

TOWN OF MARLBORO
Development Review Board

Application for Waiver of Setback
Findings and Decision

Permit Application #18-09 W

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an application for a Waiver of setback submitted by Mark and Megan Littlehales, PO Box 148, Marlboro, VT 05344; Location: 1174 MacArthur Road, Marlboro, VT; Tax Map Number 08-02-27; Proposal: Waiver of setback; Construct two-bay garage with storage shed, within setback from MacArthur Road.
2. The application was received by Mary Sargent, Zoning Administrator, on May 10, 2018. It was accepted as complete on June 5, 2018. A copy of the application is available at the Marlboro Town Office.
3. On June 5, 2018, notice of a public hearing was published in the *Brattleboro Reformer*.
4. On June 4, 2018, notice of a public hearing was posted at the following places:
 - Marlboro Town Clerk's Office
 - Bulletin Board outside the Marlboro Town Clerk's Office
 - Marlboro Town Website, marlborovt.us
5. On June 5, 2018, a copy of the notice of a public hearing was mailed to the applicants. On June 5, 2018, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - John and Margaret MacArthur Trust, PO Box 30, Marlboro, VT 05344
 - Brian Potter & Jamie Schilling, PO Box K, Marlboro, VT 05344
 - Jacob & Megan Smith, PO Box 121, Marlboro, VT 05344

6. The application was considered by the Development Review Board at a public hearing on June 19, 2018. The Development Review Board reviewed the application under the Town of Marlboro Zoning Bylaw, as amended March 2018.

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

- Steven John, Chairman
- Jean Boardman, Clerk
- Brent Seabrook
- John Nevins
- 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 party 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:

- No interested parties attended

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

- Permit Application, signed and dated May 7, 2018
- Site plan (not to scale), dated 6/17
- Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on May 31, 2018
- Town of Marlboro CTI Map, showing Bing Imagery (aerial view of existing development of the parcel), printed on May 31, 2018
- List of abutters to Mark and Megan Littlehales property (Tax Map # 08-02-27), printed on June 4, 2018

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 applicants seek a Waiver of setback to construct a two-bay garage with storage shed, within the setback from MacArthur Road.
2. The subject property is a 21.15 acre parcel located at 1174 MacArthur Road in the Town of Marlboro; Tax map number 08-02-27. The property is more fully described in a Deed recorded at Book 37, Page 180, of the Town of Marlboro Land Records.
3. 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 Section 305 of the Marlboro Zoning Bylaw.
4. The following Waiver of setback is sought by the applicant: to construct a two-bay garage with storage shed, within the setback from MacArthur Road.
5. The Waiver request requires review under the following section of the Zoning Bylaw: Section 305 - Rural Residential, Area, Dimensional and Coverage Requirements, Front Yard Minimum: 30 feet (from highway right-of-way).
6. The Waiver requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the Act.
7. The proposed development will not be detrimental to the public health and welfare, including the safety and maintenance of the Town's highways, traffic patterns, and circulation.
8. The Waiver requested is for an Accessory Use (garage with storage shed) permitted within the Rural Residential District as by right, and the proposed development will still conform to the purpose of the district.
9. Granting of a Waiver will have no undue adverse effect on the immediate area affected, and on the Town in general.

10. The proposed development does not alter the essential character of the neighborhood in which the property is located; it is compatible in scale and design of structures with the overall existing development pattern of the surrounding area.
11. The proposed development does not adversely impact the use, enjoyment, or development of adjacent property.
12. The proposed development does not reduce the dimensional requirements by more than the minimum amount necessary.
13. Meeting the dimensional requirements will create an undue hardship on the applicants.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the Waiver of setback to construct a two-bay garage with storage shed, within the setback from MacArthur Road.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 26th day of June, 2018.

Steven John, Chairman
Marlboro Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) 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.