TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD

MEMORANDUM OF DECISION

(Findings of Facts and Conclusions of Law, and Decision)

APPLICANTS: Nathan and Victoria Schiller
377 Linwood Avenue
Newtonville, MA 02460

PERMIT NO.: Z08-14

PROPERTY OWNERS: Applicants

I. INTRODUCTION

On March 31, 2008, Nathan and Victoria Schiller ("Applicant") filed an application for a zoning permit for a project generally described as a **4-lot subdivision**. The subject property is **parcel number 105033** which is **21.6 acres** in size and located at **1401 Hebard Hill Road**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 31, 2008.

Under the Randolph Land Subdivision Control Regulations and the Zoning Regulations ("Regulations"), 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 April 29, 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 April 29 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1209 and supercedes 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 more than three lots are proposed.

On March 31, 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 attached Service List for this project identifies persons[1] who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, J. Kenneth Currier, Christopher Recchia, 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 4-lot subdivision as shown on Exh. #2. The lots shall be as follows: Lots #1 and 2 – 5.0 acres, Lot #3 – 5.2 acres, and Lot #4 – 6.4 acres. Lot #2 has an existing multi-family dwelling on it. *(Application)*

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because §2.2 of the Subdivision Regulations defines a subdivision as "the division of a lot, tract, or parcel of land into three or more lots…". §3.1 requires that subdivisions secure approval by the Board. *(application and Randolph Land Subdivision Control 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 between 5.0 and 6.4 acres. *(Randolph Zoning Regulations and application)*
4. The minimum lot width in the RU5 District is 300 feet. Lots #1 and 2 have ±350 feet of road frontage. Lot #3 is approximately 630 feet wide and Lot #4 is 455 feet wide, each with a 50-foot wide easement for access to Hebard Hill Road. *(Randolph Zoning Regulations and Exh. #2)*
5. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot lines will be farther from any structure than 30 feet. *(Randolph Zoning Regulations and application)*
6. The maximum allowable building coverage is 15% in the RU5 District. The only proposed lot that has any building coverage is Lot #2. At 5.0 acres, it is allowed 32,670 SF. The existing structure is under 5,000. *(Randolph Zoning Regulations, municipal land records and Exh. #2)*

V. CONCLUSIONS OF LAW

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 and the Regulations.

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[1] By inclusion in this section of the Memorandum of Decision, the Board does not address the status of any of the people listed above as "interested persons" as defined in the above-referenced state statute.

VI. DECISIONS[2]

Based upon the foregoing Findings of Facts and Conclusions of Law, approval is hereby granted for the 4- lot subdivision as applied for in zoning permit application #Z08-14 and including the evidence and testimony entered into the record as Findings of Fact. Such approval is granted with the condition that the final survey of the subdivision is substantially the same as what was presented to the Board (Exh. #2).

Dated at Randolph, Vermont this _____ day of May, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

_____	_____
Joel Tillberg, Chair	Trini Brassard
_____	_____
J. Kenneth Currier	Christopher Recchia
_____	_____
John Becker	Krista Rumrill

[2] 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 $225 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.