

**TOWN OF GEORGIA
PLANNING COMMISSION
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION
PC-008-12**

**Ray and Claudette Bouffard d.b.a. Woodnladder Realty, LLC.
Site Plan Amendment**

This matter came before the Georgia Planning Commission on the application of Raymond and Claudette Bouffard, d/b/a Woodnladder, LLC., hereafter referred to as the applicants, for approval of a Site Plan Amendment for the Georgia Market at 962 Ethan Allen Highway. A Notice of Public Hearing was duly published in the Milton Independent on May 24, 2012, and all adjoining property owners were notified.

The Planning Commission held a public hearing on June 12, 2012. The Applicant, Ray Bouffard, was present at the hearing. No other interested persons were present.

Applicants submitted plans entitled, "C-1 Site Plan, WoodnLadder, LLC. Store Renovation, 962 Ethan Allen Highway, Georgia, VT," dated 11/10/10, last revised 5-30-12, and prepared by Cross Consulting Engineers, PC.

Based on the above-mentioned public hearing and the documents contained in the file for this proposal, the Planning Commission enters the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

NOTE: The application, any and all relevant evidence presented to the Commission, and the minutes of the hearing conducted by the Town of Georgia Planning Commission, and all relevant information from public records and sources, 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 additional basis for the Commission's decision.

- 1) Applicants are requesting approval to amend a previously approved and amended Site Plan (see PC-020-09 approval and amendments PC-004-11, PC-008-11, and PC-012-11) for the Georgia Market, located at 962 Ethan Allen Highway in the South Village Core District. The purpose of this request is to change the direction and location of the parking spaces delineated in the approximate center of the subject parcel, and to address the installation requirements of a previously approved sidewalk.
- 2) The parcel is 3.96 acres with 356' of frontage on Ethan Allen Highway. No wetlands, flood plains, steep slopes or other development limiting features are present on the lot. The easterly portion of the parcel is wooded and undeveloped. The westerly portion of the parcel is developed with Applicants' business, the Georgia Market. Prior permits issued for this commercial property include: 1971 Zoning Board of Adjustment (ZBA) permit for a Grocery Store, 1971 ZBA permit for installation of the gas pumps, Act 250 Land Use Permit 6FO012 for Grocery store and gas pumps, 1991

ZBA variance for canopy installation over gas pumps, 1996 Wastewater permit WW-6-0357, and amendments to same.

- 3) There are currently 27 approved parking spaces running in an east/west direction, or parallel to the store, located in the approximate center of the parcel (see areas A-9 and B-18 on site plan approved September 27, 2011, and recorded at Map Slide 218). Applicants are proposing to locate 26 parking spaces to run in a north/south direction, or perpendicular to the store, in the area (see areas A-9 and B-17 on proposed site plan). Applicants further propose the addition of one parking space to area "C" and one parking space designated as area "F" on the proposed site plan. Area "A", nearest the store, incorporates two handicapped accessible parking spaces. Applicants have also added a "golf cart" parking area on the westerly side of the store to accommodate campers from the adjacent Homestead Campground.
- 4) Pursuant to Section 5030.1(2) of the zoning regulations, parking requirements for applicants' proposal are as follows: *one parking space for every 200 square feet of retail space plus one for each employee per the largest working shift*. Applicants' proposal, therefore, requires a total of 58 parking spaces ($9,880/200 = 49.4 + 8 = 58$). Applicants' proposal delineates nine spaces in area A, 16 spaces in area B, four spaces in area C, four spaces in area D, 25 spaces in area E, and one space in area F for a total of 60 designated spaces. Applicants' proposal meets and exceeds the parking requirements of Section 5030.1(2).
- 5) Applicants are also requesting a minor amendment to the approved landscaping plan. The tree located near parking area B is too close to the monitoring well which monitors the fuel tank area ground water. The tree will be relocated to the open area at the westerly edge of parking area E.
- 6) Applicants have reflected the removal of the pre-existing parking area entrance and the installation of the culvert through that area as required.
- 7) Applicants' engineer has indicated that the proposal will not require amendments to existing state permits as the grading and impervious surface remains the same.
- 8) Applicants are also requesting an amendment to the Planning Commission's previous order that sidewalks be installed as previously approved prior to the issuance of a final Certificate of Occupancy for this project. Pursuant to Section 4020.4, a Conditional Certificate of Occupancy was issued by the zoning administrator for building permit BP-077-11, wastewater permit WW-6-0357-4, and site plan approvals PC-004-11, PC-008-11, and PC-012-11. The Conditional Certificate of Occupancy was issued in order to allow applicants to occupy and use the new store prior to the completion of all requirements of the aforementioned permits. Applicants' engineer submitted a letter with the CCO application delineating those items as yet to be completed. At the time of this hearing, applicants had completed all outstanding requirements for the final Certificate of

Occupancy with the exception of the installation of the sidewalk. Applicants are currently requesting a clarification with regard to sidewalk design and construction based on the recently issued Georgia South Village Bicycle and Pedestrian Feasibility Study dated May, 2012. While applicants are ready and willing to install the required sidewalks at any time, prior to doing so, applicants want to insure that the town's design plans are final. Applicants are requesting that, in lieu of installation of the required sidewalks at this time, applicants be allowed to escrow funds with the town in an amount equal to the cost of installation of said sidewalks until the town has determined specific sidewalk design criteria in order to obtain a final Certificate of Occupancy for this project.

CONCLUSIONS

1. Applicants have submitted all relevant information required by the Georgia Zoning Bylaws and Subdivision Regulations.
2. This application was reviewed as a Site Plan Amendment pursuant to the requirements and standards outlined in the Zoning Regulations. Particularly, it was reviewed under the parking requirements of Section 5030.1(2) of the Zoning Regulations, the South Village Core Zoning District requirements in Section 3075 of the Zoning Regulations, and the Site Plan Standards in Section 4050 of the Zoning Regulations. The application was deemed consistent with these standards and requirements.
3. The new site plan is an improvement of traffic flow and parking.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia Planning Commission approves the Site Plan Amendment subject to the conditions listed below. One Mylar copy and one paper copy of the final Site Plan with all applicable revisions shall be submitted to the Planning Office.

This approval is subject to the following conditions:

1. The Planning Commission grants the requested amendment for a change of direction and location of the parking spaces as presented on the submitted plans.
2. The amended site plan Mylar must be signed by the chair of the Planning Commission and filed with the Town Clerk within 180 days of the Planning Commission's final approval.
3. The Planning Commission grants applicants' request to escrow funds for the construction of the sidewalk as previously approved. Applicants shall obtain an

estimate for the cost of construction of the required sidewalk from a qualified professional and said cost estimate shall be submitted to the Zoning Administrator for inclusion in the file. Based on the estimated cost of construction of the previously approved sidewalk, applicants shall place funds in escrow in an interest bearing account with the Town of Georgia equal to said cost estimate. At such time as the Planning Commission has determined final design and construction requirements for sidewalks in the South Village Core District, said funds, together with accrued interest, shall be disbursed to applicants for actual sidewalk construction. Upon completion of the required sidewalks, applicants' engineer shall certify same in writing to the Zoning Administrator.

4. No changes, erasures, modifications, or revisions other than those required by this decision shall be made on the plat after Site Plan approval, unless said plat is first resubmitted to and approved by the Planning Commission. In the event the plat is recorded without complying with this requirement, the plat shall be considered null and void.
5. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Planning Commission and on file in the Town Office, and in accordance with the conditions of this approval.
6. All 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 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 _____ day of July, 2012.

By _____
Peter Pembroke, Chair
Georgia Planning Commission

Vote to approve: in favor –7 opposed –0 abstain - 0.

Commission members participating in this decision: Peter Pembroke, Becky White, George Bilodeau, Anthony Heinlein, Geoffrey Sweeney, Suzanna Brown and Maurice Fitzgerald.

***Georgia Planning Commission - Notice of Decision
Woodnladder, LLC Site Plan Amendment Approval***

Appeal Information:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Planning Commission. 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 Administrative Officer, 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 to every interested person.