

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z12-25**
PROPERTY ADDRESS: **90 Moxley Drive**
PARCEL NO.: **114016.030**
PARCEL SIZE: **20.82 acres**

PROPERTY OWNER: **Sandra O'Brien**
PO Box 222
East Randolph, VT 05041-0222

I. INTRODUCTION

On March 29, 2012, **Sandra O'Brien** ("Applicant") filed an application for a zoning permit for a project generally described as **2-lot subdivision**. 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 the property was first subdivided in 2008 by Richard MacClaren 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 Applicant 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 owns a 20.82-acre parcel on Moxley Drive and Chelsea Mountain Road and intends to subdivide it into 2 lots: a 14.5-acre parcel with the existing house and a 6.3-acre parcel of open land, as shown on the application. (application)
2. The property requires subdivision approval for reasons stated in Section II above. (municipal records and Subdivision Regulations)

Compliance with development standards

3. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes are 6.3 and 14.5 acres. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. The smaller lot will have approximately 425 feet of road frontage on Chelsea Mountain Road. The larger lot has a lot width of at least 300 feet. (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 from any structure than 30 feet. (Zoning Regulations and testimony of S. O'Brien)
6. The maximum allowable building coverage is 15% in the RU5 District, or over 2 acres for the lot that will have the house on it. The building coverage on this lot will be less than 1%. (Zoning Regulations and municipal records)
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. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 2-lot subdivision as applied for in zoning permit application #Z12-25. Such approval is granted with the following conditions:

1. The final subdivision survey shall be substantially as indicated on the sketch provided.
2. The subdivision 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 May, 2012.

RANDOLPH DEVELOPMENT REVIEW BOARD



Joel Tillberg, Chair



John Becker, Secretary

Trini Brassard



Frank Reed

Christopher Recchia



Gregg McCurdy

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.

