

**TOWN OF ELMORE
DEVELOPMENT REVIEW BOARD
REVIEW FINDINGS AND DECISION**

**In re: Kevin F. and Tracey E. WALL, Trustees Permit Application No. Z-25-16
199 Old Gould Farm RD.**

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use to construct a one car garage submitted by Kevin F. and Tracey E. Wall under the Town of Elmore Unified Zoning and Subdivision Bylaw. (Effective February 11, 2020)
2. The application was received by the Zoning Administrator on June 11, 2025. A copy of the application is available at the Elmore Zoning Office.
3. On June 19, 2025 notice of a public hearing was published in the News and Citizen.
4. On June 12, 2025, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office Notice Board
 - b. 199 Old Gould Farm RD, the right-of-way most nearly adjacent to the property for which the application was made.
 - c. The Elmore Town Hall Notice Board.
5. On June 12, 2025 a copy of the notice of a public hearing was mailed to the applicant and a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application :
 - David & Debbie Schoop
 - Robert and Susan Titterton, Trustees
 - Brian Smale & Dyeanne C. Racette
 - Timothy W. and Bethany H. Sargent
 - David R. Dorsett
6. The application was considered by the Development Review Board at a public hearing on July 1, 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, Acting Chair
 - Jason Cohen
 - Thomas Waldman
8. Present at the hearing was the applicant Kevin F. Wall and Tracey E. Wall, Trustees of the Kevin Wall Trust & Tracey Wall Trust.
 9. 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. No persons requested Interested Party status.
 10. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - A completed application for a Zoning Permit dated June 11, 2025.
 - An aerial photo/site plan of the property showing existing conditions and the location of the proposed garage.
 - Photo of the proposed site submitted by Arthur Stephenson dated June 11, 2025.
 - Testimony of Kevin F. Wall with respect to exterior materials and colors consistent with the existing two car garage.

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 construct a single car garage adjacent to an existing two car garage. The subject property is a 9.4-acre parcel located at 199 Old Gould Farm RD in the Town of Elmore (tax map parcel no. 06/00/07.30). The property is more fully described in a deed recorded at Book 87, Page 436 of the Town of Elmore Land Records.
2. The property is located in the Forest Reserve District (FR) as described on the Town of Elmore Zoning Map on record at the Town of Elmore municipal office.
3. Conditional use approval is requested for the project as an Accessory Structure (below 1,500msl) as that term is defined in Section 2.5 Table 2.4(C) and Section 9.2 of the Zoning Bylaw. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
 - Section 5.3 (Page 57 & 58)
 - Section 5.4 (Page 58-61)
 - Forest District: Table 2.4 (Page 13 to 15)

4. The application will require the following existing or planned community facilities: None
5. The application will have the following impact on its surrounding area: None.
6. The application will cause the following traffic impacts: None.
7. The application will utilize the following renewable energy resources:
Energy efficient insulation for gas heated building.
8. The project will not be visible from off site and will not require the clearing of trees.

DECISION AND CONDITIONS:

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for a single car garage.

1. As conditioned, the proposed project meets the requirements of Sections 5.3 and 5.4 of the Zoning Bylaw.
2. The application will not have an undue adverse impact the capacity of existing or planned community facilities.
3. The application will not have an undue adverse effect on the character of the area affected, as defined by Section 5.3 C.2. of the Zoning Bylaw.
4. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
5. The application will not have an undue adverse effect on the following bylaws currently in effect: setbacks and lot coverage.
6. The application will not have an undue adverse effect on utilization of renewable energy resources.
7. The application will satisfy the requirements of the bylaw with respect to distance from adjacent or nearby uses/performance standards/site plan review criteria.

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

1. That the project is completed as presented in the application, plans, specifications and testimony at the hearing.

2. A Certificate of Compliance per Section 8.2 A. of the Zoning Bylaw is required upon completion of the project. An application form is provided along with this Decision.

Dated at Elmore, Vermont, this 10th day of July 2025.

____(Signature on file)_____, Acting Chair
Caroline DeVore

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.

If your answer is No to any of the following questions, you may not be ready to apply for the certificate of compliance. Please contact the Zoning Administrator to discuss.

1. Have you met all the conditions of your Development Review Board approval? Yes No
2. Has Elmore Road Commissioner/State (circle applicable) performed inspection for the approved Access Permits? Yes No N/A
3. Have all conditions of State Water/Wastewater Permit been met? Yes No N/A

Landowner Signature _____ Date ____ / ____ / _____

Applicant Signature _____ Date ____ / ____ / _____

V:1-25

CERTIFICATE OF COMPLIANCE

INSPECTION REPORT (ZA USE ONLY)

ZONING PERMIT # Z-25-16

ZONING PERMIT Site inspection performed on [date] ____ / ____ / _____

E-911 Address Posted? Not Applicable (no new unit) | Yes | No

Development, use & dimensions comply with permit? Not Applicable | Yes | No, because:

Development Review

Prior development review? No | Yes

Description(s) _____

Decision review performed by _____ on [date] ____ / ____ / _____

___Development review conditions met? : Not Applicable | Yes | No, because:

General

All other Zoning Permit conditions met? Not Applicable (no other conditions) | Yes | No, because:

WATER/WASTEWATER PERMIT

State Permit # _____ Engineers Completion Report Yes No

Development complies with permit? Yes | No, because:

Signature Date ____ / ____ / _____

HIGHWAY ACCESS PERMIT

Town Highway Access Permit # _____ Inspection performed by _____
_____ on ____ / ____ / ____

Development complies with permit? Yes No, because:

Signature Date ____ / ____ / ____

NEW PRIVATE ROAD Was the Engineer Certification Letter provided per Elmore Bylaws Section 8.2 B.?
 Not Applicable | Yes | No, because:

CERTIFICATION DECISION BY ZONING ADMINISTRATOR (ZA USE ONLY)

FINAL **TEMPORARY**

_____ **APPROVED** Elmore Bylaws Section 8.2 fully met; you are hereby issued a Certificate of Compliance/Occupancy for the permit(s) listed above)

_____ **DENIED** (This decision can be appealed to the Development Review Board per Elmore Zoning Bylaw Section 8.3). Reason for denial and/or conditions of approval:

Zoning Administrator Signature _____ Date _____