

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT NO.: Z08-122

CO-APPLICANT:	The Brooke Family Trust c/o Gerald and Loretta Brooke 2456 Hebard Hill Road Randolph, VT 05060	Parcel No.:	105045
		Parcel Size:	26.3 acres
CO-APPLICANT:	George Antonakakis PO Box 175 South Royalton, VT 05068	Parcel No.:	105044.010
		Parcel Size:	5.62 acres

I. INTRODUCTION

On October 28, 2008, 2008, **The Brooke Family Trust and George Antonakakis** (“Applicants”) filed an application for a zoning permit for a project generally described as **lot line adjustment between their properties such that 5.0 acres is transferred from the Brooke Family Trust to the Antonakakis property**. The subject properties located at **2456 Hebard Hill Road and across from 2341 Hebard Hill Road**. The application was deemed complete pursuant to the Development Review Board (“Board”) Rules of Procedure Section 301 on November 13, 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 December 16, 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 December 16, 2008, 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. BACKGROUND

Zoning permit #Z03-56, issued in June of 2003 to Gerald and Loretta Brooke, authorized the creation of the lot currently owned by George Antonakakis. A minor adjustment to the original lot configuration was authorized in zoning permit #Z04-56.

III. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject properties are in the Rural Use 5-acre (RU5) District.
2. Subdivision approval is required, as the property was first subdivided in 2003 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 November 13, 2008, the Administrator referred the application to the Board for review and approval as determined.

IV. PARTICIPANTS

For the purposes of this application, “interested persons” are those who fulfill the requirements of 24 VSA ch. 117 §4465. George Antonakakis was the only participant.

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

V. 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 Applicants have filed an application for a lot line adjustment whereby 5.0 acres is transferred from the property of the Brooke Family Trust to that of George Antonakakis as shown on Exh. #1. The Brooke Family Trust parcel is undeveloped. The Antonakakis parcel is developed with a single-family dwelling. (application)

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations for reasons stated in Section III(2) above. (application 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 21.3 and 10.63 acres, for the Brooke Family Trust and Antonakakis, respectively. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. The Brooke Family Trust lot will retain over 1,000 feet of road frontage/lot width and the Antonakakis will gain 160 feet for a total of 570 feet of road frontage/lot width. (Zoning Regulations, Exh. #1 and Randolph tax maps)

5. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot line will increase the side yard setback from the Antonakakis residence by approximately 160 feet. (Zoning Regulations and Exh. #1)
6. The maximum allowable building coverage is 15% in the RU5 District. The Antonakakis lot is the only developed lot of the two and the building coverage will be decreasing as the lot size increases. (Zoning Regulations and application)
7. The proposed project does not involve the creation of any public roads nor public utilities. (application)

VI. 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.

VII. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the lot line adjustment as applied for in zoning permit application #Z08-122 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 16th day of December, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

/s/ Samuel Lincoln

~~*did not attend*~~

~~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 \$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.