

Town Of Marlboro Select Board Public Hearing on Seven Proposed Amendments to Town Zoning Regulations as Presented by Marlboro Planning Commission
Saturday, December 16, 2023, 2:00pm @ MCC
Hybrid (in person and via Zoom)

Attendees: Jim Agate – SB Chair; Molly Welch – SB Vice-Chair; Jeff Skramstad – SB Member; Nick Morgan – Town Admin/SB Assistant; Forrest Holzapfel – Town Clerk; Tim Segar, Staley McDermet – Planning Commission; Residents - Gail MacArthur, Eva Grimaldi, Gary MacArthur, Jim Herrick, E. Paul Love, Jean Boardman, Thorin MacArthur, Lucy Gratwick, Steven John, Rebecca Sevigny, Michelle Holzapfel, Nancy Anderson, Michael Schneider, Marcia Hamilton, Gussie Bartlett, Lous & Nancy Tongnans, Don Fuhrman.

Call to Order 2:02pm

The Select Board announced the purpose of the public hearing was to hear from Town Residents on the seven (7) proposed amendments to Marlboro’s Zoning Regulations as presented by the Planning Commission. The Board announced that after this meeting they would consider their final evaluation of the amendments and will be holding final discussions at the Select Board meeting on 12/28/23 followed by a vote on each amendment to decide which would be presented to the Town’s voters for their final say on adoption. During the hearing each amendment was read individually followed by discussion before moving onto the next amendment.

The full text of the amendments is included with these minutes as an addendum. Also, for those who wish to do so, an audio recording of the full meeting is available on SOUNDCLOUD - here → <https://soundcloud.com/marlboro-select-board/2023-12-16-marlboro-sb-public-hearing-warning-info-meeting-audio> (note that the Public Hearing is the first approximate hour of the recording followed by a 10 minute break and then the Town Warning informational meeting.)

Select Board Vice-Chair Molly Welch read out each Amendment asking for comment before moving on to next item.

Proposed Amendment #1 (see addendum for full text of Amendment):

- Attendees discussed the definition contained in the amendment before moving onto amendment #2 where this definition was applied.

Proposed Amendment #2 (see addendum for full text of Amendment):

- Various attendees brought up similar opinions on this amendment noting that the topography most often dictates where “off-road vehicular ways” can be placed, especially on narrower properties and results in potential inequities where larger properties (i.e. more expensive properties) have much more leeway in where “vehicular ways” can be placed, thus putting an unfair onus on smaller less expensive properties.
- It was also noted that this amendment could put undue burdens on other activities such as logging, snow mobiling, etc.
- It was brought up in defense of the amendment that this amendment acts to protect neighbors from intrusive uses near the property line that could adversely impact a neighbor’s use of their own property.

Proposed Amendment #3 (see addendum for full text of Amendment):

- Many attendees questioned exactly what constituted an “Environmental Consultant” and what sort of certifications were or would be required for acceptance of their review of a project.
- It was further noted that such a requirement would add undue cost to a project (especially if a “skilled” and certified expert was required) and would put lower income landowners at a disadvantage.
- Additionally, such regulations serve to put more and more burden on landowners.

Proposed Amendment #3 (see addendum for full text of Amendment) – continued:

- Along similar lines, the amendment could cause increased confusion on what is required for a project and could promote “scofflaws” as landowners simply skip this process.
- Finally, counter to the amendment, there seems to be a need to clarify words such as “should”, “must”, “shall”, & “recommend” as it is unclear what is required and what is just “urged”.
- Residents also raised the issue that in the Wildlife Habitat Overlay District, the 500-foot wildlife setback from a road added undue bureaucratic weight to any project.
- A suggestion was also put forward that to help prevent issues of setbacks, larger tracts of land should be deemed undividable thereby maintaining the rural nature of Marlboro.
- In favor of the amendment, it was noted that the only additional item added to the already existing regulation was the designation of “driveways”, and that the element of the “environmental consultant” was to urge as complete and solid plan of action before a project proceeds.

Proposed Amendment #4 (see addendum for full text of Amendment):

- As this amendment pertains to removing the exemption for “primitive camps” several attendees felt that this was an “overreach” as “primitive camps” are already well regulated with specific descriptions of what can be classified as a camp and what improvements would move the camp to a regular residence. Bottom line sense of the attendees that spoke on this issue was that further regulation was unnecessary.
- In favor of the amendment, it was discussed that by continuing to exempt “primitive camps”, said camps could or would continue to get more “sophisticated” and that with the exemption in place the town would lose control of these structures.

Proposed Amendment #5 & 6 – taken together (see addendum for full text of Amendment):

- General sense of the Hearing was positive towards removing the designation of “parking space” as a “structure”.
- Moving beyond parking spaces, there were several requests for further clarification of what constitutes a “structure”, such as a picnic table, a chair, and or other movable gathering area.

Proposed Amendment #7 (see addendum for full text of Amendment):

- There was some question as to why this amendment was different than #3 regarding “environmental consultant” and the usage of the mandatory “shall” in the text as opposed to “recommended”, etc. as in #3. It was clarified that this amendment dealt with the “Surface Water Buffer Overlay District” and as such needed to be dealt with in a different manner. Once this was clarified, there was no further comment.

Hearing Adjourned at 3:05pm (Agate/Welch – Passed unanimously)