

**TOWN OF GEORGIA VERMONT
PLANNING COMMISSION DECISION**

To: Mr. Steven Hibbard
From: Planning Commission Chair
Re: Written Decision and Findings of Fact

Dear Applicant,

At a duly warned Public Hearing of the Planning Commission held on June 15, 1999 the following action was taken on your application: GRANTED XX DENIED _____ RETURNED APPLICATION _____ for the following reasons: This application meets the minimum requirements of the Town of Georgia Sub-division and Zoning Regulations, conforms with the Municipal Plan, and meets applicable sections of 24 VSA Ch. 117. YES XX NO _____

ADDITIONAL CONDITIONS MAY APPLY TO YOUR PERMIT AND ARE OUTLINED IN THE FINDING OF FACT BELOW AND OR ATTACHMENTS.

**FINDING OF FACT IN RE APPLICATION OF:
Steven Hibbard
Final Plat Hearing
for a 7-Lot Subdivision;
Application PC-016-99**

Note:

The application, any and all relevant evidence presented to the Commission, as well as the minutes of the Commission, Zoning Administrator's Reports and submissions, and any relevant information from public records or sources shall be considered part of this Finding of Fact and kept as part of the permanent record of the applicant. The minutes shall provide a more detailed record of the Hearings and provide additional information as to how the Commission reached it's Decision.

Background:

The applicant received preliminary plat approval on 3/16/99. It was discussed at the preliminary plat hearing that a portion of Lot #1 would be used as common area for the owners of Lots #2-7 and a portion would be retained (and/or sold) by the applicant but it would be used exclusively for agricultural purposes. There had not been a lot-line separating these two uses however.

For the final plat application the applicant agreed to add a lot-line separating the common land from the retained land (Lot #1). Furthermore the applicant agreed to place an agricultural easement and restriction on Lot #1 to be held by the Town of Georgia.

Hearings:

A warned Public Hearing was held on 6/15/99, at which Edwin Hobson, Ralph Branon and Deanne Morin were present representing the

applicant. Planning Commissioners present at the hearing were Larry Martell, Danielle Jackson, Art Carroll, Bill Butler and Heather Ladue. Kathy Considine, Michael Palmer and Amy Rider were also present at the hearing.

Regulations In Effect:

Municipal Plan, adopted 7/24/95
Zoning Regulations, last revised 1997
Subdivision Regulations, last revised February 1989

Application Submitted:

The application (#PC-016-99) was submitted on 5/10/99, and consisted of the following:

1. an application form submitted on 5/10/99;
2. a survey by Harold Marsh entitled "Plat of Survey Showing a Proposed 7 Lot Subdivision for Steven Hibbard in the Town of Georgia, Vermont" dated 12/28/98 and last revised 6/7/99;
3. site plan maps by Ralph Branon and Associates sheets #1, 1A, 2-7 (sheet #1 entitled "Master Site Plan" dated 1-19-98, last revised 3/19/99; sheet #1A entitled "Common Access Drive Details" dated 10/9/98, no revision; sheets #2-#7 entitled "Sewage Disposal Plan, Section and Details" for lots #2-#7 respectively; sheet #2 was last revised 3/19/99; sheets #3-#6 have no revisions; sheet #7 was last revised 12/1/98; and
4. a Declaration of Covenants, Restrictions and Conditions submitted on 5/4/99.

Findings

The Planning Commission makes the following Findings:

1. As indicated in Finding #9 of the Preliminary Plat Decision, the applicant proposes to keep the meadow portion of Lot #1 in agricultural use, and to allow the homeowners of Lots #2-#7 to use portions of Lot #1 for recreational activity.
2. The applicant proposes to retain ownership of the agricultural portion of Lot #1.
3. At the final plat hearing the applicant's attorney, Edwin Hobson, made changes to the Declaration of Covenants submitted on 5/4/99, and submitted a new Declaration of Covenants following the public hearing.
4. The Declaration of Covenants submitted on 6/15/99 reflect the corrections agreed to at the Public Hearing on 6/15/99.

Conclusions

The Planning Commission references the following sections from applicable ordinances and draws the following conclusions:

1. The AR-1 and L-2 PRD Special Provisions of Article X Section 1109. of the Zoning Regulations states:

Standard 6) "The primary goal of the AR-1 Zone is to support the continuation of agricultural and silviculture in Georgia and to provide for very low density residential development. All uses should support the continuation of agricultural, silvicultural and rural nature of this zone."

Standard 7) "The PRD must include a plan for open space land which will provide for the protection of the resource land identified on the plat and specified above." The size, location and character of the open space land will be suitable for its intended use and should include as much contiguous land as possible. Land may be protected by deeding in fee simple, deed restrictions, sale of development rights or grant of conservation easements, designation of building envelopes and clearing limits, all of which shall be subject to Planning Commission approval."

Decision

Based on these Findings and Conclusions, the Planning Commission grants Final Subdivision Approval to Steven Hibbard with the following conditions:

1. The Agricultural Agreement as reviewed and approved by the Town's attorney, shall be executed by the applicant and submitted for recording in the Town Land Records within sixty days.
2. The applicant shall bear the cost of the Town attorney's review.
3. The Agricultural Agreement shall be executed before an application for building permit is submitted.
4. The Declaration of Covenants, Restrictions and Conditions (as submitted 6/15/99) shall be executed and submitted for recording in the Town Land Records within sixty days.
5. A mylar shall be submitted within 90 days.

Additional Conditions: Copies of this Decision and Finding of Fact shall be made available to any present and future purchasers of any lots created by this approval. All plats, 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.

NOTE: The Subdivision will be subject to any and all fees established by the Town of Georgia including impact fees. Subdivision approval expires two years from date of Final Plat approval, as per Section 970 of Georgia Sub-Division Regulations, unless extended.

You are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Ch 117, section 4475 and section 4471.

BOARD MEMBERS PRESENT FOR HEARING: Larry Martell, Danielle Jackson, Art Carroll, Bill Butler, Heather Ladue

VOTE OF MEMBERS PRESENT:

AYES: unanimous

NAYS:

ABSTAINED:

Approved: 6/15/99

Signed: Larry Martell, Board Chair/Vice Chair

Date: 6/29/99