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Town of Charlotte
DEVELOPMENT REVIEW BOARD
Meeting Conducted at Town Hall and via Teleconference
December 14, 2022

Approved by the DRB – 1.11.2023

Development Review Board: Charles Russell (Chair), JD Herlihy, Gerald Bouchard, Alexa Lewis, Christina Asquith

Staff: Larry Lewack, PC, Rebecca Kaplan, P&Z Clerk; Lynn Monty, Recording Secretary

OTHERS: Jacob Hinsdale, Silken Kirshner, Pete Demick, Frank Tenney, Claudia Mucklow, Sharon Mount, Maggie Citarella, Mandy Corey, Susan Blood, Dave McNally, Dave Marshall, Rachel Hutchins, Paul Plante

Posted Agenda:

7:00 PM Call to Order; changes to agenda (if any)
7:02 PM Public Comment (not pertaining to pending applications)
7:04 PM Review & Approve Meeting Minutes: DRB Minutes Nov. 16 and Nov. 30
7:06PM DRB 22-90-SK Stearns - request for extension of sketch letter
7:08 PM DRB 22-13-CU Spear's Corner Store – request for extension of sketch letter
7:10 PM DRB 22-251-SD Hinsdale Charlotte Farms – 1-lot Planned Residential Development (PRD), convert single-family house to a multi-family fourplex at 286 Prindle Rd.
7:30 PM Discussion with Charlotte Conservation Committee
8:10 PM DRB 22-259-SD Hutchins –continued - Preliminary plan review for proposed 4-lot Major Subdivision at 363 Riverside Dr.
8:20 PM Markup & Approve Draft Decisions: DRB 22-160-SD O'Donnell-Donovan; DRB 22-256-SD Pfaff. Public Deliberations: DRB 22-251 Hinsdale Charlotte Farms (no public testimony or comment will be allowed)
9:00 PM Adjourn

CALL TO ORDER: Chair Charles Russell called the meeting to order at 7 pm.

CHANGES TO THE AGENDA: Larry added a 2023 DRB meeting schedule review.

Public Comment (not pertaining to pending applications): (none)

Review & Approve Meeting Minutes: DRB Minutes Nov. 16 and Nov. 30:

MOTION by Christina Asquith; seconded by Alexa Lewis, to approve the DRB meeting minutes for Nov. 16, 2022 with no changes. VOTE: 5 ayes, motion carried.

MOTION by Christina Asquith; seconded by Alexa Lewis, to approve the DRB meeting minutes for Nov. 30, 2022 as amended. VOTE: 5 ayes, motion carried.

DRB 22-90-SK Stearns - request for extension of sketch letter:

JD Herlihy commented it's clear to him that the previous sketch plan advice is no longer valid, and that he doesn't believe we should approve an extension, as the project cannot proceed as proposed. (This is due to change in LURs Sec. 3.6.B.1, which require dedication of new open space for a 2-lot

49 minor subdivision without adequate frontage for both lots.) Larry Lewack agreed that the landscape has
50 changed for this project, and it would be a mistake to encourage the applicants to proceed on this path.
51 Charles Russell asked for a motion (stated affirmatively) for the DRB to address this problem.

52

53 **MOTION by Gerald Bouchard; seconded by Alexa Lewis, to approve DRB 22-90-SK Stearns -**
54 **request for extension of sketch letter for six months. VOTE: 1 aye, 4 nays, motion denied.**

55

56 **DRB 22-251-SD Hinsdale Charlotte Farms – Preliminary Plan review** for proposed 1-lot Planned
57 Residential Development (PRD), to convert single-family home to a multi-family dwelling at 286
58 Prindle Rd.

59 Upon inquiry by the Chair, no conflicts of interest nor ‘ex parte’ communications were disclosed
60 by DRB members. Jacob Hinsdale and Silken Kershner were sworn in by the Chair. Jacob Hinsdale
61 presented the plan. He noted the house is too big to rent, but the layout lends itself into dividing into four
62 apartments. Responding to questions raised in the staff report, he stated:

- 63 • Electric utility lines are & will be underground for each unit.
- 64 • Units will not be marketed as affordable.
- 65 • Wetland delineation was completed in June 2021 & will be provided with Final Plan application
- 66 • Manure pit at horse farm across Prindle Rd. is “mostly sawdust.” Odors should not be an issue
67 for residents of proposed apartments.
- 68 • Open Space area now generally follows the property lines around the perimeter, as requested.
- 69 • Final site plan will include a marked building envelope around the farmstead buildings.
- 70 • Parking lot is now designed for 6 spaces, not 8. This meets the parking standard for 4 units.
71 Impervious surfaces will not be increased, Silken said.

72 Also noted in discussion:

- 73 • Stairs to 2nd floor apartment are within the front setback, but do not increase nonconformity, per
74 decision in ZBA 11-04, JD said. He would like this cited in the findings in our decision.
- 75 • This is a preliminary hearing. Applicants will have to return for Final Plan review.

76

77 **MOTION by Christina Asquith; seconded by Alexa Lewis, to close DRB 22-251-SD. VOTE: 5**
78 **ayes, motion carried.**

79

80 **Discussion with Charlotte Conservation Commission:**

81 The Charlotte Conservation Commission is supposed to meet with the DRB once a year. CCC
82 members Pete Demick, Claudia Mucklow, Sharon Mount, Maggie Citarella, Mandy Korey, Dave
83 McNally and Susan Blood introduced themselves. Maggie had a few requests & questions for the DRB
84 on behalf of the group:

- 85 1. The Charlotte Conservation Committee provides comments and advice to the DRB for each
86 project. Each project takes them about five hours to review. They asked that the DRB provide
87 feedback to the CCC. Charles Russell said DRB members always read the CCC’s comments &
88 provides direct feedback in their hearings. Capturing the DRBs differing points in the minutes
89 when reviewing the Committee’s letters will be helpful, JD said.
- 90 2. The CCC is concerned how the staff report can influence DRB decisions, when the staff makes
91 recommendations on findings and whether a project can be approved. Charles noted the DRB has
92 recently created a spreadsheet to identify relevant findings and conditions to be used in the
93 project review process. This tool will eventually replace the staff report. Larry noted that it’s his

94 view DRB members always read the staff report with a critical eye & often draw different
95 conclusions, or see things that the report overlooked. The DRB decides projects, not the staff.

- 96 3. Charles noted the LURs at this time do not reflect the Act 171 goal of preserving blocks of forest
97 habitat. He suggested it would be helpful if the CCC pro-actively identified the high-value forest
98 blocks town-wide, which would be a helpful resource to the DRB in subdivision reviews.
99 Prioritizing areas of high public value are key, JD said. Once forest blocks have been identified,
100 the Town Plan could be updated with a new map showing these forest blocks. Maggie Citarella
101 asked if the town staff could collaborate with the CCC on applying for grants to upgrade our
102 tools & get help with these projects, as we need to update the town's online maps too.
- 103 4. Christina Asquith said she is interested to hear the CCC's ideas for amending the LURs to better
104 reflect their goals to protect natural resources. She called for continuing education for the DRB
105 to become better environmentalists. JD Herlihy said he'd like to see the LURs amended to more
106 clearly spell out the CCC's advisory roles.
- 107 5. Maggie Citarella asked if the DRB was focused on a more permissive approach to development
108 review? Charles Russell said no, the DRB remains focused on giving applicants due process for
109 their projects, and applying the LURs accurately and fairly.
- 110 6. The need to update the Town Plan by 2026 was discussed. Larry Lewack noted there is a real
111 opportunity in upcoming LURs amendments to advance village-scale development, which will
112 reduce pressure to build in the rural district. This will be the focus during the next 2 years.

113 The DRB and CCC agreed to continue this discussion at a later meeting, sometime this coming winter.

114

115 **DRB 22-259-SD Hutchins (public hearing continued from Nov. 30 mtg.) - Preliminary plan review**
116 **for proposed 4-lot Major Subdivision at 363 Riverside Dr.**

117 Engineer Dave Marshall presented on behalf of applicant (Rachel Hutchins was also present).
118 Applicants are now seeking to make the case that prior subdivision approvals on these lands already
119 determined how many acres of Open Space must be set aside to satisfy requirements for the current
120 project. Dave Marshall presented research and maps from prior subdivision approvals. Summary of his
121 presentation:

- 122 1. The original (1989) subdivision approval did not require protection of open space.
123 2. The 1998 subdivision approval required half of the subject parcel at that time (33 acres) to be
124 conserved. However, that intention was not reflected in the recorded plat.
125 3. In the 2020 subdivision & boundary adjustment (creating 1 new lot within the northern section of
126 the parcel), 16.7 acres was conserved.

127 Marshall suggested that with that 2020 decision, all but 4.3 acres of this 1998 Open Space requirement
128 has been satisfied. If the Board agrees with that logic, the applicant should only be required to conserve
129 4.3 additional acres now. There is a question of fairness now with asking these land owners to conserve
130 even more of their land, he said. If this interpretation stands, he would redraw the site plan accordingly
131 to conserve just 4.3 acres, rather than the 10.25 acres of open space they originally proposed.

132 Rachel Hutchins (applicant) stated she believes the Board should treat the current project as a
133 'continuation' of the 1998 PRD, not a new project, and that subsequent subdivision decisions (in 2020,
134 in particular) have already satisfied the town's 50% Open Space requirements. Thus the Board should
135 require no additional Open Space to be set aside now. Larry Lewack said he's confused why the
136 applicant said at the outset of this process she wants the open land to be conserved for continued
137 agricultural use, but now seems to be walking back having the town require that for this project.

138 JD Herlihy commented that five lots in total are being created: 3 residential and 2 Open Space
139 lots. JD said there is nothing in the LURs that gives the DRB authority to enforce past Open Space

140 agreements on a current project. There have been changes in the subdivision rules since 1998, Larry
141 said. We have to review this project under current rules. He believes that since the use of Lot 3 was not
142 addressed in prior subdivisions (except when created in 1989), this must be treated as a new project,
143 with contemporary PRD rules applied. JD would like to review the Act 250 permit & asked that a more
144 complete record of all relevant prior decisions and plats be provided by staff. Gerald Bouchard said he
145 agrees we should apply the 1998 Open Space requirements to this project. JD said we could insert a
146 finding that adding 3 residential lots exhausts the available density on the original subject parcel & that
147 would have a similar effect as requiring new areas of Open Space to be conserved.

148 Dave Marshall asked if the town would be willing to seek advice from the town attorney whether
149 their interpretation of only 4.3 acres of additional Open Space required is correct, if the 2020 decision
150 conserving 16.7 acres of Open Space already satisfied that requirement, or if current rules (to conserve
151 50% of Lot 3, as a stand-alone project) would apply. The Board will take that idea under advisement.
152 Staff agreed to populate the project folder with additional materials before we take this up again.

153 **MOTION by Gerald Bouchard, seconded by Alexa Lewis, to continue this hearing to January 11,**
154 **2023. VOTE: 5 ayes, motion carried.**

155

156 **Spears Corner Store DRB 22-13-CU/SP/SD:**

157 **MOTION by Christina Asquith; seconded by JD Herlihy, to extend the DRB Sketch Letter for six**
158 **more months for DRB 22-13-CU/SP/SD, Spears Corner Store. VOTE: 5 ayes, motion carried.**

159

160 **Markup & Approve Draft Decisions: Public Deliberations** (no public testimony or comment allowed)

161 **DRB 22-251 Hinsdale Charlotte Farms:** The staircase is in the setback, but doesn't require any action.
162 It has existing six-car parking. No changes will be made to parking. An approval decision with
163 conditions will be drawn up and discussed at the next meeting. Conditions of approval to include:

- 164 • Exterior apartment stairs within front yard setback are approved as an existing nonconformity
- 165 • Wetland delineation to be supplied for Final Plan
- 166 • Final Site plan will be revised to show Building Envelope to limit future development to area
167 with existing farmstead (dwelling and farm buildings)

168

169 **DRB 22-256-SD Pfaff:** Stormwater management findings were discussed. After reviewing the draft
170 decision, members approved it as drafted with no changes.

171

172 *(Christina Asquith left the meeting at 9:25 p.m.)*

173

174 **2023 dates for the DRB meetings were discussed.** The Board made a few modifications to the
175 standard 2nd & 4th Wednesday meeting pattern to avoid conflicts with holidays.

176

177 **DRB 22-160-SD O'Donnell-Donovan** decision language was edited. The size of the building envelope
178 was discussed and the proper language to use was considered. After reviewing the decision order
179 everyone unanimously agreed on its findings.

180

181 **Adjourn:**

182 **MOTION by Alexa Lewis; seconded by Gerald Bouchard, to adjourn the meeting. VOTE: 4 ayes,**
183 **motion carried. The meeting was adjourned at 10 pm.**

184

185 **Minutes Respectfully submitted:**

186 Lynn Monty, Recording Secretary, with edits by Larry Lewack, Town Planner