

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

PERMIT: **#Z14-24**  
PROPERTY ADDRESS: **55 Turkey Hill Road**  
PARCEL NO.: **109041**  
PARCEL SIZE: **48.9 acres**

PROPERTY OWNER: **Stuart and Margaret Osha**  
**55 Turkey Hill Road**  
**Randolph Center, VT 05061**

## **I. INTRODUCTION**

On April 23, 2014, Stuart Osha ("Applicant") filed an application for a zoning permit for a project generally described as adding a third dwelling unit to an existing duplex. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 23, 2014.

Under the Randolph Zoning Regulations ("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 May 27, 2014;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on May 27, 2014 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 Rural Use-5 Acre (RU5) 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 a "multi-family dwelling." Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On May 13, 2014, 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. Stuart Osha was the only participant in this proceeding.

Participating Board members were John Becker, Thomas Malanchuk, Gregg McCurdy, 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 internal renovations to add a 3<sup>rd</sup> dwelling unit to an existing building as shown on Exhs. #1 and 2. No changes to the existing site are proposed. (application, testimony of S. Osha)
2. The minimum lot size for the RU5 District is 5 acres with no density standard (i.e. minimum lot size per dwelling unit). The subject property is 48.9 acres. (Regulations and application)
3. The development standards for setbacks and coverages are not applicable as no increase in footprint is proposed. (Regulations and application)
4. The required off-street parking is 1½ spaces per dwelling unit for a total of 5 required spaces. There are 4 spaces adjacent to the building and each unit will have a garage bay with a space in front of each bay. (Regulations, Exh. #2)
5. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
6. The surrounding area is a mixture of rural/farm and residential uses. The adjoining properties are used as farmland to the north, east and west, and a residence to the south. (application, Exh. #3)
7. As no external changes are proposed, the project will not impact the surrounding area. (application)
8. No changes to the existing site plan are proposed. (testimony of S. Osha)

### **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>1</sup>

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the addition of a 3rd dwelling unit to an existing building as applied for in zoning permit application #Z14-24. 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. 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 approved parking spaces.
3. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
4. 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 27<sup>th</sup> day of May, 2014.

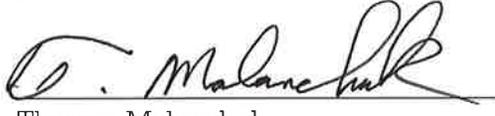
RANDOLPH DEVELOPMENT REVIEW BOARD  
Concurring Board Members

  
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Joel Tillberg, Chair

  
\_\_\_\_\_  
Christopher Recchia

  
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Gregg McCurdy

  
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John Becker

  
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Thomas Malanchuk

  
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David Miles

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<sup>1</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.

