TOWN OF MARLBORO
Development Review Board

Subdivision Review
Findings and Decision

Permit Application #18-24 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Subdivision Regulations, of an application for Division of Land and Boundary Line Adjustment, submitted by Applicant: Don MacArthur, 330 Evans Avenue, Missoula, MT 59801; Owners: Heirs of Elizabeth W. MacArthur, Duncan MacArthur, Executor, 468 Pruitt Street, White Rock, NM 87547; Location: 1799 South Road, Marlboro, VT; Tax Map # 11-02-42; Proposal: Minor Subdivision of a 24-acre parcel into two (2) lots, each with frontage on South Road, and two (2) Boundary Line Adjustments to the southern boundary of the existing parcel.

2. The application was received by Mary Sargent, Zoning Administrator, on October 30, 2018. A copy of the application and final plat are available at the Marlboro Town Office.

3. On November 5, 2018, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On November 5, 2018, notice of a public hearing 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 November 10, 2018, a copy of the notice of a public hearing was mailed to the applicant and to the owner. On November 10, 2018, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Geraldine Pittman-Batlle, PO Box G, Marlboro, VT 05344-0307
- Ethan Mable, 7 Pondfield Road, New Fairfield, CT 06812
- Andra Horton, PO Box 51, Marlboro, VT 05344-0051
- Patrice Melvin, 229 Cypress Street, Brookline, MA 02445
- Matthew & Gemma Ollis, PO Box 262, Marlboro, VT 05344-0262
- James Levinson & Louise Cochran, PO Box 50, Marlboro, VT 05344-0050
- Laura Berkowitz & Patrick Johnson, PO Box 384, Marlboro, VT 05344-0384
- Douglas Korb & Erika Haupt, PO Box 23, Marlboro, VT 05344-0023
- Marlboro College, Graduate Center Offices, PO Box A, Marlboro, VT 05344
- Whittemore-Paton Trust, % Jim Tober, PO Box 62, Marlboro, VT 05344-0062
- William Warner & Elizabeth MacArthur, 6866 Shadowbrook Drive, Goleta, CA 93117

6. The application and Subdivision plat were considered by the Development Review Board at a public hearing on November 20, 2018, at 8:31 PM. The Development Review Board 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, Clerk
- Gail MacArthur
- John Nevins
- Julia von Ranson, 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. During the course of the hearing, the following exhibits were submitted to the Development Review Board:

- Permit Application # 18-24 LD, signed and dated 10/28/2018
- Boundary Survey & Subdivision Plat, including 5-foot contours, prepared by Joyce Land Surveying Corp. (BAJ), unsigned, dated Oct. 26, 2018
- Explanation of proposal in detail, signed by Applicant Donald MacArthur, undated
- Certificate of Appointment of Duncan MacArthur as Executor of the Estate of Elizabeth MacArthur, late owner of the parcel
- Letter of authorization for Ben Joyce of Joyce Land Surveying to present the Proposal at the hearing on Nov. 20, 2018, signed by Don MacArthur, applicant
- Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, printed on October 22, 2018
- Town of Marlboro CTI Map, showing Bing Imagery, printed October 22, 2018
- List of abutters to E.W.MacArthur property (Tax Map #11-02-42), with corresponding Town of Marlboro CTI map, printed on October 31, 2018

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 divide a 24-acre parcel into 2 lots, each with frontage on South Road. The applicant also seeks to adjust the southern boundary of the original 24-acre parcel. The result will be a 3.5-acre lot with existing farmhouse, and a 9-acre undeveloped lot. 10 acres will be added to adjoining parcel # 11-02-43.2; 1.5 acres will be added to adjoining parcel # 11-02-43.1.

2. The subject property is located at 1799 South Road, Marlboro VT; Tax map # 11-02-42. The property is more fully described in a Deed recorded at Book 21, Page 106, of the Town of Marlboro Land Records.

3. The property is located in the Rural Residential District as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in Section 305 of the Marlboro Zoning Regulations.

4. The proposal is considered a Minor Subdivision under Article II, Section 2.1.B 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 Land Division and Boundary Line Adjustment of Tax Map # 11-02-42, as described in Permit Application # 18-24 LD.

The proposed subdivision meets the requirements of Articles II & III of the Subdivision Regulations.

The Development Review Board approves the application and 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 6th day of December 2018

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.