

TOWN OF ELMORE, VT

Monthly Select Board Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Approved

Meeting Date: February 12, 2020

Start Time: 6:00 pm **Adjourn:** 7:45 pm

Meeting Attendees: See attached sign in sheet

Meeting Minutes Approval:

The minutes of the January 21, 2020 Select Board Meetings were approved.

1. SPECIAL TOPICS:

2. ACTIVE ITEMS:

- a. **DISCUSSION:** Town Garage: New construction feasibility study due 2/12/20. Discuss any updates/changes/red flags to date. Discuss information to be shared during Town Meeting.

Notes: The results of the feasibility study were presented by Brian Lane-Karnas of DeWolfe. The study report (copy attached) was discussed in detail and resulted in their belief that the reconstruction of the Town Garage can be on the existing site. The next step will be to send out a request for proposal for an Architect. The proposal shall have two parts.

- Part 1 - Conceptual design with a cost estimate
- Part 2 Design through construction

The possibilities of incorporating energy efficiency into the design was discussed.

- b. **REVIEW:** FAQ for Town Meeting day. Topics include Town Garage, Local Option Tax.

Notes: The Select Board invited Brian Lane-Karnas of DeWolfe to attend Town Meeting and present there finding regarding the condition of the existing garage and the feasibility study.

The Local Options Tax will be discussed as a question and answer period at Town Meeting of appropriate

The Select Board approved the Planning Commission's request to have a survey for CV Fiber to be available at town meeting for individuals attending. The survey can be either mailed direct or given to Sharon.

3. CONTINUING ACTIVE ITEMS: (Update status by principle owner):

- a. **UPDATE:** Road Commissioner's Report – Lacasse

Notes: See attached report

TOWN OF ELMORE, VT
Monthly Select Board Meeting

c. COMPLETED/INACTIVE ITEMS: (Update status)

- a. Review Action Item List

Notes: The action list was not reviewed at this meeting

5. NON AGENDA/OTHER ITEMS: (Time Available)

6. EXECUTIVE OR DELIBERATIVE SESSION AS NEEDED

Town of Elmore
Meeting Attendance Record

ENTER MEETING DATE	2/12/20
ENTER MEETING NAME	Select Board Meeting

Check all that apply

Reason for Attending

Reason for Attendance

YOUR NAME (printed)	Reason for Attending				WHY ARE YOU ATTENDING?
	Observer	Interested Party	Principal Party	Expert or Consultant	
Gleason Schwartz			✓		SB Member
Michel Lacasse			✓		R.C.
Robb Wilts			✓		SB Member
Caroline Bellme			✓		SB Member
Brian LIME-KAWA				X	PRESENT GANOE FEASIBILITY
Don Valentine					Planning Board

20

Road Commissioner Report February 12, 2020

This report covers January 8, to February 12.

Work in Progress or Completed:

1. Trucks are busy plowing and sanding.
2. Town is enrolled in the Fema portal. The process has begun. Fema reimbursement is 75% not 80%.
3. Highway dept keeping the entire state park parking lot cleared for lots of lake activities. Free fishing to the upcoming polar splash.
4. East engineering delivered a set of plans for the Ice house road box culvert project.

Equipment:

1. Beaugard equipment repaired hydraulic leak on grader.
2. C.R woods serviced and changed out fuel pump on loader.

Employees:

1. All is well. Winter weekend rotation in place.

Upcoming Issues:

1. Fema will not be completed until late summer.
2. Will be winging back snow with grader.
3. Prep for the next season.

Road Commissioner

Michel Lacasse



February 12, 2020

Town of Elmore Selectboard
P.O. Box 123
Lake Elmore, VT 05657

Reference: **Feasibility Study, Elmore Town Garage Reconstruction
343 Beach Road, Elmore**

Dear Selectboard Members,

We are writing to present the results of a feasibility study of the site and permitting constraints on reconstructing the Elmore Town Garage on the existing site, which also contains the Elmore Fire Department and the Town sand pile. In 2019 DeWolfe Engineering Associates, PC (DeWolfe) recommended that the Town Garage remain unoccupied while snow is on the roof due to structural deficiencies in the existing roof. The Town of Elmore Selectboard (Selectboard) requested that DeWolfe perform a feasibility study to determine if it is feasible to demolish and reconstruct the garage on the existing site.

This feasibility study considers the site, utility, and environmental/land use regulatory constraints on the reconstruction of the garage. As detailed below, we believe it is feasible to reconstruct the Town garage on the existing site.

Physical Constraints

We assume that the Town garage would be reconstructed on the existing foundation and that the site would continue to be used in a similar manner to the existing use. We do not anticipate any physical constraints (soils, grading, access/circulation, etc.) to reconstructing the garage.

Elmore Zoning

The Town of Elmore Zoning Bylaw (Bylaw) regulates the type and location of land uses within the Town. Additionally, Elmore has been delegated authority by the State of Vermont to enforce shoreland protection rules. Therefore, State Shoreland Permitting jurisdiction does not apply to the project parcel and the relevant shoreland development standards are included in the Bylaw.

The garage property is located in the Developed Shoreland District (DSHR). Within this district, the first 100 feet from mean water level of Lake Elmore is considered the Lakeside Zone and has special protections under the Bylaw. Civic uses are neither a permitted or conditional use in the DSHR district. Reconstruction of an existing nonconforming structure is allowed with conditional use approval.

The current property does not meet several of the dimensional standards of the DSHR district, including the front setback, minimum lot depth, maximum lot coverage, and maximum cleared area coverage. Additionally, the parcel does not meet the vegetative

Surveying
Permitting
Site Design
Subdivisions
Timber Design
Expert Testimony
Site Development
Act 250 Permitting
Forensic Engineering
Environmental Permitting
Transportation Engineering
Structural Inspection Services
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Construction Oversight
Building Assessment
Pedestrian Bridges
Stream Alterations
Sewer Design
Water Supply
Storm Water
Hydrology
Grading

317 River Street
P.O. Box 1576
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management standards for the Lakeside Zone within 100 feet of the lake. The Bylaw contains provisions that allow pre-existing non-conforming uses and structures to continue without meeting the requirements of the Bylaw.

Section 3.8 of the Bylaw states that nonconforming structures can be reconstructed and nonconforming uses can be re-established after catastrophic damage as long as the degree of noncompliance is not increased and the reconstruction and resumption of use occur within one year of the catastrophic event. These provisions allow the parcel to continue to be used for the Town garage and to reconstruct the building on its existing footprint within the front setback.

Additional regulations regarding nonconforming uses in the DSHR (relating to the shoreland requirements) are contained in section G of Table 2.6 of the Bylaw. This section states that a nonconforming structure existing prior to July 1, 2014 can be reconstructed with conditional use approval from the Elmore Development Review Board (DRB). Reconstruction must not increase the degree of nonconformity or compensatory mitigation practices must be installed. Additionally, the section states that any cleared area in existence as of July 1, 2014 can be maintained as long as they have not reverted to natural vegetation.

The existing Town garage building is not non-conforming relative to the shoreland requirements as it is more than 100' from the mean water level of Lake Elmore. However, the site is non-conforming due to the amount of impervious cover and cleared area, and because there is not natural vegetation meeting the Vegetative Protection Standards within 100' of the lake.

The Bylaws include the Flood Hazard Area Overlay District (FLD) for regulating development in the Special Flood Hazard Area shown on Flood Insurance Rate Maps (FIRM) published by FEMA. The effective FIRM for Elmore does not include the area around Lake Elmore. Therefore, we believe that the reconstruction of the garage will not need to meet the flood hazard requirements of the bylaw.

We believe that the Town garage can be reconstructed under the current Blyaw, with conditional use approval. We recommend that the project be preliminarily presented to the DRB to determine whether compensatory mitigation for impervious and cleared areas of the site will be required.

Wetlands

A presumed Class II wetland has been identified on the southerly portion of the site (see attached email correspondence from Shannon Morrison, state wetlands ecologist). The wetland is shown on the attached site map from a plan prepared by Wheeler Engineering in 1996 and available GIS data from the State. Class II wetlands are protected under the Vermont Wetland Rules (VWR), along with a 50' buffer area. The existing town garage building is outside of the wetland and 50' buffer. However, the fire station and portions of the existing gravel drives are within the buffer area. The buffer area is normally required to be maintained as natural vegetation and the fire station and drives would be considered impacts under the VWR.

The Elmore Bylaw also includes the requirement for a 50' buffer area from wetlands. Similar non-conforming use requirements mentioned in the Elmore Zoning section above apply to the wetland setback.

Since the garage building is outside the buffer, we believe it can be reconstructed without need for a State Wetland Permit or Army Corps of Engineers permit. The wetland should be delineated during the growing season to confirm its exact location and a jurisdictional determination obtained from the Vermont Wetlands Program prior to construction.

Water/Wastewater

The current septic leachfield and drilled well were constructed with the fire station in approximately 1998 with 100 gallons per day of water and sewer usage. A holding tank was also installed at that time to temporarily store fire truck wash water from floor drains prior to disposal by trucking. Assuming there have been no changes to

water or wastewater demand at the town garage and fire station, the garage will be able to be reconstructed without changes to the water and wastewater systems. A Wastewater System and Potable Water Supply Permit may be required for the reconstruction, depending on whether there are changes to the external water and sewer piping.

Stormwater

The Town garage property contains approximately 1.3 acres of impervious surfaces (building roof and gravel drives). This exceeds the jurisdictional threshold of 1 acre of impervious surface that triggers State operational stormwater permitting. However, the existing impervious area is grandfathered as it was constructed prior to 2002. Expansion of impervious area greater than 5,000 square feet (beyond what existed in 2002) would trigger a stormwater permit. The reconstruction of the garage on its existing footprint would not trigger a stormwater permit.

Act 250

A search of the Act 250 permit database did not show any previous jurisdiction and the parcel is a municipal use involving less than 10 acres. We believe that the garage reconstruction is exempt from Act 250 permitting requirements.

If you have any questions, please feel free to reach out.

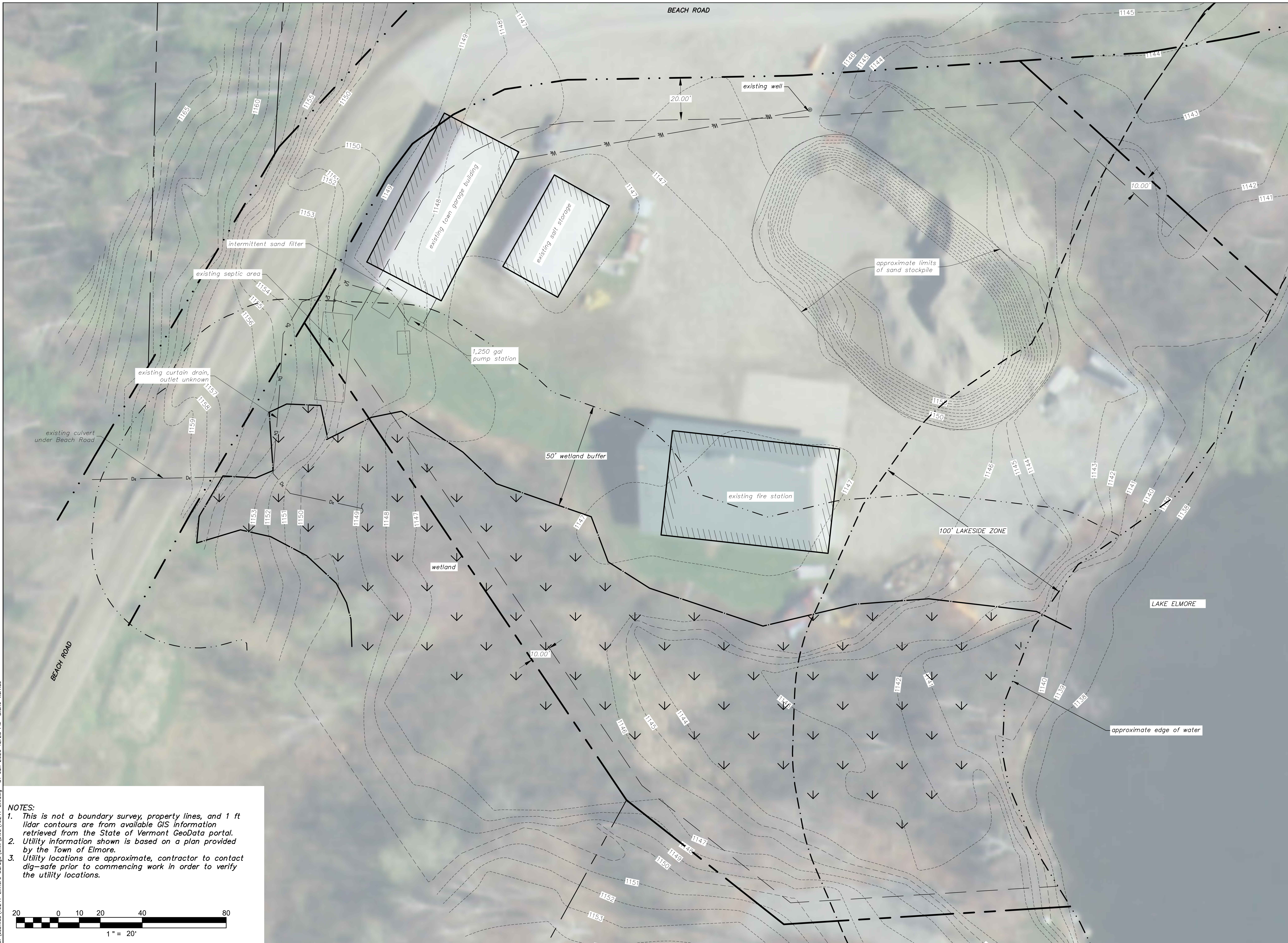
Sincerely,

Brian Lane-Karnas, PE

Enclosures

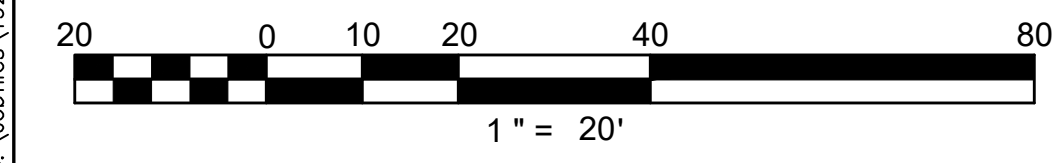
Appendix A

Site Map

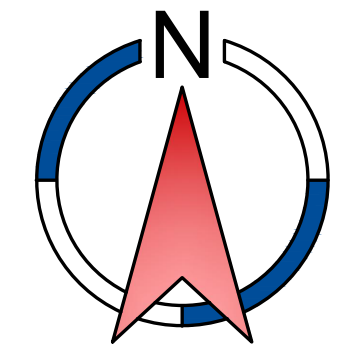


NOTES:

1. This is not a boundary survey, property lines, and 1 ft lidar contours are from available GIS information retrieved from the State of Vermont GeoData portal.
2. Utility information shown is based on a plan provided by the Town of Elmore.
3. Utility locations are approximate, contractor to contact dig-safe prior to commencing work in order to verify the utility locations.



G:\Utilities\19247 Elmore Garage\Civil\DWG\19247_EF.dwg 31 Jan 2020 12:28 PM Biane-kerns



GRID

Civil & Structural Engineers
DeWolfe
 ENGINEERING ASSOCIATES
 PROFESSIONAL CORPORATION
 1.802.223.4727 1.802.223.4740 www.dsteel.com
 317 River St., P.O. Box 1576, Montpelier, VT 05601-1576

no.	date	revision
1		

no.	date	revision
1		

project name:
**ELMORE TOWN GARAGE
 FEASIBILITY STUDY**

project location:
**343 BEACH ROAD
 ELMORE, VERMONT**

client:
 TOWN OF ELMORE

project number:	19247
drawn by:	RBC
checked by:	BMLK
scale:	1"=20'
date:	31 JAN 2020
released for:	REVIEW

sheet description:
**SITE
 MAP**

C1.01

SHEET 1 OF 1

Appendix B

Elmore Zoning Bylaw Excerpts

Town of Elmore – ZONING BYLAW V-1.32 12APR17

**Table 2.6
DEVELOPED SHORELAND DISTRICT (DSHR)**

(A) **Purpose:** The purpose of the Developed Shoreland District is to protect water quality and shoreland vegetation, minimize adverse impacts to the lakeshore environment, limit encroachments into public waters, and preserve both visual and physical access to and from Lake Elmore, including allowing compatible forms of development and expansion of existing camps and existing structures within 500 feet of the Lake, as measured horizontally from the mean water level,. The Lakeside Zone encompasses the first 100 feet back from the mean water level. Activities in the Lakeside Zone are subject to the Vegetative Protection Standards as defined herein. Permit requirements for new development, expansion, and redevelopment within the Developed Shoreland District will vary depending on the conditions of the site present as of July 1, 2014.

(B) **Permitted Uses** *(Reviewed in accordance with Section 6.1)*

- Accessory Dwelling (see Section 4.1 & subsection (E))
- Accessory Structures (see Section 3.16)
- Accessory Use
- Agriculture (see Section 6.5)
- Group Home (6 or fewer residents)
- Home Occupation (see Section 4.5)
- Single Family Dwelling

(C) **Conditional Uses** *(Reviewed in accordance with Section 5.3)*

- Accessory Structures (if conditional use applies; see Section 3.16)
- Public Beach/Park
- Public Campground
- Recreation/Outdoor
- Retaining Wall (along shoreline)
- Enlargement, expansion, reconstruction, modification, or relocation of a nonconforming use or structure (see Section XX)

(D) Dimensional Standards (unless otherwise specified by use type):

Min. Lot Size:	1 acre per principal use	Maximum Lot Coverage:	10%*
Minimum Lot Frontage:	150 ft.	*see Section (E)2 below	
Minimum Lot Depth:	250 ft.	Minimum Lake Setback:	100 ft.
Minimum Front Yard Setback:	20 ft.	Maximum Cleared Area Coverage:	40%*
Minimum Side Yard Setback:	10 ft.	*see Section (E)3 below	
Maximum Building Height:	30 ft.	Maximum Project Site Slope:	15%*
Minimum Lake Frontage:	125 ft.	*see Section (E)4 below	

(E) Supplemental District Standards:

1. Structures permitted within the Lakeside Zone and access areas include stairways and handicap ramps not exceeding 4 feet in width and, subject to conditional use review under Section 5.3, landings and/or decks (which are located on dry land) more than 4 feet in width but less than 6 ft. in width and retaining walls only if it is found that such structures will not adversely impact water quality, significant natural or scenic features, or neighboring properties. Stairs, handicap ramps, walkways, and access paths within the Lakeside Zone greater than 4 ft. in width are subject to conditional use review under Section 5.3. Only one access path, stairway, handicap ramp, or walkway will be allowed in the Lakeside Zone. The maximum width of an access path, stairway, handicap ramp, or walkway shall be no greater than 6 ft. See Section 3.16.

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2. A proposal to increase impervious surfaces above 10%, but not greater than 20%, may be permitted by the Development Review Board only with an approved mitigation plan demonstrating how Best Management Practices (BMPs) will be used to capture and infiltrate stormwater runoff.
3. A proposal to increase the cleared area above 40% may be permitted by the Development Review Board only with an approved mitigation plan demonstrating how Best Management Practices (BMPs) will be used to capture and infiltrate stormwater runoff and maintain the ability of the shoreland to continue supporting particular wildlife species.
4. A proposal for new clearing or construction on a slope exceeding 15% may be permitted by the Development Review Board only with an approved mitigation plan demonstrating how the slope will remain stable and how erosion and the impact to water quality will be minimal through the use of Best Management Practices (BMPs). An example of a BMP may include an additional two (2) feet of Lakeside Zone width for every 1% increase in slope over 15%.
5. Vegetation removal and clearing.
 - a. A vegetated buffer 100 feet in width measured horizontally from the mean water line shall be maintained along the length of the shoreline of Lake Elmore to prevent soil erosion and protect water quality. This 100 foot buffer shall be referred to as the Lakeside Zone.
 - b. One cleared area up to 100 square feet is only allowed between 25 and 100 feet of the mean water level in the Lakeside Zone, subject to Zoning Administrator approval.
 - c. New cleared areas up to 500 square feet are only allowed more than 100 feet from the mean water level upon conditional use from the Development Review Board.
 - d. Tree removal and pruning is allowed in the Lakeside Zone as long as the Vegetation Protection Standards specified in Section (F) are met. Removal of dead, diseased, or dangerous trees and invasive species, nuisance plants, and noxious weeds is allowed subject to Zoning Administrator approval.
 - e. Removal of 250 square feet of vegetation less than 3 (three) feet in height, and at least 25 feet from the mean water level, is allowed as long as Vegetation Protection Standards specified in Section (F) are met and the duff layer is not removed.
6. Notwithstanding subsection (2) above, the Development Review board may allow encroachment into the 100 feet buffer area (Lakeside Zone) as a conditional use under Section 5.3 where encroachment is required to modify or replace a septic disposal system located on the parcel. In allowing such encroachments, the Board shall ensure that:
 - a. No other options are available on the parcel to accommodate the new or modified septic system;
 - b. That the existing system poses a threat to public health and water quality unless the system is modified or replaced;
 - c. The total area of encroachment is the minimum necessary to accommodate the modification or replacement; and
 - d. The modification and/or replacement of the septic system is necessary to correct a system that has failed or is otherwise inadequate to serve the current use of the property, and is not designed to accommodate the expansion or enlargement of the existing use.
7. Draining or filling of land along the shoreline, including associated wetlands, shall be allowed only in accordance with applicable state and federal regulations. The dredging of land adjacent to the shoreline is prohibited. The installation of permanent docks and retaining walls shall be allowed only in accordance with applicable state and federal regulations.
8. Fuel storage is allowed in the Developed Shoreland District only for normal residential use.

Town of Elmore – ZONING BYLAW V-1.32 12APR17

9. Conditional use review standards under Section 5.3 must be followed for Conditional Uses, or as otherwise specific under Article III and/or Article IV.
10. Notwithstanding subsection (B), an accessory dwelling that is located in an accessory structure constructed after July 1, 2004, or which results in the expansion of the height or floor area of the principal single family dwelling may only be allowed by the Development Review Board as a Conditional Use under Section 5.3.

(F) Vegetation Protection Standards:

1. Within the Lakeside Zone, tree coverage shall be managed in 25×25 foot plots. The trees within each plot shall be given points according to their diameter at 4.5 feet, referred to as diameter at breast height (DBH). Within the Lakeside Zone, a 25 foot by 25 foot plot must meet the following:
 - A minimum number of 12 total "points" worth of trees
 - At least five saplings (trees less than 2" DBH) in the same area; and
 - No removal of duff layer.
 - No removal of groundcover except as specified in Section (E)5.

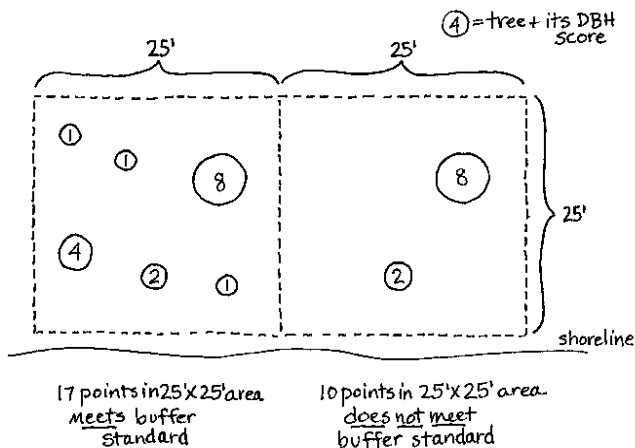
Trees and saplings may be cut as long as the sum of the scores the above standards are maintained.

Vegetation Protection Grid and Point System	
Diameter (DBH)	No. of Points
Under 2"	0
2" to less than 4"	1
4" to less than 8"	2
8" to less than 12"	4
12" and greater	8

2. All cutting and removal permitted under this section shall be conducted so as to:
 - a. Prevent damage to surrounding trees and saplings,
 - b. Minimize damage to duff layer,
 - c. Prevent soil erosion and sedimentation to the waterbody, and
 - d. Leave all stumps intact.
3. Property owners shall not be required to obtain new trees to fulfill the 12-point tree coverage requirement on land within the Lakeside Zone legally in existence on July 1, 2014. However, property owners shall not decrease the point value of any grid section that does not meet the required 12-point score.
4. Property owners shall replant dead, diseased, or damaged trees within 25 feet of the mean water level.

Grid and Point Example

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5. In any enforcement action for removal of trees or saplings in violation of this section, the burden of proof shall be on the property owner showing that the removal of trees or saplings pursuant to this section did not bring the sum of the scores of the remaining trees and saplings in that segment below 12 points.
6. Proof that the removal complied with Vegetation Protection Standards provided in this section shall include, but not be limited to the following:
 - a. Photographs of the property which clearly show the trees or saplings; and
 - b. A sketch of the property showing the location and point scores of the trees and saplings that will remain on the property.
7. In addition to any fine or injunctive order levied against the property owner, removal of trees or saplings in violation of this section shall require implementation of a shoreland restoration plan designed by a qualified professional and approved by the Zoning Administrator that addresses the following:
 - a. The number, size, and species of trees and saplings removed in violation of the regulation;
 - b. A re-planting schedule including site conditions, planting time and a guarantee that at least 80% of the plants will survive the first year. If more than 20% of the new plants die within the first year, they shall be replaced.
 - c. A site restoration map of the cleared area drawn to scale that includes structures, roads, and the location of existing trees, trees that were removed, and proposed replacement trees.

(G) Existing Development, Nonconforming Uses and Structures

1. Any structure or use of land legally in existence on July 1, 2014 that does not meet the requirements of these regulations shall be considered nonconforming. In addition to the standards found in Section 3.8, nonconforming uses and structures within the Developed Shoreland District are subject to the following conditions:
 - a. A nonconforming structure may undergo normal maintenance and repair provided that such action does not increase the degree of nonconformity.
 - b. A nonconforming structure may be enlarged, extended, reconstructed, expanded, modified, or relocated only with the conditional use approval of the Development Review Board. The Development Review Board must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity, or compensates for

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the loss of vegetation or increased impervious surface area and meets all other applicable requirements of these regulations. See Figure A.

Figure A. Expansion of a Nonconforming Structure

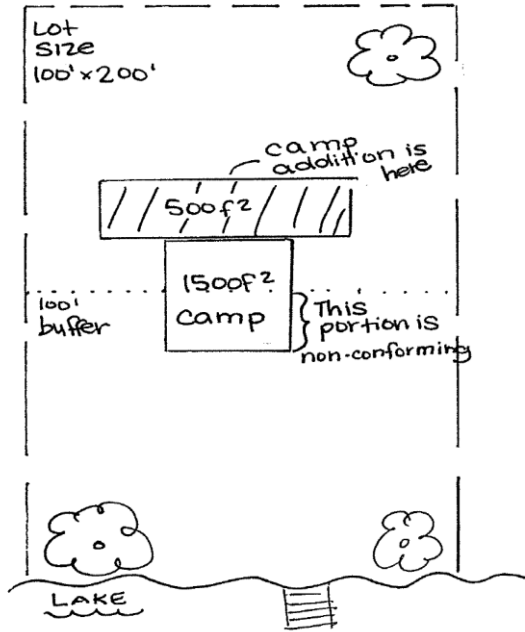
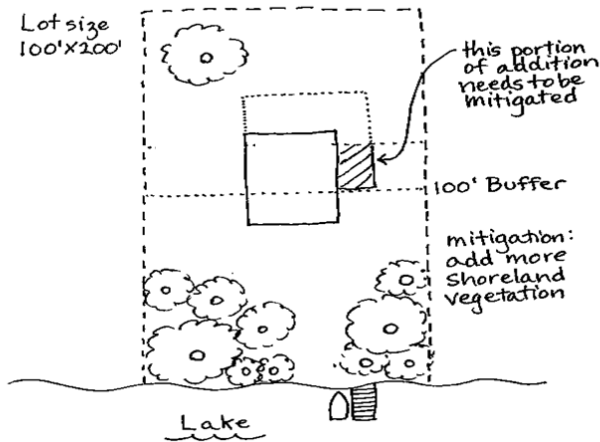


Figure A illustrates impervious surface coverage of 10%, computed as follows:

Assume that the lot size is 100 ft. x 200 ft. = 20,000 sq. ft.
The 1,500 sq. ft. camp + 500 sq. ft. addition = 1600 sq. ft.
 $1600 \div 20,000 = 8\%$ Impervious Surface.

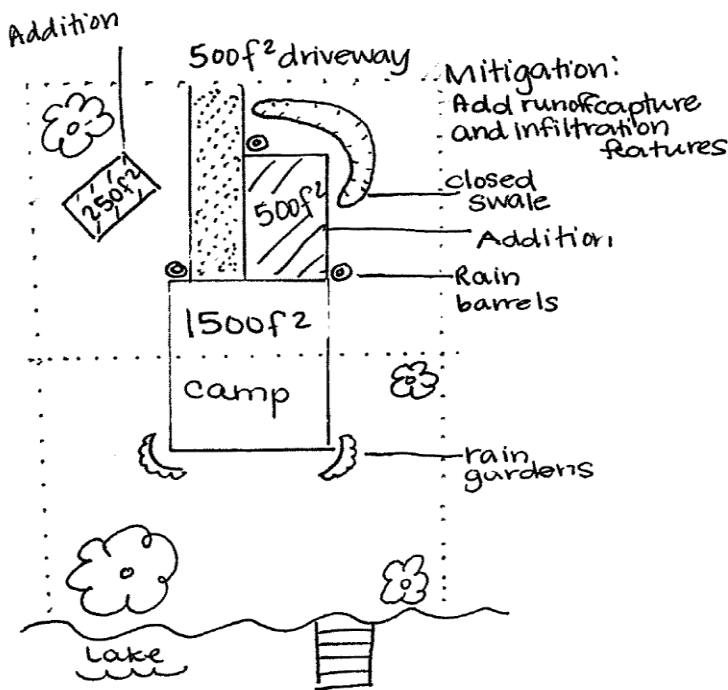
- c. Where the expansion of a nonconforming structure is permitted, the Development Review Board may require the applicant to return any mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation in order to meet or exceed the Vegetation Protection Standards provided in Section 2.6(F) above. See also Figure B.

Figure B. Nonconforming Structure Mitigation – Adding Vegetation



- d. A proposed expansion to a nonconforming structure resulting in more than 10% impervious surface coverage, but not greater than 20% impervious surface coverage, may be permitted by the Development Review Board with an approved mitigation plan demonstrating Best Management Practices (BMPs) that includes runoff capture and infiltration structures to prevent stormwater runoff from reaching the lake. See Figure C.

Figure C. Nonconforming Structure Mitigation – Stormwater Capture and Infiltration



10% impervious coverage exceeded with two additions.

- e. No part of the Lakeside Zone vegetation shall be forfeited to replace lawn areas lost as a result of the expansion of a nonconforming structure.
- f. Cleared openings and lawns legally in existence on July 1, 2014, may be maintained. However, areas that were once fields, lawns or cleared openings but have reverted to primarily shrubs, trees, or other woody vegetation are regulated under the Vegetation Protection Standards and clearing standards under these regulations.
- g. A nonconforming structure can be moved provided that such action does not increase the degree of noncompliance and so long as disturbed areas are restored to a naturally vegetated state with supplemental planting as outlined in the Vegetation Protection Standards provided in Section 2.6(F).

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district.

- H. Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets with less than a fifty (50) foot right-of-way or where the width of the street right-of-way is not established, the front-yard requirement shall be measured from the centerline of the existing roadway and twenty-five (25) feet shall be added to the front yard requirement.
- I. All yards adjoining a street shall be considered a front yard for the purpose of these regulations.

Section 3.8 Nonconforming Uses and Noncomplying Structures

- A. In accordance with the Act [§4412(7)], these regulations address three categories of nonconformity:
 - 1. Nonconforming structures (see Subsection (B));
 - 2. Nonconforming uses (see Subsection (C)); and
 - 3. Existing small lots (see Section 3.5).
- B. **Nonconforming Structures.** Any pre-existing structure or part thereof which is not in compliance with the provisions of these regulations concerning density, setbacks, height, lot size or other dimensional standard, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. Nonconforming structures legally in existence on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:
 - 1. May undergo normal repair and maintenance provided that such action does not increase the degree of noncompliance (see definition of degree of noncompliance in Article 7);
 - 2. May be restored or reconstructed after damage from fire or other catastrophe, provided that the reconstruction does not increase the degree of noncompliance which existed prior to the damage and that the reconstruction occurs within one year of such damage;
 - 3. May be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of noncompliance;
 - 4. May, subject to conditional use review under Section 5.3, undergo alteration or expansion which would increase the degree of noncompliance solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards); and/or
- C. **Nonconforming Uses.** Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. Nonconforming uses which legally exist on the effective date of these regulations may be continued indefinitely, but shall be subject to the following provisions. A nonconforming use:
 - 1. Shall not be re-established or continued following abandonment or discontinuance resulting from structural damage from fire or other catastrophe, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one year of such damage;
 - 2. Shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of one year, regardless of the intent to re-establish such prior use;
 - 3. Shall not be changed to another non-conforming use; and

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- 4. Shall not be moved, enlarged, or increased by any means whatsoever, nor shall a nonconforming use be moved to a different lot within the same district in which it is located.

D. In additions to the Standards outlined above, nonconforming structures and uses located in the Developed Shoreland District are subject to standards established under Table 2.6(E)

Section 3.9 Open Storage of Junk and Vehicles

- A. The dumping, burying, disposing, or burning of garbage, refuse, scrap metal, rubber, or similar materials is prohibited except in salvage, disposal or recycling facilities specifically permitted for such use under applicable municipal and state regulations.
- B. In any district, junk, salvaged materials, or more than two (2) motor vehicles or portions thereof which are non-operating and not registered with the state, with the exception of vehicles or materials used in farming or forestry operations, shall be stored in an enclosed area or in an area concealed from public roads (also See Salvage Yards, Section 4.10).
- C. Within the Flood Hazard Overlay District, the storage of equipment or materials must conform to the Flood Hazard Area Development Standards specified under Section 5.3(E).

Section 3.10 Parking and Loading Requirements

- A. **Parking.** Adequate provision shall be made so that normal vehicular traffic associated with any use may be parked off of public roads and rights-of way. Spaces shall be provided as follows whenever any new use is established, or when the present use is expanded or changed:
 - 1. A minimum number of parking spaces as determined by proposed use shall be provided in accordance with the requirements listed in Table 4.1.
 - 2. An off-street parking space shall have a minimum width of nine (9) feet, a minimum length of twenty (20) feet, and adequate maneuvering room and access to a public road. For purposes of initial calculation, an off-street parking space with access and maneuvering room may be estimated to be three hundred (300) square feet.
 - 3. In addition to the requirements listed in Table 3.1, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements.

Table 4.1 Minimum Off-Street Parking Requirements	
Use	Parking Spaces
Residential Dwelling Unit, one bedroom/efficiency	1.0 per dwelling unit
Residential Dwelling Unit, two or more bedrooms	2.0 per dwelling unit
Residential Dwelling unit, elderly housing, two or more bedrooms	1.5 per dwelling unit
Home Occupation/Cottage Industry	2 per dwelling unit, and 1 per additional employee
Bed and Breakfast	2 per dwelling unit, and 1 per lodging room

Appendix C

Email Correspondence

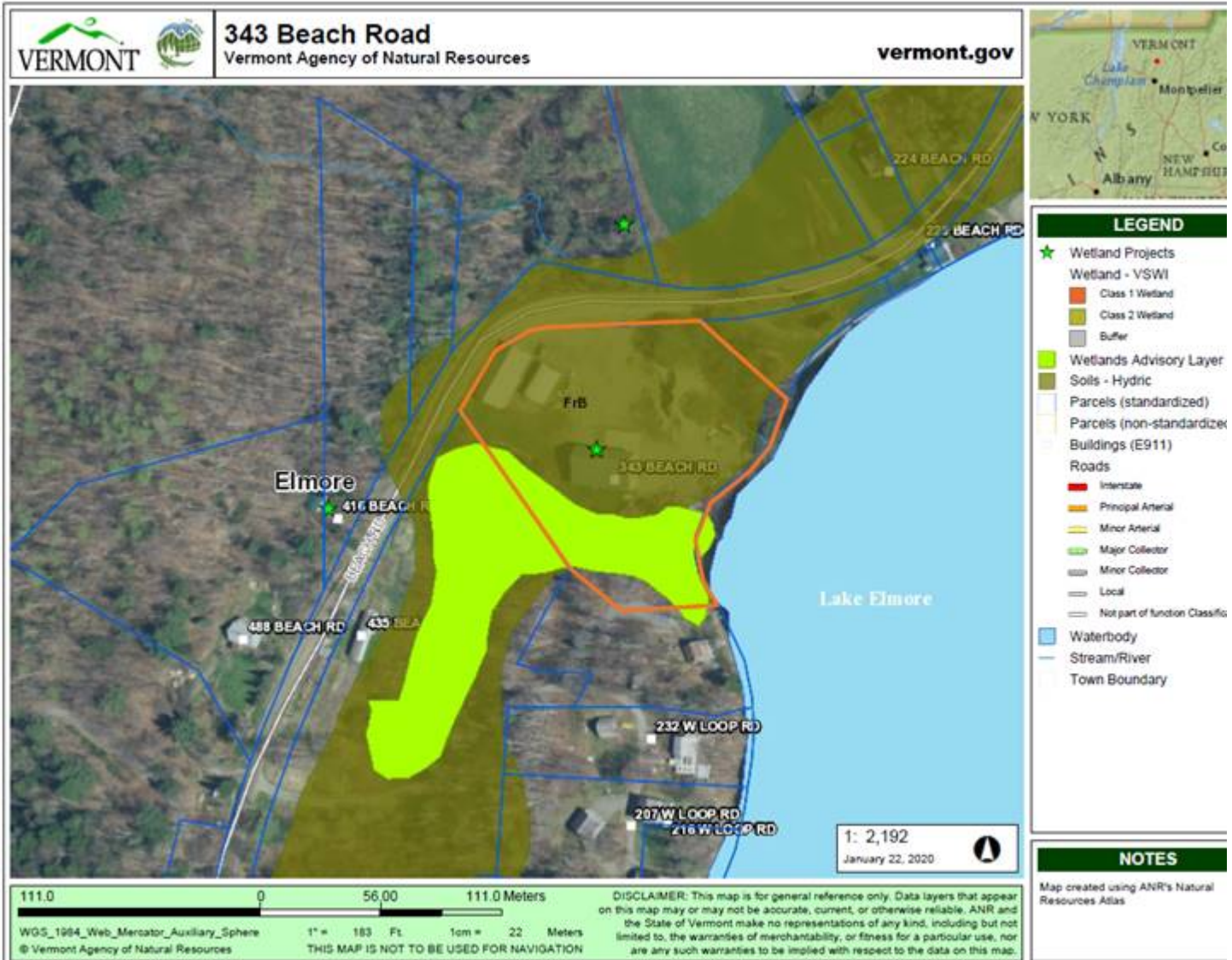
Brian Lane-Karnas

From: Miller, Lindsay <Lindsay.Miller@vermont.gov>
Sent: Wednesday, January 22, 2020 2:23 PM
To: Brian Lane-Karnas
Cc: Robb Wills; Morrison, Shannon
Subject: RE: Elmore Town Garage

Hi Brian,
Thanks for checking in.

Elmore is actually 1 of 4 towns in the state that is self-delegated in terms of Shoreland Protection Permitting – so provided you work with the town to adhere to their zoning/regulations, no additional Shoreland Protection Permit is needed for work on this parcel. This self-delegation is described further here (https://dec.vermont.gov/sites/dec/files/wsm/lakes/docs/Shoreland/lp_Municipal%20Delegation.pdf) as well as at the very bottom of this webpage (<https://dec.vermont.gov/watershed/lakes-ponds/permit/shoreland>).

I do recommend checking in with Shannon Morrison (District Wetlands Ecologist), if you haven't already. It looks like there are hydric soils and a few older Wetlands Projects in the area/on the parcel.



Please let me know if you have any further questions.
Thanks,
Lindsay



Lindsay Miller, Lake & Shoreland Permitting
1 National Life Drive, Davis 3
Montpelier, VT 05620-3522
802.490.6200 / lindsay.miller@vermont.gov
<http://dec.vermont.gov/watershed>

 Join Lakes & Ponds on social media!

From: Brian Lane-Karnas <Brian.Lane-Karnas@dirtysteel.com>
Sent: Wednesday, January 22, 2020 10:12 AM
To: Miller, Lindsay <Lindsay.Miller@vermont.gov>
Cc: Robb Wills <rwills@elmorevt.org>
Subject: Elmore Town Garage

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Lindsay,

DeWolfe Engineering is performing a feasibility study for the Town of Elmore to determine the feasibility of replacing the existing Town garage on the property where it currently exists. The garage is structurally deficient and is not safe to use. The existing garage is located at 343 Beach Road in Elmore. See attached location map.

A significant portion of the site is located within the protected shoreland area, however, the site is also substantially cleared of vegetation. The site is also used for a fire station and the Town sand pile.

Can you let me know if there would be any restrictions related to Shoreland permitting on building a new Town garage on the site? Would there be any restrictions to relocating the sand pile if needed?

Thanks,
Brian Lane-Karnas, PE
Senior Engineer
Professional Engineer Licensed in VT

DeWolfe Engineering Associates, PC

317 River Street, PO Box 1576
Montpelier, VT 05601-1576
Main Office: (802) 223-4727
Direct Line: (802) 613-3001
Fax: (802) 223-4740
Brian.Lane-Karnas@dirtysteel.com
www.dirtysteel.com

Brian Lane-Karnas

From: Morrison, Shannon <Shannon.Morrison@vermont.gov>
Sent: Wednesday, January 22, 2020 11:21 AM
To: Brian Lane-Karnas; ANR - WSMD Wetlands
Cc: Robb Wills
Subject: RE: Other Inquiry or General Question: Elmore Town Garage

Hi Brian, I would presume this is a Class II wetland based on the size (almost 2 acres) and the connectivity of the wetland to the lake. 2015-034 did confirm a Class II wetland, that I believe is contiguous to the wetland on the map.

From: Brian Lane-Karnas <Brian.Lane-Karnas@dirtsteel.com>
Sent: Wednesday, January 22, 2020 10:27 AM
To: ANR - WSMD Wetlands <ANR.WSMDWetlands@vermont.gov>
Cc: Morrison, Shannon <Shannon.Morrison@vermont.gov>; Robb Wills <rwills@elmorevt.org>
Subject: Other Inquiry or General Question: Elmore Town Garage

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

If you have a general inquiry that cannot be answered by reviewing the VT Wetland Rules or the VT Wetlands Program website homepage, please fill out the information below and provide a location map if applicable. Your question will be directed to our administrative staff. Please allow at least a week for a formal response.

Full Name: Brian Lane-Karnas

Phone Number: 802.613.3001

Mailing Address: PO Box 1576, Montpelier, VT 05601-1576

Description of General Inquiry: File review for possible Class II wetland

Project Location Description or E911 Address (if applicable): 343 Beach Road in Elmore

Wetland Permit or CUD # (if applicable): Project# 2015-034, 1997-120

Other Permit #:

Additional Notes:

Shannon,

Can you confirm whether the wetland shown on the advisory layer on the attached map has been determined to be a Class II in the past? DeWolfe Engineering is performing a feasibility study for the Town of Elmore to determine the feasibility of replacing the existing Town garage on the property where it currently exists. The garage is structurally deficient and is not safe to use. I would like to advise the Town on how far from the wetland a replacement garage must be.

Thanks,

Brian Lane-Karnas, PE

Senior Engineer

Professional Engineer Licensed in VT

DeWolfe Engineering Associates, PC

317 River Street, PO Box 1576

Montpelier, VT 05601-1576

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Direct Line: (802) 613-3001

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Brian.Lane-Karnas@dirtsteel.com