VOL: 390 PG: 179 INST: 00104486

RECEIVED & RECORDED
Apr 19,2023 12:53P
DOCUMENT TYPE: DEVELOPMENT REVIEW BOARD
DOCUMENT NUMBER: 00104686
CHERYL LETOURNEAU, TOWN CLERK
GEORGIA, VT

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

NOTICE OF DECISION FP-001-23

Owner/Applicant: Vinton R & Janice S Gaudette/ Tim Blair Final Plat for a 3-lot Minor Subdivision

This matter came before the Georgia Development Review Board (DRB) on the application of Vinton R & Janice S Gaudette/ Tim Blair, hereafter referred to as Applicant, for Final Plat approval of a 3-lot minor subdivision on the property owned by Applicant at 1050 Ethan Allen Highway in the South Village (SV) zoning district. A Notice of Public Hearing was duly published on February 3, 2023, in the St. Albans Messenger, and all adjoining property owners were notified.

The DRB held a public hearing on February 21, 2023. Applicant Vinton R. Gaudette and his engineer, Peter Mazurak, were present.

Applicant has submitted a site plan titled "Georgia Auto Parts, 1050 Ethan Allen Highway, Georgia, VT" prepared by Apex Engineering, LLC dated 12/01/2022.

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 Commission, and the minutes of the hearing conducted by the Town of Georgia DRB on May 17, 2022, and February 21, 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 additional basis for the DRB's decision.

- 1. Applicant is requesting final plat approval for a 3-lot minor subdivision at 1050 Ethan Allen Highway in the South Village (SV) zoning district. Sketch plan review was conducted on May 17, 2022, and the associated sketch plan letter was mailed to the Applicant on June 17, 2022.
- The subject parcel is located at 1050 Ethan Allen Highway and consists of ± 1.84 acres with an existing retail establishment, storage rental units, vacant/orchard. Said parcel is benefitted by ± 200.58 ft of road frontage along Ethan Allen Hwy & ± 119.71 ' of road frontage along VT 104a.
- 3. The subject parcel is entirely located within the South Village (SV) 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 May 2, 2022.

4. Lot 1 will consist of ±.573 acres. Contained on this lot will be the existing retail establishment and parking along with a 30' ROW to access storage units on lot 2 and 104a. Lot 1 has approximately ±130.73' ft or road frontage along Ethan Allen Hwy. Lot 1 has a 35' ROW for access to lot 3. Map shows 13 parking spaces for the existing retail establishment.

Lot 2 will consist of \pm .949 acres and will contain the existing storage rental units. Lot 2 is benefited by approximately \pm 119.71 ft of road frontage along VT104a. A 30' ROW allows access to Lot 1 from VT104a. There is a proposed sidewalk along VT104a on Lot 2.

Lot 3 will consist of \pm .321 acres of a vacant lot containing a small orchard. Lot 3 has approximately \pm .69.85 ft of road frontage along Ethan Allen Hwy. Lot 3 contain the existing wastewater area of Lot 1 and wastewater replacement area of Lot 1. Lot 3 contains a 25' wastewater easement ww-6-0188.

- 5. The Applicant received approval (Permit ID #4365) from VTrans to modify two existing commercial accesses per standard B-71B for a three lot subdivision.
- 6. Applicant has 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. Applicant has submitted draft Deed language for the three lots. Deeds have been reviewed by the Town of Georgia. Applicant submitted \$500 with Draft Legal Review Application (DRL-002-23) 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.

- 8. The following members of the DRB were present for the Final Plat public hearing on February 21, 2023, constituting a quorum: Suzanna Brown, Jamie Comstock, Greg Drew, Gilles Rainville Jr, and Lisa Faure. See meeting minutes for a list of others present.
- 9. The regulations in effect at the time of the decision: **Municipal Town Plan**, last amended January 9, 2017; **Town of Georgia Development Regulations**, warned May 2, 2022.

CONCLUSIONS

- 1. The applicants have submitted all relevant final plat information required by the Georgia Development Regulations.
- 2. This application was reviewed as a minor subdivision pursuant to the requirements and standards outlined in 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 final plat and sketch plan documents contained in the Vinton R & Janice S Gaudette/ Tim Blair SK-003-22 and FP-001-23 folders in the DRB files.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Georgia DRB approves the Final Plat for three lot minor subdivision and site plan subject to the conditions listed below:

- 1. The submitted plans shall indicate the following:
 - a. Lots within the subdivision numbered in alternating order.
 - 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. Current and proposed contour lines at 5' intervals.
 - j. Existing and proposed utilities
 - k. Existing and proposed driveways.
 - 1. 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 submitted on Mylar measuring 18" by 24" with signature, 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 October 16, 2023.
- 4. Deed language for the lots shall include easement and right of way for ingress and egress and the installation of utilities over a strip of land of at least 30 feet wide that connects U.S. Route 7 and Vermont Route 104A, as depicted as "Floating 30' ROW- See Note 8" on the Plat. Said easement and right of way is to be used in common with the owners of Lots 1, 2 and 3 as depicted on said plans of land.

Deed language for the lots shall include an easement and right of way for ingress and egress and the installation of utilities over a strip of land 35 feet wide over Lot 1 in favor of Lot 3 as depicted as "30' ROW in Favor of Lot 3" on the Plat. This right of way shall connect to the Floating 30' ROW as mentioned above.

Deed language for the lots shall also include an easement for access to, maintenance of, and repair to an existing and proposed wastewater disposal systems on Lot 3 in favor of Lot 1. The easement consists of the entire area of Lot 3.

Deed language for the lots shall include an easement for access to, maintenance of, and repair to an existing drilled well located on Lot 2 in favor of Lot 1. The easement consists of a strip of land 46 feet wide over Lot 2 as depicted as "Well Easement in Favor of Lot 1 & 3" on the Plat.

- 5. Beyond what is noted in this letter, the Applicant is responsible for securing any and all necessary permits to complete this project. Applicant to apply for state wastewater permit. Deed languages for the lots shall include all state permits, ACT 250 and VTrans permits. Copies of all required state permits shall be submitted to the Zoning Administrator upon receipt.
- 6. Applicant will install sidewalks on Lots 2 (along 104A) by September 2023; sidewalks will be installed on Lot 1 & 3 (along Route 7) by September 2024. Aprons will be replaced at the same time. Town of Georgia Development Regulations Article 7, Section 7.8 "Pedestrian Accessibility".
- 7. Prior to the commencement of any construction of additional structures or land development on any of the three 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 setback requirements of the zoning district as identified in the Georgia Development Regulations.

- 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. Applicant shall ensure all businesses, structures or storage units have been addressed and properly labeled according to 911 standards.
- 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 18th day of April 2023.

Suzanna Brown

Georgia DRB Chair

DRB members participating in this decision: Suzanna Brown, Greg Drew, Gilles Rainville, Jr., Jamie Comstock and Lisa Faure.

Vote to approve: In favor - 5, Opposed - 0, Abstain – 0, Absent 2.

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.

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