

TOWN OF MARLBORO
Development Review Board

Application for Conditional Use
Findings and Decision

Permit # 22-18 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 Jason & Lauren MacArthur, PO Box 512, Marlboro, VT 05344; Location: 1073 MacArthur Road, Marlboro, VT; Tax Map # 08-02-19.1; Proposal: Conditional Use; Build an Accessory Structure (studio, no water), located within the Wildlife Habitat Overlay District.
2. The Application was received by Mary Sargent, Zoning Administrator, on July 13, 2022. A copy of the Application is available at the Marlboro Town Office.
3. On July 30, 2022, notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On August 1, 2022, notice of a public Hearing in the Town Office with *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 August 2, 2022, a copy of the notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants. On August 2, 2022, a copy of the notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the following Owners of properties adjoining the property subject to the Application:
 - Gary MacArthur, PO Box 134, Marlboro, VT 05344-0134
 - Herbert & Helen Sacks, PO Box 7138, Garden City, NJ 11530
 - John & Margaret MacArthur Trust, PO Box 30, Marlboro, VT 05344-0030
 - Mark & Megan Littlehales, PO Box 148, Marlboro, VT 05344-0148
 - Brian Potter & Jamie Schilling, PO Box 448, Marlboro, VT 05344-0448
6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on August 16, 2022. 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:

- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk
- Gail MacArthur (*Recused*)
- John Nevins
- 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 Owner Jason MacArthur, dated 7/9/22
- Site sketch showing approximate location of existing house with driveway & proposed studio with setbacks, including a description of details of the project, signed & dated 7/9/22
- Environmental Consultant Report, prepared by Pieter van Loon, State of Vermont Licensed Forester, dated August 13, 2022
- Town of Marlboro CTI Maps (2): Tax Map number 08-02-19.1, printed on July 14, 2022, showing dimensions, 20-foot contours, and *Ortho Imagery 2019*
- List of Abutters to the Jason & Lauren MacArthur property (Tax Map number 08-02-19.1), with corresponding Town of Marlboro CTI Map, printed on July 14, 2022

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 build an Accessory Structure (studio, no water), located within the Wildlife Habitat Overlay District.
2. The subject property is a 27-acre parcel located at 1073 MacArthur Road in the Town of Marlboro, VT; Tax Map Number 08-02-19.1. The property is more fully described in a Deed recorded at Book 50, Page 646, in 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 in *Section 305* of the Marlboro Zoning Regulations.
4. The Conditional Use request requires review under the following Sections of the Zoning Regulations: *Section 350 - Wildlife Habitat Overlay District* and related Sections through *Section 356 - Review and Decision by the Development Review Board*.
5. The Conditional Use requested meets the requirements of *Section 350 - Wildlife Habitat Overlay District* and related Sections through *Section 356 - Review and Decision by the Development Review Board*.
6. The Conditional Use requested, an Accessory Structure (studio, no water) to an existing Single-Family Dwelling, is allowed within the *Rural Residential District* as by right, and the proposed development conforms with the purpose of the District.

DECISION AND CONDITIONS

Based upon these Findings, the Development Review Board approves the following Conditional Use: to build an Accessory Structure (studio, no water) to an existing Single-Family Dwelling, located within the Wildlife Habitat Overlay District.

No conditions were established at the Hearing.

Dated at Marlboro, Vermont, this 5th day of September, 2022.


Jean H. Boardman, Vice 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*.