

TOWN OF MARLBORO

Development Review Board

Application for Waiver of Setback Findings and Decision

Permit # 21-12 W

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Regulations, of an Application for Waiver of Setback submitted by Aaron Aldrich, 552 Hinesburg Road, Brattleboro, VT 05301; Location: 4535 VT Route 9, Marlboro, VT; Tax Map # 06-02-31; Proposal: Waiver; Add upper and lower decks to an existing nonconforming single-family home located within the Side and Rear Yard Minimum Setbacks from the parcel boundaries to the east and south.
2. The Application was received by Mary Sargent, Zoning Administrator, on May 25, 2021. A copy of the Application is available at the Marlboro Town Office.
3. On May 29, 2021, notice of a public Hearing by *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On May 31, 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 June 3, 2021, a copy of the notice of a public Hearing by *Zoom* videoconference was mailed to the Applicant. On June 3, 2021, 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:
 - George Zobitz, 43 Fernwood Road, Summit, NJ 07901
 - Estate of Jesse Hamilton, 36 Augur Hole Road, Brattleboro, VT 05301
 - Eric Cooley, 90 Country Club Place, Southbridge, MA 01550
 - Town of Marlboro, PO Box E, Marlboro, VT 05344
 - Heather Bevilacqua, 5 Usher Street, Milford, CT 06460
 - Kenneth Frano & Lynne Nordini, 360 Ray Hill Road, Wilmington, VT 05363
6. The Application was considered by the Development Review Board at a public Hearing by *Zoom* videoconference on June 15, 2021. 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
- Matt Tell, Alternate
- 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 and dated May 24, 2021
- Site sketch, drawn on a Town of Marlboro CTI Map printed on May 13, 2021, showing location of existing structure and proposed decks, signed and dated 5/24/2021
- Sketch of structure, showing dimensions and other construction details of proposal, signed and dated 5/24/2021
- Boundary Survey, Property of Aaron Aldrich, showing measured setbacks of existing structure and proposed deck, prepared by Kathleen Martin, dated May 2021
- List of Abutters to the Aldrich property (Tax Map number 06-02-31), with corresponding Town of Marlboro CTI Map, printed on May 24, 2021

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 Waiver of Setback to add upper and lower decks to an existing nonconforming single-family home located within the Side and Rear Yard Minimum Setbacks from the parcel boundaries to the east and south.
2. The subject property is a 0.75-acre parcel located at 4535 VT Route 9 in the Town of Marlboro, VT; Tax Map Number 06-02-31. The property is more fully described in a Deed recorded at Book 64, Page 737, 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. The Waiver request requires review under the following Section of the Zoning Regulations: *Section 305 - Rural Residential (RUR); Area, Dimensional, and Coverage Requirements; Side and Rear Yard Minimum Setbacks: 50 feet.*
5. The Waiver requested is in conformance with the Town Plan, and meets the requirements of *24 V.S.A. § 4414(8) - Zoning (Waivers).*
6. The Waiver requested, for an Addition to an existing nonconforming single-family home, is allowed within the Rural Residential District as by right, and the proposed development will still conform to the purpose of the District.
7. Granting of a Waiver will have no undue adverse effect on the neighborhood in which the property is located, nor on the Town in general.
8. The proposed development does not alter the essential character of the neighborhood in which the property is located, and does not adversely impact the use, enjoyment, or development of adjacent property.
9. The proposed development does not reduce the dimensional requirements by more than the minimum amount necessary.
10. Meeting the dimensional requirements will create an undue hardship on the Applicant.

DECISION AND CONDITIONS

Based upon these Findings, the Development Review Board approves the following Waiver of Setback: to add upper and lower decks to an existing nonconforming single-family home located within the Side and Rear Yard Minimum Setbacks from the parcel boundaries to the east and south.

No Conditions were established at the Hearing.

Dated at Marlboro, Vermont, this 27th day of June, 2021.


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*.