

**TOWN OF MARLBORO**  
**Development Review Board**

**Application for Boundary Line Adjustment**  
**Findings and Decision**

Permit Application # 24-11 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an Application for a Boundary Line Adjustment submitted by Martha Thompson, Fiduciary for the Estate of Edith Thomas, PO Box 402, Marlboro, VT 05363-0402; Location: 1563 Ames Hill Road, Marlboro, VT; Tax Map # 12-00-21; Proposal: Boundary Line Adjustment; Enlarge Parcel # 12-00-19 by +/- 5 acres, to include the so-called "Houghton Road" corridor.
2. The Application was received by Mary Sargent, Zoning Administrator, on May 31, 2024. A copy of the Application is available for review at the Marlboro Town Office.
3. On June 29, 2024, and again on August 3, 2024, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On July 1, 2024, and again on August 5, 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](http://marlborovt.us)
5. On July 5, 2024, and again on August 8, 2024, a copy of the Notice of a public Hearing was mailed to the Applicant. On July 5, 2024, and again on August 8, 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:
  - Sichel Panella Condominium Association, % Susan Sichel, 4813 Augur Hole Road, South Newfane, VT 05351
  - Town of Marlboro VT, PO Box E, Marlboro, VT 05344
  - Martha Kelly, 1429 Ames Hill Road, Brattleboro, VT 05301
  - John Baker & Patricia Baker, 138 Partrick Avenue, Norwalk, CT 06851
  - Colin Sieff & Gillian Garb-Sieff, 45 Orchard Avenue, Waban, MA 02468

- Linda Barber, 420 Settles Hill Road, Altamont, NY 12009-5712
- William & Jane King, 2 Hewlett Road, Red Hook, NY 12571
- John Daniels, PO Box 201, Marlboro, VT 05344-0201
- Blueberry Associates Vermont Trust, % John Glover, PO Box 128, Upperville, VA 20185-0128
- William Glover & John Glover, 2330 Bayo Claros Circle, Morgan Hill, CA 95037
- Robert & Susan Rowell, PO Box 35, Newfane, VT 05345-0035
- Catharine Rhodes, PO Box 324, Marlboro, VT 05344-0324
- Anne Diebel & Rafil Kroll-Zaidi, 29 Front Street, Apt. 2, Brooklyn, NY 11201
- Peter Paggi & Ashley Nadeau, PO Box 68, Marlboro, VT 05344-0068
- Mary Sargent, PO Box 136, Marlboro, VT 05344-0136
- Peter & Judy Harrison, PO Box 1, Westminster, VT 05158-0001
- Jesse Lepkoff & Tamara Stenn, PO Box 2293, West Brattleboro, VT 05303-2293

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on July 16, 2024, and again on August 20, 2024. The Development Review Board reviewed the Application under the Subdivision Regulations of the Town of Marlboro, as amended March 4, 2010.

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

- Steven John, Chair
- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk (via *Zoom* on August 20, 2024)
- Gail MacArthur
- Eva Grimaldi (via *Zoom* on July 16, 2024)
- 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:

- Linda & Andrew Barber, 420 Settles Hill Road, Altamont, NY 12009-5712 : Abutter
- Sheila & Dan King, 2 Hewlett Road, Red Hook, NY 12571 : Abutters
- Colin Sieff & Gillian Garb-Sieff, 45 Orchard Avenue, Waban, MA 02468 : Abutters
- Norman Thompson, % Martha Thompson, PO Box 402, Marlboro, VT 05344-0402
- Leland Smith
- Eric Velto, Attorney (representing Linda Barber)

9. During the course of the Hearing the following Exhibits were submitted to the Development Review Board:

- Permit Application, signed and dated 31.May.2024
- Certificate of Appointment of Fiduciary, Estate of Edith Thomas, dated March 6, 2024
- Photocopies (2) of relevant sections of pre-existing surveys, showing location of proposed adjusted boundary of Parcel 12-00-21
- Subdivision (Parcel 1) & BLA Survey (Parcels 2, 3, & 4), Land of Edith Baker Thomas, prepared by Ethan Gilmore, signed and dated June 30, 2024
- Right of Way Agreement - Upper Houghton Road, signed & dated by Martha Thompson (E.Thomas Estate, 19 Sept 2024), Linda Barber (16 Sept 2024), Lepkoff & Stenn (16 Sept 2024), Jane King (King Trusts, 20 Sept 2024), Sieff (19 Sept 2024)
- Upper Houghton Road Abutters Road Maintenance Agreement, signed & dated by Thomas Estate (Martha Thompson, 16 Sept 2024), Barber Trust (Linda Barber, 16 Sept 2024) Lepkoff & Stenn (16 Sept 2024), Sieff (19 Sept 2024), King Trusts (Jane King & David King, 20 Sept 2024)
- Town of Marlboro CTI map, Estate of E.Thomas property, printed on May 29, 2024
- List of abutters to Estate of Edith Thomas property (Tax Map Number 12-00-21), with Town of Marlboro CTI map, printed on June 30, 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 a Boundary Line Adjustment to shift approximately 5 acres from Parcel # 12-00-21 to Parcel # 12-00-19, including the so-called "Houghton Road" corridor.
2. The subject property is a parcel of 69 acres located at 1563 Ames Hill Road in the Town of Marlboro; Tax Map Number 12-00-21. The property is more fully described in a Deed recorded in Book 20, Page 295, 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, dated March 6, 2018.
4. The proposal meets the criteria for a Boundary Line Adjustment, described in *Article II, Section 2.1 (E)(1)* 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 Boundary Line Adjustment described in Permit # 24-11 LD: to shift approximately 5 acres from Parcel # 12-00-21 to Parcel # 12-00-19, including (but not limited to) the so-called "Houghton Road" corridor.

The proposed Boundary Line Adjustment 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:

The deeds describing Parcels # 12-00-19 & 12-00-21 must be revised to correspond with the reconfiguration of these lots as shown on the final Subdivision Plat, and duly filed in the Town Records.

The approval of the Development Review Board shall expire 90 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 17<sup>th</sup> day of October, 2024.

  
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.