

**TOWN OF RANDOLPH, VERMONT  
DEVELOPMENT REVIEW BOARD  
MEMORANDUM OF DECISION**

(Findings of Facts and Conclusions, and Decision)

**APPLICANT:** Veronica Armstrong  
4713 VT Route 66  
Randolph Center, VT 05061

**PERMIT NO.:** Z08-107

**PROPERTY OWNER:** Applicant

## I. INTRODUCTION

On September 19, 2008, **Veronica Armstrong** (“Applicant”) filed an application for a zoning permit for a project generally described as **2-lot subdivision**. The subject property is parcel number **111000** which is **21 acres** in size and located on the corner of **VT Route 66 and Rogers Road**. The application was deemed complete pursuant to the Development Review Board (“Board”) Rules of Procedure Section 301 on September 29, 2008.

Under the Randolph Land Subdivision Control Regulations and the Zoning Regulations (“Subdivision Regulations” and “Zoning Regulations”, respectively, or “Regulations” collectively), projects are reviewed based on the applicable criteria of the Regulations. Before the Administrative Officer (“Administrator”) may grant a permit, the Board must find that the project complies with all applicable criteria and approve the subdivision and/or provide any other approval, as required.

Decisions must be stated in the form of Findings of Facts and Conclusions of Law. In rendering this decision, the Board relied on the following:

1. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on October 28, 2008;
2. Documents contained in this application’s file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on October 28, 2008, and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1209 and supersedes the oral decision.

## II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Rural Use-5 acre (RU5) District.
2. Subdivision approval is required, as the property N/F owned by Perry and Lynn Armstrong as shown on Exh. #1 was first subdivided from the property in 1983 and Section 2.2 of the Subdivision Regulations states the following:

“When the owner of the initial lot, tract or parcel of land transfers ownership of a portion of that land to a person or corporation, *and that person or corporation further transfers ownership of any portion of that land, that person or corporation becomes a subdivider and must meet all requirements of this Subdivision Regulation.*” (emphasis added).

On October 6, 2008, the Administrator referred the application to the Board for review and approval as determined.

### **III. PARTICIPANTS**

For the purposes of this application, “interested persons” are those who fulfill the requirements of 24 VSA ch. 117 §4465. The Applicant and her representatives were the only participants.

Participating Board members were Joel Tillberg, John Becker, J. Kenneth Currier, Samuel Lincoln, Christopher Recchia, Frank Reed and Krista Rumrill.

### **IV. FINDINGS OF FACTS**

*The following findings are facts that were entered into the record for this application and were relied upon by the Board in formulating its conclusions and decisions. While other evidence may have been or is also entered into the record, if it is not included herein, the Board has determined that it is either not relevant evidence or that it is not a fact.*

#### **Project Description**

1. The Applicant has filed an application for a 2-lot subdivision as shown on Exh. #1. The lot labeled “Remaining Lands” is 16.0 acres with a single-family dwelling and mobile home park. “Lot #1” is 5.0 acres and developed with a sugarhouse. (application and Exh. #1)

#### **Compliance with development standards**

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because a 9.2-acre lot was subdivided from the parcel in 1983. (application , municipal records and Subdivision Regulations)
3. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes are 5 and 16 acres. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. “Remaining lot” has 1,306 feet of frontage along VT Route 66 and another 407 feet along Rogers Road. “Lot #1” has 301 feet of frontage along Rogers Road. (Zoning Regulations and Exh. #1)
5. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot lines will be farther than 30 feet from any existing structure. (Zoning Regulations and Exh. #1)
6. The maximum allowable building coverage is 15% in the RU5 District, or 104,500 SF for the “Remaining Lot”. While the proposed subdivision will increase the percentage of building coverage for this lot, it still meets this requirement. (Zoning Regulations and Exh. #1)
7. The proposed project does not involve the creation of any public roads nor public utilities. (application)

**V. CONCLUSIONS**

Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards in the RU5 District. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

**VI. DECISIONS<sup>1</sup>**

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 2-lot subdivision as applied for in zoning permit application #Z08-107 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 28<sup>th</sup> day of October, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

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/s/ Joel Tillberg, Chair

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/s/ Samuel Lincoln

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/s/ J. Kenneth Currier

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/s/ Frank Reed

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/s/ John Becker

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/s/ Krista Rumrill

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/s/ Christopher Recchia

<sup>1</sup> An interested party (as defined in 24 VSA §4465) who participated in this proceeding may appeal this decision to the Vermont Environmental Court within 30 days of the date of the decision, for a fee of \$250 and a notice in writing, certified mailed to the Environmental Court, giving reasons for the appeal, and a copy mailed to the Administrator. Failure to appeal this decision may prevent any party from arguing against its elements in a future hearing or appeal. 24 VSA §4472.