

TOWN OF MARLBORO
Development Review Board

Application for Minor Subdivision
Findings and Decision

Permit # 22-03 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: Christopher Cady, PO Box 1114, Wilmington, VT 05363; on behalf of Owner: Christopher Hawthorne, 2957 Castle Heights Ave., Los Angeles, CA 90034; Location: Larrabee Road, Marlboro, VT; Tax Map Number 02-00-48.2; Proposal: Final Plat Review for a Minor Subdivision; Divide a 15.1-acre parcel into two (2) lots of 4.2 acres and 10.9 acres, for conveyance to the adjoining landowners.
2. The application was received by Mary Sargent, Zoning Administrator, on February 24, 2022. A copy of the Application and final plat are available for inspection at the Marlboro Town Office, and on the Marlboro Town website marlborovt.us.
3. On April 2, 2022, notice of a public Hearing with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On April 2, 2022, notice of a public Hearing with *Zoom* videoconference 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 April 6, 2022, a copy of the notice of a public Hearing with *Zoom* videoconference was mailed to the applicant and to the owner of the property subject to the Application. On April 6, 2022, a copy of the notice of a public Hearing with *Zoom* videoconference was mailed to the following owners of properties adjoining the subject property:
 - Dori-Patricia Martin, PO Box 488, Marlboro, VT 05344-0488
 - William & Jean Graustein, 2319 Whitney Avenue, Suite 2B, Hamden, CT 06518
 - Joanne Gutt, PO Box 255, Marlboro, VT 05344-0255
 - Robert & Lisa Unsworth, 34 Bradford Road, Newton, MA 02461
 - Christian MaKay & Mucuy Bolles, 1779 Lower Dover Road, Brattleboro, VT 05301
 - Hylar & Marliese Friedman, PO Box 432, Marlboro, VT 05344-0432
 - Margaret Doty, 15 Oak Avenue, Pelham, NY 10803

6. The Application and Subdivision Plat were considered by the Development Review Board at a public Hearing with *Zoom* videoconference on April 19, 2022. 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
 - John Nevins
 - Matt Tell
 - 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:
 - Ed Doty, 15 Oak Avenue, Pelham, NY 10803 : Husband of Abutter
 - Robert & Lisa Unsworth, 34 Bradford Road, Newton, MA 02461 : Abutters

9. The following exhibits were submitted to the Development Review Board during the course of the Hearing:
 - Permit Application # 22-03 LD, signed by Owner dated 2/14/2022, and by Applicant dated 2/11/2022
 - Xerox copy of a small portion of a survey, showing existing boundaries and proposed "dividing line" created by this Subdivision; unsigned and undated
 - Letter from Christopher Cady, dated March 28, 2022, locating the source of the survey copy submitted with the Application, already recorded at Slide 314 of the Marlboro Land Records
 - Town of Marlboro CTI Maps (2): Tax Map # 02-00-48.2, printed on February 24, 2022, showing parcel boundaries, dimensions and 20-foot contours, with abutters
 - Town of Marlboro CTI Map: Tax Map # 02-00-48.2, printed on February 24, 2022, showing *Ortho Imagery 2019*
 - List of abutters to the Hawthorne property (Tax Map # 02-00-48.2), with corresponding Town of Marlboro CTI map, printed on March 29, 2022

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 subdivide an undeveloped 15.1-acre parcel into two (2) lots, with the intention of conveying each to the abutting landowner. The subject property is located on Larrabee Road in Marlboro, VT; Tax Map # 02-00-48.2. The property is more fully described in a Deed recorded at Book 46, Page 551, of the Town of Marlboro Land Records.
2. The property is located in the Rural Residential District as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in *Section 305 - Rural Residential (RUR)* 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 Minor Subdivision of Tax Map # 02-00-48.2 into two (2) lots, as described in Permit # 22-03 LD.

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

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

- No conditions were established at the Hearing.

The approval of the Development Review Board is founded on the survey by Malcolm Moore, dated September-November 2002, Revision 1 dated June 2004, recorded at Slide 314 of the Marlboro Land Records.

Dated at Marlboro, Vermont, this 31st day of May, 2022



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.