

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

PERMIT: **#Z15-56**  
PROPERTY ADDRESS: **15 Forest Street**  
PARCEL NO.: **215009**  
PARCEL SIZE: **31.7 acres**

PROPERTY OWNER: **Randolph Union High School District #2**  
**24 Central Street**  
**Randolph, VT 05060**

## **I. INTRODUCTION**

On July 22, 2015, Mark McKinstry, on behalf of Randolph Union High School District #2 ("Applicant") filed an application for a zoning permit for a project generally described as **construction of additional handicap van parking spaces**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 3, 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 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. Observations made by the Board during a site visit to the subject property on September 22, 2015;
2. Sworn testimony presented to and evidence received by the Board during the public hearings held on September 22 and October 27, 2015<sup>1</sup>;
3. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on October 27, 2015 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 Apartment Residential (AR) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.

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<sup>1</sup> The first hearing was scheduled for August 25, 2015, but as no representatives for the applicant could attend, no evidence was taken.

3. As the project is a public school, review is limited pursuant to 24 VSA §4413:

“[A public school] may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic noise, lighting, landscaping and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.”

On August 4, 2015, 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, its representatives and persons<sup>2</sup> who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Trini Brassard, Matthew Murawski<sup>3</sup>, Michael Hildenbrand, David Miles, Christopher Recchia<sup>4</sup> 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 construction of 2 handicap van parking spaces. The initial site plan submitted was revised to show the construction of 3 handicap parking spaces, one of which is for a van, to re-stripe existing parking spaces for 2 handicap parking spaces, one of which is for a van, and to demarcate a walkway along the west side of the building between the main office entrance and the high school gym entrance. The revised/final site plan under review for this application is designated as Exh. #13. (application)

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

2. The development standards related to setbacks and building coverage are not applicable as no new building is proposed. (application)
3. The school property has approximately 208 parking spaces (not including the parking for the supervisory union offices). This number of spaces requires 7 handicap parking spaces, 2 of which must be van accessible. (Exh. #12)
4. Compliance with other ordinances and the Town Plan is not under the allowable review parameters set forth in 24 VSA §4413.

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<sup>2</sup> 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.

<sup>3</sup> Matthew Murawski is an alternate member who was sitting in place of absent regular member Thomas Malanchuk pursuant to Section 206D of the Board's Rules of Procedure.

<sup>4</sup> Member Recchia participated in the site visit and public hearing on September 22, 2015 but not the final public hearing on October 27, 2015. As such, Member Recchia did not participate in this decision.

Character of the area (SP criteria B)

5. This criterion ("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.") is not under the allowable review parameters set forth in 24 VSA §4413.

Traffic and pedestrian considerations (SP criterion C)

6. No changes to the general on-site traffic circulation are proposed. However, temporary barriers for the fire lane in front of the building were recently added to prevent vehicles from parking there and to prevent traffic from driving through there when buses were loading and unloading. The fire lane encompasses the entire width of the drive and eliminates parking along the building and the grassy island. (testimony of M. McKinstry)
7. The barriers will be removed when people are educated and know not to park or drive there. The fire lane will also be striped. (testimony of M. McKinstry)
8. The new spaces (i.e. not the re-striped ones) are laid out such that the end of the space nearly aligns with the end of the building but that cars parking in the spaces can be visible to vehicles on the access drive by the auditorium. (Exh. #12)
9. The new spaces will have concrete curb wheel stops. (Exh. #13)
10. Two mature maple trees were removed from the grassy strip between the auditorium and the access drive during the review of this application, in part for this application (to improve sight distances of and from the new parking spaces) and because the branches were hanging over the auditorium. (Exhs. #10 and 13 and testimony of M. McKinstry)

Affects on adjacent land (SP criterion D)

11. The proposed project does not involve the construction of any new building, walls, fences, loading or landscaping. (application)
12. The new parking spaces are in an area already used by the school for landscaping and sidewalks and therefore will have no impact on adjacent land. (Exh. #13)

## **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. Conformance with other regulations and ordinances of the Town and the Town Plan is not required pursuant to 24 VSA §4413.
- 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.~~ This criterion is not applicable pursuant to 24 VSA §4413.
- 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>5</sup>**

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the construction of handicap parking spaces as applied for in zoning permit application #Z15-56. 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, including striping and signage, of the handicap parking spaces shall be as shown on Exh. #13.
3. The grassy strip between the auditorium and the access drive shall remain and be maintained at its current width of approximately 10 feet. Landscaping may be added provided it does not interfere with sight distance of or from the new parking spaces.
4. The "no parking" area along the access drive by the auditorium shall be enforced by school personnel.
5. The temporary fire lane barriers are not a condition of approval of the site plan. The Applicant shall meet and work with the Randolph Village Fire Department with respect to the layout of the fire lane. Any changes to it that are recommended by the RVRD and implemented shall not require site plan approval provided the general on-site traffic circulation pattern is maintained as shown by the arrows on Exh. #13. The Applicant shall provide documentation to the Administrator with respect to the efforts to work with the RVRD and any revised fire lane layout.
6. 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.
7. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
8. 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.

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<sup>5</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.

Dated at Randolph, Vermont this 8<sup>th</sup> day of December, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members

  
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Joel Tillberg, Chair

  
\_\_\_\_\_  
John Becker

  
\_\_\_\_\_  
Trini Brassard

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Michael Hildenbrand

  
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Matthew Murawski

  
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David Miles