



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

VOL: 344 PG: 299 - 301  
 INST: 11011469

RECEIVED & RECORDED  
 May 13, 2019 08:30A  
 DOCUMENT TYPE: FINDINGS OF FACT & COND  
 DOCUMENT NUMBER: 11011469  
 JESSICA R. ALEXANDER, TOWN CLERK  
 JERICHO, VT

**Via Certified Mail**

May 9, 2019

Steven Atwood  
 Atwood Enterprises, Ltd  
 9 Vale Drive  
 Essex Junction, VT 05452

RE: 44 Raceway Road, Planned Unit Development (PUD), Major Subdivision

Dear Mr. Atwood:

At meetings of the Jericho Development Review Board held on 27 March & April 17, 2019, the Board heard your request for a major subdivision and a residential PUD. The property is located at 44 Raceway Road in the Rural Agriculture Residential (RAR) and Village (VIL) Zoning Districts.

After review of the application, the Board unanimously voted to approve your request. The Board issues the following Findings of Fact and Conclusions of Law in support of its determination.

**FINDINGS OF FACT**

1. The application is to subdivide a 123-acre parcel into 5 lots consisting of 83 acres, 34.85 acres (common land), 1.53 acres, 1.87 acres & 2.08 acres.
2. The DRB finds that 40 acres will be involved in the proposed residential PUD.
3. The DRB finds that the residential lots will be for a total of three single family residences.
4. The DRB finds that the successive application doctrine which was raised does not apply to this application request or review.
5. The DRB finds that an Act 250 Jurisdictional Opinion was provided that determined that Act 250 review was not required.
6. The DRB finds that the access to the proposed development will be from Meadow Lane along a 60' foot ROW on a newly constructed private road (Norton Lane).
7. The DRB finds that the frontage required in this zoning district is 50' feet.
8. The DRB finds that the proposed private road will be 20' wide with 2' shoulders.
9. The DRB finds that the applicant received a waiver from the Jericho Select Board for their proposed roadway design.
10. The DRB finds that each residential lot will have frontage on the proposed private road (Norton Lane).
11. The DRB finds that the proposed design for the roadway has been accepted by the Town.

12. The DRB finds that there are adequate sight lines at the proposed intersection of Norton Lane and Meadow Drive.
13. The DRB finds that the wastewater system is within the 100-foot buffer adjacent to the remaining 83-acre parcel.
14. In accordance with section 5.8 # 6 the DRB finds that there are no adverse impacts on the neighboring parcel as it relates to the wastewater system being within the 100-foot buffer.
15. The DRB finds that each single-family residence will have a drilled well.
16. The DRB finds that the project will need a Wastewater System & Potable Water Supply Permit from the State Agency of Natural Resources Department of Environmental Conservation.
17. The DRB finds the land contemplated for this development (40 acres) is not considered productive agricultural land.
18. The DRB finds that a State Stormwater Permit is not required for this proposed development because less than one-acre of impervious surface is proposed (.80 acres).
19. The DRB finds that the stormwater management is designed to conform with section 11.13.1.
20. The DRB finds that the Underhill-Jericho Fire Department has reviewed the application and determined that it will not place an undo burden on the fire department.
21. The DRB finds that the Jericho Energy Task Force has provided comments to the applicant.
22. The DRB finds that a small portion of the proposed development area is located within the Wellhead Protection Area Overlay District WHPA-3.
23. In accordance with section 6.6.3 - WHPA-3 the DRB finds that single family residences are permitted uses in the underlying district.
24. The DRB finds that there is no proposed street lighting along the proposed private road (Norton Lane).
25. The DRB finds that Norton Lane will be paved within the 60' foot ROW.
26. The DRB finds that there is a submitted Landscape plan.

#### **CONDITIONS**

1. Landscaping be completed as proposed before the issuance of the first Certificate of Occupancy.
2. Exterior lighting shall be down cast and residential in design.
3. All utilities will be buried underground.

4. The appropriate legal documents for this development be filed in the Town of Jericho land records.
5. The project will be built according to the approved plans and designs.
6. Any substantial change in the approved plans shall require further review and approval by the Development Review Board at a public hearing.
7. Within 180 days of approval by the Development Review Board, a Mylar copy of the Final Plat shall be submitted for recording by the applicant, signed by the Chair of the Development Review Board and filed with the Jericho Town Clerk.
8. The reconfigured lots shall be monumented in accordance with the *Town of Jericho Land Use & Development Regulations*, Section 11.4.10.
9. The subdivision Mylar for recording shall include all easement(s) and rights-of-way associated with these parcels.
10. All other improvements shall adhere to the requirements of the *Town of Jericho Land Use & Development Regulations* in effect as of this date.
11. The applicant will obtain and abide by all conditions of all other required local and State permits.
12. Substantial revisions to the Plat shall require the further review and approval by the Development Review Board at a publicly warned hearing.
13. By acceptance of these conditions without appeal, the applicants confirm and agree for themselves and all successors in interest that the conditions of this decision shall run with the land and shall be binding and enforceable.

Motion by Phyl Newbeck to approve the request by Atwood Enterprises Ltd. For a major subdivision and a 3-unit residential PUD. Seconded by Jeff York. Those in favor: All. Opposed: None. Abstained: None. Absent. Flynn, Jacobs: 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, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, Vermont 05401*. The current filing fee for an appeal is \$295.00, 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 802-951-1740.

Sincerely,

  
Barry King, Chair  
Jericho Development Review Board

cc: Town Clerk  
Lister - Town of Jericho  
Selectboard