

1 **Town of Charlotte**  
2 **DEVELOPMENT REVIEW BOARD MEETING**  
3 **Meeting Conducted at Town Hall and via Teleconference**  
4 **January 24, 2024**  
5

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

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

9 **OTHERS:** Frank Tenney, Peter Joslin, Kristen Neilson, Rachel Hutchins, Jacques Larose.  
10

11 **Posted Agenda:**

12 7:00 PM Call to Order; changes to agenda (if any)  
13 7:02 PM Public Comment (not pertaining to pending applications)  
14 7:05 PM 22-259-SD (FP) Hutchins – Final Plan review for 5-Lot Subdivision/PUD at 363  
15 Riverview Dr. Project folder online at:  
16 [https://charlottevt.org/index.asp?SEC={99B2E7DD-2CDA-4045-8C22-](https://charlottevt.org/index.asp?SEC={99B2E7DD-2CDA-4045-8C22-43FBAD1E1D87})  
17 [43FBAD1E1D87}](https://charlottevt.org/index.asp?SEC={99B2E7DD-2CDA-4045-8C22-43FBAD1E1D87})  
18 7:45 PM 24-004-SK Charlotte Village Partners – Sketch Plan review for proposed 3,500 SF  
19 office space in existing building at 251 Ferry Rd. Project folder online at:  
20 [https://charlottevt.org/index.asp?SEC={6DBF0477-E21F-4550-8864-](https://charlottevt.org/index.asp?SEC={6DBF0477-E21F-4550-8864-2B6DAD2636BE})  
21 [2B6DAD2636BE}](https://charlottevt.org/index.asp?SEC={6DBF0477-E21F-4550-8864-2B6DAD2636BE})  
22 8:30 PM Markup & Approve Draft Decisions and Sketch Letters: DRB 23-178-SPA Kao/Old  
23 Brick Store; DRB 23-180-PUD (PP) Yellowwood; 23-191-SK Davis; 23-162-PRDA  
24 Ulmer  
25 8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, January 10, 2024  
26 9:00 PM Adjourn  
27

28 **CALL TO ORDER:** Chair Charles Russell called the meeting to order at 7:03 pm.  
29

30 **CHANGES TO AGENDA:** None.  
31

32 **Public Comment:** None.  
33

34 **22-259-SD (FP) Hutchins – Final Plan review for 5-Lot Subdivision/PUD at 363 Riverview**  
35 **Dr.:**

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

38 Russell summarized that Hutchins has 18 acres proposed to be subdivided into three 5-  
39 acre building lots, leaving 3 acres, which Hutchins has requested be applied towards future  
40 density. Russell read from the Preliminary decision dated 02/28/2023. Russell asked if the extra 3  
41 acres had been considered when the decision was issued, which states that the density on that  
42 parcel had been exhausted.

43 Alexa Lewis suggested reviewing map C.2.0. Lot 3.4 has 7.9 acres listed and 7.1 acres  
44 allocated towards open space. JD Herlihy questioned if the .8 acres, seemingly missing from the  
45 open space allocation, might be where the road is to the right. Rachel Hutchins commented that  
46 her engineer, Dave Marshall, had mentioned the need to remove the depiction of open space from

47 the 18 acres under review. Lewis then asked if open space had been consolidated to the west side,  
48 since the original application. Russell reminded Lewis that Marshall had suggested that open  
49 space had been fulfilled in a previous subdivision.

50 Russell moved onto Hutchins' request to remove the open space created in the 2020  
51 decision. Russell said that the lot under review in this application is not part of that open space  
52 agreement. Russell again reviewed the Preliminary decision from February 2023. In response,  
53 Hutchins stated that an approved building envelope, from the 1998 subdivision, would need to be  
54 forfeited, for the current, proposed subdivision to be approved. Hutchins stated that she is not  
55 prepared to do so. Herlihy clarified that the building envelope, that Hutchins is referring to  
56 couldn't remain, as it would overlap 4 of the 5 proposed lots.

57 Russell asked if Hutchins needed anything resolved with the DRB to move forward with her  
58 Act 250 application. Hutchins does not. Rather she is looking for the 3-acre density to be applied to  
59 future development.

60 DRB members agreed that the history of the land needs to be reviewed. Herlihy reminded  
61 the DRB that there was a previous decision, in the Hutchins' favor, regarding open space. Open  
62 space was calculated without factoring a building lot that had previously been subdivided.  
63 However, that decision went uncontested, and therefore was accepted by the town.

64 Herlihy suggested Hutchins finalize proceedings with Act 250, then decide if she'd like to  
65 (1) retain the current building envelope and withdraw the current application or (2) proceed with  
66 the current application.

67 Hutchins referenced the importance of determining whether the 2020 open space  
68 agreement can be dissolved. Russell responded that is a legal matter. Herlihy clarified for Hutchins  
69 that the DRB would not be seeking advice from the town's attorney to resolve a private interest.  
70 The town attorney represents the Selectboard. Hutchins argued that the 2020 open space  
71 agreement is illegal, because it was not reflected on the final plat in 1998. Herlihy responded that  
72 the DRB cannot reverse decisions, that the 2020 decision is past the appeal period, and that open  
73 space agreements are made with the Selectboard. Herlihy also pointed out to Hutchins that if the  
74 2020 open space agreement was dissolved, the 18 acres under review, would now require 9 acres  
75 of open space. Hutchins reiterated that the open space was not recorded on the final plat in 1998.  
76 Herlihy responded that it was the responsibility of Hutchins to satisfy the condition, and her  
77 argument that the prior open space agreement is null is outside of the DRB's purview.

78 **MOTION by Alexa Lewis; seconded by Bradon Tieso, to continue 22-259-SD Hutchins**  
79 **to February 28, 2024, at 7:05pm. VOTE: 5 ayes, motion carried.**

80

81 **24-004-SK Charlotte Village Partners – Sketch Plan review for proposed 3,500 SF office**  
82 **space in existing building at 251 Ferry Rd.:**

83 Russell asked the Development Review Board (DRB) if anyone had conflict of interest or ex  
84 parte communication to disclose; Russell recused himself due to a family member's involvement  
85 in the project.

86 Jacques Larose presented the proposal to renovate a 3,500 square foot single-family  
87 residence at 251 Ferry Road into office space. The renovation would include creating 22 parking  
88 spaces to accommodate 15 employees and visitors. The project also involves an Act 250 and  
89 wetlands permit applications. Herlihy asked if the wetlands are class 2. Larose responded that  
90 they are. However, they are low value.

91 Herlihy asked about drainage between the sidewalk and Ferry Road. Larose responded that  
92 runoff follows the pavement. Lewis had a follow-up question pertaining to a gravel parking space  
93 along Ferry Road. Larose responded that drainage would not be disrupted and confirmed that the  
94 gravel would remain in front of the building by the road.

95 Lewis asked about parking and if visitors would be going in and out throughout the day.  
96 Larose could not confirm what type of office business would be going in, but five parking spaces  
97 are proposed for visitors. Herlihy asked for the rationale behind 22 spaces. Larose responded 15  
98 for employees, 1 for handicap parking, 1 for EV charging, 5 for clientele.

99 Larose said garbage and recycling would be stored in the existing garage. Herlihy asked if  
100 there are any plans to change the garage as it's a non-conforming structure. Larose responded that  
101 there is no intended change. Gerald Bouchard pointed out that all structures on the property are  
102 non-conforming. Herlihy then questioned if the proposed change in use, for the main structure,  
103 would require conditional use approval. Larose responded that without a change in footprint, it  
104 would not.

105 Lewis asked Larose to review proposed landscape. Larose pointed to two trees that would  
106 be impacted. The modest plan includes low shrubs for screening and crab apple trees. A privacy  
107 fence would be included for the benefit of the residential property to the west.

108 Lewis asked Larose to review the proposed lighting plan. Larose said there would be  
109 adequate lighting for safety of the workers, but lighting would not spill over to the neighbors.  
110 Brandon Tieso asked about lighting in front of the garage. Larose responded that no lighting in  
111 front of the garage is proposed. Herlihy confirmed that corner lights depicted on the map would be  
112 downfacing, as they would exceed the height of the privacy fence.

113 Lewis recommended bicycle racks and raised the possibility of the Village Loop Trail being  
114 incorporated into the property. Larose liked Lewis' suggestion and confirmed that there are plans  
115 to incorporate the Trail on the property.

116 Lewis asked about utilities. Larose pointed out that there are several utilities that cross the  
117 lot, but are not all necessarily tied to this building or the property. For instance, a force main for  
118 the post office's sewer, transverses the property. Lewis questioned if there is an easement for that,  
119 Larose responded that there is. Larose said there is also a forced main and wastewater easement  
120 for a property on Ferry Road. Lewis asked about the town's drainage ditch easement. Larose  
121 unable to speak to why the town asked for it in 2021. Larose said regarding electric, there is an  
122 existing pole.

123 Bouchard directed attention to the proposed erosion control plan. Larose said that it is  
124 required as part of wetland permitting. Bouchard asked for an explanation of a symbol found on  
125 the plan. Larose responded that the depiction is a proposed well. Bouchard asked if the parking lot  
126 is intended to be gravel. Larose responded that it is.

127 Lewis asked about the façade of the building given the building is centrally located in the  
128 west village. Larose could say with confidence that it will appear better than it does now, but he  
129 has no specifics. Tieso jokingly asked about neon signs. Larose said signage would be compliant  
130 with regulations. Lewis asked why widening the driveway access into the parking lot, from 9 feet  
131 to 24 feet, is necessary. Larose responded that is the typical width for two vehicles to pass and is  
132 based on a VTrans standard. Herlihy questioned if this would require a highway access permit.

133 Aaron Brown said he didn't know for sure.

134 Lewis asked Larose to discuss grading for drainage. Larose said that the intent is to extend  
135 the access and create a channel, and the whole parking lot will maintain the existing drainage  
136 pattern. Overall, there are no significant changes that will impact drainage. Herlihy asked if the  
137 final grading plan is part of the wetland permitting. Larose responded that it is. Herlihy asked if  
138 grading had been considered as it pertains to light pollution to neighboring properties. Larose said  
139 it had.

140 Bouchard pointed out that the staff report indicates the parcel is 24 acres and only one of  
141 those acres has been discussed. This led Herlihy to discuss a previous boundary adjustment which  
142 created a 2-acre lot. Herlihy asked about the status of that lot. Larose said that the mylar (referred

143 to as the “Brooks Plat”) was not filed and it is no longer valid. Herlihy suggested that be captured  
144 in the sketch letter. Herlihy asked if there are any other plans for the rest of the property. Larose  
145 responded not at this time. Herlihy asked if the Town Hall has an easement on the property too.  
146 Larose said that there is. Herlihy said that should also be depicted.

147 Herlihy asked if there are any requests for waivers. Herlihy pointed out that the shoreland  
148 management plan should be waived. Herlihy asked about the stormwater management plan.  
149 Larose answered that there is not enough stormwater infrastructure to prepare a separate  
150 management plan and added that the proposed drainage will be reviewed as part of the wetland  
151 permitting process. The project will not trigger the need for a state stormwater permit. Larose  
152 asked if architectural evaluations and draft legal documents are necessary. Lewis asked about  
153 tying into the town’s municipal wastewater system and whether a legal agreement is required for  
154 that. Larose responded that a license agreement would have to be filed with the town. Herlihy said  
155 that would be a legal document and therefore that condition couldn’t be waived. Regarding  
156 architectural evaluations, Herlihy felt those are necessary too. Brown asked if the stormwater  
157 management plan was being waived. Consensus that it could be as it ties into drainage and  
158 wetland management. Herlihy asked about the traffic impact analysis. Larose spoke to how this  
159 has been presented. Herlihy moved to environmental impact analysis, which is covered through  
160 supplemental materials. Visual impact analysis was then discussed; consensus to waive. Lewis  
161 mentioned proposed construction schedule. Larose said it is difficult to present a definitive  
162 schedule.

163 Bouchard also pointed out that 3,500 square feet is the maximum allowed and asked for  
164 actual square footage. Larose did not know off hand but agreed that the floor space of the  
165 combined buildings exceeds 3,500 square feet. The office portion will be capped at 3,500 square  
166 feet and remaining space will be used for storage.

167 Brown asked to review waivers and listed shoreland management, stormwater  
168 management, environmental impact analysis, and visual impact analysis. Herlihy added  
169 construction schedule.

170 Kristen Neilson asked about privacy fencing to the east. Larose responded that none  
171 proposed at this time. Neilson then commented on the size of the parking lot as it pertains to  
172 drainage. Larose felt that maintenance will ensure proper drainage.

173  
174 **MOTION by Alexa Lewis; seconded by Charles Russell, to continue the meeting past**  
175 **9pm. VOTE: 5 ayes, motion carried.**

176  
177 **Review & Approve Draft Decision for DRB 23-178-SPA Kao/Old Brick Store:**

178 Herlihy recused himself. Russell asked to change wording referencing the need to obtain a  
179 zoning permit for use of 20 seats, to a zoning permit for the approved site plan.

180 **MOTION by Gerald Bouchard; seconded by Brandon Tieso, to approve the decision**  
181 **letter for DRB 23-178-SPA Kao/Old Brick Store, as amended. VOTE: 4 ayes, motion carried.**

182  
183 **Review & Approve Draft Decision for DRB 23-180-PUD (PP) Yellowwood:**

184 Bouchard read no new buildings are being proposed and questioned if the addition to the  
185 garage should be listed. Herlihy added that there is also a proposed addition to the main structure.  
186 Russell proposed wording to address that expansions will not affect clustering.

187 **MOTION by Brandon Tieso; seconded by Gerald Bouchard, to approve the decision**  
188 **letter for DRB 23-180-PUD (PP) Yellowwood, as amended. VOTE: 5 ayes, motion carried.**

189  
190 **Review & Approve Sketch Letter for DRB 23-191-SK Davis:**

191 Russell questioned wording regarding future development requiring wastewater  
192 permitting, as future development might not require wastewater. Russell said that he liked  
193 including a line about incorporating Conservation Commission feedback in the final application  
194 and advised including that in sketch letters going forward.

195 **MOTION by JD Herlihy; seconded by Alexa Lewis, to approve the sketch plan letter**  
196 **for DRB 23-191-SK Davis as drafted. VOTE: 5 ayes, motion carried.**

197  
198 **Review & Approve Draft Decision for 23-162-PRDA Ulmer:**

199 **MOTION by JD Herlihy; seconded by Alexa Lewis, to approve the application for 23-**  
200 **162-PRDA Ulmer. VOTE: 5 nays, motion denied.**

201  
202 **Review & Approve Meeting Minutes: draft DRB Minutes, January 10, 2024:**

203 **MOTION by Gerald Bouchard; seconded by Alexa Lewis, to approve the DRB meeting**  
204 **minutes for January 10, 2024, as amended. VOTE: 5 ayes, motion carried.**

205  
206 **MOTION by Gerald Bouchard; seconded by Alexa Lewis, to adjourn the meeting. VOTE: 5**  
207 **ayes, motion carried.** The meeting was adjourned at 9:49pm.

208  
209 Minutes respectfully submitted:

210 Nicole Burnell, Recording Secretary with edits by Aaron Brown