TOWN OF MARLBORO
Development Review Board

Subdivision Review
Findings and Decision

Permit Application #18-16 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Subdivision Regulations, of an application for Division of Land submitted by David Ward, PO Box 781, Brattleboro VT 05302; Location: 310 Cowpath 40, Marlboro, VT; Tax Map Number 12-00-31; Proposal: Minor Subdivision of an existing 16-acre parcel into two (2) lots, 5 acres and 11 acres, each with frontage on Cowpath 40.

2. The application was received by Mary Sargent, Zoning Administrator, on July 23, 2018. The preliminary sketch plat was received on August 21, 2018. The final subdivision plat was received on September 4, 2018. A copy of the application and final plat are available at the Marlboro Town Office.

3. On August 6, 2018, and again on October 8, 2018, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On August 5, 2018, and again on October 8, 2018, notice of a public hearing 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 7, 2018, and again on October 12, 2018, a copy of the notice of a public hearing was mailed to the applicant. On August 7, 2018, and again on October 12, 2018, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Daniel & Lyndsey Boyd, PO Box 44, Marlboro, VT 05344-0044
- Lisa Hecht & Anthony Hecht, PO Box 380, Marlboro, VT 05344-0380
- Ames Hill-Marlboro Community Center, PO Box 2124, West Brattleboro, VT 05303
- Texas Ranger Rancho Reichsman LLC, 63 Chestnut Street, Brattleboro, VT 05301
- C S Wurzburger, PO Box 343, Marlboro, VT 05344-0343
- Peter Paggi & Ashley Nadeau, PO Box 68, Marlboro, VT 05344-0068
- Laurie Panther, PO Box 328, Marlboro, VT 05344-0328

- Allen & Megan Warner, PO Box 479, Marlboro, VT 05344-0479
- John Ellis, 19 Garden Street, Apt. 42, Cambridge, MA 02138
- Paul Sklar, 50 East 79th Street, Apt. 7B, New York, NY 10021
- Mary Sargent, PO Box 136, Marlboro, VT 05344-0136
- Philip Johansson & Joan Carey, PO Box 34, Marlboro, VT 05344-0034
- Kate Morgan, PO Box 149, Marlboro, VT 05344-0149

6. The application and preliminary sketch plat were considered by the Development Review Board at a public hearing on August 21, 2018. The final subdivision plat was considered by the Development Review Board at a public hearing on October 23, 2018. The Development Review Board reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended March 4, 2010.

7. Present at the hearings were the following members of the Development Review Board:

- Steven John, Chairman (present on August 21, 2018 only)
- Jean H. Boardman, Clerk (acting Chairman on October 23, 2018)
- Brent Seabrook
- Gail MacArthur
- John Nevins
- Julia von Ranson, DRB Administrative Assistant (present on October 23, 2018 only)
- 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:

- August 21, 2018: No interested parties attended
- October 23, 2018: Peter Paggi, 371 Cowpath 40, Marlboro, VT; abutter

9. During the course of the hearings the following exhibits were submitted to the Development Review Board:

- Permit Application #18-16 LD, signed and dated 07/23/2018
- Preliminary sketch plat, unsigned and not dated
- Final Subdivision Plat, including 5-foot contours, surveyed by Kathleen A. Martin, unsigned and not dated
- Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, printed on July 24, 2018
- Town of Marlboro CTI Map, showing Ortho imagery 2015, printed July 24, 2018
- List of abutters to Ward property (Tax Map #12-00-31), with corresponding Town of Marlboro CTI map, printed on July 27, 2018

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 to divide a 16-acre lot into 2 parcels of 5 acres and 11 acres. The subject property is located at 310 Cowpath 40, Marlboro VT; Tax map number 12-00-31. The property is more fully described in a Deed recorded at Book 54, Page 457, of the Town of Marlboro Land Records.

2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in Section 305 of the Marlboro Zoning Regulations.

3. The proposal is considered a Minor Subdivision under Article II, Section 2.1.B of the Marlboro Subdivision Regulations, dated March 4, 2010.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Land Division of Tax Map # 12-00-31, as described in Permit application #18-16 LD.

The proposed subdivision meets the requirements of Articles II & III of the Subdivision Regulations.

The Development Review Board approves the application and plat subject to the following conditions:

- No conditions were established at the hearing.

The approval of the Development Review Board shall expire 180 days from the date of this decision, unless the approved plat is duly filed or recorded in the office of the municipal clerk.

Dated at Marlboro, Vermont, this 30th day of October 2018

Jean H Boardman

Jean H. Boardman, Clerk, Acting Chairman
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.