



DEVELOPMENT REVIEW BOARD

DECISION AND FINDINGS OF FACT FOR PRELIMINARY PLAT
REVIEW

Applicant	17 Black Walnut, LLC, c/o Kevin Camisa
Application	SUB-014-26
Review	Preliminary Plat - Major Subdivision
Decision	Approved to proceed to Final Plat review, subject to conditions

APPROVED FOR FINAL PLAT APPLICATION WITH CONDITIONS

Dear Applicant/Owner:

After duly warned hearings held on June 2, 2026; June 16, 2026; and August 4, 2026, the Development Review Board (DRB) took the following action on the application.

Record of Proceedings. The application, all relevant evidence presented to the DRB, the minutes of the proceedings held on October 21, 2025; June 2, 2026; June 16, 2026; and August 4, 2026, and relevant public records constitute part of the Findings of Fact and shall be maintained as part of the permanent project record. This official record provides an additional basis for the DRB's decision.

Background

This matter came before the Town of Georgia DRB on the application of 17 Black Walnut, LLC (the Applicant) for Preliminary Plat review of a proposed 18-unit major subdivision located off Ballard Road near Ethan Allen Highway. The project includes the following parcels:

- A. Land north of 26 Ballard Road (Lot 2), Parcel No. 109630200, approximately 1.82 acres;
- B. 26 Ballard Road (Lot 4), Parcel No. 109630400, approximately 0.96 acre;
- C. 104 Ballard Road (Lot 5), Parcel No. 109630500, approximately 1.58 acres; and
- D. Land behind 104 Ballard Road (Lot 6), Parcel No. 109630600, approximately 2.84 acres.

All subject parcels are located in the Village Core (VC) Zoning District. Notice of the initial public hearing was duly published in the St. Albans Messenger on May 15, 2026, and notice was provided to all abutting property owners.

The DRB conducted public hearings on June 2, 2026; June 16, 2026; and August 4, 2026. Justin Holmes of Pinnacle Engineering and Kevin Camisa of 17 Black Walnut, LLC appeared on behalf of the Applicant. The Applicant submitted a Preliminary Plat application, and the Zoning Administrator presented a staff report to the DRB.

Findings of Fact

- 1 The Applicant requests Preliminary Plat approval for an 18-unit major subdivision consisting of 18 two-story dwelling units and a Community Recreation Area proposed in lieu of a portion of the commercial-offset requirement under Section 6.7(D)(2) of the Town of Georgia Development Regulations, adopted October 13, 2025.



- 2 The DRB conducted Sketch Plan review for the proposed subdivision on December 2, 2025.
- 3 The project comprises approximately 7.20 acres among four parcels located off Ballard Road in the Village Core Zoning District.
- 4 The proposed dwelling units will be served by a new private road, shared infrastructure, and associated utilities and site improvements shown on the Preliminary Plat materials.
- 5 The regulations applicable to this review are the Town of Georgia Municipal Plan, last amended January 6, 2025, and the Town of Georgia Development Regulations, adopted October 13, 2025.

Conclusions of Law

- 1 The Applicant submitted the Preliminary Plat information required for review under the Town of Georgia Development Regulations.
- 2 The application was reviewed as a major subdivision in the Village Core Zoning District under Articles 6.5 and 7 of the Town of Georgia Development Regulations. Subject to the conditions below and further Final Plat review, the Preliminary Plat is consistent with the applicable standards and requirements.
- 3 This Preliminary Plat approval is based on the subdivision, Sketch Plan, and Preliminary Plat materials contained in the DRB files for SUB-014-26, DRB-001-25, and SK-005-25.

Decision

Based on the Findings of Fact and Conclusions of Law above, the Georgia Development Review Board **APPROVES** the Preliminary Plat and authorizes the Applicant to submit a Final Plat application for the proposed major subdivision, subject to the following conditions:

1 Final Plat Requirements

The Final Plat shall include the following information:

- a. Numbered lots within the project;
- b. Building envelopes and proposed setbacks;
- c. Calculated metes and bounds for all rights-of-way and easement areas;
- d. Wastewater-system details, associated isolation areas, and calculated metes and bounds for related easements;
- e. Drilled wells and well-isolation areas;
- f. Drainage details;
- g. Erosion-control details;
- h. Stormwater-management details;
- i. Existing and proposed contour lines at five-foot intervals;
- j. Existing and proposed utilities;
- k. Existing and proposed driveways;
- l. Existing and proposed landscaping;
- m. Typical cross-sections of proposed roadway grading;
- n. Natural features, including wetlands and required buffers, streams and required buffers, prime agricultural soils, rock outcroppings, and slopes greater than 25 percent;
- o. The general outlines of abutting properties sufficient to show the project in context; and
- p. Signature blocks for the DRB and Town Clerk.



2 Vicinity Map

The Final Plat shall be accompanied by a vicinity map drawn at a scale of not more than 400 feet to the inch, showing the relationship of the proposed subdivision to adjacent properties and the surrounding area.

3 Final Plat Application Deadline

Within one year after Preliminary Plat approval, the Applicant shall submit a complete Final Plat application containing the materials required by Sections 6.5 and 7.3.5 of the Town of Georgia Development Regulations. The Final Plat application shall conform to the approved Preliminary Plat layout and incorporate all conditions of this approval. Preliminary Plat approval expires on **August 18, 2027**, unless a complete Final Plat application is timely submitted or an extension is approved in accordance with the Town of Georgia Development Regulations.

4 Boundary Line Adjustment

The Applicant shall include with the Final Plat application a boundary-line-adjustment application for Lot 4, currently identified as 26 Ballard Road.

5 Homeowners Association and Maintenance of Shared Improvements

With the Final Plat application, the Applicant shall submit documents establishing a homeowners association or comparable legal entity acceptable to the Town. Membership shall be mandatory for every present and future owner of a lot or dwelling unit within the subdivision.

The Applicant shall prepare and record in the Town of Georgia Land Records a declaration of covenants, articles of association or incorporation, bylaws, easements, maintenance agreements, and other instruments necessary to address the following:

- a. **Private road.** Provide for the perpetual inspection, maintenance, repair, reconstruction, drainage, snow and ice removal, and replacement of the private road and all related shoulders, culverts, ditches, signs, and stormwater facilities. The documents shall establish an equitable allocation of all associated costs among the owners.
- b. **Landscaping.** Require the continuing maintenance of all common landscaping, screening, buffers, street trees, and other plantings shown on the approved subdivision plans. Dead, diseased, damaged, or removed plant material shall be replaced with material of substantially similar type and size during the next appropriate planting season.
- c. **Shared wastewater systems.** Assign responsibility for the operation, inspection, pumping, monitoring, maintenance, repair, and replacement of all shared wastewater collection, treatment, and disposal systems. The association shall comply with all applicable State permits, approved plans, inspection schedules, reporting requirements, and operational conditions.
- d. **Shared potable-water systems.** Assign responsibility for the operation, testing, treatment, monitoring, maintenance, repair, and replacement of all shared wells, pumps, storage facilities, distribution lines, controls, and other potable-water infrastructure. The association shall comply with all applicable State permits and water-quality requirements.
- e. **Access and easements.** Establish permanent access, utility, maintenance, repair, and replacement easements sufficient to allow the association, its contractors, governmental regulators, and emergency personnel to reach each shared road, landscaping area, wastewater component, and potable-water component.



- f. **Assessments and reserves.** Authorize the association to levy and collect assessments sufficient to perform routine maintenance, respond to emergencies, and fund the reasonably anticipated repair and replacement of shared improvements. The documents shall provide an effective collection and enforcement mechanism, including authority to impose a lien when permitted by law.
- g. **Continuing obligations.** Provide that all covenants, easements, maintenance responsibilities, and assessment obligations run with the land and bind every present and future owner, tenant, occupant, heir, successor, and assign.
- h. **Municipal responsibility.** State conspicuously that the private road, landscaping, wastewater systems, and potable-water systems are private facilities and that subdivision approval does not constitute acceptance of any such facility by the Town. The Town shall have no responsibility for their operation, maintenance, repair, replacement, or associated costs unless the Town later accepts a facility through a separate formal action authorized by law.
- i. **Enforcement.** Authorize the association and each affected lot owner to enforce the recorded obligations. The documents shall recognize the Town's independent authority to enforce this subdivision approval and applicable municipal bylaws without creating a municipal duty to maintain or repair the private facilities.
- j. **Amendment or termination.** Provide that the association may not be dissolved, and that provisions governing the private road, required landscaping, or shared water and wastewater systems may not be amended or terminated, unless an equally effective successor arrangement has been established and all necessary municipal and State approvals have been obtained.

Draft association documents shall be submitted to the Zoning Administrator for review before recording. The documents shall be consistent with this approval, the approved subdivision plans, and all applicable State permits. Town review shall be limited to determining compliance with this condition and shall not constitute legal advice, approval for the benefit of private parties, or acceptance of responsibility for the shared facilities.

The approved Final Plat shall identify all common facilities and easements and shall contain the following notation:

"All lots within this subdivision are subject to mandatory membership in a homeowners association and to recorded covenants concerning the maintenance and cost of private roads, required landscaping, and shared wastewater and potable-water systems. These facilities are private and are not maintained by the Town."

Evidence that the association documents and Final Plat have been properly recorded shall be provided to the Zoning Administrator before issuance of a zoning permit for any dwelling within the subdivision.

6 Private Road

The proposed 24-foot-wide private road shall be paved and constructed in accordance with the Town of Georgia Private Roads and Driveway Policy dated April 24, 2023, applicable VTrans Standard A-76, and the public and private road standards established in Section 5.7 of the Town of Georgia Development Regulations.

Before issuance of the final Certificate of Occupancy for the subdivision, or no later than three years following Final Plat approval, whichever occurs first, the Applicant shall submit written certification



from a professional engineer licensed in the State of Vermont confirming that the private road has been constructed in compliance with all applicable standards identified above.

7 Completion of General Improvements

All general subdivision improvements, including road paving, screening, signage, E911 requirements, and other approved common improvements, shall be completed before issuance of the final Certificate of Occupancy for the subdivision and no later than three years after Final Plat approval, whichever occurs first. Any request for an extension shall be submitted to the Zoning Administrator before the applicable deadline and shall be reviewed in accordance with the Town of Georgia Development Regulations.

8 Traffic-Impact Study

Before submitting the Final Plat application, the Applicant shall, at its expense, obtain a traffic-impact study prepared by a qualified professional engineer or traffic engineer licensed in the State of Vermont.

- a. The study shall evaluate existing and anticipated traffic conditions associated with the proposed subdivision, including projected vehicle trips, peak-hour traffic, sight distances, roadway and intersection capacity, access safety, pedestrian and bicycle considerations, emergency-vehicle access, and the cumulative effect of the subdivision on affected Town and State highways and intersections. The study shall identify improvements or mitigation measures necessary to maintain safe and adequate traffic operations.
- b. The geographic scope and methodology of the study shall be approved in advance by the Zoning Administrator, in consultation with appropriate Town officials and the Vermont Agency of Transportation when a State highway may be affected.
- c. The completed study, including all supporting data, findings, and recommended mitigation measures, shall be submitted with the Final Plat application. The Final Plat application shall not be deemed complete without the required study.

9 Private Road Naming

The Applicant shall submit a completed road-name application and all required supporting materials to the Zoning Administrator/E911 Coordinator concurrently with the Final Plat application. The proposed private-road name shall comply with applicable municipal and Vermont Enhanced 911 addressing requirements and shall be subject to approval by the appropriate Town officials.

The approved road name shall be shown on the Final Plat before the Plat is signed and recorded. Road-name application forms and instructions are available on the Town of Georgia website.

10 Outdoor Lighting

Outdoor lighting shall provide only the minimum illumination necessary for safety, security, access, and permitted uses while protecting neighboring properties, public roads, wildlife habitat, community character, and visibility of the night sky. These standards apply to each new, replaced, relocated, or substantially modified outdoor light fixture. Existing lawful lighting may continue as a nonconforming installation but shall not be altered in a manner that increases light output, glare, or light trespass.

- a. **Shielding and direction.** Every outdoor luminaire shall be fully shielded and directed downward. As installed and maintained, a fixture shall emit no direct light at or above the horizontal plane passing through its lowest light-emitting portion.
- b. **Light-source visibility.** A lamp, LED element, reflector, or other concentrated light source shall not be directly visible from an adjoining property or public highway.



- c. **Light trespass.** Outdoor lighting shall be located, aimed, and shielded so that illumination attributable to the use does not exceed 0.2 foot-candle at any property boundary. The DRB may approve a limit of up to 0.5 foot-candle along a boundary shared with a nonresidential use when necessary for safety and when no unreasonable glare results.
- d. **Brightness.** Lighting shall not exceed the lowest level reasonably necessary for its intended purpose, shall be reasonably uniform, and shall not create disabling glare or excessive contrast.
- e. **Color temperature.** Permanent outdoor lighting shall have a correlated color temperature not exceeding 3,000 Kelvin. Lighting of 2,700 Kelvin or less is encouraged in residential and rural districts and near surface waters, wetlands, wildlife habitat, and forest areas.
- f. **Controls.** Nonresidential outdoor lighting shall be extinguished or reduced by at least 75 percent within one hour after the close of business and shall remain reduced until one hour before opening. Motion-activated security lighting shall return to the reduced or off condition within 15 minutes after activation.
- g. **Fixture height.** Freestanding fixtures shall not exceed 20 feet in commercial districts or 12 feet in residential and rural districts unless the DRB finds that a greater height will reduce the number of fixtures and will not increase glare, skyglow, or light trespass.
- h. **Floodlights and security lights.** Floodlights shall be fully shielded, aimed downward, and installed so that the principal beam does not extend beyond the area intended to be illuminated. Tilting an approved fixture upward constitutes a violation.
- i. **Signs and facades.** External sign and facade lighting shall be mounted above the feature being illuminated and directed downward. Light shall be confined to the sign or building surface. Internally illuminated signs remain subject to applicable sign provisions.
- j. **Prohibited lighting.** Searchlights, sky beams, and lighting that flashes, rotates, pulses, or simulates motion are prohibited except for temporary emergency or public-safety purposes.

11 Community Recreation Area in Lieu of Commercial Offset

Pursuant to Section 6.7(D)(2) of the Town of Georgia Development Regulations, the DRB approves the use of a Community Recreation Area in lieu of the remaining commercial-offset requirement for the proposed housing development in the Village Core Zoning District, subject to the following:

- a. **Completion and conveyance.** Upon completion of the Community Recreation Area in accordance with this approval and the Final Plat, the Applicant shall convey the recreation property and all associated improvements to the Town of Georgia by deed, consistent with the Selectboard's acceptance on June 8, 2026.
- b. **Completion deadline.** The Community Recreation Area and all associated improvements shall be completed before issuance of a Certificate of Occupancy for the ninth dwelling unit or within three years following Final Plat approval, whichever occurs first.
- c. **Commercial-offset calculation.** The obligation is calculated as follows:
 - i. 18 dwelling units x 1,500 square feet per dwelling unit = 27,000 square feet.
 - ii. 25 percent of 27,000 square feet = 6,750 square feet of required commercial offset.
 - iii. Credit for newly created commercial space at 26 Ballard Road, Parcel No. 109630400 = 2,385 square feet.



- iv. Remaining commercial-offset requirement: 6,750 square feet - 2,385 square feet = 4,365 square feet.
- v. Equivalent commercial-offset value: 4,365 square feet x \$250 per square foot = \$1,091,250.
- vi. Land credit for five building lots incorporated into the Community Recreation Area: 5 lots x \$150,000 per lot = \$750,000.
- vii. Remaining required investment in Community Recreation Area improvements: \$1,091,250 - \$750,000 = \$341,250.
- d. **Minimum investment.** The Applicant shall invest not less than \$341,250 in the construction and installation of improvements and amenities within the Community Recreation Area. Before conveyance to the Town, the Applicant shall provide documentation sufficient to demonstrate compliance with this requirement.
- e. **Final recreation plan.** The Applicant shall submit the following with the Final Plat application:
 - i. A complete site plan for the Community Recreation Area;
 - ii. A detailed rendering of the proposed recreation area;
 - iii. An itemized list of all proposed recreational amenities, landscaping, infrastructure, equipment, and other improvements; and
 - iv. An itemized cost estimate demonstrating that the proposed improvements have a total value of not less than \$341,250.
- f. **Construction.** The Community Recreation Area shall be constructed in substantial conformance with the plans and improvements approved by the DRB during Final Plat review.
- g. **Community input.** The DRB recommends that the Applicant solicit community input regarding the facilities and amenities to be incorporated into the final Community Recreation Area plan.

12 Commercial Use of 26 Ballard Road

The property at 26 Ballard Road, Parcel No. 109630400, shall be converted from residential use to commercial use and shall contain and continuously maintain not less than 2,385 square feet of commercial floor area.

- a. The property shall remain restricted exclusively to commercial use in perpetuity, and no residential use shall be permitted. Before recording the Final Plat, the Applicant shall record in the Town of Georgia Land Records a deed restriction, covenant, or other legally enforceable instrument establishing the commercial-only restriction as a covenant running with the land and binding all current and future owners, successors, and assigns.
- b. The commercial-only restriction shall be clearly noted on the Final Plat.
- c. The commercial-only property and all associated improvements shall be completed before issuance of a Certificate of Occupancy for the twelfth dwelling unit or within four years following Final Plat approval, whichever occurs first.

13 State Permits

The Applicant shall provide the Zoning Administrator with a completed Vermont Permit Navigator Results Summary and timely written updates regarding the status of all required State permit applications, including any required Act 250, wastewater-system and potable-water-supply, and stormwater permits.



Copies of all required State permits and approvals, including approved plans and permit conditions, shall be submitted to the Zoning Administrator for inclusion in the project file before issuance of any municipal zoning permit for the project.

14 Compliance with Approved Plans; Binding Effect and Enforcement

All approved plans, drawings, exhibits, representations, conditions, and requirements submitted or presented in connection with the application and relied upon by the DRB are incorporated into this decision by reference. They shall run with the land and bind the Applicant and all subsequent owners, heirs, successors, and assigns.

The project shall be constructed, completed, operated, and maintained in substantial conformance with the approved materials maintained in the project file at the Town Office and with all conditions of this approval. Any unauthorized deviation shall constitute a violation of the applicable municipal land-use approval and may result in enforcement action by the Town. Any material change shall require prior municipal review and approval in accordance with the Town of Georgia Development Regulations.

15 Alteration of Approved Final Plat

Following Final Plat approval, no change, erasure, modification, or revision, other than one expressly required by this decision, shall be made to the approved subdivision plat unless the revised plat is first resubmitted to and approved by the DRB. Any subdivision plat altered and recorded without the required DRB approval shall be considered unapproved and null and void to the extent provided by law.

Notice of Appeal

An interested person who participated in the proceedings before the Development Review Board may appeal this decision to the Vermont Superior Court, Environmental Division. An appeal must be taken within 30 days after the date of this decision pursuant to 24 V.S.A. Section 4471 and the applicable court rules. A notice of appeal shall be filed, with the required fee, with the Environmental Division and served as required by law. Upon request, the Zoning Administrator shall provide the appellant with the list of interested persons entitled to notice.

Preliminary Plat Expiration

As stated in Condition 3, this Preliminary Plat approval expires on **August 18, 2027**, unless the Applicant timely submits a complete Final Plat application or obtains an extension in accordance with the Town of Georgia Development Regulations.

Dated at Georgia, Vermont, this 18 day of Aug, 2026.

TOWN OF GEORGIA DEVELOPMENT REVIEW BOARD

Authorized DRB Representative

Date

8/18/2026