



LAND USE PERMIT ADMINISTRATIVE AMENDMENT

State of Vermont Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street, Montpelier, Vermont 05633-3201
<https://nrb.vermont.gov/>

Phone: 802-476-0185

CASE NO. 5L1116-4B

Miranda Koggan
337 Lakeview Lane
Wolcott, Vermont 05680

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Administrative Amendment 5L1116-4B pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6111. This permit amendment applies to the lands identified in Book 70, Page 503, of the land records of the Town of Elmore, Vermont. This permit authorizes the creation of 3 lots from existing Lots 1, 3, and 4. Lot 1A, comprised of 9.22 acres (to be conveyed to McAtee); Lot 1C, comprised of 4.59 acres (to be conveyed to Boyea-Traber); and Lot 4A, comprised of 17.4 acres (to be conveyed to Mallin). The remaining land, comprised of Lots 1 (46.9 acres, with an existing single-family residence) and Lots 3 and 4 (94.3 acres, with no existing or proposed development), will be retained by the Permittee.

1. This permit hereby incorporates all of the conditions of Wastewater System and Potable Water Supply Permit WW-5-8398 issued on October 20, 2020 by the Drinking Water and Groundwater Protection Division, Department of Environmental Conservation, Agency of Natural Resources.
2. Except as amended herein, all terms and conditions of Land Use Permit 5L1116 and subsequent amendments remain in full force and effect.

Dated this 13th day of April 2021.

By /s/ Susan Baird
Susan Baird, District, Coordinator
Districts 5, 6 & 9 Environmental Commissions
10 Baldwin Street, Montpelier, Vermont 05633-3201
802-476-0134
susan.baird@vermont.gov

ELMORE, VT Town Clerk's Office
Received for Record
April 20 A.D. 20 21
at 9 o'clock 00 minutes 19 M
and Recorded in Book 85 Page 83
Attest Shana Draper Town Clerk

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).



**Town of Elmore
PO Box 123
Lake Elmore, Vermont 05657**

August 8, 2018

Re: Conditional Use Permit Z-18-017
Koggan Subdivision, Lakeview Lane, Lake Elmore

Dear Miranda:

Please be advised that the Development Review Board of the Town of Elmore has approved your application for a conditional use permit to subdivide Lot 1 into 5 new lots; and Lot 4 into 2 new lots. The project must be completed in conformance with the standards set forth in the Elmore Zoning Bylaws for the Rural East District. The enclosed DRB meeting minutes of August 2, 2018 are a permanent part of the approved permit.

This Zoning Permit constitutes a local zoning permit only. As you know, state permits also apply to your property. Good luck on your project, and please feel free to contact my office at any time.

Sincerely,



Kristen Rose
Elmore Zoning Administrator

Copy: Development Review Board
Chair, Planning Commission

TOWN OF ELMORE, VT

Meeting of the Development Review Board

Meeting Date: Thursday, August 2, 2018 at 6:00pm

Meeting Location: Elmore Town Offices

Minutes Version Number/Status: V1.0 - Draft

DRB Members: Jill Lindenmeyr – DRB Chairman, Paul Rousselle – DRB,
Caroline DeVore – DRB, Jay Kennedy - DRB

Zoning Administrator: Kristen Howell

Additional Meeting Attendees: Michel Lacasse – Resident, Walie Worth - Resident, Miranda Koggan – Resident

NOTE: DRB MAY ENTER EXECUTIVE OR DELIBERATIVE SESSION(S)

CALL TO ORDER: Jill Lindenmeyr, Chairman **6:02pm**

Approve or amend meeting agenda

Agenda approved as drafted.

Introduction of members and meeting attendees

Swearing in of participants

Review and approval of previous month's meeting minutes

July minutes approved as drafted.

Motion J. Kennedy, Second: J. Lindenmeyr

Vote: Yes, unanimous

Discussion: Chairman asked if lot coverage totals, including new shed and all existing buildings reviewed under the Churchill conditional use permit (July 2018), were under lot coverage guidelines of 10%. ZA to confirm that total lot coverage conforms to guidelines.

A. SPECIAL TOPICS: (Items requiring expanded discussion)

1. Conditional Use Permit Review

Town District: Rural East

Applicant: Miranda Koggan

Project: Subdivision Creation

Location: Lakeview Lane, Elmore. 208 total acres. Lot 1 into 5 new lots and Lot 4 into 2 new lots.

Notes: ZA reviewed permit application describing the property and permit reference materials provided to the board prior to the meeting. Subdivision details were reviewed with the DRB members as follows:

Existing 60.2 acre property to be divided as follows:

Lot 1A: 2.19 acres

Lot 1B: 2.17 acres

Lot 1C: 2.43 acres

Lot 1D: 2.16 acres

Remaining 51.25 acres will be kept as a single lot.

Existing 112.2 acre property to be divided as follows:

TOWN OF ELMORE, VT

Meeting of the Development Review Board

Lot 4A 17.4 acres (to be cultivated for hemp)
Remaining 94.80 acres will be kept as a single lot.

All lots conformed to district zoning regulations. Lots also noted to conform to ACT 250 and further applications and hearings will be required with the Lamoille Regional Planning committee.

Discussion: Meeting attendees questioned ongoing access to the property and newly created lots via current Class 4 road. DRB recommended that a homeowner's association be formed to proactively define a program for property access/road maintenance. The current road is a Class 4 road. By statute the Town is not obligated to maintain the road: 19 V.S.A. § 310: "(b) Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town."

Motion: After hearing all testimony, P. Rousselle made the following motion: The DRB shall grant the conditional use permit for the subdivisions as presented with the following recommendations:

- Owner should form a homeowner's association defining how the Class 4 roadway will be maintained by the property owners.

Motion made by P. Rousselle, Second by J. Lindenmeyr; Vote: Yes= unanimous

B. NEW ITEMS: (Schedule, minimum. 1 wk. prior to meeting)

1. Review details of lots in Forrest District including:

0 Sterling View, 0 Worcester Ridge, 118 Sterling View, Lot #12 Worcester Ridge North, Lot 8 Worcester Ridge

Discussion: Board reviewed real estate listings for above noted properties. ZA noted that the descriptions of the properties may not directly align with permits as filed. Any listing noting "additional clearing for a view" or "approved building lot" may not accurately reflect the current status of the lots nor conform to Town zoning by-laws. Since these lots are in a more restrictive Town district, the board will take steps to encourage a better alignment of real estate descriptions with zoning realities. This proactive approach will help avoid future misalignment with new property owners as they apply for building permits.

Action: ZA will help with researching the current approved permit status of these lots and board members will reach out to real estate agents to get copies of all approved permits noted in the advertisements. Board will take pictures of lots to compare to status when/if applications for building permits are made.

Motion to adjourn at 7:01pm made by Jay Kennedy, Second: P. Rousselle, Vote: Yes-unanimous