

TOWN OF MARLBORO
Development Review Board

Application for Conditional Use
Findings and Decision

Permit # 25-18 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 Eric Slayton, PO Box 514, Marlboro, VT 05344-0514; Location: 242 Trillium Way, Marlboro, VT; Tax Map Number 11-02-22.41; Proposal: Conditional Use; Accessory Structure (workshop/art studio), located within the Wildlife Habitat Overlay District.
2. The Application was received by Mary Sargent, Zoning Administrator, on July 3, 2025. A copy of the Application is available for review at the Marlboro Town Office, and on the DRB page of the Marlboro Town website (marlborovt.us).
3. On August 2, 2025, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On August 4, 2025, 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 6, 2025, a copy of the Notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicant. On August 6, 2025, 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:
 - Richard & Ann Hurst, 4795 Spud Drive, Flagstaff, AZ 86004
 - Windham & Windsor Housing Trust, 68 Birge Street, Brattleboro, VT 05301-8428
 - Laura Tarleton, PO Box 99, Marlboro, VT 05344-0099
 - Susan Solomon, PO Box 443, Marlboro, VT 05344-0443
 - Johanna Tree, 45 East 89th Street, Apt. 12F, New York, NY 10128
 - Jeremiah Wallack, PO Box 31, Marlboro, VT 05344-0031
 - Raphael Rosner, PO Box 460, Marlboro, VT 05344-0460

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on August 19, 2025. 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
- Eva Grimaldi
- Mary Sargent, Zoning Administrator
- John Marinelli, Scribe

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:

- Laura Tarleton, PO Box 99, Marlboro, VT 05344-0099 : Abutter

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

- Permit Application, signed by Owner Eric Slayton, dated 6/25/25
- Site sketch showing approximate location of existing house with driveway, carport, well, septic & solar; and proposed workshop/art studio; unsigned and undated
- Environmental Assessment of the Proposed Area of Development, including photo documentation, prepared by Eric Slayton, dated July 31, 2025
- Conservation Biology CV 2025, Eric Slayton
- Town of Marlboro CTI Map: Tax Map number 11-02-22.41, printed on June 24, 2025, showing dimensions and *Color Imagery*
- List of Abutters to the Slayton property (Tax Map number 11-02-22.41), with corresponding Town of Marlboro CTI Map, printed on July 5, 2025

These Exhibits are available for review at the Marlboro Town Office, and on the Marlboro Town website (marlborovt.us).

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 an Accessory Structure (workshop/art studio), located within the Wildlife Habitat Overlay District.
2. The Applicant seeks a Waiver of Setback to build an Accessory Structure (workshop/art studio) located within the Side Yard Minimum Setback from the parcel boundary to the East.
3. The subject property is a 5.1-acre parcel located at 242 Trillium Way in the Town of Marlboro, VT; Tax Map Number 11-02-22.41. The property is more fully described in a Deed recorded at Book 59, Page 492, in the Town of Marlboro Land Records.
4. 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.
5. 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*.
6. 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*.
7. The Conditional Use requested, for a workshop/art studio, Accessory to an existing Single-Family Residence, is allowed as by right within the *Rural Residential District*, and the proposed development conforms with the purpose of the District.
8. The Waiver request requires review under the following Section of the Zoning Regulations: *Section 305 - Rural Residential (RUR); Area, Dimensional, and Coverage Requirements; Side Yard Minimum Setback: 50 feet from the parcel boundary*.
9. 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.
10. 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 Application for Conditional Use: to build a workshop/art studio, located within the Wildlife Habitat Overlay District, with the following Condition:

Any outdoor lighting shall be shielded and directed downward to mitigate wildlife disturbance.

Based upon these Findings, the Development Review Board also approves the Application for a Waiver of Setback: to build an Accessory Structure (workshop/art studio) located within the Side Yard Minimum Setback from the parcel boundary to the East.

Dated at Marlboro, Vermont, this 24th day of September, 2025.


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.

Town of Marlboro
Marlboro, Vermont 05344

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