

Application for Conditional Use Review
TOWN OF MARLBORO
Development Review Board

Application for Amended Site Plan Findings and Decision

Application #16-22

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Peter Paggi and Ashley Nadeau, 2472 Fort Bridgeman, Vernon, VT 05354, under the Town of Marlboro Zoning Bylaw.
2. The application was received by Mary Sargent, Zoning Administrator on October 19, 2016. A copy of the application is available at the Marlboro Town Office.
3. On November 1, 2016, a notice of a public hearing was published in the Brattleboro Reformer.
4. On November 1, 2016, 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 1, 2016, a copy of the notice of a public hearing was mailed to the applicant. On November 1, 2016, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - CS Wurzberger, PO Box 343, Marlboro, VT 05344
 - Charles L.P. Jr Trust, PO Box 335, Marlboro, VT 05344
 - David Ward, PO Box 781, Brattleboro, VT 05302
 - Hutson Bell Revocable Trust, 47 Grange Ave, Little Crompton, RI 02837
 - Catherine Hamilton, PO Box 324, Marlboro, VT 05344
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 15, 2016.
7. Present at the hearing were the following members of the Development Review Board
 - T. Hunter Wilson, Chair
 - Tony Gordon
 - Brent Seabrook
 - Gail MacArthur
 - Steven John, Alternate

- 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.

- Ashley Nadeau, 2472 Fort Bridgeman Rd, Vernon, VT 05354

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

- Amended site plan application, dated October 19, 2016
- New site plan, hand drawn, undated
- General Topographical Plan of Subdivision for Bell/Hutson Trust, dated March 4, 2011
- Development Review Board decision letter for original subdivision, application 11-14 LD, dated March 6, 2012
- Wastewater Permit, dated July 5, 2016

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 an approved amendment for a previously permitted subdivision and site plan to construct a single family dwelling. The subject property is a 12.6 acre parcel located at 371 Cow Path 40 in the Town of Marlboro, tax map parcel no. 12-00-30-12. The property is more fully described in a Deed and recorded at Book 59, Page 766, 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.

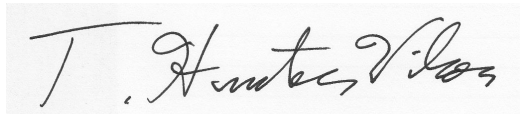
DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for an amended site plan for the construction of a single family home at 371 Cow Path 40.

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 16th day of November, 2016.

A handwritten signature in black ink, reading "T. Hunter Wilson", is centered on a light gray rectangular background.

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.