

Proposed Amendments  
Marlboro Zoning Regulations  
The Marlboro Planning Commission  
Approved by the Planning Commission March 21, 2023  
(Includes minor revisions October 10, 2023)

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**Proposed Amendment #1:**

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Article VII – Definitions

Add the following new definition: *(This is a new definition.)*

**“Off-Road Vehicular Way:** Any permanent or temporary way or road on public or private land that may be used by a mechanically powered vehicle. Off-road vehicular ways include but are not limited to driveways, private roads, access roads, logging roads, snowmobile trails, and all-terrain vehicular (ATV) trails. Horse trails, hiking trails, ski trails, bicycle trails, and similar trails are not considered off-road vehicular ways.”

Explanation:

This new definition relates to the proposed Section 416, following.

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**Proposed Amendment #2:**

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Article IV – General Regulations

Add the following new Section 416:

**“Section 416 - Off-Road Vehicular Ways** *(This is a new section.)*

Off-road vehicular ways are subject to all setbacks of the Zoning District in which they are to be located, except to a front yard setback where such off-road vehicular way connects to a public road. A public “Road” or “Street” or “Highway” (see definitions) is not considered an off-road vehicular way.”

No existing off-road vehicular way shall be changed to another type of off-road vehicular way without complying with this Section 416.”

Explanation:

This new Section will require that new off-road vehicular ways (ways used by a mechanically-powered vehicle) respect the setbacks of the zoning district in which they are to be located.

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**Proposed Amendment #3:**

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Article III – Establishment Of Zoning Districts and Zoning Map

Wildlife Habitat Overlay District *(Red italics are changes from existing Regulations)*

In Section 352, Use Regulations and Development Subject to Review, add the word “*driveways;*” and add the sentence “*It is strongly recommended that anyone contemplating work within a Wildlife Habitat Overlay District contact an Environmental Consultant at the earliest possible time to informally review the proposed work (see Section 355).*” to paragraph number 2.

Explanation:

This clarifies that driveways are subject to the Wildlife Habitat Overlay District, and recommends early consultation with an Environmental Consultant.

If adopted, paragraph number 2 will read:

2. Within the Wildlife Habitat Overlay District, the following development activities shall require a Conditional Use Permit, including Environmental Consultant review (Section 355): the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; *driveways;* any mining, excavation, or land fill; and any change in the use of any building or other structure, with the exception of those listed under “Exemptions” (Section 353). *It is strongly recommended that anyone contemplating work within a Wildlife Habitat Overlay District contact an Environmental Consultant at the earliest possible time to informally review the proposed work (see Section 355).*

**Proposed Amendment #4:**

Section 353 - Wildlife Habitat Overlay District Exemptions:

Delete Exemption “6. Primitive camps.”

Renumber Exemption “7. Sugar houses.” to be Exemption “6. Sugar houses.”

Explanation:

If adopted, primitive camps will no longer be exempt from the provisions of the Wildlife Habitat Overlay District.

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**Proposed Amendment #5:**

Article VII - DEFINITIONS:

In the definition of **Structure**, delete “A parking space is considered a structure.”

Explanation:

If adopted, the definition of structure will read as follows:

“**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. ~~A parking space is considered a structure.~~”

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**Proposed Amendment #6:**

Article VII - DEFINITIONS:

In the definition of **Parking Space**, delete “A parking space is considered a structure and is therefore subject to setback requirements.”

Explanation:

If adopted, the definition of parking space will read as follows:

**Parking Space:** Off-street space used for the temporary location of one licensed motor vehicle, at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street. ~~A parking space is considered a structure and is therefore subject to setback requirements.~~

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**Proposed Amendment #7:**

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Section 372 - Surface Water Buffer Overlay Standards

Revise Section 372.4. to expand review and comment options to include the same options allowed in Section 355, the Wildlife Habitat Overlay District.

In Section 372.4, delete “the Marlboro Conservation Commission” and insert “an Environmental Consultant”.

In Section 372.4.a, delete “Marlboro Conservation Commission” and insert “Environmental Consultant”.

Add a new Section 372.4.b.:

- “b. The Environmental Consultant shall be selected from the following list by the applicant contemplating work. The Environmental Consultant may be: The Marlboro Conservation Commission; or the Vermont Fish & Wildlife Department; or a Consultant, qualified and experienced in performing similar environmental reviews and acceptable to the Development Review Board.”

If approved, Section 372.4. will read:

- 4. Review and Comment by ~~the Marlboro Conservation Commission~~ *an Environmental Consultant.*
  - a. ~~The Marlboro Conservation Commission~~ *Environmental Consultant* shall in a timely manner review applications made pursuant to sections (372) and (373) above and provide specific comments to the Development Review Board, as appropriate, as to the proposed project’s compliance with the general purposes and standards enumerated in sections (370 and 372) above.
  - b. The Environmental Consultant shall be selected from the following list by the applicant contemplating work. The Environmental Consultant may be: The Marlboro Conservation Commission; or the Vermont Fish & Wildlife Department; or a Consultant, qualified and experienced in performing similar environmental reviews and acceptable to the Development Review Board.*

Explanation:

In **Section 372 - Surface Water Buffer Overlay Standards**, (Section 372.4.), review and comment by the Marlboro Conservation Commission is required.

In **Section 355 - Consultation With An Environmental Consultant** (under the **Wildlife Habitat Overlay District**), review and comment by an Environmental Consultant is required (Section 355.2.d.).

Rather than restrict review under the Surface Water Buffer Overlay District to only the Marlboro Conservation Commission, this amendment will expand review options.

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