**Conservation Subdivision Advisory Committee**

**January 5, 2016 Meeting Minutes**

The meeting began at 6:30 pm.

**Present:** Mike Schwindt, Bob Waterhouse, Sam York, Bill Shane – Town Manager, Tom Gruber - Town Council Liaison, Peter Sherr - Planning Board Liaison, Christina Silberman - Admin. Asst. Carla Nixon - Town Planner, and Ted Chadbourne arrived after the meeting began. **Absent:** William Moulton.

The Committee delayed approval of the minutes because more time is needed for review.

Mr. Shane provided history on why the Conservation Subdivision Advisory Committee was created and what the purpose of a Conservation Subdivision is. Mr. Shane showed a map of the town depicting designated growth areas, areas where further development is possible, areas with natural resource constraints and areas where there is no further development. Mr. Shane said that a conservation subdivision plan’s purpose is to preserve good land and protect resources. Mr. Shane said the Committee should think about what they want to accomplish, which is to protect as much open space as possible.

Mr. Sherr said that he wants some good land set aside and the Planning Board could have latitude with setbacks by ordinance. The developer would have to provide an inventory of the land. Mr. Sherr said do we could do away with cluster subdivision and have conservation subdivision replace it or offer incentives but we can’t have both or it won’t work.

Mr. Waterhouse said he reviewed the ordinance and there are a lot of things to address.

Mr. Shane suggested that cluster subdivisions remain for the growth areas and conservation subdivisions be for the non-growth areas. Mr. Waterhouse said when the Land Use Committee looked at growth areas they did not look at zoning. Mr. Waterhouse is not sure an incentive is needed if there is increased density. Mr. Shane agreed. Mr. Waterhouse said people may not want to be restricted to a 1 acre lot. Mr. Sherr said the traditional subdivision option would still be available.

Mr. Waterhouse said 2 and 4 acre lots will still be available. The numbers were about 50/50 for recent new homes built in subdivisions vs. new homes not built in subdivisions. Mr. York asked if lots can be larger in a subdivision. Ms. Nixon responded yes they can, but a developer typically wants to have as many lots of possible. Mr. Waterhouse wants to be sure larger lots are still available.

Mr. Schwindt said this is a new concept and land here is a much more precious commodity and good ground is hard to come by. Mr. Schwindt said he understands why builders want to build on easier land and he sees value in going with a conservation subdivision.

Mr. York said he supports a conservation subdivision and this is the right direction but changes are needed. Mr. York doesn’t want to see trails deleted because a conservation subdivision is in place, he wants trails protected.

Mr. Waterhouse said undevelopable land will always be that. Mr. Sherr said there are less desirable building areas. Mr. Waterhouse asked if a lot includes areas where the primary zone is unbuildable is that enough or would a secondary conservation zone be added. Mr. Sherr said the purpose of the conservation subdivision is to allow the town to have more say in how it is constructed. The town does not have a lot of latitude now in how a subdivision looks and which land is protected. Mr. Sherr said the town needs managed growth. A conservation subdivision would allow a higher density with houses on smaller lots and would preserve beneficial land.

Mr. Schwindt said the builder could set aside open space proportionate to the good land for building and some not so good land. For example, there could be a 1 acre lot size but the town could allow smaller lots if more good land is set aside.

Ms. Nixon said she has a concern about drafting an ordinance without a consultant. There are no funds for a consultant. Ms. Nixon said that if the committee supports the concept of a conservation subdivision, going forward the committee should focus on deciding on certain policy decisions at each meeting. Mr. Sherr said he likes the idea of focused meetings and would like some scenarios to see how things shake out. Mr. Sherr said the Committee could put some things to the test. Mr. Waterhouse said that the Committee is committed to developing an ordinance.

The Committee discussed scenarios with a 50 acre parcel of marginal land with only 10 useable acres. Mr. Waterhouse said that primary and secondary conservation areas could be tricky and it would be good to take a property and look at it. Ms. Nixon said we could use existing subdivisions where info on the land is already available. Mr. Shane and Ms. Nixon will work on conceptual plans on existing subdivisions and the Committee can go through the proposal one section at a time.

Mr. Sherr said if density is increased it could make the owners happy to be able to have more houses and better land would be preserved, which is what the town wants. Mr. Sherr said we could start with a higher lot size. Mr. Waterhouse said the Planning Board should have some ability to change the rules based on a particular event. Ms. Nixon asked what if a conservation subdivision is proposed on a major road because houses can’t be put along the road. There is a cost of approximately $500 per foot to build a road. Ms. Nixon asked what if the land is in the back of the parcel. Ms. Nixon said she is fearful of spending a ton of time developing an ordinance only to get to the Town Council and have them think it is too restrictive.

Mr. Shane said there would have to be a natural resources inventory of the land then the town would look at what is left to develop and where it is located. Mr. Shane suggested there be a concept plan meeting with the applicant and the Planning Board to determine what land the town wants to try and protect. If it is equitable, then everyone wins and we protect what the town wants to preserve.

Mr. Waterhouse suggested focusing on the secondary conservation areas. Mr. Schwindt said the secondary area is permissive. Mr. Waterhouse said that 50% of the open space has to be contiguous and work on defining “open space” is needed.

Mr. Schwindt said that a builder could take 1 acre of less desirable land and 1 acre of land that is good to build on to create a 2 acre building lot. Mr. Shane said maybe the town could require that applicants show the building envelopes. Mr. Waterhouse said every approach will be different. Mr. York said there needs to be flexibility in the definitions as technology changes.

Mr. Shane said a density bonus could be triggered if the minimum number of lots under a traditional plan couldn’t be reached with a conservation plan. This gives the Planning Board tools to work with.

The Board would like some sample conservation subdivision plans at the next meeting and would like to look at difficult sites. Mr. York said there should be some value to unbuildable components. Mr. Waterhouse said the value is in the density but questioned if this is enough incentive. Mr. Sherr said that if the developer can show they are not getting the same number of lots with a conservation plan as with a traditional plan, the developer could ask for a waiver for smaller lot sizes and still have the same amount of good land preserved. Ms. Nixon said the Town Attorney will say the ordinance has to be subjective.

Mr. Shane said the town could guarantee a minimum number of lots based on the initial math. Larger land owners may be negatively impacted. Mr. Waterhouse said that if a landowner wants to subdivide then they give up some of their rights.

Mr. Waterhouse asked Mr. Shane who came up with the idea to only have the conservation subdivision outside of the growth areas and Mr. Shane said he thought it was implied. Mr. Sherr said a conservation subdivision could apply everywhere and a cluster subdivision could be offered also only in the growth areas. Mr. Waterhouse agreed.

Ms. Nixon and Mr. Shane will work on examples of conservation subdivisions in the RR1 & RR2 zones and one example in the growth area of both a conservation subdivision and a cluster subdivision for the next meeting. Mr. Waterhouse said he would like to see examples of conservation subdivisions with 10% unbuildable land and with 40% unbuildable land. The minimum lot size will be important. Mr. Shane will start with 1 acre lot sizes.

The next meeting will be February 3, 2017 at 6:30 pm.

The meeting adjourned at 8:18 pm.