

TOWN OF MARLBORO
Development Review Board

Subdivision Review
Findings and Decision

Permit Application no. 16-04 LD

1. This proceeding involves review of an application for subdivision of a 60.64 acre parcel into two (2) lots, to split off the seasonal camp onto its own lot of 7.96 acres. The remaining lot of 52.68 acres will be used for forestry practices.

2. The application was received by the Zoning Administrator on 12 April 2016. A copy of the application is available at the Marlboro Town Office.

3. On 2 May 2016, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On 2 May 2016, notice of a public hearing was posted at the following places:

- Marlboro Town Office
- Marlboro Town Bulletin Board
- Marlboro Town website

5. On 2 May 2016, a copy of the notice of a public hearing was mailed to the applicant. On 2 May 2016 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Marlboro Maximus LLC (applicant) 535 Cummings Rd. Chester VT 05351
Peter Durgin, Manager
- Woodwise Timberlands, LLC, PO Box 287, Scottsville NY 14546-0287
- Andre & Jennnine Carrier, 47 Pleasant Valley Rd. Feeding Hills MA 01030
- Jessica Turner, 2343 Augur Hole Rd. South Newfane VT 05344
- Albert & Nancy Cohen, 29 Cotton St. Newton MA 02158-2619
- Town of Marlboro, PO Box E Marlboro VT 05344

6. The application was considered by the Development Review Board of the Town of Marlboro at a public hearing on 17 May 2016. The Development Review Board reviewed the application under the Town of Marlboro Zoning Regulations, as amended March 2007.

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

- T. Hunter Wilson, Chairman

- Jean Boardman, Clerk
- Brent Seabrook
- Gail MacArthur
- Bennett Grout
- Mary Sargent, ex officio member, Zoning Officer

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:

- Joseph DiBernardo, PO Box 52 Bellows Falls VT 05101, Surveyor

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

- Letter from Peter Durgin, Manager of Marlboro Maximus, LLC, 535 Cummings Rd, Chester VT 05143, authorizing Joseph DiBernardo, LLC d/b/a/ DiBernardo Associates, to represent Marlboro Maximus, LLC at the Subdivision Permit application hearing.
- Marlboro Listers' map indicating 20 foot contours
- Marlboro Listers' map indicating abutters lots
- Survey of Marlboro Maximus, LLC lot, Tax map#07-02-24, indicating 20 foot contours, abutting property owners, wetlands, boundary lines of proposed subdivision into two lots of 7.96 acres and 52.68 acres prepared by DiBernardo Associates LLC, 9 July 2015.
- Copy of email from Joseph DiBernardo to "Svec Jeff" regarding wastewater permit application and deferral language in the deeds. Copy includes the response.

These exhibits are available at the Marlboro Town Office.

DECISION AND CONDITIONS

Based upon findings and subject to the requirements of Sections 2 & 3 of the Subdivision regulations, the Development Review Board approves the application and plat subject to the following conditions:

- Deeds for the newly formed lots must contain deferral language that there is no guarantee that there is an acceptable septic location and definitions re: the camp and limitation of occupancy.

Dated at Marlboro Vermont this 8th day of September 2016.

Jean H. Boardman
Clerk, DRB

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NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding 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.