except at low densities. Densities should be limited to a minimum of 5 acres per household. High density development (defined as attached multi-family housing of 5 or more units) is not compatible with the Forest Conservation Area in this Plan.**

### Policies

1. Commercial- or industrial-**scale** development is not appropriate for this land use area.
1. Timber and wildlife management shall be considered the primary or dominant uses in this Area. Logging operations must be planned and managed according to Vermont Best Management Practice to keep soil erosion and sedimentation of streams to a minimum.
2. Other uses that may be compatible with the Area's principal use for forestry include seasonal recreation sites, educational facilities, hunting, hiking or wilderness clubs, or camps. These **or other** uses will not be considered acceptable if they will generate excessive amounts of traffic or noise, require substantial alteration of topography, or unduly alter the rural and undeveloped character of these outlying areas.
3. Major subdivisions or developments in this Area are not permitted. Limited residential development is allowed after careful review of its environmental and economic impacts on the Town and State.
4. New land development shall be planned and sited to promote the continued use of forestland for **wildlife corridors**, forestry, and **outdoor recreation**. To minimize conflicts between forestry/wildlife uses, projects shall be designed with the following principles in mind:
  - residential and accessory uses shall be designed to conserve the maximum amount of **contiguous** meadowland and woodland; and
  - in areas with highly scenic or sensitive landscapes, the placement of buildings and structures shall be avoided when possible. **If built, projects shall be minimally disruptive** of the natural **landscape**.

## White River Conservation Area

The White River is a unique natural resource that has scenic, recreational, and economic importance for the Town of Sharon. **Extending northwest from its confluence with the Connecticut River in Hartford, VT, no other Vermont River features as many miles of undammed flow as the White River.** It is also considered to be held in public trust for the people of Vermont. (See land use cases #3W0530 & #3W0819, District Commission #3, Vermont Environmental Board, Vermont Supreme Court.)

Protection of the River is a **priority** of the Town. It is vulnerable to many potential hazards, including pollution from specific and non-point sources, erosion of banks, damage to riparian buffers, surface runoff, and inappropriate development.

The White River Conservation Area has been designated by the Town of Sharon for the purposes of protecting the River and for its preservation for **the** continued use and enjoyment by the people of Vermont. Future land uses in this Area are limited to agriculture and non-commercial recreation. No new buildings or permanent structures may be constructed in the Conservation Area.

The White River Conservation Area includes floodplains and flood hazard areas, low-lying land along the River which periodically becomes inundated during spring runoff or other times of heavy rainfall. Floodplains are pervious and absorb water which might otherwise cause damage or destruction of property **downstream**. Floodplains **may also be** excellent agricultural land **owing to** alluvial soil deposits and minimal slope of the land. Therefore, the boundaries of the White River Conservation Area shall be the boundaries of areas of special flood hazard as defined in the Sharon Flood Hazard Bylaw, adopted by the **Town in 2010**. Flood Hazard maps are on file with the Sharon Town Clerk **or accessible online**.

Important wetlands also abut the River and its tributary streams. Use and management of these ecologically sensitive areas directly affect water quality. Both floodplains and wetlands are ill-suited for development. (See separate sections on floodplains and wetlands.)

Sharon residents have indicated that they highly value the **White River** as a scenic and recreational resource. It is popular with residents and tourists alike for fishing, swimming, boating, and tubing. The closing of the **river** for six weeks in the summer of 2000 due to upstream pollution **significantly curtailed recreational activity and had a negative impact on Village businesses. Efforts to protect the river's water quality and its immediate environment help ensure that it will remain a healthy community resource.**

### Policies

1. The Town of Sharon recognizes the White River as a unique natural resource which has scenic, recreational, and economic value for the Town, and which has been deemed a public trust for the people of Vermont.
2. The Town recognizes that the River is vulnerable to many potential hazards, and therefore has designated the White River Conservation Area to help protect and preserve the River.

3. In consideration of the exceptional resource value of the River, appropriate land uses for the White River Conservation Area are agriculture and non-commercial recreation.
4. New structural development and permanent buildings are not permitted within this Conservation Area.
5. Existing buildings and structures within the Conservation Area may be maintained. **Proposed** additions to these structures **might be granted conditional use permits provided** they meet the requirements of Sharon’s Flood Hazard Bylaw and are not located within the **floodway**.
6. Determination of the flood plain shall be in accordance with maps **referenced by** Sharon’s Flood Hazard Bylaw.
7. Landowners are encouraged to maintain their riparian land in a predominantly natural vegetative state to preserve the natural character of the banks and help prevent erosion, surface runoff, and pollution.
8. Recreational use of the river is encouraged. **The** Town provides designated public access points. Private property should not be used to access the river.

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