

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

NOTICE OF DECISION

PC-021-09

**Owner: Georgia Farmhouse Landholdings, LLC
Applicant: Paul Maffin and Redeeming Grace Church
Site Plan Review**

This matter came before the Georgia Planning Commission on the application of Paul Maffin and the Redeeming Grace Church, hereafter referred to as the Applicant, for approval of a Site Plan to construct a church on Ballard Road. A Notice of Public Hearing was duly published in the Buyer's Digest on June 3, 2009, and all adjoining property owners were notified.

The Planning Commission held a public hearing on June 23, 2009. The Applicant, Andy Hoak of Ruggiano Engineering, and Michael Dugan, Architect, were present at the hearing.

The Applicant submitted plans entitled: Redeeming Grace Church, Ballard Road, Georgia, Vermont "Existing Conditions Plan", sheet C-1; Site Plan; "Proposed Site Plan", sheet C-2; "Wastewater System Plan & Details", sheet C-3; "Details", sheet C-4, all dated 5/08/09, and prepared by Ruggiano Engineering, Inc.; and Elevation Drawings, sheets A-2 and A-3, dated May 12, 2009 and prepared by Michael Dugan.

Based on the above-mentioned public hearing and the 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 hearing conducted by the Town of Georgia Planning Commission, and all relevant information from public records and sources, 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 additional basis for the Commission's decision.

1. The Applicant, is hereby requesting Site Plan approval to construct a ±7700 square foot church with seating capacity for 300, offices, classroom, and kitchen on the north side of Ballard Road in the B1 Zoning District.
2. The subject parcel is 44.4 acres and is currently undeveloped. The land is gently sloped with on-site elevation ranging from 383' to 388'. Two significant Class Two wetlands are present. Existing vegetation is mixed with wooded and cleared areas

present on portions of the lot. The proposed location of the church building is at the south easterly corner of the parcel, which is primarily open field.

3. The church will be served by an on-site drilled bedrock well and mound septic system located toward the center of the parcel. A curb cut and entrance drive is proposed on the north side of Ballard Road aligned with Manor Drive on the south side of Ballard.
4. The entirety of the subject parcel is in the B1 Zoning District. The following table outlines the required standards and those proposed by the Applicant.

	<u>B1 Requirement</u>	<u>Proposed</u>
Lot Size	1 acre/Use	Proposed 44.4 acres
Setbacks		
Front yard	75' from center line	75'
Side & Rear yard	20' from lot lines	+60' to easterly lot line +800' to westerly lot line +1500' to rear lot line
Lot Coverage	Maximum 75% or 33 acres	<.5 acres
Building Height	35'	+60' to top of steeple

5. The Steeple height will require Conditional Use Approval from the Zoning Board of Adjustment. Applicant is scheduled with the ZBA on July 20th.
6. The Church will be served by a 24' wide access drive off of Ballard Road directly across from Manor Drive. The drive circles the church building providing ample on-site vehicular circulation.
7. The Applicant has received an Access Permit for the curb cut from the Road Commissioner.
8. Pursuant to Section 5030 of the Zoning Regulations, a church requires one space for every six seats in the principal assembly room. Based on 300 seats, 50 parking spaces are required. Applicant's plans show 56 proposed parking spaces, including two designated handicapped spaces at the easterly entrance. Fourteen (14) parking spaces are shown along the easterly side of the church; 20 parking spaces are shown to the north of the church; and 22 parking spaces are shown on the westerly side of the church building.
9. The plans show gravel pedestrian walkways along the easterly, westerly, and southerly sides of the church building, designed to guide pedestrians from the designated parking areas to the church building.

10. Plans show a 60' ROW along the easterly property boundary line from Ballard Road to an agricultural mitigation area required as part of the Act 250 review. Applicant testified that they are willing to convey an easement in favor of the Town of Georgia across this ROW for possible use as a future Town road.
11. The Applicant also testified that they will grant a 10' easement along the entirety of the Ballard Road property boundary to the Town for future sidewalk or utility infrastructure construction.
12. The Applicant proposes to remove the existing vegetation along the front of the church along Ballard Road. The Applicant testifies that selective tree plantings will replace the existing trees. Applicant also testifies that additional plantings will be placed around the church building. Additionally, a cedar hedgerow is proposed to screen the westerly parking lot.
13. Proposed on-site drainage includes grass swales along the access drive, sheet flow from parking areas, walkways and the rooftop will be infiltrated into adjacent grassed areas.
14. Christopher Gonyeau, Georgia Fire Chief, has reviewed the plans and sees no major concerns with the project provided all State fire codes are met.
15. Three significant Class 2 Wetlands are present on the subject parcel. Applicants had Peter Spear of Natural Resources Consulting Services conduct in the field delineation of the wetland resources and its associated 50' buffer. A letter from State Wetlands Ecologist, Julie Foley, confirms that plans avoid the Wetland areas and do not require a CUD.
16. The Applicant proposes 3 building mounted lights at church entryways, and two pole mounted lights: one at the southerly side the westerly parking area, and one at the southerly side of the northerly parking area.
17. Site Plans do not show signage details. Applicants will apply for a sign permit from the ZBA when they go before the Board for the Conditional Use for the church steeple.
18. The subject proposal requires the following State level permits: Wastewater and Potable Water Supply Permit, Act 250 Permit amendment, and a Construction General Permit.
19. The Site Plan application was received on May 1, 2009, and consisted of maps, plans, and correspondence, all of which is contained in the document file for the application. The Planning Commission reviewed the Applicant's Site Plan application on June 23, 2009.

20. The following members of the Planning Commission were present for the Site Plan public hearing constituting a quorum: George Bilodeau, Brian Dunsmore, Fred Grimm, Tony Heinlein, Paul Jansen, Peter Pembroke, and Becky White. See the official meeting minutes for a list of others present at the meeting(s).
21. The regulations in effect at the time of the decision: Town Plan, last amended September, 2006; Zoning Regulations, last amended June 2009; Subdivision Regulations, last amended September, 2005.

CONCLUSIONS

1. The Applicant has submitted all relevant information required by the Georgia Zoning Regulations.
2. This application was reviewed as a Site Plan pursuant to the requirements and standards outlined in the Zoning Regulations. Particularly, it was reviewed under the B1 Zoning District requirements in Section 3080 of the Zoning Regulations and the Site Plan Standards in Section 4050 of the Zoning Regulations. The application was deemed consistent with these standards and requirements.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia Planning Commission approves the Site Plan subject to the conditions listed below. One Mylar copy and one paper copy of the final Site Plan with all applicable revision shall be submitted to the Planning Office.

This approval is subject to the following conditions:

1. A Mylar copy of the Proposed Site Plan must be signed by the chair of the Planning Commission and filed with the Town Clerk within 180 days of the Planning Commission's final approval.
2. The Proposed Site Plan shall be revised to show the following: a 60' ROW easement in favor of the Town of Georgia along the easterly property boundary line to the agricultural mitigation area; and a 10' wide easement in favor of the Town of Georgia along the entirety of southerly property boundary along Ballard Road.
3. Conveyance of the easements to the Town of Georgia shall be incorporated into the warranty deed at the time of property transfer to the Applicant.
4. Prior to obtaining a Building Permit, the Applicant shall submit a copy of the warranty deed with the ROW conveyance to the Zoning Administrator.

5. A 30' paved apron shall be constructed on the access drive at the intersection with Ballard Road to prevent gravel from entering the Roadway.
6. The Applicant shall construct a 5' sidewalk in the Ballard Road ROW. The sidewalk shall run from the easterly property line to the access drive then from the westerly side of the access drive to meet up with the pedestrian walkway running along the easterly side of the church building.
7. The Sidewalk shall be 5' wide and uncurbed with a minimum 3' wide green strip of lawn between the edge of the roadway and sidewalk. Sidewalks shall be placed toward the outer edge of the ROW. Construction and dimensional details shall conform to Vermont Agency of Transportation (VAOT) "C-2B" Standard for sidewalk construction, the VAOT Pedestrian and Bicycle Planning and Design Manual, and Americans with Disabilities Act Accessibility Guidelines (ADAAG).
8. The Applicant shall obtain an additional Town Access Permit for sidewalk construction in the Ballard Road ROW. The exact placement of the sidewalks shall be established in consultation with the Road Commissioner and the Planning Coordinator.
9. Landscape plantings shall be added at the south/westerly curve of the access drive to provide visual screening for adjacent properties.
10. Exterior lighting shall be designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties.
11. As requested by State Wetlands Ecologist, Wetlands and buffer zone shall no longer be mowed as field or lawn, as the agricultural exemption for the site will expire. A naturally vegetated buffer area should be maintained to protect the wetland resources.
12. Prior to the commencement of operations, landscaping shall be installed as shown on the Planning Commission approved site plans.
13. Prior to the commencement of operations, the driveway, parking area and sidewalks shall be constructed. All parking areas will be clearly defined and marked and their edges treated so as to prevent parking outside these designated areas.
14. This project remains subject to all of the terms and conditions of the Applicant's State Permits and all subsequent amendments to same.
15. The sequence of construction activities will be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place shall be exposed. All other areas should be protected by vegetative and structural control measures.

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. No changes, erasures, modifications, or revisions other than those required by this decision shall be made on the plat after Site Plan approval, unless said plat is first resubmitted to and approved by the Planning Commission. In the event the plat is recorded without complying with this requirement, the plat shall be considered null and void.
18. All plans, drawings, and conditions/requirements etc. listed above or submitted at the hearing and used as the basis for the decision to grant permit shall be binding on the applicant, and his/her 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 _____ day of _____ 2009.

By _____
Paul Jansen
Georgia Planning Commission

Vote to approve: in favor – unanimous, opposed – o, abstain - o.

Commission members participating in this decision: George Bilodeau, Brian Dunsmore, Fred Grimm, Tony Heinlein, Paul Jansen, Peter Pembroke, and Becky White.

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.