

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

PERMIT: **#Z11-54**
PROPERTY ADDRESS: **2920 VT Route 66**
PARCEL NO.: **108002**
PARCEL SIZE: **0.55 acres**

PROPERTY OWNER: **Rui Ling and Zhi Biao (Bill and Annie) Lu**
3 Salisbury Street
Randolph, VT 05060

APPLICANT: **Randy Clark**
PO Box 98
Randolph Center, VT 05061-0098

I. INTRODUCTION

On August 3, 2011, Randy Clark, on behalf of **Bill and Annie Lu** ("Applicant") filed an application for a zoning permit for a project generally described as modifications to an approved site plan. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 10, 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. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on September 29, 2011;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including the Memorandum of Decision for zoning permit #Z07-3 ("MOD #Z07-3").

The Board closed the public hearing on September 29, 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 and the project proposes to modify an approved site plan, site plan re-approval is required.

On August 8, 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, his or her representatives (if any) and persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Thomas Malanchuk², Frank Reed, Krista Rumrill 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 modifications to an approved site plan as shown on Exh. #1. The applicant revised the site plan at the hearing to show screening for the dumpsters and to clarify parking spaces. (application and Exh. #1)
2. The property is currently used as a 4-unit multi-family dwelling, with an 8-bedroom unit, a 4-bedroom unit and two 2-bedroom units. No changes to the building or use are proposed. (testimony of R. Clark)
3. As the project involves modifications to an approved site plan, site plan re-approval is required. (RZR §4.1)

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

4. The development standards for minimum lot size, setbacks and building coverage are not affected by this project and are still met. (RZR and MOD #Z07-3)
5. The facts relating to compliance with the Town Plan and the ordinances stated in MOD #Z07-3 are still valid for this application. (MOD #Z07-3, Town Plan and RZR)
6. The required off-street parking is 1½ spaces per dwelling unit, or 6 spaces for the 4 units. There are 12 spaces provided. (RZR and Exh. #1)

Character of the area (SP criteria B)

7. The surrounding area is a mixture of residential, commercial and institutional/educational uses. (MOD #Z07-3)

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 Thomas Malanchuk is an alternate member who participated in place of absent regular members.

8. The proposed project does not alter the uses of the property nor the building or current accesses. (application and Exh. #1)
9. The proposed project is in keeping with the residential and commercial uses in the Village of Randolph Center. (MOD #Z07-3)

Traffic and pedestrian considerations (SP criterion C)

10. No changes to the existing accesses to the property are proposed. (Exh. #1)
11. Areas are provided for vehicles to turn around such that they exit the property driving forward. Part of these areas are often hindered in the winter time by the snow that falls off the roof. (Exh. #1 and testimony of R. Clark)
12. **Affects on adjacent land (SP criterion D)**
13. No changes to the existing building are proposed. No new walls, fences, loading areas or landscaping is proposed. (Exh. #1)
14. Two dumpsters are proposed. They will be screened on all 4 sides with a 6-foot stockade fence. (Exh. #1 and testimony of R. Clark)

VI. 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.

VII. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the revised site plan as applied for in zoning permit application #Z11-54 and including the evidence

³ 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.

and testimony entered into the record as Findings of Fact. Site plan approval is granted with the following conditions:

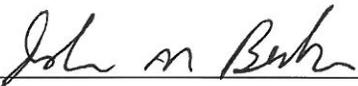
1. Development of the property shall be as shown on Exh. #1 as revised at the hearing.
2. The property owner shall remove snow from the parking, driveway and turning areas and shall not hinder use of these areas.
3. All conditions of approval for zoning permit #Z07-3 shall continue to apply.

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

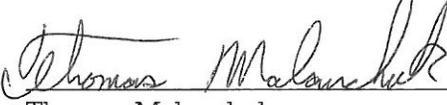
RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



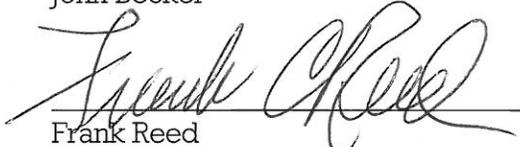
Joel Gillberg, Chair



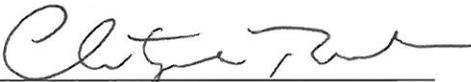
John Becker



Thomas Malanchuk



Frank Reed



Christopher Recchia

SERVICE LIST

Zoning Permit Application #Z11-54

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Bold listings indicate applicants and/or their representatives.

