

TOWN OF MARLBORO
Development Review Board

Application for Waiver of Setback
Findings and Decision

Permit Application # 24-23 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 Patrick Moreland, 401 Banks Road, Brattleboro, VT 05301; Location: 401 Banks Road, Marlboro, VT; Tax Map # 07-03-02.22; Proposal: Waiver of Setback; Construct a garden shed within the Front Yard Minimum setback from the parcel boundary to the East.

2. The Application was received by Mary Sargent, Zoning Administrator, on August 7, 2024. A copy of the Application is available at the Marlboro Town Office.

3. On August 31, 2024, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.

4. On September 2, 2024, 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 September 6, 2024, a copy of the Notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicant. On September 6, 2024, 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:

- Lynne & Ernest Symes, 491 Banks Road, Brattleboro, VT 05301
- Darwin & Lynna Jackson, PO Box 244, Marlboro, VT 05344-0244
- Marigene Butler Revocable Trust, 8104 Flourtown Ave., Glenside, PA 19038-7922

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on September 17, 2024. 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 were the following members of the Development Review Board:

- Steven John, Chair
- Jean Boardman, Vice Chair
- Gail MacArthur (via Zoom)
- Eva Grimaldi
- 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. During the course of the Hearings the following Exhibits were submitted to the DRB:

- Permit Application # 24-23 W, signed and dated 8-7-24
- Site Sketch showing location of existing house and proposed garden shed, not to scale, unsigned and not dated
- Town of Marlboro CTI Maps (2), showing parcel boundaries, dimensions, 20-foot contours, & Black and white Imagery, printed on August 7, 2024
- List of Abutters to Symes+Moreland property (Tax Map # 07-03-02.22), with corresponding Town of Marlboro CTI map, printed on August 27, 2024

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

FINDINGS

Based on the Application, testimony, Exhibits, and other evidence, the DRB makes the following Findings:

1. The Applicant seeks to construct a garden shed within the Front Yard Minimum Setback from the parcel boundary to the East.
2. The Subject property is a 2-acre parcel located at 401 Banks Road in the Town of Marlboro, VT; Tax map number 07-03-02.22. The property is more fully described in a Deed recorded at Book 48, Page 495, 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 in *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 parcel boundary.
5. The Waiver requested, to construct a garden shed, 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 Waiver requested does not reduce the Setback dimension by more than the minimum amount necessary. [*Section 203.4.b.7: Standards for Granting a Waiver of the Marlboro Zoning Regulations*]

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Waiver of Setback: to construct a garden shed within the Front Yard Minimum Setback from the parcel boundary to the East, with the following Condition:

The proposed structure shall maintain a setback of at least ten (10) feet from the parcel boundary.

Dated at Marlboro, Vermont, this 24th day of September, 2024.



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*.