

**TOWN OF MARLBORO**  
**Development Review Board**

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

Permit # 23-10 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 Andrew Reichsman & Catherine Purdie, PO Box 425, Marlboro, VT 05344-0425; Location: 1003 Cowpath 40, Marlboro, VT; Tax Map Number 12-00-49.1; Proposal: Change of Use; Construct an Accessory Dwelling Unit within an existing Single-Family Residence.
2. The Application was received by Mary Sargent, Zoning Administrator, on July 3, 2023. A copy of the Application is available at the Marlboro Town Office.
3. On July 29, 2023, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On July 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](http://marlborovt.us)
5. On July 31, 2023, a copy of the Notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants. On July 31, 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:
  - Andrea McAuslan, PO Box 97, Marlboro, VT 05344-0097
  - Douglas Trump, PO Box 82, Marlboro, VT 05344-0082
  - Peter Mauss & Phyllis Odessey, PO Box 72, Marlboro, VT 05344-0072
  - Erica Morse & Leslieanne Garziano, PO Box 45, Marlboro, VT 05344-0045
  - Texas Ranger Rancho Reichsman LLC, 63 Chestnut Street, Brattleboro, VT 05301
  - Ann Reichsman & Bruce Catalano, 1818 Middlehurst Road, Cleveland Heights, OH 44118
  - Aaron & Emily Walsh, PO Box 385, Marlboro, VT 05344-0385

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on August 15, 2023. Due to unanticipated delays in processing by other agencies, the Application was incomplete. The Hearing was recessed until August 22, 2023, at 7 PM, to hear matters scheduled for August 15, 2023. The DRB reviewed the Application under the Zoning Regulations of the Town of Marlboro, as amended March 6, 2018.

7. Present at the Hearing on August 15, 2023 were the following members of the Development Review Board:

- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk
- Gail MacArthur
- Eva Grimaldi, Alternate
- Mary Sargent, Zoning Administrator

Present at the Hearing on August 22, 2023 were the following members of the Development Review Board:

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

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

9. The following Exhibits in support of this project were submitted to the Development Review Board:

- Permit Application, signed by Owners and dated 6-28-2023
- Explanation of Proposal, with site sketch showing location of existing driveway, well & septic, and structures including dimensions and setbacks; unsigned and undated
- Email dated Jul 27, 2023, with the E911 Address assignments for the two (2) dwellings
- Town of Marlboro CTI Maps(2): Tax Map # 12-00-49.1, with dimensions, 20-foot contours, and *Black and white Imagery*, printed on July 27, 2023
- List of abutters to the Reichsman-Purdie property (Tax Map Number 12-00-49.1), with corresponding Town of Marlboro CTI Map, printed on July 27, 2023
- Approved State of Vermont Permit # WW-2-7345, dated September 6, 2023

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 Change of Use to construct an Accessory Dwelling Unit within an existing Single-Family Residence.
2. The subject property is a 5.51-acre parcel located at 1003 Cowpath 40 in the Town of Marlboro, VT; Tax Map Number 12-00-49.1. The property is more fully described in a Deed recorded at Book 41, Page 264, 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 construct an Accessory Dwelling Unit within an existing Single-Family Residence. The project is allowed by right in the *Rural Residential District (RUR)*, and conforms to the purpose of the District. The converted 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 construct an Accessory Dwelling Unit within an existing Single-Family Residence.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 14<sup>th</sup> day of October, 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*.