

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

APPLICANT: Applied Research Associates
250 Beanville Road
Randolph, VT 05060

PERMIT NO.: Z08-108

PROPERTY OWNER: R.S.L., LLC
402 VT Route 107
South Royalton, VT 05068

I. INTRODUCTION

On September 28, 2008, Derek Heidelmeier, on behalf of **Applied Research Associates** ("Applicant") filed an application for a zoning permit for a project generally described as the construction of a **32-space parking lot on the north side of the existing building**. The subject property is parcel number **121048** which is **57.04 acres** in size and located at **250 Beanville Road**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on October 1, 2008.

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 October 28, 2008;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on October 28, 2008 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 Industrial (IND) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The use is categorized as "manufacturing". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On October 6, 2008, 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. Doug Peters, representing the Applicant, was the only participant in this proceeding.

Participating Board members were John Becker, J. Kenneth Currier, Samuel Lincoln, Christopher Recchia, Frank Reed, 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 construction of a ±4,800 square foot (SF), 32-space, hard-packed parking area on the north side of an existing building as shown on Exh. #1. No changes to the existing operation are proposed. (application, testimony of D. Peters)

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. The minimum lot size for the IND District is 20,000 square feet (SF) acres. The subject property is 57.04 acres. (Regulations and application)
3. As the proposed project does not involve any building construction, the standards for setbacks and building coverage are not applicable. (Regulations and application)
4. The required off-street parking is 2 spaces for each 3 employees on the maximum working shift for industrial uses. The applicant currently has 100 employees on the maximum working shift. The existing parking provides 100 spaces. The proposed project involves providing an additional 32 parking spaces. (Regulations and application)
5. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
6. The purpose of the Industrial Districts is: "To create a type of district suited to modern industrial techniques and plan design for research and manufacture of products, where

they will have space for expansion of assembly line construction, for parking and for landscaping which will make them fit into rural landscape. To provide location with good highway access and where possible rail access also for industrial uses which would be appropriate to the region." The existing use of the property is manufacturing. (Regulations and application)

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)

7. An existing gravel fire lane traverses the north side of the building. The proposed parking will be on either side of a portion of this fire lane. Therefore, no new internal circulation roads are proposed. (Exh. #1)
8. No changes to the existing accesses nor the existing parking are proposed. (application)
9. A sidewalk is provided from the parking area to the building. (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)

10. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
11. The subject property is outside of the Randolph Police District therefore this service is not provided by the municipality. (Randolph Municipal Records)
12. The subject property is in the Randolph Village Fire District. The Randolph Village Fire Department has the capacity to provide fire protection to the subject property without undue burdens. (Jay Collette, Randolph Village Fire District Chief)
13. 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)
14. The subject property is served by the Randolph Water District. The proposed project will not affect the use of the public water system. (testimony of D. Peters)

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)

15. The surrounding area is a mixture of industrial and commercial uses. The adjoining properties are used for manufacturing, retail sales and cemeteries. (Exh. #2)
16. The proposed project will not adversely affect the surrounding area as it is an accessory use to an existing permitted use. (application and Regulations)
17. No additional lighting is proposed. (testimony of D. Peters)

18. No landscaping around the parking area is proposed. (testimony of D. Peters)

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 Criteria¹

- 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 in 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-compliance 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. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan as applied for in zoning permit application #Z08-108 and including the evidence and testimony entered into the record as Findings of Fact. The site plan approval is granted with the following conditions:

¹ 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

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 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. Construction shall be as shown on Exhibit # 1.
2. Snow from parking areas must not be plowed onto public highways, adjoining streams or waterways, or onto abutting properties. Snow must be plowed elsewhere on the subject property or removed.
3. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
4. 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 18th day of November, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

/s/ John Becker

/s/ J. Kenneth Currier

Frank Reed

/s/ Samuel Lincoln

/s/ Krista Rumrill

/s/ Christopher Recchia