

**TOWN OF ELMORE, VERMONT
DEVELOPMENT REVIEW BOARD
APPROVED MEETING MINUTES**

Tuesday, July 7, 2026, 6:00 p.m.

Elmore Town Offices, 1175 VT-12, Elmore, VT 05657, and Zoom

1. Call to Order and Attendance

The meeting was called to order at approximately 6:01 p.m. The Chair welcomed attendees and noted the meeting was being conducted at the Elmore Town Offices and by Zoom.

Recording: <https://youtu.be/9ApbatC8uU0?si=Ouc-uYMZCCVeEDAf>

Role	Name / Status
DRB members present	Michael Furst, Chair; Paul Rousselle; Caroline DeVore; Jason Cohen; Tom Waldman
DRB members absent	None noted.
Zoning Administrator	Charles Burnham
Applicants / presenters noted	Zachary C. and Melissa F. DiMotta; Matt Lutz; Jason Cohen. Michael Fritz was listed as owner for Application Z-26-04 but was not present.
Recusals	All five DRB members participated in the DiMotta hearing. Jason Cohen and Tom Waldman recused themselves from the Fritz/Cohen hearing; the non-recused board members for that hearing were Michael Furst, Paul Rousselle, and Caroline DeVore.
Interested-person forms	No one registered as an interested person for the DiMotta hearing. For the Fritz/Cohen hearing, interested persons were captured at the May 5, 2026 recessed hearing and remain on file; they were not re-entered in these minutes.

2. Agenda Management, Prior Minutes, Oaths, Conflicts, and Officers

- The Board reviewed the agenda and, because the Fritz/Cohen applicant and landowner were not yet present, proceeded first with the DiMotta hearing even though the agenda listed the recessed Fritz/Cohen hearing first.
- Prior meeting minutes and decisions for June 2026 were tabled because the prior minutes had not yet been published.
- ZA Burnham swore in participants who wished to testify. The transcript reflects that participants were sworn.
- The Chair/Clerk election item was discussed later in the meeting when all five board members were present. The officers for 2026 are: Michael Furst, Chair; Caroline DeVore, Clerk. Paul Rousselle will be forwarded to the Selectboard as a DRB for a term lasting through 2029. There are two open alternate board positions, each a 1 year term.
- No general public comment was offered before the warned hearings, other than comments tied to the specific warned hearings.

Motion	Made by	Seconded by	Vote / Result
Approve June 4, 2026 minutes and decisions.	N/A	N/A	Tabled; minutes had not yet been published.
Elect officers for 2026: Michael Furst as Chair and Caroline DeVore as Clerk.	Tom Waldman	Paul Rousselle	Approved unanimously, per meeting outcome supplied for minutes.

3. Warned Hearing: Zachary C. and Melissa F. DiMotta — Conditional Use Review

Application	Details
Application No.	Z-26-10
Owner / Applicant	Zachary C. and Melissa F. DiMotta
Location	374 Camp Road; Tax Map ID 20/21/52.00; 0.70 acres.
Zoning District	Developed Shoreland District.
Request	Conditional Use Review to remove an existing garage and construct a new mudroom/utility room/bedroom/porch and covered storage area. The application was described as a revision of approval Z-22-10 for a larger addition that was not built.
Review Criteria	Table 2.6(C) Conditional Use; Section 3.8 Nonconforming Uses and Noncomplying Structures; Section 5.3 Conditional Use Review Procedure.

Presentation and Evidence

- ZA Burnham introduced the application and explained that the applicants previously received DRB approval for a plan that had greater lot coverage but did not pursue that plan. Issued permit expired. The current proposal was described as a reduced revision with lower lot coverage.
- Matt Lutz and the applicants described the proposal as removing an existing detached garage and constructing new insulated space for a bedroom/laundry/mudroom/entry area, along with a covered porch/deck and covered storage area.
- The existing house and deck were identified on the plans. The existing deck is to remain/rebuild within its existing footprint and elevation, with columns needing repair or replacement.
- The existing detached garage remains on site. The proposed new “pink area” on the plan extends beyond the existing garage footprint in certain locations; the board discussed whether portions of the addition move toward the lake or otherwise increase the degree of nonconformity.
- The applicants stated that no garage is planned going forward. The existing paved/impervious area between the house and garage was discussed, including whether new work would occur over existing impervious surface.
- The applicants and presenter stated that stormwater mitigation work had been completed in 2025, including a rain garden along Camp Road and check dams. The prior mitigation was associated with the earlier, larger approval, and the current proposal was described as less impervious surface than the prior approved plan.
- The lot coverage was discussed as being approximately 14 percent under the current proposal, compared with approximately 16 percent in the earlier approval, and below the Developed Shoreland District maximum threshold discussed by the ZA.

Board Discussion / Criteria Issues

Topic	Discussion Summary
Nonconforming structure / degree of noncompliance	The principal issue discussed was whether the proposed enlargement, expansion, reconstruction, modification, or relocation of a nonconforming/noncomplying structure would increase the degree of noncompliance under Section 3.8 and related definitions.
Lake setback / direction of expansion	The Board discussed whether the relevant comparison should be the closest existing point of the house to the lake, the existing garage footprint, any portion of the structure, or the overall building setback. Members expressed differing preliminary interpretations.
Impervious surface	The applicants stated that the current proposal is less impervious surface than the prior approved plan and that existing paved/impervious areas already exist between the house and garage. The Board discussed whether coverage reduction resolves one issue but not necessarily setback/nonconformity issues.
Prior approval Z-22-10	The prior approval was discussed for context, but members noted the current application must be reviewed on its own record and that the prior zoning permit associated with the earlier approval had expired, even if prior conditional-use findings may remain relevant.
Stormwater mitigation	Rain garden and check dam work completed after the prior approval was discussed. A board member questioned whether the mitigation should be confirmed as adequate for the current footprint, although the project was described as smaller than the prior plan.
Potential conditions	Possible conditions discussed included limiting the addition/covered area to a line that would not create additional lakeward encroachment, tying any approval to stormwater mitigation, and requiring clarification of existing impervious/paved areas and the proposed footprint.
Site visit	The Board discussed the need for a site visit to understand the existing garage, paved areas, proposed addition, topography, and lake relationship. Members discussed whether the visit should be warned and conducted as a board site visit rather than individual visits.

Public / Applicant Comments

- The applicants asked what additional information, if any, would help the Board, including whether a clearer plan showing existing concrete/asphalt and proposed coverage would be useful.
- The applicants asked whether moving the covered deck/addition so it does not extend beyond the existing garage line toward the lake might increase the chance of approval; the Board noted it could approve, deny, or approve with conditions but would decide in deliberative session.
- The applicants stated the project goal includes connecting the house and new living space to support single-floor living and replacing/repurposing the existing garage area.
- No interested persons registered for this hearing.

Status / Motions

Motion / Action	Made by	Seconded by	Vote / Result
Close the DiMotta public hearing and enter deliberative status.	Mike Furst	DeVore	Hearing closed at approximately 7:14 p.m.; no decision made. Board remained in deliberative session pending final decision.
Schedule a site visit at 374 Camp Road for Wednesday, July 15, 2026, at 8:00 a.m.	Consensus / direction of Board.	N/A	Planned as follow-up before final decision; Board to determine/complete any warning requirements.

4. Recessed Warned Hearing: Michael Fritz / Jason Cohen — Variance Request for Home Occupation

Application	Details
Application No.	Z-26-04
Owner / Applicant	Owner: Michael Fritz. Applicant: Jason Cohen.
Location	345 Hayford Road; Tax Map ID 08/01/03.110; 48.6 acres.
Zoning District	Rural East.
Request	Variance to allow a previously permitted home occupation to be conducted by someone who is not an on-site resident. No change of operations, construction, clearing, lighting, on-site wholesale, or on-site retail sales proposed.
Review Criteria	Section 8.4(B) Variances; Section 4.5(A) Home Occupations.

Recusal / Quorum

- Jason Cohen and Tom Waldman recused themselves from the Board for this hearing. Cohen participated as applicant; Waldman participated as an interested party/neighbor and did not sit with the Board.
- The non-recused members for this hearing were Michael Furst, Paul Rousselle, and Caroline DeVore, which provided a quorum for this recessed hearing.

Presentation and Evidence

- The hearing was introduced as the continued/recessed May 5, 2026 hearing that could not proceed in May because two DRB members were recused and the Board lacked a quorum of non-recused members.
- Applicant Jason Cohen stated that he was not proposing new construction and was instead seeking permission to continue operating his cabinet business in the existing workshop.
- Cohen explained that a cabinet shop/home occupation had operated at the site for more than 20 years. He had formerly been an employee of the prior owner/operator, Whit Hartt, who lived on the property and operated under the home-occupation framework.
- After the property was sold to Michael Fritz, Cohen continued renting the workshop and operating the cabinet business. The issue requiring a variance is that Cohen does not reside on the property.
- Cohen stated there would be no change to operations, lighting, building, clearing, construction, on-site retail, or wholesale sales. He stated that operations now involve less traffic and delivery activity than when the shop had multiple employees.
- Cohen stated he had contacted neighbors and that he had not received complaints about his operation. An interested neighbor present at the hearing indicated support/no objection.
- Cohen stated that relocation would create hardship because the shop contains large specialized cabinet-making equipment and lumber storage, and the building was built for this type of use.

Variance Criteria Discussion

Criterion / Topic	Discussion Summary
1. Unique circumstances / conditions	The Board discussed whether the variance criteria, which often address physical/dimensional hardship, could apply to this non-dimensional/situational request. ZA Burnham reported he had researched examples of non-dimensional variances in Vermont. The unique circumstance discussed was the sale of the property after an existing home occupation was established, leaving Cohen operating the same business without being an on-site resident.
2. Reasonable use / strict conformity	Members discussed that Cohen cannot operate the cabinet business at that location in strict conformity with the home-occupation requirement that the business be conducted by residents of the dwelling, unless a variance or other legal arrangement is available.
3. Hardship not created by applicant	The Board discussed whether the hardship was created by Cohen or by the property sale/change in ownership. Cohen stated he did not create the sale and did not create the hardship; members discussed this as part of deliberative criteria.
4. Character of neighborhood / adjacent property / public welfare	Cohen stated the cabinet shop has operated at the site for decades, with no proposed changes and no complaints. The Board discussed that the variance, if granted, would not alter the essential character of the neighborhood because the use and intensity would continue as existing.
5. Minimum variance / least deviation	Cohen requested that any variance be limited to allowing him and his business to continue operating at the site, and that it expire when he ceases operations. The Board discussed this as the least deviation from the bylaw requirement.
Permit/variance running with land	A substantial discussion addressed whether the existing home-occupation permit runs with the land, whether it belongs to the property owner/operator, and whether a variance can be limited to Cohen personally or to the existing cabinet business. Members noted this may require careful findings and conditions.
Potential conditions	Potential conditions discussed included limiting the variance to Jason Cohen and/or his existing cabinet business, ending the variance when Cohen ceases operations at the site, and stating that the decision does not create binding precedent for unrelated future applications.

Status / Motions

Motion / Action	Made by	Seconded by	Vote / Result
Close the Fritz/Cohen public hearing and enter deliberative status. No final decision was made in open session.	Furst	Rousselle	Hearing closed after testimony; no decision made. Board remained in deliberative session pending final decision.

5. Board Discussion: AI Use for DRB Workflow

The Board briefly discussed possible use of AI tools to assist with transcripts, minutes, permit materials, correspondence, and hearing-to-decision workflow. Members noted that AI can help organize meeting records and produce draft minutes more quickly, especially when provided with the agenda, attendance, hearing order, and contextual materials. Members also discussed limitations, including transcript errors when speakers overlap, the need for human review, and the clerk's discretion in how minutes are prepared.

6. Board Member Comments / Requests to ZA

- ZA/Board to coordinate and determine any warning requirements for the DiMotta site visit scheduled for Wednesday, July 15, 2026, at 8:00 a.m. at 374 Camp Road.

- Board to continue deliberations and issue written decisions for the DiMotta and Fritz/Cohen applications within the applicable decision period.
- For DiMotta, Board to review the submitted plans, existing versus proposed footprint/impervious surface, stormwater mitigation, and the interpretation of increased degree of noncompliance/nonconformity.
- For Fritz/Cohen, Board to prepare findings on the five variance criteria and any limiting conditions, including whether the variance is personal to Jason Cohen/the existing cabinet business and whether it expires upon cessation of Cohen's operations.
- June 4, 2026 minutes/decisions to be brought back for review/approval once published.

7. Deliberative Session / Adjournment

The Board did not reach final decisions during the deliberative session on July 7, 2026. The Board remains in deliberative status on both the DiMotta conditional-use application and the Fritz/Cohen variance application until final written decisions are reached and issued.

Motion	Made by	Seconded by	Vote / Result
Close the public meeting and continue deliberative status on the pending applications.	Michael Furst	Tom Waldman	Approved unanimously. Meeting concluded at approximately 8:20 p.m.

8. Follow-Up Items

Item	Responsible Party	Due / Notes
Coordinate DiMotta site visit at 374 Camp Road.	ZA / Chair / Board	Wednesday, July 15, 2026, 8:00 a.m.; confirm any warning/public notice requirements.
Review DiMotta plan details and site conditions.	DRB	Before final decision; focus on existing/proposed footprint, impervious surface, stormwater mitigation, and degree of noncompliance.
Prepare written decision for DiMotta conditional-use application.	DRB / ZA	After deliberation; no decision reached July 7.
Prepare written decision for Fritz/Cohen variance application.	DRB / ZA	After deliberation; no decision reached July 7.
Include any Fritz/Cohen limiting conditions if variance is approved.	DRB / ZA	Potential conditions discussed: limited to Jason Cohen/existing cabinet business; expires upon cessation of Cohen's operations; no precedential effect for future unrelated applications.
Return June 4, 2026 minutes/decisions for approval.	Clerk / Board	Next appropriate DRB meeting after publication.
Next regular meeting.	DRB / ZA	Tuesday, August 4, 2026 at 6:00 p.m.; agenda requests/applications due July 9, 2026 per agenda.

Minutes Captured and Submitted by: Caroline DeVore, DRB Member — Draft dated July 8, 2026

Draft prepared from the July 7, 2026 agenda, meeting transcript, and member-supplied clarifications.