

667REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: MAY 12, 2021

REPORT PREPARATION DATE: May 5, 2021

APPLICATION TYPE: Final Plat review for a 2 lot Subdivision

APPLICANT/OWNER: Robin & Patricia Bartlett

DESCRIPTION: A proposed 2 lot subdivision at 63 Browns Trace located within the Low Density Residential Zoning Districts

IDENTIFYING INFORMATION:

LOCATION: 63 Browns Trace

PARCEL NO: BT063

TOTAL ACREAGE: 92 acres +/-

ZONING DISTRICT(S) Low Density Residential Zoning Districts

EXISTING USE: Open land

PROPOSED USE: Open Land for both parcels

NOTICE OF PUBLIC WARNING/ ABUTTERS:

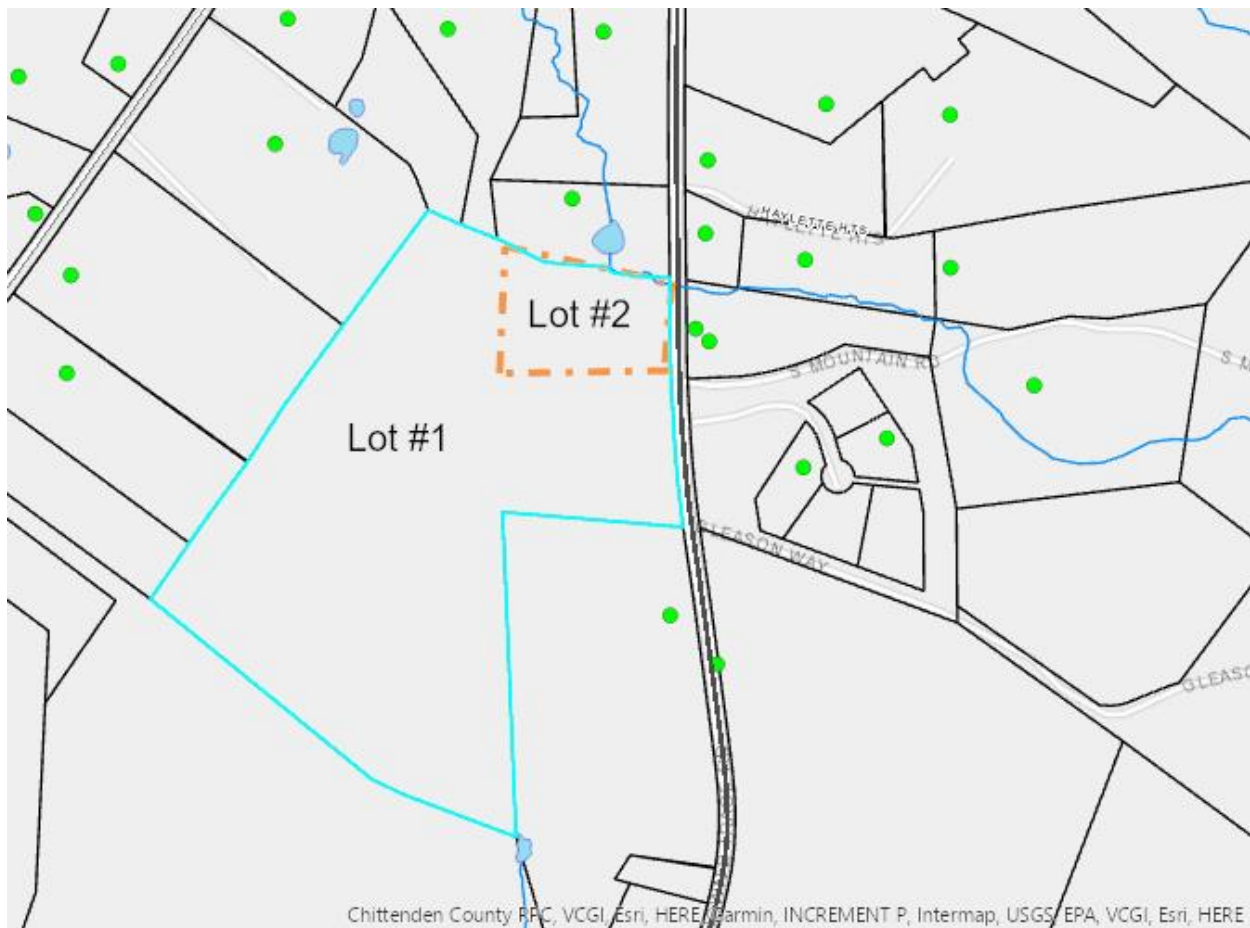
Notice of Public Warning published in the Mountain Gazette on: *April 8, 2020*

Notice of Public Warning posted on: *April 8, 2020*

Notice of Public Warning sent to abutters on: *April 8, 2020*

Notice of Public Warning sent to the applicants on: *April 8, 2020*

LOCATION MAP:



PROJECT OVERVIEW

The applicant is proposing a 2 lot Subdivision of 92 acres located at 63 Browns Trace in the Low Density Residential Zoning District. The project consists of open land presently and there is no proposed development on either lot at this time.

PREVIOUS ACTIVITY

None.

DEPARTMENTAL REVIEW AND COMMENTS

This application is for the review for a 2 lot subdivision is, subject to § 4 (Zone Uses), §6 Overlay District, §10.12. (Subdivision Review) and §11.0 (General Development Standards). This property is located within the Low-Density Residential Zoning Districts.

6 Overlay Districts

6.2. Wetlands Overlay District

6.2.1. *Purpose:* The purpose of the Wetlands Overlay District is to preserve public health and safety, wildlife, and existing and future water supplies, and control pollution by maintaining the quality and level of the water table and surface waters. *As seen on the image below (green and blue) crossed hatched area indicates a portion of the proposed lot to be located within the Wetlands Overlay as well as including State mapped wetlands. At this time there is no proposed development for this lot, so it is hard to identify any impacts to these areas or required review. It is recommended that if approved the DRB acknowledge these areas and provide guidance/conditions for any future development for the proposed lot #2. Staff has only addressed criteria below that are applicable to the undeveloped proposal. The application has also provided additional information on these conditions and they should address the applicable criteria for this review.*

6.2.2. *Delineation of District:* The Wetlands Overlay District shall consist of the following areas:

- 1) 6.4.2.1. All land areas identified as “Class I and Class II Wetlands” on the most current “National Wetlands Inventory Map.” The actual boundaries of all wetlands shown on the “National Wetlands Inventory Map” shall be determined in the field in accordance with the delineation methodology provided for in the most recent Vermont Wetlands Rules. The applicant shall bear the sole responsibility and cost of the delineation process. *It is believed that this information has been provided in the amended information from the applicant.*
- 2) 6.4.2.2. A buffer of fifty [50] feet surrounding all Class II wetlands referenced in 6.4.2.1 and a buffer of 100 feet surrounding all Class I wetlands referenced in 6.4.2.1.

6.2.3. *Permitted Uses:* The following uses are permitted in the Wetlands Overlay District: *Because no development has been proposed this criteria cannot be evaluated.*

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- 3) 6.4.3.1. Non-motorized passive recreation and wildlife management, provided that there is no construction of any new road, parking space, building, or structure, or draining, dredging or filling.
 - 4) 6.4.3.2. Proper operation and maintenance of existing dams, splash boards, man-made ponds and other water control, supply, and conservation devices in conformity with applicable state and federal regulations.
 - 5) 6.4.3.3. Agriculture not involving the use of structures and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices and with the most recent Vermont Wetlands Rules.
 - 6) 6.4.3.4. Forestry not involving the use of structures and conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices and with the most recent Vermont Wetlands Rules.

6.2.4. *Conditional Uses:* Any of the following uses may be approved as a conditional use by the Development Review Board only upon finding that such use will not adversely affect existing and future water supplies, or the quality and level of the water table or surface waters.

- 7) 6.4.4.1 Construction of dams, splashboards, and other water control, supply, and conservation devices in conformity with applicable state and federal regulations.
- 8) 6.4.4.2. Construction and maintenance of water supplies, pump stations, and well fields.
- 9) 6.4.4.3. Construction and maintenance of blinds, boardwalks, bridges, private single-dwelling water supplies and boat landings.

6.2.5. *General Standards for all Subdivisions and Permitted and Conditional Uses in the Wetlands Overlay District:* No development, dredging, ditching or manipulation of vegetation will be permitted within the Wetlands Overlay District unless in conformity with the Vermont Wetlands Rules. *The applicant should address how they can meet this criteria to ensure compliance with future development of the proposed lot.*

6.4.5.1. No development, dredging, ditching or manipulation of vegetation will be permitted within the Wetlands Overlay District unless in conformity with the Vermont Wetlands Rules.

6.4.5.2. Construction of driveways, roads, and/or other crossings within the Wetlands Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.

6.2.6. *Relation to Planned Unit Development (PUD):* In Planned Unit Developments in conformity with Section 10.13 of these regulations, building areas shall not infringe upon the Wetland Overlay District

6.2.7. *Class III Wetlands:* While Class III wetlands that are neither contiguous nor connected to a Class I or II wetland are not governed by the Wetlands Overlay District, in the interest of preserving environmental integrity, it is

recommended that no structure be located within twenty-five [25] feet of a Class III Wetland.

6.3. River Overlay District

6.3.1. *Purpose:* The purpose of the River Overlay District is to protect life and property by minimizing new development and inappropriate land uses in the floodplain and to protect valuable natural resources important for wildlife, recreation, and Jericho's rural atmosphere. Development should be very limited and new dwellings should not be constructed in this District.

The provisions of the River Overlay District afford greater protection to major watercourses and their floodplains and tributaries than is provided by NFIP (National Flood Insurance Program) regulations and Section 8 of these regulations. Where conflicts exist, the stricter provisions shall apply. *A small portion of the proposed lot falls within the River Overlay District (white/grey horizontal cross hatching) as shown on the image below. Again, no development is proposed for the lot (#2) so evaluation of any impacts to this district are not possible. The applicant should address the appropriate criteria below as it related to possible future development of this lot. Again this Overlay area is small in size so anticipated impacts if any should be bale to be addressed.*

6.3.2. *Delineation of the District:* The River Overlay District shall consist of the following areas:

10) 6.5.2.1. All 100-Year Floodplain Areas, which are defined as the following:

N/A

6.3.2.1.1. All areas in the Town of Jericho, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA § 753, which are hereby adopted by reference and declared to be part of these regulations.

6.3.2.1.2. All areas that are either within 100 feet measured horizontally of the outside edge of the area of special flood hazard or less than five [5.0] feet above the base flood elevations have been established by FEMA, unless a survey prepared by a licensed surveyor demonstrates that the area is above the Base Flood Elevation. Such a survey shall be prepared at the applicant's expense and shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

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- 11) 6.5.2.2. All areas within the following buffers along mapped rivers and streams:
- 6.5.2.2.1. A buffer of thirty-five [35] feet from the top of bank of all streams identified as “first order” on the most recent Jericho Surface Water Map.
 - 6.5.2.2.2. A buffer of fifty [50] feet from the top of bank of all streams identified as “second order” on the most recent Jericho Surface Water Map.
 - 6.5.2.2.3. A buffer of 100 feet from the top of bank of streams identified as “third order or greater” on the most recent Jericho Surface Water Map.
- 12) 6.5.2.3. Fluvial Hazard Erosion Areas mapped and defined by the Vermont Department of Environmental Conservation River Management Program *N/A*

6.3.3. *Amendments to Floodplain Boundaries:* Flood insurance studies and maps are based on small-scale surveys that may not capture all topographical features and inaccurately depict the floodplain boundary in some areas. The River Overlay District may be amended to more accurately reflect the actual floodplain boundary subject to conditional use review and the following:

- 13) 6.5.3.1. Only land which is naturally above the Base Flood Elevation and outside of prescribed stream buffers may be removed from the River Overlay District. The procedures described below shall not be used to remove areas raised above the Base Flood Elevation through the use of fill or grading from the River Overlay District. The procedures described below shall not be used to remove areas within the buffers specified in 6.5.2.2 or the Fluvial Hazard Erosion areas specified in 6.5.2.3 from the River Overlay District.
- 14) 6.5.3.2. The River Overlay District Boundary shall be amended for the entire parcel in question. In removing a portion of a parcel naturally above the Base Flood Elevation from the River Overlay District, all portions of the parcel naturally below the Base Flood Elevation shall be added to the River Overlay District.
- 15) 6.5.3.3. Prior to applying to the Development Review Board for an amendment to the River Overlay District Boundary, the applicant shall obtain a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), copies of which shall be submitted with the application.
- 16) 6.5.3.4. A survey prepared by a licensed surveyor, showing the actual floodplain boundary for the entire parcel, based on Base Flood Elevations established by FEMA, shall be submitted with the application. The applicant shall bear the sole responsibility and cost of the survey.

All areas of the parcel located below the Base Flood Elevation shall be identified on the survey, including those not identified as areas of special flood hazard on the flood insurance maps and studies. This survey shall be subject to Independent

Technical Review in accordance with Section 10.8.6 of these regulations.

17) 6.5.3.5. Upon determination by the Development Review Board that a parcel or portion of a parcel is naturally above the Base Flood Elevation, that parcel or portion of a parcel shall not be considered within the River Overlay District. Upon such a determination, any other portion of the parcel located below the Base Flood Elevation which is not identified as an area of special flood hazard by the flood insurance maps and studies shall be considered to be within the River Overlay District.

18) 6.5.3.6. Letter of Map Revision – Fill: For the purpose of obtaining lower flood insurance premiums only, FEMA may grant Letter of Map Revision-Fill (LOMR-F) to structures raised above the 100-year flood elevation through the use of fill. A structure or property which has obtained a LOMR-F or similar determination from FEMA shall NOT be considered to have been removed from the River Overlay District.

6.3.4. *Reduction of Stream Buffer Width:* Subject to Conditional Use Review, the Development Review Board may authorize a reduction in the stream buffer required under Section 6.5.2.2 down to an absolute minimum of ten [10] feet upon presentation of an impact study that provides sufficient documentation and justification that even with the reduction, the same or greater degree of water quality protection, wildlife habitat protection, and stream bank stability would be afforded as would be with the full width buffer. In granting such a reduction, the Development Review Board may require additional erosion control or runoff control measures as deemed necessary to protect water quality and bank stability and/or additional measures to protect wildlife, such as habitat restoration or improvement. An impact study shall meet the following requirements:

- 6.5.4.1. The Impact Study shall include detailed information regarding runoff and pollutant loading bank stability, and erosion and flood control, including but not limited to the following:
- (a) This portion of the Impact Study shall be performed by a registered professional engineer.
 - (b) Description of the proposed project including location and extent of impervious surfaces, on-site processes or storage of material; the anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.
 - (c) Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical characteristics deemed necessary to make an adequate assessment of water quality.

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- (d) Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
 - (e) Proposed runoff control and reservoir protection measures for the site. These measures shall be designed to ensure that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff is not less than pre-development conditions.
 - (f) The extent to which the reduced buffer will provide for stream bank stability and flood and erosion control. In no case shall a reduced buffer provide for less stream bank stability, flood control and/or erosion control than would be provided by the prescribed buffer.

19) 6.5.4.2. The Impact Study shall include detailed information regarding impacts on wildlife habitat, including but not limited to: *N/A*

- (a) Analysis of the project's impacts on habitat for fish and other aquatic animals, including impacts on the availability of woody debris and food supply and effects on water temperature in other portions of the water way.
- (b) Analysis of the project's impacts on habitat for amphibious and terrestrial organisms, including the reduced buffer's functional capacity as a wildlife corridor.
- (c) Description of measures, both on and off site, to improve or maintain the quality of wildlife habitat. The project shall be designed to ensure that the reduced buffer is of equal or greater value than the buffer prescribed by these regulations.

20) 6.5.4.3. The Impact Study shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

6.3.5. *Permitted Uses:* The following uses are permitted in the River Overlay District:

- 6.5.5.1. Agriculture
- 6.5.5.2. Silviculture/Forestry

21) 6.5.5.3. Farmers markets

22) 6.5.5.4. Recreation, passive

23) 6.5.5.5. Wildlife Management

6.3.6. *Conditional Uses:* The following uses may be permitted in the River Overlay District as Conditional Uses by the Development Review Board in conformity with Section 10.8 of these regulations:

24) 6.5.6.1. Accessory structure/use (only in stream buffer areas defined by Section 6.5.2.2)

25) 6.5.6.2. Recreation, general outdoor

6.3.7. *Relation to Flood Hazard Area Regulations:* All applications for land development in the areas specified in Section 6.5.2.1 shall meet the requirements of Section 8 of these regulations in addition to the requirements of the River Overlay District.

6.3.8. *General Standards for all Subdivisions and Permitted and Conditional Uses in the River Overlay District.*

26) 6.5.8.1. All lands within the stream buffer specified in Section 6.5.2.2 shall be left in an undisturbed, naturally vegetated condition. No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with the following encroachments:

6.3.8.1.1. Agricultural, not involving the use of structures and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices;

6.3.8.1.2. Forestry, including logging roads, consistent with a written Forest Management Plan and conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices;

6.3.8.1.3. The removal of dead, heavily damaged, or diseased trees, or trees that pose an immediate threat to human safety;

6.3.8.1.4. Maintenance of lawns, pasturelands, meadows or fields in existence prior to the adoption of these regulations;

6.3.8.1.5. Supplemental planting and landscaping with appropriate species to achieve the objective of an undisturbed, naturally vegetated stream buffer;

6.3.8.1.6. The control of non-native species of nuisance plants including but not limited to water chestnut, purple loosestrife, reed grass (phragmites), and Japanese knotweed, where such control is by:

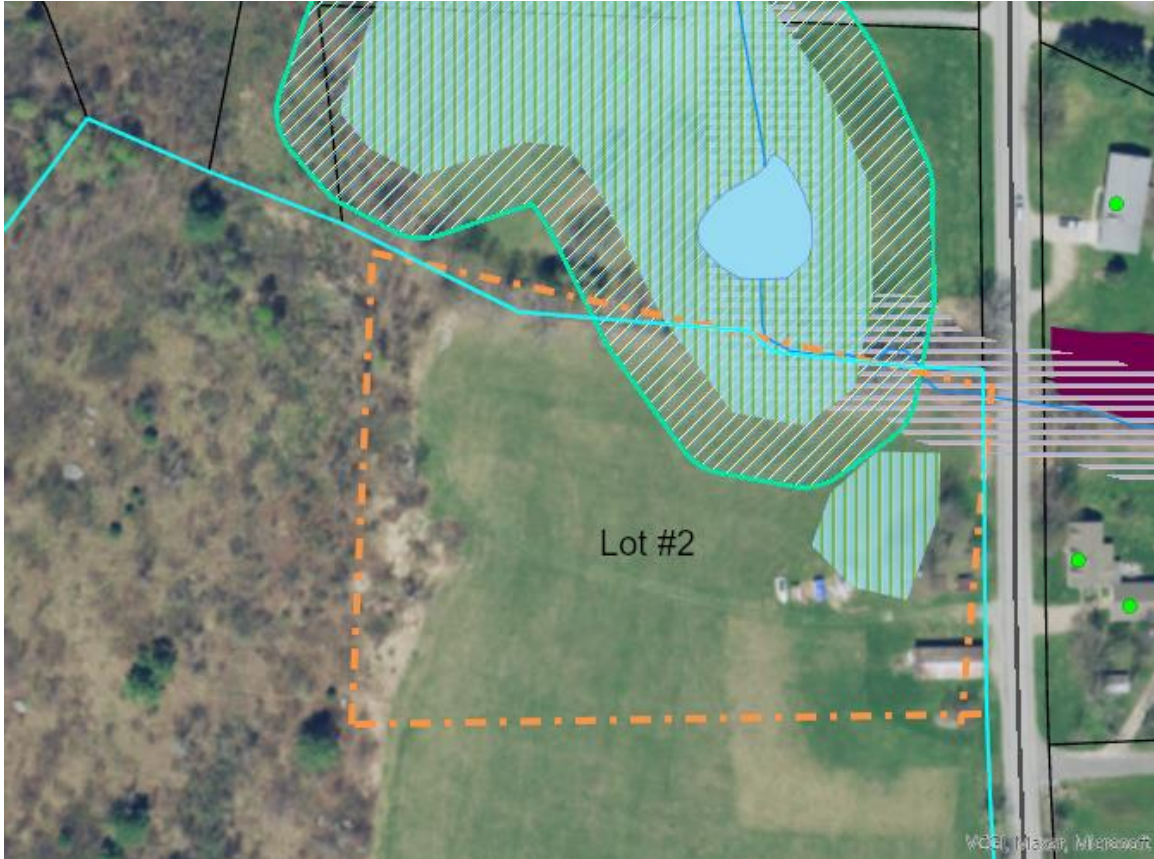
(i) hand pulling, or

(ii) in accordance with a written plan approved by the Vermont Agency of Natural Resources and under any applicable law;

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- 6.3.8.1.7. Bank stabilization or restoration projects, designed and constructed in accordance with applicable state and federal regulations;
 - 6.3.8.1.8. Road, rail, driveway and utility crossings;
 - 6.3.8.1.9. Pedestrian and recreation paths;
 - 6.3.8.1.10. River access such as piers, docks, and boat ramps;
 - 6.3.8.1.11. Low Impact Development Stormwater treatment practices meeting the design and maintenance standards of the latest version of the Vermont Stormwater Management Manual; and
 - 6.3.8.1.12. Hydroelectric power generation.

- 27) 6.5.8.2. The creation of new lawns within the stream buffer area is not permitted. Maintenance of lawns in existence prior to the adoption of these regulations shall be permitted. However, property owners are encouraged to return mowed areas to a naturally vegetated state and/or to restore and enhance these areas with landscaping and supplemental planting of natural vegetation.
- 28) 6.5.8.3. Areas that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grasses.
- 29) 6.5.8.4. For developments subject to DRB review, the Development Review Board may require the applicant to develop and implement management plans for areas subject to the River Overlay District, if it is determined that such measures are necessary based on the conditions of the site and the nature of the proposed use. Such plans shall include measures to protect water quality, bank stability, and wildlife habitat.
- 30) 6.5.8.5. Construction of driveways, roads, and/or other crossings within the River Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.

OVERLAY MAP



10.12. Subdivision Review

10.12.1. Purpose: Subdivision review is intended to ensure orderly growth and coordinated development in the Town of Jericho, to guide community settlement patterns, to ensure the efficient extension of services, utilities, and facilities as land is developed, to promote the health, safety, and general welfare of the Town's inhabitants, and to implement the Jericho Comprehensive Town Plan as most recently amended.

10.12.2. Applicability: In accordance with the ACT [§4418], Subdivision Review by the DRB is required whenever any subdivision of land is proposed for the purpose of sale, lease or development.

10.12.3.1 Minor subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of three [3] or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require final review approval pursuant to Section 10.12.9.

10.12.3.2. Major subdivisions shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of four [4] or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets. Major subdivisions shall require preliminary and final review approval pursuant to Section 10.12.8 and 10.12.9. *This application is being reviewed as a minor subdivision.*

10.12.4. Waiver Authority:

10.12.4.1. In accordance with the ACT [4418(2)(a)], the Development Review Board may waive one or more application requirements specified in the Development Review Checklist, or one or more of the review standards in Section 10.12.5, if the Board determines that the requirement: *No waiver has been requested.*

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

10.12.5.1. All subdivisions shall comply with the following General Development Standards found in Section 11 of these regulations. Upon review of the application, the Development Review Board or Zoning Administrator may determine that additional General Development Standards are applicable to a given application, such as: *The applicant has provided some information addressing the criteria listed and staff will comment within the staff notes.*

10.12.5.1.1. Roads/Access *None proposed*

10.12.5.1.2. Pedestrian Facilities *None proposed*

10.12.5.1.3. Lot Layout *As proposed it is conforming*

10.12.5.1.4. Grading/Slope/Ridgeline

10.12.5.1.5. Recreation/Open Space/Common Land *None proposed*

10.12.5.1.6. Water Supply and Sewage Disposal *None proposed*

10.12.5.1.7. Landscaping *None proposed*

10.12.5.1.8. Outdoor Lighting *None proposed*

10.12.5.1.9. Utilities *None proposed*

10.12.5.1.10. Stormwater *None proposed*

10.12.5.2. All subdivisions shall comply with any and all applicable Specific Use Standards in Section 4.4 and General Provisions in Section 7.

10.12.5.3. As a condition of approval of the preliminary plan and/or final plan, the Development Review Board may require that the applicant obtain all applicable approvals from municipal officials and State and Federal agencies having jurisdiction over the project. *This can be a condition if approved.*

10.12.6. Sketch Plan Review: All applicants for subdivision are encouraged to participate in sketch plan review, as described in Section 10.8.2. *No sketch plan review was held.*

10.12.7. Conceptual Plan: Applicants for major subdivisions shall submit a Conceptual Plan meeting the criteria outlined below. Applicants for minor subdivisions are encouraged to submit conceptual plans. The Conceptual Plan shall be submitted and acted upon with the preliminary application for major subdivisions and with the final application for minor subdivisions. The findings of fact pertaining to the Conceptual Plan shall be binding upon the Development Review Board and the applicant for all subsequent applications made pursuant to the Conceptual Plan approval, unless an amendment to the Conceptual Plan is made. Approval of the Conceptual Plan shall not constitute approval of the final subdivision plan and associated plat. *A conceptual plan was not provided.*

10.12.7.1. The Conceptual Plan shall delineate all overlay districts located on the property and indicate other significant natural features, such as slopes greater than twenty-five percent [25%], prominent hill sides, ridgelines and significant rock outcroppings, areas containing prime or statewide agricultural soils and other productive agricultural and forest land. *See above.*

10.12.7.2. The Conceptual Plan need not delineate individual lots and building sites, but should contain information regarding how future lot layout will facilitate efficient circulation, protection of natural resources and the purpose of the districts in which the subdivision is located. *See above.*

10.12.7.3. The Conceptual Plan shall indicate future uses. This may include specific uses, or broad categories such as residential, mixed use, retail, etc. Such indication shall be for reference purpose only, and shall not obligate the DRB to approve a specified use or category of uses when more detailed, formal plans are submitted. *See above.*

10.12.7.4. The Conceptual Plan shall include general information related to vehicular and pedestrian circulation in future phases, including connections to neighboring properties. Details, specifications and cross sections are not required. However construction of connecting facilities in conformity with these regulations shall be technically feasible. *See above.*

10.12.7.5. Reservations of land for the purposes such as sewage disposal, stormwater treatment, or shared parking shall be indicated on the Conceptual Plan. *See above.*

10.12.8. Preliminary Review:

10.12.8.1. Purpose and Applicability. Preliminary review shall be required for all major subdivisions. The purpose of preliminary subdivision review is to identify significant issues or concerns associated with a proposed subdivision under the provisions of these regulations, and to provide the applicant with guidance to address identified issues and concerns prior to preparing final engineering plans for the subdivision and related site improvements. At the discretion of the Development Review Board, Preliminary Review and Final Review may be combined into one proceeding. *The Applicant has requested Final Plat review which is allowed for minor subdivisions.*

10.12.8.2. Review Process. The Development Review Board shall review all applications for preliminary subdivision review in accordance with Section 10.8 above.

10.12.8.3. Phasing. At the time that the Development Review Board grants preliminary plan approval, it may require the subdivision to be divided into two [2] or more phases to ensure the adequacy and availability of public facilities and services to support the development. Conditions may be imposed upon filing of an application for final plat approval for each phase as the Development Review Board deems necessary to ensure the orderly development of the plat and/or to avoid overburdening municipal facilities and services. *No phasing schedule has been asked for.*

10.12.8.4. Effect of Preliminary Approval. Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat.

10.12.9. Final Review:

10.12.9.1. Applicability. The applicant shall within twelve [12] months of the date of preliminary plan approval submit an application for final approval. If the applicant fails to do so he/she shall be required to submit a new preliminary plan for review by the Development Review Board. The Development Review Board may grant up to two [2] three- [3-] month extensions of preliminary plan approval for reasonable and substantial cause. If phasing was a requirement of preliminary plat approval, a separate final plat application may be filed for each section within the time periods imposed in the preliminary application.

10.12.9.2. Review Process. The Development Review Board shall review all applications for Final Subdivision Review in accordance with Section 10.8 above.

10.12.9.3. Selectboard Approval of Street Detail. Prior to final subdivision approval, all street details shall be reviewed and approved by the Jericho Selectboard. The Selectboard findings shall be reflected in the Development Review Board's final decision. *This can be a condition of approval.*

10.12.9.4. Legal Documents. The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. Issues that may be reviewed include but are not limited to: *Drafts deeds have not been provided. See below*

10.12.9.4.1. Information on all proposed publicly-owned land, Rights-Of-Way, or easements, including certificate of title, offer of irrevocable dedication, and warranty deed, free and clear of all encumbrances, to be recorded after final acceptance of all streets, easements, parks, or other open space by the Town. *At this time there are no proposed public ROW or easements proposed.*

10.12.9.4.2. Copies of agreements or other documents showing the manner in which common property and/or space is to be maintained, including any conservation easements. Any common property and/or open space shall be defined and consistent with the approved site plan. Open space restrictions and reservations shall be permanent. All lots/units shall receive perpetual right for use of common properties and facilities, unless exempt from this

requirement by specific action of the Development Review Board. *There is no proposed common property or open space proposed within this application.*

10.12.9.4.3. Bylaws, Articles of Incorporation, or Covenants of any homeowners association, declaration of condominium, or other applicable legal agreements. Homeowners association responsibility, mandatory membership, and lienable assessment power shall be provided for by the homeowners association documents and individual lot deeds. The association shall have the duty to obtain liability, property, and casualty insurance, and responsibility for expenses relating to management and maintenance of association-owned structures. A provision shall be included for Town takeover in the event of failure of essential services, including the power of the Town to appoint a receiver to assess the property for funds to cure defects in facilities. *Draft deeds have not been provided.*

10.12.9.4.4. All restrictions and covenants to be included in individual deeds. *Draft deeds not have been provided.*

10.12.9.4.5. Any other data, such as contracts, certificates, affidavits, endorsements, receipts, or other materials or agreements which have been required by the Development Review Board or the Selectboard.

10.12.9.5. Effect of Final Approval. The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications by the applicant may be accomplished only by a formal resolution of the Selectboard.

10.12.10. Recording of Final Plat and Other Documents:

10.12.10.1. Plat Recording Requirements. Final approval of the Development Review Board of a final subdivision plat shall expire unless, within 180 days from the final approval decision, such plat shall have been duly recorded in the office of the Town Clerk. The approval must be endorsed in writing by the Chair of the Development Review Board on the plat. The Plat to be filed with the Town Clerk shall comply with the requirements of the ACT as presently enacted or as hereinafter amended. In accordance with the ACT [§4463(b)], the Zoning Administrator may grant a 90-day extension if final local or state permits or approvals are still pending. After an approved plat is filed, no expiration of that approval shall be applicable. *This can be a condition if approved.*

10.12.10.2. Plat Void if Revised or Altered. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Board and the Board approves any modification. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

10.12.10.3. Recording. At the time that the Final Plat is recorded, the legal documents listed in Section 10.12.8.4, as may be amended by the Development Review Board, shall be recorded in the Jericho Land Records.

GENERAL DEVELOPMENT STANDARDS (10.12.5, 11.1-11.14)

11.1. Access - Public/Private Roads and Driveways

11.1.1. Conformity with Public Works Specifications:

All streets/roads and driveways shall be designed to meet the requirements of the Public Works Specifications of the Town of Jericho, unless waived by the Selectboard, and shall be depicted on the Plat for review by the Development Review Board prior to final plat approval. *As proposed there are no streets or driveways contemplated.*

11.2 Parking

Sections 11.2.1 – 11.2.6

There is no parking contemplated within the submission..

11.3 Pedestrian Facilities

All public and private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. To the extent feasible, pedestrian and vehicular circulation shall be separated by curbing, plantings or reserve strips, and should cross or intersect in controlled locations and manners *See above in 10.12.5.*

11.3.1. The Development Review Board may require the applicant to submit, at his or her expense, a study of vehicular and pedestrian circulation, subject to independent technical review under Section 10.8.6. This study shall address vehicular and pedestrian access to the site, circulation on the site, and circulation between neighboring parcels and buildings. *N/A*

11.3.2. The Development Review Board may require that curbs and sidewalks be installed along both sides of major and collector streets and along one side of minor streets. Designs shall meet the Public Works Specifications and approval of the Selectboard prior to final plat approval. *The DRB can request the applicant to gift a 10' pedestrian easement to the Town along Browns Trace if applicable.*

11.3.3. In addition to sidewalks required by 11.3.1, the Development Review Board may require permanent pedestrian easements up to twenty-five [25] feet but not less than ten [10] feet in width in order to facilitate pedestrian circulation within a development, between adjoining neighborhoods, or to provide access to parks, schools, shopping centers, centers of employment and community facilities. Pedestrian easement locations may include, but are not limited to the following areas:

11.3.3.1. through blocks 600 feet or more in length,

11.3.3.2. as a continuation of cul-de-sacs,

11.3.3.3. in conjunction with utility easements, or

11.3.3.4. along existing Rights-Of-Way that lack sufficient width to contain pedestrian facilities.

11.3.4. Handicapped Access: Where construction of parking or access facilities results in curbs or other barriers, handicapped access shall be provided in accordance with generally accepted standards for handicapped access.

11.4 Lot Layout

- 11.4.1.** Each lot shall have the minimum area and frontage required by these regulations, unless modified through the Planned Unit Development provisions in Section 10.13 of these regulations. *The proposed lots are compliant with frontage.*
- 11.4.2.** Lots shall be of sufficient size to provide an adequate building site with suitable areas and adequate isolation distances for sewage disposal and water supply both on site and neighboring properties. The Development Review Board may require larger lots than required by these regulations where deemed necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply. *It appears that the lots are large enough.*
- 11.4.3.** Where lots are more than double the minimum required area for the zoning district, the Development Review Board may require that development on such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.
- 11.4.4.** Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street. *This criterion has been met.*
- 11.4.5.** Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations. *This criterion has been met.*
- 11.4.6.** No privately owned reserved strip shall be permitted which controls access to any part of the development or to any other parcel of land from any street or other open space dedicated to public use or which may be so dedicated. *This can be a condition of any approval.*
- 11.4.7.** Wherever feasible, lots shall be laid out to provide access onto minor streets rather than collector streets, and wherever possible to avoid direct access to major streets and highways. *No access off of Browns Trace is proposed at this time but each lot will need curb cut permits from the Town if they are to be developed in the future.*
- 11.4.8.** The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources.
- 11.4.8.1.** Building Envelopes: All lots shall have designated building envelopes that shall not include areas within the Wetlands Overlay District, the River Overlay District, the WHPA-1 of the Wellhead Protection Area Overlay District, and the Natural Resources Protection Overlay District (except as provided by Section 6.7.5.1). *The application appears to be compliant,*
- 11.4.8.2.** In areas containing currently productive agricultural land, building envelopes shall be located at field edge or on the least productive

areas in order to minimize the fragmentation of agriculturally productive lands, impacts on existing farm operations, and disruption of the scenic qualities of the site. *The application should address this criteria for the DRB,*

11.4.8.3. If the parcel to be developed is largely forested, building envelopes shall minimize the extent of forest clearing required for development. Forest fragmentation and tree removal shall be kept to a minimum. *The application appears to be compliant,*

11.4.8.4. In order to minimize land use conflicts, the Development Review Board may require vegetative buffers or other mechanisms to separate building lots and subsequent development from agricultural and forestry operations, recreation areas, and critical wildlife habitat. *The DRB should review the application and this criterion to determine if additional measures need to occur.*

11.4.9. *Energy Conservation:* Lot layout, including orientation of buildings and vegetation, should be designed so as to promote the conservation of energy and to permit the utilization of renewable energy resources.

11.4.10. *Monumentation:* Lot corners along public road frontage shall be marked by concrete monuments. All other lot corners shall be marked by iron pins or steel pipes. *This can be a condition of any approval.*

11.5. **Grading/Slope/Ridgeline**

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. *There is no land development contemplated at this time for the submission.*

11.5.2. Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:

11.5.2.1. If slopes between eight and fifteen percent (8%-15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. *See above.*

11.5.2.2. Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than twenty-five percent (25%) shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards: *See above.*

(a) The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed in the Public Works Specifications. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles. *See above.*

(b) Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant **shall** submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping. *See above.*

(c) The Development Review Board may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction. *The DRB can determine if they feel some form of performance bond is needed.*

11.5.2.3. Development and disturbance of more than 10,000 square feet of slopes twenty-five percent (25%) or greater shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards: *See above.*

(a) All standards required under Section 11.5.2.2 above; and

(b) There are no practical alternatives, or all practical alternatives will result in greater negative impacts than the slope disturbance proposed by the applicant. Such negative impacts may include but are not limited to erosion hazards and/or stormwater runoff during and after construction, site disturbance, habitat fragmentation and/or removal of vegetation, disturbance of wetlands or surface waters, and/or hazardous access for residents and serve/emergency vehicles.

11.5.3. At ridgelines, development shall be located to protect an unbroken forested backdrop. Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development. The DRB may impose conditions including but not limited to building envelopes, clearing limits, and/or landscaping and screening to achieve the goals of this section. *N/A*

11.5.4. Removal of Topsoil, Sand and Gravel:

11.5.4.1. No topsoil, sand or gravel shall be removed from the development for any purpose other than to meet construction needs of that particular development unless conditional use approval is obtained from the Development Review Board in accordance with Section 7.4 of these regulations. *The applicant should declare if any topsoil or gravel will be removed from the site which is associated with this submission. This can be a condition if any approval is granted.*

11.5.4.2. Topsoil removed in the process of grading the development site shall be replaced to a minimum depth of four [4] inches and the site seeded in accordance with Natural Resources Conservation Service recommendations. No stumps, wood, roots, pieces of concrete or asphalt chunks, fibrous material, or other refuse shall be used as fill in areas to be used as building sites.

Stump dumps shall be located above the water table. *This can be a condition if any approval is granted. The applicant should comment on if there will be any topsoil removal contemplated none has been proposed with the application.*

11.6. Recreation/Open Space/Common Land

11.6.1. As a condition to the approval of any plan relating to a residential subdivision or residential development, the Development Review Board may require that up to fifteen percent [15%] of the areas on the plat be dedicated for the purpose of a public park, playground or other outdoor recreation purpose. The Development Review Board may require dedication of recreation land to the Town, land trust or other non-profit association, establishment of a homeowners association, or other means to ensure the long term ownership and maintenance of the recreation land. The Development Review Board shall consider the following in determining whether such recreation area is appropriate: *N/A.*

11.6.1.1. The size of the proposed subdivision and the resulting area proposed for outdoor recreation purposes,

11.6.1.2. The physical suitability of the site for recreational use,

11.6.1.3. Whether use of the applicant's land for such purposes would conform with the Jericho Comprehensive Town Plan and the Chittenden County Open Space Plan, and

11.6.1.4. The site's proximity to other recreation land.

11.6.2. Upon approval from the Selectboard, if a suitable park, playground, or outdoor recreation site is provided under Section 11.6.1 above, the Development Review Board may exempt the applicant from payment of municipal impact fees relating to recreation and open space.

11.6.3. All developments approved as Planned Unit Developments shall provide open space/common land in accordance with Section 10.10.4. Recreation land required by Section 11.6.1 above shall be in addition to any provision of open space/common land in conformity with the provisions of Section 10.10.4.

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. *N/A A water wastewater permit will need to be granted for any future development.*

11.7.2. The above provisions of this section shall not apply to a connection with a public sewer made as provided in 10 VSA Section 2607. *See above..*

11.7.3. Water Supply:

11.7.3.1. If the development will be supplied by an existing public water system, a letter shall be submitted by the applicant from the governing body of the water district stating that the water district has adequate capacity to serve the development and approving the design and construction details prior to final approval by the Development Review Board. *A water wastewater permit will need to be granted for any future development.*

11.7.3.2. If the development is to be served by a public water supply system, the applicant shall install a complete public water system, including mains, valves, services to the property lines and all other appurtenances. Design and construction procedures, materials and location

of improvements shall conform with all applicable standards required by the commissioners of the water district in which the development is located and shall be subject to the approval of the water district's engineer. *See above.*

11.7.3.3. If the development will not be served by a public water system, a community system, a system consisting of individual wells, or other means of providing water to the proposed development shall be designed and installed in accordance with all applicable State regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. *A water wastewater permit will need to be granted for any future development.*

11.7.3.4. Evidence of the location and availability of potable water in adequate quantities shall be provided. The DRB may require the applicant to submit well yield information or provide other evidence that sufficient groundwater to serve the development is available. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels, aquifer protection areas, and other factors affecting the potability of water supplies. *N/A*

11.7.4. Sewage Disposal:

11.7.4.1. All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable *A water wastewater permit will need to be granted for any future development. This can be a condition of approval.*

11.7.4.2. The DRB may defer sewage disposal requirements for a new lot if said lot is greater in size than twenty-five [25] acres, or if the DRB determines that the lot is suitable for agricultural or open space purposes. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed. *The DRB can make this a condition of approval if needed.*

11.8. Landscaping:

11.8.1. Preservation of Landscape: Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required. *Landscaping has not been contemplated within this submission. See 10.12.5 above.*

11.8.2. Landscaping Budget Requirement: For all site plans, the Development Review Board may require minimum planting costs of up to three percent [3%] of total construction/improvement costs. *There is no proposed landscape plan or budget for this application.*

11.8.3. Screening and Buffering Requirements: All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Low Density Residential, Rural/Agriculture Residential or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define

the buffer. The amount and type of plantings required will be determined by the Development Review Board based on *N/A*

- (a) the location and context of the site,
- (b) the type of use,
- (c) proximity to neighbors, and
- (d) the pattern and extent of existing vegetation (on-site and in the immediate area).

In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement.

11.8.4. Street and Shade Trees: In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way **shall** provide plantings of street trees. Street tree plantings shall also be required for all streets in a subdivision or Planned Unit Development. New trees **shall** be along both sides of streets in areas where no trees presently exist or where existing trees would suffer life-shortening construction damage. The trees **shall** be planted outside the Right-Of-Way, unless written approval is gained from the Selectboard. Street trees shall be located so as to minimize conflicts with necessary utilities. Such trees shall be deciduous canopy-forming trees of similar species and growth habit, and may be either massed or planted at intervals. *There is no proposed landscape plan or budget for this application.*

Where such trees are planted at intervals, they shall conform with the following schedule of maximum spacing based on mature height:

SIZE (mature height)	MAXIMUM SPACING (trunk-to-trunk distance)
Large (40 feet or greater)	50-70 feet
Medium (30-40 feet)	40-50 feet
Small (30 feet or less)	30-40 feet

Where such trees are massed, planting shall consist of the same number and size of trees as would be required based on planting at intervals.

11.9. Site Layout and Design

The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

11.9.1. Village Center District: Site layout and design shall reinforce a compact village settlement pattern of buildings lining public roads or central greens and shall enable building sites and setbacks to be consistent with village patterns. Buildings shall be sited so as to encourage use by pedestrians and to create a well-defined streetscape.

11.9.2. Low Density Residential, Village, and Rural Agriculture Residential and Forestry Districts: Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural

resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas. *It appears that the application is in compliance.*

11.9.3. Commercial District: Site Layout and design shall minimize the appearance of strip development. Site layout and design shall incorporate green space, landscaping and other visual treatments that soften the appearance of development. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required on larger parcels.

11.9.4. Energy Conservation: In all districts, site layout and design, including orientation of buildings and vegetation, should promote the conservation of energy and permit the utilization of renewable energy resources. *There is not development of the lots contemplated at this time.*

11.9.5. The existence of a nearby structure that does not contribute positively to the character of the Town shall not be regarded as a justification for perpetuating or expanding the effect.

11.10. Outdoor Storage - Display:

11.10.1. In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: “Front Yard Parking”, no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review. *There has been no proposed outdoor storage within this application. Lot two does have an existing structure and personal items are and will be stored on this lot.*

11.10.2. Solid and Hazardous Wastes: No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety. *See above. This can be a condition if approved.*

11.10.3. Motor Vehicles: No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks. *This can be a condition of approval.*

11.10.4. Underground Storage Tanks: All new underground tanks for the storage, sale, or distribution of petroleum products shall be protected from internal and external corrosion such as by all Fiberglass construction, steel with bonded Fiberglass and internal lining, or the Steel Tank Institute 3-Way Protection System. Such tanks shall conform with the requirements of current applicable state and/or federal law. *There are no proposed underground storage tanks within this application. This can be a condition of approval.*

11.10.5. Above Ground Storage Tanks: The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than 500 gallons shall meet all applicable state and federal standards, and the setback requirements and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent NFPA Code). *See above.*

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: *There is no exterior lighting proposed.*

11.11.1.The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height. *See above.*

11.11.2.The maximum permitted average lighting level on the surface to be lighted shall be one [1.0] foot-candle, or as otherwise specified in the Public Works Specifications. *See above.*

11.11.3.Lighting of areas around gasoline pump islands and under canopies sheltering pump islands shall not exceed a maximum illumination level of twenty [20.0] foot-candles. *N/A*

11.11.4.The height and shielding of light standards shall provide proper lighting without hazard to drivers or nuisance to residents. Fixtures, poles, and lamps shall conform with the Public Works Specifications. To the extent practicable, energy-efficient LED fixtures shall be used. Lamps shall have a minimum color temperature of 2500 Kelvin. *See above.*

11.11.5.Security Lighting: Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle. To the extent practicable, security lighting shall be placed on timers and seasonally adjusted for fluctuations in daylight hours. *See above. This can be a condition of approval if needed.*

11.11.6.Lighting of Building Facades: The maximum permitted average lighting level on any building façade or angular roof shall not exceed five [5.0] foot-candles. Building façade lighting shall be reduced to one [1.0] foot-candle after 11pm. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. To the extent practicable, lighting fixtures shall be directed downward rather than upward. Lighting fixtures shall not be directed toward adjacent streets or roads. *See above*

11.11.7.Lighting of Outdoor Recreation Areas: Where playing fields or other outdoor recreation areas are to be illuminated, lighting fixtures shall be mounted and aimed as to illuminate the primary recreation area only, and so that no direct illumination is directed offsite. Lighting for outdoor recreation areas shall be turned off no more than forty-five [45] minutes after the end of the event. *N/A*

11.11.8.Direct glare (defined as illumination beyond property lines caused by direct rays from incandescent, fluorescent, or arc lighting) shall not be permitted with the exception that parking areas and walkways may be illuminated by lights hooded or shielded such that the maximum angle of the cone of direct illumination is no more than sixty [60] degrees. *This could be a condition of approval.*

11.11.9.Provisions for outdoor lighting may be subject to recommendations by the Vermont State Police.

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.

There are no proposed utilities at this time. The DRB should note there is an overhead power line located on Lot #1. All future utilities related to future development can be conditionally be underground if approved.

11.12.2. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met.

See above.

11.12.3. The applicant shall coordinate development design with utility companies to ensure that suitable areas are available for underground installation within and adjacent to the proposed development. Utility easements of sufficient width shall be provided to serve both the proposed development, and future service extensions to adjoining properties. *No utility easements or ROW documentation have been provided for review to date.*

11.12.4. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance. *See above.*

11.13. Stormwater

11.13.1. Post-Construction Stormwater Management: The applicant *shall* install a storm water management system along all new streets and at other required locations. This system **shall** meet the following standards: *There is no stormwater management plan or design and details provided within the submission.*

11.13.1.1. Development **shall** minimize stormwater runoff and utilize pervious areas for stormwater infiltration and treatment. Existing natural drainage ways shall be incorporated into the design of the management system to the fullest extent possible. *see above.*

11.13.1.2. The stormwater management system **shall** be designed, installed and maintained in accordance with the requirements of the latest version of the Vermont Stormwater Management Manual and the Jericho Public Works Specifications. In the event of conflicting design criteria within these standards, the stricter **shall** apply. *see above*

11.13.1.3. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system. *see above*

11.13.1.4. All development requiring Development Review Board approval resulting in more than one-half [0.5] acres of new impervious surface and all major subdivisions **shall** at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. Applicants are strongly encouraged to utilize non-structural practices such as the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual in order to satisfy this requirement. *see above*

11.13.1.5. The interest of the owner of each lot served by the stormwater management system **shall** be protected by an easement recorded in the deed of each lot involved. *see above*

11.13.1.6. Uses defined as “stormwater hotspots” in the Vermont Stormwater Management Manual, including those creating less than one acre of impervious surface, **shall** comply with all applicable requirements of the Vermont Agency of Natural Resources. Stormwater runoff from a

stormwater hotspot **shall** not infiltrate into groundwater unless an individual stormwater permit from the Vermont Agency of Natural Resources is obtained. *see above*

11.13.1.7. Culverts or other drainage facilities **shall**, in each case, be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside the Development. The Development Review Board **shall** approve the design and size of facilities based on anticipated run-off under conditions of total potential development and a twenty-five [25] year storm. The applicant's engineer shall provide such information as the Development Review Board deems necessary to make the determination of the adequacy of the facilities. *see above*

11.13.1.8. The applicant's engineer **shall** provide such information as the Development Review Board deems necessary to determine the effect of the development on existing downstream drainage facilities outside of the area of development. Where anticipated discharge from the proposed development during a twenty-five [25] year storm will overload existing downstream drainage facilities, the Development Review Board may condition final approval upon improvement of the downstream facilities to prevent such an overload. Any construction required to prevent such overload and subsequent damage may be located on or off the applicant's site. *see above*

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. *Erosion and sediment control have not been provided. Please note there is no proposed development for either lot.*

11.13.2.2. Plans meeting the guidelines of the latest edition of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, shall be submitted for all major subdivisions or when otherwise required by the Vermont Department of Environmental Conservation. The Development Review Board may also require erosion plans when development is proposed to occur on slopes greater than fifteen percent [15%], unvegetated areas or other areas with fragile soil conditions. In order to determine whether or not an erosion control plan is needed, the Development Review Board may require the applicant to provide a Risk Evaluation Checklist from the Vermont Department of Environmental Conservation *see above*

11.13.2.3. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water from land undergoing development. At minimum, these measures shall comply with the practices described in the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control. *see above*

11.13.2.4. Erosion prevention and sediment control practices for construction that occurs from October 15th to May 15th shall conform with Section 3.2 Winter Construction Limitations of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, or the most recent Vermont Agency of Natural Resources standards for winter construction. *see above*

11.13.3.Protection of Natural Water Courses:

11.13.3.1. No natural water course shall be piped, dammed or altered without the approval of the Town and, where applicable, the State Department of Environmental Conservation and/or the Army Corps of Engineers. *There is no proposed piping or alteration of any water course within the application. This can be a condition if approved.*

11.13.3.2. Land bordering on major water courses and drainage ways, or located in the 100 year Floodplain, which cannot be used safely for building purposes without danger to health or peril from flood, shall be set aside for such uses as are not endangered by periodic inundation.

11.13.3.3. Construction and site modifications shall be prohibited on banks adjacent to streams or other water courses, except where a road or utility must intersect said waters. During construction all necessary precautions shall be taken to minimize soil erosion and injection of soil into public waters. The disturbed bank and slopes shall be revegetated and stabilized according to Natural Resources Conservation Service recommendations.

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 standard listed below (11.14.1.1 -11.14.1.6) could be considered conditions of any approval if deemed applicable to this submission.*

No use, under normal circumstances, shall cause or result in:

11.14.1.1. Noise in excess of seventy decibels [70db] averaged using the RMS method over a continuous thirty [30] minute period that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mowing or garden cultivating).

11.14.1.2. Smoke, dust, noxious gases, or other forms of air pollution that constitute a nuisance or threat to neighboring landowner(s), business(es) or resident(s); which endanger or adversely affect public health, safety or welfare; or which cause damage to property or vegetation.

11.14.1.3. Electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which is otherwise detrimental to public health, safety and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission).

11.14.1.4. Glare, lumen, light, or reflection that impairs the vision of motor vehicle operators, which constitute a nuisance to another property owner(s) or tenant(s), or which is otherwise detrimental to public health, safety and welfare.

11.14.1.5. Liquid or solid waste or refuse that cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollute surface or ground waters, or which is otherwise detrimental to public health, safety and welfare.

11.14.1.6. Undue fire, explosive, radioactive emissions, or other hazard that endangers the public, public facilities, or neighboring properties, or which results in a significant increased burden on municipal facilities and services.

In determining on-going compliance, the burden of proof shall fall on the applicant, parcel owner, and/or all successors and assignors. In the event of a formal complaint, should the applicant, parcel owner, and/or successors and assignors, determine that assistance of an independent consultant or consultants to evaluate and/or document conditions is warranted, and the results of said evaluation confirm compliance, the reasonable costs of consultant services shall be paid for by the person or persons who initiated the complaint.

11.14.2. Agricultural operations should at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture. *N/A*

11.14.3. Forestry operations should at minimum observe Accepted Management Practices (AMPs). *N/A*

11.14.4. The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted performance standards for a particular use.

10.12.9.4. Legal Documents.

The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. Issues that may be reviewed include but are not limited to: *No draft deeds have been provided for review.*

10.12.9.4.1. Information on all proposed publicly-owned land, Rights-Of-Way, or easements, including certificate of title, offer of irrevocable dedication, and warranty deed, free and clear of all encumbrances, to be recorded after final acceptance of all streets, easements, parks, or other open space by the Town. *As mentioned above.*

10.12.9.4.2. Copies of agreements or other documents showing the manner in which common property and/or space is to be maintained, including any conservation easements. Any common property and/or open space shall be defined and consistent with the approved site plan. Open space restrictions and reservations shall be permanent. All lots/units shall receive perpetual right for use of common properties and facilities, unless exempt from this requirement by specific action of the Development Review Board. *See above.*

10.12.9.4.3. Bylaws, Articles of Incorporation, or Covenants of any homeowners association, declaration of condominium, or other applicable legal agreements. Homeowners association responsibility, mandatory membership, and lienable assessment power shall be provided for by the homeowners association documents and individual lot deeds. The association shall have the duty to obtain liability, property, and casualty insurance, and responsibility for expenses relating to management and maintenance of association-owned structures. A provision shall be included for Town takeover in the event of failure of essential services, including the power of the Town to appoint a receiver to assess the property for funds to cure defects in facilities.

See above

10.12.9.4.4. All restrictions and covenants to be included in individual deeds.

No draft deeds have been submitted for review.

10.12.9.4.5. Any other data, such as contracts, certificates, affidavits, endorsements, receipts, or other materials or agreements which have been required by the Development Review Board or the Selectboard. *The applicant shall address this if applicable*

STAFF RECOMMENDATION:

Staff feels this application to just create Lot #2 is approvable with the consideration of the necessary conditions to be in place for possible future development of this lot.