

Approved Minutes: Marlboro Planning Commission July 12, 2022

In attendance: Mary Sargent, Tim Segar, Edie Mas, Jennifer Girouard, Donald Sherefkin, Will Shakespeare, Matt Tell

In attendance via Zoom: Patti Smith, Staley McDermet, Brian Potter

Guest attendance via Zoom: Nick Morgan

Meeting opened at 5:05 pm

Minutes: Minutes from June 14, 2022, approved unanimously.

Correspondence:

We welcome Brian Potter as a new member of the Planning Commission.

Matt communicated about whether we wanted to make a request to the Select Board for a town color printer. We will discuss this at a later meeting.

Communication from Windham Regional Commission (WRC) that they officially approved the Town Plan.

Staley, Patti, and Will emailed with information for our discussion on zoning regulations which we will discuss at tonight's meeting.

Discussions

Review status of Village Center Designation

- We received communication from the VT Department of Housing and Community Development, Community Planning and Revitalization that the town's renewal application is complete and ready to go do the downtown board on July 25th for review.

Discussion of linking the Village Center to proposal for development of improvements

- Edie reports on a recorded webcast from WRC on Village Center Designations. The moderator was Alison Low from Northeastern Vermont Development Association who helps small towns who have village center designation. There were five panelists who described developing and implementing a Village Center Plan in Danville, Greensboro, Bend, Glover, Barnet, and Westfield. Some towns have received Municipal Planning Grants to help plan for the village center so that town has roadmap of priorities for future funding and spending. This has involved hiring a consultant to look at issues such as parking, traffic calming, and funds to rehab a church. This is an avenue for us to explore as it could be helpful for the town as it moves to assess potential projects and

allocate funds. ARPA funds could play a role in providing any matching funds that might be required.

- There is a cycle to the Municipal Planning Grant and two grant cycles have occurred already in 202. The town has received some grants in the past, and is now eligible to apply as it has an approved Town Plan and soon to be renewed Village Center designation.
- Nick will reach out to Katie Buckley, the ARPA expert, to further discuss our interest in Municipal Planning Grants and will follow-up with Edie.
- The Planning Commission endorses Edie to pursue more information and conversations about the Municipal Planning Grants, starting with Alison Low (NVDA) and Jenni Lavoie (Grant Specialist DHCD).

Progress report on potential revisions to Zoning Regulations for amendments

- Off-road vehicular ways distance from property lines. We discuss proposed text from Staley that would introduce a new section for zoning:

Red Italics are changes to previous submissions in response to Planning Commission questions

Section 416 - Off-Road Vehicular Way

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 *of the Zoning District within which they are to be located*, 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.

In the instance of an off-road vehicular way crossing a property line, if the property owners on each side of the property line (at each crossing) agree to the establishment of an off-road vehicular way, the off-road vehicular way is not subject to Side Yard or Rear Yard Setbacks at that crossing.

No existing off-road vehicular way shall be changed to another type of off-road vehicular way without complying with this Section 416.

- We discuss that the state has forestry guidelines that do not include setbacks on logging roads, which would conflict with town zoning requiring setbacks. In an email exchange from a member of the Department of Forests, Parks & Recreation Division of Forests it was stated that a problem could arise if a logging

company follows those state guidelines and then runs into conflict with implementation.

- We note that as new text, we would also need to add in a new definition of off-road vehicular way as it is not currently in the zoning regulations.
 - We also discuss that if included, this new regulation could potentially offer recourse of action for landowners.
 - We table this discussion.
- Definition of a structure that was changed in 2018 in zoning amendments (the question as to whether it was changed to a definition that is too encompassing such as parking spaces counting as structures which then triggers required setbacks):
 - We review the language changes from the 2007 regulations to the current regulations revised in 2018. Of particular focus was the addition of the sentence "A parking space is considered a structure."
 - There is a discussion on striking that line on parking space.
 - Discussion on the reasoning for this sentence was due to provide protection via setback regulations.
 - We table this discussion.
- Short-term rentals (currently not in zoning regulations):
 - Will shared information on Vermont law as well as examples from towns that have addressed short-term rentals (especially ski towns with tourism). Vermont law collects a room and meals tax for every short-term rental and requires that operator must visibly post information such as business license, and name/phone information.
 - We do not have good information on how many short-term rental properties (STR) or units exist in Marlboro though we do know approximately 20-30% of housing units are second or seasonal homes.
 - From reviewing this information, one recommendation is requiring any room or dwelling that is being used as a STR for guests that stay less than 30 consecutive days and for at least 14 days a year, to register with the Town of Marlboro as a STR. This will provide some data as to what impact Short Term Rentals are having on the town. It could be useful to know how many have switched from a Long-term to Short-term rental.
 - We table this discussion.
- Review our zoning regulations around renewable energy (wind/solar) in terms of whether they are overly restrictive and limit town contribution towards energy efficiency:
 - Tim reviewed these regulations and found that the only firm restriction is around producer-system wind. Otherwise these systems are allowed as permitted or conditional use.

- Tim feels the regulations are not overly restrictive and has no suggestions at this time.
- Still to review at our next meeting:
 - Educational institutions requiring state certification and as to whether that is unnecessarily strict: Matt will do this
 - Primitive Camps are exempt from any review by DRB in wildlife habitat overlay: Edie will look at these

Discussion of Subdivision Regulations

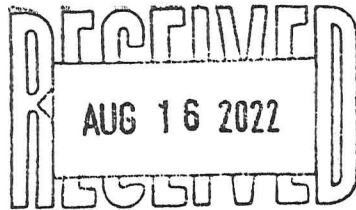
- Patti shared information from the Vermont Natural Resources Council on Conservation Developments. She recommended the VNRC "Community Strategies for Vermont's Forest and Wildlife" which has more information on this that we will review for future discussion especially around subdivisions and planned unit developments.
- All members of the Planning Commission will read the Subdivision Regulations in preparation for conversation at a future meeting.
- Tim will contact Chris Campany to inform them we are beginning to discuss this topic.

Meeting adjourned at 6:55pm.

The next meeting is scheduled for August 9th, 2022 at 5 pm.

Respectfully submitted,
Jennifer Girouard

Town of Marlboro
Marlboro, Vermont 05344



Handwritten signature of Jennifer Girouard.