

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

PERMIT: **#Z15-2**
PROPERTY ADDRESS: **3720 VT Route 14S**
PARCEL NO.: **112011**
PARCEL SIZE: **116.7 acres**

PROPERTY OWNER: **Steve Axelrod**
Kid Kare Development Co., Inc.
3720 VT Route 14S
Randolph Center, VT 05061

I. INTRODUCTION

On December 19, 2014, Steven Axelrod ("Applicant") filed an application for a zoning permit for a project generally described as a **multi-family dwelling with several community accessory buildings**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on January 8, 2015.

Under the Randolph Zoning Regulations (RZR or "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 public hearing held on February 23 and March 31, 2015;
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, 2015, completed deliberations on this matter and prepared this written decision pursuant to 24 VSA ch. 36 §1409.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the East Valley (EV) and Rural Use-5 acre (RU5) Districts. All of the proposed development is in this latter 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 "multi-family dwelling". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On January 8, 2015, 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 Applicant was the only participant in this proceeding.

Participating Board members¹ were Trini Brassard, John Becker, Matthew Murawski², Christopher Recchia 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 a multi-family dwelling (MFD) with several accessory buildings as described on Exh. #1 and as shown on Exh. #2B (Exh. #2 submitted with the original application materials was revised after the first hearing), and passive recreation. The MFD will have a total of 12 bedrooms distributed among 4 – 12 dwelling units (DUs). (application, Exh. #1 and 2B)
2. The accessory buildings include a community clubhouse, barn, workshop and meditation cabin. These community buildings shall be for property residents, including future residents, and their guests. These buildings will not be for use by the general public. (application, Exh. #1, testimony of S. Axelrod)
3. The passive recreation will be development of trails for hiking, snow-shoeing, horseback riding, etc., the approximate location of which are shown on Exh. #2B. (Exh. #1 and 2B)
4. The subject property owned by Kid Kare Development Co., Inc., is 116.7 acres. Subdivision approval was previously granted for the property and the entire proposed development is on Lot #4 of the subdivision. Lot #4 is 109 acres and is entirely in the RU5 District. (municipal records, RZR, Exh. #2B)

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

5. The exact dimensions and footprint of the buildings is not known at this point. Therefore, maximum footprint areas have been established for each building, as well as a building envelope within which each building will be located. The front, side and rear setbacks for the RU5 District are 30 feet. The shortest setback distance from any proposed building envelope is approximately 65 feet. (RZR, application)
6. The maximum allowable building coverage is 15% in the RU5 District, or over 712,000 SF for Lot #4 of the subject property. The proposed building coverage will not exceed 13,700 SF, or less than 1%. (RZR, application)
7. The maximum building height in the RU5 District is 30 feet. None of the buildings will be higher than 30 feet. (RZR, Exh. #1)

¹ Members David Miles and Gregg McCurdy participated in the February 23rd hearing but not the final hearing nor the decision. Members Brassard, Murawski and Becker only participated in the hearing on March 31st but did review the record from the February hearing.

² Matthew Murawski is an alternate member who was sitting in place of absent regular members pursuant to Section 206D of the Board's Rules of Procedure.

8. The required off-street parking for the MFD is 1½ spaces per DU. With the number of DUs to be between 4 and 12, the required off-street parking is between 6 and 18 spaces. A total of 9 spaces are provided by the MFD which would be as required for 6 DUs. A total of no more than 20 parking spaces are provided by the accessory buildings. As the accessory buildings are for residents and their guests, no off-street parking are required for them. However, should the total number of DUs in the MFD exceed 6, these spaces would be used to accommodate the residents and shuttle service would be provided. The meditation cabin has 2 parking spaces. (RZR, application, Exhs. #1 and 4)
9. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)

Character of the area (SP criteria B)

10. The surrounding area is a mixture of rural residential, forestry and agricultural uses. (application)
11. With a total of 12 bedrooms, the likely maximum occupancy of the MFD is 24 people. The greatest impact to the surrounding area will likely be from traffic but that will be minimal and sporadic. (application, testimony of S. Axelrod)
12. One solid waste dumpster will be provided at either the MFD or the clubhouse as shown on Exh. #2B. No screening is proposed for the dumpster at either location but may be provided for community purposes (as opposed to screening from adjacent properties). (application, Exh. #1 and 2B and testimony of S. Axelrod)
13. All exterior lighting will be downcast and fully cut-off fixtures that will operate on motion sensors. Lighting will serve building accesses as well as parking areas as are necessary for safety and security. (Exhs. #2B and 4 and testimony of S. Axelrod)

Traffic and pedestrian considerations (SP criterion C)

14. The proposed use will utilize an existing access that also serves a single-family residence and an undeveloped lot (lot #3 of subdivision of the subject property). This access is to VT Route 14S, which is a state highway with a posted speed limit of 50 miles per hour. A state highway access permit has been applied for, is pending and will be provided for when issued. (application and testimony of S. Axelrod)
15. All parking areas shall consist of hard dirt and/or gravel. There is a 20-foot aisle behind the parking spaces at the MFD that is sufficient for vehicles to maneuver in and out of the parking spaces and not have to back out of the parking area. (Exh. #4 and testimony of S. Axelrod)
16. The vehicular driveway for main travelling is 12 - 16 feet wide. (Exh. #4)
17. At the community buildings, the parking spaces are offset from the road by 2 feet giving 18 feet for cars to maneuver in and out of the spaces. (testimony of S. Axelrod)
18. Alternative modes of transportation (e.g. golf carts, walking, snowshoeing, skiing) will be strongly encouraged for on-site travel. (testimony of S. Axelrod)
19. A 4- to 8-foot wide strip for pedestrian traffic will be provided alongside the vehicular driveway and will be kept open year round. (application and Exh. #4)

Affects on adjacent land (SP criterion D)

20. No landscaping is needed for screening purposes and therefore only be provided for aesthetic purposes. (Exh. #1)

21. A wooded area provides a natural buffer between the proposed MFD and the closest residences to the northeast. (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. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the multi-family dwelling and accessory community buildings as applied for in zoning permit application #Z15-2. Site plan approval is granted with the following conditions:

1. The project shall be constructed as shown on the exhibits, and completed and operated in accordance with the application and the findings of fact which are incorporated herein.
2. Construction shall be as shown on Exh. #2B.
3. The applicant shall meet with the East Randolph Fire Chief and ensure that access and internal vehicular traffic circulation is adequate for emergency service. Modifications to the site plan needed to accommodate this condition are to be provided and reviewed by the Administrative Officer.
4. The applicant shall submit a copy of the state highway access permit when it is issued.
5. 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. On-site snow storage shall not interfere with sight distances.

³ 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 \$262.50 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.

6. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
7. 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 28 day of April, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members



Joel Tillberg, Chair

Matthew Murawski



Trini Brassard



John Becker



Christopher Recchia

