

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT NO.: Z11-82

Property address: L Street

Parcel no.: 272000

PROPERTY OWNER: CV Properties, Inc.
935 de la Gauchetiere W, 8th fl.
Montreal, QC H3B 2M9 CANADA

Parcel size: 48.3 acres

I. INTRODUCTION

On November 7, 2011, Jean Hallé, on behalf of **CV Properties, Inc.**, ("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 November 7, 2011.

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 8, 2011;
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 8, 2011, 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 Commercial (COM) District.
2. Subdivision approval is required, as the property was first subdivided in 2004 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 7, 2011, 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 persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were Joel Tillberg, John Becker, 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. #1. (application)

Compliance with development standards

2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because the lot was previously subdivided in 2004 and §2.2 of the Subdivision Regulations requires subdivision approval. (application and Subdivision Regulations)
3. The property is in the COM District. The minimum lot size for the COM District is 12,000 SF. The proposed lot sizes are 32,000 SF and over 45 acres. (Zoning Regulations and application)
4. The minimum lot width in the COM District is 100 feet. Each proposed lot will have at least 100 feet of lot width. (Zoning Regulations and application)
5. The front, side and rear setbacks for and the maximum allowable building coverage in the COM District are set by the Board. (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 COM District. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

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. DECISIONS²

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 #Z11-82 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 8th day of December, 2011.

RANDOLPH DEVELOPMENT REVIEW BOARD



Joel Tillberg, Chair



Samuel Lincoln

did not participate

Trini Brassard



Frank Reed



John Becker



Krista Rumrill



Christopher Recchia

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 \$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.

SERVICE LIST

Zoning Permit Application #Z11-82

CV Properties, Inc.

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(via email)

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White River Jct., VT 05001-2043

Christine Sprague
Sprague's Dairy
13 Weston Street
Randolph, VT 05060

Bold listings indicate applicants and/or their representatives.