

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

(Findings of Facts and Conclusions, and Decision)

PERMIT: **#Z14-2**  
PROPERTY ADDRESS: **550 Rogers Road**  
PARCEL NO.: **109054**  
PARCEL SIZE: **18.47 acres**

PROPERTY OWNER: **Jonathan and Dawn Walters**  
**550 Rogers Road**  
**Randolph Center, VT 05061**

**I. INTRODUCTION**

On December 26, 2013, **Jonathan Walters** ("Applicant") filed an application for a zoning permit for a project generally described as a **revision to an approved 2-lot subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on January 9, 2014.

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 January 28, 2014;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on January 28, 2014, 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 1998 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 January 8, 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. Applicant Jonathan Walters was the only participant.

Participating Board members were Joel Tillberg, John Becker, Samuel Lincoln, Paul Putney<sup>1</sup>, Gregg McCurdy 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.*

#### Project Description and Required Approval

1. In 2007, the Applicants received subdivision approval to create two lots sized 5.02 and 13.45 acres out of their 18.47-acre lot at 550 Rogers Road. The Applicants now seek to amend that subdivision such that the two lots would be sized 8.39 and 10.08 acres as shown on Exh. #1. (application)
2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations for reasons stated in Section II above. (application 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 both over 5 acres. (Zoning Regulations and Exh. #1)
4. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will have at least 500 feet of road frontage. (Zoning Regulations and Exh. #1)
5. Lot #1 (8.39 acres) is undeveloped and Lot #2 (10.08 acres) has a single-family dwelling. (Exh. #1)
6. The front, side and rear setbacks for the RU5 District are 30 feet. The proposed lot line will be farther than 30 feet from any structure. (Zoning Regulations and Exh. #1)
7. The maximum allowable building coverage is 15% in the RU5 District, or 1.5 acres for Lot #2. The existing structures on Lot #2 are smaller than 1.5 acres in coverage. (Zoning Regulations and Exh. #1)
8. The proposed project does not involve the creation of any public roads nor public utilities. (application)

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<sup>1</sup> Mr. Putney is an alternate member of the Board who was sitting in place of Member David Miles pursuant to Section 206D of the Board’s Rules of Procedure. Mr. Miles did not participate in this Decision.

**V. CONCLUSIONS**

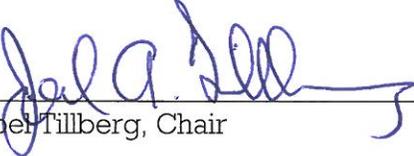
Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards in the RU5 District. The Board also concludes that Section VI of the Subdivision Regulations is not applicable.

**VI. DECISIONS<sup>2</sup>**

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the revised 2-lot subdivision as applied for in zoning permit application #Z14-2. The subdivision 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 28<sup>th</sup> day of January, 2014.

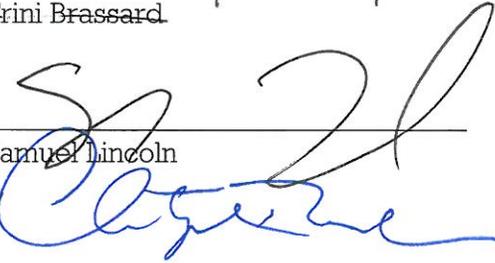
RANDOLPH DEVELOPMENT REVIEW BOARD

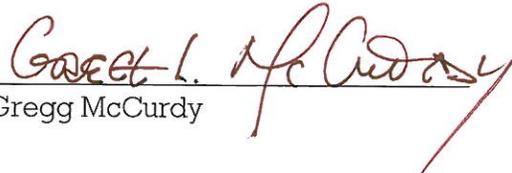
  
Joel Tillberg, Chair

  
John Becker, Secretary

*did not participate*  
Trini Brassard

  
Paul Putney

  
Samuel Lincoln

  
Gregg McCurdy

  
Christopher Recchia

<sup>2</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.

