

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

**NOTICE OF DECISION
SA-001-23**

**Owner/Applicant: Kevin Camisa, 17 Black Walnut, LLC
Application for Site Plan Amendment**

INTRODUCTION

This matter came before the Town of Georgia Development Review Board (DRB) on the application of Kevin Camisa, 17 Black Walnut, LLC, hereafter referred to as Applicant, for site plan amendment approval to allow for the Site Plan Approval expiration dates of SP-001-21, SP-002-21 and SP-003-21 to be extended from the default date of 1/22/2024 to 6/1/2029. Applicant also requests that CU-002-21 expiration of 9/7/2026 be extended to 6/1/2029.

The subject parcels are located between 26 Ballard Road and 104 Ballard Road, near Ethan Allen Highway and within the South Village (SV) zoning district. The total acreage for the three named parcels are ±6.26 acres in size.

Notice of Public Hearing was duly published in the St. Albans Messenger on September 5, 2023, and all adjoining property owners were notified.

The DRB held a public hearing on September 19, 2023. Applicant and engineer were present at the hearing. No other interested parties were present.

Based on the above-mentioned public hearing, Site Plan Amendment Project Narrative, and additional documents contained in the zoning files for this project, the DRB enters the following Findings of Fact, Conclusions and Decision.

FINDING OF FACT

NOTE: The application, any and all relevant evidence presented to the DRB, and the minutes of the hearing conducted by the Town of Georgia Development Review Board on September 19, 2023, 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. This official record shall provide additional basis for the DRB's decision.

1. Applicant submitted Site Plan Amendment application for approval to allow for the Site Plan Approval expiration dates of SP-001-21, SP-002-21 and SP-003-21 to be extended from the default date of 1/22/2024 to the "Commencement Deadline" of the Town Highway Improvement License Agreement of 6/1/2029 as allowed in accordance with Section 3.3(E)(2) of the Town of Georgia Development Regulations (2/27/2023).

2. Applicant also requests an extension of the 9/7/2026 expiration of CU-002-21, for the Level 2 Daycare, also be extended to 6/1/2029 in accordance with Section 3.2(F)(2) of the Town of Georgia Development Regulations (2/28/2023).
3. Extensions are allowed through the Town of Georgia Development Regulations (2/27/2023) Section 3.3(E)(2):

Expiration. For commercial uses in the I-1, I-2, SV, and B districts the DRB may approve an expiration date beyond what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

And Town of Georgia Development Regulations (2/27/2023) Section 3.2(F)(2):

Expiration. For commercial uses in the I-1, I-2, SV, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

4. A hearing was conducted on September 19, 2023. A Notice of Public Hearing was duly published in the St. Albans Messenger on September 5, 2023, and all abutting property owners were notified. No objections were entered on the record.
5. The following members of the Development Review Board (DRB) were present for the site plan amendment review public hearing on September 19, 2023, constituting a quorum: James Powell, Charles Cross, Greg Drew, Gilles Rainville, and Lisa Faure. See the official meeting minutes for a list of others present at the meeting.
6. The regulations in effect at the time of the decision: Georgia Town Plan, last amended September, 2017; Town of Georgia Development Regulations, last amended February 27, 2023.

CONCLUSIONS

1. Applicant has submitted all relevant site plan amendment information required by the Town of Georgia Development Regulations.
2. The approval of this site plan amendment is based on all final plat, site plan and conditional use documents contained in the 17 Black Walnut, LLC zoning file.

DECISION

Based on the Findings of Fact and Conclusions set forth above, the Town of Georgia DRB **APPROVES REQUEST FOR SITE PLAN AMENDMENT** to allow for expiration dates of

SP-001-21, SP-002-21, SP-003-21, and CU-002-21 21 to be extended to 6/1/2029, subject to the following conditions:

1. All previous conditions as set forth in the DRB's Decisions for this project shall remain in full force and effect.
2. 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.
3. The remaining work necessary to obtain all approvals for this project include amending the Site Plan per Condition 9, filing construction and operational public water supply permit applications, filing amended wastewater permit application and filing Act 250 permit application.
4. 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 ____ day of October 2023.

By _____
Suzanna Brown
Georgia DRB Chair

DRB members participating in this decision: James Powell, Charls Cross, Greg Drew, Gilles Rainville, and Lisa Faure

Vote to approve: In favor - 5, Opposed - 0, Abstain – 0, Absent - 2

In favor:, James Powell, Charles Cross, Greg Drew, Gilles Rainville, and Lisa Faure

Opposed: None

Abstain: None

Absent: Suzanna Brown and Glenn Sjoblom

Reconsideration Information:

The Applicant has the ability to request a reconsideration of the DRB's decision, pursuant to Section 8.6 – Reconsideration. A request by the Applicant or interested parties must be submitted to the ZA Office within the 30-day appeal period in accordance with Section 8.7(B).

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.