

Minutes: Marlboro Planning Commission, November 9, 2021

In attendance: Staley McDermet, Mary Sargent, Tim Segar, Edie Mas, Jennifer Girouard, William Shakespeare, Matt Tell, Patti Smith

Public Attendance: Lucy Tell, Lindy Corman, Dan MacArthur and by zoom: Robin MacArthur, Peter Paggi

Meeting opened at 5:08pm

Minutes: Minutes from October 12, 2021 approved unanimously.

Discussions

Affordable Housing:

There is an open discussion on the issue of affordable housing in Marlboro with members of the public weighing in. Key points from the public comments include the general feeling that it is hard for people to move into Marlboro who make a livable wage. News reports also indicate that Vermont is a prime location for people to move to based on concerns from the pandemic or climate change. Overall, the public expressed the view that town planning commission could work to advocate on behalf of affordable housing. From the discussion a few questions and possibilities emerged:

- Route 9 corridor as place for development (not just focus on village center)
- Variable lot size
- Encourage Cluster housing via Subdivision regulations, PUDs
- Infrastructure Development as crucial: example lack of municipal water, septic, weak transportation
- Value of Land is also an impediment and could consider ways to address this (ex. Previous builds in other towns often get land donated)

There was also a discussion of the state-level tax on the closing of homes and whether there is any possibility to enact a town-level mechanism like this. It is unclear if towns are allowed to do this and how these funds could be managed.

Windham Regional offers webinars on issues related to this topic and infrastructure. The slides from previous webinars are available on their website: <http://windhamregional.org/news/save-the-date-housing-webinar> and there is an upcoming webinar on zoning on December 1, 2021.

Amendments to Zoning:

We discuss a proposed amendment to Article IV- General Regulations with new text to Section 416:

- “Section 416 - Off-Road Vehicular Ways”

This Section covers any permanent or temporary way or road on public or private land that may be used by a mechanically-powered vehicle. Off-road vehicular ways include but are not limited to driveways, private roads, access roads, logging roads, snowmobile trails, and all-terrain vehicular (ATV) trails. Horse trails, hiking trails, ski trails, bicycle trails, and similar trails are not considered off-road vehicular ways.

Off-road vehicular ways are subject to all setbacks, except to a front yard setback where such off-road vehicular way connects to a public road. A public “Road” or “Street” or “Highway” (see definitions) is not considered an off-road vehicular way.”

The amendment is discussed with key questions being about whether this would be hard to track (ex. Snowmobile trails that are ungroomed and emerge after recent snow) and the potential difficulty of enforcing as there is no permitting process for these off-road vehicular ways.

There is discussion that it could become part of the road commissioners work to alert residents about this new regulation when they came for other permits. There is also discussion on how this process would require a waiver from the zoning board to allow it.

A motion to pass Section 416- Off-Road Vehicular Ways, moved and seconded
2 in favor and 4 opposed and 1 abstention

The motion does not pass

We discuss a second proposed amendment to Article III, Section 352:

- Article III – Establishment Of Zoning Districts and Zoning Map
Wildlife Habitat Overlay District

In Section 352, Use Regulations and Development Subject to Review, add “*any off-road vehicular way (see Section 416);*” to paragraph number 2.

If approved, paragraph number 2 will read:

2. Within the Wildlife Habitat Overlay District, the following development activities shall require a Conditional Use Permit, including Environmental Consultant review (Section 355): the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; *any off-road vehicular way (see Section 416);* any mining, excavation, or land fill; and any change in the use of any building or other structure, with the exception of those listed under “Exemptions” (Section 353).

There is discussion as to whether this proposed amendment is moot after the previous failed vote. We decide not necessarily.

There is discussion as to how this amendment would apply to situations where a driveway is built before any other builds have gone through a permitting process.

Decision to not move this proposed amendment.

The final proposed amendment is:

- Section 353 Wildlife Habitat Overlay District Exemptions to delete Exemption #6 for Primitive camps.

Decision to not move this proposed amendment.

Discussion of planning for upcoming Public Hearing for the Town Plan on 11/16

There is discussion on the organization of the meeting with Tim serving as the Moderator Role. We also confirm that there are extra copies of the Town Plan to bring to this meeting.

We note that after the public hearing, the Planning Commission will hand a document to the Selectboard with any changes and rationales for the edits.

We adjourn 7:03 pm

The next meeting is Dec. 14, 2021 at 5pm.

Respectfully submitted, Jennifer Girouard.