

Town of Ancram
Zoning Revisions Committee
30 July 2012

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Donna Hoyt, Don MacLean, Jim Miller, Bob Roche, Jane Shannon, Dennis Sigler
Members Absent: Bonnie Hundt, Kyle Loughheed, Bob Mayhew

The ZRC convened at 7:01 p.m. and approved minutes of the 23 July meeting.

The Chair reviewed Detailed Strategies 2.5 and 9.24, excerpts from email exchanges with Nan Stolzenburg about 2.5 and 9.24, and her latest draft that provides three options to implement 2.5, and also incorporates 9.24 into the text in simpler language.

During thorough, balanced deliberations that drew heavily upon ZRC members with PB experience, members examined various scenarios and gained appreciation for the complexity of the issues generated by these two Comp Plan provisions. Among the discussion threads were:

There are two sorts of “development” that result in a major subdivision.

One is the acquisition of a tract of land by a single entity with the purpose of dividing that tract into parcels to be sold for profit. In some ways, this form of development is the easiest to deal with as intentions for major subdivision are clear at the outset and town zoning laws affecting density, open space, and other factors can be addressed in a comprehensive fashion “up front” by both the developer and the Planning Board.

The second sort of development is far more casual and occurs by the cumulative division of a parcel or parcels over a period of years or decades to the point where a fifth parcel is created, thereby triggering major subdivision status—with resulting attention not only to density, but also to open space requirements. Members consider this sort of cumulative development into major subdivision status to be the most likely. It also is the most problematic because owners probably will not know about zoning and subdivision regulations and may not consciously consider open space and other factors when carving out parcels that ultimately trigger major subdivision status.

While understanding Nan Stolzenburg’s email point that 60% open space is a separate issue from 9.24 development allocation, the ZRC uniformly considers open space to be inextricably linked to allocation, especially in the second sort of development examined above.

From this extensive discussion, the committee decided that three points must be emphasized:

1. The concept of “resetting the zoning clock for determining major subdivisions” at Comp Plan 9.22 (p. 44) must be held in mind and clearly captured in text.

2. To inform anyone who acquires a parcel of land that any future subdivision of that parcel—including minor sub-subdivision—may eventually result in major subdivision status and the open space and other requirements required of major subdivisions, zoning revisions should require a notation to be placed on lot maps and other appropriate places that clearly informs

the landowner or prospective landowner about those requirements. A second notation may also need to be entered to the effect that, given no determination of allocation, that landowners/prospective buyers should be aware that open space requirements in proportion to subdivision of the original parcel may also be triggered.

3. The Planning Board must continue its longstanding practice of informing and advising landowners who contemplate subdivisions, including minor subdivisions, about the cumulative effects that can be triggered and that should be considered as the landowner makes his/her decisions.

Both #2 and #3 above are consistent with Comp Plan guidance at 1.4 and elsewhere that “while not required for minor subdivisions, open space guidelines should be encouraged for minor subdivisions as well, if there is a possibility that the minor will evolve into a major over time.”

After thoroughly examining the pros and cons of Options A and B (formula-based approaches) for calculating net density, and also the pros and cons of Option C (the yield plan approach), the ZRC unanimously decided that Option B best suits Ancram’s situation and should be adopted.

When making this decision, the committee opined that Option A was a bit too inflexible compared to Option B. The committee also concluded that the yield management provisions of Option C were, to a great extent, already captured in the site plan review process of Section XIII and in the provisions of Sub-Section V (I), OSCS.

While firmly deciding on Option B, the committee also posed questions for Nan:

-There is no language in the draft text or in 2.5 or elsewhere that appears to limit Option B to major subdivisions. Does Option B apply to any parcel of any size regardless of whether it’s a major subdivision?

-At what point does the calculation of Option B get made?

During wrap-up discussion, three points were stressed:

1. Mr. MacLean underscored that subdivision regulations must be updated to correlate with these new features of Section IV.

2. He reiterated that notations on subdivision maps are key. Although such notations should also be placed on associated papers, those papers repose in files that frequently aren’t examined; maps are the most visible and most frequently used, and must bear the notations.

3. Ms. Shannon highlighted that education of the landowner public about the effects of minor subdivisions migrating to major subdivisions must be accomplished by various means—including by brochure, building department personnel, and by the PB.

Noting Nan’s email comment about the careful recording needed to properly monitor lot splits, and the value of installing GIS, Ms. Hoyt stated dissatisfaction that the Town had not already installed GIS as referenced in Comp Plan 9.13.

The ZRC will not meet on 6 August. The public hearing on Package #3 is at 7:00 p.m., 13 August.

The meeting adjourned at 8:57 p.m.