



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

Minutes
Approved August 11, 2016

Members Present: Barry King, Joe Flynn, Bruce Jacobs, Stephanie Hamilton, Jeff York
Members Absent: None
Guests: Chris Flinn (Zoning Administrator), Amy Richardson (Secretary), Laura Mahar, Chris Haggerty, Scott Simpson, Pamela Gillis, Leon Hendee, Margaret Sheehy, Brian Just, Victoria Tibbits, Gladys Zelman, Patricia Nolin, James French, Eric Zelman, Burton Rawson, Patricia Coates, Matt Hurley, Tom Carroll, Jessica Whitney, Jessica Alexander, Stuart Alexander, Charles Lacy, Donald Foote, Jim Carroll, Will Veve

MEETING AGENDA

- A request to the DRB by Pamela Gillis Revocable Trust for a conditional use review for a 12 x 12 addition. This parcel is located at 64 Hiram's Crossing in the Agricultural Zoning District pending (Rural Agriculture Residential Zoning District).
- A request to the DRB for a sketch plan review of a 2-lot subdivision. This parcel is located at 65 Bentley Lane in the Agricultural Zoning District pending (Rural Agriculture Residential Zoning District).
- A request to the DRB by Old Morgan Orchard LLC for site plan, conditional use approval and PUD review of a 6-unit (3 duplexes) residential development. This parcel is located at 20 Morgan Road in the Rural Residential Zoning District pending (Low Density Residential District).
- Approve minutes from July 14, 2016.

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 to the DRB by Pamela Gillis Revocable Trust for a conditional use review for a 12 x 12 addition. This parcel is located at 64 Hiram's Crossing in the Agricultural Zoning District pending (Rural Agriculture Residential Zoning District).

Applicant's Presentation

Ms. Gillis said what we are trying to do is a simple 12' by 12' addition on one end of the house, adding a bedroom so that we can use that bedroom as the master bedroom on the ground floor. She stated we went through sketch review one year ago and it was clear that we are in the flood hazard zone with the FEMA (Federal Emergency Management Agency) map. She said they didn't have the base elevation, so we needed to have an official Letter of Map Adjustment (LOMA) and it took a long time to get that. Ms. Gillis said we did get that and they have taken our house out of the flood plain. She said we are quite a bit above where a 100-year flood would be and the addition is just the

exact same level, not closer to the brook or anything. She said at the previous sketch review, our only hold up was the flood plain; otherwise we could get a building permit.

Mr. Flinn stated the reality is that what is being proposed meets the setback and zoning regulations for an administrative approval, but because it was shown in the overlay the Zoning Administrator does not have that authority. He said to get that authority they went through the LOMA determination process and FEMA determined the property is not within the flood hazard. He said if the Board is fine with that, then she can apply for that permit through the zoning office.

Mr. King asked the applicant if she had anything more to add. Ms. Gillis responded that this map shows the property appropriately; some of the maps that Jericho has where they have overlaid property boundaries with a Google map of the house show the boundary inaccurate and cutting into our house. She noted we have in fact measured that corner up to where the addition will be and it is 47', so we are well within the limits. Mr. Flinn said I think what the applicant is referring to is basically an aerial photo and because the satellite is on an angle it doesn't give a true depiction of where the house sits and the property lines. He stated when you basically superimpose the property line onto an aerial photo it looked like the property line was much closer to the house than it is. Mr. Flynn said maybe. Ms. Gillis stated there is a post in the ground and we measured to the actual corner; that is what we are going by, the post in the ground.

Board Questions

Mr. King said maybe it is not clear from what Chris just said, but there is that official letter from FEMA, called a Letter of Map Amendment (LOMA), which accurately depicts. He stated they have made a determination of where the actual flood hazard area is and that has been filed with the application. Mr. Flynn asked, per the Letter of Map Amendment, it shows just a structure was removed, but you mentioned property, an area; was it just property removed or was a specific area removed. Mr. Flinn responded that the LOMA says the structure is out of the area and maybe I took some liberties with my writing. He stated the actual new delineation, where the flood hazard is, we don't have that map from FEMA showing where it is; there could be area taken out. He said with regards to the structure here and the proposed addition, it is out of the flood hazard, which basically allows for an administrative approval.

Public Comment

Mr. King explained the public comment process. He asked if anyone had any comments regarding this application. There were none. Mr. King asked Chris if there was any written comment for the record or anything else he would like testimony on. Mr. Flinn responded no.

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

2. A request to the DRB for a sketch plan review of a 2-lot subdivision. This parcel is located at 65 Bentley Lane in the Agricultural Zoning District pending (Rural Agriculture Residential Zoning District).

Applicant's Presentation

Mr. Simpson introduced himself and Chris Haggerty, the Surveyor. He stated I'm representing Simpson's High Meadow LLC; I am one of the three members. He said my brother Bob and sister Nancy are the other members. Mr. Simpson said Simpson's High Meadow owns approximately 100 acres and we want to put what is already in the Vermont Land Trust into the New England

Wilderness Trust. He said they are actually going to buy the property outright and then it will be forever wilderness, which is fairly restrictive in terms of the use; the idea is that it doesn't get any human impact at all. He stated we would retain, the LLC, approximately 40 acres and that back, south 160 acres would go to New England Wilderness Trust.

Mr. Flinn displayed the map, saying for the Board's sake, this is the property here. He indicated the approximate location of the subdivision line, noting it is creating a 40-acre lot that has an existing residence on it and the remaining 166 are in the back. Mr. Simpson clarified there are actually two residences on that. He said Sue Morris is also there and the cool thing about it is that she has been living there for 30+ years and has potentially created a bobcat habitat that is essentially her laboratory. He stated that is why the New England Wilderness Trust is interested in getting this into a wilderness status, so she can in part continue her work there and I am sure other people will after.

Mr. Simpson stated this is a piece of property my parents bought in the mid-60's from Anna Bentley, who is the last survivor of Wilson Bentley. He discussed the history of the property and building a home on the property. Mr. Flinn displayed a larger aerial depiction of the property. Mr. Simpson noted he provided a new one because we are working out with New England Wilderness Trust exactly how that east-west border would go, so we have an updated map. He noted essentially we did it to maintain the acreage; they have an assessment that was done on the 166-acres, what was left in terms of value, so they can't change the acreage without changing the price that they are giving us.

Mr. King asked where is the structure with respect to these lot lines. Mr. Simpson asked which structure. Mr. King clarified the existing structures that are on it now. He stated you are not allowed to create a border that then creates a non-conforming lot. He said we would want to make sure that all of the setbacks are met after the new lot lines are drawn. Mr. Simpson indicated the locations of the existing structures on the property. He stated Bentley Lane was thrown up, we went through that process with the Town some years ago, so they will have an easement that goes up along the logging road back here. He indicated the location of the new lot line on the aerial photo, saying we will retain this parcel.

Mr. Flinn asked did you just submit that tonight. Mr. Simpson responded yes, that is new from the one you had. Mr. Flinn said as these things develop, please make sure I get them so that we are all on the same page. Mr. Simpson said yes. Mr. King agreed, saying this is sketch tonight, but it would be a problem to make changes at the last minute in at application. He stated there is no new structure, so many of the criteria are not applicable in this case. Mr. Simpson said I don't know what the setback is on a septic system, but when the new 2000 house was built we put in a mound system here. He said there will be a boundary here and way back here. Mr. King stated you will want to establish in your application what the setbacks are to various parts of it and make sure you know what the rules are on that; as far as I know there aren't any for that. Mr. Flinn stated no, if the septic ends up on the other lot then you just want to make sure that there are easements. Mr. Simpson said okay, I didn't know if that was an issue.

Board Questions

Ms. Hamilton asked the applicant to clarify where Bentley Lane ends and the easement to access the houses begin. Mr. Simpson indicated the location on the aerial and the Town's turnaround. He stated we are going to do a center line and 10' on each side of the center line. He said there will be just very minimal vehicle access. Mr. King asked how many houses are on the access road. Mr. Simpson responded three, because they will have an easement that is built in on our property. Mr.

King said the new owners of the back lot will have an easement, but what about the status of the road there; what do you have now. He clarified the road has been thrown up, so beyond the turnaround the road has been thrown up, which means the Town's right of way has been extinguished. Mr. Simpson agreed. Mr. King said that is now a private driveway for all intents and purposes. Mr. Simpson agreed. Mr. King stated you are creating lots that for the site plan has to be compliant, which means the driveway has to be compliant with the driveway rules. He clarified that with three houses that still meets the driveway rules. Mr. Flynn agreed.

Mr. King stated it needs to meet the driveway standards, which are not very stringent. He noted the public works standards for a driveway are different than a private road, which would be necessary if there were more structures beyond it. He said that is a distinction that is important to know as you are making your application. Mr. King said the status of that is that it is a private driveway, so the way that it is constructed, the way that the right of way is deeded and the widths are appropriate for driveways. Mr. Simpson asked wouldn't it be like that already because isn't it three lots. Mr. King responded it probably would. Mr. Simpson asked if they dealt with that when the road was thrown up. Mr. King said it doesn't matter because if it is non-conforming now due to history it will need to be made conforming.

Mr. York asked wouldn't it be a fourth lot. Mr. King stated it is a fourth lot, but not a fourth structure, so it is an interesting question. Ms. Hamilton asked is it lot or structure; I thought it was lot. Mr. King stated I note that only the section from the Town road turnaround to the first house might have to be shown to be compliant with the private road standards; after that it could transition to a private driveway since there are only three beyond that. He said I am not sure exactly what the impact is on you and whether you might already be compliant with the private road standards since that was at one time a Town road. He said that is what the rules are, so you just want to be careful.

Mr. Flynn stated it is three parcels. Mr. King said and after three it is a private road, saying the width of the right of way that is designed in the new site plan and the construction of the road itself, the clear width and so on, have to meet the public works standards for a private road. Mr. Simpson stated 20' is going to be the right of way. Mr. Flynn clarified 50' is the road. Mr. King agreed, saying it might have to be 50' to the first one and then only 25' or 30' after that. He said the point is that we will need to make a compliant site plan and I think what that will mean is the new lot lines and the new rights of way will have to be conforming. He stated because you have changed the status of that road within the parcel that is getting subdivided.

Mr. King said outside of the parcel that is getting subdivided those are separate lots and it does change the number of lots served, which does change the status of the road. He said even though the proposed is wilderness, it doesn't change the rules on the number of lots. Mr. Flynn noted the right of way is 30'. Mr. King clarified it is 30' for a road. Mr. Flynn agreed. Mr. King asked what it is for a driveway. Mr. Flynn clarified the permanent easement and right of way is 30', noting it is in Section 5.2.2. Mr. Simpson asked if that is the size of the road or the driveway. Mr. Flynn responded read from Section 5.2.2. He stated with the creation of this lot, will there be deed restrictions in regards to development, access, and so on; what that access is limited to. He asked how will that be handled.

Mr. Simpson responded that is all spelled out, saying the intent is for it to be wilderness forever. He stated there is one trail/logging road that will be allowed to be maintained through the middle of the rectangle going north to south; other than that we can't maintain trails that exist other than sort of

picking stuff off of it; if a tree falls we have to go around it. Mr. King clarified you are talking about a use plan, but we are talking about deed restrictions. Mr. Simpson said I don't know if it is a deed restriction, but that restriction is on our property; our use of it will change some. Mr. Flynn clarified we will be able to see the draft documents. Mr. Simpson agreed.

Mr. York asked what will be the public access to this property. He said you are deeding it to a private organization, so will there be public access to this land. Mr. Simpson responded yes, with permission. He stated there will be signage and boundary markers that show the phone number to call to get permission. Mr. York asked how will they get access. Mr. Simpson responded they will get permission and they will be able to walk the right of way. He said there are lots of other ways that hunters have accessed the land from other properties; it is not posted or restricted in any way for hunting at this point.

Mr. Haggerty stated it is contiguous to a huge Jericho-Underhill Land Trust parcel. Mr. King asked him to show us the context on that. Mr. Simpson said it is part of the Chittenden County Uplands Project. Mr. Flinn displayed the map, noting the boundary. He asked where is the Jericho-Underhill Land Trust property. Mr. Haggerty said it includes those two ponds to the east; doesn't it. Mr. Simpson said that is already in wilderness, Sue Morris bought it. Mr. Flinn said it is the 187 acres next to it. Mr. King stated you are contiguous to the Land Trust land, then it goes to the Town line, which I don't know what the ownership is on the other side. Mr. Simpson said I think there is 40 acres of wilderness there.

Mr. Flynn asked Chris, survey wise, are you just going to do a boundary line adjustment, or are you going to run a line between the two. Mr. Haggerty responded that from a survey perspective, one thing we wanted to clarify tonight was the scope of the survey work. He said what we were proposing was to certify and survey out the 40-something-acre parcel; deal with those setbacks, the structures, right of ways, and all of that stuff, and let the rest be depicted, but un-surveyed. He said there are surveys all around it done by John Marsh. Mr. Haggerty said there are no real conflicts on the ground; everything is harmonious out there. He said it could be an extra \$20,000 to the Survey, so it is nothing to shake a stick at; this is that grey area where if you are carving a 1-acre lot out of 100-acres, most towns' expectations are that the 100 don't have to be all surveyed.

Mr. Haggerty said we are proposing really that our certification would end at the south line of the new lot, the 40-something-acre lot; we would depict the rest and the acreage would be based on the Grand List less that 40-something-acres. He said we discussed with New England Wilderness Trust if that is okay and it sounds like it is fine; they would be acquiring the remaining lands of the Simpson's via 160 acres more or less. He said that was one thing we wanted to ask for. Mr. King said the line that is being added would be a surveyed line; is that what you are saying. Mr. Flynn clarified not the line. Mr. Haggerty said the whole perimeter. Mr. King clarified as far as the creation of the new lot; the new lot is defined as the old lot, minus the part that is surveyed. Mr. Haggerty said exactly. Mr. Flynn said as long as you feel comfortable.

Mr. King stated I don't see anything in the regulations that requires the remainder of it to be surveyed. He asked Chris if he sees anything; noting if there was an acreage question and it mattered then we might have a problem. Mr. Flinn responded there is nothing in the State plat laws that require the whole thing to be surveyed, so there is really nothing that can force that to happen. He stated the Surveyor is going to stamp it and sign it, so he is the first line of defense. Mr. Haggerty agreed, saying I specifically put on there that I hold no liability or certification to the remaining

acreage; it is the Grand List, less what we surveyed. Mr. Flynn clarified there are surveys all around it. Mr. Haggerty agreed, saying largely what is on the ground is what those surveys depict. Mr. Simpson noted where they abut are on the back end of the abutters properties, so I don't think you could build a house there. He said my assumption is that it will increase their property value because they are abutting a wilderness area.

Mr. York clarified the new 40 acres will have two residences on it. Mr. Simpson agreed. Mr. York asked if both of the residences are owned by the applicant. Mr. Simpson responded that the residence by the pond is owned by the LLC; Sue's house, Sue owns as a life estate deed. He explained she owns the house itself and we own the property, and when she passes it reverts back to us. Mr. Flinn indicated the one owned by the LLC and the one in the life estate. Mr. King clarified there are two units on that lot. Mr. Haggerty clarified we are not making that more non-conforming by shrinking down the lot size. Mr. Flinn responded no.

Mr. York said when you create a new lot it has to meet the rules. He asked about having two houses on a lot. Mr. King said two units on a lot in that zoning district, is that a problem. Mr. Simpson said Sue's house has been considered a separate lot at times for tax purposes; she pays a separate property tax bill. Mr. Flynn stated I don't think it is a separate lot. Mr. Flinn said it is not a separate lot; for assessment purposes, she pays an assessment on the improvements.

Mr. York asked what zone is this. Mr. Flinn responded these are pre-existing, they were previously approved by the previous Zoning Administrator or Development Review Board. Mr. York asked what zone the 40 acres would be in. Mr. Flinn responded Agriculture, saying it is a district with 10-acre density. Mr. York asked do we allow two units on a lot. Mr. Flinn said you already have. Mr. King clarified the question is, if it is non-conforming by the present rules, then we are creating a non-conforming lot. He said I don't think it is non-conforming; I think two units on the density is right. Mr. Flinn stated I would have to look into that to see if it is an issue. He said I haven't because this is sketch review and they are pre-existing. He said there is the ability that they carve out the 40-acres and do everything they intend and part of that process is to look at it as a PUD. Mr. Flinn said there are ways to do it, but I am not sure it will be necessary. He discussed how the applicant can approach the issue.

Public Comment

Mr. King explained the public comment process. He asked if anyone had any comments regarding this application. There were none. Mr. King closed the hearing. Mr. Simpson asked about the schedule to submit the new application. Mr. Flinn said it is the second week in September, suggesting he call the office for the deadline to make that submission.

3. A request to the DRB by Old Morgan Orchard LLC for site plan, conditional use approval and PUD review of a 6-unit (3 duplexes) residential development. This parcel is located at 20 Morgan Road in the Rural Residential Zoning District pending (Low Density Residential District).

Applicant's Presentation

Mr. Veve introduced himself, saying he is representing the applicant KCS LLC and Old Morgan Orchard LLC. He stated I do have some additional information printed out for you all based on the staff notes. Mr. King asked what do we have. Mr. Flinn suggested if we are going to do that maybe we need to excuse everyone to review the information. Mr. King and Mr. Flinn discussed how to address it procedurally.

Mr. King stated what we are thinking is there are a couple of issues that came up in the staff notes and you want to address them, which makes sense. He said at the same time, we need to have time to review the information and to ask questions and get clarification in the open hearing. He explained if we have late submissions like this what we normally do is continue; that delays things, but it doesn't close the hearing and we don't have to re-warn it.

Mr. Veve said it was my understanding based on working with Chris and then receiving the staff notes, that we would have the appropriate amount of time to present all of our answers to the questions that were brought up in the staff notes. Mr. King agreed that is totally appropriate; you are saying you have new material to submit beyond what was in the original application. Mr. Veve stated it is supporting material that answers questions in the staff notes, as we were instructed to do. Mr. King stated I guess we will have to see if we have enough information. Mr. Flynn agreed.

Mr. King said what I guess I was pointing out is that when there is this kind of a late answer, it might be true that we don't have enough information and we have to continue; so I am just warning you that is what we do if we are not finished. He said the whole purpose of this hearing is to get the information that you have. He asked the Board members if they are okay, from a procedural standpoint, with where we are with this. The members agreed.

Mr. King said he could proceed with the printed materials or presentation. Mr. Veve stated I printed that out and my understanding from Chris is that an initial decision would be made. Mr. Flinn stated don't put words in my mouth; I never said an initial decision was going to be made. Mr. King stated the point is procedurally, we have an open application, so we are going to hear it. He explained that if we have all of the information we need to deliberate at the end of tonight's hearing, we will close it and we will render a decision; if we don't, then we will have to continue it. He said I think the back and forth was somewhat about the understanding that you were concerned about whether the density bonus would get granted and that might change what you intend to do; if that is the case, we can try to accommodate that answer before we close the hearing, but that is up to you.

Mr. Veve said that was my understanding that that was what was going to take place. Mr. King stated we might want to do that, but it doesn't change whether we think the submittals are done and we have everything we need to deliberate. Mr. Veve agreed. He distributed the materials. Mr. King asked him to make his presentation on what is proposed and briefly touch on what all the issues are that came up in the staff review that you would like to provide us information on.

Mr. Veve said I will start with my quick cover letter. He thanked Chris for the write up and read from his letter, saying that since we last saw you a lot has been done. He stated prior Michelle went through all the feedback, we completed lots of work as well and we began working with Chris Flinn, the new Zoning Administrator; Chris, welcome to the Town of Jericho again. Mr. Veve said essentially, other than some confusion areas we need to discuss, we do believe we are complete in our application. He said to date we have received the following permits and permissions for this project:

- The updated State of Vermont Wastewater Permit #WW44573;
- The Town of Jericho Building Permit for the 5-bedroom, single family house with a three car garage;
- The Jericho Highway Department Curb Cut Authorization for Oriel Orchard Lane;
- State of Vermont General Permit 3-9020;
- Stormwater Permit #76289020;

- State of Vermont Amended Wastewater Permit, which is a follow up from the original wastewater permit that we had allowing for additional units as proposed here tonight for the PUD;
- Village of Jericho Inc. Water District Water Service Acceptance Letter;
- A Mount Mansfield Modified School District Letter; and
- The letter from Underhill-Jericho Fire Department No Burden Letter.

Mr. Veve stated we have gone through all of the notes received from Chris Flinn concerning our project and find that with the large number of pages it is easiest to begin at the start and go through each staff note, page item, by page item. He said to this end we have annotated the report that we received and included responses to all that required a response. He explained the green highlighted notes are that of Jericho staff received from Jericho Zoning Administrator Michelle Patrick; the red and blue notes are from Jericho Zoning Administrator Chris Flinn; and then our notes are in black italics underlined.

Mr. Veve said the one color copy is with the DRB Chair Mr. King, saying it is pretty easy to follow along because of the shading; noting I can answer any questions if anything gets lost in the paper translation. He stated from the Departmental review and comment, I am sure you have all read that; it was stated that because of the multiple reviews required within this application, there was a recommendation that the DRB only open the public hearing for the PUD to start with and to determine if it met the standards for the density bonus request of 50%. He said in opening, we are requesting that the density bonus request of 50% be granted.

Mr. King asked are you asking us to act on this at this point because it is premature at this point; we have to establish a lot of stuff to be able to answer that. Mr. Veve stated to that point we responded to the DRB's request from sketch review and follow up meetings, to the then Zoning Administrator Michelle to define the energy efficiency density bonus request. He said through correspondence communication with our attorney, the Town's attorney, and our representatives at Efficiency Vermont. Mr. Veve noted Brian Just from Efficiency Vermont is here tonight. He stated our attorney presented his opinion surrounding the density bonus question and it was accepted by the Jericho Town attorney. He said our understanding is that the energy efficiency aspect was cleared up after the initial sketch review meeting with the then Zoning Administrator Michelle Patrick; it was accepted and we agreed on that.

Mr. Veve said the project is using the energy efficiency density bonus allowance. He stated two letters were written and provided to the Town of Jericho, the staff and the Board: the first written May 3, 2016 from Jeffrey L. Gephart from Efficiency Vermont that clarified the change in the regulations based on Energy Star language; an additional letter was provided to all parties and it was written June 22nd by Brian Just from Efficiency Vermont that further clarified the previous position and stated that "we are satisfied that the design team understands the program requirements for successful certification as outlined in the attached documentation."

Mr. King said let me interrupt with a question: just so everyone in the public understands too, in the regulations there is a provision called the density bonus for housing which meets a certain energy standard as quoted in the regulations, the developer can be granted a 50% density bonus, which would go from four to six in this case. He stated the regulations quote a particular standard as the standard to meet and that standard no longer exists, it has been superseded, is that fair to say. Mr. Veve responded yes. Mr. King stated you said you have someone from Efficiency Vermont here. Mr. Veve responded yes.

Mr. King asked the Efficiency Vermont representative to explain, saying the regulations quote a specific name of a standard, which I understand has been superseded. He asked the representative to explain more about that and what they were superseded by. Mr. Just from Efficiency Vermont said the regulations apparently quote, I haven't seen them, but I guess they quote the Silver Standard. He said which, as of May 2015, is no longer one of our programs. He noted I do have a couple of the current ones, distributing documents to the DRB members. Mr. Veve said I also previously handed those out at sketch.

Mr. Just explained the Silver Standard doesn't exist anymore; there has been a Vermont Energy Code update since that time and these went into effect March 2015. He said there is no exact parallel for what Silver used to be, but the Efficiency Vermont base level certification is the closest thing we have; that is basically where we are at. He said I understand the regulations now require the high performance tier for the density bonus, which is a substantially deeper level of energy efficiency that is also outlined in there. Mr. Veve clarified our application is being considered under the previous rules with the Silver.

Mr. King asked can you tell us what the differences are between the old Silver designation and the present Efficiency Vermont base level. Mr. Just responded it is very similar; basically the Silver was tied to a national standard called Energy Star and it has a long checklist that the Efficiency Vermont Certified Standard does not. He said it was a way to make it easier for people building in this state to comply with the spirit without having pages and pages of the extra documentation required for Energy Star. He stated as far as with the Vermont Energy Code changes in 2015 and the tier changes since then, it is very similar to what silver formerly was.

Mr. Veve said I would like to make a point that we want to be considered for energy efficiency. He said we are striving for an equivalent that is above base and that is what we want to be held to on the rules that we applied for and that is the basis of all of our prior planning and careful planning process for the affordable energy efficient workforce housing solution. Mr. York asked do you have the Silver star checklist and did you meet it. Mr. Veve responded yes, we previously at sketch had the checklist, we are working with Karen and Brian on our overall design, and right now we have a proposal. He stated I think Brian can better explain exactly how our proposal is over that of base based on what we went through and I printed that out as well just for clarification.

Mr. Just stated I can quickly sum it up. He said we don't have detailed drawings; we can do energy ratings from what our understanding is, preliminary rating. He said my understanding right now is that what they are proposing exceeds the Efficiency Vermont Base Level Standard in two key areas: 1) they are looking at an ICF foundation, which is R30 and our program requirement would be R15, so it is a higher level of insulation on the foundation.

Mr. Veve stated it is a foam block solution that is really excellent. Mr. Just said our second deviation from what would be our standard above-grade wall is that they are proposing to add 3" of silver board onto the exterior of the 2' by 6' wall that is filled by dense packed cellulose. He stated the 2' by 6' wall with dense packed cellulose is a very standard wall that meets code, so those are the two changes that we have received that is their intent. Mr. King stated we would like to make sure that the Board asks any questions they want to ask to establish whether you have enough information to make a decision on the density bonus; so let's do that at this point. Mr. Flynn clarified there is no conceptual design on these buildings, except for some overall goals that you plan on meeting. Mr. Veve responded we have sent drawings to Karen. He said we had our initial proposed Colonial put

through, what did you call the specific review. Mr. Just said it is an energy model done with a program called RenRate. Mr. Veve said we have had that done to compare ourselves to the different levels and that is how we arrived at these real world numbers; I actually printed that out from what we received back from Brian and his team.

Mr. Flynn clarified in this process, will Efficiency Vermont be certifying the design, construction, and so on, so we have some guarantee that if you are applying for the bonus that you actually follow through with that. Mr. Veve responded yes, they are our guarantor; they are our third party verification vendor and we have signed up with them exclusively. He stated during the design, actual construction and the finish process, they will certify each step and they will write an energy efficiency certification certificate which is prior to the Certificate of Occupancy being given to us. He said there is a chain of requirements and they are our third party verification vendor to make sure that we follow those processes.

Mr. Just noted anybody who enrolls a home with us; they enroll, we provide the services, we do the preliminary energy models and we will work with them throughout. He stated does everybody complete successfully in the program; no, but a majority do. He said I can only state where we think they will land based on the intent that we have received. Mr. King said the point is that when construction is done you would be able to certify that it met a given standard. Mr. Just agreed.

Mr. Flynn said all this is based upon the acreage you are stating; 6.2 acres; an overall site plan. He said I have yet to see a boundary survey that confirms, noting 0.2 acres is easily eaten up by one line if it changes. He asked how do we know without a plat that we really are at 6.2 acres. Mr. Veve responded prior to our first permit this was originally surveyed for the wastewater permits by Trudell Consulting Engineers on our behalf and it is a 6.2-acre survey. Mr. Flynn clarified you said for septic, but not a boundary; those are two different things. Mr. Veve stated we had a property survey. Mr. Flynn clarified there is a boundary plat for this. Mr. Veve said yes. Mr. Flynn asked if that was included in the package. Mr. Veve responded yes, I was requested by Chris to send the plat and I sent that over. Mr. Flynn said you received that at the last meeting with the package of information; there is a plan within that is called C1-02 and it is from Trudell, the proposed plat. Mr. Flynn apologized. Mr. Veve said that's alright; it is a certified plat and it also designates the open space that is a requirement for the PUD.

Mr. York clarified back when there was Silver, was there a Silver and a Gold, two levels. Mr. Just responded there were three: Bronze, Silver and Gold; the Bronze and Silver have been sort of morphed into our Base Level requirement and the Gold is basically what you are seeing as the High Performance Tier now. He said in reality the Bronze and Silver were so close together that there wasn't much to distinguish them, which is why we melded the into one.

Mr. King asked Chris if he had anything else on this part of it that he wanted to get testimony on; we have all of the submittals of course. Mr. Flinn responded no, saying I am not 100% sure what was newly submitted. He said I looked at it quickly, but it doesn't look like much or any of it has to do with the density bonus. Mr. Veve said no, it is all follow up information. Mr. Flinn said from that standpoint I don't think I do.

Mr. King asked if there were any other questions, saying he would like, for the applicant's benefit, to get a sense from the Board as to whether we are okay with the density bonus. He noted we are not deliberating at this point, but it would be helpful to the applicant to get a sense from the Board as to

whether we are okay on the specification that they are able to certify versus the one that is quoted in the regulations as they were at application, that is the question. The DRB members discussed, agreeing to wait until after public comment. Mr. King asked the applicant to respond to the issues in staff notes.

Mr. Veve presented his responses to the staff notes, as follows:

- Practically speaking and just to the density bonus, it is only a benefit if the site can, under all the rules, sustain the density and this site is unique and special in Jericho; describing the parcel.
- It has excellent absorptive soils allowing for conventional septic;
- It has municipal water, which we have received a letter to interconnect on;
- It has power, cable and phones that cross it;
- It is adjacent to the parking lot and storage facility for the high school;
- Due to topography and increased density, it does not negatively impact the adjacent parcels;
- Energy efficiency has always been and will always be the goal of the project; it has been originally planned for this efficient workforce housing project;
- Ultimately lowering the operating costs on a long-term basis, so the occupants can enjoy an affordable solution that saves money on utilities and lowers their overall impact through efficiency measures; all of which are goals of the Jericho Town Plan and the Chittenden Regional Planning Commission's Regional Plan;
- The site is suitable for and designed to allow for future renewable resources that can be employed when they do become available from the interconnecting utility, Vermont Electric Co-op;
- The open spaces can be used for gardens to grow food for the residents once the project is occupied;
- Just going through the other notes, duplexes allowed conditional use in keeping with the area; there are other duplexes on adjacent roads, particularly on Packard Road, noting the developments;
- I think it is important to note that the State has inspected the site and the State has given us our amended wastewater permit; it has been issued for the project as it is proposed, 6-unit PUD;
- To note on the curb cut, we have received our initial curb cut approval and we have no objection to further review and approval from the Highway Superintendent of this project as it is proposed;
- For a follow up on that curb cut, we are not proposing any additional curb cuts, which is keeping to the Town Plan of limiting curb cuts for new construction; there is only one curb cut for this project;
- Water service has been approved;
- As we were earlier stating, for the point of Certificate of Occupancy and everything that has to do with that, Efficiency Vermont will approve our proposed designs, supervise construction, and certify final buildings upon completion, which is very important;
- We have reviewed the DRB's procedures; to the point of conditional use, we are answering all of the questions below pertaining to site plan review; however, we believe we may be exempt from site plan review under Section 10.10.2 where it lists exemptions, reading the exemptions; we were looking for some clarification from the DRB if our belief is correct and we are in fact exempt from site plan review;
- On the approvals, we appreciate the fact that the project is going to have no undue burdens;
- Like I said before we have received our curb cut and we have no objection to another approval from the Highway Superintendent;
- I think this is very important as well; the character of the area as defined by the purpose in the zoning district, reading from the regulation; our proposal we believe is to the point of health; the

property and design provide connectivity to the surrounding areas, there are no steep grades, the property is accessible for pedestrian use;

- Energy efficient design is a model for health, creating affordable and livable homes in all four seasons;
- The safety of the property is on an accessible, close proximity road; it has services from two fire hydrants; the driveway design has been approved by the Underhill-Jericho Fire Department (UJFD) for safety and access of occupants and emergency personnel and vehicles;
- Welfare: design energy efficiency, fire protection and good access all serve to better the welfare of the citizens of Jericho and the residential occupants;
- I should also note that we are offering a permanent easement to the Town of Jericho which we submitted for a pedestrian easement that borders Morgan Road, the length of our abutting property, so that the Town may interconnect when future Trails Committees get to the point of being able to use that as an interconnecting trail; that is also contiguous to our open space plan and very important to the connectivity of our property;
- Character of the area: the principal abutter is pretty obvious, it is the Mt. Mansfield Union High School (MMUHS); there is lots of noise, traffic, and service deliveries; this project has been designed to accommodate the high school in its direct location as an abutter; the topography and design eliminate the adverse impacts on this, which goes to the point of screening;
- Additionally, in response to the DRB's at sketch review, we have updated the screening plan with additional landscaping and plantings to ensure that we are screened from the high school property; there is also significant existing tree buffer at the road and abutters; we include a planting plan along this area to ensure that the project is properly screened; there is also a good existing stand of trees that are going to remain;
- To that point we have had a Certified Vermont Forester come on site and walk the whole property and give us a full report; that is from Green Leaf Forestry;
- On the outdoor lighting aspect, all exterior lighting will be downcast and meet energy efficiency standards, along with the current regulations for outdoor lighting as it pertains to the Town of Jericho's regulations;
- It should also be noted that we agreed originally with the then Zoning Administrator, Michelle's notes and requests at our first meeting that we were going to be held to the regulations for all lighting under LURS Section 1.11 as she noted;
- Signage: other than road numbers, emergency 9-1-1 and a simple HOA (homeowners association) sign, all of which will meet the dimensional requirements and signage regulations of the Town of Jericho, there will be no other signage proposed;
- Another important part we are speaking to is that the proposed use, including any buildings associated, will be compatible with the stated purpose of the zoning districts in which the use will be located;
- It should be noted there are 32 lots in the Morgan Road area; I printed out a State of Vermont map that shows the 32 lots that are serviced by Morgan Road and other road, which is a dead end there; they are all eligible for and can receive accessory or duplex approvals; Jericho has duplex and multifamily housing blended into its mix throughout all of its different zones and in close proximity to this project, noting some in the area;
- I appreciate you being patient with my presentation;
- To the point of traffic, which is important, we had a traffic analysis prepared by professional engineers, it is attached as well again; it was prepared prior at sketch; it was completed by a fully qualified, professional engineer and it is objective; the current curb cut was presented and approved by the Town Highway Superintendent;

- The design was fully discussed at sketch plan review; the design combination with the fire hydrants provides a significant improvement, helping to alleviate congestion or hazards by providing a safe place for emergency vehicles to turn around safely; we are designing Oriel Orchard Lane with a true hammerhead that has been reviewed by UJFD and given a safe turnaround for all vehicles, including emergency vehicles and personnel; noting the current distance a vehicle would have to travel to turn around safely; we believe this is an overall improvement to the road; we also do not object, again, to the follow up approval of the Highway Superintendent;
- To the point of cumulative impact on this conditional use, it is noted by staff that the adjacent high school is also a conditional use and we would like to point out that the high school is an extensive existing facility and this project buffers the high school activity;
- What is also very important to this project is the site itself and the important overlay districts that take place throughout the state of Vermont and in our community; we have taken great care to design around this; at present the project does not fall within any of the overlay districts;
- There is no potential impact on water resources or well head protections;
- We have had the wetlands delineated with a letter as well and we believe we have been very thorough in that aspect to ensure that there is no adverse impact to any of those overlay districts;
- Next on the list is the site plan review aspect, I had mentioned earlier this is the same way the notes were given to us; we are answering all the questions below pertaining to site plan review; we believe we may be exempt from this based on the 10.2.2 exemption that is listed in the Jericho rules;
- I spoke to signage because his goes through all the things that need to be considered, listing all the items;
- Outdoor lighting: other than the buildings, there is no on street lighting;
- Utilities: have all been spoken to;
- We have received our stormwater permit for discharge that is in hand; this is considered a low impact aspect and we do have that permit;
- Performance standards: signage - other than road numbers, 9-1-1, and a simple HOA sign, which will meet the requirements of the Town of Jericho, there will be no other signage; there will be no fencing as well;
- Under the performance guarantee, the HOA through its declarations are all bound by the permit that may be ultimately given as conditioned; Certificates of Occupancy are impacted if the project is not compliant; we respectfully request an honor system be used by the DRB, bond, escrow, or surety bonds on projects of this size, which are not public by nature, would be difficult and burdensome; that is a performance guarantee you have noted in 10.10.4;
- Planned Unit Development review: we believe this project is in the spirits and the words of the Jericho Town Plan;
- Energy efficient: based on our design and engineering, our whole goal here is to give the community affordable workforce housing that meets energy efficiency standards, that is designed to have a mortgage and housing expenses below 30%, which is a big task that we are taking on and we can deliver; at the same time, being able to be financed and resold without restrictions in the mortgage market which is very important; I just want to make that clear;
- The pedestrian easement to the Town of Jericho for future use by the community, connectivity, with our plan for the open space, it will not be developed and it will be properly conserved with a professional forestry report in place; ultimately clustering the homes to minimize impact to open space;

- Open space: the proposed open space is a condition in the PUD regulations, noting that 50% of the entire parcel must be dedicated to open space; even though we are not located in the above mentioned overlays and resources, we have taken special care in our design of the open space to ensure future connectivity and conservation of the highest quality land and natural areas that are located outside of our building envelopes and area of disturbance; this allows for the use of trails and recreation and preserves the forest with a professional forestry in place meeting the requirements of conservation; additionally, we are giving a dedicated pedestrian easement to the Town of Jericho for all of the community to enjoy that additionally interconnects our open space planned;
- Section 10.12, there was a note that the DRB should classify this application as a minor or major subdivision and we respectfully note that the previous staff notes stated that this is considered a minor subdivision with three or fewer lots, not including open space;
- Open space, again, it is coherent; it creates a trail system interlocking into our pedestrian easement and leading out to Morgan Road; it is contiguous, which is important; the open space also preserves natural surroundings and forest with our forestry report conducted; additionally, all agricultural potential is encouraged, including community gardening for the residents of the project through proper management of the HOA agreements; all documents note open space and comply with the Jericho regulations and permits that can be given; the land being designated as open space should be a condition of approval; all of these requirements are met through our documents, declarations and HOA agreements and we agree to these being a condition of approval; all those we previously submitted, which can be considered our full legal package for this project; presently, open space land shall be contiguous with existing potential open space lands and parcels; it is noted by staff that there are open, undeveloped parcels that are contiguous but staff is not aware if they are conserved or potentially developable; presently we are unaware of them being conserved and we believe that they are not conserved, they are not listed; however, the topography and land features do not lend themselves to development; he discussed the present conditions of the surrounding land;
- Again we have agreed to provide an easement for public access along Morgan Road; a draft of that has submitted to benefit the Town of Jericho;
- Privately owned open space: again the documents we submitted include the definitions of the Jericho regulations in required compliance with the requirements; we have given the full legal package to the Town, noting what was included in the package, all of which serve to legally define all aspects of the project and are further required by Vermont statutes for a project of this nature;
- Density bonus comes back up in the notes, so I will skip that and just say that we have already spoken to the density bonus aspect;
- Energy efficiency has also been spoken to and we appreciate Brian being able to speak to the Board about that;
- Dimensional requirements: we are compliant with these sections as noted by staff;
- Lot coverage is less than 40%; of the 270,072 available square feet of the lot, which is 6.2 acres, the proposed project and its six units along with the roads and drives have a gross total coverage of about 11,000 square feet; this proposal is compliant, as noted by initial staff notes;
- Further down staff additionally says the application is essentially being proposed as one lot; the 6.2 acres with restricted open space are of 3.1 acres of the 6.2 acre parcel; this proposal appears compliant;
- Staff notes on PUD shall provide for vehicular and pedestrian activity with neighboring developments wherever possible; the staff notes are correct, the applicant offers the following observations: the private roads and driveways the project will create where appropriate grass

pathways for the residents to be able to walk, ski, and play in the open common space area; that is its intended use; these features will all be decided by the future occupants through guidance and direction by the HOA documents that serve the project, its common open space, and other legal aspects covered by the declarations;

- Boundaries, roads, utilities: the electric services will all be placed underground and the two poles that are located on the property; this was agreed to from the first staff notes the applicant received concerning our proposal on this project;
- To the point of the cultural and historic sites and features: there are no cultural or historic sites now known or known to be listed on any local, state, or federal register near or on the project site; our project will by careful management and through our forestry report and landscaping, recreation, safety and comfort for all of the citizens of Jericho;
- To the point of general development standards, 11.1 to 11.14: the plan as presented and applied for is in fact in compliance with the aspects of fire, State general permit, wastewater and has been reviewed by the Town Highway prior; there are no slopes greater than 10%; the design, it is hard to read on there, but the slope of this Oriel Orchard Lane is 6% and the note is in there; we do not object to the condition of further approval by the Town Highway Superintendent;
- To the point of the traffic study and off-site improvements: going down to “g”, we did provide a traffic analysis; the reason we did this was a thorough measure to ensure that there would be no adverse impacts with our project as proposed; as the study shows, the six additional peak hour trips will not have an undue adverse impact; again to the point of the adverse impact and adjacent roads, the new road and hammerhead will allow a safe turnaround for travelers and emergency vehicles; the traffic analysis stated that the additional peak trips, again will have no adverse impact the road or adjacent roads;
- Going down to street names, we did originally speak to the Town and had Oriel Orchard Lane okayed and I believe they even ordered the sign, but we haven’t received the sign yet;
- Arrangement of streets, this goes into some depth; the note is there is no provision for continuation of streets within this proposal; there is no physical topographic or contour that would allow the extension or interconnection of this road due to natural features and regulations; there is a note about new dead end and single access streets, which is part “b” of 11.1.8.7; we respectfully note that the adjacent property is the high school that has no access connections and other than the abutter has an undeveloped lot that has land that is located at the end of South Hill Road off of Morgan Road; an ROW (right of way) would impose on the applicant an undue burden on the project, the HOA and future quiet enjoyment of the property by its residents; including it would disconnect the open space plan;
- I don’t need to repeat the hammerhead aspect of Oriel Orchard Lane;
- To the point of parking: we have included ample parking that allows for a minimum of two spaces meeting the dimensional requirements of 9’ wide by 18’ long in front of each unit on the designed driveway; we have provided the above minimum required parking spaces for this project with six units and two spaces each; there is ample parking for 14 vehicles that exceeds the six space minimum per the regulations; not including any additional parking spaces and garages and also note based on the staff notes, this is not a multi-family project;
- Front yard parking: this is a residential use and it is not located in the Village and Village Center Zoning Districts, so we absolutely have no plan for front yard parking;
- Landscaping: as noted on the attached plan, we detailed a parking area will be seeded on either side, creating a grass landscaped parking area;
- Bicycle parking: which is important to me, I’m an avid bicycler and I believe this is important, a bicycle parking space unit will be provided at the head of Oriel Orchard Lane for residents and

kids to park bikes; it will accommodate the minimum of two bicycles, meeting the above requirement for bicycle parking;

- Pedestrian facilities: we have no issues with temporary easements, should they be required as a condition to approval;
- On the point of lot layout, 11.4: this is highlighted by the then Zoning Administrator Michelle, applicant should clarify if this lot will remain as is or if the PUD will involve individual lots; the lot is going to remain as is, so no separate lots are being created; we believe that we are not subject to 11.4 on lot layout, but we have spoken to the notes that were presented to us based on that; we conform to the majority of the ones; there are none that we are non-conforming to; there are quite a few here;
- To the point of the forest fragmentation and tree removal being kept to a minimum: we had Green Leaf Forestry visit our site and provide a detailed report based on the quality and location of the trees in the forest that are located on the property; we will be following recommendations, removing dead, damaged, or diseased trees only when trees pose a safety risk to people and/or structures; please reference the attached letter for the full forestry report;
- On the grading, slope, and ridgeline: I have spoken to that in some detail; we are conforming; we also submitted an erosion and sediment control plan; we have a grading plan as well and our State general permit has been issued and again we do not object to the Highway Superintendent's review and approval as a condition;
- To the site disturbance aspect, including cut and fill: the State general permit has been issued and we will be complying with that permit;
- The DRB may require a letter of credit, bond, or escrow for sufficient slope stabilization, plantings, and to ensure satisfactory plantings for three years following construction; we believe that the regulatory process today would seem to be more than adequate for a project of this size and scope; we ask that no bond, LOC or escrow be required;
- Please note on the development and disturbance of more than 10,000 square feet, see our topographic map provided previously; there are no slopes greater than 25%;
- Water supply and sewage disposal: we have received our letter to interconnect with the Jericho Village Water and we additionally have our wastewater permit and potable water permit that has been amended for the project as proposed;
- Preservation of landscape: site plan is planned around the trees of value; the majority of the trees have been removed for the driveway and septic for the first lots preparation; there are no major topo changes beyond the house, drives, and road; further, you have a report from Green Leaf to reference; the site is well-screened as is now and only that which is needed is being removed for safety, forestry management, the infrastructure and building, this will allow the quality trees to thrive; there was note that the plantings might not have been clear and we did mark the plantings on our final site plan; you can see in response to the DRB's request, where we abut the high school there is a little open spot and we have four clusters; along Morgan Road, we have another four clusters; we have provided a cut sheet of the proposed plantings that we will be planting there to improve the buffer and screening; planting specifications, the site and the areas to the south and southwest are exclusively treed and not developable with the three abutting houses; the high school is what it is and the plans to add what we have shown there and to preserve what we have been professionally told to preserve; the electric lines will always be maintained;
- Outdoor lighting, Section 11.11: going back to original staff notes, no outdoor lighting is proposed at this time; we are not proposing outdoor lighting and if we were, we would be subject to LURS Section 11.11; we accept that we are subject to Section 11.11 and note this is a residential project with normal residential lighting and it will conform with Efficiency Vermont's efficiency standards, local regulations, and code for the lighting that is used; again, going down to

the lighting and building facades, we accept that we are subject to 11.11 and that it is a residential project and we are going to conform across the board on the lighting;

- Utilities: as noted by staff notes, and again agreed to, all utilities will be placed underground and interconnected from the two utility poles that are on the property currently;
- Electric service is already on the property and the new connections will conform and will be underground to the service;
- Stormwater: previous note, we will comply with erosion control practices as detailed in the most recent version of the Vermont Agency of Natural Resources Low-Risk Site Handbook for erosion and sediment control; State construction permit must be obtained, we have received our State general permit for this project and all construction will comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low-Risk Site Handbook for erosion sediment control and that is included in our plans;
- Culverts and other drainage facilities, 11.3.1.7: please see attached letter, the letter addresses all the requirements and the plan detail illustrates the methods that will be employed to comply with the State general permit and the local town regulations; we had, by Trudell, a previous 25-year storm analysis and our stormwater handling practice detailed out and we additionally followed that up with another engineer's letter that spoke to each point of the stormwater practices that we will adhere to; and
- We ask that you take a look at that letter that goes point for point as to how that is being met;

Mr. Veve stated that is the end of my presentation of our application and response to the staff notes; we believe as open that we have a complete and thorough application to receive our permits. He said the density bonus under energy efficiency standards of which Brian Just spoke to and Efficiency Vermont will be our third party verification partner to that end.

Board Questions

Mr. York stated you keep referring to the forestry report as being your plan, asking whether the plan is to only remove trees in the driveways and building envelopes, or dead and downed trees; no other tree removal. Mr. Veve agreed. Mr. King asked the applicant to describe the purpose of the open space. He explained the reason I am asking is that I am trying to establish whether the purpose meets the requirements of the regulations. Mr. Veve responded through the legal package that you received, the declarations which tie to the HOA and explain the use of the open space, which is done from ownership to common open space. He said the purpose of the open space is that it will not be developed in the future and is being held privately by the HOA. He stated the restrictions are within the HOA and declarations, which were provided in the legal package.

Mr. King asked him to be more specific. Mr. Veve responded I don't have a copy of it, borrowing one from the DRB members. He read from the HOA document about the open space. He noted there was an updated copy sent. Mr. King asked is there. Mr. Flinn responded yes, saying there was a copy that was sent Friday. He noted it has been sent to the Town's attorney for review. Mr. King asked when it was updated. Mr. Flinn stated I received it on Friday in the e-mail. Mr. King clarified July 22nd, saying we have a copy dated then. Mr. Flinn stated we have basically this one page updated. Mr. Flynn asked which page. Mr. Flinn and Mr. Veve explained what had been updated. Ms. Hamilton asked what does "f" say. Mr. Veve read "f" from the updated document. Mr. King clarified we don't have an answer back from the Town attorney. Mr. Flinn responded no.

Mr. Flynn asked Chris to bring up the grading plan, stormwater analysis plan. Mr. Flinn clarified which plan and then displayed it on the screen. Mr. Flynn asked about the grading, saying it is kind

of hard to really analyze on the plan, but the main question is, right between building lot 2 and 3, tell me more about what is going on with the stormwater. He expressed concern that it appears to be pushing water in front of the buildings and creating a damming effect in front of it. Mr. Veve responded no, this is actually following the natural contours of the property. He described how water flows on the property currently. Mr. Flynn clarified it has to go to the front of the building, saying by pushing that contour out the water around building 2. He said it will sheet drain and the water will roll around both sides. He asked if that is a high spot, right there; what we are accomplishing with this plan. Mr. Veve stated that is a contoured high spot because you have some landscaping there and to create a buffer to keep the water away from the units.

Mr. Flynn clarified that high spot is pushing water up, chase it around unit 3, and you are hoping it is going to run; will you be creating a swale southeast of unit 3. He stated I am not too clear about where the water will flow. He said the design contours don't tie into the existing grades, so I am not seeing what is happening. Mr. Veve responded this is all a natural plateau, saying the water is running down into the identified wetlands off the property. He discussed the existing contours, saying we have taken very good care to make sure the water is not going straight into the building envelopes.

Mr. Flynn said between units 4 and 5, the proposed contours don't meet into your existing contours. He stated I am just a little concerned that that area hasn't been thought out. He said you can see the other ones tie out and I am not seeing it there. Mr. Flynn stated it is just something to consider; I am not sure why that wasn't finished. Mr. Flinn clarified that plan was done by Vermont Land Design. Mr. Flynn agreed, noting John Pitrowiski from Trudell Engineering stamped it. Mr. Veve clarified it was gone over to ensure that we were thorough in our design. Mr. Flinn noted the Board has asked for outside technical review in other similar situations. Mr. Flynn stated overall, to remove any doubt, I would like to see the contours tie out and ensure that all of the water is being considered, not just the water on the site. Mr. Veve said we don't object to updating that and making that a condition of our approval.

Mr. Flynn asked if we have a plan profile of the entranceway to Oriel Orchard Lane. Mr. King clarified the curb cut. Mr. Flynn agreed. Mr. King stated I had the same question; I don't see the drawing. Mr. Flynn clarified usually we see the plan and profile of the construction detail, noting what is usually included. He said you make the comment that it will be built to Town standards but we are not seeing it and typically we would have details. Mr. King said I was mostly asking with respect to the grading, noting the Town Engineer is going to ask the same thing when he looks at the curb cut. Mr. Flynn clarified it is 6%. Mr. Veve agreed, indicating the location where it is noted. Mr. King asked whether that is up, or down. Mr. Veve said down. Mr. King said that makes it easier to comply. Mr. Flynn stated we need to see that cross-section of the road. Mr. Veve agreed, saying we can supply that as a condition; we have no objections to that.

Mr. Flynn asked Chris if we have the boundary plat that we can look at. He asked in regards to open space, limited common area, and the driveways; how are the driveways going to be handled. Mr. Veve responded they are limited common; the parametric definitions are in the declarations and the HOA maintains all of the limited common driveways as well; that is how they are handled. Mr. Flynn clarified it will be shown as a limited common element on the plan. Mr. Veve agreed. Mr. Flynn asked if the plan showed that. Mr. King asked how is that defined. Mr. Veve responded through the legal package that we sent through; the declarations, the HOA, and we did supply a plat as requested. Mr. Flynn agreed. Mr. Veve stated you will notice there is a sub-note that Trudell's

Engineers signed off that it meets all of the State statutes for the declarations. He said that ties it back to the legal aspects of this PUD plat aspect; which will, when recorded show all the restrictions and aspects of how the limited common and private spaces are dealt with.

Mr. Flynn asked, in regards to the limited common element for the driveways, will it be delineated in the plat, or will it be covered just in the declaration as being described. Mr. Veve stated we have no objection to updating that, if need be. Mr. Flinn asked whether the proposed open space, is that open to any and everyone, or is that just specifically dedicated for the residents of this site. He said the second question is how many beds are proposed for the six units Mr. Veve responded the open space is specific to the HOA, which will privately hold the open space; not a public open space. He stated the finished bedrooms are to be determined based on our future sales. He said we are currently permitted for our wastewater permit, I believe it speaks to details on the gallons allowable.

Mr. Flinn clarified you don't have a bedroom number; it will have to be calculated at 75 gallons per bedroom. Mr. Veve stated it is all detailed; I don't have that memorized. Mr. King said the bedroom counts are on the site plan, which I assume is because they had to be added up to get the loads. He stated the proposal is that most are four bedroom; building 3 they are both three bedroom.

Public Comment

Mr. King explained the public comment process. He swore in members of the public who arrived after the beginning of the meeting and asked if anyone had any comments regarding this application. Mr. Hendee asked what is going to be done with Morgan Road to upgrade it because it is only graded once a year whether it needs it or not and it will not hold any more cars. He discussed concerns about rain storms that affect the road right where that driveway is coming in and noted blind spots in the area of the project. He said down below that you have a bad corner and that all washes out during storms. Mr. Hendee stated there are three bad spots on that road and I wonder what will be done with that road before this takes effect. He stated the other thing I have is the Town water, saying it was put in initially for the Guards. He said I think it is only a 6" main and when the Guards are up there, our water drops, so there are going to be six more units added to that water.

Ms. Tibbits said about the safety of the road and the traffic study, which I have not seen. She stated it sounded like it was six families, 12 cars, but you have a number of four bedroom homes in there and so my anticipation is that there would be a lot more than six cars during the peak commuting; a maximum of 14 vehicles. She said my interpretation of this is that Orchard Road is actually wider than Morgan Road, so you have a big feeder that is on the blind hill. Ms. Tibbits stated the other piece I am interested in is the Efficiency Vermont piece and how they are going to exercise some oversight or cooperation on this. She said it sounds like they haven't seen the plans yet and this is key to you guys issuing this density bonus. She said I really want you to take into consideration that it appears that not everything has been looked and the road structure that is currently on that site, a lot of that has been built already; but yet the house is a single family, five-bedroom house, but a lot of that road work has been done.

Ms. Tibbits said I am curious if Efficiency Vermont has authority to stop the project if it doesn't follow their rules. She said there have also been a couple of places where the applicant has asked to be on the honor system, I think one of them was bonding; I ask you to keep in mind that from my perspective a lot of work has been done for one house, but it is really for three duplexes. She said the trails have been listed as an asset to the community during some of this discussion, but as someone who lives on this road; I thought that there might be some benefit for me, but it appears that the open space is for the homeowners association. She said I don't quite understand how the trail system is going to benefit the

community, other than the folks that live there, which is great, but doesn't extend beyond that. She asked physically where the open space on this layout is.

Ms. Nolin said there was a quote that said this project does not negatively affect the adjacent parcels; I would like to say it already has. She stated the manner in which this was cleared was done in a very unsafe manner and it is very unsightly what they have already done. She said they have a permit for a single family house and they put in three roads in already. Ms. Nolin said regarding traffic, the quote was there would be no adverse impact on traffic. She stated at least 14 cars going up and down the narrowest point of the road where it is part of the high school track team and the middle school kids have to walk from the corner all the way up. She said there will be a lot more traffic on the narrowest part of the road.

Ms. Whitney stated I live directly adjacent to the two units on the right hand side of that picture. She said I am concerned about vegetation and plantings; there is a 25' setback from my property line to those two units there. Mr. Flinn noted they are buildings 1 and 2. Ms. Whitney stated those are directly in the line of sight from my house. She said you will be able to see those units from my house; that means noise will also travel to my house. She stated there is some vegetation growing there now; but I know historically when the power company comes through and cuts under the lines, they have in the past clear cut that stuff because it is too tall. Ms. Whitney said they have cut it to the ground, such that from my house I could see to Browns Trace Road in the past. She said if something isn't planted there that will meet the height requirement; then the next time the electric company has to come through, we will have clear cut between my house and those two units closest to my house. She said there doesn't seem to be anything in the plan to create some sort of buffer there.

Ms. Zelman said I have a couple of concerns; I am pretty naïve to any of this planning but I was under the assumption that a single family home was to go on a 3-acre lot per zoning. She stated I was pretty baffled that three duplexes were planned on a 6.2 acre lot; I don't know how that comes about, whether zoning changes. She said there was also a comment that was made that there are a lot of duplexes on our road; as far as I know we have one at the top of our road on the left, noting they are not rented, but they are owned. Ms. Zelman said asked what they will do with all the cars when they have visitors, discussing how cars park along the road near another duplex in the area. She stated there is no space on the road and I am concerned about the kids, discussing the children in the area. She expressed concern about the increased traffic and the children, noting the route of the high school track team. Ms. Zelman stated I am really concerned about the safety on the road; it seems like a really big project for a road that doesn't have any kind of path. She said I don't know anything about zoning but I was baffled that we could get that many units on this small road with just basically houses.

Matt Hurley stated they talked many times about leaving all the trees. He said they already cut more than they needed to, so what is up with that.

Mr. Lacy stated I am not familiar with the conditions on Morgan Road or the concerns that the neighbors might have; I do think this is the type of housing that we need more of in Jericho. He said I live in a duplex, rent out the other half; I have had many teachers and people new to the community who ordinarily would struggle to be able to live here. He discussed a proposal for multifamily units on the lot adjacent to mine and I came here in support of that; unfortunately they ended up being single-family homes. Mr. Lacy said we have all kinds of people who I think would really benefit Jericho that are really locked out; I think this type of housing we need more of. He stated I would support it next to my house and I have.

Jim Carroll said he is here tonight for the Jericho Trails Committee. He stated we negotiated with the developer to gain an easement along the road, which hopefully the Trails Committee can work with the Town to put a sidewalk in on Morgan Road. He said we also have had conversations, yet to be resolved, with respect to the trails, particularly the track team being able to get access on the private open land and that gets tricky. Mr. Carroll said that hopefully we are going to have success with all the other people on the road, so that in fact everybody gives in order to get a common pedestrian access; that is what our objective is for Jericho. He stated these older developments don't have any easements over them, although this new one will, but it doesn't connect to anything. He discussed the opportunity to work with the neighbors to create the interconnectivity in the area. Mr. Carroll stated his objective is that the track team doesn't have to run along Browns Trace Road, but it takes collaboration in order to get that so you don't create a hazard. He said the developer seems amenable to work with the Trails Committee, the neighbors, and the Town to be able to create that type of interconnectivity.

Mr. French stated my primary concern would be traffic; people have mentioned the entryway to Morgan Road has a very short line of sight. He said currently I really don't allow my family to ride our bikes down there, noting they usually turn around before we go down the hill. He said the road does tend to wash out, it gets very narrow, and often it is really just barely passible for one vehicle. Mr. French said I would expect you wouldn't see 14 additional vehicles going up and down that hill. He stated the middle schoolers bus stops at the end of Morgan Road, so they all walk up that road. He said suggestions like potential sidewalks are great, but my hunch is that this would all be said and done long before the funds and planning are done to create a sidewalk.

Mr. French said unless it is like a guarantee, that doesn't do much for us in terms of safety. He discussed concerns about his children walking down that road. He said I thought I heard there are 32 lots off Morgan Road; rough count is that 20 of those are developed now I think, so exclusive of this we have the potential of adding that many more. Mr. French said I don't know what the lot sizes are, but if those also are open to potentially multiple units, I am just looking forward to the total amount of traffic on the road. He stated I want to make sure we are looking forward to all that development that might occur too. Mr. French said a few things were mentioned about the honor system, but I like to see things written down and agreed to contractually. He said the honor system is great, noting concerns about the clearing and brush fire that have already occurred on the property. He said what I have seen doesn't instill a lot of confidence really.

Ms. Sheehy stated because the safety of the people on the road seems to be the main concern that the residents have, does the Road Foreman or some sort of third party, neutral inspector make that determination so that the neighbors know and the developer knows that they have a good, unbiased, unprejudiced assessment. She asked who makes the determination that this road can't and the way the driveway comes in is really not a safe place for the driveway to come in for that development.

Tom Carroll said I have heard a lot of negativity about traffic and so on; we have had a traffic consultant, a professional that does this for a living, and they have determined that it is not going to be an adverse affect to Morgan Road. He said you were concerned about the specifications for the road itself, it will be built to the Town specs and there will be a bonifide specification for the project, discussing what would be included. He stated it will be a bonifide road to Town standards.

Mr. Hendee said I would like to know when the traffic study was done at the corner of Morgan Road and Browns Trace Road. He said if you looked through the Town records, there have been numerous accidents there with just what houses we have on that road.

Mr. King began addressing the questions, saying there was one about density, the density bonus and so on. He explained in general density on this size lot and this zone is essentially two lots and any of these buildable lots can take up to two units, so that is how it gets to be four. He stated that is the standard calculation. Mr. King said the density bonus that we have talked about extensively earlier is put in place by the Planning Commission and what it asks us to do is that if the units meet that energy standard we can allow that 50% density bonus from four to six. He said again, that is not an exception or a change that is what the Planning Commission set up in the regulation. Mr. King said the question was how does that happen and that is the density calculation. He stated whether the density bonus is granted is the question we were trying to answer earlier in the evening.

Mr. King stated someone asked if there was a traffic study, and what the traffic study said. He stated there is a traffic study and that is in the submittals, in the application. He said there is a standard way that they assess how much traffic is anticipated from certain kinds of development. Mr. King explained someone asked if there is an objective standard, a review, and that is it. He said that is how; a professional engineer who looks at the traffic study does it.

Mr. York said another point there is the issuance of the curb cut. Mr. King said there was a question about process, who looks at the design and such. He said that is the issue we spoke about with the curb cut and the access permit. He said the process there is that there is a review by the Road Foreman and/or the Town Engineer to assess whether the proposed curb cut and the proposed size and angles and sight lines and so on are okay. Mr. King said if they say that is okay, then they will issue that permit; if something has to change on the design to make it work, then they will say what that is. He said the connection is to the public road, which is their responsibility, so they are the ones who get to review that. He stated typically what we do is we make the approval conditional on them getting the road access permit.

Mr. King said there was a question as to whether there has been a traffic study at the corner where Morgan Road meets Browns Trace Road. He said there was not anything in this submittal about that, so I don't have an answer to that unless Chris knows something about that. Mr. Flinn said no, I don't know if there is a historic document that talks to that at this point. Mr. King explained the place to ask that question is the Selectboard because they are primarily responsible. He said the Highway Foreman and the Town Engineer are the people that the Selectboard uses to maintain that information and to go to for those sorts of problems. He stated what we go by is the traffic study and the regulations ask us to assess the traffic study. Mr. King said as far as the long-term planning and whether the road or the road maintenance are adequate, those are questions for the Selectboard. Mr. Flinn suggested the Town Administrator may know. Mr. King agreed, suggesting anyone with a question ask Todd Odit, the Town Administrator.

Mr. King said there was a question as to whether there is an assessment of impact and the answer is yes, that is precisely what we do and we use the traffic study that to do that. Mr. Flynn stated there was a question about whether Efficiency Vermont can stop the project. Mr. King said the density bonus and permits and so on; what the applicants have proposed and what we talked about at sketch is they are proposing this energy efficiency. He said the Certificate of Occupancy would be conditioned on them getting that certification; they would have to meet those standards and as the Efficiency Vermont

representative explained they have a process to verify, look at the plans, and close out at the end and they actually certify it. He said what was proposed is that we would condition the Certificates of Occupancy, that final permit that lets them use the houses, on having that certificate be filed with the Town. Mr. King said that is how we would propose to interlock them to ensure it meets the standard they have talked about.

Mr. York said there was a question we started to answer about the open land. Mr. King asked if that is on the site plan. Mr. Flinn indicated on the site plan. Mr. Veve indicated the location of the pedestrian easement, which is for everyone to enjoy; also indicated the location of the 3.1 contiguous acres of open space, noting it is over the 50% required by regulations. He stated it is contiguous and includes the pedestrian easement to the Town of Jericho and the public in general on that one section. Mr. Flinn noted I have an 8 ½" by 11" that can be provided to the person with the question to see it.

Ms. Hamilton said there were a couple of questions on the honor system. She suggested some clarification about what honor systems they were looking for are. She clarified you are just looking for a waiver for the surety for the landscaping, right. Mr. Veve agreed, saying that is the only thing noted in the staff notes is the landscaping, which also makes a point to the erosion controls and sediment controls. He stated we are going to be meeting all of those; this is not a public project. Mr. King asked Stephanie if she wanted to answer the question. Ms. Hamilton said I was just saying they are asking not to post surety for their planting, which is for the three-year guarantee. She explained from some of the questions, I think there was some confusion; clarifying what they are talking about.

Mr. King agreed, saying we are talking about a process when there is landscaping required, like street trees, and there will be a requirement that a developer put them in. He stated the regulations allow the Board to ask for a surety, a bond, to be put up to make sure that if those trees don't survive that the plantings can be replaced. He said that is typically not used; routinely they are required to be maintained for three years and if there is a problem, it would be a zoning violation and it would be handled that way. Mr. King said we could do a bond when there is something in particular where that might be necessary, but normally it is handled as a condition. Mr. Flinn said in this instance, he is proposing plantings, but we don't have a planting list. Mr. Veve stated I submitted a caliper sheet. Mr. Flinn said you submitted a sheet, but there is not a detailed list of what you are proposing. Mr. Veve responded I did, but we can resubmit, no problem.

Mr. York said there was discussion about the roads being built now. He asked what permits have been issued, so everyone understands what is going on there now. Mr. Veve responded we received our initial curb cut from the Highway Department for the existing curb cut in association with our existing permit to build on lot 1. Mr. York clarified you have a set of building permits to build for a curb cut for a single house and that is what you are building for now is that driveway over to lot. Mr. Veve agreed, indicating the associated curb cut and the associated road to this footprint there.

Mr. York stated there was a lot of discussion about safety on the road. He said one of the solutions would be to use that easement. He said it sounds like it is the steep part that people are concerned about; having their kids walk along with the extra traffic. Mr. York said we also heard discussion from the Trails Committee that the easement only goes into effect if there is a trail. Mr. Veve said no, the easement goes into permanent effect as we have proposed it as soon as it is accepted. Mr. Flynn stated whether it is used or not, it does not have to be connected. Mr. Veve said it does not have to be connected and it runs the length of the property and the project. Mr. Flinn noted the Town has to make the determination if they want to accept the easement or not. Mr. York clarified the easement isn't like

the trail, it doesn't have to have easements along the other properties; either the community or the Town could decide they want to increase the safety of the students by using that easement, without any other easements to associate with it.

Mr. Jacobs said I am a little confused about the traffic study you had done. He stated you have six units with multiple bedrooms, and it says the proposed PUD project will generate approximately six trips in the AM and another six trips in the PM. He said if you have six units there, I am assuming you are assuming filling those; apparently, there would be only one driver in each of those units in order to come up with the trips you have in the traffic study. Mr. Jacobs said I am just confused about how that worked out. Mr. Veve responded I am not an Engineer or a Professional Engineer. He said they used the estimated guide, the Transportation Engineer's Trip Generation Manual for residential uses like this and through the computation. He said on a weekday there will 56 trips and they are able to compute an average for an AM and a PM peak hour trip. Mr. Veve said they calculate the number entering and exiting and then total trips; the total trips is six AM peak hour and six PM peak hour. He stated that is done by generally accepted by guidelines from the State and it was certified by the professional. Mr. York clarified there are six trips per day total. Mr. Flynn clarified those are during the peak hours. Mr. Veve agreed. Mr. York clarified during a weekday there 56 each way. Mr. Veve stated entering is 28 and exiting 28.

Mr. King stated we are at the point we have to decide if we have everything we need. Mr. Flinn made a recommendation to continue until we have the Street Foreman review and get the other information we need; I would rather have a definite answer from those decision makers as opposed to conditioning it; it just makes things easier. The DRB members discussed how to move forward with the application procedurally. The consensus was the members wanted to continue the hearing. They noted they need more information on the following items: contours on stormwater; a more definitive grading plan; full plan and profile on the road construction; updated legals; landscaping, something more definite about what is planned and about the clearing that has already taken place, an evaluation of landscaping; and clearing envelopes.

Mr. King said the other thing the applicant had asked about was the energy efficiency for the density bonus. He said I am hearing a consensus to continue. He said it would be to the applicants advantage to do that and to know whether they are likely to get that bonus or not. He suggested a straw poll about the possibility of a density bonus. The DRB and Mr. Flinn members discussed the matter further. The consensus was that not all of the members were comfortable with a straw poll about the density bonus.

On a motion by Ms. Hamilton, seconded by Mr. York, the DRB unanimously approved continuing the hearing to a date certain, August 11, 2016.

Mr. King explained the process moving forward. Mr. Flinn stated he would note the points down and provide them to the Board members for review, then to the applicant.

4. Approve minutes from July 14, 2016.

On a motion by Mr. Flynn, seconded by Ms. Hamilton, the DRB unanimously approved the minutes from July 14, 2016 as amended.

The Development Review Board entered deliberative session at 9:56 p.m.

The Development Review Board adjourned at 10:05 p.m.