



# TOWN OF THOMPSON

Planning & Zoning Commission

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## Minutes – PZC Subcommittee Meeting-Subdivision Regulations

Thursday, March 31, 2022, 7:00 PM

### ZOOM Meeting

Topic: PZC Subdivision Regs Review

Time: Mar 31, 2022 07:00 PM Eastern Time (US and Canada)

View on Zoom:

<https://us02web.zoom.us/rec/share/nLGH3bl04IOz38s1Ls1FLPjvbuQ0klxxgiSI8BRBIZ1OHF9Xd5RAklXrV0K9rZk.erGvUDWCPMxPHScJ?startTime=1648767641000> (Passcode: ze0#dB8b)

View on YouTube: <https://www.youtube.com/watch?v=ryvfpIEi3LM>

### 1. Call to Order, Roll Call

**Present:** Ray Williams, Alvan Hill, Jane Salce (Left the meeting at 8:28), Brian Santos, Dave Poplawski

**Absent:** Charlene Langlois, Michael Krogul, John Rice, Robert Werge Sr., Joseph Parodi-Brown, Randy Blackmer, Kies Orr, John Lenky

**Staff Present:** Tyra Penn-Gesek, Planner, Cindy Dunne, ZEO, Gloria Harvey, Recording Secretary **Guest Participant** Dan Malo, Conservation Agent

## SECTION 6 – Open Space

### A Purpose of Open Space

1. All subdivisions of three lots or more approved under these Regulations shall preserve areas of Open Space in perpetuity.
2. Land dedicated as Open Space shall be for the purpose of conserving natural or scenic resources; protecting cultural, historic, or archaeological resources, including but not limited to flood plains, stream belts, wetlands, ponds, aquifers, stone walls, specimen trees of native species exceeding 30" dbh (diameter breast height), wildlife habitat or corridors, outstanding forests, ridges, ravines, and ledge outcroppings and other unusual or fragile features; conserving prime and important farmland soils as defined by the Soil Conservation Service; meeting recreational needs of present and projected populations in the area; adding to or creating linkages between existing open space; providing buffer areas between adjoining land uses; or implementing the recommendations of the Town's Conservation and Open Space Plan.

### B. Size of Open Space

1. The minimum required area of Open Space shall be twenty percent (20%) of the total area of the land to be subdivided.
2. Conservation Subdivisions, as further described below in Article IV Section 7, employ a design strategy

**Comment [P1]:** Returned this to the original order, as the logical progression is to describe the general open space requirements and then describe the higher standards for conservation subdivisions.

Recommend moving Sections 6& 7 higher in the order of the Article, to indicate that planning for open space should be at the beginning of the design process.

**Comment [MB2]: Comment [P31]:** Per Alvan: should this be 3 lots or more, to stay consistent with the definition of a subdivision?

Janet references 4 lots or more for open space, but I am not sure if that is statutory or just the current convention.

Note: the reference in open space waivers to 5 lots seems to imply that this is the threshold for open space requirements.

The value of open space preserved at 3 lots or more may not be sufficient to merit the open space set aside.

Consensus isn't clear. Include in discussion guide for later vote? Possibly leaning toward 3 lots to keep things consistent with statutory requirements.

that preserves greater areas of Open Space. The Commission strongly encourages developers to pursue this strategy.

3. Developers are strongly encouraged to meet with land use staff including the Director of Planning & Development, ZEO, Conservation Agent and/or Wetlands Agent, in order to identify areas in the subject parcel most appropriate for permanent preservation as Open Space, prior to any presentation to the Commission.

#### D. Types of Open Space to be Dedicated

1. The dedicated use of the Open Space shall be indicated on the plan, and shall adhere to one or more of the following purposes:
  - a. Provision of parks, playgrounds, or other outdoor recreation areas and facilities;
  - b. Protection of natural streams, ponds, or surface or subsurface water supply;
  - c. Protection of watersheds;
  - d. Conservation of wetlands and watercourses;
  - e. Protection of natural drainage systems or protection from flooding;
  - f. Provision of walking or biking paths;
  - g. Preservation of sites or areas of scenic beauty, or of historic or archaeological interest;
  - h. Conservation of forests, field meadows, stands of unique or scenic trees, wildlife habitats, or other natural resources;
  - i. Connection to existing or potential open space, greenways, wildlife habitat or corridors or recreation areas
  - j. Preservation of ridges, ravines, ledge outcroppings, hilltops, scenic vistas, and other unusual physical features;
  - k. Protection of agricultural land for which development rights have been assigned or otherwise alienated in perpetuity;
  - l. Promotion of orderly community developments; or
  - m. Furtherance of the findings, goals and policies contained in the Town of Thompson's Plan of Conservation and Development.
2. The Commission, may consider the following, in order to approve the area proposed for Open Space:
  - a. If the proposed location is in proximity to Open Space property owned by the Town, a land trust or other similar entity, or
  - b. If any particular location is along the boundary of adjoining undeveloped land so that the Open Space may be potentially expanded if that adjoining parcel is the subject of future subdivision application.
3. Prior to approval, the Commission may require review of proposed Open Space by the Recreation Commission, the Conservation Commission, or any land trust named as the Open Space recipient.
4. Where the purpose of the Open Space is to permanently conserve land in its natural state, rather than for recreation areas or any other use which alters the natural state, the area so designated shall be named Conservation Land on the plan

**Comment [P3]:** New suggested text to further emphasize the desirability of setting aside more than the minimum %.

**Comment [P4]:** J Salce wonders if we should call these areas conservation space vs open space. (follow up note: see new #4, added below)

D Malo points out that the conservation agent/commission monitors conservation easements but not recreational lands

**Comment [P5]:** General note for the discussion: where HOAs are proposed, how might a private road access affect publicly dedicated land?

J. Salce has a general question about the permanence of any easements dedicated to the town

#### D. Open Space Standards

1. Calculations

In the calculation of the Open Space, the Commission may exclude land designated as wetland soils, watercourses, slopes in excess of 25% and areas encumbered by easements, based on the relative value

**Comment [P6]:** New item added to respond to commissioner comments

as Open Space of the proposed areas. The Commission may seek the advice of the Conservation Commission and/or the Inland Wetlands Commission in making such a determination.

## 2. Access

- a. Open Space dedicated for recreational purposes shall have access from a public right-of-way, where such dedication is meant to serve the general public. Where such open space is solely meant to serve residents within the development, access shall be from a public street, private way, or right-of-way easement shared driveway. Such access shall be at least 25 feet wide and having a maximum grade of ten percent (10%), or shall abut existing Open Space having such access, unless specifically waived by the Commission due to the unique characteristics of the Open Space or subdivision.
- b. For Open Space dedicated for certain preservation and conservation purposes, public access may be inappropriate. In such cases, the area so dedicated shall be clearly indicated on the plan, and shall be deed restricted in perpetuity. The Town shall be granted rights for inspection and enforcement as needed.

## 3. Condition

- a. Any land to be dedicated as Open Space for the purposes of preservation or conservation of natural features shall be left substantively in its natural state by the subdivider or subsequent developer of any land in the subdivision. Such land shall not be graded, cleared, disturbed, or used as repository for stumps, brush, earth, building materials, or debris. Alterations which may be allowed include those which may increase public safety (e.g., clearing of excessive dry brush during periods of drought or high fire hazard), or the clearing of invasive species from the area to be preserved. If the developer or subsequent property owners intend to pursue such alterations, notice shall be given to the Conservation Agent. The Conservation Agent may seek access to the property to confirm that the alterations are consistent with the maintenance of the natural state of the designated area.
- b. Open Space for parks, playgrounds, or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such Open Space area to be graded by the subdivider or subsequent developer to properly dispose of surface water, that it be seeded with appropriate perennial grass, and that all brush and debris be removed. Such improvement of Open Spaces will not be required until the subdivision is substantially completed.

## 4. Open Space in Phased Developments

If the entire parcel is not to be subdivided at one time, or where the land to be subdivided is adjacent to other land of the applicant, or adjacent to land owned by the owner of the land to be subdivided, the Commission shall review the entire parcel and the adjacent land to determine the location of the Open Space.

## 5. Dedication of Open Space

The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and the Town shall consider any such dedication as satisfying the Open Space requirements of this regulation and of Chapter 126, Section 8-25 of the Connecticut General Statutes.

## 6. Method of Dedication

- a. Permanent dedication of each such area of Open Space shall be accomplished by:
  - i. Conveyance of fee simple ownership to the Town of Thompson;
  - ii. Creation of a Conservation Easement in favor of the Town of Thompson;
  - iii. Creation of a Conservation Easement in favor of the Town of Thompson reserving specific agricultural rights as approved by the Commission;

**Comment [MB7]:** Corrected sub-paragraph outline numbering from posed version

**Comment [MB8]:** Remove hyphen to read 50 feet wide

**Comment [P9]: Comment [p132]:** Recommend review with legal counsel about what level of improvement you can require from an applicant. (D. Held)

D Malo wonders if this is for privacy? The access width seems pretty large. Suggested 25 ft as a better threshold.

B Santos suggests that this may have been instituted to match with the frontage requirement for flag lots.

Reducing the dimensional requirement increases the flexibility of the design process.

**Comment [MB10]:** What does "substantively" mean? If it is to be as identified in the alterations statement then say that.

Follow-up comment: the 2 sentences following this statement describe what does and does not mean "substantively in its natural state"

**Comment [MB11]:** Recommend adding "or subsequent developer of any land in the subdivision" after the word "subdivider" as the subdivider can sell the subdivision after it is approved and the new owner(s) could claim he/she/they are not the "subdivider"

T. Penn: concur & will edit accordingly.

**Comment [MB12]:** Who determines the allowance since conditions change over time and may not be in existence at the time of subdivision application?

D Malo: in the case of a conservation easement, the property owner would likely confer with the Conservation Agent.

What if the easement is not public?

Add a level to the outline delineating the forms of authority for review (e.g. fire marshal/conservation agent/etc)

D Malo – language that gives the town right of entry for inspection can be included in the deed easement.

**Comment [P13]:** New text added to address comments shown above.

**Comment [MB14]:** Recommend adding "or subsequent developer" after the word "subdivider" as the subdivider can sell the subdivision after it is approved and the new owner(s) could claim he/she/they are not the "subdivider"

**Comment [MB15]:** Recommend change "will" to "shall"

**Comment [MB16]:** Recommend change "entire tract(s)" to "all abutting tracts of applicant" Also, what is the difference between a "tract" and a "parcel"? Neither term is given a definition in the regs. If they are intended to mean the same thing then global search and replace to use only used one term and provide a definition for it. Otherwise provide a definition for both and search the entire document to determine that each term is being correctly used.

- iv. Conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;
- v. Creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
- vi. Conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision are members, along with a Conservation Easement, in favor of the Town, over the entire Open Space area; or
- vii. Any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

- b. The Commission may require dedication of Open Space by methods listed in 6, a, i, ii, iii, or vi; or the Commission may require dedication by methods listed in 6, a, iv, v or vii with the mutual consent of the applicant. Any such dedication, regardless of the method used, shall be completed prior to the endorsement and filing of the final subdivision plans in the office of the Town Clerk. Any conveyance of an interest in the dedicated Open Space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission, shall be free of all encumbrances or defects.

#### 7. Establishment of Private Ownership and Maintenance

Where ownership and maintenance of the open space and/or recreation area is to be transferred to an association of property owners, the document providing such transfer shall:

- a. Establish a mandatory participation in an association of property owners to maintain the land reservation for open space, park, playground purposes and/or agricultural production purposes, with power to assess fees to all members for all necessary costs to assure adequate maintenance.
- b. Be binding on all future property owners.
- c. Be perpetual and not affected by any subsequent changes in zoning or other land use regulations.
- d. Provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes, including any appropriate legal action.
- e. Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.
- f. Be filed by the subdivider with the Town Clerk, after approval by the Town Attorney and the Commission.

**Comment [P17]:** D Malo confirms that this is consistent with other towns' regulations.

#### 8. General

When any dedication of Open Space is made as per Section G, 1, a, vi (convey once to a Connecticut non-stock corporation), the deed, declaration, or other instrument transferring interest in the property shall be in a form acceptable to the Town and shall provide, at a minimum:

- a. That all such covenants or restricts shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision;
- b. That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;
- c. That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and
- d. That if at any time maintenance, preservation, or use of such Open Space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its discretion, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred

**Comment [MB18]: Comment [P33]:** What is the difference between a property owners' association and a non-stock corporation? Are subsections 2 & 3 saying the same things in different ways? Need clarification from counsel.

by the Town for such purposes.

9. Evidence of Acceptance

If Open Space is to be dedicated to an entity other than the Town, the applicant shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity.

10. Transfer of Interest

The Commission shall approve any transfer of title of interest to any successor entity.

11. Delineation/Marking of Open Space

- a. All corners of the Open Space or Conservation Easement shall be permanently marked by iron pins or monuments as required for all other parcels as noted in Article IV, Section 2.P. of these regulations.
- b. The Commission may require the applicant to post identification plaques each 50 feet along the edge of the Open Space as visual identification of these areas to future residents.

**Comment [MB19]:** Comment [P34]: This seems excessive. Is this just a typo, meant to be 500'?

**Comment [MB20]:** Is not a typo and is not excessive given plaques are small and need to be at intervals close enough for other plaques marking open space boundary to be observed.

D Malo concurs that this is the appropriate standard for the purposes of identification in the field. He will look for other examples for consistency.

R Williams points out that it is consistent with posting for no trespassing (correction – that requirement is 100 ft)

12. Legal Transfer

- a. Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed.
- b. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance.
- c. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title.
- d. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen.
- e. In the event that acceptance is rejected by the Board of Selectmen, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space.
- f. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

13. Banking Open Space

- a. At the Commission's discretion, excess Open Space land within a subdivision under consideration, which is deemed suitable for Open Space purposes, may be banked to satisfy all or part of the Open Space consideration in any other subdivision.
- b. The purpose of such "banking" of Open Space is to encourage increased preservation of Open Space in outlying districts while permitting increased density in districts where access to public water and sewer utilities makes such density feasible.
- c. The Commission may elect to receive a fee in lieu of Open Space, open space land within the proposed subdivision, banked Open Space from another subdivision, or any combination thereof, to satisfy the Open Space obligation for that subdivision.
- d. If the subdivision site does not provide desirable open space opportunities as determined by the Planning and Zoning Commission, with the advice of the Conservation Commission the applicant may offer previously "banked" open space on other land under his/her ownership in the Town.

**Comment [MB21]:** If by "public utilities" means "municipal sewer and public water supply" then state that because "public utilities may mean more than municipal sewer and public water supply. Conservation Commission should weight in on this new language

The Commission will determine the terms and conditions of such an arrangement and all appropriate land records will be modified and documents will be executed to ensure compliance with the provision.

- e. Banked Open Space will be indicated on the original subdivision plan as to its area and dimensions and will be labeled as such. The amount of banked Open Space shall be included in the approval motion, shall be included in the minutes and shall be noted in the final mylars.

#### 14. Fee-in-lieu of Open Space

- a. As set forth in Chapter 126, Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide Open Space as set forth above. Such authorization may be granted by the Commission at its sole discretion, if and when it determines that conditions such as subdivision size, population densities, existing Open Space in the neighborhood, topography, soils or other characteristics are such that on-site Open Space is not as desirable as a fee-in-lieu of Open Space.
- b. Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.
- c. Such fee or combination of fee land transferred shall be ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- d. To employ the fee-in-lieu of Open Space option, the following procedure shall be used:
  - i. The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of this Section.
  - ii. The applicant shall submit the appraisal during the formal application review process. The Commission, as part of the action of the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an Open Space dedication.
  - iii. The Commission and applicant shall jointly select an appraiser to submit a report. Steps (a) through (c) may be accomplished at the application acceptance portion of the process.
  - iv. The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to reserve land in its natural state, as a satisfaction of the applicant's obligation to transfer land to the municipality.
- e. The method of payment of any fees under this Section shall be one of the following two options.
  - i. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or
  - ii. The applicant may elect to submit a fraction of such payment, the fractional value of which is equivalent to the number of lots in the subdivision, to be remitted no later than the time of the sale of each approved building lot.
- f. If option ii is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office.
- g. A notation describing this requirement shall be placed on the Record Subdivision Map filed in the Town Clerk's Office.
- h. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee until paid.



- i No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

#### 15. Open Space Waiver

- a. The Commission shall require Open Space in all subdivisions of three lots or more or shall require a fee-in-lieu of Open Space for all subdivisions as described in these Regulations. No waivers of this requirement shall be granted except in the following instances as specifically required by Chapter 126, Section 8-25 of the Connecticut General Statutes.
  - i. Where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the Land Records along with the subdivision plan, or
  - ii. Where the subdivision is to contain affordable housing, as defined in Chapter 126, Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the subdivision, the lots designated for affordable housing are not sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.
- b. If the Commission determines, subsequent to the approval of such subdivision, that such transfers as described in Section 6, L, 1, above, were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

### SECTION 7 – Conservation Subdivisions

#### A. Purpose

The purpose of this Section is to provide an enhanced mechanism for the conservation of natural or scenic resources, protect natural streams and water supplies, promote conservation of soils, wetlands, and other significant natural features and landmarks, and enhance public recreation opportunities. The Regulations in this section are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources and recreational uses.

#### B. Submission of a Conservation Subdivision

An applicant proposing a subdivision plan of three or more lots may submit such plan as a Conservation Subdivision. A plan for a Conservation Subdivision shall meet the requirements of this Section, as well as all other relevant provisions of these Regulations and the Thompson Zoning Regulations. The Commission recommends that, prior to the submission of an official application for Conservation Subdivision, the applicant initiate a pre-application conference for informal consideration by the Commission. The presentation of a preliminary Conservation Subdivision Plan will better facilitate alterations recommended by the Commission. Neither the pre-application conference nor the consideration of the preliminary plan shall be deemed to constitute the official procedure of subdivision approval.

#### C. Dimensional Requirements

The following dimensional standards shall apply to Conservation Subdivisions in all zoning districts where the minimum lot area is otherwise 40,000 square feet

- 1) Minimum Lot Area: 30,000 square feet
- 2) Minimum Lot Frontage: 100 linear feet along a public street, private way or shared driveway easement
- 3) Maximum Impervious Surface: 20%

#### D. Cul-de-sacs

**Comment [MB22]:** Define violator (i.e., what section(s) of these Regs are being violated)

**Comment [MB23]:** **Comment [P36]:**  
Check citation

**Comment [MB24]:** Again, define violator (i.e., what section(s) of these Regs are being violated)

**Comment [MB25]:** **Comment [P37]:** As discussed in the PoCD:

•Smaller acreages should be considered for Conservation Subdivisions, particularly where they may connect with other protected land. How small could a parcel be and still have practical conservation value?

•In order to make a clear distinction, protected land in a Conservation Subdivision should be referred to as Conservation Land, as opposed to Open Space required in a conventional subdivision.

•Conservation Subdivisions should have a clear percentage of the parcel to be dedicated as Conservation Land. Logically, that percentage should be higher than that required for a conventional subdivision. Woodstock requires 40% and some towns require 50% in order to qualify.

•In order to allow more flexibility in the configuration of the lots, a revision could be considered to allow up to 60% of the Conservation Land to be wetlands/watercourses, dependent on its demonstrated value for conservation.

•Minimum lot sizes should be reduced even further, to allow developers more opportunity to monetize their parcels while preserving a greater percentage of the remaining open space. On the developable land, the standard for lot sizes could be set as the minimum which satisfies the NDDH standards for septic and potable water.

•Dedicated Conservation Land should have an attendant conservation easement in favor of the Town, clearly stating the purpose of the conservation land and the allowable and disallowable activities. It is beneficial to the Town to have the

**Comment [P26]:** D Malo raises research done that shows land adjacent to open spaces/parks increases the property values.

**Comment [MB27]:** **Comment [P38]:** As with Alvan's prior comment, should this be 3 or more lots, rather than 4?

**Comment [P28]:** New text added to differentiate between RRAD & other 1-acre districts and the higher density districts. Still unclear how a conservation subdivision might work in the small-lot districts. Maybe it doesn't, and maybe that's ok if developers use either the 20% minimum, banking or fee in-lieu as strategies.

**Comment [MB29]:** **Comment [P39]:** Still need to resolve how this applies to subdivisions in districts with minimum lots of 4500 sq ft (CRD, DMRD, LD and some TCDD). Probably most relevant to Lake District, of those.

**Comment [P30]:** Alvan suggests that this could be lower. 12%? Compare to other area towns.

The cul-de-sac restriction of twelve (12) building lots shall not apply to Conservation Subdivisions

**Comment [MB31]:** **Comment [P40]:** Just another point of discussion re: culs-des-sacs.

Note for later: introduce the concept of loop roads vs cul de sacs in a separate meeting.

## E. Design Standards

In designing a Conservation Subdivision the applicant should consider the purpose statement in this Section, the standards set forth in these Regulations, and the following factors beyond the minimum Open Space requirements:

- 1) The proportion of the Open Space for a Conservation Subdivision shall be a minimum of 35%
- 2) Dwelling units shall be clustered, allowing a portion of the parcel to remain open.
- 3) The Open Space shall be in one contiguous piece, unless it is demonstrated to the satisfaction of the Commission that the purposes of this Section would be more effectively served by separated areas on the parcel.
- 4) When designing a Conservation Subdivision, it is recommended that the applicant refer to the Town's Open Space Plan and Plan of Conservation and Development.
- 5) Lots shall be laid out to meet the following objectives (listed below in order of priority):
  - a) To place septic systems on the most suitable soils for subsurface wastewater disposal;
  - b) Within any woodland contained in the parcel, or along the far edges of open fields;
  - c) In locations least likely to block scenic vistas, as seen from the public roadway(s);
  - d) Significant wetlands should be kept contiguous and adjacent to Open Space
  - e) Along any part of the parcel perimeter where reduced-size lots abut conventional lots a 25-foot buffer, thickly planted with native shrubs and trees, shall be required.
  - f) Unless prevented by ledge or other natural restraints, utilities shall be underground.
  - g) Proposed improvements should be designed to minimize alteration of the natural site.
  - h) Open Space areas should include irreplaceable natural features on the parcel, such as stream beds, mature trees or tree stands, and historically or ecologically significant areas.
  - i) Open Space intended for active public use should be easily accessible to pedestrians and cyclists.

## F. Right to Modify

The Commission may modify any application so as to designate Open Space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes, satisfy the applicable criteria, and meet the standards of these Regulations and the Zoning Regulations.