

APPROVED MINUTES

TOWN OF MARLBORO DEVELOPMENT REVIEW BOARD MEETING

Tuesday, March 15, 2022, 7:00 p.m.

**Permit # 22-01 LD**

**Attending**

*DRB:*

Steven John (Chair)  
Jean Boardman (Vice Chair)  
Gail MacArthur  
John Nevins  
Brent Seabrook (Clerk)

Mary Sargent (Zoning Administrator)  
Peter Barus (Recorder)

*Applicant:*

Michael McGillion (for Robert Fisher)  
Ed Metcalfe (Vermont Museum of Natural History)

*Public:*

Eva Grimaldi (abutter)

1. Permit # 22-01 LD: Owner: Wilmington Social Lodge #38 F&AM, PO Box 179, Wilmington, VT 05363; Applicant: Robert Fisher, Fisher & Fisher Law, PO Box 621, Brattleboro, VT, 05302; Location: 117 Adams Crossroad, Marlboro, VT; Tax Map # 10-00-12.1 & 10-00-12.2; Proposal: Boundary Line Adjustment; Reverse Permit # 11-05 LD (approved June 2011) to return parcels to their original configuration.

**Call to Order**

The meeting was called to order at 7:14 p.m.

Introductions were made: Ed Metcalfe, President of the Vermont Museum of Natural History, beneficiary of the lot line adjustment under consideration; Michael McGillion, representing Robert Fisher, Agent for Wilmington Social Lodge #38 F&AM; and Eva Grimaldi, Abutter.

Steven John administered the oath to the Applicant and Interested Parties.

Michael McGillion explained the Boundary Line Adjustment sought. At present, a 2.1-acre parcel belongs to the Vermont Museum of Natural History and a 224-acre parcel belongs to the Wilmington Social Lodge #38 F&AM. The result of the Boundary Line Adjustment requested will still be two parcels: 7.5 acres owned by the Vermont Museum of Natural History, and 219 acres owned by Wilmington Social Lodge #38 F&AM. The Board was not being asked to create a new lot, but to adjust the boundary separating the adjoining parcels.

For historical perspective, Ed Metcalfe said that the proposed change would reverse a lot-line adjustment made in 2011 which reduced the previous 7.5-acre lot to 2.1 acres. The result of the boundary adjustment under consideration here is to revert to the previous parcel configuration.

APPROVED MINUTES

TOWN OF MARLBORO DEVELOPMENT REVIEW BOARD MEETING

Tuesday, March 15, 2022, 7:00 p.m.

Ed Metcalfe indicated that the Museum's nature programs would be conducted on its property, and that an agreement with the Masons permitted the use of the larger property for hiking and educational nature walks.

Eva Grimaldi stated that under the terms of William Pool's will, the land bequeathed to the Masons was intended to be kept in preservation, and not allowed to be developed for commercial use.

The Chair confirmed that the land was zoned as Rural-Residential, not Commercial.

Eva Grimaldi noted that the Pool will had been specific about what kind of trees could be cut. The Zoning Administrator explained that the Town did not have the authority to enforce William Pool's will.

The Board confirmed that the smaller 7.5-acre parcel had a septic system in place.

The Chair inquired if there would be three parcels or two on the tax map. Jean Boardman explained that the smaller two parcels would become one 7.5 acre parcel. Michael McGillion confirmed that this boundary line adjustment would result in two parcels (a 7.5-acre parcel and a 219-acre parcel).

The Zoning Administrator called attention to the two boundaries on the West and South of the 7.5 acre parcel, which were labeled "existing property line plus or minus." She noted that the State requires that a Survey of the adjusted boundaries be recorded within 180 days of the Decision. Merrill Mundell had done the original survey and said that it could be considered approximate, but not surveyed. While this had not mattered in the previous Boundary Line Adjustment (which reduced the size of the smaller lot), the owners were advised that the "plus or minus" lines need to be surveyed and recorded.

The Chair explained that the Board would have to consider this as a possible condition for approval of this Boundary Line Adjustment.

Ed Metcalfe noted a certification stamp on the survey map by Merrill Mundell and indicated that the existing survey would be the sufficient survey of record.

Discussion followed regarding the State's requirements for accuracy in survey maps for real estate transfers.

The Chair suggested that the Board could entertain a motion to approve this request for Boundary Line Adjustment or move to enter Deliberative Session.

Brent Seabrook moved to approve the Boundary Line Adjustment on condition that Merrill Mundell be consulted.

## APPROVED MINUTES

### TOWN OF MARLBORO DEVELOPMENT REVIEW BOARD MEETING

Tuesday, March 15, 2022, 7:00 p.m.

The embossed surveyor's stamp was reconsidered. Brent Seabrook withdrew the Motion.

The Chair indicated that the Board could move to enter Deliberative Session, regardless of the survey issue. He also recognized that the Zoning Administrator would like that question of the survey's accuracy resolved, and the Town Clerk would not record a deed unless it was proper.

Gail MacArthur moved to approve Permit #22-01 LD for a Boundary Line Adjustment. Second by Brent Seabrook.

Brent Seabrook asked whether this Motion would satisfy the Zoning Administrator's legal concern. The Chair explained that the Board could proceed to make the decision. If approved, the Boundary Line Adjustment would not be recorded by the Town Clerk if the survey was not proper. Furthermore, the Zoning Administrator will pursue the legal status of the survey.

The Motion to Approve passed unanimously.

The Hearing was concluded at 8:02 p.m. and the DRB continued with other business.

### **Reorganization**

The Chair explained that following Town Meeting, the Marlboro Development Review Board must be reorganized annually.

### **Election of Board Chair**

Term: one year.

Gail MacArthur nominated Steven John as Board Chair. He accepted the nomination. All voted for Steven John.

### **Election of Board Vice-chair**

Brent Seabrook nominated Jean Boardman as Board Vice-Chair. Jean Boardman accepted the nomination. All voted for Jean Boardman.

### **Election of Clerk**

Gail MacArthur nominated Brent Seabrook as Board Clerk. Brent Seabrook accepted the nomination. All voted for Brent Seabrook.

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**Time and date of meetings**

Meetings shall be held on the third Tuesday each month, at 7:00 p.m.

All agreed to this schedule.

**Procedures**

Meetings shall follow Roberts Rules of Order. Adopted unanimously.

**Contract Peter Barus to prepare Draft Minutes for DRB Meetings**

The Board approved continuing the agreement with Peter Barus as Administrative Assistant for recording and preparing Draft minutes.

Note: The Zoning Administrator, Mary Sargent, will draft DRB Decision Letters for the Chair's review and signature.

Proceedings are recorded on Zoom at present.

**Adjournment**

The meeting was Adjourned at 8:18 p.m.

*Respectfully submitted, March 21, 2022, Peter Barus, Admin. Asst.*