

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

PERMIT NO.: Z10-8

Property address: 40 Pinnacle Road

PROPERTY OWNER: Lee and Edith Reynolds
29 Gilead Brook Road
Randolph, VT 05060

Parcel no.: 121004
Parcel size: 0.75 acres

APPLICANT: White River Credit Union
Wanda Dunham, CEO/President
PO Box 419
Rochester, VT 05767

I. INTRODUCTION

On March 3, 2010, **White River Credit Union** ("Applicant" or "WRCU") filed an application for a zoning permit for a project generally described as **the conversion and expansion of former retail space into a financial institution**. 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.

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.

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 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 March 8, 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. Wanda Dunham, Susan Griffin and John Benson, representatives of the Applicant, were the only participants in this proceeding.

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 the conversion of and expansion to an existing retail store for use as a financial institution with two drive through lanes as shown on Exh. #2. A landscaping plan (Exh. #5) was distributed at the hearing.
2. Drive-through patrons will circle through the parking area and around the building counter-clockwise. Parking patrons will utilize two-way traffic along the north and east sides of the building. (Exh. #2)
3. An outdoor (either walk-up or drive-through) automatic teller machine (ATM) is not proposed at this time. (testimony of W. Dunham)
4. The facility will be open weekdays from 7 AM up to 6:30 PM and on Saturdays 7:30 AM to 12:30 PM. (Exh. #1)
5. It is anticipated there will be up to 3 full-time and 1 part-time employee on-site. (testimony of W. Dunham)

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

6. 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)
7. The front, side and rear setbacks for the COM District are established by the Board during site plan review. The shortest setback distance from the proposed addition is approximately 25 feet to Pinnacle Road. (Regulations and Exh. #2)
8. The maximum allowable building coverage in the COM District is established by the Board during site plan review. The proposed building coverage is 1,913 SF, or 6%. (Regulations and application)
9. The required off-street parking for business services is 1 space for every 250 SF of gross floor space. The proposed gross floor space is 2,720 which requires 11 parking spaces and the site plan provides for 11 cars. (Regulations and Exh. #2)

¹ Capt. Malanchuk is an alternate member of the Board who was sitting in place of Member Samuel Lincoln pursuant to Section 206D of the Board’s Rules of Procedure. Mr. Lincoln did not participate in this decision.

10. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
11. 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)

Character of the area (SP criteria B)

12. 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. (application and Exh. #2)
13. The surrounding zoning districts are Rural Use 2-20 and Rural Village, each allow limited commercial uses. (Regulations)
14. 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. (application and Exh. #2)
15. The proposed project is compatible with the commercial uses in the surrounding area. (Exh. #1)
16. There are no unsightly uses associated with the proposed use and no solid waste dumpster on-site. (application and testimony of W. Dunham)
17. All area lighting will have cut-off fixtures and pole-mounted lights shall be no more than 20 feet in height. It will be operated by photo sensors and timers. For security reasons, some will have to remain on during non-business hours. (Exh. #4 and testimony of W. Dunham)
18. Building lighting will be down-ward facing. Lighting under canopy will be completely recessed. It will be operated by photo sensors and timers and will be off during non-business hours. For security reasons, some will have to remain on during non-business hours. (Exh. #4 and testimony of W. Dunham)
19. The parking and travel areas will be paved. Stormwater will be treated on-site by sheet flow across shallow sloping grassed areas, grassed swale and absorption due to highly permeable soils. (Exh. #1)
20. Adequate space is available on-site for snow storage. (Exhs. #1 and 2)

Traffic and pedestrian considerations (SP criterion C)

21. The proposed use will utilize Pinnacle Road, which is a Class 3 town highway that functions as a Class 4. There is no posted speed limit at the point of access. (Exh. #1)
22. There is only one access/egress point which will meet Vtrans standard B-71. It is approximately 70 feet in from the intersection of Pinnacle Road and VT Route 12S. (Exh. #2)
23. The sight distances from the proposed access is 70 and 120 feet looking to the left and right, respectively, out of the driveway. Landscaping will not hinder sight distances at the Pinnacle Road-VT Route 12S intersection. (application and condition of approval)

- 24. Minimal (1 – 5) pedestrian traffic is anticipated. (application)
- 25. Maximum vehicular traffic is anticipated to be 125 cars per day. Peak periods of vehicular traffic and the amount of traffic will vary by day as follows:

Monday – Friday	11 AM – 1 PM	20 vehicles
Monday – Thursday	2:30 - 5 PM	30 vehicles
Friday	2:30 – 6 PM	40 vehicles
Saturday	9 AM – 12 PM	40 vehicles

Affects on adjacent land (SP criterion D)

- 26. 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. (application and Exh. #2)
- 27. Existing vegetation screens the property from adjacent residences. (Exh. #1)
- 28. The proposed project does not include any walls, fencing or loading areas. (Exh. #2)
- 29. The height of the new addition will be only about 3 feet higher than the existing building. (Exh. #3)

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 site plan for the conversion of and expansion to an existing retail store for use as a financial

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.

institution as applied for in zoning permit application #Z10-8 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. #2.
2. All landscaping shown on Exh. #5 shall be maintained in a healthy, living condition.
3. New landscaping shall use native plantings and shall not diminish sight distances at the intersection of Pinnacle Road and VT Route 12S.
4. Existing vegetation shall remain where possible.
5. If security concerns require some lighting to be on during non-business hours, the Applicant shall present to the Administrator a lighting plan indicating which lights are to remain on. If the Administrator deems that this lighting plan may have an adverse affect on any of the site plan criteria, the proposal shall require site plan approval by the Board.
6. 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.
7. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
8. 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.

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