

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

PERMIT: **#Z11-44**
PROPERTY ADDRESS: **14 Hull Street**
PARCEL NO.: **227004.010**
PARCEL SIZE: **0.7 acres**

PROPERTY OWNER: **Wellington Property Management, LLC**
c/o Perry and Lynn Armstrong
14 Hull Street
Randolph, VT 05060

I. INTRODUCTION

On June 27, 2011, Perry Armstrong, on behalf of **Wellington Property Management, LLC** ("Applicant") filed an application for a zoning permit for a project generally described as a **revised site plan for warehouse/storage/office building for a tent rental company**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on June 28, 2011.

Under the Randolph Zoning Regulations ("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 July 27, 2011;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records, including Memorandum of Decision for zoning permit #Z07-15 ("MOD #Z07-15").

The Board closed the public hearing on July 27, 2011 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 re-approval is required.

3. In 2006, the use was categorized as “distribution and storage facility” with accessory office space and dishwashing area. Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On June 28, 2011, 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, Perry Armstrong, was the only participant in this proceeding.

Participating Board members were John Becker, Scott Berkey¹, Trini Brassard, Christopher Recchia², Krista Rumrill 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 a modified site plan as shown on Exh. #1. The applicant is not proposing any changes to the operation of the business. (application and testimony of P. Armstrong)
2. The proposed project involves re-arranging the area where cars and trucks park within the existing parking and driveway areas and a new location for the dumpster. An expansion of the areas currently used for parking and driving is not proposed. The primary motivation for the proposed parking changes is to protect vehicles from damage from stray golf balls. (Exh. #1 and testimony of P. Armstrong)

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

3. As no changes to the structure are proposed, Facts #2 – 7 from MOD #Z07-15 relating to conformance with development standards are still applicable. (Regulations, application and MOD #Z07-15)
4. The required off-street parking for industrial uses is 2 spaces for every 3 employees on the maximum working shift. The business has up to 20 employees thereby requiring 14 parking spaces, which are provided on-site. The proposed project also provides space for 5 parked trucks and 3 loading trucks. (Regulations 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)

¹ Mr. Berkey is an alternate Board member who participated in place of absent regular members.

² Mr. Recchia participated in this matter but abstained from voting on it.

Character of the area (SP criteria B)

6. The surrounding area is a mixture of commercial, recreational and residential uses. The adjoining properties are used as a golf course to the north and east, storage building to the south and a machine tooling shop to the west. (MOD #Z07-15)
7. As no expansion of existing parking areas is proposed, the proposed project will have minimal to no impact the surrounding area. (Exh. #1)
8. The summer dumpster location is screened by existing year-round vegetation. (Exh. #1)
9. The winter dumpster location will be screened behind a snowbank. If there is none, some other form of screening shall be provided. (testimony of P. Armstrong)

Traffic and pedestrian considerations (SP criterion C)

10. The cars parked along the south side of the building access these spaces on the adjacent property. There is an agreement with the current property owner to the south for use of the shared driveway. (testimony of P. Armstrong)
11. The proposed site plan separates car traffic from truck traffic and the area used by trucks. (Exh. #1)
12. No changes to the existing access is proposed. (Exh. #1)

Affects on adjacent land (SP criterion D)

13. Adjacent property most likely to be affected by the new site plan is to the south. It is used for self-storage and generates minimal traffic. (testimony of P. Armstrong)

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. DECISION³

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the revised site plan for the warehouse/storage/office building for a tent rental company as applied for in zoning permit application #Z11-44 and including the evidence and testimony entered into the record as Findings of Fact. Site plan approval is granted with the following conditions:

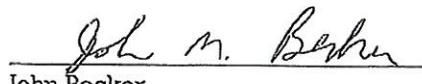
1. Use of the property shall be as shown on Exh. #1.
2. All landscaping shown on Exh. #1 shall be maintained in a healthy, living condition.
3. Snow from parking areas must not be plowed onto public highways, adjoining streams or waterways, or onto abutting properties. Snow must be plowed elsewhere on the subject property or removed.
4. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
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 12th day of September, 2011.

RANDOLPH DEVELOPMENT REVIEW BOARD

Concurring Board Members


Joel Tillberg, Chair


John Becker


Trini Brassard


Scott Berkey


Krista Rumrill

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 \$250 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.