

**NOTICE OF APPEAL
TO THE CORNWALL DEVELOPMENT REVIEW BOARD**

NOW COME Randy Martin and Mary Martin, Trustees of the Randy Martin and Mary Martin Joint Trust, pursuant to Section 360 of the Cornwall Zoning Bylaws, and hereby appeal the decision of the Cornwall Zoning Administrator dated March 8, 2023, a copy of which is attached hereto. In connection with this appeal, the following information is submitted, as required by Section 363 of the Bylaws:

Name and Address of the Appellants:

Randy Martin and Mary Martin
Trustees of the Randy Martin and Mary Martin Joint Trust
1967 Route 74
Cornwall, VT 05753

Name and Address of the Applicants:

Randy Martin and Mary Martin
Trustees of the Randy Martin and Mary Martin Joint Trust
1967 Route 74
Cornwall, VT 05753

Brief Description of the Property from which the Appeal is Taken:

The Appellants' property located at 1967 Route 74 in Cornwall, consisting of 329.4 acres, more or less, designated as parcel 080347, SPAN 162-051-10345 (hereinafter the "Property").

A Reference to the Regulatory Provisions Applicable to the Appeal:

The underlying permit at issue is the subdivision approval issued to the Martins' predecessors in title, George and Alice Candido, by the Cornwall Planning Commission on May 3, 1989. The current Zoning Administrator, Gary Barnett, issued a letter dated March 8, 2023, in which he declined to confirm that the Property exists as two lawfully subdivided parcels. This appeal is brought pursuant to Section 360 of the Cornwall Zoning Bylaws, which authorizes appeals of any act or decision of the Zoning Administrator.

The Relief Requested:

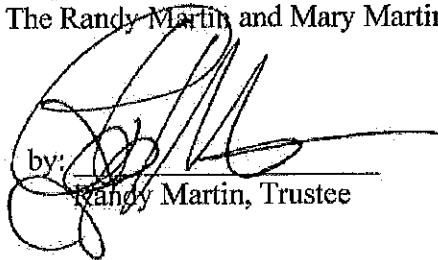
The Martins request that the DRB issue a decision confirming that the Property exists as two lawfully subdivided parcels pursuant to the May 3, 1989 subdivision approval, and that the two parcels can be conveyed separately without the need for further subdivision proceedings.

The Grounds as to why the Relief Requested is Proper under the Circumstances:

As stated above, the Planning Commission approved the proposed subdivision of the Candido property into two lots on May 3, 1989. The first lot was conveyed to the Martins by a deed dated March 28, 1989, and the second lot was conveyed to them three years later, by a separate deed dated March 31, 1992. The Martins have continued to own both lots since that time, conveying them to their Trusts in 2017 by a deed that described the lots as two separate parcels. Since the original subdivision approval was not appealed and there were no challenges to the conveyances of the two lots by separate deeds in 1989 and 1992, the subdivision became final and cannot be undone or reversed unless specific action was taken to merge the two lots back into a single lot. The Martins are not aware of any such action being taken; therefore, the two lots continue to exist as lawfully subdivided lots that can be separately conveyed. The Martins respectfully request that the DRB confirm this status in a written decision so that they will be free to convey the lots independently in the future.

Dated at Cornwall, Vermont, this 22 day of March, 2023

Respectfully submitted,
The Randy Martin and Mary Martin Joint Trust

by: 
Randy Martin, Trustee

by: 
Mary Martin, Trustee