

Draft Minutes Planning Commission Meeting April 12, 2016

Attending: Matt Tell, Staley McDermet, Patti Smith, Edie Mas, Bennett Grout, Tim Segar
Mary Sargent (Zoning Administrator)

Matt called the meeting to order at 5:13 pm.

1. Minutes

Minutes of March 22nd meeting approved unanimously.

2. Communications

- a. No written communication.
- b. Alyssa Sabetto from WRC has sent around a draft Hazard Mitigation Plan for Marlboro. She asked Edie to remind the PC that comments can be received up to April 25th. Edie went over some review she had made, and said she will review the map and compare with the draft PC Fluvial Overlay map to be sure everything is included.

3. Senate Bill

Select Board has asked PC to review the Senate Bill on increasing Town input concerning energy matters. PC consensus was to support the Select Board in writing a letter to support the petition.

4. Continuing Review of written comments from forums

Article II: Administration and Enforcement

- a. Comment on silos. This is nothing PC can alter, as it is part of the state's definition of farm. (Section 202 #4g, farm structures, p. 8)
- b. Suggestion from DRB on more specificity in language to allow improvements in non-compliant use. Consensus that DRB can and has made decisions on allowing a variance on non-compliant use when it makes use less non-compliant, and changes in wording are not needed. (Section 203 #2 p. 8)
- c. In response to DRB concerns to provide more specificity concerning granting a Conditional Use permit, the following change was approved: "Development Review Board shall grant a Conditional Use Permit only upon a finding that issuance of said permit shall have no ~~adverse impact~~ **undue adverse effect**" (Section 203, #3, p. 9).
- d. After considerable discussion concerning the timetable reflected in Section 204, Site Plan Review, the decision was to keep it as it is. (second paragraph).

Article III: Establishment of Zoning Districts and Zoning Map

- a. Section 307 Agricultural/Forestry Production (AGR/F) : Staley had noted comments from notes taken by Kate and Edie about concerns in changing zoning lot sizes in the Agricultural Zone. This has not actually been changed from present zoning (one house in 10 acres), but the PC re-opened discussion on whether it might make sense to create variable lot sizes in this district, as a couple of comments seemed to react positively to this idea. Discussion to differentiate between **lot size**, which could be 2 acres, and **density**, which would remain 10 acres. There was a suggestion to place a minimum number of acres that would be needed to permit the variable lot. No decision was made; Patti will try to work on it and come back to next meeting with a possible definition.
- b. Section 306 Village (VIL): Questions from forum concerned why certain uses, such as small wind turbines and PV solar panels, were not allowed when there was property in this newly proposed zone that was larger than ¼ acre. There was agreement these should be allowed, and also to develop a brief description that could help inform the public about the thinking that went into development of a Village district, based somewhat on the narrative that was presented to the State last year, and why the district was drawn as it was.
- c. Section 308 Conservation Priority (CONS): Discussion stopped here, at comments inserted here that also have to do with Wildlife Overlay district. Decision made to discuss at next meeting proposed changes in the definition of "Development". Staley has suggested dividing it into "Building Development" and "Land Development" (see proposed definitions he has put in draft page 35, as follows:

Present definition:

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, or land fill; and any change in the use of any building or other structure, or land, or extension of use of land.

Proposed separate definitions:

Building Development: ~~The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, or land fill; and any change in the use of any building or other structure, or land, or extension of use of land.~~

Proposed separate definitions:

Land Development: ~~The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, or land fill; and any change in the use of any building or other structure, or land, or extension of use of land.~~

- d. Edie also mentioned that she had been researching the possible impact on Marlboro’s proposed bylaws of State regulations related to the State’s Current Use Program as this had been raised in a forum. In a conversation with our county forester she was referred to Title 117, and recent legislation passed by the house (Act H.851), which amends 24 V.S.A. Title 117 paragraph 4413(d). This act specifically states that a “municipal bylaw may not provide for the regulation of forestry operations” [section (d)(1)], but also says [section (4)] “this subsection does not prevent an appropriate municipal panel, when issuing a decision on an application for land development¹ over which the panel otherwise has jurisdiction under this chapter, from imposing reasonable conditions under subsection 4465(b) of this title to protect wildlife habitat, threatened or endangered species, or other natural, historic, or scenic resources and does not prevent the municipality from enforcing such conditions, provided that the reasonable conditions do not restrict or regulate forestry operations unrelated to land development”. She will continue to research this with regional officials, but a consult with the Town’s lawyer may be needed to see what can be proposed in light of the number of parcels in town currently under a forestry plan and operation through Current Use.

Meeting adjourned at 7:10; next meeting April 26th, 5 pm at Town offices.

Respectfully Submitted, Edie

¹ Note that State defines “land development” as the current Bylaws define “development” (24 VSA Chapter 117, paragraph 4303, (10), p. 5 of 2007 edition.