

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

PERMIT NO.: Z09-65

PROPERTY ADDRESS: Hebard Hill and Harvey Roads

PROPERTY OWNER: Interstate 89 at Randolph, LLC
c/o Jesse F. Sammis III
2 Park Street
Randolph, VT 05060

Parcel no.: 106027

Parcel size: 88.86 acres

I. INTRODUCTION

On August 31, 2009, John Benson, on behalf of the **Interstate 89 at Randolph, LLC** ("Applicant"), filed an application for a zoning permit for a project generally described as a **17-lot planned unit development (PUD) with light manufacturing, office space, fitness center and multi-family residences**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on September 1, 2009.

Under the Randolph Zoning Regulations and the Randolph Land Subdivision Control Regulations ("RZR" and "RSR", respectively, or "Regulations" collectively), 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 issue a permit, the Board must find that the project complies with all applicable criteria and approve the subdivision, site plan, conditional use and/or provide any other approval, as required.

Also under the Regulations, the Board is authorized to undertake local Act 250 review of Criteria 6, 7 and 10 for all projects that require a new land use permit or an amendment to an existing land use permit under 10 VSA Chapter 151 ("Act 250").

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 hearings¹ held on September 29, October 27, November 18 and December 16, 2009 and January 27 and March 31, 2010;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

On March 31, 2010, the Board closed the public hearing for all reviews except for the local Act 250 and completed deliberation thereafter. This written decision was prepared as required in 24 VSA Ch. 36 §1209 and addresses all reviews except for the local Act 250.

¹ The only action taken at some of these hearings was to continue the hearing to the following month and no evidence was taken.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Mixed Use (MU) District.²
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The uses of office space, light manufacturing, fitness center (categorized as “health clubs and resorts”) are permitted uses in the MU District. Therefore, no approvals for these proposed uses are required.
4. The residential uses, categorized as “planned residential development”, is a conditional use in the MU District, therefore this use requires conditional use approval.
5. The proposed project is a planned unit development (PUD) therefore approval pursuant to RZR §3.5 is required.
6. As more than 2 lots are to be created and pursuant to RZR §3.5.1b, subdivision approval pursuant to the RSR is required.
7. The Applicant has also requested local Act 250 review, however, this memorandum does not address that review.

On September 1, 2009, the Administrator referred the application to the Board for review and approval as determined and requested.

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 and persons³ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Trini Brassard⁴, Samuel Lincoln, Frank Reed, Krista Rumrill, Joel Tillberg and Christopher Recchia.

IV. FINDINGS OF FACTS – PLANNED UNIT DEVELOPMENT

The findings in Sections IV - VI 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.

² On September 16, 2009, new zoning regulations for the subject property were adopted by town-wide vote. However, as the application was deemed complete prior to the vote, the regulations in effect at the time of the application was deemed complete are in effect.

³ 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.

⁴ Member Brassard was not a member of the Board until January 5, 2010 and therefore was not present for all of the hearings where evidence was presented and testimony given. She did, however, receive a complete record of the application and listened to the audio recordings of the proceedings for which she was absent.

Project Description and Required Approvals

1. A “planned unit development” means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. (24 VSA §4303 (19))
2. Applicant proposes to create a 17-lot planned unit development (PUD) in the MU District. The lots, numbered #1 – 17 on the exhibits, range in size from 1.00 to 24.29 acres as shown on the map included in tab #2 of Exh. #29. Specifics on the parameters of the PUD such as uses, buildings, lot and building coverages and setbacks for each lot are shown on the table included in tab #4 of Exh. #29.
3. The PUD is a subdivision with the main road that connects between Hebard Hill and Harvey Roads to be designed such that it could become a public road. (tab #4 of Exh. #29)
4. The Applicant intends to sell individual lots to perspective developers who, in turn, will construct the lot improvements. (tab #7 of Exh. #29)
5. It is anticipated the project will be built-out in 20 years. (tab #4 of Exh. #29)
6. Lots #8 and 16 are common property which will be owned and maintained by the property owners’ association following sale of all lots. Until that time, lots #8 and 16 will remain the property of the Applicant. (tab #5 of Exh. #29)
7. The proposed project is a PUD and therefore requires approval pursuant to RZR §3.5.1b. This subsection also requires site plan approval pursuant to Article IV⁵ and subdivision approval pursuant to the RSR. (RZR)
8. The proposed uses of office space, light manufacturing and fitness center are permitted uses. The proposed residential component is a conditional. (RZR).
9. The Applicant has requested local Act 250 pursuant to RZR §3.4.2, though this memorandum does not address that review.

Concentration of density (PUD criterion a)

10. The PUD is a total of 88.86 acres in size and located entirely within the MU District. (application and RZR)
11. RZR lists the following yard and lot requirements for the MU District:

Minimum Lot Size	5 acres
Frontage	*
Front Yard Setback	*
Side Yard Setback (each)	*
Rear Yard Setback	*
Maximum Lot Coverage	
<u>buildings</u>	20%
<u>buildings and parking</u>	35%
Maximum Height of Buildings.....	30'

The Board may waive and/or vary these requirements in order to encourage creativity in design and planning of projects.

⁵ §3.5.5 erroneously refers to §3.5.6 as the site plan provisions.

* As established by the Board.

12. According to RZR §3.5.1b, the Board is empowered to vary certain zoning regulations under the criteria and procedures established in §4407(3) of the Development Act when reviewing a PUD application.
13. With a 5-acre minimum lot size, the subject properties could be subdivided into 17 lots. The Applicant is proposing to create 17 lots. Of the 17 lots, 12 are less than 5 acres in size. (application and tab#4 of Exh. #29)
14. RZR §3.5.5a allows for a greater concentration of density within some sections of the development than within others. Approval for such may be contingent upon an appropriate reservation of common space. Of the 17 lots to be created, the two largest are the 24.29- and 11.12-acre open space lots. The total area of these two lots is 40% of the total 88.86-acre parcel. (RZR and application)

Modification of width, yard, coverage and height requirements. (PUD standard b)

15. RZR §3.5.5b allows the Board to vary the requirements for width, yard, coverage and height to allow for innovative design and effective land use. There are no established requirements for width or yards. (RZR)
16. While the building coverage on 6 of the 17 lots exceeds the maximum of 20%, building coverage is applied to the entire PUD. The building coverage for the entire PUD is 9.6 %. (tab #4 of Exh. #29)
17. While the building and parking coverage on all but 4 of the 17 lots exceeds the maximum of 35%, building and parking coverage is applied to the entire PUD. The building and parking coverage for the entire PUD is 22.5%. (tab #4 of Exh. #29)
18. The office buildings and fitness center will be 30 feet tall, the light manufacturing buildings will be 40 feet tall, the senior and regular multi-family dwellings will be 45 feet tall and the 4-unit townhouses will be 35 feet tall. The maximum height of buildings is 30 feet in the MU District but the Board may waive and/or vary these requirements in order to encourage creativity in design and planning of projects. Because this development is of such size and complexity, there is a need to acknowledge and allow for a design that innovatively gives a varying height for buildings to encourage creativity in planning for such projects but does not allow heights greater than proposed. (RZR, application and tab #4 of Exh. #29)

Development possibilities. (PUD standard c)

19. There is an existing stream running east to west along the eastern and southern boundaries of the project. The only steep slopes and forested areas on the property are along this stream, which is entirely within open space lot #16. No development will directly impact this stream except for the road crossing near Harvey Road, and most of the forested areas will be preserved. (tabs #1 and 4 of Exh. #29)
20. Along most of the existing stream is a steep bank. A 50-foot protective buffer will be maintained along most of the top of the streambank. (tab #4 of Exh. #29)
21. There is a mapped wetland in the northeast area of the parcel. A 50-foot protective buffer has been established between this wetland and any project disturbance. (tabs #1 and 4 of Exh. #29)
22. There are no historic sites nor unique natural or man-made features within the project. (tab #4 of Exh. #29)

Mixed uses. (PUD standard d)

23. The residential component of the project has been located at the west side of the project and, with the exception of the fitness center, all other non-residential uses are at the east side. Vegetated earth berms will be constructed between the most sensitive portions of the residential areas and the non-residential component of the PUD. (RZR and application)

Proposed streets. (PUD standard e)

24. The internal roadway will be constructed to Town of Randolph standards. (tab #4 of Exh. #29)
25. The internal roadway will be between Hebard Hill and Harvey Roads. Both of these roads will be upgraded to current standards between the project access and VT Route 66 as part of the project. (tab #4 of Exh. #29)

Phased development. (PUD standard f)

26. The project is proposed to be phased over a 20-year period. The actual phasing will be dependent upon the rate at which developers purchase, develop and locate to the property. The infrastructure to support development of a lot will either be in place (constructed as an element to serve a previously-developed lot) or be constructed concurrently with a lot's development. (tabs #4 and 7 of Exh. #29)
27. The open space lots (lots #8 and 16) already exist. (tab #4 of Exh. #29)

Use of open land. (PUD standard g)

28. The open space lots (#8 and 16) will not be donated to the Town for municipal purposes. Rather, this common property, at build-out, will be owned and maintained jointly by each property owner within the PUD through the property owners' association. (tab #4 of Exh. #29)
29. The existing stream corridor in lot #16 will be maintained in its natural state. The recreational path on this lot will be constructed once 50% of the lots within the PUD have been sold. (tab #5 of Exh. #29)
30. Lot #8 will remain in agricultural use. (tab #5 of Exh. #29)
31. Lots #8 and #16 may have limited construction of private utilities associated with stormwater treatment, control and/or conveyance. These private stormwater utilities will be maintained through the property owners' association. (tab #5 of Exh. #29)
32. To assure the preservation of the open spaces on lots #8 and 16 for their intended purpose, as a condition of approval, these areas are to remain undeveloped except as noted above. (RZR and tab #4 of Exh. #29)

**V. FINDINGS OF FACTS – CONDITONAL USE
(residential component only)**

More Detailed Project Description of Residential Component and Required Approval

33. The residential component of the PUD includes lots #5 – 7 and 13 – 15. These residential lots are categorized as a “planned residential development” and therefore requires conditional use approval. (RZR)

34. Lots #5 - 7 are proposed to be 3-story multi-family dwellings with a total of 60, 60 and 54 dwelling units, respectively. The units on lot #5 are designated for seniors. (tab #1 of Exh. #29)
35. Lots #13 - 15 will be 4-unit multi-family dwellings (referred to as “townhouses”) with a total of 32, 28 and 40 dwelling units, respectively. Additionally, lot #14 will have a fitness center. (tab #1 of Exh. #29)

Consistency and compliance with Town Plan and ordinances. (CU criteria A, D and K)

36. See facts #10 – 18 for compliance with development standards.
37. Exh. #8 demonstrates that the off-street parking requirements for each of the residential lots are met. (RZR and Exh. #8)
38. Although there is no clear and unambiguous language in the Town Plan that directly relates to this proposed project, Exh. #5 demonstrates the residential component conforms to several goals, purposes and policies outlined in the Town Plan. (Town Plan and Exh. #5)
39. The RZR state that the MU District “is uniquely qualified to provide a combination of selective commercial, residential and industrial development as approved under a comprehensive mixed use development plan.” The proposed PUD is a comprehensive development plan with a residential component. (RZR and application)
40. The roadways will be designed and constructed to meet the Town of Randolph Road Standards. (tab #6 of Exh. #29)

Traffic and nuisance considerations (CU criteria B, C and E)

41. The buildings will be designed and constructed to meet applicable fire and life safety codes. Prior to construction of each lot, the final site plan will be reviewed with the Randolph Fire Services Advisory Committee. (tab #6 of Exh. #29)
42. Individual homeowners and tenants will be responsible for the disposal of their individual waste. The grounds will be responsibility of the landowner. The individual or the property owners’ association may retain services of a local contractor to maintain the ground and to collect and properly dispose of solid waste. The units will be served by the public sewer system. (tab #6 of Exh. #29)
43. No excessive noise, vibrations, odors or other nuisances are anticipated. (tab #6 of Exh. #29)
44. Although the PUD has two accesses (one onto Hebard Hill Road and the other onto Harvey Road), the primary access to the residential component will be from Hebard Hill Road as it is on the western side of the PUD. (tab #6 of Exh. #29)
45. The project has been designed such that none of the residential units front directly on the main internal road. The townhouses on lots #13 – 15 have been clustered into mini-neighborhoods. The multi-family dwelling groupings are served by a common driveway and parking area. (tab #6 of Exh. #29)
46. As part of the project, both Hebard Hill and Harvey Roads will be upgraded to current standards between the project accesses and VT Route 66. (tab #4 of Exh. #29)
47. Improvements to the intersections of Hebard Hill and Harvey Roads with VT Route 66 will be constructed when a volume or level of service threshold is met as determined in the Traffic Impact Study or by the Vermont Agency of Transportation (“VTrans”). Monitoring

volumes and levels of service will commence upon construction of the PUD as directed by VTTrans. Thus it is anticipated that these improvements would be phased in over time as the project buildings out. (Exh. #28 and tab #11 of Exh. #29)

Unightly uses (CU criterion F)

48. If dumpsters or other similar unightly uses are proposed, they will be properly screened. Such screening to be determined during further site plan review of the individual lots. No dumpsters are currently proposed. (tab #6 of Exh. #29)

Surface runoff control (CU criterion G)

49. The project will be designed to comply with the Vermont Stormwater Standards and Regulations. It is anticipated that a combination of sheet flow, grassed swales, storm sewers and ponds will be used to meet these requirements. (tab #6 of Exh. #29)

Continuous strip (CU criterion H)

50. A continuous strip at least 6 feet wide will be maintained between the internal roadway and any development of residential lots. (tab #1 of Exh. #29)

Community facilities (CU criterion I)

51. It is estimated that the proposed project will add 79 additional students to the school district. The school system has the capacity to accept these additional students. (Brent Kay, Superintendent)
52. It is proposed that the PUD will utilize the public water and sewer systems. Currently, there is sufficient capacity in each of these systems to meet the needs of this PUD. However, there is no guarantee there will be capacity in either of the systems at the time of application to connect. And if system upgrades are required to serve the property, the cost of such upgrades shall be the responsibility of the property owner(s). (Exh. #15)
53. The subject property takes access from two town highways. The Randolph Highway Department has the capacity to provide the proposed project with road maintenance without undue burdens. (Gary Champy, Randolph Town Manager)
54. The fire department has indicated that with revised hydrant placement and the condition that prior to any building being built, the Fire Services Advisory Committee will have an opportunity to review the plans, it will be able to serve the project. (testimony of J. Benson)

Character of the area (CU criterion J)

55. The character of the area is defined by the zoning district as intended in the Town Plan⁶. The subject property is proposed to be in the Interchange District in the Randolph Town Plan. The purpose of this zone is to “to encourage a limited mix of land uses which employ residents within the region in well-paying jobs which do not detract from the vitality of Randolph’s traditional village centers; to protect scenic and natural resources; to maintain and enhance traffic safety on Route 66; and to accomplish these goals through careful site planning and the administration of design standards for development.” (Town Plan)
56. The surrounding properties along Hebard Hill Road are residential. The residential component is the closest development of the PUD to these adjacent residential properties. (tab #1 of Exh. #29)

⁶ The Town Plan in effect for this application expired on December 21, 2004.

57. The greatest impact from the residential component of the project is likely to be traffic on Hebard Hill Road. (Exh. #28)
58. The effect of traffic on Hebard Hill Road will be mitigated by improvements to that portion of the road between the access to the development and VT Route 66 and to the intersection of Hebard Hill Road and VT Route 66. (tabs #3 and 11 of Exh. #29)

Renewable energy resources (CU criterion L)

59. The utilization of renewable energy resources is not a factor in this application.

VI. FINDINGS OF FACTS – SITE PLAN

Project Description and Required Approvals

60. The proposed project is a PUD and therefore requires site plan approval. (RZR)

Town ordinances and Plan. (SP criterion A)

61. See facts #36 – 40.

Orderly development of the surrounding area. (SP criterion B)

Effect on adjacent land. (SP criterion D)

62. The orderly development of the surrounding area is defined by the purpose of the district. The MU District regulations state the following: “Due to its proximity to Interstate 89 and Route 66, this district is uniquely qualified to provide a combination of selective commercial, residential and industrial development as approved under a comprehensive mixed use development plan.” The proposed PUD is a combination of commercial, industrial and residential development. (RZR and application)
63. The adjacent uses are single-family residences, offices, a fast-foot restaurant and a convenience store/gas station. Lots #8 and 16 provides a buffer between the adjacent properties. This buffer includes an existing wooded area between the PUD and the residential properties. (tab #1 in Exh. #29)
64. Fencing, such as chain link, placed along the northern property line will help prevent debris and trash from blowing onto the adjacent property to the north. (testimony of C. Sjobeck)

On-site vehicular and pedestrian traffic. (SP criterion C)

65. See facts #44 – 47.
66. No sidewalks along the internal roadway are proposed. Sidewalks are proposed within each lot except the townhouse lots to provide walkways from parking areas to the buildings. (tab #10 of Exh. #29)
67. If sufficient space for snow storage is not available on each lot, sufficient space exists within the common property. (tab #9 of Exh. #29)
68. The internal roadway system provides for through traffic, thereby minimizing the need for snow plows to have to turn around or back up. However, until this roadway is complete, a temporary “Y” will be provided at the dead end of the road to facilitate the turning around of vehicles, including snow plows. (tab #9 of Exh. #29)

VII. CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes the following regarding the project described in the application referred to above and including the Applicant's representations at the public hearing.

1. Planned Unit Development Criteria

- A. The Board may allow for greater concentration of density, or intensity of land use within some sections of the development than within others. The approval for greater concentration of density in one section shall be offset by a lesser concentration in another or by an appropriate reservation of common space as long as the overall density requirements of the total area are not exceeded. In deciding whether to not to allow for a greater density, the board shall consider the type of water and sewerage facilities and other proposed utilities and their ability to handle greater density or intensity of use.

The PUD does propose a greater concentration of density and it is offset by an appropriate reservation of common space (two lots comprising 40% of the total parcel).

- B. Width, yard, coverage and height requirements for the district in which the {PUD} is to be located shall normally be met. The Board may vary these requirements to allow for innovative design and effective land use.

In the MU District, the width and yard requirements are undefined and established by the Board, and all of the requirements may be waived or varied in order to encourage creativity in design and planning projects. Basically, the above criterion and the MU District provision allow the same modifications for essentially the same reasons. The Board concludes that the project utilizes innovative design and provides for the effective use of land and therefore authorizes the modification of the width and height requirements. However, as RZR §5.17.7 allows the height to increase above the set height limit, the Board must impose a condition that this provision does not apply in order to maintain the height limits as true maximums.

- C. The PUD is an effective, unified treatment of a development possibility of the project site. The development plan makes appropriate provisions for the preservation of streams and streambanks, steep slopes, wet areas, soils unsuitable for development, forested areas, historic areas, unique natural and man-made features, where they exist.
- D. The mixed uses are arranged so as to be compatible and ensure visual and aural privacy for project residents.
- E. Proposed streets are in harmony with existing or approved thoroughfares.
- F. The development is proposed over a reasonable period of time. The developer shall be responsible for ensuring that adequate municipal services and facilities are provided. The open spaces are already in place.
- G. The Board is not requiring as a condition of approval the donation of the open lands for municipal purposes. However, it is establishing such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

2. Conditional Use Criteria⁷ (for residential component only)

- A. The proposed use is not inconsistent with the objectives of the Town Plan and is consistent with the purposes of the Randolph Zoning Regulations.
- B. The proposed use will not cause any hazard to health or property through fire, traffic, accident, unsanitary conditions, excessive noise, vibration, odor or other nuisances.
- C. The proposed use will not add a volume of traffic to the highways beyond their reasonable capacity.
- D. The criterion regarding Town of Randolph road standards is not applicable as no new roads are proposed.
- E. The access and exit points of the subject property will be limited to one location, which is sufficiently wide and so related to highways to insure safety and efficiency of circulation of vehicular and pedestrian traffic.
- F. All unsightly uses of the proposed project are properly screened.
- G. An adequate system of surface runoff control is not required.
- H. A continuous strip of not less than six (6) feet wide will be maintained between the right-of-way line and the balance of the lot which will be suitably landscaped.
- I. The proposed use will not result in an undue adverse affect on the capacity of existing or planned community facilities.
- J. The proposed use will not result in an undue adverse affect on the character of the area affected.
- K. The proposed use will not result in an undue adverse affect on the traffic on roads and highways in the vicinity.
- L. The proposed use will not result in an undue adverse affect on the bylaws and ordinances in effect.
- M. The proposed use will not result in an undue adverse affect the utilization of renewable energy resources.

3. 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 in 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.

⁷ Criteria A – H are from the Randolph Zoning Regulations. Criteria I – M are required to be reviewed pursuant to 24 VSA Ch. 117 §4414(3).

- 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.

VIII. DECISIONS⁸

Based upon the foregoing Findings of Facts and Conclusions, the Board hereby makes the following decisions regarding the PUD as applied for in zoning permit application #Z09-65 and including the evidence and testimony entered into the record as Findings of Fact.

- A. PUD is approved with the following modifications and/or conditions:
 - 1. The lots within the PUD shall be as shown on tab #2 of Exh. #29.
 - 2. The dimensions, size and use for each lot shall be as shown on tabs #2 and 4 of Exh. #29. However, RZR §5.17.7, which allows an increase in height above the established limit, shall not apply to this PUD.
 - 3. The proposed development standards for each lot (i.e. building coverage, lot coverage, number of parking spaces, height of buildings, building elevations, setbacks, etc.) as shown on tab #4 of Exh. #29 shall be the maximum allowed. (see also condition D(1) below.)
 - 4. Lots #8 and 16 shall remain open and be used and maintained as indicated on tab #1 of Exh. #29 and in this application.
- B. The subdivision of the property into 17 lots is approved with the condition that any changes to the subdivision shall require re-approval under the regulations in effect at the time of the application for re-approval. If any of the lots have been sold and are under individual ownership, consent of the modification and application from all property owners in the PUD shall be required. If adjacent properties are under common ownership, subdivision re-approval shall not apply to the removal of the internal lot line between said commonly-owned properties. In such instance, a zoning permit shall be required that may be issued administratively.
- C. Conditional use approval is granted for the planned residential development (i.e. the component of the project).
- D. The site plan approval is granted with the following conditions:
 - 1. Prior to any development for this project, a fence shall be installed along the northern property boundary. Such fencing shall be of a type to deter debris and trash from blowing onto the adjacent property to the north (i.e. chain link or that used along the interstate). The fencing shall be maintained by the applicant until such time as all lots are sold and then it shall be the responsibility of property owners' association.
 - 2. Prior to the development of a lot, a zoning permit shall be obtained. Such permit shall be issued administratively if the aforementioned developments standards for the lot

⁸ 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.

- and site plan are as proposed in this application and if all applicable conditions of approval for this application are met. Otherwise, the application for the zoning permit shall meet the requirements of the regulations in affect at the time of application. In either case, prior to the issuance of a zoning permit, the site plan shall be submitted to the Fire Services Advisory Committee. Prior to the issuance of the certificate of occupancy for each permit, personnel from the Randolph Center Fire Department shall be provided the opportunity to tour the development so as to acquaint themselves with the layout, any special fire hazards, location of fire and/or electrical panels, boilers, etc. Such opportunity may be waived by the Randolph Center Fire Chief.
3. All landscaping shown on tab #1 of Exh. #29 shall be maintained in a healthy, living condition. Changes to the species of trees shall be allowed provided the species are native to Vermont. Additional ornamental landscaping around buildings and parking areas are allowed and any such supplemental landscaping shall be shown on a landscaping plan that is submitted with the zoning permit application for development of that lot (see condition above).
 4. All infrastructure (i.e. roads, stormwater system and water and sewer systems) shall be in place sufficient to serve a lot prior to its development.
 5. 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 28th day of April, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

/s/ Joel Tillberg, Chair

/s/ John Becker

/s/ Trini Brassard

/s/ Samuel Lincoln

/s/ Frank Reed

Krista Rumrill

/s/ Christopher Recchia