

TOWN OF MARLBORO
Development Review Board

Application for a variance

Permit Application No. 13-02

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application from Nate Harvey and Keely Eastley, 1021 North Pond Road, Marlboro VT, for a variance to construct a fence of cedar posts and cross beams and 2" wire, plus locust posts and deer wire, a total of eight feet high. The fence will surround the garden and small orchard and include four gates. In addition there will be two trellises.
2. The application was received by the Zoning Administrator on 16 January 2013. A copy of the application is available at the Marlboro Town Office.
3. On 30 January 2013, notice of a public hearing was presented in the *Brattleboro Reformer*.
4. On 30 January 2013, notice of a public hearing was posted at the following places:
 - a. Marlboro Town Office
 - b. Marlboro Town web site
 - c. Sweeties' General Store
5. On 30 January 2013, a copy of the notice of a public hearing was mailed to the applicant. On 30 January 2013 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Anthony & Jane Stepanski, 12 Kimball Circle, Westfield NJ 07090
 - Seth Tudor, PO Box 247, Marlboro VT 05344
 - William F. Carlisle, PO Box 244, Marathon TX 79842
 - Clarence A & Barbara L Cook, Box L, Marlboro VT 05344
6. The application was considered by the Development Review Board of the Town of Marlboro at a public hearing on 19 February 2013. The Development Review Board reviewed the application under the Town of Marlboro Zoning Regulations, as amended March 2007.
7. Present at the hearing were the following members of the Development Review Board:
 - T. Hunter Wilson, Chairman
 - Jean Boardman, Clerk
 - Brent Seabrook

- Gail MacArthur
- Mary Sargent, ex officio member, Zoning Officer

8. 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. The following persons sought interested party status:

- Nate Harvey, applicant

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- Listers' Property Information map indicating abutting lots with contours and names of owners.
- Listers' Property Information map indicating abutters tax lot numbers.
- Hand drawn map indicating the proposed fence location on the property.

FINDINGS

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

1. The applicant seeks a variance to construct a fence to keep deer and other animals out of garden & small orchard. Near the house the fence will be of cedar posts and cross-beams and 2" wire. The rest of the fence to be of locust posts and deer wire. The fence will be six feet high with additional wire extending it to a total of eight feet high. Additionally, adding two trellises, one seven feet high and the other eight feet high. The fence will include four gates, two near the house, three feet and five wide, one ten feet wide by the orchard and one twenty feet wide to allow vehicles to access the shed.

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 Article III, Section 305 of the Zoning Regulations.

3. On the south side, along the right-of-way to the Carlisle property, the fence will come within 22 feet of the Cook abutting property. The fence requires a variance as a structure under 24 V.S.A. § 4469.

4. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board grants the application for a variance to construct a deer fence as drawn on Application #13-02.

Dated at Marlboro Vermont this 30th day of March 2013.

Jean H. Boardman
Clerk, 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 10 2013

Signed: 
Town Clerk