TOWN OF MARLBORO
Development Review Board

Application for Conditional Use
Findings and Decision

Permit # 25-06 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 Matthew & Lucy Tell, PO Box 232, Marlboro, VT 05344-0232; Location: 168 Potters Hill, Marlboro, VT; Tax Map Number 04-00-16.3; Proposal: Conditional Use; Accessory Structure (storage barn/garage), located within the Wildlife Habitat Overlay District.

2. The Application was received by Mary Sargent, Zoning Administrator, on April 16, 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 May 3, 2025, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer.*

4. On May 5, 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 May 8, 2025, a copy of the Notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants. On May 8, 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:

    - Christopher & Jeanette Landin, 3328 North Pond Road, Brattleboro, VT 05301
    - Town of Brattleboro, VT, c/o Treasurer, 230 Main Street, Brattleboro, VT 05301
    - Philip & Andrea Howe, 2814 North Pond Road, Brattleboro, VT 05301
    - Jeffrey Davies & Victoria Guest, 170 Potters Hill, Brattleboro, VT 05301

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on May 20, 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 (via *Zoom*)
   - 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. The following Exhibits were submitted to the Development Review Board during the course of the Hearing:

   - Permit Application, signed by Owners Matthew Tell & Lucy Tell, dated 4/13/25
   - Site sketch showing approximate location of existing house with driveway, well & septic; studio; and proposed storage barn/garage; undated
   - Environmental Consultant Report, prepared by Daniel Dubie, Northwoods Connections, dated May 2025
   - Town of Marlboro CTI Maps (2): Tax Map number 04-00-16.3, printed on May 1, 2025, showing dimensions, 20-foot contours, and *Color Infrared* Imagery
   - List of Abutters to the Tell property (Tax Map number 04-00-16.3), with corresponding Town of Marlboro CTI Map, printed on May 13, 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 (storage barn/garage), located within the Wildlife Habitat Overlay District.

2. The subject property is an 11.1-acre parcel located at 168 Potters Hill in the Town of Marlboro, VT; Tax Map Number 04-00-16.3. The property is more fully described in a Deed recorded at Book 43, Page 254, in 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 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*.

5. 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*.

6. The Conditional Use requested, for a storage barn/garage, Accessory to an existing Single-Family Dwelling, is allowed within the *Rural Residential District*, and the proposed development conforms with the purpose of the District.

DECISION AND CONDITIONS

Based upon these Findings, the Development Review Board approves the following Conditional Use: to build a storage barn/garage, located within the Wildlife Habitat Overlay District.

No conditions were established at the Hearing.

Dated at Marlboro, Vermont, this 12th day of June, 2025.

Steven John

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.*