

Conservation Subdivision working group notes -- 7/17/07 meeting

Called to order at 4:00, adjourned at 5:45. Notes compiled by Victoria Barlow.

Next meeting: August 14, 3:30 – 5:00, Town Hall

Attendance: Scott Self, chair; Deb Crowder, Victoria Barlow; Town Planner Sara Carbonneau. Special guest Dave Bergeron.

Outstanding questions are underlined.

The group revisited issues from the 7/3/07 meeting:

Terms of a formula for calculating density in CS

A density formula should use the *number of houses*, rather than acres, as illustrated in the following example --

Assume 33 houses are possible on 100 acres in the 3-acre Rural/Ag district. Working with the proposed 50% maximum ½ acre lots, 25% maximum 1-acre lots, and 25% maximum 2-acre lot mix:

50% of the 33 house lots yields up to 17 ½-acre lots,

25% of the 33 house lots yields up to 8 houses on 1-acre lots, and

25% of the 33 house lots yields up to 8 houses on 2-acre lots.

This consumes a total of 32.5 acres and, if linear, would require a 2900' road (still provoking consideration of road length).

Should smaller lots have less than 100' of frontage?

Resolved: CS density should be based on underlying density. Bonuses take the form of smaller lots.

Resolved: Conservation land be contiguous if at all possible, and connected to other conservation areas whenever possible. When necessary, areas of non-contiguous conservation land should be twice the minimum acreage allowed in the district.

Special guest Dave Bergeron responded to questions from the group. Bergeron based his responses on experience gleaned from participating in the development of Keene's CS regulations, and as a developer with working experience with CS regulations. Locally, Chesterfield and Marlborough also have CS regulations.

Buffers:

Bergeron said that many CS regulations require buffers, typically 100' deep, and usually around the exterior of the tract's boundaries. Most regulations call for buffering road frontage. The buffer is included as part of the conservation land (protecting the conservation value of rural character by keeping development away from frontage), and is not part of the lots.

Observation: Carbonneau calculated that for a square 100-acre tract with a 100' foot buffer, the buffer would consume 23 acres.

Conservation land:

Group members questioned whether Swanzey should have separate categories of "open space" and "conservation land," with the former including buffers and "conservation land" as the more natural area that is physically removed from the built development. Bergeron stated that most towns use one or the other name, and count the buffer towards the undeveloped open space. Some communities allow up to 30% for active recreation, with the ordinance listing permissible activities.

Including unbuildable land in conservation land

Chesterfield allows wetlands and steep slopes to count towards satisfying conservation land requirements. However, slopes and wetlands must be subtracted to determine the yield plan. Should Swanzey's regulations call for a 100' buffer surrounding the area destined to be developed, that land could count towards calculating the yield plan to satisfy zoning density requirements.

Management of conservation land/easement:

Some towns rely on a conservation organization to manage land/easement. In others, the homeowners' association bylaws describe proportional ownership. Bergeron notes that when these documents require unanimous agreement for amendments, the conservation land is well protected. (Chesterfield Heights requires approval for changes from all homeowners, in 5-acre district.) Conservation land is permanently tied to house lots, and can't be sold separately. As such, it is considered privately held land, for the use of subdivision residents. Ordinances typically require that every lot must be provided access to the open space.

Developing conservation priorities

Bergeron recommends that the group members identify the things that have the highest conservation value to Swanzey – for example, farmland, historically established trails with historic public use, old buildings. Group members should then identify secondary conservation values – for example, slopes over a certain percentage, stone walls. When a CS proposal is submitted for PB review, Board members can check protected items against these lists.

Lot sizes/density

When asked about a recommended minimum lot size for a CS, in a 3-acre district, Bergeron reported that Keene finally decided on 10 acres, to encourage the use of CS developments; 2 houses can be built on the tract in a 5-acre zone. Keene allows a density bonus if the developer increases the percentage of conservation land. Chesterfield requires 30 acres for a CS – too large, in Bergeron's opinion. (Chesterfield also requires the inclusion of certain features in the conservation land.)

Bergeron hasn't seen any communities that require a mix of lot sizes. However, Keene allows lots sizes as small as 1 acre in the rural zone, and even smaller in other zones. Bergeron recommends figuring density on the underlying zoning, by preparing a conventional subdivision yield plan to determine how many lots are possible; to avoid penalizing developers, the CS should be permitted to include at least as many lots as a conventional subdivision.

Similarly, other towns don't require a certain percentage of different sized lots, as the group has been considering proposing – rather, ordinances simply specify a minimum lot size, and allow the characteristics of the land to determine lot size. Developers will try to incorporate as many lots as possible.

Bergeron encourages considering including a density bonus for permanently affordable housing, /or protecting a greater percentage of open space.

CS regulations typically permit a mix of single- and multi-family, and condominium ownership, but developers usually exclusively build single-family homes.

Frontage

For working numbers, group members now are considering requiring a minimum of 100' of frontage for a ½-acre lot, and reducing setbacks to 20' in front and 15' along sides.

Providing for septic systems

Bergeron stated that CS with ½ acre lots either have to have common septic systems, or allow leach fields to be on conservation land. (State requirements make it too difficult to fit a system on a ½-acre lot.) Group members wondered whether this might pose a legal problem. Bergeron said that developers use the conservation land to prepare lot-loading calculations, but don't actually build septic systems on conservation land.

Recreational amenities

An internal walking path network encourages a feeling of community.

Road width, length

Bergeron said that Keene decided to defer changes in subdivision road width requirements until future iterations of their CS regulations, because street utility standards are difficult to amend. Presently Keene requires a 24' paved road. Bergeron feels that 18' – 20' could work fine.

Road lengths run the gamut from 400' to no limit. The State recommends a 1000' maximum, so this length is typical.

Positioning CS regulations in town ordinances

In Keene, the density calculations, lot size parameters, etc. are included in the zoning ordinance. In a separate set of planning board regulations are detailed steps for laying out the CS, including a list of primary and secondary conservation values and a description of the PB review process.