

TOWN OF MARLBORO
Development Review Board

Application for Boundary Line Adjustment
Findings and Decision

Permit Application # 23-01 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an Application for two (2) Boundary Line Adjustments submitted by Applicant John Dupras of Trinity Engineering, 26 Union Street, Suite 1D, North Adams, MA 01247, on behalf of Owners Joseph Gorbecki, 63 Munger Lane, Bethlehem, CT 06751 and Robert Scott Finucane, 566 Maple Street, Litchfield, CT 06759; Location: Gorbecki Drive, Marlboro Heights, Marlboro, VT; Tax Map Numbers 02-00-53.11, 02-00-55.11 & 02-00-55.13; Proposal: Two (2) Boundary Line Adjustments; Merge 22 acres of Parcel 02-00-53.11 into Parcel 02-00-55.13 & Merge remaining 41.71 acres of Parcel 02-00-53.11 into Parcel 02-00-55.11. (Parcel 02-00-53.11 is to be eliminated.)
2. The Application was received by Mary Sargent, Zoning Administrator, on January 31, 2023. A copy of the Application is available for review at the Marlboro Town Office and on the DRB page of the Marlboro Town website (marlborovt.us).
3. On February 4, 2023, again on July 29, 2023, and finally on October 2, 2024, Notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On February 6, 2023, again on July 31, 2023, and finally on September 30, 2024, Notice of a public Hearing in the Town Office with *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 February 6, 2023, again on July 31, 2023, and finally on October 1, 2024, a copy of the Notice of a public Hearing was mailed to the Applicant. On February 6, 2023, again on July 31, 2023, and finally on October 1, 2024, a copy of the Notice of a public Hearing was mailed to the following Owners of properties adjoining the property subject to the Application:

- Alain Ratheau, 178 Upper Dover Road, Wilmington, VT 05363-3602
- Judith Foster, 4 Barn Way, Westbrook, CT 06498
- Elisabeth Morrow & Benjamin Weinberg, 418 North Elmwood, Oak Park, IL 60302
- Joseph Gorbecki, 63 Munger Lane, Bethlehem, CT 06751
- Estate of Edward Lavin, 3241 Higley Hill Road, Wilmington, VT 05363
- Robert Boyd II, 3261 Higley Hill Road, West Marlboro, VT 05363
- Linda Alexander, 440 East Shore Road, Jamestown, RI 02835
- Douglas Hollenbeck, 29 Timothy Drive, Westerly, RI 02891
- Robert Scott Finucane, 566 Maple Street, Litchfield, CT 06759-2102
- Daniel Elliott, 3127 Higley Hill Road, Wilmington, VT 05363
- James & Gail Lepore, 6 Lake Shore Drive, Johnston, RI 02919
- Donald Patterson, 3005 Higley Hill Road, West Marlboro, VT 05363
- Kent Boyd & Bradley Boyd, 182 Shippee Road, Whitingham, VT 05361
- Bergen Swanson & Olivia Barrand, 2769 Higley Hill Rd., W. Marlboro, VT 05363-9503
- Kyle Oliver & Polli-Jo Moryl, 43 Marlboro Heights, West Marlboro, VT 05363
- Robert Elliott, 2671 Higley Hill Road, Wilmington, VT 05363
- Michael & Tamara Purcell, 2756 Higley Hill Road, Wilmington, VT 05363-9801
- Lizbeth Carmichael, 228 Monarch Drive, Southington, CT 06489
- Les Bickford & Virginia Fritz, 34 Upper Dover Road, Wilmington, VT 05363
- Peter Starkweather, 1237 Higley Hill Road, Wilmington, VT 05363
- Richard & Donna Hawes, 2631 Higley Hill Road, Wilmington, VT 05363
- Richard & Sheila Blanchette, 692 Higley Hill Road, Wilmington, VT 05363
- Lester & Robin Matathias, PO Box 187, Wilmington, VT 05363-0187
- Wade Pytka, % Judith Pytka, 569 River Road, Lincoln, RI 02865
- George B. Crafts & Son, 313 VT Route 100 North, Wilmington, VT 05363
- Town of Wilmington, VT, 2 East Main Street, PO ox 217, Wilmington, VT 05363-0217

6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on February 21, 2023, again on August 22, 2023, and finally on October 15, 2024. The Development Review Board reviewed the Application under the Subdivision Regulations of the Town of Marlboro, as amended March 4, 2010.

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

- Steven John, Chair
- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk
- Gail MacArthur, Member
- Eva Grimaldi, Alternate (Not present on October 15, 2024)
- Mary Sargent, Zoning Administrator

8. At the outset of each 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:

- Spencer Alexander (on Zoom): Abutter
- Caleb Alexander (on Zoom): Abutter
- Polli-Jo Moryl (on Zoom): Abutter
- Richard Hawes (on Zoom): Abutter
- Donna Hawes (on Zoom): Abutter

9. During the course of the Hearing the following Exhibits were submitted to the Development Review Board:

- Permit Application, signed by Owner Joe Gorbecki dated 1/26/23, and by Owner Scott Finucane dated 1/25/2023
- Narrative of Project:Marlboro Heights, Lot 1 & 3 Boundary Line Adjustment, prepared by Trinity Engineering for Joe Gorbecki and Scott Finucane, dated 1/27/2023
- Boundary Line Adjustment Survey plat (Marlboro Heights Lot #1 & Lot #3), prepared for Joseph Gorbecki & Robert Scott Finucane by Benjamin Joyce, signed and dated July 14, 2023
- Road Maintenance Agreement, Marlboro Heights Subdivision, Marlboro, Vermont, signed & dated by Douglas Hollenbeck (11 June 2024), Joseph Gorbecki (8 July 2024), Robert Scott Finucane (8 July 2024)
- Town of Marlboro CTI maps (4), showing dimensions, 20-ft contours, and Color Imagery
- List of abutters to Gorbecki & Finucane properties (Parcels 02-00-53.11, 02-00-55.11 & 02-00-55.13), with corresponding Town of Marlboro CTI map, printed February 7, 2023

These Exhibits are available for inspection 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 Boundary Line Adjustments to merge 22 acres of Parcel 02-00-53.11 into Parcel 02-00-55.13, and to merge the remaining 41.71 acres of Parcel 02-00-53.11 into Parcel 02-00-55.11, thereby eliminating Parcel 02-00-53.11.
2. Parcel 02-00-55.11 is located at 121 Gorbecki Drive in the Town of Marlboro; the property is more fully described in a Deed recorded in Book 65, Pages 160-163, of the Town of Marlboro Land Records. Parcel 02-00-55.13 is located at 210 Marlboro Heights in the Town of Marlboro; the property is more fully described in a Deed recorded in Book 65, Pages 175-176, of the Town of Marlboro Land Records.

3. The properties are located in the Rural Residential District (RUR) as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in *Section 305 - Rural Residential (RUR)* of the *Marlboro Zoning Regulations*, dated March 6, 2018.
4. The proposal meets the criteria for Boundary Line Adjustments, described in *Article II, Section 2.1 (E)(1)* 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 Adjustments described in Permit # 23-01 LD: to merge 22 acres of Parcel 02-00-53.11 into Parcel 02-00-55.13, and to merge the remaining 41.71 acres of Parcel 02-00-53.11 into Parcel 02-00-55.11, thereby eliminating Parcel 02-00-53.11.

The Development Review Board approves the Application and Subdivision Plat, subject to the following Conditions:

The Deeds describing Parcel 02-00-55.11 and Parcel 02-00-55.13 must be revised to correspond with the reconfiguration of these lots as shown on the final Subdivision Plat, and duly filed in the Town Records.

The approval of the Development Review Board shall expire 90 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 13th day of November, 2024.


Steven John, Chair
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.