

TOWN OF MARLBORO  
Development Review Board

Application for Conditional Use

Permit Application No. 17-13 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding, under the Town of Marlboro Zoning Bylaw, involves review of application 17-13 CU for conditional use to convert an existing woodworking shop to a hard cider facility with underground wastewater storage tanks; submitted by Whetstone Cider Works (Jason and Lauren MacArthur), PO Box 512, Marlboro, VT 05344; location 921 MacArthur Rd, Marlboro, VT 05344; tax map number 08-02-20.3. The owners of this property are Dan and Gail MacArthur, PO Box 30, Marlboro, VT 05344.
2. The application was received by Mary Sargent, Zoning Administrator on May 22, 2017. A copy of the application is available at the Marlboro Town Office.
3. On July 6, 2017, notice of a public hearing was published in the Brattleboro Reformer.
4. On July 3, 2017, notice of a public hearing was posted at the following
  - Marlboro Town Clerk's Office
  - Bulletin Board outside the Marlboro Town Clerk's Office
  - Marlboro Town Website, [marlborovt.us](http://marlborovt.us)
5. On July 3, 2017, a copy of the notice of a public hearing was mailed to the applicant. On July 3, 2017, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application.
  - Gary MacArthur, PO Box 134, Marlboro, VT 05344
  - John & Margaret MacArthur Trust, PO Box 15, Marlboro, VT 05344
  - Daniel & Gail MacArthur, PO Box 30, Marlboro, VT 05344

6. The application was considered by the Development Review Board at a public hearing on July 18, 2017 at 7:21 pm. The Development Review Board reviewed the application under the Town of Marlboro Zoning Bylaw, as amended March, 2007.

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

- Steven John, Chairman
- Jean Boardman, Clerk
- Brent Seabrook
- Tony Gordon
- Matt Tell, Alternate
- Mary Sargent, Zoning Administrator
- Julia von Ranson, DRB Administrative Assistant
- Jason MacArthur, Applicant
- Dan MacArthur, Owner

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. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

- No interested parties

9. During the course of the hearing the following exhibits were submitted to the Development Review Board. These exhibits are available at the Marlboro Town Office.

- Permit Application, signed and dated May 19, 2017
- Email message from Whetstone Cider Works regarding Change of Use permit, dated April 28, 2017
- Memo from Whetstone Cider Works detailing project proposal for Change of Use/Conditional Use permit for existing building at 921 MacArthur Road, undated
- Site Plan of proposed project, not to scale, undated
- Property Lease Agreement, signed and dated May 21, 2017
- Town of Marlboro CTI Map, showing Bing imagery, printed on June 28, 2017
- Town of Marlboro CTI Map, showing parcel boundaries, printed on June 28, 2017
- List of abutters to MacArthur property (Tax Map # 08-02-20.3), printed on July 3, 2017

- Wastewater system and potable water supply permit #WW-2-5401, Plan Date June 23, 2017, was issued August 4, 2017 and received by email on August 7, 2017.

## 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 convert an existing woodworking shop into a hard cider facility. The subject property is a 66 acre parcel located at 921 MacArthur Rd in the Town of Marlboro, tax map parcel no. 08-02-20.3. The property is more fully described in a Deed recorded at Book 36, Page 201, 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 Resource Industry as that term is defined in section 305 of the Zoning Bylaw. The application requires review under the following sections of the Town of Marlboro Zoning Bylaw; 305 and 460.

## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for Whetstone Cider Works to convert an existing woodworking shop into a hard cider processing facility.

1. Application 17-13 CU will not have an undue adverse impact the capacity of existing or planned community facilities.
2. Application 17-13 CU 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. Application 17-13 CU will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. Application 17-13 CU will not have an undue adverse effect on utilization of renewable energy resources.

Dated at Marlboro, Vermont, this 10th day of August, 2017.

A handwritten signature in cursive script that reads "Steven B. John".

Steven B. 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.