



GEORGIA

VERMON

In re: Sandy Birch Road LLC, Applicant
Permit Application No.: PR-002-24

Decision and Findings of Fact for Preliminary Plat Review

Dear Applicant/Owner,

After a duly warned hearing of the Development Review Board (DRB) on April 16, 2024, the following action was taken regarding your request:

APPROVED FOR FINAL PLAT APPLICATION WITH CONDITIONS

Note: The application, any and all relevant evidence presented to the Board, and the minutes of the Board at the hearings conducted by the Town of Georgia DRB on December 19, 2023, and April 16, 2024, 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/owner.

This official record shall provide an additional basis for the Board's decision.

Background:

This matter came before the Town of Georgia DRB on the application of Sandy Birch Road, LLC, hereinafter referred to as Applicant, requesting Preliminary Plat review for a 7-lot Major PUD subdivision located on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and located in the AR-3 zoning district. Notice of Public Hearing was duly published in the St. Albans Messenger on March 29, 2024, and all abutting property owners were notified.

The DRB conducted a public hearing on this application on April 16, 2024. Brad Ruderman, engineer was present at the meetings along with Tim Reed from Sandy Birch Road LLC. Interested parties in attendance included Richard Lagro, Ben Richards, Steve Meilleur, Laura Dapkiewicz, Michelle Smith, Kevin Camisa, Eric Bissonette, Carol Lavalley, Aaron Longchamp, and Sophie Singer. Applicants submitted a Preliminary Plat application and the Zoning Administrator presented a DRB report.

Finding of Facts:

1. The applicant is requesting preliminary plat approval for a 7-lot major PUD subdivision located on Sandy Birch Road between Sandy Lane and 1085 Sandy Birch Road, Georgia, Vermont, and

located in the AR-3 zoning district. Sketch Plan Review was held in front of the DRB on December 19, 2023.

2. The subject parcel is ±34 acres and is entirely located within the AR-3 zoning district. As proposed, the land meets the requirement for the subdivision with acreage and use as required by the current Town of Georgia Development Regulations dated February 27, 2023.
3. Applicant has requested three Waivers, (1) Applicant requests a waiver for use of the 60-foot right-of-way in lieu of lot frontage; (2) Applicant requests a waiver for road frontage on Lot 17; and (3) Applicant requests a waiver to follow the Phase I project with a designated walking path (striped path) along one edge of the proposed private road in lieu of sidewalks.
4. Applicant proposes to subdivide one lot to create seven (7) lots with one lot of open space and six (6) new single-family dwelling lots.
5. The seven (7) new lots are proposed to be serviced by a proposed private road located within a 60' wide right-of-way easement off Sandy Birch Road. A 24-foot-wide private road will be constructed to comply with the Town of Georgia Private Roads and Driveway Policy (February 28, 2020) and A-76 standards.
6. Applicant has provided an "Ability to Serve" letter from the Town of Georgia Fire Chief indicating the ability to provide emergency services to the proposed subdivision.
7. The following members of the DRB were present for the Preliminary Plat public hearing on April 16, 2024, constituting a quorum: Suzanna Brown, Charles Cross, James Powell, Gilles Rainville, Jr. and Lisa Faure. See meeting minutes for a list of others present.
8. 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.

Conclusion:

The Board concludes as follows:

1. The Applicant has submitted all relevant preliminary plat information required by the Georgia Development Regulations.
2. This application was reviewed as a major subdivision in the AR-3 zoning district pursuant to the requirements and standards outlined in Article 4, Subdivision Approval; Article 3.5, 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, with road frontage, right of way and sidewalk waivers granted.

3. The approval of the preliminary plat is based on all sketch plan and preliminary plat plans contained in the Sandy Birch LLC SK-006-23 and PR-002-24 folders in the DRB files.

Conditions for Final Plat Approval:

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Preliminary Plat for a 7-lot major PUD subdivision 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 and proposed 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. Within one year of Preliminary Plan/Plat approval, applicant shall submit a complete application for approval of a final subdivision plat. The application shall contain those items required in Section 4.3 of the Georgia Development Regulations (2/27/2023) and shall conform to the layout shown on the approved Preliminary Plan/Plat and incorporate all conditions in the Preliminary Plan/Plat approval.
 - a. **Preliminary approval expires April 15, 2025**
4. Applicant will submit draft deed and HOA language for the seven (7) lots. All documents will require legal review by the Town of Georgia. Applicant shall submit \$500 with the Final Application to cover the legal review of the deeds, HOA documents and any other required legal instruments by the

attorney for the Town of Georgia. Any funds not expended on the legal review will be refunded to the Applicant.

Applicant shall submit draft deeds, HOA documents and any other associated legal instruments for all impacted lots and public infrastructure for review and approval by the attorney for the Town of Georgia. All requested revisions must be complete before the Plat can be recorded. Only instruments approved by the Town of Georgia may be recorded in the Town of Georgia Land Records. The attorney for the Town of Georgia must approve the subdivision plat prior to filing the final plat on mylar.

5. The HOA Documents for this subdivision shall include maintenance and use of the private road, shared well, landscaping, and maintenance of open space. HOA documents should also include language restricting the use of motorized vehicles in the open space, as well as restricting the cutting of trees and mowing on the property wetlands.
6. Placards shall be installed in place of boulders to delineate the wetlands. Boulders shall be installed at the entrance to the walking trail to deter motorized vehicles.
7. The current proposed road is being handled as a private road. Further discussion, which includes the DRB, Town of Georgia Public Works Director, Town of Georgia Selectboard, and the applicant will need to happen prior to the Final Plat to determine the process and timing of making all or part of the proposed road a Town of Georgia public road.
8. All general improvements shall be completed (road paving, screening, signage, E911, etc.) before the final Certificate of Occupancy will be issued or after three (3) years, whichever comes first or with an application for extension submitted to the Zoning Administrator.
9. Applicants shall submit road naming documents to the Zoning Administrator to name the private road. Road documents can be found on the Town of Georgia website.
10. Copies of all required State permits including, but not limited to, wastewater and potable water supply permits and wetland permits shall be submitted to the Zoning Administrator for inclusion in the project file prior to the issuance of any zoning permits.
11. Prior to the commencement of any construction of additional structures or land development on any of the buildable lots, Applicant shall obtain Site Plan Approval from the DRB and/or any requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the AR-3 zoning requirements as identified in the Georgia Development Regulations.
12. 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.

13. 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.
14. 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.

These conditions shall not be deviated from absent an amendment granted by the Board.

All plats, plans, drawings, etc., listed above or submitted at the hearing and used as a basis for the decision to grant the permit shall be binding on the applicants, their heirs, and assigns. Projects must be completed in accordance with such approved plans and conditions. Any deviation shall be a violation of the permit and subject to enforcement action by the Town.

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. Section 4471. Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Zoning Administrator who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person.

EXPIRATION: Pursuant to Section 3.2(D) of the Town of Georgia Development Regulations, approval from the Development Review Board allowing a conditional use shall expire one year from date of issue if construction has not progressed to the point where the property can reasonably be used for its intended purpose as defined and/or all conditions of this decision as set forth above have not been met. An extension of one year will be granted by the Zoning Administrator if application for extension takes place before the approval has expired. At the end of two years, the permit will permanently expire unless the Development Review Board grants a further extension.

Members present and voting for approval: Suzanna Brown, Charles Cross, Lisa Faure, James Powell, and Gilles Rainville, Jr. Members present and voting against approval: None.

Dated at Georgia, Vermont, this 7th day of May, 2024.

By _____

Suzanna Brown
Georgia DRB Chair