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LEGALS
TOWN OF MARLBORO
DEVELOPMENT REVIEW BOARD

A public hearing before the Development Review Board of the Town of Marlboro will be held as a Zoom electronic meeting at 7 PM on Tuesday, July 21, 2020, to consider:

1. **Permit # 20-11 CU:** **Owners:** Daniel & Gail MacArthur, PO Box 30, Marlboro, VT 05344-0030; **Location:** 770 MacArthur Road, Marlboro, VT, **Tax Map # 08-02-21;** **Proposal:** **Conditional Use; Site Plan Review** for installation of a single-pole guyed tower and wind turbine located within the Wildlife Habitat Overlay District, on a parcel with existing single-family home, garage and barn.

The above application is available for inspection at the Marlboro Town Office, and on the Marlboro Town website (marlborovt.us).

Persons wishing to participate in the meeting from a remote location will find **contact information posted on the DRB page of the Marlboro Town website (marlborovt.us)**. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Communication about an application may be filed in writing with the DRB or at the Hearing.

Mary Sargent, Zoning Administrator
marlborozoningoffice@gmail.com

Scheduled Zoom meeting:

Topic: Development Review Board
Time: Jul 21, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/88235518896?pwd=SXU1NU5qSDQzbGhpWWdzQk1tSGEzQT09>

Meeting ID: 882 3551 8896

Password: 129035

One tap mobile

+13017158592,,88235518896#,,,0#,,129035# US (Germantown)

+13126266799,,88235518896#,,,0#,,129035# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 882 3551 8896

Password: 129035

Find your local number: <https://us02web.zoom.us/j/88235518896>

ZONING PERMIT APPLICATION

Permit # 20-11 CU

Town of Marlboro, Vermont

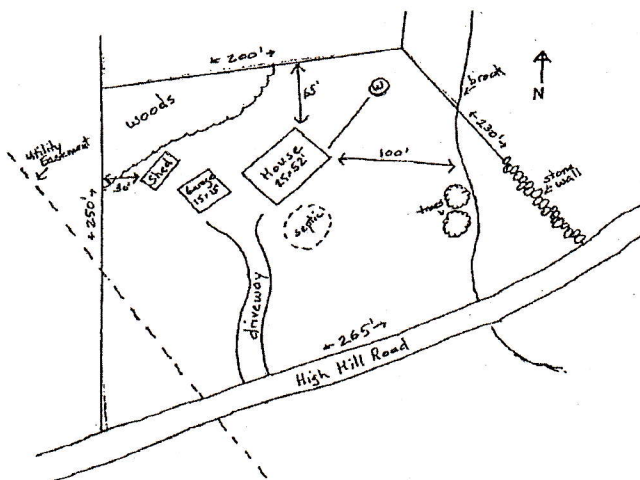
PO Box E Marlboro, VT 05344 802-254-2181

Fax 802-257-2447 marlborozoningoffice@gmail.com

General Information for Permit Applicants

- An application can not be processed until it is complete and accurate, and the appropriate fees have been paid.
- A complete application requires the signature of the owner(s) of record of the property **and** authorization to represent owner, if the applicant is not the owner of record.
- Any additional pages or attachments must be signed and dated by the applicant, and must include the tax map number of the parcel being developed.
- Fees must be submitted with the application. See permit fee schedule for amounts due.
- Inspection by the Zoning Administrator may be required before the project start.
- The Zoning Administrator has 30 days to act after the receipt of a **complete** application [24 V.S.A. 4448(d)]. **Plan your projects with this time frame in mind.** No permitted development may be undertaken until the appeal period (15 days following the issuance of a zoning permit) has passed.
- Denials may be appealed to the Development Review Board by filing a written request within 15 days of the denial.

EXAMPLE



Marlboro, Vermont
Town Clerk's Office
Received & Recorded

Date _____

Book _____ Page _____

Attest: _____

Town Clerk

Complete all information in ink. If an item does not apply to you, please write in "n/a".

Owner(s) <u>Daniel + Gail MacArthur</u> Mail Address <u>P.O. Box 30</u> <u>Marlboro VT 05344</u> Phone <u>257 7328</u> Email <u>dmacarthur@igc.org</u>		Applicant (if different) _____ Mail Address _____ Phone _____ Email _____	
Address <u>770 MacArthur</u> House # Road Tax Map # <u>08 - 02 - 21</u> Zone <u>RR</u> # Acres <u>36</u> Book <u>60</u> Page <u>135</u>		Present Use <input checked="" type="checkbox"/> Single or Two-Family Residence <input type="checkbox"/> Multi-family Residence <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Camp <input type="checkbox"/> Educational <input type="checkbox"/> Commercial <input type="checkbox"/> Undeveloped Land <input type="checkbox"/> Other _____	
Proposed Project (sketch plan required) <input checked="" type="checkbox"/> New Structure <input type="checkbox"/> Additional to Existing Structure <input type="checkbox"/> Accessory Use <input type="checkbox"/> Other _____		Proposed Project (site plan required). <input type="checkbox"/> Change of Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> PUD <input type="checkbox"/> Other _____	

Explain proposal. (Attach additional sheets if needed. **Each** additional sheet must include the tax map number in the upper right corner of pages.)

install a single pole guyed tower and windmill-
tower height 56' windmill capacity .4 KW

Submit a project sketch, locating the project area. The sketch plan must be **in ink** and must:

- ☐ show boundary lines, road frontage, driveways, easements, and rights-of-way
- ☐ locate **all** existing buildings/structures, with dimensions, heights, and setback distances from property lines, roads, brooks, and ponds.
- ☐ locate all proposed structures, with dimensions and setback distances from property lines, roads, brooks, and ponds
- ☐ indicate existing and/or proposed wells, septic tanks, and leach fields
- ☐ indicate North
- ☐ show location of brooks, ponds, wet areas, and significant landmarks or resources, such as stone walls or cellar holes.

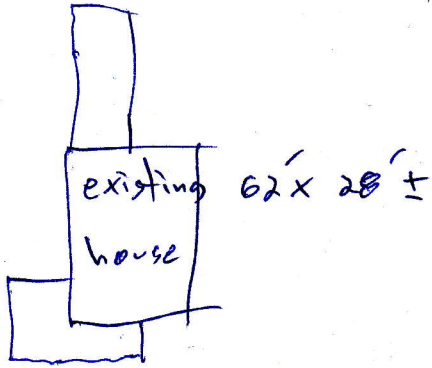
to lands of Neringa

Parcel 08-02-21

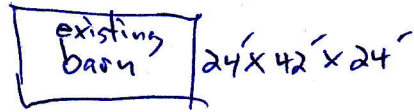
PERMIT #20-11CU



300'±



existing 62' x 28'±
house



existing barn 24' x 42' x 24'

800'± to boundary
MacArthur
Road

1500'±

to
boundary

proposed
tower

driveway



existing garage
16' x 32'±

400'±

south property line

lands
n/f

Jacob Megan Smith

TAX MAP NUMBER 08 - 02 - 21

Authorization of Owner(s) of Record:

I (We) certify that all information on this document is true and accurate. I (We) authorize the Zoning Administrator to enter the property.

Don MacArthur, Neil MacArthur 6/1/2020
Signature(s) Date

Certification of Applicant (if different):

I hereby certify that all information on this document is true and accurate, and that I am acting on behalf of the owner of record.

Neil MacArthur 6/1/2020
Signature Date

MARLBORO OFFICIAL USE ONLY Permit # 20-11 CU

Zoning Administrator	Development Review Board
Date received: <u>8 JUNE 2020</u>	Date DRB determines application complete:
Date accepted as complete:	Date of hearing: <u>21 JULY 2020</u>
Fee received: \$ <u>160.00 + \$75.00</u> Date: <u>8 JUNE 2020</u>	
ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> REFERRED TO DRB	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
Date of action: <u>REFERRED TO DRB: 9 JULY 2020</u>	Date of action:
Effective date:	Date decision issued:
Expiration date:	
Inspection date:	
Notes & Conditions: <u>13 JULY 2020: RECEIVED REPORT FROM P. VAN LEON,</u> <u>MARLBORO CONSERVATION COMMISSION,</u> <u>REVIEWING PROPOSAL, AS REQUIRED WITHIN</u> <u>WILDLIFE HABITAT OVERLAY DISTRICT.</u>	Conditions/Findings Letter: (within 45 days of hearing adjournment)
Signature:	Signature:

To Whom it may Concern:

attached please find an application to build a tower and install a wind turbine in a RR zoning district in Marlboro.

The Application is included:

Also included: a copy of the Certificate of Public Good issued by the Vermont Public Service Board- this CPG is attached to show that we are in compliance with Section 470 6 c 8, "... evidence ... that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator". Our utility company, CVPS, knows we generate power here and all of the interconnects are UL listed and in place.

Also included: in compliance with Section 470 6 c 6: a copy of the windmill Owners Manual page indicating its CSA certification for use in the US. Further, a letter from NREL in the person of one E Ian Baring-Gould stating that CSA does comply with NREL certification.

Also included: relative to Section 4 Aesthetic Evaluation. A copy of the cover of the owners manual showing the air turbine itself, which will be installed on a single pole guyed tower. It will not be visible by anyone other than those occupying the house it serves.

Thanks!

Dan & Gail

PERMIT #20-11 CU
TAX MAP # 08-02-21

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-274

Application of Daniel MacArthur for an Amended)
Certificate of Public Good for an interconnected net-)
metered photovoltaic electrical power system)

Order entered: 10/26/2011

I. INTRODUCTION

This case involves an application filed by Daniel MacArthur ("Applicant") on September 2, 2011, requesting an amended certificate of public good ("CPG"), pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100, for a net metering system. On October 17, 2006, the Board issued a CPG to the Applicant for a net metering system that consists of a photovoltaic system. The Applicant is now seeking an amendment to the CPG to reflect an increase in system-rated capacity from 0.874 kW AC to 2.622 kW AC, an increase of 1.748 kW AC.

Notice of the application has been sent to all parties as specified in the Board's Rule 5.100. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within ten (10) working days of the date that the notice of the application was sent.

No comments have been received from any other parties or interested persons.

The Board has reviewed the application and accompanying documents and agrees that, pursuant to 30 V.S.A. §§ 219a and 248 and the Board's Rule 5.100, a CPG should be issued without further investigation or hearing.

II. FINDINGS

Based upon the application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed net metering project will be on property owned by the Applicant and located at 921 MacArthur Road, in Marlboro, Vermont. Application at Section 1.

2. The proposed net metering facility is to be erected on an existing structure. Application at Section 4.

3. The proposed project consists of a photovoltaic electrical generation system with a system rated output of 2.622 kW AC, comprising the previously approved 0.874 kW AC and the newly proposed 1.748 kW AC. The facility is interconnected with the Central Vermont Public Service Corporation electrical distribution system. Application at Section 4 and attachment.

4. Applicant has certified that the project is in compliance with all of the provisions of Section 3 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248.

Application at Section 3.

5. Applicant has certified compliance with the insurance requirements as set forth in Section 3 of the application. Application at Section 3.

III. CONCLUSION

In Docket No. 6181,¹ the Board developed a net metering program in accordance with the statutory requirements of 30 V.S.A. § 219a. This program was further refined by the Board with the adoption of Board Rule 5.100 on March 1, 2001. The goals of the Order and Rule are to encourage private investment in renewable energy resources, stimulate the economic growth of the state and enhance the continued diversification of energy sources used in Vermont. The standards and requirements adopted in the Order and Rule have been determined by the Board to protect public safety and system reliability.

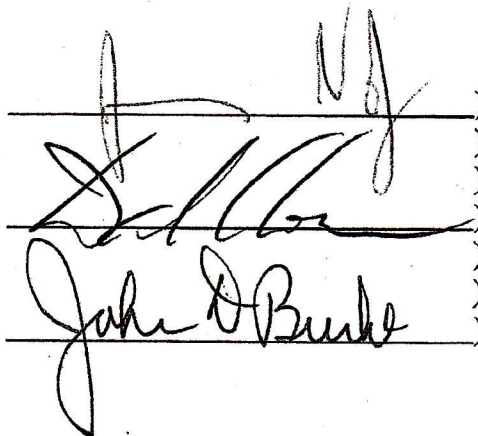
Based upon the findings and evidence, the proposed net metering project will be in compliance with the requirements of the Board's Order in Docket No. 6181 and Rule 5.100, the application does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and the proposed project will promote the general good of the State.

1. *Investigation into the Use of A Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies*, Docket No. 6181, April 21, 1999.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the proposed photovoltaic net metering system, as amended and in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 219a, and a certificate of public good to that effect shall be issued in this matter, pursuant to 30 V.S.A. §§ 219a and 248.

DATED at Montpelier, Vermont, this 26th day of October, 2011.



PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

Filed: October 26, 2011

Attest: Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.

AIR Technical Specifications

Model	AIR Breeze and AIR 40
Weight	13 lb / 6 kg
Rotor Diameter	46 in / 1.17 m
Start Up Wind Speed	7 mph / 3.1 m/s
Kilowatt Hours/month	38 kWh/month @ 12 mph / 5.4 m/s avg. wind speed
Maximum Wind Speed	110 mph
Rated Power	160 watts @ 28 mph / 12.5 m/s wind speed
Operating Temperature Range	AIR Breeze and AIR 40 are certified under IEC requirements applying to the temperature range 14° F (-10° C) to 104° F (40° C). AIR 40 is CSA certified.

Voltage Regulation Set Point (factory setting)

12 Volt Systems	14.1 Volts
24 Volt Systems	28.2 Volts
48 Volt Systems	56.4 Volts

Regulator Adjustment Range

12 Volt Systems	13.6 to 17.0 Volts (approximately)
24 Volt Systems	27.2 to 34.0 Volts (approximately)
48 Volt Systems	54.4 to 68.0 Volts (approximately)

Recommended Fuse Size (AIR 40 and AIR Breeze) **

12 Volt Systems	20 amp (slow blow)
24 Volt Systems	10 amp (slow blow)
48 Volt Systems	5 amp (slow blow)

Recommended Fuse Size (AIR 30) **

12 Volt Systems	40 amp (slow blow)
24 Volt Systems	20 amp (slow blow)
48 Volt Systems	10 amp (slow blow)

aiR 30

Tower Loads

Shaft Thrust* 52 lb @ 100 mph wind speed (230 N @ 45 m/s)

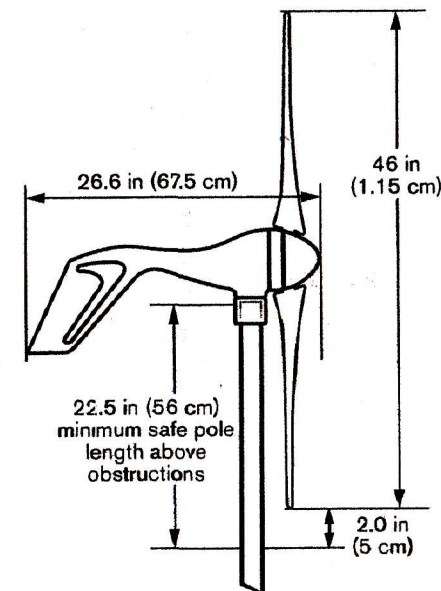
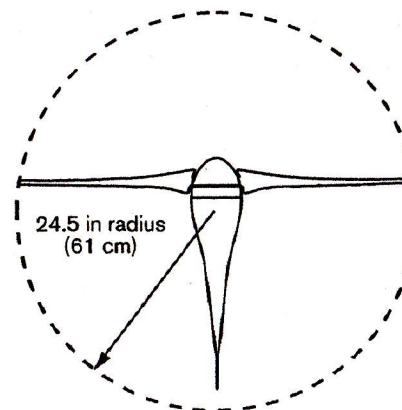
*Value does not include safety factor. Primus Wind Power recommends safety factor of 1.5.

**Install overcurrent protection in accordance with CEC and NEC.

Model	AIR 30
Weight	13 lb / 6 kg
Rotor Diameter	46 in / 1.17 m
Start Up Wind Speed	8 mph / 3.6 m/s
Kilowatt Hours/month	30 kWh/month @ 12 mph / 5.4 m/s avg. wind speed
Maximum Wind Speed	110 mph
Rated Power	400 watts @ 28 mph / 12.5 m/s wind speed
Certifications	CSA, CE

aiR 30

AIR 30 wind turbines are eligible to bear the CSA mark with "C" and "US" indicators. The "C" and "US" indicators signify that the product has been evaluated to the applicable CSA and ANSI/UL standards for use in Canada and the US.



PERMIT #20-11CU
TAX MAP #08-02-21

From: **Baring-Gould, Ian** Ian.Baring-Gould@nrel.gov
Subject: RE: local ordinance?
Date: June 4, 2020 at 7:27 PM
To: **Dan MacArthur** dmacarthur@windhamcentralboard.org



Hi Dan -

Yes.. The Primis 40 has gone through a full certification program. CSA (which includes UL listing) does classify as wind certification program recognized by NREL.

Please let me know if you have further questions or concerns.

All my best,

Ian

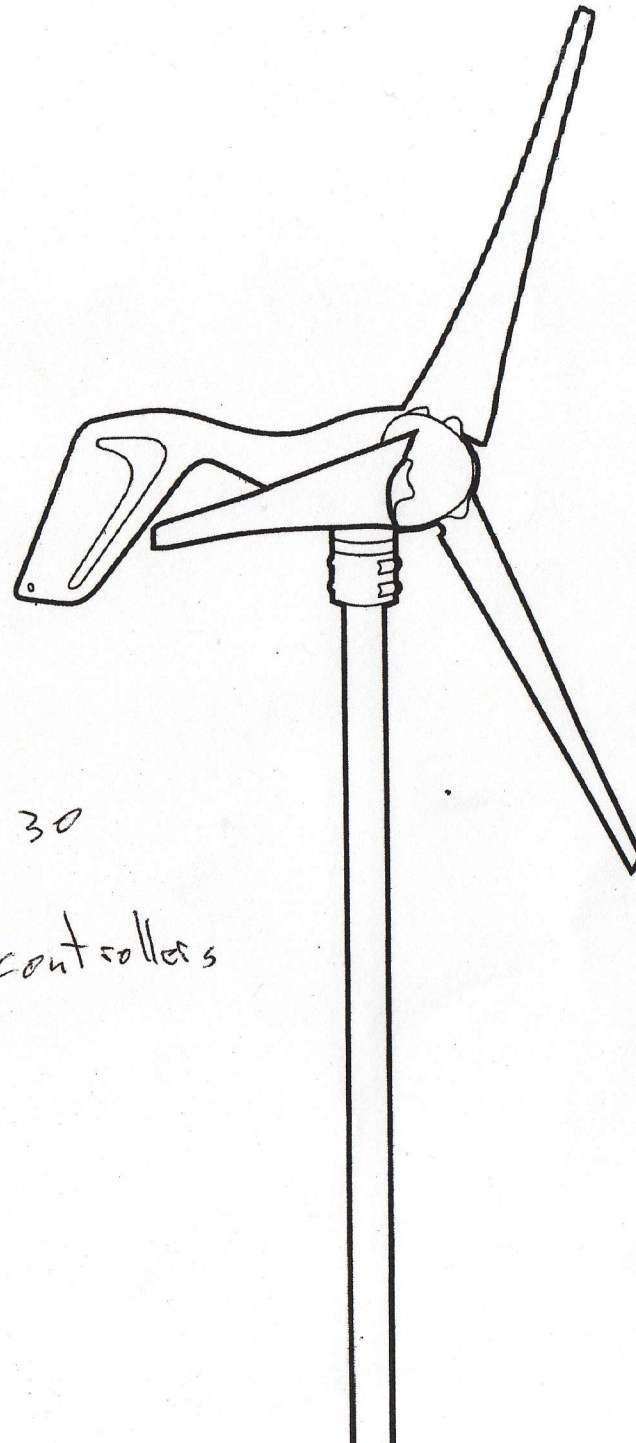
E. Ian Baring-Gould
Distributed Wind Platform Lead
National Wind Technology Center
National Renewable Energy Laboratory - MS3811
15013 Denver West Parkway, Golden, Colorado 80401-3393 USA
Phone: (+1) 303 384-7021 - Fax: (+1) 303 384-7097
Cell: (+1) 720 244-1444
Skype: [ian.baring.gould](https://www.skype.com/user/ian.baring.gould)
Email: ian.baring-gould@nrel.gov www.nrel.gov
<https://windexchange.energy.gov/markets/distributed>
<https://www.nrel.gov/wind/distributed-wind.html>

-----Original Message-----

From: **Dan MacArthur** <dmacarthur@windhamcentralboard.org>
Sent: Thursday, June 4, 2020 1:37 PM
To: Baring-Gould, Ian <Ian.Baring-Gould@nrel.gov>
Subject: local ordinance?

My local zoning requires a wind turbine which is "...approved by the wind certification program recognized by NREL." We have a Primis Air 40, certified by CSA and CE. Do these qualify? Thanks,... Dan MacArthur

PERMIT # 20-11 CU
TAX MAP # 08-02-21



Page 30
for controllers

aiRTM

OWNER'S MANUAL
Installation • Operation • Maintenance

aiRBREEZE

aiR40

aiR30

Serial No.
10620031057

Primus Wind Power, Inc.
938 Quail Street
Lakewood, CO 80215 USA
Phone: 303.242.5820

www.primuswindpower.com

MADE IN THE **USA**

© 2013 Primus Wind Power, Inc.
All Rights Reserved

PERMIT #20-11CU
TAX MAP #08-02-21

July 11, 2020

To – Marlboro Development Review Board, and

Dan and Gail MacArthur

From - Pieter van Loon, Marlboro Conservation Commission member

Re: Proposal to erect a windmill

On June 23, 2020, I was contacted by Dan and Gail MacArthur via email about the need for a review of their property to satisfy requirements in the Marlboro Zoning Regulations, specifically Section 354 – *Standards and Special Requirements for Development Activities in the Wildlife Habitat Overlay District*. Their proposal is for the installation of a small windmill located in the side yard between the house and some accessory structures.

As a preliminary step in the analysis, a desk review was done using ArcMap GIS and the following layers:

Vernal pools (Known and suspected vernal pools)– VT Center for Ecostudies Vernal Pool mapping project

Deer Wintering Areas (State-significant deer yards)– VT Fish and Wildlife

Non-game Natural Heritage (Rare, Threatened, and Endangered species information) - VT Fish and Wildlife Non-Game Natural Heritage program

Wetlands (VT Significant Wetlands Inventory) – VT Department of Environmental Conservation

VT Wildlife Crossing and Linkage Analysis (known wildlife crossings and travel corridors)– VT Fish and Wildlife

TNC Matrix Block and Portfolio Sites (large unfragmented forest blocks and important sites for biodiversity conservation) – The Nature Conservancy

Only the wetlands layer showed resources in the project area or the buffer zones described in Section 354. There is a small stream at the bottom of the hill east of the site and a wetland to the west.

A site visit was conducted on July 9. Dan showed me the spot where the windmill would be erected and then we walked through the woods to assess the natural resources on the property and within the Section 354 buffer areas. My review is also based on extensive visits to this area in the past in my roles as a private consulting forester and forester for the VT Land Trust. The resources of particular interest according the regulations are wildlife corridors, water features (such as streams, ponds, and wetlands), deer wintering areas, mast stands, and vernal pools.

The project is near a likely wildlife travel corridor and in the neighborhood of known wildlife crossings. However, because the windmill is being built within an already developed area, there will be no additional adverse effects to wildlife corridors or crossings.

The project is at the top of a ridge and requires very little site disturbance, so will have no bearing on water features.

Dense hemlock woods with a south or southwest aspect and access to a ready food supply are the best deer wintering areas. The hemlock stands in the project area are on flat ground and lack a reliable food supply, so have no winter deer yard habitat value.

Mast stands (most commonly areas dominated by beech or oak) are not found in the area, as most of the surrounding forest is softwood and the few hardwood areas are growing sugar maple.

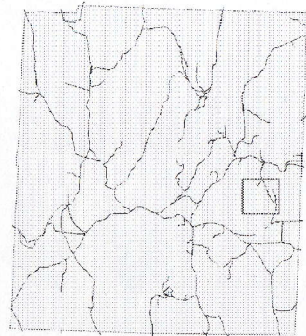
There are a number of wet areas on the property and in the surrounding landscape, but none that would be classified as vernal pools. The most significant wet spot on the MacArthur land is a north-south-oriented seepy, flat area covered by a mix of softwoods and a few hardwoods between 400 and 950 feet from the project. This area does not have pools that are deep enough to hold water late into the summer and support amphibian breeding populations.

After conducting my review, it is clear the project is in conformance with all aspects of Section 354 and it is my opinion that it may be approved by the Development Review Board without hesitation or condition. If you would like me to be present at the hearing, please let me know. I can be reached at home at 254-3872 or by email at vlcc@myfairpoint.net.

Pieter van Loon

Marlboro Conservation Commission

Town of Marlboro



08-02-21

770 Macarthur Road

Macarthur Daniel & Gail Trust
Macarthur Daniel G & Gail M Trustees
Po Box 30
Marlboro, VT 05344-0030
64.2 acres Grand List
64.54 acres GIS
36.22 selected

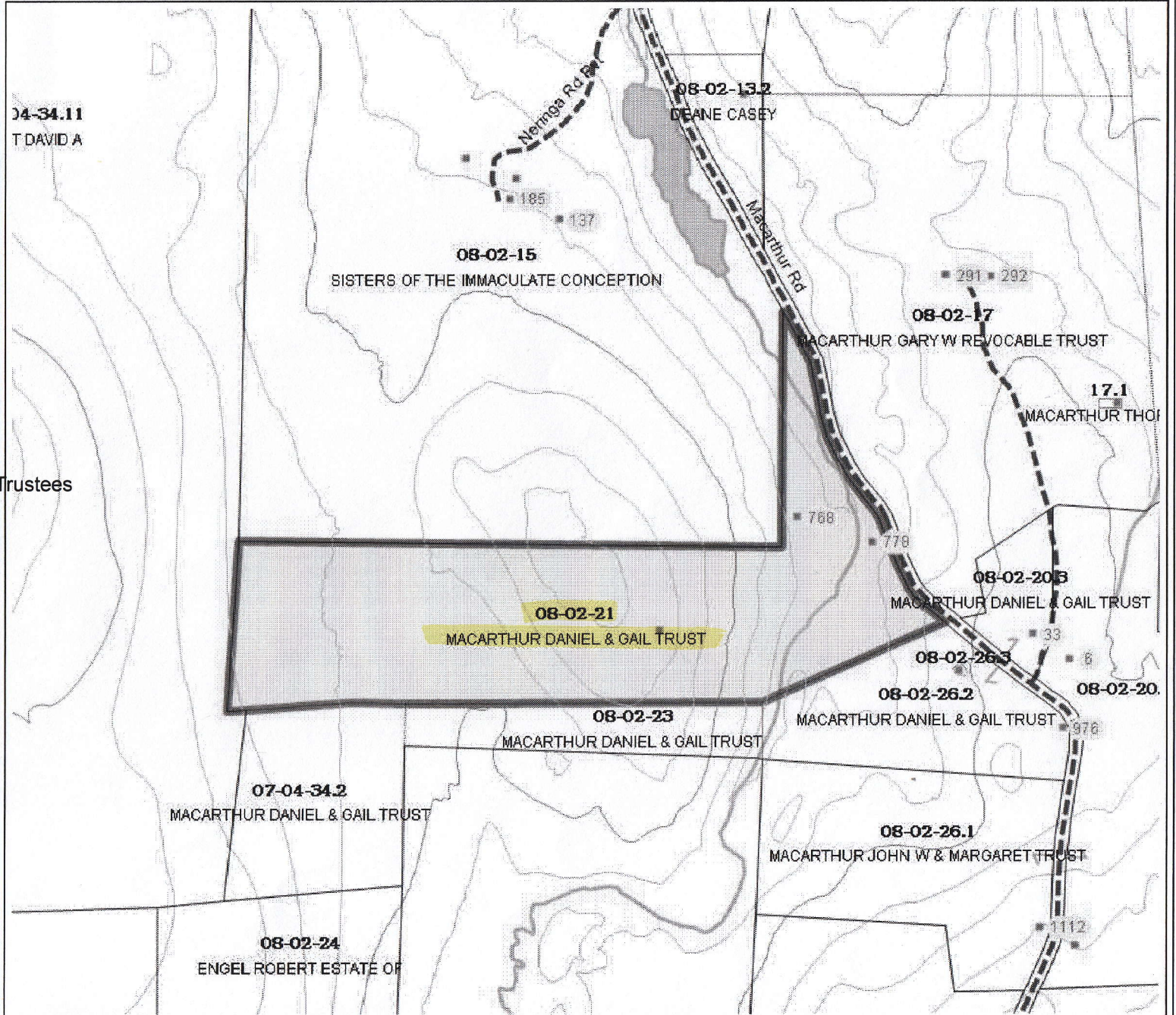
PERMIT #20-11 CU

Map Features:
Parcel Lines
Building Locations
Road Centerlines
Streams & Ponds
20' Contours

The Town of Marlboro and CTI assume no liability as to the sufficiency, accuracy, or the user's interpretation of the data delineated herein. Current to April 1, 2019

This map is for assessment purposes only. It is not to be used for description, conveyance, or determination of legal title.

04-34.11
T DAVID A



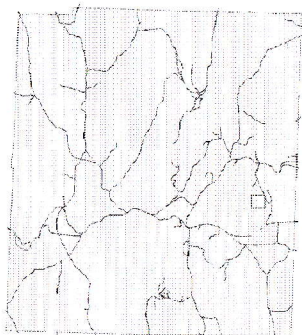
Map Scale 1:6,500
1 inch = 540 feet

0 400 800 1200 1600 2000 Feet

Map Printed on
June 25, 2020



Town of
Marlboro



08-02-21

770 Macarthur Road

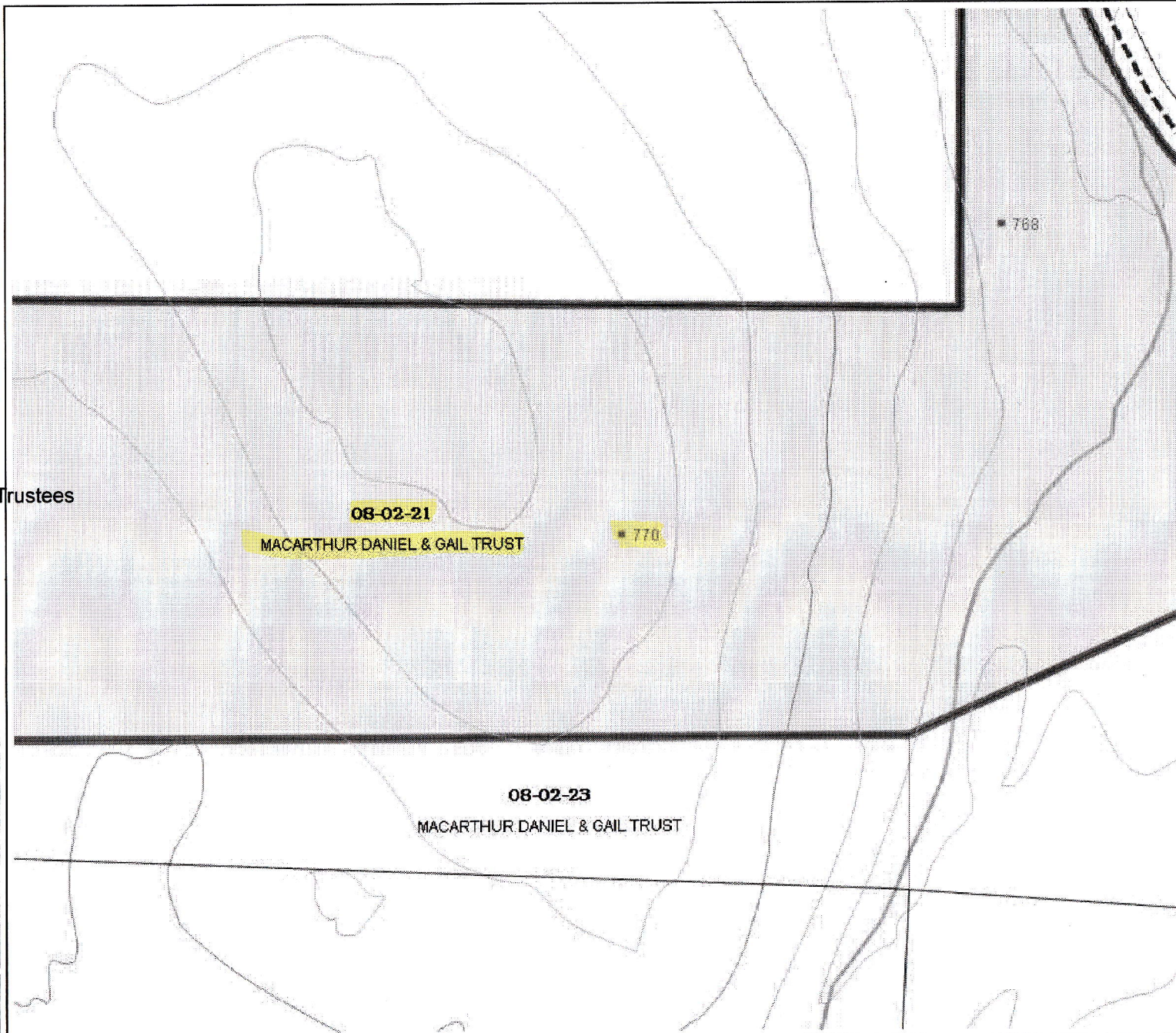
Macarthur Daniel & Gail Trust
Macarthur Daniel G & Gail M Trustees
Po Box 30
Marlboro, VT 05344-0030
64.2 acres Grand List
64.54 acres GIS
36.22 selected

PERMIT #20-11CU

Map Features:
Parcel Lines
Building Locations
Road Centerlines
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20' Contours

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delineated hereon. Current to April 1, 2019*

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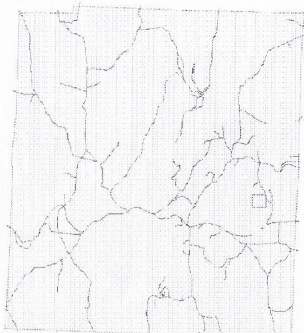
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1 inch = 200 feet

0 200 400 600 800 1000 Feet

June
25, 2020



Town of
Marlboro



08-02-21

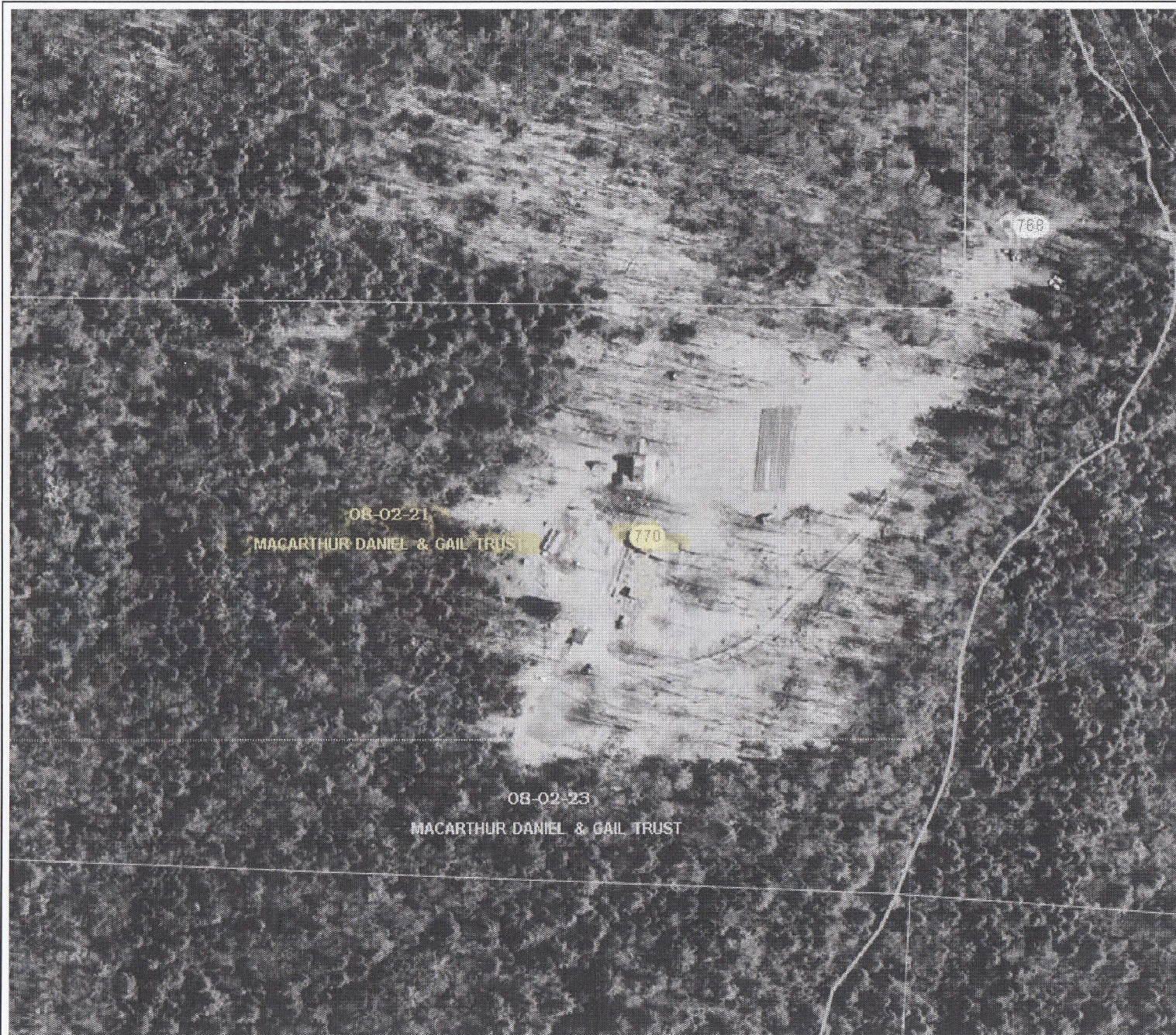
770 MACARTHUR RD.

PERMIT #20-11CU

Map Features:
Parcel Lines
Building Locations
Road Centerlines
Streams & Ponds
Ortho Imagery 2015

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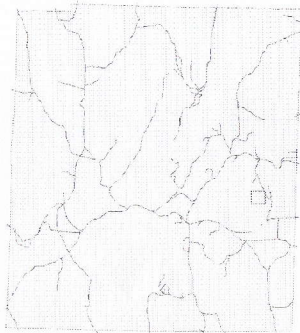
Map Scale 1:2,400
1 inch = 200 feet

0 200 400 600 800 1000 Feet

June
25, 2020



Town of
Marlboro



08-02-21

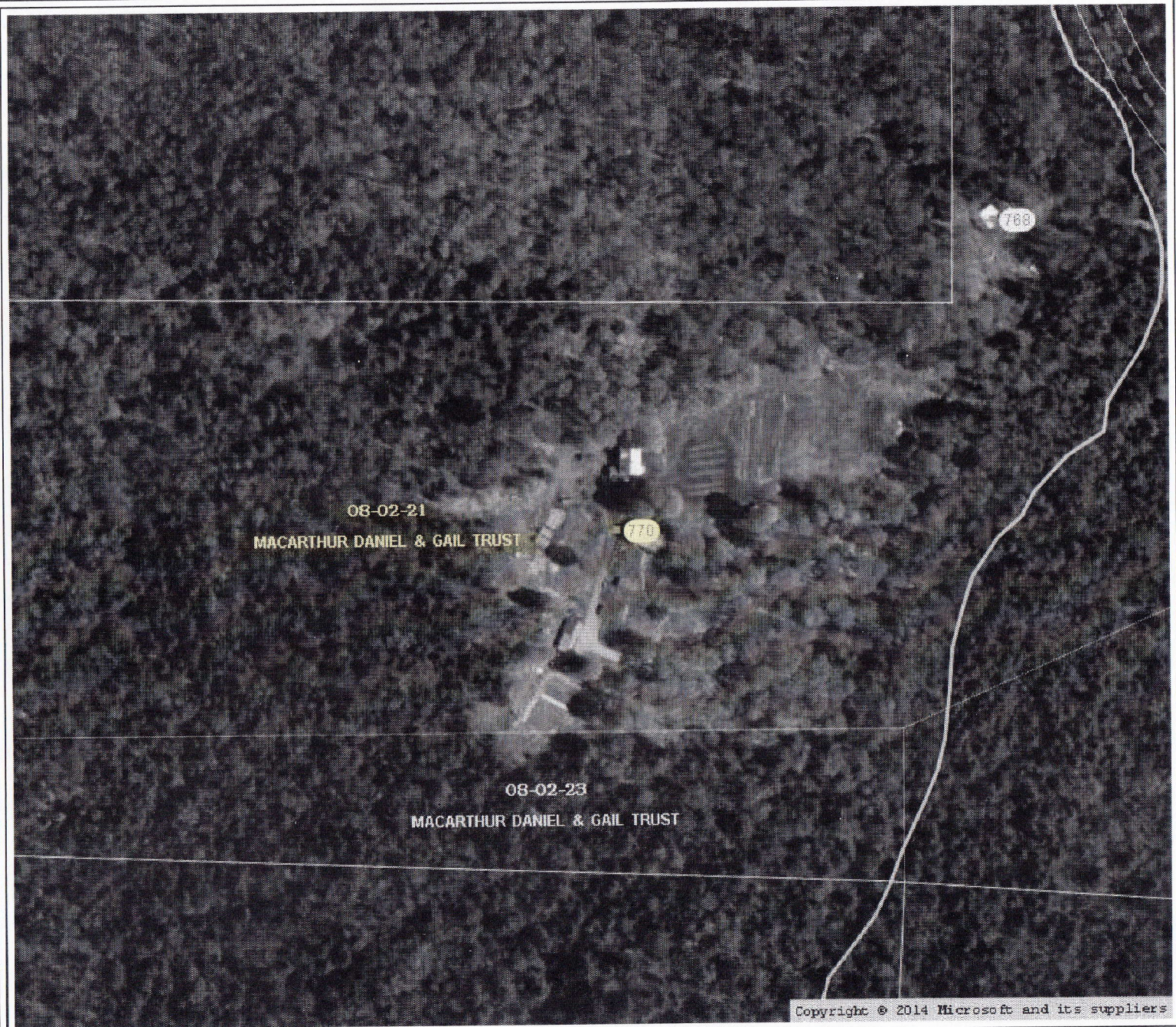
770 MacARTHUR RD.

PERMIT #20-11 CU

Map Features:
Parcel Lines
Building Locations
Road Centerlines
Streams & Ponds
Bing Imagery

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Map Scale 1:2,400

1 inch = 200 feet

0

200

400

600

800

1000

Feet

June

25, 2020



Date: 6/30/2020

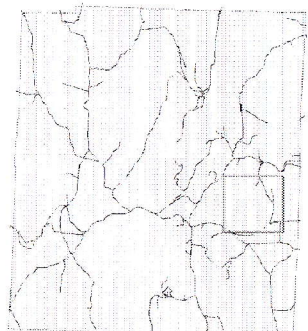
Abutters to Dan + Gail MacArthur Property
Tax Map # 08-02-21

Page 1 of 1

Location: 770 MacArthur Road

<u>Tax Map #</u>	<u>Location / E911 Address</u>	<u>Name of Abutter</u>	<u>Mailing Address</u>
07-04-34.11	27 Mercier Road	David Matt	370 Higley Hill Road Brattleboro, VT 05301
07-04-34.2	No road frontage	Dan & Gail MacArthur	PO Box 30
08-02-20.3	33 Woods Road	(Applicants)	Marlboro, VT 05344-0030
08-02-21	770 MacArthur Road		
08-02-23	No road frontage		
08-02-26.2	976 MacArthur Road		
08-02-13.2	487 MacArthur Road	Casey Deane & Kelly Salasin	PO Box 37 Marlboro, VT 05344-0037
08-02-15	137 Neringa Road	Sisters of the Immaculate Conception	600 Liberty Highway Putnam, CT 06260
08-02-17	292 Woods Road	Gary MacArthur	PO Box 134 Marlboro, VT 05344-0134
08-02-26.1	1112 MacArthur Road	John & Margaret MacArthur Trust	PO Box 30 Marlboro, VT 05344-0030
08-02-26.3	920 MacArthur Road	Robin MacArthur & Tyler Gibbons	PO Box 472 Marlboro, VT 05344-0472
12-00-04	90 Turnpike Road	Jacob & Megan Smith	PO Box 121 Marlboro, VT 05344-0121

Town of Marlboro



08-02-21

770 Macarthur Road

Macarthur Daniel & Gail Trust
Macarthur Daniel G & Gail M Trustees
Po Box 30
Marlboro, VT 05344-0030
64.2 acres Grand List
64.54 acres GIS
36.22 selected

PERMIT #20-11 CU

Map Features:
Parcel Lines
Building Locations
Road Centerlines
Streams & Ponds

The Town of Marlboro and CTI assume no liability as to the sufficiency, accuracy, or the user's interpretation of the data delineated herein. Current to April 1, 2019

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