

TOWN OF ELMORE
Development Review Board
Review Findings and Decision

In re: ZACHARY C. DiMOTTA & MELISSA F. DiMOTTA
374 Camp Road, Elmore VT

Permit Application No. Z-26-10

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves the review of an application for conditional use submitted by **ZACHARY C. & MELISSA T. DiMOTTA**, Landowner and Applicant, under the Town of Elmore Unified Zoning and Subdivision Bylaw. (Effective February 11, 2020) The application is generally described as enlarging the footprint around an existing garage to accommodate bedrooms, decks, covered porches, basement entry structure and an infill attachment to the existing residence.

1. The application was received by the Zoning Administrator on May 20, 2026. A copy of the application is available at the Elmore Zoning Office.
2. On June 18, 2026, notice of a public hearing was published in the News and Citizen.
3. On June 18, 2026, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office Notice Board
 - b. 374 Camp Road, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
 - c. The Elmore Town Hall Notice Board.
4. On June 18, 2026, a copy of the notice of a public hearing was mailed to the applicant. On June 18, 2026, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Alice Angney
 - Ralph and Elizabeth Bryant
 - Roger and Sharon Heyn
 - Joseph and Florence Ciccolo

5. The application was considered by the Elmore Development Review Board (“DRB”) at a public hearing on July 7, 2026. The DRB reviewed the application under the Town of Elmore Zoning Bylaw, as amended 2020 (the Zoning Bylaw)

6. Present at the hearing were:

Members of the DRB:

- Michael Furst, Chair
- Jason Cohen
- Paul Rousselle
- Caroline DeVore
- Thomas Waldman

Applicants:

- Zachary and Melissa DiMotta,
- Timeless Designs LLC by Ray Boutin and Matt Lutz

7. At the outset of the hearing, the DRB afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. No persons were present or requested interested person status.

8. During the course of the hearing the following exhibits were submitted to the DRB:

- **Zoning Permit Application** dated 5/20/2026
- **Proposed Plans** prepared by Timeless Designs, LLC
 - Plans dated May 5, 2026 (Sheets C100, A000, A200) depicting site sketch and renderings and
 - Plans dated July 7th, 2026 (Sheets A000, C101, C102, and C103) depicting Stormwater Bioretention Details, Erosion Control Notes, Temporary and Permanent Plantings, and Winter Construction Stabilization Notes. Stormwater Mitigation Plan and notes regarding lot coverage percentage and cleared area coverage percentage.

9. At the conclusion of the warned hearing the Board closed the hearing and entered deliberative session under which a site visit could be convened on July 15, 2026. The Board then then met in the continuing deliberative session at the Elmore Town Offices.

These exhibits are available at: The Elmore Zoning Office.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The applicant seeks a Conditional Use approval to enlarge and modify a noncomplying structure. The subject property is a 0.7-acre parcel located at 374 Camp Road in the Town of Elmore (tax map parcel no. 20/21/52.00).
2. The property is more fully described in a Warranty Deed dated 8/19/2020 from Yvonne Palmisano and recorded at Book 83, Page 266, of the Town of Elmore Land Records.
3. The property is located in the Developed Shoreland District - DSHR District as described on the Zoning Bylaws on record at the Town of Elmore municipal office. The noncomplying structure is in the Lakeside Zone.
4. A Conditional Use approval is requested to enlarge the footprint around an existing garage to accommodate bedrooms, decks, covered porches, basement entry structure and an infill attachment to the existing residence.
5. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
 - i. Section 2.5, Table 2.6 (C) – Enlargement, expansion, reconstruction, modification or relocation of a noncomplying structure.
 - ii. Section 2.5, Table 2.6(D) – Dimensional Standards
 - iii. Section 2.5, Table 2.6(G) – Existing Development, Nonconforming uses and Structures.
 - iv. Section 3.8 – Nonconforming Uses and Noncomplying structures
 - v. Section 5.3 – Conditional Use Review Procedure
 - vi. Section 2.2F. - DSHR
6. Approval is also requested to decrease approved impervious surfaces to 14%. Stormwater mitigation work had been completed in 2025 including a rain garden along Camp Road and check dams. This work was a condition of a previous approval granted by the Board – Z-22-10, dated April 27, 2023. A vegetative buffer has been implemented and maintained in the Lakeside Zone consistent with the Vegetation Protection Standards of Section 2.5 Table 2.6(F) of the Zoning Bylaw.
7. The Board finds that the maximum lot coverage/impervious surface coverage is not the basis for denial. Even if the proposal satisfies or improves the applicable lot coverage or impervious surface standards, those standards are separate from the 100 foot lake setback standard. Compliance with lot coverage requirements does not cure or authorize an increase in the degree of noncompliance caused by expanding the structural footprint within the required lake setback.

8. The Board found that the existing structure is wholly within the Lakeside Zone and is a noncomplying structure.
9. This proposed project increases the degree of noncompliance. The existing residence/ garage structure is located within the 100-foot Minimum Lake Setback/ Lakeside Zone. The proposed mudroom, utility room, bedroom, porch/deck, covered storage area, basement entry structure, and/or infill structure would add new structural footprint or building coverage within the 100-foot lake setback
10. Section 3.8 provides that a noncomplying structure may continue, but normal maintenance, reconstruction, enlargement, expansion or relocation may not increase the degree of noncompliance, except in limited circumstances such as meeting mandated state or federal environmental, safety, health or energy regulations.
11. The Board finds that the proposed project expands the footprint of a noncomplying structure within the required lake setback, it increases the degree of noncompliance under Article IX, Section 9.2. Degree of Noncompliance” is defined in Article IX, Section 9.2 of the Town of Elmore Zoning Bylaws. Per this Article: “Degree of Noncompliance” means the extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standards of the Bylaws. The definition further provides that “the expansion of the footprint of a structure within a building setback” increases the degree of noncompliance.

DECISION

The DRB **DENIES** the application for an expansion of a noncomplying structure because the proposed expansion would impermissibly increase the degree of noncompliance of the noncomplying structure on the subject property.

Dated at Elmore, Vermont, this 28th day of July, 2026.

_____ *M. Furst* _____, Chair

NOTICE: This decision may be appealed to the Vermont Superior Court, Environmental Division by an interested person who participated in the proceeding(s) 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. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Boards.

V:1.4