

TOWN OF MARLBORO
Development Review Board

Application for Conditional Use
Findings and Decision

Permit Application #18-21 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an application for a Conditional Use submitted by Applicants: Marco Panella and Anna Bario, PO Box 234, Marlboro, VT 05344-0234; Owners: Susan Sichel and Martha Kelly, 4813 Augur Hole Road, South Newfane, VT 05351; Location: 1578 Ames Hill Road, Marlboro, VT; Tax Map Number 12-00-09.11; Proposal: Conditional Use; Site plan review for construction of a 2-car garage, accessory to an existing single-family home located within the Wildlife Habitat Overlay District.
2. The application was received by Mary Sargent, Zoning Administrator, on September 26, 2018. It was accepted as complete on October 23, 2018. A copy of the application is available at the Marlboro Town Office.
3. On October 8, 2018, notice of a public hearing was published in the *Brattleboro Reformer*.
4. On October 8, 2018, 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 October 15, 2018, a copy of the notice of a public hearing was mailed to the applicants and to the owners of the property subject to the application. On October 15, 2018, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Herbert & Helen Sacks, 110 Laurel Road, New Haven, CT 06515
- Hundred Hills, LLC, 165 Bishop Street, New Haven, CT 06511
- Nancy Waring, 19 Eastman Road, Somerville, MA 02143
- Jeffrey Burt & Sara Kazemi, PO Box 89, Marlboro, VT 05344-0089
- Hollace Bowen, 19 Whipple Street, Brattleboro, VT 05301
- John Baker, 138 Partrick Avenue, Norwalk, CT 06851

6. The application was considered by the Development Review Board at a public hearing on October 23, 2018. The Development Review Board reviewed the application under the Town of Marlboro Zoning Bylaw, as amended March 2018.

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

- Jean Boardman, Clerk, Acting Chairman
- Gail MacArthur
- Brent Seabrook
- John Nevins
- Julia von Ranson, DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following persons sought interested party status:

- No interested parties attended

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

- Permit Application, signed and dated 9.25.18 (Applicants) and 9/23/18 (Owners)
- Site sketches of proposed project, overview + detail, not to scale, undated
- Town of Marlboro CTI Map, showing parcel lines & 20' contours, with setbacks identified, printed on Sept. 26, 2018

- Environmental Consultant Report by Marlboro Conservation Commission, dated October 10, 2018
- Architect's drawing of proposed garage, prepared by Alan Benoit, dated 9-25-18
- List of abutters to Sichel/Kelly property (Tax Map #12-00-09.11), printed on 10/14/18
- Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on March 29, 2018
- Memo from Susan Sichel (owner) authorizing Marco Panella (applicant) to appear before the DRB

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 applicants seek a Conditional Use permit to construct a 2-car garage, accessory to an existing single-family home located within the Wildlife Habitat Overlay District.
2. The subject property is a 78-acre parcel located at 1578 Ames Hill Road in the Town of Marlboro, VT; Tax map # 12-00-09.11. The property is more fully described in a Deed recorded at Book 58, Page 505, of the Town of Marlboro Land Records.
3. The property is located in the Rural Residential District as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and Section 305 of the Zoning Bylaw.
4. Conditional Use approval is required under Section 352.2 of the Marlboro Zoning Bylaw. The project meets the requirements of Section 305 of the Zoning Bylaw. The project site was visited by the Marlboro Conservation Commission, which issued an Environmental Consultant Report in support of approving the proposal.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Conditional Use: to construct a 2-car garage, accessory to a single-family home located within the Wildlife Habitat Overlay District, with the condition that any exterior lighting be directed away from the wildlife corridor to the northwest.

Dated at Marlboro, Vermont, this 31st day of October, 2018.

A handwritten signature in cursive script, reading "Jean H. Boardman".

Jean Boardman, Clerk, Acting 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.