

TOWN OF MARLBORO
Development Review Board

Subdivision Review
Findings and Decision

Permit Application No. 15-12 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by Adam Gebb 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 8, 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:
 - Laura L. Tarleton, PO Box 99, Marlboro, VT
 - Jeremy Zumbruski, PO Box 357, Marlboro, VT
 - Wendy E. Slater, 98 Harris Ave, Brattleboro, VT
 - Windham & Windsor Housing Trust, Inc, 68 Birge St, Brattleboro
 - Thomas & Nancy Cain, PO Box 225, Marlboro, VT
 - Green Mountain Conservancy, Inc, 35 Frost St, Brattleboro, VT
 - Raphael Rosner, PO Box 460, Marlboro, VT
6. The application and plat were considered by the Development Review Board at a public hearing on July 21, 2015. This meeting was recessed due to an incomplete application from Adam Gebb. The DRB sent the applicant and informational letter on July 28, 2015 detailing additional information required. The application and plat were reconsidered at a reconvened

special hearing on August 10, 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, present on July 21, 2015 only

Also present at hearing:

- Adam Gebb, applicant
- 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 at the July 21, 2015 hearing only:

- Laura L. Tarleton, PO Box 99, Marlboro, VT
- Thomas & Nancy Cain, PO Box 225, Marlboro, VT

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

- Survey map of a portion of land of Adam Gebb & Raphael Rosner, revised June 12, 2015 and revised July 29, 2015.
- A letter from David Elliot, Marlboro Fire Chief stating there are no concerns with emergency vehicle access to the existing or proposed lots, dated July 7, 2015.
- Town of Marlboro and CTI map indicating ownership of Adam Gebb lot and abutting lots dated July 3, 2015.
- Town of Marlboro and CTI map indicating tax map numbers of Adam Gebb lot and abutting lots dated July 3, 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 seeks to subdivide lot 11-02-22.4 into two lots consisting of Lot 2. 13.0 acres and Lot 2A. 5.1 acres with deed access to Ames Hill 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.

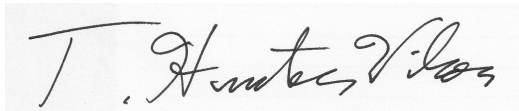
DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Land Division of Tax Map 11-02-22.4 as described in Permit #15-12 LD with the following conditions.

1. Documentation of deeded Rights-of-way from Ames Hill Road to lots 2 and 2A be presented to the Zoning Administrator prior to posting the subdivision permit.

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 12th day of August 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