

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

PERMIT NO.: Z08-128

Property address: 7 Summer Street

PROPERTY OWNER: Town of Randolph, VT
c/o Gary Champy, Town Manager
Drawer B
Randolph,VT 05060

Parcel no.: 252004
Parcel size: 0.45 acres

I. INTRODUCTION

On December 2, 2008, 2009, Gary Champy, on behalf of the **Town of Randolph** ("Applicant") filed an application for a zoning permit for a project generally described as **the construction of a 38-foot by 62-foot addition to the Municipal Building**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on December 11, 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 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 December 16, 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 December 16, 2008, 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. BACKGROUND

In April of 2005, zoning permit #Z05-27 was issued for a larger expansion of the Municipal Building.

III. 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 “municipal office buildings and garages.” Such a use is listed as conditional on the Chart of Permitted and Conditional Uses. However, as it is an existing use, conditional use approval is not required.

On December 2, 2008, 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 the representative 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, Samuel Lincoln, Christopher Recchia, Frank Reed, 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

1. The applicant has filed an application for the construction of a 38-foot by 62-foot addition to the Municipal Building as shown on Exh. #1. This exhibit was amended at the hearing such that 2 of the proposed 5 hackberry trees along Summer Street and all of the crab trees along the post office parking lot were eliminated, a light post was added where the sidewalk meets Summer Street, and the lilac bushes were relocated to the southeast corner of the green space. (application)

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 COM District is 12,000 SF. The subject property is 19,403 SF. (Regulations and application)
3. The front, side and rear setbacks for the COM District are set by the Board during the site plan review process. The shortest setback distance from the proposed addition is 22 feet to the road right-of-way for Summer Street. The existing structure is also 22 feet from the Summer Street right-of-way. (Regulations and Exh. #1)
4. The maximum allowable building coverage in the COM District is set by the Board during the site plan review process. The existing building is 2,005 SF and the proposed addition is 2,400 SF for a total building footprint of 4,405 SF which is 23% coverage for the subject property. (Regulations and application)
5. The required off-street parking for offices is 1 space for every 250 SF of gross floor space. The proposed project will add a total of 4,800 SF of gross floor space (including basement), thereby requiring an additional 12 parking spaces. The property and the adjoining

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.

property are used for municipal parking and have a total of 74 parking spaces. (Regulations and application)

6. Page 51 of the Town Plan states the following Recommendations: “1) Involve the public in a review of the committee recommendations on the municipal building, to ensure that there is general citizen agreement with the plan. 2) Implement the resulting plan, as may be amended, to provide handicap accessible municipal office building with adequate space for employees and public records, now and into the foreseeable future.” The project includes handicap accessibility features such as ADA-compliant ramps and an elevator to the basement level. (Town Plan and Exh. #1)
7. Page 77 of the Town Plan states the following Energy Policy: 2. the rehabilitation and the development of new buildings and equipment should be encouraged to employ design principles and practices that conserve energy.” The project will include be constructed to conserve energy and will include more efficient electrical and mechanical systems. (Town Plan and testimony of J. Alden)
8. 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.” (Regulations)

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)

9. No changes to the existing municipal parking lot are proposed except for the adjustment in location of the spaces designed for handicapped use. (Exh. #1)
10. The proposed pedestrian access to the new entrance will be handicapped accessible and will meet the standards of the Americans with Disabilities Act. (application)

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)

11. The surrounding area is a dense mixture of residential and commercial uses. (application)
12. The proposed project is an expansion of an existing use. Such expansion will be towards the adjacent property used as the post office and will preserve the existing crab apple tree that is between the two structures. (application and Exh. #3)
13. The proposed project does not involve any additional parking or any other elements that will affect the use of the adjacent properties. (application)
14. No solid waste receptacle is proposed. (testimony of J. Alden)

VI. 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 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.

VII. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the revised site plan for the addition to the existing Municipal Building as applied for in zoning permit application #Z08-128 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 Exhibit #1 as revised at the hearing.
2. New landscaping shown on Exhibit #1 shall be maintained in a healthy, living condition. Existing landscaping that is to remain shall be maintained in a healthy and living condition or replaced.
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.

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.

Dated at Randolph, Vermont this 31st day of December, 2008.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

/s/ Joel Tillberg, Chair

John Becker

/s/ Christopher Recchia

/s/ Frank Reed

/s/ Samuel Lincoln

/s/ Krista Rumrill