

TOWN OF MARLBORO
Development Review Board

Boundary Line Adjustment Review
Findings & Decision

Permit Application No. 14-18LD

INTRODUCTION AND PROCEDURAL HISTORY

1, This proceeding involves review of an application for merger and boundary line adjustment submitted by Louise Cochran and F. James Levinson, 1734 and 1772 South Road, Marlboro VT under the Town of Marlboro Subdivision Regulations, March 4, 2010

2. The application was received by the Zoning Administrator on 11 August 2014. A copy of the application is available at the Marlboro Town Office.

3 On 29 August 2014 notice of a public hearing was posted at the following places:

- a. Marlboro Town Office
- b. Marlboro Town bulletin board
- c. Marlboro Town website

4. On 29 August 2014 a copy of the notice of public hearing was mailed to the applicant. On 29 August a copy of the notice of public hearing was mailed to the following owners of properties adjoining the properties subject to the application:

- Geoffrey Hendricks, 486 Greenwich St, New York NY 10013
- Andra Horton, PO Box 51, Marlboro VT 05344
- Marlboro College, PO Box A, Marlboro VT 05344
- Elizabeth MacArthur, PO Box 119, Marlboro VT 05344
- Patricia Melvin, 22 Cypress St., Brookline MA 02445
- James Mahoney & Cynthia Tolman, PO Box 347, Marlboro VT 05344
- Geraldine Pittman-Battle, PO Box G, Marlboro VT 05344
- Ethan T. Mable, 7 Pondfield Road, New Fairfield CT 06812
- Whittemore-Paton Marlboro Trust, c/o Lucy Gratwick, PO Box 5, Marlboro VT 05344
- Laura B. Berkowitz, PO Box 384, Marlboro VT 05344

5. On 2 September 2014 notice of a public hearing for boundary line adjustment was published in the *Brattleboro Reformer*.

6. The application was considered by the Development Review Board at a public hearing on 16 September 2014. The Development Review Board reviewed the

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application under the Town of Marlboro Subdivision Regulations, as amended March 4, 2010.

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

- T. Hunter Wilson, Chairman
- Jean H. Boardman, Clerk
- Brent Seabrook
- Julia von Ranson

Also present: , 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 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.

- Eric M. Morse, 638 Coolidge Highway, Guilford VT 05301

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

- Merger and Boundary Line Adjustment Plan for tax map 11 Block 01 Lots 29,30 & 31 located at 1734 & 1772 South Road, Marlboro VT, property of F. James Levinson and Louise Cochran, by Morse Land Surveying, LLC dated 6 August 2014
- Letter of Request for Waiver from Eric M. Morse, Morse Land Surveying, LLC, 638 Coolidge Highway, Guilford VT 05301 that the DRB waive the application requirement set out in Table 2.2 on page 14 of the Subdivision Regulations: Plan/Plat Mapping Requirements – Existing & proposed elevations, contour lines to be developed, 5 foot interval.
- Town of Marlboro and CTI map indicating numbers of Lot 11-41-29 and surrounding lot numbers dated 28 August 2014.
- Town of Marlboro and CTI map indicating ownership of F. James Levinson lot and abutting lots of Louise Cochran, Marlboro College, Geraldine Pittman-Battle, Andra Horton, Melvin Patrice and James Mahoney, dated 28 august 2014.
- Town of Marlboro and CTI map indicating numbers of Lots 11-01-31 and 11-01-30 dated 28 August 2014,

- Town of Marlboro and CTI map indicating ownership of Louise Cochran lots and those of abutting lots of Laura Berkowitz, Marlboro College and F. James Levinson.

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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 merge lots 11-01-30 and lot 11-01-31 to 3.64 acres. The subject properties are located at 1772 South Road.
2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Marlboro Town Office and section 305 of the Zoning Regulations.
3. The applicant, through a letter submitted by their surveyor Eric M Morse, requests that the DRB waive the application requirement set out in Table 2.2 on page 14 of the Subdivision Regulations: Plan/Plat Mapping Requirements – Existing & proposed elevations, contour lines to be developed, 5 foot interval. The reason for the waiver of this requirement is that no changes to the site are being proposed by this application.
4. The applicant seeks a boundary line adjustment between the merged lot 11- 01-30 and 11-01-31 of Louise Cochran and lot 11-01-29 of F. James Levinson, under Article II, section 2.1.E, Subdivision Regulations.
5. The boundary line adjustment will result in Lot 11-01-29 changing from 11.64 acres to 12.43 acres and the new merged lot 11-01-30&31 changing from 3.64 acres to 2.85 acres.

DECISION AND CONDITIONS

Based upon these finding, and subject to the condition set forth bellow, the Development Review Board grants the application for the merger of lot 11-01-30 and 11-01-31 as described in Permit #1418LD.

Based upon these findings the Development Review Board grants the request to

waive the application requirement set out in Table 2.2 on page 14 of the Subdivision Regulations: Plan/Plat Mapping Requirements – Existing & proposed elevations, contour lines to be developed, 5 foot interval.

The Development Review Board grants the application for a boundary line adjustment under Article II Section 2.7E, as presented on the plan, for lot #11-01-29, becoming 12.43 acres and lot #11-01-30/31 becoming 2.85 acres, located at

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1734 and 1772 South Road, Marlboro Vermont.

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.

Date of DRB decision, 16 September 2014

Letter dated at Marlboro Vermont this 6th of March 2015

Jean H. Boardman
Clerk, 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.