

TOWN OF ELMORE, VT

Meeting of the Development Review Board

Meeting Date: Thursday, September 5, 2024 at 6:00pm
Minutes Status: APPROVED

SITE VISIT: None

Meeting attendees: See sign-in sheet.

Meeting Recording Link:

https://us06web.zoom.us/rec/share/FT_XI9OmiKdUH6AfOwO5Y7-2Liwb1sFvI646e3upXmc6xBa0SFkiUOn3RncEF3Fy.5VTyE0_yI53L55VI?startTime=1725573560000

Passcode: kjczW6#w Recording will be available for 30 days from the meeting date.

Site Visit: None.

CALL TO ORDER 6:02pm: DRB Chair

- Swear in of meeting participants
 - Review additions or deletions to the agenda – None
 - Conflict of Interest review for agenda items – DeVore recused from voting on Van Woert/Browne application as an abutter to property described in permit request.
 - Review/approve previous meeting's minutes: Minutes approved with two changes noted; Cohen not present for August 1 meeting; Second to motion on Permit Request updated. Minutes need to be signed by the person who created them.
- Motion to accept 8/1/24 minutes with changes: Motion: Rousselle, Second: Jolly

1. NEW PERMIT REQUESTS

Hearing #1:

Owner: Fred S. Martin, Trustee Z-24-30
MARTIN REVOCABLE LIVING TRUST

Location: 201 YANKEE WAY

Tax Map ID: 08/01/13.100

Zoning District: RURAL - EAST

Request: Section 6.5 and 6.6 Elmore Bylaws - Final Subdivision Review

Project: 4 lot subdivision for single family residential use

Review criteria under: a. Section 6.5
b. Section 6.6

General Discussion – Presentation of materials:

The DRB Chairman opened the hearing, giving a brief history of the permit before allowing general questions and comments. Representatives Brian Levin and Roy Marble provided their perspectives on the permit's history, with questions raised about the permit application process. The DRB established Party Status for speakers Brad Robertson, Gerald Kitonis, and Tim Monaghan, allowing them to give testimony.

- **Brad Robertson** discussed the history of the land and referenced deed language concerning the right of way (ROW). The Board discussed the content of Kitonis' deed, focusing on subdivision and deed specifics. It was noted that the deed established rights between landowners only.
- **Brian Levin** mentioned a road maintenance agreement but clarified it does not grant additional tenancies, only addressing maintenance.
- **Kate Sprague**, as an interested party, provided comments on the subdivision's access and the potential for future residences, distinguishing between a subdivision permit and a building permit.
- **DeVore** noted that the request was for a subdivision permit, not a building permit, and **Furst** noted that the DRB applies the law as understood.
- **Cohen, Jolly, and Furst** asked follow-up questions regarding subdivision and by-laws related directly to subdivision permits vs building permits.
- A public question about procedure compliance and site visit timing was addressed, with the Zoning Administrator clarifying that a site visit isn't required for the final subdivision review.
- **Robertson** also referenced the March 7, 2023 meeting and discussed the road agreement, while **Marble** mentioned attempts to form a road association.

TOWN OF ELMORE, VT

Meeting of the Development Review Board

After testimony and open discussion, final statements were made by those with Party Status:

- **Brad Robertson** submitted a letter, noting a wastewater oversight affecting his land, which was now approved by the state.
- **Brian Levin** summarized his client's perspective.
- **Tim Monaghan** stated he was unaware of potential building on abutting land when he purchased in 2022.

Motion to close Hearing #1 (7:03pm): made by Furst, seconded by Jolly, Unanimous.

Hearing #2 (Began 7:04pm):

Owner: James R. & Christina Van Woert Z-24-31
Applicant: Kevin & Heather Browne
Location: 3029 Elmore Mountain RD
Tax Map ID: 06/00/21 & 21.1
Zoning District: FOREST DISTRICT (FR)
Request: Conditional Use Approval per Section 5.3
Project: Single Family Dwelling and 2 car garage below 1,500msl elevation
Review criteria under: a. Section 5.3
b. Section 2.4 Table 2.4 (E)

General Discussion – Presentation of materials:

The ZA reviewed the application packet with the attending board members and answered questions. The applicants were introduced and reviewed their site plan and maps with the board. The application was presented for a Conditional Use permit because the property is located in the Forest District.

- **Jolly** asked about the visibility of the proposed structures from EMR.
- **Rousselle** inquired about the elevation, which was noted to be approximately 1280' based on the topography. Also asked about septic setbacks and
- Two parcels were merged to address lot size and coverage requirements. The impervious coverage is under 0.5 acres, which is acceptable.
- **Cohen** asked about emergency vehicle access and a discussion covered lot and driveway watershed planning.
- The proposed building height is 28' (maximum allowed is 35'). There was discussion about the height's relation to the natural grade and the siting of the house.
- Questions on exterior materials, colors and lighting were asked.

The Zoning Administrator (ZA) noted a minimum of nine items that must be addressed in this district to meet approval. The board requested that the house site be staked out showing exact location with topography and a tree removal plan be established (showing trees to remain – meeting criteria for structure to be minimally visible from public roads).

A motion to end testimony and close hearing: Moved: Furst; Second: Jolly. (with DeVore recused):

Unanimously approved by remaining board members (Furst, Jolly, Rousselle, Waldman, Cohen).

Hearing #2 recessed to October 3, 2024: Recessed at 7:47pm.

Board continued to Section 2. At 7:48pm.

2. ACTIVE or CONTINUING ITEMS

- a. DRB signed Davey decision document.
DRB discussed the Davey decision and the recording of the Chair for the deliberative session. Edits made to Decision Document for Davey and signed by the board members.
- b. ZA reviewed permits issue since August 1st DRB meeting.

TOWN OF ELMORE, VT
Meeting of the Development Review Board

CLOSE: Motion Made to enter Deliberative Session: Jolly; Second – Cohen; Unanimous.

Entered Deliberative Session at 7:55pm (no minutes taken during this session).

Existed Deliberative Session at 8:34pm on motion of Jolly, second by Waldman.

The Van Woert/Browne hearing has been continued to date certain October 3, 2024, at 6:00 pm.
The DRB requested additional materials, including:

- A site plan showing the placement of all structures
- A grading plan
- A detailed driveway plan
- Information on building heights in relation to the pre-excavation site
- A tree clearing plan with a map showing existing trees over 10" in diameter
- Reflection impact of the roof materials
- A structure color map
- An exterior lighting plan

The DRB will make a site visit before the next meeting and expects the property to be staked for their review.

Motion to adjourn meeting made by Furst; seconded by Cohen. Unanimous; adjourned: 8:46pm.

Minutes Respectfully Created and Submitted by:



Caroline DeVore

Updated and finalized 10/5/24

TOWN OF ELMORE, VT

Meeting of the Development Review Board

Town Of Elmore
Meeting Attendance Record

ENTER MEETING DATE:	9/5/24
ENTER MEETING NAME:	DRB

YOUR NAME (printed)	CHECK ALL THAT APPLY REASON FOR ATTENDING				WHY ARE YOU ATTENDING?
	Observer	Interested Party	Principal Party	Expert or Consultant	
CHARLES BURNHAM			1		2A
Mike Furst					DRB
Tom Waldman					DRB
Dawn Angrey-Kress	✓				
Roy Marble				✓	Representing Martin Riva's
Garold Klotz		✓			Trust ✓
Shelia Russ &					
BRAD ROBERTSON		✓			
Kate Sprague		✓			
Don Valentino		✓			
Tim Manschen		✓			
Brian Laver				✓	Representing Martin
Caroline Belore			✓		DRB
Chris Jowly			✓		DRB MEMBER
Jan Cole					DRB member
KEVIN & HEATHER BROWNE			✓		APPLICANT VIA ZOOM