



# DRB MEETING

Tuesday, October 03, 2023 at 7:00 PM

Chris Letourneau Meeting Room and via Zoom

## AGENDA

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### Zoom Details:

<https://us02web.zoom.us/j/6165843896?pwd=STduU2JzTmpiVmE1MXZSaWZWLzVadz09>

Meeting ID: 616 584 3896 | Passcode: 5243524

Dial by your Location: 1 929 205 6099 (New York)

1. **CALL TO ORDER - 7:00 PM**
2. **ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA**
3. **PUBLIC HEARINGS**
  - A. Variance Application - VAR-002-23 Newton
4. **APPROVAL OF MINUTES**
  - A. DRB Meeting Minutes September 19, 2023
5. **OTHER BUSINESS**
  - A. Decision Letter - CU-003-23 Moose Mountain
  - B. Decision Letter SA-001-23 Black Walnut
  - C. Decision Letter FP-004-23 St Pierre
6. **PLAN NEXT MEETING AGENDA**
  - A. October 17th Meeting Cancelled
7. **DELIBERATIONS**
8. **ADJOURN**

Posted to the Town website, four designated places within the Town of Georgia (Town Clerk's Office, Georgia Public Library, Maplefields & Georgia Market), and e-mailed to the local media.

Signed: Douglas Bergstrom, Zoning Administrator, DRB Coordinator

Phone: 802-524-3524 | Fax: 802-524-3543 | Website: [townofgeorgia.com](http://townofgeorgia.com)

\$250



# GEORGIA VERMONT

## Variance Application Permit # VAR 002-23

### SECTION 1: OWNER/APPLICANT INFORMATION (complete all)

Owner(s): Park & Nancy Newton Applicant(s): \_\_\_\_\_  
 Address: 705 Connet rd. Address: \_\_\_\_\_  
 Zip Code: 05478 Telephone: 802-527-7862 Zip Code: Same Telephone: \_\_\_\_\_  
 Email: pktn1@hotmail.com Email: \_\_\_\_\_

Tax Parcel ID: 102690200 Zoning District: AR-1

### CERTIFICATION OF APPLICANT(S)

**AFFIRMATION:** The undersigned hereby certifies that the information submitted in this application is true, accurate, and complete.

Signature of Applicant: Park H. Newton Date: 9/11/23

Signature of Applicant: Nancy Fox Newton Date: 9/11/23

### PROPERTY OWNERS' AUTHORIZATION

The undersigned property owner(s) hereby certify that the information submitted in this application regarding this property is true, accurate and complete and that the Applicant(s) have full authority to request approval for the proposed use of the property and any proposed structure(s).

Signature of Owner: Park H. Newton Date: 9/11/23

Signature of Owner: Nancy Fox Newton Date: 9/11/23

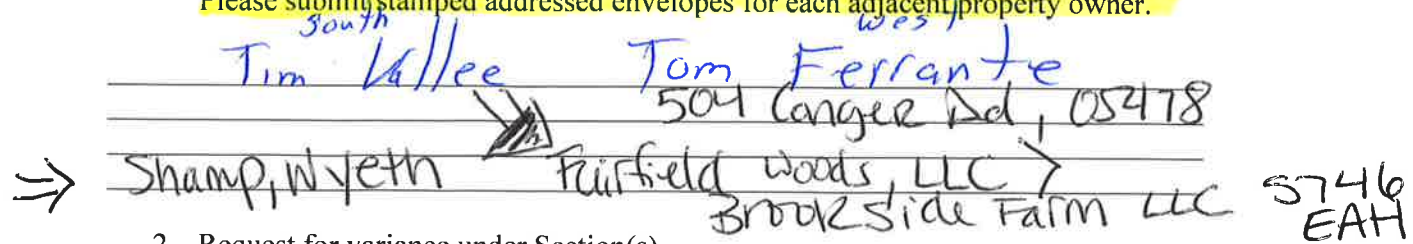
47 Town Common Road North • St. Albans, VT 05478

Phone: 802-524-3524 • Fax: 802-524-3543 • website: townofgeorgia.com

Brian & Heather Dunsmore 6086 EAH  
Bette Dunsmore 6604 EAH

Section 3. Item #A.

- List adjacent property owners including those across the road right-of-way.  
Please submit stamped addressed envelopes for each adjacent property owner.



- Request for variance under Section(s) \_\_\_\_\_ of the Town of Georgia Zoning Regulations.

- Describe in detail the variance you are seeking.  
I need variance on south east corner of the house because of the difficulty of moving it to be in compliance because of wet area to the west.

- Title of plan(s) submitted with application, and, if applicable, firm which prepared plan, project number; date of plan and revisions; building elevation where required. Plans shall include, where applicable, land use areas, existing and proposed structures, roads, driveways, parking and loading spaces, pedestrian walkways, general landscaping, sign, and lighting. Please provide eight copies no larger than 24" x 18" with application. See Table 3.2 in Section 3.3 of the Development Regulations for the full listing.

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**5. Property Dimensions:** Please submit sketch or plans showing the following dimensions:

Lot Size (in acres): 4.68 Lot Frontage: 570' Lot Depth: \_\_\_\_\_

**Current Setbacks:**

Front Yard Setback: <u>75'</u>	Left Side Yard Setback: <u>40'</u>	Right Side Yard Setback: <u>40'</u>	Rear Yard Setback: <u>40'</u>
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**Proposed Setbacks:**

Front Yard Setback: <u>75'</u>	Left Side Yard Setback: <u>15'</u>	Right Side Yard Setback: <u>40'</u>	Rear Yard Setback: <u>15'</u>
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*Look at drawings*

Current Building Height: \_\_\_\_\_ Proposed Building Height: 20'

**Variance Justification**

All applications for variance must be heard by the Zoning Board of Adjustment according to the criteria set forth in 24 V.S.A. Section 4469(a). The DRB must find that your application meets **all five of these criteria** in order to approve your application. In

support of your application, please describe why you feel your application meets these criteria (attach a separate sheet if necessary).

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.:

Front corner high spot on property before drop off

2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property:

drop off become wet - required fill if variance not given

3. The unnecessary hardship has not been created by the applicant:

condition of land - neighboring property in land trust cannot acquire neighboring land

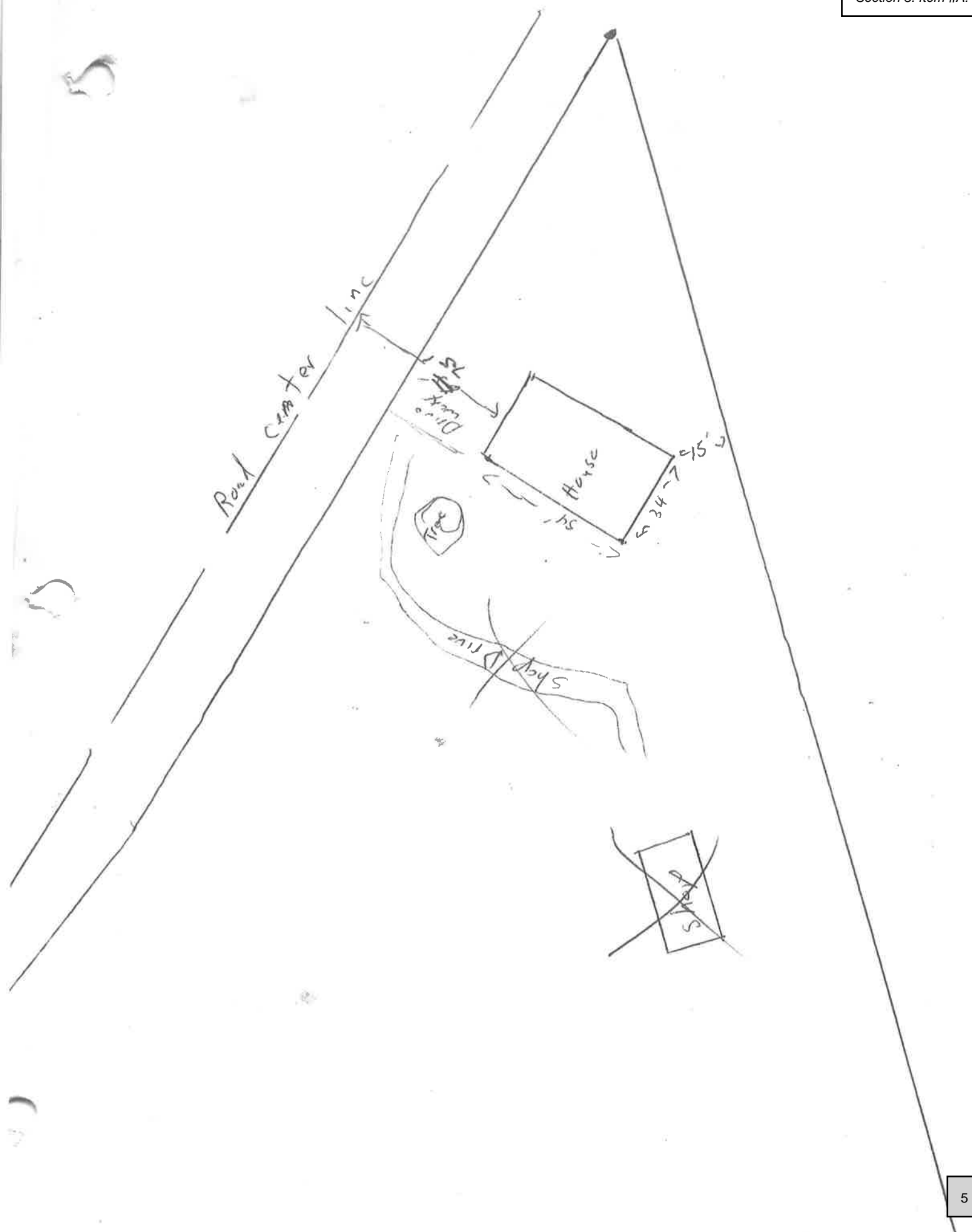
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare:

Open fields - neighbor is land trust

5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.:

NOTE: The DRB may not grant a variance for a use or structure which is not permitted or conditionally permitted within a subject zoning district.

**DECISION/ACTION TAKEN (FOR TOWN USE ONLY):**  
 Date received: 9/11/23 Fee paid: 250 Check # Curd  
 Approved  Denied  Returned (incomplete) \_\_\_\_\_ Date: \_\_\_\_\_  
 Permit valid on \_\_\_\_\_  
 Signed: \_\_\_\_\_  
 Douglas Bergstrom  
 Zoning Administrator  
 Planning, DRB & 911 Coordinator  
**You will receive a written Decision and Finding of Fact within 45 days of the close of the hearing.**



**Variance Application  
VAR-002-23**

<b>Owner:</b> Park and Nancy Newton 765 Conger Road Georgia, VT 05478 802-527-7662 phtnl@hotmail.com	<b>Applicant:</b>
<b>Surveyor/Engineer:</b>	<b>Property Tax Parcel &amp; Location:</b> 0 Conger Road Parcel#102690200 Zoning District: AR-1

**BACKGROUND**

Park and Nancy Newton, hereafter referred to as Applicants, are requesting a variance of the setbacks required to erect a 34' x 54' (1836 ft<sup>2</sup>) home on their property. The parcel is located at 0 Conger Road, within the AR-1 zoning district. The parcel is ±4.68 acres in size, benefitted by ±570 ft of frontage along Conger Road.

Applicant proposes a reduction in the current setbacks by 62.5% in order to accommodate the lot.

**VARIANCE JUSTIFICATION**

**Setbacks for AR-1 Zoning District**

Per Town of Georgia Development Regulations dated February 27, 2023 Section 6.4B

	<b>AR-1 Required:</b>	<b>0 Conger Road</b>
<b>Minimum lot size (four household dwelling)</b>	5 acres	±4.68 acres
<b>Lot Frontage</b>	250 ft.	570 ft.
<b>Front yard setback</b>	75 ft.	75 ft.
<b>Left Side yard setback</b>	40 ft.	15 ft.
<b>Right Side yard setback</b>	40 ft.	40 ft.
<b>Rear yard setback</b>	40 ft.	15 ft.
<b>Building height</b>	35 ft. max	20 ft.

All applications for variance must be heard by the Zoning Board of Adjustment according to the criteria set forth in 24 V.S.A. Section 4469(a). The DRB must find that your application meets **all five of these criteria** in order to approve your application.

1. *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.:* The current lot has significant wetlands and grading, resulting Applicant unable to utilize the current setback regulations.
2. *Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property:* Without a variance of the current setbacks the Applicant will be required to fill in wet drop off area.
3. *The unnecessary hardship has not been created by the applicant:* The lot conforms to the town's regulations and is an existing lot. Neighboring property is in a land trust and cannot be acquired.
4. *The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare:* Per the application there are only open fields and neighbor is a land trust.
5. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.:* The applicant is requesting a 62.5% reduction in the setback requirement.

Respectfully submitted,

Douglas Bergstrom  
Zoning Administrator  
Planning, DRB & 911 Coordinator



# DRB MEETING

Tuesday, September 19, 2023 at 7:00 PM  
Chris Letourneau Meeting Room and via Zoom  
MINUTES

**Zoom Details:**

<https://us02web.zoom.us/j/6165843896?pwd=STduU2JzTmpiVmE1MXZSaWZWLzVadz09>

**Meeting ID:** 616 584 3896 | **Passcode:** 5243524

**Dial by your Location:** 1 929 205 6099 (New York)

**1. CALL TO ORDER - 7:00 PM**

**BOARD PRESENT**

- Vice Chair James Powell
- Charles Cross
- Greg Drew
- Gilles Rainville
- Lisa Faure

**BOARD ABSENT**

- Chair Suzanna Brown
- Glenn Sjoblom

**STAFF PRESENT**

- Kollene Caspers, Zoning Clerk
- Doug Bergstrom, Zoning Administrator

**INTERESTED PERSONS OF RECORD**

- Kevin Camisa
- Sarah Camisa
- Justin Holmes
- Tony McCracken
- Butch McCracken

**PUBLIC PRESENT**

- Bruce and Amy Leo
- Fred and Heather Grimm
- Annette Villani
- Scott MacArt
- Eric Watts



Sam Watts  
Owen Richer  
Christopher Caspers

**2. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA**

**3. PUBLIC HEARINGS**

A. Site Plan Amendment (SA-001-23) for 17 Black Walnut, LLC to allow for the extension of the expiration dates for three (3) Site Plan Approvals (SP-001-21, SP-002-21 and SP-003-21) at North of 26 Ballard Road (Lot 2) Parcel #109630200; 104 Ballard Road (Lot 5) Parcel #109360500; and behind 104 Ballard Road (Lot 6) Parcel #109360600 in the South Village Zoning district.

- J. Powell swore in Justin Holmes, Pinnacle Engineering and Keving Camisa, 17 Black Walnut LLC.

- Justin Holmes explained the 2021 Site Plans did not include an expiration date, and is asking the DBR to extend the date to June 1, 2029, which will match the Road Agreement expiration date.

-17 Black Walnut Road Agreement, page 5, #11 Covenant amendment to expire June 1, 2029. Right-of-way on Redeeming Church property to be taken over by the Town of Georgia after construction of Lot 5 in the development.

- Extending the date to 2029 is preferable, but 2026 could also be a possibility. The new Town Plan will not be in place until 2026 at the earliest.

- The Road Agreement took 10-11 months to reach conclusion, it will suit the town to get some dates in alignment for Phase 1 (Lot 2), development of 5 unit buildings. Other improvements include the in-ground mound system, 3 buildings, an entrance, parking, 3900 gallon per day wastewater disposal system and community water supply. 17 Black Walnut hopes to start land work in Spring 2024, so long as approvals come in the next 45 days or so.

- Water treatment will need a separate building for public community water supply.

- Hydrogeologist has looked at the water supply, same Aquaphor as the South Village Fire Station water supply. 50 gallons of water per minute was withdrawn for 3 days. The water didn't need treatment, will be a good water source for the community.

- State of Vermont will allow you 10% additional flow. South Village Fire Station is 82/minute, so the 17 Black Walnut well is smaller; but with sand layers, deep clay layer, that impedes water travel, which will control the area around the well.

- No questions from public present.

- Motion to close hearing at 7:18pm

Motion made by Vice Chair Powell, Seconded by Drew.

Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

B. Conditional Use Application CU-003-23 for Moose Mountain Creations, LLC for the operation of retail sales of manufactured sheds and out-buildings at 1149 Ethan Allen Highway Parcel #117470000 in the South Village Zoning district.

- J. Powell swore in Tony McCracken & Butch McCracken, Moose Mountain Creations, LLC for Conditional Use for the property at 1149 Ethan Allen Highway. BTMC, operating under Moose Mountain Creations, is requesting a space of 3000 sq ft to display sheds and other outdoor buildings.
- DRB questioned how much traffic will come into the area, and if there will be tractor trailers in the area. Tony McCracken explained very little traffic will be added to the area, only 4-5 cars per day, maybe more on the weekends. The driveway will not paved, will be wide enough for 2 cars at a time but they don't anticipate that much traffic.
- No tractor trailers will be utilized for shed moving or delivery, but will use gooseneck trailers and the like.
- VTrans permit is in place to accommodate state regulations for depth of entry, the driveway is already in place but culvert may be worked on with new VTrans roadwork going on in that area.
- This will be Moose Mountain Creation's second location. The Mill River Road location will stay in place for additional shed sales.
- The South Village location will be a temporary retail space for a period of 5 years. Future property development plans will come thereafter.

Motion to close hearing at 7:31pm

Motion made by Vice Chair Powell, Seconded by Rainville.  
Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

**4. APPROVAL OF MINUTES**

A. DRB Meeting Minutes from September 5, 2023

- Discussion from public present regarding regulations on PUDs.
- Motion to approve minutes with no changes.

Motion made by Rainville, Seconded by Cross.  
Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

**5. OTHER BUSINESS**

**6. PLAN NEXT MEETING AGENDA**

A. October 3, 2023

- Variance Application (VAR-002-23) for Park and Nancy Newton to change current setbacks for a new home build in an AR-1 Zoning District at 0 Conger Road, Georgia Vermont, Parcel #102690200.

**7. DELIBERATIONS**

Motion to move to Deliberations 8:05pm

Motion by Cross, Seconded by Drew.

Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

Motion to exit Deliberations 9:40pm

Motion by Rainville, Seconded by Drew.

Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

- PR-002-23 Cline Road, LLC - Decision Letter

Motion for James Powell to sign the Cline Road LLC decision letter

Motion made by Rainville, Seconded by Drew.

Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

- FP-004-23 St Pierre - Decision Letter

No action taken.

**8. ADJOURN**

Motion to adjourn the meeting 9:45pm

Motion made by Faure, Seconded by Rainville.

Voting Yea: Vice Chair Powell, Cross, Drew, Rainville, Faure

**Posted to the Town website, four designated places within the Town of Georgia (Town Clerk’s Office, Georgia Public Library, Maplefields & Georgia Market), and e-mailed to the local media.**

**Signed: Douglas Bergstrom, Zoning Administrator, DRB Coordinator**

**Phone: 802-524-3524 | Fax: 802-524-3543 | Website: [townofgeorgia.com](http://townofgeorgia.com)**

**TOWN OF GEORGIA  
DEVELOPMENT REVIEW BOARD  
FINDING OF FACTS, CONCLUSION, AND DECISION**

**NOTICE OF DECISION  
CU-002-23**

**Owner/Applicants: Anthony McCracken, Moose Mountain Creations, LLC  
Application for Temporary Conditional Use**

**INTRODUCTION**

This matter came before the Town of Georgia Development Review Board (DRB) on the application of property owner/applicant Anthony McCracken, Moose Mountain Creations, LLC hereinafter referred to as Applicant, for conditional use to operate retail sales of manufactured sheds and out-buildings at 1149 Ethan Allen Highway in the South Village (SV) zoning district. The subject parcel is ±9.57-acres in size, with Parcel b ±8.47728 acres, and benefitted by ±85 ft of frontage along Ethan Allen Highway.

Notice of Public Hearing was duly published in the St. Albans Messenger on September 5, 2023, and all adjoining property owners were notified. The DRB conducted a public hearing on this application on September 19, 2023. Applicant Tony McCracken and Butch McCracken were present.

Applicant submitted an untitled and undated self-drafted site plan.

**FINDING OF FACT**

**NOTE:** The application, any and all relevant evidence presented to the DRB, and the minutes of the hearing conducted by the Town of Georgia Development Review Board on September 19, 2023, and relevant information from public records and sources, shall be considered part of the Finding of Fact and kept as part of the permanent record of the Applicant. This official record shall provide additional basis for the DRB’s decision.

1. The retail space to be utilized on the property for shed sales is ±3,000 ft (12 ft by 250 ft) and will be 100% dedicated toward the business. This will account for less than five percent of the parcel acreage.
2. Operation of a retail store is a conditional use in the SV zoning district. Site plan approval is also required.

3. Applicant is requesting temporary conditional use approval for this location. Applicant stated the timeframe for sales of sheds and outbuildings at the 1149 Ethan Allen Highway location will be for a period of five (5) years.
4. Per the Town of Georgia Development Regulations (02.27.23) *Retail Store* and *Rural Retail* are defined as:

***Retail Store.*** Establishment appropriately open to adults and minors selling products such as, but not limited to, food, dry goods, novelties, flowers, gifts, books, music, stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel, photographic supplies, hobby, toy and game shops, art supplies, newspapers and magazines, tobacco products, and drug stores, and excluding motor vehicle sales, recreational vehicle sales, and mobile home sales and service.

***Rural Retail.*** Establishment selling goods made from products raised or made on the premises, galleries, and shops associated with outdoor recreation facilities on the premises.

5. There are no proposed hours of operation for this retail space, the sheds and out-buildings available for sale will be left out on the property at all times.
6. The retail space is for product display only and would not need any utilities, wastewater disposal or lighting to complete the display area. No office space is required on the site as Applicant has a transaction center located at 172 South Main Street, St. Albans, Vermont.
7. Applicant proposed 3000 sq ft of use for this location.
8. Applicant has indicated that the operation of a retail shed sales at 1149 Ethan Allen Highway meets the General Standards for Approval and Performance Standards outlined in the current Development Regulations.

### **CONCLUSION**

The Board concludes as follows:

1. Applicant has submitted all relevant information required by the Town of Georgia Development Regulations (02.27.23).
2. This application was reviewed under the following: Article 2, Sections 2.2 (Uses) and 2.3, (Dimensional Standards); Article 3, Section 3.2 (Conditional Use Approval); and Definitions.

3. The approval of this Conditional Use application is based on all plans and documents submitted and contained in the zoning file for this project.

**DECISION**

Applicant’s request to operate a 3000 sq ft outdoor retail sales space at 1149 Ethan Allen Highway is hereby **GRANTED ON A TEMPORARY BASIS** subject to the following conditions:

1. The conditional use approval shall expire five (5) years from the date of signed decision.
  - Approval expires October 3, 2028
2. The driveway shall meet the Town of Georgia Private Road & Driveway Standards (04.24.23).
3. While sidewalks are required pursuant to Section 7.8 – Pedestrian Accessibility, due to the temporary nature of the request, Applicant is not being required as part of the conditions for this decision. Future development of this location shall not be exempt from this requirement.
4. Applicant shall construct, maintain, and operate the proposed business in strict conformance with the conditional use plans and project description submitted with the application.
5. If Applicant wished to install a sign, Applicant shall obtain a sign permit from the Zoning Administrator. Pursuant to the Town of Georgia Development Regulations a wall sign is defined as the following:
  - *Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.*
6. Applicant shall submit the VTrans permit, as well as any municipal and state permits for this project; copies of the same shall be provided to the Zoning Administrator.

Dated at Georgia, Vermont, this \_\_\_\_ day of October 2023.

By \_\_\_\_\_  
 Suzanna Brown  
 Georgia DRB Chair

DRB members participating in this decision: James Powell, Charls Cross, Greg Drew, Gilles Rainville, and Lisa Faure

Vote to approve: In favor - 5, Opposed - 0, Abstain – 0, Absent - 2

In favor:., James Powell, Charles Cross, Greg Drew, Gilles Rainville, and Lisa Faure

Opposed: None

Abstain: None

Absent: Suzanna Brown and Glenn Sjoblom

**Reconsideration Information:**

The Applicant has the ability to request a reconsideration of the DRB’s decision, pursuant to Section 8.6 – Reconsideration. A request by the Applicant or interested parties must be submitted to the ZA Office within the 30-day appeal period in accordance with Section 8.7(B).

**30 Day Appeal Information:**

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an “interested person”.

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Georgia.

**TOWN OF GEORGIA  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT, CONCLUSIONS & DECISION**

**NOTICE OF DECISION  
SA-001-23**

**Owner/Applicant: Kevin Camisa, 17 Black Walnut, LLC  
Application for Site Plan Amendment**

**INTRODUCTION**

This matter came before the Town of Georgia Development Review Board (DRB) on the application of Kevin Camisa, 17 Black Walnut, LLC, hereafter referred to as Applicant, for site plan amendment approval to allow for the Site Plan Approval expiration dates of SP-001-21, SP-002-21 and SP-003-21 to be extended from the default date of 1/22/2024 to 6/1/2029. Applicant also requests that CU-002-21 expiration of 9/7/2026 be extended to 6/1/2029.

The subject parcels are located between 26 Ballard Road and 104 Ballard Road, near Ethan Allen Highway and within the South Village (SV) zoning district. The total acreage for the three named parcels are ±6.26 acres in size.

Notice of Public Hearing was duly published in the St. Albans Messenger on September 5, 2023, and all adjoining property owners were notified.

The DRB held a public hearing on September 19, 2023. Applicant and engineer were present at the hearing. No other interested parties were present.

Based on the above-mentioned public hearing, Site Plan Amendment Project Narrative, and additional documents contained in the zoning files for this project, the DRB enters the following Findings of Fact, Conclusions and Decision.

**FINDING OF FACT**

**NOTE:** The application, any and all relevant evidence presented to the DRB, and the minutes of the hearing conducted by the Town of Georgia Development Review Board on September 19, 2023, and relevant information from public records and sources, shall be considered part of the Finding of Fact and kept as part of the permanent record of the Applicant. This official record shall provide additional basis for the DRB’s decision.

1. Applicant submitted Site Plan Amendment application for approval to allow for the Site Plan Approval expiration dates of SP-001-21, SP-002-21 and SP-003-21 to be extended from the default date of 1/22/2024 to the “Commencement Deadline” of the Town Highway Improvement License Agreement of 6/1/2029 as allowed in accordance with Section 3.3(E)(2) of the Town of Georgia Development Regulations (2/27/2023).



- 2. Applicant also requests an extension of the 9/7/2026 expiration of CU-002-21, for the Level 2 Daycare, also be extended to 6/1/2029 in accordance with Section 3.2(F)(2) of the Town of Georgia Development Regulations (2/28/2023).
- 3. Extensions are allowed through the Town of Georgia Development Regulations (2/27/2023) Section 3.3(E)(2):

*Expiration. For commercial uses in the I-1, I-2, SV, and B districts the DRB may approve an expiration date beyond what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.*

And Town of Georgia Development Regulations (2/27/2023) Section 3.2(F)(2):

*Expiration. For commercial uses in the I-1, I-2, SV, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.*

- 4. A hearing was conducted on September 19, 2023. A Notice of Public Hearing was duly published in the St. Albans Messenger on September 5, 2023, and all abutting property owners were notified. No objections were entered on the record.
- 5. The following members of the Development Review Board (DRB) were present for the site plan amendment review public hearing on September 19, 2023, constituting a quorum: James Powell, Charles Cross, Greg Drew, Gilles Rainville, and Lisa Faure. See the official meeting minutes for a list of others present at the meeting.
- 6. The regulations in effect at the time of the decision: Georgia Town Plan, last amended September, 2017; Town of Georgia Development Regulations, last amended February 27, 2023.

**CONCLUSIONS**

- 1. Applicant has submitted all relevant site plan amendment information required by the Town of Georgia Development Regulations.
- 2. The approval of this site plan amendment is based on all final plat, site plan and conditional use documents contained in the 17 Black Walnut, LLC zoning file.

**DECISION**

Based on the Findings of Fact and Conclusions set forth above, the Town of Georgia DRB **APPROVES REQUEST FOR SITE PLAN AMENDMENT** to allow for expiration dates of

SP-001-21, SP-002-21, SP-003-21, and CU-002-21 21 to be extended to 6/1/2029, subject to the following conditions:

1. All previous conditions as set forth in the DRB’s Decisions for this project shall remain in full force and effect.
2. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval.
3. The remaining work necessary to obtain all approvals for this project include amending the Site Plan per Condition 9, filing construction and operational public water supply permit applications, filing amended wastewater permit application and filing Act 250 permit application.
4. All plans, drawings, and conditions/requirements etc. listed above or submitted at the hearing and used as the basis for the decision to grant this permit shall be binding on the applicants, their heirs, successors and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

Dated at Georgia, Vermont, this \_\_\_\_ day of October 2023.

By \_\_\_\_\_  
Suzanna Brown  
Georgia DRB Chair

DRB members participating in this decision: James Powell, Charls Cross, Greg Drew, Gilles Rainville, and Lisa Faure

Vote to approve: In favor - 5, Opposed - 0, Abstain – 0, Absent - 2

In favor:, James Powell, Charles Cross, Greg Drew, Gilles Rainville, and Lisa Faure  
Opposed: None  
Abstain: None  
Absent: Suzanna Brown and Glenn Sjoblom

**Reconsideration Information:**

The Applicant has the ability to request a reconsideration of the DRB’s decision, pursuant to Section 8.6 – Reconsideration. A request by the Applicant or interested parties must be submitted to the ZA Office within the 30-day appeal period in accordance with Section 8.7(B).

**30 Day Appeal Information:**

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an “interested person”.

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Georgia.

**TOWN OF GEORGIA  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION  
FP-004-23**

**Owner/Applicant: Jamie St. Pierre  
Final Plat for a 4-lot Major PUD Subdivision**

This matter came before the Georgia Development Review Board (DRB) on the application of Jamie St. Pierre, hereafter referred to as Applicant, for Final Plat approval of a 4-lot major PUD subdivision on the property owned by Applicant at Polly Hubbard Road, Parcel ID #111400300 in the AR-1 zoning district. A Notice of Public Hearing was duly published on August 18, 2023 in the St. Albans Messenger, and all adjoining property owners were notified.

The DRB held a public hearing on September 5, 2023. Applicant’s engineer, Michael Gervais, was present.

Applicant has submitted a site plan titled “PL-3” dated 3/20/2023 and revised 7/17/2023 as prepared Barnard & Gervais, LLC and Four Lot Subdivision Vicinity Map “SK-1” dated 3/20/2023.

Based on the above-mentioned public hearing, plans submitted, and additional documents contained in the planning file for this proposal, the DRB enters the following Findings of Fact, Conclusions and Order.

**FINDINGS OF FACT**

NOTE: The application, any and all relevant evidence presented to the Development Review Board, and the minutes of the hearings conducted by the Town of Georgia DRB on January 17, 2023 and April 18, 2023, shall be considered part of the Findings of Fact and kept as part of the permanent record of the Applicants. This official record shall provide an additional basis for the DRB’s decision.

1. The applicant is requesting final plat approval for a 4-lot major PUD subdivision at Polly Hubbard Road in the AR-1 zoning district. Sketch Plan Review was conducted on January 17, 2023 and Preliminary Plat Review was conducted on April 18, 2023.
2. The subject parcel is located at Polly Hubbard Road and consists of ±15.06 acres. The parcel is entirely located within the AR-1 zoning district. As proposed, the land meets the requirement for the subdivision with setbacks, road frontage and acreage as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023. Applicant has requested Waivers for some setbacks and road frontage.
3. As presented in PC-006-21, *Applicant requested a Density Bonus. Applicant submitted revised site plans clustering of development, and out of the primary agricultural soils.*

*Applicant is proposing a 4.92 +/- open land be kept within a "Right to Farm Covenant"  
Applicant is requesting Planning Commission consider a bonus lot as outlined in #8 of the  
planning commissions previous July 23, 2019 sketch letter and approved during the  
second Sketch Plan and Preliminary Plat Review, December 8, 2021.*

- 4. Lot Description:
  - Proposed Lot 5 will consist of ±2.34 acres.
  - Proposed Lot 6 will consist of ±2.56 acres.
  - Proposed Lot 7 will consist of ±1.8 acres.
  - Proposed Lot 8 will consist of ±8.39 acres, of which ±4.92 acres Open Space for PUD (20% total acreage) is included in this total.
  
- 5. Town of Georgia Fire Chief reviewed and approved the 4-lot subdivision indicating the ability to provide emergency services to the proposed development.
  
- 6. The following members of the DRB were present for the Final Plat public hearing on September 5, 2023, constituting a quorum: Suzanna Brown, Charels Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville Jr. and Glenn Sjoblom. See meeting minutes for a list of others present.
  
- 7. The regulations in effect at the time of the decision: **Municipal Town Plan**, last amended January 9, 2017; **Town of Georgia Development Regulations**, warned February 27, 2023.

**CONCLUSIONS**

- 1. The applicants have submitted all relevant final plat information required by the Georgia Development Regulations.
  
- 2. This application was reviewed as a major PUD subdivision pursuant to the requirements and standards outlined in Article 3.5, Planned Unit Development and Article 4, Subdivision Approval; Article 2, Zoning Districts and Land Uses and Dimensional Standards; and Article 7, Planning and Design Standards, of the Town of Georgia Development Regulations. The application was deemed consistent with the above-mentioned standards and requirements.
  
- 3. The approval of the Final Plat is based on all plat and sketch plan documents contained in the St. Pierre SK-001-23, PR-001-23 and FP-004-23 folders in the DRB files.

**ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Final Plat for four lot major PUD subdivision and site plan subject to the conditions listed below:

- 1. The submitted plans shall indicate the following:

- a. Lots within the subdivision will be numbered.
  - b. Building envelopes showing proposed setbacks.
  - c. Calculated metes and bounds for all rights of way and easement areas.
  - d. Wastewater details with associated isolation areas, calculated metes and bounds of any easements.
  - e. Drilled wells and well isolation areas.
  - f. Drainage details.
  - g. Erosion control details.
  - h. Stormwater details.
  - i. Proposed contour lines at 5' intervals.
  - j. Existing and proposed utilities
  - k. Existing and proposed driveways.
  - l. Existing landscaping details.
  - m. Typical cross sections of the proposed grading of roadways.
  - n. Natural features of the proposed site including wetlands with associated required buffers, streams with associated required buffers, prime agricultural soils, rock outcroppings, and slopes > 25%.
  - o. Include the general outline of abutting properties to get the full scope of the location
  - n. DRB and Town Clerk signature blocks.
2. The final plat plan shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.
  3. The Final Plat shall be submitted on Mylar measuring 18" by 24" with Town of Georgia signature block, shall be filed by the subdivider with the Town Clerk within 180 days of the DRB's signed written decision. Final approval shall expire if the Final Plat is not filed by the subdivider within the 180-day period. One ninety (90) day extension may be granted pursuant to Title 24 Ch. 117, Section 4463(b)(1), Vermont Statutes Annotated.
    - a. Final approval includes any provisions listed under PC-006-21 and PR-001-23.
    - b. Approval expires April 1, 2024.
  4. The following language shall be placed on the Mylar for the proposed common area: "Open land be held as "Right to Farm Covenant". There will be no further development of the ±4.92-acre open land."
  5. The single-family dwelling to be constructed on Lot-5 shall not exceed 1,500 sq ft of above grade habitable living space. No increase of the above grade square footage for Lot-5 shall occur for a minimum of 5 years from the date of the approved Certificate of Occupancy. A note shall be added to the Site Plan Mylar and language shall be included within relevant deeds and the HOA Covenants stating same.

- 6. Deed languages for the lots shall include all state permits, ACT 250, Wetlands, as well as including an amendment to the existing water supply and wastewater disposal permits and existing stormwater permits as required.

Deed language and Mylar shall also indicate an easement across Lot 8 for abutter access to wastewater system.

- 7. The HOA Documents for this PUD shall include maintenance and use of the private road, gravel wetland, shared septic system and individual well. HOA documents should also include the open space, restrictions on mowing any wetlands properties, and should also include restrictions on cutting trees in the 50 ft buffer on Lot 6, except for dying or diseased trees.
- 8. Prior to the commencement of any construction of additional structures on any of the four lots or additional land development, Applicant shall obtain requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the setback requirements as agreed upon in the Preliminary Plat decision.
- 9. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project.
- 10. Prior to issuance of any Certificate of Occupancy for any lot, Applicant shall submit to the Zoning Administrator a letter from a licensed engineer stating that the Private Road has been constructed to pursuant to Public and Private Road Standards as outlined in Section 7.11 Town of Georgia Development Regulations.
- 11. The road shall be paved with a minimum of 2” of asphalt pavement and have a cul-de-sac. The private road shall meet the requirements set forth within the Town of Georgia Ordinance Regarding Street Naming and Street Addressing, dated 4/28/23.
- 12. The private driveways shall be delineated on the Site Plan Mylar and shall include a hammer head type turn around on each driveway. Any driveways must be constructed in accordance with the driveway standards of the Town of Georgia.
- 13. Legal documents addressing the conveyance of all easements through the creation of a homeowners’ association (HOA) including the responsibility of private road repairs, improvement, maintenance, replacement and snow removal; and the responsibility for construction, improvement, maintenance, repair, replacement and ownership of all open space, or shared public infrastructure (stormwater, wastewater, water, open space, restrictions of the common land, etc.), shall be submitted to the Town of Georgia Planning Coordinator (planning@townofgeorgia.com) for independent technical review by the Town’s attorney. A check for \$500.00 shall be submitted to The Town of Georgia Treasurer to be held in escrow for payment of legal review by the Town’s attorney. Any unused portion of said \$500.00 shall be returned to the Applicants after all requested revisions and final review has been completed. If the costs of review by the Town’s attorney exceeds the escrowed

amount, the Applicants shall be required to pay any and all fees for review by the Town’s attorney in excess of the escrowed \$500.00 prior to final Mylar recording. Legal documents requiring the Town’s signature will need to be approved by the Selectboard. **Approved legal documents shall then be executed and recorded in the Georgia Land Records prior to final Mylar recording.**

- 14. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the lot.
- 15. The development plan shall fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading. Existing natural drainage patterns shall be preserved wherever possible. Only areas where active construction is taking place should be exposed. All other areas shall be protected by vegetative and structural control measures. Seed and mulch will be applied as soon as possible to disturbed soils.
- 16. Prior to the issuance of any Certificate of Occupancy for any dwelling constructed within the subdivision, Applicants, assigns, and successors shall record a Vermont Building Energy Standards Certificate (RBES) in the Land Records and a copy of same shall be submitted to the Zoning Administrator.
- 17. Prior to final Mylar recording, the conditions of this decision shall be recorded in the Georgia Land Records.
- 18. This project shall be completed, operated and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval.
- 19. No changes, erasures, modifications, or revisions other than those required by this decision shall be made on the subdivision plat after Final Plat approval, unless said plat is first resubmitted to and approved by the DRB. In the event the subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.
- 20. All plans, drawings, and conditions/requirements etc. listed above or submitted at the hearing and used as the basis for the decision to grant this permit shall be binding on the applicants, and their heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

Dated at Georgia, Vermont, this 3<sup>rd</sup> day of October, 2023.

By \_\_\_\_\_  
Suzanna Brown  
Georgia DRB Chair



DRB members participating in this decision: Suzanna Brown, Charles Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom.

Vote to approve: In favor - 7, Opposed - 0, Abstain – 0, Absent 0.

**30 Day Appeal Information:**

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an “interested person”.

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Georgia.