

TOWN OF MARLBORO  
Development Review Board

Application for Variance Findings and Decision

Permit Application No. 17-12V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of application #17-12V for a variance submitted by Dan MacArthur, School Board member, Marlboro School District, PO Box D, Marlboro, VT 05344; Location 2669 VT Route 9, Marlboro, VT; Tax Map Number 07-04-49 for a variance to install a silo for wood pellets on a poured concrete slab. Height of proposed silo is 27 feet; maximum height allowed for accessory structures is 25 feet under the Town of Marlboro Zoning Bylaw.
2. The application was received by Mary Sargent, Zoning Administrator on June 14, 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 places:
  - Marlboro Town Clerk's Office
  - Bulletin Board outside the Marlboro Town Clerk's Office
  - Marlboro Town Website, marlbortvt.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.
  - John Geary & Linda Lovely, PO Box 475, Marlboro, VT 05344
  - Alyson Kimball, 4764 South Atlantic Ave., Unit #2, Ponce Inlet, FL 32127-7185

- John Sheehy & Jill Golden, 2574 VT Route 9, Brattleboro, VT 05301
- Susan Ross, 2648 VT Route 9, Brattleboro, VT 05301
- David & Michelle Holzapfel, PO Box 66, Marlboro, VT 05344
- Jess Weitz & Forrest Holzapfel, PO Box 66, Marlboro, VT 05344
- Zachary & Khalila Cliche, 2777 VT Route 9, Brattleboro, VT 05301
- David Radel, PO Box 70, Marlboro, VT 05344
- Ruth White, PO Box 19, Marlboro, VT 05344
- Suzanne White % Ruth White, PO Box 19, Marlboro, VT 05344

6. The application was considered by the Development Review Board at a public hearing on July 18, 2017 at 7:05 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

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:

- Permit Application, signed and dated June 7, 2017
- Request for Waiver of Permit Fee by Dan MacArthur, School Board Member, dated June 7, 2017

- Permit Fee Waiver authorized by Marlboro Select Board at Special Meeting, signed and dated July 17, 2017
- Site Plan, not to scale, undated and not signed
- Town of Marlboro CTI Map, showing Bing imagery, printed on June 7, 2017
- Town of Marlboro CTI Map, showing parcel boundaries, printed on June 7, 2017
- Zoning Inquiry email response from Carl Andeer at VLCT, dated June 8, 2017
- List of abutters to Marlboro Elementary School property (Tax Map # 07-04-49), printed on July 3, 2017

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 applicant seeks a variance to construct a silo for wood pellets on a poured concrete slab. Height of silo is 27 feet; maximum height allowed for accessory structures is 25 feet. The subject property is a 5.9 acre parcel located at 2669 VT Route 9 in the Town of Marlboro. Tax map parcel no. 07-04-49. The property is more fully described in a Deed recorded at Book 20, Page 409, 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 Bylaws.
3. The following variance is sought by the applicant: Dan MacArthur, School Board member, Marlboro School District. The variance request requires review under the following sections of the Zoning Bylaw: Section 305, "Area, Dimensional, and Coverage Requirements, Structure Height Maximum, Accessory Building, 25 feet."
4. The following unique physical circumstances or conditions peculiar to the subject property are found: Silo height of 27 feet is necessary for the the economical purchase and storage of sufficient wood pellets for the Marlboro School District.

Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.

Unnecessary hardship has not been created by the applicant.

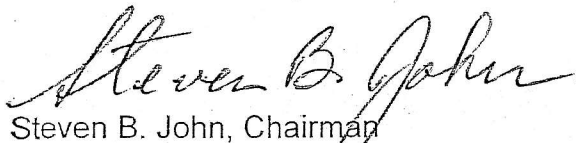
The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

#### DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following variance: install a silo for wood pellets on a poured concrete slab. Height of proposed silo is 27 feet; maximum height allowed for accessory structures is 25 feet under the Town of Marlboro Zoning Bylaw.

Dated at Marlboro, Vermont, this 25th day of July, 2017.



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.