

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z14-25**
PROPERTY ADDRESS: **Sugar Plum Court (Lots #3 & 5)**
PARCEL NO.: **102001.050**
PARCEL SIZE: **1.0 acres (total)**

PROPERTY OWNERS: **Gary LaRoche and Heather Root**
(lots #3 & 5) **160 Sugar Plum Court**
Randolph, VT 05060

PROPERTY OWNER: **Sugar Plum Court Homeowners' Association**
(access) **c/o William McGrath, President**
101 VT Route 12N
Randolph, VT 05060

I. INTRODUCTION

On April 24, 2014, Gary LaRoche ("Applicant") filed an application for a zoning permit for a project generally described as combining two lots and removing an access right-of-way between them. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on May 12, 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 May 27, 2014;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including Memorandum of Decision for zoning permit #Z13-6 ("MOD #Z13-6").

The Board closed the public hearing on May 27, 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 property is part of an approved subdivision.

On May 12, 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. Gary LaRoche was the only participant.

Participating Board members were Joel Tillberg, John Becker, 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 to combine Lots #5 and #3 (which was formerly lots #3 and 4 and were merged into one lot in 2007) and remove an access right-of-way between them as shown on Exhs. #4 and 5. (application)
2. The Sugar Plum Homeowners' Association does not object to the removal of the access right-of-way. (Exh. #3)
3. As the project merges two lots that are currently undeveloped, the development standards are not applicable. (Zoning Regulations and application)
4. 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.

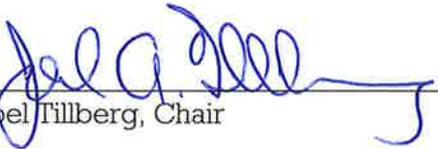
VI. DECISIONS¹

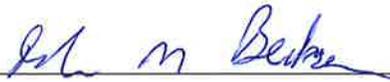
Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the combination of two lots and removal of an access right-of-way between them as applied for in zoning permit application #Z14-25. The subdivision approval is granted with the condition that it shall be completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.

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.

Dated at Randolph, Vermont this 27th day of May, 2014.

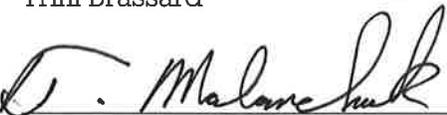
RANDOLPH DEVELOPMENT REVIEW BOARD


Joel Tillberg, Chair

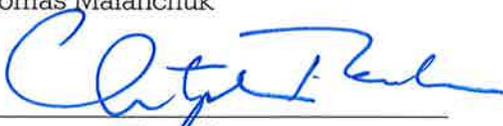

John Becker, Secretary

did not participate
Trini Brassard


David Miles


Thomas Malanchuk


Gregg McCurdy


Christopher Recchia

