

TOWN OF MARLBORO
Development Review Board
Application for Conditional Use Review

Findings and Decision for Permit Application No. 15-17.2 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Dan & Gail MacArthur for the designation of a family burial plot spanning the lot of the applicant and the lot of John & Margaret MacArthur Trust, tax map #08-02-26.1, under the Town of Marlboro Zoning Bylaws.
2. The application was received by Mary Sargent, Zoning Administrator on July 15, 2015. A copy of the application is available at Marlboro Town Office.
3. On August 5, 2015, notice of a public hearing was published in the Brattleboro Reformer.
4. On August 3, 2015, notice of a public hearing was posted at the following places:
 - Marlboro Post Office Bulletin Board
 - Marlboro Town Office Bulletin Board
 - Marlboro Town Web Site
5. On August 3, 2015, a copy of the notice of a public hearing was mailed to the applicant. On August 3, 2015, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the properties subject to the application
 - John & Margaret MacArthur Trust, PO Box 15, Marlboro, VT
 - Malcolm & Marjorie Wright, PO Box 87, Marlboro, VT
 - Mark & Megan Littlehales, PO Box 148, Marlboro, VT
6. The application was considered by the Development Review Board at a public hearing on August 18, 2015 at 7:20 pm and was presented in conjunction with application 15-17.1 CU, applicant: John & Margaret MacArthur Trust. Dan MacArthur presented both applications.
7. Present at the hearing were the following members of the Development Review Board
 - Jean Boardman, Acting Chairman
 - Brent Seabrook
 - Tony Gordon
 - Patti Smith, Alternate
 - Mary Sargent, Zoning Administrator

- Julia von Ranson, DRB Administrative Assistant

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 at the August 18, 2015 hearing:

- Dan MacArthur

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

- Hand drawn map of the lands of Dan & Gail MacArthur and John & Margaret MacArthur Trust showing the existing family burial plot spanning the boundary line of both parcels.
- Letter from Dan & Gail MacArthur & MacArthur Family Trust, regarding burial plots, dated August 18, 2015.
- Letter signed by Dan MacArthur, Megan Littlehales, Gary MacArthur and John MacArthur, regarding Conditional Use application for a family burial plot, dated July 12, 2015.
- Vermont Statute 5302 Definition of a cemetery.

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

1. The applicant seeks a conditional use permit to establish a family burial plot spanning their land and an abutting property owned by John and Margaret MacArthur Trust. The subject property is a 10.1 acre parcel located at 770 MacArthur Road in the Town of Marlboro (tax map parcel no. 08-02-26.2).
2. The property is located in the Rural Residential District as described on the Town of Marlboro. The parcel is a 10.1 acre parcel located at 770 MacArthur Road in tax map block 8 section 2.
3. Conditional use approval is requested for a cemetery, as that term is defined in section 305 of the Zoning Bylaw.

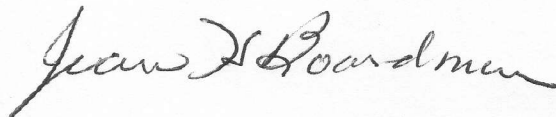
DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for a family burial plot.

As conditioned, the proposed development meets the requirements of Sections 305 of the Zoning Bylaw.

1. The application will not have an undue adverse impact the capacity of existing or planned community facilities.
2. The application will not have an undue adverse effect on the character of the area affected.
3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The application will not have an undue adverse effect on utilization of renewable energy resources.
6. The application will satisfy the requirements of the bylaw with respect to: minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria and any other criteria required by the bylaw. The Development Review Board approves the application.
7. The designated burial plot area meets the Vermont State Health law requirements regarding distance from location of all surface waters, including but not limited to streams, lakes and wetlands.

Dated at Marlboro, Vermont, this 2 day of September, 2015.



Jean Boardman, Acting Chairman

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.

cc: Mary Sargent Zoning Administrator