

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z13-2**
PROPERTY ADDRESS: **Rogers Road**
PARCEL NO.: **109055**
PARCEL SIZE: **72.48 acres**

PROPERTY OWNER: **Loretta Greenwood Estate**
c/o Leon Greenwood
PO Box 254
East Randolph, VT 05041-0254

APPLICANT: **Paul Rea**
Rural Vermont Real Estate
22 North Main Street
Randolph, VT 05060

I. INTRODUCTION

On December 6, 2012, 2013, Paul Rea, on behalf of the **Loretta Greenwood Estate** ("Applicant") filed an application for a zoning permit for a project generally described as **7-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on December 6, 2012, 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 January 22, 2013;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including previous Memoranda of Decision (MODs) for this project.

The Board closed the public hearing on January 22, 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 because three or more lots are being created.

On December 28, 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. The Applicant's representative was the only participant.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, Thomas Malanchuk, 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 7-lot subdivision as shown on Exh. #1. (application)
2. The Applicant received approval for an 8-lot subdivision in June of 2010. In April of 2011, the Applicant revised the subdivision and received approval for a 7-lot subdivision. The mylar was never filed thus the subdivision approval expired. (municipal records, 24 VSA §4463 and Exh. #1)
3. The subject property is 72.48 acres. The new lots will range in size from 5.02 to 17.07 acres. (application and Exh. #1)
4. The property is currently undeveloped or used for agricultural purposes. (MOD #Z11-11)
5. §2.2 of the Subdivision Regulations defines subdivision, in part, as the division of a parcel of land into three or more lots. §3.1 of the Subdivision Regulations requires Board approval for a subdivision. Therefore, subdivision approval is required for this proposed project. (application and Subdivision Regulations)
6. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes range from 5.02 to 17.07 acres. (Zoning Regulations and application)
7. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will be at least 300 feet wide. (Zoning Regulations and Exh. #1)
8. The development standards regarding setbacks and building coverage are not applicable as there are no buildings on the property. (Zoning Regulations and application)
9. 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.

VI. DECISIONS¹

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 #Z13-2. 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 22nd day of January, 2013.

RANDOLPH DEVELOPMENT REVIEW BOARD


Joel Tillberg, Chair

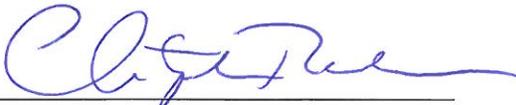

John Becker, Secretary


Trini Brassard


David Miles

Thomas Malanchuk

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 \$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.

