

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

PERMIT: **#Z16-21**
PROPERTY ADDRESS: **4 Randolph Avenue**
PARCEL NO.: **243001**
PARCEL SIZE: **0.23 square feet (SF)**

PROPERTY OWNER: **Robert Cherry**
4 Randolph Avenue
Randolph, VT 05060

APPLICANT: **Kevin McCollister**
Iron Shamrock, LLC
1820 Center Road
Montpelier, VT 05602

I. INTRODUCTION

On April 4, 2016, Kevin McCollister of Iron Shamrock, LLC ("Applicant") filed an application for a zoning permit for a project generally described as conversion of a residence into office space for solar contractor. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on April 7, 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 April 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 April 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

On January 20, 2016, a public hearing to be held by the Randolph Selectboard for the proposed Land Use Regulations (LUR) was publicly noticed. 24 VSA §4449(d) requires that for a period of

150 days following the notice, “the administrative officer shall review any new application filed after the date of notice under the proposed bylaws and applicable existing bylaws.”¹

- A. The Administrator has made the following determinations with respect to the LUR:
1. The application is subject to the LUR.
 2. The subject property is in the Central Business (CB) District.
 3. The use is categorized as “low volume office”. Such a use, when in an existing structure, is “Permitted” in the CB District and requires no Board approval.
- B. The Administrator has made the following determinations with respect to the RZR:
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 “personal and professional business office”. Such a use is listed as permitted on the Chart of Permitted and Conditional Uses.

On April 18, 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. Kevin McCollister was the only participant.

Participating Board members were Trini Brassard, Matthew Murawski, Michael Hildenbrand, 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 conversion of a single-family residence into office space for a solar contractors company. No exterior changes to the existing house are proposed. (application)

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

2. The development standards related to setbacks and building coverage are not applicable as no new building is proposed. (application)
3. The required off-street parking is 1 space for every 250 SF of gross floor office space but this requirement may be modified by the Board. The house is ±1,600 SF which would require 7

¹ 24 VSA §4442(g) states that proposed regulations shall be considered disapproved if no action by the legislative body is taken within one year of the final hearing of the Planning Commission. The Commission's final hearing was May 27, 2015 and therefore the proposed regulations were considered disapproved by the date this Decision was signed. The Board elected to include findings of facts and conclusions of law for the proposed regulations in the event a petition is submitted and a vote taken pursuant to 24 VSA §4442(g) and the proposed regulations are, in the end, approved.

- parking spaces. There will be a maximum of 6 - 8 employees on site. (RZR and testimony of K. McCollister)
4. The solar contractors company's current office space is located on the adjacent property at 34 Pleasant Street. The employees currently park in the adjacent public parking lot behind both the current and proposed office locations and will continue to park there. Direct pedestrian access from the public lot to the subject property is proposed. (testimony of K. McCollister)
 5. The subject property has 2 off-street parking spaces shown. These will be used for the crew that checks at the beginning and end of each work day and for the occasional employee who is stops in on the weekend. (Exh. #1 and testimony of K. McCollister)
 6. 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)

7. The surrounding area is a dense mixture of residential and commercial uses such as an auto repair garage, a bar and office space. (application and municipal records)
8. No changes to the exterior of the building are proposed and only minor changes to the site are proposed. (Exh. #1 and testimony of K. McCollister)
9. There will be no outdoor storage of materials outside of the trailer and no solid waste dumpster. (testimony of K. McCollister)
10. The proposed project does not involve any additional or changes to buildings, walls, fences, parking, loading or landscaping. (application)

Traffic and pedestrian considerations (SP criterion C)

11. No changes to the existing access or parking area are proposed. (Exh. #1)
12. Additional pedestrian provisions are proposed that does not create a pedestrian-vehicular contact point. (Exh. #1)

Affects on adjacent land (SP criterion D)

13. The proposed project does not involve any additional or changes to buildings, walls, fences, parking, loading or landscaping. (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. This criterion is not applicable. *(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.)*

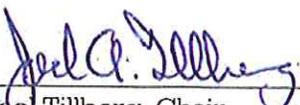
VI. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the office space as applied for in zoning permit application #Z16-21. 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. Use of the property shall be as shown on Exh. #1.
3. All landscaping shown on Exh. #1 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 designated parking areas.
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.

Dated at Randolph, Vermont this 8 day of June, 2016.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



Joe Tillberg, Chair

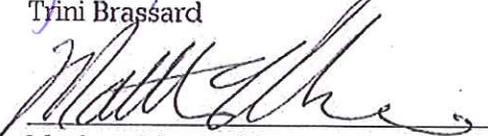
Christopher Recchia



Trini Brassard



Michael Hildenbrand



Matthew Murawski

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.