

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z15-80**

**Lot #1**

PROPERTY ADDRESS: **2165 Silloway Road**

PARCEL NO.: **11662.010**

PARCEL SIZE: **5.11 acres<sup>1</sup>**

PROPERTY OWNER: **Michael and Suzanne Masterson**

**2165 Silloway Road**

**Randolph Center, VT 05061**

**Lot #2**

PROPERTY ADDRESS: **2045 Silloway Road**

PARCEL NO.: **116060**

PARCEL SIZE: **4.35 acres<sup>1</sup>**

PROPERTY OWNER: **Carl and Diane Pettersen**

**2045 Silloway Road**

**Randolph Center, VT 05061**

**I. INTRODUCTION**

On November 9, 2015, Michael and Suzanne Masterson and Carl and Diane Pettersen ("Applicants") filed an application for a zoning permit for a lot line adjustment between their properties such that 0.18 acres is transferred from each property to the other resulting in no net change in area to either property. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on November 16, 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.

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<sup>1</sup> The lot size indicated does not include any land that is within the Town's right-of-way for Silloway Road.

## 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 was previously subdivided 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. The Pettersens were the only participants.

Participating Board members were Joel Tillberg, John Becker, David Miles, Matthew Murawski<sup>2</sup> 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 the Pettersens transfer 0.18 acres to the Mastersons and vice versa, resulting in no net change in the area of either lot, as shown on Exh. #1. (application)
2. 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)
3. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot lines will be farther than 30 feet from any structure. (Zoning Regulations and application)
4. The development standards regarding minimum lot size and maximum allowable building coverage are not applicable as there is no change in lot sizes. (Zoning Regulations and application)
5. The proposed project does not involve the creation of any public roads nor public utilities. (application)

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

**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. DECISIONS<sup>3</sup>**

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 #Z15-80. 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 8<sup>th</sup> day of December, 2015.

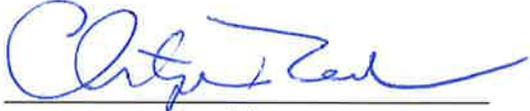
RANDOLPH DEVELOPMENT REVIEW BOARD

  
Joel Tillberg, Chair

  
John Becker, Secretary

  
Matthew Murawski

  
David Miles

  
Christopher Recchia

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<sup>3</sup> 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.

