

TOWN OF ELMORE

Development Review Board

Application for Conditional Use Review Findings and Decision

**In re: BRANDON FOWLER & SARAH E. FOWLER, TRUSTEES
Brandon Fowler Trust & Sarah E. Fowler Trust**

Permit Application No. Z-25-44

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of an application for conditional use submitted by **BRANDON FOWLER & SARAH E. FOWLER, TRUSTEES, Brandon Fowler Trust & Sarah E. Fowler Trust** under the Town of Elmore Zoning Bylaw.

1. The application was received by the Zoning Administrator on November 18, 2025. A copy of the application is available at Elmore Town Offices
2. On December 24, 2026, notice of a public hearing was published in the News and Citizen.
3. On December 10, 2025, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office at 1175 VT RT 12.
 - b. Dodge RD, which is within view of Symonds Mill RD, the public-right-of-way most nearly adjacent to the property for which the application was made.
 - c. The Elmore Town Hall at 1192 VT RT 12.
4. On December 10, 2025, a copy of the notice of a public hearing was mailed to the applicant. On December 10, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application. (See attached list of Surrounding Property Owners) dated December 10, 2025.

5. The application was considered by the development review board (“DRB”) at a public hearing on January 6, 2026. The DRB reviewed the application under the Town of Elmore Zoning Bylaw, as amended January 20, 2020 (the Zoning Bylaw).
6. Present at the hearing were the following members of the DRB:
 - Michael Furst, Chair
 - Caroline DeVore
 - Jason Cohen
 - Tom Waldman
7. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. No “Interested Persons” requested status.
8. During the hearing, the following exhibits were submitted to the DRB:
 - DRB Agenda – DRB January 6, 2026.
 - Application dated: 11/18/25.
 - #1: Overall Property photo showing location camp (Yurt) and sugar house dated October 30, 2025.
 - #2: Overall Property USGS map showing contours dated January 5, 2026.
 - #3: Elmore Zoning map showing property location, Dodge RD (TH# 26), the “30 foot wide Roberts R-O-W, and the 1980 “Bister R-O-W” dated January 5, 2026.
 - Copy of a survey of 15 Ac Parcel and R-O-W prepared by Willard Gove RLS dated October 15, 1980 and filed in the Elmore Land Records Slide #25.
 - Owner’s photographs of the structures.

These exhibits are available at the Elmore Zoning Files: Z-24-44.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:

1. The applicant seeks a conditional use permit to allow for a twenty foot diameter Yurt (primitive camp) and a 10’ x 12’ sugar house (Accessory building) . The subject property is a 15.0-acre parcel located off private ROWs off Dodge Road in the Town of Elmore (tax map parcel no. 08/02/43.0).

2. It is noted that the structures were constructed previously. This proceeding is to retroactively approve the Conditional Use of the structures.
3. The property is located in the Rural - East District and the Remote Area Overlay District (RAO) as depicted on the Town of Elmore Zoning Map on record at the Town of Elmore municipal office and the Zoning Bylaw.
4. Conditional use approval is requested for the project as a primitive camp as that term is defined in section 9.2 of the Zoning Bylaw. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
 - a. Section 2.5, Table 2.2 (C) – page 9
 - b. Section 5.3 - Conditional Use Review Process and 5.4 - page 57 & 58
 - c. Section 2.5, Table 2.8, Remote Area Overlay – page 27
5. The application will require the following existing or planned community facilities: none as the project will not require sewer, water or electric utilities.
6. The application will have the following impact on its surrounding area: none as extremely limited clearing has been done for the camp.
7. The application will cause limited traffic impact because of the limited seasonal use of the site. The applicant acknowledged that no municipal services (fire protection) could be expected due to the condition of the private road on the rights-of-way.
8. The application will utilize the following renewable energy resources: solar for LED lighting.
9. The project will utilize an unimproved right-of-way in common with others. The applicant acknowledged to the Board that it is a seasonal unimproved roadway limited in its use to forestry and seasonal recreation uses. Some additional gravel will be added as needed by the users. The roadway will require additional permit review under the Elmore Zoning Bylaws if it is ever further improved. The Town of Elmore bears no responsibility to improve or maintain subject roadway.

DECISION

Based upon these findings, and subject to the conditions set forth below, the DRB **APPROVES** the application for a primitive camp and an accessory building – Sugar house.

As conditioned, the proposed development meets the requirements of: _

- Section 2.5, Table 2.2 (C) – page 9
 - Section 5.3 Conditional Use Review Process and 5.4 - page 57 & 58
 - Section 2.5, Table 2.8, Remote Area Overlay – page 27 of the Zoning Bylaw.
1. The application will not have an undue adverse impact on the capacity of existing or planned community facilities.
 2. The application will not have an undue adverse effect on the character of the area affected.
 3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
 4. The application will not have an undue adverse effect on utilization of renewable energy resources.
 5. The application satisfies the requirements of the bylaw with respect to minimum lot size, distance from adjacent or nearby uses, performance standards, site plan review criteria or any other criteria required by the bylaw.

CONDITIONS

The DRB **approves** the application subject to the following conditions:

1. That the project will utilize an existing unimproved right-of-way in common with others.
2. The applicant acknowledged to the Board that it is a seasonal unimproved roadway limited in its use to forestry and seasonal recreation uses. Some additional gravel will be added as needed by the users.
3. The roadway will require further permit review if it is ever further improved. (Per Section 7.6 of Elmore Bylaws) The Town of Elmore bears no responsibility to improve or maintain the subject roadway.

The Zoning Administrator is hereby **authorized** to issue a Zoning Permit based upon the above decision and conditions.

Dated at Elmore, Vermont, this ____th day of February, 2026.

_____, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court 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 Court Proceedings.

V:1.2