



Town of Jericho
Development Review Board
Jericho Town Hall
Thursday, January 14, 2016

Minutes

Members Present: Barry King, Christopher West, Joe Flynn
Members Absent: Jeff York, Stephanie Hamilton
Guests: Michelle Patrick (Zoning Administrator), Amy Richardson (Secretary)
Public: David Villeneuve, Wayne Howe, Keith Mattes, Margaret Elmuger-Mattes, Mary Ellen Richards, Xlatalia Richards-Ulloa (149 BFR), Jamie Richards, David Armstrong

MEETING AGENDA

- A request by Chittenden County Transportation Authority (lessee/developer) for Site Plan Review of a Park & Ride/transit stop on a portion of the parcel at 366 VT Route 15 (formerly 364 VT Route 15). The site plan proposes to relocate the Park & Ride from its current location at the corner of VT Route 15 and Dickenson Street. This parcel is located in the Village Center Zoning District and the Character Based Zoning District.
- A request by Mary Ellen Richards for a Conditional Use Review of an accessory apartment in the Agricultural Zoning District. This parcel is located at 149 Barber Farm Road. Cilley Hill Road in the Agriculture Zoning District.
- Approve minutes from 12/10/2015.

Mr. King called the public meeting to order at 7:03 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 Chittenden County Transportation Authority (lessee/developer) for Site Plan Review of a Park & Ride/transit stop on a portion of the parcel at 366 Vermont Route 15 (formerly 364 Vermont Route 15). The site plan proposes to relocate the Park & Ride from its current location at the corner of Vermont Route 15 and Dickenson Street. This parcel is located in the Village Center Zoning District and the Character Based Zoning District.**

Applicant's Presentation

Mr. Armstrong, Chittenden County Transportation Authority (CCTA) Planning Manager, said the members probably recall Ms. Burkett setting up the Park & Ride at the corner of Dickenson and Route 15 back in 2013. He said the Jericho-Jeffersonville commuter stops at the Park & Ride four times a day; twice in the morning and twice in the evening. He indicated the location of the current spot, temporary location #1, and permanent location #2, due to the development of VT364 with the Jericho Market.

Mr. Armstrong said usage of the Park & Ride is five to six bus boardings per day, so five to six cars per day. He stated the earliest stop is at 6 a.m. and the latest is at 7 p.m. He said nothing is changing

with the route, but the development of the property is forcing us out of that location. Mr. Armstrong indicated location #2, the permanent site, to the north of our current site on Route 15. He said it can't really be constructed until spring or early summer. He noted he thinks you have seen these plans. Mr. Armstrong said the access road is off Route 15. He said the other site, #1, is to the east of the old sawmill. He stated he doesn't have much to add to the plans, but he is happy to answer any questions you might have.

Board Questions

Mr. West said one of the questions raised in the staff notes was about handicapped parking; there are enough parking spaces, but it doesn't look like any have been delineated as being specifically handicapped parking on either of the plans. He stated we were going to ask as this progresses to designate one space. Mr. Armstrong responded we can certainly get a sign posted. He stated the temporary location is a gravel lot, #1, so he is not so sure that is 100% necessary for the couple of months it is necessary. He said the second lot, #2, on Route 15, as our permanent Park & Ride, we could certainly put in a sign or two if deemed necessary. Ms. Patrick clarified it is one per 50 spaces. Mr. West asked what a parking isle is. Ms. Patrick and Mr. Flynn explained. Ms. Patrick noted this is not proposing that kind of layout.

Mr. Flynn said, regarding the permanent one, there is a sidewalk, gravel path, showing with a footbridge. He asked if that will be ADA (Americans with Disabilities Act) compliant. Mr. Armstrong said he would think it would be, but we haven't drawn the plans for the bridge yet. Mr. Flynn stated it is a consideration, if there is handicapped parking. He said he knows the site is a lot of gravel, as far as a grading plan, what will happen with the water. He asked if the flow is changing or if it will continue to be sheet drainage. Mr. Flynn said it looks like there is a low spot on the permanent location. Mr. Armstrong responded that as far as he knows it will stay gravel, so it will be permeable, sheet flow.

Mr. Flynn said right now it looks like it is just coming in and sheeting down. He said you have a guardrail, a catch basin on the south corner of it, and a low spot. He said he doesn't know the grading plan of the new store will be, it is a consideration, what are you going to do with the water. Mr. Armstrong stated he will have to speak with TCE who drew the plans. Mr. Flynn said he should see if a profile is going to be done and since there is an access driveway, is it going to be crowned; where is everything going.

Mr. West stated there is going to be a lot of development in this area in the next couple of years, so it is kind of hard to look out into the future and think about landscaping. He asked how long the temporary one will be used. Mr. Armstrong responded it will be used until the access road for #2 can be built, which is weather dependent. Mr. West clarified six months at the most. Mr. Armstrong said he would think so.

Mr. King asked about sequencing, saying the intention is to set up this temporary one as proposed as soon as possible. Mr. Armstrong agreed. Mr. King clarified they are asking for permission to change the use in this area for that, and as soon as construction on the other one is complete, then on some date you will switch it and this one will be extinguished. Mr. Armstrong agreed. Mr. King asked if there is a plan for this area after the new one is commissioned. Mr. Armstrong said that would be the property owner's decision. Mr. West clarified that Mr. King is asking whether it will be changed in such a way that that there will have to be any type of remediation to return the site to at least what it is now.

Mr. King said the other thing he is wondering about is that we are talking about a change of use on this land for this purpose, which is essentially permanent until someone proposes something different. He said one way we could do this is to say that the use in the permanent location is contingent on this one being decommissioned. He stated that would force it so that this one was no longer allowed, once that one was done; noting he doesn't know if that matters. Mr. King said we need to think about the impact of this one and whether it matters to formally extinguish this use if it doesn't matter.

Mr. Armstrong stated this curb cut is existing on River Road, Steam Mill Road; this is gravel and mostly level now. He said there are temporary guardrails set up at our current spot on Dickenson and Route 15; those were placed here to help guide parking. He stated temporary lights would go in, they are just on concrete blocks. Mr. Armstrong stated really it is just a plug and play situation.

Mr. King asked if they anticipate decommissioning the equipment, lighting and guardrails, when you stop using this. He asked whether that is their property, or is it something Mr. Villeneuve is building. Mr. Armstrong said it is our property. Mr. King asked if they would be removing it at some point then. Mr. Armstrong said yes, we would either use it at #2 until we could get some more permanent guardrails and lighting installed, or make them permanent at #2. He stated he is not privy to the style of the guardrails, so he doesn't know if they could be made permanent.

Mr. King said what he is mostly asking about is, come June or July when the new one is being used, what is this site going to be like and what is its impact going to be on the adjacent development east and west of it. Mr. Armstrong said as far as he is aware, this will revert back to the gravel lot; saying Mr. Villeneuve might be able to speak to that better.

Mr. Villeneuve said going onto this property, the use is temporary; no grading or anything will happen to the land except plow the snow. He stated the pitch of the land, the way the water runs, there will be nothing done. He said we are going off the road and will set up the same wooden barriers that we are using presently over by Route 15. Mr. Villeneuve said when this is closed down, it will be whatever way you want, but we are not going to use it. He said he doesn't care if the Town wants to use two of them, but there is only about a half dozen cars a day on the present one on average, so he doesn't see any use for two lots. He said he has no objection that this goes away and it probably should when we start the other one; that would be the right way to do it.

Mr. Villeneuve stated the other one is not permanent either; it will only be there until the land is developed to a further extent with buildings and so forth. He said he agreed to have a location where the bus could at least stop. He said once we build the grocery store, the parking lot you see there will be made bigger. Mr. Villeneuve discussed how the parking for the development will be incorporated and how a bus stop could be included. He stated whether we give CCTA a place for permanent parking might be doubtful, it depends on the development of the whole acreage between Park Street, Route 15, and River Road.

Mr. Villeneuve said the drainage on the one you are calling permanent, the he calls the second one that isn't permanent, goes from Route 15 near the corner of the Church down to the manhole. He said there will be no grading or anything done on that parking lot. Mr. Villeneuve said all we are building is the road in; we will put in the same temporary boundaries of the wooden fence rails on that lot. He stated it will be handicapped accessible from one lot to the other and we will mark one spot for handicapped parking in such a way that they will have enough area to get out of the side of their vehicle. Mr. King thanked him answering the questions.

Mr. West asked what the current use of the property is; what it is currently zoned as. He said he knows it is in the Village Center. He said it has been in use since we have had zoning, but we are talking about a change of use, so he is trying to understand what that means. Mr. West said there is a lot of stuff being parked there, it is pretty much a parking lot now anyway. Mr. Armstrong agreed, saying the report listed the existing use as a garage and storage yard. Ms. Patrick said that is essentially pulled from the application for when the Park & Ride was placed at the corner of Dickenson and Route 15, when this was one parcel; the Market parcel wasn't separate.

Ms. Patrick stated it is a change of use because there is no Park & Ride on that lot now; while there are some other things parked on that lot, it is not a CCTA drop off and pick up situation. Mr. West clarified there is also no transfer of ownership, like last time. Ms. Patrick agreed there is not. Mr. King also clarified it is not a subdivision. He asked what RVO37 is, the building at 37 River Road. Ms. Patrick said it is a residence. Mr. King clarified it is an abutter of this use. Ms. Patrick said yes.

Mr. West said there was some questions in staff notes about lighting, security lighting and direct glare. He said none of the plots, though they do show solar-powered lights similar to the current location, show their spread or anything like that. He stated that is something we would want. Mr. King explained the reason we are asking is that there is a performance standard about that light spilling onto the public road, and there is also a performance standard about minimum and maximum amount of light on the parking lot, which is minimum to meet safety and maximum to meet sky-glow.

Mr. King stated they will see a condition about meeting the performance standard for light levels. He said if the equipment you have now is okay, the equipment you have then will be okay. Mr. King stated you need to know that where they are placed matters for that aspect. Mr. Armstrong said we are just moving the existing structures from the corner of Dickenson and Route 15 to either #1 or #2. He said they were approved the first time, so hopefully they would be to code this time; point taken.

Mr. West noted the possibility that as the second location is developed, it may be something we want to condition would be to look at the sight lines and make sure that the neighbors are unhappy, or wouldn't be unhappy with the landscaping. He clarified he is not saying we would need to require landscaping because it looks like it will not be much of a change. Mr. King added this shows the hedgerow and no change to the hedgerow in the proposal. He said we are taking it at face value that it will stay the way it is.

Mr. King said we are talking about the phase two lot. Mr. West agreed, saying he doesn't think any of us are concerned about six months of planting anything. Mr. Villeneuve clarified there is actually a hedgerow along the fence that it showed along the road. He stated the access is all approved through vTrans already. He said on the corner of that lot, next to the Park & Ride, it actually goes parallel to Route 15 and there is a solid block of trees they did not draw there; he is sure there is not a problem in that area.

Mr. Villeneuve stated we don't want to do any permanent vegetation because the area will only be in a temporary state. He said on the other road, he is well aware of your lighting standards and the placement of the other posts; it will actually be further away from the Steam Mill Road, then they were on Route 15. He said he is sure they will be within the standards, but you are more than welcome to write in that they would not change.

Mr. King asked Ms. Patrick if she needed testimony on anything else. Ms. Patrick commented that in the land use agreement that was attached for the previous Park & Ride, the former parcel code of 364 Vermont Route 15 was used. She suggested changing it since it will be leased on the big lot, which is now 366 as per the Assessor. Mr. Villeneuve said we will work up another agreement.

Public Comment

Mr. King asked if there was any written comment. Ms. Patrick stated the office received no written comment. Mr. King explained the process for public comment, asking if there was any questions or comments. There was no public comment. Mr. King closed the hearing. He explained the applicant will receive a decision within 45 days, but it is usually sooner.

Mr. Villeneuve commented, with the grocery store agreement, the Park & Ride can only be used until February 1st, only two weeks. He stated they won't be able to use that Park & Ride anymore due to demolition. Mr. King asked when the stop date is. Mr. Villeneuve said February 1st, discussion the reasons. Mr. King said the statute requires the DRB to decide within 45 days, but it is usually sooner.

2. A request by Mary Ellen Richards for a Conditional Use Review of an accessory apartment in the Agricultural Zoning District. This parcel is located at 149 Barber Farm Road. Cilley Hill Road in the Agriculture Zoning District.

Applicant's Presentation

Ms. Richards said she doesn't know the right procedure, but she wrote out a little statement to read. She said she has enjoyed her home and property for many years and would like the opportunity to share them with her son and his wife. She said she would like to continue living on her property, but would like the chance to build a smaller structure with living quarters on just a single level.

Ms. Richards said she is thinking of as she gets older in years and hit retirement age, something that would be easier to live in versus her current home which could pose some problems if you have problems walking and that kind of thing. She said as we are getting older, she feels like if we are going to do something and get permission to build a structure, she would like it to be a single level. She stated it is also important to her to keep the home and land in her family; it is a beautiful piece of land that offers a lot.

Ms. Richards said her older son and his wife enjoy living in Jericho and she would also like the opportunity for her younger son and his wife to do that. She said they are present tonight; she would like to get permission to build a small accessory structure not attached to the house, which is why we have to come in for the conditional use review. She asked where does she go from there as far as information or questions.

Board Questions

Mr. King said we have the application, asking if she has seen the staff notes. Ms. Richards responded that she got them, but Larry, the Engineer, was going to be here tonight; she is not sure if he is running late or thought the first hearing would last longer. She said she doesn't know if he will be here to answer the technical questions or not.

Mr. West said the first thing that popped into his mind had to do with the wastewater system permit. He said it looks to be in perfectly good order, but it is six years old. He said he doesn't know if there is a limit on the time these stay valid. Mr. Flynn said no. Mr. West said he was also a little amazed that the grading on the driveway, which is not supposed to be any more than 8% or other rules come

into play, is 7.95%. Ms. Richards stated Larry just didn't want to describe it as 8% and under. Mr. West said that makes sense; it is the maximum slope, so that is something that jumped out. Mr. Flynn clarified that right now we have three structures off the same drive. Ms. Richards said there is the main house, a barn driveway that comes off of the main driveway that goes to the barn, and then we have a pole shed.

Mr. Flynn clarified that before this, the access to your property goes over somebody else's property. He stated the first section would be servicing three structures. He asked about the guidelines regarding how many structures can be served by a joint access. Ms. Patrick said she thinks it is parcels, so a private drive can serve up to three parcels; not three structures. Mr. Flynn said even if it is three parcels or structures, we are still fine. He asked if the wastewater permit has been filed. Ms. Richards said yes.

Mr. Flynn asked if it was done within thirty days of the issuance of it. Ms. Richards stated she believes she did; there was no problem when she brought it in to the Town to record it. Mr. Flynn said it is not a deal breaker, it is just more for your protection. He stated the permit is dated May 17, 2011, so 30 days from that; it is just something to consider looking at. Ms. Richards clarified if it is the date recorded he wanted to know. Mr. Flynn said yes, explaining the requirements. Ms. Richards said she has the documents from recording. Ms. Patrick said there usually is a date stamped when it is recorded, but if not we can look it up.

Mr. King said as far as interlocking permits goes, to keep this existing wastewater permit in effect, that is what that does. He said all we care about is that there is one that is valid and in place; if there is some problem with the permit, then you will not meet a condition that we will be giving you. He explained it is not our jurisdiction to say whether it is valid or whether it was filed right, but you need to have a valid permit. Ms. Richards said it was received and recorded on May 31, 2011; it is stamped on here. She asked if the members want to see this. Mr. Flynn said no. Mr. King added it was just a question for you to make sure you have a valid permit.

Mr. West asked Ms. Patrick for the PC's (Planning Commission) clarification of the accessory apartment. Ms. Richards asked if he was referring to the square footage. Mr. West said yes. Ms. Richards stated that is definitely an issue. Mr. West said we know; we have been dealing with this for years. Mr. King said realize that this is the existing language. He said to Ms. Patrick the question we are asking is, there are some updates to the zoning regulations in progress, when does the new wording go into effect. Ms. Patrick said the updates are in process, describing the approval process.

Mr. King clarified that the wording we have now was in effect when this application came in. Ms. Patrick agreed, saying the memo is from the PC in response to us asking them to clarify the intent or interpretation of that. Mr. King said he understands. Ms. Richards said their interpretation is not what is actually in place, correct. Ms. Patrick stated we agreed the language is unclear in the past applications that came through the zoning office and we asked them for clarification. Mr. West said this is their response.

Ms. Richards clarified what she is asking, or saying, what is actually in writing about the square footage is what you have at the top of that page. Mr. West agreed, saying we have been wrestling with it because it is contradictory. Mr. King stated this is material for deliberation, not for testimony. He asked what the square footage of the primary house is. Ms. Richards responded it is 2,000 square feet. Mr. King asked what the square footage is of the proposed accessory structure. Ms. Richards

said it was going to be 936 square feet. Mr. West asked for the dimensions. Ms. Richards stated 26' by 36' is the proposed structure she wanted to build, which would be 936 square feet.

Mr. King clarified the existing house is 2,000 square feet. Ms. Richards agreed; saying the way it does say it is difficult to interpret it. She read from the regulations. She stated obviously 750 square feet would be greater 30% of the existing dwelling. Ms. Richards read another section of the regulations; saying that is where the big question comes in. She asked if that means that technically people can have 75% of the floor area of the existing house, which would mean the 936 square feet is well within that; or can you go up to 1,000 square feet regardless. She said she knows that is where the recommendations came in to try to clarify that; that is a concern too because she doesn't really want to be limited to 750 square feet, she would like to be able to do the 936 square feet.

Ms. Richards said there is an issue with the wording of that and what you can do or can't do. She asked the DRB what their feelings are on that: the way it is worded, or how they have dealt with it in the past. Mr. King said as a point of clarification, you have proposed a 936 square foot accessory apartment; you are going to get an answer of yes or no on 936 square feet. He stated this is not a sketch plan review and it is not a good time to consider whether other sizes might be okay if 936 square feet is not. He said it is a perfectly reasonable thing to ask, but what we are being asked is to approve or not approve this proposal.

Ms. Richards clarified the decision will only be yes or no on the 936 square feet, instead of saying what could be done according to the regulations. She clarified she would have to come back for a whole new hearing. Mr. King said unless there is a condition that the building not exceed a certain size. Ms. Richards stated she would prefer that to having a new hearing. Mr. Flynn clarified she prefers a condition as opposed to another hearing. Ms. Richards said yes.

Mr. King asked to go back to the site plan question, saying his is not clear from the aerial photograph, he doesn't know the slope of the land here and he is having trouble reading the contours. He said this goes uphill from Barber Farm Road, right. Ms. Richards agreed. Mr. King clarified it is all uphill, all the way up. He said he thought that he understood that, but he saw that the proposed disposal field is significantly uphill then of the building, so that is a force main. Ms. Richards agreed, saying there would be a pump. Mr. King said he just wanted to understand the lay of the land.

Mr. West asked about the performance standards for the house you are planning to building. Ms. Richards asked what he means. Mr. West explained regarding the energy efficiency of the house that you are planning on building. Ms. Richards stated she has not gone through with having a whole house designed yet because she was waiting to see if she could get a conditional use approval. She said she doesn't have plans to show you with everything that would be going into the house yet. Mr. West clarified that she intends to follow the State rules on residential building energy standards, at a minimum. Ms. Richards agreed.

Mr. King clarified it is a State rule. Mr. West agreed, saying in order to get a Certificate of Occupancy after a build you need to have a certificate that you show to the Zoning Administrator. Mr. King said our job would be to do this approval, then you would a get a building permit. He said to close the building permit you would get a Certificate of Occupancy where they close out all the conditions of the approval; one of them would be the energy performance standard; it is after our process. He stated it is not a problem that you would do that detailed design later, after you have approval; it is not unusual.

Mr. West said one of the things we often ask and will probably include in the conditions, is that during construction that you employ erosion control practices. He said those are State practices that the builders should be familiar with; it is a standard requirement. Mr. King said you will see a condition about the erosion control standards and it mostly has to do with when that driveway gets built and when the construction is done; that will be on a fairly steep slope, so they have to meet the State standards on that. The DRB members discussed some of the requirements.

Mr. King said we have a letter from the Fire Department, which we ask for. Ms. Patrick agreed, saying she expects some public comment on this. She said she spoke with Harry with the Fire Department today and he wanted to bring to the attention of the DRB that the last paragraph was included, but he doesn't think it is relevant for this site. Ms. Richards asked if that was the dry hydrant. Ms. Patrick said yes. Ms. Richards noted he also said there is a pond on the property, but there isn't one. Ms. Patrick said he wanted to withdraw that paragraph from the letter.

Mr. King said we have the letter as amended. He asked if we heard from the school. Ms. Patrick said no; when we were talking with the applicant when the application came forward, we weren't sure who was going to be living there. Ms. Richards stated she was going to be living there and you had said I didn't need a letter from the school. Ms. Patrick responded I said if your son and his wife would be moving there, it would be something to consider. Ms. Richards clarified in the new house. Ms. Patrick said while it is usually not an issue, you may want a letter from the school.

Mr. West stated the application says it is being built for your son and daughter-in-law. Ms. Richards responded she doesn't know why that was put in there because that was not the case. She said my son and daughter-in-law would be moving into the existing house. Mr. King clarified you would be building the new home. Ms. Richards agreed she would be building the smaller house for herself. Mr. King said it is a routine thing; we could set a condition and let that run its course. Mr. West clarified the rationale for obtaining the letter from the school. Ms. Richards agreed to get the letter.

Ms. Patrick said there was a question about the isolation distances. She asked if the DRB wants to speak to these or just in general about when you have overshadowing onto someone else's property what the risks might be that are involved. Ms. Richards stated the isolation that goes onto Rick's property; I talked to Rick before we sent out the letters to ask if he had concerns, but I didn't know how to explain it. She said she told him to call Jeff Keening, who designed the system, or Larry, who is also involved in putting these plans together, or ANR (Agency of Natural Resources). She said she doesn't know if he had done that or not, or if he got in touch with you.

Ms. Patrick said she had a message, so she wanted to make sure the DRB spoke to that. She said she doesn't know if he pursued questioning anyone. Ms. Richards said she doesn't know if he called either one of them, but she had said they could answer the question better. Ms. Patrick asked if the DRB members had any comments about that. Mr. West said in the past we have been told it is a first come, first serve kind of thing when you are dealing with well head protection areas and septic; it is good to be a good neighbor and not rob your neighbor of the ability to put in a septic system in the future if they need to. He asked Mr. Flynn if he had anything to add.

Mr. Flynn said it is just that; if it is designed there and it occurs, abutters are notified and the chips fall where they may. He said there is not much we can do in regards to that, it is a permit issue and it is not in our purview. Mr. West said it is also not a whole lot; we have seen worse overshadowing. Ms. Richards agreed, saying it is a tiny little area up on that top right. She said that is way into the

top portion of his woods and she doesn't know if he would do anything up there because it is way up in his parcel. She said she hopes that if he had concerns he had called either Jeff or Larry. Ms. Richards said when she talked with him about it, they basically said it is perfectly within the limits to do this and he might not like it, but it is the way it is.

Mr. Flynn agreed, saying the only comment would be if Jeff or Larry were here to comment that maybe the soils in that area are not conducive and he has plenty of other room on the property for a well. Mr. West clarified they don't need a new well; the existing well is what they are planning on using. Ms. Richards clarified he was referring to if Rick needed a new well. Mr. King agreed, saying the wastewater permitting process would look at whatever wells are in the area and where they were as part of the isolation. He said you can see the isolation around the existing well on this property, but the ones on the adjacent parcels would have also been located as part of the process.

Mr. West clarified the State wouldn't issue a permit if it was overlapping. Mr. King said the issue would only come if at some future time they wanted to add a well that isn't there now and that would not be an advisable place to put it. He said as you know, the State does wastewater permitting and the statutes are set up so that they worry about how the different parcels affect each other; we don't have a concern, they take care of it.

Public Comment

Mr. King explained the process for public comment. Mr. Mattes said we are abutters to the property; you guys all seem to be much more familiar with issues than we are in looking at these materials. He said he would have called Ms. Richards directly, but the phone number has been changed. Ms. Richards said it hasn't changed. She and Ms. Mattes discussed the correct phone number. Mr. King reminded those present that there should be no discussion between the public and applicant. He asked if there were any comments or questions.

Mr. Mattes said the existing shed shown, the 20' by 40'; he asked if that was recently built. Ms. Richards said yes. Mr. King stated he understands the question. Mr. Mattes said that is closest to our property; he is confirming his understanding that the request for construction has not begun, asking if that is correct. Mr. King clarified the question is whether construction has begun on this application. He stated we will answer any questions at the end of public comment.

Mr. Mattes said the plans we saw in regards to property lines and setbacks seem to have been from 1979 and amended in 1988. He said he was wondering what the last review or accuracy of recording is; we were built in 1993. He said he couldn't really determine from the elevations, but you cleared up something; the pond being referenced is our pond. Mr. Mattes said in terms of elevation, the leach field, he is not sure of the location in relation to our pond, or property. Ms. Mattes said at different times of the year there is a little stream that comes and goes into our pond, which is directly between. She noted we also have our well over in that area.

Mr. Mattes said those are the major things. He said we didn't know who was renting and we had some general concerns with noise and light. He stated we took our property because it is pretty private and we don't see neighbors; not to say they have been gracious in the past when we have been flooded out. Mr. Mattes said we are just trying to understand everything that is happening. Ms. Mattes said we have a little over 18 acres and everything is being built right on one side.

Mr. King closed public comment. He said there was a question about when the existing shed shown at top of plan was built. Ms. Richards stated it was a couple months ago, indicating the location on the plan, as well as Keith and Peggy's property. She said their land abuts the Town land also. Ms. Mattes agreed. Ms. Richards said the septic system designed for the existing dwelling will be on the opposite end of our property, bordering Rick's property line versus your property line. She indicated the septic system and isolation distances on the plan.

Mr. King clarified what the isolation area is, saying it goes in sort of a fan, straight downhill. Ms. Richards indicated the edge of the woods; saying it is pretty much in our meadow. She stated this isolation is up into the woods, discussing a trail and the back portion of their property where this system will be located. Mr. Mattes clarified the location. Mr. Richards agreed. Ms. Mattes said it was hard to figure out because of the slope and because this is from 1977, while our property lines were drawn in 1993.

Mr. King stated this lot, which is affected by the present application, the plat is recorded 1991. Mr. Flynn said it is his understanding the plat was drafted in 1977, but recorded in 1991. Ms. Richards said she thinks that is because of the property line adjustment. Mr. King stated it says it was revised in 1988. Mr. Flynn said then they waited three years to file it. Mr. King said perhaps. Ms. Richards said she doesn't know the logistics.

Mr. King clarified the question is when was the border line between the subject property and the Mattes' property established. He said it looks like this is the plat that establishes that back line. Mr. Flynn said it does in 1977; there has been no adjustment between then. Mr. King stated it hasn't changed since 1977; the property line is from the 1977 survey. Ms. Mattes said we didn't build on it, the original owners built on it in 1993 and when we purchased it from them we had to get Right of First Refusal for the land because it was all held by a certain family.

Mr. King said he can't speak to the situation on your property, but he can tell you that the property line that is established between your parcel and the subject parcel is established in this plat originally in 1977. He said that has not been adjusted. He stated we have talked about the elevation question. Mr. King said there are performance standards on noise and on lights. He said one of the things we often ask and you will likely see a condition is about exterior lighting on the new structure. He said there is a performance standard on exterior lighting, it can't be too bright and it can't be pointed up or across the property lines.

Mr. King said this is pretty well isolated, so usually it is easy to do that; saying he doesn't know if you are planning on putting outside lights on the building. Ms. Richards stated if she does it will be minimal. Mr. King said you should just know that there is that performance standard and as always there will be a bunch of conditions on the permits that say back those performance standards. Ms. Richards said the only thing she would like is a light by the steps to the house, but she certainly doesn't want flood lights on her house.

Mr. King said we have answered the questions. He asked the DRB members and Ms. Patrick if there were any other questions. They responded no. Mr. King said one question that didn't come up, and the site plan is not clear, where is the proposed location for the new structure and whether you will need to clear the land. Ms. Richards responded no, saying it is in the middle of an open meadow. Mr. King said some of the tree line is delineated on the plan and some is not. He said the proposed location is clear, he sees the edge of woods delineated; clarifying there is not any other area.

Mr. Richards stated everything inside of here is presently open. Ms. Richards agreed, indicating the tree line; noting in the winter they can see Rick's chicken coup and house. She said other than that it is a pretty private lot. Mr. Richards indicated the location on the aerial photo. Mr. West asked the location of their pond in relation to that. Ms. Mattes indicated the location. Those present oriented themselves to the photograph.

Ms. Mattes said the pond was required for fire access. Ms. Patrick said in talking with Harry Schopmann today, they recommend that for all parcels that don't have water, which is most of them in Jericho. Ms. Richards stated the brook runs right in front of our house. Ms. Patrick stated she is not privy to how they get their equipment to work with a brook. Ms. Richards discussed a situation where the Fire Department came to their house for a brush fire and had no problem extending their hoses to reach it. Ms. Patrick stated he said they bring 6,000 gallons, but if your house is burning that might not be enough.

Ms. Richards indicated the location of the brook, saying it is right there for them to take water out of also. She said the regulations talk about a conditional use approval expires if the zoning permit is not obtained within 180 days. She asked what the difference is between a zoning permit and a building permit. Ms. Patrick stated for the sake of this it is the same thing. She explained the process for getting a building permit. Ms. Richards clarified that a zoning permit is her getting a building permit. Mr. King said building permit is slang and the official name in Jericho is a zoning permit. Ms. Patrick noted in different towns it might be something else. She explained how the condition might read. Ms. Richards said she was not sure what that meant. She said the square footage will be determined.

Mr. King closed the hearing. He said we will deliberate and you will receive an answer within 45 days, but it is usually sooner. Ms. Mattes said in the zoning, we have 18.75 acres, and it says we cannot subdivide or do anything unless there is 10 acres and 10 acres. She said this property here, you want to keep in the family, so this will always be, until zoning changes, sold as one set. She clarified you can't divide it to two different people. Mr. King agreed, saying the present rules is 10-acre minimum lot size in this zoning district. He said in the present state that is right, she could not subdivide the parcel into two to separately convey them; they have to stay together. He said the accessory apartment is for family on the same property. Ms. Patrick said in the future, you could rent out one of these, but the owner or owner's family have to live in either the accessory apartment or the primary dwelling.

3. Approve minutes from 12/10/2015.

Approval of the minutes were tabled.

Mr. King asked about the meeting schedule. Ms. Patrick said nothing is scheduled and the deadline has passed for the first February hearing. Mr. King said the members would review the minutes for approval via e-mail.

The Development Review Board entered deliberative session at 8:16 p.m.