

TOWN OF MARLBORO
Development Review Board

Application for Subdivision Review
Findings and Decision

Permit # 19-18 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: Julia Arduini, PO Box 387, Marlboro, VT 05344-0387; on behalf of Owners: Maria Arduini, Ralph Palladino & Linda Baker, 499 Hemlock Road, Fairfield, CT 06824; Location: 5295 VT Route 9, Marlboro, VT; Tax Map Number 10-00-13; Proposal: Final Plan Review for a Minor Subdivision; Divide a 128-acre parcel into two (2) lots, one with frontage on VT Route 9 and the other with access to VT Route 9 by deeded right-of-way.

2. The application was received by Mary Sargent, Zoning Administrator, on November 25, 2019. The hearing, originally scheduled for December 17, 2019, was postponed due to inclement weather. A copy of the application and final plan are available at the Marlboro Town Office.

3. On January 6, 2020, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On January 6, 2020, 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 January 6, 2020, a copy of the notice of a public hearing was mailed to the Applicant and to the Owners. On January 6, 2020, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Randolph & Kathleen Pell, PO Box 403, Marlboro, VT 05344-0403
- Helen Benjamin, 117 Breakers Lane, Stratford, CT 06615
- Carter & Sandra Cooley, 21 Brookfield Road, Brimfield, MA 01010
- April Weeks, PO Box 151, Marlboro, VT 05344-0151
- Nicole Birkholzer, PO Box 175, Marlboro, VT 05344-0175
- Corinna & Clifton Inman, PO Box 173, Marlboro, VT 05344-0173
- Mayur, LLC, % K T Patel, 183 Pearl Street, Keene, NH 03431
- Wilmington Social Lodge #38 F. & A. M., PO Box 179, Wilmington, VT 05363
- David & Mary Iacobucci, 23 Lane Avenue, Clinton, MA 01510
- Patricia Trumpler Estate, % David & Margaret Trumpler, 9401 Chapman Oak Court, Palm Beach Gardens, FL 33410
- Adelbert Ames Estate, Brenda Diana, Executrix, % Ropes & Gray, 800 Boylston St., Boston, MA 02199

6. The application and final Subdivision Plat were considered by the Development Review Board at a public hearing on January 21, 2020. The DRB reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended March 4, 2010.

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

- Steven John, Chairman
- Jean H. Boardman, Vice Chairman
- Gail MacArthur
- Brent Seabrook
- Peter Barus, DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

8. At the outset of the 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 #19-18 LD, signed by Owners dated 11-21-2019, and by Applicant dated 10/22/19
- Preliminary Subdivision Plat dated Nov. 27, 2019, prepared by Brad Lackey for Merrill A. Mundell, Jr., showing proposed boundaries of the Minor Subdivision of the Arduini/Baker/Palladino property (Tax Map # 10-00-13), and location of proposed right-of-way access to VT Route 9
- Memo authorizing Julia Arduini to represent the Owners in this proceeding, signed by Maria Arduini, Linda Baker and Ralph Palladino, dated January 20, 2020
- Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on November 1, 2019
- List of abutters to Arduini/Baker/Palladino property (Tax Map # 10-00-13), with corresponding Town of Marlboro CTI map, printed on December 15, 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 128-acre parcel into two (2) lots, one with frontage on VT Route 9 and the other with access to VT Route 9 by a deeded right-of-way. The subject property is located at 5295 VT Route 9 in Marlboro, VT; Tax Map number 10-00-13. The property is more fully described in a Deed recorded at Book 50, Page 245, 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 # 10-00-13, as described in Permit 19-18 LD.

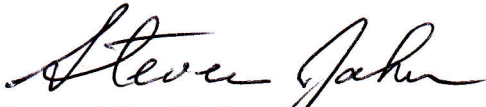
The proposed subdivision meets the requirements of Articles II & III of the Marlboro Subdivision Regulations.

The Development Review Board approves the application and Subdivision Plat 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 3rd day of February, 2020



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.