

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

PERMIT: **#Z16-6**  
PROPERTY ADDRESS: **33 Sunset Hill Road**  
PARCEL NO.: **106004**  
PARCEL SIZE: **5.41 acres**

PROPERTY OWNER: **George Gray**  
**Greystone Properties, LLC**  
**PO Box 7**  
**Randolph, VT 05060**

**I. INTRODUCTION**

On January 19, 2015, George Gray ("Applicant") filed an application for a zoning permit for a project generally described as **use of a former museum/gift shop for by electrical/solar contractor**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on February 4, 2016.

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 first and final public hearing held on February 23, 2016;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on February 23, 2016 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1409 and supersedes the oral decision.

**II. DETERMINATIONS BY THE ADMINISTRATOR**

The Administrator has made the following determinations:

1. The subject property is in the Commercial (COM) 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 "electrical contractor". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On February 4, 2016, 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. Applicant George Gray and abutters Marei von Saher and Jesse Sammis were the only participants in this proceeding.

Participating Board members<sup>1</sup> 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 a change of use: from a museum with gift shop to an electrical/solar contractor's business. The main building will be used primarily for administration and sales. Company vehicles and a storage trailer will be on site as shown on Exhs. #1 and 5. No materials will be stored on-site "uncontained." No other changes to the existing building or site plan are proposed. (application)
2. Manufacturing and sales operations for the Porter Music Box Co., will continue in the two other buildings on the property. (application)

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

3. The minimum lot size for the COM District is 12,000 SF. The subject property is 5.41 acres. (RZR and application)
4. The development standards related to setbacks and building coverage are not applicable as no new building is proposed. (application)
5. The required off-street parking for business services and professional services offices is 1 space for every 250 square feet (SF) of gross floor space, although this requirement may be modified by the Board. The total SFage of the building to be used by the electrical contractor is approximately 3,750 SF which would require 15 spaces. The business will have between 10 and 12 employees on site at any one time. The site provides 15 off street parking spaces for the employees and customers of the business. (RZR, application and Exhs. #2 and 5)
6. 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 criterion B) and effects on adjacent land (SP criterion D)**

7. The adjoining properties are used as a single-family residence to the south, northwest and northeast, a solar farm to the west, and undeveloped/wooded land to the east. Nearby is an accounting office, a garden center and a golf course. (Exh. #1)

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<sup>1</sup> Member Brassard indicated that she uses Mr. Gray's accounting firm "Compucount" and Member Becker indicated that he used to work for Compucount. Such affiliation did not require recusal.

8. No changes to the existing site or building are proposed. (application)
9. There is not any solid waste dumpster, outdoor display of products or materials or any other unsightly use associated with this business. (testimony of G. Gray)

**Traffic and pedestrian considerations (SP criterion C)**

10. Employees will be encouraged to use the Sunset Hill access. Of the two Route 66 accesses, the upper/northern one will be primarily used. Both access will not be open at the same time. (testimony of G. Gray and Exh. #1)
11. The traffic and activity impacts for the business are typical of a traditional office. There will be few customers to the property. (testimony of G. Gray)

**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. DECISIONS<sup>2</sup>**

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the electrical/solar contractor's business as applied for in zoning permit application #Z16-6. 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. #1 and the parking spaces shown on Exh. #5 shall be demarcated.
3. All existing landscaping shall be maintained in a healthy, living condition.

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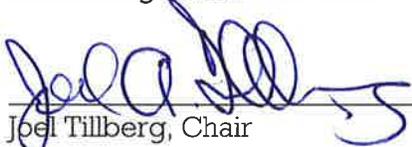
<sup>2</sup> An interested party (as defined in 24 VSA §4465) who participated in this proceeding may appeal this decision to the Vermont Environmental Court within 30 days of the date of the decision, for a fee of \$262.50 and a notice in writing, certified mailed to the Environmental Court, giving 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.

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 or designated parking areas.
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.

Dated at Randolph, Vermont this 14<sup>th</sup> day of March, 2016.

RANDOLPH DEVELOPMENT REVIEW BOARD

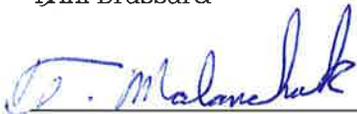
Concurring Board Members

  
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Joel Tillberg, Chair

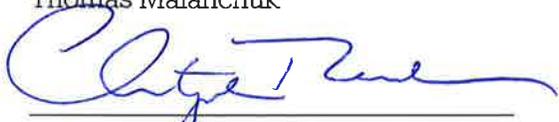
  
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