DRAFT MINUTES
TOWN OF MARLBORO ~ DEVELOPMENT REVIEW BOARD MEETING
Tuesday, October 15, 2024, 7:00 PM

Permits #23-01 LD & #24-28 LD

Attending:

DRB:
Steven John, Chair
Jean Boardman, Vice Chair, (*Zoom*)
Brent Seabrook, Clerk
Gail MacArthur, Member

Abutter:
Polli Moryl, (*Zoom*)
Richard Hawes, (*Zoom*)
Donna Hawes, (*Zoom*)
John McCall, (*Zoom*)
Caleb Alexander, (*Zoom*)
Spencer Alexander, (*Zoom*)
Jim Herrick

Applicants:
John Dupras
Lester Powers
Timothy Powers
Laurie Rowell, Attorney for Powers

Zoning Administration:
Mary Sargent, Zoning Administrator
John Marinelli, Assistant & Scribe

Call to Order:

The meeting was called to order at 7:01 PM.

All Applicants in the meeting and Abutter Jim Herrick were present in person at the Marlboro Town Office. Jean Boardman and all other Abutters attended the Hearing on Zoom. Caleb Alexander, Spencer Alexander arrived late on *Zoom* and had no questions.

Permit Application #23-01 LD

Owners: Erika & Robert "Scott" Finucane, 566 Maple Street, Litchfield, CT 06759 and Joeseph Gorbecki, 63 Munger Lane, Bethlehem, CT 06751
Applicant: John Dupras, Trinity Engineering, 26 Union Street, Suite 1D, North Adams, MA 01247
Location: Marlboro Heights, Higley Hill Road, Marlboro, VT; Tax Map # 02-00-53.11 & 02-00-55.13
Proposal: Boundary Line Adjustment (Final Hearing); Merge 22A from Parcel 02-00-53.11 into Parcel 02-00-55.13 & merge remaining 41.71A of Parcel 02-00-53.11 into Parcel 02-00-55.11. (Parcel 02-00-53.11 will be eliminated.)

The Hearing was convened at 7:09PM.

The Applicants were sworn in by Steven John.
Abutters Polli Moryl, Richard Hawes, and Donna Hawes were sworn in.

John Dupras recapped the events of the previous Hearing for the Boundary Line Adjustment which took place on Aug 22nd, 2023. That Hearing tasked John Dupras with completing the Road Maintenance

Agreement with three Owners and presenting the Final (Mylar) Survey suitable for recording. The Road Maintenance Agreement has been completed, but John Dupras held off on filing the mylar in case the DRB had any concerns. John Dupras also completed the state subdivision permit and the State Boundary line adjustment and is now coming to the Town for the Boundary Adjustment to reconfigure the lines back to how they were intended under the state Permit.

Mary Sargent clarified they were told to stop clearing and pavement activities because they began development ahead of having a Permit.

Polli Moryl asked how many lots there would be after the new subdivision, who the road agreement is with, and what is being done for runoff onto the road from the clearing activities. There will be three lots remaining after the adjustment, and the Road Agreement is with the Owners Erika & Robert "Scott" Finucane, Joes Gorbecki, and Douglas Hollenbeck. There was a discussion of the Permits under review: A wetland Permit with the state which has determined no stream crossing Permit was required; an Army Corps of Engineers Permit for the wetland crossing; and John Dupras will also file a wastewater Permit amendment to move the septic system back to its lot.

Steven John welcomed the public's questions as they relate to the use and development of the lots but clarifies the purpose of this Hearing is to adjudicate the Boundary Line Adjustment and ensure the lots created conform to Marlboro's subdivision regulations.

There was additional discussion on the runoff plan and the relevant Permit review timelines, with John Dupras saying the timeline could be quite long.

No further discussion. Gail MacArthur moved to approved Permit #23-01 LD for Boundary Line Adjustment to merge 22A from Parcel 02-00-53.11 into Parcel 02-00-55.13 and merge remaining 41.71A of Parcel 02-00-53.11 into Parcel 02-00-55.11. Seconded by Brent Seabrook. The motion passed unanimously.

The Hearing was concluded at 7:28 PM.

Permit Application #24-28 LD

Applicants: Lester Powers, 345 42nd Street, Brattleboro, VT 05301 & Timothy Powers, 79 Garfield Drive, Apt #2, Brattleboro, VT 05301
Location: Undeveloped forest land southwest of Worden Brook in Marlboro, VT, between Lower Dover Road & Augur Hole Road (No road frontage); Tax Map Numbers 02-00-45 & 03-00-66
Proposal: Boundary Line Adjustment; Transfer 100A± from Parcel 02-00-45 to Parcel 03-00-66.

The Hearing was convened at 7:31 PM.

The Applicants were sworn in.

Laurie Rowell, the Applicant's representing Attorney sworn in.
Abutters Jim Herrick and John McCall.

Laurie Rowell presented the proposed Boundary Line Adjustment to transfer 100A of the 300A lot from the Powers to Jim Herrick. Steven John asked if there would be a creation of a separate lot, and Laurie Rowell confirmed there would not be. Laurie Rowell said they are also planning to update the deeds accordingly.

John McCall asked a question about the purpose of the Boundary Line Adjustment, and Mary Sargent noted that it should only be discussed if there is an intention of development. Laurie Rowell stated that there is no planned development.

There was a discussion on where the documents of the Hearing and Boundary Lines can be found, and the DRB informed the attendees that all relevant documents can be found on the marlborovt.us website under the Development Review Board tab's public folders. Several more questions were raised but were not pertinent to the Hearing decision.

No additional questions from the other DRB members. Brent Seabrook moved to approve Permit #24-28 LD which proposes to transfer 100A± from Parcel 02-00-45 to Parcel 03-00-66. The motion was seconded by Gail MacArthur. The motion passed unanimously.

The Hearing was concluded at 7:52PM.

REVIEW AND APPROVAL OF MINUTES OF PRIOR HEARINGS

Steven John moved to approve any available minutes. There were no Draft Minutes posted to be approved.

Steven John moved to enter executive session for the purpose of discussing personnel in service to the DRB. Seconded by Gail MacArthur. No discussion. The motion was approved with one abstention due to technical issues.

The Executive Session was convened at 7:56 PM.

The Executive Session concluded and returned to the public session at 8:32 PM. No decisions were made, and no votes were taken.

Moved by Gail MacArthur, seconded by Brent Seabrook, the meeting adjourned at 8:34PM.

Respectfully Submitted, 19 October 2024, John Marinelli, Scribe