

**TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION**

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z13-74**
PROPERTY ADDRESS: **Rogers Road**
PARCEL NO.: **109055**
PARCEL SIZE: **72.48 acres**

PROPERTY OWNER: **Estate of Loretta Greenwood
PO Box 254
East Randolph, VT 05041**

APPLICANT: **Paul Rea (Rural Vermont Real Estate)**

I. INTRODUCTION

On August 26, 2013, Paul Rea, on behalf of **the Estate of Loretta Greenwood** ("Applicant") filed an application for a zoning permit for a project generally described as a **revised 7-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 26, 2013.

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 September 24, 2013;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on September 24, 2013, 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 number of proposed lots to be created is 3 or more.

On August 26, 2013, 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's representative was the only participant.

Participating Board members were Joel Tillberg, John Becker, Eric Sturm¹, David Miles and Christopher Recchia.

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. In May of 2010, the Applicant received approval to subdivide the property into 8 lots. In April of 2011, the Applicant revised the project and received approval to subdivide the property into 7 lots. The mylar was never filed thus the subdivision approval expired. In December of 2012, subdivision re-approval was granted for the 7-lot subdivision. (municipal records)
2. The Applicant has filed an application to revise the 7-lot subdivision such that 5 of the lots are ±5 acres, there is a 17-acre lot and a 30-acre lot, as shown on Exh. #1. (application and Exh. #1)

Compliance with development standards

3. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations for reasons stated in Section II above. (application and Subdivision Regulations)
4. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes range between 5 and 30 acres. (Zoning Regulations and application)
5. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will have at least 300 feet of lot width. (Zoning Regulations and application)
6. There are no existing structures on the property therefore the development standards regarding setbacks and building coverage are not applicable. (Zoning Regulations and 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.

¹ Mr. Sturm is an alternate member of the Board who was sitting in place of Member Gregg McCurdy pursuant to Section 206D of the Board's Rules of Procedure.

VI. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 7-lot subdivision as applied for in zoning permit application #Z13-74. The subdivision approval is granted with the following conditions:

1. The subdivision shall be implemented and completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.
2. This approval supersedes the previous 7-lot subdivision approval (zoning permit #Z13-2) which will be considered null and void upon the proper filing of the mylar for this approved subdivision.

Dated at Randolph, Vermont this 24th day of September, 2013.

RANDOLPH DEVELOPMENT REVIEW BOARD


Joel Tillberg, Chair


John Becker, Secretary

did not participate
Trini Brassard


David Miles

did not participate
Samuel Lincoln


Eric Sturm


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 \$262.50 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.

