

# Elmore Planning Commission Meeting

**Date:** February 7 2023 at 5:30

**Location:** Meeting to be held at the Town Office as well as zoom

**Attendance:** Kate Sprauge, Bruce Olsson, Glenn Schwartz, Michelle Greeson, Don Valentine, Raymond Boutin, Warren West, Dawn Kress

**Conflicts of interest:** No conflicts of interest from the group.

**Minutes approved from last month:** Minutes approved unanomusly.

## Agenda Items:

### Ongoing Business

- **Issue #1:** Lakeshore District Zoning/DiMotta residence- Possible changes to bylaws to allow for building within the lakeside zone.
- **Discussion:** The DiMottas will be on the DRB March agenda. Once the ground thaws, the state will have to do a soil test before plans can be finalized and approved.
- **Action:**
  - Kate will be going to the next DRB meeting to request a few minutes to talk about clarifying bylaws to make them more understandable and make sure we are all on the same page.
- **Issue #2:** Wastewater in storm drain by dam- follow up on progress
- **Discussion:** still no word from the state.
- **Action:**
  - Glenn and Michelle will attempt again to contact the state rep via email
  - Regardless, we will put on hold till April (or until the water/ground thaws)
- **Issue #3:** AirBnB- Discuss possible issues and solutions
- **Discussion:** Do we have a problem? Not at this time.
- **Action:**
  - The group will pass on this issue at this time since it doesn't seem to be an issue in Elmore at this time.
  - We will continue to re-evaluate what other towns are doing and if any problems start to come up.
- **Issue #4:** Zoning Bylaws- Driveway setbacks-follow up from Don Valentine
- **Discussion:** There is a current issue on a 63 acre property with the driveway that comes within 1 ft of the property line which creates runoff into the neighbors property. Can the bylaw be ammended to say that driveway setbacks need to be 25ft from the property line.
- **Action:**
  - Kate will contact Seth at LCPC to see what other towns have picked for the setback distance.
- **Issue #5:** "Welcome to Elmore" info packet- final EPC review, send to lawyer

- **Discussion:** Addition of a map with the zones to add some clarification. General sentence clean up notes from Glenn. Add a comment about the soon to be built town garage will be the emergency shelter location.
- **Action:**
  - Kate will add a map and adjust the edits.
  - The packet will be sent to the Select Board to get approval and any recommended changes.
  - Then to the town lawyer if needed (the brochure will be posted with the minutes for anyone would like to read/comment).
  - Kate will also create artwork for the front of the brochure.

### **New Business:**

- **Issue #1:** Zoning Bylaws- Discuss lack of zoning regarding major interior renovation
- **Discussion:** What is the best way to let the listers know that the value of the home has changed. What is the best way to require a permit for interior changes.
- **Action:** When Kate contacts Seth about the previous bylaws she will ask if Seth can come to a future meeting to go over multiple zoning questions (including this one).
- **Issue #2:** Discuss Minimum lot size in rural east (2 acres) vs rural west (7 acres). Why is there a difference?
- **Discussion:** What are the goals of the town. More growth? Should they be equal? Should they be an average? Are we creating wealth disparities between the two areas?
- **Action:**
  - Ask someone in the DRB on why the minimum lot size originated the way it is.
  - This will also be added to the list that is being compiled about zoning changes need to be re-evaluated.
  - The group needs to re-read the zoning in the town plan. If we are going to be changing things then we should really look at it all in depth.

**Next meeting: Feb 28<sup>th</sup> Then April 4<sup>th</sup>.**

**Adjourned: 6:47**

# Welcome to Elmore

With this document the Elmore Planning Commission would like to congratulate you on your recent purchase of property in Elmore, and welcome you to the community. We love it here and hope you will too. We would also like to introduce you to our little town, its history, culture and lands by laying out the individual zoning districts and providing background information that will help you to understand their purpose and the intention behind their creation. In recent years Elmore has seen an increase in conflicts over development, much of it coming from a disregard for or confusion about our Zoning Bylaws. With this understanding, and with the intention of maintaining the natural features and lifestyle we all enjoy, we would like to encourage you to become familiar with the most recent version of our Zoning Bylaws, available at our website <http://www.elmorevt.org> or by visiting the Town Clerk's office. This document **does not** include individual zoning bylaws.

## History:

Although Vermont has been continuously inhabited by communities of people for nearly 13,000 years, due to its challenging topography it was the last area in the region to be settled by Europeans. The town of Elmore, chartered on August 21, 1781, was named for one of its first settlers, Revolutionary war Colonel Samuel Elmore. Colonel Elmore was originally from Norwalk, Connecticut and a good friend of Ethan Allen. In the late 1700's Elmore had two distinct village centers, Lake Elmore and East Elmore, and each had specific functions. East Elmore, which at one time dwarfed the Lake village, was centered around the industry of logging, while the Lake community had better farmland, a starch factory, creamery, butter tub factory, iron mine and copper mine. Each village had a general store and post office, schools, factories, blacksmiths, and many small farms. East Elmore Village disappeared after the trees were harvested while Lake Elmore carried on as the village center.

## Elmore Today:

Elmore currently has a population of 886. The town's defining features are Elmore Mountain, Lake Elmore and the adjacent village center and State Park. There are also several remote ponds as well as large tracts of wilderness, open agricultural fields and the Worcester Range of the Green Mountains. These features, as well as the tourism, recreation and quality of life they provide are very important to the Town and its citizens. As a small rural town with a limited budget most town functions in Elmore, with the exception of the Highway Department, Town Clerk and Zoning Administrator, are provided by hard working and devoted volunteers. These include the Select Board, Planning Commission, Development Review Board, Lamoille South Unified Union School Board, Elmore Volunteer Fire Department and Auxiliary and many other offices. Town meetings are held on the first Tuesday of March and are a wonderful way to engage with the community and see direct democracy at work. Forest fragmentation and habitat loss are two of the biggest threats to Vermont's natural heritage and 80% of Elmore is covered with forest. For this reason it is important that we try to plan for the preservation of these areas before they are destroyed. However, 80% of land in Vermont is in private ownership, so the protection of wildlife habitat rests firmly in the hands of landowners.

### **Emergency Information:**

Flooding is the most severe and costly natural disaster in Elmore. Flood events can occur at any time of year, even in winter. Other likely natural events include heavy winter snow and ice storms, and high wind thunderstorms. All of these events can cause temporary road closures and power outages lasting from several minutes to several days, if you experience a power outage call your local provider and alert them. In recent years Elmore has been experiencing mild to moderate drought conditions, this can lead to the failure of private wells and an increase in the possibility of wildfires. You must be aware and respectful of current fire conditions. If you experience a water shortage an emergency water spigot located at the Elmore Fire Station which also functions as Elmore's emergency shelter. One of the most important factors in weathering any emergency is a strong and supportive community which includes knowing your neighbors and having the knowledge and tools to protect yourself. For additional community information visit the Town website <http://www.elmorevt.org>

## **The Zoning Districts**

### **Village District**

A successful and thriving village center requires a combination of critical elements. The village of Elmore is fortunate to include a town hall, general store, post office, school, a town green with lake frontage, town offices and more. The purpose of the Village District is to allow for a concentrated mix of residential, cultural and limited commercial uses within the town's historic community center in a manner that respects the historic settlement pattern of a compact village surrounded by rural countryside. An important component of the Village District is an inviting streetscape, this includes buildings located close to the street with deep front porches and/or storefronts with sufficient parking for commercial viability that does not dominate the visual appearance of the Village. In recognition that much of the Village is located on the shore of Lake Elmore, shore land protection standards must be followed in this district as well.

### **Rural-East District**

Rolling hills and forests, mixed with low density development and traditional working landscapes are what characterize the Rural-East district, which covers the areas east of Elmore Mountain. The purpose of this district is to preserve that rural, agricultural, forested, and scenic character by allowing for compatible, low density forms of development which have been determined to have a minimal impact on agricultural lands, water quality, forests and wildlife, and aesthetics. Portions of this district are within the Remote Area Overlay District and are subject to additional standards.

### **Rural-West District**

The Rural-West district covers lands on the western slopes of Elmore Mountain including areas around Elmore Mountain Road which may include sweeping views of the Green Mountains but are also located far from town services and can often include fragile features such as steep slopes, large areas of intact wildlife habitat, headwater streams and soils unsuitable for on-site septic disposal. The purpose of the Rural-West District is to preserve the Town's rural

agricultural lands, water quality, forests, wildlife habitat, and aesthetics while allowing for compatible forms of development that have been determined to have a minimal impact on these features. The District will also limit overall density in those areas of Town far from community and emergency services and facilities to avoid undue financial burden on the Town while encouraging traditional land uses, such as passive outdoor recreation in forests.

### **Forest Reserve District**

Forest Reserve District covers areas within the Worcester Mountain Range which includes Elmore Mountain and is part of the largest piece of un-fragmented forest land in north central Vermont and is a globally important breeding area for forest songbirds, as well as a critically important international wildlife corridor. (Staying Connected Initiative, 2012)

The steep slopes and remote nature of the district are considered unsuitable for many types of development which could result in poor or limited access, concerns about the health, welfare and safety of residents and an undue financial burden on town services, including emergency services, utilities and road maintenance. By restricting development in the district the Bylaws intend to avoid these and other issues. The unbroken forests of Vermont's mountain ranges are important to many people who live here. The purpose of the Forest Reserve district is to maintain our piece of this natural legacy responsibly so it can be enjoyed by everyone for generations to come.

### **Undeveloped Shore land District**

Fixing areas where decades of unplanned and damaging development along lakeshores has occurred can be difficult. However, where development has yet to occur on lakeshores there is a unique opportunity to direct careful development and set aside open land for the benefit of the public and wildlife. The purpose of the Undeveloped Shore land District, which includes the areas around Little Elmore Pond, Little Pond, and Hardwood Pond, is to protect water quality and shore land vegetation, minimize adverse impacts to the lakeshore environment, limit encroachments into public waters, and preserve both visual and physical access to and from the lakes and ponds.

### **Developed Shore land District**

Lake Elmore is one of the defining features of Elmore and incredibly important to the town economically, recreationally and aesthetically. The Developed Shore Land District includes all lands which are located within 500 feet of the shorelines of Lake Elmore as measured perpendicularly inland from the mean water level elevation. This area is critical to maintaining the health of Lake Elmore as a viable environment for aquatic and other wildlife, including loons that nest along the shoreline of the lake, as well as providing safe and enjoyable recreational opportunities for people. By regulating development and vegetative coverage, the bylaws strive to minimize adverse impacts to the lakeshore environment, limit encroachments into public waters, and preserve both visual and physical access to and from Lake Elmore.

### **Flood Hazard Area Overlay District**

The purpose of the Flood Hazard Area Overlay District (FHAO) is to responsibly regulate development within areas determined to be River Corridors and Special Flood Hazard Areas (see definitions in Zoning Bylaws). These hazard areas may overlay any other existing zoning

districts and development within the FHAO is subject to the regulations of the underlying zoning district as well as those of the FHAO. By applying these additional regulations the Town strives to avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding events. According to the Vermont Agency of Natural Resources (ANR) "Flooding events are Vermont's most frequent and costly type of natural disaster." Improper development in Flood Hazard areas can also contribute to water pollution and have profoundly negative effects on river equilibrium and ecology. By shifting development away from vulnerable flood areas, Elmore can help to maintain the health of our streams and rivers. These regulations also make the Town of Elmore, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

### **Remote Area Overlay District**

The Remote Area Overlay District (RAO) consists of largely forested areas in the south eastern quadrant of Elmore which are located a substantial distance from existing public roads and public services. As an overlay district, development within the RAO is subject to the regulations of the underlying zoning district as well as those of the RAO. The purpose of the RAO is to maintain existing and traditional land uses in these remote areas in a manner that preserves fragile features, including steep slopes, soils unsuitable for on-site septic disposal, large areas of intact wildlife habitat, headwater streams and associated water supplies, and scenic resources. The Vermont Agency of Natural Resources identifies the area as the highest priority for conservation in Habitat Connectivity, and Interior Forest Blocks (defined by ANR as generally forested areas of 20 acres or more with no roads and little or no human development that best provide interior forest conditions.) These un-fragmented areas function as important wildlife habitat and travel corridors for the entire northeast region reaching across the border into Canada. Additionally, regulations in the RAO are meant to minimize the negative effects of scattered remote development such as increased financial burden on Town services, utilities, road maintenance and poor or limited access to emergency services.

**Thank you** for taking the time to learn about our community. Through the hard work and commitment of our residents we can plan for a future Elmore that balances the needs of all its peoples while maintaining the landscape we all treasure. If you would like to learn more about our town please visit the website <http://www.elmorevt.org>. There you will find links to all kinds of information like important town documents, community announcements and events and beautiful photos. We would also like to remind you that all Planning Commission meetings are open to the public and we encourage you to get in touch and get involved.

To: Kate Sprague and all Elmore Planning Board members.  
From: Don Valentine  
Date: 7 February 2023

It has now been nine months since I wrote to the board regarding the shortcomings in our Elmore Zoning Regulations discovered since I became the Zoning Administrator in January of last year. To date there has been no progress in addressing these issues so possible changes could have been presented and voted on at our annual Town Meeting next month yet precious time has been wasted on none issues like a possible new sewerage system for Elmore Village. About the only thing the Planning Board has done in the three years in which I've been a member is to assist in the organization and operation of the Labor Day weekend race. This is both frustrating and unsatisfactory to me. Thus the previous items are individually noted below, together with an additional one or two and some suggestions for changes to consider.

1. The 1200 ft. maximum elevation for building in the Forest Reserve Zone. Given the number of homes constructed at higher elevations prior to this elevation being chosen, together with the fact that it eliminates any possibility of new homes being constructed on the easterly side of most of the Elmore Mountain Rd. I suggest that this elevation on the west side of Mt. Elmore be increased to 1300 ft. *for the west side of the mountain only* or that construction be allowed within something on the order of 400 ft. east of the centerline of the Elmore Mountain Rd.
2. The issues presented in my previous memo with regard to the grandfathered lots at the upper ends of Sterling View and Worcester Ridge have been resolved by the DRB once they decided that advice Stuart Wepler and I had given them was legally correct so those questions are now moot.
3. Another issue that has been noted is one that has caused problems in many regions in recent years, that being what is referred to as "snob zoning". Is there any real difference between the Rural East and Rural West Zones in Elmore? I suggest that there is not yet the minimum lot size in the Rural West Zone is 7 acres while in the Rural East Zone it is only 2 acres. May I suggest that this difference be eliminated before it brings trouble by changing to a uniform lot size in these zones of 4 or 5 acres in both.
4. In the both the Village and Developed Shoreland Districts wording is included to provide for compatibility with existing building and structures within those districts. Would it not be wise to include similar wording in the requirements for all districts?
5. A major renovation of a home on Worcester Ridge has alerted me to the fact that we have no provisions for the requirement of a Building Permit for interior renovations even when changes are made to outside walls and windows. May I suggest that good zoning would require a Building Permit for **any** renovations over a selected dollar value to be sure that such changes do not make the structure incompatible with those in the same area and to alert the Listers of any possible major change in value. Again I would suggest that inside renovations of a value of \$30,000 or more should require the issuance of a Building Permit prior to the beginning of construction.