

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

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

Permit Application No. 15-13 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by Sandra Cooley 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 June 29, 2015 . A copy of the application and plat are available at the Marlboro Town Office.

3. On July 6, 2015, notice of a public hearing for final plat review was published in the Brattleboro Reformer.

4. On July 6, 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 July 6, 2015, a copy of the notice of a public hearing was mailed to the applicant. On July 6, 2015, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Richard Hamilton, 63 Hughes Road, Brattleboro
- Brian & Linda Carley, 138 Butterfield Rd, Brattleboro
- Rebecca Mroczek, 56 Main St, Northfield, MA
- Barbara Giard, 226 Hughes Road, Brattleboro
- Marcia Hamilton, 63 Hughes Rd, Brattleboro
- Estate of Kathleen Galanes, PO Box 4285, East Hampton, NY
- April Weeks, PO Box 151, Marlboro
- Corinna Inman, PO Box 173, Marlboro
- Mayur, LLC % K.T. Patel, 56 Monadnock Ave, Keene, NH
- Raif Southworth, PO Box, Marlboro
- Frances Boyd, 5936 Route 9, Brattleboro
- Social Lodge #38, F&AM, Wilmington, PO Box 179, Wilmington
- S. VT Dairy Goat Assoc, PO Box 25, East Dorset, VT

- Sheila Balch, 5546 Route 9, Brattleboro
- Pool Learning Center for All Ages, PO Box 12, Marlboro
- Maria Baker, Linda Arduini, Ralph Palladino, 499 Hemlock Rd, Fairfield, CT

6. The application and plat were considered by the Development Review Board at a public hearing on July 21, 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
- Jean Boardman

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:

- Carter Cooley, 21 Brookfield Rd, Brimfield, MA
- Marcia L. Hamilton, 63 Hughes Rd, Brattleboro, VT 05301
- Richard Hamilton, 63 Hughes Rd, Brattleboro, VT 05301

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

- A letter from Sandra Cooley authorizing Carter Cooley to act as permit application representative, dated July 17, 2015.
- A letter from Carter Cooley, permit application representative for Sandra Cooley, seeking a waiver of contours survey map, dated July 17, 2015.
- A letter from Sandra Cooley informing abutters of the applicant's application and intent, dated June 17, 2015.

- Survey map representing a 6.46 acre parcel including the existing house, garage, shed, well, septic tank, leach field and reserved leach field of the partial property of Sandra J. Cooley, 5504 Route 9, Marlboro, VT by Joyce Land Surveying Corp. dated June 8, 2015
- Waste Water and Potable Water Supply Permit from the State of Vermont Department of Environmental Conservation, dated June 23, 2015.
- Proposed replacement leach field plan for the 6.46 acre parcel by Marquise & Morano, LLC, dated 6/12/2015.
- Town of Marlboro and CTI map indicating ownership of Sandra Cooley lot and abutting lots dated July 3, 2015.
- Town of Marlboro and CTI map indicating numbers of lot 06-02-44 and surrounding lots dated July 3, 2015.
- Town of Marlboro and CTI map indicating contours of lot 06-02-44 and surrounding lots dated July 21, 2015.

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, 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.
- The applicant seeks to subdivide lot 06-02-44 into two lots consisting of Lot 1.114 acre lot, Lot 2. 6.5 acre lot with existing house all located on Route 9.
- 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.

## DECISION AND CONDITIONS

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.

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Land Division of Tax Map 06-02-44 as described in Permit #15-13 LD.

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 22th day of July 2015



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