

TOWN OF MARLBORO  
Development Review Board

Subdivision Review  
Findings & Decision

Permit Application No. 13-04LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by Kent & Patricia Webster, 2015 Butterfield Road, Marlboro VT, for subdivision under the Town of Marlboro subdivision Regulations.
2. The application and plat were received by the Zoning Administrator on 25 February 2013. A copy of the application and final plat are available at the Marlboro Town Office.
3. On 2 March 2013 notice of a public hearing for final plat review was published in the *Brattleboro Reformer*.
4. On 28 February 2013 notice of a public hearing for final plat review was posted at the following places:
  - a. Marlboro Town Office
  - b. Sweeties General Store bulletin board
  - c. Marlboro Town web site
5. On 28 February 2013 a copy of the notice of a public hearing was mailed to the applicant. On 28 February a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - Will & Paula Fielding, 1913 Butterfield Road, Brattleboro VT 05201
  - Mary Faith Wilson, 84 Jenkes Road, Brattleboro VT 05301
  - Nora Wilson, 2124 Butterfield Road, Brattleboro VT 05301
  - Dante & Suzanne Corsano, 1825 Butterfield Road, Brattleboro VT 05301
  - T. Hunter Wilson, 2203 Butterfield Road, Brattleboro VT 05301
  - Jenkes Foundation, PO Box 412, Marlboro VT 05344
6. The application and plat were considered by the Development Review Board at a public hearing on 19 March 2013. 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 hearing were the following members of the Development Review Board:

- Jean H. Boardman, Clerk & Acting Chairman
- Brent Seabrook
- Julia von Ranson
- Gail MacArthur, Alternate

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an *interested person* 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.

- Kent Webster, Applicant
- Jesse Webster Einerman
- Mike Einerman

9. During the course of the hearing the follow exhibits were submitted to the Development Review Board:

- Plat of Boundary Survey of Kent and Patricia Webster property on Butterfield Road by Malcolm Moore, dated July-December 2012.
- Copy of Application # 13-04 for a minor sub-division.

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 a permit to subdivide land. The subject property is located at 2015 Butterfield Road, Marlboro VT.
2. The property is a 10.3acre parcel to be divided into a 3 acre lot and a 7.3 acre lot.
3. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Marlboro Town Office and section 305 of the Zoning Regulations.
4. Subdivision approval is requested pursuant to review under the following sections of the Town of Marlboro Subdivision Regulations:

DECISION AND CONDITIONS

Based upon these finding, and subject to the condition set forth bellow, the Development Review Board grants the application for the Land Division of Tax Map # 10-0-26.5 as described in Permit # 13-04-LD.

The proposed subdivision meets the requirements of Sections 2 & 3 of the Subdivision Regulations.

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

1. The Zoning Administrator receives a revised copy of Wastewater System and Potable Water Supply Permit from the State of Vermont Department of Environmental Conservation, Agency of Natural Resources.

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 9th day of April 2013



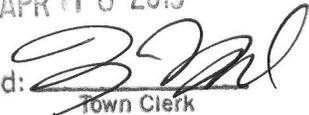
Jean H. Boardman,  
Clerk and Acting Chairman  
Marlboro Development Review Board

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 aboard. 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.

cc: Mary Sargent, ZO

MARLBORO, VERMONT  
Received and Recorded

APR 10 2013

Signed:   
Town Clerk