Town of Marlboro

SUBDIVISION REGULATIONS

July 15, 2026
Edits: August 11, 2026
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Editing Starting March 2024

This version is from Feb 2026 and cleans up our older versions by removing strikeouts and color codes to make for a readable version.

This one still has a few comments to resolve and needs someone to go through and fix formatting so that it all complies (ex. adjusting table of contents, verifying numbering of each section and that the headings/subheadings all use the same style such as whether to use bolding or all caps).

February 27, 2026

I've tried my best to make the necessary edits, correct the index, add the Conservation images, etc.

May 18, 2026 – final copyedits made and shared with commission

June 12, 2026 – additional copyedits based on feedback public + WRC

Prepared by the Marlboro Planning Commission

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Article I: Authority and Purpose

Subdivision: Any division of land into two or more lots. It includes re-subdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

Boundary Line Adjustment: A realignment that does not substantially change the nature of any previous subdivision, does not create a new lot, will not adversely impact access to any parcel or any natural resource, will not result in fragmentation of agricultural land or result in development of a parcel that has been designated as open space or create a nonconforming lot.

Section 1.1 Enactment and authority

A. In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as "the Act", as most recently amended, there are hereby established subdivision regulations for the Town of Marlboro, Vermont. These regulations shall be known and cited as the "Marlboro Subdivision Regulations."

B. It is the policy of Marlboro to regulate all subdivisions of land, and subsequent development of the subdivided plat, in accordance with these regulations and all applicable state and municipal regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved. For minor subdivisions the Zoning Administrator can approve the final plat. For major subdivisions the Development Review Board (DRB) must approve the final plat.

C. These regulations are intended to supersede the earlier Subdivision Regulations. All permits and conditions lawfully granted under previous subdivision regulations shall remain in effect as provided therein unless new application be made under these regulations.

Section 1.2 Purpose

These Regulations are adopted to guide future development in accordance with the Town Plan, Zoning bylaws and all other bylaws. They will help maintain and strengthen settlement patterns within our rural landscape.

They are adopted to:

- Promote conservation of and feasible utilization of renewable energy sources.
- Preserve natural areas, critical habitat and farmland through proper arrangement of parcels.
- Promote efficient and safe vehicle and pedestrian traffic.
- Prevent pollution, ensure adequate drainage, and encourage wise management of natural resources.
- Preserve the open space, natural beauty and topography of the Town.
- Minimize unnecessary fragmentation of productive forest, farmland and wildlife habitat through clustered or conservation design.
- Support the development of housing that is affordable to a range of income levels, consistent with the town plan.

Section 1.3 Adoption & Amendment

A. These regulations shall take effect immediately after adoption at a regular or special town meeting or, if adopted by a majority of the members of the Marlboro Select Board, it shall take effect twenty-one (21) days from the date of adoption at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act.

B. Amendments to these regulations shall be enacted in accordance with the provisions of the Act.

Section 1.4 Severability

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

Article II: Subdivision Application and Approval Procedures

Section 2.1 Applicability

A. Subdivision Approval Required.

Whenever any subdivision of land is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in these regulations prior to:

- Commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
- The sale or lease of any subdivided portion of a property (excluding parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices).
- The filing of a subdivision plat with the Town Clerk.

B. Minor Subdivision

Minor subdivision shall include boundary line adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or the division of any parcel into not more than 4 lots over a 5-year period. These will be determined by the Zoning Administrator and appeals can be made to the DRB and appeals of that can be made to the Environmental Court.

C. Major Subdivision

Major subdivision shall include the division of any parcel into 5 or more lots over a 5-year period. The Zoning Administrator shall refer all major subdivision applications to the DRB once they are complete. Appeals of DRB rulings can be made to the Environmental Court.

D. Coordination with other Regulations and Permit Issuance

The Zoning Administrator shall assist the applicant in preparing a complete application that meets all requirements of the Marlboro Zoning Bylaws and these Subdivision Regulations.
For major subdivisions, the Zoning Administrator shall refer the complete application to the Development Review Board (DRB) for public hearing and decision.

Upon receiving the DRB's written decision, the Zoning Administrator shall issue a zoning permit (or denial) in accordance with 24 V.S.A. § 4449. The permit shall refer to every condition imposed by the DRB and shall serve as the official record of approval.

No land development, sale, lease, or recording of a plat may begin until the Zoning Administrator's permit is issued and recorded in the land records.

E. Waiver Authority

In circumstances of undue hardship or practical difficulty that may result from strict compliance with these regulations or where there are special circumstances of a particular plat there may be a waiver requested.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the DRB to make the findings cited below and make a decision. The DRB may grant or deny waivers, in whole or in part. In granting waivers, the DRB shall require such conditions, as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the DRB shall make the following findings including the rationale for each finding:

- That granting the waiver will be consistent with the purposes of these regulations, and
- That, in consultation with the fire chief, granting the waiver will not adversely affect public safety, and
- That granting the waiver will not adversely affect the rural or scenic character of the area (such as but not limited to ridgelines, open fields, stone walls, or historic views).
- No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or these Subdivision Regulations.

F.1. Minor Boundary Line Adjustments (BLAs) – Zoning Administrator (ZA) Approval

The Zoning Administrator may approve a BLA without DRB review if it meets all six of these criteria:

a. It affects fewer than three (3) existing lots;
b. It does not change the nature of any previously approved subdivision;
c. It does not impair legal or physical access to any parcel;
d. It does not harm any significant natural resource or fragment agricultural or conservation lands; and
e. It does not create a nonconforming lot;
f. It does not result in the creation of one or more new lots.

F.2. Major BLAs – DRB Review

Any BLA that does not meet all five criteria in F.1 (e.g., affects 3+ lots, impacts access, or harms resources) shall be reviewed by the Development Review Board (DRB) in a public hearing. The Development Review Board shall determine that the proposed adjustment:

a. Does not change substantially the nature of any previously approved subdivision;
b. Does not impair legal or physical access to any parcel;
c. Does not harm any significant natural resource or fragment agricultural or conservation lands; and
d. Does not create a nonconforming lot;
e. Does not result in the creation of one or more new lots.

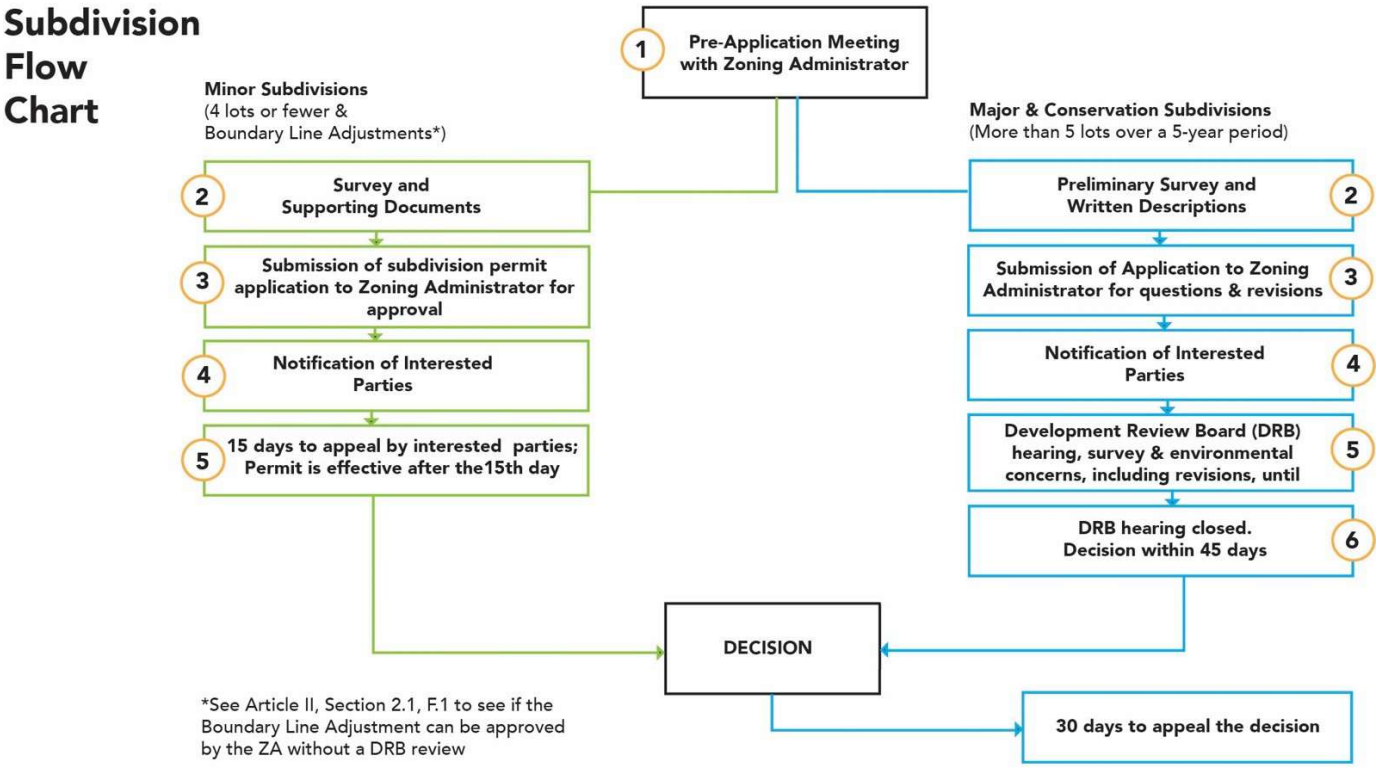
F.3. Recording and Enforcement (Applies to All BLAs) No transfer of land may occur until:

a. The ZA-issued zoning permit,
b. The survey plat, and
c. The new deeds
are recorded in the Marlboro land records.

G. Deed Recording and Permit Expiration

Within 180 days of the Zoning Administrator issuing the final zoning permit for a subdivision or boundary line adjustment, the applicant shall file and record the final plat in the Marlboro land records. If the applicant fails to record within this period, the permit shall expire automatically under 24 V.S.A. §4463 (as amended, effective July 1, 2025). The Zoning Administrator may extend the date for filing the plat by an additional 90 days if final local or State permits or approvals are still pending. The expired permit shall have no legal effect, and any prior approval conditions are void. New deeds are required.

Table 2.1 Subdivision Flow Chart



Section 2.2 Application Process

A. Pre-Application Meeting. Any person contemplating submitting an application for subdivision in accordance with these regulations is encouraged to meet with the Zoning Administrator to discuss preliminary conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. See Table 2.1 Subdivision Flow Chart for outlining of steps after the pre-application meeting.

1. The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.
2. The Zoning Administrator will not take formal action of any kind at the pre-application meeting. The Zoning Administrator may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision or the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application

B. Application. After the pre-application meeting and in accordance with the Act, any subdivider of land shall submit a survey of the proposed subdivision and/or boundary adjustment to the Zoning Administrator prior to submitting a complete application for subdivision approval. The survey shall include the following information:

1. Name and Address of the owner of record and applicant
2. Name of owners of record of abutting properties; applicant notifies all abutting property owners (see Section 4.3 D).
3. Date, true north arrow, scale (numeric and graphic), date & number of survey revision
4. Boundaries and area of all contiguous land belonging to the owner of record, including land separated by a public right-of-way
5. Identification of Zoning district(s) and location of existing zoning boundaries
6. A general indication of the boundaries of the following features: wetlands; flood hazard areas; slopes in excess of 15%; surface waters and associated buffer areas; prime and statewide agricultural soils and other open farmland; scenic features identified in the Town Plan, and prominent knolls and ridgelines.
7. General indication of existing roads, walls, fences, existing vegetation, driveways, property lines, easements and building sites, historic sites, drainage patterns, and location of utilities.
8. Proposed layout of property lines, type and location of existing and proposed restrictions on land, proposed roads, driveways, building envelopes, utilities including, but not limited to, water supply and septic disposal facilities, related site improvements, location of proposed open space, land to be held in common and/or other features to be preserved.

The applicant shall submit to the Zoning Administrator at least 20 days prior to a regularly scheduled DRB meeting a subdivision application and associated fee. The Zoning Administrator shall determine that the application is complete for the purposes of submission to the DRB.

The application shall include a proposed survey and associated materials plan that include the information for Preliminary Plan Review specified in Table 2.2.

C. Notification of Abutters. The Zoning Administrator shall notify abutting landowners prior to the meeting with the Development Review Board to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. (see Section 4.3 D). Written notification of abutters by applicants will be required prior to any public hearings before the DRB. (see Section 4.3 E)

D. Exemptions

All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for DRB review, except for the following instance which is exempted from the preliminary plan review process: Applicants for minor subdivision approval with no improvements proposed. Such applicants are encouraged to schedule a pre-application meeting with the Zoning Administrator in accordance with Section 2.2 and may apply for final plat review in accordance with Section 2.5.

E. Public Hearing. Upon receipt of the plan and associated materials, the DRB shall schedule and hold a meeting within 30 days, usually at a regularly scheduled meeting of the Board, to review the survey and accompanying information for compliance with these subdivision regulations. Prior to the meeting, the ZA shall notify the owners of contiguous properties in accordance with Section 4.3. In the case of a plat located within 500 feet of a municipal boundary, copies of the hearing notice shall also be sent by the Town Clerk at least 15 days prior to the hearing date, to the Regional Planning Commission, and to the clerk of the adjacent municipality.

The subdivider or his duly authorized representative shall attend the hearing to discuss the preliminary plat and associated information and materials. During the course of the hearing, the DRB shall provide each person wishing to receive party status (i.e. the right to participate and appeal) the opportunity to demonstrate that they meet one of the definitions of "Interested person". The DRB shall also keep a written record of the name, address, and participation of each of these persons.

The DRB may request any additional information as needed to act on the preliminary plan and/or density determination.

F. Phasing. The DRB may require that the plat proposal be divided into two or more phases to ensure project conformity with the Town Plan and capital budget and program currently in effect. Conditions may be imposed prior to final plat approval for each phase as the DRB deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.

G. Action on Application. Within 30 days of the initial meeting, the DRB, based on the information provided, shall issue in writing:

1. a preliminary determination whether the plan conforms to, or would be in conflict with, the Planning and Design Standards set forth in Article III, the Town Plan, Zoning Bylaw, and/or any other regulation currently in effect;
2. the granting or denial of requested waiver provisions.
3. recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation. The Commission also may provide specific recommendations as to the size, location, and configuration of the proposed building envelope to ensure compliance with Article III.

H. Final Plan Approval. In accordance with the Act, within 45 days of the date of adjournment of the public hearing, the DRB shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the land and associated plat conform to subdivision review standards under Article III, or would be in conflict with the Town Plan and other municipal regulations in effect. Failure to act within such 45-day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45-day period. The applicant must record surveys and deeds within 120 days. If theapplicant fails to record within this period, the permit shall expire automatically under 24 V.S.A. §4412(g) (as amended, effective July 1, 2025).

I. Effect of Final Plan Approval. The approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Select Board, in accordance with state statute. The DRB may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges, which are an integral part of the subdivision approval.

J. ZA Permit Issuance. The ZA must issue permit after DRB approval. Applicants have 30 days to appeal the decision.

K. Contingent Approval: The approval of any subdivision requiring either a State Subdivision Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or local permits noted by the DRB shall be classified as Contingent Approval. Such subdivision shall be considered approved contingent upon no further changes made to accommodate any other permit. All plats granted Contingent Approval shall be submitted for review by the DRB after all other necessary permits have been received. The DRB shall review for acceptance any changes which have been made by other permitting authorities or by the subdivider to conform to other permits required. If no changes have been made, or if the DRB deems all changes acceptable, the subdivision shall be given Final Approval.

Section 2.3 Performance and Maintenance Bonds

The DRB may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the Marlboro Selectboard in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not greater than 3 years from the date of completion. With the mutual written consent of the DRB and applicant, such bond or security may be extended for an additional period not to exceed 3 years. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

Section 2.4 Plat Recording Requirements [applying to all approved subdivisions]

A. Applicant Filing. Within 180 days of the date of receipt of final plan approval under Section 2.5.C, the applicant shall file two copies of the final subdivision plat, to record in land records (27 V.S.A. §1403) The approval expires, and the permit is voided if the plat is not filed and recorded within 180 days.

B. Performance Bond. For any subdivision which requires the construction of roads or other public improvements by the applicant, the DRB may require the applicant to post a performance bond or comparable security.

C. Municipal Filing. The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

D. Fees. Fees for the recording of the final plat and related documents shall be paid by the subdivider.

Section 2.5 Compliance with Subdivision Approval

A. Prior to any development of an approved subdivision that requires the issuance of a zoning permit, the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the DRB may provide for a phased schedule of completion of improvements, The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, the Town does not waive future enforcement authority with the issuance of a zoning permit.

B. To assist the Zoning Administrator to determine whether public or private improvements have been met, the DRB may, as a condition of subdivision approval, require the submission of "as-built drawings", which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Zoning Administrator shall rely upon any information submitted as part of the applicant's application for associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4.

C. The DRB may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

When a certificate of compliance is required, the applicant shall submit an application containing the information identified in (B) above and any additional information that the Zoning Administrator reasonably may require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate conditions(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

D. The DRB may, as a condition of subdivision approval, require the applicant to fund the cost of any review or inspections performed by an appropriate professional retained by the Town (e.g., civil engineer) to determine whether improvements were installed in accordance with the subdivision approval.

Section 2.6 Revisions to an Approved Plat

No changes, erasures, modifications or revisions shall be made on any subdivision plat after final approval, including any amendment or revision of a condition of final plat approval, unless said plat as modified is first resubmitted to the DRB as a minor subdivision and approved by the DRB after a public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Table 2.2: Subdivision Applications Requirement

A. Application Information	**Site Plan (if required)**
Application Form (number of copies): one hard paper copy and one digital copy	1
Application Fee and other fees	Refer to Article IV, 4.2
Waiver request in writing (optional)	
B. Plan/Plat Mapping Requirements	
Date. North arrow, Legend	√
Preparer information, Certifications	√
Scale (not less than 1 inch =200')	√
Project boundaries and property lines	√ surveyed
Existing and proposed lot lines, dimensions	√ surveyed
Adjoining land uses, roads and drainage	√
Zoning district designations and boundaries	√
Special features. If in a special district or an overlay reference guidance in those sections.	√
Existing & proposed elevations, contour lines to be developed	√ 5' interval
Existing and proposed roads, paths, parking areas, utilities, water and wastewater systems and associated rights-of-way or easements	√ surveyed
Proposed development envelope	√ if applicable
Road profiles, road, intersection and parking area geometry and construction schematics	√
Proposed landscaping and screening	√
Proposed conservation buffer and/or easement areas	√
C. Supporting Information & Documentation	
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	√
Engineering reports (water and wastewater systems)	√
Off-site easements (e.g. for water, wastewater, access)	final
Proposed covenants, deed restrictions, agreements	final
All local, state, and federal permits, including consultation with Marlboro Fire Dept.	√

Article III. Design Development Standards and Required Improvements for Subdivision of Land

Section 3.1 Evaluation and Application of Standards

A. The DRB shall evaluate any applicable subdivision of land as defined in Section 5.2, Definitions, in accordance with the standards set forth below.

B. The DRB may require the subdivider to submit data addressing impacts related to the following standards. In light of findings made on these standards, the Board may require modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts.

Section 3.2 General Standards

A. Character of the Land. The subdivider must show the land can be used safely without undue adverse impact to public health, safety, the environment, neighboring properties, or the rural and scenic character of the community. Any development shall consider reasonable visual and aural privacy, recreation, and scenic values for residents.

B. Conformance with the Town Plan and Other Regulations. Subdivision plats shall conform to the Town Plan and Zoning Bylaw, and all other bylaws, ordinances and regulations of the Town of Marlboro currently in effect.

C. Lot Layout. The layout of lots shall conform to the Town's Zoning Bylaw. The following standards shall apply to all subdivisions:

1. **Street Access.** Subdivision plan shall provide each lot with satisfactory access to a public street. Wherever possible, common driveways shall be utilized for adjacent lots.
2. **Lot Size and Density.** Lot sizes and densities in the Zoning Bylaw are a minimum standard; lower densities and/or larger lot sizes may be required by the DRB based on prevailing site conditions and the potential impact on Primary and Secondary Conservation Resources, including floodplain, wetlands, areas of steep slope, significant wildlife habitat and primary agricultural soils.

D. Monuments and Lot Corner Markers. Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying. Monuments shall be indicated on the Final Plat.

E. Establishment of Building Envelopes. The DRB shall require the designation of building envelopes to limit the location of structures and associated site development to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with the standards set forth in these regulations. The DRB may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

H Conservation. To conserve energy, all subdivisions shall use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (e.g., planned unit development) should be considered wherever feasible, desirable and allowed. The siting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

I. Disclosure of Subsequent Development Plans. Whenever a subdivider submits a proposal for development on a minor portion of a parcel the DRB may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

J. District Settlement Patterns. Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in the *Marlboro Zoning Regulations*.

Section 3.3 Protection of Natural & Cultural Resources

A. Primary Conservation Resources. Subdivision boundaries, lot layouts and building envelopes shall be located and configured to avoid any adverse impact to Primary Conservation Resources. For the purposes of these regulations, Primary Conservation Resources shall include wetlands, flood hazard areas, steep slopes in excess of twenty-five percent (25%); and surface waters and associated buffer areas.

Methods for avoiding such adverse impacts include but may not be limited to the following:

1. Building envelopes shall be located and sized to exclude these features.
2. Undisturbed buffer areas sufficient in width to protect the identified feature(s) shall be designated.
3. Identified features and adjacent buffer lands should be designated as open space.

B. Secondary Conservation Resources. Subdivision boundaries, lot layout and building envelopes shall be located and configured to minimize adverse impacts to Secondary Conservation Resources. For the purposes of these regulations, Secondary Conservation Resources shall include slopes between fifteen percent (15%) and twenty-five percent (25%) gradient, critical wildlife habitat, scenic features, historic spots, and prominent knolls and ridgelines.

Methods for avoiding such adverse impacts include but may not be limited to the following:

1. Building sites shall be located to avoid and/or exclude these features. Only if no feasible alternative exists, the building sites and subsequent development shall be designed to encroach upon the identified feature to the minimum extent feasible.
2. Subdivider may be required to develop and maintain management plans and/or establish appropriate buffers to protect significant wildlife habitat.
3. Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
4. Identified features should be included in designated open space.

Section 3.4 Open Space & Common Land

A. Purpose. Subdivisions shall be designed to preserve open space areas for recreation, shoreland protection and the preservation of primary and secondary conservation resources and farmland. Common land shall be designed to achieve these objectives and to facilitate the maintenance of community facilities.

B. Preservation of Open Space. Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:

1. Open space land shall include and provide for the protection of primary and secondary conservation resources, productive farmland (to the extent practical), forest resources, recreation areas and facilities, including trails, and historic resources.
2. Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
3. Provisions should be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for forests, wildlife habitat, and shorelands may be required by the DRB as appropriate. Areas preserved for agricultural or forestry use should be of a size that retains their eligibility for state and town tax abatement programs.
4. Open space shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels.
5. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Board, that they will in no way disrupt or detract from the values for which the open space is to be protected.

C. Creation of Common Land. Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including lake access and shoreline and road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

D. Legal Requirements. To ensure that open space and common land is maintained for its intended purposes, the DRB shall determine that appropriate legal mechanisms are in place. To this end, open space may be dedicated, either in fee or through a conservation easement approved by the DRB, to the Town, if approved by the Town Selectboard, a community association comprising all of the present and future owners of lots in the subdivision, or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners.

Section 3.5 Storm Water Management, Erosion Control, and Flood Hazard Areas

A. Storm Water Management. A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Marlboro Highway Standards on the Marlboro town web page under Documents, Policies, Standards, Ordinances, and Regulations and the Vermont states stormwater management regulations.

B. Flood Hazard Areas. Where a subdivision is proposed in an area of special flood hazard, the provisions of Article VII (Flood Hazard Area Regulations) of the Marlboro Zoning Regulations shall apply.

Section 3.6 Community Services & Facilities

Fire Protection Facilities. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB. Where practicable, or where required by the Board, fire hydrants or ponds shall be installed by the subdivider. To assist the DRB in determining the adequacy of fire protection facilities the applicant shall consult with the fire chief from the fire department responsible for providing coverage for the subject property.

Section 3.7 Roads, Driveways & Pedestrian Access

A. Applicability of Road Standards. The standards contained herein shall apply to all proposed public roads and to private roads serving more than three lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Selectboard determines such standards are necessary. Acceptance of private roads by the Town is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

B. Traffic on Affected Roads. Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the subdivision. The DRB, with consultation with the Marlboro Highway supervisor, may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation, including road improvements, necessitated by the subdivision shall be the responsibility of the applicant.

C. Upgrades to Existing Roads. Where an existing public or private road is inadequate or unsafe, the DRB in consultation with the Marlboro Highway supervisor may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or duly adopted capital budget and program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements Where a subdivision requires expenditures by the Town to improve existing road(s) to conform to these standards, the DRB may disapprove such subdivision until the Selectboard shall certify that funds for the improvements have been ensured. The subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

D. Design Standards for New & Improved Roads. All roads serving proposed subdivisions shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as subsequently amended. Minimum design standards include the following:

Marlboro Road Standards (class 2-4) are available on the Town of Marlboro, VT web page under Documents, Policies, Ordinances and Regulations, Titled "Marlboro Highway Ordinances." Class 1 roads (Route 9) refer to state rules at the Vermont Agency of Transportation.

1. Rights-of-way for all roads shall be a minimum of 49.5 feet in width.
2. Roads shall be arranged as to cause no undue hardship to adjoining properties and shall be coordinated to compose a logical and interconnected system. This includes:
    a. No dead-end road shall be permitted without a suitable turn aro und at its terminus.
    b. Roads shall logically relate to topography to minimize site disturbance.
    c. Roads should follow existing linear features and shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas.
3. Roads shall be reviewed for approval by the Marlboro Volunteer Fire Company.

E. Road Construction Standards.
Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation*'s Standard A-76*, as amended and the Highway Standards for the Town of Marlboro.

F. Coordination with Adjoining Properties. The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions.

G. Accesses & Intersections. All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Selectboard with consultation with the Marlboro Highway Supervisor in the case of Town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

H. Access Management. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply:

1. Subdivision lots shall be served by shared driveways and/or internal development roads providing access to multiple lots. With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one access. The Board may approve additional accesses in the event that:

    a) the additional access is necessary to ensure vehicular and pedestrian safety; or

    b) the strict compliance with this standard would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access; or

c) a traffic management plan is developed and implemented which will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the standards set forth under Section 3.7 than would be possible with a single access.

2. If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.
3. Where extensions of new roads could provide future access to adjoining parcels, a right-of- way shall be provided. The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

I. Road Names and Signs. All streets shall be named subject to the approval of the DRB. Street name signs shall be furnished and installed by the subdivider. The type, size, and location shall be subject to the approval of the DRB. Street names shall be clearly depicted on the Final Plat.

J. Driveways. Driveways serving individual lots generally shall comply with the Vermont Agency of Transportation's *Standard B-71* for residential and commercial driveways, as most recently amended. In addition:

1. Driveways shall be accessible by emergency service vehicles and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed 15% average grade within any 50-foot segment. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required.
2. Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts to natural, cultural and scenic features.
3. The use of common or shared driveways is encouraged and may be required to in order to minimize the number of access points in accordance with Subsection I.

K. Pedestrian Access. The DRB may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. The DRB may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the Final Plat.

L. Modification of Road Standards. In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the DRB may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.

M. Legal Requirements

1. Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under this bylaw, regardless of whether the proposed right-of way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly

documented.

2. Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the DRB and filed in the Marlboro Land Records.

Section 3.8 Water Supply & Wastewater Disposal

All regulations under Section 3.8 are Rules and Design Guidance provided by the Vermont Agency of Natural Resources, Environmental Protection Rule Chapter 1, Subchapter 3 Wastewater System and Potable Water Supply Rules: Effective November 6, 2023. State regulations under this Section should be reviewed as the Rule for Marlboro.

Section 3.9 Utilities

A. Required Utilities. The following public utility improvements shall be installed:

1. Fire Protection: Hydrants and water supply to be of size, type, and location approved by the DRB in consultation with the Marlboro Volunteer Fire Company.

2. Outdoor Lights. Outdoor lighting will be attached to the household or other buildings on the lot and will be designed and positioned to not direct light to other lots or neighbors. Outdoor lighting will be set on a time on-off system with a limit of 4 hours after dawn or a motion detection on-for-five minutes then off system. Streetlights: Poles, brackets, and lights to be of size, type, and location approved by the DRB and the local power company.

3. Electricity: Poles and power lines to be approved by the local power company.

B. Location. All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

1. All utilities systems, including but not limited to electric, gas, telephone, internet fiber, and cable television, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the DRB.

2. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

3. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

C. Easements. Easements of sufficient width shall be provided so as to serve both the proposed subdivision and anticipate development outside the subdivision. Where conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right of way, easements shall be provided centered on the rear or side lot lines with access to the street. Such easements shall be shown on the final plat.

Section 3.10 Standards for Major Subdivisions

A. Lot Yield The maximum number of lots permitted in a major subdivision shall be determined at the preapplication meeting with the Zoning Administrator and confirmed by the Development Review Board. Calculate it by dividing the developable area by the minimum lot size required in the underlying zoning district, rounding down to the nearest whole number.

(1) Developable Area. Any land with one or more of the physical features listed below will be subtracted from the total area within the subdivision to calculate the developable area. The subdivider shall provide qualified professionals to produce a topographic survey or wetland delineation to identify the following areas in order to determine the lot yield.

(a) Surface waters (ex. lakes, ponds, streams).

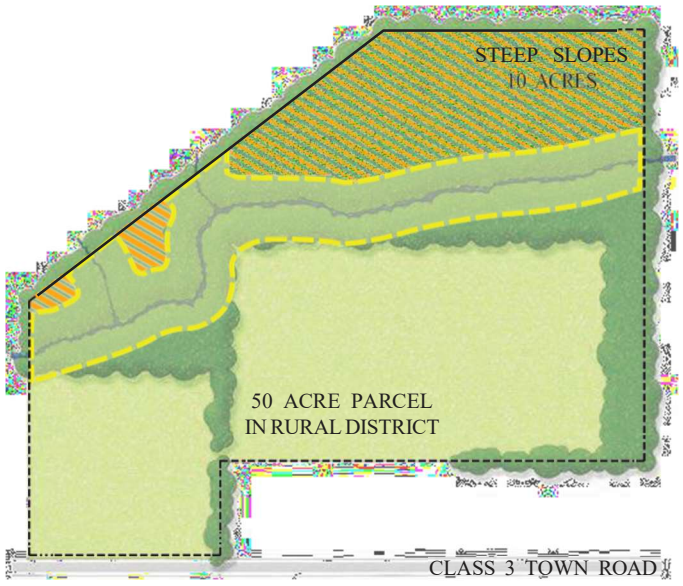
(b) Wetlands and required buffers.

(c) Riparian setbacks

(d) Slopes of 25% or more that comprise an area of 5,000 square feet or more.

(2) Remaining Yield. If any lot within the subdivision (including the parent parcel) is intended to have the potential for re-subdivision, its remaining lot yield or development rights must be notated on the plat.

Lot Yield Example Calculation



total Subdivision area	50 acres
Area within riparian setback	*10 acres*
Area with slopes of 25% or more	*10 acres*
Area to be Subtracted	10 + 10 = 20 acres
Developable Area	50 - 20 = 30 acres
Density Factor	2
lot Yield	30 ÷ 2 = 15

B. Site Analysis

The application shall include one or more maps analyzing site features to identify areas suitable for development, unique features to incorporate into the design, and sensitive resources to protect. The maps shall show:

(1) Areas of unbuildable land including, but not limited to, wetlands, surface waters, steep slopes and easements.

(2) Flood and Fluvial Erosion Hazard Overlays.
(3) Shoreland and Surface Water Buffer Overlays
(4) Wildlife Habitat Overlays
(5) Existing roads, utility corridors and easements.
(6) Productive agricultural land, fields and meadows.
(7) Wooded areas, tree lines and hedgerows.
(8) Known plant or animal habitats, including those that may be unique, rare or endangered, and wildlife travel corridors.
(9) Trails in public use (with or without legal easements).

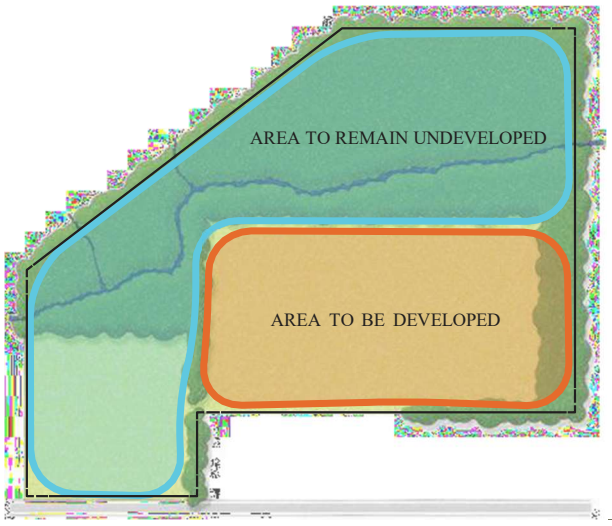
C. Subdivision Design Generally.

The subdivision layout shall be based on the site analysis and follow this sequence:

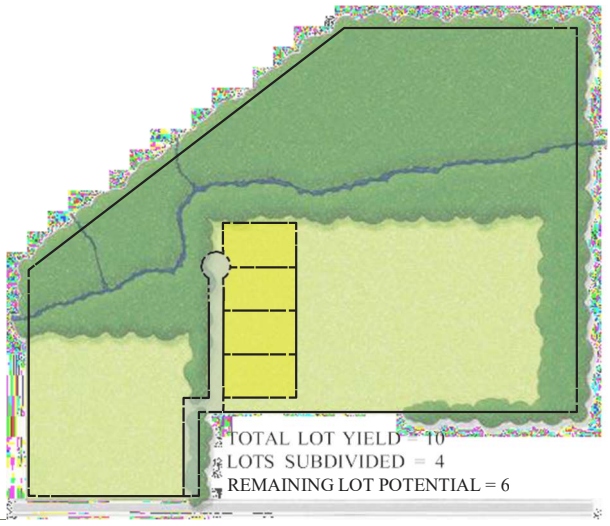
(1) Identify the areas to be developed and the areas to remain undisturbed.
(2) Locate roads, infrastructure, utilities, and access.
(3) Draw lot lines.

D. Conservation Subdivision

A major subdivision may be designed as a Conservation Subdivision in accordance with Section 3.12. A major subdivision of a parcel 50 acres or larger shall be designed as a Conservation Subdivision in accordance with Section 3.12.



Based on the site analysis, select areas most suitable for development and areas with resources to be preserved.



Locate the access to the area(s) to be developed
Identify suitable locations for needed infrastructure (wells, septic, electric, etc). Establish development envelopes and lot lines.

Section 3.11 Conservation Subdivision

A. Purpose. The purpose of conservation subdivisions is to allow flexible site design for residential subdivisions while preserving natural resources, open space, and the scenic and natural features that define the town's landscape.

B Applicability. Conservation subdivisions are permitted in all zoning districts. Major subdivisions of parcels 50 acres or larger shall be designed as conservation subdivisions.

C. Density. The maximum number of lots or dwelling units in a conservation subdivision shall not exceed the lot yield calculated under Section 3.10.A (based on developable area and underlying district minimum lot size).

D. Dimensional Standards

1. Internal lot area, setbacks, yards, and building standards of the underlying zoning district shall not apply.
2. The subdivision shall meet all applicable perimeter dimensional standards of the underlying district.
3. Total lot coverage for the subdivision shall not exceed the maximum allowed in the underlying district.
4. Development shall comply with all riparian setbacks and resource protection standards in Chapter 330.

E. Use. Residential uses and accessory buildings are permitted. Nonresidential principal uses are prohibited, except for agricultural enterprises and community buildings serving subdivision residents.

F. Conservation Areas.

At least 50% of the total subdivision area shall be designated as permanent conservation area, protected by a conservation easement held by the State, a qualified land trust, or conservancy. The easement shall prohibit further subdivision and development, except as allowed below, and include provisions to protect identified resources.

(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 (25% 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 <25%);
(d) Woodlands that are part of a contiguous forest block at least 50 acres in size; and

(3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.

(4) Allowed Activities in Conservation Areas:

a. Streets and above-ground utilities may cross conservation areas only if the Development Review Board finds no reasonable alternative exists, with disturbance minimized.

b. Underground utilities (including shared septic systems) may be allowed if the Development Review Board finds no adverse impact to protected resources.
c. Community gardens, trails, and passive recreation amenities consistent with the approved plan. d. Accepted agricultural practices and farm structures, consistent with easement terms.

G. Development Areas

No more than 50% of the total subdivision area may be used for residential lots, structures, and associated improvements.
1. Development shall be clustered in one or more groups of 3–12 lots or units, separated by conservation areas.
2. At least 50% of lots or units shall abut a conservation area.
3. Impervious surfaces for access and parking shall be minimized (e.g., shared driveways, narrow roads, proximity to existing streets).

H. Community Buildings

One or more community buildings (e.g., for recreation, dining, daycare, or storage) may be included if commonly owned by subdivision residents.
Application Requirements In addition to other subdivision requirements:
1. An existing conditions map showing primary and secondary conservation resources and proposed conservation area boundaries (over an aerial photo base).
2. A context map showing the property and lands within 1,500 feet, including conservation resources and adjacent conserved lands (over an aerial photo base).

Article IV. Administration and Enforcement

Section 4.1 Administration

A. These regulations shall be administered by the Marlboro Development Review Board, as authorized by the Act. The Application Process shall be overseen by the Zoning Administrator.

B. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act for each offense; and each day that a violation continues shall constitute a separate offense.

C. Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act; and each lot, parcel, or unit so sold, transferred, or agreed to be sold or transferred shall be deemed a separate violation.

D. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations or these regulations or prosecute violators thereof except as provided below.

Section 4.2 Fees

A. Application fees for minor subdivision approval, major subdivision preliminary approval, or major subdivision final approval shall be established by the Selectboard. Such fees(s) shall include the costs for publishing hearing notices, and conducting public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements.

B. Should the DRB deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.
C. Current fee schedule is available as a document in the Town Office.

Section 4.3 Hearing Notice Requirements

A. All public hearings required under these regulations shall be warned in accordance with the Act.

B. Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place, and purpose of the hearing in a newspaper of general publication, and by the posting of the same information in one or more public places within the town.

C. A copy of such notice shall be sent at least fifteen days prior to the public hearing to the Clerk of the adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

D. The Zoning Administrator shall notify abutters and owners of property within 500 feet of the parcel to be subdivided, by written notice, hand delivered or sent via US Mail, at least 15 days prior to any public hearing scheduled in accordance with the Subdivision Flow Chart (page 6). Such notice shall include a general description of the proposed subdivision, including the number of new lots to be created, and any other information deemed relevant by the DRB and/or Zoning Administrator.

E. A public hearing may be recessed and continued to a specific time, date and place within 60 days by the DRB, or if requested by the applicant and approved by the DRB. For purposes of public notice, the continuation of the public hearing shall not be required to be re-warned in accordance with 4.3(A)(B)(C)(D)(E). If for any reason the hearing is not continued at the announced time, date, and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with 4.3(A)(B)(C)(D)(E).

Section 4.4 Enforcement and Penalties

A. The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act.

B. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act for each offense; and each day that a violation continues shall constitute a separate offense.

C. Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

D. The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act. Nothing in this section shall prevent any action, injunction, or other legal or equitable remedy provided in the Act as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

Section 4.5 Appeals

A. Pursuant to the Act, an Interested Person who has participated in a DRB Hearing to consider an application for subdivision review held in accordance with Section 2 may appeal a decision rendered by the Board to the Vermont Environmental Court. Such an appeal must be filed within 30 days of the decision. "Participation" in a hearing of the DRB shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

B. A notice of appeal shall be filed by certified mailing, with fees, to the Environment Court and by mailing a copy to both the Town Clerk, and the Zoning Administrator if so designated, who shall supply a list of Interested Persons see definitions (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every Interested Person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 4.6 Town Recording Requirements

In accordance with the Act, within 30 days after the issuance of a municipal land use permit, including subdivision approval, or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. §1154, and file a copy in the offices in a location where all municipal land use permits shall be kept. The applicant may be charged recording fees as allowed by law.

Article V. Definitions

Section 5.1 Interpretations

Unless otherwise defined herein, the definitions contained in the Act and the Marlboro Zoning Bylaw shall apply to these regulations.

A. Words, phrases, and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

B. Any interpretation or clarification of words, phrases, or terms contained herein by the DRB or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 5.2 Definitions

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Building envelope: A specific area delineated on a lot within which all structures are to be located.

Boundary Line Adjustment: A minor realignment that does not substantially change the nature of any previous subdivision, does not create a new lot, will not adversely impact access to any parcel or any natural resource, will not result in fragmentation of agricultural land or result in development of a parcel that has been designated as open space or create a nonconforming lot.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas.

Community Sewage Disposal system: Any wastewater disposal system other than a municipal sewage system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Conservation Subdivision: A conservation subdivision is a residential development design that clusters homes on smaller lots to permanently protect a significant portion of the site's land as open space, prioritizing environmental, scenic, or agricultural resources. It maintains overall development density while preserving natural, historical, or agricultural features.

Driveway: See Section 3.7.K

Development envelope: Area delineated within which all development activities will take place.

Final Plat: The final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be filed for record with the Town Clerk.

Interested Person: An interested person, defined in the Act as having the right to appeal a decision of the DRB to the Vermont Environmental Court, includes the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
4. Any 20 persons who may be any combination of voters, residents, or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.
5. Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

Lot: A parcel of land occupied or intended to be occupied by only one principal use, and accessory structures or uses customarily incidental to the principal use (unless otherwise approved as part of mixed use or Planned Unit Development). A lot shall have sufficient size to meet the zoning requirements for use, area, setbacks, density, and coverage, and to provide such yards, and other open areas as herein required. Such lot shall have frontage on a maintained public road or other legal access as approved by the DRB. For the purposes of these regulations, Town Road rights-of-way shall not be considered lot boundaries unless approved as such by the DRB.

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Person: Any individual, partnership, corporation association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Primary Agricultural Soils: Soil types designated as "prime" or "statewide" by the United States Natural Resource Conservation Service.

Re-subdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

Road: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicle traffic and serving three or more lots.

Subdivider: Any person, firm, corporation, partnership or association or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, including all lots created from a single parcel within the past five (5) years, for the purpose of conveyance, transfer of ownership, improvement, building, development or sale. The term subdivision includes re-subdivision.

Town Plan: The Marlboro Town Plan as most recently adopted.

Wetlands: To include all wetlands identified on Vermont Wetland Inventory (VWI) maps, wetland areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/or Class 3 wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.

6.1 SIGNATURE PAGE:

Adopted on the 10th day of December 2026 by the Marlboro Select Board:

_____
Molly Welch – Chair

_____
Jeff Skramstad – Vice Chair

_____
Kate Kirkwood - Member

Petition Period: 12/11-12/30/26

Effective Date: 12/31/26