



Town of Jericho
 DEVELOPMENT REVIEW BOARD
 67 Route 15
 Jericho, VT 05465

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Via Certified Mail

June 23, 2016

Ann Squires
 Jericho Historical Society
 PO Box 404
 Jericho, VT 05465

RECEIVED & RECORDED
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 DOCUMENT TYPE: FINDINGS OF FACT & COND
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 JESSICA R. ALEXANDER, TOWN CLERK
 JERICHO, VT

RE: 5 Red Mill Drive: Conditional Use Request for change of use to personal/professional services located on a minor road

Dear Ms. Squires

:
 At a meeting of the Jericho Development Review Board held on June 9, 2016, the Board heard your request for a Conditional Use Review for a change of use of a former daycare to a personal/professional use type 1 tenant (under 3,000 sq. ft.) in the 1,320 sq. ft. "red horse barn" building. The parcel is located at 5 Red Mill Drive, in the Village Center Zoning District. The Parcel Code is RM005.

After review of the application, the Board unanimously voted to **approve your request with conditions**. Listed below are the Findings of Fact and Conditions that were approved by the Development Review Board on June 9, 2016:

FINDINGS OF FACT

1. The requested new use is for office space. This use would be classified in the *Jericho Land Use and Development Regulations §4.4 Table of Uses*, as "3.5.1. personal/professional services type 1 (under 3,000 square feet)".
2. This newly proposed use (4.4.3.5.1.) is reviewed as a conditional use, as footnote (under of the table of uses chart in section 4.4.) states, "uses with frontage on major roads are permitted (P). Uses with frontage on minor roads are conditional (C)". Red Mill Drive is defined as a smaller class of road in the town plan.
3. The town attorney has stated that the logic in the intent of the regulation supports this application as requiring conditional use approval as uses of this kind on smaller roads should also require review by the Development Review Board as it may cause disruption in what is appropriate for the setting.

4. The applicant submitted Site Plan entitled "Plat of the Boundary Survey showing *the Old Red Mill*," dated 1/5/10, as prepared by Button Professional Land Surveyors, PC, to show the overall layout of the site. No changes were proposed to the building footprint or existing parking and driveway areas.
5. The applicant provided a review sheet from the Agency of Natural Resources stating that a revised waste water permit is not required.
6. The applicant received approval from the Village of Jericho Water Department stating that they can serve to 100 gallon per day demand for the proposed use.
7. The Jericho Underhill Fire Department has stated that there is no change in their ability to serve the proposed use on the site.
8. The existing on-site parking provides sufficient capacity according to the parking requirements set forth in the *Town of Jericho Land Use & Development Regulations*, Section 11.2.
9. One handicapped space is required as set forth in the *Town of Jericho Land Use & Development Regulations*, Section 11.2.
10. The applicant has stated that the proposed use will have staff limited to four personnel. The personal/professional service use limits the types of users to low traffic impact uses.
11. The applicant testified that there are no documented agreements for a right-of-way over 39 Route 15 (Champlain Oil Co. Inc.).
12. The applicant testified that there is no formal agreement for shared parking with Red Mill Park users.
13. The applicant testified that there is an existing shared sign that will be repainted but not changed in size.
14. The applicant testified that no changes will be made to the interior or exterior of the building.
15. The immediate surrounding uses are open space, the Old Red Mill and residential. The residential uses on Lawrence Heights are already separated by tree lines and the residence on Red Mill Drive has several trees that screen the use and the parking area.

CONDITIONS

1. Prior to issuance of a certificate of occupancy, the applicant shall obtain any additional state permits.
2. In accordance with FOF 9, prior to the issuance of a certificate of occupancy, the applicant shall install signage for one handicapped parking space meeting the requirements Section 11.2. of the *Town of Jericho Land Use & Development Regulations*.

2. In accordance with FOF 9, prior to the issuance of a certificate of occupancy, the applicant shall install signage for one handicapped parking space meeting the requirements Section 11.2, of the *Town of Jericho Land Use & Development Regulations*.
3. The project will be constructed, and subsequently operated, consistent with all Findings of Fact and Conditions set forth above and in any other permit obtained by the applicant for this project.
4. In accordance with the Land Use and Development Regulations §10.9.5.1, this conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval, unless the Development Review Board grants an extension.
5. Substantial revisions to this approved use shall require the further review and approval of the Development Review Board at a publicly warned hearing.
6. By acceptance of these Conditions without appeal, the applicants confirm and agree for themselves and all successors in interest that the conditions of this decision shall run with the land and shall be binding and enforceable.

Motion by Barry King to approve, with conditions, the request by the Jericho Historical Society for a change of use of the 1,320 square foot "red horse barn," the former daycare, to a personal/professional services type 1 use (under 3,000 sq. ft.) with frontage on a minor road. This parcel is located at 5 Red Mill Drive, in the Village Center Zoning District. Seconded by Joe Flynn. Those in favor: Barry King, Stephanie Hamilton, Joe Flynn and Jeff York, Bruce Jacobs. Opposed: None. Abstained: None. Motion carried 5-0.

In accordance with 24 V.S.A. §4471 any Interested Person may appeal this decision within 30 days by filing a notice of appeal by certified mail, sent to the State Environmental Court with a copy to the Town of Jericho.

Sincerely,


Barry J. King, Chair
Jericho Development Review Board

cc: Ann Squires, Jericho Historical Society
Town Clerk
Lister - Town of Jericho