

TOWN OF ELMORE
Development Review Board
Application for Final Subdivision
Review Findings and Decision

In re: Gerald KITONIS, Landowner Permit Application No. Z-25-02
Timothy MONAGHAN, Applicant

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a subdivision submitted by Gerald KITONIS, Landowner and Timothy MONAGHAN, Applicant (proposed purchaser) under the Town of Elmore Zoning Bylaw.
2. The application was received by the Zoning Administrator on January 17, 2025. A copy of the application is available at the Town of Elmore Zoning Office.
3. On January 24, 2025, notice of a public hearing was published in the News and Citizen.
4. On January 24, 2025, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office Notice Board
 - b. King Road , which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
 - c. Elmore Town Hall Notice Board
 - d. Town of Elmore Public web site: www.elmorevt.or
5. On January 21, 2025, a copy of the notice of a public hearing was mailed to the applicant. On January 21, 2025 a copy of the notice of public hearing was mailed to the following owners of propefties adjoining the property subject to the application:
 - Peter & Susan Kitonis, LE • Ashley
Kitonis & Robert Machia
 - Martin Revocable Living Trust
 - Samuel Mandigo and Lindsey Chauvin
 - Bradley Robertson
 - Thomas and Judith Whitehead
 - Theresa Syers

6. The application was considered by the Development Review Board at a public hearing on February 4, 2025. The Development Review Board reviewed the application under the Town of Elmore Zoning Bylaw, as amended February 11, 2020 (the Zoning Bylaw).

7. Present at the hearing were the following members of the Development Review Board:

- Caroline DeVore
- Jason Cohen
- Thomas Waldman

8. At the outset of the hearing, the Development Review Board 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. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

8. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- Subdivision Application Form dated 1/9/2025 •

Applicants statement of use.

- Survey by Gilson Land Surveying PLLC dated 10/15/24, revised 12/17/24 and titled " Proposed Subdivision Property of Gerald Kitonis, Yankee Way, Elmore VT. Rebecca Gilson, Licensed Land Surveyor 109314 showing the proposed two-acre lot.
- An aerial photo from the Town GIS Maps showing the neighborhood.

These exhibits are available at the Elmore Zoning Office.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks Subdivision approval (on behalf of Gerald Kitonis, landowner) to create a 2.00-acre lot across Yankee Way from his existing residence. The subject property is shown on the Town of Elmore Tax map parcel no. 08/01/13.4. It is shown on a preliminary sketch plan dated October 2007 and the subject of a DRB Preliminary Sketch Plan approval dated October 4, 2007 (Z-()7-32) A copy of the plan was filed in the Elmore Land Records (Slide 132) and it is noted "Not a Survey Planning Map only."
2. The property is in the Rural-East District as described on the Town of Elmore

Zoning Map on record at the Town of Elmore municipal office and in the Zoning Bylaw.

3. Final Subdivision approval is requested for the project as a one lot subdivision as that term is defined in Section 4.11 of the Zoning Bylaw. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:

- Section 4.11 — Subdivision of Land
- Section 6.6 A. - Final Subdivision Plat

4. The project is being reviewed under Article VI of the bylaw under which the application is being reviewed. Character of the Land: The Board finds that the character of the land is suitable for a two-acre parcel.

1. Conformance with the Town Plan: The Board finds that the proposed development is in conformance with the Town Plan.
2. Lot Layout: The Board finds that the lots conform to the dimensional standards, size and density of the Bylaw.
3. Monuments: The Board finds that the Plat depicts corner monuments of iron rods at each lot corner.
4. Landscaping and screening: The Board finds that the proposed lot does not require additional screening. No clearing limits are depicted on the plat so that clearing should be restricted to the depicted building envelopes and to the approved sewage systems and components to lessen the impacts of the development.
5. Street Lighting: The Board finds that no street lighting is proposed nor required.
6. Subsequent Development Plans: The developer did not present any future development plans.
7. District Settlement Pattern: The Board finds that the proposed subdivision is designed to achieve the purpose and desired settlement pattern as defined in Article II, Table 2.2 of the Bylaws.
8. Upgrades to Existing Roads: The Board notes that private road "Yankee Way" is not providing access to the parcel. Access to the parcel is restricted to the northerly corner of the lot along King Road.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for a one lot subdivision.

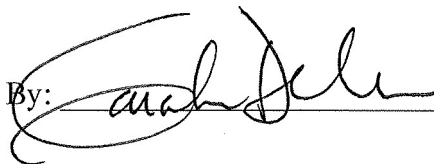
As conditioned, the proposed development meets the requirements of Articles VI and VII of the Zoning Bylaw.

1. The application will not have an undue adverse impact 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 will satisfy the requirements of the bylaw with respect to minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria/any other criteria required by the bylaw.

The Development Review Board approves the application subject to the following conditions:

1. The Parcel will only have access from King Road (a Town Highway) The parcel will not utilize "Yankee Way" for any access or any utilities.
2. The parcel does not have a current State of Vermont Wastewater and Water Supply Permit. When/If a Permit is obtained from the state, it shall be recorded in the Town of Elmore Land Records. Recording of such permit will provide satisfactory evidence so that a Zoning Permit for a single-family residence may be issued without having to return to the Development Review Board.
3. The Development Review Board authorizes the Zoning Administrator to sign the Final Survey Plat and file in the Elmore Land Records Map Files.
4. Section 8.2 B. of the Elmore Zoning Bylaw requires the completion of a Certificate of Compliance as a condition of approval issued pursuant to Article V. It shall be unlawful to use or to occupy said land or structure, or part thereof, until a Certificate of Compliance is issued by the Zoning Administrator stating that the proposed use of the structure or land conforms to the conditions and/or requirements of the Conditional Use Approval and any zoning permit issued in accordance with these regulations.

Dated at Elmore, Vermont, this 12th day of February, 2025.

By:  _____

Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.

APPLICANT: MONAGHAN
2-4-25

DATE OF HEARING:

APPLICATION#: _____

TOWN OF ELMORE

"INTERESTED PERSONS " RECORD
 AND SERVICE UST

Name	Address	Participate d in Hearin ?	Evidence/Statement of ConcerGOffered
<u>BRAO ROBERTSON</u>	<u>1745 SO. MATH</u> <u>ST 3 STOWE,</u> <u>VT. 05672</u>		
<u>Robert Machia</u> <u>Ashley Ketonis</u>	<u>984 King Road</u> <u>PO Box 162</u> <u>Lake Elmore, VT 05642</u>	O No	
<u>Tied</u> <u>by atty Rach</u>	<u>205 Yankee Way</u> <u>Elmore VT 05642</u> <u>(582 King Rd</u> <u>Elmore VT 05657)</u>	Yes O No	<u>Impact on ROW on</u> <u>Yankee Way</u>
<u>RACHEL SEB</u>	<u>91 College St.</u> <u>Burlington VT 05401</u> <u>GRIT Law</u>	O Yes	

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No
O Yes

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The Development Review Board (DRB) has certain administrative obligations with respect to interested persons. At any hearing, there must be an opportunity for each person wishing to achieve interested person status to demonstrate compliance with the applicable criteria. 24 V.S.A. 54461(b). The DRB must keep a written record of the name, address and participation of each person who has sought interested person status. A copy of any decision rendered by the DRB must be mailed to every person or body appearing and having been heard by the DRB. Upon receipt of notice of an appeal to the Environmental Council, the DRB must supply a list of interested persons to the appellant in five working days.

This Interested Persons Record and Service List is intended to be used by the Clerk, or designated staff of the DRB, to record information regarding persons who have sought interested person status- This to be used in conjunction with a separate sign in sheet.

Town Of Elmore
Meeting Attendance Record

ENTER MEETING DATE:	FEB 4, 2025				
ENTER MEETING NAME:	DRB - WARNED HEARINGS				
	CHECK ALL THAT APPLY REASON FOR ATTENDING				Reason for Attendance
YOUR NAME (printed)	Observer	Interested Party	Principal Party	Expert or Consultant	WHY ARE YOU ATTENDING?
CHARLES BURNHAM			✓		ZA
TOM WARDMAN			✓		DRB (Alternate)
Caroline DeVore			✓		DRB Member
Angie Drury		✓			Applicant
Michael Drury		✓			Applicant
Jim Monaghan			✓		Sis Div. PERMIT
Jason Cohen			✓		DRB
Jay Ball Chilton		✓			Zoom
Robert Ashley Kotaris			✓		Zoom
BRAD ROBERTSON ✓					neighbor
Rachel Seely		✓			attorney for neighbor Fred Mart