Town of Jericho
Development Review Board
Jericho Town Hall
Thursday, July 14, 2016
Minutes
Approved July 28, 2016

Members Present:	Barry King, Jeff York, Stephanie Hamilton, Joe Flynn, Bruce Jacobs
Members Absent:	None
Guests:	Chris Flinn (Zoning Administrator), Larry Young, John Richardson, Robert Schermer, Terence Hook, Andrea Hook, Julia Myers, Scott Burt, Stuart Alexander, Andy Grab, Jennifer Borch, Renee Hagerty, Larry Hagerty, Chris Marcus, John Heselton, Alicia McKitte, Jamie Bullivant, Clint Calderwood

MEETING AGENDA

- A request to the DRB by John Richardson for sketch plan review of a 2-lot subdivision. This parcel is located at 6 Barber Farm Road in the Village Center and Agriculture Zoning Districts.
- A request to the DRB by Jennifer Borch for final subdivision review of a 2-lot PUD on a 2.5-acre parcel. This parcel is located at 45 Packard Road in the Village Zoning District.
- A request to the DRB by Clint Calderwood for site plan and conditional use approval of a 4,320 square foot warehouse structure. This parcel is located at 95 Cilley Hill Road in the Agriculture Zoning District.
- Approve minutes from June 23, 2016.

Mr. King called the public meeting to order at 7:01 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 7:06 p.m.

1. A request to the DRB by John Richardson for sketch plan review of a 2-lot subdivision. This parcel is located at 6 Barber Farm Road in the Village Center and Agriculture Zoning Districts.

Applicant's Presentation

Mr. Richardson said basically it is a subdivision of 10 acres. He indicated the location of his house, saying it is a total of 17 acres and it will split off 10 acres in front of Old Varney Road. Mr. King asked what zone this is in. Mr. Flinn responded it is in two zones, noting the new lot will be in the Agricultural Zone. He added the house is located in the Agricultural Zone; the line that bisects right through the middle of the image is the zone line; the Village Center on the left side and the right side is the Agricultural Zone. Mr. King asked if there was anything else the applicant wanted to explain, suggesting it might be helpful if he oriented everyone to the plan. Mr. Richardson indicated the location of Barber Farm Road, his driveway, the proposed house site and access off the Old Varney Road. Those present discussed the area further in an effort to orient to the plan. Mr. Young noted the location of the Varney Road right of way on the plan.

Board Questions

Mr. Flynn asked Larry if that is the limit of the changeover from Class 3 to Class 4. Mr. Young agreed it is. Mr. Flynn clarified it is along the property line. Mr. Young responded that is where he thinks the trucks turn around, but it is the end of the road for his driveway. He stated beyond that is a washed out old roadway. Mr. Flynn asked whether they would be upgrading that. Mr. Young responded yes, John has met with the Selectboard and they said he could use it, but he is going to have to build it up for sure; there is not a lot there right now.

Mr. Flynn said I noticed it is about a 15% grade right now from that driveway to that house. He said the contours don't offer you much in regards to changing the location; how are you going to get that grade down. Mr. Young asked to what. Mr. Flynn responded to get in there. Mr. Young stated 15% is still in the Town regulations; or has that changed. Mr. Flynn said isn't it a certain length of only 15%. Mr. Flinn said he would need to look it up. Mr. Young said he thinks it is, but he knows the fire department will fight for 10%; it is sketch plan at this point.

Mr. Flynn said you do feel that you can do earth movings, switchbacks, or something to make that work. Mr. Young agreed, it just gets longer and more expensive. He stated Doug, from my office, has looked at soils and that is what this square is up here, his take on where the septic and drilled well could be located. He said he is not sure where John's septic is located now. Mr. Richardson stated it is down in front of my house. Mr. King clarified downhill of it. He said the other thing I was thinking about is the steep slopes are all, by virtue of being steep slopes, in an Overlay District. He said I see you have the building envelope outside of that steep slope and that is required. Mr. King stated you cannot be on the steep part of that slope. He said you are encroaching on it and the regulations protect the steep slope as part of the Overlay District. He said the building envelope shown there is large enough that you can probably move out of it.

Mr. King asked if the applicant could talk more about the configuration of the lot and the lot lines; why they are where they are. Mr. Young responded I think he is just trying to keep the 10 acres because part of it is in the 10-acre zone. He said he just wants to get a lot out of this and take advantage of the ¼ or ½ acre zone, whatever it is in the Village. He stated he wants to keep the one house there and nothing else.

Mr. Flynn asked where is the wall on the existing house. Mr. Richardson indicated the location, saying it is where the driveway turns around. Mr. Flynn said it is downhill of the septic. Mr. Young stated those things all have to be worked out; I don't think anyone from the State has been out there yet. Mr. Flynn clarified they still need to work out the isolation distances. Mr. Young agreed. He said we are looking for your comments and issues.

Mr. King asked are the utilities down on Varney Road; do you know what you are going to do there. Mr. Young said I believe the utilities go right down to the turnaround. Mr. King said okay, there are utilities down to Varney Road and you could go from there. Mr. Young said they could also go from John's house, with easements or right of way; they could be extended. He stated we have to look into which way to do it. Mr. Flynn asked if there is overhead power up to the existing house right now. Mr. Richardson responded it is underground. Mr. King said it drops down from Browns Trace Road I think. Mr. Richardson agreed. Mr. Young said on the driveway, this is just sketch, we used LIDAR contours; we haven't surveyed the whole piece yet. He said the elevation change is certain.

Mr. Flynn asked Chris if they meet the frontage requirements and everything; on Varney Road is it sufficient. Mr. Flinn responded yes. Mr. King clarified the status of Varney Road at that point is Class 4. Mr. Young agreed. Mr. Flynn stated they do show, from the intersection of where Jericho Country Store is located, 0.6 mile from that intersection down is where the Class 3 to 4 change is; whatever that distance is. He said it is right near that bend.

Mr. King stated you said you have had a discussion with the Selectboard about the status of the road. Mr. Young clarified not the status, whether he could use it as a driveway or not. He said I don't think they would want to upgrade the whole road because that would be more maintenance for them; and he would want to just use it for a driveway since it is less costly for him. Mr. King said in the event that the Town decided to upgrade that road from Class 4 to Class 3 or even Class 2; we are going to need to know that the driveway configuration and the lot as it is conveyed doesn't preclude that. He said the way you have it laid out here, I think that would be okay, but that is a concern anyway; it is still the Town's right to build it back out in the right of way, in the unlikely event that occurs.

Mr. Young asked if they are putting a recreation path through there. Mr. King said there are no plans that I know of to throw up that right of way, so it will remain a public right of way. Mr. Young agreed. Mr. Flynn asked if that is the parcel that Westall's tore the house down on. Mr. Richardson responded yes. Those present discussed the location. Mr. York stated if he accesses that right of way, how do people on the other side continue to have access to it. Mr. King asked which right of way, the road. Mr. York said the road. Mr. Young said it will still be in the public right of way. Mr. Flynn stated I do believe if he upgrades that road, it will still be for public use because it is a Town road. Mr. Young agreed. Mr. Flinn said it will have to be upgraded to meet the needs of the fire department, so that will need to be addressed. He said it will still be open to the public and that lot will have use of it in that area.

Mr. Flynn said if Mr. Knealand wanted to access, he might have the opportunity. Mr. Flinn responded that he would probably have to talk to Doug to see if he could get a curb cut there; whether that would require further upgrade would need to be discussed, but that is all guessing right now. Mr. King said even though the road is not an improved road, it does require a road access permit to go onto the right of way. Mr. Flinn said the only thing they will need to do, in my opinion, is to develop a road profile; the fire department will need to look at it; Doug will need to look at it; and those types of things. He said I would assume when they look at that they will take that into consideration; not just that accessing that one lot, but that it is a public right of way. Mr. Young said that is what we are looking for, who we need to talk to and what we need to look at.

Mr. King asked Chris if he had anything he wanted to ask about or get testimony on tonight. Mr. Flinn reiterated the applicant should talk with the fire department and the street superintendent to be sure to address the slope issues with the driveway. He said they can propose a building envelope, which will help when you go to sell it to identify the area where the house will be built. He stated obviously the sewer will be located and preliminary design will be done; those are all things that have to be done and they will be helpful in determining the final plat.

Mr. Jacobs said I have a question regarding Section 5.7 of our rules, in the Agriculture District, a subdivision requires 400' of road frontage. Mr. King asked what the road frontage is. Mr. Flinn stated it is 205'; it doesn't have the frontage. Mr. Flynn asked what it is in the Village Center. Mr. Jacobs said in the Village it is 120'. Mr. Young stated there is no way we are going to get any more without buying property. Mr. Flinn said there is criteria for a dimensional waiver that they could

request and the Board could review. Mr. King agreed, saying the criteria for a waiver are pretty strict. The DRB members, Mr. Flinn, and the applicants discussed the matter further.

Mr. Flynn asked whether Agriculture rules in this case. Mr. King responded yes, saying it is the more restrictive. Mr. Flinn agreed, noting that is where the house and primary access are located. Mr. King said I am not sure that is true; that is a good question. Mr. Flinn suggested the applicant could come in to discuss the matter further; rather than trying to decide a design tonight. Mr. King agreed, saying coming out of tonight, the issue is whether the road frontage on Varney Road is adequate to meet the regulations on this parcel, given that it straddles across the two zones. The DRB members discussed which zones the lot is located in and where the road frontage is located. They also discussed with the applicant which rules apply and how they could make the frontage comply.

Ms. Hamilton asked were you thinking of subdividing it this way to give both houses more space and not locate them side by side on Browns Trace. Mr. Young said that is correct, noting on Browns Trace it is wetter and steeper; saying it would be in a similar situation as the Westall's place. Mr. King said if you were to draw the Overlay Districts on this map you would see what the problem was.

Public Comment

Mr. King explained the public comment process, asking if anyone would like to comment. Mr. Hook, speaking as a Board member for the Jericho Center Cemetery Association, clarified the location of the Cemetery property on the plan. He stated the Cemetery will abutt the new lot, which is what he wanted to verify for certain. He asked what is this feature on there. Mr. Young responded that is a creek.

Mr. Schermer asked if that would be accessed from Schillhammer Road ultimately to get to that horseshoe barn. Mr. Young agreed, that is the only way in. Mr. King closed public comment.

2. A request to the DRB by Jennifer Borch for final subdivision review of a 2-lot PUD on a 2.5-acre parcel. This parcel is located at 45 Packard Road in the Village Zoning District.

Applicant's Presentation

Ms. Borch stated I have a 2.5-acre lot on Packard Road; indicating the location of her current home. She said we are proposing a subdivision which would be a 1-acre lot off to this side with a shared driveway, off my current drive with a house site back here somewhere in the shaded area. Mr. Grab stated he was here at the sketch review, offering to shed some light on some things. Mr. King clarified Andy is the co-applicant. Ms. Borch agreed. Mr. Grab said the road frontage up here at the sketch review did not meet the 120' Village requirement, so we talked about different things and came up with the idea of a PUD (Planned Unit Development). He said we will have a shared driveway and keep the safety the same is it is now. He said it wouldn't change the streetscape at all.

Mr. Grab said as part of the PUD the 25% protected area is required, which is this shaded area here. He said it will protect the streetscape with all of the maples, indicating the location of some very large maples and black walnuts. He noted the location of the Water District, saying it would increase the buffer. He also noted the location of a very old stone wall. Mr. Grab stated the old barn faces this way and the idea was to keep the barn with this property here and this newer barn back here, a horse barn, would be kept with this property. He said the subdivision line was put behind this barn over here.

Board Questions

Mr. Flynn asked about the setbacks, saying the shed barn on the northeast corner of Lot 1 is in the setback right now. He stated we are creating a lot now that has a structure within a setback. He asked if there is any way to possibly correct that. Mr. Grab asked creating a structure. Mr. Flynn responded there is already a structure; you have a new property line. Mr. Grab asked which one. Mr. Flynn clarified which one, saying you have a structure within the 10' side yard setback. He asked if you can make an adjustment in the property line so the structure is outside of the setback. Mr. Young responded we could put a little dog in that line and keep the same acreage.

Mr. Flynn said I thought I saw some notes that something is being torn down. He asked if that is the other one. Mr. King said it is along the west. Mr. Grab stated it is kind of old. Mr. Flynn said that is my other question, there is another structure. Mr. Flinn stated I was onsite and that building is in a total state of disrepair. Mr. Flynn clarified that is going to go away; also the shed barn, when you originally come in, scaling off the plan, that one looks like it is in the buffer also; going onto Lot 1. He said it is a fat line, but I am scaling around 8', so again we have a structure in the setback. He said I don't know if you can push the line. Mr. Young said we can put a dog in that line.

Mr. Flinn said see the arrow, that is 20', and the front yard setback is 20'. He stated the side yard here, this is actually 10' and the setback is 15', so this can jog over accordingly. He said that would bring that building into compliance. Mr. Flynn said you can't do anything about the front on that one. Mr. Flinn agreed, saying it is a non-conforming structure. Mr. Flynn clarified it is non-conforming to the front yard setback, but not to the new side one that we are creating. Mr. Young agreed. Mr. Flynn clarified we can adjust the side. He said the other question is the proposed leach field area, has that been permitted. Mr. Young responded not yet, we provided the soil information to the State, but it has not been permitted yet.

Mr. York asked if that upper left existing house is actually on the other property today. Mr. Flinn clarified which one. Mr. Young stated there is a really rough shed on the house and a little bit of the tin hangs over. He said the boat and the camper are gone; those were there before, but they are not there anymore, the neighbor has moved those. Mr. Flynn asked if the applicant is fine with the encroachment. Mr. Grab said we talked about it and told the neighbor we are going through this process, so we would like you to move the trailer because it is on the property line and make sure the shed itself is boarded up. He said we told them we are not concerned about it because it has been there for a while, but to make sure the parking is limited.

Mr. King clarified that is non-conforming now with respect to his side yard setback to your existing property line. Mr. Flinn said maybe in actual reality this shed building was built without a permit and it could be a zoning violation that needs to be looked at. Mr. King stated I understand, but this proposal does not change the conditions on that line with respect to the other house and its placement with respect to its property line. He said this doesn't help or hurt it. Mr. Grab stated there is a buffer zone here now for the cabin space. Mr. King agreed.

Mr. King asked about the purpose of the PUD is and what the purpose of the protected land is in this application. He stated the regulations talk about what those purposes might be. He said it is important to make it clear what the purpose is and then the legals that come along with that, which encumber that in some way have to back up that purpose; we talked about that at sketch review. Mr. King asked the applicant to tell us what the purpose are and what the covenants will be.

Mr. Grab responded the main purpose of this is to preserve the streetscape and increase the buffer for the Water District. He said he brought in pictures of the streetscape to share. Mr. King said as part of this subdivision, because of that protected area, the protection comes in the form of some covenants that will be filed along with the deeds. Mr. Grab agreed. Mr. King asked him to tell us what those legals will look like; what the permitted uses are in that space and what is not. Mr. Grab responded it is just the existing use. He said my understanding from sketch review was that we could keep gardening it, mowing it, but we can't really build on it. He stated I may be wrong, but I thought they said you could even have a septic there; though I don't think the septic needs to be there.

Mr. Flinn stated septic is allowed. He noted the Town attorney did review the draft of the legals that were provided and their comments are reflected in the staff notes. He said there was an issue with a little clarity with regards to the pedestrian easement that was proposed. Mr. Flinn said I don't know that there has been any discussion with the Town about whether we want it, if it is important to have, or where that goes. He said there needs to be a little clarity on that. He stated from the staff's standpoint, staff wouldn't recommend a sidewalk in that area because it would impact the streetscape; but then again if we want a sidewalk in 50 years, it is good to get the easement now.

Mr. King asked about the status of this piece of Packard Road as far as that long-term plan. He stated there is a Transportation Plan, but I am not sure what the layout is; I know that there is accesses further down toward the Route 15 end. Mr. Flinn responded staff couldn't address that; I am not familiar with that plan. Mr. Grab said you come up off Route 15 and transition right to the dirt almost at the edge of the property; that is where it starts. He stated other roads are off to the side. He discussed the other properties nearby. Mr. Young stated the property line is the transition from pavement to dirt.

Mr. Flinn clarified the location of the open space near the subject property. Mr. Grab agreed. Mr. Flinn said there is quite a large open space and they are abutting each other, so you end up doing a good job preserving the streetscape and you essentially end up creating a little residential island. Mr. Grab said the way the building envelope is situated, it is kind of tucked back here and you would not even see it from the road. He stated there is pretty heavy vegetation, as well as the big trees. Mr. Young said those trees are old enough that probably 50 years from now they may not be around. Mr. Flinn said don't say that.

Mr. King said one of the questions I had about the legals and the purpose of the open space area is with respect to the trees and the tree maintenance; the whole point of it is to try to maintain that streetscape. He stated as you said there are some traditional uses there; there is gardening and there is mowed area which includes the area where the septic system is now. He said that all seems compatible with the purpose. Mr. Jacobs clarified the location of the existing septic. Mr. Grab indicated the location of the existing septic and the backup, noting the mowed area and the location of the trees. Mr. Young also discussed the existing condition of the property.

Ms. Hamilton clarified whether the shed and the barn on Lot 1 are in the common space, but will only be used by the existing house. Mr. Grab agreed. Mr. Flynn asked whether the legals will accommodate that. Mr. Flinn stated there is nothing in the regulations that stipulates that a structure shouldn't be in there, but it doesn't state that it should be allowed in there, so it is a little bit of a grey area. He said the attorney commented that it would probably be recommended, as a condition of the approval, that we deal with whether it is upkeep and maintenance; or that when it gets to a certain state of deterioration that it is removed. He stated that is something the Board can contemplate, but

right now there is nothing that says the structure cannot be there. Mr. Flinn said regarding gardening, there is nothing that says gardening cannot be in there. He noted gardening may be different things to different people, so it might be worth clarifying the limits of gardening in the open space.

Mr. Flynn clarified the barn/shed will be exclusive to Lot 1. Mr. King stated it is on Lot 1. Mr. Flynn said it is on Lot 1, so although it is in the protected space that Lot 2 can also use, correct. Mr. Grab said it is my understanding is it will be a public space. Mr. King stated it depends on how the legals are written; that is what we are asking you, what do you anticipate the legals to say. Mr. Grab responded we could put in there that barn can only be maintained. Mr. Flynn said the maintenance should only fall upon the owners of Lot 1. He stated that is my concern; although part of it may lay in the protected area that is subject to Lots 1 and 2.

Mr. King stated let's clarify, do you anticipate that the area that is protected is in shared ownership, or that it is protected in both places. He said that is really the question; there is not a third lot anticipated. Mr. Grab said no. Mr. King clarified there is Lot 1, which is owned by Lot 1; Lot 2 that is owned by Lot 2; and both of them have areas on them that are protected as part of this new subdivision plan. He said you have essentially encumbered part of Lot 1 and encumbered part of Lot 2 with similar covenants. Mr. Grab agreed.

Mr. King said that is what I am trying to drive at is what do those say about the future use of that protected area with respect to what Lot 1 is doing with their protected area and to what Lot 2 is doing with their protected area; that has got to be clear and there is going to be conditions if this is approved on what those uses can be, that is the whole point. Mr. Grab stated I understand; my understanding is that both owners basically acknowledge that they can never do anything with that piece of the property. Mr. King said then the question becomes what do we mean legally and precisely about "can't be do anything with it". He discussed some examples.

Mr. King said the questions that came up were what the long-term status of the barn is, which I think is clear in the legals. He stated what maybe is not so clear is what maintenance should and can be done on the streetscape itself; what you can do with the trees and what you can't, and so on. He said that is so the purpose of the protected space is clear and the legals need to support that. Mr. King asked if that makes sense, saying that is what the conditions are going to say. Mr. Grab said it does, but as far as the specifics go I am not sure who we go to for the specific wording. Mr. Young suggested between his attorney and the Town attorney. Mr. King explained how it is typically addressed with conditions.

Mr. Grab stated I think what was submitted meets the regulations and it did talk about maintenance. Mr. Flynn said it doesn't really address the structure. Mr. Grab asked if everything else in there is okay. Mr. Flynn responded that it seems to be okay. Mr. King agreed, saying I don't think there were any other open issues in the rest of the legals. He stated it was mostly the structure, noting the other thing I didn't see was about the maintenance of the trees and whether in the future they can take trees down, or if they need to replace them if they die, any of that stuff. He said I am not sure how formal it needs to be. Mr. King stated the purpose, what we are trying to do is make sure that it is legally required to do the purpose that it is set aside for. He discussed examples of what is clear.

Mr. Young asked what are your requirements; what do you want to see. Mr. King said that is what we are saying, that we are trying to preserve the streetscape and protect that area that is back in the River Overlay District. Mr. Flinn said that is protected. Mr. King agreed, saying I think the Town's

attorney has already reviewed that language and that is okay. He stated the conditions will probably say that then; that the legals support that purpose. He said I think the only thing that was still open as of tonight was the question about the other traditional uses and I didn't see anything in there about maintaining the streetscape and the trees there.

Mr. King said typically there could be wording about only cutting dead, down, or diseased trees, and so on. He said there are some pretty standard things that we do in a woodland protection situation, which I think would be appropriate here. Mr. Grab stated I have no idea what to put in here; I understand the barn. Mr. King said I think that is already covered. Mr. Flinn said it needs to be better detailed. Mr. Grab said as far as the details, we can do that.

Mr. King said from an approval standpoint, I think we are okay because we understand what the conditions are, what they say, and that it is just a question of tightening up the wording on those couple of things. He said the Town attorney can review that and we will just condition that the Town attorney says that it meets the purpose. Mr. Flinn stated there is going to be language within the document you provided that will talk about maintenance of the streetscape and the trees. Mr. Grab asked if your attorney can provide some guidance on what should be in there. Mr. Flinn responded no, explaining because you are the applicant, it is really not up to us; it is really up to the applicant to provide the language and for us to react, as opposed to us doing it for you.

Mr. King agreed, saying the conditions will be perfectly clear as to what is required and they are the things that we have already talked about. Mr. Grab said I need some guidance on what to put in. Mr. Flinn said it will be life safety issues and things that are healthy. He discussed an example. Mr. Grab asked if the Town has a list of things that you can't do in a protected area. Mr. King responded no because the protected area might have different purposes; the point is you are establishing one. Mr. Flinn offered to check with Katherine to see if there is guiding language that the Town has or has used in the past and see if we can provide that; I don't know of any off the top of my head, but I can look into it. He discussed other possible resources for language.

Mr. King said let's go back and address the procedural issue; we are here to do this subdivision approval. He stated assuming it is approved, there will be conditions and the conditions that we write will essentially say that you have to do the things that you have said you are doing as the purpose of that protected land; protect the streetscape and protect the overlay. He explained then it is up to you to provide legal documents that meet those conditions and it is not a question of iterating with us; if it is approved, you will have an approval with conditions; if you meet the conditions, we are done. Mr. King said as long as you are clear that there will be conditions about protecting the streetscape and the things that we have already talked about, then coming up with the precise legal language doesn't have to be iterative; there is boilerplate language that your attorney should be able to get. He said I don't think it is difficult.

Mr. Grab stated the two things, if I am hearing correctly, are that: 1) we have to have some type of statement on the limitations and constraints on what can and cannot be done with this building and maintenance, noting examples. Mr. King agreed, saying it would probably say it can't be expanded, but it can be maintained in its present us, or something to that effect. Mr. Grab agreed, saying the other is that we have to define what protection means for this whole corridor and basically these two landowners live with these constraints that we define the protection to be. Mr. King agreed. Mr. Flynn stated Section 2.2 of this it talks about the protective easements and so on, reading from the section and discussing examples.

Mr. Young asked how that will be covered. Mr. Flinn responded it will be a condition of the approval. Mr. Flynn said we are not going to decide that now. Mr. King stated that is why it is important to get the legal wording clear. The DRB members discussed the importance of the wording supporting the purpose of the open space and detailing the deciding factors. Mr. Flinn said the only other thing I would like to add within amending the verbiage is because you talk of gardening, why don't we say residential style gardening. Mr. Grab said we could even take it out because there is a lot of space to garden outside of that area. Mr. Flinn said you were gardening there previously, but it is just a question of how much gardening is gardening; I don't know.

Mr. York asked what is the status of the land below. Mr. Flinn clarified the location, saying that is open space. Mr. King stated my understanding is you are saying it is part of the common area of the Black Walnut PUD. He said it is the common open space lot of that subdivision; it abuts both sides, right. The DRB members and the applicant discussed the location and size of the neighboring open space area.

Mr. Grab said the other thing we need to do is adjust the lot line here and here. Mr. King agreed, saying so we are not creating a property line that doesn't meet the setbacks. He said I don't think we need to continue to do that; I think we can do that as a condition that final plat meet those setbacks. Mr. Grab asked what the setbacks are. Mr. Flinn responded it is 15' in the Village. Mr. Grab clarified whether that is the side yard setback. Mr. Flinn agreed.

Mr. King asked Chris if he had anything else he wanted to cover. Mr. Flinn said my only recommendation would be to continue the hearing and let him get all of his documentation in and approve it that way; or if you don't want to do that, you could deliberate and make conditions and make a decision as you see fit. Mr. Grab asked if this is a typo here about the setbacks. Mr. Flinn asked are you in the Village District or the Village Center District. Mr. Grab responded I think in the Village District. Mr. Flinn said if you are in the Village District the side is 15' and the front is 25'.

Mr. King said this isn't correct then. Mr. Flinn said no. Mr. King stated this is a PUD though. Mr. Flinn apologized, saying he was looking at the wrong thing. Mr. King said a PUD in the village zone. Mr. Flinn stated it is 10' side and 15' in the front, my apologies. Mr. King said okay, the drawing is correct then. He stated there will be a condition that the lot line meets the setback requirements, so you will have to get someone who is qualified to measure that.

Public Comment

Mr. King explained the public comment process, asking if anyone would like to comment. There was none. Mr. King closed public comment. He said there was a suggestion by staff that one of the ways we could handle this is to continue until we have an updated proposal; the other way we can deal with this to make sure the conditions are clear is to deliberate and if we decide to approve, we could approve it with conditions. He asked the DRB members how they would like to proceed. The DRB members and Mr. Flinn discussed the matter further, including input from the applicant.

Mr. King closed the hearing. He stated the applicant would receive a decision within 45 days, noting it is usually sooner.

3. **A request to the DRB by Clint Calderwood for site plan and conditional use approval of a 4,320 square foot warehouse structure. This parcel is located at 95 Cilley Hill Road in the Agriculture Zoning District.**

Applicant's Presentation

Mr. Calderwood said he would go down through the conditional use as written and answer questions. Mr. Flinn said this is just initial information that Clint provided that talks to the staff notes; if need be, he is going to cover it during the presentation. Mr. Calderwood began the presentation, noting the following:

- We are currently requesting approval to build a 40' by 108' barn for storage purposes on the side portion of our 2.02-acre property at 95 Cilley Hill Road.
- Currently our property has a conditional adaptive use permit for the existing 40' by 170' chicken coop building that is used as a storage facility and would continue to be used accordingly.
- We would like to apply for separate conditional use permit under Section 4.3 table, under 4.2 warehousing for this new structure.
- The proposed structure will be used for personal, as well as business storage; we will use this building to provide additional long-term seasonal storage for cars, trucks, boats, and equipment.
- We have been providing automotive storage since 2006 when we bought the barn under the conditional adaptive use permit obtained by the previous owner, Jay Austin, in May 2000.
- Going through the conditional use requirements:
    - Impact on Town Facilities: We have no water or sewer and will not be adding it to this property in the application; there will be no impact to schools.
    - We will still be using the same curb cut from Cilley Hill Road, where we come in there. That will not change.
    - The storage facility will have limited impact on traffic; we will touch on that a little bit later.
    - Per the letter received from the Fire Department, there will be no undue burden placed on the Fire Department. In addition, with this letter, per the Fire Department's request, if approved we will install a fire alarm panel with heat sensing wire to serve the new building with additional protection. This fire alarm panel would notify a 24-hour alarm monitoring service company by a land line; Jericho Fire Department would be notified by the alarm monitoring service.
    - Character of Area: No new nuisance or hazard is created with this proposed use. We would not store hazardous materials or other items that would be harmful to the community. We will remain within compliance with all Town regulations; specifically, we will have no more than three unregistered vehicles outside on the property, per Town rules.
    - The proposed building will be compatible with the stated purpose of the zoning district.
    - The new building will be a high quality steel barn structure manufactured by Worldwide Steel Buildings. The roof would be galvanized to match the existing roof on the old barn. The siding would be red, and the trim would be white. We would pay a premium to get a 4:12 pitch, cupolas, and a 12" overhang all around for aesthetic reasons. We would have a white roll up door in the front, a person door, and divided pane windows to match the character of the existing old barn.
    - Additional Review Standards: There was a question under 10.9.4.3 regarding our proximity to the wetland and River District. The property is adjacent to the property and the river wetland area.
    - We are not storing hazardous materials on the premises.
    - The land closest to the pond area will remain natural field, which is up here; indicating the location. Our nearest building is 315' from the pond. The proposed building would be 383' from the pond. The proposed parking area, we will get back to that, is 550' from the pond. We believe the hatched overlay shown on the drawing provided by Chris Flinn is

approximately 210'. Our nearest existing building is here and the proposed building will be here, with the proposed temporary parking here.

Mr. Flinn displayed the overlay, noting the locations of the wetland, the overlay, and the zoning. He said what we show here, the wetland area, this is the Wetland Overlay District and the corner of the property is approximately in this area.

Mr. Calderwood continued the presentation, noting the following:

- We are stating this area will remain as is; we are not going to touch that.
- Site Plan:
    - Curb Cut: We are going to be using will be our existing curb cut. There will be a grass and dirt driveway; we will not be changing this under this application. The Town has recommended we cut down bushes near the mailbox to improve line of site and to comply with the dimensional requirements; we will perform those actions.
    - Traffic: We have estimated total traffic to our property is currently 301 trips per year. Our estimated traffic with the addition of the new building will be 426 trips per year. Our winter storage season is October through April. When cars arrive in the fall, it is usually in amounts of one to eight on a given day. Cars go into the barn immediately after they arrive. Cars are moved out the end of the season. We try to schedule as many cars as possible for pickup for a particular day. Occasionally one to four will be outside in April over the course of a few days waiting to be picked up. Currently we have cars out here in front, and what we are proposing is that we would have this fence here, this 6' fence. It is an existing fence we would be relocating and reconfiguring. We would use this space out of the public view in here for parking.
    - Parking: We have shown eight spots there. They are 10' by 20', with a 28' aisle. We are not proposing a handicapped spot. We don't have any employees; basically we have people drop off cars outside and we move them outside when people come get them. The existing fence is 6' tall. The fence will be going up through here and any new fence would be the same height and it would match the style of the existing fence.
    - Outdoor Storage and Display: We have no plans for any signage at this time. We only have temporary cars parked outside the barn in the area discussed for two to three days and this will be shielded from public view by the fence.
    - Outdoor Lighting: We have a light here proposed, motion sensor; 10' high, pointing down. There would be underground electrical service brought in from the old barn to the new barn for lighting in the new space.
    - In addition, there were some concerns with stormwater, which we have addressed with this design. What we have done is we had a stormwater design based on the requirements of the Vermont Stormwater Manual of 2002. So, 1.13.1 requests a design to meet the 25-year storm. We have designed a dry retention pond, sized based on the 100-year. It is kind of important for this lot because it is flat; as you see there is only one grade line on here, everything is within a foot or two. Probably the lowest point on the property is this location and we have had water into the barn because it is the low point.
    - We have the proposed barn here, set 40' off the property line. I think it is 167' from the front road. What we are proposing is a grass channel on each side that has a 0.5% slope, noting the highest point, the lowest point, and the dry retention pond locations. This will be all grass and the details of the grass channel are here, with the required widths and the required slopes. This shows the building, the slope down to the channel, and the slope

out. What we have done here is, this line here is hard to see, but there is a berm and that berm will separate our property from Downer Lane; that berm will be 6" higher.

Mr. Flinn stated it is shown in this cross-section here; it shows the barn and to the right is Downer Lane. Mr. Calderwood continued, noting the following:

- That berm would prevent, Downer Lane is pretty flat and there is no ditch, that will prevent stormwater from coming off the road, onto our property. The stormwater off the roof is considered clean stormwater. That water would come off the roof, we don't have any gutters, landing on a crushed stoner perimeter, drain into the grass channel, then drain into the retention pond.

Mr. King asked if the parking lot area would be gravel. Mr. Calderwood responded it would be just grass, no lines or anything and no real markings obviously because it is grass. He continued the presentation:

- Access: Our access will be just the driveway. Traffic is low enough that even in the front that it still grows grass in the front; grassy dirt, but mostly grass. At this point, this is our proposed access and we wouldn't really be putting in a gravel driveway; there would be just some gravel here on the entrance into the development.
- This table shows the pervious and impervious surfaces. It takes into account the new barn and there is a requirement basically taking 25% of the existing impervious surfaces. The slope is such that 25% of the old barn draining into this dry channel will flow to the retention pond. We have over here the retention pond elevation; we have shown the entrance here and this is the 90% storm level, the 25, and then the 100-year level.

Mr. Flinn clarified it is 10-year. Mr. Calderwood said I think there was 12" there, so it is higher here; if there was overflow, it would head this way, across the field. Mr. York clarified the location of the channel. Mr. Flinn provided a larger plan where it could be seen clearer. Mr. Calderwood continued the presentation:

- Erosion Control: The question came up last time and so we are showing silt fence along the edge of the construction, during the duration of the construction, to prevent any sediment from leaving the area. In addition, we would use some mulching and some hay bales, it is a very flat channel, but we would use some in that area to provide any diversion.

Mr. King said if this approved, when do you anticipate doing construction. Mr. Calderwood responded this year, saying it would be done before October 15th. Mr. Bullivant stated we put one of these buildings up before and they go really quickly. Mr. King said sure, I just wasn't sure when you were planning to do it; it makes it easier if you can do it before the 15th. Mr. York asked is does this berm between the proposed barn and Downer Lane going to affect drainage off Downer Lane. Mr. Calderwood said currently this is all flat, so nothing drains anywhere. He said there is kind of a ditch on this side. He stated the concern was, from the neighborhood, that additional rainfall would come off this building into Downer Lane and cause more issues than there was today.

Mr. Calderwood said with the berm, this retains it all; anything coming off this roof will go into the retention pond, as opposed to go onto Downer Lane. He said secondly, because this road was made so flat, it protects our property from water infiltrating onto our property. He said it doesn't drain well period. Mr. Bullivant stated the other issue is that effectively Downer Lane today does drain onto the property. Mr. Calderwood said it doesn't drain because it is all flat. He said at the worst point it was draining out through the Underwood property, about 6", but that was between the snowbanks.

Mr. Bullivant said we don't want that water out here coming into our retention pond, it is not designed for that; it is designed for stormwater. He said this neighborhood should be retaining their stormwater; our property is not their drainage area. Mr. Flinn asked whether Downer Lane is a Town Road. Mr. Flynn stated it is private. Mr. Flinn said that issue is between the property owners. He said the adjoining property shouldn't impact the neighboring property; just like your property shouldn't impact the neighbor's property either.

Mr. Calderwood agreed, saying we are making every effort not to impact or have our stormwater go onto their property. He continued the presentation:

- We have some plants here, noting the types and the locations. The bushes and trees along Downer Lane will prevent anyone from driving onto Downer Lane. In addition to that, we retain all of this screening here, which is so dense you cannot see the fence behind it. That would all be retained and we would plant some 8' to 10' spruces in there, 11 or 12 of those, with cedar bushes in between.

<u>Board Questions</u>
Mr. Flynn stated in regards to stormwater, you are saying it is a dry pond. Mr. Calderwood agreed. Mr. Flynn said usually we have Type C soils that are conducive to having a dry pond. He asked do you have soils that are well drained and so on; have you done test pits to confirm. Mr. Calderwood responded we haven't had test pits done, but we had a drawing that indicates. Mr. Bullivant said this whole area was test pitted, all over the property. He said we personally have done some and once you get through about 18" of topsoil it drains very well; almost like a coarse, gritty sand type of soil.

Mr. Flynn said I have quite a few question in regards to the stormwater design. He said you show it topping out and heading through the south at the 500' elevation, but right next to your 60' by 40' barn you have got a spot elevation existing of 499.5'. He stated once it does top, am I correct it will flood the barn. Mr. Calderwood clarified which plan. Mr. Flynn clarified the location he was referring to, saying I am just a little leery. He said first of all, looking at this, your 500'; you are calling it your cap on your build; you are not even reaching the 100-year flood. He said we are not confirmed on the soil types, so if it does cap at nine you are going to top out your pond, but you are going to chase water all the way back up and all the way around your new proposed building.

Mr. Calderwood said this foundation, I don't know what the elevation sits at, but when we built this several years ago we put this up about 18". He said it sits very high. He stated this one, realistically we can't control; if it floods, it floods; it flooded before. Mr. Flynn said you see what I'm asking; by the time the water caps out at 500' in your pond, it is also going to cap out all the way to the 500' elevation you have right next to your entranceway, so you are creating a moat around your building.

Mr. Bullivant stated any water over here would be from this building; any water from 25% of this plus 100% of this would be over here because it is going to follow this grass channel all the way over. He said effectively this is going to be the barrier here to that. Mr. Calderwood said I think I understand what you are saying, that when you hit 500' then you have a problem. Mr. Flynn agreed. Mr. Calderwood stated I would guess to say that if we hit 500', then this whole Cilley Hill has a problem. He discussed a recent flood and the impact to the surrounding area.

Mr. Flynn said I am just wondering if a little more effort was put in whether you might be able to alleviate that. He added that typically when you see the overflow, the outflow, or the discharge, it is a controlled discharge; there is some structure in there that is going to control your discharge, it is not

just capping out and running across the ground. He said a lot of time it is controlled with some sort of structure, a catch basin or whatever, that will control it, so that you have limitations on that. Mr. Calderwood clarified the back side of the retention pond is what is being discussed. Mr. Flynn said although the contours don't show it, your swales, you obviously have to cut the pond to discharge in it; your contours don't show it. He stated where you have got, I assume, the rip rap, those contours have to be right; you have a 498.9' spot elevation and your top contour is 500'. He said those contours should reflect the cut out for it to drop in.

Mr. Flynn said right now you have a circular pond with contours and it doesn't drain in there. Mr. Calderwood asked are you saying the contours should show the depth. Mr. Flynn responded exactly. He and Mr. Calderwood discussed how the contours should be shown. Mr. Flynn said I see the area calculations in regard to your buildings and I agree with that. He said the drives, there is no gravel there. He stated my concern is this: if it is gravel, then you are almost at 25% coverage, which is borderline with some of our regulations about addressing stormwater; some assurances that it truly is just grass and that it supports semi's. Mr. Flynn said when you said it doesn't drain well, but a semi comes every week; not draining well and a semi every week, you end up with semi's getting yanked out. He said I am just concerned is it truly gravel; should it be included in the impervious area. He explained if it is gravel and impervious area, then those numbers have to be reflected in the stormwater calculations also.

Mr. Calderwood stated there are two things, today it is all grass and the area where the trucks do come in from here to this barn is grass as well. He said it is low enough traffic that it doesn't kill the grass, so it remains grass. He said the other piece is that it is cheaper when you don't have a lot of traffic going in and out; basically it is him and I and a lot of cars that go in and out in the fall and the spring, so we don't really do a lot. Mr. Flynn said so it really is, when you say dirt, naturally occurring dirt. Mr. Calderwood agreed, saying economically it is cheaper for us if we don't do gravel as well, so there is incentive to keep it grass. Mr. Flynn said the same with parking, but the minute you put down gravel you are plowing it to the sides. Mr. Calderwood agreed that would create more impervious surface.

Mr. Jacobs asked if we could look at 11.13.1.7. Mr. King said culverts, etcetera. Mr. York agreed, reading from the section. He said by putting a berm there, I don't know what the flow of water is from Gary Davis' land and the road onto this piece of property. He asked if it just so flat there is no upstream drainage area; what is the upstream drainage area. Mr. Flynn said we haven't got enough information to tell that. Mr. Calderwood asked for clarification on the question. Mr. York asked what is upstream that drains down onto this space. Mr. Flynn clarified are you picking up water from somewhere.

Mr. Calderwood responded we pick it up from the road and then depending on how much water falls, then it really sits. He said on Cilley Hill Road, noting the Highway Department when I talked to them about the curb cut talked about doing something with this road since it is always getting destroyed by this standing water, noting where the standing water sits during rain storms. He and Mr. York discussed how the water drains in the area. Mr. Flinn displayed the contours, discussing what is available with the DRB members.

Mr. Flynn stated I know you guys have looked at this quite a bit. He asked if they have had an engineer look at this. Mr. Calderwood responded no, just a couple of engineers I work with I spoke to about it. Mr. Flynn said it is easy to see you have some training to go through all of this, but

unfortunately Jericho regulations address slopes 15% and steeper needing a lot of review. He said in my book, it is these sites that are the real bear in making sure that they work; as opposed to a site with 15% slopes. Mr. Calderwood stated our first purpose, based off of the last public hearing, was to ensure that we don't negatively impact the neighbors. He said Downer Lane was the concern from the neighbors and to keep our water off Downer Lane certainly helps them; it is less water that they would have to deal with under the current circumstances.

Mr. Flinn said it looks like the finish floor on the new building is 1' now above the grade. Mr. Flynn stated it looks like it is 0.7'; he has a spot elevation that is 499.8' and they are 500.5'. Mr. Flynn said it pitches. Mr. Flynn said you are bringing it up pretty good and you are 1' above the low point in your swale on both sides at the high point. He said those are the questions I have in regards to the storm and the water situation. Mr. King stated the question I have is whether we have enough information to know whether this meets the regulations. Mr. Flynn said I am not sure.

Public Comment

Mr. King explained the public comment process, asking if anyone would like to comment. Mr. Heselton stated he owns the property to the left on Downer Lane. He said Downer Lane is a private lane; dirt road; flat. He said I am basically the Highway Superintendent of Downer Lane, I maintain it and it is a chore keeping the UPS trucks, garbage trucks, and everything else coming every day. Mr. Heselton stated I have slow signs up trying to keep everyone going slow because if they hit those potholes they pound them out and they come back. He said maintaining Downer Lane is one of my top priorities. He said they have done a good job as far as I can say with going forward with these plans.

Mr. Heselton said the fact is that under zoning regulations 3.2.3, the purpose of the Agriculture District is to provide dedicated land for agriculture, silviculture, and rural housing. He read from the section of the regulations, saying this to us as neighbors is not compatible according to your regulations. He said they have addressed their fire prevention. Mr. Heselton stated another question was, between the existing buildings, the chicken coop, and the new barn, there is going to be grass in between those two buildings; you are not going to drive down through there. Mr. King said he would take the question and get it answered.

Mr. Heselton asked is it grass and a driveway too. He said the other question is with the retention pond, if that fills up with water and it is designed for the 100-year plan and everything else, but say it does fill up; where does that water go from there. He stated it is either going to come to my property or it has to go to Scott's property and try to get itself to the pond; which way is it going to go, I don't know. Mr. Heselton said it does slope down from the corner of Scott's property towards the pond, but that is one of my big questions.

Mr. Marcus discussed where his property is located. He said we, at the last DRB meeting on this, submitted a document, which we submitted again. He stated there were two items identified in that document:

1) The existing facility was being used as a storage junkyard and you guys have done a nice job of addressing that; they jumped right on it.
2) We had this reviewed by our lawyer and based on what he has come back with, we have submitted a letter from him and it was submitted to you again. We would like to know whether the Town lawyer has reviewed this or not, in terms of the non-conforming use. He read from the letter from the lawyer explaining why it is non-conforming. We would like to know what the Town's lawyer's take

is on that; there is some pretty significant case law in there. You have the document from our lawyer with the cases he is citing.

Mr. King stated yes we do; it is in the file. Mr. Marcus said the next item is Section 7.3.14 of the Town regulations. He said there is a statement in there about the character, asking for the site plan to be displayed. Mr. Flinn displayed the site plan. Mr. Marcus stated if you look at this site; this is a residential site; I know it is zoned agriculture. He said if you look at what is on this 2-acre property, it will now have three barns and a retention pond plus area for storing cars. He stated that clearly does not meet the neighborhood character.

Mr. Marcus said you are expanding the footprint significantly. He said one question I do have is about the coverage; this is the first time I have found out there is being a retention pond being built on the property as well. He asked if the retention pond is considered part of the coverage, or does that just have to be structural only. Mr. Marcus said my guess is that if the retention pond is part of that, then it is going to exceed the maximum coverage percentage for a 2-acre lot, regardless of the non-conforming question. He said just look at that site plan; almost the entire site of the entire 2-acre parcel is now covered with something and very little open space remains. He stated given the location of this area it is in, I know it is zoned agricultural, but it clearly does not meet the neighborhood character.

Mr. Marcus said on vegetation and planting, I think Clint made a comment earlier that they are going to putting new trees here and here, saying there is existing vegetation already in here. He stated the existing vegetation that is here right now is really pretty low; it basically covers the fence, which is a 6' fence, but you have this pretty large structure going in behind. He said there is clearly Town rights on that as well, that if this does go forward, there should be coverage in this whole section; clearly this barn will not be covered by what is there now because they are really just big shrubs, not big trees.

Mr. Flinn clarified when you say covered you mean screened. Mr. Marcus agreed, saying they are doing screening here and they are doing screening here, but they are not doing any screening where the barn is going. He said if this does go forward and they do put in these trees, I would like to make sure, I would like to request that the Board ensures the three-year requirement is maintained after they first go in. He said our concern is that they are going to be planted, they are going to meet the regulations, and then they are not going to be maintained; obviously you have to maintain them so that they are there permanently.

Mr. Burt discussed the location of his property. He said I know a lot of this has spiraled into where is the water going to go and how is the drainage and all of that, but getting back to the intended use of the property. He said when this whole application came about, we weren't aware as immediate neighbors of the amount of vehicle storage taking place in the old barn, which is our primary concern because it is located closest to our property line. Mr. Burt said the idea, still for us, of going from 30 to 40 vehicles that are currently being stored in the old barn, which is 1950's vintage with admitted water problems and electrical; to potentially 60, 70, or 80 cars, whatever the new building is going to house. He stated at what point do we reach enough cars in storage on this 2-acres is our concern. He said we can say we are not storing hazardous materials, but if we store 60, 70, 80 vehicles, and I have seen a lot of these 1970's or 1980's vehicles with 20-gallon gas tanks on them; at what point do we fill up the buildings with vehicles holding gas, oil, and all of that to the extent that we actually are housing a whole lot of gas and oil, which is happening in an old barn with 8,000 or 10,000 square feet.

Mr. Marcus said part of our concern is the general condition and safety of the old barn before we move forward to building a new barn. He said circling back to my question at the previous meeting is are there regulations for these storage facilities; is it okay to put 30 or 40 vehicles in a 1950's wooden frame structure that is old timber, wrapped in asbestos. He stated it is great that the Fire Department can get a truck there and get a hose to the building, but if you get a building that big burning from the inside, the roof falls in; I am quite sure that the residential neighborhood surrounding that building doesn't want to deal with the cleanup that would take place if something were to happen there. Mr. Marcus said that is our primary concern, more with the old building than with the new.

Ms. McKitte stated I am a tenant at 10 Downer Lane and I just wanted to reiterate that the new barn and the way that it is set up, I don't see that it is conforming with the character of the neighborhood. She said that is something of concern, especially in light of the recent reappraisals and just making sure that the property and neighborhood remains a property and neighborhood where people want to live. She said I appreciate that the owners of 95 Cilley Hill have been motivated, in an attempt to make the property fit in with the character of the neighborhood; especially because in the past there have been vehicles left on Cilley Hill for a couple of days.

Ms. McKitte said that was something that was addressed in the original plan because one of the owners lives nearby, that that wouldn't happen, but it has happened in the past. She said as this goes forward, I hope that won't happen in the future. She said because I live on Downer Lane, usually the water does not pool at the end of Downer Lane; it is more on the Cilley Hill side of it, it is not like it is really on Downer Lane. Ms. McKitte stated I did have a concern; it was mentioned that these plans have looked at, it sounded casually, by engineers and that does raise concerns as far as where that water will go and if these channels will really work in light of the fact that the land is flat, or it was mentioned that there is a slope.

Mr. Marcus asked what is the dimension of the pond. Mr. King said I understand the question. Mr. Marcus asked if somebody said there is rip rap in it, or where is the rip rap located. He said I assume the pond is a grass pond, or is there rip rap in the pond. Mr. King said thank you, I understand the question. He said we have the comments and we have some written comments. He said there was a question about the space between the existing barn and the proposed barn; what the surface is and whether it is driven on. Mr. Calderwood stated yes it would be grass and yes it would be driven on.

Mr. King said I am not sure whether we can answer the question as to whether there is a pre-existing non-conforming lot here, that is not something we can casually answer. He said I am not sure if that was a question, it may have been a comment. He said the technical question about the lot coverage and whether the retention pond was included in the lot coverage, do we know the answer to that. Mr. King stated there is a maximum lot coverage and the question is whether the retention pond is included in that. Mr. Flynn responded I don't believe it is. Mr. King said it sounds like the answer is no; the pond is not included in what is considered lot coverage. He stated the buildings certainly are and I think impervious driveways are included; not the stormwater features themselves.

Mr. King said there was a question about the dimensions on the pond. He said that is a scaled drawing of the pond. He asked the applicant to speak to what the pond would look like, or how it is constructed, noting it is actually on the plan here in the cross-section. Mr. Calderwood stated there would just be some rip rap or some crushed stone in these locations. Mr. King said the shaded areas. Mr. Bullivant stated where the grass channel enters into this pond. He said it is shaped like this to give it more of a natural look and I don't have any dimensions on there, but I would say it is probably 80' by 40'. Mr.

King said to give it some scale, it is 175' from the back line to the barn, if that helps. Mr. Calderwood said it is probably 80' by 40' and explained the use of the rip rap. Mr. Bullivant stated on this drawing there is also a maintenance agreement, what would be performed on each item; mowing, maintenance of the grass channel, and maintenance of the retention pond. Mr. Bullivant said yes we had friends look at it from the civil perspective, but Clint's an engineer and I am an engineer by trade too and I have worked through my work on Act 250 stuff, so I know a little bit about this stuff, not too casual.

Mr. King said the next question was about the height of the screening with respect to the height of the proposed barn. Mr. Calderwood responded today I would estimate the height of these bushes up to 15' or 20' maybe. Mr. King asked about the species. Mr. Calderwood said I don't know the species; there is a lot of poplar and red berry bushes. Mr. King asked what is the ridge height of the barn. Mr. Calderwood stated the ridge height is 18'. Mr. King clarified it is about the same height as the tips of the existing trees, or in that ballpark.

Mr. Flynn said I think you have answered all that we can. Mr. Calderwood stated I think there were a few more I could address if you like. Mr. King agreed. Mr. Calderwood addressed the question about where the water goes; since it is a dry retention pond, water goes into it, it stays in there and slowly infiltrates back into the ground through the bottom of the pond. He said the idea is to keep it from going anywhere and it is a pervious structure, so it is going to sink in within 24 hours of a storm.

Mr. Calderwood agreed with the three-year maintenance of the trees. Mr. King said essentially what happens is if there are improvements to screening shown on the drawing, as there are in this case, there is a condition that the property be maintained as is on the plan for a minimum of three years; explaining what is needed to be in compliance. He also explained how the regulations interlock and the rationale for the three-year period.

Mr. Calderwood said there was a question about storing cars, explaining this would be temporary parking. He said the only reason we have the fence out so far is because we are trying to get those out of public view; technically we don't need this fence, or we could shorten this up. He stated a lot of time went into calculating the grade and ensuring the information was correct for the 90% storm, verifying the elevations and slopes; it is a relatively simple structure altogether. Mr. Calderwood said you just have a channel with water going down it to a pond; some of the details are complicated and engineering can get complicated. He explained the other things they looked at in relation to stormwater, noting the volume makes some of them impractical.

Mr. Calderwood said there was a mention about a cap or limit on the total amount of cars, saying this is kind of it for expansion for us. He said we don't foresee any further development of this property, discussing other barns in the area in worse shape. He compared the two properties. Mr. Bullivant agreed, saying we are putting barns up and are trying to keep in the character of the neighborhood. He discussed other barns or outbuildings on neighboring properties. He said we have also been continuing to improve the chicken coop and will continue to do that to resurrect that over time.

Mr. Marcus asked if there are any State regulations in terms of storage of vehicles; do you have to get permits. Mr. Calderwood responded dealerships are regulated. Mr. Marcus asked about the storage of gasoline and whether they are subject to any hazardous material storage rules. Mr. Calderwood said I don't know of any rules, but we could probably find out. He discussed a similar operation in Colchester, noting we are insured also and the insurance company has not had any issues with what we store.

Mr. Flinn said the information submitted states the old barn is going to have 40 cars, the new barn is going to have 30 cars, and as the existing permit lists vehicles, trucks, equipment and boats. He said with that in mind, the maximum amount that will be on this site will be 70; whether it is cars, trucks, equipment, or boats. Mr. Bullivant asked if the 20 in the back barn are included. He stated the existing barn has roughly 40 cars in it, the proposed one is for 30 or so, but it depends on the cars' size. He discussed how many could be stored of different models.

Mr. Flynn asked how many are in the 170' by 40'. Mr. Calderwood stated there are around 40. Mr. Bullivant discussed a renter who uses a substantial amount of space and how many could be accommodated. Mr. Flinn said the question is, if this gets approved, there is going to be a cap or a ceiling on the number of vehicles or boats you are storing. He asked if the number is 70 or 170. Mr. Calderwood responded it is 90, saying with our existing adaptive use we can put 60 in the old barn. He and Mr. Bullivant said we wouldn't prefer a cap, but we would accept a cap. Mr. Calderwood said for us the storage of household goods is better for us than the storage of vehicles, discussing the reasons.

Ms. Hamilton said wouldn't it be more than 90 with the barn and the 60' by 40'. She asked how many are in the 60' by 40'. Mr. Calderwood responded there are 20 max. Ms. Hamilton said wouldn't that be 110. Mr. Calderwood agreed, saying we think 90 is okay; if we get capped at 90 we would be okay because we have other storage items people want to store. Mr. Flinn said the reason for the question is to get an idea of what is the Business Model and what does it look like, noting the Board can pick a different number as a cap; whether it is 120 or 220.

Mr. King closed the hearing.

4. Approve minutes from June 23, 2016.
On a motion by Ms. Hamilton, seconded by Mr. York, the DRB unanimously approved the minutes from June 23, 2016 as amended.

The Development Review Board entered deliberative session at 9:18 p.m.

The Development Review Board adjourned at 10:10 p.m.