

TOWN OF MARLBORO
Office of Select Board
Hearing on Zoning Regulations Changes
Thursday, November 30, 2017

ATTENDANCE: Select Board: Pieter van Loon, Chair; Patti Smith, Vice Chair; Tyler Gibbons. Planning Commission: Staley McDermet, Donald Sherefkin; Zoning Administrator: Mary Sargent. Development Review Board: Jean Boardman, Gail MacArthur. Conservation Commission: Ashley Bies. Town Clerk/Lister: Forrest Holzapfel. Members of the Public: Malcolm Moore, Megan Littlehales, Mario Panella, Cherrie Corey. Select Board Assistant: Marcia Hamilton.

CALL TO ORDER: Pieter van Loon, select board chair, called the hearing to order at 7:00 PM. The purpose of the hearing was to hear public testimony on the Zoning Regulations changes proposed by the Planning Commission. The Planning Commission has been discussing changes since 2015 and has held five public hearings.

Forrest Holzapfel, speaking as Lister, said during the reappraisal process the Listers are finding violations now and questioned how to deal with violations and penalties such as the \$100/day fine. He was referring to Section 205(3).

Staley McDermet said the whole section is verbatim from the State regulations.

Pieter van Loon said the details about the process of applying penalties do not need to be written in the zoning document. Penalties can be handled separately providing more flexibility.

Forrest stated the document *Highlights of Major Proposed Revisions to the Marlboro Zoning Regulations, October 26, 2017* was hard to read and he suggests a mailing go out to residents with bulleted items.

Gail MacArthur spoke about Section 415 – Location of Driveways which states, “All driveways are to be located at least one hundred feet from a street or highway line intersection for all uses.” She felt the distance was too great and was not appropriate for Marlboro. In Section 455 – Prohibited Signs, she felt signs prohibited on rocks or trees seem extreme. Some sections (355, 356, and 372) require a Marlboro Conservation Commission review and comment when development occurs in the Wildlife Habitat Overlay District. She feels the requirement is overreaching. If the Conservation Commission is consultant, what are the certifications of a Conservation Commission member? What qualifies a member to review and comment?

Staley McDermet said there are three choices and Conservation Commission is one. Gail questioned how the Development Review Board would know who is qualified on the Conservation Commission to review and comment. Staley said it is a balance of accommodation for the landowner and Development Review Board requirements. He said there may be one house ever two years that would do this. The Regulations are just trying to prevent forest fragmentation.

Ashley Bies, a Conservation Commission member, said the Conservation Commission would fill the role in a timely fashion. Pieter van Loon stated the requirement is not meant to prevent someone from building.

Mario Panella said he has a 90 acre parcel but can build only on two acres. An easement is held by Vermont Land Trust on the land. Staley suggested somewhere on the two acres would be acceptable to build a house. Gail MacArthur said that is not guaranteed by the Development Review Board.

Ashley Bies reiterated Forrest Holzapfel's concerns about penalties. Ashley suggested penalizing according to the violator's resources.

There was discussion about driveways having to be located at least 100 feet from a street or highway line intersection. Staley said if the condition cannot be met, the applicant may get a variance. Forrest Holzapfel started a discussion about driveway permits, technically named Permit to Approach Town Highway.

There was further discussion about Section 203 – Development Review Board, variances and waivers. Pieter van Loon stated that Waiver adds flexibility to the process.

There were no further comments.

The hearing adjourned at 7:25 PM.

The select board began discussions about the comments made at the hearing. After deliberating approximately an hour, the board voted (Smith/Gibbons) to put the matter before the voters at Town Meeting on Tuesday, March 6, 2018.

The meeting adjourned at 8:25 PM.

Respectfully submitted,
Marcia L. Hamilton, Select Board Assistant