

# **TOWN OF ELMORE**

## **Development Review Board**

### **Review Findings and Decision**

**In re: DUANE LOWELL, 487 CROSS ROAD**

**Permit Application No. Z-24-15**

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for Conditional Use submitted by Duane Lowell (Gary Nolan, Applicant) under the Town of Elmore Unified Zoning and Subdivision Bylaw. (Effective February 11, 2020). Sic: A second driveway entrance onto the Class IV Town Highway.
2. The application was received by the Zoning Administrator on April 24, 2024. A copy of the application is available at the Elmore Zoning Office.
3. On May 23, 2024, notice of a public hearing was published in the News and Citizen.
4. On May 24, 2024, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office Notice Board
  - b. 487 Cross Road, which is within view of Cross Road the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c. The Elmore Town Hall Notice Board.
  - d. The Town of Elmore web site [www.elmorevt.org](http://www.elmorevt.org).
5. On May 17, 2024, a copy of the notice of a public hearing was mailed to the Property Owner and Applicant. On May 17, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - Carmen LaCasse
  - Jared & Leah Wheeler
  - Kenneth Haggett & Marie Laporte

6. The application was considered by the Development Review Board at a public hearing on June 6, 2024. 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:
  - Chris Jolley, Chair
  - Jason Cohen
  - Michael Furst
  - Caroline DeVore
8. At the outset of the hearing, the Development Review Board 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. After a deliberative session, the Development Review Board granted interested person status to the following persons:
  - Michel Lacasse, Elmore Road Commissioner and adjacent landowner
  - Jared & Leah Wheeler, adjacent owners
9. During the hearing, the following exhibits were submitted to the Development Review Board:
  - A Copy of the Conditional Use application
  - Site Plan
  - Application Narrative
  - Review Criteria for 2 Driveways

These exhibits are available at: 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 conditional use approval to construct a second driveway entrance. The subject property is a 5.4-acre parcel located at 487 Cross Road in the Town of Elmore (tax map parcel no. 07/00/37.50). Cross Road is an unimproved Class IV town Highway.

2. The Class IV Road Policy adopted by the Elmore Selectboard dated September 11, 2002, states: *“Class IV roads in Elmore are to be maintained by adjacent landowners. The Road Commissioner will evaluate roads annually. At his discretion, if funding is available, some summer maintenance may be done to increase the accessibility and drainage along these roads.”*
  
3. The property is in the Rural-East District as described on the Town of Elmore Zoning Map (December 2019) on record at the Town of Elmore municipal office and section 2.4, Table 2.2 of the Zoning Bylaw.
  
4. Conditional Use approval is requested for the project as a second driveway entrance onto the lot as that term is defined in section 3.1 B. of the Zoning Bylaw. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
  - Section 3.1 B., Tables 2.2: Rural-East
  - Section 5.3
  - Section 3.1 H.
  
5. The application may require the following existing or planned community facilities:  
Additional culverts under the Town Highway.
  
6. The application will have the following impact on its surrounding area:  
No impact
  
7. The application will cause the following: a slight increase in residential traffic to serve one additional residence.
  
8. The application will utilize the following renewable energy resources:  
Not applicable.

## **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board **GRANTS** the application for a second driveway entrance.

As conditioned, the proposed development meets the requirements of Sections 3.1 B. 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 satisfy the requirements of the bylaw with respect to site plan review criteria.

The Development Review Board **APPROVES** the application subject to the following conditions:

1. That the applicant understands and accepts the fact that Cross Road is a Class IV Town Highway, and the town has no maintenance responsibilities.
2. That the applicant can now apply for a Town Access Permit and Zoning Permit for the stated use.

Dated at Elmore, Vermont, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Chair

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**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

4. The application will satisfy the requirements of the bylaw with respect to site plan review criteria.

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

1. That the applicant understands and accepts the fact that Cross Road is a Class IV Town Highway, and the town has no maintenance responsibilities.
2. That the applicant can now apply for a Town Access Permit and Zoning Permit for the stated use.

Dated at Elmore, Vermont, this 11<sup>th</sup> day of JULY, 2024

Christopher J. Kelly, Chair  
M. [Signature]  
[Signature]  
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