TOWN OF MARLBORO
Development Review Board

Application for a Minor Subdivision
Findings and Decision

Permit Application # 25-04 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 Applicant Amar Rifaiy, 118 Birge St., Brattleboro, VT 05301; on behalf of Owner Matthias Naegele, PO Box 355, Marlboro, VT 05344-0355; Location: Barrows Road, Marlboro, VT; Tax Map Number 12-00-58; Proposal: Minor Subdivision; Divide a 25.7-acre parcel into two (2) lots. Lot 1 is 15.7 acres. Lot 2 is 10.0 acres. Both lots are undeveloped and have road frontage on Barrows Road.

2. The Application was received by Mary Sargent, Zoning Administrator, on March 13, 2025. A copy of the Application is available for inspection at the Marlboro Town Office, and on the DRB page of the Marlboro Town website, marlborovt.us.

3. On March 29, 2025, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer.*

4. On March 31, 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 April 1, 2025, a copy of the Notice of a public Hearing was mailed to the Applicant and to the Owner of the subject property. On April 1, 2025, a copy of the Notice of a public Hearing was mailed to the following Owners of properties adjoining the property subject to the Application:

    - Hugh Russell & Kenneth Allen, 1 Corliss Place, Cambridge, MA 02139-1107
    - Arthur & Kevin Patton-Hock, 48 Madison Street, Somerville, MA 02143-1209
    - Texas Ranger Rancho Reichsman LLC, 63 Chestnut Street, Brattleboro, VT 05301
    - Wesley & Mary Harper, PO Box 327, Marlboro, VT 05344-0327
    - Robert & Susanne Shapiro, PO Box 245, Marlboro, VT 05344-0245
    - James Betteridge, 1110 Bardell Drive, Wilmington, DE 19808-3000

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on April 15, 2025. 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
    - 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:

    - No Interested Parties attended

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

    - Permit Application, signed by Applicant, dated 2/25/25; and by Owner, dated 4/13/25
    - Preliminary Subdivision Survey, prepared by Hoyt Gilmour Survey Associates LLC, dated March 21, 2025
    - Town of Marlboro CTI maps (2), Tax Map Number 12-00-58, printed on March 25, 2025, with dimensions, 20-foot contours and *Color Infrared* Imagery
    - List of abutters to Naegele property (Tax Map # 12-00-58), with Town of Marlboro CTI map, printed on March 27, 2025

    These Exhibits are available for inspection at the Marlboro Town Office, and on the DRB page of 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 Minor Subdivision to divide a 25.7-acre parcel into two (2) lots. Lot 1 is 15.7 acres. Lot 2 is 10.0 acres. Both lots are undeveloped and have road frontage on Barrows Road.

2. The subject property is a parcel of +/- 25.7 acres, located on Barrows Road in the Town of Marlboro; Tax Map Number 12-00-58. The property is more fully described in a Deed recorded in Book 64, Page 415, 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 - 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 # 25-04 LD: to divide a 25.7-acre parcel into two (2) lots. Lot 1 is 15.7 acres. Lot 2 is 10.0 acres. Both lots are undeveloped and have road frontage on Barrows Road.

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 22nd day of April, 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.