

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION for
Conditional Use and Local Act 250 Reviews
(Findings of Facts, Conclusions, and Decision)

PERMIT: **#Z13-17**
PROPERTY ADDRESS: **1422 VT Route 66**
PARCEL NO.: **106019**
PARCEL SIZE: **5.4 acres**

PROPERTY OWNER: **Gifford Medical Center**
c/o Theron Manning
PO Box 2000
Randolph, VT 05060

I. INTRODUCTION

On February 10, 2013, Theron Manning, on behalf of **Gifford Medical Center** ("Applicant") filed an application for a zoning permit for a project generally described as **an addition to an existing medical office building**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 6, 2013.

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.

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. Recommendations of the Design Review Advisory Committee (DRAC) which held a public meeting for this application pursuant to RZR §6.2 on March 21, 2012;
2. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on March 26, 2013;
3. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on March 26, 2013 for the conditional use and local Act 250 reviews 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. On March 26th, the Board continued the hearing to April 22, 2013 for the site plan review. (see separate memorandum of decision).

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Interchange Southwest (INT-SW) 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 "office". Such a use is listed in RZR §6.9.3 as a conditional use in the INT-SW District therefore conditional use approval is required.
4. The applicant requested local Act 250 review.

On March 6, 2013, 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 and Del Thompson were the only participants in this proceeding.

Participating Board members were John Becker, Trini Brassard, Thomas Malanchuk¹, 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.

1. The applicant has filed an application for the construction of a 4,800 square foot (SF) addition to an existing medical office building as shown on Exhs. #5 - 7. (application and Exhs. #5 -7)
2. Site plan and conditional use approvals are required as indicated in Section II above. The applicant has requested local Act 250 review as well. (RZR)
3. As the project does not involve the creation of a lot, the development standards related to lot size and width are not applicable. (application and RZR)
4. As indicated in Exh. #2, the proposed project meets the applicable general standards of RZR §6.9.4. (Exh. #2)
5. As indicated in Exh. #2, the proposed project meets the applicable supplemental standards of RZR §6.9.5, including adequate screening of the parking areas by existing vegetation and topography. (Exh. #2)
6. As recommended by the DRAC and indicated in Exh. #2, the proposed project meets the building design standards of RZR §6.9.6. (Exh. #2)
7. The required off-street parking is 1 space for every 250 SF of gross floor space for offices. The total amount of gross floor space will be 14,600 SF which requires 59 parking spaces.

¹ Mr. Malanchuk is an alternate member of the Board who was sitting in place of Member Lincoln, pursuant to §206D of the Board's Rules of Procedure. Mr. Lincoln did not participate in this Decision.

- The parking currently accommodates 48 spaces and will provide 76 at the completion of the project. (RZR and application)
8. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. There is, however, language concerning protecting natural resources and encouraging business development that provides a diversity of well-paying jobs. The proposed project supports both of these goals. (Town Plan and application)
 9. No changes are proposed to the existing access to the property and minimal disturbance will be made to the portion of the subject property that is already developed. (Exh.#5)
 10. VT Route 66 has an annual average daily volume at the subject property of 7,000 vehicles. The proposed project will add an additional 78 vehicle trips to the subject property or less than 1% of the current daily volume. (application and Exh. #2)
 11. The existing parking lots, which are not proposed to be altered are over 20 feet from the front property line. (Exh. #5)
 12. The proposed project will not add any additional students to the school district. (Brent Kay, Superintendent)
 13. The subject property is outside of the Randolph Police District therefore this service is not provided by the municipality. (Randolph Municipal Records)
 14. The subject property is in the Randolph Center Fire District. The Randolph Center Fire Department has the capacity to provide fire protection to the subject property without undue burdens. (Kenneth Preston, Randolph Center Fire District Chief)
 15. The subject property takes access from a state highway therefore road maintenance is not provided by the municipality. (Randolph Municipal Records)
 16. The subject property is served by the Randolph Sewer District, which has granted the necessary additional sewer allocation for the proposed project. (Exh. #1)
 17. The purposes of the INT-SW District – and thus character of the area - are, in summary: to encourage mix of land uses that doesn't detract from the villages and provides well-paying jobs; protects natural features and scenic views; maintains traffic safety on VT Route 66, and; preserves a portion of agricultural land. As indicated in Exh. #2, the proposed project will have minimal impact on the character of the area. (RZR and Exh. #2)
 18. The proposed project is in keeping with specifically stated policies on pages 82 and 83 the Town Plan that related to providing business opportunities and encouraging upgrades of existing buildings. (application)
 19. The surrounding area is a mixture of commercial, institutional and residential uses. The adjacent properties are used single-family residences, churches and offices. The proposed project is an expansion of an existing office building. (application)
 20. The proposed project will be surrounded by woods on 3 sides, including maintenance of over 100 feet of wooded land between the area of disturbance and the adjacent residences. (application and Exhs. #2, 4 and 5)
 21. The two solid waste dumpster will be screened and gated and will be located at the far end of the lower parking lot. (Exh. #5)
 22. Additional landscaping is proposed that utilizes native species. (Exh. #12)

- 23. The existing lighting is proposed to be changed to LED. The new lighting will match the existing lighting. (Exh. #8)
- 24. 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. Act 250 Criteria²

- 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 not in non-compliance with the Randolph Town Plan which was adopted in accordance with 24 VSA ch. 117 on February 16, 2010. (criterion 10).

2. Conditional Use Criteria³

- A. The proposed use is consistent 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 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

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

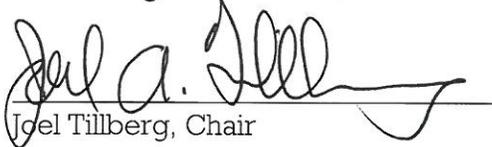
VI. DECISIONS⁴

Based upon the foregoing Findings of Facts and Conclusions, the Board hereby grants conditional use approval for the expansion of an existing medical office building as applied for in zoning permit application #Z13-17. Such approval is granted with the following conditions:

1. The project shall be operated in accordance with the application and the findings of fact which are incorporated herein.
2. The applicant shall provide written verification of the Vermont Agency of Transportation's approval, with or without conditions, of maintaining the existing two accesses.
3. 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 22nd day of April, 2013.

RANDOLPH DEVELOPMENT REVIEW BOARD Concurring Board Members


Joel Tillberg, Chair


John Becker


Trini Brassard

Thomas Malanchuk


Christopher Recchia


David Miles

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 \$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.

**TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION for
Site Plan Review**

(Findings of Facts, Conclusions, and Decision)

PERMIT: **#Z13-17**
PROPERTY ADDRESS: **1422 VT Route 66**
PARCEL NO.: **106019**
PARCEL SIZE: **5.4 acres**

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I. INTRODUCTION

On February 10, 2013, Theron Manning, on behalf of **Gifford Medical Center** ("Applicant") filed an application for a zoning permit for a project generally described as **an addition to an existing medical office building**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 6, 2013.

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.

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. Recommendations of the Design Review Advisory Committee (DRAC) which held a public meeting for this application pursuant to RZR §6.2 on March 21, 2012;
2. Sworn testimony presented to and evidence received by the Board during the public hearings held on March 26 and April 22, 2013;
3. Documents contained in this application's file, the Regulations, Town Plan, the Randolph municipal records and the Memorandum of Decision for conditional use and local Act 250 reviews for this application.

The Board closed the public hearing on March 26, 2013 for the conditional use and local Act 250 reviews and rendered an oral decision in those matters (see separate memorandum of decision). On March 26th, the Board continued the hearing to April 22, 2013 for the site plan review and rendered an oral decision at the end of that hearing. 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 Interchange Southwest (INT-SW) 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 "office". Such a use is listed in RZR §6.9.3 as a conditional use in the INT-SW District therefore conditional use approval is required.
4. The applicant requested local Act 250 review.

On March 6, 2013, 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, Del Thompson and Albert Floyd were the only participants in this proceeding.

Participating Board members were John Becker, Trini Brassard, Eric Sturm¹, David Miles, Christopher Recchia and Joel Tillberg.

IV. FINDINGS OF FACTS

In addition to the findings of fact included in the Board's decision regarding the conditional use and local Act 250 reviews, the following findings are facts that were also entered into the record for this application and relied upon by the Board in formulating its conclusions and decision regarding the site plan review. 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 analyzed the feasibility of consolidating the two existing accesses and of connecting the two existing parking lots. (Exhs. #11 and 12)
2. Consolidating the two accesses into one or connecting the two parking lots would create steep grades, would require the relocation of existing utilities and/or is not recommended by the Randolph Center Fire Chief for safety reasons. (Exh. #11)
3. Sheet C2 decreases the number of parking spaces by 2 but the total off-street parking still meets the requirements of the Regulations. (testimony of T. Manning)

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 Mr. Sturm is an alternate member of the Board who was sitting in place of Alternate Member Malanchuk who was sitting in place of Member Lincoln, pursuant to §206D of the Board's Rules of Procedure. Mr. Lincoln and Mr. Malanchuk did not participate in this Decision. Mr. Sturm was present in the audience during the entire first hearing held on March 26, 2013 and received materials from the first hearing date.

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. DECISION²

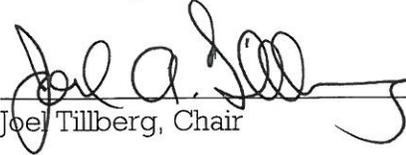
Based upon the foregoing Findings of Facts and Conclusions, the Board hereby grants site plan approval for the expansion of an existing medical office building as applied for in zoning permit application #Z13-17. Such approval is granted with the following conditions:

- 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. Specifically, construction shall be as shown on Exhs. #5, 6 and Sheet C2 of Exh. #11 with the following amendments:
 - A. The depth of turnaround area at the end of each parking lot shall be 15 feet.
 - B. Clients shall be notified prior to their arrival² which parking area to use.
- 3. All landscaping shown on Exh. #11 shall be maintained in a healthy, living condition.
- 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. On-site snow storage shall not interfere with sight distances.
- 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.

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.

Dated at Randolph, Vermont this 22nd day of April, 2013.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



Joel Tillberg, Chair



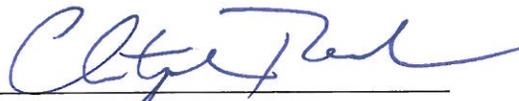
John Becker



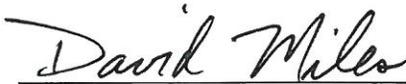
Trini Brassard



Eric Sturm



Christopher Recchia



David Miles