



# DRB MEETING

Tuesday, July 18, 2023 at 7:00 PM

Chris Letourneau Meeting Room and via Zoom

## AGENDA

---

### Zoom Details:

<https://us02web.zoom.us/j/6165843896?pwd=STduU2JzTmpiVmE1MXZSaWZWZVadz09>

Meeting ID: 616 584 3896 | Passcode: 5243524

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

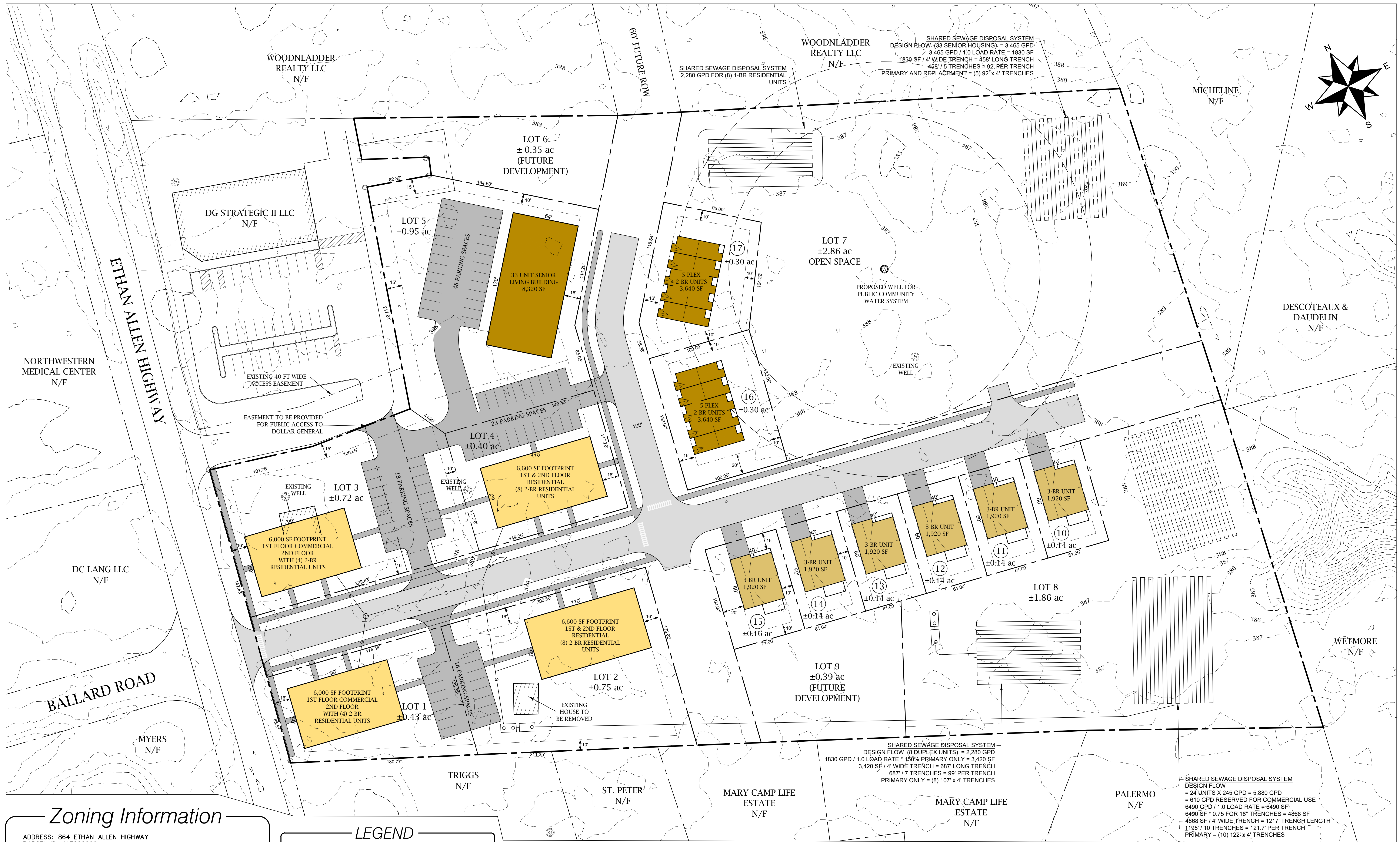
1. **CALL TO ORDER - 7:00 PM**
2. **ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA**
3. **PUBLIC HEARINGS**
  - A. [SK-005-23 864 Ethan Allen Highway, LLC - Sketch Plan Review for a proposed 18-lot multi-unit residential and commercial complex located at 864 Ethan Allen Highway in the South Village](#)
4. **APPROVAL OF MINUTES**
  - A. [DRB Meeting Minutes](#)
5. **OTHER BUSINESS**
  - A. [DRB Decision Letter APL-001-23](#)
6. **PLAN NEXT MEETING AGENDA**
  - A. August 1, 2023
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)



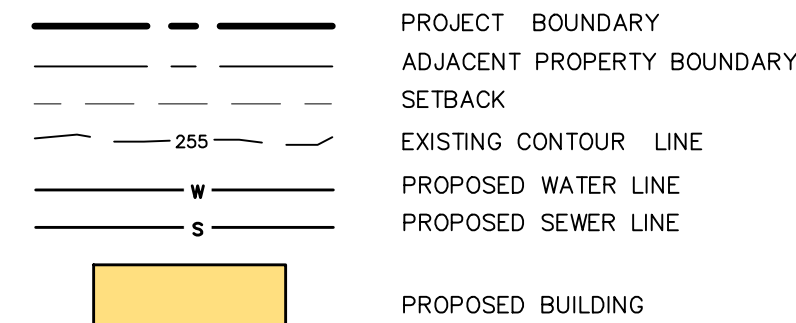


### Zoning Information

ADDRESS: 864 ETHAN ALLEN HIGHWAY  
 PARCEL ID: 117200000  
 DEED RECORDED IN VOLUME 316, PAGE 289

ZONING DISTRICT: SOUTH VILLAGE CORE  
 DISTRICT DIMENSIONAL REQUIREMENTS:  
 FRONT YARD 8' MIN. / 16' MAX.  
 SIDE YARD 10'  
 REAR YARD 10'  
 MINIMUM LOT SIZE 3,000 SF

### LEGEND



- (66) TOTAL RESIDENTIAL UNITS**
- (24) 2-BR WITHIN MULTI FAMILY OR MXD USE BUILDINGS
  - (10) 2-BR TOWNHOME UNITS
  - (6) 3-BR SINGLE FAMILY UNITS
  - (33) SENIOR LIVING UNITS
  - 17,400 SF FIRST FLOOR COMMERCIAL SPACE

DATE	REVISION	BY	DOC
7/1/2023	ADD LABELS FOR SQUARE FOOTAGE, SETBACKS, AND LOT DIMENSIONS		
	RECORD DRAWING		
	PRELIMINARY		
	FINAL		
	SKETCH/CONCEPT		

**O'LEARY-BURKE CIVIL ASSOCIATES, PLC**  
 13 CORPORATE DRIVE  
 ESSEX JUNCTION, VT 05452  
 PHONE: 802-878-9990  
 FAX: 802-878-9989  
 E-MAIL: obca@olearyburke.com

**HOMESTEAD CAMPGROUND**  
 GEORGIA, VERMONT  
**CONCEPT PLAN**

DATE: 08/17/2022  
 DRAWN: 2018-44  
 FILE: 2018-44-S16  
 SHEET # **1**

C:\Users\joe\OneDrive\Burke Civil Associates, PLC\O'Leary Burke Shared - Documents\2018\2018-44-S16-DOC.dwg





June 7, 2023

Doug Bergstrom  
Zoning Administrator  
Town of Georgia, VT  
47 Town Common Road No.  
St. Albans, VT 05478

RE: 864 Ethan Allen Highway, Georgia - Sketch Plan Application

Dear Doug:

We are writing on behalf of 864 Ethan Allen Highway, LLC (c/o Rick Bove) to request Sketch Plan Review for a proposed Planned Unit Development located at 864 Ethan Allen Highway in Georgia. The existing 12.3 acre parcel is located in the South Village Core zoning district and previously functioned as the Homestead Campground. The parcel currently contains two existing houses, gravel driveways, and several small accessory structures, all of which are to be removed.

The proposed project involves subdividing the existing parcel into eighteen (18) Lots (see plan Sheet 1 – Overall Plan for lot sizes). Lots 1, 2, and 3 will contain mixed use buildings with commercial space on the first floor and 2-bedroom residential units on the second floor. Lot 4 will contain a multi-family residential building with 2-bedroom residential units on the first and second floors. Lot 5 will contain a 33-unit senior living building. Lot 6 will remain open for future development. Lots 7 and 8 will be open space and will contain the public community water system and on-site wastewater disposal systems that will serve the project. Lot 9 will remain open for future development. Lots 10-17 will contain eight (8) 3-bedroom single-family homes and Lot 18 will contain one (1) multi-family building with five (5) 2-bedroom carriage homes.

The proposed mixed-use and multi-family residential buildings on Lots 1, 2, 3 and 4 are located in the front of the parcel and face the proposed public road and/or Ethan Allen Highway with parking located between or behind the buildings. The remaining proposed lots containing the senior housing building, single-family homes, and carriage units are located toward the rear of the parcel. Access will be provided via a public road within a 60 FT wide right of way. Discussions have been held with VTRANS concerning a new curb cut to serve this project opposite Ballard Road which will likely be pursued depending on the results of a traffic study and signal warrant analysis.

Please find the following information attached:

- 1) Signed Sketch Plan Review Application;
- 2) Sketch Plan Application Review Fee: \$3,550.00 (\$300 + (\$50/Unit x (66 – 1) Units);
- 3) Abutter list;
- 4) One (1) 11" x 17" copy of Plan Sheet 1 – "Overall Plan";
- 5) Digital copies of all application materials via email

If you have any question or need additional information, please let me know.

Sincerely,



Graham Tidman, E.I.



# Town of Georgia

47 Town Common Road North. • St. Albans, VT 05478  
Phone: 802-524-3524 • Fax: 802-524-3543 • website: townofgeorgia.com

## Sketch Plan Review Application

Application #SK \_\_\_\_\_

Minor (3 lots or less)  Major (4 lots or more)

Submission Requirements: An application for Sketch Plan Review will consist of one set 11"x17" site plan maps plus a digital file in \*.pdf format which includes scale, north arrow, legend, abutters, title block, existing and proposed lots, existing and proposed structures, roads, driveways, easements and/or rights of way.

Applicant must also submit a list for all abutters, including those across a public or private right of way.

**Incomplete applications will be returned and will delay scheduling your hearing.**

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

Owner(s): 864 Ethan Allen Highway LLC

Applicant(s): SAME AS OWNER

Address: 218 Overlake Drive

Address: \_\_\_\_\_

Colchester, VT

\_\_\_\_\_

Zip Code 05446 Telephone 802-864-3430

Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

Email rickbove@comcast.net

Email \_\_\_\_\_

Tax Parcel ID: 117200000 Zoning District: SV PUD  Yes  No

### CERTIFICATION OF APPLICANT(S)

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

Signature of Applicant: \_\_\_\_\_ Date: 6/2/23

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

### 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: \_\_\_\_\_ Date: 6/2/23

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**Location of Property:**

864 Ethan Allen Highway, Georgia, VT

Parcel ID No.: 117200000

Zoning District: SV

Deed Reference: Volume 316 Page 289

Size of Parcel: 12.30 acres

**Previous subdivision of parcel (if applicable)**

Permittee name: \_\_\_\_\_

Date: \_\_\_\_\_ Map # \_\_\_\_\_

**Previous Site Plan Approval (if applicable)**

Permittee name: \_\_\_\_\_

Date: \_\_\_\_\_ Map # \_\_\_\_\_

***If applicable:***

Engineer: Bryan Currier (O'Leary-Burke Civil Assoc.)

Surveyor: \_\_\_\_\_

Phone: 802-878-9990

Phone: \_\_\_\_\_

Email: bcurrier@olearyburke.com

Email: \_\_\_\_\_

**Description of proposed project: (Please describe here or attach a separate proposal)**

Project involves 18-Lot subdivision with public road. Lots 1, 2, & 3 will contain mixed-use buildings (1st floor commercial, 2nd floor residential) Lot 4 contains multi-family residential building. Lot 5 contains 33-unit senior living building. Lots 6 and 9 will remain open for future development. Lots 7 and 8 contain on-site water and sewer systems. Remaining lots contain (8) S.F. homes and (1) 5-plex

**Number and size of lots proposed (including all building lots, common area lots, retained lots, and donated/ open space lots):**

Lot 1 = 0.43 ac, Lot 2 = 0.75 ac, Lot 3 = 0.72 ac, Lot 4 = 0.40 ac, Lot 5 = 0.95 ac, Lot 6 = 0.35 ac, Lot 7 = 2.86 ac,

Lot 8 = 1.86 ac, Lot 9 = 0.39 ac, Eight (8) Single Family Lots 10-17 = 0.14 ac - 0.16 ac, 5-Plex Lot 18 = 0.30 ac,

Public Road ROW = 2.10 ac

**If a PUD, are you requesting waivers for proposed lot size & setbacks?**

Yes  No (If yes please describe here)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**List of plans, sketches, or other information submitted with this application:**

Plan Sheet 1 - Overall Plan

\_\_\_\_\_  
\_\_\_\_\_

**Names and addresses of abutting property owners:**

See attached Abutters List

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Existing and/or proposed road & driveway access to site:**

Proposed new access off Ethan Allen Highway opposite Ballard Road

**Existing and/or proposed easements and rights-of-way:**

New public road serving project shall be within 60' wide right-of-way.

**Proposed and/or existing wastewater disposal and water supply:**

Proposed mixed-use buildings and residential units shall be served by existing drilled wells and a proposed Public Community Water System. All proposed buildings will be served by on-site wastewater systems with Commercial uses and Residential uses being served by separate systems.

**Proposed drainage/storm water runoff (if required):**

Full stormwater design will be submitted with preliminary / final applications and a state stormwater permit will be obtained.

**Proposed landscaping (if applicable):**

Landscaping will be proposed at preliminary / final application.

**Size and location of proposed and/or existing buildings:**

Lots 1, 2, 3, and 4 will contain buildings with 5,400 SF - 6,600 SF footprints. Lots 1, 2, and 3 will have 1st floor commercial, and 2nd floor residential units. Lot 4 building is all residential. Lot 5 is a 33-unit senior living building. Lot 10-17 buildings are 3-bedroom single-family homes. Lot 18 building is a 5-plex containing five (5) 2-bedroom carriage homes.

**State permits required and/or obtained for this project:**

Water & Wastewater, Water Supply, Stormwater, Erosion Control, VTRANS, Act 250

**Please Note:** *sketch plan review does not constitute approval of a proposed subdivision plat. Following the public meeting, Applicant will receive a letter classifying the project as a Major or Minor subdivision, with guidance regarding next steps for their application.*

For the purpose of classification and initial discussion, subdivision applicants, prior to submitting applicable Preliminary or Final Plat applications, shall submit Sketch Plan information as outlined below. Applications shall be submitted at least 15 days prior to a regularly scheduled meeting of the Development Review Board (DRB) and no meeting shall be scheduled until all application materials are received. Applicants will be notified in writing if application materials are missing following submission. Sketch Plan meetings shall be noticed to adjacent property owners and posted at the Georgia Municipal Building. Sketch plans shall not be publicly warned in the Town's newspaper of general circulation, as they do not constitute Public Hearings. (Section 4.3 (C)(1), Town of Georgia Development Regulations 05.02.22).

A Sketch Plan meeting with the DRB is required for all subdivisions (Major or Minor). Following Sketch Plan review, the DRB, will send a letter to all applicants summarizing feedback provided at the Sketch Plan meeting.

Sketch Plan review is intended to be an informal meeting. Surveyed and/or engineered drawings are not expected. Instead, the intention is for the Applicant to provide scaled and accurate drawings indicating proposed subdivision layout and related improvements. The DRB can then provide verbal and subsequent written feedback about applicable regulations prior to the Applicant incurring investment in survey and engineering work. Sketch Plan review does not constitute approval of a subdivision plat and is merely authorization for the Applicant to file a preliminary plat or final plat application.

**APPLICATION SUBMITTAL REQUIREMENTS:**

- 1) Completed Sketch Plan application form.
- 2) Sketch Plan application fee. Fee schedule is on the website at [townofgeorgia.com](http://townofgeorgia.com).
- 3) A List for all adjacent property owners and current addresses, including all properties abutting the property proposed for subdivision and those properties across a street, highway, or other right-of-way
- 4) The Sketch Plan application shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet per inch, showing or accompanied by the following information:
  - a) Proposed subdivision name or identifying title and the name of the town.
  - b) Name and address of the record owner and applicant (if different).
  - c) Boundaries and area of proposed subdivision.
  - d) Size of lots and number of proposed lots.
  - e) Existing and proposed layout of property lines, type, and location of existing and proposed restrictions on land, such as easement and covenants, buildings, existing septic systems, well, water courses and other essential existing physical features, including mapped wetlands and flood plains.
  - f) Type, location, and approximate size of existing and proposed streets, utilities, and open space, if applicable.
  - g) Date, true north arrow, and scale (numerical and graphic).
  - h) Location map showing relation of proposed subdivision to adjacent property and surrounding area. Page 4 of 4
  - i) Deed reference and parcel tax identification number.
  - j) Zoning district(s) designation of the area to be subdivided and any zoning district boundaries affecting the subject parcel.

**Please submit 11”x17” of sketch plans and a digital file of plans.**

The subdivider, or a duly authorized representative, shall attend the meeting of the DRB on the sketch plan to discuss the requirements of these regulations for streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and facilities and other pertinent information.

The DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with, the town plan, zoning regulations, and any other by-laws then in effect, and shall, where it deems necessary, make specific recommendations for changes



in subsequent submissions, which recommendations shall be provided in writing to the Applicant/Owner.

Approval of a sketch plan shall not constitute approval of a subdivision plat and is merely authorization for the Applicant to file a preliminary or final plat application.

**(FOR TOWN USE ONLY):**  
Date received: \_\_\_\_\_ Fee paid: \_\_\_\_\_ Check # \_\_\_\_\_  
Returned (incomplete) \_\_\_\_\_ Date: \_\_\_\_\_  
  
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.**

**864 Ethan Allen Highway LLC**

**Abutters: 6-7-23**

DG Strategic II LLC  
100 Mission Ridge  
Goodlettsville, TN 37072-2171

DC Lang LLC  
554 Sand Hill Road  
Milton, VT 05468

Gayle Myers  
110 Village Drive Extension  
Fairfax, VT 05454

Daniel & Elizabeth Triggs  
796 Ethan Allen Highway  
Milton, VT 05468

Stacey St. Peter  
19 Meadowood Drive  
Georgia, VT 05468

Mary Camp Life Estate  
PO Box 117  
Milton, VT 05468-0117

Thomas Palermo  
182 Meadowood Drive  
Milton, VT 05468

Christopher & Mari Wetmore  
284 Overlake Drive  
Fairfax, VT 05454-5486

Myles Descoteaux & Haley Daudelin  
4231 Highbridge Road  
Fairfax, VT 05454-5445

Micheline Larose  
PO Box 358  
Milton, VT 05468

Woodnadder Realty LLC  
434 Maquam Shore Road  
Swanton, VT 05488

Northwestern Medical Center  
133 Fairfield Street  
St. Albans, Vermont 05478

**SKETCH PLAN REVIEW**  
**Proposed 18-Lot Multi-Unit Residential and Commercial Complex**  
**SK-005-23**

<p><b>Owner:</b>                  864 Ethan Allen Highway LLC                  218 Overlake Drive                  Colchester, VT 05446                  PH: 802-864-3430                  Email: rickbove@comcast.net</p>	<p><b>Applicant:</b></p>
<p><b>Surveyor/Engineer:</b>                  Bryan Currier                  O’Leary-Burke Civil Associates, PLC                  13 Corporate Drive                  Essex Junction, VT 05452                  802-878-9990/ bcurrier@olearyburke.com</p>	<p><b>Property Tax Parcel &amp; Location:</b>                  864 Ethan Allen Highway                  Georgia VT                  Parcel#117200000                  Zone: SV</p>

**Background**

864 Ethan Allen Highway LLC, hereafter referred to as Applicant, is requesting Sketch Plan Review for a proposed multi-unit residential and commercial complex. The parcel is located at 864 Ethan Allen Highway and consists of ±12.3 acres to be subdivided into eighteen (18) Lots with public road. The parcel is located within the South Village (SV) zoning district.

Applicant is proposing the creation of an 18-lot subdivision:

- Proposed Lot 1 will consist of ±.43 acres, with one mixed use building, consisting of 6,000 sf footprint, first floor commercial, 2<sup>nd</sup> floor residential with four (4) two (2) bedroom residential units and an 18-space parking lot shared with Lot 2.
- Proposed Lot 2 will consist of ±.75 acres with one fully residential building at 6,600 sf footprint, first and second floors housing a total of eight (8) two (2) bedroom residential units and a 18-space parking lot.
- Proposed Lot 3 will consist of ±.72 acres, with one mixed use building, consisting of 6,000 sf footprint, first floor commercial, 2<sup>nd</sup> floor with four (4) two (2) bedroom residential units and a parking lot with 18 parking spaces.
- Proposed Lot 4 will consist of ±.40 acres with one fully residential building at 6,600 sf footprint, first and second floors housing a total of eight (8) two (2) bedroom residential units and a 23-space parking lot.
- Proposed Lot 5 will consist of ±.95 acres, with a 8,320 SF 33 - unit senior living building and a parking lot with 48 parking spaces.
- Proposed Lot 6 will consist of ±.35 acres with potential for future development.
- Proposed Lot 7 will consist of ±2.86 acres of open space, including the proposed well for public community water system.
- Proposed Lot 8 will consist of ±1.86 acres and will contain shared sewage disposal systems.
- Proposed Lot 9 will consist of ±.39 acres with potential for future development.

- Proposed Lots 10-15 will consist of ±.14 - ±.16 acres single family, three (3) bedroom homes.
- Proposed Lot 16 will consist of ±.30 acres with five (5) plex, two-bedroom townhome units.
- Proposed Lot 17 will consist of ±.30 acres with five (5) plex, two-bedroom townhome units.
- Public Road Right-of-way (ROW) will consist of ±2.10 acres.

## COMMENTS

### **General Sketch Plan Review Requirements**

1. **Dimensional Requirements.** The dimensional requirements of the Zoning District and the proposed lot dimensions are as follows (see attachment).
2. **Mixed Use & South Village Requirements**
  - a. **Article 6 Specific Use Standards Section 6.6 Mixed Uses - C Standards**
    - i. **First Floor Uses, SV District.** Principal residential uses are not allowed on the ground floor of buildings in the SV. Through conditional use review, the DRB may waive this requirement and approve residential uses on the first floor if:
      - a. an equivalent square footage of commercial development is included elsewhere in the single development proposal or building, and
      - b. in the judgement of the DRB the proposed mix of uses meets the purpose of the SV District as described in Article 2 of these Regulations.
    - ii. There shall not be more than one principal structure on a lot unless approved as part of a PUD. This regulation shall not apply to the South Village Core District (SV), Industrial District (I-1), or the Commercial-Light Industrial District (I-2). The regulation shall also not apply to lots in the Business District (B) that contain only non-residential uses.
    - iii. More than one principal use may occupy a single principal structure.
  - b. **Article 2 Zoning Districts, Land Uses and Dimensional Standards 4. South Village Core (SV)**
    - i. **South Village Core (SV).** The intent of the South Village Core District is to promote development of a compact settlement with a mix of small-scale business, civic, and residential uses and to foster a built environment



patterned on a traditional Vermont village center with streetscapes and public spaces where people can walk, gather, and meet comfortably. Property owners and developers shall plan proposed development according to the Design Criteria and Standards (Section 3.6) and the 2009 South Village Core Strategic Plan.

- ii. **Table 2.3 (c)** Lot Frontage 30' / setback front 8' edge of ROW max 16' / Side 0' – 10' / rear 10' / Building size max – 20,000 SF & 3 stories / height max 50'

**c. Article 3.6 South Village Core Design Standards**

- i. **Standard 2c.** The proposal is a mixed-use development or contributes to a mixed-use district. Mixed-use means a combination of residential, commercial, and/or governmental uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another). Opportunities for including mixed uses include, but are not limited to, apartments on upper levels with commercial space on the ground floor or public parking in the basement underneath an office or apartment building. New residential uses are prohibited on the first story of all structures in the South Village Core District with the exception of large multi-household dwelling uses (5 Units or more), but through conditional use review, the DRB may waive this requirement and approve residential uses on the first floor if:
  - 1. An equivalent square footage of commercial elsewhere in the building or in other buildings within the site plan, and
  - 2. In the judgment of the DRB the proposed mix of uses meets the purpose of the SV District as described in Article 2 of the regulations.

**3. Proposed project alignment with SV requirements**

- a. A total of 12,000 SF of first floor commercial space proposed
- b. A total of eight (8) 2<sup>nd</sup> floor residential units proposed.
- c. Two 8-unit residential 2-story buildings
- d. Two 5-unit residential building
- e. A 33- unit senior housing building
- f. Six (6) carriage style single family homes totaling 11,520 SF
- g. Lots:
  - i. Lot 1 – 6,000 SF first floor commercial with 5,400 SF 2<sup>nd</sup> floor residential
  - ii. Lot 2 – 6,600 first and second floor 8 unit residential
  - iii. Lot 3 – 6,000 SF first floor commercial with 6,000 SF 2<sup>nd</sup> floor residential
  - iv. Lot 4 - 6,600 SF first and second floor 8 unit residential
  - v. Lot 5 – 8,320 SF 33 unit senior living building
  - vi. Lot 6 – Future Use
  - vii. Lot 7 – Open Space
  - viii. Lot 8 – Septic
  - ix. Lot 9 – Future Use
  - x. Lot 10 – Lot 15 –1,920 SF each 3 BR carriage style homes

*xi.* Lot 16 & Lot 17 – 3,640 SF 2-BR 5 Plex

**4. Parking**

- a. Lot 3 & Lot 4 provide total of 41 parking spaces. Residential requirement 18 spaces
- b. Lot 1 & Lot 2 provide total of 18 parking spaces. Residential requirement – 18 spaces
- c. Lot 5 provides 48 parking spaces. Standard residential requirement – 49.5 spaces
- d. Lots 10-15 – Garage and driveway parking 2 per unit. Requirement is 1 - 1.5 per unit
- e. Lots 16 – 17 – Garage parking with driveway 1.5 spaces per unit required.

**5. Site plans.** Applicant has submitted site plans titled “Homestead Campground, Georgia VT” prepared by O’Leary-Burke Civil Associates, PLC dated 08/17/2022.

- i. The proposed property lines
- ii. The proposed boundaries for building
- iii. The locations of existing wells, water supply lines, septic tanks, pump stations, wastewater disposal systems, shared sewage disposal systems
- iv. 60 ft future R-O-W
- v. Existing 40 ft wide access easement
- vi. Existing House to be removed
- vii. The locations of new roadway, proposed driveways and parking spaces

**6. Lot layout.** As proposed, the boundary lines are linear and proposed lots are generally regular in shape.

**7. Suitability for development.** This multi-unit mixed use 18 Lot subdivision is in line with South Village standards for commercial and residential properties.

**8. Existing aesthetic features such as trees, scenic points, streams, rock outcroppings, water bodies, wetlands, agricultural resources, other natural resources, and historical resources.** Landscaping will be proposed at preliminary/ final application.

**9. Storm water and erosion control plan during construction.** Full stormwater design will be submitted with preliminary/final applications and a state stormwater permit will be obtained.

**10. Conformance with Town Plan and Bylaws.** The DRB will determine if the project meets the South Village Zoning District requirements for percentage and off-set of residential units to commercial buildings.

**11. Compatibility with surroundings.** Proposed subdivision is in line with standards set by the Town of Georgia Town Plan and South Village Zoning regulations.

**12. Municipal Services.** Applicant has not obtained an ability to serve letter from the Fire Chief.

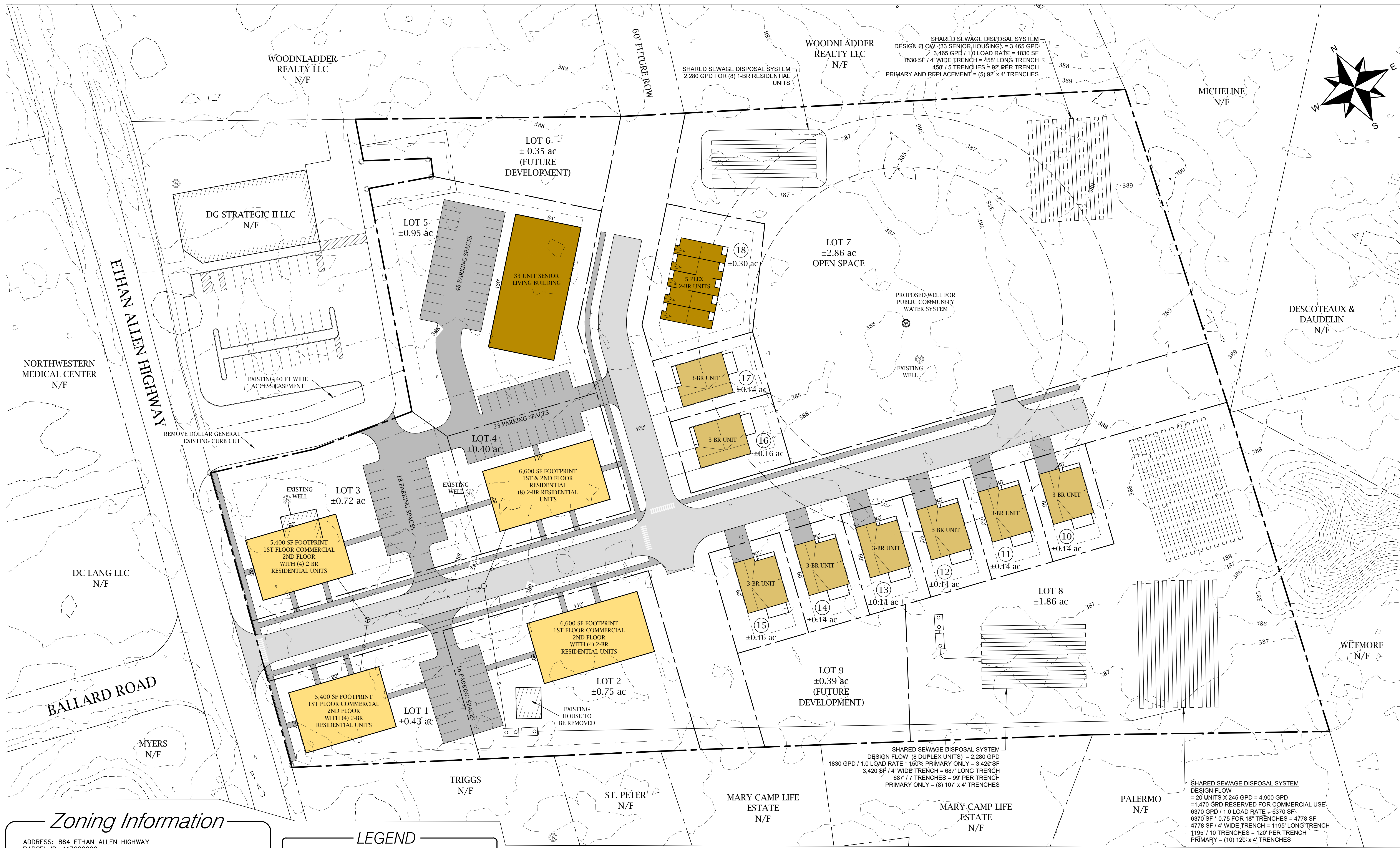
13. **Wastewater Disposal and Water Supply:** Proposed mixed use buildings and residential units shall be served by existing drilled wells and a proposed Public Community Water System. All proposed buildings will be served by on-site wastewater systems with Commercial uses and Residential uses being served by separate systems.
14. **Vehicular Traffic.** Proposed new access off Ethan Allen Highway opposite Ballard Road. VTrans will issue a traffic study. New proposed public road serving project shall be within 60' wide right-of-way. End of new road near Lot 10 would require a cul-de-sac per the Town of Georgia Road Policy. End of road near Lot 17 may require a cul-de-sac or need to continue through the existing rights of way to Highbridge Road / Rout 104A.
15. **Landscaping Plan and Lighting.** Not addressed in Sketch Plan.
16. **State permits.** Water and wastewater, water supply, stormwater, erosion control, VTrans and Act 250. The Applicant shall submit any and all required State Permits with the Preliminary Plat Review.

Respectfully submitted,

Douglas Bergstrom  
Zoning Administrator  
Planning, DRB & 911 Coordinator

cc: Applicant and Engineer





### Zoning Information

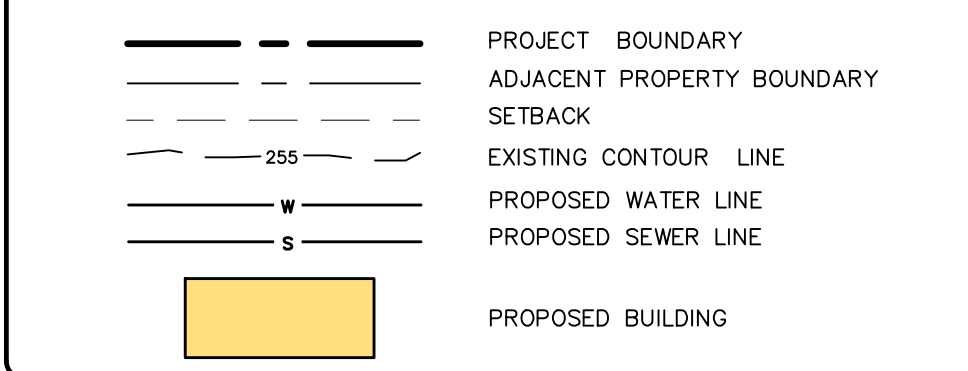
ADDRESS: 864 ETHAN ALLEN HIGHWAY  
 PARCEL ID: 117200000  
 DEED RECORDED IN VOLUME 316, PAGE 289

ZONING DISTRICT: SOUTH VILLAGE CORE  
 DISTRICT DIMENSIONAL REQUIREMENTS:

FRONT YARD	8' MIN. / 16'
SIDE YARD	10'
REAR YARD	10'

MINIMUM LOT SIZE: 3,000 SF

### LEGEND



- (66) TOTAL RESIDENTIAL UNITS**
- (20) 2-BR WITHIN MULTI FAMILY OR MXD USE BUILDINGS
  - (5) 2-BR TOWNHOME UNITS
  - (8) 3-BR SINGLE FAMILY UNITS
  - (33) SENIOR LIVING UNITS
  - 17,400 SF FIRST FLOOR COMMERCIAL SPACE

SURVEY DESIGN BWC/GRT DRAWN BWC/GRT CHECKED P.J.D. SCALE 1" = 40'	RECORD DRAWING FINAL PRELIMINARY SKETCH/CONCEPT <b>O'LEARY-BURKE CIVIL ASSOCIATES, PLC</b> 13 CORPORATE DRIVE ESSEX JUNCTION, VT 05452 PHONE: 802-878-9990 FAX: 802-878-9999 E-MAIL: obca@olearyburke.com	DATE 08/17/2022 JOB # 2018-44 FILE 2018-44-S15 SHEET # <b>1</b>
<b>HOMESTEAD CAMPGROUND</b> GEORGIA, VERMONT  <b>CONCEPT PLAN</b>		

C:\Users\glidm\O'Leary Burke Civil Associates, PLC\O'Leary Burke Shared - Documents\2018\2018-44.dwg\2018-44-S15.dwg





# DRB MEETING

Tuesday, June 20, 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

- Chair Suzanna Brown
- Charles Cross
- Greg Drew
- Gilles Rainville
- Glenn Sjoblom
- Lisa Faure

#### BOARD ABSENT

- Vice Chair James Powell

#### INTERESTED PERSONS PRESENT

- Megan Manahan Bliss, Attorney for BTMC, LLC
- Butch McCracken, BTMC, LLC
- Tony McCracken, BTMC, LLC

#### STAFF PRESENT

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

6:58 pm S. Brown swears in Interested Persons

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

None

**3. PUBLIC HEARINGS**

A. Appeal of Zoning Administrator Decision (APL-001-23) BTMC, LLM is appealing the ZA’s decision to deny a zoning application for a proposed outdoor building sales business at 1149 Ethan Allen Highway Parcel ID# 117470000, South Village Zoning district.

-Butch McCracken and Tony McCracken, BTMC, LLC and Atty Megan Manahan Bliss were present for the hearing.

-Megan Manahan Bliss requested a narrow issue before the board tonight, is Retail Store an permitted use the South Village (SV) zoning district?

-Bliss opines the decision made by Zoning Administrator was incorrect based on the Town of Georgia Development Regulations, retail sales is a permitted use in that SV district.

-Zoning Administrator (ZA) explained that according to ZA protocol, he must apply a "literal interpretation" to the Development Regulations. ZA was not able approve the permitted use application as the sale of sheds did not fit into the use of retail sales as described by the Development Regulations, rather, the sale of sheds was more in line with uses not allowed. It was also unclear as to how the sheds would be displayed, as no site plan was included. ZA suggested a Conditional Use application be completed so the issue go to DRB.

-Bliss countered BTMC, LLM sale of sheds in current Business District location in Town of Georgia was approved as retail store. This location has sheds on display outdoors, and no size of the retail area in current use provided to the DRB.

-S. Brown explained past decisions don't set precedent, especially if granted in a different Zoning district. Asked for further information regarding the property, larger parcel of the two or smaller.

-Butch McCracken- looking to work with the town to be able to showcase sheds, even though they understand the SV purpose and future ideal uses. Making the case for shed sales and may be temporary given the current situation. BTMC, LLC proposing an idea to work with DRB for future temporary use, though the Appeal decision before DRB to decide narrow use of the permitted use of retail sales in the SV.

7:40pm- Motion to close the public hearing

Motion made by Drew, Seconded by Sjoblom.

Voting Yea: Chair Brown, Cross, Drew, Rainville, Sjoblom, Faure

**4. APPROVAL OF MINUTES**

A. DRB Meeting Minutes

Minutes approved as written, no changes.

Motion made by Rainville, Seconded by Cross.

Voting Yea: Chair Brown, Cross, Drew, Rainville, Faure

Voting Abstaining: Sjoblom

**5. OTHER BUSINESS**

- Wetlands Buffer discussion, questions on the regulations on what DRB can request from property owners.
- S. Brown will research and let the DRB know where the regulations can be found for the Wetlands Buffer.
- McCracken Auto Sales, what are the parameters for the sale of autos in the Development Regulations, zoning district, etc. Research of regulations needed.

**6. PLAN NEXT MEETING AGENDA**

A. July 18, 2023

Discussion for July 18th meeting- 864 Ethan Allen Highway, LLC. Review of the South Village Plan, Development Regulations, as well as the new Act 47 laws necessary to prepare for the large subdivision sketch.

**7. DELIBERATIONS**

Move into deliberative 7:52pm.

Voting Yea: Chair Brown, Cross, Drew, Rainville, Sjoblom, Faure  
Motion made by Rainville, Seconded by Drew.

A. APL-001-23 BTMC, LLC

Exit deliberations at 9:00pm

Voting Yea: Chair Brown, Cross, Drew, Rainville, Sjoblom, Faure  
Motion made by Rainville, Seconded by Cross.

**8. ADJOURN**

Adjourn the Meeting: 9:01pm

Motion made by Drew, Seconded by Rainville.  
Voting Yea: Chair Brown, Cross, Drew, Rainville, Sjoblom, 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)**

DRAFT





# Town of Georgia

47 Town Common Road North. • St. Albans, VT 05478  
• Phone: 802-524-3524 • Fax: 802-524-3543 • website: townofgeorgia.com

## NOTICE of DECISION

In re: BTMC, LLC, Applicant  
Appeal to DRB Application: APL-001-23

Decision and Findings of Fact for Appeal

Dear Butch McCracken and Tony McCracken, BTMC, LLC:

After a duly warned hearing of the DRB on June 20, 2023, the following action was taken with regard to your request:

### APPEAL REQUEST DENIED

**Note:** The application, any and all relevant evidence presented to the Board, and the minutes of the Board at the hearing conducted by the Town of Georgia DRB on June 20, 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/owner. All cites to Development Regulations are according to the currently warned Town of Georgia Development Regulations dated February 27, 2023.

This official record shall provide additional basis for the Board’s decision.

### Background:

This matter came before the Town of Georgia DRB on the application of Megan Manahan Bliss, Attorney for Butch McCracken and Tony McCracken, BTMC, LLC, hereinafter referred to as Applicant, requesting Appeal to the denial of permitted use application to operate a retail store at 1149 Ethan Allen Highway in the South Village zoning district. A Notice of Public Hearing was duly published in the St. Albans Messenger on June 6, 2023, and all abutting property owners were notified.

The DRB conducted a public hearing on this application on June 20, 2023, Applicant and Applicant’s attorney were present at the meeting. There were no interested parties. Applicant submitted Appeal paperwork and the Zoning Administrator presented a DRB report.

**Finding of Facts:**

1. Applicant submitted a modified conditional use application for the permitted use of a retail store in the South Village, given the Town of Georgia did not have an application for permitted use at that time.
2. Applicant did not provide complete information for the Zoning Administrator to make a decision.
3. The operation of a retail store under 3000 sq ft is a Permitted Use in the South Village zoning district.
4. As defined by the Town of Georgia Development Regulations, ***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.*
5. Applicant’s modified conditional use application was unclear as to how the sheds would fill the allowed space, if there would be a physical retail store built for the sales, and which parcel of property would be used for sales.
6. The named exclusions for Retail Store were listed as motor vehicle sales, recreational vehicles sales and mobile home services and sales. Following the legal principal *ejusdem generis*-when a general word or phrase follows a list of specifics, the general word or phrase will be interpreted to include items of the same kinds, class or nature- the sheds are more in line with the exclusions for Retail Store than examples of allowed products for sale.
7. In accordance with Article 8, Section 1 (A)(2), Administration and Enforcement, Zoning Administrator in the Town of Georgia Development Regulations, *the Zoning Administrator shall administer the Regulations literally, and strictly, according to the plain meaning of its terms, and shall have no authority to permit land development that is not in conformance with these Regulations. In addition, the Zoning Administrator shall administer these Regulations uniformly.*
8. Attorney for Applicant requested a very narrow definition of the deliberation of the issue.

**Conclusion:**

The Board concludes as follows:

1. Applicant has submitted all relevant information for appeal of Zoning Administrator decision as required by the Town of Georgia Development Regulations.
2. This application was reviewed under Article 8, Section 7, Appeals in the Town of Georgia Development Regulations.
3. While Retail Store is a Permitted Use in the SV Zoning District, based on the information provided by the Applicant to the Zoning Administrator, the Zoning Administrator could not approve the application for a permitted use based on the literal interpretation of the Town of Georgia Development Regulations.

- 4. The DRB agrees with Zoning Administrator decision to deny application. Zoning Administrator's denial is consistent with the Town of Georgia Development Regulations approved as information provided.

**Decision:**

Applicant's request for Appeal to the denial of permitted use application to operate a retail store at 1149 Ethan Allen Highway in the South Village zoning district is **DENIED**.

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. Section 4471. Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Zoning Administrator who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person.

Members present and voting for approval: Suzanna Brown, Gilles Rainville, Greg Drew, Charles Cross, Glenn Sjoblom, and Lisa Faure. Members absent: James Powell. Members present and voting against approval: None.

Signature of Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Suzanna Brown, DRB Chair