

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT NO.: Z10-16

Property address: Hebard Hill Road

PROPERTY OWNERS: Kenneth and Nancy Smith
85 Dylan Drive
Randolph, VT 05060

Parcel no.: 105019.010
Parcel size: 46.06 acres

I. INTRODUCTION

On April 2, 2010, **Kenneth and Nancy Smith** (“Applicant”) filed an application for a zoning permit for a project generally described as a **5-lot subdivision**. The application was deemed complete pursuant to the Development Review Board (“Board”) Rules of Procedure Section 301 on April 5, 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 April 28, 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 April 28, 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 Use-5-acre (RU5) District.
2. Subdivision approval is required as the proposed project creates three or more lots.
3. On September 29, 2009, the Board approved this subdivision. As the subdivision plat on mylar was not properly filed with the Town Clerk with 180 days of Board approval, the approval expires (24 VSA §4463).

On April 5, 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, Christopher Recchia and Frank Reed.

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 5-lot subdivision of a 46.06-acre parcel that is currently undeveloped. The proposed lot sizes are 5.03, 5.04, 5.02, 5.02 and 25.05 acres for lots #1-5, respectively, as shown on Exh. #1. (application)

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because it creates three or more lots. (application and Subdivision Regulations)
3. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. All of the proposed lots will be 5 acres or larger. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. Lots #1-4 will have at least 300 feet of road frontage. Lot #5 is over 686 feet wide. It does not have road frontage but has access to Hebard Hill Road via a ±50-foot wide easement. (Zoning Regulations and application)
5. §5.6 allows the creation of lots without frontage to a public road or water if an access easement at least 20 feet wide. (Zoning Regulations)
6. The development standards regarding setbacks and coverage are not applicable as the property is currently undeveloped. (application)
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. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 5-lot subdivision as applied for in zoning permit application #Z10-16 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 28th day of April, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

/s/ Christopher Recchia

/s/ Trini Brassard

/s/ Frank Reed

/s/ John Becker

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.