

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z13-15**
PROPERTY ADDRESS: **406 Wallace Hill Road**
PARCEL NO.: **235017.010**
PARCEL SIZE: **10.1 acres**

PROPERTY OWNER: **Melvin and Debra Lyford**
PO Box 27
Northfield, VT 05663

I. INTRODUCTION

On March 1, 2013, **Debra Lyford** ("Applicant") filed an application for a zoning permit for a project generally described as re-approval of a **3-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 6, 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 March 26, 2013;
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 #Z12-54 ("MOD #Z12-54").

The Board closed the public hearing on March 26, 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 Residential and Rural Use 2-20 (RES and RU2-20) Districts.
2. Subdivision approval is required, as the property was part of a previous subdivision by Paul Webster 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).

3. This 3-lot subdivision received subdivision approval on August 28, 2012. A mylar of the subdivision was not filed within 180 days therefore the approval expired and re-approval is required.

On March 6, 2013, 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, Samuel Lincoln, Thomas Malanchuk, 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 3-lot subdivision as shown on Exh. #1 and as previously approved in MOD #Z12-54.
2. The Regulations have not changed since the previous application for this project was approved.
3. The facts included in MOD #Z12-54 for this project are still applicable and relevant.

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 RU2-20 and RES Districts. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

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.

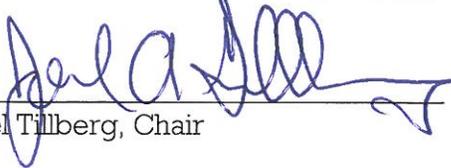
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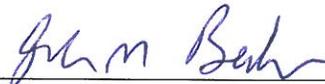
DECISIONS²

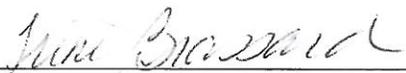
Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 3-lot subdivision as applied for in zoning permit application #Z13-15. The subdivision approval is granted with the condition that it shall be completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.

Dated at Randolph, Vermont this 26th day of March, 2013.

RANDOLPH DEVELOPMENT REVIEW BOARD

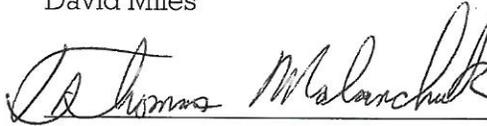

Joel Tillberg, Chair

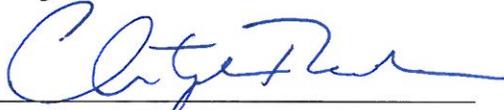

John Becker, Secretary


Trini Brassard


David Miles


Samuel Lincoln


Thomas Malanchuk


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.

SERVICE LIST

Zoning Permit Application #Z13-15

Melvin and Debra Lyford

Melvin Lyford
PO Box 27
Northfield, VT 05663-0027

Duane and Patricia Webster
138 Braintree Hill Road
Randolph, VT 05060

Bold listings indicate applicants and/or their representatives.