

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z14-39**
PROPERTY ADDRESS: **62 Dewey Boulevard**
PARCEL NO.: **257010.010**
PARCEL SIZE: **4.7 acres**

PROPERTY OWNERS: **Dean and Melanie Dewey
62 Dewey Boulevard
Randolph, VT 05060**

I. INTRODUCTION

On June 25, 2014, Dean Dewey ("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 July 10, 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 July 29, 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 July 29, 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 Residential (RES) District.
2. Subdivision approval is required, as the property was originally part of a ±17-acre lot 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 July 10, 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 was the only participant.

Participating Board members were Joel Tillberg, John Becker, Thomas Malanchuk, Paul Putney¹, 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 2-lot subdivision as shown on Exh. #1, with the Lot #1 being 2.8 acres and Lot #2 being 1.9 acres in size. (application)
2. Lot #1 is currently developed as a single-family dwelling and Lot #2 is proposed to be developed with a single-family dwelling. Both lots are served with on-site water and sewer systems. (application)
3. The property is in the RES District. The minimum lot size for the RES District is 1 acre for a single-family unit with on-site water and sewer. Both lots are over 1 acres in size (Zoning Regulations and application)
4. The minimum lot width in the RES District is 100 feet. Each proposed lot will be at least 100 feet wide. (Zoning Regulations and Exh. #1)
5. The front, side and rear setbacks for the RES District are 30 feet. The proposed lot line is farther than 30 feet from any structure. (Zoning Regulations and Exh. #1)
6. The maximum allowable building coverage is 25% in the RES District, or over 30,000 SF for the only lot with any coverage (Lot #1). While the proposed subdivision will increase the percentage of building coverage for Lot #1, it still meets this requirement. (Zoning Regulations and application)
7. Lot #2 does not have frontage on a public road. §5.6 of the Zoning Regulations requires that such a lot shall have access to a public road by a permanent easement or right-of-way of at least 20 feet in width, with Board approval. Lot #2 has a 20-foot wide easement across Lot #1 to a 20-foot wide easement to VT Route 12A.
8. The proposed project does not involve the creation of any public roads nor public utilities. (application)

¹ Mr. Putney 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. Mr. McCurdy did not participate in this Decision.

V. CONCLUSIONS

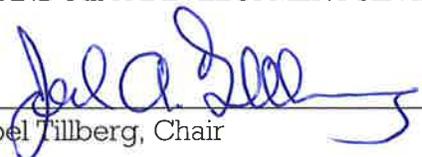
Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards in the RES 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 2-lot subdivision as applied for in zoning permit application #Z14-39.

Dated at Randolph, Vermont this 29th day of July, 2014.

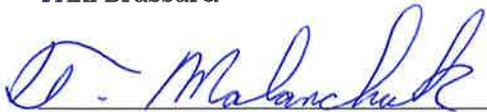
RANDOLPH DEVELOPMENT REVIEW BOARD


Joel Tillberg, Chair


John Becker, Secretary

(did not participate)
Trini Brassard


David Miles


Thomas Malanchuk


Paul Putney


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.

