



GEORGIA VERMONT

DRB MEETING

Tuesday, May 07, 2024 at 7:00 PM

Chris Letourneau Meeting Room and via Zoom

Agenda

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.](#) Boundary Line Adjustment (BLA-001-24) for Brian and Heather Dunsmore
4. **APPROVAL OF MINUTES**
 - [A.](#) DRB Meeting Minutes: April 16, 2024
5. **OTHER BUSINESS**
 - [A.](#) PR-002-24 Sandy Birch Road, LLC Decision Letter
6. **PLAN NEXT MEETING AGENDA**
 - A. Next Meeting: May 21, 2024
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

**Boundary Line Adjustment
BLA-001-24**

Owner Parcel #1: Brian and Heather Dunsmore 6086 Ethan Allen Highway Georgia, VT 05478 #802-524-3235	Owner Parcel #2: (same)
Property Tax Parcel & Location #1: 6086 Ethan Allen Highway (Lot 1) Parcel ID#116400000 Zoning District AR-1	Property Tax Parcel & Location #2: 6086 Ethan Allen Highway (Lot 2) Parcel ID#116400000 Zoning District AR-1
Engineer: Justin T. Holmes Pinnacle Engineering, PLC 189 Maple Drive, Georgia VT 05478 #802-782-5980	Surveyor: Button Professional Lands Surveyors, PC 20 Kimball Avenue, Suite 102 South Burlington, VT 05403 #802-570-0685

BACKGROUND

1. Boundary Line Adjustment for Brian and Heather Dunsmore, hereafter referred to as Applicants, located at 6086 Ethan Allen Highway (Parcel ID #116400000) Lot 1 is sized at ± 81.4 acres and will be ± 12.06 acres once adjusted. Frontage of parcel prior to adjustment is $\pm 0'$ and will change to $\pm 60'$ after the adjustment.
2. Lot 2 (per HE-6-0384, (1A)) is sized at ± 4.59 acres prior to adjustment and will be ± 74 acres once adjusted. Frontage of parcel prior to adjustment is $\pm 220'$ and will remain the same after the adjustment.
3. The boundary line request is to adjust the plat for Applicants to transfer ± 69.36 acres from Lot 1, owned by Applicants, to Lot 2 (1A), also owned by Applicants.
4. Applicants were granted a Homestead Exemption (HE-6-0384) on August 8, 2002 by the State of Vermont Agency of Natural Resources: *"Lot 2 includes a single-family dwelling with onsite water and sewage disposal on ± 4.59 acres. The remaining 92.4 acres will be deferred."*
5. HE-6-0384, Lot 2 (1A) is exempt from obtaining a subdivision permit from the Agency of Natural Resources prior to sale or lease as it appears to meet the criteria set forth in Chapter 1, Subchapter 3- Subdivisions, Section 1-304 of the Environmental Protection Rules.

COMMENTS

1. Legal Description of adjusted area and boundary line adjustment plat-

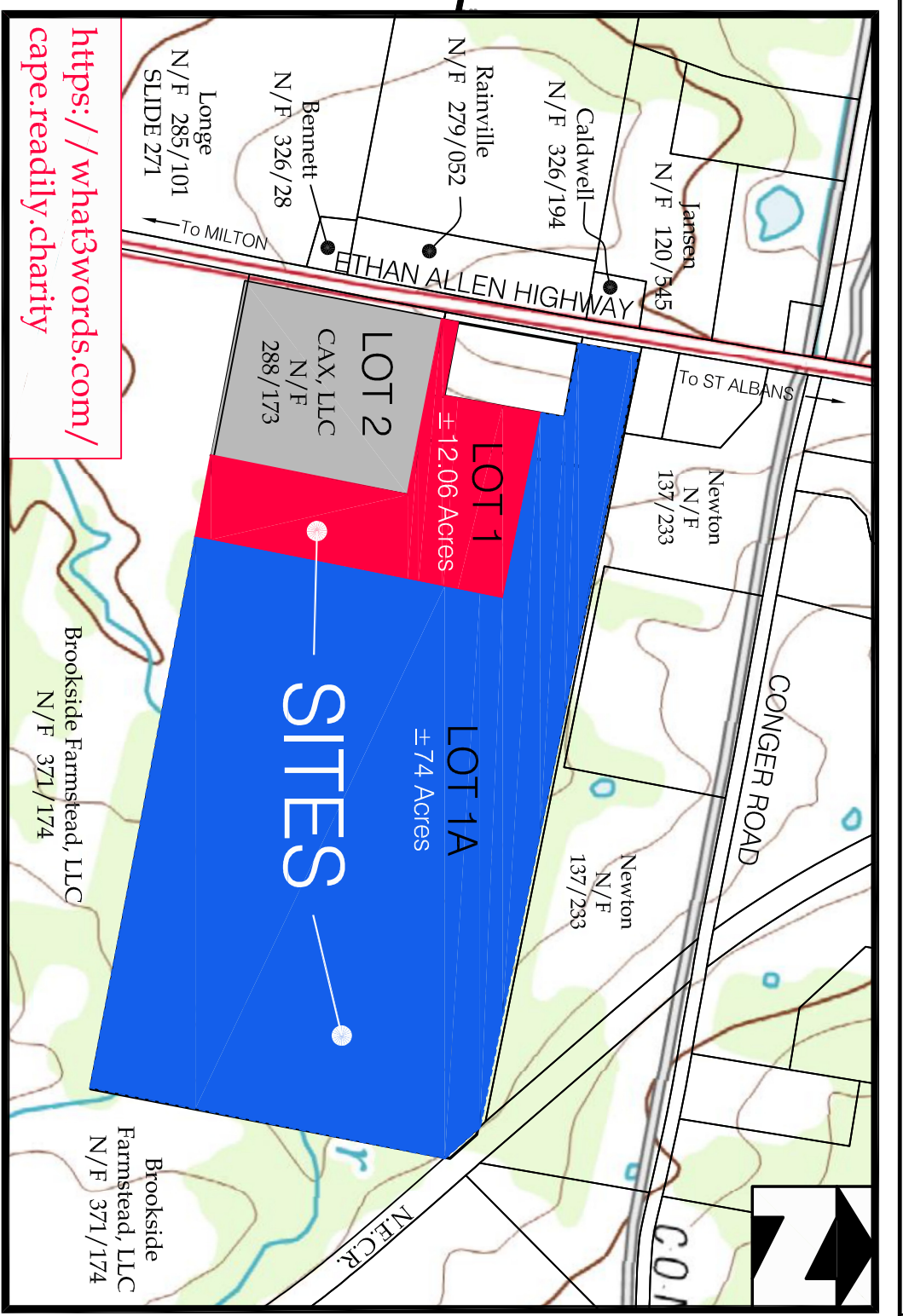
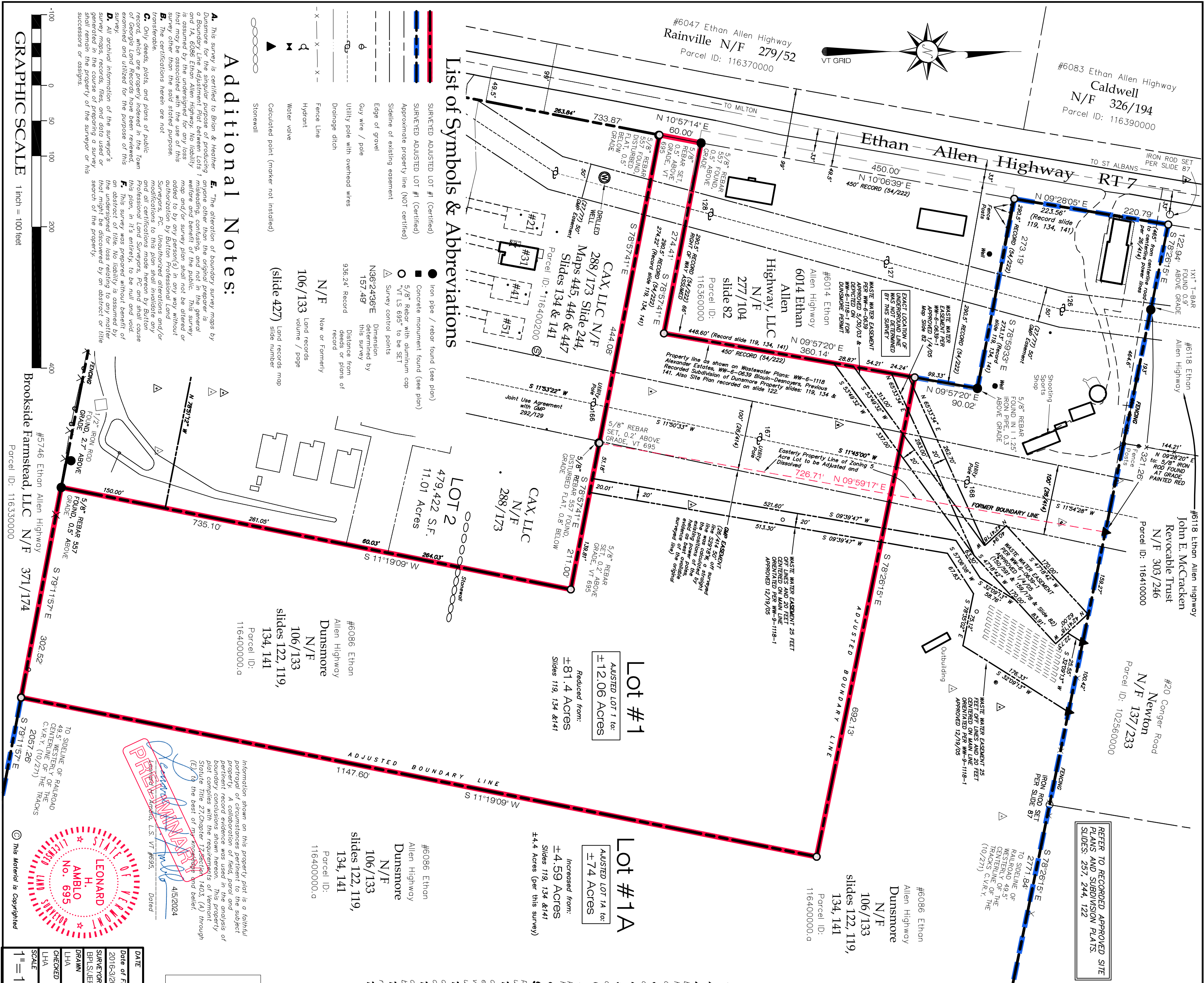
A portion of the existing Lot 1, property of Applicants, volume 106, page 133, existing area ± 81.4 acres to proposed area ± 12.06 acres, surveyed by Button Professional Land Surveyors, PC, to existing Lot 2 (1A), property of Applicant, volume 106, page 133, existing area ± 4.59 acres to proposed area ± 74 acres.

Applicant has submitted plans titled “*Boundary Line Adjustment Plat for Brian & Heather Dunsmore*” prepared by Button Professional Land Surveyors, PC dated April 5, 2024; and “*Homestead Exemption (HE-6-0384)*” prepared by Schreib Engineering, Inc. dated July 30, 2002.

2. **Means of Access-** Lot 1 is accessed via a 60’ easement across the Alexander Estates Lot. Lot 2 (Lot 1A) is accessed via an existing drive and $\pm 220'$ frontage on Route 7.
3. **Existing and proposed easements or rights-of-way for each lot.** Several utility and wastewater disposal easements exist and will remain unchanged.
4. **Location of existing infrastructure for each lot-** No buildings are located on Lot 1. The existing house and outbuildings will remain on Lot 1A with existing well and leachfield.

Respectfully submitted,

Douglas Bergstrom
Zoning Administrator
Planning, DRB & 911 Coordinator





State of Vermont

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation

Section 3. Item #A.

AGENCY OF NATURAL RESOURCES

Department of Environmental Conservation
Wastewater Management Division
Essex Junction Regional Office
111 West Street
Essex Junction, VT 05452
(802) 879-5656

Brian & Heather Dunsmore
6086 Ethan Allen Highway
St. Albans VT 05478

Dear Applicant:

Subject: Exemption Number: HE-6-0384

Landowner: Brian & Heather Dunsmore
Lot size: 4.59 acres
Location: 6086 Ethan Allen Highway, Georgia

Project Description : Single family dwelling with onsite water & sewage disposal Lot 2 4.59 acres. Remaining 92.4 acres will be deferred.


Based on the information in the above referenced application, the lot with an existing structure/dwelling on it is exempt from obtaining a subdivision permit from the Agency of Natural Resources prior to sale or lease as it appears to meet the criteria set forth in Chapter 1, Subchapter 3-Subdivisions, Section 1-304 of the Environmental Protection Rules.

In issuing this opinion we have relied entirely on the information submitted to us, and the landowner creating this lot is responsible for its accuracy. Should it be determined in the future that the facts were not as stated, this letter will not prevent the Agency from taking appropriate enforcement action.

Although not required, it is recommended that this letter be recorded in the Georgia Land Records.

Dated at Essex Junction, Vermont on August 1, 2002.

FOR THE WASTEWATER MANAGEMENT DIVISION


Irene L. Roberge
DEC Regional Office Coord.

cc: Town of Georgia Planning Commission
G. Norman Schreib

LEGEND	
	97 CONTOUR LINE
	97 PROPOSED CONTOUR
	OFFSET LINE
	TEST PIT
	POWER POLE
	PERC. TEST
	PROPERTY LINE
	RIGHT-OF-WAY
	EDGE OF ROAD
	EDGE OF DRIVE
	POWER LINE
	FENCE LINE
	MARKER
	WELL

APPROXIMATE LOCATION
EXISTING SEPTIC

EXISTING RESIDENTIAL
UNIT

ROUTE 7

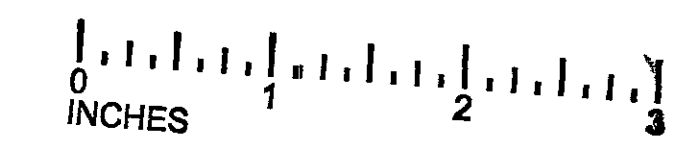
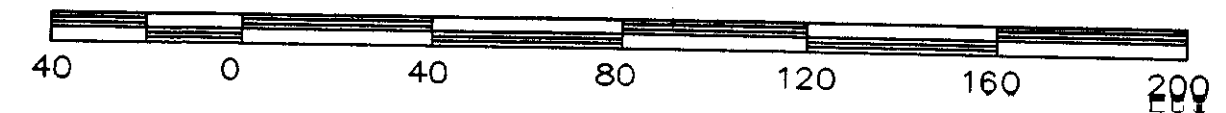
OLD FOUNDATION

EXISTING DRILLED
WELL

BLOUIN-DESNOYERS

BLOUIN-DESNOYERS

GRAPHIC SCALE



SITE PLAN

SCALE: 1" = 40'

LOT #ONE
±4,025,320 SQ.FT.
±92.4 ACRES

LOT #TWO
±200,000 SQ.FT.
±4.59 ACRES

DEFERRAL
DEFERRAL LANGUAGE SHALL BE
INCORPORATED INTO DEED

LOT #ONE
±4,025,320 SQ.FT.
±92.4 ACRES

RECEIVED
AUG - 8 2002

BRIAN & HEATHER DUNSMORE
TOWN OF GEORGIA, VERMONT
±97 ACRES
Tax Map Reference: MAP * PARCEL *
Deed Reference: VOLUME 106 PAGE 133-134

HE-6-0384

DATE: JULY 30, 2002 DRAWN: GNS CHECKED: G.N.S. PROJECT: 1780-1 SCALE: AS NOTED CONTACT ENGINEER TO FIELD VERIFY ALL LOCATIONS PRIOR TO CONSTRUCTION	BRIAN & HEATHER DUNSMORE HOMESTEAD EXEMPTION ROUTE 7 GEORGIA, VERMONT	
REVIEWED BY	SCHREIB ENGINEERING, INC. — CONSULTING ENGINEERS — EGYPT ROAD EAST FAIRFIELD, VERMONT	SHEET 1 OF 6
DRAWING NO. : 1780-1-1		
REVISION 0		

Boundary Line Adjustment Exemption Form

Exemption 1-304(9) - Wastewater System and Potable Water Supply Rules

Section 3. Item #A.

Step 1: Please provide the following information:

Landowner 1 - Name(s): Brian & Heather Dunsmore		Landowner 2 - Name(s): Brian & Heather Dunesmore	
Landowner 1 - Mailing Address: 6086 Ethan Allen Highway Georgia, VT 05478		Landowner 2 - Mailing Address: 6086 Ethan Allen Highway Georgia, VT 05478	
Property 911 Address, if different than Mailing Address:		Property 911 Address, if different than Mailing Address:	
Landowner 1 – Email: kdunsmores@comcast.net		Landowner 2 – Email: kdunsmores@comcast.net	
Landowner 1 - Phone Number: 802-524-3235		Landowner 2 - Phone Number: 802-524-3235	
Landowner 1 – Current Acreage: 81.4+/-	Landowner 1 - New Acreage: 12.06	Landowner 2 - Current Acreage: 4.59+/-	Landowner 2 - New Acreage: 74+/-
Town(s): Georgia		Previous State Permit #'s (if any): WW-6-1118	Lot Number(s) (if any): Lot 1 & 1A (Prev. Lot 1 & 2 Per HE-6-0384

***please note: 27 V.S.A § 341-** requires a survey plat for a boundary line change

Step 2: Please check the box or boxes that apply to the lot line adjustment and attach any requested supporting information.

Check the boxes that apply to this land conveyance:

- ☐ (i) a lot being reduced in size is being reduced by no more than two percent, please include calculations showing percent of lot size reduction. Example: 5.9 acres take away 0.1 acres = 0.1 divided by 5.9 = 0.017 = 1.7 % reduction.); or
- ☒ (ii) a lot is increased in size;
- ☐ (iii) the boundary line being adjusted is located, after adjustment, at least 500 feet from the footprint of the building or structure on an improved lot (Please include the footprint of all buildings –except storage buildings- on the diagram that shows the original and the new proposed property lines and show the distance from the building(s) to the new proposed property line.)
- ☒ (iv) the Secretary, on a case-by-case basis, makes a written determination that the proposed adjustment will not have an adverse effect on any existing potable water supply or wastewater system on the affected lots.

Step 3A: For adjustments that meet (i) – (iii) above, please complete this form and submit this form with a plan showing the existing and proposed boundaries to the Regional Office and to the town for recording and indexing in the Town land records. When this is complete, you are exempt, and no written confirmation is required.

Step 3B: For adjustments being submitted for review under (iv) above, please complete this form and submit the form and a plan showing the existing and proposed boundaries and the location of all buildings and existing water supplies and septic systems on the affected lot(s) to the appropriate Regional Office. The Secretary will provide a written determination whether condition iv applies. If the Secretary determines that condition (iv) applies, deliver the written determination and plan to the town for recording and indexing in the town land records. **If the Secretary determines Exemption §1-304(9)(A)(iv) does not apply, a Wastewater System and Potable Water Supply permit will be required prior to adjusting the boundary line(s).**

By signing this form, the landowner is certifying the boundary line adjustment meets the exemption in section §1-304(9) (A) of the Wastewater System and Potable Water Supply Rules, effective April 12, 2019.

Landowner 1 Signature(s)

Date

Landowner 2 Signature(s)

Date

Boundary Line Adjustment Exemption Form

Exemption 1-304(9) - Wastewater System and Potable Water Supply Rules

Step 1: Please provide the following information:

Landowner 1 - Name(s): Brian & Heather Dunsmore		Landowner 2 - Name(s): Brian & Heather Dunesmore	
Landowner 1 - Mailing Address: 6086 Ethan Allen Highway Georgia, VT 05478		Landowner 2 - Mailing Address: 6086 Ethan Allen Highway Georgia, VT 05478	
Property 911 Address, if different than Mailing Address:		Property 911 Address, if different than Mailing Address:	
Landowner 1 - Email: kdunsmores@comcast.net		Landowner 2 - Email: kdunsmores@comcast.net	
Landowner 1 - Phone Number: 802-524-3235		Landowner 2 - Phone Number: 802-524-3235	
Landowner 1 - Current Acreage: 81.4+/-	Landowner 1 - New Acreage: 12.06	Landowner 2 - Current Acreage: 4.59+/-	Landowner 2 - New Acreage: 74+/-
Town(s): Georgia		Previous State Permit #'s (if any): WW-6-1118	Lot Number(s) (if any): Lot 1 & 1A (Prev. Lot 1 & 2 Per HE-6-0384

*please note: 27 V.S.A § 341- requires a survey plat for a boundary line change

Step 2: Please check the box or boxes that apply to the lot line adjustment and attach any requested supporting information.

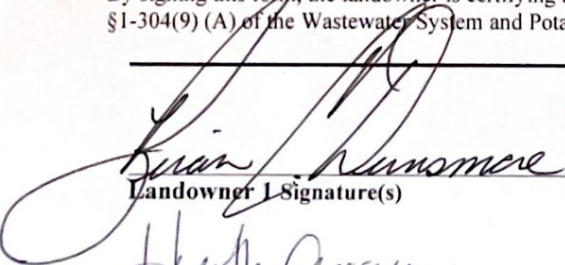
Check the boxes that apply to this land conveyance:

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- ☒ (ii) a lot is increased in size;
- ☐ (iii) the boundary line being adjusted is located, after adjustment, at least 500 feet from the footprint of the building or structure on an improved lot (Please include the footprint of all buildings -except storage buildings- on the diagram that shows the original and the new proposed property lines and show the distance from the building(s) to the new proposed property line.)
- ☒ (iv) the Secretary, on a case-by-case basis, makes a written determination that the proposed adjustment will not have an adverse effect on any existing potable water supply or wastewater system on the affected lots.

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By signing this form, the landowner is certifying the boundary line adjustment meets the exemption in section §1-304(9) (A) of the Wastewater System and Potable Water Supply Rules, effective April 12, 2019.


Landowner 1 Signature(s)


Landowner 2 Signature(s)

04/09/2024
Date

04/09/24
Date

From: [Georgia Zoning](#)
To: [Georgia Zoning Clerk](#)
Subject: Fw: Homestead Exemption
Date: Thursday, April 11, 2024 1:30:40 PM
Attachments: [DEC Boundary Line Adjustment Form with Signatures.pdf](#)
[GEOR0110 Brian & Heather Dunsmore 6086 Ethan Allen Highway BLA 18X24 PLAT 4-5-2024 NO ORTHO.pdf](#)

Kind regards,



Douglas Bergstrom
Zoning Administrator
Planning, DRB & 911 Coordinator
Floodplain Manager, Webmaster
Direct: 802-528-5890
Main: 802-524-3524

townofgeorgia.com

Please note that this email message, along with any response or reply, is considered a public record, and thus, subject to disclosure under the Vermont Public Records Law (1 V.S.A. §§ 315-320).

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: justin pinnacle-vt.com <justin@pinnacle-vt.com>
Sent: Thursday, April 11, 2024 1:26 PM
To: Lowry, Allison <Allison.Lowry@vermont.gov>
Cc: Georgia Zoning <zoning@townofgeorgia.com>; kdunsmores (kdunsmores@comcast.net) <kdunsmores@comcast.net>
Subject: RE: Homestead Exemption

Hi Allison,

Attached please find a BLA Exemption Form to allow a boundary line adjustment of the two lots at 6086 Ethan Allen Highway in the Town of Georgia. As we discussed in previous emails below, these lots were originally created under HE-6-0384. Lot 1 is

decreased in size, but it has no improvements and would be subject to WW permitting to allow future development. Lot 1A (previously called Lot 2 in HE-6-0384) includes improvements, but it is significantly increased in size. Please note that subsequent to the HE, the original Lot 1 was subdivided to create an 11-acre Lot 2 which included a senior housing development, but I think the BLA exemption still applies here. Please advise if I am mistaken.

If this is acceptable, we'll file the exemption and Plat in the land records.

Thank you,

Justin T. Holmes, P.E.

PINNACLE ENGINEERING, PLC

189 Maple Drive
Georgia, VT 05478

(802) 782-5980

From: Lowry, Allison <Allison.Lowry@vermont.gov>

Sent: Wednesday, February 7, 2024 8:17 AM

To: justin pinnacle-vt.com <justin@pinnacle-vt.com>

Cc: 'Georgia Zoning' <zoning@townofgeorgia.com>

Subject: RE: Homestead Exemption

Hi Justin

Because there is a permit for the subdivision, we consider there to be two lots, regardless of whether they completed the subdivision with the town.

Thanks,

Allison



Allison Lowry, Environmental Analyst VI

Vermont Department of Environmental Conservation

Drinking Water & Groundwater Protection Division Essex Regional Office

111 West Street | Essex Junction, VT 05452

802-557-7532

allison.lowry@vermont.gov

<https://dec.vermont.gov/water/ww-systems>

Note: Written communications to and from state officials regarding state business are considered public records and, therefore, may be subject to public scrutiny.

To preserve, enhance, restore, and conserve Vermont's natural resources, and protect human health for the benefit of this and future generations.

From: justin pinnacle-vt.com <justin@pinnacle-vt.com>
Sent: Tuesday, February 6, 2024 7:32 PM
To: Lowry, Allison <Allison.Lowry@vermont.gov>
Cc: 'Georgia Zoning' <zoning@townofgeorgia.com>
Subject: Homestead Exemption

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Allison,

Can you refresh my memory on the old homestead exemption subdivisions? The landowners did a homestead exemption in 2002 (see attached) to separate the house and 4.59 acres from the remaining acreage. I don't believe anything was done at the Town level, and the property hasn't changed hands so the deeds have not been updated. Would the State still recognize this as two separate lots? The landowners are considering a two-lot subdivision, and if two lots already exist a BLA may suffice.

Thanks for your help!

Justin T. Holmes, P.E.

PINNACLE ENGINEERING, PLC
189 Maple Drive
Georgia, VT 05478

(802) 782-5980



GEORGIA VERMONT

DRB MEETING Tuesday, April 16, 2024 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
Vice Chair Charles Cross
James Powell
Gilles Rainville
Lisa Faure
Jared Waite, Alternate
Chris Caspers, Alternate (Zoom)

BOARD ABSENT

Greg Drew
Glenn Sjoblom

STAFF PRESENT

Doug Bergstrom, Zoning Administrator
Kollene Caspers, Zoning Clerk

INTERESTED PARTIES PRESENT- IN PERSON

Tim Reed
Richard Lagro
Ben Richards
Steve Meilleur
Laura Dapkiewicz
Michelle Smith

INTERESTED PARTIES PRESENT- VIA ZOOM

Brad Ruderman
 Kevin Camisa
 Eric Bissonette
 Carol Lavalley
 Aaron Longchamp
 Sophie Singer

2. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA

Attorney Dan Triggs letter on behalf of Rhodeside Acres, to be discussed during Deliberations.

Motion to recognize the Rhodeside Acres four (4) one-acre lots as pre-existing, non-conforming and independent lots.

Motion made by Powell, Seconded by Vice Chair Cross.

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

3. PUBLIC HEARINGS**A. Preliminary Plat Approval (PR-002-24) for Sandy Birch Road LLC**

Brad Ruderman and Tim Reed both present to explain the project: 7 Lot Major Subdivision

- Changes to the project since Sketch review includes reduced size of cul-de-sac to comply with A-76 standards and they lowered the acreage from Lots 16 and 17. Also added sidewalks, were able to obtain wastewater and stormwater permits, and get ability to serve letters from Georgia Fire Station and Green Mountain Power.
- They are requesting waivers for use of 60 ft ROW in lieu of road frontage, reduce road frontage for Lot 17, and installing a lined walking path within the subdivision instead of a sidewalk.
- Landscaping & Lighting: S. Brown had questions about the lighting for the safety of the neighborhood.
- Wetlands: Julie Follensbee from the State of Vermont properly examined the wetlands.
- Stormwater- grassy swales will help with the Stormwater drainage.
- S. Brown asked for the placards to explain the conservation of wetlands- no mowing or cutting of trees.
- J. Powell questioned cutting of trees for Phase II. Tim Reed explained the road entrance will be widened and the building envelopes will be cleared. The majority of the property was logged 5 or 6 years ago. The lots and the road will be cleared of trees and brush for building, but no clearing will be done in the wetlands area.
- Questions from the public regarding Phase II mound system: S. Meilleur, will there be digging for shared wastewater? Tim Reed explained the lines are already in place, will place leachfield in later. M. Smith questioned the Phase I power source and will it be shared with Phase II for the leachfield? No, Tim Reed said Phase II will have its own power source. L. Dapkiewicz, questions about easements for the septic system, these easements are in the deeds.
- Sidewalks will not be connected, due to wetlands in place and permits that are necessary. This may be revisited in the future.
- The new private road will be paved, the paving of the driveways will be up to the homeowners.

- Phase I and II streets will not be taken over by the town, the plowing and maintenance are covered by the HOAs right now. There will be two separate HOAs for Phase I and Phase II, for stormwater, wastewater and private roads.
- E. Bissonette had questions via Zoom: His property is in Milton, the land along the back side of the property and along Nottingham Drive. He is planning to install a barbed wire fence to keep illegal dumping from happening on his property, B. Ruderman will meet to help with delineating the property to erect the fence.
- J. Powell suggested boulders to be put in place along the walking trail in open space to deter motorized vehicles and 4-wheelers. Tim Reed states the HOA will also have rules against motorized vehicles in the open spaces.
- What about hunting regulations, can the HOA documents specify no hunting close to the homes? Right now there are no rules in the HOA bylaws, but HOA can post it on the property.
- L. Dapkiewicz commented the Phase I residents enjoy the sidewalk, but it is a financial burden to the HOA. S. Brown commented that the town may take over the sidewalk at some point.
- Timeline on the project will depend on permits, but developer hopes to break ground this summer. Act 250 permit is ready to be submitted.

Motion to close hearing at 7:35pm

Motion made by Rainville, Seconded by Vice Chair Cross.

Voting Yea: Chair Brown, Vice Chair Cross, Powell, Rainville, Sjoblom, Faure

4. APPROVAL OF MINUTES

A. DRB Meeting Minutes 3/19/2024

Motion to approve the 3/19/2024 Minutes with minor changes.

Motion made by Faure, Seconded by Rainville.

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

Voting Abstaining: Powell

5. OTHER BUSINESS

A. Zoning Fee Schedule

- Proposal to increase Zoning Fees based on fees in other areas, primarily Fairfax and their Zoning fee schedule.
- Fees had not been raised in 15 years prior to the raise in fees in 2022. Last December fees were raised to the current amounts. In an effort to raise money for the Town, the Selectboard wants a recommendation from the DRB regarding the Zoning fee structures.
- S. Brown had questions about ADUs, garages, and the Occupancy Permits that follow. If the owner/applicants do not say that there is ADU when building a garage we wouldn't know. Zoning Administrator will determine what the fee is for Occupancy Permit based on what is built.
- S. Brown suggested to change "original" fee to the "current" fee when listed to pay double based on old or expired permits.
- S. Brown is concerned that commercial development will be deterred by raising fees of commercial building. Is there a way to incentivize fees for developing commercial properties in

the areas where the town desires growth? This can be addressed when updating the Development Regulations next year.

- Suggestion for minimum square footage for a permit be increased from 100 sq ft to 200 sq ft. Agreed, but S. Brown is requesting the fee schedule to address the 10 foot setbacks are still necessary no matter what square footage.
- Recommendation to the Selectboard: update the fee structure with the few minor updates before the building season begins.

B. Sidewalk Discussion, Route 7 properties

- Georgia Market has \$4,000 in escrow with the Town for future sidewalks. DRB should put a plan in place for sidewalks before the sale of Georgia Market is complete. Options include installing sidewalks or transferring the funds into a sidewalk account for future sidewalks anywhere in the Town of Georgia. Current owners will work with the Town to resolve sidewalk issue before the closing of the sale of the business.
- If DRB wants to force the sidewalks paved before sale, owners will have to get at least 3 estimates on installation costs and put that money into escrow; or the new owners will be saddled with the costs of installing the sidewalks. Escrow will be held in the owner's attorney's account, not the Town's account.
- Another option is to have the owners of the property put money into a Town fund account to have the Town oversee the installation of sidewalks, a fee to have Dept of Public Works to oversee the project will also be necessary.
- The DRB is suggesting to the Selectboard that Georgia Market and other property owners in similar situations (5 sections along Route 7) obtain estimates for sidewalks and one apron. This, together with a percentage increase and an administration fee for the Town work to get the sidewalks put into place.

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

6. PLAN NEXT MEETING AGENDA

- A. May 7, 2024
- BLA-001-24, Boundary Line Adjustment for Dunsmore.
 - The DRB will also approve and sign the decision letter for PR-002-24.

7. DELIBERATIONS

Motion to enter into Deliberative Session at 8:25 p.m.

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

Motion to exit Deliberative Session at 9:15 p.m.

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

8. ADJOURN

Motion to adjourn at 9:20 p.m.

Motion made by Rainville, Seconded by Vice Chair Cross.

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

Posted to the Town website.

Signed: Douglas Bergstrom, Zoning Administrator, DRB Coordinator

Phone: 802-524-3524 | Fax: 802-524-3543 | Website: townofgeorgia.com

DRAFT



GEORGIA VERMON

In re: Sandy Birch Road LLC, Applicant
Permit Application No.: PR-002-24

Decision and Findings of Fact for Preliminary Plat Review

Dear Applicant/Owner,

After a duly warned hearing of the Development Review Board (DRB) on April 16, 2024, the following action was taken regarding your request:

APPROVED FOR FINAL PLAT APPLICATION WITH CONDITIONS

Note: The application, any and all relevant evidence presented to the Board, and the minutes of the Board at the hearings conducted by the Town of Georgia DRB on December 19, 2023, and April 16, 2024, 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.

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

Background:

This matter came before the Town of Georgia DRB on the application of Sandy Birch Road, LLC, hereinafter referred to as Applicant, requesting Preliminary Plat review for a 7-lot Major PUD subdivision located on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and located in the AR-3 zoning district. Notice of Public Hearing was duly published in the St. Albans Messenger on March 29, 2024, and all abutting property owners were notified.

The DRB conducted a public hearing on this application on April 16, 2024. Brad Ruderman, engineer was present at the meetings along with Tim Reed from Sandy Birch Road LLC. Interested parties in attendance included Richard Lagro, Ben Richards, Steve Meilleur, Laura Dapkiewicz, Michelle Smith, Kevin Camisa, Eric Bissonette, Carol Lavalley, Aaron Longchamp, and Sophie Singer. Applicants submitted a Preliminary Plat application and the Zoning Administrator presented a DRB report.

Finding of Facts:

1. The applicant is requesting preliminary plat approval for a 7-lot major PUD subdivision located on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and

located in the AR-3 zoning district. Sketch Plan Review was held in front of the DRB on December 19, 2023.

2. The subject parcel is ±34 acres and is entirely located within the AR-3 zoning district. As proposed, the land meets the requirement for the subdivision with acreage and use as required by the current Town of Georgia Development Regulations dated February 27, 2023.
3. Applicant has requested three Waivers, (1) Applicant requests a waiver for use of the 60-foot right-of-way in lieu of lot frontage; (2) Applicant requests a waiver for road frontage on Lot 17; and (3) Applicant requests a waiver to follow the Phase I project with a designated walking path (striped path) along one edge of the proposed private road in lieu of sidewalks.
4. Applicant proposes to subdivide one lot to create seven (7) lots with one lot of open space and six (6) new single-family dwelling lots.
5. The seven (7) new lots are proposed to be serviced by a proposed private road located within a 60' wide right-of-way easement off Sandy Birch Road. A 24-foot-wide private road will be constructed to comply with the Town of Georgia Private Roads and Driveway Policy (February 28, 2020) and A-76 standards.
6. Applicant has provided an "Ability to Serve" letter from the Town of Georgia Fire Chief indicating the ability to provide emergency services to the proposed subdivision.
7. The following members of the DRB were present for the Preliminary Plat public hearing on April 16, 2024, constituting a quorum: Suzanna Brown, Charles Cross, James Powell, Gilles Rainville, Jr. and Lisa Faure. See meeting minutes for a list of others present.
8. 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.

Conclusion:

The Board concludes as follows:

1. The Applicant has submitted all relevant preliminary plat information required by the Georgia Development Regulations.
2. This application was reviewed as a major subdivision in the AR-3 zoning district pursuant to the requirements and standards outlined in Article 4, Subdivision Approval; Article 3.5, 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, with road frontage, right of way and sidewalk waivers granted.

3. The approval of the preliminary plat is based on all sketch plan and preliminary plat plans contained in the Sandy Birch LLC SK-006-23 and PR-002-24 folders in the DRB files.

Conditions for Final Plat Approval:

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Preliminary Plat for a 7-lot major PUD subdivision 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 and proposed 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. Within one year of Preliminary Plan/Plat approval, applicant shall submit a complete application for approval of a final subdivision plat. The application shall contain those items required in Section 4.3 of the Georgia Development Regulations (2/27/2023) and shall conform to the layout shown on the approved Preliminary Plan/Plat and incorporate all conditions in the Preliminary Plan/Plat approval.
 - a. **Preliminary approval expires April 15, 2025**
4. Applicant will submit draft deed and HOA language for the seven (7) lots. All documents will require legal review by the Town of Georgia. Applicant shall submit \$500 with the Final Application to cover the legal review of the deeds, HOA documents and any other required legal instruments by the

attorney for the Town of Georgia. Any funds not expended on the legal review will be refunded to the Applicant.

Applicant shall submit draft deeds, HOA documents and any other associated legal instruments for all impacted lots and public infrastructure for review and approval by the attorney for the Town of Georgia. All requested revisions must be complete before the Plat can be recorded. Only instruments approved by the Town of Georgia may be recorded in the Town of Georgia Land Records. The attorney for the Town of Georgia must approve the subdivision plat prior to filing the final plat on mylar.

5. The HOA Documents for this subdivision shall include maintenance and use of the private road, shared well, landscaping, and maintenance of open space. HOA documents should also include language restricting the use of motorized vehicles in the open space, as well as restricting the cutting of trees and mowing on the property wetlands.
6. Placards shall be installed in place of boulders to delineate the wetlands. Boulders shall be installed at the entrance to the walking trail to deter motorized vehicles.
7. The current proposed road is being handled as a private road. Further discussion, which includes the DRB, Town of Georgia Public Works Director, Town of Georgia Selectboard, and the applicant will need to happen prior to the Final Plat to determine the process and timing of making all or part of the proposed road a Town of Georgia public road.
8. All general improvements shall be completed (road paving, screening, signage, E911, etc.) before the final Certificate of Occupancy will be issued or after three (3) years, whichever comes first or with an application for extension submitted to the Zoning Administrator.
9. Applicants shall submit road naming documents to the Zoning Administrator to name the private road. Road documents can be found on the Town of Georgia website.
10. Copies of all required State permits including, but not limited to, wastewater and potable water supply permits and wetland permits shall be submitted to the Zoning Administrator for inclusion in the project file prior to the issuance of any zoning permits.
11. Prior to the commencement of any construction of additional structures or land development on any of the buildable lots, Applicant shall obtain Site Plan Approval from the DRB and/or any requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the AR-3 zoning requirements as identified in the Georgia Development Regulations.
12. 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.

13. 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.
14. 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.

These conditions shall not be deviated from absent an amendment granted by the Board.

All plats, plans, drawings, etc., listed above or submitted at the hearing and used as a basis for the decision to grant the permit shall be binding on the applicants, their heirs, and assigns. Projects must be completed in accordance with such approved plans and conditions. Any deviation shall be a violation of the permit and subject to enforcement action by the Town.

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings 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.

EXPIRATION: Pursuant to Section 3.2(D) of the Town of Georgia Development Regulations, approval from the Development Review Board allowing a conditional use shall expire one year from date of issue if construction has not progressed to the point where the property can reasonably be used for its intended purpose as defined and/or all conditions of this decision as set forth above have not been met. An extension of one year will be granted by the Zoning Administrator if application for extension takes place before the approval has expired. At the end of two years, the permit will permanently expire unless the Development Review Board grants a further extension.

Members present and voting for approval: Suzanna Brown, Charles Cross, Lisa Faure, James Powell, and Gilles Rainville, Jr. Members present and voting against approval: None.

Dated at Georgia, Vermont, this 7th day of May, 2024.

By _____
Suzanna Brown
Georgia DRB Chair