

Conservation Subdivision working group notes

6/19/07 meeting; called to order at 3:45

Attendance: Scott Self, chair; Tiffany Mannion, Victoria Barlow; Town Planner Sara Carbonneau

Resources: Carbonneau has collected CS regulations from Stratham, Rochester, Peterborough, and New London

Mannion has collected CS regulations from Walpole, Jaffrey, Groton MA and Concord MA. All materials available at Town Hall.

Review and discussion of Randall Arendt article: *Growing Greener – Putting Conservation into Local Codes*

Members of the group discussed various incentives to encourage developers to use conservation subdivision design (CS) in order to preserve open space in Swanzey.

Carbonneau: The two primary incentives relate to cost and profit. Compact road/utility networks are more economical to install; CS developments are desirable and can be priced higher than conventional ones.

For the next meeting, Mannion offered to prepare a list of CS advantages for the developer.

Predicting likely areas of development

Self recommended that the group study the zoning district map and maps contained in the *Plan for the Protection of Open Space* to identify areas in Swanzey most likely to be in line for development in the near future. Because such development will be driven by money, the group should consider access, along with public sewer and water availability.

Carbonneau: forthcoming updated Town maps will help with specific data searches.

Density – calculations, bonus

Mannion: Swanzey's CS regulations should retain current exclusions of wetlands, steep slopes, roads, etc. towards calculating maximum density. Calculations should be based only on buildable land.

According to notes from Carolyn Russell (DES) 5/24/07 workshop:

The yield plan approach (based on number of units allowed in conventional subdivision) causes developer and PB to waste a lot of time/money in arguing about something no one ever wants to see.

Instead, use a formula. Develop formula by looking at recent subdivisions. If formula # seems way out of line (more than 10-15%), then could ask for a yield plan. Exclude steep slopes, wetlands, other non-buildable land.

Towns sometimes overuse incentives/bonus units, with backlash in community. Use incentives sparingly – eg, grant if developers grant public access to conservation land, or if large excess of conservation land is part of the subdivision. Could provide bonus units for high consistency

with open space plan, to increase attractiveness to conservation organization.

A bonus density may be legally indefensible.

Option: Consider providing for "mixed" density/mixed use – within a development, have some smaller house lots, some duplexes or townhouses, some lots with more acreage for estate-style housing. On the larger lots, permit up to two accessory "in-law" apartments

Development review

The group discussed remedies for the cluster development disincentives inherent in Swanzey's existing development review process.

Barlow commented on the challenge of following Arendt's process of identifying primary and secondary conservation land, then locating house sites, and only *then* locating roads. This process is a complete reversal of how we traditionally look at the process of developing a site.

Option: Make CS a permitted use in the Residence and Rural/Ag Districts. Potential benefits – streamlines the development review process by removing the need for ZBA review; savings for developer.

Option: Make CS a permitted use, and require ZBA approval for conventional subdivisions. Potential problem – how to define the difference between the two.

QUESTION: Do we need a legal opinion to determine whether this is defensible?

Option: Require a preliminary review meeting, in which the developer discusses the concept of the development with the ZBA, PB, ConCom, and Selectmen. Benefits – streamlines the process, saves money for the developer down the road, saves time and money for Town staff, saves time for volunteers. Potential problems -- without clear guidelines/generalized checklist for structuring the various boards' input, the developer may perceive guidance as suggestions that, if complied with, will ensure approval.

QUESTION: Do the RSAs permit us to require the design review/preliminary review?

Town ownership of conservation land

Arendt takes a dim view of town ownership of conservation land. The land goes off the town's tax roles. Although town ownership guarantees public access, set-aside land in a CS serves the important function of protecting wildlife habitat. Public access may not benefit wildlife.

Carbonneau: All boards must have a clear vision of the disposition of open space in a CS -- a major sticking point that historically has greatly lengthened the review process. Given the clear paper trail that results from the development review process, it is unlikely that the set-aside land in CS

will be developed – in function, the set-aside land becomes equivalent to a conservation easement.

Where should CS be permitted?

Carbonneau: Small lots may not be in keeping with what already exists in Rural/Ag District. Do we want to change the nature of that district?

Mannion: CS could be required depending on the location or qualities of the parcel – for example, require CS to protect land along rivers, in agricultural use, unique natural areas or aquifer recharge areas, scenic roadside views, etc.

The group discussed the challenges of developing and administering an overlay district, and considered developing a list of criteria instead. The criteria could be based on values identified in project review sheet included in the *Plan for the Protection of Open Space*, with an eye to preserving the rural integrity of the town.

Preliminary design standards for CS

Per Carbonneau, lot size is less important than defining frontage requirements. Frontage requirements must be designed to maximize driveway safety.

Proposed working frontage: 100' (with Dunham's input re driveway regulations). Can we provide for flexibility in the frontage requirement? Mannion will review other towns' regulations to compare requirements.

Proposed working minimum lot size: ½ acre

Proposed working maximum lot size: 2 or 3 acres (both numbers discussed)

Not more than 2% of the entire subdivision can be the maximum lot size.

Unbuildable land not to be included in density calculations.

Proposed working buffer/setback: 200' wooded, natural, undisturbed envelope around the built portion of the development, to protect neighbors, reduce noise, keep stormwater on site. Members of the group agreed that buffers and setbacks are critical to preserving quality of life for residents of parcels adjacent to CS development.

Proposed working conservation land requirement: 50% of the parcel must be conservation land.

QUESTION: Should only buildable land be included? Could the development be given a credit if it contains a large amount of unbuildable land? Mannion offered to research other towns' approaches to this calculation.

Connecting conservation areas is a high priority.

UNRESOLVED

Proposed number of allowable housing units per cluster: not decided.

*Could this be addressed by requiring some percentage of open space,
and a reasonable frontage, and let the number of units be what CAN be
built?*

Is it necessary to limit of number of units/cluster?

Next meeting = July 3, 3:30-5:00, Town Hall.

The group will “develop” the Carpenter Home parcel as a conservation subdivision to test preliminary numbers. Carbonneau will prepare working maps with tax parcel and forestry data.

The meeting adjourned at 5:00.

Respectfully submitted,
Victoria Barlow