

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

**Application for Conditional Use**  
**Findings and Decision**

Permit Application #18-23 CU

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review under the Town of Marlboro Zoning Bylaw of an application for Conditional Use submitted by Applicant: Gabriel Hulme, 1913 Butterfield Road, Brattleboro, VT 05301; Owner: Elisa Difeo, PO Box A, Marlboro, VT 05344; Location: 2601 Ames Hill Road, Marlboro, VT; Tax Map Number 11-02-05.11; Proposal: Conditional Use; Site Plan Review for construction of a single-family home located within the Wildlife Habitat Overlay District, on an undeveloped parcel.

2. The application was received by Mary Sargent, Zoning Administrator, on October 10, 2018. It was accepted as complete on November 20, 2018. A copy of the application is available at the Marlboro Town Office.

3. On November 5, 2018, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On November 5, 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 November 8, 2018, a copy of the notice of a public hearing was mailed to the applicant, and to the owner of the property subject to the application. On November 8, 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:

- Ruth C. White Revokable Trust, PO Box 19, Marlboro, VT 05344-0019
- Timothy Segar & Cathy Osman, PO Box 414, Marlboro, VT 05344-0414
- Windham & Windsor Housing Trust, 68 Birge Street, Brattleboro, VT 05301
- Ben & Angela Mousseau, PO Box 365, Marlboro, VT 05344-0365
- Jeremy Zumbruski & Stephanie Hardy, PO Box 357, Marlboro, VT 05344-0357
- Ames Hill-Marlboro Community Center, PO Box 2124, West Brattleboro, VT 05303-2124
- Jeremiah Wallack, PO Box 31, Marlboro, VT 05344-0031

6. The application was considered by the Development Review Board at a public hearing on November 20, 2018, at 7:07 PM. The Development Review Board reviewed the application under the Town of Marlboro Zoning Regulations, as amended March 6, 2018.

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

- Steven John, Chairman
- Jean Boardman, Clerk
- Gail MacArthur
- 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 10.9.18 (Applicant) & 10/9/2018 (Owner)
- Site sketches (2), showing lot layout with setbacks and site with proposed home, prepared by Gabriel Hulme, not to scale, dated 10.9.18
- Environmental Consultant Report (by Marlboro Conservation Commission), dated 14~Nov~18
- State of Vermont Wastewater System Permit # WW-2-4767, dated October 8, 2014
- Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on October 31, 2018
- Town of Marlboro CTI Map, showing Bing Imagery (aerial view of existing development of the parcel), printed on October 31, 2018
- List of abutters to Difeo property (Tax Map # 11-02-05.11), with corresponding Town of Marlboro CTI map, printed on October 31, 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 applicant seeks a Conditional Use permit to construct a single-family home located within the Wildlife Habitat Overlay District, on an undeveloped parcel.
2. The subject property is a 12.5 acre parcel located at 2601 Ames Hill Road in the Town of Marlboro; Tax map parcel # 11-02-05.11. The property is more fully described in a Deed recorded at Book 62, Page 288, 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 Marlboro Town Office, and in Section 305 of the Zoning Regulations of the Town of Marlboro.
4. Conditional Use approval is requested to establish a single-family dwelling within the Wildlife Habitat Overlay District, on an undeveloped parcel in the Rural Residential District. 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 single-family home located within the Wildlife Habitat Overlay District, on an undeveloped parcel, with the condition that no noise or light sources shall be installed on the southern side of the proposed house.

Dated at Marlboro, Vermont, this 20<sup>th</sup> day of December, 2018.



Steven 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.