

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

(Findings of Facts and Conclusions, and Decision)

Permit #Z11-50

Property Owner #1:	Lucille Boule Burnham Farm, Inc. 423 Sunrise Road Bethel, VT 05032	Parcel no. #1: 112007 Property address #1: 4129 VT Route 14S Parcel size #1: 23.62 acres ¹
Property Owner #2:	Victor and Lucille Boule 4147 VT Route 14S Randolph Center, VT	Parcel no. #2: 112007.010 Property address #2: 4147 VT Route 14S Parcel size #2: 3 acres

I. INTRODUCTION

On July 13, 2011, Lucille Boule on behalf of the **Burnham Farm, Inc. and Victor Boule** ("Applicant") filed an application for a zoning permit for a project generally described as **2-lot subdivision and lot line adjustment**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 9, 2011.

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 September 29, 2011;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on September 29, 2011, 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 East Valley and Rural Use 5-Acre (EV and RU5, respectively) Districts.

¹ The Burnham Farm, Inc. owns property on both sides of VT Route 14S. This acreage is for the property on the east side.

2. Subdivision approval is required, as the property was first subdivided in 1985 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 August 11, 2011, 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 attached Service List for this project identifies persons² who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were Joel Tillberg, John Becker, Thomas Malanchuk, Christopher Recchia and Frank Reed.

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 a 2-lot subdivision of the Burnham Farm, Inc., property and a lot line adjustment between the Farm property and that of Victor and Lucille Boule as shown on Exh. #1. The Farm property will have two lots of 16.62 and ± 7 acres, and the Boule lot will increase from 3 to 3.36 acres. (application)
2. The property requires approval pursuant to the Subdivision Regulations because the Boule lot was subdivided from the Farm property in 1985 and further subdivision requires subdivision approval. (application and Subdivision Regulations)
3. The Boule property is in the EV District. The Farm property is in both the EV and RU5 Districts. The minimum lot size in the RU5 District is 5 acres. In the EV District, it is 10,000 SF for a single-family dwelling. Both properties are currently developed with single-family dwellings. (Zoning Regulations and application)
4. The minimum lot width in the EV and RU5 District are 100 and 300 feet, respectively. Each of the two new lots and the Boule lot will have at least 300 feet of road frontage. (Zoning Regulations, application and municipal tax maps)
5. The front, side and rear setbacks for the EV and RU5 District range from 20 to 30 feet. The proposed lot lines will be farther from any structure than 30 feet. Additionally, the lot line adjustment will correct a lot line problem wherein an existing lot line passed through a building. (Zoning Regulations and Exh. #1)

² By inclusion in this section of the Memorandum of Decision, the Board does not address the status of any of the people listed above as “interested persons” as defined in the above-referenced state statute.

- 6. The maximum allowable building coverage in the EV is not adversely affected by the proposed lot line adjustment as the Boule lot will be increasing in size and therefore the building coverage decreasing. With only one building on the Farm property, the building coverage there is not an issue. (Zoning Regulations and application)
- 7. The proposed project does not involve the creation of any public roads nor public utilities. (application)

V. CONCLUSIONS

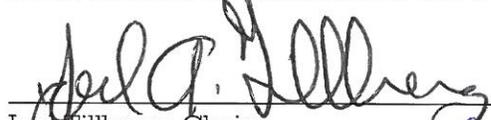
Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards in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

VI. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the 2-lot subdivision and lot line adjustment as applied for in zoning permit application #Z11-50 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 29th day of September 29, 2011.

RANDOLPH DEVELOPMENT REVIEW BOARD


Joel Tillberg, Chair

did not participate
~~Samuel Lincoln~~


Thomas Malanchuk


Frank Reed


John Becker

did not participate
~~Krista Rumrill~~


Christopher Recchia

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 \$250 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.

SERVICE LIST

Zoning Permit Application #Z11-50
Burnham Farm, Inc., & Victor and Lucille Boule

Lucille Boule
Burnham Farm, Inc.
4147 VT Route 14S
Randolph Center, VT 05061

Jacob and Cassie Boule
4129 VT Route 14S
Randolph Center, VT 05061

David Jarmy
4013 VT Route 14S
Randolph Center, VT 05061

Bold listings indicate applicants and/or their representatives.

