

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF CONCLUSIONS
regarding Local Act 250 Review
(Findings of Facts and Conclusions)

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, March 31 and April 28, 2010;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

On March 31, the Board closed the public hearing for all reviews except for the local Act 250. On April 28, the Board closed the public hearing for the local Act 250 review and verbally

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

concluded that the proposed project conforms to the locally-reviewed Act 250 criteria. This written memorandum was prepared as required in 24 VSA Ch. 36 §1209 and addresses the local Act 250 review only.

II. 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 persons² who participated at the public hearing and/or submitted written comments on the application.

Participating Board members³ were John Becker, Trini Brassard⁴, Frank Reed, Joel Tillberg and Christopher Recchia.

III. FINDINGS OF FACTS – LOCAL ACT 250 REVIEW

The findings below 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. 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)

² By inclusion in this section of the Memorandum of Conclusions, 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.

³ Members Lincoln and Rumrill did not participate in final hearing and therefore did not participate in this decision.

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.

7. The proposed uses of office space, light manufacturing and fitness center are permitted uses. The proposed residential component is a conditional. (RZR).
8. The Applicant has requested local Act 250 pursuant to RZR §3.4.2. (application)

Consistency and compliance with Town Plan (Act 250 criterion 10)

9. Although there is no clear and unambiguous language in the Town Plan that directly relates to this proposed project, Exh. #5 demonstrates the proposed project conforms to several goals, purposes and policies outlined in the Town Plan. (Town Plan and Exh. #5)

Municipal services (Act 250 criteria 6 and 7)

10. 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)
11. 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)
12. 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)
13. The subject property is served by the Randolph Center Fire Department. If the following conditions are placed on and met by the project, it will not place an unreasonable burden upon the Town of Randolph with respect to fire protection. (Exh. # 30):
 - A. The buildings shall be designed and constructed in compliance with applicable life safety and fire codes.
 - B. Prior to the development of each lot or building, the Randolph Center Fire Department and the Randolph Fire Services Advisory Committee shall have the opportunity to review the plans and have input on: the location and type of connection for sprinkler system; the location of the fire alarm panel, and; vehicle access to the building.
 - C. Each building shall be required to purchase and install a Knox Box at the main entrance, which will contain the keys for access to the building and it's contents.
 - D. At the time of occupancy, the Randolph Center Fire Department personnel shall be provided the opportunity to tour the building so as to acquaint themselves with the layout, any special hazards and location of fire and electrical panels, boilers, etc.

IV. 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.

Act 250 Criteria⁵

- A. The proposed project will not cause an unreasonable burden on the ability of the Town of Randolph to provide educational services (criterion 6).
- B. The proposed project will not cause an unreasonable burden on the ability of the Town of Randolph to provide the following municipal or governmental services: public water, public sewer and road maintenance. However, the proposed project will not cause an unreasonable burden on the ability of the Town of Randolph to provide fire protection services only if the conditions indicated in fact #13 above are imposed and met. The Board, however, would recommend that “or similar item” be inserted after “Knox Box” in item #13(C). (criterion 7).
- C. The proposed project is in compliance with the Randolph Town Plan which was adopted in accordance with 24 VSA ch. 117 on December 21, 2004 (criterion 10).

Dated at Randolph, Vermont this 26th day of May, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

/s/ Joel Tillberg, Chair

/s/ John Becker

/s/ Trini Brassard

/s/ Christopher Recchia

/s/ Frank Reed

⁵ This conclusion/decision regarding local Act 250 review is a rebuttable presumption under the provisions of 10 VSA Ch. 151 and this presumption may be overcome in proceedings under 10 VSA Ch. 151