

TOWN OF MARLBORO
Development Review Board

Application for Minor Subdivision
Findings and Decision

Permit # 22-23 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: Alexander Shriver, 147 Western Avenue, Brattleboro, VT 05301; on behalf of Owners: Randi Von Steinwehr, 59 Meadow Lane, Little Compton, RI 02837-1104 & Marilyn Zimmerman, PO Box 1938, Framingham, MA 01701-1938; Location: 1507 Upper Dover Road, Marlboro, VT; Tax Map Number 02-00-13; Proposal: Final Plat Review for a Minor Subdivision; Divide a 10.37-acre parcel into two (2) lots of 5.25 acres and 5.12 acres, each to be individually owned by one of the current co-owners.
2. The Application was received by Mary Sargent, Zoning Administrator, on October 26, 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 October 29, 2022, notice of a public Hearing with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On October 30, 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 November 2, 2022, a copy of the notice of a public Hearing with *Zoom* videoconference was mailed to the Applicant and to the Owners of the property subject to the Application. On November 2, 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:
 - Katrina Jannen, 11 Fern Lane, Carlisle, MA 01741
 - Heinz & Traute Mueller, 99 Higley Hill Road, East Dover, VT 05341
 - Dover Town Clerk, PO Box 527, West Dover, VT 05356-0527
 - Wilmington Town Clerk, 2 East Main Street, PO Box 217, Wilmington, VT 05363-0217

6. The Application and Subdivision Plat were considered by the Development Review Board at a public Hearing with *Zoom* videoconference on November 15, 2022. The DRB reviewed the Application and Subdivision 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
- Brent Seabrook, Clerk
- Gail MacArthur
- John Nevins
- 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. The following exhibits were submitted to the Development Review Board during the course of the Hearing:

- Permit Application # 22-23 LD, signed by Owners, dated August 24, 2022 & 10/20/22
- Subdivision Plat of subject property, prepared by Brad Lackey for Merrill A. Mundell, Plan Date Nov. 08, 2013; revised to include proposed subdivision "West Side of Upper Dover Road - 8-3-22 - MAM"
- Town of Marlboro CTI Maps (2): Tax Map # 02-00-13, printed on October 26, 2022, showing parcel boundaries, dimensions, 20-foot contours, and *Bing Imagery*
- List of Abutters to the Von Steinwehr~Zimmerman property (Tax Map # 02-00-13), with corresponding Town of Marlboro CTI map, printed on October 26, 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 a jointly-held 10.37-acre parcel into two (2) lots of 5.25 acres & 5.12 acres, each to be individually owned by one of the current co-owners. The property is located at 1507 Upper Dover Road in Marlboro, VT; Tax Map # 02-00-13. The property is more fully described in a Deed recorded at Book 65, Page 86, 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 # 02-00-13 into two (2) lots, as described in Permit # 22-23 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.

Dated at Marlboro, Vermont, this 8th day of December, 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.