



GEORGIA VERMONT

In re: Cline Road, LLC, Applicant
Permit Application No.: PR-002-23

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CHERYL LETOURNEAU, TOWN CLERK
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Decision and Findings of Fact for Preliminary Plat Review

Dear Applicant/Owner,

After duly warned hearings of the Development Review Board (DRB) on August 15, 2023 and September 5, 2023, the following action was taken with regard to 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 August 15, 2023 and September 5, 2023, 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 additional basis for the Board's decision.

Background:

This matter came before the Town of Georgia DRB on the application of Cline Road, LLC, hereinafter referred to as Applicant, requesting Preliminary Plat review for a 15-lot 14 unit Planned Unit Development (PUD) subdivision located at Cline Road and Horseshoe Barn Road in the AR-1 zoning district. Notices of Public Hearing were duly published in the St. Albans Messenger on August 4, 2023 and on August 18, 2023 and all abutting property owners were notified.

The DRB conducted a public hearing on this application on August 15, 2023 with a continuance on September 5, 2023. Luke Willey, Ruggiano Engineering was present at the meetings along with Aaron O'Grady and Jake Smith from Cline Road, LLC. Interested parties in attendance included Fred and Heather Grimm, Bruce Leo, Annette Villani and Scott MacArt. Applicant submitted a Preliminary Plat application and the Zoning Administrator presented a DRB report.

Finding of Facts:

1. Applicant is requesting preliminary plat approval for a 15-lot 14 unit Planned Unit Development (PUD) subdivision located at Cline Road and Horseshoe Barn Road in the AR-1 zoning district. Sketch plan review was conducted on November 1, 2022 and the associated sketch plan letter was mailed to the Applicant on January 16, 2023.

2. The subject parcel is entirely located within the Agricultural/ Rural Residential (AR-1) zoning district. As proposed, the land meets the requirement for the PUD subdivision with acreage and use as required by the currently warned draft Town of Georgia Development Regulations dated February 27, 2023. Applicant has requested Waiver of the 1500 ft max road length for private dead-end roads.
3. The subject parcel is located on Cline Road and Horseshoe Barn Road and consists of ± 94.49 acres in size off of Cline Road. Said parcel is suitable for development, consisting of pastures, woodlands with some wetlands.
4. Applicant proposes to subdivide one lot to create fourteen (14) new single-family dwelling lots ranging in size between $\pm .81$ to ± 1.42 acres in size; and another ± 19.42 acres set aside to accommodate PUD open space within the remaining lots.
5. The fourteen (14) new lots are proposed to be serviced by a private road located within a 60' wide right-of-way easement off Cline Road. A Waiver of the 1500 ft max road length for private dead-end roads was requested and granted. Private road will be $\pm 2,460$ ft and comply with the Town of Georgia Private Roads and Driveway Policy (02.28.20) and A-76 standards.
6. Applicant has not 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 August 15, 2023, constituting a quorum: Suzanna Brown, Chuk Cross, Greg Drew, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. The following members of the DRB were present for the Preliminary Plat continuance on September 5, 2023, constituting a quorum: Suzanna Brown, Chuk Cross, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. 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 PUD pursuant to the requirements and standards outlined in Article 4, Subdivision Approval; Article 3.5, Planned Use Development; 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, with setback and lot frontage waivers granted.
3. The approval of the preliminary plat is based on all preliminary plat and sketch plan documents contained in the Cline Road, LLC SK-009-22 and PR-002-23 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 15-lot 14 unit Planned Unit Development (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 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. 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. Approval expires March 18, 2024.
4. Applicant will submit draft Deed language for the fifteen (15) lots. Deed 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 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 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 may 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.

5. Applicant will include a 10 ft easement/ Right-of-Way (ROW) to the right of Lot 5 for proposed public access to the Town of Georgia's Falls Trail.
6. The HOA Documents for this PUD shall include maintenance and use of the private road, Lot 15 Open Space restrictions and the Town of Georgia's 10 ft easement/ROW to the Falls Trail. HOA documents should also include language restricting mowing on the wetlands properties.
7. Applicant shall install an appropriate landscaping buffer targeted on the eastern edge to block headlights from Lot 1 and Lot 2. Such landscaping should include native plants, habitat appropriate, and within a size (minimum 3 feet) that will screen light pollution.
8. Applicant shall construct every fourth house, or approximately three total homes, no larger than 1500 sq ft for a maximum of five (5) years. Accessory Dwelling Units (ADU's) will be available during that time and builder may incorporate a larger septic system.
9. Proposed 24 foot wide private road shall be constructed in accordance with Section 7.11 of the Georgia Development Regulations and the Town of Georgia Private Roads and Driveway Policy. A cul-de-sac for emergency turn around is proposed at the end of the private road. Each lot will have a driveway off the shared access.
10. Applicant shall submit road naming documents as soon as possible to the Zoning Administrator to name the private road. Road documents can be found on the Town of Georgia website. Applicant will work with E911 coordinator to ensure all residences have been addressed and properly labeled according to 911 standards.
11. Applicant shall provide an "Ability to Serve" letter from the Town of Georgia Fire Chief indicating the ability to provide emergency services to the proposed subdivision.
12. 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.
13. 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 requirements of the zoning district as identified in the Georgia Development Regulations.
14. 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.
15. 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.
16. 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 proceeding 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, Greg Drew, Lisa Faure, James Powell, Gilles Rainville, Jr. and Glenn Sjoblom. Members present and voting against approval: None.

Signature of Chair: _____

Date: _____

Suzanna Brown, DRB Chair