

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: June 9, 2016

REPORT PREPARATION DATE: June 2, 2016

APPLICATION TYPE: Conditional Use: Change of Use

APPLICANT/OWNER: Jericho Historical Society

DESCRIPTION: A request to the DRB by the Jericho Historical society for conditional use approval for a change of use. Conditional use approval is required for the change from a school to personal/professional services (under 3,000 sq. ft.) use for the use located on a minor road. The parcel is located at 5 Red Mill Drive in the Village Center Zoning District.

IDENTIFYING INFORMATION:

LOCATION: 5 Red Mill Drive

PARCEL NO: RM005

TOTAL ACREAGE: ±5.4 acres

ZONING DISTRICT(S): Village Center

EXISTING USE: vacant institutional use (preschool)

PROPOSED USE: Personal/Professional Services (under 3,000 sq. ft.)

NOTICE OF PUBLIC WARNING/ ABUTTERS:

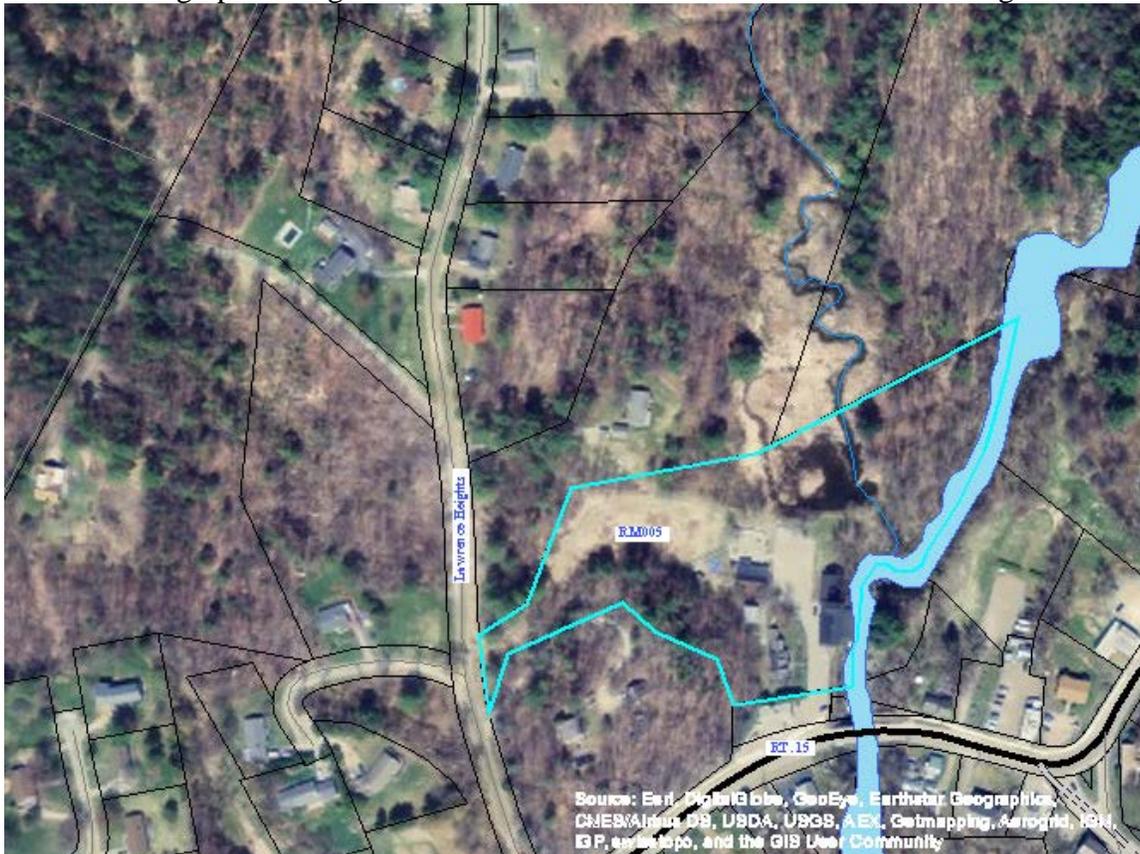
Notice of Public Warning published in the Mountain Gazette on May 19, 2016

Notice of Public Warning posted on *May 19, 2016:* (FPF, Desso's, Jacob's, DR Library, TOJ, PO) Onsite posting sent on May 19, 2016 for applicants to post on property

Notice of Public Warning sent to abutters and applicants on May 19, 2016

LOCATION MAP:

Orthographic image of RM005 in relation to RT 15 and Lawrence Heights



PROJECT OVERVIEW

Applicant, the Jericho Historical Society (JHS), is requesting a change of use. The building was formerly permitted for an institutional use as a preschool. Now, the applicant is seeking approval for personal/professional services type 1 tenant (under 3,000 sq. feet) and intend to rent the space limited to four staff members. Applicant has stated no interior change will take place, as such no floor plan was submitted. The structure is on the national registry of historic buildings.

This newly proposed use (4.4.3.5.1.) is conditional, 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. Uses of this kind on minor roads require review by the board as it may cause disruption in what is appropriate for the setting.

PREVIOUS ACTIVITY

As stated above, the building was formerly permitted for an institutional use as a preschool.

DEPARTMENTAL REVIEW AND COMMENTS

- I. Conditional use approval (§10.9.)
- II. General Development standards (§11)

I. CONDITIONAL USE APPROVAL (§10.9.)

10.9.1. Purpose: *Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.*

10.9.2. Applicability: *Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards.*

10.9.3. Standards: *In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the ACT [§4414(3)(A)]:*

10.9.3.1. *The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy.*

This application will not put undue burden on existing community facilities.

The fire department has stated that it because there will not be any changes to the building or the surrounding grounds, there will no change in the UJFD's ability to provide fire protection.

The Village of Jericho Water Department has stated that they have the capacity to serve the proposed use. The State of Vermont Department of Conservation has stated that the project does not need an additional wastewater permit for the use.

Red Mill Drive is defined as a private road in the Town Plan and not a "minor" road. 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 board as it may cause disruption in what is appropriate for the setting. The proposed small office use would likely produce only a small level of traffic and less traffic than the previous daycare use.

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho; This personal/professional services type 1 use. Type 1 uses produce limited to no hazardous waste or toxic materials. Examples include but are not limited to tailor, seamstress, cobbler, travel agent, barber, engineering firm, lawyer, accountant, consultant, realtor, architect, designer, chiropractor, etc.

(b) the proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; Jericho Corners is an area of mixed use and the proposed use is in harmony with existing uses.

(c) the proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located. The purpose of the Village Center District as stated in the Jericho Comprehensive Town Plan: is to encourage the concentration of people and community-focused activities in traditional centers. Jericho Center, Jericho Corners, and Riverside have been the centers of commerce, culture, and community for the town. Each of these three locations is listed as an historic district on the State Historical Register. These areas generally retain an architectural character that constitutes a valuable and unique part of our cultural heritage. Jericho Corners and Jericho Center are on the National Register of Historic Places. In addition to the buildings themselves, the character of the villages is defined by the relationship of the structures with one another, with the roads, and with open land. The layout of new buildings should reflect traditional patterns and encourage use by pedestrians. Generally, large setbacks with parking in front of the building are less inviting to pedestrians than buildings close to the road with parking to the side or rear.

This building is on the register of historic place. The applicant has stated that no changes will be made to the interior or exterior of the building.

10.9.3.3. Traffic on roads and highways in the vicinity: *The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations. 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. The previous use, the daycare was uses by staff and up to 35 students, operated in the space without impact.*

10.9.3.4. Bylaws and ordinances then in effect (see II. Specific Use Standards §4.7.8.3.2 below)

10.9.3.5. Utilization of renewable energy resources. *None proposed*

10.9.4. Additional Review Standards: *The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:*

10.9.4.1. *All site plan review standards and approval conditions in Section 10.10 below*

10.9.4.2. *The cumulative impact of the proposed conditional use taken together with other conditional uses in the area*

10.9.4.3. *If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations. No storage or hazardous waste is proposed.*

10.9.5. Expiration of Approval:

10.9.5.1. *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. 10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.*

II. GENERAL DEVELOPMENT STANDARDS (§10.12.5, §11.1-§11.14)

11.2. Parking/Loading/Circulation: *3.6 parking spaces are required per 1,000 square feet and one handicapped space shall be provided for the use, which may be included in the total number of required spaces. A total of four spaces must be provided. The site currently has approximately 20 paved parking spaces that were formally used by the daycare staff and parents. This space also appears to be used for parking for Old Mill Park. The applicant has not stated if any handicapped spaces will be provided.*

11.7. Water Supply and Sewage Disposal 11.7.1. *No zoning permit shall be issued for any structure requiring facilities for water supply or sewage disposal, including a mobile home, in any district, unless applicable approvals have been obtained from the Vermont Agency of Natural*

Resources and/or the appropriate Water District. This application is accompanied by an ANR project review sheet, stating no permit is required for the proposed project.

11.8. Landscaping 11.8.3. *Screening and Buffering Requirements: All parking areas for five [5] or more cars,...all business uses... shall be screened from any adjacent residential use... 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.*

11.11. Outdoor Lighting: *Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications and the following standards... No lighting has been proposed with this application.*

11.12. Utilities 11.12.1. *All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. No utilities have been proposed for this application.*

11.13. Storm Water 11.13.2. *Erosion and Sediment Control during Construction: 11.13.2.1. At minimum, all construction shall 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 and Sediment Control. No construction is proposed for this application.*

11.14. Performance Standards 11.14.1. *No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry. The proposed use, a personal/professional service, will likely meet and maintain any performance standards required.*