

TOWN OF MARLBORO
Development Review Board

Application for Subdivision Review
Findings and Decision

Permit Application # 19-06 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Subdivision Regulations, of an application for Division of Land submitted by Applicant: Fletcher Proctor, PO Box 935, Putney, VT 05346; on behalf of Owner: Adelbert Ames Estate, Brenda Diana, Executrix, % Ropes & Gray, 800 Boylston Street, Boston, MA 02199; Location: Undeveloped parcel with frontage on Butterfield Road and on Moss Hollow Road in Marlboro, VT; Tax Map Number 10-00-24; Proposal: Minor Subdivision of an existing 780-acre parcel into two (2) parcels, one with frontage on Butterfield Road and the other with frontage on Moss Hollow Road. The new boundary is the Old Sodom Road.

2. The application was received by Mary Sargent, Zoning Administrator, on May 8, 2019. The preliminary Subdivision Plan was received on May 8, 2019. The final Subdivision Plan was received on November 19, 2019. A copy of the Application and final Plan are available at the Marlboro Town Office.

3. On June 3, 2019, and again on November 4, 2019, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On June 3, 2019, and again on November 4, 2019, notice of a public hearing was posted at the following places:

- Marlboro Town Clerk's Office
- Bulletin Board outside the Marlboro Town Clerk's Office
- Marlboro Town Website, marlborovt.us

5. On June 4, 2019, and again on November 5, 2019, a copy of the notice of a public hearing was mailed to the Applicant and to the Owner. On June 4, 2019, and again on November 5, 2019, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Heather Bevilacqua, 5 Usher Street, Milford, CT 06460
- Kenneth Frano & Lynne Nordini, 360 Ray Hill Road, Wilmington, VT 05363
- Wilmington Social Lodge #38, F. & A. M., PO Box 179, Wilmington, VT 05363
- Maria Arduini, Linda Baker & Ralph Palladino, 499 Hemlock Road, Fairfield, CT 06842
- Brady Sumner, % Henri Sumner, 505 Avenue E, Kentwood, LA 70444

- Frederick Modlish, 835 West Road, Westfield, MA 01085
- David & Mary Iacobucci, 23 Lane Avenue, Clinton, MA 01510
- Deirdre Donaldson, 1108 Butterfield Road, Brattleboro, VT 05301-7995
- Nancy Birdsall, 3225 33rd Place NW, Washington, DC 20008
- Gabriel Hulme & Hilary Duggan, 1913 Butterfield Road, Brattleboro, VT 05301
- Hajin & Kumjee Kim, % Michael Kim, 15 Calbourae Crescent, Brookline, MA 02445
- Dante & Suzanne Corsano, 1825 Butterfield Road, Brattleboro, VT 05301
- Mary Faith Wilson, 84 Jenckes Road, Brattleboro, VT 05301-9652
- Thomas Toleno, PO Box 215, Marlboro, VT 05344-0215
- Mary Toleno, Trustee, M J Toleno Trust Agreement, 25 Highlawn Rd, Brattleboro, VT 05301-6243
- Jenckes Foundation, Inc., 2124 Butterfield Road, Brattleboro, VT 05301-7996
- Hugh & Helen Whitney, PO Box 17, Marlboro, VT 05344-0017
- T. Hunter Wilson, 2203 Butterfield Road, Brattleboro, VT 05301-7802
- J. Deborah Ferholt, 200 Leeder Hill Drive, Apt. 2708, Hamden, CT 06517-2780
- Jon Hendricks, 488 Greenwich Street, New York, NY 10013
- Richard & Donna Radcliffe, 2022 VT Route 9, Brattleboro, VT 05301-9238
- Geoffrey Hendricks, 486 Greenwich Street, New York, NY 10013
- Marlboro College, % Dan Cotter, PO Box A, Marlboro, VT 05344
- Brian & Johanna Staveley, PO Box 486, Marlboro, VT 05344-0486
- David Moss & Andrea Lerner, Cosimaplatz 3, D-12159 Berlin, Germany
- Marlboro School of Music, Inc., 1528 Walnut Street, Suite 301, Philadelphia, PA 19102-3604
- Walter Cramer & Mary Greene, PO Box 354, Marlboro, VT 05344-0354
- Nels & Luanne Kloster, PO Box 404, Marlboro, VT 05344-0404

6. The Application and preliminary Subdivision Plan were considered by the Development Review Board at a public hearing on June 18, 2019. The final Subdivision Plan was considered by the Development Review Board at a public hearing on November 19, 2019. The Development Review Board reviewed the Application and Plan under the Town of Marlboro Subdivision Regulations, as amended March 4, 2010.

7. Present at the hearing on June 18, 2019 were the following members of the Development Review Board:

- Steven John, Chairman
- Jean H. Boardman, Vice Chairman
- John Nevins
- Brent Seabrook
- Matt Tell, DRB Alternate
- Lauren MacArthur, DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

Present at the hearing on November 19, 2019 were the following members of the Development Review Board:

- Steven John, Chairman
- Jean H. Boardman, Vice Chairman
- John Nevins
- Gail MacArthur
- Emily Falta, Acting DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

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

- No interested parties attended

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

- Permit Application #19-06 LD, signed and dated 4/30/19
- Map showing outline of Parcel # 10-00-24 with proposed line of subdivision along Old Sodom Road, dated 4/30/19
- Final Plan showing subdivision of property of Adelbert Ames, prepared by DiBernardo Associates, LLC, and dated October 2, 2019
- Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, printed on May 29, 2019
- Notice of Appointment by Brenda S. Diana, Executrix for the Estate of Adelbert Ames, of Fletcher D. Proctor as Resident Agent for this proceeding, dated Dec. 5, 2018; and Acceptance of this Appointment by Fletcher Proctor, dated Dec. 7, 2018
- List of abutters to Adelbert Ames Estate property (Tax Map # 10-00-24), with corresponding Town of Marlboro CTI map, printed on May 29, 2019

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 to divide a 772-acre lot into two (2) parcels, one with frontage on Butterfield Road and the other with frontage on Moss Hollow Road. The new boundary will follow the Old Sodom Road. The subject property is an undeveloped parcel with frontage on Butterfield Rd. and on Moss Hollow Rd. in Marlboro VT; Tax Map # 10-00-24. The property is more fully described in two (2) Deeds recorded at Book 32, Pages 373 and 377, of the Town of Marlboro Land Records.

2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in *Section 305 - Rural Residential* of the Marlboro Zoning Regulations, dated March 6, 2018.
3. The proposal meets the criteria for a Minor Subdivision under *Article II, Section 2.1.B* of the Marlboro Subdivision Regulations, dated March 4, 2010.
4. The proposal conforms with the standards described in *Article III, Section 3.2 - General Standards* of the Marlboro Subdivision Regulations, dated March 4, 2010.

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 # 10-00-24, as described in Permit Application # 19-06 LD.

The proposed subdivision meets the requirements of Articles II & III of the Subdivision Regulations.

The Development Review Board approves the Application and Subdivision Plan subject to the following conditions:

- No conditions were established at the hearing.

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 5th day of December, 2019



Steven John, 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 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.