

TOWN OF MARLBORO
Development Review Board

Application for Minor Subdivision
Findings and Decision

Permit Application # 24-06 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Subdivision Regulations, of an Application for a Minor Subdivision submitted by Laurie Panther, PO Box 328, Marlboro, VT 05344-0328; Location: 249 Cowpath 40, Marlboro, VT; Tax Map Number 12-00-30.13; Proposal: Subdivision; Divide a 9.5-acre parcel into two (2) lots. Lot #1 is 7.44 acres, with an existing dwelling. Lot #2 is 2.06 acres, undeveloped. Each lot has road frontage on Cowpath 40.
2. The Application was received by Mary Sargent, Zoning Administrator, on November 8, 2023. A copy of the Application is available for review at the Marlboro Town Office.
3. On May 4, 2024, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On May 6, 2024, Notice of a public Hearing in the Town Office 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 May 10, 2024, a copy of the Notice of a public Hearing was mailed to the Owner of the property subject to the Application. On May 10, 2024, a copy of the Notice of a public Hearing was mailed to the following Owners of properties adjoining the property subject to the Application:
 - Ames Hill-Marlboro Community Center, PO Box 2124, W. Brattleboro, VT 05303-2124
 - Catherine Hamilton, PO Box 324, Marlboro, VT 05344-0324
 - Anne Diebel & Rafil Kroll-Zaidi, 249 Front Street, Apt. 2, Brooklyn, NY 11201
 - Peter Paggi & Ashley Nadeau, PO Box 68, Marlboro, VT 05344-0068
 - Allen & Megan Warner, PO Box 479, Marlboro, VT 05344-0479

- John Ellis, 19 Garden Street, Apt. 42, Cambridge, MA 02138
 - Patricia & Charles Townsend, PO Box 335, Marlboro, VT 05344-0335
 - Hannah & Cole North, PO Box 347, Marlboro, VT 05344-0347
6. The Application and Subdivision Plat were considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on May 21, 2024. The Development Review Board 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:
- Jean Boardman, Vice Chairman, Acting Chair
 - Gail MacArthur
 - Matt Tell, DRB Alternate
 - 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 Hearing the following Exhibits were submitted to the Development Review Board:
- Permit Application, signed and dated 10/21/23
 - Subdivision Survey Plat, dated 4-09-2024, by Bradford Lackey of KML Surveying & Design, showing boundaries and dimensions of each proposed lot
 - Approved State of Vermont Permit # WW-2-5682-1, dated January 26, 2024
 - Narrative: Explanation of project, dated 10/21/23, by Laurie Panther
 - Town of Marlboro CTI Maps (2): Tax Map # 12-00-30.13, printed on April 29, 2024, showing parcel boundaries, dimensions, 20-foot contours, and Color Infrared Imagery
 - List of Abutters to the Panther property (Tax Map # 12-00-30.13), with corresponding Town of Marlboro CTI map, printed on April 29, 2024

These Exhibits are available for inspection 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 9.5-acre parcel into two (2) lots. Proposed lot #1 is 7.44 acres, with an existing dwelling. Proposed lot #2 is 2.06 acres, undeveloped. Each lot has sufficient road frontage on Cowpath 40.
2. The subject property is located at 249 Cowpath 40 in the Town of Marlboro, VT; Tax Map Number 12-00-30.13. The property is more fully described in a Deed recorded in Book 62, Page 148, of the Town of Marlboro Land Records.
3. The property is located in the Rural Residential District (RUR) 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.
4. 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.
5. 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 # 12-00-30.13 into two (2) lots, as described in Permit # 24-06 LD.

The proposed Minor Subdivision meets the requirements of Articles II & III of the Marlboro Subdivision Regulations, dated March 4, 2010.

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 9th day of June, 2024.



Jean H. Boardman, Vice Chairman, Acting Chair
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.