

ELMORE PLANNING COMMISSION

Minutes for November 1st, 2022 at 5:30pm

Agenda:

- Discussion of EPC appointing zoning administrator
- Follow up of "LCPC Health Equity Tool Kit" presentation from 10/4 meeting
- Follow up of presentation of potential uses for the town garage property: Kate Lalley from LCPC
- Zoning by-laws: Forest District potential updates: develop plan/timeline
- Finalize decision of how to handle meeting minutes/posting meeting videos
- Round Table

Attendance: Glenn Schwartz, Bruce Olssen, Kate Sprague, Don Valentine, Michelle Greeson, Hans de Boer.

Guest: Warren West

Meeting started at 5:38

Conflict of interest disclosure: No conflicts from the group

Zoning administer assistant: Definition of zoning administer assistant. The position is needed to assist in the work load for the current zoning administrator. Stuart Wepler has experience with the zoning administrator position. He will be able to assist Don as well as fill in for Don in his absence. It is a paid position.

The Planning Commission recommends to the select board the appointment of Stu Wepler to the position of Zoning Administrator assistant.

Bruce made the motion, Glenn seconded. Discussion to include that the position reports to the zoning administrator. Everyone voted in favor other than Don who abstained.

- **Follow up of "LCPC Health Equity Tool Kit" presentation from 10/4 meeting**

The majority of the commission felt the presentation was confusing. Michelle filled in some explanation and a review of the minutes. The timeline is short (use the funds by the end of June 2023). There is hope to see if these funds can be used in helping to develop the property surrounding the town garage.

- **Follow up of presentation of potential uses for the town garage property: Kate Lalley from LCPC**

There has been a lot of progress made on the potential plans for how to utilize the property surrounding the town garage. When the EPC signs off on the potential plans, then it goes to the select board and then the LCPC takes on the project to finalize a design. The cost of the plans for the town will be a MAXIMUM of \$500 to develop or the town provides in kind services of \$500 in which case the town will incur no cost.

- Michelle made a motion to approve the signing of the FY23 Municipal resolution for municipal planning grant. Glenn seconded. No discussion. All were in favor.

- **Zoning by-laws: Forest District potential updates: develop plan/timeline**

Kate and Michelle provided notes on potential issues/possible solutions. **Handout is attached to minutes.**

ISSUE 1: Currently, the zoning bylaws do not allow for accessory structures above 1200 mean sea level (MSL). The commission agrees that this should be allowed, however there should be consideration for size of the accessory building.

Discussion:

- about considering slope angle as something to consider when building accessory structures (and perhaps revisiting slope angle for other things as well).
 - o Vegetation/drainage considerations
- Height of structure

ISSUE 2: the arbitrary nature of 1200 as a maximum elevation.

- Need to come up with a goal for the town in regard to the zoning plans. What level of development would we like to see?
- There is concern that we are going to be setting lines in the sand and that it would result in some unfairness when neighbors who seem to have similar lots next to each other are held to different standards.
- There is also an issue with trying solicit additional public opinion on what the motivation of the town is. Is the town in favor of more development? Stopping development within the town?

ISSUE 3: Should the EPC look for additional support from other organizations in understanding what is needed for conservation/wildlife corridor/habitat etc...

ACTION: The EPC will put forth effort to engage the public about the need for change to the zoning by laws (specifically the Forest Reserve District). Come up with some ideas for how to engage.

Finalize decision of how to handle meeting minutes/posting meeting videos

- There is an educational meeting on November 10th at 6pm to discuss for all board members. It will be recorded.
- Videos of the meetings will be posted and available online starting January 1st
- Appoint someone to be designated as the meeting note taker

Round Table

- Discussion on how to get items added to the meeting agendas.
 - o Conflict of interest
 - o Approve previous meeting minutes
 - o Zoning Administrator would like to cover two items:
 - Driveway setbacks
 - Lake zoning
- Waste water discussion, continue to move forward with waste water detection. Glenn will continue to ask the state, Michelle will ask Dave about current issue with waste water issue this summer.

Meeting adjourned at 7.

Issues within the Forest Reserve District

Issue 1: the permitting of accessory structures above 1200' is in violation of current bylaw language.

Possible solutions : 1) remove words "accessory structures" from this section. It is covered in the conditional use section on the previous page of bylaws. This would make accessory structures allowable by conditional use permit below 1500'. (See current language below) 2) add a different definition of accessory Structure for FRD.

Current language from bylaws:

1. **Residential Uses.** To maintain traditional land uses in the Forest Reserve District, single family dwellings and accessory structures to single family dwellings are only permitted below an elevation of 1,500 feet mean sea level. The DRB may only allow the placement of a single

family dwelling and/or accessory structures above 1,200' mean sea level, providing the following:

- a. The dwelling is located on a lot created prior to January 1, 2000;
- b. Site development, excluding forest management activities, associated with the placement of a house-site (e.g. driveway construction, site-grading) has occurred prior to January 1, 2000;
- c. Proposed development, including the house-site location, does not exceed an elevation of 1,500' MSL; and,
- d. All proposed development and site improvements comply with all other standards of this section and Vermont ANR and Federal Regulations.

Issue 2: the arbitrary nature of 1200' as the maximum elevation for development of a single family dwelling

Possible solutions : 1) use Elmore Mountain Road as the border, 2) choose a distance off of the road as border (200 yards?), 3) choose an elevation to be border. 4) do nothing. **Issue 3:** Does the east side

of the Forest reserve district need separate regulations?

The area is not as steep, but it is still considered part of the Worcester Range which makes it an important wildlife corridor/habitat. Much of the purpose of the Forest Reserve district is to preserve these areas, (see language regarding habitat conservation below).

Actions: 1) define parameters or "Worcester Range". Talk with ANR or other knowledgeable organizations to determine what is an appropriate amount of space for conservation. 2) if 1500' is determined to be too low, determine what the new increased elevation would be.

Possible solutions: 1) raise the elevation for single family home development above 1500' with a minimum lot size that will allow for low density development and wildlife (would need to find data to support this). 2) do nothing

Current language from bylaws:

Purpose: The purposes of the Forest Reserve District are: (1) to maintain existing land uses in the Worcester Mountain Range in a manner that preserves fragile features associated with high elevations, including steep slopes, soils unsuitable for on-site septic disposal, **large areas of intact wildlife habitat,** headwater streams, water supplies, water quality and scenic resources; (2) to prevent undue financial burden on town services including emergency services, utilities and road maintenance, by discouraging scattered development in areas with poor or limited access; (3) to protect the health, welfare and safety of Town residents by limiting development in areas characterized by poor site conditions and the lack of public access or services; and **(4) to encourage traditional land uses, such as forestry, passive outdoor recreation, and wildlife management, to continue in the district while limiting incompatible uses;** **(5) to minimize or prevent fragmentation of forestlands and wildlife habitat;** 6) meet EPA/ANR water quality regulations and 7) to minimize visual impact to all surrounding areas.

Issue 4: What is the original intent of the Forest Reserve District? This issue was emailed to me by a concerned constituent who lives in a 50 year old home in the FR close to Bedell Brook rd. They do not see how requiring them to go through conditional use procedures for every little alteration to their home is serving the original intent of the district.

Actions: define original intent of district and determine if it is still relevant.

Possible Solutions: 1) create "developed" and "undeveloped" FR districts much like we have for the shoreland districts. This would allow for relaxed standards on existing homes which are not on fragile soils and steep slopes. (This idea just occurred to me and I have not actually done any research to back it up, yet)