

The Board closed the public hearing on October 28, 2014, and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1309 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 one or both of the lots affected by the lot line adjustment were subdivided since 1971 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 October 14, 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. The Applicant was the only participant.

Participating Board members were Joel Tillberg, John Becker, Trini Brassard, Thomas Malanchuk, David Miles, Matthew Murawski¹ 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 lot line adjustment such that 3.6 acres is transferred from the Roanoke Properties property to the Perry and Lynn Armstrong property resulting in final lot sizes of 12.2 and 12.8 acres respectively, as shown on Exh. #1. (application)
2. The Armstrong property has commercial warehouse and auto sales & repair business on it. The Roanoke Properties has a single-family dwelling and a mobile home park. (application)
3. The properties are in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes are both over 12 acres. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. The proposed lot line adjustment does not affect the lot width of either parcel. (Zoning Regulations and Exh. #1)

¹ Mr. Murawski is an alternate member of the Board who was sitting in place of Member Gregg McCurdy pursuant to Section 206D of the Board’s Rules of Procedure. Mr. McCurdy did not participate in this Decision.

5. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot line adjustment will move the property line closer to the single-family dwelling and mobile home park but will be farther from any structure than 30 feet. (Zoning Regulations and Exh. #1)
6. The maximum allowable building coverage is 15% in the RU5 District. As the Roanoke Properties parcel will be decreasing in size, it is the only one of the two affected by this standard. For a 12.4 acre lot, the allowable coverage is 1.86 acres, about 810,000 SF. The existing building coverage on this lot well under this area. (Zoning Regulations and testimony of P. Armstrong)
7. 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. 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 #Z14-67. 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 4th day of December, 2014.

RANDOLPH DEVELOPMENT REVIEW BOARD – Concurring Members

Joel Tillberg, Chair

John Becker, Secretary

Trini Brassard
Trini Brassard

Thomas Malanchuk
Thomas Malanchuk

Matthew Murawski
Matthew Murawski

David Miles
David Miles

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.

