

## Elmore Planning Commission Meeting

Meeting Date: May 23, 2012

Meeting Commencement Time: 6:05 pm

Meeting Participants: Steffany Mosley, Shelia Rysz, Sue Cano

Guests: Mike Langlais, Whit Hartt, Elmore Select Board, Steve Munroe, Seth Jensen

### Agenda Items:

Minutes Approval from April 25, 2012

Item #1: Dodge Road Beaver Activity

Item #2: Discussion of Liaison Role between the Select Board and the Planning Commission

Item #3: Shoreline District Rezoning

Item #4: Junk Ordinance Approval

Item #5: Ted Barnett zoning bylaws requested change

Item #6: Town Plan Revisions

Item # 7: Mail

### Approval of Minutes:

Motion by Sheila to accept the minutes, second by Steffany. All in favor

### Meeting Minutes:

#### Item #1: Dodge Road Beaver Activity:

Dodge Road wet land is being inhabited by beavers. The water level has risen to the top of the road. One adult in the neighborhood was shooting at the beavers due to concern for his culvert on private land. Some neighbors want to leave the beavers alone and not disrupt the enlarged pond area. There is concern for the road integrity due to the impact of the raised water. The water level is now two to three feet below the road. The land being discussed is at the joining corners of four properties. Guest lives on Ward Road above the beaver activity. One neighbor was doing digging to attempt

to deal with the problem themselves.

Last weekend the game warden was called. He wanted to know if the Town had permitted draining the wetlands. You are allowed to shoot or trap beavers if they are not on someone else's private property. Property at parcel #19 is the land owner who is digging and attempting to shoot the beaver because the culvert is on his land and he is greatly concerned.

Whit Hartt indicated it was appropriate to come to the town for assistance. He indicated it will be necessary to research the law how to best address it.

There is a state wetlands regulation. It has been determined it is a Class 2 wetland. It would be best to refer them to the State Environmental Conservation Office to ensure that all state regulations relevant to the matter are addressed and a solution found.

Whit will take the lead on speaking to the local land owners involved and contact the Environmental Conservation Office. Shannon Morrisey is the contact person there.

Seth and Meghan Rodier will both be helping out until someone is hired for Steve's position.

#### Item #2: Discussion of Liaison Role between the Select Board and the Planning Commission

Liaison role was discussed. Whit will be the primary contact and will also coordinate all information and communications that exchange between the two groups.

#### Item#3: Shoreline district rezoning

Whit attended the Developmental Review Board meeting. David and Pat Anderson are requesting a set back variance so it is right up against the property line. They own the adjacent lot. They withdrew the request for the variance for setback from the adjoining property line. They purchased the lot across the street and add a mound system to service both of their houses on the lake front. The purchase across the road was added to one house lot which is now divided by the town road. The DRB granted a variance for 13.6% lot coverage for a garage.

History of variances granted by the Developmental Review Board were discussed. There is a concern that variances are being granted that are in conflict with statute. There have been five requests for coverage variances since 2008 with 3-4% larger lot coverage being granted. In the last 10 years there have been 30 appeals statewide for lot coverage variances and all 30 had be overruled and disallowed by the State. The reason why for all was based on the fact it created a hardship. Developmental Review Boards around the state are granting variances that are then being overturned by the State when appealed by adjoining property owners. The Select Board has informed the DRB that they must adhere to the Elmore Zoning By Laws.

Discussion included the responsibility of property owners to be aware of zoning bylaws for development before they buy their property and create plans for development. Planning went into the development of the zoning by-laws to protect the lake. Lot coverage was carefully studied recently by the EPC. Steve recommends that Whit contact the VT Leagues of Cities and Towns for guidance. Elmore could explore a waiver criteria that would still maintain natural resources to maintain the health of the lake.

#### Item #4: Junk Ordinance Approval:

Junk Ordinance was discussed. Article 4, b, 2 regarding notification of the law enforcement officer and removal, there was a question as to who would pay for the necessary removals. It was determined it would be the owner of the land who would pay for necessary removals. The effective date in 60 days is required by statute. Sheila will make the final two minor edits and get the ordinance to Whit. The ordinance will be approved at the next Select Board Meeting. Then public notice will be posted and the process will be initiated to finalize the adoption.

#### Item #5: Ted Barnett zoning bylaws requested change

Ted Barnett owns land on the Elmore Mt. and has created large roads for logging that are actually like Class 2 roads. Land has been leveled and seeded with grass. Roy Marble wants to develop the property. It is above the elevation limit for development. The Select Board does not intend to allow further development

#### Item #6: Town Plan Revisions

Check Highgate and Swanton Town Plan for suggested language for a recommendation for archeological site discoveries.

Page 17 needs a year entered.

Changes were made to bring consistency to the language in the section addressing telecommunications facilities. Posting bond for removal of cell phone towers will be worked on some more to make it really clear.

Alternative energy facilities section will include protection of wildlife.

Confirm mileage for Class 3 and 4 roads page 26.

Add paragraph to Transportation about road development impact on wildlife.

Homework is Community Facilities and Services Chapter.

Topics for Next Agenda:

Finalize Community Facilities and Service Chapter

Finalize Transportation Chapter

Review any communications from Whit

Mail

Next Meeting:      Date: June 27, 2012      Time: 6pm

Meeting Adjourned:      Motion: Sue      Second: Steffany  
   Time: 8:45 pm