
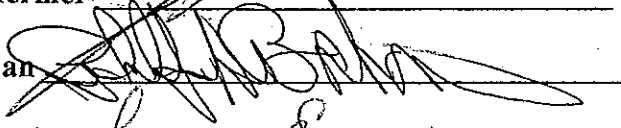
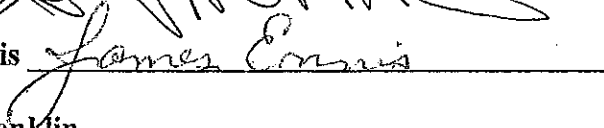
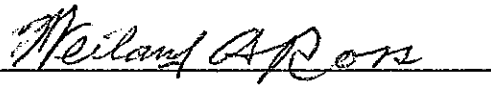
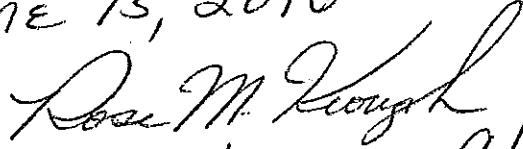


SUNDERLAND TOWN PLAN

ADOPTED JUNE 15, 2010


John Stuermer _____

Phil Bahan _____

James Ennis _____
Dorothy Conklin _____

Weiland Ross _____

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SUNDERLAND TOWN CLERK

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SUNDERLAND TOWN PLAN

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1.0 INTRODUCTION

The purpose of the **Sunderland Town Plan** is to provide a comprehensive framework to guide actions, programs, policies, and implementing measures. The plan is both a blueprint for the future and a dynamic document over time reflecting change and new conditions. By statute the plan expires every five years and must be reevaluated before re-adoption. The plan incorporates objectives, statements of policy, and recommendations and provides the foundation for implementing measures.

1.1 Location

Sunderland is located in the "Northshire" of Bennington County in the Southwest corner of southern Vermont. Sunderland is bordered on the North by Manchester, on the South by Glastenbury, on the East by Stratton (Windham County), and on the West by Arlington. Sunderland consists of about 36 square miles, similar to most of the other towns in Bennington County. However, more than 80% (21,884 acres) of the town has been acquired over time by the Federal Government as part of the "Green Mountain National Forest". The balance of the town is situated in the north-west corner of the town, with Manchester on the north side, and Arlington on the west. (map on pg 2) This small triangular shaped area of land is the only area available for use and development. It is bisected by the Batten Kill River, as well as a railroad and historic Rt7A which more or less follow along each side of the river, and several other roads including the newer limited access "highway" called the new Route 7 which creates a loose boundary along the National Forest. This corner section of the town consumes all the valley and lowlands, as it is wedged between the Green Mountains and the Mount Equinox foothills (the highest mountain in the "Taconic Range") on the other side. At the junction of the four adjoining towns in this corner there stands a historic marble Monument to the "four corners" of Sunderland, Arlington, Sandgate, and Manchester. Sunderland's unique situation is a mixed blessing. While we enjoy the benefits of the extensive wilderness resource surrounding the town, the geography of Sunderland leaves area with an extremely limited potential for future growth and development.

1.2 Community Vision

Sunderland's residents are proud of their town. Because of the town's rural character, natural beauty, recreational opportunities, unspoiled environment, and it's convenient proximity to Vermont's many desirable amenities, as well as it's accessibility to the county's economic opportunities, most residents believe Sunderland to be an excellent community and place to reside or own a vacation home. Sunderland's "vision" is influenced by neighboring townships to some degree due to the limited size of Sunderland's usable area, and its small population. As a result it is dependent on Manchester and Arlington for most municipal and commercial services. For example, Sunderland has no municipal police, fire, or rescue service, and no public water or wastewater systems and is not likely to provide these or other services in the future.

2.1 Historical Perspective:

Anyone can easily believe that the earliest inhabitants of this area that became the town of Sunderland were Native American Indians who lived a nomadic lifestyle, and set up camps/villages in places along the Batten Kill River, especially at locations where natural springs provided pure sources of drinking water as there exists here in Sunderland.

A history of Sunderland would typically describe the town's beginnings, including its resident's involvement in those events prior to the Revolution and Statehood. Sunderland's "founding father's" were very active in the long struggle to assert their ownership of their homes and land amidst a pitched and sometimes violent disagreement between the states of New York and New Hampshire over "rights" to the "land-grants" in Bennington county. Sunderland records, and other historical documents provide a description of those pioneers founding the town by charter on July 29, 1761, and subsequent settlement in 1766. The original grantees were 64 in number, Issac Searles being the first mentioned. A series of "proprietors' meetings" were held at various homes whereby the town was first organized and lots of certain sized parcels were distributed. A Col. Gideon Brownson became Sunderland's first town clerk. The majority of the town's settlers came from Connecticut. The most prominent of these were Ira and Ethan Allen. The exploits of Ethan Allen before and during the Revolution as a "Green Mountain Boy" leader and war hero made him a colorful legend in American history. During Ethan's time in Sunderland he authored various controversial pieces of literature, however the Allen's were primarily land speculators, and were part-time residents of Sunderland at best. Their homestead was situated near the Batten Kill River just north of today's intersection of historic Route 7a with the Hill Farm and Bentley Hill Roads. Neighbors to the Allen's were the homestead of the Brownson's; General Ethan Allen's first wife was Mary Brownson. A cemetery on the hill across the river from their homestead was deeded to the town by Ira Allen who is buried there. The gravesites of Mary Brownson, Gideon Brownson and both his wives, and the gravesites of various other Sunderland pioneers can be found in the Ira Allen cemetery. The historical records provide consistent mention of members of the Brownson family in the context of Sunderland history, and their roles in the Revolution. At that time, Gideon Brownson was unquestionably the foremost man in the town or its vicinity. He served through the war...promoted to the rank of major...and afterward General in the Vermont Militia. ...as proof of his valiant conduct, he still carried in his body eighteen pieces of lead... when he died. There were 50 companies of volunteer soldiers called up from Sunderland at the Dorset Convention on July 26, 1775 on the verge of the Revolution, and Gideon Brownson was placed in command. These soldiers and commanders are the examples we have from Sunderland's history, who served out of love for their homes and community, and dedication to the principles that gave them the opportunity to live free, work to make a living, and enjoy life, liberty, and the pursuit of happiness.

For additional historical information about Sunderland the following resources are suggested;

A history of Bennington County Vermont 1889, L.C. Aldrich

An Atlas of Bennington County Vermont 1869, F. W. Beers

The Vermont Historical Gazetteer 1868 A. M. Heinenway

Sunderland's rate of population growth in the 1970's and 1980's was greater than the Bennington Region and surrounding towns. In the 1990's the population declined by -2.5% from 875 (1990) to 850 (2000). The estimated population in 2008 is 902, an increase by 52 residents ((6.1%) since the year 2000. Population projections prepared by the State in 1993 are much higher than actually experienced in the town, which illustrates the difficulty of predicting change in small communities. The slight decrease experienced in the 1990's is difficult to reconcile given an increase in housing units for the same period. In 1990, there were 458 housing units compared to 473 units in 2000.

Other factors contribution to a decline in population could be fewer family households and make-up, and the area's economy. A shift in age distribution may also account for fewer persons per household. The 2000 Census reported 99 seasonal housing units and they account for 20.9% of the total units in Sunderland. Based on past trends, a change in occupancy to year-around use is not likely to cause a sudden increase in population.

2.3 Age Distribution

According to the 2000 census, the median age of the Sunderland resident was 41.8 compared to 37.6 in 1990 and 33.0 in 1980. In Bennington County, the median age is 40.3 (2000 Census). Between 1990 and 2000, there was a slight increase by 3.4% in the age range of 0-19. The range between 20-64 declined by -15.2%, while the 65+ population increased by 14.5% (111 in 1990 and 155 in 2000). This may reflect an increased retirement population in Sunderland.

2.4 Economic Overview

Predominant economic sectors include manufacturing, retail trade, educational-health-social services, and arts-recreation-food services. The mean travel time to work for Sunderland residents is about 18 minutes.

Sunderland's central location in the region and commercial-industrial zoned land bordering Route 7 interchange has attracted several businesses in recent years (Central Vermont Public Service Corp., Verizon, K&E Plastics, Orvis Company Office Headquarters). On Route 7A is Applejack Art Partners, a leading art publishing and licensing company, next to the former Basketville Village shop.

There remains additional commercial-industrial zoned land in the community that is likely to attract additional business development. The BCRC developed a commercial-industrial database of existing buildings and raw land. It includes a detailed list of attributes and a digital photo of the property. This tool is a helpful reference regarding existing businesses in Sunderland and can be used to market vacant buildings and developable property.

Sunderland is also a recreation attraction and serves as one principal access to the Green Mountain National via the Kelly Stand Road. Its close proximity to Manchester and Manchester Center provides easy access to these major resort, shopping and art destinations. This makes it particularly attractive to second homeowners, retirees and families with children.

The total number of individuals employed has remained relatively constant during the past decade, with 420 employed in 1990 vs. 424 in 2000. In 2008, the civilian labor force is estimated to be 480 (VT DET) an increase of 13.2% since the year 2000. In the year 2000, management and professional occupations represented 33.3% of the employed population in Sunderland. This is followed by sales and office employment (28.3%) and service occupations (16.0%). Production and transportation/utility occupations represent 12.0%. The 2000 Census indicates a decided shift in employment from the industrial sectors to the service sectors between 1990 and 2000.

2.6 Income

Median household income in Sunderland increased from \$29,219 in 1989 to \$40,500 in 1999. This compares fairly closely with Arlington and is slightly higher than Bennington County. However, the per capita income is less than the surrounding towns, Bennington County, and the State. This may be attributed to the increased older population on fixed incomes in recent years. The annual average wage in Sunderland, 2007 (VT DET) is \$38,945, which is higher than Bennington County and the State.

The more significant shifts are as follows:

Trends In Employment By Industrial Sector Between 1990 and 2000	
Sector	Trend In Employment
Agriculture, Forestry Fishing, Hunting, Mining	-22%
Construction	-34.7%
Manufacturing	-41.4%
Transportation, Warehousing, Utilities	-56.2%
Professional-Administrative Services	+65.2%
Education-Health, Social Services	+53.6%
Art-Recreation-Food Services	+336.0%

The Town Plan is designed to guide the nature and rate of development toward the goals which the residents wish to achieve in the community. They also provide a benchmark from which to measure change.

- 3.1 The best possible quality of environment now and in the future.
- 3.2 Development compatible with land area suitability, particularly in regards to the availability of water and soils suitable for on-site waste disposal.
- 3.3 An efficiently managed town supported by reasonable taxes.
- 3.4 Areas for commercial activity (and light industry) providing employment for residents and augmenting the tax base.
- 3.5 Limit development primarily to the existing roads thereby avoiding new road construction.
- 3.6 Conservation of natural resources and protection of special environmental features, and preservation of air, surface and groundwater quality.
- 3.7 Preserve the rural character of the Town by maintaining prime agricultural land free of development, as well as preserve and maintain the integrity of the forest and open space.

The following additional goals reflect special concerns:

- 3.8 Accommodate a reasonable rate of population change and growth without impacting the provision of existing services or creating demands for new services.
- 3.9 Recreational use of the Green Mountain National Forest, and access to this vast resource, should reflect the rugged and backland nature of these lands.
- 3.10 Encourage the economic and effective use of timber resources in accordance with appropriate management plans.
- 3.11 Carefully evaluate and guide development near the Route 7 interchange to maximize protection of scenery and compatibility with the natural setting, protecting water quality, and public investment in terms of traffic safety, road condition and capacity, access, and water supply.
- 3.12 Encourage protection and wise use and management of the Batten Kill for its outstanding resource waters (ORW) values: fish habitat, wildlife habitat, scenic areas and sites, recreational and educational use and access, water quality, and other natural values.
- 3.13 Encourage safe and sanitary housing and encourage an adequate supply as well as affordable housing commensurate with Sunderland needs and which respects other goals and policies of the plan.
- 3.14 Provide for appropriate closure of the Sunderland Landfill. Any continued use must avoid surface or groundwater contamination. Remedial steps to mitigate existing or potential problems must be thoroughly documented and enforceable.

5

Soils have a direct bearing on the suitability of land for development purposes, since adverse characteristics such as poor permeability, poor stability, and shallow depth to bedrock can create limitations for septic systems, roads, and building foundations. Tables and maps for the types and characteristics of soils are included at the end of this chapter. The U.S. Soil Conservation Service is the source of the information. Mapped information is at an approximate scale of 1"=1667' (reduced for report) and includes: Soil Types Base Map, Primary Agricultural Soils, Building Constraints, Sand and Gravel, and Wet Soils. The Primary Agricultural Soils map illustrates areas based on soil productivity-fertility. However, other factors may have a bearing on viability. The Building Constraints map includes slight, moderate, and severe categories. For construction the severe rating translates into special engineering, design, construction, and maintenance costs, and potential adverse environmental impacts. Severe may also mean no construction in some locations because of other land suitability factors. The Sand and Gravel map illustrates the potential for sand and gravel extraction sites. Some areas are not viable because of conversion to other uses and development. The Wet Soils map and SCS Classification includes poorly and very poorly drained soils, flooded soils, and water bodies. Soils information provides guidance for overall growth and density and, subject to site verification, individual site development potential.

Policies:

- 1) The type and intensity of development on a given site should be compatible with soil conditions.
- 2) Development planning should recognize the use potential of soils. The development or subdivision of lands with high potential for agriculture, forestry, public water supply, wildlife habitat, or mineral and earth resource extraction should not prevent the continued or potential use of the land for these activities.
- 3) Land use and density should be evaluated in light of prevailing soil conditions to ensure that development is being directed to appropriate areas and that important resource areas are protected.

4.2 Topography

The description of topography in Bennington County generally lends itself to three categories: Valley land - gently rolling and river bottom; Rugged mountainous and forest land - steep slopes, higher elevations; and Intermediate areas having varying conditions. In Sunderland it is estimated that 87% (25,800 acres) is in the rugged mountainous category, and most of this land is in the National Forest. In contrast, valley land is only 11% (3,300 acres) of the total area, having the greatest development potential as well as a variety of important natural resources. The interface between mountain and river bottom is the intermediate category with approximately 2% (500 acres) of the total. In addition to the obvious mountainous areas, there are a number of steep hillsides near roads and streams. They also provide an important visual resource for the community and region.

Topography and, in particular, steep slopes impose a natural constraint and limitation for development. Topography is classified by gradient; a slope of 0-5% is usually suitable for all types of development. 5-10% ideal for residential development. 10-15% moderate

because of thin soils and susceptibility to erosion and difficulty of road construction. Grades in excess of 20% usually have severe limitations for development. Approximately 30% of the land area of Sunderland has slopes in excess of 20%.

Policies:

1) Residential development should be carefully planned in areas where the natural slopes are greater than 10%. On slopes greater than 20%, residential development should not be permitted. No road or driveway serving a subdivision serving two or more homes shall be constructed on a slope in excess of 9% at any point along its length.

2) The construction of homes using septic tanks or subsurface disposal should not be permitted in the following instances:

- -residential lots are smaller than 1 acre.
- -natural slopes are greater than 20%.
- -when it is determined that soils with poor percolation or geology can cause a health hazard, jeopardize public investment, or impact other resources.

3) During construction, builders should follow conservation practices that are recommended by the U.S. Soil Conservation Service. Examples of conservation practices are:

- -using an incremental system for breaking ground.
- -application of temporary or permanent cover.
- -allowing no disposal of fill in floodplains and natural drainage-ways.
- -identifying fragile environmental areas.
-

4) Future growth should occur on land with relatively few topographic limitations to development, thus reflecting historic development patterns. Permanent development should not be permitted in the rugged back-country areas identified as Forest in the Town Plan.

4.3 Streams

Sunderland is fortunate to contain several high quality streams and brooks. Some of these include: Batten Kill, Roaring Branch, Brook at Beaver Meadow, Cole Brook, Mill Brook, Fayville Branch, and numerous unnamed tributaries. Individually and holistically they form a critical resource of the community and region. The importance of this resource was emphasized in 1986 when residents united to save the Hill Farm along the Batten Kill. Subsequently, the Batten Kill has been nominated as an Outstanding Resource Water (ORW). The natural state of streams and their visual appearance are an irreplaceable asset that deserves special protection, wise use, and management. The quality of the fish and wildlife habitat cannot be taken for granted and requires constant vigilance.

Policies:

1) Preserve the natural state of streams by:

- -maintaining existing vegetation, together with fish & wildlife habitat protection.
 - -protecting natural scenic qualities.
 - -protecting adjacent wetlands and natural areas.
 - -minimizing erosion and contamination.
- 2) Capital investments that would have an adverse impact on Policy 1 should be discouraged unless they are essential for the protection of life and property.
 - 3) Utility lines located near streams and rivers should be visually unobtrusive. In areas of public access and intensive use, utility lines should be underground.
 - 4) Public dedication of lands or public access is encouraged in appropriate locations for both main & feeder streams. Area size should be sufficient to allow public use.
 - 5) Upland tributaries and watersheds should be maintained in forest and recreation use to ensure high water quality of valley streams.
 - 6) Recreation use of the river and adjoining land should not diminish the quality of the river environment.
 - 7) In addition to uniform setback standards for new construction, consideration shall be given to other values sought for protection in these policies.

4.4 Lakes And Ponds

With the exception of Beaver Meadow, several ponds are located in the higher elevations of the Green Mountain National Forest. They include: Bourn Pond 65 acres, Branch Pond 53 acres, Beebe Pond, Lost Pond, Lye Brook Meadows, and several smaller ponds. The U.S. Forest Service maintains ponds within the National Forest and coordinates habitat protection with Vermont Forests and Parks. The Green Mountain National Forest Management Plan recognizes the sensitivity and value of these upland ponds. Unfortunately, both Bourn and Branch Ponds are experiencing the effects of acid precipitation that is impacting the terrestrial and aquatic environments.

Policies:

- 1) Maintain the natural condition of shore lands and adjacent wetlands to: preserve shore cover and natural beauty; minimize erosion and contamination; and enhance wildlife and fish habitat.
- 2) Recreation use of the upland and backwoods ponds should be especially cautious in over-use of these fragile aquatic environments.

4.5 Wetlands

Wetlands are generally characterized by hydrophytic vegetation and hydric soils. The source of information for wetlands in Sunderland includes the U.S. Department of Fish and Wildlife Wetland Inventory, and U.S. Soil Conservation Service Soils Maps (see pages 16-19). The maps serve as a guide for wetland locations, but site evaluation is necessary to more accurately identify the perimeter of influence. Recent state law and this plan advocate the protection of wetlands.

plant and wildlife values, nutrient and food chain supply, educational value, water quality, etc. The Vermont Water Resources Board evaluates wetland classification (Class I, II, etc.) and modifications, filling, etc.

Policies:

- 1) Wetlands bordering the Batten Kill form a unique cohesive bond with the river and river quality, and as such deserve special preservation.
- 2) Avoid the loss of valuable wetlands due to land conversion, filling, and draining.

4.6 Floodplains/ Fluvial Erosion Hazard Areas

Floodplains:

The Town has adopted a flood hazard bylaw to regulate development in floodplain areas. These regulations are designed to protect property and the health and safety of the population against the hazards of floodwater inundation, and to protect the community against the costs that may be incurred when unsuitable development occurs in areas prone to flooding. The official Flood Insurance Rate Map for Sunderland is dated 11/1/85. The map designates areas of the 100-year flood (Zone A) and areas of minimal flooding (Zone C). Streams or portions with the above designations include: Batten Kill, Beaver Meadow Brook, Roaring Branch, and Fayville.

Fluvial Erosion Hazards -- FEH:

Fluvial Erosion Hazard areas include streams and rivers and bordering land that have the potential for fluvial erosion and can cause a rapid or gradual change of the stream channel size and location. There is a growing science that shows that rivers seek a natural equilibrium over-time and steps should be to allow this natural condition to occur. River corridors have been mapped indicating FEH sensitivity to change and the identification of pre-disaster mitigation measures to avoid costly property damage. Policies should direct development away from high risk FEH areas when they are identified.

Policies:

- 1) Development or filling in the floodplain should be avoided and not allowed in a floodway.
- 2) The storage of hazardous materials, waste products, or other materials that can contaminate surface and ground water should not be allowed in any floodplain zone classification.
- 3) Development and hazardous materials should avoid locating in high risk fluvial erosion hazard areas.

4.7 Groundwater

Residential and commercial/industrial uses, as well as future development, depend on the

Sunderland and Arlington obtain their water from the Arlington Water Company system. The well recharge area for this system has been mapped by the state, and more recently by consultants to the Bennington County Regional Commission. The latter study indicates a much larger area of recharge influence. At this point in time, this plan takes a conservative view and recognizes the larger designation until such time that more specific data and fieldwork suggests a revised designation. Maximum protection of the public health, safety, and welfare is a fundamental concern. Both the BCRC and state recharge area maps are included for reference (Pages 14-15). The remainder of the town obtains water from private on-site wells and springs. This will continue to be a primary source for many residents, and thus future growth and potential sources of contamination must be carefully evaluated.

Commercial and industrial groundwater extraction (mining) for commercial purposes is a growing enterprise due to contamination of once pristine supplies and the demand for high quality water sources. Unlike traditional municipal supplies intended to serve a local population groundwater withdrawal for commercial purposes and use outside a community and region may have a local impact. Any such use should be classified as commercial or industrial under the zoning bylaw. The recent passage of Act 199 recognizes groundwater as a public trust resource that must be managed in the best interest of Vermonters. While the state act establishes a threshold for withdrawal subject to a state permit, Sunderland takes a more conservative view that non-municipal commercial groundwater withdrawal proposals are not appropriate when there is the potential to impact the quantity and quality of supplies for existing and future growth in the Town.

Policies:

- 1) Aquifers and aquifer recharge areas shall be protected from activities or development that would adversely affect the quantity or quality of available groundwater.
- 2) The municipal subdivision and health regulations must be strictly enforced to protect individual water supplies.
- 3) Groundwater withdrawal for non-municipal commercial processing is not appropriate in the Town when there is the potential to impact the quantity and quality of supplies for existing land use and future growth.

4.8 Air Quality

A large portion of the town lies within the Lye Brook Wilderness Area of the Green Mountain National Forest. Under federal legislation it is also a Class I air quality area, having the highest standards for air quality in the northeast. Major sources of air pollutants within approximately 50 miles must consider impacts on Lye Brook. From a local perspective, larger projects may also be scrutinized for emissions. This can include Sulfur Dioxide or suspended particulates. Visual impairment from regional haze and ozone is also a consideration. Acid rain deposition has already impacted aquatic and terrestrial environments in the Green Mountain National Forest.

Policies:

- 1) Sources of emissions, which degrade air quality and the aquatic or terrestrial ecosystem, should be avoided.
- 2) Larger projects should employ the best available control technology to mitigate potential impacts. Such projects should also comply with federal and state standards.

Recommendation:

- a) The Town should evaluate its own local ordinance for open backyard burning.

4.9 Forests

Approximately 86% of the Town of Sunderland is under federal ownership and encompassed within the Green Mountain National Forest (GMNF). In 1986, the GMNF developed a Land and Resource Management Plan. As mentioned in the previous section, a large area is the Lye Brook Wilderness Area. Other management designations in the town have different emphases: high quality saw timber, semi-primitive recreation, recreation and wildlife, special areas; and silviculture as well as areas with no wood production. From a municipal perspective is the concern about the Kelly Stand Road corridor connecting Stratton to the east. This corridor and connecting east—west link should not become a high quality convenient access to major recreation resorts east of Sunderland. Caution should also be exercised by the GMNF in developing or leasing lands for expanded recreation activities that require improved transportation.

Policies:

- 1) Encourage uses that are compatible with the primitive/semi-primitive characteristics of the backland forest. Multiple uses include timber management, fish and wildlife appreciation, recreation, solitude, hiking, etc.
- 2) Any significant improvements or intensity of use in the GMNF should be carefully evaluated for potential impact on Sunderland and its residents.
- 3) Silvicultural practices, which minimize erosion and impacts on roads, streams, wildlife habitat, and natural areas, should be employed.

4.10 Agricultural Lands

The results of the community survey indicated strong support for the protection of agricultural land. The Soil Conservation Service (SCS) soil maps (Page 20) indicate a fair amount of prime agricultural soils. As such they represent an important resource, even though they actually may not be farmed. Some towns have developed a ranking system (LESA) as a broader indicator of viability. While concern for preservation of agricultural land is often expressed, the economic reality may be moving in a different direction. However the Town, through its own plan and implementing bylaws and non-regulatory approaches, certainly can encourage the protection of important agricultural lands. It was not too long ago that the community and interested residents initiated a major effort to protect the Hill Farm and preserve some of the significant open lands.

Policies:

- 1) Construction and utilities on prime agricultural soils should be carefully sited to retain as much as possible this valuable resource. Fragmentation of important parcels or contiguous parcels should be avoided.
- 2) Encourage the use of protection programs such as the Housing and Land Trust Conservation Fund.

Recommendations:

- a) Consider a system such as LESA to evaluate those agricultural lands considered most worthy of protection.
- b) Since the Agricultural and Rural Residence District is RR, clustering on one acre (40,000 square feet) lots could be designated in agricultural overlay areas. This would be more effective when larger tracts of land are being subdivided.

4.11 Unique Natural Areas and Wildlife Habitat

Sunderland has a number of local and regional resources that warrant special protection. Sources of information include the Vermont Natural Heritage Program and Bennington County Regional Commission. The Town has not been systematically screened for other areas that might also be worthy of protection. The following is a list of areas identified:

- (1) Deer Winter Range(s) Three ranges mostly within the Green Mountain National Forest. General locations are mapped.
- (2) Batten Kill Recently nominated and likely to be designated as an Outstanding Resource Water (ORW) by the Vermont Water Resources Board.
- (3) Bourn, Branch, and Beebe Ponds (See existing plan description.)
- (4) Beaver Meadow (See existing plan description.)
- (5) Kelly Stand Road Corridor Natural cover for certain bird species and other wildlife.
- (6) Wetland and Terrestrial Plant Community near the Sunderland covered bridge.
- (7) Bear Habitat; Much of the Green Mountain National Forest is identified as bear habitat.
- (8) Catamount Cobble; Unique geologic feature, wildlife habitat and aquifer recharge area.

Policies:

- 1) Development that encroaches upon or may adversely impact any unique natural feature should not be permitted.
- 2) Development planning shall identify important wildlife habitat and shall incorporate appropriate protection measures. Examples of such measures are: the maintenance or provision of natural buffers between developed areas and wildlife habitat, the maintenance of vegetated corridors along streams, shorelines, and between otherwise separate habitat areas, and utilization of construction practices that minimize environmental disturbances.
- 3) Development in the vicinity of the Batten Kill should not adversely affect any of the values that contribute to its designation as Outstanding Resource Waters

4.12 Hillsides, Ridgelines, and Mountains

The natural appearance of nun hillsides, ridgelines, and mountains are fundamental to the town's rural character and appeal. A single development or piecemeal development sprawling across or along a prominent hillside or ridgeline would seriously degrade these attributes. Appearance is especially critical given the significant points of observation from Route 7, the Route 7 interchange and Route 313, and the Batten Kill. These scenic upland areas also tend to be environmentally fragile due to prevalent steep slopes, poor soils, and inadequate infrastructure. Such lands should be regulated to minimize the potential for substantial changes in topographic features, destruction of vegetation or other visual/aesthetic degradation, and to minimize erosion, pollution of ground or surface waters, and flooding in lowland areas.

Policies:

- 1) Development on hillsides, mountains, or ridgelines shall be situated or screened by vegetation, so as not to be prominently visual from off-site locations.
- 2) Development on hillsides, mountains, or ridgelines must be carefully planned to protect the environment.

5.0 LAND USE ELEMENT

5.1 Land Capability

The limited area of Sunderland suitable for development is shown in the following data:

<u>Total Land Area</u>	<u>Valley Land</u>	<u>Steep Slope Area</u>	
		<u>2,500'+</u>	<u>Under 2,500</u>
29,632 Acres	3,800 Acres	9,600 A	16,200 A
	13%	87%	

In addition to the limitations imposed by steep terrain, wetlands and floodplains further limit development potential. 381 acres have been designated flood hazard area. Of these, 340 are located along the Batten Kill, the remainder along Beaver Meadow Brook and the Roaring Branch.

The maps included with this plan show the areas of Sunderland which have various limitations for development. While these limitations may not preclude all development, detailed site evaluation, in each case, will be required.

5.2 Public Services Affecting Land Development

There is no central sewage disposal system in Sunderland. This situation is expected to continue in the foreseeable future. Individual on-site sewage disposal must be carefully sited and designed to avoid pollution of surface or groundwater. Much of the existing and future water consumption needs will be provided by groundwater sources. Sunderland has no central water system; however, thirty-four Sunderland homes receive service from the Arlington Water Company, a privately owned utility. Five of these homes are on the Kansas Road and the remainder is on Sunderland Hill Road and in Chiselville.

Another private and community-controlled water system supplies homes in the Borough. None of these systems provides fire protection in Sunderland. 2004, Sunderland had a total of 15.17 miles of Class 2 town highway, 14.16 miles of Class 3 town highway, and 1.68 miles of Class 4 town highway. Additionally, Sunderland has 11.37 miles of State highway. Future land development should correspond to the existing road network, and traffic generation and types of vehicles should reflect local road conditions for surface wear, safety, drainage, physical and topographic conditions.

5.3 Land for Future Development

After deducting land in use for residential, commercial or institutional purposes, and land with physical limitations, less than 7% of the town may be suitable for development. Even within these 2,000 acres, there may be areas where development must be avoided because of land suitability and protection of resources. Accessibility by emergency vehicles must also be considered. Some of the information and data used in compiling this assessment is included in the Regional Plan for the Bennington County Region, readopted by the Regional Commission in 1986. That plan is currently being updated.

5.4 General Land Use Policies

General land use policies for the Town of Sunderland and policies concerning various categories of land are presented below.

Policies:

- 1) Land in the Town of Sunderland should be treated as a valuable and limited resource. All development of land must be compatible with environmental characteristics and appropriate for the site and purpose.
- 2) Some areas should remain completely free from use by man. These include unique or rare fragile areas identified by recognized authorities. Private ownership often affords adequate protection for such areas; public or quasi-public purchases should be considered if destruction seems imminent.
- 3) In the absence of public services, such as central sewage disposal and water supply, each building site must be self sufficient in these respects without adversely affecting adjacent property and water resources
- 4) The Town intends to preserve its rural character. To this end, the characteristic housing pattern along existing roads provides an attractive and efficient method of growth.
- 5) The Batten Kill and many streams in Sunderland are visual and functional assets which must be allowed to remain in their natural state. Compatible recreation use is encouraged; development with structures, utility lines, or other impairment of scenic qualities is considered unnecessary and undesirable. The flood hazard zones of the Roaring Branch and the Batten Kill are protected by special regulation consistent with the Federal Flood Insurance requirements.
- 6) Natural resources, such as aquifers, must be protected from pollution. Before development is permitted, the importance of the resource to Sunderland or the Region must be fully assessed.

- 7) Utilization of mineral resources, such as sand, stone, and gravel deposits, should not be allowed to create eyesores or hazardous slopes. Screening, either natural or man-made, is encouraged during the operation of the site, and reclamation when excavation is completed is required.

5.4.1 Policies for Upland and Mountainous Areas:

- 1) Land above 2,500' elevation should be maintained in its natural state. Non-intensive recreation use should be permitted with controls to avoid erosion or other damage to fragile soils and botanical and wildlife areas.
- 2) Other steep and hilly areas generally are inaccessible or have unimproved access trails. Permanent improvements are unsuitable to the topography, and the Town does not intend to improve access to provide services. Primitive recreation activities, such as wilderness camping, are encouraged in areas with existing access, as well as non-intensive recreation. Utilization of natural resources (such as logging, sugaring, etc.) are also appropriate activities.

5.4.2 Policies for Valley Areas:

- 1) Valley land will be the location of future development in Sunderland. The Town places great emphasis on the necessity for development to be compatible with land capability and will require testing as necessary to determine this.
- 2) The Town intends to avoid air, water, land, noise, and visual pollution from any source. Using due and proper authority, it will investigate and take appropriate action concerning any reports or evidence of pollution.
- 3) As a rural residential area of the Bennington County Region, low density residential development is most appropriate for Sunderland.
- 4) Development should occur at a rate that the Town is able to absorb without sudden increases in Town expenditures for public services, such as education, roads, solid waste, emergency services, etc. The 2000 Census reported a year-round population of 850 residents. This was a decline of 2.5% from the 1990 Census (875 individuals). Estimated 2007 population is 886 persons.

The estimated year-round housing stock in 1980 was 381 units. The 1990 Census reports 458 units (20.2% increase) indicating a faster rate of growth than the region and other towns. The 2000 Census indicates 473 housing units.

5.5 Land Use, Classification, Policies

A fundamental part of the Town Plan is the identification of planning districts to guide the type, location, and density of land use and future growth. The districting plan in the present zoning does not adequately address the needs and expectations that have been identified. The following classification is fundamentally the same with some additional provision for special overlay resources. This type of designation highlights significant resources that otherwise might be overlooked. Additionally, while land may be zoned for a particular category, not all lands are necessarily suited and appropriate for construction because of natural constraints or special resources.

Zoning boundaries need to be redefined in some locations because of new information and changing conditions. It is not possible to complete this reevaluation as part of this update because of the timetable for readopting the plan. The addition and expansion of land suitability and resource policies herein provide for some of the concerns until a refinement of the districting plan is completed.

CLASSIFICATION

RESIDENTIAL DISTRICTS

- Rural Residence (RR)
- Village Residence (VR)

COMMERCIAL-INDUSTRIAL DISTRICTS

- Roadside Commercial (RC)
- Commercial-Industrial (CI)

OPEN USE DISTRICT

- Forest (F)

SPECIAL OVERLAY

- Flood Hazard Area (FH) and Fluvial Erosion Hazard (FEH)
- Agricultural Lands (A)
- Well Head Protection (WHP) (Arlington Water Company supply)
- Batten Kill (ORW) Outstanding Resource Waters

5.5.1 Residential Districts:

The Rural and Village residential districts provide for a minimum of 1 Acre in the Village Residence district and 2 Acres in the Rural Residence district. Not all lands are alike to support a given level of density. Land suitability combined with the recognition of special resource lands provides a framework for accommodating future growth and change. Overall, conventional suburban development would not be consistent with many goals of the plan.

Policies:

- 1) Provide for and maintain a density of at least 1 Acre (VR) | 2 Acres (RR) for single-family dwellings with suitable private on-site water and sewer. Density for any particular parcel should reflect land capability-suitability and resources which have been identified.
- 2) Residential development projects, especially major subdivisions, shall be evaluated for appropriate density based on land suitability and to retain, to the maximum extent possible, special resources identified in the Town Plan such as agricultural and open land. Consideration should also be given to lot sizes best suited to a given parcel to provide the best fit given the characteristics of a parcel and surrounding area and to avoid a conventional and monotonous subdivision which detracts from the character of the surrounding area.
- 3) Require and provide incentives for creative site planning and design such as cluster and planned residential development techniques in appropriate locations of the RR District.

- 4) Minimize the extension of municipal capital improvements and provision of services. Maintain the existing road network and avoid major expansions.
- 5) Encourage the provision of parks and open space through public, quasi-public, and private means.

Supplemental Performance Standards:

In addition to the foregoing residential and other district policies, the following standards generally apply to all residential development. In some cases they may also apply to nonresidential uses.

Density: Residential diversity should maintain a level of density compatible with land suitability to support a project. While zoning prescribes an overall density scheme, not all land has the same development potential. All development must carefully assess land suitability.

Natural Condition: Natural features of the land including terrain, natural ground cover, trees, wetlands, natural or unique features should be integrated in the preliminary site planning stages.

Settlement Pattern: New development must carefully be integrated into the town. Conventional suburban subdivisions would not be consistent with this standard in the rural areas.

Infrastructure: Utilities and roads should be sited in a manner that provides the least possible intrusion, especially in the open-undeveloped portions of the town.

Slopes: Residential development should be limited and carefully planned on slopes greater than 10%. Where natural slopes exceed 20%, no residential development and associated improvements should occur.

Natural Ridgelines and Hill Profiles: Natural ridgelines and profiles are an important natural asset of the town. The site location of permanent construction must be done in a manner to mitigate potential aesthetic impacts that might result. Ridgelines and hill profiles are not necessarily higher elevations in the town, but could include the natural ridge profile and side slopes along Route 7, Kelly Stand, Batten Kill, etc.

Water Supply and Sewage: Residential development should be supported by adequate water supply and sewage disposal. Onsite sewage systems must obtain required local and state permits. Potential impacts on groundwater aquifers and well head protection areas must be carefully evaluated.

Erosion Control and Earth Modification: During construction, builders should follow state and SCS conservation practices to minimize erosion and effect on drainage patterns. Such work should avoid filling of natural drainage, wetlands, floodplains, and other fragile environmental areas.

Site Planning and Design: Projects must assess the viability of creative site design techniques such as clustering to maximize protection of special resources identified in the plan. Relationships to adjoining properties shall also be considered.

Traffic and Access: Safe and suitable access is required, as is storm water drainage from connecting roads and driveways. Projects should avoid excessive curb cuts along town roads. Projects that generate traffic must have a road capability, safe and efficient access, or a new road must be available. One goal of the plan is to maintain the existing town road system versus major expansion of roads.

Minor/Major Development/Subdivision Projects: While the zoning bylaw provides for an overall density for the zoning district(s), subdivision regulations modify the density of a given parcel given its qualitative characteristics. Subdivision regulations typically vary the degree of review and specificity according to their classification as minor or major subdivisions. While minor subdivisions do not have the same level of review as major subdivisions, they should nevertheless accommodate any special resources as identified in the Town Plan. Major subdivisions on the other hand have the potential to change the low density character of the Town and may have impacts on special resources which the Town Plan seeks to protect. Special review procedures should be provided in the subdivision regulations that identify the characteristics and values of a given parcel such that they are protected and that a "net" density is established that is most suitable for a given parcel. Subdivision regulations should include limitations, land suitability, and any special features of a parcel worthy of protection and to calculate the net density for a parcel. Additionally, a goal of the Town Plan is to avoid conventional type subdivisions that would alter the rural low density character of the Town.

5.5.2 Roadside Commercial:

The purpose of Roadside Commercial (RC) Districts is to provide appropriate locations for limited types of business primarily serving the motoring public where this is the most suitable use, under controls which preserve good appearance and traffic safety. The RC District is located on both sides of Route 7A for its entire length of this state highway in the town (approximately 1.6 miles). On the west side of Route 7A the depth of the district is the 1000 ft. elevation line and on the east side, with the exception of a small area, the Batten Kill forms the boundary. Both sides contain sensitive lands requiring natural buffers such as along the Batten Kill, wetlands, floodplains, and steep slopes.

Policies:

- 1) Provide for low density commercial uses of a smaller scale in keeping with the rural setting of this area.
- 2) Avoid excessive curb cuts and strip-type development and uses which have substantial trip generation rates and turning movements. This is particularly important in some areas such as the intersection of Route 7A and Hill Farm Road where vertical and horizontal visibility is poor.
- 3) Fragile resources of the corridor need to be fully considered in site development proposals: slope, floodplain, open space, aesthetics, recreation, water quality, etc.

5.5.3 Commercial-Industrial:

The purpose of the Commercial-Industrial (CI) District is to provide appropriate locations for business and industrial establishments which promote the sound economic development of the town without detracting from the livability and aesthetic qualities of the rural environment. This designation is located along Route 7 in the southwest corner of town, which includes the Route 7 Arlington-Sunderland interchange.

While the existing CI District provides for various types of commercial-industrial uses and a minimum 2-acre requirement, the zone needs additional review to ensure consistency with goals of the plan. Some of the fundamental concerns relate to the protection of rural quality, land suitability, visual approaches and the natural setting of the area. Proposals also need to avoid contamination of groundwater in the wellhead protection area of the Arlington water supply.

Policies:

- 1) Encourage small-scale commercial or industrial uses that will not pollute groundwater. Carefully evaluate the types of waste or special wastes generated, processed, or stored, and in relationship to the wellhead protection area.
- 2) Avoid off-site impacts to adjoining non-industrial uses and areas, such as smoke, air quality, noise, lighting etc.
- 3) Projects should integrate natural conditions, land suitability, and resources as part of the project's design. This includes such factors as the rural character, open space and scenic values, resources such as agricultural soils, habitat, vegetation and natural features, while avoiding areas which have severe constraints for construction.
- 4) Because of proximity to public lands and water near this district, consideration should be given to limited public access and linkage to such lands. This will depend on the nature of the involved land and proximity of public lands waters.

5.5.4 Forest (F):

The Forest District in Sunderland includes lands above the 1,250' elevation. Nearly all of the land is also within the Green Mountain National Forest. A fundamental goal of this plan is to preserve tracts suitable for perpetuating the forest resources and forest related industries which have been an important part of the state's economy; to protect the vital sources of pure water for public supplies; and to maintain a high quality environment for forest or mountain based low—density recreation. This area is generally characterized by grades in excess of 20%, absence of improved roads, and the absence of permanent structures for year round or sustained use.

Policies:

- 1) Land above the 2,500' elevation should be maintained in a natural state to retain as much as possible the wilderness type setting. These upper elevations are very fragile environments. There are approximately 8,800 acres in this category in Sunderland.
- 2) Dispersed (hiking trails, etc.) versus intensive (developed campgrounds, etc.) open-air recreation uses are encouraged.
- 3) Tracts should be of a sufficient size to be effectively managed and to minimize environmental damage.
- 4) Open air uses such as hiking, cross country skiing, snowmobile trails, hunting and fishing, horseback riding, and natural resource utilization such as logging, sugaring, motorized recreation in designated areas, etc. are the most appropriate activities for this planning area.

- 5) Permanent improvements such as roads and utilities that support sustained or year-round use should be discouraged. This recognizes the need to protect natural resources and to minimize the cost borne by communities in providing services to these backlands. If permitted, the land suitability must be exceptionally suited for permanent construction and not contribute to scattered development.
- 6) Recreation activities such as group campsites are encouraged in areas with existing and suitable access.

SPECIAL DISTRICT OVERLAYS

5.5.5 Flood Hazard Areas (FH) Fluvial Erosion Hazards FEH

The purpose of this designation is to minimize hazards from flooding through the control of land use in flood hazard areas. The official designation of these areas is the Flood Insurance Rate Maps dated November 1, 1985. The designations are identified for: Batten Kill, Roaring Branch, Beaver Meadow and Brook, and a small portion of Fayville Creek. The Soil Conservation Service has also identified "flooded soils" which generally correspond to the federal study. In addition to the primary purpose of mitigating flood damage, flood designations have a secondary benefit of maintaining the natural state of streams and river environments. This is especially important given recent efforts to designate the Batten Kill as Outstanding Resource Waters. Recent mapping of Fluvial Erosion Hazard Areas FEH is also intended to protect property from damage and to maintain the natural flow of a channel over-time. This is especially important in high risk areas that may suddenly or slowly be subject to flooding.

Policies:

- 1) In the floodplain, encourage open air uses (recreation, agriculture, etc.) versus structural uses, obstructions or fill, in order to maintain the capacity of the channel and adjacent land to carry the 100 year flood.
- 2) Permit uses as provided for in local zoning bylaws in the floodway fringe, but require appropriate flood proofing and/or elevation to minimize flood damage.
- 3) Avoid impacts to the special qualities of the river environment. Such qualities may include: fisheries and habitat, plant life and natural vegetation, scenery, open space and rural setting, water quality, recreation experience and river use, etc.
- 4) Restrict development and filling in of floodplains and wetlands along (the main) stream channels to protect their recharge and water storage benefits as they relate to flooding and to protect them as wildlife habitats.
- 5) Encourage appropriate setbacks from streams in areas where soil conditions might result in pollution, soil erosion, and sedimentation.
- 6) Encourage the protection of the natural state of streams except when there is a potential threat against life and property.
- 7) Encourage the provision of appropriate and carefully planned access to and along the main streams.
- 8) Avoid development in and protect high risk fluvial erosion hazard areas and their ability to maintain natural flows during peak flooding events.

5.5.6 Agricultural Lands (A):

The primary source of the agricultural overlay designation is primary agricultural soils (Page 16) identified by the U.S. Soil Conservation Service. While a considerable amount of land has primary agricultural soils, only a few such areas are actively farmed. The following policies recognize the need to preserve, as much as possible, this important resource and to avoid conversion to uses that would significantly impair their resource potential. Additional consideration could be given to a land evaluation system (LESA) to further refine and rate those lands particularly worthy of protection.

Policies:

- 1) Encourage various types of agriculture such as dairy and stock farms, truck and nursery gardening, specialty crops, poultry, sheep, etc.
- 2) Encourage permanent protection of agricultural lands through the acquisition of development rights, permanent conservation restrictions, etc. Tax policies should reflect conservation programs and restrictions.
- 3) Land uses, conversions, and subdivisions need to employ techniques to conserve, as much as possible, prime agricultural soils. Likewise, construction of roads, utilities, and other permanent improvements should attempt to skirt important parcels rather than divide them.
- 4) Larger tracts of ten (10) acres or more must consider the special site planning provisions in the bylaws.

5.5.7 Well Head Protection Area (WHPA):

The Arlington Water Company water supply serves many residents in Sunderland and Arlington. The well head protection area was delineated by the Vermont Department of Health and the Agency of Natural Resources. More recently the Bennington County Regional Commission, through its consultants Lincoln Applied Geology, identified an area larger than originally mapped by the state. Because of the importance of health and safety to area residents, a conservative approach (larger BCRC designation) is recognized at this time. New information and studies might suggest changes to the WHPA at a later time. It is important that land use policies for this special designation emphasize protection of water quality in these areas.

Policies:

- 1) Discourage land development that would impair or endanger watersheds and well head protection areas supplying public or private water supply systems.
- 2) Any land use, storage, disposal, or transport of any material or liquid that could present a threat to the quantity or quality of water obtained from the well head protection area-aquifer shall be carefully evaluated for potential impact. Such uses should be allowed only when there is a high degree of certainty that pollution will not result.
- 3) Those uses with greater potential for groundwater contamination shall make provision for remedial actions necessary to abate such pollution. This policy is not a substitute to avoidance of uses which present a potential threat.

5.5.8 Batten Kill (ORW) Outstanding Resource Waters

In 1991, the Vermont Water Resources Board (Now natural Resources Board) designated all portions of the Batten Kill main stem and the West Branch as Outstanding Resource Waters. As provided in the statute the designation recognized the exceptional natural, recreational, cultural and scenic values of the river. In the designation decision (Docket No. 89-02), the findings of fact describe in greater detail the attributes of each of the values such as a high quality trout stream, exceptional wildlife habitat and its productive floodplain, intact riparian zone in many places, pool and riffle and slow meandering habitat environments, scenery and cultural values. The designation elevates the importance of the Batten Kill to the region and while it does not have its own programmatic or regulatory mechanism, it can be cited in other state or local proceedings as a policy for its protection.

Policy:

- 1) Protect the values of the Batten Kill as a State designated Outstanding Resource Water(s) and assure compatible uses and development with such values.

6.0 HISTORIC PRESERVATION

Of special interest and concern to the town's residents is the preservation of historically significant sites and buildings and archaeological sensitivity. A general survey was undertaken by the Bennington County Regional Commission and the Vermont Historic Preservation Division in the 1970's and 1980's. However, these are general surveys and should not be considered the full and definitive study on the topic. In addition to surveys mentioned, the U.S. Forest Service is also evaluating potential historic sites. Because of the amount of U.S. Forest Service land in the town, it may be possible to obtain technical assistance to assess the balance of the town outside the Green Mountain National Forest.

Sites, which have been identified for their historic significance, include:

Chiseltown Covered Bridge: Date built, 1870. It is located at the Sunderland Road and spans the Roaring Branch. The bridge has large timber truss supports joined by trunnels and has the highest pier supports in the county.

Hill Family Farm & Inn and Complex:

- 1) Hill Farm Inn (C. 1820): 5 2 house (clapboard) has slate gable roof and Tuscan—columned verandah on two elevations.
- 2) Guest House: Farmhouse and oldest house on the property.
- 3) Residence (Formerly Earl Hill): Small clapboard house.
- 4) Cabins: Group of four 1—story clapboard rental structures, each with projecting central gable roof, supported on posts.
- 5) Miscellaneous: Barns, silo.

Sunderland Church: Date built, 1880. Queen Anne church has extending central bay tower ending in shingled spire. Both spire and tower facade feature a variety of imbricate shingle patterns. Simple entrance surround with denticulate cornice. Narrow windows of 2/2 panes. The Sunderland Church and neighboring cemetery, located across Hill Farm Road, are the two most dominant features of the surrounding landscape, stretching from Route 7A south to the Hill Family Farm Complex. The church is in extremely good structural condition, yet its present vacancy puts this structure in potential danger.

Pennock's Store: Small clapboard store has gable end facing street, small, Semi-hexagonal enclosed entrance porch flanked by two large 12/12 store windows. Sash elsewhere on store is 2/2, 1/1, and 6/6. Pennock's Store was the oldest store in continuous operation in Sunderland. William Bacon previously owned it. The store's interior retains an authentic nineteenth century country store appearance, including original shelves and display counters, and an extraordinary cast iron stove. Pennock's Store remained open for business well into the 1960's.

Sunderland Borough: This community is Sunderland's earliest residential cluster. There are a number of small land parcels and homes with distinctive period architecture that originally shared a common water source. This area was indicated on maps and for a time considered the Sunderland town center.

Hayden Homestead: Date built, 1777. Simple, 3-bay tavern building with 1-story bracketed verandah addition on facade. Small central chimney. Sash 2/2 and 2/1. Hayden House served as a stagecoach stop during the period 1777 to 1841. It still fronts on the Old turnpike alignment between Kelly Stand and East Arlington. Traces of the road remain, as do those of a ticket window. The interior of the house features 24" panels and a domed ballroom. After it ceased to function as a tavern, the house took in boarders for a period and was subsequently converted to a residence.

"Kelley Stand" Road and Roaring Branch Scenic Corridor: This historic "turnpike" was one of Vermont's earliest roads. Beyond the Summit is the site of the gathering place for thousands who traveled there, on horseback, in wagons and buggies, and by foot, to hear Daniel Webster give a speech. It will likely become the last and only unpaved "country road" in Sunderland. It is a curvy and narrow dirt road, canopied by ancient trees. It closely follows the "stream", in places so close the sound of the water is consuming, as the road ascends the Green Mountains. It is a wonderful natural environment that offers continuous views and provides the best entrance by vehicle into the National Forest. At the lower start of the road there are a few residences, most along the stream bank. One of the cottages was owned by the artist Norman Rockwell where he went to "get away from it all" and get close to nature. At the summit is the "Kelly Stand" site of a long gone thriving mountain community with its own hotel and a large logging camp. Today a few "rustic" camps are in the vicinity. The road is closed to all vehicles in the winter starting at the point of entry into the National Forest. Winter snowmobiling use is permitted and popular. This "scenic corridor" is one of Sunderland's most inspiring natural features. Most residents cherish the time spent enjoying this very special place. Who can forget the thrill of standing just inches off the water bouncing up and down on the swinging foot bridge. This is an area that the Town should protect and prevent any adverse impacts or unnecessary road or utility improvements. We should preserve this area, in its original natural unspoiled condition for all future generations of residents to see, and enjoy.

Other Sites

- ...Sunderland School Houses
- ...Old Kelley Stand Turnpike Alignment
- ...Leon Cole House
- ...Site of Ira and Ethan Allen homesteads
- ...Site of Kelley Stand Hotel and Logging Camp
- ...Lawrence Homestead
- ...Three Cemeteries: Ira Allen Cemetery South End Cemetery, Lawrence Cemetery
- ...Local designation of former Localities: Chiselsville, Kelley Stand, Kansas, Mt. Pleasant.

Historic Route 7A Scenic Corridor: This road was previously known as U.S. Route 7 and was part of the original Federal Highway System. It was the primary and only North-South means of travel in Vermont up until the 1970's when the new Route 7 was somewhat completed. Its existence has its origin by being the first road most towns decided to survey, clear, construct, and connect with adjoining towns. In Sunderland most of Route 7A follows the original course along the Batten Kill River at the edge of the Vermont Valley with Mount Equinox towering in the distance on the opposite side. The route features various excellent viewpoints that offer views of mountains and valley. It is also named the Ethan Allen Highway as the first Allen homestead in Vermont was here in Sunderland. Just up the road was the neighboring homestead of a Sunderland "founding Father" Col. Gideon Brownson. Their house, built in the 1760's still remains today, but it bears no resemblance to its former Saltbox style. It is the farmhouse just south of the entrance to the "Skyline Drive. Route 7A is appropriately referred to as "Historic".

Policies

- 1) Encourage protection of sites of historic/cultural merit from encroachment by incompatible uses, and assure to the best degree possible that surrounding development enhances such historic features.
- 2) Encourage renovation and re—use or adaptive use of historic structures which might otherwise be lost due to deterioration. Provide assistance to seek funds for maintaining such sites or structures.

7.0 TRANSPORTATION

7.1 Roads:

Major access to Sunderland is by VT Route 7A and US Route 7, (a limited access road). VT Route 7A is affectionately called 'Old Route 7' due to US Route 7 not being constructed until the 1970's, before which VT 7A was the only major route through Sunderland. One of two interchanges connecting Route 7A and US7 between Bennington and Manchester is located in the southeast corner of Sunderland (the other such interchange being in Shaftsbury). In addition, approximately 2,000 feet of the access road (now VT Route 313) connecting US Route 7 to VT Route 7A is within the town borders of Sunderland.

Sunderland Hill Road is the primary route through the town. It is hilly in nature with several dangerous curves. The speed limit is 35 mph. The widening of this thoroughfare would not be practical. Near the southern end, a one-lane covered bridge with a low top clearance creates a considerable inconvenience for trucks and other large vehicles.

In 2004, Sunderland had a total of 0 miles of Class 1 highway, 15.17 Class 2 town highway miles, 14.16 Class 3 town highway miles, and 1.68 Class 4 town highway miles. Additionally, Sunderland has 11.37 miles of State highway. In 1990 state aid was distributed in the following amounts: Class 2 \$3,532.31 per mile, and Class 3 \$1,176.57 per mile. Thus Sunderland received \$53,585 for Class 2 roads and \$15,154.22 for Class 3 roads.

Sunderland has a considerable amount of road mileage, especially when considering that a substantial portion of land lies within the Green Mountain National Forest. The US7 interchange provides direct and easy access, shifting and increasing traffic counts on town roads. One goal of the plan during the next five-year planning period is to avoid expansion of the existing system and to direct its financial resources toward the maintenance of the system. Because the Sunderland road system is basically rural, overlaid by US7, there are many areas where roads and bridges have safety and structural deficiencies. Recently Bridge #3, on Town Highway #2 has been reconstructed over the Vermont Railway because of structural deficiencies. The approaches and capacity of other roads, bridges, and intersections present unique challenges and safety concerns: Bridge #14 (East Kansas) and Kelly Stand intersection, Bridge #5 and Route 7A intersection, etc.

US7, additional growth and facilities such as the Sunderland transfer station, or other significant generators of traffic need to be carefully evaluated for their impacts on the system: structural, safety, weight loads, etc. When a project or facility places additional burdens or stresses on already poor conditions, alternative means of mitigation need to be considered: financial contributions, project size trip generation and location, etc.

The Bennington County Regional Commission prepared a five-year plan for passenger service that was adopted in January of 1991. Appendix B of that plan, titled Special Needs by Town, identified only marginal needs for Sunderland (less than 5 persons). The public transit service provided by the Green Mountain Community Network is essential.

Policies:

- 1) New roads, driveways, and drainage systems should be designed, constructed, and maintained in accordance with the town plan, municipal and state street standards, and any recommendations of the Town's Road Foreman.
- 2) Additions and improvements to the transportation system should be designed to minimize impacts on residential areas and avoid the loss of natural resources, unique sites, and wildlife habitat.
- 3) Major transportation improvements and investments should be encouraged in the existing system, with minimal investment for roads serving remote and mountainous areas. Safety and service improvements along the Kelly Stand Road may be necessary, but not to upgrade the road as an all season road linking Sunderland and Stratton.
- 4) All new road construction should be consistent with limitations imposed by topographical conditions, natural areas, and areas having special resource value.

- 5) Commercial and industrial developments should provide adequate on-site parking, and include provisions for safe and efficient vehicular ingress and egress. To the extent possible, adjacent commercial or industrial uses should make use of common parking and access drives.
- 6) Scenic roads should be maintained for their scenic value while providing safe access for residents. Road construction and maintenance should be consistent with scenic values (width, alignment, roadside vegetation, etc.).
- 7) The new Route 7 interchange and bordering land is basically rural and a natural landscape. Future change and proposals need to retain the character of this setting.

8.0 PUBLIC UTILITIES, FACILITIES, AND SERVICES

8.1 Water Supplies and Wastewater Disposal

The villages of Arlington and East Arlington, and the Chisleville area of Sunderland, are served by the Arlington Water Company. The Arlington Water Company is a privately owned community water supply regulated by the Vermont Department of Health and the Public Service Board. This system draws most of its supply from a groundwater source located in Sunderland. The well head (aquifer) protection area for this source was originally identified by the State Department of Health. Subsequently, a preliminary assessment by consultants for the Bennington County Regional Commission suggested a probable larger protection area and the need to undertake a more thorough study. As pointed out in Sections 4.7 and 5.57, the Town recognizes the enlarged well head protection area until such time as additional studies are completed. Approximately 1,200 people rely on the Arlington Water Company system for their water supply. Consequently, protection of the quality and quantity of the groundwater that feeds this system is critical. Contamination of the water would result in dangers to public health and would necessitate very costly remediation.

The Arlington Water Company system was constructed in 1894. Recent activities have included, pursuant to a 1986 State order, installation of an auxiliary generator at the well site and the laying of 760 feet of new main in East Arlington. Planned improvements include the development of a back-up well (in case the primary source becomes contaminated), a new storage reservoir (primarily to improve fire protection), and the addition of approximately one-half mile of new main in conjunction with the new storage reservoir. The estimated capacity of the system is 684,000 gallons per day (gpd), and with a current usage of 204,000 gpd, the system is capable of accommodating new growth if system improvements proceed on schedule.

Sunderland does not have any public water supply, or wastewater/sewer system, nor are any anticipated. The majority of residences utilize private onsite wells and septic systems. All systems must be designed to conform to State standards, and obtain State permits.

8.2. Public Buildings and Lands (For Schools, see Section 8.3)

8.2.1 Town Office Building:

The Town has been most fortunate and appreciative to have its space needs met by Rose Keough (the current Town Clerk) at her residence. Town Selectmen have requested authorization from the voters to contribute to a municipal office and office equipment fund. The property was acquired from Ann Montgomery and a sketch of a new office building is being prepared for voter approval.

8.2.2 Town Highway Garage:

The town highway garage is located on Sunderland Hill Road. It was constructed in the early 1970s. It presently houses the Highway Department vehicles. It is expected to meet the needs for Sunderland for the foreseeable future.

8.2.3 Recreation:

Recreation facilities in Sunderland are located at the elementary school. A softball field, playground equipment, and a basketball area were installed in 1978, using a federal grant for Public Works. Residents also use recreation facilities in nearby towns.

8.3 Schools

In 1969 Sunderland opened a new elementary school with a capacity of 160 students. In September of 1990 the school provided classes for K with grades 7 and 8 being provided out of town on a tuition basis. The school also accepts and currently has several tuition students. In addition the school operates an Early Educational Program for children of pre-kindergarten age. Elementary enrollment (K-6) has fluctuated between 77 and 65 students during the past five years. Current enrollment is at 56 students with 8 full-time teachers. This is lower than the student enrollment of 86 and 126 students when the Town Plan was first adopted. Capacity is projected to be sufficient for enrollments based on a reasonable rate of growth. As discussed earlier in the plan, Sunderland's growth rate between 1980 and 1990 was higher than many other towns and the Region. The town has also attracted a fair amount of new residential development. Since Sunderland is not a large community, there is a need to frequently monitor change, size of development projects and location, to ensure an adequate capacity.

Since Sunderland has no secondary school, education for grades 7 through 12 is provided outside the town, with the majority of students attending either Arlington High School or Burr and Burton Seminary in Manchester. Tuition reimbursement is provided for students attending out-of-town facilities.

8.4 Fire and Emergency Services:

The Arlington Fire Company maintains two firehouses, one in East Arlington and one in West Arlington. The Company responds to calls in Arlington, Sunderland, and Sandgate, and each of these towns provides some financial backing. The Fire Company has prepared a capital budget that details a replacement schedule for trucks and other equipment. Capital expenses are expected to remain constant at approximately \$50,000 per year through this time period.

In a recent year (1989) the Arlington Rescue Squad, operating out of its station on Chittenden Avenue, responded to 281 calls in the towns of Arlington (80% of the calls), Sunderland (15%), Sandgate (4%), and North Shaftsbury (1%). The average response time (from call to arrival on the scene) for this important and efficient organization is 11 minutes. Volunteers primarily staff the Rescue Squad, like the Fire Company. Moreover, the Rescue Squad receives funding from the towns and private donations. Residents and towns served by the Rescue Squad should continue to support the service, as any alternative would be more costly and less efficient.

8.5 Solid Waste

Sunderland residents arrange for solid waste and trash pickups/disposal directly with one of the private companies in the area that provide such services. The Sunderland Selectboard has adopted the Regional Solid Waste Implementation Plan written by the BCRC on behalf of eight municipalities in the region. Municipalities must have a State approved plan to use solid waste facilities in Vermont. The plan was approved by the Vermont Agency of Natural Resources in January, 2008. This municipal town plan incorporates by reference the solid waste plan. Sunderland, like the other Northshire Towns, continues to coordinate its efforts for appropriate short and long-term solutions for waste reduction and recycling. As a "host" community for the existing transfer station, it must be watchful and protective of its own residents and the environment.

8.6 Telecommunication Facilities

Currently, there are locations within Sunderland where coverage is not adequate for portable telephones (cell phones). Given the likely demand for the full range of telecommunication facilities, Sunderland adopted zoning by-laws in November of 2003 to regulate the placement, design, construction and modifications of telecommunications facilities. Their purpose is to promote the public health, safety, welfare of the Town and to protect its historic, cultural, natural, and aesthetic resources.

Policies:

- 1) While recognizing the importance of telecommunications facilities, such facilities should be sited to minimize their visual and environmental impacts. Existing structures such as radio towers, water towers, power poles, silos, church steeples, public buildings and public lands are preferred facility locations.
- 2) The Sunderland Landfill has been closed and is being monitored by the Town and State. The location is now the site of a privately operated waste transfer and recycling operation.

8.7 Child Care Facilities

Child care centers and family child care homes provide a significant service and contribute to the town and region's economy. It enables working parents (especially two working parents) to participate in the workforce not only for meeting personal financial needs, but filling the needs of the workforce as well. Child care centers vary in size and function and range from small home-based facilities to larger state registered and licensed facilities.

The town encourages quality child care services commensurate with the demand (existing and projected) to assure an effective level of service and delivery system. To that end, an assessment/survey of needs should be conducted including demand, financing, infrastructure, and assistance needs of providers. Other types of assistance to facilitate services could include public forums, collaboration, inventory of space needs, grant assistance, and identifying opportunities or barriers for providing services. Encourage the provision of quality child care services and facilities to meet the needs of the areas residents, workforce, and employers.

9.0 HOUSING

Among the goals of the planning act (Title 24, Chapter 117) is to encourage safe and affordable housing for those citizens of low and moderate income. Housing is considered affordable when incomes at or below the county median income pay no more than 30% of their gross income on housing costs. According to the 2000 U.S. Census, median household income in Bennington County is \$39,926, as compared to \$40,500 in Sunderland. The poverty status of Sunderland residents (6%) is less than that of the county as a whole (7%).

Income limits for assistance are further refined for various size families as illustrated again for Bennington County:

HUD 2008 Median Income Limits For Assistance			
	1 Person	2 Persons	4 Persons
30% of Median	\$11,100	\$12,650	\$15,850
Low Income 50%	\$18,550	\$21,100	\$26,400
Mod. Income 80%	\$29,550	\$33,800	\$38,000

The 2000 U.S. Census estimates of the number of low-to-moderate income (LMI) residents in Sunderland are 318. This represents 37.6% of the town's residents. In comparison, Arlington has 807 (LMI) residents (33.70%) and Manchester has 1,107 LMI residents (27%). Per capita income as taken from the 2000 U.S. Census is as follows: Sunderland - \$19,453, Arlington \$23,277, and Manchester - \$30,499. The annual average wage (VT DET 2002 is \$31,998 in Sunderland, \$27,911 in Bennington County, and \$31,010 in the State Of Vermont. These comparisons seem to be in line with other comparative data provided in Chapter 2.

It is not possible without further study to more precisely quantify housing needs. However, income data does point to a potential segment of residents that may benefit from some affordable housing.

The BCRC and the nonprofit corporation, Regional Affordable Housing Corporation of Bennington County (RAHC), are potential sources of assistance. Several state agencies and the Housing and Land Trust Conservation fund can provide capital support.

Policies:

- 1) Accommodate affordable housing commensurate with the needs of the town. This will likely involve small scale, low density housing such as single family or a duplex with appropriate onsite conditions.

Supplemental Data:

- 1) Total Housing Units in 1990 (U.S. Census) was 458 an increase of 20.2% from 1980.
- 2) Sunderland Total Housing Units in 2000 (U. S. Census) is 473 or a 3.3 % increase from the 1990 U.S. Census. Of this amount, the Total Vacation Units was 99, or 20.9%

10.0 ENERGY CONSERVATION

Energy is a scarce resource that should be considered in every comprehensive planning process. With a heating season that lasts for at least seven months, it is evident that home energy consumption is a significant issue for everyone residing in this area. Fossil fuel prices have been erratic, electric heat is notoriously inefficient and expensive. Subdivision and buildings should be designed with energy conservation in mind (orientation for solar access, locating buildings in protected rather than exposed areas, etc.) and thermal integrity standards for buildings, such as those specified in the Bennington Regional Energy Plan, should be adhered to. Owners of existing buildings should retrofit, where necessary, to meet the standards of the Regional Energy Plan; financial assistance may be available to some homeowners through state programs and organizations such as the Bennington Rutland Opportunity Council.

It is well established that effective land use planning can promote energy conservation. Residential and non-residential development should be concentrated in growth zones, where it will be convenient to existing utility and municipal services. The land use element of this Plan reflects these principals by prohibiting permanent development in backland forest areas, by discouraging scattered development, and by encouraging more intensive residential development in designated growth zones. This Plan also discourages capital expenditures on roads and other infrastructure that would tend to lead to scattered development. Compact development patterns will reduce the length of automobile trips, truck deliveries, and the like.

Future public and private investments should be mindful of energy conservation. Efforts to develop alternative renewable energy sources, such as solar and wind power, should be supported.

Policies:

- 1) Capital expenditures on roads and other services should not lead to scattered development.
- 2) New residential development is encouraged to be clustered near existing roads and utilities where they will be more conveniently serviced.
- 3) Residential development should follow the thermal integrity standards specified in the Bennington Regional Energy Plan.
- 4) Residential development should be designed to facilitate energy conservation through site planning which takes full advantage of solar energy resources.

11.0 IMPLEMENTATION

11.1 Overview

Because of a time constraint on this update it was not possible to complete a full comprehensive revision of this plan. The Planning Commission intends to continue its work to upgrade portions of the plan. While all plans by statute expire five years from the date of adoption, they can be revised and amended as necessary.

The policies adopted in this town plan provide written guides for the consistent and rational action in the control of land use. These policies also provide a guide for thoughtful decision-making that will have the effect of implementing the town plan. Unlike town plans in other states, the Vermont town plan has legal foundation for decision making through the Act 250 process. Consequently, the goals and policies formulated in this document will serve not only to guide growth, but in fact can be implemented. Additionally, the town has many options available to it, whether regulatory or non-regulatory, to pursue the plan's objectives. Implementation can take many forms: special study follow-through; community facility and capital programming; grant assistance for implementation; participation in various proceedings - local or state; formation of special study committees; inter-municipal coordination; etc. Other traditional techniques include: zoning, subdivision regulations, capital programming, health ordinances, traffic, road ordinances and standards, mapping, database, etc. The BCRC report on Implementation Guidelines, July 1, 1989, provides an extensive menu of implementation techniques.

Zoning bylaws and subdivision regulations are primary tools to implement the Town Plan. Consequently, they must be aligned with as many of the goals and policies that are contained in the plan. While the plan is the guidepost for the regulations, it is the regulation that provides the substance to implement the plan. As provided in the state planning and zoning enabling act (24 F.S.A., Chapter 117, s.4410), a municipality that has adopted a plan through its bylaws may define and regulate land development in any manner that the municipality establishes in its bylaws, provided those bylaws are in conformance with the plan and are adopted for the purposes set forth in (s.4302), Purpose and Goals). In its bylaws, a municipality may utilize any or all of the tools provided in the enabling act and any other regulatory tools or methods not specifically listed. However, no bylaw shall conflict with sections 4412 and 4413 of the act. The enabling act further allows for municipal development review standards as are used in Act 250.

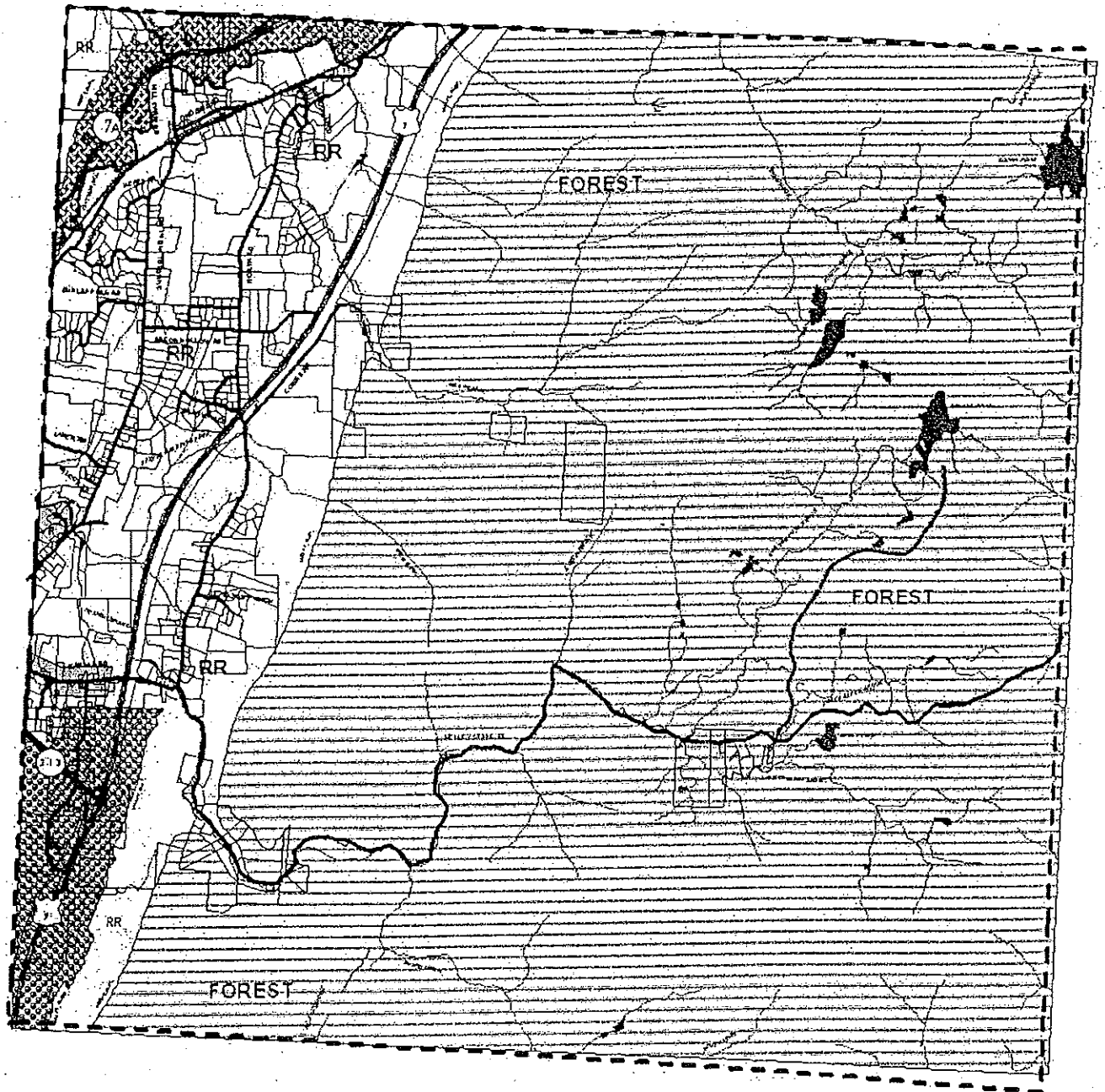
11.2 Coordination:

Sunderland has experienced a comparatively significant amount of growth during the 1980's and 1990's. Spin-off speculation and growth can also be attributed to rapid growth and change in Manchester. Other factors contribute not only to change within Sunderland, but its relationship to surrounding towns and the region: new Route 7 and interchange, schools, Green Mountain National Forest, commercial and industrial growth, Sunderland landfill, affordable housing, Arlington Water Company and aquifer protection, etc. The town is not shrinking in size, however, the neighbors within and without are getting closer. Sunderland will continue to coordinate its efforts as circumstances arise. It is also necessary to review the plans of adjoining municipalities to improve coordination, sharing of information-expertise, and participation in forums to discuss common areas of interest.

11.3 Additional Directions

- 1) Continue the update of the town plan, especially for some sections:
Land Use, Recreation, Historic Preservation, Municipal Finance, Roads and Bridges, and Education.
- 2) Improve and build upon the natural resource, archaeological, and historic sites data base. The U.S. Forest Service could be a valuable resource for this project.
- 3) Reevaluate the town's zoning boundaries: Commercial and Industrial District, Forest and Recreation areas.
- 4) Undertake a comprehensive review of the town's zoning bylaws and other municipal ordinances and standards.
- 5) Consider special comprehensive review procedures for major development projects. This could be accommodated in the zoning bylaw or subdivision regulations.
- 6) Assess the condition and measures necessary to protect critical resources such as the Chiselville Covered Bridge.
- 7) Based on existing information, assess the condition of roads and bridges, and traffic generation rates.
- 8) Assess the implications of the Kelly Stand Road and forest use on the community.
- 9) Continue to participate in studies to refine the Well Head Protection Area of the Arlington Water Company water supply.
- 10) Continue to protect the town's interest in all aspects of use of the Sunderland landfill and transfer stations for waste management.
- 11) Participate in various aspects of management and use of the Batten Kill.

Town of Sunderland, VT Land Use Plan

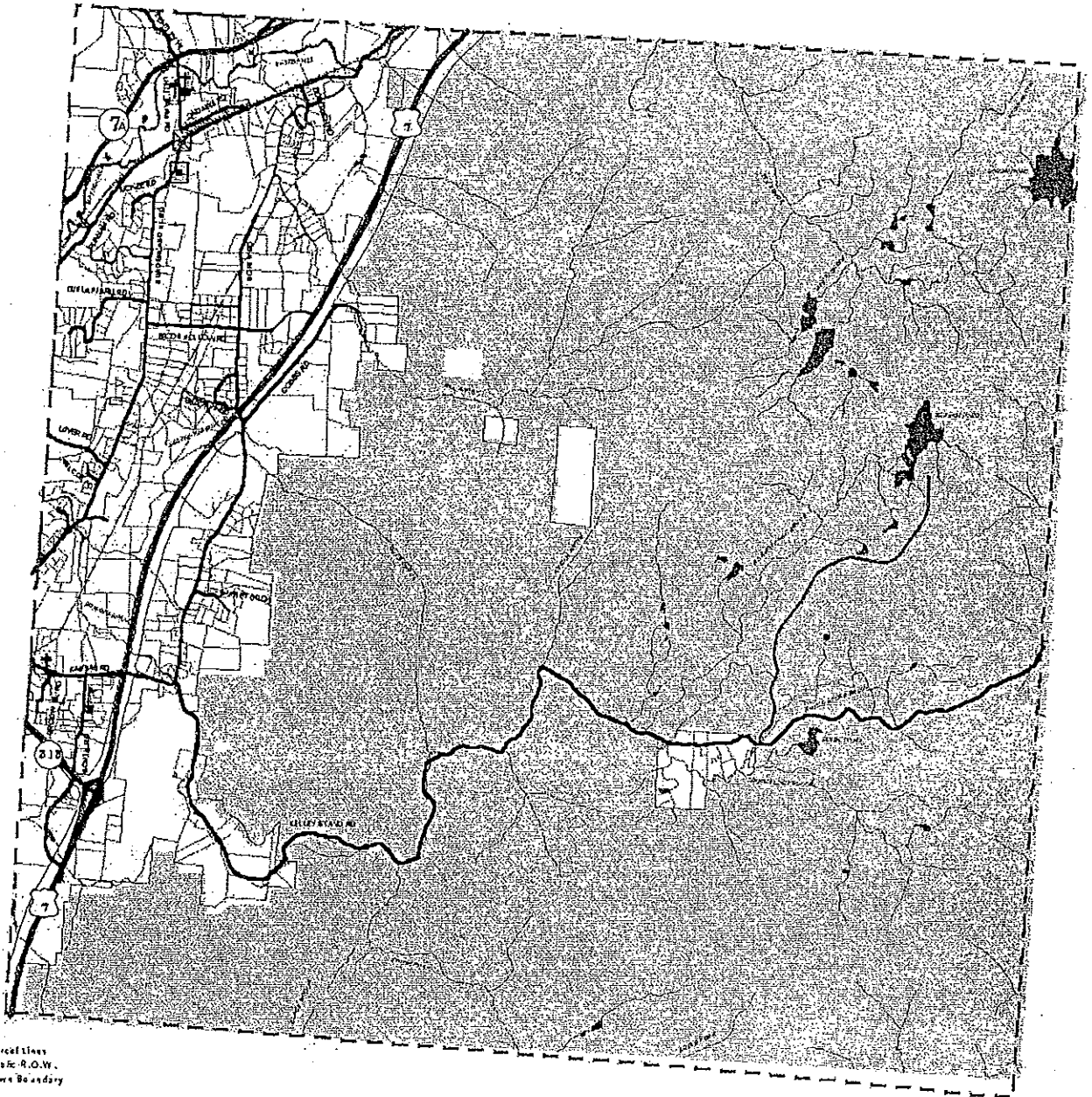


- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Land Use Districts**
- Rural Residential
- Village Residential
- Roadside Commercial
- Commercial-Industrial
- Forest



Map produced May 5, 2006 by BCRC through a Municipal Planning Grant awarded by the Agency of Commerce and Community Development.

Town of Sunderland, VT Public Facilities and Utilities

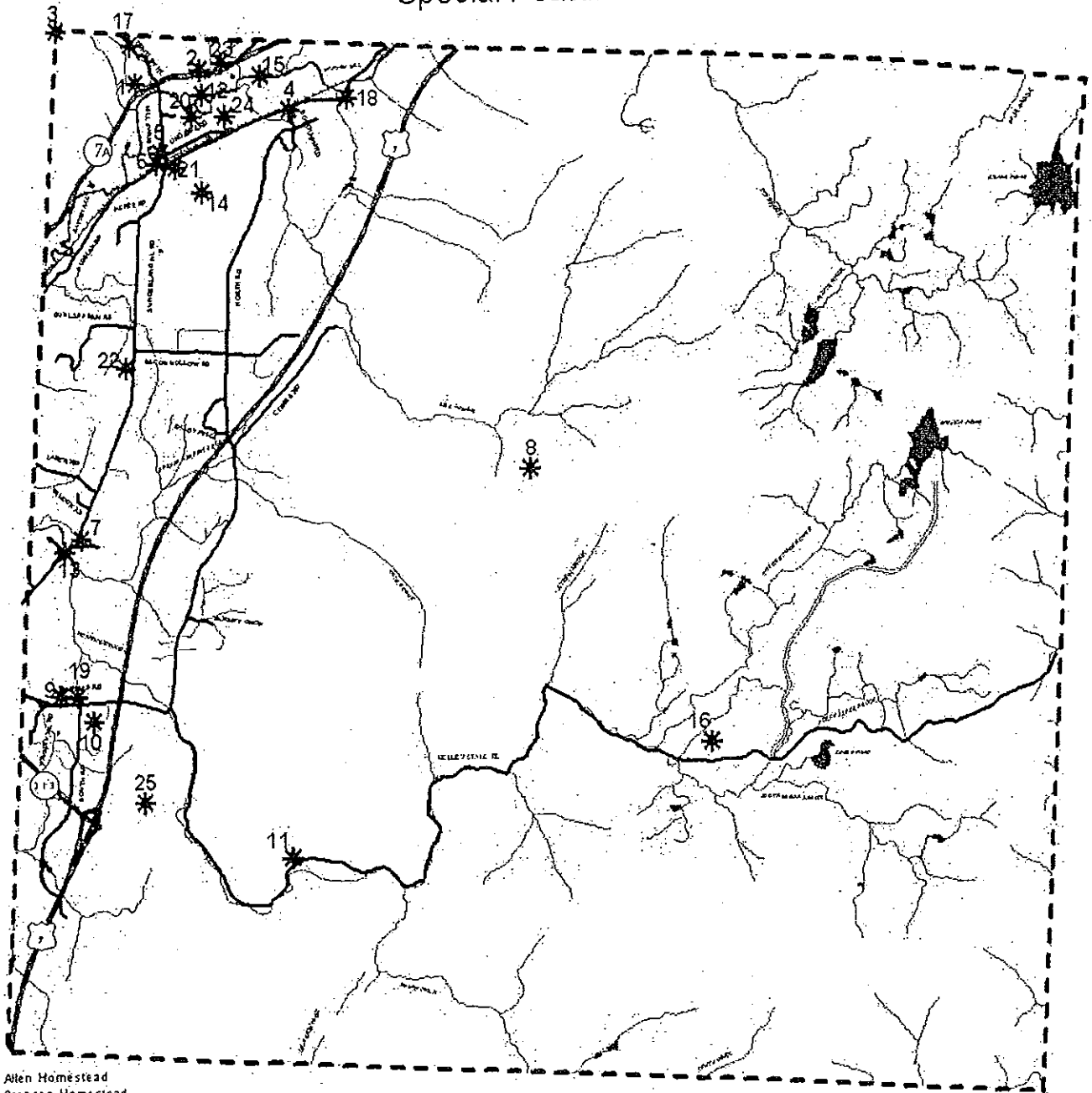


- Parcel lines
- Public R.O.W.
- Town Boundary
- Town Office
- School
- Town Garage
- Town Parcel
- Church
- Cemetery
- High Voltage Transmission Lines
- Roads
 - Town Highway
 - State or U.S. Highway
 - National Forest Road
 - Private Road
 - Trail
 - Road
 - River and Streams
 - Ponds
- Green Mountain National Forest
- Private Lands

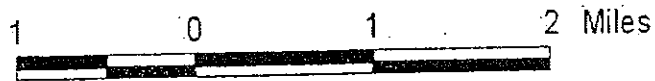


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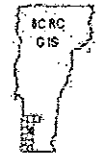
Town of Sunderland, VT Historic Sites and Special Features



1. Allen Homestead
2. Bronson Homestead
3. Four Corners
4. Sunderland Borough
5. Hill Farm Inn
6. Sunderland Depot
7. Hayden Homestead
8. Bacon Hollow
9. Mount Pleasant
10. Kansas
11. Kelly Stand Scenic Drive
12. Sunderland Hamlet - Historic 7A
13. Chiselville Covered Bridge
14. Randall-Montgomery Homestead
15. Batten Kill
16. Kelly Stand Hotel-Logging Camp
17. Bentley Hill Road
18. Sunderland Hill Road
- 19 - 23. Historic School Sites
24. 4-H Camp Ondawa
25. Catamount Cobble

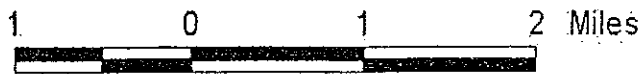
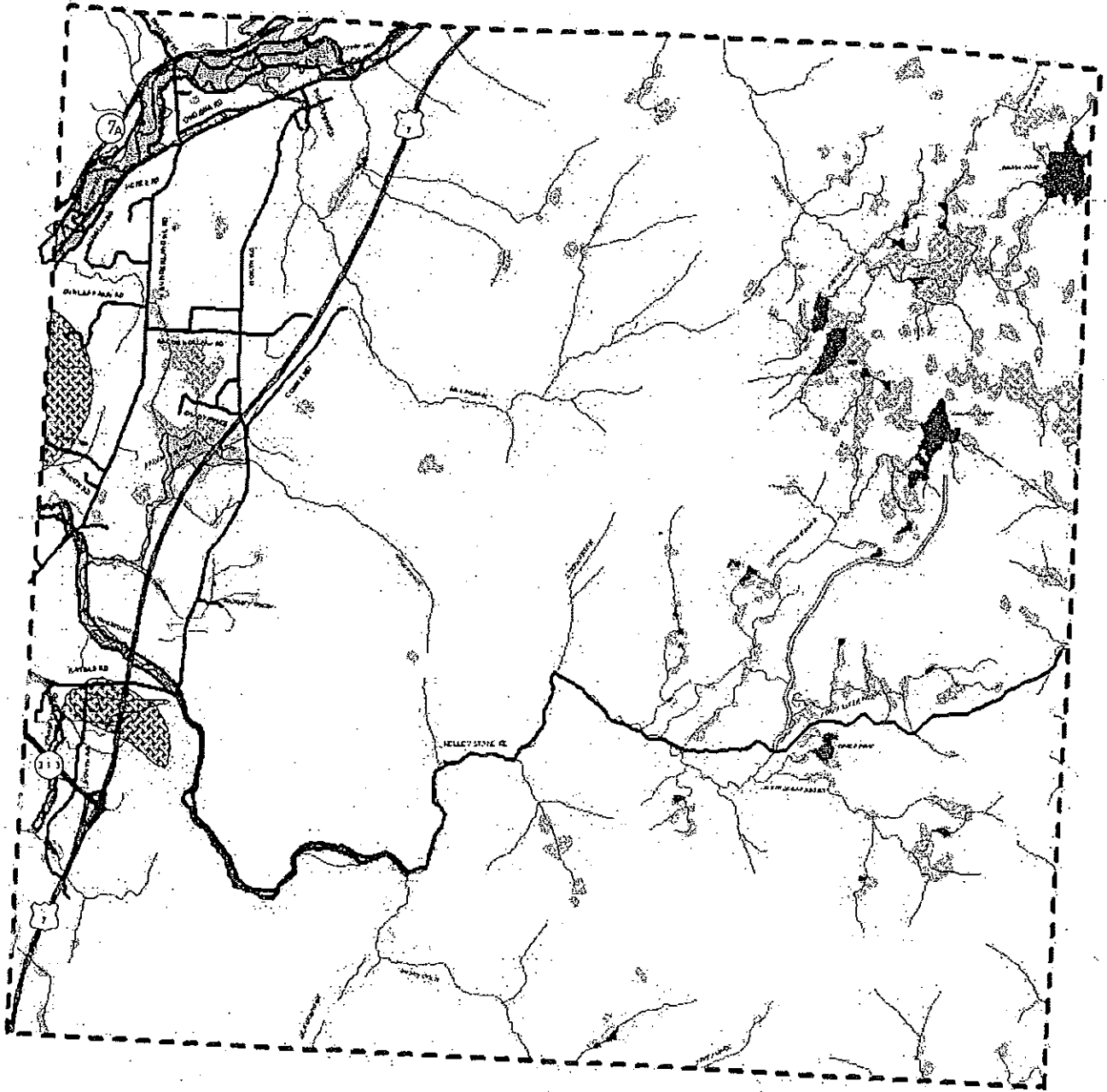


* Historic Site
 * Special Features



Historic sites were derived from the Beers Atlas of Bennington County, 1869. This map was produced January 21, 2010 by BCRC.

Town of Sunderland, VT Water Resources

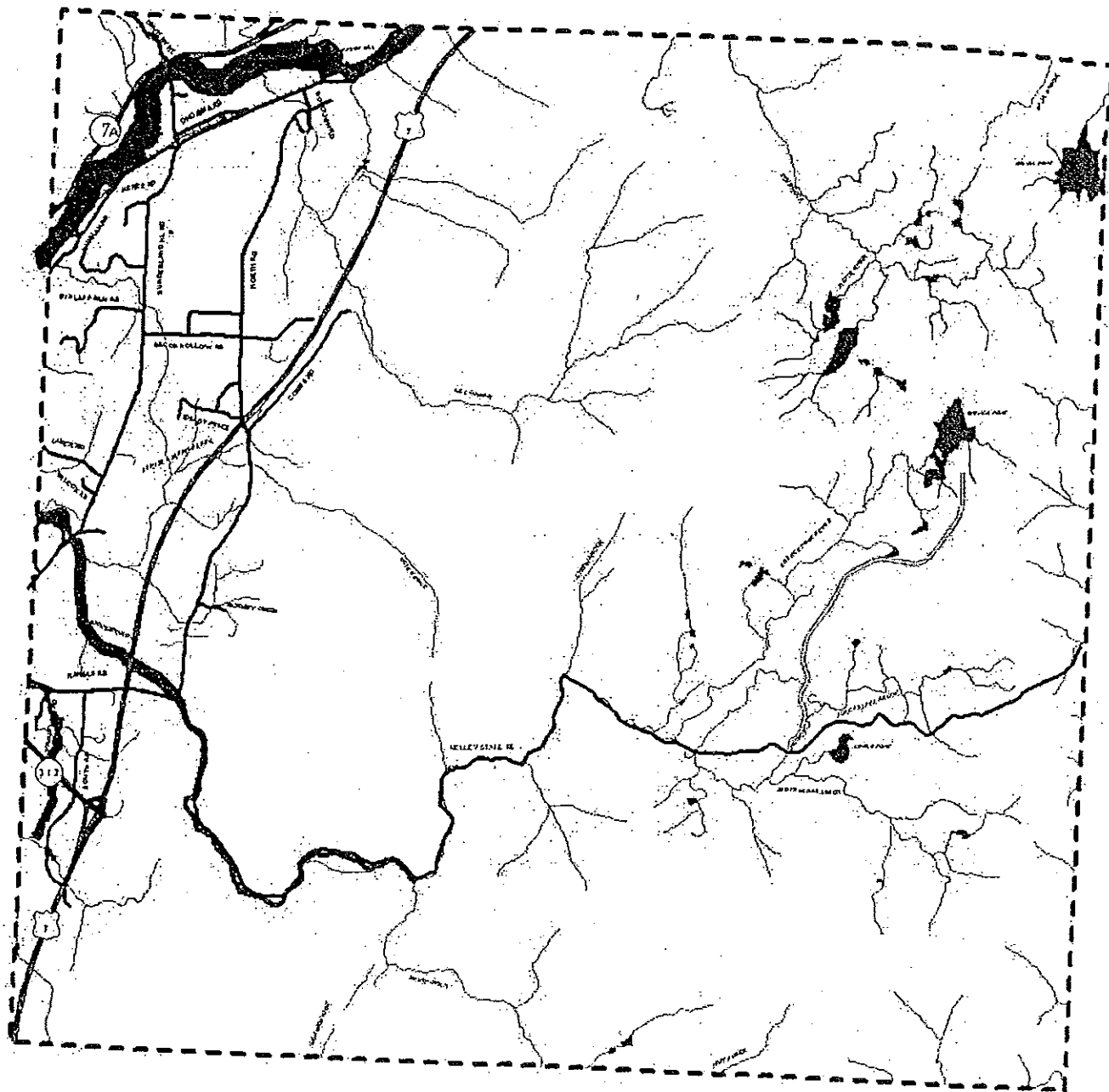


- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Fluvial Erosion Hazard Areas
- Flood Hazard Areas
- Wetlands
- Well Head Protection Areas



This map was produced January 21, 2010 by the BCRC. It is based on data collected by Field Geology Services, South Mountain Research and Consulting, BCRC, Vermont River Management Program, Vermont ANR and FEMA.

Town of Sunderland, VT Fluvial Erosion Hazard Zones

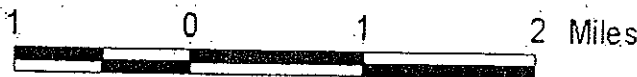
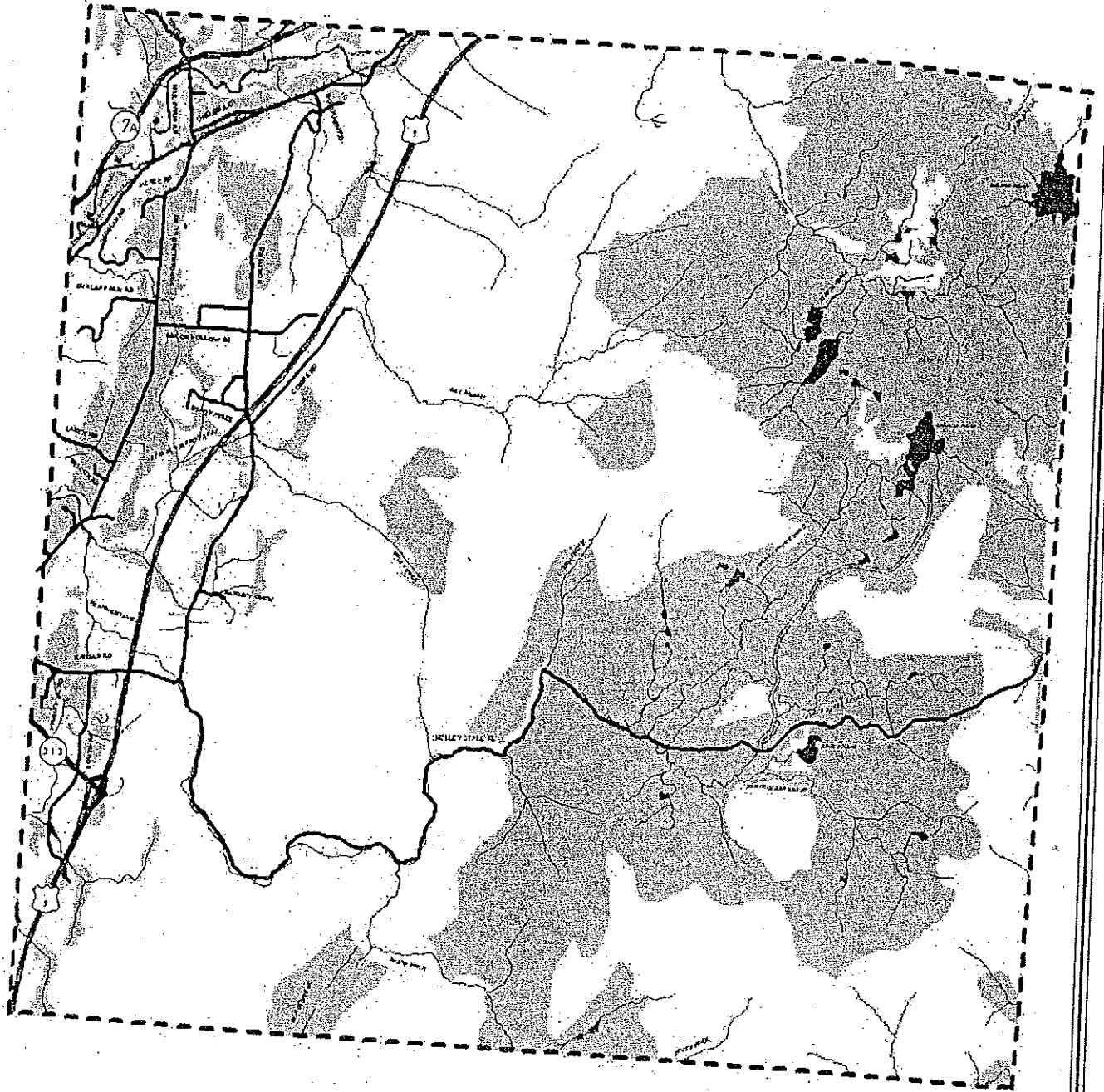


- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Fluvial Erosion Hazard Areas

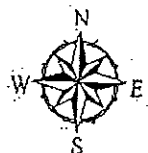


This map was produced January 21, 2010 by the BCRC. It is based on data collected by Field Geology Services, South Mountain Research and Consulting, BCRC and The Vermont River Management Program.

Town of Sunderland, VT Agricultural Soils

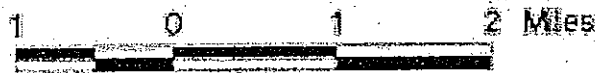
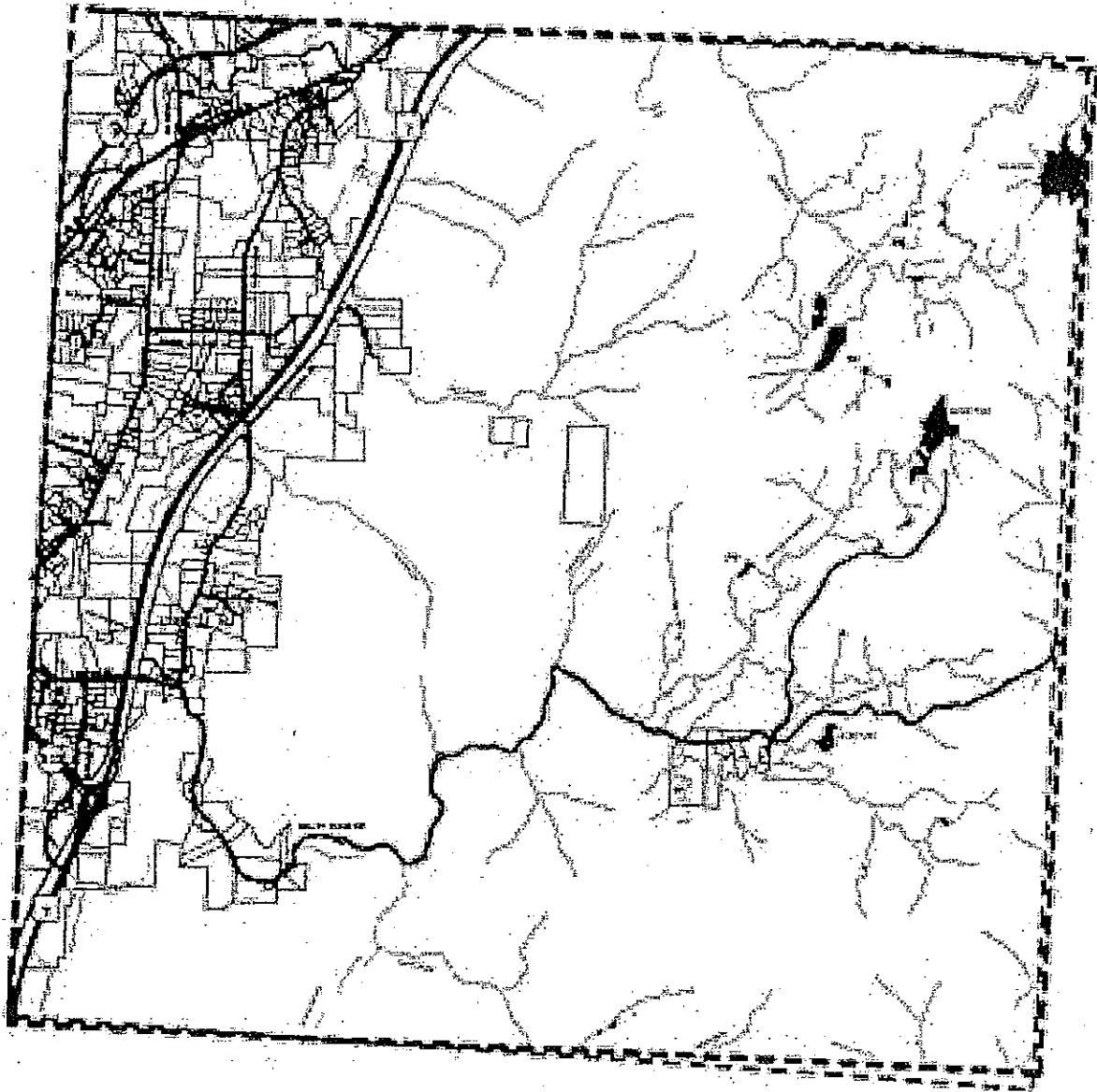


- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Agricultural Soils



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Town of Sunderland, VT Parcel Map



- Parcel Lines
- Public R.O.W.
- Town Boundary
- Roads
 - Town Highway
 - State or U.S. Highway
 - National Forest Road
 - Private Road
- Trails
- Railroad
- Rivers and Streams
- Ponds



Map produced May 5, 2006 by BORD through a
Municipal Planning Grant awarded by the Agency
of Commerce and Community Development.