

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

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

APPLICANT: David Silloway
1089 Silloway Road
Randolph Center,VT 05061

PERMIT NO.: Z08-57

PROPERTY OWNER: Applicant

I. INTRODUCTION

On June 25, **David Silloway** (“Applicant”) filed an application for a zoning permit for a project generally described as **2-lot subdivision**. The subject property is parcel number **116056** which is **108 acres** in size and located **near 1105 Boudro Road**. The application was deemed complete pursuant to the Development Review Board (“Board”) Rules of Procedure Section 301 on June 25, 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 July 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 July 29, 2008 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 the property was first subdivided in 2000 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 June 25, 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. David Silloway and Paul Lambert were the only participants in this proceeding. Written comments were received from Kisik Kim.

Participating Board members were Joel Tillberg, John Becker, Samuel Lincoln, J. Kenneth Currier, 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 parcel is 107 acres and the new lots will be 5.8 acres and 101 acres. *(application)*

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because a 10.3-acre parcel was created from the original in 2000 and §2.2 of the Subdivision Regulations require approval. *(application, municipal land records 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 5.8 and 101 acres. *(Randolph Zoning Regulations and application)*
4. The minimum lot width in the RU5 District is 300 feet. The 5.8-acre lot is 662 feet wide and the remaining lot retains over 300 feet of road frontage. *(Randolph Zoning Regulations and application)*
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 building coverage will not be exceeded for the remaining lot. *(Randolph Zoning Regulations and application)*
7. No new public roads or utilities are proposed. *(application)*

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. It is also the conclusion of the Board that Section VI of the Subdivision Regulations are not applicable as there are no public utilities or facilities proposed.

VI. DECISION¹

Based upon the foregoing Findings of Facts and Conclusions of Law, approval is hereby granted for the 2-lot subdivision as applied for in zoning permit application #Z08-57 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 29th day of July, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

/s/ Samuel Lincoln

/s/ J. Kenneth Currier

/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 \$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.