

TOWN OF ELMORE, VT
Meeting of the Development Review Board

Final Approved Minutes

Town of Elmore Development Review Board
Elmore Town Hall
Elmore, VT

Meeting of the Development Review Board
Thursday, August 3, 2023

No Site Visits

Attendance:

DRB Members: Jill Lindenmeyr, Chairperson; Caroline DeVore; Michael Furst; Paul
Rousselle; Chris Jolly, Jason Cohen(Alt)
Zoning Administrator: Don Valentine
Applicants: Brent Miller
Public: Thomas Waldman, Dawn Kress, Jerry Kitonis
Via Zoom: Kate Sprague and Brad [REDACTED]

Meeting Called to order by J.L., chairperson, at 5:42 pm

Applicants:

1) Brent Miller – Micklin Farm Rd:

- Brent is seeking a conditional use permit on setback from 25' front yard setback in RE district for construction of a storage building. He proposes a variance to locate the building at a 16' setback (41' from centerline of TH 40 Micklin Farm Rd).
- Construction of the proposed building was started prior to the subject application being received.
- This application has been heard by the DRB previously at the July 6, 2023 meeting.
- General discussion of the historic and current location of Micklin Farm Rd and subsequently the TH ROW limit and the limit of the 25' setback. The road's location has evolved over time. There is evidence of limits of TH ROW; iron pins, rows of trees, an unrecorded survey from 1978, etc.
- C. DeVore made a motion at July DRB meeting (seconded M.Furst and approved unanimously) to request the Selectboard commission a survey to determine actual layout of Micklin Farm Rd. The SB did not discuss approval in their meeting.
- Several members of the DRB have visited the site to review and there is consensus that regardless of historic vs current alignment of the T.H., Mr. Miller's proposed shed is 41' from the centerline of road, therefore encroaches on the 25' setback requirement by 9'.
- Noted the shed location is on the Class 4 portion of Micklin Farm Rd (author of these minutes has not seen nor is aware of details of any application materials, drawings, etc that may have been presented to ZA, DRB or in person at the July 2023 meeting).
- General discussion of how to label Mr. Miller's request (conditional use, variance, etc.). There is consensus among DRB members that the applicant is seeking a variance from the zoning bylaws.

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- Mike Furst made a motion to grant the applicant's variance and permit the building to be constructed as proposed, with a 16' setback from the T.H. ROW.
- Jason Cohen 2nd the motion.
 - o Voting in favor: Furst, Rousselle, Lindenmeyr, Cohen (alt)
 - o Voting opposed: DeVore
 - o Abstain: Jolly
- Amendment: The DRB moved into Deliberative Session following the initial vote – final DRB decisions are issued with the approval of meeting minutes.
- Amendment: Based on new evidence presented following the DRB meeting – the DRB met in deliberative session to evaluate new evidence. A final written decision will be issued within 45 days.

2) Public Comment:

- Kate, Brad and Jerry present to express concerns with Martin Revocable Trust 4 lot subdivision at 883 King Rd that was approved at the February 2023 DRB meeting.
 - o Concerns around shared use of a private ROW to access the lots via Yankee Way; cost sharing, some users of said subdivision applicant is not respecting limits of ROW, etc.

The DRB agreed that the management/enforcement of the private ROW is not a Town issue and not appropriate for further discussion with the DRB. There are considerations of this topic being made at the Elmore Planning Commission and they are brainstorming ways to include requirements to potential future zoning bylaws to ensure functional management and operation of private developments, HOA's, private ROW's, etc.

- o Concerns were also shared with Martin Revocable Trust's compliance with the conditions set by the DRB at the time of the approval of the subdivision at the February 2023 meeting. ZA to investigate and verify set conditions are being met.

- 3) Next meeting to be September 7, 2023 at 5:30. At this time there are no applications received for this meeting.
- 4) M. Furst made a motion to adjourn the meeting. Lindenmeyr second. All DRB members voted in favor.

MEETING ADJOURNED at 6:54 PM
Minutes assembled and submitted by Jolly.