

TOWN OF MARLBORO
Development Review Board

Application for Change of Use
Findings and Decision

Permit Application #19-01 CH

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an application for Change of Use submitted by Kyle Oliver & PolliJo Moryl, 43 Marlboro Heights, West Marlboro, VT 05363; Location: 43 Marlboro Heights, Marlboro, VT; Tax Map # 02-00-58.2; Proposal: Convert a primitive camp into a single-family residence; move existing cabin onto a slab foundation and enlarge to 20' x 30'.
2. The application was received by Mary Sargent, Zoning Administrator, on March 27, 2019. A copy of the application is available at the Marlboro Town Office.
3. On May 6, 2019, notice of a public hearing was published in the *Brattleboro Reformer*.
4. On May 6, 2019, 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 May 9, 2019, a copy of the notice of a public hearing was mailed to the applicants. On May 9, 2019, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Margaret Kelley, 882 Silvermine Road, New Canaan, CT 06840
 - John & Diana McKay, 110 Honey Brim Road, Vernon, VT 05354
 - Olivia Barrand & Bergen Swanson, PO Box 2667, West Brattleboro, VT 05303-2667
 - Robert Elliott, 2671 Higley Hill Road, Wilmington, VT 05363
 - Michael & Tamara Purcell, 2756 Higley Hill Road, Wilmington, VT 05363
 - Lizbeth Carmichael & Melinda Evans, 228 Monarch Drive, Southington, CT 06489
 - Les Bickford & Virginia Fritz, 34 Upper Dover Road, Wilmington, VT 05363

6. The application was considered by the Development Review Board at a public hearing on May 21, 2019. 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:
 - Steven John, Chair
 - Jean Boardman, Clerk
 - Gail MacArthur
 - John Nevins
 - Matt Tell, Alternate
 - Lauren MacArthur, 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 3/25/19
 - Preliminary Subdivision Plat dated Feb. 22, 2018, prepared by Brad Lackey, showing Parcel # 02-00-58.2 as approved by Permit 18-02 LD.
 - Sketch plan of site, showing proposed new location of enlarged structure (single-family residence, with well and septic system) and two (2) sheds.
 - List of abutters to Oliver/Moryl property (Tax Map # 02-00-58.2), with corresponding Town of Marlboro CTI map, printed on May 6, 2019

These exhibits are available for inspection 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 Change of Use to convert a primitive camp into a single-family residence, moving the existing cabin to a slab foundation and enlarging it to 20'x30'.

2. The subject property is a 5.09 acre parcel located at 43 Marlboro Heights in the Town of Marlboro; Tax map parcel # 02-00-58.2. The property is more fully described in a Deed recorded at Book 55, Page 282, 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 in Section 305 of the Zoning Regulations of the Town of Marlboro.
4. Change of Use approval is requested to convert a primitive camp into a single-family residence on a parcel in the Rural Residential District. The project meets the requirements of Section 305 of the Zoning Bylaw.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Change of Use: to convert a primitive camp into a single-family residence, moving the existing cabin onto a slab foundation and enlarging it to 20' x 30'.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 21st day of May, 2019.



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.