

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

PERMIT: **#Z12-65**  
PROPERTY ADDRESS: **13 Hedding Drive**  
PARCEL NO.: **224004**  
PARCEL SIZE: **2.56 acres**

PROPERTY OWNER: **David Palmer**  
**Stagecoach Transportation Services, Inc.**  
**PO Box 356**  
**Randolph, VT 05060**

**I. INTRODUCTION**

On August 28, 2012, David Palmer, on behalf of **Stagecoach Transportation Services, Inc.**, ("Applicant") filed an application for a zoning permit for a project generally described as **construction of a 2,368 square foot (SF) office building to be used for the administration of the Applicant**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 28, 2012.

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 September 25, 2012;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including the 1996 Notice of Decision for the construction of the existing bus storage garage (NOD).

The Board closed the public hearing on September 25, 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 Industrial (IND) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.

3. The use of the property for bus storage was approved in 1996 (it was considered permitted). The proposed building is accessory to the existing use therefore no use approval is required.

On September 10, 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 Applicant’s representatives David Palmer and Frank Jay Barrett were the only participants in this proceeding.

Participating Board members were John Becker, 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 and Required Approval

1. The applicant has filed an application for the construction of a 74' x 32' single-story modular building to be used for office administration of the applicant as shown on Exhs #1 and 2. (application and testimony of D. Palmer)
2. General use of the building will be open between 6 AM and 6 PM Monday through Friday. However, there could be occasional use for evening or weekend meetings or during emergencies (i.e. evacuations for Tropical Storm Irene). The peak periods of the property will be 5 – 7 AM and 5 – 7 PM. (application, testimony of David Palmer)
3. In 1996, the Board approved the site plan for the 91,42-SF bus storage garage. The office administration building is accessory to the garage therefore only site plan approval is required. (NOD and Regulations)
4. The basis for the site plan (Exh. #1) was the previous site plan for the garage. It does not accurately reflect current property owners. (Exh. #1 and testimony of FJ Barrett)

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

5. The minimum lot size for the IND District is 20,000 SF. The subject property is 2.56 acres. (Regulations and application)
6. The front, rear and side setbacks for the IND District are 40, 30 and 20 feet, respectively. The proposed structure meets all the setback requirements. (Regulations and Exh. #1)
7. The maximum allowable building coverage is 40% in the IND District, or 45,000 SF for the subject property. The existing bus garage is 9,142 SF and the proposed office building is 2,368 SF, for a total of 11,510 SF. The proposed building coverage is 2.5%. (Regulations and application)
8. For personal and professionals services office, the required off-street parking is 1 space for every 250 SF of gross floor space. With 2,368 SF of office space, 10 parking spaces are required and 14 are provided. This does not include the previously-approved 10 spaces for the bus garage. (Regulations and Exh. #1)

9. 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 criteria B)

10. The surrounding area is primarily industrial with some residential. The adjoining properties are used as a solid waste management facilities (wastewater dewatering and septage hauling facility to the north and the Town wastewater treatment plant to the east), a Town highway garage and a concrete plant. (Exh. #3 and municipal records)
11. As the proposed project is accessory to the existing bus storage garage, it is less intensive than the surrounding industrial uses and smaller than many of the surrounding buildings. (application and Exh. #3)
12. The lighting for the proposed building will be recessed and will be on during business hours (as needed) and/or operated by motion sensors. (application)

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

13. No changes to the existing access or the traffic patterns for the existing bus garage are proposed. (Exh. #1)
14. The traffic utilizing the office building will be primarily cars. The vehicular traffic for the building will pull off into parking spaces closer to the access point thus minimizing the amount of co-mingling with bus traffic. (Exh. #1)
15. None to minimal pedestrian traffic is anticipated. (application)

#### Affects on adjacent land (SP criterion D)

16. No walls, fences or loading areas are proposed. (Exh. #1)
17. The proposed building is single story. (Exh. #2)
18. The landscaping around the proposed building is low level shrubs or grass. (application)
19. The building is closed to the property to the north which is a solid waste management facility. (Exh. #1 and municipal records)

## 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. DECISION<sup>1</sup>**

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the office administration building as applied for in zoning permit application #Z12-65. Site plan approval is granted with the following conditions:

- 1. The project shall be constructed as shown on Exhs #1 - 2, completed and operated in accordance with the application and the findings of fact which are incorporated herein.
- 2. A revised/updated version of Exh. #1 shall be submitted that accurately reflects current condition.
- 3. All landscaping shown on Exh. #1 shall be maintained in a healthy, living condition.
- 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. Snow storage shall not interfere with sight distances at the access.
- 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 \_\_\_\_\_ day of October, 2012.

**RANDOLPH DEVELOPMENT REVIEW BOARD  
Concurring Board Members**



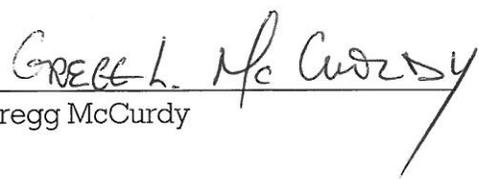
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Joel Tillberg, Chair



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John Becker



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Frank Reed



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Gregg McCurdy

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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.