

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

**PERMIT NO.:** Z10-43

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

**APPLICANT:** Richard Aldrich  
Neagley & Chase Construction Co.  
PO Box 2283  
South Burlington, VT 05407-2283

**Property address:** 24 Central Street

**Parcel no.:** 215009

**Parcel size:** 31.7 acres

## **I. INTRODUCTION**

On May 24, 2010, Rick Aldrich, on behalf of the **Randolph Union High School District #2** ("Applicant") filed an application for a zoning permit for a project generally described as **the construction of a 65½-foot by 40½-foot storage building**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on May 25, 2010.

Under the Randolph Zoning Regulations ("Regulations" or RZR), 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 June 23 and July 28, 2010;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on July 28, 2010 and deliberated on this matter. This written decision is prepared as required pursuant to 24 VSA ch. 36 §1209.

## **II. 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 May 25, 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 attached Service List for this project includes the Applicant’s representatives (if any) and persons<sup>1</sup> who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Trini Brassard, Samuel Lincoln, Christopher Recchia, Frank Reed, Krista Rumrill and Thomas Malanchuk<sup>2</sup>.

### **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. The applicant has filed an application for a 46½-foot by 65½-foot warehouse as shown on Exh. #9. The warehouse will be used for the storage and distribution of materials used by the school district and to execute minor repair work on equipment. The space will not be used for vehicle maintenance or heavy duty repairs. (application and Exh. #7)
2. The existing principal use of the property is a school containing the Randolph Union Junior High School, Randolph Union High School and the Randolph Technical Career Center. The existing use of the property is not proposed to be changed. (testimony of R. Aldrich)
3. By definition (RZR §1.3.3, 1.3.65 and 1.3.66), the proposed building is accessory to the principal building and use of the property. (Regulations)
4. The existing use of the property is not either a one-or two-family dwelling, therefore RZR §4.1 requires site plan approval. (application and Regulations)
5. 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). (state records and state statutes)

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

6. There is no minimum lot size for the AR District for non-residential uses. (Regulations)

---

<sup>1</sup> 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.

<sup>2</sup> Thomas Malanchuk is an alternate member of the Board who was sitting in place of Member Joel Tillberg pursuant to Section 206D of the Board’s Rules of Procedure. Mr. Tillberg did not participate in this Decision as a Board member.

7. 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 over 100 feet to the front property line and over 50 feet to the side and rear property lines. (Regulations and Exh. #9)
8. 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)
9. The maximum allowable building height in the AR District is 30 feet. The proposed building will be 23 feet tall at the peak. (Regulations and testimony of W. Adams)
10. 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. No evidence was provided regarding the adequacy of parking in relation to seats in the auditorium. (Regulations)
11. The proposed project will provide 5 off-street parking spaces along the west side of the proposed building. However, in order for any truck, including 53-foot tractor trailers, to deliver to the warehouse, it will need to utilize space now devoted to parking for the school. No evidence was provided to indicate the impact on the parking for the school. (Regulations and Exh. #9)
12. 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 criterion 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. (SP criterion B)**

13. 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)**

**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)**

14. No changes are proposed to the existing accesses to the property. (Exh. #9)
15. The proposed building is to be located behind the offices for the Orange Southwest Supervisory Union (OSSU) and adjacent to a driveway and parking area used by faculty, staff and students at the Randolph Union High School. It is not used much during the summer months. (application, Exh. #7 and testimony of R. Aldrich and J. Tillberg)
16. This driveway is also used extensively by pedestrians. No sidewalks are provided along this driveway or within the parking area. (Exh. #9 and testimony of J. Tillberg)
17. The “dock” space is on the opposite side of the building from the access to the site. This necessitates trucks entering the property to pass by the building and then backing up to the loading dock. (Exh. #9 and testimony of W. Adams)

18. Testimony indicated that 1 large (53-foot) tractor trailer per month will deliver goods to the building. The use of this facility by the larger trucks will necessitate the need to have existing parking spaces on both sides of the driveway vacant. No evidence was presented to show how this would be accomplished. (Exh. #9)
19. The large tractor trailers utilizing the western “dock” space will require more turning associated movements to turn around and exit the site. (testimony of W. Adams)
20. The Applicant proposes to schedule deliveries for “off” hours during the school year. However, the applicant cannot guarantee when deliveries will occur and trucks could arrive on-site when not scheduled and when the “dock” space is inaccessible. (Exhs. #7 and 9)

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

21. The surrounding area is residential. The adjoining properties in the vicinity of the proposed building are all used as single- or multi-family residences (application, Exh. #1 and municipal records)
22. The proposed project is behind an existing building and will be partially in the footprint of a building that was removed in 2009. (municipal records and testimony of R. Aldrich)
23. The proposed project does not change the existing use of the property. (application)
24. Landscaping is provided to compliment and help screen the building. Landscaping is also provided along the existing parking area for the OSSU offices. (Exh. #9)
25. Landscaping is provided to help screen the above-ground LP storage tank. (Exhs. #7 and 9)

## V. 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 (commentary is italicized):

- 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 make vehicular and pedestrian traffic hazardous when considering truck turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points.

*During the school year, the driveway and parking area is used extensively by cars, buses, and pedestrians. The Applicant presented no evidence to show that delivery trucks to this facility will not be on-site when school is in session and this driveway and parking area are in use. Making*

*deliveries when school is in session would be hazardous for vehicular and pedestrian traffic. Pedestrian conflict is exacerbated by the fact that no sidewalks are provided through this area.*

- 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.

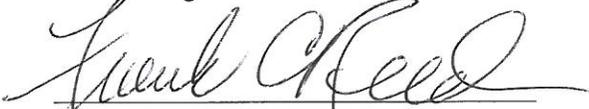
## VI. DECISIONS<sup>3</sup>

Based upon the foregoing Findings of Facts and Conclusions, the site plan for the storage building as applied for in zoning permit application #Z10-43 and including the evidence and testimony entered into the record as Findings of Fact is hereby DENIED as the project does not meet site plan criterion C.

Dated at Randolph, Vermont this 31<sup>st</sup> day of August, 2010.

### RANDOLPH DEVELOPMENT REVIEW BOARD

#### Concurring Board Members



Frank Reed, Acting Chair



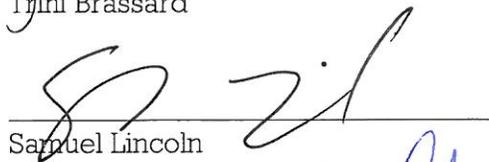
John Becker



Trini Brassard



Christopher Recchia



Samuel Lincoln



Krista Rumrill



Thomas Malanchuk

<sup>3</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.

SERVICE LIST

Zoning Permit Application #Z10-43  
Randolph Union High School District #2

Shaun Carroll  
Carroll Concrete Co., Inc.  
PO Box 1000  
Newport, NH 03773-1000

Glenn Engel  
35 Central Street  
Randolph, VT 05060

Joel Tillberg  
19 Thayer Brook Road  
Randolph, VT 05060

**Brent Kay**  
**RUHS District #2**  
**24 Central Street**  
**Randolph, VT 05060**

Rick Aldrich  
Neagley & Chase Construction Co.  
PO box 2283  
South Burlington, VT 05407-2283

**Bold listings indicate applicants and/or their representatives.**