

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

**NOTICE OF DECISION
FP-004-23**

**Owner/Applicant: Jamie St. Pierre
Final Plat for a 4-lot Major PUD Subdivision**

This matter came before the Georgia Development Review Board (DRB) on the application of Jamie St. Pierre, hereafter referred to as Applicant, for Final Plat approval of a 4-lot major PUD subdivision on the property owned by Applicant at Polly Hubbard Road, Parcel ID #111400300 in the AR-1 zoning district. A Notice of Public Hearing was duly published on August 18, 2023 in the St. Albans Messenger, and all adjoining property owners were notified.

The DRB held a public hearing on September 5, 2023. Applicant’s engineer, Michael Gervais, was present.

Applicant has submitted a site plan titled “PL-3” dated 3/20/2023 and revised 7/17/2023 as prepared Barnard & Gervais, LLC and Four Lot Subdivision Vicinity Map “SK-1” dated 3/20/2023.

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 January 17, 2023 and April 18, 2023, 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 4-lot major PUD subdivision at Polly Hubbard Road in the AR-1 zoning district. Sketch Plan Review was conducted on January 17, 2023 and Preliminary Plat Review was conducted on April 18, 2023.
2. The subject parcel is located at Polly Hubbard Road and consists of ±15.06 acres. The parcel is entirely located within the AR-1 zoning district. As proposed, the land meets the requirement for the subdivision with setbacks, road frontage and acreage as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023. Applicant has requested Waivers for some setbacks and road frontage.
3. As presented in PC-006-21, *Applicant requested a Density Bonus. Applicant submitted revised site plans clustering of development, and out of the primary agricultural soils.*

*Applicant is proposing a 4.92 +/- open land be kept within a "Right to Farm Covenant"
Applicant is requesting Planning Commission consider a bonus lot as outlined in #8 of the
planning commissions previous July 23, 2019 sketch letter and approved during the
second Sketch Plan and Preliminary Plat Review, December 8, 2021.*

4. Lot Description:
 - Proposed Lot 5 will consist of ±2.34 acres.
 - Proposed Lot 6 will consist of ±2.56 acres.
 - Proposed Lot 7 will consist of ±1.8 acres.
 - Proposed Lot 8 will consist of ±8.39 acres, of which ±4.92 acres Open Space for PUD (20% total acreage) is included in this total.
5. Town of Georgia Fire Chief reviewed and approved the 4-lot subdivision indicating the ability to provide emergency services to the proposed development.
6. The following members of the DRB were present for the Final Plat public hearing on September 5, 2023, constituting a quorum: Suzanna Brown, Charels Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville Jr. and Glenn Sjoblom. See meeting minutes for a list of others present.
7. 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.

CONCLUSIONS

1. The applicants have 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 3.5, Planned Unit Development and 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 is based on all plat and sketch plan documents contained in the St. Pierre SK-001-23, PR-001-23 and FP-004-23 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 four lot major PUD subdivision and site plan 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 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. The Final Plat shall be submitted on Mylar measuring 18" by 24" with Town of Georgia signature block, 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 PC-006-21 and PR-001-23.
 - b. Approval expires April 1, 2024.
 4. The following language shall be placed on the Mylar for the proposed common area: "Open land be held as "Right to Farm Covenant". There will be no further development of the ±4.92-acre open land."
 5. The single-family dwelling to be constructed on Lot-5 shall not exceed 1,500 sq ft of above grade habitable living space. No increase of the above grade square footage for Lot-5 shall occur for a minimum of 5 years from the date of the approved Certificate of Occupancy. A note shall be added to the Site Plan Mylar and language shall be included within relevant deeds and the HOA Covenants stating same.

6. Deed languages for the lots shall include all state permits, ACT 250, Wetlands, as well as including an amendment to the existing water supply and wastewater disposal permits and existing stormwater permits as required.

Deed language and Mylar shall also indicate an easement across Lot 8 for abutter access to wastewater system.

7. The HOA Documents for this PUD shall include maintenance and use of the private road, gravel wetland, shared septic system and individual well. HOA documents should also include the open space, restrictions on mowing any wetlands properties, and should also include restrictions on cutting trees in the 50 ft buffer on Lot 6, except for dying or diseased trees.
8. Prior to the commencement of any construction of additional structures on any of the four lots or additional land development, Applicant shall obtain requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the setback requirements as agreed upon in the Preliminary Plat decision.
9. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project.
10. 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 Private Road has been constructed to pursuant to Public and Private Road Standards as outlined in Section 7.11 Town of Georgia Development Regulations.
11. The road shall be paved with a minimum of 2” of asphalt pavement and have a cul-de-sac. The private road shall meet the requirements set forth within the Town of Georgia Ordinance Regarding Street Naming and Street Addressing, dated 4/28/23.
12. The private driveways shall be delineated on the Site Plan Mylar and shall include a hammer head type turn around on each driveway. Any driveways must be constructed in accordance with the driveway standards of the Town of Georgia.
13. Legal documents addressing the conveyance of all easements through the creation of a homeowners’ association (HOA) including the responsibility of private road repairs, improvement, maintenance, replacement and snow removal; and the responsibility for construction, improvement, maintenance, repair, replacement and ownership of all open space, or shared public infrastructure (stormwater, wastewater, water, open space, restrictions of the common land, etc.), shall be submitted to the Town of Georgia Planning Coordinator (planning@townofgeorgia.com) for independent technical review by the Town’s attorney. A check for \$500.00 shall be submitted to The Town of Georgia Treasurer to be held in escrow for payment of legal review by the Town’s attorney. Any unused portion of said \$500.00 shall be returned to the Applicants after all requested revisions and final review has been completed. If the costs of review by the Town’s attorney exceeds the escrowed

amount, the Applicants shall be required to pay any and all fees for review by the Town's attorney in excess of the escrowed \$500.00 prior to final Mylar recording. Legal documents requiring the Town's signature will need to be approved by the Selectboard. **Approved legal documents shall then be executed and recorded in the Georgia Land Records prior to final Mylar recording.**

14. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the lot.
15. The development plan shall fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading. Existing natural drainage patterns shall be preserved wherever possible. Only areas where active construction is taking place should be exposed. All other areas shall be protected by vegetative and structural control measures. Seed and mulch will be applied as soon as possible to disturbed soils.
16. Prior to the issuance of any Certificate of Occupancy for any dwelling constructed within the subdivision, Applicants, assigns, and successors shall record a Vermont Building Energy Standards Certificate (RBES) in the Land Records and a copy of same shall be submitted to the Zoning Administrator.
17. Prior to final Mylar recording, the conditions of this decision shall be recorded in the Georgia Land Records.
18. 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.
19. 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.
20. 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 3rd day of October, 2023.

By _____
Suzanna Brown
Georgia DRB Chair

DRB members participating in this decision: Suzanna Brown, Charles Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom.

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

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.