

**Summary of Planning Board Comments  
Public Hearing on Tidewater Amendments  
May 7, 2019 Planning Board Meeting**

David Sinnett said he cannot find any documentation in the amendment material that indicates that certain areas in Tidewater will be excluded from development as a result of the Town's purchase of some of the Tidewater land. He is also unclear as to whether the Town's approval of these amendments is tied to the Purchase and Sale Agreement with Tidewater, LLC.

Tom McKeon asked if the Tidewater dwelling units are exempt from the growth cap. Land Use Planner Dawn Emerson said she was not sure but, in response to a member of the public's comment that the site is located in the VC1 District, clarified that the site is actually in the Tidewater District.

Tom McKeon inquired as to what the net change of dwelling units in the overall Tidewater development would be if the amendment passed. Land Use Planner Dawn Emerson said the Town is acquiring the portion of the Tidewater property where 26 dwelling units were proposed on the master plan, so those 26 units would not be built. With the additional 18 dwelling units proposed at the TV3 site this results in a net reduction of eight units.

Tom McKeon said that the Rivalries review was a really difficult process for the Planning Board. He is concerned that this project will be bigger based on his experience with Rivalries. He believes it was not clear with the specialized zone where the Board's ability to review the project ended and began. He thinks the concern with the Rivalries project was parking. He would hope that there will be clear terms that will allow the Board to consider impact on parking as part of its review. He is withholding judgment on his recommendation on the amendment for now. He finds these master plans hard to address because they present a unique situation that requires the Board to rely on a huge master plan that isn't always clear as far as what the standards are.

Bruce Kaplan recalled that parking was a big issue with Rivalries and that it was difficult to determine what the parking numbers were.

Tom McKeon said, related to concerns about stormwater and parking, a developer still cannot build anything at the TV3 site without Planning Board Site Plan Review even if the amendments are approved. The Planning Board can hire peer reviewers to look at things like parking, stormwater, and traffic. Approval of these amendments does not mean that the concerns raised by the public and the Board don't get addressed. His only concern is that it's sometimes hard to administer the review under the Tidewater terms and having the project be bigger might potentially make it more difficult.

Jason Cole said the master plan is only a schematic of what could potentially be built but he thinks there is a clear difference in the amount of impervious surface and loss of green space between the existing and proposed master plans. He is unclear as to what the driver is to allow this increase in density. The appearance is that the developer is trying to do much more with the same space and to derive more value from the land. He doesn't think that seems like a wise choice given all of the development concerns the community is looking at and all of the resident concerns about growth and impacts on things like schools, taxes, etc. Understanding more about why this amendment is necessary is paramount to his recommendation.

David Sinnett said he still cannot find any reference in the submission to a change to other Tidewater areas beyond TV3. He only sees an increase in development allowance in TV3. If the Council's vision is a net reduction of dwelling units he does not see where that information is located. He recommended that this information be incorporated into an amended package to make sure that what gets approved is the final version and provides a clear picture of what is happening.

Rich Jordan also questioned how one arrives at the conclusion that there is a net reduction in dwelling units. He only sees an increase in units.

David Sinnett said the summary material references a net loss of dwelling units but the plan only shows an increase in dwelling units.

Tom McKeon said in light of the Board's comments he suggests recommending that the Council not approve the amendments due to lack of clear information and lack of understanding of the drivers behind the amendments. He said he makes this comment carefully because he respects the Council's work on this item and the negotiations that may have occurred to-date but he feels as if he doesn't have enough information. If the Board does vote to recommend this item he would want a condition that the Board has the right to review the project that might come before them in the future with respect to parking, size, traffic, etc. He said that Farm Gate Road was a concern with cut through traffic. His inclination is to recommend not to approve the amendment but he is still open minded.

Rich Jordan said he is inclined to take a more passive approach whereby the Board sends it back to the Council with no decision or recommendation so as to allow the package a chance to come back to the Board with more information.

Tom McKeon said the Board's Rules of Procedure do not allow the option for a neutral recommendation. His leaning to not recommend the amendments be approved is based on his opinion that the Board does not have enough information as far as the total plan for the Tidewater area.

David Sinnett asked if the Board can table the item and delay making a recommendation. This would allow the Board to review a revised submission with the missing information.

Tom McKeon thinks these are ultimately policy decisions of the Council and he doesn't have any problem with the Council deciding to move forward with this item after listening to the Board's comments. That is the Council's prerogative. He said that there are things that the Planning Board is not privy to in terms of negotiations that may have occurred and he would just assume give the Council the ability to vote on the matter.

Rich Jordan said that the Planning Board only seems to have three options: A green light, a red light, or a green light with comments. He doesn't think the Board has enough information to recommend a green light. He said when the Board has had a complicated review there is often someone present to answer questions.

Tom McKeon agreed and said if this were an important issue to the developer they could have presented and explained the amendment.

The Planning Board made a recommendation to not approve the proposed Tidewater amendments due to the lack of information provided and the unclarity with the request.