

**TOWN OF MARLBORO**  
**Development Review Board**

**Subdivision Review**  
**Findings and Decision**

Permit Application No. 15-05 LD

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for subdivision of land submitted by Michael Mayer for subdivision approval under the Town of Marlboro under the Town of Marlboro subdivision regulations.
2. The application and plat were received by the Zoning Administrator on April 29, 2015 . A copy of the application and plat are available at the Marlboro Town Office.
3. On May 5, 2015, notice of a public hearing for final plat review was published in the Brattleboro Reformer.
4. On May 4, 2015, notice of a public hearing for final plat review was posted at the following places:
  - a. Marlboro Town Office
  - b. Marlboro Town Bulletin Board
  - c. Marlboro Town Website
5. On May 4 , 2015, a copy of the notice of a public hearing was mailed to the applicant. On May 4, 2015, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - Eugene & Linda Bourne, PO Box 400, Marlboro
  - Rachel Boyden & Pieter van Loon, PO Box 326, Marlboro
  - Katherine Turner, PO Box 24, Marlboro
  - Marlboro Whitmore-Paton Trust, Jim Tober, PO Box 62, Marlboro
  - Matthew Dricker & Pamela Burke, PO Box 42, Marlboro
6. The application and plat were considered by the Development Review Board at a public hearing on May 19th, 2015. The Development Review Board reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended March, 2007.

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

- T. Hunter Wilson, Chair
- Tony Gordon
- Gail MacArthur
- Brent Seabrook
- Patti Smith, Alternate

Also present at hearing:

- Mary Sargent, Zoning Administrator
- Julia von Ranson, DRB Administrative Assistant

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:

- Pieter van Loon, PO Box 326, Marlboro, VT
- Rachel Boyden, PO Box 326, Marlboro, VT
- Jim Tober, Trustee of Whittemore-Paton Marlboro Trust, PO Box 62, Marlboro, VT
- Randy Knaggs, PO Box A, Marlboro College, Marlboro, VT

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

- Proposed subdivision plan for tax map 11 Block 02, Lot 52 located at 203 Judd Road, Marlboro, VT, property of Michael Mayer, by Malcolm Moore, PLS, dated April 27, 2015.
- Waste Water and Potable Water Supply Permit from the State of Vermont Department of Environmental Conservation, dated May 18, 2015.
- Proposed replacement leach field plan for Lot 1 by Marquise & Morano, LLC, dated 5/8/2015.
- Town of Marlboro and CTI map indicating ownership of Michael Mayer lot and abutting lots of Whittemore-Paton Marlboro Trust, Rachel Boyden, Matthew F. Dricker and Pam Burke, Eugene & Linda Bourne and Katharine Turner dated May 6, 2015.
- Town of Marlboro and CTI map indicating numbers of lot 11-02-52 and surrounding lot numbers dated September 29, 2014.

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:

- The applicant seeks to subdivide lot 11-02-52 into three lots consisting of Lot 1. 21.5 acre lot, Lot 2. 3.0 acre lot and Lot 3. a 4.0 acre lot all located on Judd Road.
- 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.
- The applicant, through a note on the application requests that the DRB waive the application requirement set out in Table 2.2 on page 14 of the Subdivision Regulations: Plan/Plat Mapping Requirements - Existing & proposed elevations, contour lines to be developed, 5 foot intervals. The reason for the waiver of this requirements is that there are no steep slopes or other unusual site conditions.

## 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 11-02-52 as described in Permit #15-05 LD.

1. An agreement for maintenance of the common Right of Way be included in the deeds of all three lots.

Based upon these findings, The Development Review Board grants the request to waive the application requirement set out in Table 2.2 on page 14 of the Subdivision Regulations: Plan/Plat Mapping Requirements - Existing & proposed elevations, contour lines to be developed, 5 foot intervals.

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 20th day of May 2015

A handwritten signature in cursive script that reads "T. Hunter Wilson".

T. Hunter Wilson  
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.

cc Mary Sargent, ZO