



Town of Jericho
DEVELOPMENT REVIEW BOARD

67 Route 15
Jericho, VT 05465

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INST: 11007517

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JESSICA R. ALEXANDER, TOWN CLERK
JERICHO, VT

Via Certified Mail

January 28, 2016

Mary Ellen Richards
149 Barber Farm Road
Jericho, Vermont 05465

Dear Ms. Richards:

At a meeting of the Jericho Development Review Board held on January 14, 2016 the Board heard your request for Conditional Use Approval for an accessory apartment at 149 Barber Farm Road in the Agricultural Zoning District.

After review of the application, the Board voted to **approve** your request with conditions. Listed below are the Findings of Fact and Conditions that were approved by the Development Review Board on January 14, 2016:

Findings of Fact

1. The property under consideration is located at 149 Barber Farm Road (10.1 acres) in the Agricultural District. A single-family dwelling currently exists on the parcel, along with two accessory sheds.
2. The proposed use is a detached accessory apartment. In the agricultural district, this use requires conditional use review.
3. The existing primary residence occupies 2,152 square feet. The proposed accessory apartment occupies 936 square feet and contains one bedroom and one bathroom.
4. A memo was received by staff and the DRB, from the Planning Commission, regarding development of new wording for §4.7.3 of Jericho Land Use Regulations. To avoid any appearance that this memo amounts to ex parte communication with the Board with respect to this application, the memo was disclosed at the hearing and is considered entered as written testimony in this proceeding. Notwithstanding the PC memo, the governing documents for consideration of this application are the Town Plan and the Jericho Land Use Regulations as adopted at the time of the application.
5. In accordance with findings of fact 3 and 4, and §4.7.3 of Jericho Land Use Regulations, the proposed use meets the dimensional requirements for an accessory apartment.

6. The proposed use meets all required site plan dimensions as defined for the agricultural district in §5.7 of the Jericho Land Use Regulations.
7. The applicant has testified and shown on the final plan that the accessory apartment will be constructed outside the River Overlay District.
8. The driveway is proposed to be extended extend in order to reach the accessory apartment.
9. The applicant has shown on the final plan that a new septic system will be installed to service the apartment independently from the single-family dwelling. A State Wastewater Permit is recorded in the Jericho Land Records.
10. A letter has been obtained from the Underhill-Jericho Fire Department confirming that adequate fire protection is available to service this project. The fire department has requested to withdraw the last paragraph of the submitted letter, due to a drafting error.

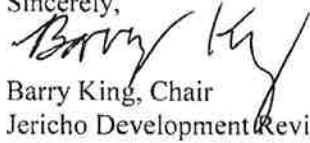
Conditions:

1. The project shall be constructed as documented in the site plan dated 12/02/15 as prepared by Larry D. Young.
2. In accordance with the Jericho Land Use Regulations §4.7.3.1 the apartment shall only be occupied by the owner of the single family dwelling or by family of the owner of the single family dwelling.
3. In accordance with the Jericho Land Use Regulations §301.4, prior to the issuance of a zoning permit, the applicant shall submit a letter from the Chittenden East Supervisory Union confirming that there is adequate space in the school for this project.
4. In accordance with the Jericho Land Use Regulations §11.13.2.1.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.
5. The applicant shall obtain and abide by all conditions of all other required local and state permits.
6. All utilities shall be run underground to any new structures on the property.
7. Substantial revisions to this plan shall require the review and approval of the Development Review Board at a publicly warned hearing.
8. By acceptance of these conditions without appeal, the applicant confirms and agrees for herself and all successors in interest that the conditions of this permit shall run with the land and shall be binding and enforceable.
9. The project shall be constructed, and shall be subsequently operated consistent with all findings of fact and conditions set forth above and in any other permit obtained by the applicant for this project.

Motion by Chris West, to approve the request by Mary Ellen Richards for Conditional Use approval for an accessory apartment on the property at 149 Barber Farm Road, with conditions. Seconded by Joe Flynn. Those in favor: Barry King, Chris West, and Joe Flynn. Opposed: None. Abstained: None. Motion carried 3-0. The application was approved.

In accordance with 24 V.S.A. §4471 any Interested Person may appeal this decision within 30 days by filing a notice of appeal by certified mail, sent to the State Environmental Court with a copy to the Town of Jericho. Address: *Vermont Superior Court, Environmental Division, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701*. The current filing fee for an appeal is \$262.50, payable to Vermont Superior Court, and it must be sent in with the notice of appeal. Anyone with questions about an appeal can call the Court at 802 828-1660.

Sincerely,



Barry King, Chair
Jericho Development Review Board

cc: Town Clerk
Michelle Patrick, Jericho Zoning Administrator
Lister - Town of Jericho
Selectboard