

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

PERMIT: **#Z15-19**
PROPERTY ADDRESSES: **44 South Main Street and 5 Maple Street**
PARCEL NOS.: **248028 and 230005**
PARCEL SIZES: **6.2 acres and 0.23 acres**

PROPERTY OWNER: **Gifford Medical Center**
44 South Main Street
PO Box 2000
Randolph, VT 05060

I. INTRODUCTION

On April 24, 2015, Doug Pfohl, on behalf of Gifford Medical Center ("Applicant") filed an application for a zoning permit for a project generally described as the removal of a structure at 5 Maple Street and expanding the handicapped parking that serves the health care facility at 44 South Main Street. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 27, 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 May 18, 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 May 18, 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 properties are in the Civic Tourist and Residential (CT and RES, respectfully) Districts. All of the work will take place in the 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 “health care facility.” Such a use is listed as conditional on the Chart of Permitted and Conditional Uses. However, the facility itself is not affected by this project, only the parking therefore conditional use approval is not required.
4. The Applicant has requested local Act 250 review.

On April 27, 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 representative was the only participant in this proceeding.

Participating Board members were John Becker, 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 removal of the 2-story structure located at 5 Maple Street, restore the site and add 5 new and modify the existing 4 handicap parking spaces that serve the health care facility at 44 South Main Street, as shown on Exh. #2. No changes to the existing operation of the health care facility is proposed. (application, testimony of D. Pfohl)

Consistency and compliance with Town Plan and ordinances. (SP criterion A and Act 250 criterion 10)

2. The standards for off-street parking are not affected by this project as the number of spaces is increasing. (application and RZR)
3. The development standards for setbacks and coverages are not affected by this project as no increase in building footprint is proposed. (application)
4. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)

Traffic and pedestrian considerations (SP criterion C)

5. No changes to the existing accesses to the parking area are proposed. (Exh. #2)
6. A sidewalk at the head of the new parking spaces provides pedestrian access to a crosswalk for access to the facility. (Exh. #2)

Municipal services (Act 250 criteria 6 and 7)

7. As the proposed use is not a residential use, it will not increase the enrollment in local public schools. (application)
8. The proposed use does not require additional water and wastewater services. (application)

9. The subject property is in the Randolph Police District. The Randolph Police Department has the capacity to provide police services to the subject property without undue burdens. (James Krakowiecki, Randolph Police Chief)
10. 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)
11. 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. (Melvin Adams, Randolph Town Manager)

Character of and effects on the area (SP criteria B and D)

12. The surrounding area is a mixture of health care related uses and residential uses (application)
13. The proposed project involves expanding an existing parking area by 2,650 SF. The expansion will be on and adjacent to property owned by the Applicant. (testimony of D. Pfohl)
14. The site for 5 Maple Street that is not to become parking will be seeded and mulched with some informal plantings along the walkway at the end of the parking spaces. (testimony of D. Pfohl)
15. A pole-mounted light the same as what exists will be placed near the middle of the new parking area. (testimony of D. Pfohl)
16. The proposed project does not involve additional buildings, walls, fences or loading areas. (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 Criteria¹

- A. Educational services are not impacted by the proposed project. (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, 2014 (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 not in non-conformance with the Town Plan.

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

- 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, the Board hereby approves the site plan for the removal of a building and the expansion of an existing parking area as applied for in zoning permit application #Z15-19. 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. #2.
- 3. Documentation, such as a lighting plan, shall be provided that demonstrates there is adequate lighting of the new parking area.
- 4. All landscaping on the restored site at 5 Maple Street shall be maintained in a healthy, living condition.
- 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 nor take up parking spaces.
- 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.

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 June, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members



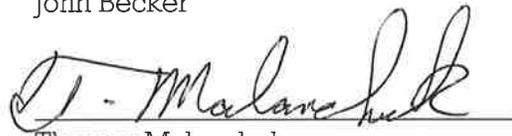
Joel Tillberg, Chair



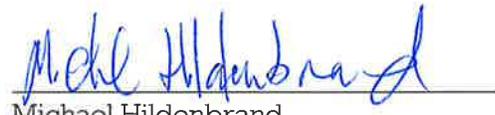
John Becker



David Miles



Thomas Malanchuk



Michael Hildenbrand

Dissenting Board Member



Christopher Recchia

