

TOWN OF MARLBORO
Development Review Board

Boundary Line Adjustment Review
Findings and Decision

Permit Application No. 13-24LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a boundary line adjustment, submitted by Raphael Rosner, PO Box 460, Marlboro VT for approval under the Town of Marlboro Zoning Regulations.
2. The application and plat were received by the Zoning Administrator on 31 October 2013. A copy of the application and plat are available at the Marlboro Town Office.
3. On 4 November 2013 notice of a public hearing was published in the *Brattleboro Reformer*.
4. On 4 November 2013 notice of a public hearing for review of the application was posted at the following places:
 - Marlboro Town Office.
 - Sweeties General Store.
 - Marlboro Town web site.
5. On 4 November 2013 a copy of the notice of a public hearing was mailed to the applicant. On 4 November 2013 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Judy Robinson & Paul Bogart, PO Box 371 Marlboro VT 05344
 - Mark Beaudon, PO Box 462 Marlboro VT 05344
 - Sandra Shapiro, 25 Shore Road, Edgewater NY 07020
 - Hugh & Joyce Whitney, PO Box 17 Marlboro VT 05344
 - Brian & Suzanne Whitehouse, PO Box 346 Marlboro VT 05344
 - Marlboro Volunteer Fire Co., PO Box 69 Marlboro VT 05344
 - Paul & Patricia Stello, PO Box 251 Marlboro VT 05344
 - Wendy Slater, 98 Harris Avenue Brattleboro VT 05301
 - Windham & Windsor Housing Trust, 68 Birge Street Brattleboro VT 05301
 - Thomas & Nancy Cain, PO Box 225 Marlboro VT 05344

- Michael & Johanna Tree, 45 East 89th Street New York NY 10128
 - Green Mountain Conservancy, 35 Frost Street Brattleboro VT 05301
 - Ames Hill-Marlboro Community Center, PO Box 2124 West Brattleboro VT 05303
 - Adam Gebb, 34 Frost Street Brattleboro VT 05301
 - Kenneth & Patricia Mangan, PO Box 241 Marlboro VT 05344
 - Kathryn Ratcliff & Charles Schneeweis, PO Box 356, Marlboro VT 05344
 - Mark Radman & Marcia Totaro, 25 Raymond Street New Canaan CT 06840
 - Augusta Bartlett, Drawer H Marlboro VT 05344
 - Ruth Wright, 29 Roosevelt Road Lexington MA 02421
 - John & Lynn Valente, PO Box 9 Marlboro VT 05344
 - Martin & Lynn Lundsted, PO Box 184 Marlboro VT 05344
 - State of VT, Dept of Fish & Wildlife, 103 So. Main Street Waterbury VT 05676
 - Marlboro Whittemore-Paton Trust, c/o Lucy Gratwick, PO Box 9 Marlboro VT 05344
6. The application and plat were considered by the Development Review Board at a public hearing on 19 November 2013
7. Present at the hearing were the following members of the Development Review Board:
- T Hunter Wilson, Chairman
 - Jean H. Boardman, clerk
 - Anthony Gordon
 - Brent Seabrook
 - Julia von Ranson
 - Mary Sargent, ZA
8. At the outset of the hearing the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. No interested parties attended.
9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
- Survey map of a portion of the land of Adam Gebb and Raphael Rosner dated 18 December 2004 showing old and proposed new boundary lines.
 - Town of Marlboro and CTI map showing abutting property tax numbers and proposed new boundary line.
 - Town of Marlboro and CTI map identifying abutting property owners names.

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 adjust the boundary line between tax map # 11-02-22.3 property of Raphael Rosner and tax map #11-02-22.1 property of Adam Gebb and Raphael Rosner, adding roughly 14 acres to the 168 acres presently in conservation.
2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record in the Town of Marlboro municipal office and Article III, Section 305 of the Town of Marlboro Zoning Regulations, March 2007.
3. Boundary line adjustment approval is requested pursuant to review under Article II, Section E.1 of the Town of Marlboro Subdivision Regulations, 4 March 2010. This adjustment:
 - Will not result in the creation of any more new lots
 - Will not impair access to any parcel
 - Will not impact adversely any significant natural resources or result in fragmentation of agricultural or conservation land
 - Will not create a nonconforming lot
 - The Deeds need to be rewritten to reflect these new boundaries and recorded.

DECISION AND CONDITIONS

Based on these findings, the Development Review Board grants the application and plat for a boundary line adjustment defined in application # 13-24LD.

The proposed boundary line adjustment meets the requirements of Sections: 2.1E, boundary line adjustment, and 2.7.E of the Marlboro Subdivision Regulations 4 March 2010. The DRB is satisfied that the land to be transferred from tax #11-02-22.3 to tax #11-02-22.1 is of such character that it can be used for the intended purpose without undue adverse impact on neighboring properties, or the rural

character and natural beauty of the community.

The Development Review Board approves the application. The approval of the Development Review Board shall expire 180 days from the date of this decision, unless the approved plat and boundary line adjustment is recorded in the office of the municipal clerk.

Dated at Marlboro Vermont, this day of 10 December 2013.

Jean H. Boardman, Clerk, Marlboro DRB

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested party that participated in the proceeding 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.

Cc: Mary Sargent, Zoning Administrator
T. Hunter Wilson, Chairman DRB

MARLBORO, VERMONT
Received and Recorded

DEC 12 2013

Signed: _____

Town Clerk