

Application for Conditional Use Review
TOWN OF MARLBORO
Development Review Board

Application for Conditional Use Review Findings and Decision

Application # 15-27 CH

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Emilie Poulin under the Town of Marlboro Zoning Bylaw.
2. The application was received by Mary Sargent, Zoning Administrator on April 27, 2015. A copy of the application is available at the Marlboro Town Office.
3. On October 31, 2015, a notice of a public hearing was published in the Brattleboro Reformer.
4. On November 2, 2015, notice of a public hearing was posted at the following places:
 - The Marlboro Town Clerk's Office
 - Bulletin Board outside the Marlboro Town Clerk's Office
 - Marlboro Town Web Site
5. On November 2, 2015, a copy of the notice of a public hearing was mailed to the applicant. On November 2, 2015, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Timothy Segar & Cathy Osman, PO Box 441, Marlboro, VT 05344
 - Brian & Suzanne Whitehouse, PO Box 346, Marlboro, VT 05344
 - Windham & Windsor Housing Trust, Inc, 68 Birge St, Brattleboro, VT 05301
6. The application was considered by the Development Review Board under the Town of Marlboro Zoning Bylaws, as amended March 2005, at a public hearing on November 17, 2015.
7. Present at the hearing were the following members of the Development Review Board
 - T. Hunter Wilson, Chair
 - Jean Boardman
 - Brent Seabrook
 - Gail MacArthur
 - Mary Sargent, Zoning Administrator
 - Julia von Ranson, Development Review Board 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 to do so.

- Emilie Poulin, PO Box 429, Marlboro, VT 05344
- Joshua Burns, PO Box 441, Marlboro, VT 05344

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

- Conditional Use permit application, dated April 22, 2015
- Town of Marlboro CTI ortho map showing parcel lines, building locations, road centerlines and streams and ponds, dated October 28, 2015.
- Hand drawn sketch overlaid on a Town of Marlboro CPI map showing tax map numbers, dated June 3, 2015.
- Amended hand drawn sketch overlaid on a Town of Marlboro CPI map showing tax map numbers, dated October 15, 2015.
- Handwritten Building Plan, undated.
- Email and mail correspondence with State of Vermont Department of Environmental Conservation, dated April 22, 2015, October 2, 2015 and October 20, 2015.

These exhibits are available at: Marlboro Town Office.

FINDINGS

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

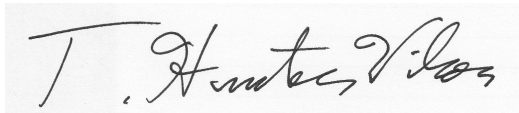
1. The applicant seeks a conditional use permit to construct a yurt and shed on the property of Josh Burns and Bonnie Holmes. The subject property is a 6.3 acre parcel located at 2641 Ames Hill Road in the Town of Marlboro, tax map parcel no. 11-02-05.2. The property is more fully described in a Deed and recorded at Book 58, Page 429, of the Town of Marlboro Land Records.
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 section 305 of the Zoning Bylaw.
3. Conditional use approval is requested for the project as a secondary dwelling as that term is defined in section 305 of the Zoning Bylaw. The application requires review under the following sections of the Town of 305 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 construction of a yurt and shed at 2691 Ames Hill Road.

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, as defined by Section 305 of the Town of Marlboro Zoning Bylaw.
3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. 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/any other criteria required by the bylaw.

Dated at Marlboro, Vermont, this 23rd day of November, 2015.

A handwritten signature in black ink, reading "T. Hunter Wilson". The signature is written in a cursive style and is centered within a light gray rectangular box.

T. Hunter Wilson, Chair

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.