

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

PERMIT NO.: Z10-54

Property address: 44 Water Street

PROPERTY OWNER: Vermont State Colleges
PO Box 500
Randolph Center, VT 05061

Parcel no.: 117008
Parcel size: 0.38 acres

I. INTRODUCTION

On June 29, 2010, Ted Manazir, on behalf of the **Vermont State Colleges** ("Applicant") filed an application for a zoning permit for a project generally described as a **12' by 16' entry/mudroom addition to an existing 3-unit multi-family dwelling**. The application was deemed substantially complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on July 12, 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 July 28, 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 July 28, 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 Residential (RES) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The current use of the property as a 3-unit multi-family dwelling is not proposed to be changed therefore no approval for the use is required.

On July 12, 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. The attached Service List for this project includes representatives 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, Trini Brassard, Samuel Lincoln, Frank Reed and Krista Rumrill. Member Joel Tillberg recused himself from this proceeding as his wife is an employee of Vermont Technical College and his participation was objected to by Dana Dean.

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.

1. The applicant has filed an application for a 12-foot by 16-foot entry/mudroom addition to an existing 3-unit multi-family dwelling. No changes to the existing use or other site improvements are proposed. (application)
2. The front, side and rear setbacks for the RES District are 30, 20 and 30 feet, respectively. The proposed addition will be approximately 42 feet from the nearest and rear property line and approximately 33 from the front property line. (Regulations and Exh. #5)
3. The maximum allowable building coverage is 25% in the RES District, or 4,140 SF for the subject property. The proposed building coverage is 1,518 SF, or 9%. (Regulations and application)
4. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
5. The surrounding area is residential neighborhood. The existing use as a multi-family dwelling is not proposed to be changed. (application)
6. The proposed project is a small, single-story addition and will have minimal impact on the surrounding area. (Exh. #2)
7. Existing vegetation will remain and will provide some screening of the new addition from the adjacent residences to the east and north. (Exh. #5)
8. No changes to the access or parking elements of the existing site are proposed. (Exh. #5)

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.

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.

- 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 entry/mudroom as applied for in zoning permit application #Z10-54 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 Exhs. #2 and 5.
- 2. All landscaping shown on Exhibit #5 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 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 31st day of August, 2010.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

/s/ Frank Reed, Acting Chair

/s/ John Becker

/s/ Trini Brassard

/s/ Samuel Lincoln

/s/ Krista Rumrill

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.

SERVICE LIST

Zoning Permit Application #Z10-54
Vermont State Colleges

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Bold listings indicate applicants and/or their representatives.