

1 **Town of Charlotte**
2 **DEVELOPMENT REVIEW BOARD MEETING**
3 **Meeting Conducted at Town Hall and via Teleconference**
4 **January 10, 2024**
5
6

7 **Development Review Board:** Charles Russell (Chair), JD Herlihy (Vice Chair), Gerald Bouchard,
8 Alexa Lewis, Brandon Tieso.

9 **Staff:** Aaron Brown, Zoning Administrator

10 **OTHERS:** Frank Tenney, Nancy Faulkner, Jonathan Davis, Kristen Neilson.

11
12 **Posted Agenda:**

13 7:00 PM Call to Order; changes to agenda (if any)
14 7:02 PM Public Comment (not pertaining to pending applications)
15 7:05 PM 23-191-SK Davis – Sketch – Sketch Plan review for a two-lot subdivision at 250
16 Woodland Way. Project folder online at: <https://bit.ly/3NS7Med>
17 7:45 PM 23-162-PRDA Ulmer – Continued deliberations - Final Plan review for Planned
18 Residential Development (PRD) Amendment to establish a building envelope at
19 2225 Spear St. Project folder online at: [https://bit.ly/23-162-PRDA Ulmer](https://bit.ly/23-162-PRDA_Ulmer)
20 8:30 PM Review & Approve Draft Decisions: DRB 23-178-SPA Kao/Old Brick Store; DRB 23-
21 180-PUD (PP) Yellowwood
22 8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, December 13, 2023
23 9:00 PM Adjourn
24

25 **CALL TO ORDER:** Chair Charles Russell called the meeting to order at 7:03 pm.

26
27 **CHANGES TO AGENDA:** Russell added granting an extension to Jonathan Maguire as the six-
28 months allotted between preliminary and final plan reviews is nearing its end.

29
30 **Public Comment:** Frank Tenney questioned the extension. Russell reiterated the need to extend is
31 based on the preliminary approval being issued nearly six-months ago.
32

33 **23-191-SK Davis – Sketch – Sketch Plan review for a two-lot subdivision at 250 Woodland**
34 **Way:**

35 Russell asked the Development Review Board (DRB) if anyone had conflict of interest or ex
36 parte communication to disclose; none noted.

37 Jonathan Davis updated the DRB that the septic system reflected on the map is the old
38 system which was replaced in November. Gerald Bouchard pointed out a septic capacity error.
39 Davis agreed. His existing house has a four-bedroom septic permit, and his designer has found
40 potential for four bedrooms as well.

41 Russell directed the conversation to frontage, referred to the staff report and relevant Land
42 Use Regulations (LURs) for private roads. Russell pointed out that the staff report indicates that
43 there is sufficient frontage. The Charlotte Conservation Commission disputes this.

44 In response to questioning from Alexa Lewis, Davis clarified that it is a private road with a
45 granted right of way. Lewis asked if the easement would allow for another driveway. Russell
46 responded that is a legal question for Davis to determine with an attorney. Lewis pointed out that

47 an additional driveway would require an upgrade to the road. Davis agreed. Bouchard questioned
48 if widening of the road would only be required to a certain point. Russell responded that roadway
49 standards will dictate.

50 Russell suggested Davis establish a building envelope that includes existing accessory
51 structures, and explained the intent is to protect areas of high public value. Davis said he is open to
52 establishing. Bouchard questioned if the mound septic system should be included in the building
53 envelop. Russell clarified structures are encompassed. JD Herlihy asked how far the existing shed
54 is from the proposed lot line, getting to whether it would meet setback standards. Russell
55 confirmed that it would.

56 Lewis suggested review of application requirements to determine if any waivers will be
57 granted. The board waived items 2,3,4,6,8,9, and items 1,5,7 would be required. Whether
58 stormwater permitting is required would be based on state requirements.

59 **MOTION by JD Herlihy; seconded by Alexa Lewis, to waive 23-191-SK Davis**
60 **application requirements reviewed under section 6.2, table C, items 2,3,4,6,8,9 and to**
61 **classify as a minor subdivision. VOTE: 5 ayes, motion carried.**

62 After the motion, Davis clarified what should be encompassed in the building envelop, and
63 asked if there is any issue with frontage. Herlihy said the Sketch Plan letter would outline what
64 needs to be completed. Davis then asked if final is approved, is it immediately two lots and taxed
65 as such. Bouchard responded that it will not be taxed as two properties until one of the lots is sold.

66
67 **23-162-PRDA Ulmer – Continued deliberations - Final Plan review for Planned Residential**
68 **Development (PRD) Amendment to establish a building envelope at 2225 Spear St.:**

69 Lewis said she is troubled by going into the setback, lacking statutory authority, and
70 questioned if a boundary line adjustment would be possible. Herlihy suggested that the
71 conversation remain on what is being applied for as the DRB should not be advisory. Russell asked
72 Lewis if there is any number into the setback that Lewis would be comfortable with. Lewis
73 responded no. Russell asked Bouchard and Brandon Tieso for their input. Bouchard suggested an
74 alternative setback scenario that he might be comfortable with. Russell said that the options are
75 approve with conditions or deny. Consensus reached to deny.

76
77 **Review & Approve Draft Decisions: DRB 23-178-SPA Kao/Old Brick Store; DRB 23-180-PUD**
78 **(PP) Yellowwood:**

79 For the Kao/Old Brick Store decision, Herlihy recused self. Russell recalled David Kenyon's
80 request for the current retail designation to be included in the decision. Russell asked to review
81 how the calculation for seating square footage was determined. Aaron Brown reviewed the
82 application and concluded that 64 square feet was calculated for seating. Bouchard said that 64
83 square feet, or an 8x8 area, is too small. The board agreed to increase the seating area to 130
84 square feet. Brown clarified for Tieso that the state wastewater permit designates the
85 establishment as retail with public seats. Bouchard questioned what a Land Use Permit issued by
86 the Zoning Administrator is. Brown clarified. Lewis asked how to capture in the decision the
87 inability to turn retail space into a full-blown restaurant. Through review, it was determined that
88 the draft captures this stipulation.

89 The board moved onto Yellowwood. Russell called approved landscape design into
90 question. Brown suggested approval of westerly landscape design. Discussion of the southeastern
91 quadrant. Herlihy clarified the area is a wetland mitigation area. Lewis called into question the
92 finding that no new roads are being proposed for pedestrian circulation. Russell responded that
93 the intent of the item Lewis is addressing pedestrian circulation between the buildings, or access
94 to adjacent properties. Herlihy pointed out that the town is not currently requiring sidewalks for

95 connectivity between properties. The board decided to leave it as-is because there is no practical
96 connectivity. Bouchard offered abbreviation corrections and the addition of the timeframe upon
97 receipt of letter. Lewis questioned whether stating *any deviation from the approved site plan would*
98 *be considered additional land use development* is an appropriate statement to be made in a
99 Preliminary letter. Russell responded that it is not. Lewis asked for the Planned Unit Development
100 (PUD) designation to be included.

101

102 **MOTION by Gerald Bouchard; seconded by Brandon Tieso, to extend 23-085-SD**
103 **Maguire to July 26, 2024. VOTE: 5 ayes, motion carried.**

104

105 **Review & Approve Meeting Minutes: draft DRB Minutes, December 13, 2023:**

106 **MOTION by Gerald Bouchard; seconded by Alexa Lewis, to approve the DRB meeting**
107 **minutes for December 13, 2023, as amended. VOTE: 4 ayes, motion carried.** Brandon Tieso
108 abstained.

109

110 **MOTION by JD Herlihy; seconded by Alexa Lewis, to adjourn the meeting. VOTE: 5 ayes,**
111 **motion carried.** The meeting was adjourned at 8:55pm.

112

113 *Minutes respectfully submitted:*

114 Nicole Burnell, Recording Secretary