

Meeting Minutes

Natural Resources and Conservation Committee

Conducted online (Zoom meeting ID: 861 578 729)* Password: 9g74AI Call in number: (929) 205-6099*

ID: 861 578 729 Password: 436211 7:00 PM

Wednesday, April 15, 2020

In attendance: Peg Rosenau, Sean McFaden, Don Rendall, Gail Albert, Fred Morgan, Mike Schramm, Jon Cocina, Bob Paquin, Dean Pierce, Greg Shover, Benjamin Heath, Lee Krohn, Pietro Lynn, Brit Aube

- Call to Order: – 7:05
- Approve agenda – Gail made a motion, Jon seconded, all approved.
- March meeting minutes – Don provided updates to the minutes. Fred’s name was added to the regulations working group and noted that one of the developers in attendance was not named. Gail made a motion to approve with updates, Fred seconded, all approved.
- Preliminary matters– 7:00 -7:20
- No public comment
- Confirm audio/video and address technology questions
- Identify minute taker – Jon Cocina agreed to take minutes
- Election of Chair and Co/Vice Chair- 7:20-7:30
 - Don & Gail were proposed to be co-chairs of the committee. Fred made a motion to approve co-chairs, Peg seconded, all approved.
- Development Review/Requests for Section 600 letters: – 7:30-8:00
 - Rice Lumber subdivision of Lots 4 and 5 (amends Rice Lumber PUD)
 - CLS Holdings 48 Unit Multifamily (amends Rice Lumber PUD)

The committee discussed these two projects simultaneously with a primary focus on the CLS Holdings 48 Unit Multifamily project.

- Don started the conversation by reviewing the minutes from previous meeting to ensure everyone understood the previous conversation.
- Each committee member then added further comments and a recommendation.
 - Gail expressed that she is concerned with moving from 4 to 48 units based on the previous approval for the project. She is also concerned with moving a portion of the building lots into what was initially considered conservation land. Based on previous discussions, there is a concern that there may be a “double counting” of the conservation land taking place because multiple projects on the property are all leveraging the same conservation land that is largely situated on lots 7-10. Mentioned that the previous court ruling indicated that there was limited space for development on lots 7-10, dangers of blasting, and concerns with an increase in the number of

units. Gail recommended that the committee disapprove. In addition, Gail believes we should consider all proposals together and provide a total recommendation for the site and not look at all projects separately.

- Don then reminded that the committee that the options are to disapprove, approve with conditions, or approve.
 - Fred – commented on the unique nature of the ecosystem and that approving 48 units would compromise the health of these resources. Recommendation - one letter, disapprove.
 - Jon – focused on conservation calculation and concerns with the potential “double counting.” Recommendation - one letter, disapprove.
 - Peg –Believes the 4 units was a concession in the original approval and that 48 is incongruent with that approval. Recommendation - one letter, disapprove.
 - Sean – Echoes others. Size and shape of conservation area was determined through years of public meetings. Expressed concern that the committee is now being asked to eliminate all the work that was done over the years to get to previous approvals. Uncomfortable with this type of piecemeal planning. Recommendation - one letter, disapprove.
 - Bob – Confirmed his understanding of the difference that would come from submitting one letter versus two. Asked whether the committee has rejected projects in the past. Gail mentioned that the committee has normally recommended approval with conditions and does not jump to disapproving a project. Bob expressed that the current proposal is unrecognizable from the original project. Recommendation - one letter, disapprove.
 - Mike – Agreed with previous comments. Recommendation - one letter, disapprove.
 - Don –Commented that there has been a lot line shifts on the building lots from previous iterations of the project and that the jump from 4 to 48 units seems unacceptable. Recommendation - one letter, disapprove.
 - Gail asked if we should write a letter disapproving, should we also explain why. Contents of the letter could make a difference in decision making down the line.
- Following committee comments Ben Heath (Hamilton Engineering, on behalf of CLS Holdings) asked to comment. Explained that after reviewing the long-term documents that had been shared over the previous couple of weeks, he realized the increased importance of the recommended conservation area. Also understands that the human impacts are of incredible importance to the town and the committee. As a consultant, he believes in finding a solution for the client and the community. Has given thought to reconfiguring lot 10 to better avoid the natural area and this would result in a reduction of the number of units. Once again mentioned the value of constructing a cliff and fence barrier to help protect the natural area. Sought feedback about whether a reconfiguration would make a big difference to the committee. Gail asked about the number of units. Discussed reducing the size of one building, moving others, and removing one of the buildings entirely. This would better preserve the original conservation area. Sean mentioned concerns that a cliff and fence impedes bobcat movement in the area. It would make the habitat less desirable for megafauna (bobcat). Peg mentioned the impact of loss of greenspace and is wondering about the best use of lots 4 & 5. Is there an opportunity to look at the project more holistically and to reduce the loss of green space. Dean mentioned that the PUD could be amended to include residential use in lots 4 & 5. Gail mentioned whether form based code could be leveraged to maximize the use of lots 4 & 5. This would allow for mixed use and higher density. Greg made it clear that this project would not be feasible in lots 4a and 5a. He also mentioned that he does not believe that Bobcats travel east across Route 7.

- Lee interjected to discuss the fact that the DRB approved the sketch plan at 48 units. Lee advocated for a proper process given that sketch plan was approved. Believes that the committee should not be debating the number of units at this point.
- Greg made it clear that he believes he is being undermined in the process after being initially being given the green light to proceed.
- Gail pointed to the new Town Plan and the fact it places much more of a focus on open space and the importance of natural resources, but that regulations have not caught up to the new plan.
- Ben and Greg stressed that they would prefer to find a middle ground and asked to continue the conversation to see how the sight could be configured to address committee concerns.
- Sean mentioned that while it's not SNRCC's duty to decide things like the number of units, it is his belief that the committee should not be forced to ignore previous approvals when there's a legacy of conducting more and more development.
- Peg said that if there is no way to stop the development, then altering the plan to reduce units would make a difference. From this point forward a more detailed discussion about sight alternations commended.
 - Pietro Lynn (partner on the project) – Apologized for the tense moments during the meeting. If CLS can maintain the natural areas, he would hope that SNRCC would realize that an amended proposal is the best solution. Doesn't expect that SNRCC would love the project, but given procedural steps, he believes the committee should keep things moving forward.
 - Dean Pierce – Does not agree with how he was characterized during the meeting. DRB sketch plan approval does not signal approval about the number of units allowed. It gives direction, but not legal approval. Also made it clear that he did not go into the archives to retrieve historical details. Information provided between the last meeting and this one was provided by Gail.
 - Don – Commented that it is very difficult for the committee to advocate for open space without stricter regulations. He then mentioned that reducing units would be helpful even if he doesn't feel great about it.
 - Ben asked about other mitigation efforts. Greg expressed that he would eliminate the current trail on the property to help increase conservation.
 - Greg mentioned that an alternative would be to do 2 buildings with 26 units each, but believes that this would result in more people using the conservation area.
 - Conversation then turned to how buildings could be reconfigured to address concerns. There was unanimous agreement that it is the best interest of all to eliminate the northern two most buildings in the projects. Ben said that there may also be an opportunity to convert the next two northern most units from 4plexes to 3plexes in order to pull the buildings away from the proposed conservation land. There was some discussion about eliminating one building from Lot 7, however the committee indicated that if the northern most two buildings were eliminated and the next two were pulled away from conservation area this would be preferable. Ben and Chris seemed to be in agreement sighting that most of Lot 7 is already mostly cleared of forest.
 - Ben mentioned that they are open to permanent conservation easement on the open space. Open to deeding it to the town as a solution. In addition, he expressed a desire that SNRCC would outline a full list of recommendations that they could consider building into their plan when presenting to the DRB.
 - Throughout the conversation, Ben, Chris, and Pietro made it clear that they would talk with the other partner and examine things more thoroughly to see what is possible. The three of them indicated that they would dig into their options to see if

there are additional viable ways to reduce density and building footprints to best fit with the committee's strong desire to protect the conservation area as much as possible.

- They expressed a real desire to find common agreement with SNRCC
 - Gail mentioned that we made progress and the committee would need to consider what other recommendations it would implement if it was to provide an approval letter with conditions.
 - Fred made the motion to approve the co-chairs to draft a conditional approval with recommendations. The rest of the committee would still need to review and weigh in with additional suggestions. Jon seconded. Don did a round of questions making sure that the committee was comfortable with taking a vote. Everyone voted in favor. None opposed.
 - Mike said that we still have a conflicting understanding of what sketch plan approval means. Important that we have this settled for this and future proposals.
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- Meeting adjourned at 9:30pm. Gail made a motion to end the meeting and postpone other items until tomorrow. Jon seconded. All in favor.