

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

PERMIT: **#Z15-36**
PROPERTY ADDRESS: **12 Prince Street, Unit 2**
PARCEL NO.: **239003**
PARCEL SIZE: **4.57¹ acres**

PROPERTY OWNER: **Del Thompson**
Eagle Point Holdings, LLC
129 Fish Hill Road
Randolph, VT 05060

APPLICANT: **Sarah and Frederick Scully**
Vermont Natural Sheepskins, LLC
PO Box 823
South Royalton, VT 05069

I. INTRODUCTION

On May 27, 2015, Sarah and Frederick Scully ("Applicants") filed an application for a zoning permit for a project generally described as a natural tannery. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on May 28, 2015. As the property is in the floodplain, the application was submitted to the state for review and comment on June 2, 2015. Comments were received from Sacha Pealer, Central Vermont Floodplain Manager, on June 15, 2015 (see Exh. #8)

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 June 22, 2015;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on June 22, 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.

¹ Subject "property" is a condominium unit with a total area of 6,303 SF. The property size is 4.57 acres.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Commercial (COM) District and Flood Protection Overlay (FPO) 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 "light manufacturing". Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.
4. With respect to the flood plain, the cost of the renovations for the project is \$15,000 and the Randolph assessed value of the entire Unit #2 is \$290,413. Therefore, the project does not constitute a substantial improvement.

On May 28, 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. Sarah Scully (applicant) and Tom Lyons (owner of abutting restaurant) were the only participants in this proceeding.

Participating Board members were John Becker, Thomas Malanchuk, Michael Hildenbrand, David Miles Christopher Recchia and Joel Tillberg. Member Recchia disclosed that he has an organic sheep farm and has had communications with the Scullys. Becker disclosed that he has done tax preparations for owner Thompson. No objections were voiced to participation by either member.

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 a natural tannery that will occupy 1,665 SF of a 6,303-SF condominium unit as shown on Exh. #4. Most of the business will be conducted via mail order but there will be a small retail component. (application)
2. No changes to the approved site plan are proposed and no new external construction is proposed that will increase the footprint of the building. (application)
3. The chemicals stored on site and used in the tannery process are not explosive, flammable, hazardous or toxic. The quantities of the liquid chemicals (sulfuric and formic acids) stored is small (34 oz. or less). Storage of the chemicals will be as indicated in the letter from State Floodplain Manager Sacha Pealer and will be stored in a standard laboratory cabinet that protects against spills, etc. (Exhs. #6 and 8, testimony of Scully)
4. The property is in the floodplain. Any internal renovations are required to be designed to meet the standards for development in the RZR and shall, in all other ways, comply with the provisions in RZR §6.1. (Exh. #8)
5. The development standards related to setbacks and building coverage are not applicable as no new building is proposed. (application)

6. The required off-street parking is 2 spaces for every 3 employees on the maximum working shift for the tannery and 4 spaces per 1,000 SF of gross retail floor space. There will be 3 employees for the tannery and there is approximately 150 SF of retail space for a total requirement of 4 parking spaces. Condo Unit #2 provides parking spaces for 7 cars and there are additional parking spaces that are shared by the condominium association. (RZR, application, Exhs. #4 and 9)
7. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
8. The purpose of the Commercial District is: "To concentrate the regional and town-wide business, to provide areas for its best development and to protect these locations by excluding other kinds of development which would serve to scatter new businesses and limit the expansion of present business; to provide areas sufficiently compact for the convenience of pedestrians, and with sufficient area to allow parking space for patrons who come by automobile." (RZR)

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. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the tannery as applied for in zoning permit application #Z15-36. Site plan approval is granted with the following conditions:

² 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.

1. The project shall be completed and operated as shown on the exhibits and in accordance with the application and the findings of fact which are incorporated herein.
2. The applicants shall provide a specifications sheet on the chemical storage cabinets used.
3. The applicants shall notify the Administrator if the tannery process will be utilizing different or additional chemicals than what is indicated in this application for the purpose of assessing whether the chemicals are allowed in the floodplain.
4. All applicable conditions of the previous site plan approval for the property are still valid.
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 3rd day of August, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

Joel Tillberg, Chair

John M. Becker
John Becker

Christopher Recchia

Michael Hildenbrand
Michael Hildenbrand

Thomas Malanchuk
Thomas Malanchuk

David Miles
David Miles