

SITE PLAN AMENDMENT
Landscaping Amendment
DRB-006-26

Owner: Miles Trudell [REDACTED]	Property Tax Parcel & Location: 113 Radharc Drive Parcel #115960005 Zoning District: Residential (R)
Developer: Sean Fitzgerald [REDACTED]	

BACKGROUND

Miles Trudell, hereafter referred to as Applicant, is requesting a Site Plan Amendment from the previous subdivision of property decision (PC-016-20) to amend the landscaping plan to allow the evergreen trees currently planted in place of the maple trees and lilac bushes listed in the decision. The evergreen trees serve in the best interest of the homeowner, the property and are within the required footage from the Route 7 boundary.

The parcel is located at 113 Radharc Drive within the Residential (R) zoning district. This property is part of a PUD subdivision with the total acreage of ±1 acre in size.

PROJECT NARRATIVE SUMMARY

1. This project proposes the change in landscaping required in prior subdivision decision (PC-016-20) specifically for Lot #5, now 113 Radharc Drive. The property contains a three-bedroom single family dwelling in the Residential (R) zoning district
2. According to PC-016-20 Decision Letter, Order #15:

A row of a mix of a maximum of six – 2” caliper – Sugar Maples (Acer Saccharum) and 20 Lilacs shrubs shall be planted and maintained in perpetuity, by the Homeowners Association, along Ethan Allen Highway on Lot 5. The Site Plan Mylar shall depict the plantings and delineate a 15’ common easement for the maintenance of said Sugar Maples and Lilac shrubs, native to Vermont. Applicants shall submit to the Zoning Administrator a letter from a licensed engineer stating that the plantings have been completed prior to the issuance of a Certificate of Occupancy for Lot 5. The following language shall be placed on the Site Plan Mylar stating, “The required six Sugar Maple trees and 20 Lilac shrubs shall be maintained in perpetuity by the Homeowners Association.”

3. **Existing and/or proposed means of access to the site:** No change to access is proposed.
4. **Location of parking and proposed number of spaces:** No change to parking is proposed.
5. **Existing and/or proposed road and driveway access to site:** No change to access is proposed.
6. **Existing and/or proposed easements and rights-of-way:** No changes to existing easements are proposed.
7. **Proposed and/or existing wastewater disposal and water supply:** No change to wastewater disposal or water supply is proposed.
8. **Proposed drainage/storm water runoff (if required):** None required.
9. **Proposed landscaping (if applicable):** Change to allow the evergreen trees currently planted to serve in the best interest of the homeowner and the property; and are within the required footage from the Route 7 boundary.
10. **Size and location of proposed and/or existing buildings:** No change to site plan for location.
11. **State permits required and/or obtained for this project:** All state and required permits for the home were obtained.
12. **Proposed lighting:** No change to lighting is requested.
13. No other changes to the PC-016-20 Decision Letter are proposed.
14. Order #15 in the DRB Decision of PC-016-20 places an undue burden on the homeowner, HOA, and the Town of Georgia Zoning Office to comply with the order in perpetuity. Furthermore, weather conditions in the State of Vermont make tying a Certificate of Occupancy to planting specific sized trees and bushes to a property before residents can move in impossible to predict for compliance. Zoning offices and municipalities are legally obligated to ensure that conditions for occupancy on new home builds are reasonable and do not create "unnecessary hardship" or an "undue burden" on property owners. While zoning offices have the authority to regulate development for public safety, health, and welfare, they must comply with legal standards that limit this power (24 VSA §4302).

Respectfully submitted,

Kollene Caspers
Zoning Clerk
Planning and DRB Clerk