

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

PERMIT: **#Z15-12**
PROPERTY ADDRESS: **1131 Beanville Road**
PARCEL NO.: **121030**
PARCEL SIZE: **58 acres**

PROPERTY OWNER: **Robert Wright**
Vermont Castings Holding Co.
62 Vermont Castings Road
Bethel, VT 05032

I. INTRODUCTION

On March 31, 2015, Bob Wright, on behalf of Vermont Castings Holding Co., ("Applicant") filed an application for a zoning permit for a project generally described as **building modifications and upgrades to accommodate the enamel line and other miscellaneous site improvements**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 6, 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 RZR. 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.

Also under the RZR, 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 first and final public hearing held on April 28, 2015;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on April 28, 2015 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1309 and supersedes the oral decision.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Industrial (IND) 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 "manufacturing". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.
4. The applicant requested local Act 250 review.

On April 6, 2015, 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 Applicant's representatives were the only participants in this proceeding.

Participating Board members were John Becker, Trini Brassard, Thomas Malanchuk, Michael Hildenbrand, David Miles, 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 the following building modifications and upgrades to accommodate the enamel line at the existing foundry, as shown on Exh. #3:
 - A. Relocation of existing stand-by power unites to a new 28' x 51' building next to the existing substation
 - B. An addition to the southwest corner to house part of the enamel operation and roll-off.
 - C. Relocation of the mixer from the south side to an addition to the east side.
 - D. Reconstruction and expansion of the office/locker and restrooms area.
 - E. Construction of a concrete pad with a roof for a roll-off container on north side.
 - F. Addition of a third loading dock door, new pad and roof for the loading dock area on the west side.
 - G. Miscellaneous site improvements.
2. The facility is open for 2 production shifts (5 am to 1 am) and 1 small maintenance shift. (application)
3. There will be increases in number of employees from 53 to 73. There were 76 employees in the past. (application)

Consistency and compliance with Town Plan and ordinances. (SP criterion A and Act 250 criterion10)

4. The biggest setback requirement for the IND District is 40 feet. The shortest setback distance from any proposed structure is over 150 feet. (application and RZR)

5. The maximum allowable building coverage is 40% in the IND District. The proposed building coverage is 2.6%. (application and RZR)
6. The required off-street parking is 2 spaces for every 3 employees on the maximum working shift. There are 73 such employees that require 49 spaces. The proposed project provides parking spaces for 60 cars. (Exh. #3 and RZR)
7. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. There are, however, several goals that the project is consistent with including (Exh. #1):
 - A. Natural Resources (Chapter 2) – All proposed improvements are within the limits of the existing site improved for the current foundry.
 - B. Future Land Use (Chapter 3) – The proposed project is the expansion of an existing use in an appropriate zoning district that preserves the majority of the site as open or woodland.
 - C. Economic Development (Chapter 8) – The proposed project continues to provide jobs and a tax base for the community.
8. The purpose of the Industrial Districts is: “To create a type of district suited to modern industrial techniques and plan design for research and manufacture of products, where they will have space for expansion of assembly line construction, for parking and for landscaping which will make them fit into rural landscape. To provide location with good highway access and where possible rail access also for industrial uses which would be appropriate to the region.” (RZR)

Traffic and pedestrian considerations (SP criterion C)

9. No changes to the existing access or on-site traffic circulation patterns are proposed. (application)
10. Some parking will be relocated to allow for trucks driving around western corner. (testimony of B. Wright)

Municipal services (Act 250 criteria 6 and 7)

11. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
12. The subject property is outside of the Randolph Police District therefore this service is not provided by the municipality. (Randolph Municipal Records)
13. The subject property is in the Randolph Village Fire District. The Randolph Village Fire Department has the capacity to provide fire protection to the subject property without undue burdens. (Jay Collette, Randolph Village Fire District Chief)
14. The subject property takes access from a town highway. The Randolph Highway Department has the capacity to provide the proposed project with road maintenance without undue burdens. (Bill Morgan, Randolph Highway Operations Manager)
15. The subject property is not served by the Randolph Water and Sewer Districts. (Municipal Records)

Effects on adjacent land (SP criteria B and D)

16. The adjoining properties are used as a transfer station, residential, forest/undeveloped and commercial uses. (application)
17. The proposed project involves small additions to an existing facility and one larger accessory building. Given the distance to the adjacent properties, the project will not adversely affect the surrounding area. (application)
18. Minimal changes to the existing site with respect to parking and loading are proposed. No additional fences, walls or landscaping is proposed. (application)
19. New lighting of the parking lot is proposed. Lighting will be cut-off fixtures with LED lights. Pole-mounted lights will be 20 feet tall and will be 0 foot-candles at the property lines. (Exh. #4, testimony of J. Benson)

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 criteria:

1. Act 250 Criteria¹

- 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 municipal or governmental services (criterion 7).
- C. The proposed project is consistent with the Randolph Town Plan which was adopted in accordance with 24 VSA ch. 117 on February 16, 2013 (criterion 10).

2. 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 consistent 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.

¹ 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

VI. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, the Board hereby approves/denies the site plan for the expansion of the Vermont Casting foundry with miscellaneous site improvement as applied for in zoning permit application #Z15-12. Such 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. #3 and lighting as shown on Exh. #4.
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. On-site snow storage shall not interfere with sight distances or designed parking spaces.
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 18 day of May, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

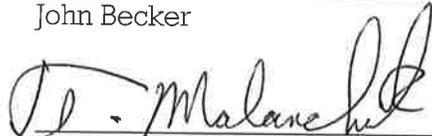


Joel Tillberg, Chair



John Becker

Trini Brassard



Thomas Malanchuk



Michael Hildenbrand



David Miles



Christopher Recchia

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 \$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.

