

TOWN OF MARLBORO

Development Review Board

Application for Change of Use **Findings and Decision**

Permit # 21-11 CH

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Regulations, of an Application for Change of Use submitted by Allison Norsworthy & Hannah Cressy, PO Box 347, Marlboro, VT 05344-0347; Location: 310 Cowpath 40, Marlboro, VT; Tax Map Number 12-00-31.1; Proposal: Change of Use; Build a two-car barn with a one-bedroom apartment on the second floor, accessory to an existing single-family home.
2. The Application was received by Mary Sargent, Zoning Administrator, on May 18, 2021. A copy of the Application is available for review at the Marlboro Town Office.
3. On June 26, 2021, notice of a public Hearing with available *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On June 28, 2021, notice of a public Hearing with available *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 July 6, 2021, a copy of the notice of a public Hearing with available *Zoom* videoconference was mailed to the Applicants. On July 6, 2021, a copy of the notice of a public Hearing with available *Zoom* videoconference was mailed to the following Owners of properties adjoining the property subject to the Application:
 - Ames Hill-Marlboro Community Center, PO Box 2124, West Brattleboro, VT 05303
 - Texas Ranger Rancho Reichsman, LLC, 63 Chestnut Street, Brattleboro, VT 05301
 - Anne Diebel & Rafil Kroll-Zaidi, 249 Front Street, Apt. 2, Brooklyn, NY 11201
 - Peter Paggi & Ashley Nadeau, PO Box 68, Marlboro, VT 05344-0068
 - Laurie Panther, PO Box 328, Marlboro, VT 05344-0328
 - Hannah Cressy & Allison Norsworthy, PO Box 347, Marlboro, VT 05344-0347
 - Paul Sklar, 50 East 79th Street, Apt. 17B, New York, NY 10075
 - Kate Morgan, PO Box 149, Marlboro, VT 05344-0149

6. The Application was considered by the Development Review Board at a public Hearing with available *Zoom* videoconference on July 20, 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:

In person, at the Town Office:

- Steven John, Chair
- Jean Boardman, Vice Chair
- Gail MacArthur
- Brent Seabrook
- Mary Sargent, Zoning Administrator

By *Zoom* videoconference:

- John Nevins
- Peter Barus, DRB Administrative Assistant

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 Owners and dated 5/18/2021
- Site Plan of Proposed Project, showing location of existing and proposed structures, with dimensions and setbacks, signed by Owners and dated 05/08/2021
- Wastewater Disposal System Plan, Plot Plan & Lot Layout (Preliminary), designed by Alan McBean, *Onsite Septic Design*, signed and dated May 4, 2021
- State of Vermont Permit Number WW-2-4025-3, Wastewater System and Potable Water Supply Permit, issued June 15, 2021
- Town of Marlboro CTI Maps(2): Tax Map # 12-00-31.1, with dimensions, 20-foot contours, and *Ortho Imagery 2019*, printed on June 10, 2021
- List of abutters to Hannah Cressy & Allison Norsworthy property (Tax Map Number 12-00-31.1), with corresponding Town of Marlboro CTI Map, printed on June 24, 2021

These exhibits are available for review 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 build a two-car barn with a one-bedroom apartment on the second floor, accessory to an existing single-family home.
2. The subject property is a 11.2-acre parcel located at 310 Cowpath 40 in the Town of Marlboro, VT; Tax Map # 12-00-31.1. The property is more fully described in a Deed recorded at Book 54, Page 470, 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. Change of Use approval is requested to build a two-car barn with a one-bedroom apartment on the second floor, accessory to an existing single-family home. The project meets the requirements in *Section 305 - Rural Residential District (RUR)* of the Marlboro Zoning Regulations. The proposed structure meets the requirements for *Dwelling Unit, Accessory*, as described in *Article VII - Definitions* of the Marlboro Zoning Regulations.

DECISION AND CONDITIONS

Based upon these Findings, the Development Review Board approves the following Change of Use: to build a two-car barn with a one-bedroom apartment on the second floor, accessory to an existing single-family home.

No conditions were established at the Hearing.

Dated at Marlboro, Vermont, this 23rd day of July, 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*.