

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION
(Findings of Facts, Conclusions, and Decision)

PERMIT NO.: Z09-16

Property address: 2900 VT Route 66
(part of the Main Campus)

PROPERTY OWNER: Vermont State Colleges
PO Box 359
Waterbury, VT 05676

Parcel no.: 117002
Parcel size: 130.2 acres

APPLICANT: Jack Daniels
Vermont Technical College
PO Box 500
Randolph Center, VT 05061

I. INTRODUCTION

On April 6, 2009, Jack Daniels, on behalf of **Vermont Technical College** ("Applicant") filed an application for a zoning permit for a project generally described as the **conversion of the "Allen House" from a two-family dwelling into office and meeting space for the College and the construction of an ell on the back of the building**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 13, 2009.

Under the Randolph Zoning Regulations ("Regulations"), projects are reviewed based on the site plan, conditional use and/or any other 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 site plan, the conditional use and/or provide any other approval, as required.

Also under the Regulations, the Board is authorized to undertake local Act 250 review of Criteria 6, 7 and 10 for all projects that require a new land use permit or an amendment to an existing land use permit under 10 VSA Chapter 151 ("Act 250").

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 April 28, 2009;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on April 28, 2009 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 Residential (RES) and Rural Use 5-acre (RU5) Districts. The proposed project is entirely within the RES District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The proposed project will not change the existing use of the property as a college, which is a conditional use on the Chart of Permitted and Conditional Uses, and therefore does not require any use review.

The Applicant has requested local Act 250 review. On April 14, 2009, the Administrator referred the application to the Board for review and approval as determined and requested.

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 includes the Applicant’s representatives and persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, J. Kenneth Currier, Samuel Lincoln, Christopher Recchia, Krista Rumrill and Joel Tillberg.

IV. FINDINGS OF FACTS

The following findings are facts that were entered into the record for this application and 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

1. The applicant has filed an application for the conversion of the “Allen House” from a two-family dwelling into office and meeting space for the College and the construction of a single-story ell on the back of the building as shown on Exh. #1. (application)

The proposed use, design and layout meets the provisions of the zoning ordinance, other regulations and ordinances of the Town and the Town Plan. (SP criterion A)

The development or subdivision is in conformance with the duly adopted Randolph Town Plan (Act 250 criterion 10)

2. There is no minimum lot size for the RES District for non-residential uses. The subject property is 130.2 acres. (Regulations and application)
3. The side setback requirement in the RES District is 20 feet. The shortest setback distance from the proposed ell to the side property line is 56 feet. No changes are proposed that will decrease the existing front or rear setback distances. (Regulations and application)
- 4.
5. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)

¹ 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.

The proposed use and layout is of such a nature that it will not make vehicular or pedestrian traffic hazardous when considering turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points. (SP criterion C)

6. There is an existing parking area behind the Allen House that can accommodate up to 5 vehicles. It is proposed to remain and will be stripped for handicap parking and therefore will accommodate 4 vehicles. (Exh. #1)
7. No changes to the configuration or access of the existing parking are proposed. (Exh. #1)
8. No changes to the existing provisions for pedestrians are proposed. A new sidewalk from the back of the building/ell to the parking area is proposed. (Exh. #1)

The development or subdivision will not cause an unreasonable burden on the ability of a municipality to provide educational services. (Act 250 criterion 6)

The development or subdivision will no place an unreasonable burden on the ability of the local government to provide municipal or governmental services. (Act 250 criterion 7)

9. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
10. The subject property is outside of the Randolph Police District therefore this service is not provided by the municipality. (Randolph Municipal Records)
11. The subject property is in the Randolph Center Fire District. The Randolph Center Fire Department has the capacity to provide fire protection to the subject property without undue burdens. (Albert Floyd, Randolph Center Fire District Chief)
12. The subject property takes access from a town highway. The Randolph Highway Department has the capacity to provide the proposed project with road maintenance without undue burdens. (Robert Runnals, Randolph Highway Supervisor)
13. The subject property is served by the Randolph Sewer District, which has determined that no additional sewer allocation is required for the proposed project. (Exh. #2)

The proposed use, design and layout is of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area. (SP criterion B)

The proposed height and location of buildings, walls, fences, parking, loading and landscaping will not interfere with or discourage the appropriate development in adjacent land or unreasonably affect its use. (SP criterion D)

14. The surrounding area is a mixture of institutional and residential uses. The adjoining properties are used as a college dormitory to the south, the college athletic fields to the east, a single-family and multi-family dwellings to the west and north. (application)
15. The proposed project will not impact the surrounding area. (application)
16. An existing oak tree behind the building is proposed to be very close to the proposed ell. This oak was planted by Al Floyd and is of sentimental value. It is uncertain if the tree will have to be removed for the construction of the ell or if, during construction, it will be damaged. (testimony of A. Floyd and J. Daniels)

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 and including the Applicant's representations at the public hearing, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the following criteria:

1. Act 250 Criteria²

- A. The proposed project will not cause an unreasonable burden on the ability of the Town of Randolph to provide educational services (criterion 6).
- B. The proposed project will not cause an unreasonable burden on the ability of the Town of Randolph to provide municipal or governmental services (criterion 7).
- C. The proposed project is not in non-compliance with the Randolph Town Plan which was adopted in accordance with 24 VSA ch. 117 on December 21, 2004 (criterion 10).

2. Site Plan Criteria

- A. The proposed use, design and layout meets the provisions of the zoning ordinance, other regulations and ordinances of the Town and is not in non-conformance with the Town Plan.
- B. The proposed use, design and layout is of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- C. The proposed use and layout is of such a nature that it will not make vehicular or pedestrian traffic hazardous when considering turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points.
- D. The proposed height and location of buildings, walls, fences, parking, loading and landscaping will not interfere with or discourage the appropriate development in adjacent land or unreasonably affect its use.

VI. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the conversion of the "Allen House" from a two-family dwelling into office and meeting space for the College and the construction of an ell on the back of the building as applied for in zoning permit application #Z09-16 and including the evidence and testimony entered into the record as Findings of Fact. Such approval is granted with the following conditions:

² This conclusion/decision regarding local Act 250 review is a rebuttable presumption under the provisions of 10 VSA Ch. 151 and this presumption may be overcome in proceedings under 10 VSA Ch. 151

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 Zoning Administrator. Failure to appeal this decision may prevent any party from arguing against its elements in a future hearing or appeal. 24 VSA §4472.

1. If the oak tree behind the Allen House is irreparably damaged during the construction of or needs to be removed for the construction of the ell, it shall be replaced with another tree of the same species in the same vicinity.
2. Any significant modifications to the approved site plan shall require re-approval by the Board pursuant to the regulations in effect at the time of re-application.

Dated at Randolph, Vermont this 4th day of June, 2009.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

/s/ Joel Tillberg, Chair

John Becker

/s/ J. Kenneth Currier

Christopher Recchia

/s/ Samuel Lincoln

/s/ Krista Rumrill