

TOWN OF MARLBORO
Development Review Board

Boundary Line Adjustment & Subdivision Review
Findings and Decision

Permit Application No. 15-19 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land, boundary line adjustments and an easement submitted by Hogback Properties, LLC for approval under the Town of Marlboro subdivision regulations. The application 15-19 LD was for Boundary Line Adjustments only. During the hearing, it came to light that a Subdivision and easement were also being requested. In 2009, the Marlboro DRB approved boundary line adjustments in application 09-28 LD but these adjustments were not subsequently approved by the State of Vermont.
2. The application and plat were received by the Zoning Administrator on August 2, 2015 . A copy of the application and plat are available at the Marlboro Town Office.
3. On August 5, 2015, notice of a public hearing for final plat review was published in the Brattleboro Reformer.
4. On August 3, 2015, notice of a public hearing for final plat review was posted at the following places:
 - a. Marlboro Town Office
 - b. Marlboro Town Bulletin Board
 - c. Marlboro Town Website
5. On August 3 , 2015, a copy of the notice of a public hearing was mailed to the applicant. On August 3, 2015, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - John & Kathryn Greenberg, 564 Butterfield Rd, Brattleboro, VT 05301
 - Town of Marlboro, PO Box E, Marlboro, VT 05344
 - Hogback Properties, LLC, PO Box 8, Whitingham, VT 05361
6. The application and plat were considered by the Development Review Board at a public hearing on August 18th, 2015 which was recessed and reconvened on September 15, 2015. The Development Review Board reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended March, 2007.

7. Present at the hearing were the following members of the Development Review Board

- Jean Boardman, Acting Chairman
- Tony Gordon
- Brent Seabrook
- Patti Smith, Alternate

Also present at the hearing:

- Mary Sargent, Zoning Administrator
- Julia von Ranson, DRB Administrative Assistant

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. The following persons sought interested party status:

- Ed Metcalf, HogBack Properties, 7627 Route 9 East, W. Marlboro 05363

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

- Lot Line Adjustment of a portion of lands of Hogback Properties, LLC and Long View Mountain Group LLC. dated January 19, 2010, labeled "New Configuration as Approved by the State" Hand adjusted map from state approval. Not an official map.
- Lot Line Adjustment of a portion of lands of Hogback Properties, LLC and Long View Mountain Group LLC, no date, Labeled: As Previously Approved By the Town.
- Lot Line Adjustment of a portion of lands of Hogback Properties, LLC and Long View Mountain Group LLC, no date, Labeled: Original Boundaries.
- Lot Line Adjustment of a portion of lands of Hogback Properties, LLC and Long View Mountain Group LLC, no date, Labeled: Phase One.
- Lot Line Adjustment of a portion of lands of Hogback Properties, LLC and Long View Mountain Group LLC, no date, Labeled: Current Conditions.
- Preliminary Subdivision &/or Boundary Line Adjustment Plan for Hogback Properties, LLC, dated August 13, 2015 by Merrill Mundell.

- Preliminary Subdivision &/or Boundary Line Adjustment Plan for Hogback Properties, LLC prepared by Brad Lackey for Merrill Mundell, dated August 24, 2015.
- Letter from Daniel Wilcox, Regional Engineer of State of Vermont, Dept. of Environmental Conservation, dated January 19, 2010 regarding Wastewater permits.

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:

- The applicant seeks to shift boundary lines of the following parcels westerly and to create a new lot totaling five lots. The applicant also is applying for an easement on lot 2A "that no structure to be constructed in this easement." The proposed subdivision and boundary line adjustments are described in the drawing "Preliminary Subdivision &/or Boundary Line Adjustment Plan" dated August 24, 2015 and would create:
 - Lot 1A, part of parcel 10-00-20.121, 2.89 acres
 - Lot 2A, 10-00-20.122 & part of parcel 10-00-20.121, 8.16 acres
 - Lot 3A, part of parcel 10-00-20.13, 2.19 acres
 - Lot 1B, part of parcel 10-00-20.13, 7.29 acres
 - Lot 2B, 10-00-20.14, 6.22 acres
- The property is located in the Recreational-Commercial District as described on the Town of Marlboro Zoning Map on Record at the Marlboro Town Office and section 305 of the Zoning Regulations.

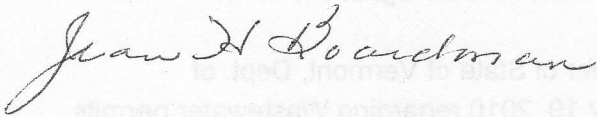
DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Boundary Line Adjustments and Land Division of Tax Map # 10-00-20.121, 10-00-20.122, 10-00-20.13, 10-00-20.14 and the easement on proposed Lot 2A as described in Permit #15-19 LD.

1. Conditional upon State approval of lot line adjustments within 180 days.

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 21st day of September 2015



Jean Boardman

Acting 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.

cc Mary Sargent, ZO