



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

Draft Minutes
Park Policy & Planning Committee
May 13, 2016 Agency Meeting

MINUTES OF THE PARK POLICY AND PLANNING COMMITTEE MEETING May 13, 2016

The Committee meeting convened at approximately 11:00 a.m.

Park Policy and Planning Committee Members Present

Sherman Craig, Richard Booth, William Thomas, Bradley Austin.

Other Members and Designees Present

Karen Feldman, Arthur Lussi, Daniel Wilt, Dierdre Scozzafava, Robert Stegemann, and Lani Ulrich.

Local Government Review Board

Fred Monroe.

Agency Staff Present

Terry Martino, James Townsend, Kathy Regan, Matthew Kendall.

Town of St. Armand MA2016-01 (Matt Kendall)

This item was for action.

Kathy Regan stated that the proposed amendment application was submitted by a former Agency staff member.

Matt Kendall explained that the applicant requested that 30 acres be reclassified, and in order to meet boundary requirements, staff expanded the area to include nearby lands similar in character to the requested area. Mr. Kendall explained that the draft DSEIS includes two possible geographic alternatives, a 40 acre area and an 80 acre area. He explained the boundaries of the areas as well as the characteristics of the site, including existing development soils, slopes, and wetlands.

Mr. Booth asked if the soils in the Rural Use area that is within the 80 acre area are more forgiving and was that true for the rest of the Rural Use area. Mr. Kendall responded that he believed the area to the south and west of the 80 acre area contains soils that have more limitations for development, including shallow soils.

Mr. Stegemann asked why the proposed amendment area was changed from 30 acres to 80 acres. Mr. Kendall responded the requested area was defined by property boundaries which are not boundaries that can be used to define a land use area so the area was expanded to regional boundaries. Mr. Craig asked what advantage there was in expanding the area to include the adjoining parcels. Mr. Kendall responded that the larger area has similar development, accessibility, soils and terrain.

Mr. Townsend asked Mr. Kendall to review the distance between the regional boundaries which supports staff's decision to expand the area to 80 acres, and the 40 acre alternative. He reviewed the boundaries of the proposed map amendment areas.

Ms. Ulrich stated that if no expansion of the area was done then there would be slivers of land use areas on several adjacent parcels. Mr. Kendall responded in agreement.

Ms. Feldman noted that the applicants only own 30 acres and asked who owns the remaining acres. Mr. Kendall responded that there are 6 other landowners that will be notified if the Board gives approval to go forward to public hearing.

Mr. Lussi asked if there is a zoning code for the Town of St. Armand. Mr. Kendall stated he believed the Town does and has been notified of the proposal. Staff have not heard back from the Town but it is early in the process. Mr. Lussi noted that in the past it seems that municipalities have been more involved in the process and he did not recall a section of private land randomly being expanded before. He noted that when the Town of Westport expanded a land use area to include it in the Hamlet designation, it seemed to make sense to approve such a proposal due to the proximity to the Hamlet area. Mr. Lussi stated that he has concern that additional requests from landowners might come forward seeking to rezone Rural Use areas. Ms. Ulrich responded that the resources on the land dictate what type of classification the land falls under. Therefore, such requests may not always be approved based on what the land will allow for development purposes. Mr. Lussi concluded by stating his concern that similar proposals will come forward and this practice will encourage sprawl.

Mr. Craig asked if public comments are received that encourage the Agency to consider 40 acres instead of the proposed 80, would that require the proposal to go back through the public hearing process and could the decision be made the next time it comes before the Agency. Mr. Kendall responded that the Agency could approve any alternative that did not go beyond the 80 acres addressed in the DSEIS. Mr. Craig stated that he believed that the work of the people who originally drew these lines was excellent and in this case the soils which are present were taken into consideration when the lines were drawn. He added that he believes the Board will have the opportunity to have more intense debate on this proposal once it goes to public hearing.

Mr. Kendall stated that the Agency cannot consider what the proposed use is for the area but rather whether the proposed amendment can be achieved based on the existing character and resources of the area. Mr. Lussi noted that the area is adjacent to a Wild Forest area. Mr. Kendall responded that proximity to Primitive, Wilderness, or as a Canoe area are a relevant land use classification determinant but being adjacent to Wild Forest is not. Mr. Thomas stated that through the DSEIS the staff determination is that the proposal is approvable. Mr. Kendall responded affirmatively. Mr. Thomas asked if the same process is used for every map amendment proposal that comes before the Agency. Mr. Kendall responded affirmatively. Mr. Thomas noted that there will be opportunity for additional comment and debate once the public hearing has concluded.

Motion was made by Mr. Thomas to move the item to the full Agency to seek approval to go to public hearing. The motion was seconded by Mr. Austin.

Mr. Booth referred to the map that was included in the presentation materials and noted that it is not labeled. Mr. Kendall stated that the map that was referred to is in the appendix of the DSEIS because it is part of the application that was submitted and not prepared by staff. There was discussion about the map showing the existing land use by parcel. Mr. Kendall stated that the DSEIS has a similar map that simplified several land classification codes into general categories such as agriculture, residential, vacant and commercial properties. Ms. Ulrich stated that maps should not come to the board unless they are labeled so that the Board can understand what is being presented. Mr. Kendall stated that it has been standard practice that all of the material submitted by an applicant be included in the appendix of the DSEIS. Mr. Lussi stated that the map indicates to him that the existing development conflicts with the Agency's soils map and there was a large amount of development where the soils indicate that septic systems are not suitable.

Mr. Lussi suggested that the proposal should be expanded to meet with Route 3 as there is development already there. Mr. Craig asked if Mr. Lussi was suggesting that the proposal be reclassified to Hamlet. Mr. Lussi responded no he believes it should still be considered Low Intensity Use but is concerned that the action might be considered as spot zoning. Ms. Ulrich asked if these questions should be answered today in order to proceed to public hearing. Mr. Kendall responded no, however, if an expansion to the west as Mr. Lussi suggested is considered, then that should be done now as an alternative. Ms. Regan agreed that the change could be made to the EIS prior to its release for public comment. Mr. Craig asked if more discussion was needed. Mr. Thomas stated he did not feel the change should be made as it is not part of the staff recommendation.

Ms. Feldman stated that she shared some of Mr. Lussi's concerns but thinks the Agency should send the proposed amendment out to public comment and see what comes back. Ms. Feldman said she did not think the Agency should extend the area to the west if soils are not good.

The motion passed with Mr. Craig, Mr. Thomas and Mr. Austin approving, while Mr. Booth opposed.

Ms. Ulrich added that minor corrections made after the DSEIS was mailed would be included in the public document

Old Business

None

New Business

None

The meeting was adjourned at approximately 11:50 a.m.