

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT NO.: Z10-45

Property address: Meadow Lane

PROPERTY OWNER: Sally Pierce
Pierce Family Trust
PO Box 321
Randolph, VT 05060

Parcel no.: 121014.010
Parcel size: 12.9 acres

APPLICANT: Mark Bannon, PE
Bannon Engineering
PO Box 171
Randolph, VT 05060

I. INTRODUCTION

On May 26, 2010, Mark Bannon, PE, on behalf of the **Pierce Family Trust** ("Applicant") filed an application for a zoning permit for a project generally described as a **2-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on May 26, 2010.

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 June 23, 2010;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on June 23, 2010, 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 Village (RV) District.
2. Subdivision approval is required, as the property was first subdivided in 1985 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 May 26, 2010, 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 was the only participant.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, 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. #3. The subject property is undeveloped and is a total of 12.9 acres. The new lots will be 1.5 and 11.4 acres upon subdivision. (application)

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because in 1985, a portion of the subject property was subdivided and sold to the adjacent property owner. (application and Subdivision Regulations)
3. The property is in the RV District. The minimum lot size in the RV District is 20,000 SF for non-residential uses. The proposed lot sizes are 1.5 and 11.4 acres (Zoning Regulations and application)
4. The minimum lot width in the RV District is 100 feet. The 1.5-acre lot will have 200 feet of road frontage along Meadow Lane. The 11.4-acre lot will have 129 feet along Meadow Lane. (Zoning Regulations and application)
5. The development standards related to setbacks and building coverage are not applicable as the subject property is currently undeveloped. (Zoning Regulations and application)
6. 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 RV District. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

VI. DECISIONS¹

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 #Z10-45 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. #1).

Dated at Randolph, Vermont this 23rd day of June, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

/s/ Samuel Lincoln

/s/ Trini Brassard

/s/ Frank Reed

/s/ John Becker

/s/ Krista Rumrill

/s/ Christopher Recchia

¹ 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.