

## TOWN OF ELMORE

### Development Review Board

### Review Findings and Decision

**In re: BROOK WIGGINS AND CATHERINE WIGGINS,  
Trustees of the Brook and Catherine Wiggins Revocable Trust**

**Permit Application No. Z-25-46**

#### INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves the review of an application for conditional use submitted by Brook Wiggins and Catherine Wiggins, Trustees of the Brook and Catherine Wiggins Revocable Trust u/t/a dated March 25, 2025 (“Land Owner”) and Michael Perpall, Cushman Design Group (“Applicant”) under the Town of Elmore Unified Zoning and Subdivision Bylaw. (Effective February 11, 2020)

1. The application was received by the Zoning Administrator on November 12, 2025. A copy of the application is available at the Elmore Zoning Office.
2. On November 20, 2025, notice of a public hearing was published in the News and Citizen.
3. On November 18, 2025, notice of a public hearing was posted at the following places:
  - a. The municipal clerk’s office Notice Board
  - b. 304 Camp Road, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c. The Elmore Town Hall Notice Board.
4. On November 18, 2025 a copy of the notice of a public hearing was mailed to the applicant. On November 18, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Alice Angney  
Ralph and Elizabeth Bryant  
Roger and Sharon Heyn  
Joseph and Florence Ciccolo

5. The application was considered by the Elmore Development Review Board (“DRB”) at a public hearing on December 2, 2025. The DRB reviewed the application under the Town of Elmore Zoning Bylaw, as amended 2020 (the Zoning Bylaw).
6. Present at the hearing were the following members of the DRB:
  - Jason Cohen
  - Paul Rousselle
  - Thomas Waldman(Members Devore, Jolly and Furst were not present)
7. At the outset of the hearing, the DRB 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 DRB granted interested person status to the following persons:
  - George R. Kress and Dawn Angney-Kress  
PO Box 73  
Lake Elmore VT 05657
  - Alice Angney – Waterhouse III, LLC  
% Kress
  - Ralph E and Elizabeth A. Bryant  
64 Weston LA  
Hopkinton MA 01748
  - Heyn Living Trust  
% Andrew Heyn  
1780 Hardwood Flats RD  
Elmore VT 05680
  - Zachary & Melissa DiMotta  
PO Box 105  
Lake Elmore VT 05657
8. During the course of the hearing the following exhibits were submitted to the DRB:
  - **Variance Application** dated 11/12/2025
  - **Project Narrative** prepared by Cushman Design Group dated November 24, 2025
  - **Proposed Site Plans** prepared by Grenier Engineering dated 11/6/2025 (Sheets C-1 and EPSC-1) depicting Stormwater Bioretention Details, Erosion Control Notes, Temporary and Permanent Plantings, and Winter

Construction Stabilization Notes. Stormwater Mitigation Plan and notes regarding lot coverage percentage and cleared area coverage percentage.

- **House Plans** prepared by Cushman Design Group all dated 11/12/2025 (Sheets: A1-2, A2.1, A2.2 and A3.1) depicting Schematic Site Section, Floor Plans and Exterior Elevations
  - **Aerial Photo** of Camp Road showing 100 foot setback in relation to existing buildings.
9. These exhibits are available at: The Elmore Zoning Office.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The applicant seeks a Variance to the shoreside setback of 89 feet, which is 11 feet less than the 100-foot minimum required. The subject property is a 0.43-acre parcel located at 304 Camp Road in the Town of Elmore (tax map parcel no. 20/21/49.00).
2. The property is more fully described in a Warranty Deed dated July 18, 2025 from Echo Lodge LLC to Brook Wiggins and Catherine Wiggins, Trustees of the Brook and Catherine Wiggins Revocable Trust, u/t/a dated March 25, 2025, and recorded at Book 90, Page 359, of the Town of Elmore Land Records. Referenced in the Deed is a survey located at Slide 140 Elmore Map Files.
3. The property is located in the Developed Shoreland District - DSHR District as described on the Zoning Bylaws on record at the Town of Elmore municipal office.
4. Although a single family residence is a Permitted Use, a variance is required due to the proposed encroachment into the lake setback.
5. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
  - Section 8.4B. - Variances
  - Section 2.2F. - DSHR
  - Section 2.5, Table 2.6(D) – Dimensional Standards
6. The DRB shall hear and decide upon requests for variances pursuant to 24 V.S.A. §4468. The DRB may grant a variance, and render a decision in favor of the appellant, only if **all** of the following facts are found and the findings are specified in its decision:

- 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
  - 2) That because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;
  - 3) That the unnecessary hardship has not been created by the appellant;
  - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
  - 5) That the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.
7. **Approval is also requested to increase impervious surfaces to 18.61%.** It may be permitted by the DRB above 10% but not greater than 20% with approval of a mitigation plan demonstrating how Best Management Practices (BMPs) will be used to capture and infiltrate stormwater runoff. For the Shoreland Districts, BMPs are intended to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources as approved by the VT Department of Environmental Conservation and the Commissioner of Forests, Parks, and Recreation. The application requires review by the DRB under the following sections of the Town of Elmore Zoning Bylaw: Section 2.5, Table 2.6 (E)2. – Supplemental District Standards.
8. The proposed clearing area is 38.16% and does **not** require review under Table 2.6 (E)3 as it is below the required 40% threshold for review.

## DECISION

Based upon the following, and subject to the conditions set forth below, the DRB **DENIES** the application for an 11 foot lake setback variance:

1. **Variance request for Lake Setback – *Denied*.**

The DRB does not find that there are unique physical circumstances or conditions such as irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and thus, the site does not present an unnecessary hardship because there are no such conditions. In the absence of a finding of unique physical circumstance or conditions, the DRB finds that development of the property in strict conformance with the lake setback requirement set forth in the Zoning Bylaw is possible.

2. **Impervious surface coverage – *Approved***

Based upon the following, and subject to the conditions set forth below, the DRB **GRANTS** the application to increase impervious surfaces to 18.61% or less.

3. **Stormwater Mitigation Plan - *Approved***

The proposed development meets the requirements of Section 2.5 Table 2.6 (E)2 of the Zoning Bylaw insofar as the Applicant has submitted the required stormwater mitigation plan demonstrating how BMPs will be used to capture and infiltrate stormwater runoff and the DRB **approves** of the plan submitted by the Applicant.

## CONDITIONS

1. That the Applicant submit to the Zoning Administrator a revised Site Plan prior to the issuance of a zoning permit demonstrating that the property will be developed in strict conformance with all setback requirements set forth in the Zoning Bylaw and including the approved stormwater mitigation plan; and
2. That the Applicant submit to the Zoning Administrator prior to the issuance of a zoning permit sufficient detailed information to confirm that the calculation of the percentage of impervious surface coverage was performed in a manner consistent with the definition of “Lot Coverage” set forth in Section 9.2 of the Zoning Bylaw and considered/included all “buildings, structures and other impervious surfaces” (including, for example, driveways, porches and decks). The required documentation shall be an annotated site plan with the Engineers calculation sheet.
3. That the Applicant implement the stormwater mitigation plan presented in the application in developing the property after obtaining a zoning permit from the Zoning Administrator.

4. That a vegetative buffer shall be implemented and maintained in the Lakeside Zone consistent with the Vegetation Protection Standards of Section 2.5 Table 2.6(F) of the Zoning Bylaw.

Dated this 6th day of January, 2026.

\_\_\_\_\_, Acting Chair  
Tom Waldman

**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 Boards.

V:1.4