

TOWN OF MARLBORO
Development Review Board

Application for Conditional Use
Findings and Decision

Permit # 20-22 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Regulations, of an Application for Conditional Use submitted by Applicant: Jason MacArthur, PO Box 512, Marlboro, VT 05344-0512; on behalf of Owners: Malcolm & Marjorie Wright, 300 Wake Robin Drive #314, Shelburne, VT 05482; Location: 139 Fox Road, Marlboro, VT; Tax Map Number 12-00-07; Proposal: Conditional Use; Add a screen porch to an existing single-family home located on a nonconforming lot (less than 2 acres).
2. The Application was received by Mary Sargent, Zoning Administrator, on September 22, 2020. A copy of the Application is available at the Marlboro Town Office.
3. On October 3, 2020, notice of a public hearing by *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On October 3, 2020, notice of a public hearing by *Zoom* videoconference 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 October 5, 2020, a copy of the notice of a public hearing by *Zoom* videoconference was mailed to the Applicant and to the Owners of the property subject to the Application. On October 5, 2020, a copy of the notice of a public hearing by *Zoom* videoconference was mailed to the following owners of properties adjoining the property subject to the Application:
 - Jeffrey Burt & Sara Kazemi, PO Box 89, Marlboro, VT 05344-0089
 - Blueberry Associates VT Trust, 67 Wendover Road, Rye, NY 10580
 - Cynthia Glover, PO Box 468, Marlboro, VT 05344-0468
6. The Application was considered by the Development Review Board at a public hearing by *Zoom* videoconference on October 20, 2020. The DRB 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, Chair
- Jean Boardman, Vice Chair
- Gail MacArthur
- John Nevins
- Brent Seabrook
- Peter Barus, 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. The following exhibits were submitted to the Development Review Board during the course of the Hearing:

- Permit Application, signed by Applicant dated 9/21/20, and by Owners also dated 9/21/20
- Town of Marlboro CTI Map: Tax Map Number 12-00-07, with site sketch showing existing structures and including location of proposed screen porch, printed on May 22, 2019
- List of abutters to the Wright property (Tax Map Number 12-00-07), with corresponding Town of Marlboro CTI Map, printed on October 1, 2020

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 Applicants seek a Conditional Use permit to add a screened porch to an existing house located on a nonconforming parcel (less than 2 acres).
2. The subject property is a 1.32-acre parcel located at 139 Fox Road in the Town of Marlboro, VT; Tax Map Number 12-00-07. The property is more fully described in a Deed recorded at Book 62, Page 720, of the Town of Marlboro Land Records.

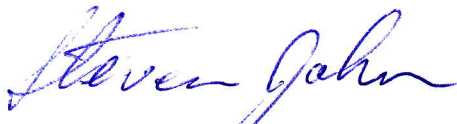
3. The property is located in the *Rural Residential District (RUR)* as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and *Section 305* of the Marlboro Zoning Regulations.
4. Conditional Use approval is required under *Section 413.1 - Nonconformities* of the Marlboro Zoning Regulations. The property subject to the Application does not conform with *Section 305 - Rural Residential (RUR); Area, Dimensional, and Coverage Requirements*; Lot Area Minimum: 2 acres.
5. The Conditional Use requested, for an addition to an existing nonconforming single-family home, is allowed within the Rural Residential District as by right, and will have no undue adverse effect on the neighborhood in which the property is located, nor on the Town in general.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Conditional Use: to construct a screen porch addition to a single-family home located on a nonconforming lot of less than two (2) acres.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 9th day of November, 2020.



Steven John, Chair
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*.