

TOWN OF MARLBORO
Development Review Board

Application for Change of Use
Findings and Decision

Permit Application # 19-17 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 Applicant: Julia Arduini, PO Box 387, Marlboro, VT 05344-0387; Owners: Maria Arduini, Linda Baker, and Ralph Palladino, 499 Hemlock Road, Fairfield, CT 06824; Location: 5177 VT Route 9, Marlboro, VT; Tax Map Number 10-00-13; Proposal: Construct a Primitive Camp (yurt) on a parcel with an existing single-family home.
2. The application was received by Mary Sargent, Zoning Administrator, on November 1, 2019. A copy of the application is available at the Marlboro Town Office.
3. On November 4, 2019, notice of a public hearing was published in the *Brattleboro Reformer*.
4. On November 4, 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 November 5, 2019, a copy of the notice of a public hearing was mailed to the applicant and to the owners of the subject property. On November 5, 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:
 - Randolph & Kathleen Pell, PO Box 403, Marlboro, VT 05344-0403
 - Helen Benjamin, 117 Breakers Lane, Stratford, CT 06615
 - Carter & Sandra Cooley, 21 Brookfield Road, Brimfield, MA 01010
 - April Weeks, PO Box 151, Marlboro, VT 05344-0151
 - Nicole Birkholzer, PO Box 175, Marlboro, VT 05344-0175
 - Corinna & Clifton Inman, PO Box 173, Marlboro, VT 05344-0173
 - Mayur, LLC, % K T Patel, 183 Pearl Street, Keene, NH 03431
 - Wilmington Social Lodge #38 F. & A. M., PO Box 179, Wilmington, VT 05363

- David & Mary Iacobucci, 23 Lane Avenue, Clinton, MA 01510
 - Patricia Trumpler Estate, % David & Margaret Trumpler, 9401 Chapman Oak Court, Palm Beach Gardens, FL 33410
 - Adelbert Ames Estate, Brenda Diana, Executrix, % Ropes & Gray, 800 Boylston St., Boston, MA 02199
6. The application was considered by the Development Review Board at a public hearing on November 19, 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
 - Gail MacArthur
 - Emily Falta, Acting 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 by Applicant and dated 11/1/19
 - Faxed copy of signature of Owner, dated 11-1-2019
 - Section of Preliminary Overall Plot Plan dated Oct. 16, 2019, showing proposed location of new dwelling (yurt)
 - Preliminary Overall Plot Plan dated Oct. 28, 2019, prepared by Brad Lackey for Merrill Mundell, Jr., showing boundaries of the upcoming Minor Subdivision of the Arduini property (Tax Map # 10-00-13) and potential location of future development within the new configuration
 - Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on November 1, 2019
 - List of abutters to Arduini property (Tax Map Number 10-00-13), with corresponding Town of Marlboro CTI map, printed on November 1, 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 construct a Primitive Camp (yurt) on a parcel with an existing single-family home.
2. The subject property is a 128.38-acre parcel located at 5295 VT Route 9 in the Town of Marlboro; Tax Map Number 10-00-13. The property is more fully described in a Deed recorded at Book 50, Page 245, 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 construct a second dwelling (yurt) on a parcel with an existing single-family home in the Rural Residential District. The project meets the requirements of *Section 305 - Rural Residential* and of *Section 412 - Buildings on Lots* of the Marlboro Zoning Regulations.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Change of Use: to construct a Primitive Camp (yurt) on a parcel with an existing single-family home.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 5th day of December, 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.