

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z12-23**

LOT #1

PROPERTY OWNER: **Robert and Carrie Ann Hennessey
689 Fish Hill Road
Randolph, VT 05060**

PROPERTY ADDRESS: **689 Fish Hill Road**
PARCEL NO.: **118041.010**
PARCEL SIZE: **10.1 acres**

LOT #2

PROPERTY OWNER: **Donald and Louise Almeida
249 Summer Street
East Bridgewater, MA 02333**

PROPERTY ADDRESS: **664 Fish Hill Road**
PARCEL NO.: **118040.020**
PARCEL SIZE: **10.1 acres**

I. INTRODUCTION

On March 26, 2012, **Carrie Ann Hennessey**, on behalf of the **Hennesseys and Almeidas**, ("Applicant") filed an application for a zoning permit for a **lot line adjustment**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 16, 2012.

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.

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 Rural Use 5-acre (RU5) District.
2. Subdivision approval is required, as both of the lots affected by the lot line adjustment are part of an approved subdivision 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 April 16, 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 attached Service List for this project identifies persons¹ who participated at the public hearing and/or submitted written comments on the application.

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 lot line adjustment in the general manner shown on Exh. #1 such that an equal amount of land is transferred from the Hennessey property to the Almeida property resulting in final lot sizes of that are unchanged from what currently exists. A consultant has been hired that will be determining the exact location of the new lot line. (application, Exh. #1 and testimony of C. Hennessey)
2. For reasons stated in Section II above, the property requires approval pursuant to the Randolph Land Subdivision Control Regulations. (application, municipal records and Subdivision Regulations)

¹ By inclusion in this section of the Memorandum of Decision, the Board does not address the status of any of the people listed above as “interested persons” as defined in the above-referenced state statute.

Compliance with development standards

3. The properties are in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The new lot sizes are proposed to remain at 10.1 acres each. (Zoning Regulations, application and testimony of C. Hennessey)
4. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will have at least 300 feet of road frontage. (Zoning Regulations and application)
5. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot line will be farther than 30 feet from the structure on the Almeida lot. On the Hennessey lot, the proposed lot line will result in setbacks for the house that meet the RU5 District regulations. (Zoning Regulations, Exh. #1 and testimony of C. Hennessey)
6. Because the lot sizes are not proposed to change with the lot line adjustment, the maximum allowable building coverage requirement not affected by the adjustment. (Zoning Regulations and application)
7. The proposed project does not involve the creation of any public roads nor public utilities. (application)

VI. 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.

VII. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the lot line adjustment as applied for in zoning permit application #Z12-23. The approval is granted with the following conditions:

1. The configuration of the lot line adjustment shall be substantially similar to what is shown on Exh. #1.
2. The lot line adjustment shall result in two lots conforming to all applicable provisions of the Randolph Zoning Regulations.
3. The project shall be completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.

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 \$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.

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

RANDOLPH DEVELOPMENT REVIEW BOARD

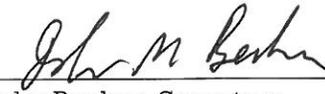
Concurring Members



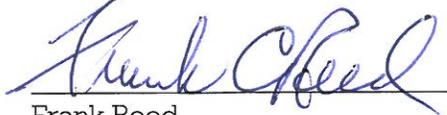
Joel Tillberg, Chair

Trini Brassard

Christopher Recchia



John Becker, Secretary



Frank Reed



Gregg McCurdy

SERVICE LIST

Zoning Permit Application #Z12-23

Robert and Carrie Ann Hennessey

Donald and Louise Almeida

Donald and Louise Almeida
249 Summer Street
East Bridgewater, MA 02333-1351

Robert and Carrie Ann Hennessey
698 Fish Hill Road
Randolph, VT 05060

Alan and Therese Heath
824 Sunset Hill Road
Randolph, VT 05060

Bold listings indicate applicants and/or their representatives.

