

**Town of Marlboro
Development Review Board
Boundary Line Adjustment**

Findings and Decision

**In re: Peter Starkweather
Permit Application No. 14-16LD**

Introduction and Procedural History

1. This proceeding involves review of an application for a boundary line adjustment submitted by Peter Starkweather for approval under the Town of Marlboro Subdivision Regulations.
2. The application and plat were received by Marlboro Zoning Administrator, Mary Sargent on 4 August 2014. A copy of the application and plat are available at the Marlboro Town Office.
3. On 6 August 2014, notice of a public hearing for final plat review was published in the *Brattleboro Reformer*.
4. On 6 August 2014, notice of a public hearing for final plat review was posted at the following places:
 - a. The municipal clerk's office
 - b. The Marlboro Town website
 - c. The Marlboro Town bulletin board
5. On 6 August 2014, a copy of the notice of a public hearing was mailed to the applicant. On 6 August 2014 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - o Marlboro Realty Group c/o John McKay, 110 Honey Brim Road, Vernon VT 05354
 - o Robert & Volitia Elliott, 2573 Higley Hill Road, Wilmington VT 05363
 - o Lizbeth Carmichael, 228 Monarch Drive, Southington CT 06489
 - o Richard & Donna Hawes, 2631 Higley Hill Road, Wilmington VT 05363
 - o Mark & Caren Goodman, 118 Concord Drive, Madison CT 06443
 - o Thomas & Carole Rayl, 2302 Higley Hill Road, Wilmington VT 05363

- o Todd Gareiss & Kathleen Kelly, PO Box 365
Wilmington VT 05363
- o Candice Simon, 2230 Higley Hill Road, Wilmington
VT 05363
- o Margaret Crafts & Volitia Elliott, PO Box 1545,
West Dover VT 05356
- o George B Crafts & Son, 313 Rt. 100 North,
Wilmington VT 05363
- o Susan Manton, 2 East Main Street, PO Box 217,
Wilmington VT 05363

6. The application and plat were considered by the Development Review Board at a public hearing on 19 August, 2014. The hearing was recessed, because of an incomplete survey, and continued on 16 September 2014. The Development Review Board reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended 4 March 2010.

7. Present at the hearing were the following members of the development review board:

- o Jean Boardman, acting Chairman
- o Tony Gordon
- o Brent Seabrook
- o Julia von Ranson, acting Clerk
- o 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 person an opportunity to declare. The Development Review Board granted interested person status to the following persons:

- o Bill Hickok, 525 Westminster West, Putney VT
05346

10. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- o A partial photocopy of a survey indicating a
2.75 acre parcel which would be added to the 10
acre lot 06.01-01
- o At the 16 September re-opened hearing: a
completed survey was presented
- o Letter from Emily Tully, Division of Drinking
Water & Groundwater Protection, State of Vermont,
re: no permit revision required.
- o Letter from applicant Peter Starkweather, dated 9
September 2014, requesting waiver on survey of

ridge lines and high points, slopes greater than 15% and contour data.

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 a permit to adjust the boundary line to add 2.75 acres to subject lot.. The subject property is a 10.5 acre parcel subdivided into two parcels in 2000, located at 2343-2313 Higley Hill Road in the Town of Marlboro (tax map parcel no. 06-01-01.1).

2. The property is located in the Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office and section 2.1(E) (1).

4. Reference to the particular section(s) of the Subdivision Regulations under which the application is being reviewed is Article II, Section 2(E)of the Town of Marlboro Subdivision Regulations.

5. The Development Review Board determines that the proposed adjustment:

- o Does not change substantially the nature of any previously approved subdivision;
- o Does not result in the creation of one or more new lots;
- o Will not impair access to any parcel;
- o Will not impact adversely an significant natural resources or result in fragmentation of agricultural or conservation lands; and
- o Will not create a nonconforming lot.
- o The Deeds need to be rewritten to reflect these new boundaries and recorded.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application and plat for the boundary adjustment to add 2.75 acres to the 10.5 acre lot 06.01-10.1 (1.68 acres to parcel A and 1.07 acres to parcel B, the two parcels described in previous subdivision in 2000).

The approved plat is hereby attached to this decision

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 17th day of September, 2014

Jean H. Boardman, Acting chairman

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.