

**Site Plan Amendment
SA-001-23
Extension of SP-001-21, SP-002-21 & SP-003-21**

Owner: 17 Black Walnut, LLC c/o Kevin Camisa 85 South Bay Circle Colchester, VT 05446	Applicant: Same
Surveyor/Engineer: Justin T. Holmes, P.E. Pinnacle Engineering, PLC 189 Maple Drive, Georgia VT 05478 802-782-5980 justin@pinnacle-vt.com	Property Tax Parcel & Location: (1) North of 26 Ballard Road (Lot 2) Parcel #109630200 (2) 104 Ballard Road (Lot 5) Parcel #109630500 (3) Behind 104 Ballard Road (Lot 6) Parcel #109630600 Georgia, Vermont Zoning District: South Village (SV)

BACKGROUND

17 Black Walnut, LLC, care of Kevin Camisa, hereafter referred Applicant, is requesting a Site Plan Amendment to allow for the Site Plan Approval expiration dates of SP-001-21, SP-002-21 and SP-003-21 to be extended from the default date of 1/22/2024 to the “Commencement Deadline” of the Town Highway Improvement License Agreement of 6/1/2029 as allowed in accordance with Section 3.3(E)(2) of the Town of Georgia Development Regulations (2/27/2023).

Applicant also requests that CU-002-21 expiration of 9/7/2026 be extended to 6/1/2029 in accordance with Section 3.2(F)(2) of the Town of Georgia Development Regulations (2/28/2023). The parcels are located near 26 Ballard Road and 104 Ballard Road, near Ethan Allen Highway and within the South Village (SV) zoning district. The total acreage for the three named parcels are ±6.26 acres in size.

PROJECT NARRATIVE SUMMARY

1. Site Plan approval for the Black Walnut project (SP-001-21, SP-002-21 and SP-003-21) was issued in a revised reconsidered decision on 1/22/2022 and did not include a condition regarding the expiration of such approval. Therefore, by default, the Site Plan approval is set to expire in two years, with a one-year extension allowed.
2. In accordance with Section 3.3(E)(2) for the Town of Georgia Development Regulations (2/27/2023), for commercial projects within the South Village zoning district, the DRB may include a condition that extends the approval beyond two years.

3. Applicant requests an extension of Site Plan approvals to **6/1/2029**, which represents an extension of about five years from the current expiration date. If possible, Applicant also requests an extension of ConCU-002-21 for the Level 2 Daycare to match that date.
4. If the DRB deems this date too far into the future, Applicant will settle for an extension for Site Plan approvals to match the date of Conditional Use approval, which is **9/7/2026** under CU-002-21.
5. No other changes to the development are proposed at this time.
6. Applicant justifies extension requests due to slowed progress in pursuit of project since DRB approval, specifically:
 - Water supply testing on the new well and source testing was just completed.
 - Discussions with South Georgia Fire District over well expansion or water portioning project.
 - Legal document review and preparation by attorney for Town of Georgia.
 - The Site Plan was revised to incorporate DRB comments prior to recording of the mylar.
 - Applicant spent months working with Selectboard for road agreement to allow construction of the proposed road on the neighboring church right-of-way.
 - Applicant pursued designation of South Village (Village Center, New Town Center, etc.) to make Town eligible for available grants and tax credits.
 - Applicant investigated the possibility of footprint lots to make Lot 2 saleable units instead of rental housing.
 - Preliminary construction cost preparation estimates were completed to assist with financial planning.
7. Extensions are allowed through the Town of Georgia Development Regulations (2/27/2023) Section 3.3(E)(2):

Expiration. For commercial uses in the I-1, I-2, SV, and B districts the DRB may approve an expiration date beyond what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

And Town of Georgia Development Regulations (2/27/2023) Section 3.2(F)(2):

Expiration. For commercial uses in the I-1, I-2, SV, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

8. The remaining work necessary to obtain all approvals for this project include amending the Site Plan per Condition 9, filing construction and operational public water supply permit applications, filing amended wastewater permit application and filing Act 250 permit application.

Respectfully submitted,

Douglas Bergstrom
Zoning Administrator
Planning, DRB & 911 Coordinator