

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z12-8**
PROPERTY ADDRESS: **VT Route 66**
PARCEL NO.: **106054.002**
PARCEL SIZE: **26.7 acres**

PROPERTY OWNER: **Ajay Gupta
Dirt Angels, Inc.
860 Turnbridge Circle
Naperville, IL 60540**

APPLICANT: **Paul Rea
22 North Main Street
Randolph, VT 05060**

I. INTRODUCTION

On February 21, 2012, Paul Rea, on behalf of **Dirt Angels, Inc.**, ("Applicant") filed an application for a zoning permit for a project generally described as a **5-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on February 29, 2012. On March 13, 2012, Mr. Rea requested a postponement of the public hearing. On April 2, 2012, Mr. Rea requested the application be on the agenda for the next available public hearing.

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 April 30, 2012;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records including the Memorandum of Decision for zoning permit #Z08-60 ("MOD #Z08-60").

The Board closed the public hearing on April 30, 2012, 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 Interchange Southeast (INT-SE) District.
2. Subdivision approval is required, as the property was first subdivided in 2006 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 February 29, 2012, 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. Paul Rea, the Applicant's representative, was the only participant.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, Gregg McCurdy, Christopher Recchia and Frank Reed.

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 5-lot subdivision as shown on Exh. #4. (application)
2. For reasons stated in Section II above, the property requires approval pursuant to the Subdivision Regulations. (municipal records and Subdivision Regulations)
3. In 2006, zoning permit #Z08-60 was issued for this same 5-lot subdivision. As a duly-signed mylar was not filed, the subdivision approval expired. (#Z08-60 and municipal records)

Compliance with development standards

4. The property is in the INT-SE District. The minimum lot size for the INT-SE District is 5 acres. The proposed lot sizes are between 5.07 and 5.37 acres. (Zoning Regulations and application)
5. The minimum lot width in the INT-SE District is 200 feet. Four of the five lots have over 300 feet of road frontage on VT Route 66 and the other lot has over 500 feet of road frontage along the private road off of VT Route 66. (Zoning Regulations and Exh. #1)
6. Although all the lots have road frontage on VT Route 66, an existing right-of-way off of VT Route 66 will provide access to the three western lots. The Vermont Agency of Transportation has issued a Notice of Intent for the new access off VT Route 66 for access

for the two eastern lots shown on Exh. #4. The width of all rights-of-way for this proposed subdivision is 50 feet. (Exh. #4 and testimony of P. Rea)

7. The development standards for setbacks and building and lot coverages are not applicable because the property is currently undeveloped. (Zoning Regulations and application)
8. 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 INT-SE District. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

VI. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 5-lot subdivision as applied for in zoning permit application #Z12-8. The subdivision approval is granted with the condition that it shall be completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.

Dated at Randolph, Vermont this 15th day of April, 2012.

RANDOLPH DEVELOPMENT REVIEW BOARD

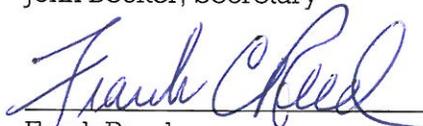


Joel Tillberg, Chair



John Becker, Secretary

Trini Brassard



Frank Reed

Gregg McCurdy



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.

