Approved Minutes: Marlboro Planning Commission March 11, 2025

In attendance: Tim Segar, Jennifer Girouard, Brian Potter, William Shakespeare, Patti Smith
Mary Sargent, zoning administrator, Lindy Corman from the Conservation Commission
Via Zoom: Jean Boardman, Donald Sherefkin

Meeting opened at 5:10 pm

Minutes: Minutes from February 11, 2025 approved unanimously.

Correspondence:

The SelectBoard asked if we wanted to appoint a second Windham Regional Council representative. Patti is currently serving as one of the representatives. There are no further volunteers from the Planning Commission so Tim will send a note to the Conservation Commission with information about this role and see if someone is interested in serving.

Discussions

Discussion of Conservation Subdivision Regulations (CSR)

We resume discussion of conservation subdivision regulations by reviewing the recent Brattleboro regulations. We also review Conservation Subdivision guidelines and toolkits from NH and decide that it is a useful overall resource but that the Brattleboro regulations are more directly useful at this stage of drafting our own.

We review line edits to the Brattleboro text to adapt it for the case of Marlboro. We are at the first step of reviewing potential edits and not yet finalizing these edits. Brattleboro requires that these conservation subdivision regulations apply to all major subdivisions in their rural district. We discuss if we would like to do the same. Another option is to incentivize rather than require conservation subdivisions.

Brattleboro's 355 E section has a statement about allowances for multi-unit buildings. Our zoning bylaws currently do not allow multi-unit buildings so we discuss removing this section for our conservation draft regulations for now. We could visit at a later time whether to change the zoning regulations to allow multi-unit buildings.

We discuss the minimum % of total area to be set aside for conservation purposes. Brattleboro uses 60% whereas the NH regulation guidelines use 50%. We discuss whether the % could be a component of an incentive-based approach where if increase the % of conservation area then one could be allowed to have more lots, for example. We will review the NH regulations section 5b on page 57 that discusses an incentive-based approach. For example, the document writes: "Conservation of greater than 50 percent of the buildable area of the parcel within the designated open space shall receive a 5 percent increase in the number of dwelling units allowed for every

additional 10 percent of open space protected, up to a maximum increase of 15 percent over the base number of dwelling units allowed."

We discuss an exercise where we take the draft regulations and apply it to the Marlboro map to see how these regulations would work in practice with particular attention that the proposed edits would not preclude building or making building entirely impossible.

Below are the current proposed edits to be discussed at the next meeting:

> "Conservation Subdivision
> PURPOSE. The purpose of this section is to preserve natural resources, open space, and rural character.
>
> APPLICABILITY. Conservation subdivisions are permitted in the Rural Residential, they are required for all Major Subdivisions.
>
> DENSITY. The density of a conservation subdivision must not exceed the maximum density. as determined based on the applicable zoning district standards (total area to be subdivided
> divided by the residential density).
>
> DIMENSIONAL STANDARDS. The following will apply within a conservation subdivision:
> (1) The dimensional standards for lots, setbacks, yards, and buildings in the base zoning district will not apply within a conservation subdivision. The subdivision must meet all applicable dimensional standards around its perimeter.
> (2) Lot coverage for the subdivision must not exceed the district maximum.
> (3) Development within the subdivision must conform to all applicable riparian setbacks and resource protection standards under.
>
> USE. Nonresidential principal uses are prohibited within a conservation subdivision except for community buildings and agricultural enterprises. All forms of residential use and buildings will be permitted within a conservation subdivision except for multi-unit buildings. (Place for multi-unit)
>
> CONSERVATION AREAS. A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following: *Perhaps an option for variable percentages as incentive might fit here pending mapping test that Don proposed*
> (1) The following will be considered primary conservation resources and must be included
> in the conservation area:

(a) Wetlands.
(b) Mapped flood hazard and river corridor areas; and
(c) Severely steep slopes (30% or greater);
(2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:
(a) Primary agricultural soils.
(b) Riparian areas
(c) Moderately steep slopes (15% to <30%);
(d) Woodlands that are part of a contiguous forest block at least 50 acres.
(e) Scenic views into the property from public vantage points.
(3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
(4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the state and/or a land trust or conservancy. The conservation easement must prohibit further development in the conservation areas and may establish other standards to safeguard
or maintain the conservation resources.
(5) Conservation areas must not be cleared, graded, filled or subject to construction except:
(a) The Development Review Board may allow
(b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas provided that the Development Review
Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area.
(c) Community gardens, trails and passive recreation amenities may be developed within conservation areas in accordance with the approved plan.
(d) Accepted agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use in accordance with the terms of the easement.

DEVELOPMENT AREAS. A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:
(1) The development must be designed as one or more clusters composed of (3 to 12) lots for further discussion
(2) At least 40% of the lots or dwelling units must abut a conservation area.
(3) All lots or dwelling units not directly abutting a conservation area must have direct pedestrian access to the conservation area(s) from a continuous system of paths or trails. The Development Review Board

may waive the access requirement for conservation areas intended for agricultural use.
(4) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
For further Discussion
(5) The applicant must minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes,
and locating development near existing streets).

COMMUNITY BUILDINGS. A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.
355.I APPLICATION REQUIREMENTS. In addition to all other applicable requirements, the applicant must submit:
(1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see SUBSECTION 355.F) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
(2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see SUBSECTION 355.F) and any public or conserved lands over an aerial photo
base map."

Future agenda items:

Reviewing incentive-based systems such as the text of the NH guidelines.
Reviewing the edits to draft conservation subdivision regulations for Marlboro.
Consider offering a preamble and/or rationale at the start of the proposed conservation subdivision.

The conversation also generated questions about the 2 acre required lot sizes for rural residential and whether reducing lot size would be a benefit. This could be a future agenda item.

Meeting adjourned at 6:52pm.
The next meeting is scheduled for April 8, 2025 at 5pm.
Respectfully submitted,
Jennifer Girouard