

TOWN OF MARLBORO  
Development Review Board

Planned Unit Development Review  
Findings and Decision

Re: Marlboro Music Festival PUD  
Permit Application #12-17  
16 April 2013

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application submitted by Philip Maneval, Manager of the Marlboro Music Festival, for a Planned Unit Development of five residential cottages on 15.2 acres of land obtained from Marlboro College, for approval under the Town of Marlboro Zoning Regulations, Revised March 2007.
2. The original application (on an incorrect form) was received by the Zoning Administrator on 30 July 2012. The correct completed application form was received by the ZA on 13 August 2012.
3. On 21 August 2012 at a public hearing the Development Review Board considered the site plan. The DRB reviewed the site plan under the Town of Marlboro Zoning Regulations, Revised March 2007, Article V – Planned Unit Development and Design Control Districts.
4. On 27 March 2013 notice of public hearing for a Planned Unit Development Review was posted at the Marlboro Town Office, Marlboro Town website and Sweeties Store on Rt. 9, Marlboro, Vermont
5. On 28 March notice of public hearing was mailed to Philip Maneval, Manager of the Marlboro Music Festival and Martin Risley, Project Manager, Clough Harbour & Associates LL.P
6. On 29 March 2013 notice of public hearing was mailed by Martin L. Risley to the following owners of properties adjoining the property subject to the application:
  - Brian & Johanna Stavely, PO Box 486, Marlboro VT 05344
  - Walter E. Cramer II, PO Box 354, Marlboro VT 05344
  - Marrin H. Robinson, PO Box 6, Marlboro VT 05344
  - Adelbert Ames III, 84 Jenks Road, Brattleboro VT 05301
  - Nels & Luanne Kloster, PO Box 404, Marlboro 05344
  - Corporation of Marlboro College, PO Box A, Marlboro VT 05344
7. On 30 March 2013 notice of public hearing for final plan review was published in the *Brattleboro Reformer*.

8. The application and site plans were considered by the Development Review Board at a public hearing on 16 April 2013 under the Town of Marlboro Zoning Regulations as revised March 2007.

9. Present at the hearing were the following members of the Development Review Board:

- Jean H. Boardman . Acting Chairman
- ,Julia von Ranson, as acting Clerk
- Anthony Gordon
- Brent Seabrook
- Matthew Tell, Alternate, Planning Commission
- Mary Sargent, Zoning Administrator, ex officio member

10. At the outset of the hearing the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as interested persons, and a record of their participation at the hearing is recorded:

- Philip Maneval, applicant, Marlboro Music, Inc., 1528 Walnut Street #301, Philadelphia PA 19102
- Martin L. Risley, Senior Civil Engineer, Clough Harbour & Associates LLP, 11 King Court, Keene NH 03431
- Craig Miskovich, 97 Highland Street, Brattleboro VT 05301, Counsel for Applicant
- Dan Cotter, Marlboro College, PO Box A, Marlboro VT 05344, agent for abutter
- Lucy Gratwick, PO Box 5, Marlboro VT 05344
- Malcolm Wright, PO Box 87, Marlboro VT 05344
- Patti Smith, 630 Moss Hollow Road, Marlboro VT 05344

11. During the course of the hearing the following exhibits were submitted to the Development Review Board, in addition to those submitted on 21 August 2012 at the preliminary Site Plan Review hearing {see Summary of Site Plan review dated 27 March 2013}:

- Copy of 1 March 2013 permit number: WW-2-0843-8 Wastewater System and Potable Water Supply Permit by David K Mears, Commissioner, Department of Environmental Conservation, from Delores Kuhn, Assistant Regional Engineer.
- Copy of 7 March 2013 letter from L. Christopher Campany, Executive Director, Windham Regional Commission, waiving WRC Project Review.
- Copy of 13 March 2013 Application #2W0245 - 17, Hearing Recess Order, 10 V.S.A.§§ 6—1-6092 (Act 250) pending submittal of additional information.

The Commission requests review of the project by the Marlboro Fire Chief, from Michael Bernhardt, Chair in this matter, District #2 Environmental Commission, Natural Resources Board.

- Copy of Entry of Appearance notice from the Agency of Natural Resources regarding Criterion 1G – Wetlands from Jennifer Mojo, Regulatory Planning Analyst.
- Copy of 28 and 29 March 2013 emails between Martin Risley and David Elliott, Marlboro Fire Chief, regarding project plans and length of PUD access road.
- Copy of 29 March 2013 email from Susan Fay for Martin L Risley, P.E. Clough Harbour & Associates LLP, including Abuters Notification of public hearing and copies of postal certificates of mailing.
- Exhibits from 21 August 2012 Site Plan Hearing including:
  - 30 July 2012 letter from Martin Risley, P.E. CHA, accompanying six copies of an application and two copies of the drainage report for Marlboro Music Planned Unit Development. This letter included a request for waivers of the Town's subdivision regulations:
    - Request that access road be permitted to be a total of 1100 feet long to improve existing access road to south boundary of development and to include a turning area suitable for Town's emergency vehicles.
    - Request the DRB review the project prior to submission of the septic system and water supply plans and receipt of a water/wastewater permit from State of Vermont, conditional upon receipt of said permit.
    - Request that the project be reviewed prior to receipt of the act 250 Land use Permit, and approved conditional on receipt and submission of a copy of that permit.
- HGA Architecture copy of preliminary parcel plan indicating wetland setback line, wetland demarcation line, stonewalls, existing paths contour lines and proposed setback and property lines.
- HGA Architecture copy of Primary cottage orientation on site plan contour map.
- HGA copies of CHA cottage layout plan indicating gravel road, parking, sidewalks, wetland buffer zone and area clearing.
- Map of Marlboro College campus indicating proposed project site.
- Full set of CHA engineering plans including:
  - General notes and legend
  - Existing conditions
  - Layout plan
  - Roadway plan and profile
  - Overall grading and drainage plan
  - Detailed grading and drainage plan
  - Erosion and sediment control plan
  - Site utility plan
  - Landscape plan
  - Details plan for gravel road and silt fence

These exhibits are available at the Marlboro Town Office.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a permit for a Planned Unit Development. The subject property is a 15.2 acre parcel located Moss Hollow Road in the Town of Marlboro, tax map parcel # 11-01-49.
2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office and in Article V of the Marlboro Zoning Regulations.
3. Planned Unit Development approval is requested for the project pursuant to review under the following sections of the Town of Marlboro Zoning Regulations:
  - Section 500 – *Planed Unit Development*  
In accordance with the Act, and where permitted by the zoning district the modification of Zoning district regulations by the Development Review Board is permitted with a Site Plan Review under the following procedures.
  - Section 501 – *Purpose*  
The project proposes the constriction of a planned unit development by the Marlboro School of Music, Inc. on 15.2 acres of land on the south side of Moss Hollow Road west of the lands of Marlboro College. The proposed project consists of five cottages: three two-bedroom units, one three-bedroom unit and one four-bedroom unit. These cottages will be owned by the Marlboro School of Music and will house participants in the Marlboro Music Festival held at Marlboro College during July and August each year. Marlboro College may lease these cottages for use as student housing during the remainder of the year.
  - Section 504 – *Permitted uses*  
Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed
  - Section 505 – *Application and Review Procedures*  
A site plan was submitted 21 August 2013 showing location, height and spacing of buildings, open spaces, streets, driveways and parking spaces, water and sewage facilities, proposed grading and drainage, fire protection and natural and manmade features, and physical conditions of the site. The application did not apply for any conditional uses .
  - Section 506 - *General and Specific Standards*
    - The PUD is consistent with the Town Plan
    - The cottages will be arranged so as to be compatible and assure visual and aural privacy for residents of the project
    - The overall density of the project does not exceed the number of dwelling units which could be constructed on the 15.2 acre lot.

- The PUD plan makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, forested areas and unique natural and manmade features.
- Area Dimensional & Coverage Requirements  
The average acreage minimum, as set for the in Section 315, is 3 acres for the 5 units proposed on the 15.2acre lot. Front yards, rear yards and side yards are designed so that no residential unit is closer the 50 feet to any other residential unit and no cottage is closer than 50 feet to any boundary line of the district.
- Section 508 – *District Regulations' Waivers*  
The request for a waiver regarding the 900 foot length restriction of the private access road to allow the road an additional 200 feet to a total of 1100 feet was received. Act 250 request for review and approval by the Marlboro Fire Chief, David Elliott, was received and presented by Martin Risley of CHA.

#### DECISION AND CONDITIONS

Based upon these findings and subject to the conditions set forth below, the Development Review Board grants the application for the construction of a Planned United Development by the Marlboro Music School, Inc. of five residential cottages on 15.2 acres on south side of Moss Hollow Road abutting land of Marlboro College.

The Development Review Board approves the application subject to the following conditions:

1. A Vermont State Act 250 approval permit for the PUD is granted and a copy received by the Marlboro Zoning Administrator.
2. A STOP sign be erected at the exit of the PUD private street as a safety feature for automobiles exiting on to Moss Hollow Road.

The access street shown on the plans is deemed to be a private street until it has been formally accepted by the municipality as a public street by ordinance or resolution of the Marlboro Select Board.

Dated at Marlboro Vermont, this 22 day of April 2013



Jean H. Boardman, Acting Chairman, DRB

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings

MARLBORO, VERMONT  
Received and Recorded

APR 22 2013

Signed:   
Town Clerk