

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

(Findings of Facts, Conclusions, and Decision)

PERMIT: **#Z14-47**  
PROPERTY ADDRESS: **21 South Pleasant Street**  
PARCEL NO.: **238014**  
PARCEL SIZE: **0.23 acres**

PROPERTY OWNER: **Nancy Tucker**  
**21 South Pleasant Street**  
**PO Box 12**  
**Randolph, VT 05060**

**I. INTRODUCTION**

On July 25, 2014, Nancy Tucker ("Applicant") filed an application for a zoning permit for a project generally described as converting a residence into a one-room bed and breakfast. The application was deemed substantially complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 11, 2014.

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 RZR. 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 August 25, 2014;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records.

The Board closed the public hearing on August 25, 2014 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1309 and supersedes the oral decision.

**II. DETERMINATIONS BY THE ADMINISTRATOR**

The Administrator has made the following determinations:

1. The subject property is in the Commercial (COM) 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 "tourist home/guest home/boarding house". Such a use is listed as conditional on the Chart of Permitted and Conditional Uses and therefore conditional use approval is required.

On August 11, 2014, 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 was the only participant in this proceeding

Participating Board members were John Becker, Thomas Malanchuk, Matthew Murawski<sup>1</sup>, 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.*

#### **Project Description**

1. The applicant has filed an application for use of her residence as a one-room bed and breakfast. No physical changes to the existing building or property are proposed. (application)

**Consistency and compliance with Town Plan and ordinances.** (SP criterion A and CU criteria A and H)

2. The required off-street parking for the single-family dwelling is 2 spaces and for the bed and breakfast is as set by the Board. Past precedence is to require 1 space for every room offered in the bed and breakfast. This would thus be a total of 3 spaces. The proposed project provides parking spaces for 4 cars with an area for any overflow parking. (application, municipal records, RZR and Exh. #2)
3. The development standards for setbacks, minimum lot size and coverages are not affected by this project as no increase in building footprint is proposed. (application)
4. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. However, a goal of the Plan is to "maintain and foster a diverse community that offers...plenty of cultural, recreational, spiritual and artistic pursuits for residents and visitors." The proposed project will offer convenient lodging in the Village for visitors to Randolph. (Town Plan and application)
5. 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." The proposed project is within easy walking distance of the downtown. (RZR and Exh. #1)

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<sup>1</sup> Mr. Murawski is an alternate member of the Board who was sitting in place of Member Trini Brassard pursuant to Section 206D of the Board's Rules of Procedure. Ms. Brassard did not participate in this Decision

**Traffic and nuisance considerations** (SP criterion C and CU criteria B, C and G)

6. The proposed use will not generate any of the following: noise, dust, odor, glare, vibration or radiation. (application)
7. The proposed use does not have the potential to cause a hazard through fire, traffic, accident or unsanitary conditions. (application)
8. The property takes access from South Pleasant Street, which is a Class 3 town highway which has a posted speed limit of 25 miles per hour. (application)
9. The proposed use will generate one or two vehicle trips per day which does not exceed expected traffic from any home. (application)
10. A parking space is available in the garage. "Guest Parking A," as labeled on the site plan, is 13' x 23', is grass and has direct access to the gravel driveway. Guest Parking B is 12' x 22', is grass and also has direct access to the gravel driveway. Guest Parking C is 14' x 24', is grass and only can be accessed through one of the other two guest parking areas. (Exh. #2)
11. There is adequate area for vehicles to turn around on-site thus eliminating the need for vehicles having to back out onto South Pleasant Street. (Exh. #2)

**Continuous strip** (CU criterion D)

12. The subject property has a grass and garden area between the back of the sidewalk and the house that is over 6 feet wide. (Exh. #1)

**Municipal services** (CU criterion E)

13. The proposed use does not have the potential to increase enrollment in local public schools nor the need for emergency service, public water and/or sewer capacity, solid waste disposal or other planned community service. (application)

**Character of the area** (SP criteria B and D, and CU criterion F)

14. The surrounding area is a dense mixture of residential and non-residential uses. The adjoining properties are used as the Boys' and Girls' Club/American Legion Hall, single family residences and a vacant lot owned by the Town. (application)
15. The only potential impact from the proposed project is from increased traffic, which will be no more than what would be expected from a house. (application)

**Renewable energy resources** (CU criterion I)

16. The proposed use will not affect the utilization of renewable energy resources. (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 criteria:

1. Conditional Use Criteria<sup>2</sup>

- A. The proposed use is not inconsistent with the objectives of the Town Plan and is consistent with the purposes of the Randolph Zoning Regulations.
- B. The proposed use will not cause any hazard to health or property through fire, traffic, accident, unsanitary conditions, excessive noise, vibration, odor or other nuisances.
- C. The proposed use will not add a volume of traffic to the highways beyond their reasonable capacity.
- D. A continuous strip of not less than six (6) feet wide will be maintained between the right-of-way line and the balance of the lot which will be suitably landscaped.
- E. The proposed use shall not have an undue adverse effect on the capacity of existing or planned community facilities.
- F. The proposed use shall not have an undue adverse effect on the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards in the Town Plan.
- G. The proposed use shall not have an undue adverse effect on the traffic on roads and highways in the vicinity.
- H. The proposed use shall not have an undue adverse effect on the bylaws in effect.
- I. The proposed use shall not have an undue adverse effect on the utilization of renewable energy resources.

2. 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.

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<sup>2</sup> Criteria A – D are from the RZR. Criteria E – I are required to be reviewed pursuant to 24 VSA Ch. 117 §4414(3).

## VI. DECISIONS<sup>3</sup>

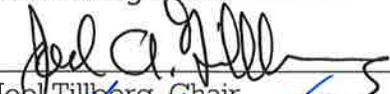
Based upon the foregoing Findings of Facts and Conclusions, the Board hereby makes the following decisions regarding the one-room bed and breakfast as applied for in zoning permit application #Z14-47:

- A. The 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. Property shall be utilized as shown on Exh. #2.
  3. All landscaping shown on Exh. #2 that is required for screening 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. On-site snow storage shall not interfere with sight distances or required parking spaces.
  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.
- B. The condition use approval is **granted** with the following conditions:
1. The project shall be operated in accordance with the application and the findings of fact which are incorporated herein.
  2. Any expansion of the use shall require approval pursuant to the regulations in effect at the time of re-application.

Dated at Randolph, Vermont this 30<sup>th</sup> day of September, 2014.

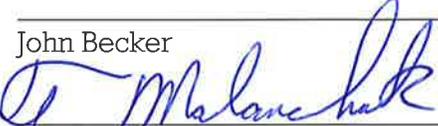
### RANDOLPH DEVELOPMENT REVIEW BOARD

#### Concurring Board Members

  
\_\_\_\_\_  
Joel Tillberg, Chair

  
\_\_\_\_\_  
Matthew Murawski

  
\_\_\_\_\_  
David Miles

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

  
\_\_\_\_\_  
Thomas Malanchuk

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Christopher Recchia

<sup>3</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.

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