

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

PERMIT NO.: Z10-32

PROPERTY OWNER: Wanda Dunham, CEO/President
White River Credit Union
PO Box 419
Rochester, VT 05767-0416

Property address: 40 Pinnacle Road

Parcel no.: 121004

Parcel size: 0.75 acres

I. INTRODUCTION

On May 3, 2010, Wanda Dunham, on behalf of the **White River Credit Union** ("Applicant") filed an application for a zoning permit for a project generally described as **a revised site plan for a financial institution that includes a drive-through automatic teller machine (ATM)**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on May 10, 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.

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 May 26, 2010;
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 #Z10-8 ("MOD #Z10-8").

The Board closed the public hearing on May 26, 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 Commercial (COM) 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 "financial institution." Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On May 10, 2010, 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. The Applicant was the only participant in this proceeding.

Participating Board members were John Becker, Trini Brassard, Christopher Recchia¹, 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 and Required Approvals

1. On April 28, 2010, site plan approval was granted to the applicant for the conversion and expansion of an existing building formerly used for retail sales into a branch bank for financial institution. The applicant has now filed an application for a revised site plan as shown on Exh. #1. The change to the site plan is the addition of a drive-through ATM. No other changes to the operation of the business as previously-reviewed is proposed. (application, testimony of W. Dunham)
2. Site plan approval is required as a) the project is not either a one- or two-family dwelling, and b) as a condition of approval # 8 of for zoning permit #Z10-8 stated: “Any significant modifications to the approved site plan, including the construction of an outdoor ATM facility, shall require re-approval by the Board pursuant to the regulations in effect at the time of re-application.” (Regulations and MOD #Z10-8)

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

3. The minimum lot size for the COM District is 12,000 SF for non-residential uses. The subject property is 0.75 acres, or 32,500 SF. (Regulations and application)
4. As no new buildings are proposed, the development standards regarding setbacks, maximum building coverage and parking are not affected by the proposed revision.. (Regulations and Exh. #2)
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 Commercial District is: “To concentrate the regional and town-wide business, to provide areas for its best development and to protect these locations by excluding other kinds of development which would serve to scatter new businesses and limit the expansion of present business; to provide areas sufficiently compact for the convenience of pedestrians, and with sufficient area to allow parking space for patrons who come by automobile.” The proposed use is a commercial use in the COM District with sufficient parking spaces. (Regulations)

¹ Mr. Recchia arrived towards the end of the hearing and abstained from voting on this application.

Character of the area (SP criteria B)

7. The surrounding area is a mixture of residential and commercial uses. The adjacent uses are an auto dealer/repair shop/car wash, a warehouse and residences. (MOD #Z10-8)
8. The surrounding zoning districts are Rural Use 2-20 and Rural Village, each allow limited commercial uses. (Regulations)
9. The proposed project is on the corner of Pinnacle Road and VT Route 12 S with access off Pinnacle that is very close to VT Route 12S. There is a shopping center with another financial institution 500 feet away. (MOD #Z10-8)
10. The proposed project does not change the approved use of the property and therefore is still compatible with the commercial uses in the surrounding area. (MOD #Z10-8)
11. Lighting under canopy will be completely recessed. It will be operated by photo sensors and, for security reasons, will be all night. (Exh. #3 and testimony of W. Dunham)
12. No changes to the stormwater management system is proposed. (Exh. #1)
13. The proposed change does not affect the space is available for on-site for snow storage. (Exh. #1)

Traffic and pedestrian considerations (SP criterion C)

14. The general pattern of on-site traffic circulation is not affected by the proposed change to the site plan. No changes are proposed to the approved access either. (Exh. #1)
15. The highest usage of the drive-through ATM at the applicant's Rochester branch is after hours (i.e. when the facility is closed for other business), thereby minimizing any potential conflicts between this use and the use of the other drive-through lanes that are open during normal business hours. (testimony of W. Dunham)
16. There will be pavement demarcation and signage directing traffic on-site as shown on the site plan. (testimony of W. Dunham)

Affects on adjacent land (SP criterion D)

17. The adjacent uses are an auto dealer/repair shop/car wash, a warehouse and residences. There is wooded land between the proposed facility and the residences. (MOD #Z10-8)
18. Existing vegetation screens the property from adjacent residences. (Exh. #1)
19. The proposed project does not include any walls, fencing or loading areas. (Exh. #1)
20. The only building involved with the proposed change is a small roof over the ATM. (Exh. #1)

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. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the revised site plan showing a drive-through ATM as applied for in zoning permit application #Z10-32 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 Exh. #1.
- 2. All conditions of site plan approval for zoning permit #Z10-8 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 23rd day of June, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

/s/ Joel Tillberg, Chair

/s/ John Becker

/s/ Trini Brassard

/s/ Frank Reed

/s/ Krista Rumrill

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.