

TOWN OF MARLBORO
Development Review Board

Application for Variance Findings and Decision

Permit Application #17-14 V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an application for a variance submitted by Mark & Megan Littlehales, PO Box 148, Marlboro, VT 05344; location 1174 MacArthur Rd, Marlboro, VT; tax map number 08-02-27; to construct a two-bay garage with storage shed, within setback from MacArthur Rd.
2. The application was received by Mary Sargent, Zoning Administrator, on June 29, 2017. A copy of the application is available at the Marlboro Town Office.
3. On July 6, 2017 and August 1, 2017, notice of a public hearing was published in the Brattleboro Reformer.
4. On July 3, 2017 and July 28, 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, marlborovt.us
5. On July 3, 2017 and July 31, 2017, a copy of the notice of a public hearing was mailed to the applicant. On July 3, 2017 and July 31, 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 & Margaret MacArthur Trust, PO Box 15, Marlboro, VT 05344
 - Elizabeth Vick & Craig Hammond, PO Box 8, Marlboro, VT 05344
 - Malcolm & Marjorie Wright, PO Box 87, Marlboro, VT 05344
1. The application was considered by the Development Review Board at a public hearing on July 18, 2017. The hearing was recessed and continued on August

15, 2017. The final public hearing was held on August 15, 2017. The Development Review Board reviewed the application under the Town of Marlboro Zoning Bylaw, as amended March, 2007.

2. Present at the hearings on July 18, 2017 and August 15, 2017 were the following members of the Development Review Board:

- Steven John, Chairman
- Jean Boardman, Clerk
- Brent Seabrook
- Matt Tell, Alternate
- Tony Gordon (present at July 18, 2017 hearing only)
- Mary Sargent, Zoning Administrator
- Julia von Ranson, DRB Administrative Assistant

3. 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 hearings the following exhibits were submitted to the Development Review Board:

- Permit Application, including Site Plan (not to scale), signed and dated June 28, 2017
- Authorization of Dan MacArthur to represent Owner Megan Littlehales for this application, signed and dated July 17, 2017 (at the bottom of a copy of the Legals public hearing notice)
- Town of Marlboro CTI Map, showing Bing imagery, printed on July 3, 2017

- Town of Marlboro CTI Map, showing parcel boundaries, printed on July 3, 2017
- List of abutters to Littlehales property (Tax Map # 08-02-27), printed on July 3, 2017
- Hand drawn site plan, not to scale, labeled NTS 8/17, presented at August 15, 2017 hearing
- Color photos (4) of applicant's property, undated, presented at August 15, 2017 hearing
- Written statement (two pages) beginning "1. There are Unique Physical Circumstances or Conditions", undated, presented at August 15, 2017 hearing

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 two-bay garage with storage shed, within setback from MacArthur Rd, 43 feet (at the southern corner) and 63 feet 6 inches (at the northern corner) from the center of MacArthur Rd. The subject property is a 21.15 acre parcel located at 1174 MacArthur Rd in the Town of Marlboro. Tax map parcel no. 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.
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. The following variance is sought by the applicant: to construct a two-bay garage within the setback from MacArthur Rd. The variance request requires review under the following sections of the Zoning Bylaw: Section 305 Rural Residential, Area, Dimensional and Coverage Requirements, Front Yard Minimum: 50 feet (from highway right-of-way).

4. The following unique physical circumstances or conditions peculiar to the subject property are found: None.

Because there are no unique circumstances or conditions, it is possible that the property can be developed in strict conformity within the provisions of the Zoning Bylaw and authorization of a variance is not necessary to enable the reasonable development of the property.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board does not approve the following variance: to construct a two-bay garage within the setback from MacArthur Rd.

Dated at Marlboro, Vermont, this 21st day of August, 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.