

Approved Minutes of Planning Commission
Special Meeting
Tuesday October 24, 2023
5:00pm

Attending: Tim Segar, Edie Mas, Brian Potter, Will Shakespeare, Patty Smith – ex-officio Mary Sargent, Staley McDermet, and on Zoom Jean Boardman

Meeting Purpose: A single agenda meeting to discuss the status of the EDU district of the Zoning Regulations for two reasons

1. On the **Uses Table** Section 311 there were thirteen Uses that were left blank (indicating not allowed) which should have been shown as Conditional Use marked as C. The Planning Commission reviewed those designations and agreed that they all should be corrected as the Campus must put all projects in front of the Development Review Board. The vote to do so was unanimous.
2. The second reason for this special meeting was to discuss the Potash Hill Campus status vis a vis the EDU designation. Mary Sargent has made inquiries and discovered that Potash Hill was not certified by the state as an educational institution. Further consultation with the Town Lawyer Robert Fisher. (Pasted below.)

It was proposed and passed that the Chair would write a letter of invitation to Potash Hill Administrators to our next meeting to discover their intentions of certification of EDU status with the state or other options regarding zoning. (Pasted Below)

Meeting was adjourned at 6:30pm

Additional note: The Chair attended the subsequent meeting of the Select Board on Oct. 26th to introduce them to the issues at hand and to discuss the possibility of hurrying the decisions noted above to the same town vote as the earlier slate of amendments to the zoning regulations and their advice was to wait until a clearer picture of the intentions of Potash Hill Campus were known.

Also, even though this was not a warned public hearing for the proposed slate of zoning amendments Mary Sargent and Jim Herrick spoke against approval of some of the amendments to the Select Board.

----- Forwarded message -----

From: **Robert Fisher** <bob@fisherandfisherlaw.com>

Date: Tue, Oct 24, 2023 at 3:34 PM

Subject: EDU District and the lands of the Marlboro Music Festival and School of Music

To: Marlborozoningoffice@gmail.com <Marlborozoningoffice@gmail.com>

Dear Mary: This email is to set forth some ideas for the Planning Commission to consider in its upcoming proposed changes to the zoning bylaw regarding the EDU district. It is apparent that the EDU district was designed for the purpose of regulating development within the rough bounds of the Marlboro College campus. In essence, since the bylaw provides that lands not owned by the College are to be considered

under the Rural Residential district's criteria, the lands that are/were owned by the College for what is tantamount to an institutional Planned Unit Development under the name of the EDU district. Since institutional PUDs are not favored, the Town's making the campus its own zoning district makes a certain amount of sense insofar as allowing flexibility within the campus for land development that is consistent with the Town Plan and the goals of the owner of the campus. The problem that arises now is that the permitted uses within the EDU district may be too limiting for what the Music Festival folks wish to do in making a go of the property. The question becomes: what changes are necessary in order to allow that flexibility?

While there are more than two answers to this question, I see two primary directions the PC can take. One path is to eliminate the EDU district altogether (the Music School is not certified by the Dept. of Education per Section 403) and treat future applications under the Rural Residential district's criteria, one of which includes a Planned Unit Development as a Conditional Use in that district. A second path is to simply rename the EDU district to the 'Potash Hill Campus District' and develop a longer list of Permitted uses and Conditional Use consistent with the goals of the Town Plan, the goals of the Festival/School of Music, and the goals of the PC. Both options would allow for greater flexibility than what exists now for the property owner.

Under the first path, the Festival/School of Music folks could apply for a PUD as a conditional use and the DRB could grant the Application for a myriad of uses within the PUD. This option could retain a lot of the density of the campus in its present location, but provide for greater flexibility of uses of the buildings by approving a list of equivalent uses for particular buildings or areas. For example, a building housing a day care could be used next year for a classroom and the year following as an office and thereafter as a library all without having to constantly come back to the DRB for a change of use permit.

Re-defining the EDU district could have the same effect by listing greater numbers of permitted uses and conditional uses, thereby allowing the same flexibility. Perhaps some sort of mixed housing and commercial activity would work for the area, i.e. create the incentive to create a new village within a town. Since there is talk of moving the elementary school out there, the PC would be wise to incorporate that idea into the mix.

All of this is "food for thought." Since the conveyance of the ownership of the campus away from the campus being an actual school, the land use possibilities may be too restricted by the existing EDU district allowable uses. Our conversation is meant to try to create additional flexibility while maintaining control over the bounds of the campus as a distinct district.

I am happy to speak with the PC at a future meeting, though I cannot make this week work.

All the best,

Bob Fisher

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Letter from P.C. Chair Tim Segar to Administrators of Potash Hill Campus

Wed, Oct 25,
11:23 AM

Timothy Segar <timothy.segar@gmail.com>

to bmooney@potashhill.org, Dan Cotter, christopherserkin

Hello Dan, Chris, and Brian - First a bit of reporting. The Planning Commission of Marlboro met last evening to consider a request from Dan to review the "Uses" grid of the Zoning regulations to correct some obvious oversights. In that grid on pages 21-24 of the regulations there were 13 blank squares (indicating "not permitted") under the EDU heading that should have been marked C for conditional use. We corrected those to show "C" and those changes will be put through the approval process for a Town Meeting Vote in March if we can fit the appropriate warning periods and hearings in time.

In the process of doing this work we were made aware by the Town's lawyer Robert Fisher that the EDU District designation from the state requires that the institution go through a certification process with the Department of Education. In addition Mr. Fisher outlined a couple of alternative options (see below) We are not sure what certification entails, but we thought that a meeting with some or all of you would be worthwhile to get a sense of which of the options you might prefer. Our next meeting is November 14th at 5:00 pm in the Town Office or by Zoom a link to which we will send you once it is available.

Last, we are aware that Dan needs a building permit to divide the Blanchet house, which will be hard to grant without changes outlined above. We are exploring with the Select Board and Zoning Administrator a possible work-around so that that project might get going in the interim. No promises but we will try.

Hope to see you on the 14th - Tim Segar - Chair Planning Commission