

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z15-81**

Lot #1

PROPERTY ADDRESS: **2715 Stock Farm Road**

PARCEL NO.: **118090**

PARCEL SIZE: **1.3 acres**

PROPERTY OWNERS: **Charles Page and Mary Kaye Maxwell
2715 Stock Farm Road
Randolph, VT 05060**

Lot #2

PROPERTY ADDRESS: **2603 Stock Farm Road**

PARCEL NO.: **118091**

PARCEL SIZE: **40 acres¹**

PROPERTY OWNERS: **Jonathan Peters and Laurel Bissonette
295 McClees Road
Redbank, NJ 07701**

I. INTRODUCTION

On November 9, 2015, Charles Page and Mary Kaye Maxwell and Jonathan Peters and Laurel Bissonette ("Applicants") filed an application for a zoning permit for a lot line adjustment between their properties such that 2 acres is transferred from the Peters/Bissonette property to the Page/Maxwell property. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on November 9, 2015.

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 December 8, 2015;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

¹ The Peters/Bissonette's own property on both sides of Stock Farm Road with a combined total acreage of 90.9 acres. This application is a lot line adjustment for the land on the east side of the road, which is 40 acres.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject properties are in the Rural Use-5 Acre (RU5) District.
2. Subdivision approval is required, as the Peters/Bissonnette lot recently received a zoning permit for a 2-lot subdivision (#Z15-77) 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 November 16, 2015, 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. Applicants' representative Paul Rea was the only participant.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, David Miles, Matthew Murawski² 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 Applicants have filed an application for lot line adjustment such that 2 acres is transferred from the Peters/Bissonnette property to the Page/Maxwell property resulting in final lot sizes of 38 and 3.3 acres, respectively, as shown on Exh. #1. (application)
2. The properties are in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The Peters/Bissonnette lot is - and will still be - conforming in size. The Page/Maxwell lot is a pre-existing small lot and will become less non-conforming. (Zoning Regulations and application)
3. 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)
4. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot lines will be farther from any structure than 30 feet. (Zoning Regulations and application)
5. The maximum allowable building coverage is 15% in the RU5 District, or 6 acres for the Peters/Bissonnette property. While the proposed lot line adjustment will increase the percentage of building coverage their lot, it still meets this requirement. (Zoning Regulations and application)

² Mr. Murawski is an alternate member of the Board who was sitting in place of absent regular members, pursuant to Section 206D of the Board's Rules of Procedure.

6. 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. DECISIONS³

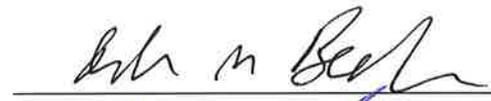
Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the lot line adjustment as applied for in zoning permit application #Z15-81. The approval is granted with the condition that it shall be completed in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.

Dated at Randolph, Vermont this 8th day of December, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD



Joel Tillberg, Chair



John Becker, Secretary



Trini Brassard



Matthew Murawski



Christopher Recchia



David Miles

³ 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.

