

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

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

Permit # 23-27 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 Lucy Gratwick, PO Box 5, Marlboro, VT 05344-0005; Location: 151 Lyman Hill Road, Marlboro, VT; Tax Map # 11-01-03; Proposal: Change of Use; Convert a working Studio into an Accessory Dwelling Unit, with no change to the footprint of the existing structure.
2. The Application was received by Mary Sargent, Zoning Administrator, on October 7, 2023. A copy of the Application is available for review at the Marlboro Town Office.
3. On November 4, 2023, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On November 6, 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 November 6, 2023, a copy of the Notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicant. On November 6, 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:
  - Jerry Lundsted, 134 South Road, Brattleboro, VT 05301
  - Historical Society of Marlboro, PO Box 242, Marlboro, VT 05344-0242
  - Hollis Carlisle, PO Box 55, Marlboro, VT 05344-0055
  - Jennie Reichman, PO Box 48, Marlboro, VT 05344-0048
  - Christopher Serkin & Kimberly Greenberg, PO Box 501, Marlboro, VT 05344-0501
  - Patricia DeAngelo, PO Box 139, Marlboro, VT 05344-0139
  - Bruce Kaye & Tara Watkins, 1 Pennacook Street, Newport, RI 02840
  - Max Ranall, 1304 McAllister Street, San Francisco, CA 94115
  - Allen Cohen, 317 West 89th Street, Apt. 9W, New York, NY 10024
  - Richard Shipley, PO Box 31, Bremerton, WA 98337-0031
  - Haley Elisha, PO Box 124, Marlboro, VT 05344-0124

- Estate of Ronald LaBrusciano, % Sarah LaBrusciano, 1141 N. Poinsettia Place, Apt. 105, Los Angeles, CA 90046
- The Whetstone Inn, PO Box 7, Marlboro, VT 05344-0007
- Town of Marlboro, PO Box E, Marlboro, VT 05344
- Marlboro Meetinghouse, PO Box 64, Marlboro, VT 05344-0064
- Deborah Ferholt, General Delivery, 510 South Road, Marlboro, VT 05344-9999
- Michael Boylen, PO Box 5, Marlboro, VT 05344-0005
- Barbara Wright, PO Box 355, Marlboro, VT 05344-0355
- Malcolm Moore, PO Box 123, Marlboro, VT 05344-0123
- Marlboro School of Music, Inc., 1528 Walnut Street, Suite 301, Philadelphia, PA 19102-3604

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on November 21, 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 were the following members of the Development Review Board:

- Steven John, Chair
- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk
- Gail MacArthur
- 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:

- Christopher Serkin & Kimberly Greenberg, Abutters

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

- Permit Application, with explanation of proposal, signed by Owner and dated Oct. 7 '23
- Site sketch showing location of existing driveway, well & septic, and structures with dimensions and setbacks; signed by Owner and dated Oct. 7 '23
- Sketch of Lot Layout, showing Well Shield and Leach Field Overshadow detail, prepared by Marquise & Morano, LLC, for water/wastewater purposes only; signed by Owner and dated Oct. 7 '23
- Email dated Nov 24, 2023, with information from Michael Marquise concerning the proximity of the proposed leach field to springs that feed the swimming pond behind the Whetstone Inn.
- Town of Marlboro CTI Maps (2): Tax Map # 11-01-03, with parcel dimensions, 20-foot contours, and *Color Imagery*, printed on November 6, 2023
- List of Abutters to the Gratwick property (Tax Map Number 11-01-03), with corresponding Town of Marlboro CTI Map, printed on November 6, 2023
- Approved State of Vermont Wastewater System Permit # WW-2-7428, dated October 30, 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 Applicant seeks a Change of Use to convert a working Studio into an Accessory Dwelling Unit with no change to the footprint of the existing structure.
2. The subject property is a 7.59-acre parcel located at 133 Lyman Hill Road in the Town of Marlboro, VT; Tax Map Number 11-01-03. The property is more fully described in a Deed recorded at Book 28, Page 89, 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 convert a working Studio into an Accessory Dwelling Unit with no change to the footprint of the existing structure. 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. The subject Structure is located at 151 Lyman Hill Road, Marlboro, VT.

## DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Change of Use: to convert a working Studio into an Accessory Dwelling Unit with no change to the footprint of the existing structure.

No conditions were established at the hearing.

Dated at Marlboro, Vermont, this 15<sup>th</sup> day of December, 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*.

