

Highlights of Major Proposed Revisions
to the
Marlboro Zoning Regulations
January 30, 2018

This document highlights the major proposed revisions to the Marlboro Zoning Regulations. Please note that only major proposed revisions are listed here. For all proposed revisions, details on the major revisions listed here, and proposed revisions to the zoning maps, see the complete documents posted on the Town's web site (on the home page). The link to access all documents is: <http://marlborovt.us/>, then scroll down the page. All documents are also available for review at Town Office.

A total of seven public hearings have been held on these proposed zoning revisions. The Planning Commission held public hearings on December 6, 2016, January 10, 2017, February 14, 2017, April 25, 2017, June 13, 2017, and August 29, 2017. The Select Board held a public hearing on November 30, 2017. In addition, the Planning Commission will hold a public hearing on January 30, 2018, and the Select Board will hold a public hearing in February. Comments have been received at Planning Commission meetings, Select Board meetings, and through the mail. These hearings and comments have resulted in a number of changes to the proposed revisions.

The proposed revised Zoning Regulations will be voted by Australian ballot on March 6, 2018, Town Meeting day. If anyone has questions on the revisions, please contact the Planning Commission at marlboroplanning@gmail.com or attend our regular meeting prior to Town Meeting Day on February 13, 2018, at Town Office.

Highlights:

General

- A number of generic titles and terms were changed to the specific entity involved.

Article I - General Provisions

- No changes.

Article II - Administration & Enforcement

- Section 202: Exemptions added for certain minor construction and farm structures. "Substantial improvement" defined.
- Section 203: Deadlines added and detailed for Development Review Board action on Conditional Use Permits. Provision for a waiver on setbacks added.
- Section 204: Deadlines added and detailed for Development Review Board action on site plans.
- Section 205: Violations and enforcement as stated in state legislation detailed.

Article III - Establishment of Zoning Districts and Zoning Map

- Section 301: Village District added; several districts re-named. Wildlife Habitat Overlay District added.
- Sections 305 to 311: These Sections cover the Zoning Districts. The Description and Purpose paragraph of some of the districts have been modified, and all districts

Continued on next page...

- include changes to Permitted Uses, Conditional Uses, and Area, Dimensional and Coverage Requirements.
- Section 311: Use Table added showing the Permitted and Conditional Uses allowed in each district.
- Section 320: Zoning Map revised and is now one map with three overlay maps.
- Section 331: Overlay Districts described.
- Sections 350-356: Wildlife Habitat Overlay District added.
- Section 360 & 361: Two lakes over 10 acres added to the Shoreland Overlay District.
- Section 362: Setbacks from high water mark changed.
- Section 371: Applicability of Surface Water Buffers divided into three categories with different setbacks. A number of exemptions added.
- Section 372: Vegetation to remain within buffer redefined. DRB review of clearing of vegetation eliminated.
- Sections 380-390: Flood and Fluvial Erosion Hazard Regulations & Flood and Fluvial Erosion Hazard Area Overlay District added. This Section follows Regional Planning Commission suggestions and adds Fluvial Erosion areas.

Article IV - General Regulations

- Section 403: Certain day care centers excepted from portions of zoning regulations per state law.
- Section 405: Criteria for removal of soil, sand, or gravel for commercial purposes changed.
- Section 410: Calculation of minimum lot size and setbacks with private road rights-of-way changed.
- Section 412: Principal building on lot and minimum setbacks required.
- Section 413: Standard added to alteration of existing nonconforming use. Limitation on abandonment of nonconforming use or structure.
- Section 415: Driveway setback from road intersections exemption for one and two-family residences eliminated.
- Section 420: Erosion and sediment control language clarified.
- Section 430: Motor vehicle service station added.
- Section 440: "Camps" renamed "Primitive Camps". Limitation on use changed to conform with state law.
- Section 442: This Section 442 "Park Standards for Camping Trailers and Tent Sites" was eliminated as it duplicated Section 441 - "Campgrounds".
- Section 450: Home Enterprises required to be in an owner-occupied dwelling.
- Section 452 (455): Section 455 on signs re-written and is now Sections 452 to 456.
- Section 458: Section providing for visibility at intersections added.
- Section 459: Regulations on and exemptions of fences defined.
- Section 465: "Surface Water Protection Standards" name changed to "Surface Water Buffer Overlay Regulations" and moved to Section 370.
- Section 470: Name of Section changed from "Permitted Use Regulations for Small Wind Energy Systems" to "Renewable Energy Systems", and the Section now includes definitions, classifications, and standards for small wind energy systems, photovoltaic systems, and micro hydro projects.

Article V - Planned Unit Development

- Section 505: Required site plan review procedures no longer waived.

Continued on next page...

- Section 506: Density limited to logical buildable lots. Site plan by Registered Engineer required.
- Section 507: Affordable housing units must remain affordable in perpetuity.
- Section 510: Method of determining permitted number of units defined. Table of required acreage expanded and clarified.

Article VI - Telecommunications Facilities

- Section 610: Legality sentences added.
- Section 620: Conditional Use Permit requirements and exemptions added.
- Section 625: Need for Conditional Use Permit for Small Scale Facilities clarified.
- Section 630: Determination of adjoining property owners added. In subsection 4.m., legalese added to sharing of towers.
- Section 635: Definition of type of location map required added.
- Section 637: Requirement added that an independent consultant may be retained by DRB (paid for by applicant) to aid DRB's review.
- Section 650: Distance from tower to tree line limiting height of tower reduced. Requirement added regarding impact on wildlife habitat.
- Section 652: Requirement for balloon test added.
- Section 675: Requirements added that unapproved towers or facilities be removed, and that unused facilities be removed.
- Section 697: "Adequate Coverage" more precisely defined. Definitions of "Electromagnetically Able", "Erlang", "Erlang B Calculations", "Grade of Service", "Radio Frequency Exposure", "Wireless Telecommunication Service", "Wireless Telecommunication Facility", and "Wireless Telecommunication Service Provider", added.

Article VII - Definitions

- Numerous new definitions added. New definitions are not listed here; please see the proposed revisions.
- The following definitions modified (those with only minor modifications are not listed): Affordable Housing Development; Agriculture and Forestry; Appropriate Municipal Panel; Building; Building Floor Area; Building Coverage; Camp, Primitive; Common Land; Community Building; Development; Dormitory/Hostel; Dwelling Unit; Dwelling Unit, Accessory; Family Child Care Home or Child Care Facility; Home Enterprise; Non-conforming Building or Structure; Non-conforming Use; Parking Space; Planned Unit Development (PUD); Restaurant, Cafe; Retail Store; Road or Street or Highway; Shorelands; Signs; Structure; Yard; Zoning Administrator.

Article VIII - Zoning Map

- The Zoning Map revised and separated into four maps:
 - Zoning Map - 1 of 4, Zoning Districts
 - Zoning Map - 2 of 4, Wildlife Habitat Overlay
 - Zoning Map - 3 of 4, Flood and Fluvial Erosion Hazard Area Overlays
 - Zoning Map - 4 of 4, Shoreland and Surface Water Buffer Overlays