

**TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION**

(Findings of Facts, Conclusions, and Decision)

PERMIT: **#Z12-11**
PROPERTY ADDRESS: **near 905 Beanville Road**
PARCEL NO.: **121038.010**
PARCEL SIZE: **6 acres**

PROPERTY OWNER: **Fay and Daniel Sherman
58 Lodestar Hill
Randolph, VT 05060**

I. INTRODUCTION

On March 2, 2012, **Fay and Daniel Sherman** ("Applicant") filed an application for a zoning permit for a project generally described as a second self-storage building. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on March 2, 2012.

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 March 27, 2012;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including the Notices of Decision (NOD) for zoning permits #Z02-21 and #Z02-102.

The Board closed the public hearing on March 27, 2012 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 RV (RV) 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 "public warehouse" and received conditional use approval on September 23, 2002.

On March 13, 2012, 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 Applicants and persons¹ who participated at the public hearing and/or submitted written comments on the application.

Participating Board members were John Becker, Samuel Lincoln, Thomas Malanchuk², Christopher Recchia, Frank Reed, Gregg McCurdy 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 second 30-foot by 120-foot self-storage building as shown on Exh. #1. The site plan was revised at the hearing to show additional screening along the north side of the new building. No changes to the operation of the existing facility are proposed. (application and Exh. #1)
2. In May of 2002, site plan approval was granted for two self-storage buildings conditioned upon receiving conditional use approval. A variance, sought at the same time, was denied. (municipal records and NOD #Z02-21)
3. In September of 2002, conditional use approval was granted for the project. (municipal records and NOD #Z02-102)
4. In 2002, the first (and only thus far) building was constructed. It was the northern of the two buildings approved. (testimony of F. Sherman and municipal records)
5. This application is to construct the second building to the north of the existing building and to relocated the driveway to be between the two buildings. (Exh. #1)
6. Since the original approvals, a lot line adjustment was approved such that the subject property became larger by 29,000 SF and wider along the road approximately 265 feet. (municipal records)

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

7. The subject property is in the RV District. The development standards related to minimum lot size, setback distances and building coverage in the RV district has not changed since the original approvals. (application, RZR and municipal records)
8. With the larger and wider lot, the above development standards are not negatively affected by the proposed development. (RZR and application)

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 was sitting in place of absent regular member Trini Brassard.

9. The required off-street parking shall be as set by the Board. The Board determined in 2002 that off-street parking is not required, only space for loading and unloading. (Regulations and NOD #Z01-21)
10. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
11. The purpose of the Rural Village Districts is : “To provide areas for residence and commerce to co-exist in the same neighborhood and allow for future growth as an economic and social center for the surrounding area.” There is a residence on the same lot as the self-storage facility. (RZR and testimony of F. Sherman)

Character of the area (SP criteria B)

12. The surrounding area is a mixture of commercial, agricultural, industrial and residential uses. (NOD #Z02-21)
13. The proposed project is a slight revision (moving one of the buildings 24 feet to the north, instead of to the south, of the existing building and moving the access less than 30 feet to the north) of what was approved in 2002. (Exh. #1 and NOD #Z02-21)

Traffic and pedestrian considerations (SP criterion C)

14. No pedestrian traffic is anticipated and only 4 – 6 vehicles to the property per day. (application)
15. The project proposes to move the access less than 30 feet to the north of where it was previously approved. (Exh. #1)

Affects on adjacent land (SP criterion D)

16. The adjacent properties are used for residential and commercial purposes. No fences, walls or parking are proposed. (Exh. #1)
17. Spruce trees were approved as natural screening in the original approval. This application would modify the landscaping of the previously-approved site plan, as shown on the revised site plan Exh. #1. (Exh. #1 and NOD #Z02-21)

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.

VII. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the second self-storage building as applied for in zoning permit application #Z12-11. Site plan approval is granted with the following conditions:

1. The project shall be constructed as shown on Exh. #1 as revised at the hearing, completed and operated in accordance with the application, plans and exhibits on file and the findings of fact which are incorporated herein.
2. All landscaping shall:
 - A. be 7 – 10 native trees that will adequately screen the second building;
 - B. be planted in a location as shown on Exh. #1;
 - C. be 5 to 6 feet tall at time of planting; and
 - D. be maintained in a healthy and living condition.
3. 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. Snow shall not interfere with sight distances at the access point.
4. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
5. 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 30th day of April, 2012.

RANDOLPH DEVELOPMENT REVIEW BOARD Concurring Board Members



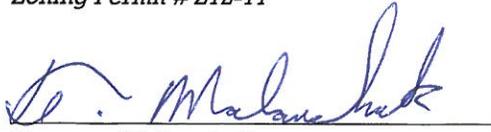
Joel Tillberg, Chair



John Becker

(additional signatures on next page)

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.

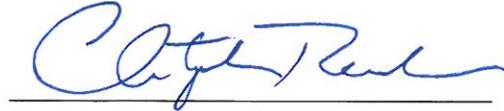


Thomas Malanchuk



Frank Reed

Samuel Lincoln



Christopher Recchia



Gregg McCurdy

CERTIFICATE OF SERVICE

I hereby certify that I, Mardee A. Sánchez, Zoning Administrator for the Town of Randolph, sent a copy of the attached letter of notification by U.S. Mail, postage prepaid, on Tuesday, May 01, 2012 to the following:

Fay and Daniel Sherman
58 Lodestar Hill
Randolph, VT 05060

Matthew and Sarah Murawski
PO Box 292
Randolph, VT 05060

Town of Randolph, Vermont
Planning and Zoning Office

By *msanchez*
Mardee A. Sánchez