TOWN OF MARLBORO
Development Review Board

Application for a Minor Subdivision
Findings and Decision

Permit Application # 24-32 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an Application for a Minor Subdivision submitted by Ally McAuslan, Fiduciary for the Estate of Andrea McAuslan, 12 Green Field Way, Unit 101, Milton, VT 05468; Location: 869 Cowpath 40, Marlboro, VT; Tax Map Numbers 12-00-40 & 12-00-41; Proposal: Minor Subdivision; Reconfigure two (2) parcels into three (3) lots, all with frontage on Cowpath 40. Proposed Lot 1 is 54 (+/-) acres, including all of Parcel 12-00-40 with an existing dwelling, barn & woodshed, and the site (leased) of a commercial radio tower installation. Proposed Lot 2 is 2.3 (+/-) acres, undeveloped. Proposed Lot 3 is 8.3 (+/-) acres, undeveloped.

2. The Application was received by Mary Sargent, Zoning Administrator, on November 12, 2024. A copy of the Application is available for review on the Marlboro Town website (marlborovt.us).

3. On November 30, 2024, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer.*

4. On December 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 December 3, 2024, a copy of the Notice of a public Hearing was mailed to the Applicant. On December 3, 2024, a copy of the Notice of a public Hearing was mailed to the following Owners of properties adjoining the property subject to the Application:

    - Mary Sargent, PO Box 136, Marlboro, VT 05344-0136
    - Linda Barber, 420 Settles Hill Road, Altamont, NY 12009-5712
    - Gregory Burnell, PO Box 211, Marlboro, VT 05344-0211
    - Saga Communications of New England LLC, 15 Hampton Ave., Northampton, MA 01060

- Julia Zanes, PO Box 2507, West Brattleboro, VT 05303-2507
- Douglas Trump, PO Box 82, Marlboro, VT 05344-0082
- Peter Mauss & Phyllis Odessey, PO Box 72, Marlboro, VT 05344-0072
- Erica Morse & Leslieanne Garziano, PO Box 45, Marlboro, VT 05344-0045
- Texas Ranger Rancho Reichsman LLC, 63 Chestnut Street, Brattleboro, VT 05301
- Ann Reichsman & Bruce Catalano, 1818 Middlehurst Road, Cleveland Heights, OH 44118
- Andrew Reichsman & Catherine Purdie, PO Box 425, Marlboro, VT 05344-0425
- Aaron & Emily Walsh, PO Box 385, Marlboro, VT 05344-0385
- Wesley & Mary Harper, PO Box 327, Marlboro, VT 05344-0327
- Ciri Gillespie, PO Box 2322, West Brattleboro, VT 05303-2322
- Brian Mooney & Vaune Trachtman, PO Box 2504, West Brattleboro, VT 05303-2504
- Stephen & Courtney Wiesmore, 236 Barrows Road, Brattleboro, VT 05301
- Hilary Francis, Brattleboro Town Clerk, 230 Main Street, Suite 108, 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 December 17, 2024. The Development Review Board reviewed the Application under the Subdivision Regulations of the Town of Marlboro, as amended March 4, 2010.

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, Assistant ZA, 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:

    - Joshua Smith, Saga Communications of New England LLC, 15 Hampton Ave., Northampton, MA 01060 : Abutter

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

- Permit Application, signed and dated 11/4/2024
- Certificate of Appointment of Fiduciary, Estate of Andrea McAuslan, dated Dec. 11, 2023
- Preliminary Subdivision Plan, 3 Lot Subdivision at 869 Cowpath 40, Marlboro, VT; prepared by Bradford Lackey, dated 11~04~ 2024
- Town of Marlboro CTI maps (3), Tax Map Numbers 12-00-40 & 12-00-41, printed on October 24, 2024, with 20-foot contours and *Color Infrared* Imagery
- List of abutters to Estate of Andrea McAuslan property (Tax Map #12-00-40 & 12-00-41), with Town of Marlboro CTI map, printed on November 15, 2024

These Exhibits are available for inspection 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 Minor Subdivision to reconfigure two (2) parcels into three (3) lots, all with frontage on Cowpath 40. Proposed Lot 1 is 54 (+/-) acres, including all of Parcel 12-00-40 with an existing dwelling, barn & woodshed, and the site (leased) of a commercial radio tower installation. Proposed Lot 2 is 2.3 (+/-) acres, undeveloped. Proposed Lot 3 is 8.3 (+/-) acres, undeveloped.

2. The subject properties are a parcel of 64.1 acres and a parcel of 0.78 acres, located at 869 Cowpath 40 in the Town of Marlboro; Tax Map Numbers 12-00-40 & 12-00-41. The properties are more fully described in a Deed recorded in Book 38, Page 286, of the Town of Marlboro Land Records.

3. The properties are 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 - Rural Residential (RUR)* of the Marlboro Zoning Regulations, dated March 6, 2018.

4. The proposal meets the definition of a Minor Subdivision, described in *Article II, Section 2.1 (B)* of the Marlboro Subdivision Regulations, dated March 4, 2010.

5. The proposal conforms to the General Standards for a Minor Subdivision, described in *Article III, Sections 3.1 & 3.2* 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 Minor Subdivision described in Permit # 24-32 LD: to reconfigure two (2) parcels into three (3) lots, all with frontage on Cowpath 40. Proposed Lot 1 is 54 (+/-) acres, including all of Parcel 12-00-40 with an existing dwelling, barn & woodshed, and the site (leased) of a commercial radio tower installation. Proposed Lot 2 is 2.3 (+/-) acres, undeveloped. Proposed Lot 3 is 8.3 (+/-) acres, undeveloped.

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

The Development Review Board approves the Application, subject to the following Conditions:

The approval of the Development Review Board shall expire 180 days from the date of this Decision, unless an approved Plat and corresponding Deeds are duly filed or recorded in the office of the Marlboro Town Clerk.

Dated at Marlboro, Vermont, this 30th day of December, 2024.

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.