

**TOWN OF GEORGIA
PLANNING COMMISSION
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION
SA-001-21**

**Town of Georgia, Highway Garage – Applicant / Owner
Site Plan Amendment Review**

This matter came before the Georgia Planning Commission on the application of Town of Georgia, Owner/Applicant, hereafter referred to as Applicant, for Site Plan Amendment Review to adjust the placement of the 14,880 square foot municipal highway garage and related infrastructure north to avoid wetlands. The property is located at 83 Plains Road within the AR-2 zoning district.

The parcel contains ± 5.4 acres and was created as part of a 2-lot subdivision by former owners Gary & Olive Gilmond, following a Final Plat Review conducted by the Georgia Planning Commission November 11, 2019. The Gilmond Final Plat Decision required Applicant, or Applicant's assigns, submit for and receive Site Plan Approval prior to receiving a Zoning Permit.

The Planning Commission originally held a public hearing on December 22, 2020. A Notice of Public Hearing was duly published on December 4, 2020 and all adjoining property owners were notified. Derick Reed of Krebs & Lansing Consulting Engineers, Inc., was present and represented Applicant at the hearing.

The Planning Commission held a public hearing for the Site Plan Amendment on September 28, 2021. A Notice of Public Hearing was duly published on September 10, 2021, and all adjoining property owners were notified. Amber Baker and Kyle Grenier were present and representing Applicant at the hearing. The Planning Commission voted to continue the hearing until time specified as October 26, 2021.

The continued Planning Commission hearing was held on October 26, 2021. Derick Reed of Krebs & Lansing Consulting Engineers, Inc., Matt Young, Mike Connor of Connor Contracting, Inc., Amber Baker, Town Administrator, and Kyle Grenier, Selectboard Vice Chair, were present representing Applicant.

Based on the above-mentioned public hearing, plans submitted, and additional documents contained in the planning file for this proposal, the Planning Commission enters the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

NOTE: The application, any and all relevant evidence presented to the Commission, and the minutes of the hearings conducted by the Town of Georgia Planning Commission on December 22, 2020, September 28, 2021, and October 26, 2021, shall be considered part of the Findings of Fact and kept as part of the permanent record of the Applicant. This official record shall provide additional basis for the Commission's decision.

1. Town of Georgia, Owner/Applicant, hereafter referred to as Applicant, requested a Site Plan Amendment hearing to amend their original Site Plan Approval on PC-028-20 to adjust the placement of the 14,880 square foot municipal highway garage and related infrastructure north to avoid wetlands. The parcel is located at 83 Plains Road in the AR-2 zoning district. The subject property is a ± 5.4 -acre parcel and is benefitted by ± 157 feet of frontage on Ethan Allen Highway and a 60' wide right-of-way easement over a parcel owned by Applicant containing the existing town highway garage.
2. The parcel was created as part of a 2-lot minor subdivision created by Olive and Gary Gilmond following a Final Plat Review on November 11, 2019 by the Georgia Town Planning Commission. The corresponding Mylar is recorded in the Land Records of the Town of Georgia at Map Slide 274, Map 564. A condition within the Gilmond Final decision stated: Prior to the issued of a Zoning Permit, Applicants, or Applicant's assigns, shall submit a completed Site Plan application for review and approval by the Town of Georgia Planning Commission.
3. Georgia Town Planning Commission conducted a Site Plan hearing on December 22, 2020. A Notice of Public Hearing was duly published on December 4, 2020, and all abutting property owners were notified.
4. Applicant submitted the following plans prepared by Wiemann Lamphere Architects, Krebs & Lansing Consulting Engineers, Inc., and Pearson & Associates entitled:

Wiemann Lamphere Architects

- Schematic elevations 07/16/2020
- L1.01 Landscape Plan 06/08/2021

Wiemann Lamphere Architects and Krebs & Lansing Consulting Engineers

- C1.00 Overall Site plan 09/04/2021
- C1.01 Site Plan 09/04/2021
- C1.02 Site Plan 09/04/2021
- C2.00 Existing Conditions 09/04/2021
- C3.00 Erosion Prevention & Sediment Control Plan Pre-construction 09/04/2021
- C3.01 Erosion Prevention & Sediment Control Plant Winter 2021-2022 09/04/2021
- C3.02 Post Construction Stabilization Plan 09/04/2021
- C4.00 Civil Details 09/04/2021
- C4.01 Civil Details 09/04/2021
- C4.02 Civil Details 09/04/2021
- C4.03 Civil Details 09/04/2021
- C4.04 Civil Details 09/04/2021
- C5.01 Wetland Impact 08/18/2021

Wiemann Lamphere Architects and Pearson & Associates

- SE.1 Site Plan Photometric 09/14/2021
 - SE.2 Site Lighting Fixtures 09/14/2021
5. The structure proposed on Applicant's plans meet all current setback requirements and are within the designated building envelope as depicted on the approved subdivision plat.
 6. Applicant submitted Vermont Wastewater Permit WW-6-2597, approved October 18, 2019.
 7. Applicant submitted a letter from the Georgia Fire Chief dated December 8, 2020, which indicated the fire department's ability to serve the site. The Fire Chief requested a Knox Box key-box be attached to the building containing a key accessing all locks to the building. The Fire Chief also requested a separate Knox Box key-box be attached to the driveway gate to enter afterhours, and that the driveway and parking areas remain clear to allow fire apparatus access. This would include, but not be limited to, snow removal, a solid roadway, and any overhanging wires or branches from planted or existing trees be high enough for apparatus to safely go under.
 8. Applicant shall submit an approved State Wetland Permit prior to obtaining a zoning permit.
 9. The following members of the Georgia Planning Commission were present for the site plan amendment review public hearing on September 28, 2021, constituting a quorum: Suzanna Brown, Tony Heinlein, Greg Drew, and David Vincent. The following members of the Georgia Planning Commission were present for the site plan amendment review continued public hearing on October 26, 2021, constituting a quorum: Suzanna Brown, Greg Drew, Dave Vincent, Maurice Fitzgerald and Tony Heinlein. See the official meeting minutes for a list of others present at the meeting.
 10. The regulations in effect at the time of the decision: Town of Georgia Development Regulations, last amended October 14, 2013.

CONCLUSIONS

1. Applicant has submitted all relevant site plan information required by the Town of Georgia Development Regulations.
2. Approval of the site plan amendment is based on all site plan documents submitted and contained in the Town of Georgia, Town Garage, file.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia Planning Commission approves Applicant's Site Plan Amendment adjust the placement of the 14,880 square foot municipal highway garage and related infrastructure north to avoid wetlands with the following conditions:

1. The final Mylar Site Plan and Survey Plat shall be signed by the chair of the Planning Commission and filed with the Town Clerk within 180 days of the Planning Commission's amended final approval. One 90-day extension may be granted by the Planning Commission.
 - a. 180 days from November 23, 2021, is May 22, 2022.
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 180 days of the date of this decision Mylars and one scaled paper copy of each Mylar of the Final Site Plans shall also be submitted to the Zoning Administrator. Site Plan details shall include the following:
 - a. The building envelopes showing proposed setbacks.
 - b. Proposed building.
 - c. Calculated metes and bounds for all rights of way and easement areas.
 - d. Wastewater details with associated isolation areas.
 - e. Drilled well and well isolation areas.
 - f. Drainage details.
 - g. Erosion control details.
 - h. Stormwater details.
 - i. Contour lines at a minimum of 5' intervals.
 - j. Existing and proposed utilities (power lines serving each proposed building).
 - k. Existing and proposed driveways, parking area and proposed and future sidewalks.
 - l. Landscaping details, including a list of numbers, types and size of trees and shrubs to be planted.
 - m. Typical cross sections of the proposed grading of the driveway, parking, and sidewalks.
 - 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. A 15' wide sidewalk easement located along the Ethan Allen Highway, at the easterly property line, with metes and bounds calculated.
 - p. The wastewater easement located along the northern property line and northwest corner of the lot in favor of the existing town highway garage parcel, with metes and bounds calculated.
 - q. Planning Commission and Town Clerk signature blocks.

4. Each 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.
5. The Applicant can use a mix of fencing and boulders to monument the wetland buffers on the subject parcel as well as the adjoining Town owned parcel that currently has the rummage building located on it. All monumenting devices shall be maintained in perpetuity.
 - a. Boulders shall follow the most recent Town Zoning Regulations and be at least 3 cubic feet in size and placed every 20'.
6. In the wetland and wetland buffer the following items and activities are prohibited:
 - a. Motorized vehicles
 - b. Mowing or cutting of trees (except for hazard trees)
 - c. Livestock and pets (domestic or otherwise)
 - d. Storage of items (ex: trucks, trailers, equipment, building materials, etc.)
- 7.
8. Applicant shall follow all instructions listed in their State issued Wetlands Permit.
9. The class II wetland located on the parcel shall be used as a public education and teaching area, demonstrating the importance of maintaining wetlands and their buffers. Following the instructions of the State Wetland permit, the required additional wetland planting shall be a public activity.
 - a. The community shall be encouraged to participate in the wetland planting.
 - b. Within the next five years signage and trails for public education shall be installed, under the advisement of the Conservation Commission.
 - c. Any infrastructure associated with public education and maintenance thereof shall be treated as Town Common Property and be funded through available grants and the Town's Buildings & Grounds budget.
10. For fire protection, Applicant shall install a Knox Box key-box attached to the building containing keys to access all locks to the building. A separate Knox Box key-box shall be attached to the driveway gate to gain entry afterhours. The driveway and parking areas shall remain clear to allow fire apparatus access. This would include, but not be limited to, snow removal, a solid roadway, and any overhanging wires or branches from planted or existing trees be high enough for apparatus to safely go under.
11. The construction of the 14,880 square foot highway garage shall follow the approved amended plans, as set forth in the plans and exhibits as approved by the Planning

Commission and on file in the Town Office, and in accordance with the conditions of this approval.

12. Applicant shall be required to obtain a building permit from the Zoning Administrator prior to the construction of the proposed buildings.
13. Prior to the issuance of a Certificate of Occupancy, Applicant shall submit to the Zoning Administrator a letter from a licensed engineer or excavator stating the driveway was built to the current Town Standards.
14. Areas exposed during construction shall be treated in a manner consistent with the procedures contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by Vermont's Department of Environmental Conservation.
15. Applicant is responsible for acquiring any and all necessary state permits required for this proposal. Copies of all required state permits shall be provided to the Zoning Administrator for submission into the planning files.
16. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Planning Commission and on file in the Town Office, and in accordance with the conditions of this approval.
17. 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, their heirs, successors, 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 23rd day of November 2021.

By: Suzanna Brown
Suzanna Brown
Georgia Planning Commission Chair

Vote to approve: In Favor - 6, Opposed - 0, Absent - 0.

In Favor- Suzanna Brown, Greg Drew, Tony Heinlein, David Vincent, and Maurice Fitzgerald.
Absent - None

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 Planning Commission at 47 Town Common Rd. North, St. Albans, VT 05478-6089. Please contact the VT Environmental Court for more information on the filing requirements, fees, and current mailing address.