

**CAHILL, GAWNE, MILLER & MANAHAN, P.C.**

ATTORNEYS AT LAW  
42 NORTH MAIN ST  
PO BOX 810  
ST. ALBANS, VT 05478-0810  
(802)524-6211

JOSEPH F. CAHILL, JR.  
MICHAEL S. GAWNE  
DAVID G. MILLER  
MEGAN T. MANAHAN BLISS

ROBERT H. BROWN  
(1914-1990)

April 17, 2023

Doug Bergstrom, Zoning Administrator  
Town of Georgia  
47 Town Common Road North  
St. Albans, VT 05478

Re: BTMC, LLC  
1149 Ethan Allen Highway

Dear Doug,

Enclosed herein and filed on behalf of our client, BTMC, LLC is a permitted use application for its property at 1149 Ethan Allen Highway for retail store/sales. Upon previous inquiry to your office, I was informed by Colleen that applicants are to utilize the conditional use application for permitted use applications as there exists no designated permitted use application.

My client's request is for approval of a retail shed business to occupy less than 3,000 square feet. Pursuant to Article 2.2 of the Town's development review regulations this is a permitted use in the South Village Core district.

This use is consistent with BTMC, LLC's member Tony McCracken's previous related application and approval pursuant to Permit No. ZBA-001-21 which was approved by the ZBA on June 21, 2021, except that, notably, the property in question in that matter (7349 Ethan Allen Highway) is in the B zoning district wherein the retail use was a conditional use. In any event, the same use was approved in that matter with limited conditions as a conditional use, and in the relevant zoning district related to the present application, the use is a permitted use under the current regulations.

Upon confirmation that the application will be processed as a permitted use application, we will provide further information including but not limited to payment of the applicable fee and a site plan consistent with the regulations.

Until then, the following information outlines the nature of information requested in Item 6 of the application form:

The proposed use involves no permanent structures but rather proposes to use the land for retail location for placement of movable sheds and similar structures for viewing by potential customers. None of these structures will be permanently affixed to the property. There will be no retail office building or structure, nor any utility or wastewater services to serve the site. The location will be used only for display of sheds. Hours of operation will be limited to appointments only scheduled from 10am to 6pm Monday through Saturday and as such there will be no on-site employees. The expected traffic flow would be minimal, and certainly minimal in comparison to the adjacent businesses (a drive through bank and a service station). Ingress and egress will be by way of the existing drive with appropriate designated space for parking and vehicle movement. Finally, the applicant proposes the placement of one sign.

I look forward to hearing back from you and am happy to answer any questions or provide any additional information to assist with your review of this application pursuant to the Town's regulations.

Sincerely yours,



Megan T. Manahan Bliss, Esq.

MTMB  
Enclosure



# Town of Georgia

47 Town Common Road North. • St. Albans, VT 05478  
• Phone: 802-524-3524 • Fax: 802-524-3543 • website: townofgeorgia.com

Date Received: \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Ck # \_\_\_\_\_ CU - \_\_\_\_\_ - \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

## TOWN OF GEORGIA DEVELOPMENT REVIEW BOARD

**PERMITTED**

~~CONDITIONAL USE APPLICATION~~

### Applicant(s)

Name BTMC, LLC  
Address 1710 Bovat Rd  
City/State/Zip Fairfax, VT 05454  
Phone c/o CGMM: 802.524.5211  
Email c/o meganmanahan@bcgm.net

### Property Owner(s) if different

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

### CERTIFICATION OF APPLICANT

The undersigned applicant(s) hereby certifies that all information submitted on this application is true and accurate and that the information provided is complete.

4.17.23

Date

Tony McCracken, duly authorized agent of BTMC, LLC

Applicant  
Cathy McCracken  
Applicant

### PROPERTY OWNER AUTHORIZATION

The undersigned property owner(s) hereby certifies that the information submitted in this application regarding the property is true, accurate, and complete and that the Applicant(s) has full authority to request approval for the proposed use of the property and any proposed structures.

4.17.23

Date

Tony McCracken, duly authorized agent of BTMC, LLC

Property Owner  
Cathy McCracken  
Property Owner

1. **ABUTTING PROPERTY OWNERS**

List names and mailing addresses of all adjacent property owners including those across the road right-of-way and all property owners on a shared private right-of-way whether or not they abut the subject parcel. Please submit a stamped, addressed envelope for each property owner listed, together with a stamped, addressed envelope for Applicant/owner (use a separate sheet if necessary).

BTMC, LLC

RL Vallee, Inc. 1207 Ethan Allen Highway

Terry Rooney 1151 Ethan Allen Highway

2. **REQUEST FOR CONDITIONAL USE:** N/A

Section(s) \_\_\_\_\_ of the Town of Georgia Development Regulations.

3. **PROPERTY IDENTIFICATION:**

E911 Address Ethan Allen Highway #1149 or

Other identification: \_\_\_\_\_

Deed Reference: Book 389, Page 105

Subdivision Name (if applicable): \_\_\_\_\_

4. **ZONING DISTRICT:** SV

5. **PROPERTY DIMENSIONS:**

Lot size: 10.5 acres; or dimensions: \_\_\_\_\_

Lot frontage: 36 ft

6. **NATURE OF PROPOSED REQUEST:** Please provide a complete narrative on a separate sheet of paper describing the nature of the proposed request explaining in detail the proposed use(s) of the property. Please also address each of the following applicable elements in a descriptive manner: building size(s), type(s) and use(s) thereof, landscaping and/or screening, access to property, impact on traffic, internal circulation of vehicular and pedestrian traffic, parking requirements, lighting (size, type, location and number), number, size and location of proposed sign(s), proposed days and hours of operation, and proposed number of employees.

Development Review Board Conditional Use Application

7. **Title(s) of plans(s) submitted with application;** and, if applicable, firm which prepared plan; project number; date of plans and revisions. Site plans shall include, where applicable, the following:
- a) Identifying information including record owner of land, north arrow, date (including any revision dates), and scale.
  - b) Property lines and abutting streets.
  - c) Rights of way or easements affecting the property.
  - d) Location of existing and proposed buildings or structures including Interior floor plans indicating location and floor area of individual uses.
  - e) Height of existing and proposed buildings or structures.
  - f) Existing and proposed setbacks of all buildings or structures to property lines and/or public or private rights-of-way.
  - g) Existing and proposed lot coverage (in square feet) of all structures and hard surfaces.
  - h) Existing natural features of the site including water courses and applicable buffers, wetlands and applicable buffers, floodplains, trees, and other vegetation, etc.
  - i) Existing and proposed contours at no more than 5-foot intervals.
  - j) Location of existing and proposed utilities and facilities (water, septic, electric, telephone).
  - k) Location of existing and proposed roads, driveways, loading areas, outside storage areas, and pedestrian walkways.
  - l) Location and number of parking spaces pursuant to the requirements of Section 5.6 of the Development Regulations.
  - m) Location, type, size, and number of existing and proposed lighting fixtures.
  - n) Location and size of existing and proposed sign(s) (please provide sketch of each sign).
  - o) A landscaping plan indicating location, species, size and spacing of existing and proposed landscaping elements.
  - p) Building elevations drawings to scale for all proposed and/or modified buildings and any related buildings.

**Please provide one full size copy to scale, eight 11' x 17" copies & one electronic copy with application.**

N/A 8. **SPECIFIC AND GENERAL STANDARDS FOR CONDITIONAL USES:** Applicant must be prepared to address the specific standards for Conditional Use as set forth in each zoning district in the Town of Georgia Zoning Regulations. In addition, applicant must address the general standards for all uses as set forth in Title 24 V.S.A. Chapter 117 Section 4414(3) and Section 3.2 of the Town of Georgia Development Regulations as follows:

- a. Public facilities and services (including, but not limited to fire protection, schools, roads, and other municipal infrastructure) are reasonably available to serve the proposal or are planned and included in the Town Capital Budget and program to serve the proposal at the time anticipated for its completion:

---

---

---

---

---

Development Review Board Conditional Use Application

**b. The character of the neighborhood, area, or district affected will not be adversely impacted and that:**

**i) A nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the intended users, neighbors, or the citizens of the town;**

---

---

---

---

**ii) The proposed use or building and the relationship between the buildings and the land will be compatible with the purposes of the district and the character of the surrounding neighborhood and will not unduly detract from abutting residences or other property;**

---

---

---

---

**iii) Appropriate use or development of adjacent property will not be impeded; i.e., the scale of the proposed development in relation to existing and proposed uses and buildings and the effect of the proposed use on the continued enjoyment of and access to existing and approved uses in the vicinity of the proposed use will not be adversely impacted.**

---

---

---

---

**c. Traffic generated or patterns of ingress or egress will not cause congestion, hazard or detriment to the neighborhood or nearby intersections (the DRB may require a traffic study to determine compliance with this standard.**

---

---

---

---

**d. The proposed use is consistent with the purpose of the district, the Town Plan, the Town of Georgia Development Regulations, and other bylaws and ordinances adopted by the Town of Georgia.**

---

---

---

---

**e. That the utilization of renewable energy resources will not be adversely affected.**

---

---

---

---

Development Review Board Conditional Use Application

**9. PERFORMANCE STANDARDS:**

The proposed use:

- a.  will  will not emit noise in excess of 70 decibels at the property line or a noise which is considered offensive;
- b.  will  will not emit any odor, dust, dirt, or smoke which is considered offensive;
- c.  will  will not emit any noxious gases that endanger the health, comfort, safety or welfare of any person or that could cause injury or damage to property, business or vegetation;
- d.  will  will not cause as a result of normal operations a vibration that creates a displacement of 0.002 inches within the ground at the property lines;
- e.  will  will not have lighting or signs that create glare that could impair the vision of a driver of any motor vehicle;
- f.  will  will not cause a fire, explosion or safety hazard;
- g.  will  will not create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer;
- h.  will  will not interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

**10. OTHER PERMITS REQUIRED:**

This project will also require the following permits (local, state, federal):

---

---

---

---

**Decision of the Board**

Decision of the Zoning Administrator

Date: 5/11/23

Approved:

Denied:  **not an allowed use in SV District**

~~Note: You will receive a written Decision and Findings of Fact within 45 days of the close of the hearing.~~

*An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.*



VERMONT Parcel Viewer 0 Ethan Allen Highway Georgia X Q

Show search results for 0 Et...

- +
- 
- Home
- Location

44°41'51"N 73°06'06"W

