

TOWN OF MARLBORO
Development Review Board

Application for Boundary Line Adjustment
Findings and Decision

Permit # 20-01 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Subdivision Regulations, of an application for a Boundary Line Adjustment submitted by Francis & Betty Jane Brown, 370 Butterfield Road, Brattleboro, VT 05301-7993; Location: 370 Butterfield Road, Marlboro, VT; Tax Map # 06-01-72 & 06-01-73; Proposal: Final Plat Review for a Boundary Line Adjustment, to bring non-conforming parcel into compliance with Lot Area Minimum size requirement of 2 acres.
2. The application was received by Mary Sargent, Zoning Administrator, on February 12, 2020. The hearing, originally scheduled for March 17, 2020, was postponed due to the COVID-19 outbreak. A copy of the application and final plat are available at the Marlboro Town Office.
3. On April 6, 2020, notice of a public hearing by *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On April 6, 2020, notice of a public hearing by *Zoom* videoconference was posted at the following places:
 - Marlboro Town Clerk's Office
 - Bulletin Board outside the Marlboro Town Clerk's Office
 - Marlboro Town Website, marlborovt.us
5. On April 7, 2020, a copy of the notice of a public hearing by *Zoom* videoconference was mailed to the owners of the property subject to the application. On April 7, 2020, a copy of the notice of a public hearing by *Zoom* videoconference was mailed to the following owners of properties adjoining the subject property:
 - Michael & Karla Bills, 6590 VT Route 9, Brattleboro, VT 05301-7941
 - Brian & Linda Carley, % Dawn Revenna, 170 Maple Street, Brattleboro, VT 05301
 - John & Kathryn Greenberg, 564 Butterfield Road, Brattleboro, VT 05301
 - Marcia Hamilton, 63 Hughes Road, Brattleboro, VT 05301-7970
6. The application and final Property Line Adjustment Plat were considered by the Development Review Board at a public hearing by *Zoom* videoconference on April 21, 2020. The DRB reviewed the application and plat 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:

- Steven John, Chairman
- Jean H. Boardman, Vice Chairman
- Gail MacArthur
- John Nevins
- Brent Seabrook
- Peter Barus, DRB Administrative Assistant
- 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 party 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:

- No interested parties attended

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

- Permit Application # 20-01 LD, signed and dated 1-29-2020
- Memo authorizing Brad Lackey of KML Surveying & Design to represent the property owners at this hearing, signed by Francis R. Brown and Betty Jane Brown
- Property Line Adjustment Plat, dated 2-07-2020, prepared by Bradford Lackey of KML Surveying & Design, showing adjusted boundaries of the Brown property (Tax Map # 06-01-72 & 06-01-73)
- Town of Marlboro CTI Map: Tax Map # 06-01-72, printed on February 26, 2020, showing parcel boundaries, dimensions and 20-foot contours
- Town of Marlboro CTI Map: Tax Map # 06-01-73, printed on February 26, 2020, showing parcel boundaries, dimensions and 20-foot contours
- List of abutters to F. & B. Brown property (Tax Map # 06-01-72 & 06-01-73), with corresponding Town of Marlboro CTI map, printed on March 2, 2020

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 applicants seek a Boundary Line Adjustment to bring a nonconforming parcel into compliance with Lot Area Minimum size requirement of two (2) acres. The subject property is located at 370 Butterfield Road in Marlboro, VT; Tax Map numbers 06-01-72 & 06-01-73. The property is more fully described in Deeds recorded at Book 22, Page 553, and Book 23, Page 179, of the Town of Marlboro Land Records.
2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in *Section 305 - Rural Residential* of the Marlboro Zoning Regulations, dated March 6, 2018.
3. The proposal meets the criteria for a Boundary Line Adjustment under *Article II, Section 2.1.E(1)* of the Marlboro Subdivision Regulations, dated March 4, 2010.
4. The proposal conforms with the standards described in *Article III, Section 3.2 - General Standards* of the Marlboro Subdivision Regulations, dated March 4, 2010.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Boundary Line Adjustment of Tax Map # 06-01-72 & 06-01-73, as described in Permit 20-01 LD.

The proposed Boundary Line Adjustment meets the requirements of Articles II & III of the Marlboro Subdivision Regulations.

The Development Review Board approves the application and Property Line Adjustment Plat subject to the following conditions:

- No conditions were established at the hearing.

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 24th day of April, 2020


Steven John, 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.