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ATTACHMENT 1

MEMORANDUM

TO: Mayor and Town Council

FROM: Timothy Dempsey, Planning Board Chairman *(TD)*

SUBJECT: Response to Referral of Report on Comparison of 2,000 sq.ft. vs. 5,000 sq.ft. Threshold for Stormwater Management and Tree Protection Controls for Single-Family/Two-Family Lots

DATE: April 8, 2004

On April 6, 2004, the Planning Board voted 9-1 to forward this response to the Mayor and Town Council regarding the referral of the Budget Working Paper: "Comparison of Thresholds for Stormwater Management and Tree Protection Controls for Single-Family/Two-Family Lots." The Planning Board offers the opinion that the current 5,000 square foot threshold of land disturbance for stormwater management and tree protection controls for single-family/two-family lots is *too high*.

The Board recommends further study regarding the proper threshold for stormwater management control and for tree protection control in the Land Use Management Ordinance. The Board recommends the *decoupling* of stormwater management and tree protection controls for this type of development. Although generally land disturbance is an effective measure for tree protection controls, the Board recommends study of the complexity of issues effecting stormwater controls. The Board suggested that, in addition to the amount of land disturbance, the threshold for stormwater controls may be more effective with consideration of topographic conditions as well as consideration of the amount of impervious surface proposed.

Two votes were taken by the Board. An initial motion was made and seconded, suggesting that the two issues (stormwater and tree protection) be decoupled. A motion to amend the main motion was made and seconded (not accepted as a friendly amendment), which would add an opinion that the current 5,000 square foot threshold is too high. The motion to amend passed 7-3, the main motion passed 9-1.

In summary, the Board recommends that the stormwater management controls and tree protection controls for single-family/two-family lots be separated for further study. The Board believes the current 5,000 square foot of land disturbance threshold for both stormwater management and tree protection is too high.

MAIN MOTION – Recommendation that the Land Use Management regulations for stormwater management controls and tree protection controls for single-family/two-family lots be decoupled for further study.

UNFRIENDLY AMENDMENT – Recommendation that the current 5,000 square foot threshold of land disturbance for stormwater management and tree protection controls for development of single-family/two-family is too high.

Vote on Amendment: 7-3

Ayes: Timothy Dempsey (Chair), Donna Bell, Julie Coleman, Thatcher Freund, Suzanne Haff, Nancy Milio, Ruby Sinreich

Nays: Coleman Day (Vice-Chair), Rebecca Boyles, Nancy Gabriel

Vote on Main Motion: 9-1

Ayes: Timothy Dempsey (Chair), Coleman Day (Vice-Chair), Donna Bell, Rebecca Boyles, Julie Coleman, Thatcher Freund, Suzanne Haff, Nancy Milio, Ruby Sinreich

Nay: Nancy Gabriel