

TOWN OF MARLBORO
Development Review Board

Application for Change of Use
Findings and Decision

Permit Application # 19-05 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 Lauren & Bradley Poster, PO Box 440, Marlboro, VT 05344-0440; Location: 1275 Moss Hollow Road, Marlboro, VT; Tax Map Number 11-01-57; Proposal: Convert a free-standing artist's studio into a one-bedroom apartment, with no change to the footprint of the existing structure.
2. The application was received by Mary Sargent, Zoning Administrator, on April 22, 2019. A copy of the application is available at the Marlboro Town Office.
3. On June 3, 2019, notice of a public hearing was published in the *Brattleboro Reformer*.
4. On June 3, 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 June 4, 2019, a copy of the notice of a public hearing was mailed to the applicants. On June 4, 2019, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Alan Dater & Lisa Merton, PO Box 96, Marlboro, VT 05344-0096
 - Theodore Anagnostaras, PO Box 383, Marlboro, VT 05344-0383
 - Vivienne Coutant, PO Box 181, Marlboro, VT 05344-0181
 - Johanna Staveley, PO Box 185, Marlboro, VT 05344-0185
 - Marlboro College, Attn: Dan Cotter, PO Box A, Marlboro, VT 05344
 - Jenckes Foundation, Inc., 2124 Butterfield Road, Brattleboro, VT 05301-7996
 - Justin Fournier, PO Box 982, Jacksonville, VT 05342-0982
 - Halifax Town Clerk, Patricia Dow, PO Box 127, West Halifax, VT 05358-0127

6. The application was considered by the Development Review Board at a public hearing on June 18, 2019. The Development Review Board reviewed the application under the Zoning Regulations of the Town of Marlboro, as amended March 6, 2018.
7. Present at the hearing were the following members of the Development Review Board:
 - Steven John, Chairman
 - Jean Boardman, Vice Chairman
 - John Nevins
 - Brent Seabrook
 - 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 4/22/19, including a sketch of the project (not to scale) showing existing structures with dimensions and existing septic system
 - Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, dated June 6, 2019, with a sketch of the project (not to scale) showing existing structures with setbacks and enlarged septic system
 - State of Vermont WasteWater System and Potable Water Supply Permit #WW-2-5854, dated June 17, 2019
 - List of abutters to Poster property (Tax Map Number 11-01-57), with corresponding Town of Marlboro CTI map, printed on May 31, 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 applicants seek a Change of Use to convert a free-standing artist's studio into a one-bedroom apartment, with no change to the footprint of the existing structure.
2. The subject property is a 11.46-acre parcel located at 1275 Moss Hollow Road in the Town of Marlboro; Tax Map Number 11-01-57. The property is more fully described in a Deed recorded at Book 31, Page 86, 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 - Rural Residential* of the Zoning Regulations of the Town of Marlboro.
4. Change of Use approval is requested to convert a free-standing artist's studio into a one-bedroom apartment on a parcel in the Rural Residential District. The project meets the requirements in *Section 305 - Rural Residential* of the Zoning Regulations. The converted structure meets the requirements for *Dwelling Unit, Accessory* as described in *Article VII - Definitions* of the Zoning Bylaw.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Change of Use: to convert a free-standing artist's studio into an Accessory Dwelling Unit, a one-bedroom apartment, with no change to the footprint of the existing structure.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 20th day of June, 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.