

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z13-35**
PROPERTY ADDRESS: **67 Stock Farm Road and 33 Sunset Hill Road**
PARCEL NO.: **106004 and 118001**
PARCEL SIZE: **5.43 and 1.1 acres**

PROPERTY OWNER: **Dwight and Mary Porter**
(lot #1) **PO Box 424**
Randolph, VT 05060

PROPERTY OWNER: **Dwight and Mary Porter**
(lot #2) **PO Box 424**
Randolph, VT 05060

I. INTRODUCTION

On April 22, 2013, **Dwight and Mary Porter** ("Applicant") filed an application for a zoning permit for a **lot line adjustment whereby 0.20 acres is transferred from 33 Sunset Hill Road to 67 Stock Farm Road**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 22, 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 May 20, 2013;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on May 20, 2013, 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 properties are 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 first subdivided in 1994 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 May 7, 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 Applicant was the only participant.

Participating Board members were Joel Tillberg, John Becker, Samuel Lincoln, Thomas Malanchuk¹, Gregg McCurdy, 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 lot line adjustment such that 0.2 acres is transferred from the museum property at 33 Sunset Hill Road to the residential property at 67 Stock Farm road, resulting in final lot sizes of 5.23 and 1.3 acres, respectively, as shown on Exhs. #1 and 2. (application)
2. For reasons stated in Section II above, the property requires approval pursuant to the Randolph Land Subdivision Control Regulations. (application, municipal records and Subdivision Regulations)
3. The properties are in the RU5 District. The minimum lot size for the RU5 District is 5 acres. Lot #1 is non-conforming but the lot line adjustment would make it less non-conforming by increasing the lot size. Lot #2 will remain over 5 acres in size. (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will have at least 300 feet of road frontage on either VT Route 66, Stock Farm Road or Sunset Hill Road. (Zoning Regulations and Exh. #1)
5. 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)
6. The maximum allowable building coverage is 15% in the RU5 District. The lot coverage for Lot #2 will be minimally impacted by the lot line adjustment and will still meet this requirement. (Zoning Regulations and application)

¹ Mr. Malanchuk is an alternate member participating in place of absent member Trini Brassard.

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. DECISION²

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 #Z13-35. 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 and that the subdivision plat shall be prepared in compliance with this approval.

Dated at Randolph, Vermont this 20th day of May, 2013.

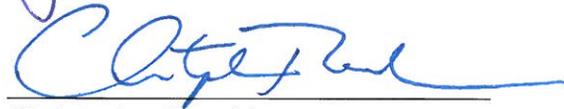
RANDOLPH DEVELOPMENT REVIEW BOARD



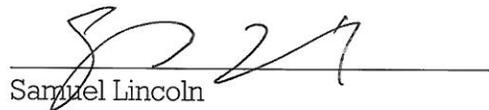
Joel Tillberg, Chair



John Becker, Secretary



Christopher Recchia



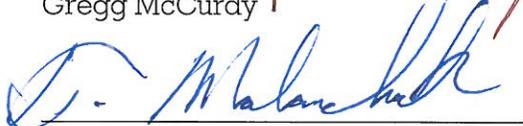
Samuel Lincoln



Gregg McCurdy



David Miles



Thomas Malanchuk

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.

