

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

APPLICANT: Scott and Tammy Aronson
d/b/a Randolph Farm Stand
512 Duclos Road
Braintree, VT 05060

PERMIT NO.: Z08-119

PROPERTY OWNER: Bethel Mills, Inc.
PO Box 61
Bethel, VT 05032

I. INTRODUCTION

On October 27, **Scott and Tammy Aronson** ("Applicant") filed an application for a zoning permit for a project generally described as an **8-foot by 22-foot addition to an existing retail establishment for a deli and kitchen for preparing foods**. The subject property is **parcel number 121019** which is **9.31 acres** in size and located at **839 VT Route 12S**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on October 28, 2008.

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 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 November 18, 2008;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on November 18, 2008 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1209 and supercedes the oral decision.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Rural Village (RV) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The existing use is categorized as “general retail sales”. Such a use is listed as permitted on the Chart of Permitted and Conditional Uses. The proposed use of a deli and sale of prepared foods is accessory to the existing use.

On October 29, 2008, 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 Applicants were the only participants in this proceeding.

Participating Board Members were John Becker, J. Kenneth Currier, Samuel Lincoln, Christopher Recchia, 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 8-foot by 22-foot addition on the south side of the existing building as shown on Exhs. #1 and 4. The addition will be used to house a kitchen and deli. The kitchen and deli will prepare foods for off-site consumption. (application, testimony of S. Aronson)

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 RV District is 20,000 SF for non-residential uses. The subject property is 9.31 acres. There currently is a building supply store (d/b/a Central Supplies), a canteen (d/b/a The Udder Place), a baseball diamond used for T-ball and another retail store (d/b/a Randolph Farm Stand) on the property. (Regulations, municipal records and application)
3. In the RV District, the front and rear setback requirement is 30 feet and the side setback is 20 feet. The proposed addition is closest to the front and side property lines, these distances being over 70 and 49 feet, respectively. (Regulations, application and Exh. #2)
4. The maximum allowable building coverage is 25% in the RV District, or 2.33 ac. for the subject property. The proposed building coverage is approximately 1.15 ac. (Regulations and application)
5. There is no clear and unambiguous language in the Town Plan that directly relates to this project. (Randolph Town Plan)

6. The purpose of the Rural Village Districts is : “To provide areas for residence and commerce to co-exist in the same neighborhood and allow for future growth as an economic and social center for the surrounding area.” The proposed project is an expansion of an existing store with surrounding residences. (Randolph Zoning Regulations and application)

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. No changes to the approved site plan for this property are proposed with respect to access, on-site circulation or pedestrian provisions.

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)

8. The surrounding area has not changed since the site plan was previously-approved. (application)
9. No changes to the existing uses on the property are proposed. (application)
10. There is existing vegetation/trees on the property line between the proposed addition and the adjacent residence. (Exh. #2 and testimony of T. Aronson)
11. There is no solid waste dumpster at the Farm Stand as the dumpster within the adjacent Central Supplies is utilized. (testimony of S. Aronson)

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 as indicated in Section IV, 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:

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-compliance 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. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan as applied for in zoning permit application #Z08-119 and including the evidence and testimony entered into the record as Findings of Fact. Such approval is granted with the following conditions:

1. Construction shall be as shown on Exhs. #1 and 4.
2. The natural screening on the property line to the south 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.
5. Any substantial modifications to the approved site plan shall require Board re-approval pursuant to the regulations in effect at the time of re-application.

Dated at Randolph, Vermont this 24th day of November, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD

/s/ Joel Tillberg, Chair

John Becker

/s/ J. Kenneth Currier

Samuel Lincoln

/s/ Christopher Recchia

/s/ Krista Rumrill

¹ 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.