



Town of Jericho
Development Review Board
Jericho Town Hall
Thursday, June 23, 2016

Minutes

Members Present: Barry King, Jeff York, Stephanie Hamilton
Members Absent: Joe Flynn, Bruce Jacobs
Guests: Katherine Sonnicks (Town Planner), Chris Flinn (Zoning Administrator), Amy Richardson (Secretary), Daniel Heil, Peter Heil, Joseph Bissonette, Richard Bouffard, Robert Macklin, Betty Keefe, Bill Keefe, Dean Grover, Wendell Farrell

MEETING AGENDA

- A request by L&S Properties (c/o Joe Bissonette) for sketch plan review of two multifamily dwellings, totaling four units. This parcel is located at 329 Vermont Route 15 in the Village Center Zoning District and the Character Based Zoning District.
- A request to the DRB by Mr. Richard Bouffard for sketch plan review of a 9-lot, 8-unit planned unit development (PUD) with associated infrastructure. This parcel is 135.77 acres and is located off of 232 Barber Farm Road in the Agricultural Zoning District.
- A request by Phylvin Acres LLC (Betty Keefe) for sketch plan review of a subdivision of existing 75.5 acres into two home sites. This parcel is located at 581 Browns Trace Road in the Agricultural, Forestry and Rural Residential Zoning Districts.
- Approve minutes from June 9, 2016.

Mr. King called the public meeting to order at 7:02 p.m. He read the warning. He asked the members to disclose any conflicts of interest or ex parte communication. There was none. Mr. King read the Interested Persons Law. The public was sworn in at 7:07 p.m.

- 1. A request by L&S Properties (c/o Joe Bissonette) for sketch plan review of two multifamily dwellings, totaling four units. This parcel is located at 329 Vermont Route 15 in the Village Center Zoning District and the Character Based Zoning District.**

Applicant's Presentation

Daniel Heil introduced himself, noting he is from O'Leary Burke Civil Associates. He also introduced the applicant and landowner, Joe Bissonette. He said we are here for a subdivision at the sketch plan level, saying the parcel is located at 329 Vermont Route 15 in Jericho. Daniel Heil asked Katherine to pull up the location map for the Character Based Zoning. Ms. Sonnicks displayed it on the map viewer.

Daniel Heil stated it is hard to see the lot lines here, but as you are coming out on Route 15 towards Underhill, the parcel is located on your left right here. He said it is essentially behind two parcels that front on Route 15. He said there is an existing 30' access easement to the south of the parcel on the Villeneuve and Green Mountain Striping parcel; it is right before Mills Riverside Park. Daniel Heil said the parcel is a little bit different than the other parcels in the Character Based Zoning District, as we don't have direct frontage on the thoroughfare; we are sitting back a little bit and we

are accessed through a 30' easement. He oriented those present to the plan. He continued the presentation, noting the following:

- The gravel drive is existing.
- There is a currently a vacant single-family home on the lot.
- Over the past month or so we have been working with staff on this layout.
- We are in the Character Based Zoning District; more specifically, Character District #3 (CD3). We have been trying to wrap our hands around that and staff has given us good direction on the intent of Article 13, the Character Based Zoning.
- The proposal is better than what was originally submitted.
- We are subdividing the lot; the existing lot is the big oval blue line. We are subdividing that in half.
- We are proposing two duplex units, four units in total, will be served by municipal water and there will be an on-site septic system; shared septic system as well, so there will be an easement over here.
- We are proposing this thoroughfare coming up through the parcel, kind of bisecting the parcel over here.

Daniel Heil addressed the staff notes as follows:

- Section 13.2 –
 - We are in CD3, line item #1 goes over the front setback, side setback; it states in the staff notes the front setback is determined from the road frontage, reading staff's interpretation of the section.
 - This is where this project gets interesting; when we first looked at designing this lot, we looked at where the wastewater system would go because we need to provide on-site wastewater.
 - The best soils are in the bottom right hand corner, so that is where we sited the shared mound system on the parcel.
 - Looking through Article 13, there is a section where it talks about how Article 13, the Character Based Zoning, should not take precedence over a number of permits; one of those being the wastewater permit.
 - We interpreted that as the wastewater taking precedence over Article 13; as such we kind of designed the lot around the wastewater system.
 - From here we offset, we held the minimum distance of 25' from the toe of the mound to the proposed thoroughfare that is bisecting the parcel over here.
 - From there we placed the buildings in the second and third lot layers accordingly and the parking up here in the third lot layer; acting as this thoroughfare, kind of as our frontage, we set the buildings off this thoroughfare.
 - We feel that a waiver isn't required as Section 13.1.3.3.1 where it talks about wastewater taking precedence over Article 13.
 - We would like to hear feedback from the DRB on that layout, mainly the nonconformance that it needs to front on a thoroughfare; we feel we are in fronting on a thoroughfare, even though the thoroughfare isn't down here and also the building placement.

Mr. King stated I understand; this is the biggest issue. Daniel Heil continued his presentation noting the following:

- Item 2, yard types – We are in Edgeyard; the building occupies the center of the lot and we are okay with that designation.

- Item 3, architectural features – It talks about what will be required. The applicant will need to abide by these requirements in Table 13.3.3.1A. We would ask that they be a condition of final approval and not required at submission for the next level of review.

Mr. King clarified you are proposing to do the subdivision with a condition that the buildings meet the rest of the regulations essentially and then do the building architectural design as another step. He said I am not clear what you are saying about that. Daniel Heil responded it talks about in here that further architectural details will need be provided showing that the proposal meets the above standards in the Development Plan at the next level of review. He said the next level of review is the site plan and the final plan review for the minor subdivision. He stated we were requesting that it be a condition of that approval; that the details for the buildings not need to be submitted up front for that next stage of review; that it be a condition of the approval for that review.

Mr. King said you are looking to get a final review of the subdivision and the site plan without architectural details. Daniel Heil clarified we can provide building elevations and color chips, but the applicant is going to have to abide by these requirements. He stated we are okay with those requirements; we just ask that it be a condition. Mr. King stated as opposed to doing it ahead of time. Daniel Heil agreed. He continued the presentation, noting the following:

- Building and lot use – Duplexes are proposed and permitted. We will provide any proposed outbuildings, if any, at final review.
- Parking and loading – The parking is located in the third lot layer, behind the buildings. It will be accessed by a shared access easement over both parcels. We will provide those legal documents at final review.
- Architecture standards – Similar to Item 3 above, we would ask that all of those requirements be a condition of the final approval.
- Any applicable special requirements – It is not applicable; we are not proposing any shopfront frontages, terminated vistas, or passages through the site.
- Existing and proposed thoroughfares and other roadways – We are proposing an alley. As the staff notes say, an alley is the smallest thoroughfare. We feel that this fits given the scope of this project. It is a 12' gravel drive and the curb type will be swale in that alley. We are okay with that section.
- Item 4, thoroughfares shall terminate at other thoroughfares – Our thoroughfare, the alley comes up through here and it ends right before our property line. We are showing the right of way extending all of the way to the property line, but we don't have the rights to develop a thoroughfare through this adjacent parcel. There is what might be a possible right of way; we need to do more research before the next level of review. Regardless, the right of way connects to our parcel right where our mound system will be, so we couldn't connect right through there. We are providing a means for this parcel to connect onto our thoroughfare if it is ever going to be developed. We don't believe we need a waiver, but we would also like confirmation from the DRB on that as well; whether that thoroughfare has to connect up to another thoroughfare.

Mr. King stated you are proposing that when you do come for the site plan review that you will know the status of that other right of way and its position enough so that you can talk about the future. He said the whole point of this is the future circulation and what connects. Daniel Heil agreed, saying we are going to do more research on this and see if it was ever recorded; it was proposed on an old plan, but we are not sure if it was ever recorded. Mr. King clarified what you have shown there is what you recovered from a previous proposal, but you don't know the status of it. Daniel Heil agreed.

Mr. York asked how big is the easement you are going to use as the alley. Daniel Heil responded the easement is a 21' right of way and that complies with Table 13.4.18.2E under the alley standards. Mr. King clarified the existing gravel driveway is on a 30' easement. Daniel Heil agreed. Mr. King clarified you wouldn't propose to modify that easement. Daniel Heil said no, we are not doing anything on the adjacent parcel. Mr. King stated that is an interesting sidesaddle layout on that; it is existing.

Daniel Heil continued the presentation, noting the following:

- Development Plan – If the Development Plan area exceeds 20 acres is not applicable for this project.
- Existing or proposed Civic Zones, Spaces, or Buildings - Staff notes say sketch plan does not address civic spaces. When you go into Article 13 and look at civic spaces, it lists a number of them. Parks, greenways, greens and squares do not apply, as our lot doesn't meet the minimum size for those. What could potentially apply would be a pocket park or playground. The way we interpret Section 13.4.17 is that it is more geared toward if you are proposing these items, this is the procedure you should go through in designing them; not stating that these items shall be proposed on your parcel; more of a guidance working through those items. Like I said we are not proposing any right now and like staff says we don't address them. We would like your feedback on that they are not required for this parcel, as we are only a little over 1 acre.
- Existing and proposed Character Districts – We will provide at final a discussion of the project's location in CD3.
- If the Development Plan exceeds 10 gross acres, is not applicable for this project, as we are just over 1 acre.
- 13.4.4.2.15 – It talks about site plan review at the next stage. We acknowledge that we are going to be proceeding to site plan review at the next stage, so we are okay with that.
- Items 14 & 15 – We are okay and we will submit those items at final.
- 13.4.7 – It talks about the lot widths: the minimum 40'; the 120' maximum; and the 60% maximum lot coverage. We meet these requirements: one of our lots is at 107'; the other is at 115'. We could potentially add an additional lot in here and still meet those requirements. What we are really limited to is the wastewater system; we can only have four units on the lot, as we maximized the wastewater system. That is why we only subdivided for two lots, but we do meet those lot width requirements.
- Site plan review – We are okay with that.
- Performance guarantee – If the DRB wishes to apply a performance guarantee, we are okay with that as well.
- Subdivision review – We agree that this is a minor subdivision and will be subject as such.
- Legal documents - Will be provided at final.
- Recording of Final Plat and other documents – Will be recorded at final.

Mr. King said just to be clear, this is showing it is a two lot subdivision; each lot holding a duplex, so the owners of the halves of the duplex are in a condo arrangement; in other words, they own that lot jointly. He stated there are multiple owners of each lot, so the covenants you are talking about are not just shared maintenance of a driveway and a homeowner's association, but this is a real agreement on the maintenance of the buildings and such. Daniel Heil responded yes, it would cover an entire lot; it would also cover the access, as well as the wastewater system. Mr. King clarified that is all part of this, so the covenants that get sold with the various lots cover the association with respect to the building, but also the shared maintenance of the other improvements. Daniel Heil

agreed, saying Lot 1 and Lot 2 would just have shared access to the area on their lot, but they would also have access to the parking. He stated we would have to work that out to see if there is an access easement needed; we are providing four spaces on one and four spaces on the other regardless. He stated we would need one leading back here. Mr. King agreed, noting you have laid it out symmetrically, so you have made it more complicated in the sense that you have got easements for each pair onto the land of the other pair; this way it is symmetrical and everyone is in the same boat.

Daniel Heil stated originally we were proposing this as a PUD (Planned Unit Development); apparently Article 13 is not geared toward PUDs, or Planned Residential Developments, so that is why we switched to the subdivision approach for this proposal. He continued the presentation, noting:

- Access – It talks about the DRB should discuss the need for a traffic study. We don't believe one is necessary, as we are only proposing four units, but we would like your confirmation on that.
- Adverse impacts to the existing roads – We don't believe that is applicable either because we are only providing four units, so the impact to the existing infrastructure will be minimal. We would like confirmation on that also.
- 11.1.6.2 – This talks about measures such as striping, contrasting or textured paving, and/or mountable curbs. We will be working with vTrans on an access permit, so we will go through the process with vTrans.

Mr. King said I was going to ask about the present status is. He said there is a curb cut onto Route 15 presently. Daniel Heil agreed, saying that is an existing gravel drive. Mr. King clarified there is already an access permit for that presumably. Daniel Heil responded presumably, saying I would have to look into that. Mr. King said you don't know what the status of the access permit is. Daniel Heil said I don't. Mr. King said I don't know how that works with vTrans, but you are proposing a change of use in any case; from a single-family driveway to a four-unit. He stated I guess you will have to amend that in some way. Daniel Heil stated we will have to go through the process with vTrans and we will have to look to see if the entrance apron on Route 15 is paved to their standards and we will have to go through all of those items with vTrans.

Daniel Heil continued the presentation, noting the following:

- Street names – We agree the applicant will be subject to the standard to name the new alley.
- Parking, loading, and circulation – We are okay with that section.
- Pedestrian facilities – The proposed development is subject to the standards of Section 13.4.8 for pedestrian facilities. When you look at the alley detail under 13.4.18.2E, it does not require walkways or pedestrian facilities for an alley, so we are not proposing any right now and we don't believe we need to propose any. We would also like your confirmation on that.
- Lot layout – We are okay with that.
- Grading – We are okay with.
- There are no steep slopes, so Section 11.5.2 is not applicable.
- Recreation, open space and common land – Due to the size, we don't believe that is applicable. That goes back to the earlier conversation about green space and the potential pocket park or playground. We would just ask for your confirmation on that as well.
- Water supply – We are okay with.
- Sewage disposal – We are okay with, but we would also ask that a wastewater permit be a condition of the final approval, and not a requirement for submitting for final.

Mr. York asked about the water connection. Daniel Heil stated it will connect to the municipal water system. Mr. York asked if it already comes down the driveway. Mr. Bissonette responded no. Daniel Heil stated I am not sure, but I know David Burke from our office has done more research on that.

Daniel Heil continued the presentation, noting:

- Landscaping – We are okay with Section 11.8.
- Section 11.9, site layout and design – That is a big item. We are okay with that, subject to everything we talked about.
- Outdoor storage and display – We don't believe that is applicable.
- Outdoor lighting – We were just going to propose down shielded porch lights at the units for this project.
- Utilities and stormwater are performance standards. We are okay with the remainder of the items in the staff report as well.

Board Questions

Mr. York asked about parking, clarifying all the parking will not be parking in front of the units. Daniel Heil stated no, Article 13 talks about having the parking in the third lot layer, which is basically behind the units. He said we are proposing parking behind the units. Mr. York asked about access to the units from the parking. Daniel Heil stated access will be through here. Mr. King said that is for cars. He asked Mr. York if he was asking about where the people walk. Mr. York agreed, clarifying that people will park in the back and walk around to the front. Daniel Heil agreed, saying we are providing sidewalks from the porches down to the proposed gravel alley.

Mr. King asked Katherine or Chris about the cross-section this district, saying is there supposed to be a sidewalk as part of the alley. Ms. Sonnick responded no, there doesn't need to be. She noted it is the only road type that doesn't require some sort of sidewalk. Mr. King and Ms. Sonnick discussed pedestrian access. Ms. Sonnick said it is interesting you talked about parking in the third lot layer; the Table says that, but when you go to the parking section it says it can be in the second or the third. Mr. King stated it can't be in the front. Ms. Sonnick agreed, noting there is also somewhere where it says the text would supersede a diagram, so I think the second lot layer would be fine. Mr. King, Ms. Sonnick, and Daniel Heil discussed the requirements for parking. Mr. King said what is proposed is in the third lot layer, so it complies. Ms. Sonnick agreed, saying it complies with all of the sections.

Mr. York asked about the gravel alley extending in front of the duplex on the right whether that is essentially a parking lot. Ms. Sonnick said not as it is proposed, but in reality, yes. Mr. York stated it is a parking lot. He said no one is driving through there, you aren't going to park in back and walk around, you will park in front; you are essentially creating a parking spot in front. Daniel Heil clarified which area Mr. York was referencing. Mr. York agreed, saying on the right hand side. He asked why does that extend; why is there anything there at all. Daniel Heil stated we extended the gravel alley to the front porch. He said we extended it so they have access at their house to the gravel alley, so they don't have to walk through the grass or anything. He discussed how it is intended to function.

Mr. York asked what will keep them from making it a parking lot. Daniel Heil responded we can address in the legal documents. Ms. Sonnick noted it could be addressed with signage. She and the DRB members discussed the matter further, including the intent of the regulations and how to ensure future connections in the area. Mr. King said I don't see a problem with ending the drive at the Unit

4 porch; as far as building out the infrastructure, it is going to depend on the right of way. He stated what we don't want to do is establish a dead end thoroughfare; that is counter to the sense of the regulation. He and Daniel Heil discussed the matter further, including the impact on other properties and preserving the possibility of future connectivity.

Daniel Heil asked for clarification as to whether they would need a variance or a waiver. Ms. Sonnick stated the term in the regulations is variance, noting a waiver would be a better term. She explained where the variance sections are within the regulations. Mr. King clarified that the Character Based Zoning uses the variance procedure not the waiver procedure to do a modification, so the criteria are different. Ms. Sonnick agreed, noting the terminology could be corrected in any future amendments.

Mr. King and Ms. Sonnick discussed the different approaches and when a variance would be needed.

Mr. King asked about the nearby properties. Ms. Sonnick displayed the map and oriented those present. Ms. Hamilton asked about the location of the right of way that we are unsure of the status. Daniel Heil indicated the location. Ms. Hamilton asked if there is a mound system. Daniel Heil said I believe there is a mound system right here. Ms. Hamilton stated that looks like there has been some type of movement on that at some point; it looks like it has been driven on. Daniel Heil stated we need to do some more research on that existing easement to see if it was ever recorded and what that easement language states. He said our wastewater system does need to be right here, so even if this easement does exist, we are not going to be able to connect to it because we need to place our wastewater system right here on the lot.

Ms. Hamilton asked whether the location for the wastewater is the best or the only place for it to be. Daniel Heil responded I believe it is the only place, but I need to check with David Burke who did the soils. Mr. Flinn stated David was in the office and said it was the only place because that was a question we had. Ms. Sonnick stated he said he wouldn't recommend it being built back there because it would be likely to fail. Daniel Heil said I think for wastewater it is based on where the best soils are located and that is where the best soils are located.

Mr. York asked where the alley will come out to exactly. Daniel Heil indicated the location on the plan. Mr. King said it is straddling the property line. Daniel Heil agreed, saying this is where the 30' easement is located. He stated the easement extends over here, so it is on both of these parcels. Ms. Hamilton said back to Jeff's point, unless you can somehow eventually connect it, it seems that by doing this back alley you are creating a lot of gravel, impervious surface for no purpose. Ms. Sonnick noted the easement is 21', but the gravel is 12' wide. She discussed the lot, noting it is a really interesting lot to be included in the Character Based Zoning, saying it doesn't quite fit with these regulations. Daniel Heil said he couldn't find another parcel on the Character Based Zoning map that doesn't have frontage. Mr. King stated it anticipates subdividing large lots and creating these thoroughfares. He clarified this parcel is in the village, just after the end of the Commercial District. Ms. Sonnick stated it is in the Village Center District.

Ms. Hamilton said if you find out where that right of way is located, you could maybe get a variance to connect it eventually, noting it might go too close to the mound system. Mr. Flinn stated if they were to do that, you would still connect as an alley; you would have a 30' right of way, so you would have a 12' driveway and the separation from the mound might be possible. He said the reality is that the applicant has to find out if the right of way actually exists on that other lot. He said if it does,

then there is something to play with; if it doesn't, then there isn't. Ms. Sonnick stated it sounds like there is more work to be done before the next level of review.

Mr. King stated I think what I am hearing is that if that right of way exists, that would suggest that future use of that adjacent parcel might be a similar subdivision. He said if that is the case, it certainly makes sense to establish the right of way all the way to the edge of the property, so the rights of way could be made to match up. He said they don't presently, but they could be made to match up. Mr. King said even if the right of ways are defined for that eventuality, I still think it doesn't necessarily make sense to build out the gravel if it is not supposed to go anywhere at this time. He stated it is no different than considering where the future would be on the other lot, you don't need to build it now. He noted my recollection of the variance process is that it is the criteria are very difficult. Ms. Hamilton asked whether it changes at all for the Form-based Code. Ms. Sonnick responded no. Daniel Heil said usually a variance is a dimensional waiver. He said that is one of the reasons we thought the variance didn't really fit the language like a waiver would.

Mr. York asked whether normally the architectural details are required at final. Ms. Sonnick responded they are normally, but we haven't done this before. She discussed the applicable regulations. She stated I understand that is a lot of detail; it is a lot of money for them to spend and they do need to get a zoning permit, so it makes sense it could be done at a zoning permit. She said I am happy to continue to review the regulations to see if there is some way we can make that work, so they could be provided later. Ms. Sonnick and the DRB members discussed the matter further, including the sequencing of permits and the process. They also discussed how the zoning permit is issued under the rules.

Mr. York asked the applicant if they have more questions. Daniel Heil asked about the staffs' interpretation that the lots are not in conformance with the requirement to front a thoroughfare. He said I see what staff is saying because a thoroughfare is bisecting the lot, but it also states in Article 13, that wastewater should take precedence over Article 13. He said we have a wastewater system in the front of our lot; we believe that where we are proposing the thoroughfare is as close to the front of the lot as we are going to be able to get and we believe we are in compliance with Article 13. Daniel Heil stated we wanted to verify that with the DRB; basically, we are looking at the wastewater taking precedence over Article 13.

Ms. Sonnick stated that is not how I read that section you are quoting. She explained I think it means you have to comply with all of those things with the State, but it doesn't exempt you from the dimensional requirements. She said my suggestion, or something to think about, would be to make this septic lot its own lot; then these in my mind would be complying with the frontage requirement. She discussed the rationale for this approach. Ms. Hamilton clarified in that approach the third lot would be in common ownership of the two. Ms. Sonnick agreed. She and the DRB members discussed the possible approach further with the applicant.

Mr. King clarified we have been talking about configuring these lots off of the access alley in conformance with that, assuming that was the frontage; we are establishing new frontage by where the alley is placed. Ms. Sonnick agreed, saying in an ideal world, minus the septic, it would have gone here and your houses are here and the septic is behind. She said we tried to explore that, but the septic has to be here and that doesn't work. Daniel Heil discussed the matter further. Mr. King asked what is along the back line; is that the old railroad bed? Ms. Sonnick and Mr. King discussed which parcel it is located on.

Ms. Sonnick noted that this is the first time anyone has really worked through these regulations and while I think it is good to discuss these things, I think there is a lot more that needs to be worked out. She said it is possible that we could all come back, the applicant with my help, and make the proposal comply more. She stated I think we will work towards something that we feel more comfortable with together.

Mr. King suggested another idea of flipping the whole parcel around, so the thoroughfare is along there and in fact the wastewater is in the back; make that be the frontage and the houses are facing the exact opposite direction facing, not Route 15, but something else. Ms. Sonnick said that is an interesting thought; intuitively that makes some sense, but then these houses are turned away from Route 15, but complying with the regulations. Mr. King said it is not for us to say what you want to do with your property. He said we are all thinking about what is the best way to layout the lot to make it conform to the regulations; it would flip flop everything. He discussed the possibility further with those present. Daniel Heil stated that is something we could look into.

Ms. Sonnick said there was one question about the civic space being required. She said the way I read the regulations, it is not required; if you want to do it that would need to be approved in this process. Mr. King discussed an example with a nearby parcel. Ms. Sonnick stated you are welcome to provide it, but it is not required.

Public Comment

Mr. King explained the public comment process. He asked for any public comment and there was none. Mr. King closed the hearing. He urged the applicant to use the guidance and to continue to work with staff to develop the proposal. Daniel Heil said it was very helpful, thank you.

2. A request by DRB by Mr. Richard Bouffard for sketch plan review of a 9-lot, 8-unit planned unit development (PUD) with associated infrastructure. This parcel is 135.77 acres and is located off of 232 Barber Farm Road in the Agricultural Zoning District.

Applicant's Presentation

Peter Heil introduced himself from O'Leary Burke Civil Associates, noting that Dick Bouffard, the owner/applicant is here. He began the presentation, noting the following:

- This parcel is located at 232 Barber Farm Road.
- It is approximately 136 acres.
- We are proposing a nine-lot subdivision; one of the lots will be a shared open space lot.
- The other eight will be for single-family homes.
- It is located in the Agricultural Zoning District.
- We are proposing residential.
- Addressing the staff notes, as follows:
 - Previous activity, there is an existing wastewater permit. We believe it is for two single-family homes, but we are going to be getting a new permit for this project for the new homes. We will look to see what they did and maybe it makes sense to use it, but we will be investigating.
 - Where the good soils are on the parcel, we will be siting the systems, based on the locations of the homes.
 - As we are proposing greater than four lots this does trigger the need for a Planned Unit Development (PUD) and a major subdivision; we will meet all the standards for that. As

such, we are proposing the PUD requirements, not the conventional subdivision zoning requirements, so that is shown there.

- No waivers are being requested

Mr. York asked for an overview of the layout before going through the details. Peter Heil oriented people to the plan, noting various landmarks and roads. Mr. York asked if what is on there now are the existing homes. Peter Heil responded no, there are no existing homes. He said what is on there are potential locations for the single-family homes based on walking the site and what makes sense for views, privacy, and screening. He said the locations of the homes could potentially change based on where the good septic is located. Mr. York clarified those lot lines are proposed. Peter Heil agreed, saying that right now it is just one large, 136-acre parcel. He stated these lot lines are the proposed lot lines to subdivide it into nine lots, eight of which are going to be single-family homes. He indicated the locations of each lot on the plan.

Peter Heil said with Lot 1 and Lot 2, we are proposing a shared driveway directly off Barber Farm Road to serve Lots 1 and 2. He stated I will get into the dimensional requirements when I go through the staff notes. He said this road with a cul-de-sac would serve the rest of the lots. Peter Heil said it is our understanding that Jericho no longer takes over roads, but it would be built to public standards and would remain private within a 60' right of way. He said if it were ever the case, years down the road that Jericho decides to take over roads, we would meet the standards and it would be an easy transition; as of right now, it is proposed as a private right of way.

Peter Heil stated the driveways for the rest of the units would come off this road and/or cul-de-sac, indicating the locations. He discussed the locations of the homes and various trails in the area. He indicated the location of an existing logging road, saying it would probably be upgraded to serve this unit with an access easement across this lot to serve this unit. Peter Heil discussed the access to each lot and the easements further.

Mr. York asked if the rest of that land is unbuildable. Peter Heil responded that the rest of that is going to be preserved for open space. Mr. York asked about the one house up that is being located up there by itself. Peter Heil explained it is for site views, privacy, and it is a nice location for a house, noting it is a larger lot. Mr. King asked what the purpose of the open space is in this PUD. Peter Heil explained that PUDs are required to have open space in all districts, except the Village District. He said at least 50% of the parcel needs to be considered open space. He stated we are proposing almost 87 acres; approximately 64% of the parcel is going to be open space, so we do exceed the 50% requirement.

Peter Heil said the open space is intended to be shared, owned, controlled, and maintained in common between all of the lots for passive recreation and forest management. He noted there is some existing forest management on this parcel, but the open space would be just for passive recreation, trails, bird watching, etc. Mr. King asked about the present use in the area on the left of the parcel as we look at it here. Peter Heil responded there is no present use, based on these 10' contours, there is a pretty good slope that comes down here, but it is just an open field. He stated this house would have some pretty good views looking back this way toward the river and you can see portions of the Green Mountains and Adirondacks; right now it is just an open field. Mr. Flinn said it is part of the open space.

Peter Heil agreed, saying there is no existing use. He said the applicant has been doing some forest management, but other than that it is undeveloped piece of the parcel. Ms. Hamilton asked if there are some high tension wires going through here some place. Peter Heil indicated the location of the wires on the plan, noting they would show the utility easement. He continued the presentation, noting the following:

- Roads and access – We just went over the access. Staff does state we are proposing a new private road with a cul-de-sac at the end that six out of the eight houses would have access off this road; the other two being a shared driveway directly off Barber Farm Road. The existing frontage for the parcel is approximately 2,100'. The minimum required is 400' based on the staff notes, that is for however a conventional subdivision; as we are a PUD, we will be meeting the PUD road frontage which is 75', or 30' right of way. Most of the parcels do have direct frontage, discussing the frontage for each of the lots. The only lot without frontage would be Lot 1; however, this would be a 30' right of way, access easement to Lot 1, which would meet the PUD requirements.

Mr. King asked about the adjacent parcels north and east. He and Peter Heil discussed the adjacent parcels and the ownership. Ms. Sonnicks displayed the map. Mr. King discussed the adjacent parcels further. He said the reason I am asking is that one of the important purposes for the PUD process is the open space and protecting the contiguous open space. He stated I believe this is contiguous with those other two very large conserved spaces. Peter Heil agreed, saying the open part of the parcel would remain open space, remain forest; we are not proposing any clearcutting or anything. Mr. King asked about the location of the upper house with respect to the open space. Peter Heil indicated this location on the site plan. Mr. King and Peter Heil discussed the open space.

Mr. King explained it is important to note that because the purpose of the open space and the PUD requirement is exactly that, to conserve that sort of an area and concentrate the development along the road front leaving the big back lots contiguous and without the houses because it is such an important resource. He said it would be good to know what the management plans are on the adjacent lots and how they could dovetail with the plan that the new homeowners association would set up. He discussed the importance of the open space in a PUD and in the covenants in the legal documents. Mr. King stated in an approval, we usually ask the Town attorney to look at those covenants and make sure that they support the purpose and that is the reason for doing the PUD.

Peter Heil said that makes sense and we will be providing the legal documents. He addressed access, saying we do believe we meet all the PUD standard requirements for frontage. He said that brings it back to item 10.12.4 and no waivers are being requested. Mr. King said I noticed that there are a lot of very oddly shaped lots, so that you can reach frontage on the very short common road. Peter Heil noted the distances are not on the plans. Mr. King said my point is that it would be just as easy to make the shared road bigger and then you wouldn't have to have such weirdly shaped lots. Peter Heil and Mr. King discussed access and frontage.

Mr. King asked about the lay of the land, as far as the access goes, how steep would that second driveway be. Peter Heil stated the driveway, per the rules and regulations, a shared driveway, the minimum would have to be 12' wide for anything less than three. He said there is kind of an existing farm access here, forest access here, and there is a VAST trail which connects here which is greater than 12', so we would be upgrading that portion of it. He stated I should've mentioned in the beginning there is an existing access around here, directly across from Tarbox Road, we would be upgrading that. Peter Heil said for the steepness part, the maximum allowed grade for a shared

driveway is 15%, so we would have to look at the grades. Mr. King added also the stormwater management on it. Peter Heil agreed.

Mr. King stated we are going to need to see the stormwater design that supports the position of the roads. Peter Heil said with anything with steep grades what we typically do for stormwater management is that we would be putting most likely shallow roadside swales that lead to an open grass channel retention basin directly off the shallow swales from the driveway. He stated as the water sheets off the driveway on the steeper sections, we would be proposing stone check dams to slow the velocity to prevent any erosion happening on that road to kind of brace it more for larger storm events. He continued the presentation, noting the following:

- Section 11.4 – Lot Layout: Based on the allowable density, the parcel conventional subdivision allows for 10 acre lots. For PUD requirements you have to meet the density based on the conventional minimum lot size, so it would be approximately 10 maximum units. We are only proposing eight units, nine lots. We are under the theoretical maximum allowed density proposed.
- We do meet the minimum lot size for a PUD requirement. I believe the smallest lot size is 2.2 acres, this one down here.

Board Questions

Mr. Flinn said I assume when you make your submission that we are going to have the complete property shown because right now you are not showing the complete property. Peter Heil said that would be up to the surveyor. He stated on other parcels he has done parcel surveys; he would definitely do the survey at least up to this property line and it would be up to his discretion whether or not he feels the need to do a full boundary survey along this back one. He discussed a recent example of how the survey was handled without a complete survey. Peter Heil said I would assume it would be something similar, but I am not a licensed land surveyor.

Mr. Bouffard noted there was a complete survey of the property when it was subdivided from the Fay farm. Mr. Flinn said that would be good to have because it ties everything together and it is easier to read. He said it would also be nice to not have an aerial, so it is clean and we can read it. Peter Heil agreed, saying for preliminary we would have that. Mr. King stated it is useful to have both, but for sketch plan this is a good thing to do. Peter Heil agreed.

Mr. King asked whether there are any other issues the applicant wanted us to look at specifically. Peter Heil said there is some overlay districts, mostly on the open space parcel, which is recommended. He said it does look like it may get into the lot up here for the Natural Resource District. He said if that is the case, then we would be adjusting the building envelope to stop that. Mr. King said the building envelope is then part of the site plan to protect it.

Peter Heil stated all the other permits, we pretty much agree with. He said we are going to be required to get a State stormwater permit, a construction general permit, and a wastewater permit. He said we will have full designs of that at the next stage. Mr. Flinn asked whether it will require Act 250. Peter Heil responded we will not. Mr. Flinn asked if they will get some sort of statement. Peter Heil responded that as part of the wastewater permit, they issue a project review sheet. He said we will provide the legal documents. He stated as it is a relatively simple project, we would request a combined preliminary and final application if the DRB would allow; we want input on that. Mr. Flinn said I would rather see the application and the application is complete; make that judgement call at that time. Mr. King agreed, saying it might be possible to get the submittals to the point where

you are ready to do final and if the staff agrees, you will know that. He said if there are open issues where you need a determination on how to go, then that would be the reason to keep them separate; it depends on the application and whether there are any open issues. He, Mr. Flinn, and Peter Heil discussed the matter further.

Public Comment

Mr. King explained public comment. He asked for any public comment and there was none. Mr. King closed the hearing.

3. A request by Phylvin Acres LLC (Betty Keefe) for sketch plan review of a subdivision of existing 75.5 acres into two home sites. This parcel is located at 581 Browns Trace Road in the Agricultural, Forestry and Rural Residential Zoning Districts.

Applicant's Presentation

Mr. Grover introduced himself from Grover Engineering. Mr. King swore in members of the public who were not in attendance at the start of the meeting.

Mr. Grover began the presentation, noting the following:

- The proposal here is to add two and possibly three residential lots to this existing parcel.
- The parcel was previously subdivided, so this is a major subdivision.
- The proposal is to subdivide by adding this line, so the back lot of about 66 acres is formed and a front lot of about 9 ½ acres is formed.
- This parcel is in a number of districts, Rural Residential, Agricultural, and Forestry.
- We meet the dimensional requirements for the Rural Residential in this 9 ½ acre parcel and the desire is to break that into one lot and possibly a second lot.
- In the back there would only be one residence that would gain access from Milo White Road.

Mr. Flinn stated just so the applicant knows, you requested a two-lot subdivision, so if we are going to talk about a possibly three-lot subdivision, then we should make sure that we are all on the same page. Mr. Grover responded the only reason we wanted to bring up a third lot was to try to cover future development. He said I think part of the regulations do ask that you take that into consideration. He said we wanted to bring that into discussion at the sketch plan level anyway. Mr. King asked about the location of the third lot. Mr. Grover indicated the location, noting it is a lot that would have 200' of frontage on Browns Trace Road. He stated it would gain access off the same driveway. He stated it would require an easement for wastewater to this other lot.

Mr. Flinn said I guess when they come in for preliminary we will know whether it is a two-lot or three-lot. He discussed how the process flows and the importance of making a decision before preliminary. Mr. Grover asked the landowner if they can make a decision tonight. Mr. King clarified they don't have to make a decision tonight. Mr. Flinn said at the time of application it needs to be decided. Mr. King said what we need to talk about tonight is what would the lot lines be and what would the ramifications be in relation to the criteria we need to meet. Mr. Grover said it would be great if you can look at it as three at the sketch plan level.

Mr. King said that being the case, where are the three lots. Mr. Grover indicated the locations and oriented to the plan. Mr. King stated the reason this is a major subdivision, although it has been done piecemeal, it is actually one big parcel that has been subdivided in several pieces. He explained the regulations ask us to go back and look at the whole thing, not to reverse any of the previous

decisions, but the effect of all of it together is considered under the broader criteria; that is the reason why it is laid out that way.

Mr. Grover said the three lots: one off Milo White Road; and two others off Browns Trace Road. He said we are showing wetland buffers here, the wetlands were delineated and we GPSed their locations. Mr. King asked whether the brown area is the buffers. Mr. Grover agreed, saying we have not done any further surveying, so everything on the other maps is LIDAR contours. He stated there is a natural area overlay that would not be touched. He said there are some source protection areas from here south and from here north. Mr. Grover said we are generally staying out of this source protection area, except for the driveway, and even the wastewater system for that third lot would be out of that source protection area. Mr. York clarified both of those houses on Lots 2 and 3 would be outside of the source protection area.

Mr. Grover stated the proposed lot, the proposed house would be inside, the southern house. He said if you look on Sheet 3 you can see that. He said the proposed house on Lot 4, off Milo White Road, would also be in the Jericho Heights brown water system area. Mr. Grover addressed the access, saying there would be a shared driveway off Browns Trace Road for those two lots and there would be an individual driveway for the lot off Milo White Road. He said we think the driveways can be laid out at 4% grades or less, so we can use grass line swales along both sides of the drives and use grass swales to satisfy stormwater.

Mr. Grover said we have done test pits on the site, about 25 in the fall of 2015. He stated we found suitable soils for mound sites and we are showing those mound sites on this sketch, those are pretty firm sites for mounds. He said we will get a State wastewater permit. Mr. Grover said we don't anticipate needing a State stormwater permit and we doubt we would need a construction general permit because the disturbance would not be large enough.

Board Questions

Mr. King said Browns Trace Road is a Town road, not a State road, so road access permits would be our process, not the vTrans. Ms. Sonnicks agreed. Mr. Grover stated the water would be from individual wells. Mr. Flinn said when you come for next submission, having the bigger plans would be easier to read and present; that is a requirement. Mr. Grover agreed, saying we bring in full size. Mr. Flinn said it is a matter of getting the next submission.

Mr. King stated I have one question about the lot configuration, there is this funny narrow strip which we previously diagnosed as having been reserved as road frontage for the back section, back down to Browns Trace Road. He asked what do you propose to do in the reconfigured lots with that narrow strip. Ms. Keefe said the purpose of that strip was not for access, it was strictly to keep the property contiguous for tax assessment purposes and the tax stabilization contract. She stated it has been that way since I think 1976. Mr. King asked what will happen in the subdivision, where would the lot lines end up. Mr. Grover stated the panhandle will become one of the front lots, the southern one. Mr. King clarified that at this point is where you anticipate breaking that continuity that you have been preserving between those two lots to keep them as one parcel for the tax stabilization contract. Mr. Grover agreed.

Mr. York asked whether the location where you proposed the second house is too steep. Mr. Grover said the hope was to have a walkout basement in the back of that; taking advantage of that slope. He stated there are some quite steep slopes if you go northeast of there and we marked them; those

slopes would remain undisturbed. Mr. King said that is a good point, there are some steep slopes on the parcel and that is in the regulations to protect them. Mr. Grover said access should be pretty straightforward. Mr. King said because you have access on the Milo White side for the upper lot. Mr. Grover agreed, noting the other thing that is nice is you don't have to cross this drainage or this wetland because we are proposing to keep the house on the other side. Mr. King said on the downhill side of the wetland area. Mr. Grover said in general, we are trying to follow the form of development and keep it close to the Town roads, with open land in the back.

Ms. Keefe said the driveway on Milo White Road exists already; it would be a shared drive with a parcel located more southerly. Mr. King clarified the existing parcel in the center. Ms. Keefe agreed. Mr. York asked about the location of the other driveway. Mr. Grover indicated it on the plan. The DRB members and those present discussed the location of the shared driveway. Mr. King stated remind me, on the Milo White section, where that driveway is shown, there is that circle. He asked if that is the wellhead. Mr. Grover said Sheet 4 shows that; that is the well, a slight crest there, which makes for a round wellhead protection area and you don't see those every day.

Mr. York stated I think we would prefer to see them share the driveway. Mr. King said the regulations do ask to do that when you can. He said I think those diamond shape symbols are the test pits. Mr. Grover agreed. Mr. King said I see the septic designer has proposed that spot on top of those three pits, so that is where they found the soils they were looking for. He said to do that driveway, you would have to make that same dogleg, but then go alongside the mound and connect them. Mr. Grover agreed, indicating the route. Mr. King stated I think the regulations would prefer that over multiple curb cuts.

Mr. Grover said the question I have in my mind, is if you are serving two separate parcels, would the regulations still require that. Mr. King said I am not exactly sure. Mr. York said there is a limit on curb cuts per parcel. Mr. King agreed. Mr. Grover clarified even though it is not serving that parcel. Mr. King said I think that is what the regulations want; I don't think it is a big problem, although it is down the fall line, instead of along it. Mr. Grover stated the grade might be an issue. Mr. King discussed the process for a road access permit process. Mr. Flinn said I can look into it further.

Ms. Sonnick said it is an interesting thing that the driveway is not serving this parcel, but it is on the parcel. She said the regulations now leave a little bit of wiggle room, but the Planning Commission is changing those and they are draft and are sort of in effect right now, even though they are not approved. She stated they make it clear that you can only have one. Ms. Hamilton clarified only one curb cut per parcel. Mr. King said you are anticipating that might actually be in force before this application is submitted. Ms. Sonnick agreed. Mr. King said that is an important thing to know. The DRB members and those present discussed the matter further. Mr. York said essentially for that person to get to the rest of their land, they would have to go back out to the main road.

Mr. King said the present use of the rest of that 60+/- acre parcel; that house doesn't exist. Mr. Grover said no, it doesn't. Mr. King asked about the present use of that. He said that goes up very steeply to the top; asking if it is woods now. Betty agreed. Mr. King asked whether it is in a management plan. Ms. Keefe said no. Mr. King said I am wondering what the use will be and the access to it; the upper section of it does have frontage on Milo White Road, but it is encumbered by all the wetlands. Ms. Keefe stated it has an access road further up. Mr. Grover indicated the location on the plan.

Mr. King said we are essentially doing a re-look at the grand design; the details of resolving the things we brought up will come up. He asked whether they are doing preliminary and final combined or separately. Mr. Grover stated we hope to combine preliminary and final. Mr. King and Mr. Flinn discussed the considerations for combining or separating the hearings.

Public Comment

Mr. King opened public comment. Mr. Macklin asked about the number of lots if this does move into preliminary as just a two-lot subdivision. He said basically the three-lot proposal is another division of the 9 ½ acres. He asked if that would be possible to do in the future since it is 3-acre zoning. Mr. Macklin said if it is only submitted as a two-lot now, would it be possible in five years to submit again for another subdivision of that 9 ½ acres. Mr. York stated you don't know that the rules will be the same in five years. Mr. Flinn said yes, it is possible. Mr. Macklin clarified making that choice now doesn't preclude subdividing it in the future. Mr. Flinn responded no, it doesn't. He discussed an example of how the lots could be split now and could potentially be subdivided again.

Mr. King noted the configuration of the lots in the present subdivision should anticipate what that would be; knowing whether the arrangement and the access and the lay of the land would leave a subdividable lot or not. Mr. Flinn discussed other considerations that would need to be addressed if they have sufficient size; you may have size, but may not have buildable land. Mr. King added the rules may be different. He discussed the time threshold for another subdivision that would essentially reopen these as a major subdivision and the implications of that.

Mr. Macklin asked about the notification period before preliminary and final. Mr. Flinn responded the notification occurs two weeks before the hearing; depending on the notification, it could be preliminary and final combined or separately. Mr. Macklin, Mr. King, and Mr. Flinn discussed the notification process and timing. Mr. Macklin asked about the building envelopes as shown there, asking if there are limitations in size of the building envelopes. He said they are shown here as a relatively small size, wondering if they could also be shown to the limits of what they could be. Mr. King stated there are two different terms, what you are seeing here is a proposed house site. He said a building envelope is the whole are of the lot that could have the house on it by all the setbacks where the house could be located. He discussed what is required for the various submittals.

Mr. King closed the hearing.

4. Approve minutes from June 9, 2016.

On a motion by Ms. Hamilton, seconded by Mr. York, the DRB unanimously approved the minutes from June 9, 2016 as written.

The Development Review Board entered deliberative session at 9:02 p.m.

The Development Review Board adjourned at 9:30 p.m.