

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

PERMIT NO.: Z10-9

Property address: 44 and 52 South Main Street

PROPERTY OWNER: Gifford Medical Center
PO Box 2000
Randolph, VT 05060

Parcel no.: 248028 and 248031
Parcel size: 6.2 and 2.5 acres

I. INTRODUCTION

On March 3, 2010, **Gifford Medical Center** ("Applicant") filed an application for a zoning permit for a project generally described as **an addition to an existing thrift shop, revising the parking and traffic plan and other miscellaneous site improvements**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 8, 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 March 31, 2010;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including other decisions for these properties.

The Board closed the public hearing on March 31, 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. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Civic-Tourist and Residential (CT and RES, respectively) Districts. Almost all of the proposed work is within the CT District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The use of 44 South Main Street is categorized as a "health care facility". Such a use is listed as conditional on the Chart of Permitted and Conditional Uses in both the CT and RES

Districts. However, this use is an existing use and the expanded parking does not require conditional use re-approval.

4. The use of 52 South Main Street is categorized as “general retail sales”. Such a use is listed as conditional in the CT District and was approved as such in 2001 (see Notice of Decision for #Z00-112 and -113). This approval did not require re-approval upon expansion.

The Applicant has also requested local Act 250 review. On March 8, 2010, 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. Theron Manning and Joe Woodin, representatives of the Applicant, were the only participants.

Participating Board members were John Becker, Trini Brassard, Thomas Malanchuk¹, 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 ±600 SF addition to the thrift shop at 52 South Main Street, changes to the parking and traffic areas at and between 44 and 52 South Main Street and other miscellaneous improvements (i.e. relocating oxygen tank), all as shown on Exh. #1. No changes to the existing operation of either the main hospital facility or the thrift shop are proposed. (application, testimony of T. Manning)
2. There are currently 300 employees. There are currently 396 off-street parking spaces on the Gifford Medical Center campus, which includes properties at on South Main Street and Maple Street. The proposed project will reduce that number to 380 spaces. (application)
3. The proposed project decreases the number of parking spaces by 14 and 3 at 44 and 52 South Main Street, respectively. (Exh. #1)

Consistency and compliance with Town Plan and ordinances. (SP criterion A and Act 250 criterion 10)

4. The minimum lot size for the CT District is 20,000 SF and there is no minimum lot size requirement for non-residential uses in the RES District. The subject properties are 6.2 and 2.5 acres, however, the Applicant owns a total of over 15 acres that is either contiguous or adjacent to this parcel. (Regulations, application and municipal records)

¹ Capt. Malanchuk is an alternate member of the Board who was sitting in place of regular member Samuel Lincoln pursuant to Section 206D of the Board’s Rules of Procedure. Mr. Lincoln chose not participate in this Decision because his wife works for the Applicant.

5. In the CT District, there are no setback or coverage requirements for parking lots. (Regulations)
6. For 44 South Main Street, the standards for building coverage and off-street parking are not applicable as no building or change of use is proposed. (Regulations and application)
7. The front, rear and side setbacks for the CT District are 40, 30 and 20 feet, respectively. The proposed addition to the thrift shop is approximately 25 feet to the northern side property line, over 100 feet to the southern side property line and over 100 feet to the front and rear property lines. (Regulations, application and testimony of T. Manning)
8. The maximum allowable building coverage is 40% in the CT District, or 43,560 SF for the property at 52 South Main Street. This property currently has a 2,700-SF day care facility and the 2,822-SF thrift shop, for a total building coverage of 5,522-SF. The proposed addition will add another ±600 SF and thus the total building coverage will be 6%. (Regulations, application and testimony of T. Manning)
9. The required off-street parking for retail sales is 6 spaces for every 1,000 SF of gross floor space but such requirement may be modified by the Board. In 2001, the Board modified this requirement for the thrift shop to 4 spaces per 1,000 SF of gross floor space and determined that 11 parking spaces were adequate. The additional 600 SF require an additional 3 spaces. These additional spaces can be accommodated by the parking available at 44 South Main Street. (Regulations, MOD for #Z01-112 and -113 and testimony of T. Manning)
10. Map 2 of the Town Plan designates the subject properties to be in the Gateway Commercial District. The purpose of this proposed district is to "allow for medium scale business development and hospital/medical services development in close proximity to downtown and along transportation corridors." The proposed improvements are associated with the hospital and are located along South Main Street/VT Route 12S. (Town Plan and application)
11. The purpose of the Civic-Tourist Districts is: "To provide central locations along main highways in the Village and Town for community buildings of all kinds, public, organizational and institutional, which should be accessible to residents of the town and region. To provide accommodations and services for tourists and vacationers." The proposed improvements are associated with the hospital (an institution) which is located along South Main Street/VT Route 12S and thus accessible to residents and the region. (Regulations and application)

Character of the area (SP criteria B)

12. The surrounding area is a high-density mixture of commercial/institutional and residential uses. (NOD #Z05-85)
13. All new lighting uses cut-off fixtures. (Exh. #1)
14. All property directly adjacent to the new parking area at 44 South Main Street is owned by GMC. (municipal records)

Traffic and pedestrian considerations (SP criterion C)

15. The proposed project includes eliminating the main access from South Main Street and relocating it to the existing temporary access location about 180 feet south along South

Main Street. This new access will conform to Vtrans standard B-71 and has sight distances of over 300 yards in either direction. (Exh. #1 and application)

16. The proposed project includes constructing a two-way driveway between the parking areas of 44 and 52 South Main Street. This will eliminate some traffic congestion between the two properties by negating the need to exit onto South Main Street from one property to enter the other. (Exh. #1)
17. Other than the afore-mentioned new driveway between the properties, the traffic pattern for 52 South Main Street is to remain unchanged. (Exh. #1)
18. The on-site traffic circulation for 44 South Main Street is two-way and circular. (Exh. #1)
19. At 44 South Main Street, a cross walk is provided to guide pedestrians from the parking area to the sidewalk along the building. (Exh. #1)

Municipal services (Act 250 criteria 6 and 7)

20. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
21. The subject property is in the Randolph Police District. The Randolph Police Department has the capacity to provide police services to the subject property without undue burdens. (James Krakowiecki, Randolph Police Chief)
22. 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)
23. 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)

Affects on adjacent land (SP criterion D)

24. The adjacent properties to 44 and 52 South Main Street are other Gifford Medical Center facilities and residences. (municipal records)
25. Landscaping for 44 South Main Street indicates 8 maples along stone wall. These will actually be distributed along the stone wall, along the parking lot and between the building and South Main Street. (Exh. #1 and testimony of T. Manning)
26. Landscaped islands at the end of the rows of parking are proposed. (Exh. #1)
27. At 52 South Main Street, there currently is a solid waste dumpster next to the loading dock. This is proposed to remain and is not visible from South Main Street because of the building itself. (testimony of T. Manning)

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 in 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 in 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 as applied for in zoning permit application #Z10-9 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. Construction shall be as shown on Exhibit #1.
- 2. All landscaping shown on Exhibit #1 shall be maintained in a healthy, living condition.
- 3. 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.
- 4. The subject property shall have adequate entrance and exit for emergency vehicles at all times.

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.

5. 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 28th day of April, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

/s/ Joel Tillberg, Chair

/s/ John Becker

/s/ Trini Brassard

/s/ Frank Reed

/s/ Thomas Malanchuk

Krista Rumrill

/s/ Christopher Recchia