

Letter to PC and Selectboard from the Undersigned

The purpose of this letter is to ask for a re-focusing of the Commercial District project sequence and a postponement until other integrated priorities are completed prior to drafting further zoning regulations. The present rush to judgment lacks proper public engagement due to the crisis the country is presently experiencing and is likely to result in a situation reminiscent of the 2016 petition and resultant "no vote".

We would ask that you meet with landowners within the district to accept or reject work on any or all of the following proposals:

- Creation of a Conceptual Master Plan & Map including:
 - Boundary changes to the district
 - Proposed roadway and trail connections
 - Infrastructure
 - Gas
 - Stormwater
 - Sanitary sewer
 - Municipal water
 - Three phase electric
 - Internet
- Economic Impact Analysis prior to Warnings
 - Budget estimates for per square foot and linear foot costs
 - Impact of proposed regulations
 - on landowners
 - grand list
 - future development
 - Grandfathering existing development
- Strategic Budget
 - Public-private partnerships (PPP)
 - Municipal bonding
 - Available county, state and federal grants
 - public contributions (land, rights of way etc.)
- Address previous failures:
 - Lack of preparedness for Brown's Trace intersection, specifically:
 - zero easements for pedestrian features
 - zero underground features for future infrastructure
 - Inconsistent policing of existing regulations:
 - Driveways
 - Curb cuts
 - Sight distancing
 - Signs

- Problems with present attempts on changes to CD:
 - Purpose of districts
 - walk able mixed-use development
 - Permitted Uses
 - exceptions, buildings over 1000 sf
 - Access
 - new accesses directly to Rt 15 are prohibited
 - Building Design
 - franchised or generic corporate architecture; micro managing
- Reduction in the length and complexity of the Town Plan and Zoning regulations
- Be prepared for upcoming federal infrastructure legislation

In light of the present restrictions on public meetings we the undersigned are asking the Planning Commission to stop creating unwarranted regulations without proper foundation. The effort to push on with arbitrary design features without a proper report of the benefits to the Town of Jericho or the impact to the involved parties is a violation of Vermont statutes 24 VSA section 4414 – 1 E.

We also ask the Selectboard to table any proposals of new regulations until they are properly introduced with a full report on their impact to the town.

To insure that our request is being considered with good intentions we request a two hour meeting to discuss this letter at suitable place where social distancing can be maintained like our High School Library.

Edward Duley

Jim Carroll

Glenn Martin

Patricia M. Canoe

Randy Clark

FOR DEADLINE LLC.

David Villeneuve

M. Roper



Below is a letter from 6 Commercial District property owners and 2 Jericho Citizens received by the Planning Commission Chair and Planner on June 16, 2020. The letter is reprinted, outlined in the black boxes, to include responses from the Planning Commission Chair, Jason Cheney, inserted in line in blue.

The PC Chair responses are based on the June 12, 2020 draft of amendments to the zoning regulations. As today, June 22nd, the draft is still being worked on, and is not finalized or proposed.

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The purpose of this letter is to ask for a re-focusing of the Commercial District project sequence and a postponement until other integrated priorities are completed prior to drafting further zoning regulations. The present rush to judgment lacks proper public engagement due to the crisis the country is presently experiencing and is likely to result in a situation reminiscent of the 2016 petition and resultant "no vote".

While we are disappointed and even confused in many of the details of this letter, we appreciate that you have reached out to express your thoughts on the CD project. This Commercial District project, from the start, has been a collaborative process between the Planning Commission, Commercial District property owners, project consultant, Town Planner, and the public. It started that way and ideally will end that way because as we move closer to the Official Map process we will need an even stronger sense of trust and commitment.

What is so befuddling in this letter is that the Town has invested significant resources – time and money – to engage with CD landowners and the public. The PC and project consultant have engaged consistently and frequently over the last almost 2 1/2 years with the CD property owners. Two of the signatories of this letter served as representatives of the CD landowners on the Advisory Committee which helped shape the Master Plan and the Town Plan Amendments which have been adopted. In addition to CD landowner input, the Master Plan and Town Plan benefited from public input. The PC and the consultant engaged with the public through workshops, surveys, meetings, farmers market table, an open house, Front Porch Forum, and the Mountain Gazette throughout this project. The Master Plan and Town Plan are the foundation for zoning amendments now being considered. We have attempted to listen, to engage, to invite feedback and comment. We understand every person in the town will not agree - now or ever - with every sentence in the zoning regulations, but our job is to attempt to reconcile different views, from different stakeholders, for the benefit of the community at large, over the long term. The PC chair and members are disheartened to have the work characterized as rushed and to now be working under the threat of a petition, if zoning amendments are proposed and adopted.

Regarding the current meeting format -As you may be aware, government, from local to federal have been back in business, even during these challenging times. A great example of this is the Federal Supreme Court who has been meeting remotely since early May. Members of the public have been able to submit written comments to the PC, to call the PC chair and planner directly to discuss PC activity, and to attend PC meetings online via zoom.

We contacted the school district and the MMU building is not open this summer to the public due to COVID-19. While the PC will not be holding an in person meeting in the near future, I offer the following responses to your comments.

We would ask that you meet with landowners within the district to accept or reject work on any or all of the following proposals:

- **Creation of a Conceptual Master Plan & Map including:**
 - Boundary changes to the district
 - Proposed roadway and trail connections
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Jericho applied for and received a grant to create a Master Plan and to update zoning for the CD.

The PC did develop a Master Plan that was finalized in August of 2019, in consultation with CD property owners, the general public and the Advisory Committee. That Master Plan, accepted by the property owners and the Advisory Committee addressed **EACH** of the items listed above.

The Master Plan identified the steps forward to further implement each of these elements, and the Master Plan laid out a timeline to accomplish each of these elements. The Town Plan update was the first step of implementation. The next step is a zoning update which puts in place the “backbone” that will enable the type of development that will be supported by the desired infrastructure.

Once the zoning is updated, the next step will be to develop an Official Map, that will lay out the desired roadway and trail connections along with locations for other infrastructure. The Town recently applied for and was awarded a grant to develop the Official Map, and the PC hopes to begin work on the Official Map this summer. The Official Map will enable the Town to further implement the Master Plan, including to evaluate and potentially invest in infrastructure as stated in the recent Town Plan update. In addition to the infrastructure listed above, the Town would include bike/pedestrian facilities and transportation connections, given the strength of public support for it and given the Master Plan and the Town Plan cited connectivity as a primary role for the area. The Town also identified zoning district boundaries as a potential change to consider, also stated in the Town Plan.

It would be wholly inappropriate for the PC to invite one group of citizens to accept or reject our work, especially since the landowners have financial interests and benefits that are exclusive and are not shared by other citizens. The PC's role is to serve the entire community and the public good, and the PC is governed by State statute. The landowners are important stakeholders but are not the only stakeholders. Future landowners and potential investors and business owners are also stakeholders, as are other tax-payers, children, renters, and every Jericho resident who might live, work, or be a customer in the CD, plus commuters and visitors who patronize Jericho businesses.

The Town as a whole did in fact accept the Master Plan, through the adoption the Town Plan amendments, which is the appropriate mechanism for the Town to lay the groundwork for future investments, according to state statute.

- **Economic Impact Analysis prior to Warnings**
 - Budget estimates for per square foot and linear foot costs
 - Impact of proposed regulations
 - on landowners
 - grand list
 - future development
 - Grandfathering existing development

The PC is recommending zoning changes that would allow greater density in development, smaller setbacks, greater lot coverage, and more flexibility in approvals. The Master Plan and the zoning changes being considered reflect economic trends in Chittenden County, in Vermont, and nationwide which show walkable mixed-use neighborhoods, with reasonable transportation options, a focus on streetscape and placemaking will deliver higher land values and greater tax revenues over the long term. The Town did not view a full economic analysis as necessary in order to update the Town Plan and the zoning. The PC has relied on resources and publications, including economic benefits, from the Vermont Agency of Commerce and Community Development, the Regional Planning Commission, Smart Growth Vermont and other planning resources throughout this project.

Existing development is addressed through zoning just like new development. Non-conforming structures and uses for existing development is also addressed. Is there a specific concern or recommendation on the zoning regulations related to non-conforming structures that you can share with the PC?

- **Strategic Budget**
 - Public-private partnerships (PPP)
 - Municipal bonding
 - Available county, state and federal grants
 - public contributions (land, rights of way etc.)

These are all items addressed in the Master Plan as possible means to move development forward in the Commercial District, once an Official Map is adopted. Like I said on the phone we will need open and clear communication to develop an Official Map, and for the Town to invest or facilitate investment with these landowners, we need to forge a relationship of trust. A recommendation in the Master Plan is for the CD property owners to organize an association to formally address these issues in partnership with the Town. The Town is not prepared to do these steps alone, the Town would be hard-pressed to negotiate individually with and between landowners who may have different priorities and different financial interests and circumstances. We need to engage in a collaborative fashion if we are to make anything happen here.

- **Address previous failures:**
 - **Lack of preparedness for Brown's Trace intersection, specifically:**
 - zero easements for pedestrian features
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Unfortunately, these are all items that are not currently under the purview of the Planning Commission. The PC will pursue an Official Map for this precise reason - a main benefit of the Official Map is to provide the legal mechanism for the Town to acquire pedestrian easements and infrastructure rights of way, to avoid similar outcomes in the CD.

- **Problems with present attempts on changes to CD:**
 - **Purpose of districts**
 - walk able mixed-use development
 - **Permitted Uses**
 - exceptions, buildings over 1000 sf
 - **Access**
 - new accesses directly to Rt 15 are prohibited
 - **Building Design**
 - franchised or generic corporate architecture; micro managing

The Planning Commission has repeatedly asked, and will continue to ask, for input and feedback from the Advisory Committee on the draft zoning as well as included the CD property owners in requests to provide feedback through the process of this whole project, we need constructive input moving through zoning and into the Official Map. The purpose of the District was developed - first - through discussion with CD property owners who supported mixed use development at a scale appropriate for the community. The type of development most supported by all project participants was for small-scale,

mixed uses (a mix of commercial, industrial, and residential) on new streets within the district. There is support throughout the community for clustered pedestrian friendly development.

The Town Plan has been updated with this new District purpose, which came from the Master Plan, which came from the earliest discussions with CD landowners. The current zoning regulations still show the previous District purpose. The previous District purpose has not enticed development and investors. The zoning update intends to re-align the zoning regulations with the Town Plan.

The zoning edits drafted would allow most uses in structures up to 3,00 square feet as permitted, and do not require Conditional Use.

Direct access may be allowed to RT 15 if by a new street or for single family or two-family development or along an existing street. That is not a prohibition on access directly to RT 15.

The February draft from Chris Sargent included specific limitations on franchised uses/businesses. After hearing CD landowner input, the PC changed the draft. The May 11th and the current draft do not include these edits. The current draft does state: Franchise or generic corporate architecture that is not unique in some way for Jericho is not permitted, but does not limit uses, because this reflects the public input and the successes of other communities, like those mentioned by Mr. Martin. The draft zoning would allow flexibility on how a building is designed. The draft zoning provides suggestions of the type of architecture that was supported by the planning process in the Master Plan but would not require specific architecture. The building design and Massing section is currently still being discussed by the PC.

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| <ul style="list-style-type: none">• Reduction in the length and complexity of the Town Plan and Zoning regulations• Be prepared for upcoming federal infrastructure legislation |
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While all of the chapters in the Town Plan are required by the State, the PC agrees that it needs to be simplified. The Town Plan is due for a full rewrite in a couple of years and the PC intends to tackle this issue at that time. The Zoning regulations could as well use simplification but that is a much larger project. The Current edits are focused on encouraging walkable mixed-use development in the Commercial District. Editing of zoning is an iterative process, we will always be doing this.

The PC has worked with a professional planning consultant and our Town Planning Director to develop zoning edits. It's disheartening to have our work characterized as arbitrary design features, when the Master Plan and zoning edits address a much wider scope of issues and when our efforts have tried to be anything but arbitrary. The benefits of walkable mixed-use development are well documented in our Town Plan and in Vermont planning statutes and planning manuals, and most significantly by the people of Jericho – everyone wants walkability!. The goal of continuing to work on zoning changes is to help Jericho achieve its goals as stated in the Town Plan and as detailed in the Implementation Tasks of the Town Plan. We continue to invite all CD landowners to work with us, to refine the zoning draft, to provide specific, constructive detailed feedback on the specific zoning language that is being discussed and considered.

In light of the present restrictions on public meetings we the undersigned are asking the Planning Commission to stop creating unwarranted regulations without proper foundation. The effort to push on with arbitrary design features without a proper report of the benefits to the Town of Jericho or the impact to the involved parties is a violation of Vermont statutes 24 VSA section 4414 - 1 E.

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Edward Dulcis

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David Villeneuve

M. Rhee

At the SelectBoard meeting on Thursday June 18, the SelectBoard acknowledged receipt of a letter from landowners in the Commercial District, that had been presented to the Planning Commission addressed to both the Planning Commission and the SelectBoard. Given the Commercial District work is still the purview of the Planning Commission, based on the statutory process, the respondent should be the Planning Commission. The Planning commission has been the lead on the Commercial District for 4 plus years, engaging with the consultants, the landowners, and the public. The SelectBoard has supported the work with grant applications and match costs as well as additional funding as needed to get to a final deliverable. The Selectboard has provided additional support with the endorsement of the Official Map project that is set to kick off with CCRPC support in the fiscal year beginning in July 2020.

After the Planning Commission approves the Zoning Regulations, they will be passed along to the Selectboard for review. At that time, the Selectboard will consider the zoning issues. When the Zoning is approved, the Selectboard acknowledges that there are items in the approved Master Plan that may be under the purview of the Selectboard. Infrastructure improvements for the district are considered as part of the Official Map process.

Catherine McMains, chair on behalf of the SelectBoard

Katherine Sonnick

From: Jason Cheney <jasoncheney@ymail.com>
Sent: Monday, June 22, 2020 3:13 PM
To: Katherine Sonnick
Subject: Fw: Letter to the PC and SB

Jason Cheney

----- Forwarded Message -----

From: Ned Dubois <egcdubois@myfairpoint.net>
To: Jason Cheney <jasoncheney@ymail.com>
Sent: Monday, June 22, 2020, 02:18:37 PM EDT
Subject: Re: Letter to the PC and SB

Jason,

Thank you for the detailed explanations, I'm sure it used up more of your personal time than should be necessary. I also should apologize for the inference that the PC is shirking their responsibilities because that was not intended, and only stress that we would like to see the Master Map addressed prior to having the new changes submitted to the Select Board. This has been a constant for all of us and also discussed at many prior meetings but we felt it was generally disregarded as we never felt like we were being listened to about this specific subject. We understood the need to involve the consultant in this and hence the consideration of working on regulations prior to any firming up of the Map options presented by the consultant but real crux of the letter says that we want to work on a Map and make some real progress on it before the regulations are presented to the SB and we feel that doing otherwise would be premature. This is the rush I was speaking of.

As would be expected in a letter created in a short time and extracted from several ideas there will be parts that make sense to the originators of the ideas but not necessarily argued properly by me. My view as the condensing agent, for lack of a better description, was to approach the subjects presented to me that the principals felt they had an argument for, but not include the arguments as such. This letter was meant as an introduction to the PC as a guide to possibly address some of the issues most pertinent to the principals.

There are arguments to continue to proceed just as there are arguments to re-look at some of the issues when there is better access to the process which some of us feel is not available at present. Perhaps the meeting process changes you have mentioned will be helpful. One note I might add is that the public does not always show up at a meeting at the starting point like in past meetings prior to the pandemic and so awareness and acknowledgement might have to be considered well beyond the starting point by the host.

I will send your attachment to the rest of the crew and sit back and wait for the reactions. Mine only are in the above.

Ned

From: [Jason Cheney](#)
Sent: Monday, 22 June, 2020 11:53 AM

To: [Katherine Sonnick](#) ; [Ned Dubois](#)

Subject: Re: Letter to the PC and SB

Ned,

Attached is my, or maybe our, response to what you delivered.

Independent of this letter, and reflective of our phone call I would like to offer the following;

- We will address our meeting format(s) as much as we can moving forward. The next PC will be via zoom as previously stated, if only because it was stated to be such, but we will address each member of the public to ensure we have 2-way communications available to all parties.
- I have requested an opportunity to present an update to the Select Board at their next meeting.
- We are seeking 3rd party statement on "preferred process" with hopes that we can form an agreement on what we are doing and how we are doing it.

Most importantly- thank you for making yourself available and continuing to talk. Like i said before, we started this process seeking to be open and available to everyone, and we wish to keep it that way. If we are going to do an Official Map we have to develop so sort of trust.

Jason Cheney

On Tuesday, June 16, 2020, 06:37:25 PM EDT, Ned Dubois <egcdubois@myfairpoint.net> wrote:

Hi Jason and Katherine,

This is a letter that we would like to call your attention to as Commercial District landowners and others with interest in the regulations presently being considered.

Thank You,

Ned Dubois