

**TOWN OF GEORGIA  
DEVELOPMENT REVIEW BOARD  
FINDING OF FACTS, CONCLUSION, AND DECISION**

**NOTICE OF DECISION  
CU-002-23**

**Owner/Applicants: Anthony McCracken, Moose Mountain Creations, LLC  
Application for Temporary Conditional Use**

**INTRODUCTION**

This matter came before the Town of Georgia Development Review Board (DRB) on the application of property owner/applicant Anthony McCracken, Moose Mountain Creations, LLC hereinafter referred to as Applicant, for conditional use to operate retail sales of manufactured sheds and out-buildings at 1149 Ethan Allen Highway in the South Village (SV) zoning district. The subject parcel is ±9.57-acres in size, with Parcel b ±8.47728 acres, and benefitted by ±85 ft of frontage along Ethan Allen Highway.

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 conducted a public hearing on this application on September 19, 2023. Applicant Tony McCracken and Butch McCracken were present.

Applicant submitted an untitled and undated self-drafted site plan.

**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. The retail space to be utilized on the property for shed sales is ±3,000 ft (12 ft by 250 ft) and will be 100% dedicated toward the business. This will account for less than five percent of the parcel acreage.
2. Operation of a retail store is a conditional use in the SV zoning district. Site plan approval is also required.

3. Applicant is requesting temporary conditional use approval for this location. Applicant stated the timeframe for sales of sheds and outbuildings at the 1149 Ethan Allen Highway location will be for a period of five (5) years.
4. Per the Town of Georgia Development Regulations (02.27.23) *Retail Store* and *Rural Retail* are defined as:

***Retail Store.*** Establishment appropriately open to adults and minors selling products such as, but not limited to, food, dry goods, novelties, flowers, gifts, books, music, stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel, photographic supplies, hobby, toy and game shops, art supplies, newspapers and magazines, tobacco products, and drug stores, and excluding motor vehicle sales, recreational vehicle sales, and mobile home sales and service.

***Rural Retail.*** Establishment selling goods made from products raised or made on the premises, galleries, and shops associated with outdoor recreation facilities on the premises.

5. There are no proposed hours of operation for this retail space, the sheds and out-buildings available for sale will be left out on the property at all times.
6. The retail space is for product display only and would not need any utilities, wastewater disposal or lighting to complete the display area. No office space is required on the site as Applicant has a transaction center located at 172 South Main Street, St. Albans, Vermont.
7. Applicant proposed 3000 sq ft of use for this location.
8. Applicant has indicated that the operation of a retail shed sales at 1149 Ethan Allen Highway meets the General Standards for Approval and Performance Standards outlined in the current Development Regulations.

### **CONCLUSION**

The Board concludes as follows:

1. Applicant has submitted all relevant information required by the Town of Georgia Development Regulations (02.27.23).
2. This application was reviewed under the following: Article 2, Sections 2.2 (Uses) and 2.3, (Dimensional Standards); Article 3, Section 3.2 (Conditional Use Approval); and Definitions.

3. The approval of this Conditional Use application is based on all plans and documents submitted and contained in the zoning file for this project.

### DECISION

Applicant's request to operate a 3000 sq ft outdoor retail sales space at 1149 Ethan Allen Highway is hereby **GRANTED ON A TEMPORARY BASIS** subject to the following conditions:

1. The conditional use approval shall expire five (5) years from the date of signed decision.
  - Approval expires October 3, 2028
2. The driveway shall meet the Town of Georgia Private Road & Driveway Standards (04.24.23).
3. While sidewalks are required pursuant to Section 7.8 – Pedestrian Accessibility, due to the temporary nature of the request, Applicant is not being required as part of the conditions for this decision. Future development of this location shall not be exempt from this requirement.
4. Applicant shall construct, maintain, and operate the proposed business in strict conformance with the conditional use plans and project description submitted with the application.
5. If Applicant wished to install a sign, Applicant shall obtain a sign permit from the Zoning Administrator. Pursuant to the Town of Georgia Development Regulations a wall sign is defined as the following:
  - *Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.*
6. Applicant shall submit the VTrans permit, as well as any municipal and state permits for this project; copies of the same shall be provided to the Zoning Administrator.

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.