

TOWN OF MARLBORO
Development Review Board

Application for Waiver of Setback
Findings and Decision

Permit Application # 23-04 W

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review under the Zoning Regulations of the Town of Marlboro, of an Application for Waiver of Setback submitted by Mark & Megan Littlehales, PO Box 148, Marlboro, VT 05344-0148; Location: 1174 MacArthur Road, Marlboro, VT; Tax Map # 08-02-27; Proposal: Waiver of Setback; Accessory Structure (woodshed) located within the Front Yard Setback from MacArthur Road.

2. The Application was received by Mary Sargent, Zoning Administrator, on April 20, 2023. A copy of the Application is available at the Marlboro Town Office.

3. On April 29, 2023, notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*. On June 3, 2023, notice of a Site Visit to 1174 MacArthur Road, followed by a public Hearing in the Town Office with *Zoom* videoconference, was published in the *Brattleboro Reformer*.

4. On April 30, 2023, 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

On June 4, 2023, notice of a Site Visit to 1174 MacArthur Road, followed by a public Hearing in the Town Office with *Zoom* videoconference, was posted at the above places.

On June 18, 2023, notice of a change of time of the Site Visit to 1174 MacArthur Road, followed by a public Hearing in the Town Office with *Zoom* videoconference, was posted at the above places.

5. On May 1, 2023, a copy of the notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants. On June 5, 2023, notice of a Site Visit to 1174 MacArthur Road, followed by a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants.

On May 1, 2023, 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:

- John & Margaret MacArthur Trust, PO Box 30, Marlboro, VT 05344-0030
- Brian Potter & Jamie Schilling, PO Box 448, Marlboro, VT 05344-0448
- Jacob & Meghan Smith, PO Box 121, Marlboro, VT 05344-0121
- Hollace Bowen, PO Box 489, Marlboro, VT 05344-0489

On June 5, 2023, a copy of the notice of a Site Visit to 1174 MacArthur Road, followed by a public Hearing in the Town Office with *Zoom* videoconference, was mailed to the above Owners of properties adjoining the property subject to the Application.

6. The Application was considered by the Development Review Board at a public Hearing on May 16, 2023. That Hearing was recessed to allow for a Site Visit to the subject property before the Decision was taken. The Site Visit was scheduled for June 20, 2023, at 6 PM. Due to a scheduling conflict, the time of the Site Visit was changed to 6:45 PM. The public Hearing in the Marlboro Town Office was reconvened at 7:10 PM on June 20, 2023. The Development Review Board reviewed the Application under the Zoning Regulations of the Town of Marlboro, as amended March 6, 2018.

7. Present at the Hearing on May 16, 2023, were the following Members of the DRB:

- Jean H. Boardman, Vice Chair, Acting Chair
- Gail MacArthur (Recused for Permit #23-04 W)
- John Nevins
- Eva Grimaldi, Alternate
- Matt Tell, Alternate
- Mary Sargent, Zoning Administrator

DRB Members present at the Site Visit and the Hearing on June 20, 2023, were:

- Steven John, Chair
- Jean H. Boardman, Vice Chair
- Brent Seabrook, Clerk
- John Nevins
- Matt Tell, Alternate
- Mary Sargent, Zoning Administrator (Not present at the Site Visit)

8. At the outset of each 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 either of the Hearings
- Letter of Support of the Proposal, postmarked June 16, 2023; Received from Hollie Bowen & Paul Love, PO Box 489, Marlboro, VT 05344-0489 (Abutters)

9. During the course of the Hearings the following Exhibits were submitted to the DRB:

- Permit Application # 23-04 W, signed and dated 4/19/23
- Narrative Description of proposed project, unsigned and not dated
- Site Sketch showing location of existing & proposed woodshed, unsigned and not dated
- Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, printed on May 7, 2023
- Town of Marlboro CTI Map, showing *Bing Imagery 2014*, printed May 1, 2023
- List of Abutters to Littlehales property (Tax Map #08-02-27), with corresponding Town of Marlboro CTI map, printed on May 1, 2023

These exhibits are available for review at the Marlboro Town Office.

FINDINGS

Based on the Application, testimony, Site Visit, exhibits and other evidence, the DRB makes the following Findings:

1. The Applicants seek to construct an Accessory Structure (woodshed) located within the Front Yard Setback from MacArthur Road.
2. The subject property is located at 1174 MacArthur Road, Marlboro VT; Tax map number 08-02-27. The property is more fully described in a Deed recorded at Book 57, Page 180, 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*; Front Yard Minimum Setback: 30 feet from the edge of the Town highway right-of-way.
5. The Waiver requested, to construct a woodshed, is allowed within the Rural Residential District as by right, and the proposed development will still conform to the purpose of the District and to the Town Plan.
6. 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. It will 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.

7. The Board considers that the Waiver requested reduces the Setback dimension by more than the minimum amount necessary. [*Section 203.4.b.7: Standards for Granting a Waiver*, page 10 of the *Marlboro Zoning Regulations*]

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board denies the following Waiver of Setback: to construct an Accessory Structure (woodshed) within the Front Yard Setback from MacArthur Road.

Dated at Marlboro, Vermont, this 28th day of June, 2023.


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.