

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

PERMIT: **#Z16-4**
PROPERTY ADDRESS: **100 Bettis Road**
PARCEL NO.: **106032 and 106032.010**
PARCEL SIZE: **10.4 acres¹**

PROPERTY OWNER: **Vermont Agency of Transportation**
Jack Holding
221 Beswick Drive
White River Junction, VT 05001

I. INTRODUCTION

On January 12, 2016, Vermont Agency of Transportation ("Applicant") filed an application for a zoning permit for a project generally described as the construction of a 30' x 60' dry storage shed. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on February 4, 2016.

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 February 23, 2016;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records, including the Memorandum of Decision for zoning permit #Z07-12 ("MOD #Z07-12").

The Board closed the public hearing on February 23, 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 Interchange Northeast (INT-NE) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.

¹ The State of Vermont owns the highway maintenance facility property, which is 7 acres, and the adjacent park and ride property, which is 3.4 acres.

3. The use is prohibited in the INT-NE District as it is not one of the allowable uses listed in RZR §6.9.3(C)(1). As it is existing, the use is non-conforming and thus to expand the non-conforming use requires Board approval pursuant to RZR §2.5.4.
4. The use is also a state-owned and operated facility. As such, the limitations of review as set forth in 24 VSA §4413 apply.

On February 4, 2016, 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 representative Jack Holding was the only participant in this proceeding.

Participating Board members were John Becker, Trini Brassard², 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.

Project description

1. The applicant has filed an application for the construction of a 30' by 60' dry storage shed at an existing highway maintenance facility as shown on Exhs. #1, 2, 4 and 5. No operational changes to the facility are proposed. (application)
2. The existing highway maintenance facility is on land considered part of the interstate and encompasses approximately 7 acres on the east side of Bettis Road. The adjacent lot used for the park and ride was purchased by the State within the last 15 years and is 3.4 acres. The proposed shed is to be constructed on the lot line between the two properties. (Exh. #2, municipal records and testimony of J. Holding)

Expanding a non-conforming use. (§2.5.4)

3. The property has been used as a highway maintenance facility since the early 1970's. (testimony of J. Holding)
4. The proposed shed will increase on-site storage and keep more equipment under cover and out of foul weather conditions. The equipment to be stored – diesel-powered equipment and other vehicles - is currently stored outside. (Exh. #6 and testimony of J. Holding)
5. The only potential effects from the project are visual, increases in traffic and stormwater run-off. The stormwater runoff will comply with state rules and thus this and the other effects will be minimal. (Exh. #6)

² Member Brassard disclosed that she is an employee of the Vermont Agency of Transportation. However, as she no longer works in the operations section of the Agency, there is no conflict of interest.

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

6. The front, side and rear setbacks for the INT-NE District are 30 feet. If the two properties are merged, the shortest setback distance from the proposed structure is over 100 feet. (RZR, application and condition of approval)
7. The maximum allowable building coverage is 8% or 36,250 SF for the property. The proposed building coverage is 14,295 SF. (RZR and application)
8. The proposed project does not increase the need for additional off-street parking. (testimony of J. Holding)
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 and effects on adjacent land (SP criteria B and D)

10. The surrounding area is a mixture of industrial and residential uses and the property abuts the interstate. (MOD #Z07-12)
11. The proposed project is not a change of use and is only a 14% increase in building footprint of the property. (application)
12. The proposed shed is between the highway maintenance facility and the park and ride. (application)
13. No new walls, fences, parking, loading or landscaping are proposed. (Exh. #2)
14. The height of the proposed shed is 17'4" to the peak and it won't be visible from the park and ride lot due to existing vegetation. (testimony of J. Holding)

Traffic and pedestrian considerations (SP criterion C)

15. The proposed project does not alter the existing accesses to the property. (Exh. #2)
16. The proposed shed is accessed by vehicles from the western end and is next to another garage with access doors also on the western side. (Exhs. #2, 4 and 5)

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. Expansion of a non-conforming use
The proposed project will not result a detrimental effect upon the community.
2. Site Plan
 - 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. DECISIONS³

Based upon the foregoing Findings of Facts and Conclusions, the Board hereby makes the following decisions regarding the dry storage shed as applied for in zoning permit application #Z16-4:

- 1. The existing highway maintenance facility, as a non-conforming use, may be expanded.
- 2. Site plan approval is granted with the following conditions:
 - A. 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.
 - B. Construction shall be as shown on Exhs. #2 and 4.
 - C. The 3.4-acre park and ride parcel shall be merged with the adjacent highway maintenance facility parcel. This condition does not preclude the State from subdividing the 10.4-acre merged lot. Any future subdivision of the land shall comply with the regulations in effect at the time of application for such subdivision.
 - D. 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.
 - E. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
 - F. 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.

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 \$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.

Dated at Randolph, Vermont this 14th day of March, 2016.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



Joel Tillberg, Chair



John Becker



Trini Brassard



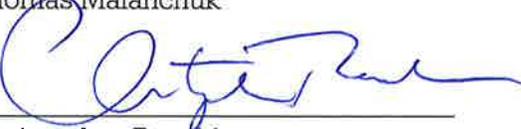
Michael Hildenbrand



Thomas Malanchuk



David Miles



Christopher Recchia