

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z14-6**
PROPERTY ADDRESS: **2456 Hebard Hill Road**
PARCEL NO.: **105045**
PARCEL SIZE: **28.9 acres**

PROPERTY OWNER: **Christopher and Satomi Armstrong**
1155 VT Route 66
Randolph, VT 05060

I. INTRODUCTION

On February 19, 2014, Paul Rea, on behalf of Christopher and Satomi Armstrong ("Applicant") filed an application for a zoning permit for a project generally described as a 4-lot subdivision. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on February 19, 2014.

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 March 25, 2014;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on March 25, 2014, 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 proposal project creates 3 or more lots.

On February 24, 2014, 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, his representative Paul Rea, and abutter Louis LeRoux were the only participants.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, Thomas Malanchuk¹, Gregg McCurdy, 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.

1. The Applicant has filed an application for a 4-lot subdivision as shown on Exh. #1. Only Lot #1 is developed and it has a single-family residence with accessory buildings (application and Exh. #1)
2. The distance and bearing measurements of the common boundary with Louis LeRoux as shown on Exh. #1 are different from what is shown on Mr. LeRoux's 1960 map of his property. However, the location of the pins and the lines themselves are not different. (testimony of L. LeRoux and P. Rea)
3. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes are: Lot #1 is 5.0 acres, Lot #2 is 7.3 acres, Lot #3 is 5.0 acres and Lot #4 is 11.6 acres. . (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. The range of lot widths for the 4 lots is 316 – 444 feet, all along Hebard Hill Road. (Zoning Regulations and Exh. #1)
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. (Zoning Regulations and Exh. #1)
6. The maximum allowable building coverage is 15% in the RU5 District, or 32,670 SF for Lot #1. The existing buildings on Lot #1 are a total of ±3,800 SF. (Zoning Regulations and Exh. #2)
7. The proposed project does not involve the creation of any public roads nor public utilities. (application)

¹ Mr. Malanchuk is an alternate member of the Board who was sitting in place of Member Samuel Lincoln pursuant to Section 206D of the Board's Rules of Procedure. Mr. Lincoln did not participate in this Decision.

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. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 4-lot subdivision as applied for in zoning permit application #Z14-6.

Dated at Randolph, Vermont this 29 day of April, 2014.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Members



Joel Tillberg, Chair



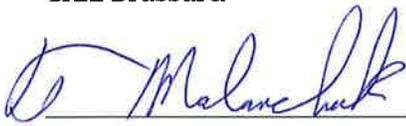
John Becker, Secretary



Trini Brassard



David Miles



Thomas Malanchuk



Gregg McCurdy

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.

