

To: Town of Jericho - Planning & Zoning Dept.
Town of Jericho - Development Review Board

From: Chris Marcus & Raenetta Liberty 12 Downer Lane, Jericho
Alicia and Tony Likhite 10 Downer Lane, Jericho
John and Marylou Hesselton, 11 Downer Lane, Jericho

Date:4/25/2016

Re: 4320 sq. ft. warehouse structure at 95 Cilley Hill Road (CH095)

We, as a neighborhood, would like to document our concerns regarding the property at 95 Cilley Hill Road. These concerns are two-fold - both of these in our opinion, are sound reasons to deny the approval of an expansion on this site.

1. The property at 95 Cilley Hill Road is currently being used as a storage junk yard - this is documented by both the existing formal complaint that has been registered with the Town and the set of recent pictures included in this packet. It should be noted that despite the complaint, the number of vehicles and junk stored outside of the existing structures on this property has been continually growing over the past three years. We question why the town has not taken formal action given this worsening situation as well as the outstanding complaint. We are requesting that the Board and/or Town take action to address this situation in a timely manner.

2. Based on a legal review by our lawyer, we feel the DRB should not approve the new 4320 sq. ft. structure that is being proposed. The legal rationale for why the DRB should reject this, and all future expansion on this site, are detailed in the attached document from our lawyer (Law Offices of Brian Hehir 4/25/2016)

Thank you for your consideration in this matter.

Sincerely,

Chris Marcus, Raenetta Liberty
Alicia Likhite, Tony Likhite
John Hesselton, Marylou Hesselton

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April 25, 2016

Jericho DRB
Town of Jericho
P.O. Box 39
Jericho, VT 05465

Re: 95 Cilley Hill Road

Dear DRB members:

I have been asked to review the application for a 4320 square foot warehouse at 95 Cilley Hill Road by the neighbors, including Chris Marcus. The following is a summary of my review.

- 1) The property appears to be subject to an unresolved zoning violation involving outside storage of unregistered vehicles and various other material, dated from at least August 2012. It does not appear that the violation has been cured or pursued by the Town, as a large amount of what appears to be discarded material, ie., junk, continues to be stored outside on the premises. The applicants should be required to comply with the 2012 notice of violation before any new application for development is considered by the Town.
- 2) Regarding the pending application, the lot size is approximately 2 acres; the minimum required lot size in the Agriculture Zone is 10 acres. The lot is nonconforming and, pursuant to Vermont case law, is therefore a nonconforming use. It is well established in Vermont, through the many cases in which this has been addressed, that nonconforming uses cannot be expanded and should, over time, be ameliorated.

Lots that are smaller than the minimum lot size requirements are nonconforming uses...a goal of zoning is to phase out nonconforming uses. Drumheller v. Shelburne Zoning Board of Adjustment, 155 Vt. 524, 529 (1990). Vermont's public policy is to carefully limit the extension or enlargement of nonconforming uses, since the ultimate goal of zoning is to gradually eliminate them. DeWitt v. Town of Brattleboro Zoning Board of Adjustment, 128 Vt. 313, 320 (1970).

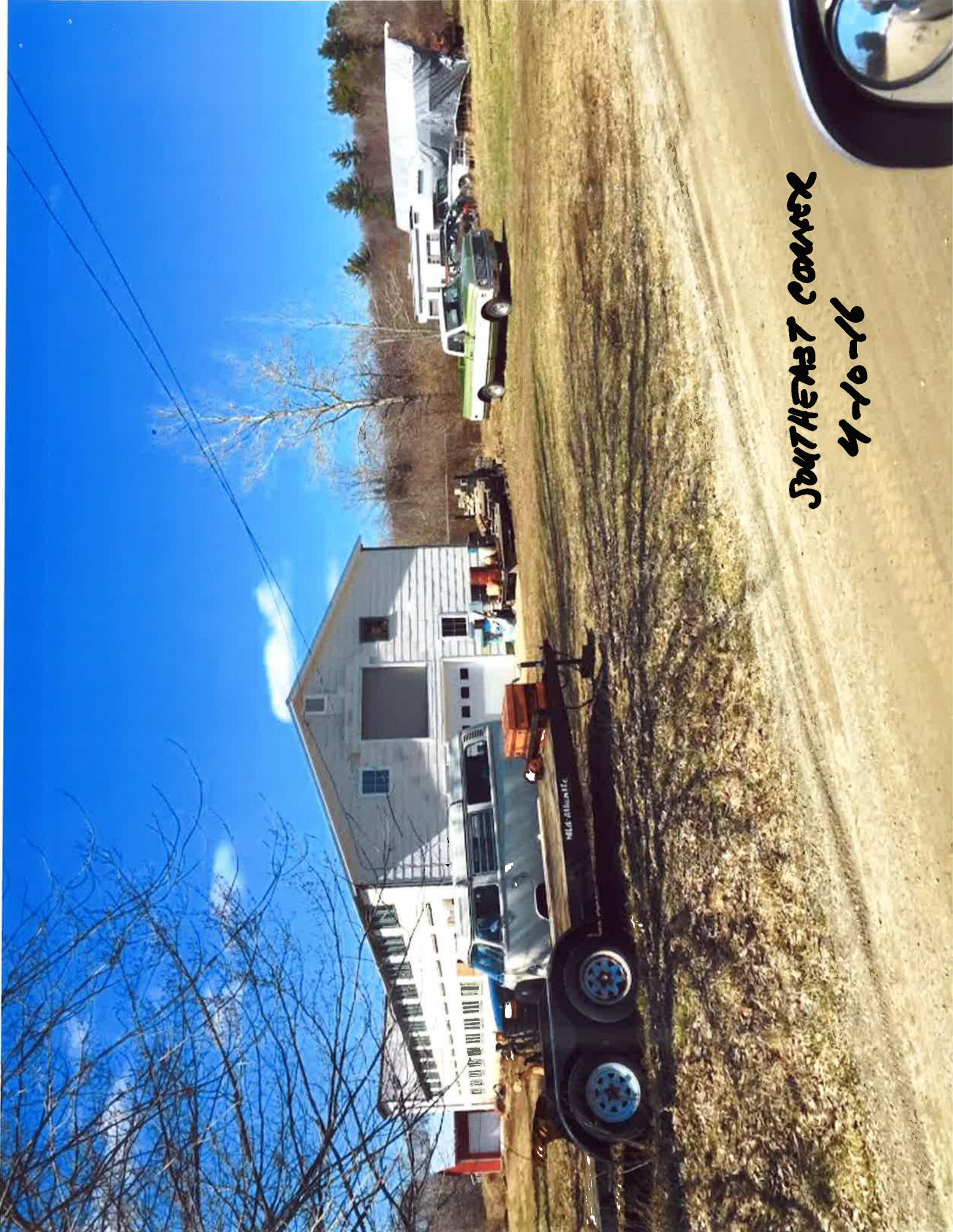
Because the lot in question constitutes a nonconforming use, the DRB should deny the pending application because it seeks to enlarge and expand the existing nonconforming use.

Sincerely,



Brian P. Hehir

SOUTHEAST CORNER
4-10-16





NORTH EAST CAMP
4-10-16

NORTH STONE
4-13-16



FRONT/EAST SZ06
4-13-16



