

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION

(Findings of Facts and Conclusions, and Decision)

PERMIT NO.: Z11-42
Route 66

Property address: between 4441 and 4669 VT

PROPERTY OWNER: Sky View Properties, LLC
161 Partridge Hill Road
Randolph, VT 05060

Parcel no.: 110005.020 - .040
Parcel size: 15.9 acres

I. INTRODUCTION

On June 27, 2011, Stephen and Liesha Heller, on behalf of **Sky View Properties, LLC** ("Applicant") filed an application for a zoning permit for a project generally described as **lot line adjustment between 3 lots in a previously-approved subdivision**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on June 28, 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 July 27, 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 July 27, 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 Rural Use-5 Acre (RU5) District.
2. Subdivision approval is required, as the property was first subdivided in 2006 (see Fact #_) and this application seeks to amend that subdivision approval.

On June 28, 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 Applicant’s representative Stephen Heller was the only participant. Participating Board members were Joel Tillberg, John Becker, Trini Brassard, Scott Berkey¹ and Krista Rumrill.

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 lot line adjustment between 3 lots in a previously-approved subdivision as shown on Exh. #1. (application)
2. The property requires approval pursuant to the Randolph Land Subdivision Control Regulations because the Applicant is seeking to amend a previously-approved subdivision. (application and Subdivision Regulations)
3. The property is in the RU5 District. The minimum lot size for the RU5 District is 5 acres. The proposed lot sizes are 5.5, 5.1 and 5.3 acres for lot #2, 3 and 4, respectively (Zoning Regulations and application)
4. The minimum lot width in the RU5 District is 300 feet. Each proposed lot will have road frontage and at least 300 feet of lot width. (Zoning Regulations and Exh. #2)
5. The development standards for setbacks and building coverage are not applicable as none of the lots are developed with structures. (Zoning Regulations and application)
6. 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 between 3 lots in a previously-approved subdivision as applied for in zoning

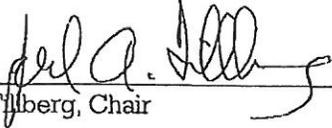
¹ Mr. Berkey is an alternate member who was participating in place of absent regular members.

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 \$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.

permit application #Z11-42 and including the evidence and testimony entered into the record as Findings of Fact.

Dated at Randolph, Vermont this 12th day of September, 2011.

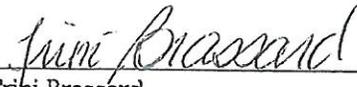
RANDOLPH DEVELOPMENT REVIEW BOARD



Joel Tilberg, Chair



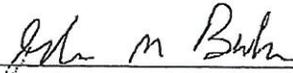
Krista Rumrill, Acting Secretary



Trihi Brassard



Scott Berkey



John Becker