

**TOWN OF MARLBORO**  
**Development Review Board**

**Application for Site Plan Review**  
**Findings and Decision**

Permit # 18-11 SP

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review under the Town of Marlboro Zoning Bylaw of an application for a Site Plan amendment submitted by Laurie Panther, PO Box 328, Marlboro, VT 05344; Location: 249 Cowpath 40, Marlboro, VT; Tax Map # 12-00-30.13. Site Plan Review: Amended site plan for construction of a single-family home on an undeveloped parcel.
2. The application was received by Mary Sargent, Zoning Administrator, on June 7, 2018. It was accepted as complete on September 4, 2018. A copy of the application is available at the Marlboro Town Office.
3. On October 8, 2018, a 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](http://marlborovt.us)
5. On October 12, 2018, a copy of the notice of a public hearing was mailed to the applicant. On October 12, 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:
  - Peter Paggi & Ashley Nadeau, PO Box 68, Marlboro, VT 05344-0068
  - Allen & Megan Warner, PO Box 479, Marlboro, VT 05344-0479
  - John Ellis, 19 Garden Street, Apt. 42, Cambridge, MA 02138
  - Patricia & Charles Townsend, PO Box 335, Marlboro, VT 05344-0335
  - Catharine Hamilton, PO Box 324, Marlboro, VT 05344-0324
  - David Ward, PO Box 781, Brattleboro, VT 05302-0781
6. The application was considered by the Development Review Board at a public hearing on October 23, 2018 at 7:11 PM. 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
- Brent Seabrook
- Gail MacArthur
- John Nevins
- 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 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:

- Peter Paggi & Ashley Nadeau, 371 Cowpath 40, Marlboro, VT: abutters

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

- Permit application, signed and dated 10/4/18
- Site Plan, taken from Waste Water Disposal and Potable Water Supply Plan prepared by Belmont Septic Design, signed by Kevin A. Hollebeek and dated 07/25/18
- Approved WasteWater System and Potable Water Supply Permit # WW-2-5682, issued September 4, 2018 by the State of Vermont
- Sketch Plan for Bell/Hutson Trust by Marquise & Morano, LLC., date illegible
- Town of Marlboro CTI Map, showing parcel boundary lines, dimensions, and 20-foot contours, printed on October 9, 2018
- List of abutters to Panther property (Tax Map # 12-00-30.13), with corresponding Town of Marlboro CTI map printed on October 9, 2018

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 subject property is located at 249 Cowpath 40 in the Town of Marlboro, Tax Map # 12-00-30.13. The property is more fully described in a Deed recorded at Book 62, Page 148 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 in Section 305 of the Marlboro Zoning Regulations.

## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the Site Plan Amendment as presented by Laurie Panther in Permit application # 18-11 SP.

1. The project will not have an undue adverse impact on the capacity of existing or planned community facilities.
2. The project 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 Regulations.
3. The project will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The project 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.

The Development Review Board approves the Site Plan Amendment subject to the following conditions:

- No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 29th day of November, 2018.



Jean H. 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.