

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

Permit: #Z11-43
Property address: 27 South Pleasant Street
Parcel no.: 238018.010
Parcel size: 15,900 SF (0.36 Ac.)

PROPERTY OWNER: Jeffrey Crowe
53 South Pleasant Street
Randolph, VT 05060

I. INTRODUCTION

On June 27, 2011, **Jeffrey Crowe** ("Applicant") filed an application for a zoning permit for a project generally described as **conversion of part of a former church into office space**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on June 28, 2011.

Under the Randolph Zoning Regulations ("Regulations" or RZR), 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. A site visit conducted on September 29, 2011;
2. Sworn testimony presented to and evidence received by the Board during the public hearings held on July 27 and September 29, 2011;
3. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on September, 2011 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 use is categorized as "personal and professional business offices." Such a use is listed as conditional on the Chart of Permitted and Conditional Uses and therefore conditional use approval is required.

On June 28, 2011, 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 the Applicant and persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Christopher Recchia, Frank Reed, Thomas Malanchuk² 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 and Required Approvals

1. The applicant has filed an application for the conversion of 456 SF of a former church into office space as shown on Exh. #6. The remaining part of the building has been converted into a single-family residence. (application)
2. The office will be open weekdays from 8 AM to 7 PM. (application)
3. The proposed use is listed as a conditional use in the RES District on the Chart of Permitted and Conditional Uses therefore conditional use approval is required. (application and RZR)
4. The proposed use is not a one- or two-family dwelling therefore site plan approval is required. (application and RZR)
5. No changes to the footprint of the existing structure are proposed except the removal of a handicap ramp. (application and testimony of J. Crowe)

Consistency and compliance with Town Plan and ordinances. (SP criterion A, and CU criteria A and H,)

6. The required off-street parking is 2 spaces for the single-family residence and 1 space for every 250 SF of office space, thereby requiring 4 spaces for the 2 uses of the property. The proposed project provides parking spaces for 4 cars. (RZR, application and Exh. #6)
7. The development standards for setbacks and coverages are not affected by this project as no increase in building footprint is proposed. (application)
8. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)

Traffic and nuisance considerations (SP criterion C and CU criteria B, C and G)

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.

² Mr. Malanchuk is an alternate Board member that participated in place of absent regular members. Mr. Malanchuk did not participate in the first hearing held on July 27th, but did review the record and listen to the audio recording of the proceeding.

9. The proposed use will not generate any of the following: noise, dust, odor, glare, vibration or radiation. (application)
10. The parking area for the proposed use takes access from South Pleasant Street, a Class 3 paved Town highway. (application and municipal records)
11. It is anticipated that the proposed use will generate about 30 cars per week. This volume will not adversely affect the capacity of South Pleasant Street. (application)
12. The proposed project involves adding an area in which vehicles can turnaround so as to enter South Pleasant Street frontwards. (Exh. #6)
13. The bushes by the tunnel will be kept trimmed to maintain adequate sight distances at the access point. (testimony of J. Crowe)

Continuous strip (CU criterion D)

14. The strip between the new turnaround/parking area is grass and over 6 feet wide. (Exh. #6 and testimony of J. Crowe)

Municipal services (CU criterion E)

15. As the proposed use is not a residential use, it will not increase the enrollment in local public schools. (application)
16. The proposed use will require a determination as to whether additional water and sewer allocations are required and shall otherwise conform to the Randolph Water and Sewer Ordinances. (municipal records)
17. The proposed project does not have the potential to create a hazard through fire or accident. (application)

Character of the area and affects on adjacent land (SP criterion B and D and CU criterion F)

18. The surrounding area is residential. The adjoining properties are used as single- and multi-family residences. (application)
19. The proposed project will not adversely affect the surrounding area. (application)
20. The proposed office is much smaller than could be allowed as a home occupation. Home occupations are allowed by right in a single-family dwelling. (RZR and application)
21. No additional landscaping or fencing is proposed. (testimony of J. Crowe)
22. There will be no dumpster on the property. (testimony of J. Crowe)

Renewable energy resources (CU criterion I)

23. The proposed use will not affect the utilization of renewable energy resources. (application)

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. Conditional Use Criteria³

- 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. 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.
- E. The proposed use shall not have an undue adverse effect on the capacity of existing or planned community facilities.
- F. The proposed use shall not have an undue adverse effect on the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards in the Town Plan.
- G. The proposed use shall not have an undue adverse effect on the traffic on roads and highways in the vicinity.
- H. The proposed use shall not have an undue adverse effect on the bylaws in effect.
- I. The proposed use shall not have an undue adverse effect on the utilization of renewable energy resources..

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 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.

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

VI. DECISIONS⁴

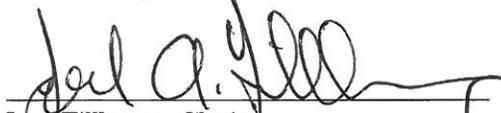
Based upon the foregoing Findings of Facts and Conclusions, the Board hereby makes the following decisions regarding the application for office space within a single-family dwelling applied for in zoning permit application #Z11-43 and including the evidence and testimony entered into the record as Findings of Fac.:

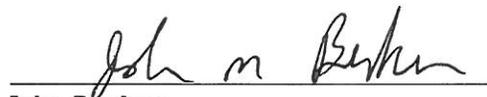
- A. The site plan approval is granted with the following conditions:
1. Development shall be as shown on Exhibit #6.
 2. The bushes next to the tunnel shall be trimmed to maintain adequate sight distances at the access point.
 3. The trees along the southern property line that are on the subject property shall be maintained to provide some screening from the new parking areas.
 4. 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. Snow removal shall not interfere with sight distances at the access point.
 5. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
 6. 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.
- B. The condition use approval is granted with the condition that any expansion of the use shall require approval pursuant to the regulations in effect at the time of re-application.

Dated at Randolph, Vermont this 31st day of October, 2011.

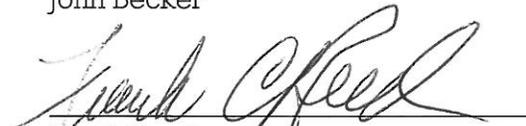
RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members


Joel Tillberg, Chair


John Becker


Thomas Malanchuk


Frank Reed


Christopher Recchia

⁴ 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 #Z11-43

Jeffrey Crowe

Jonathan Keith
8 Emerson Terrace
Randolph, VT 05060

Edward Green
29 South Pleasant Street
Randolph, VT 05060

Bold listings indicate applicants and/or their representatives.