

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

**Permit:** #Z10-34  
**Property address:** 75 Museum Lane  
**Parcel no.:** 108075.010  
**Parcel size:** 50.9 acres

**PROPERTY OWNER:** Vermont Agricultural Museum, Inc.  
22 North Main Street  
Randolph, VT 05060

**I. INTRODUCTION**

On April 26, 2010, Barbara Schaedler, on behalf of the **Vermont Agricultural Museum, Inc.**, (“Applicant”) filed an application for a zoning permit for a project generally described as the **construction of a 24-foot by 60-foot storage barn building to store collection of old donated farming equipment**. The application was deemed substantially complete pursuant to the Development Review Board (“Board”) Rules of Procedure Section 301 on May 11, 2010.

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 June 23, 2010;
2. Documents contained in this application’s file, the Regulations, Town Plan and the Randolph municipal records, including the Memoranda of Decisions (MOD) of the previous approvals for this project.

The Board closed the public hearing on June 23, 2010 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. BACKGROUND

The following zoning permits and/or approvals were issued and/or granted for the subject property:

1. Zoning permit #Z98-127 was issued on February 3, 1999 for the construction of an agricultural museum. This project received conditional use and site plan approvals.
2. Zoning permit #Z00-58 was issued on October 5, 2000 for a revised site plan for the construction of an agricultural museum. This project received site plan approval.
3. On November 16, 2004, the Board waived local Act 250 jurisdiction for the agricultural museum as it has already reviewed and approved the project Zoning permit #Z05-34 was issued on April 25, 2005 to renew permit #Z00-58.

## III. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Rural Use 3- and 5-acre (RU3 and RU5, respectively) Districts. The proposed new building is in the RU5 District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The use of the property as an agricultural museum was approved in 1999.

The applicant has requested local Act 250 review for the project. On May 11, 2010, the Administrator referred the application to the Board for review and approval as determined and requested.

## IV. PARTICIPANTS

For the purposes of this application, “interested persons” are those who fulfill the requirements of 24 VSA ch. 117 §4465. The Applicant was the only participant in this proceeding.

Participating Board members were John Becker, Trini Brassard, Samuel Lincoln, Christopher Recchia, Frank Reed, Krista Rumrill and Joel Tillberg.

## V. 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 and Required Approvals**

1. The applicant has filed an application for the construction of a 24-foot by 60-foot storage barn building to store collection of old donated farming equipment as part of the Vermont Agricultural Museum as shown on Exh. #1. The applicant clarified that the proposed project does not include the previously-approved 250-foot by 60-foot museum building. No other changes to the site are proposed. (application and Exh. #1)
2. The use of the property as a museum received conditional use approval in 1999. (municipal records)
3. The new storage building is within the RU5 District. (Regulations and application)

4. As the project is not either a one- or two-family dwelling, site plan approval is required. (Regulations and application)

**Consistency and compliance with Town Plan and ordinances. (SP criterion A and Act 250 criterion10)**

5. The minimum lot size for RU5 District is 5 acres. The subject property is 50.9 acres. (Regulations and application)
6. The front, side and rear setbacks for the RU5 District is 30 feet. The proposed storage building is over 100 feet to all property lines. (Regulations and Exh. #1)
7. The maximum allowable building coverage is 15% in the RU5 District, or 7.64 acres for the subject property. The proposed building coverage for the storage building is 1,440 SF, or less than 1 %. (Regulations and application)
8. The off-street parking for the museum building was previously approved. The storage building does not necessitate the need for additional parking spaces and none are proposed. (Regulations, MOD for #Z00-58 and Exh. #1)
9. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
10. The purpose of the Rural Use Districts is: "To protect and encourage farming of all kinds, as an important part of the Town's economic base..." The proposed use is an agricultural museum. (Regulations and application)

**Character of the project (SP criterion B )**

11. The surrounding area is a mixture of rural, agricultural and residential uses with much open land. The proposed project is in keeping with the surrounding agricultural uses. (MOD for #Z00-58)

**Traffic and pedestrian considerations (SP criterion C)**

12. The proposed storage building does not affect the nature of the vehicular or pedestrian traffic that was previously approved. (application)

**Municipal services (Act 250 criteria 6 and 7)**

13. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
14. The subject property is outside of the Randolph Police District therefore this service is not provided by the municipality. (Randolph Municipal Records)
15. 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. (Robert Squire, Randolph Center Fire District First Assistant Chief)
16. 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. (Gary Champy, Randolph Town Manager)
17. The subject property is not served by the Randolph Water and Sewer Districts therefore these services are not provided by the municipality. (Randolph Municipal Records)

### Affects on adjacent land (SP criterion D)

18. The adjoining property to the north is used as a residence with a tree farm, the property to the east is a residence, to the south is a residence and agricultural fields and the interstate is along the western boundary. (application)
19. The closest structure to the proposed storage barn is over 600 feet away (the residence to the north). (Exh. #1)

## VI. 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 Criteria<sup>1</sup>

- 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 February 16, 2010. (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.

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<sup>1</sup> 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

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

Based upon the foregoing Findings of Facts and Conclusions, site plan approval is hereby granted for the new storage building as applied for in zoning permit application #Z10-34 and including the evidence and testimony entered into the record as Findings of Fact. Such approval is granted with the following conditions:

1. Construction shall be as shown on Exh. #1
2. All applicable conditions of previous approvals for this development shall continue to apply.
3. 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 28<sup>th</sup> day of July, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD  
Concurring Board Members

\_\_\_\_\_  
/s/ Joel Tillberg, Chair

\_\_\_\_\_  
/s/ John Becker

\_\_\_\_\_  
/s/ Trini Brassard

\_\_\_\_\_  
/s/ Frank Reed

\_\_\_\_\_  
/s/ Samuel Lincoln

\_\_\_\_\_  
/s/ Krista Rumrill

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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 \$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.