



DRB MEETING

Tuesday, September 19, 2023 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. 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.
 - 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.
4. **APPROVAL OF MINUTES**
 - A. DRB Meeting Minutes from September 5, 2023
5. **OTHER BUSINESS**
 - A. PR-002-23 Cline Road, LLC - Decision Letter
 - B. FP-004-23 St Pierre - Decision Letter
6. **PLAN NEXT MEETING AGENDA**
 - A. October 3, 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

17 BLACK WALNUT, LLC
26 – 104 BALLARD ROAD, GEORGIA, VT

SITE PLAN AMENDMENT
PROJECT NARRATIVE

Revised 8/18/23

Site Plan approval for this project (SP-001-21, SP-002-21 and SP-003-21) was issued in a revised reconsidered decision on 1/22/2022 and did not include a condition regarding the expiration of such approval. Therefore, by default the Site Plan approval is set to expire in two years with a one-year extension allowed. In accordance with Section 3.3.E.2 of the Development Regulations, for commercial projects within the South Village District the DRB may include a condition that extends the approval beyond the standard 2 years. The landowner requests an extension of Site Plan approvals to a date that matches the Phase 1 “Commencement Deadline” of the Town Highway License Agreement executed with the Selectboard. This date is **6/1/2029** which represents an extension of about 5 years from the current expiration. If the DRB deems this date too far into the future, the applicant would settle for an extension matching the date of Conditional Use approval which is 9/7/2026 under CU-002-21.

No other changes to the development are proposed at this time. Condition 9 of the decision requires further Site Plan Amendment for approval of limited items including “road construction, paving timeline, architectural design, building elevations, building footprint and landscaping”. The landowner has represented throughout the project that additional State approvals will take some time, the project may be phased, and portions may be constructed by others.

Since we received DRB approval we’ve had several investigative fronts that have slowed progress resulting in this extension request. Specifically,

- We performed water supply long-term yield, interference and quality testing on the new well.
- The hydrogeologist completed the final source testing report, and we just received review comments.
- We coordination with the South Georgia Fire District as they initially had interest in taking over the new well (expanding their system) or offering water from their existing system to a portion of the project.
- Legal documents were prepared by the attorney and reviewed by the Town.
- The Site Plan was revised to incorporate DRB comments prior to recording of the mylar.
- We spent months working on the road agreement with the Selectboard to allow construction of the proposed road on the neighboring church right-of-way.
- We pursued designation of the South Village (Village Center, New Town Center, etc.) to make available grants and tax credits to help pay for infrastructure costs to keep the project financially viable.
- We evaluated the possibility of footprint lots to make Lot 2 saleable units instead of rentals housing.
- We prepared preliminary construction cost estimates to assist with financial planning.

Therefore, 17 Black Walnut, LLC formally requests an extension of Site Plan approvals to match Town Highway License Agreement deadline of **6/1/2029**. If possible through this application, we also request an extension of CU-002-21 for the level 2 daycare to match that date. Conditional Use of the multi-tenant elderly housing is no longer necessary as that use is now permitted in the South Village. We believe these extensions are allowed under Sections 3.3.E.2 and 3.2.F.2. The remaining work necessary to obtain all approvals for this project include amending the Site Plan per Condition 9, filing construction and operational stormwater permit applications, filing construction and operational public water supply permit applications, filing amended WW permit application, and filing Act 250 permit application.



Town of Georgia

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

Site Plan Application

Application #SA _____ Original SP# SP-001-21

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, with supporting data to include items listed on the attached checklist, and as approved in the original Site Plan. The application will not be deemed complete until all required materials have been submitted. Failure to submit a complete application, as defined herein, shall be grounds for denial of the application by the DRB.. 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): 17 Black Walnut, LLC Applicant(s): Landowner
Address: c/o Kevin Camisa Address: _____
85 South Bay Circle, Colchester, VT
Zip Code 05446 Telephone _____ Zip Code _____ Telephone _____
Email _____ Email _____

Tax Parcel ID: 109630200 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: _____

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: 06/27/23

Signature of Owner: _____ Date: _____

Location of Property: North of 26 Ballard Road (Lot #2)

Parcel ID No.: 109630200 Zoning District: SV

Deed Reference: Volume 279 Page 277 Size of Parcel: 1.84 acres

Previous subdivision of parcel (if applicable)

Permittee name: 17 Black Walnut, LLC (PC-005-19)
Date: 12/17/2019 Map # 591

Previous Site Plan Approval (if applicable)

Permittee name: 17 Black Walnut, LLC (SP-001-21)
Date: 1/22/2022 Map # 640-641

If applicable:

Engineer: Justin Holmes, P.E. Surveyor: _____
Phone: 802-782-5980 Phone: _____
Email: justin@pinnacle-vt.com Email: _____

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

Landowner proposes to add a Site Plan Approval expiration date of 6/1/2029 to match the Town Highway Improvement License Agreement "Commencement Deadline" in accordance with Section 3.3.E.2 of the Development Regulations.
No other changes proposed as part of this application.

Names and addresses of abutting property owners:

See Attached.

Existing and/or proposed means of access to the site:

No changes from previous approval.

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

No changes from previous approval.

Location of parking and proposed number of spaces:

No changes from previous approval.

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

No changes from previous approval.

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

No changes from previous approval.

Proposed and/or existing wastewater disposal and water supply:

No changes from previous approval.

Proposed drainage/storm water runoff (if required):

No changes from previous approval.

Proposed landscaping (if applicable):

No changes from previous approval.

Size and location of proposed and/or existing buildings:

No changes from previous approval.

State permits required and/or obtained for this project:

No changes from previous approval.

Proposed lighting (if any):

No changes from previous approval.

Notes

- 1) Narratives which summarize the purpose, scope and key proposed changes to the approved subdivision and/or site plan are encouraged & may be attached.
- 2) Application standards for subdivision approval appear in the Georgia Development Regulations as Article 4. Site Plan Review and Approval standards appear in Article 3.

Site Plan Review Checklist:

This checklist is intended to be used as an aid in developing a complete application for Site Plan Review before the DRB. An application for Site Plan Review will consist of eight (8) sets of site plan maps and supporting data which will include the following information, and such information as indicated in the Concept Plan Recommendation, if applicable. The DRB may require additional information as necessary to determine compliance with the regulations.

- 1. Address of subject property.
- 2. Name and address of the owners of record of the subject property
- 3. Name and address of the owners of record of adjoining lands.
- 4. Map or survey, drawn to scale, showing existing features, including contours, land use, structures, large trees, roads, easements, rights of way, deed restrictions, name and address of person or firm preparing the map, scale of map, north point, date of map/revisions, and legend.

5. Site Plan, 24" by 36" digital file in PDF format in size and drawn to an appropriate scale showing proposed land use areas including proposed structures, roads, driveways, traffic circulation, parking and loading spaces, and pedestrian walkways; landscaping plans including site grading, culverts, drainage, landscape design, screening, signs and lighting; name and address of person or firm preparing the map, scale of map, north point, date of map and revisions, legend, and name, address and interest of the applicant in the subject property.
6. The DRB may require that the map or survey and site plan be prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect if the proposed project utilizes more than 3,500 square feet, including parking area, or is a complex proposal that could have impacts on surrounding property owners, major roads, or important resources.
7. Construction sequence and timing schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire project.
8. Specifications of the materials and plantings to be used.
9. A site location map showing the location of the project in relation to nearby town highways and developed areas at scale of one inch equals one thousand feet.
10. Uses that will generate more than one hundred and fifty (150) vehicle trip-ends per day (estimates shall be based on the most recent rates provided by the Institute of Transportation Engineers) shall include a traffic study conducted by a professional traffic engineer. The study will include details of existing and proposed ingress and egress, expected traffic volumes, turning movements, existing, and resulting levels of service, and proposed traffic control measures. The DRB may require a traffic study for projects generating less than 150 vehicle trip-ends where it finds there is a potential traffic safety issue.
10. A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.
11. A lighting plan including the location and height of mountings and/or light poles, fixture type, lamp type, wattage, level of illumination (footcandles). The DRB may require that the lighting plan be developed by a qualified professional. This plan shall show light levels, evenness, and patterns of light distribution, and should also indicate the lamp type, wattage, and lamp loss factors applied.
12. Sign details including dimensions, height, material, and proposed lighting.
13. At the request of the applicant, the DRB may waive any of the above submission requirements, but only where it finds that the size and scope of the application is such that the requirements represent an undue burden on the applicant and are clearly not necessary for the Commission to make findings on the application consistent with the requirements of these Zoning Regulations.
14. All fees according to the Permit Fee Schedule on the website at:

Fee Schedule

Decisions

The DRB shall act to approve or disapprove Site Plan applications in writing within forty-five (45) days after closure of the public hearing. Failure to act within the 45-day period shall constitute deemed approval on the 46th day. The DRB may recess and continue a hearing pending receipt of requested information, and non-submittal of requested information shall constitute grounds for Site Plan denial. The DRB shall prepare written findings-of-fact and conclusions setting forth background and rationale for their decision. The DRB may attach conditions of approval to ensure the intent of applicable bylaws and the municipal plan are met.

Site Plan decisions shall be distributed per requirements in Title 24, Chapter 117, Section 4464(b) Vermont Statutes Annotated.

Section 3. Item #A.

(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.

**Site Plan Amendment
 SA-001-23
 Extension of SP-001-21, SP-002-21 & SP-003-21**

<p>Owner: 17 Black Walnut, LLC c/o Kevin Camisa 85 South Bay Circle Colchester, VT 05446</p>	<p>Applicant: Same</p>
<p>Surveyor/Engineer: Justin T. Holmes, P.E. Pinnacle Engineering, PLC 189 Maple Drive, Georgia VT 05478 802-782-5980 justin@pinnacle-vt.com</p>	<p>Property Tax Parcel & Location: (1) North of 26 Ballard Road (Lot 2) Parcel #109630200 (2) 104 Ballard Road (Lot 5) Parcel #109630500 (3) Behind 104 Ballard Road (Lot 6) Parcel #109630600 Georgia, Vermont Zoning District: South Village (SV)</p>

BACKGROUND

17 Black Walnut, LLC, care of Kevin Camisa, hereafter referred Applicant, is requesting a Site Plan Amendment 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).

Applicant also requests that CU-002-21 expiration of 9/7/2026 be extended to 6/1/2029 in accordance with Section 3.2(F)(2) of the Town of Georgia Development Regulations (2/28/2023). The parcels are located near 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.

PROJECT NARRATIVE SUMMARY

1. Site Plan approval for the Black Walnut project (SP-001-21, SP-002-21 and SP-003-21) was issued in a revised reconsidered decision on 1/22/2022 and did not include a condition regarding the expiration of such approval. Therefore, by default, the Site Plan approval is set to expire in two years, with a one-year extension allowed.
2. In accordance with Section 3.3(E)(2) for the Town of Georgia Development Regulations (2/27/2023), for commercial projects within the South Village zoning district, the DRB may include a condition that extends the approval beyond two years.

3. Applicant requests an extension of Site Plan approvals to **6/1/2029**, which represents an extension of about five years from the current expiration date. If possible, Applicant also requests an extension of ConCU-002-21 for the Level 2 Daycare to match that date.
4. If the DRB deems this date too far into the future, Applicant will settle for an extension for Site Plan approvals to match the date of Conditional Use approval, which is **9/7/2026** under CU-002-21.
5. No other changes to the development are proposed at this time.
6. Applicant justifies extension requests due to slowed progress in pursuit of project since DRB approval, specifically:
 - Water supply testing on the new well and source testing was just completed.
 - Discussions with South Georgia Fire District over well expansion or water portioning project.
 - Legal document review and preparation by attorney for Town of Georgia.
 - The Site Plan was revised to incorporate DRB comments prior to recording of the mylar.
 - Applicant spent months working with Selectboard for road agreement to allow construction of the proposed road on the neighboring church right-of-way.
 - Applicant pursued designation of South Village (Village Center, New Town Center, etc.) to make Town eligible for available grants and tax credits.
 - Applicant investigated the possibility of footprint lots to make Lot 2 saleable units instead of rental housing.
 - Preliminary construction cost preparation estimates were completed to assist with financial planning.
7. 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.

8. 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.

Respectfully submitted,

Douglas Bergstrom
Zoning Administrator
Planning, DRB & 911 Coordinator

Moose Mountain Creations

172 So Main St, St Albans, Vt

August 14, 2023

Re; Conditional use permit
Dear Town Of Georgia,

Please find our application attach for a conditional use permit on property at 1149 Ethan Allen Hwy, Georgia. Said property is manicured lawns and well-maintained, and fits the description for our extended use of a display area for our current Moose Mountain Creations storage sheds.

As we now have two years since our approval to sell sheds on the north end of Route 7 (7311 Ethan Allen Hwy) and experience with the sales and consumer demands, we wish to expand our display area into the south side of town, therefore we are applying for a display area that will utilize the front portion of the parcel listed and occupy approximately 3000 ft. for sheds to display and sell. Please note this accounts for less than one percent of the acreage.

We have secured an office location at 172 South Main St. in St. Albans in the MRC Office Complex, this serves as our transaction center, therefore allowing no office requirement on the site. Obviously, we have all learned that the way to retail sales has changed and now the customers are mostly found through social media and independently shopping when it comes to finding the right shed.. All sheds remain unlocked with signage and product information on the inside walls. After which, if there is interest, the sale continues through conversations, and sometimes a second visit to the display area. With this in mind, the traffic is very minimal and at best could be six cars per day on any Saturday and Sundays with weekdays as little as two or four.

There's no request for utility, waste water disposal or lighting to achieve the display area. Landscaping is primarily done at this location and none of which will inhibit surrounding businesses and neighbors or create any impact of increased traffic. It is our objective to improve the appearance of this land parcel and complement the area

Thank you for your consideration of this application



Anthony McCracken
Mgr member



Town of Georgia

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

Date Received: 8/30/24 Fee Paid \$ 400 Ck # 984 CU - 003 - 23
Tax Parcel ID: 117470000,b Hearing Date: 9/19/24

TOWN OF GEORGIA DEVELOPMENT REVIEW BOARD CONDITIONAL USE APPLICATION

Applicant(s)

Name Moose Mountail Creations LLC
Address 1710 Bovat Rd
City/State/Zip Fairfax, VT 05454
Phone [REDACTED]
Email [REDACTED]

Property Owner(s) if different

Name BTMC LLC
Address 1710 Bovat Rd
City/State/Zip Fairfax, VT 05454
Phone [REDACTED]
Email [REDACTED]

CERTIFICATION OF APPLICANT

The undersigned applicant(s) hereby certifies that all information submitted on this application is true and accurate and that the information provided is complete.

08/08/2023

Date

[REDACTED]
Applicant

Applicant

PROPERTY OWNER AUTHORIZATION

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

08/08/2023

Date

Property Owner

Property Owner

1. **ABUTTING PROPERTY OWNERS**

List names and mailing addresses of all adjacent property owners including those across the road right-of-way and all property owners on a shared private right-of-way whether or not they abut the subject parcel. Please submit a stamped, addressed envelope for each property owner listed, together with a stamped, addressed envelope for Applicant/owner (use a separate sheet if necessary).

See Attached

2. **REQUEST FOR CONDITIONAL USE:**

Section(s) _____ of the Town of Georgia Development Regulations.

3. **PROPERTY IDENTIFICATION:**

E911 Address 1149 Ethan Allen Hwy, Georgia, VT 05478 or

Other identification: Parcel #117470000,b

Deed Reference: Book _____, Page _____

Subdivision Name (if applicable): _____

4. **ZONING DISTRICT:** South Village

5. **PROPERTY DIMENSIONS:**

Lot size: 9.57 acres; or dimensions: _____

Lot frontage: 85'

Parcel b - 8.41128 acres

6. **NATURE OF PROPOSED REQUEST:** Please provide a complete narrative on a separate sheet of paper describing the nature of the proposed request explaining in detail the proposed use(s) of the property. Please also address each of the following applicable elements in a descriptive manner: building size(s), type(s) and use(s) thereof, landscaping and/or screening, access to property, impact on traffic, internal circulation of vehicular and pedestrian traffic, parking requirements, lighting (size, type, location and number), number, size and location of proposed sign(s), proposed days and hours of operation, and proposed number of employees.

Development Review Board Conditional Use Application

7. **Title(s) of plans(s) submitted with application**; and, if applicable, firm which prepared plan; project number; date of plans and revisions. Site plans shall include, where applicable, the following:

- a) Identifying information including record owner of land, north arrow, date (including any revision dates), and scale.
- b) Property lines and abutting streets.
- c) Rights of way or easements affecting the property.
- d) Location of existing and proposed buildings or structures including Interior floor plans indicating location and floor area of individual uses.
- e) Height of existing and proposed buildings or structures.
- f) Existing and proposed setbacks of all buildings or structures to property lines and/or public or private rights-of-way.
- g) Existing and proposed lot coverage (in square feet) of all structures and hard surfaces.
- h) Existing natural features of the site including water courses and applicable buffers, wetlands and applicable buffers, floodplains, trees, and other vegetation, etc.
- i) Existing and proposed contours at no more than 5-foot intervals.
- j) Location of existing and proposed utilities and facilities (water, septic, electric, telephone).
- k) Location of existing and proposed roads, driveways, loading areas, outside storage areas, and pedestrian walkways.
- l) Location and number of parking spaces pursuant to the requirements of Section 5.6 of the Development Regulations.
- m) Location, type, size, and number of existing and proposed lighting fixtures.
- n) Location and size of existing and proposed sign(s) (please provide sketch of each sign).
- o) A landscaping plan indicating location, species, size and spacing of existing and proposed landscaping elements.
- p) Building elevations drawings to scale for all proposed and/or modified buildings and any related buildings.

Please provide one full size copy to scale, eight 11' x 17" copies & one electronic copy with application.

8. **SPECIFIC AND GENERAL STANDARDS FOR CONDITIONAL USES:** Applicant must be prepared to address the specific standards for Conditional Use as set forth in each zoning district in the Town of Georgia Zoning Regulations. In addition, applicant must address the general standards for all uses as set forth in Title 24 V.S.A. Chapter 117 Section 4414(3) and Section 3.2 of the Town of Georgia Development Regulations as follows:

a. Public facilities and services (including, but not limited to fire protection, schools, roads, and other municipal infrastructure) are reasonably available to serve the proposal or are planned and included in the Town Capital Budget and program to serve the proposal at the time anticipated for its completion:

Fire Protection, Schools, Roads, Municipal Infrastructure

Development Review Board Conditional Use Application

b. The character of the neighborhood, area, or district affected will not be adversely impacted and that:

i) A nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the intended users, neighbors, or the citizens of the town;

The request will fit the character of the property and surrounding properties in size and per portion as well as offer a minimum activity then that of surrounding businesses.

ii) The proposed use or building and the relationship between the buildings and the land will be compatible with the purposes of the district and the character of the surrounding neighborhood and will not unduly detract from abutting residences or other property;

The requested use will occupy an area beyond the set back requirements and use of the area is less then five percent of the parcel

iii) Appropriate use or development of adjacent property will not be impeded; i.e., the scale of the proposed development in relation to existing and proposed uses and buildings and the effect of the proposed use on the continued enjoyment of and access to existing and approved uses in the vicinity of the proposed use will not be adversely impacted.

The proposed will not impact or make change to any current structures

c. Traffic generated or patterns of ingress or egress will not cause congestion, hazard or detriment to the neighborhood or nearby intersections (the DRB may require a traffic study to determine compliance with this standard.

The proposed will lessen the traffic in the area to the past service business and generate no expansion

d. The proposed use is consistent with the purpose of the district, the Town Plan, the Town of Georgia Development Regulations, and other bylaws and ordinances adopted by the Town of Georgia.

The proposed will offer use consistent with the retail requirements of the town plans

e. That the utilization of renewable energy resources will not be adversely affected.

N/A

Development Review Board Conditional Use Application

9. **PERFORMANCE STANDARDS:**

The proposed use:

- a. will will not emit noise in excess of 70 decibels at the property line or a noise which is considered offensive;
- b. will will not emit any odor, dust, dirt, or smoke which is considered offensive;
- c. will will not emit any noxious gases that endanger the health, comfort, safety or welfare of any person or that could cause injury or damage to property, business or vegetation;
- d. will will not cause as a result of normal operations a vibration that creates a displacement of 0.002 inches within the ground at the property lines;
- e. will will not have lighting or signs that create glare that could impair the vision of a driver of any motor vehicle;
- f. will will not cause a fire, explosion or safety hazard;
- g. will will not create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer;
- h. will will not interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

10. **OTHER PERMITS REQUIRED:**

This project will also require the following permits (local, state, federal):

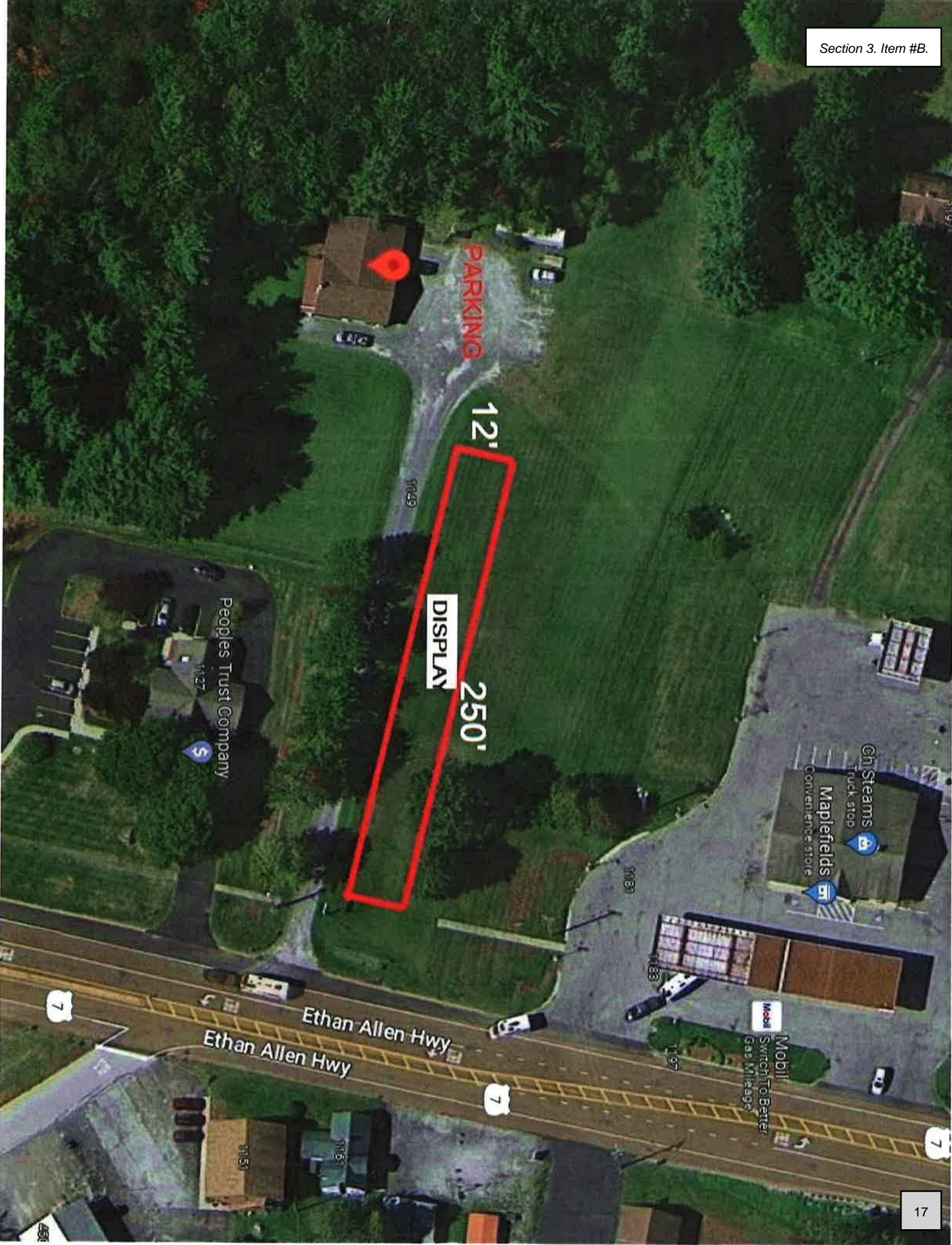
Decision of the Board

Date: _____

Approved:

Denied:

Note: You will receive a written Decision and Findings of Fact within 45 days of the close of the hearing.



**Conditional Use
 Operation of Retail Sales of Manufactured Sheds and Out-Buildings
 CU-003-23**

<p>Owner: BTMC, LLC 1710 Bovat Road Fairfax, VT 05454 PH: 802-782-0151 Tonymccracken75@gmail.com</p>	<p>Applicant: Moose Mountain Creations, LLC 1710 Bovat Road Fairfax, VT 05454 PH: 802-782-0151 Tonymccracken75@gmail.com</p>
<p>Surveyor/Engineer:</p>	<p>Property Tax Parcel & Location: 1149 Ethan Allen Highway Georgia, Vermont Parcel#117470000,b Zoning District: South Village (SV)</p>

BACKGROUND

Moose Mountain Creations, LLC c/o Anthony McCracken, hereafter referred to as Applicant, is requesting Conditional Use for the operation of retail sales of manufactured sheds and out-buildings. The parcel is located at 1149 Ethan Allen Highway, within the South Village (SV) zoning district. The original parcel is ±9.57 acres in size, with Parcel b ±8.41128 acres and benefitted by ±85 ft of frontage along Ethan Allen Highway.

Applicant proposes the use of a manicured and well-maintained vacant property that fits the description for the extended use of a display area for the current Moose Mountain Creations storage shed sales location. The 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.

For two (2) years the Applicant has held approval to sell sheds on the North end of Route 7 (7311 Ethan Allen Highway) and has experience with sales and consumer demands. Applicant now wishes to expand the display area to the south side of town. The display area will utilize the front portion of the parcel listed. No office space is required on the site as Applicant has a transaction center located at 172 South Main Street, St. Albans, Vermont.

Customers will be able to view sheds on the site in person. All sheds remain unlocked with signage and product information on the inside walls. The sales will continue through conversations and sometimes subsequent visits to the display sheds. The traffic is minimal and at best could be six cars per day on any Saturday or Sunday with weekdays with as little as two to four cars per day.

There is no request for utility, wastewater disposal or lighting to complete the display area. Landscaping is primarily done at this location, none of which will inhibit surrounding businesses and neighbors or create any impact of increased traffic. It is Applicant’s objective to improve the appearance of this land parcel and complement the area. If Applicant is in need of signage at this location, the Town of Georgia requires a Sign Permit Application to be submitted.

COMMENTS

Conditional Use Guidelines

Per Town of Georgia Development Regulations dated February 27, 2023 Section 3.2

1. **Public facilities and services** *are reasonably available to serve the proposal or are planned and included in the Town Capital Budget and program to serve the proposal at the time anticipated for its completion:* Fire protection, schools, roads and municipal infrastructure.
2. **The character of the neighborhood, area, or district affected will not be adversely impacted and that:** *A nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the intended users, neighbors, or citizens of the town.* The request will fit the character of the property and surrounding properties in size and per portion as well as offer a minimum activity than that of surrounding businesses.
3. **The proposed use or building and the relationship between the buildings and the land will be compatible with the purposes of the district and the character of the surrounding neighborhood and will not unduly detract from abutting residences or other properties:** The requested use will occupy an area beyond the set back requirements and use of the area is less than 5 percent of the parcel.
4. **Appropriate use or development of adjacent property will not be impeded, i.e., the scale of the proposed development in relation to the existing and proposed use s and buildings and the effect of the proposed use on the continued enjoyment of and access to existing and approved uses in the vicinity of the proposed use will not be adversely impacted.** The proposed will not impact or make changes to any current structures.
5. **Traffic generated or patterns of ingress or egress will not cause congestion, hazard or detriment to the neighborhood or nearby intersections (the DRB may require a traffic study to determine compliance with this standard.)** The proposed will lessen the traffic in the areas to the past service business and generate no expansion. VTrans State Highway Access and Work Permit application has been submitted.
6. **The proposed use is consistent with the purpose of the district, the Town Plan, the Town of Georgia Development Regulations, and other bylaws and ordinances adopted by the Town of Georgia.** The Conditional Use application as proposed does not conform consistent with the retail requirements of the town plan.
7. **Town of Georgia Development Regulations (2/27/2023) Article 2.2 Allowed, Prohibited Exempted, and Not Listed Uses, Other Exemptions:** Retail sales is a Permitted Use or Conditional Use in the South Village Zoning District. Conditional uses require approval by the DRB according to the conditional use provisions in Section 3.2 as a prerequisite to the Zoning Administrator issuing a zoning permit. Conditional uses may also require site plan approval from the DRB.

8. Town of Georgia Development Regulations (2/27/2023) Definitions:

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.*

Respectfully submitted,

Douglas Bergstrom
Zoning Administrator
Planning, DRB & 911 Coordinator



DRB MEETING

Tuesday, September 05, 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
- Glenn Sjoblom
- Lisa Faure

BOARD PRESENT VIA ZOOM

- Chair Suzanna Brown

STAFF PRESENT

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

INTERESTED PERSONS OF RECORD

- Luke Willey, Ruggiano Engineering
- Jake Smith, Cline Rd LLC
- Aaron O’Grady, Cline Rd LLC
- Michael Gervais, Barnard & Gervais

PUBLIC PRESENT

- Fred and Heather Grimm
- Annette Villani

Scott MacArt
Bruce Leo
Ben LeClaire

2. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA

3. PUBLIC HEARINGS

- A. Continuance of Preliminary Plat Review (PR-002-23) for Cline Road, LLC for a 15 Lot, 14 Unit Planned Unit Development (PUD) at Cline Road and Horseshoe Barn Road, Parcel ID# 102130000, AR-1 Zoning district.
 - J. Powell swore in Luke Willey, Aaron O'Grady and Jake Smith present for Cline Road, LLC
 - DRB gave an overview of the August 18th Walk through at the Cline Road property. The trails were confusing, but they were able to find the pins and boundary lines.
 - All parties agreed that changing the 20 ft easement/ROW from the left side of Lot 5 to a 10 ft easement/ROW to the right of Lot 5 would work best for connecting the future easement/ROW to the Falls Road Walking Trail.
 - Abutting resident access request was only a small access point to get across to the adjoining property. Abutters could create a new trail access on their own land to access the rest of their property with only a small easement to adjoining property. Signage would be needed for residents to delineate town property versus private property for the easement to the Town Trail.
 - Question from abutting landowner over amount of open space offered in this project for PUD, referring to Town of Georgia Development Regulations (2/27/2023) "Open Space should be 20% of parent parcel or 50 acres, whatever is greater". DRB explained the 20% of parent parcel is followed for all PUD subdivisions.
 - The DRB had questions regarding wetlands, Luke Willey explained delineation is ongoing and delineation done for VELCO suggested changes that will need to be incorporated into the design.
 - Luke Willey explained they are not asking for any density bonus. The parent parcel is 96 acres, not exceeding the maximum density. If following AR-1 Zoning regulations the project could accommodate 18 lots (5 acres per lot in AR-1); but the Applicant is opting for a PUD instead (15 lots with a minimum .75 acres per lot). Keeping all the housing on smaller lots, clustered will set aside open space that will never be developed.
 - Wetlands mapped on Lot 2 & 3 as well as Lot 1 where it meets the road (Island). These smaller wetlands were mapped as Class 3, but they are still under consultation.
 - S. Brown asked about housing sizes. By DRB recommendation during the sketch approval, every 4th house will be 1500 sq ft for a maximum of 5 years. ADU available during that time and can incorporate a larger septic system. The DRB is requesting these accommodations to allow for more affordable housing.
 - Stormwater design has not been finalized. There is no guarantee that the planned Preliminary Plat ideas will be utilized. The intention is for the road to be graded out to the greatest extent

possible. The stormwater design will likely not be an open water retention system, as the State of Vermont has dissuaded developers from using this method lately. Developers will have a more specific design by Final Plat.

- Landscaping questions in the Final Plat posed by abutting resident, will the developer include landscaping by the entrance? Luke Willey explained that in examining the corner pin, the affected area will not be as significant a landscaping issue as originally recommended. There is not a lot of vegetation that will be removed, so there is less concern about impact for light pollution at the entrance.

- Efforts will be made to preserve the Island as a light buffer for Lots 1 and 2 but can also come in the form of additional landscaping. All landscaping efforts will be addressed in the Final Plat.

Motion to adjoin the hearing at 7:50 p.m.

Motion made by Chair Brown, Seconded by Sjoblom.

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

B. Final Plat Review (FP-004-23) for Jamie St. Pierre for a four (4) Lot Major PUD subdivision at Polly Hubbard Road, Georgia, VT. Parcel ID# 111400300, AR-1 Zoning District

- J. Powell swears in Michael Gervais, Barnard & Gervais
- Town of Georgia Fire Chief signed off on the paperwork for private road and driveways.
- Ben LeClaire, abutter, brought up standing water and culvert abilities. Michael Gervais explained efforts.
- DRB is requesting language against mowing beyond the wetland buffer to be added in the DRB Decision letter. Mowing into the Wetlands has been addressed in HOA documents as well. Lot 6 has more wooded space, there shall be no cutting, except for dying or diseased trees, in the 50m ft buffer. Open space will be open agricultural land.
- The agreement for the private road will include 18 ft to 24 ft road widths to preserve wetlands, as agreed between the DRB and the Town of Georgia Fire Chief.
- LeClaire property will have access to the mound system, access to the system will be included in the Mylar.
- There will be open space and landscaping to account for screening for abutting peroerty owners.

Motion to close 8:24pm

Motion made by Rainville, Seconded by Cross.

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

4. APPROVAL OF MINUTES

A. DRB Meeting Minutes 8/15/2023

Minutes from DRB Meeting 08/15/2023 approved with minor changes.

Motion to accept the minutes with changes.

Motion made by Chair Brown, Seconded by Rainville.

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

5. OTHER BUSINESS

6. PLAN NEXT MEETING AGENDA

A. 9/19/23 7:00 pm

Black Walnut, LLC (SA-001-23) for extension of previous Site Plan approvals (SP-001-21, SP-002-21 & SP-003-21) and Moose Mountain, LLC (CU-004-23) for Conditional Use for shed sales in the South Village.

7. DELIBERATIONS

Motion to enter deliberation at 8:30 p.m.

Motion made by Rainville, Seconded by Drew.

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

Motion to exit deliberative session at 9:10 p.m.

Motion made by Cross, Seconded by Sjoblom.

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

8. ADJOURN

Motion to adjourn meeting at 9:15 p.m.

Motion made by Drew, Seconded by Rainville.

Voting Yea: Chair Brown, Vice Chair Powell, 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



GEORGIA VERMONT

In re: Cline Road, LLC, Applicant
Permit Application No.: PR-002-23

Decision and Findings of Fact for Preliminary Plat Review

Dear Applicant/Owner,

After duly warned hearings of the Development Review Board (DRB) on August 15, 2023 and September 5, 2023, the following action was taken with regard to 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 August 15, 2023 and September 5, 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.

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 Cline Road, LLC, hereinafter referred to as Applicant, requesting Preliminary Plat review for a 15-lot 14 unit Planned Unit Development (PUD) subdivision located at Cline Road and Horseshoe Barn Road in the AR-1 zoning district. Notices of Public Hearing were duly published in the St. Albans Messenger on August 4, 2023 and on August 18, 2023 and all abutting property owners were notified.

The DRB conducted a public hearing on this application on August 15, 2023 with a continuance on September 5, 2023. Luke Willey, Ruggiano Engineering was present at the meetings along with Aaron O’Grady and Jake Smith from Cline Road, LLC. Interested parties in attendance included Fred and Heather Grimm, Bruce Leo, Annette Villani and Scott MacArt. Applicant submitted a Preliminary Plat application and the Zoning Administrator presented a DRB report.

Finding of Facts:

1. Applicant is requesting preliminary plat approval for a 15-lot 14 unit Planned Unit Development (PUD) subdivision located at Cline Road and Horseshoe Barn Road in the AR-1 zoning district. Sketch plan review was conducted on November 1, 2022 and the associated sketch plan letter was mailed to the Applicant on January 16, 2023.

2. The subject parcel is entirely located within the Agricultural/ Rural Residential (AR-1) zoning district. As proposed, the land meets the requirement for the PUD subdivision with acreage and use as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023. Applicant has requested Waiver of the 1500 ft max road length for private dead-end roads.
3. The subject parcel is located on Cline Road and Horseshoe Barn Road and consists of ±94.49 acres in size off of Cline Road. Said parcel is suitable for development, consisting of pastures, woodlands with some wetlands.
4. Applicant proposes to subdivide one lot to create fourteen (14) new single-family dwelling lots ranging in size between ±.81 to ±1.42 acres in size; and another ±19.42 acres set aside to accommodate PUD open space within the remaining lots.
5. The fourteen (14) new lots are proposed to be serviced by a private road located within a 60' wide right-of-way easement off Cline Road. A Waiver of the 1500 ft max road length for private dead-end roads was requested and granted. Private road will be ±2,460 ft and comply with the Town of Georgia Private Roads and Driveway Policy (02.28.20) and A-76 standards.
6. Applicant has not 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 August 15, 2023, constituting a quorum: Suzanna Brown, Chuk Cross, Greg Drew, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. The following members of the DRB were present for the Preliminary Plat continuance on September 5, 2023, constituting a quorum: Suzanna Brown, Chuk Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. 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 PUD pursuant to the requirements and standards outlined in Article 4, Subdivision Approval; Article 3.5, Planned Use Development; 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, with setback and lot frontage waivers granted.
3. The approval of the preliminary plat is based on all preliminary plat and sketch plan documents contained in the Cline Road, LLC SK-009-22 and PR-002-23 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 15-lot 14 unit Planned Unit Development (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 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. 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. Approval expires March 18, 2024.

4. Applicant will submit draft Deed language for the fifteen (15) lots. Deed 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 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 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 may 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 filling the final plat on mylar.

5. Applicant will include a 10 ft easement/ Right-of-Way (ROW) to the right of Lot 5 for proposed public access to the Town of Georgia’s Falls Trail.
6. The HOA Documents for this PUD shall include maintenance and use of the private road, Lot 15 Open Space restrictions and the Town of Georgia’s 10 ft easement/ROW to the Falls Trail. HOA documents should also include language restricting mowing on the wetlands properties.
7. Applicant shall install an appropriate landscaping buffer targeted on the eastern edge to block headlights from Lot 1 and Lot 2. Such landscaping should include native plants, habitat appropriate, and within a size (minimum 3 feet) that will screen light pollution.
8. Applicant shall construct every fourth house, or approximately three total homes, no larger than 1500 sq ft for a maximum of five (5) years. Accessory Dwelling Units (ADU’s) will be available during that time and builder may incorporate a larger septic system.
9. Proposed 24 foot wide private road shall be constructed in accordance with Section 7.11 of the Georgia Development Regulations and the Town of Georgia Private Roads and Driveway Policy. A cul-de-sac for emergency turn around is proposed at the end of the private road. Each lot will have a driveway off the shared access.
10. Applicant shall submit road naming documents as soon as possible to the Zoning Administrator to name the private road. Road documents can be found on the Town of Georgia website. Applicant will work with E911 coordinator to ensure all residences have been addressed and properly labeled according to 911 standards.
11. Applicant shall provide an “Ability to Serve” letter from the Town of Georgia Fire Chief indicating the ability to provide emergency services to the proposed subdivision.
12. 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.
13. 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 requirements of the zoning district as identified in the Georgia Development Regulations.
14. 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.
15. 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.
16. 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 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.

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, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. Members present and voting against approval: None.

Signature of Chair: _____ Date: _____

Suzanna Brown, DRB Chair

**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. 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.
 - Open Space for PUD (20% total acreage) ±4.92 acres
4. Town of Georgia Fire Chief reviewed and approved the 4-lot subdivision indicating the ability to provide emergency services to the proposed development.
 5. 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.
 6. 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.
4. Applicant has submitted draft Deed language for the four lots. Deed will require legal review by the Town of Georgia. Applicant submitted \$500 escrow with the Final Application to cover the legal review of the deeds 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.

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 filling the final plat on mylar.

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 PR-001-23.
 - b. Approval expires March 18, 2024.

4. 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.

5. 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.
6. 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.
7. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project.
8. 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.
9. 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 driveway has been constructed to pursuant to Public and Private Road Standards as outlined in Section 7.11 Town of Georgia Development Regulations.
10. 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.
11. 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 19th day of September, 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.