

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

ZONING PERMIT APPLICATION: **#Z10-102**
PROPERTY ADDRESS: **24 Central Street**
PARCEL NO.: **215009**
PARCEL SIZE: **31.7 acres**

PROPERTY OWNER: **Randolph Union High School District #2**
24 Central Street
Randolph, VT 05060

I. INTRODUCTION

On November 1, 2010, Mark McKinstry, on behalf of the **Randolph Union High School District #2** (RUHS or "Applicant") filed an application for a zoning permit for a project generally described as the construction of a **±65-foot by 40-foot warehouse**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on November 2, 2010.

Under the Randolph Zoning Regulations (RZR or "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 public hearings held on November 30, 2010 and January 5, 2011;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including the Memorandum of Decision for zoning permit application #Z10-43 ("MOD #Z10-43").

On November 30, 2010, the Board continued the proceeding pending submission of additional information. On January 5, 2011, the Board closed the public hearing and completed deliberations thereafter. This written decision is required pursuant to 24 VSA ch. 36 §1209 and supersedes the oral decision.

II. BACKGROUND

An application for the construction of this warehouse (#Z10-43) was heard by the Board earlier this year. The site plan was denied and the Board's decision appealed to the Environmental Court (Docket # 161-9-10 Vtec) by the Applicant.

III. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Apartment-Residential (AR) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The proposed project is an accessory structure to an existing use of the property (school).
4. The existing use of the property is a public school (junior high, senior high and technical) that is certified by the state department of education. As such, review of this project is limited pursuant to 24 VSA §4413 (a).

On November 1, 2010, the Administrator referred the application to the Board for review and approval as determined.

IV. 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 representatives of the Applicant and persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Trini Brassard², Samuel Lincoln, Thomas Malanchuk³, 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 a 46½-foot by 65½-foot warehouse as shown on Exhs. #2 and 6 - 8. The warehouse will be used for the storage and distribution of materials used by the school district and for minor repair work for equipment or furniture. The space will not be used for vehicle maintenance or heavy duty repairs. (application and Exh. #1)
2. The property has two separate uses: the school (which includes the junior high and senior high schools and the technical career center) and the central office for the Orange Southwest Supervisory Union. (Exh. #1 and testimony of M. McKinstry)
3. The school can start as early as 3AM with the kitchen staff and extend until after midnight for the janitorial staff. It's use is more intense during the school year, September to June, but some use occurs year round. (Exh. #1)

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.

² Member Brassard participated in the first hearing but was not present for the second one and therefore did not participate in this decision.

³ Capt. Malanchuk is an alternate member who was sitting in place of absent regular members pursuant to the Board's Rules of Procedures and Ethics.

4. The central office is mostly used between 7 AM and 5 PM, five days a week and year round. There is some activity outside those hours because of meetings and other requirements such as maintenance duties, etc. (Exh. #1 and testimony of M. McKinstry)
5. The storage/warehouse facility could be used 24 hours a day, seven days a week, but will, most times, be “used” for pick-ups and deliveries and not have continuous occupation. (Exh. #1)
6. By definition (RZR §1.3.3, 1.3.65 and 1.3.66), the proposed building is accessory to the principal building and uses of the property (see fact #8). (Regulations)
7. The existing use of the property is no either a one-or two-family dwelling, therefore RZR §4.1 requires site plan approval. (application and Regulations)
8. The existing use of the property is a public school certified by the state department of education and therefore the local review of this project is limited pursuant to 24 VSA §4413(a). (testimony of M. McKinstry and state statutes)

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

9. There is no minimum lot size for the AR District for non-residential uses. (Regulations)
10. The front setback requirement in the AR District is 30 feet. The side and rear setback requirement for accessory structures is 4 feet. The proposed structure is 148 feet to the front property line, 51 feet to the closest side/rear property line. (Regulations and Exh. #8)
11. The maximum allowable building coverage is 40% in the AR District, or 12.7 acres for the subject property. The existing building coverage is approximately 200,000 SF. The proposed building will add an additional 2,653 SF of coverage, for a total of 202,653 SF, or 15%. (Regulations and application)
12. The maximum allowable building height in the AR District is 30 feet. The proposed building will be 23 feet tall at it's peak. (Regulations, Exh. #2 and testimony of W. Adams)
13. The required off-street parking is 1 space for every four seats in the principal assembly room. The principal assembly room is the auditorium in the school. The proposed project does not affect the seating in the auditorium. The proposed project will not affect the availability or use of existing off-street parking. (Regulations and Exh. #8)
14. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)

Character of the area (SP criteria B)

15. Site plan criterion B does not regulate any of the factors allowed in 24 VSA §4413(a). (state statutes)

Traffic and pedestrian considerations (SP criterion C)

16. No changes are proposed to the existing accesses to the property. (Exh. #7)
17. The proposed building is to be located behind the offices for the Orange Southwest Supervisory Union and adjacent to a driveway and parking area used by faculty, staff and students at the Randolph Union High School. (application and Exhs. #7 and 8)
18. A 5-foot wide concrete sidewalk is proposed along the east side of the parking area and driveway between the cross walk on Central Street and the school. The sidewalk will have hazard warning strips on either side as it approaches the warehouse. (Exh. #8)

19. The turning radii of a 32-foot bus truck will not interfere with the existing parking areas on either side of the driveway to the school. (Exh. #8)

Affects on adjacent land (SP criterion D)

20. The surrounding area is residential. The adjoining properties in the vicinity of the proposed building are all used as single- or multi-family residences (MOD #Z10-43)
21. The total green space in the area of the proposed building is approximately 46,000 SF. The new building will cover about 6% of the green space. (Exh. #8)
22. Two existing stone benches will be relocated adjacent to the new building. (Exh. #8)
23. There will be a 13W LED cut-off light over the doors that will be on all night for security purposes. All other lighting will be 60W LED cut-off lights that will be operated by motion sensors. (testimony of W. Adams and Exh. #8)
24. The proposed project does not change the existing use of the property. (application)
25. Landscaping is provided to compliment and help screen the building. Landscaping is also provided along the existing parking area for the OSSU offices. (Exh. #8)
26. Landscaping is provided to help screen the above-ground LP storage tank. (Exhs. #1 and 8)

VI. CONCLUSIONS

Based on the foregoing Findings of Fact, the Board makes the following conclusions regarding the site plan criteria for the project described in the application referred to above and including the Applicant's representations at the public hearing:

- 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 criterion that requires that the proposed use, design and layout be 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 is not applicable pursuant to 24 VSA §4413(a).
- C. The proposed use and layout is of such a nature that it will not make vehicular and 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.

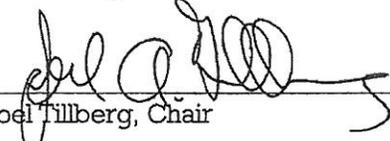
VII. DECISIONS⁴

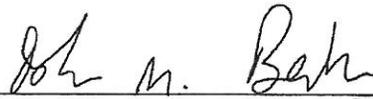
Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the warehouse as applied for in zoning permit application #Z10-102 and including the evidence and testimony entered into the record as Findings of Fact. Site plan approval is granted with the following conditions:

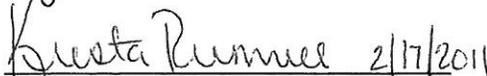
1. Construction shall be as shown on Exhs. #2, 7 and 8.
2. All landscaping shown on Exhs. #7 and 8 shall be maintained in a healthy, living condition. The property owner is encouraged to consider additional landscaping around the building to minimize visual impact from Central Street.
3. Snow from parking 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.
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.

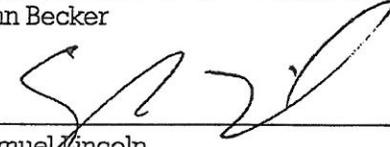
Dated at Randolph, Vermont this ^{17th} 16th day of February, 2011.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

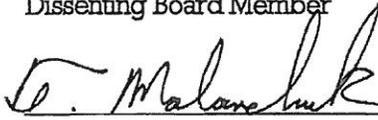

Joel Tillberg, Chair


John Becker


Krista Rumrill 2/17/2011


Samuel Lincoln

Dissenting Board Member


Thomas Malanchuk

⁴ 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.

SERVICE LIST
Zoning Permit Application #Z10-102
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Bold listings indicate applicants and/or their representatives.

