

**TOWN OF MARLBORO
Development Review Board**

**Application for Conditional Use
Findings and Decision**

Permit # 22-20 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 William & Kirstin Edelglass, PO Box 88, Marlboro, VT 05344-0088; Location: 464 Palmetto Drive, Marlboro, VT; Tax Map # 11-01-19; Proposal: Conditional Use; Build a garage with an Accessory Dwelling (one-bedroom apartment) on the second floor, located within the Wildlife Habitat Overlay District.
2. The Application was received by Mary Sargent, Zoning Administrator, on July 22, 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:
 - George Leoniak, PO Box 466, Marlboro, VT 05344-0466
 - Jeffrey & Michelle Bower, PO Box 11, Marlboro, VT 05344-0011
 - Jon Hendricks, 488 Greenwich Street, New York, NY 10013
 - Estate of Geoffrey Hendricks, % Tyche Hendricks, 1342 Parker St., Berkeley, CA 94702
 - Hugh & Helen Whitney, PO Box 17, Marlboro, VT 05344-0017
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
- 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:

- Jon & Joanne Hendricks, Abutters

9. The following exhibits were submitted to the Development Review Board during the course of the Hearing:

- Permit Application, signed by Owners William Edelglass & Kirstin Edelglass, dated 7/19/22
- Site sketch showing approximate location of existing house with driveway, well and septic & proposed garage/apartment, including setbacks; undated
- State of Vermont Permit # WW-2-3666-1 (Wastewater System and Potable Water Supply Permit): Approved, dated July 12, 2022
- Environmental Consultant Report, prepared by Pieter van Loon, State of Vermont Licensed Forester, dated August 8, 2022
- Town of Marlboro CTI Maps (2): Tax Map number 11-01-19, printed on July 27, 2022, showing dimensions, 20-foot contours, and *Ortho Imagery 2019*
- List of Abutters to the Edelglass property (Tax Map number 11-01-19), with corresponding Town of Marlboro CTI Map, printed on July 27, 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 Applicant seeks a Conditional Use Permit to build a garage with an Accessory Dwelling on the second floor, located within the Wildlife Habitat Overlay District.
2. The subject property is an 18-acre parcel located at 464 Palmetto Drive in the Town of Marlboro, VT; Tax Map Number 11-01-19. The property is more fully described in a Deed recorded at Book 53, Page 71, 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, for a garage with Accessory Dwelling accessory to an existing Single-Family Residence, is allowed within the *Rural Residential District*, 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 a garage with an Accessory Dwelling (one-bedroom apartment) on the second floor, 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*.