

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

**PERMIT NO.:** Z09-8

**Property address:** 71 - 73 North Main Street

**PROPERTY OWNER:** Town of Randolph  
Drawer B  
Randolph, VT 05060

**Parcel no.:** 234025  
**Parcel size:** 0.47 acres

**APPLICANT:** Becky McMeekin  
Chandler Center for the Arts  
71 - 73 North Main Street  
Randolph, VT 05060

## **I. INTRODUCTION**

On March 2, 2009, Becky McMeekin, on behalf of the **Chandler Center for the Arts** ("Applicant"), filed an application for a zoning permit for a project generally described as **an addition on the back of Chandler Music Hall and Gallery and renovations to improve accessibility and ancillary facilities such as office space, storage space and bathrooms**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 5, 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.

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 March 31, 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 March 31, 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 Commercial (COM) District.

2. The existing use of the property for is categorized as both “public art gallery” and “assembly hall” which are listed as permitted uses on the chart of permitted and conditional uses. However, as the use is a community institution, it is afforded limited review pursuant to 24 VSA §4413(a)(1). As the project is not either a one- or two-family dwelling, site plan approval is required.

On March 5, 2009, 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. There were no participants other than representatives of the Applicant Bill Baumann, Janet Watton, Lynnette Whitney and Tom Buchman.

Participating Board members were John Becker, J. Kenneth Currier, 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 an addition on the back of Chandler Music Hall and Gallery and renovations to improve accessibility and ancillary facilities such as office space, storage space and bathrooms as shown on Exhs. #2 and 3 . (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)**

2. The minimum lot size for the COM District is 12,000 SF. The subject property is 0.46 acres, or 20,000 SF. (Regulations and application)
3. The front, side and rear setbacks for the COM District set by the Board during site plan review. The setback distances from the proposed addition are approximately 7 feet to the property to the south and 15 feet to the north. (Regulations and application)
4. The maximum allowable building coverage is in the COM District is set by the Board during site plan review. The proposed building coverage is 11,500 SF, or 58%. (Regulations and application)
5. The proposed project provides does not affect the amount of required off-street parking as the basis for determining the required number of seats in the facility is not changed. (Regulations and application)
6. Page 61 of the Town Plan states the following: “Continue to work closely with Chandler Center for the Arts as it explores expansion and in updating the facility.” This proposed project is and expansion and renovation of the facility. (Town Plan)

**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. Currently, there is no access or off-street parking for the facility. The proposed project does include a new service access from Prince Street that will be used by Chandler personnel and as a loading area. (application)
8. The new access conforms to Vtrans standard B-71. (application)
9. Access to the loading dock on the north side of the building is across the adjacent property. (Exhs. #2 and 3)
10. Two handicap off-street parking spaces are being provided on the adjacent property. (Exhs. #2 and 3)
11. The adjacent property is owned by Chandler Center for the Arts, Inc., not the Town of Randolph. (municipal records)

**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)**

12. The surrounding area is a dense mixture of commercial, residential and institutional. (application)
13. The proposed project is an expansion of an existing institutional use and will not adversely affect the surrounding area. (application)
14. The abutting property owner has agreed to an easement on her residential property for the drainage system for the project. (application and testimony of B. Baumann)

## **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 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. DECISIONS<sup>1</sup>

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the addition and renovations to the Chandler Music Hall and Gallery as applied for in zoning permit application #Z09-8 and including the evidence and testimony entered into the record as Findings of Fact. Site plan approval is granted with the following conditions:

1. Construction shall be as shown on Exhibits #2 and 3.
2. All landscaping shown on Exhibit #2 shall be maintained in a healthy, living condition.
3. Permanent easements from the abutting property owner to the north (N/F Chandler Center for the Arts) for adequate access to the loading door and for access and use of the handicapped parking spaces shall be granted to the Town of Randolph and recorded in the Randolph Land Records.
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 28<sup>th</sup> day of April, 2009.

RANDOLPH DEVELOPMENT REVIEW BOARD

### Concurring Board Members

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

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

\_\_\_\_\_  
/s/ J. Kenneth Currier

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

*did not participate*

\_\_\_\_\_  
Samuel Lincoln

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

\_\_\_\_\_  
/s/ Christopher Recchia

<sup>1</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.