

**TOWN OF GEORGIA
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION
FP-001-24**

**Owner/Applicant: Sandy Birch Road, LLC
Final Plat for a Seven (7) lot Major PUD Subdivision**

This matter came before the Georgia Development Review Board (DRB) on the application of Sandy Birch Road, LLC, hereafter referred to as Applicant, for Final Plat approval of a seven (7) lot major PUD subdivision on the property owned by Applicant on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and located in the AR-3 zoning district. A Notice of Public Hearing was duly published on June 28, 2024, in the St. Albans Messenger, and all adjoining property owners were notified.

The DRB held a public hearing on July 16, 2024. Applicant's engineer, Brad Ruderman, Brad M. Ruderman & Associates, was present.

Applicant has submitted a site plan titled Applicant has submitted the following site plans prepared Brad M. Ruderman & Associates, Inc. and titled "Sandy Birch Road LLC- Phase II Overall Site Plan" and "Sandy Birch Road LLC- Phase II Detailed Site Plan" both dated 5/20/2024.

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 December 19, 2023, April 16, 2024, and July 16, 2024, 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 seven (7) lot major PUD subdivision on the property owned by Applicant on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and located in the AR-3 zoning district. Sketch plan review was conducted on December 19, 2023, and the associated sketch plan letter was mailed to the Applicant on February 21, 2024. Preliminary Plat review was conducted on April 16, 2024 and the associated preliminary plat decision letter was mailed on May 3, 2024.
2. The subject parcel is \pm 34 acres and is entirely located within the AR-3 zoning district. As proposed, the land meets the requirement for the subdivision with acreage and use as

required by the current Town of Georgia Development Regulations dated February 27, 2023.

3. Applicant proposes to subdivide one lot to create seven (7) lots with one lot of open space and six (6) new single-family dwelling lots:
 - Proposed Lot 14 will consist of ± 27.5 acres of designated common land
 - Proposed Lot 15 will consist of ± 0.66 acres.
 - Proposed Lot 16 will consist of ± 0.74 acres.
 - Proposed Lot 17 will consist of ± 2.02 acres.
 - Proposed Lot 18 will consist of ± 1.44 acres.
 - Proposed Lot 19 will consist of ± 0.69 acres.
 - Proposed Lot 20 will consist of ± 0.92 acres.
4. The seven (7) new lots are proposed to be serviced by a private road located within a 60' wide right-of-way easement off Sandy Birch Road. A 24-foot-wide private road will be constructed to comply with the Town of Georgia Private Roads and Driveway Policy (February 28, 2020) and A-76 standards.
5. Applicant has requested three (3) Waivers, (1) Applicant requests a waiver for use of the 60-foot right-of-way in lieu of lot frontage; (2) Applicant requests a waiver for road frontage on Lot 17; and (3) Applicant requests a waiver to follow the Phase I project with a designated walking path (striped path) along one edge of the proposed private road in lieu of sidewalks.
6. Applicant has 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. Applicant has submitted an application for private road name to the Zoning Administrator for Town of Georgia and E911 compliance.
8. Applicant has submitted ACT 250 Land Use permit, as well as all necessary water/wastewater, stormwater discharge, and stormwater construction permits.
9. The following members of the DRB were present for the Final Plat public hearing on July 16, 2024, constituting a quorum: Suzanna Brown, Charles Cross, Greg Drew, Gilles Rainville Jr, Glenn Sjoblom, Chris Caspers and Jared Waite. 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**, amended February 27, 2023.

CONCLUSIONS

1. The Applicant has 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 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 based on all sketch plan and preliminary plat plans contained in the Sandy Birch LLC SK-006-23 and PR-002-24 folders in the DRB files.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Final Plat for seven (7) lot major PUD subdivision is subject to the conditions listed below:

1. The submitted plans shall indicate the following:
 - a. Identifying information of the subdivision, boundaries, and general location in relation to existing streets; scale; date; true north point; zoning district designation; name and address of record owners; and the name, license number and seal of the licensed land surveyor and licensed engineer or site tech.
 - b. Lots within the subdivision shall be numbered.
 - c. Building envelopes showing proposed setbacks.
 - d. Calculated metes and bounds for all rights of way and easement areas.
 - e. Wastewater details with associated isolation areas, calculated metes and bounds of any easements.
 - f. Drilled wells and well isolation areas.
 - g. Drainage details.
 - h. Erosion control details.
 - i. Stormwater details.
 - j. Proposed contour lines at 5' intervals.
 - k. Existing and proposed utilities
 - l. Existing and proposed driveways.
 - m. Existing landscaping details.
 - n. Typical cross sections of the proposed grading of roadways.
 - o. 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%.
 - p. 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 submitted on Mylar measuring 18” by 24” with signature, 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-002-24.
 - b. Approval expires January 16, 2025.
4. All Waivers listed in number 5 in the Finding of Fact above have been approved.
5. Applicant will submit draft deed and HOA language for the seven (7) lots. All documents will require legal review by the Town of Georgia. Applicant has submitted \$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 filing the final plat on mylar.

6. The HOA Documents for this subdivision shall include maintenance and use of the private road, shared well, septic, landscaping, and maintenance of open space. HOA documents should also include language restricting the use of motorized vehicles in the open space, as well as restricting the cutting of trees and mowing on the property wetlands and buffer.
7. Placards shall be installed in place of boulders to delineate the wetland buffers. At least one placard with mowing restrictions in the wetland buffers must be placed on each property. The placard will read “Wetland Buffers: Do Not Disturb”. These signs must be maintained in perpetuity. Boulders shall be installed at the entrance to the walking trail to deter motorized vehicles.
8. Prior to the commencement of any construction of additional structures on any of the six (6) buildable lots or additional land development, Applicant shall obtain requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the setback

requirements of the zoning district as identified in the Dimensional Standards for Structures and Lots Section, 2.3 Town of Georgia Development Regulations.

9. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project.
10. 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.
11. The current proposed road is being handled as a private road. Further discussion, which 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 the process and timing of making all or part of the proposed road a Town of Georgia public road.
12. All general improvements shall be completed (road paving, screening, signage, E911, etc.) before the final Certificate of Occupancy will be issued or after three (3) years- August 6, 2027- whichever comes first or with an application for extension submitted to the Zoning Administrator.
13. 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.
14. Prior to issuance of any Certificate of Occupancy for the last house to be built within this 7-Lot major subdivision or 3 years from the date the Mylar's are filed in the town records, whichever comes first, a letter by a licensed engineer shall be submitted to the Zoning Administrator stating that the private road has been paved and the walking path has been delineated.
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.

Dated at Georgia, Vermont, this 6th day of August, 2024.

By _____
Suzanna Brown
Georgia DRB Chair

DRB members participating in this decision: Suzanna Brown, Charles Cross, Greg Drew, Gilles Rainville, Jr., Glen Sjoblom, Chris Caspers and Jared Waite.

Vote to approve: In favor - 7, Opposed - 0, Abstain – 0, Absent 2.

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.