



# GEORGIA

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## VERMONT

In re: 864 Ethan Allen Highway LLC, Applicant  
Permit Application No.: PR-001-24, CU-001-24 & SP-001-24

### Decision and Findings of Fact for Preliminary Plat Review

Dear Applicant/Owner,

After duly warned hearings of the Development Review Board (DRB) on February 20, 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 July 18, 2023, and February 20, 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 864 Ethan Allen Highway, LLC, hereinafter referred to as Applicant, requesting Preliminary Plat, Conditional Use and Site Plan review for a 15-lot multi-unit mixed residential and commercial subdivision located at 864 Ethan Allen Highway in the South Village (SV) zoning district. Notice of Public Hearing was duly published in the St. Albans Messenger on February 6, 2024, and all abutting property owners were notified.

The DRB conducted a public hearing on this application on February 20, 2024. Bryan Currier, engineer with O'Leary-Burke Civil Associates was present at the meetings along with Ben Avery from Greenfield Growth LLC and Rick Bove from 864 Ethan Allen Highway, LLC. Interested parties in attendance included Jared Waite and Kevin Camisa. Applicants submitted a Preliminary Plat application, Conditional Use application and Site Plan application, and the Zoning Administrator presented a DRB report.

### **Finding of Facts:**

1. The applicant is requesting preliminary plat approval for a 15-lot multi-unit mixed residential and commercial subdivision located at 864 Ethan Allen Highway in the SV zoning district. Sketch

plan review was conducted on July 18, 2023, and the associated sketch plan letter was mailed to the Applicant on August 17, 2023.

2. The subject parcel is entirely located within the South Village (SV) zoning district. As proposed, the land meets the requirement for the subdivision with acreage and use as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023.
3. Applicant has requested two Waivers, one to increase the maximum setback from 16 ft to 20 ft for the single-family homes on lots 8-13 to make room for required driveway turn-arounds in front of the homes; and the second waiver for sidewalks on only one side of the road along Lots 7-13.
4. The subject parcel is located on 864 Ethan Allen Highway and consists of  $\pm 12.3$  acres. Said parcel is suitable for development, consisting of former campground lands near the highway and in the designated growth location in Georgia.
5. Applicant proposes to subdivide one lot to create fifteen (15) lots with 39 units of mixed commercial and residential buildings. This will consist of two (2) 6,000 square foot buildings with commercial space on the bottom and apartments on top; five (5) buildings of 5-unit townhouses with footprints of approximately 4,850 square feet (Applicant has submitted Conditional Use application CU-001-24 for the 5-plex buildings); six (6) new single-family dwelling lots with footprints of roughly 1,920 square feet; and another three (3) lots of approximately  $\pm 4.36$  acres set aside to accommodate open space and proposed well for community water system.
6. The fifteen (15) new lots are proposed to be serviced by a public road located within a 60' wide right-of-way easement off Route 7/ Ethan Allen Highway. A 24-foot-wide public road will comply with VTrans and the Town of Georgia Private Roads and Driveway Policy (February 28, 2020) and A-76 standards.
7. 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.
8. Applicant has not submitted any supporting documentation from VTrans indicating the allowable improvements to the proposed road off Route 7/Ethan Allen Highway.
9. The following members of the DRB were present for the Preliminary Plat public hearing on February 20, 2024, constituting a quorum: Suzanna Brown, Charles Cross, Greg Drew, James Powell, Gilles Rainville, Jr. and Lisa Faure. See meeting minutes for a list of others present.
10. 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 South Village 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; 3.6 South Village Core Design 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 sidewalk waivers granted.

3. The approval of the preliminary plat is based on all sketch plan, preliminary plat, conditional use and site plan documents contained in the 864 Ethan Allen Highway, LLC SK-005-23, PR-001-24, CU-001-24 and SP-001-24 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, Conditional Use and Site Plan for a 15-lot multi-unit mixed residential and commercial 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 January 31, 2025.**
4. Applicant will submit draft deed and HOA language for the fifteen (15) 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 filling the final plat on mylar.

5. The HOA Documents for this subdivision shall include maintenance and use of the private parking lots and road uses, shared wells, landscaping, maintenance of open space or future park areas. HOA documents should also include language restricting mowing on the wetland's properties; and restrictions on parking any vehicles other than passenger vehicles, to include but not be limited to RVs, trailers and boats.
6. The applicant shall request a Waiver for 50% of the side setback requirements for the single-family houses on lots 8-13 so all driveway hammerheads will be contained on each property, eliminating the need for easements.
7. Phasing- Infrastructure shall be put in place first, with construction to start on the residential buildings with commercial construction thereafter. Residential buildings may overlap with commercial development.
8. Timeline- This is an Act 250 project so an accurate timeline cannot be determined. Should approval be given by the end of the year, Site work projects could begin in the winter 2024, with infrastructure to begin by Spring 2025. Total time to complete "entry level housing" is estimated at two plus years.
9. Level 2 electric vehicle charge stations shall be put near the commercial buildings.
10. Street and all exterior lighting shall comply with SV zoning district regulations, Section 3.6(B)6 of the Town of Georgia Development Regulations (February 27, 2023).
11. Applicant shall include a "public benefit" in the Final Plat application according to Section 3.6(B)7a of the Town of Georgia Development Regulations (February 27, 2023).

**Section 3.6- South Village Core Design Standards. B: Design Criteria. 7: Public Space.**

*The purpose of this criterion is to create usable public space and parkland that integrates appropriately with existing or planned public space, including adjacent parks, sidewalks, and public buildings and to seek specific opportunities for public greenspace appropriate for a central village green.*

*Standard 7a. Development proposals shall incorporate public space into the site design. Public space is available for use by the development and is designed to encourage community interaction and to connect with adjacent public spaces. Examples of public space include outside foyers at building entrances with pedestrian access and seating, open plazas with street furniture, playgrounds, picnic areas, greens, or gardens with pedestrian access and seating. If it has a significant nexus with and is roughly proportionate to the impacts of the development, the DRB may require land to be dedicated*

*to the Town of Georgia for use as public parklands or a village green. This shall not prohibit the Town from otherwise acquiring such land for a park or greenspace through other methods.*

12. The current proposed road is being handled as a private road. Further discussion, who 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 making all or part of the proposed road a Town of Georgia public road.
13. The number of parking spaces shall meet current Town of Georgia parking regulations, Section 5.6 (a) as well as the South Village zoning district standards, Section 3.6(B)5 (Town of Georgia Development Regulations, February 27, 2023). Depending on the usage and based on the square footage of the residential and commercial buildings, a calculation of around 68+ parking spaces may be necessary.
14. Bond shall be submitted to make sure the landscaping, lighting, and all other improvements are completed within 1-2 years.
15. All improvements shall be completed (road paving, screening, signage, lighting, E911, etc.) before the final Certificate of Occupancy will be issued or \_\_\_\_\_ (time period).
16. A construction privacy fence shall be constructed along the South property line throughout all development phases.
17. The equivalent number of commercial units must be built prior to any Certificates of Occupancy are issued for any of the single-family dwellings.
18. Review of traffic study shall be conducted after fifty percent of development has been completed.
19. Applicants shall contact VTrans to see if a bus pull-off location on Ethan Allen Highway near the entrance to the development can be included in the project to help alleviate traffic concerns for buses near the project.
20. Applicants 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. If the road is accepted as a public road pursuant to item 12 above, the naming of the road will shift to the Georgia Historical Society. Applicants / Historical Society will work with E911 coordinator to ensure road naming meets Vermont E911 regulations and that all residences have been addressed and properly labeled according to 911 standards.
21. 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.
22. 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.
23. Commercial property shall be constructed in unison with residential construction. At least one commercial building shall be constructed and a Certificate of Occupancy granted before the first 50% of residential building Occupancy Permits will be issued. The second commercial building shall be

constructed and a Certificate of Occupancy granted before the first 50% of residential building Occupancy Permits will be issued.

24. 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 South Village zoning requirements as identified in the Georgia Development Regulations.
25. 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.
26. 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.
27. 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.
28. Approved the waiver for the sidewalk on the curved portion of the private road near lot 7 and lots 8-13 to be located on one side of the road in front of Lots 8-10 as proposed on drawing labeled Overall Plan Sheet 2 dated 1/27/24 from O'Leary-Burke Civil Associates, PLC. In the event this portion of the road becomes a Town of Georgia public road than this waiver is rejected, and sidewalks would be required on both sides of the road.
29. In the event of future development on Lot 5, a sidewalk on the western side of Lot 5 bordering the property of DG Strategic II, LLC would be required to allow better pedestrian flow to the Dollar General location.

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

Dated at Georgia, Vermont, this 19<sup>th</sup> day of March 2024.

By \_\_\_\_\_

Georgia DRB Chair