

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

PERMIT: **#Z16-2**
PROPERTY ADDRESS: **250 Harlow Hill Road**
PARCEL NO.: **105002.010**
PARCEL SIZE: **7.16 acres**

PROPERTY OWNER: **Donna Stepien**
250 Harlow Hill Road
Randolph, VT 05060

I. INTRODUCTION

On December 3, 2015, Donna Stepien ("Applicant") filed an application for a zoning permit for a project generally described as adding a 3rd apartment. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on December 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. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on January 26, 2016;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on January 26, 2016 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 "multi-family dwelling". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On December 31, 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. Applicant Donna Stepien and neighbor Alastair Gee were the only participants in this proceeding.

Participating Board members were John Becker, Thomas Malanchuk, Michael Hildenbrand, 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 to convert in-home office/studio space into a 3rd dwelling unit/studio apartment. No changes to the existing building or site are proposed. The applicant revised the site plan to show existing lighting and areas where snow is plowed/stored. (application, testimony of D. Stepien)
2. A "tiny house" is also on the property and will remain. It will not be living in permanently and is on a registered trailer. (testimony of D. Stepien)
3. The development standards related to setbacks and building coverage are not applicable as no new building is proposed. (application)
4. The required off-street parking is 1½ spaces per dwelling unit therefore 5 spaces are required. The property provides 5 parking spaces in two parking areas. Ample room exists for additional parking if needed. (RZR, application and Exh. #1)
5. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
6. The adjacent properties are used for single-family dwellings, undeveloped forested land and open farmland/hayfield. The size of the existing building is in keeping with the single-family dwellings in the area. (application and Exhs. #2 and 3)
7. The proposed project is a change of use of interior space only. (application)
8. As the additional unit is a studio apartment, it will generate very minimal traffic. (application)

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. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the 3rd dwelling unit as applied for in zoning permit application #Z16-2. 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 or designated parking areas.
- 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 _____ day of February 23rd, 2016.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



Joel Tillberg, Chair



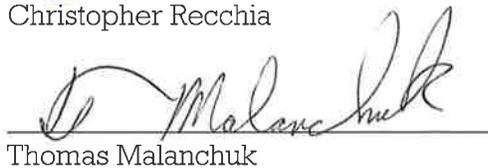
John Becker



Christopher Recchia



Michael Hildenbrand



Thomas Malanchuk



David Miles

¹ 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.

