

Conservation design subdivision (CDS) work group
organizational meeting

June 5, 2007

Attendance

Scott Self, Deb Crowder, Victoria Barlow; Town Planner Sara Carbonneau. Tiffany Mannion also has expressed interest in participating (through Barlow's oversight, she was not e-mailed about today's meeting).

Self called the meeting to order at 3:30.

Housekeeping

The group designated Self as Chair, Barlow as note-taker. Three members present shall constitute a quorum. All in favor. To encourage public input, Carbonneau will post public notice of meetings.

Assumptions

The group understands that Conservation Design Subdivision (CDS) is not a tool for restricting development. Rather, CDS acknowledges that housing development will occur, and tries to direct it in the best possible way.

Developers will likely propose CDS as preferred approach, given lower costs.

Any increases in density will be permitted only so long as wetlands, setbacks, etc. continue to be protected from septic systems. The 4K area must still meet town regulations.

Supporting material

Carolyn Russell (DES; crussell@des.state.nh.us) recently presented a lecture on CDS in Jaffrey. Barlow has handouts and notes from the session. Carbonneau has begun a collection of CDS regulations from other towns, including Keene.

History

One clustered subdivision has been built in Swanzey; a second has received its Town permits.

Woodland Heights --1970s originally approved, in phases, now 44 new units coming on. All phases were approved, but second phase came back before the PB 25 years later. Do we impose time limits/bonding on phases)

Canyon Springs – local approval, pending DES permit

Scope: Aspects of existing cluster provisions that have been problematic

ZBA review. The special exception status requires developers to duplicate their presentation to two boards. Options – make CDS a permitted use in parts of town where it should be encouraged; retain as a special exception in the Rural/Ag District.; designate a special part of Rural/Ag where CDS is a permitted use, but with a high percentage of required open space.

Should CDS be a permitted use, removing the layer of ZBA review as a special exception? Should CDS be incorporated into the subdivision regulations? (Retaining in the zoning ordinance gives the entire town a chance to vote on adoption.)

Open space disposition/control/management. All agreed, a huge issue for CDS success. Designated stewardship is necessary. It is unlikely that we'll have a one-

size-fits-all solution. It may be helpful to see other towns' legal documents pertaining to the town's role in open space disposition/management. Eventually the group will need to meet with the BOS to discuss open space stewardship.

1. How is "open space" defined in the CDS regulations? Does "open space" allow for development, on land not held in Current Use? Can the CDS regulations address two categories of open space – common land, and conservation land? (The ConCom recognizes a continuum ranging from public recreation areas -- like ball fields -- to wilderness designated areas in which only hiking would be allowed.) When should recreational amenities be required?
2. Regarding the disposition of open space in a CDS, should the town accept ownership and/or stewardship responsibility for conservation land?
3. What is the best use, purpose, and advantages of maintaining the particular land as open space?
4. Is public access important? How can public access best be protected?
5. Should the CDS regulations require an increase in truly open, protected land beyond what is called for in Swanzey's existing cluster subdivision regulations?
6. Should the CDS regulations define a maximum number of units per cluster, and require a buffer between clusters?

Frontage, setbacks. It will be necessary to define responsibility for determining frontage, setbacks – the ZBA, during review for special exception? If so, the regulations need to guide, perhaps with minimum distances, or percentages, or the ability to apply the minimum distance to some number of units and require more of others. Consider requiring wider setbacks and buffers when CDS abuts single family homes.

Substantial completion threshold – need to define, lay it out, require applicant to come back to demonstrate. Do we impose time limits or bonding on phases?

Additional scope

In addition to addressing problems of the existing cluster regulations, the group concurs that its task will include consideration of the following. The topics discussed by the group are presented here as questions.

1. Should certain parts of town should be protected as conservation areas, based on Swanzey's *Plan for the Protection of Open Space*?
2. Should there be different CDS (and conventional subdivision) design standards in different parts of town?
3. Should the CDS regulations require an increase in truly open, protected land than what is called for in Swanzey's existing cluster subdivision regulations?
4. Should the CDS regulations eliminate the requirement for a yield plan (per the Russell workshop), and instead calculate density based on a formula?

5. Should the CDS regulations define a maximum number of units per cluster, and require a buffer between clusters?
6. To provide for more affordable housing, should CDSs require a percentage of units in a development to be duplexes? Should the new CDS regulations allow a mix of housing unit types?
7. Should CDSs (and conventional subdivision regulations) require rather than "encourage" underground utilities?

To prepare for the next meeting, scheduled for June 19th 3:30:

1. Read article entitled "Growing Greener."
2. Review existing cluster housing and cluster development regulations, suggesting improvements.
3. Visit the original part of Woodland Heights. Ask: how does the development look and feel different from a typical subdivision? (The development has a 1-acre minimum lot size.)

The group adjourned at 5:05.