

**TOWN OF GEORGIA
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION
FP-004-23**

**Owner/Applicant: Jamie St. Pierre
Final Plat for a 4-lot Major PUD Subdivision**

This matter came before the Georgia Development Review Board (DRB) on the application of Jamie St. Pierre, hereafter referred to as Applicant, for Final Plat approval of a 4-lot major PUD subdivision on the property owned by Applicant at Polly Hubbard Road, Parcel ID #111400300 in the AR-1 zoning district. A Notice of Public Hearing was duly published on August 18, 2023 in the St. Albans Messenger, and all adjoining property owners were notified.

The DRB held a public hearing on September 5, 2023. Applicant's engineer, Michael Gervais, was present.

Applicant has submitted a site plan titled "PL-3" dated 3/20/2023 and revised 7/17/2023 as prepared Barnard & Gervais, LLC and Four Lot Subdivision Vicinity Map "SK-1" dated 3/20/2023.

Based on the above-mentioned public hearing, plans submitted, and additional documents contained in the planning file for this proposal, the DRB enters the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

NOTE: The application, any and all relevant evidence presented to the Development Review Board, and the minutes of the hearings conducted by the Town of Georgia DRB on January 17, 2023 and April 18, 2023, 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 an additional basis for the DRB's decision.

1. The applicant is requesting final plat approval for a 4-lot major PUD subdivision at Polly Hubbard Road in the AR-1 zoning district. Sketch Plan Review was conducted on January 17, 2023 and Preliminary Plat Review was conducted on April 18, 2023.
2. The subject parcel is located at Polly Hubbard Road and consists of ±15.06 acres. The parcel is entirely located within the AR-1 zoning district. As proposed, the land meets the requirement for the subdivision with setbacks, road frontage and acreage as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023. Applicant has requested Waivers for some setbacks and road frontage.
3. Lot Description:
 - Proposed Lot 5 will consist of ±2.34 acres.
 - Proposed Lot 6 will consist of ±2.56 acres.

- Proposed Lot 7 will consist of ±1.8 acres.
 - Proposed Lot 8 will consist of ±8.39 acres.
 - Open Space for PUD (20% total acreage) ±4.92 acres
4. Town of Georgia Fire Chief reviewed and approved the 4-lot subdivision indicating the ability to provide emergency services to the proposed development.
 5. The following members of the DRB were present for the Final Plat public hearing on September 5, 2023, constituting a quorum: Suzanna Brown, Charels Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville Jr. and Glenn Sjoblom. See meeting minutes for a list of others present.
 6. 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.

CONCLUSIONS

1. The applicants have submitted all relevant final plat information required by the Georgia Development Regulations.
2. This application was reviewed as a major PUD subdivision pursuant to the requirements and standards outlined in Article 3.5, Planned Unit Development and Article 4, Subdivision Approval; Article 2, 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.
3. The approval of the Final Plat is based on all plat and sketch plan documents contained in the St. Pierre SK-001-23, PR-001-23 and FP-004-23 folders in the DRB files.
4. Applicant has submitted draft Deed language for the four lots. Deed will require legal review by the Town of Georgia. Applicant submitted \$500 escrow with the Final Application to cover the legal review of the deeds 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.

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 filling the final plat on mylar.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Final Plat for four lot major PUD subdivision and site plan 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 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. The Final Plat shall be submitted on Mylar measuring 18" by 24" with Town of Georgia signature block, shall be filed by the subdivider with the Town Clerk within 180 days of the DRB's signed written decision. Final approval shall expire if the Final Plat is not filed by the subdivider within the 180-day period. One ninety (90) day extension may be granted pursuant to Title 24 Ch. 117, Section 4463(b)(1), Vermont Statutes Annotated.
 - a. Final approval includes any provisions listed under PR-001-23.
 - b. Approval expires March 18, 2024.
4. Deed languages for the lots shall include all state permits, ACT 250, Wetlands, as well as including an amendment to the existing water supply and wastewater disposal permits and existing stormwater permits as required.

Deed language and Mylar shall also indicate an easement across Lot 8 for abutter access to wastewater system.

5. The HOA Documents for this PUD shall include maintenance and use of the private road, gravel wetland, shared septic system and individual well. HOA documents should also include the open space, restrictions on mowing any wetlands properties, and should also include restrictions on cutting trees in the 50 ft buffer on Lot 6, except for dying or diseased trees.
6. Prior to the commencement of any construction of additional structures on any of the four lots or additional land development, Applicant shall obtain requisite zoning permit(s) from the Town Zoning Administrator. All structures shall meet the setback requirements as agreed upon in the Preliminary Plat decision.
7. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project.
8. 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.
9. Prior to issuance of any Certificate of Occupancy for any lot, Applicant shall submit to the Zoning Administrator a letter from a licensed engineer stating that the driveway has been constructed to pursuant to Public and Private Road Standards as outlined in Section 7.11 Town of Georgia Development Regulations.
10. 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.
11. 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.

Dated at Georgia, Vermont, this 19th day of September, 2023.

By _____
 Suzanna Brown
 Georgia DRB Chair

DRB members participating in this decision: Suzanna Brown, Charles Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom.

Vote to approve: In favor - 7, Opposed - 0, Abstain – 0, Absent 0.

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.