

1 **Town of Charlotte**
2 **DEVELOPMENT REVIEW BOARD MEETING**
3 **Meeting Conducted at Town Hall and via Teleconference**
4 **February 28, 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, Paul Plante, James Faulkner, Kristen Neilson, Rachel Hutchins, Doug
10 Goulette, Steve Ellis, Trafton Crandell, Laura Crandell, Don Porter, Anne Bentley

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 DRB 23-180-PUD-SP (FP) Yellowwood Design Farm – Continued – Final Plan and
16 Site Plan review for Planned Unit Development (PUD) for mixed-used facility at 213
17 Ferry Rd. Project folder online at:
18 [https://charlottevt.org/index.asp?SEC={1A3D2036-BBDA-490A-8FE5-](https://charlottevt.org/index.asp?SEC={1A3D2036-BBDA-490A-8FE5-513A3701048C})
19 [513A3701048C](https://charlottevt.org/index.asp?SEC={1A3D2036-BBDA-490A-8FE5-513A3701048C})
20 7:15 PM DRB 22-259-SD (FP) Hutchins – Final Plan review for 5-Lot Subdivision/PUD at 363
21 Riverview Dr. Project folder online at: [https://bit.ly/DRB_22-259-SD-FP Hutchins](https://bit.ly/DRB_22-259-SD-FP_Hutchins)
22 7:45 PM DRB 24-007-SK University of Vermont – Sketch Plan review for a two-lot
23 subdivision. Project folder online at:
24 [https://charlottevt.org/index.asp?SEC={829B6B03-97B2- 4C30-A5A9-](https://charlottevt.org/index.asp?SEC={829B6B03-97B2-4C30-A5A9-6D080EFC7087})
25 [6D080EFC7087}](https://charlottevt.org/index.asp?SEC={829B6B03-97B2-4C30-A5A9-6D080EFC7087})
26 8:25 PM Markup & Approve Draft Decisions and Sketch Letters: DRB 23-180-PUD (FP)
27 Yellowwood Design Farm; DRB 23-199-SD-Stearns; DRB 24-005-BA Buntent-
28 Galipeau
29 8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, February 14, 2024
30 9:00 PM Adjourn

31
32 **CALL TO ORDER:** Chair Charles Russell called the meeting to order at 7:00 pm.

33
34 **CHANGES TO AGENDA:** Russell added an update on the storage of meeting files.

35
36 **Public Comment:** None.

37
38 **Review & Approve Meeting Minutes: draft DRB Minutes, February 14, 2024:**

39 **MOTION by Gerald Bouchard; seconded by Brandon Tieso, to approve the DRB**
40 **meeting minutes for February 14, 2024, as written. VOTE: 5 ayes, motion carried.**

41
42 **DRB 23-180-PUD-SP (FP) Yellowwood Design Farm – Continued – Final Plan and Site Plan**
43 **review for Planned Unit Development (PUD) for mixed-used facility at 213 Ferry Rd.:**

44 Russell asked the Development Review Board (DRB) if anyone had conflict of interest or ex
45 parte communications to disclose; none noted. Russell asked if anyone would like to establish
46 interested party status; no one came forward.

47 Russell reminded the DRB the continuance was to clear up the easement issue discussed
48 during the February 14th meeting. Russell said that the opinion obtained from the Town's
49 attorney, is that the easement is between Kristen Neilson and the Town and can be unilaterally
50 moved at the owner's discretion. Structures can be placed in the easement provided they do not
51 interfere with the purpose, which is for the town to maintain a drainage swale south of the
52 property.

53 Russell said that private easements are not pertinent to the DRB's review. JD Herlihy
54 disagreed and said that private easements should be shown so that there is proper record of the
55 property. Frank Tenney questioned if easement owners should be part of the notification process.
56 Brandon Tieso pointed out that meetings are warned and held publicly. In this case, if the Town
57 was concerned then a representative would be present. Aaron Brown added that he checked 24
58 VSA for notice requirements, and confirmed that municipalities must provide notice to only
59 owners of real property.

60 Alexa Lewis asked for review of the pedestrian access within the property. Lewis pointed
61 out that there are no sidewalks in front and there may be a trail in the back. Lewis questioned if
62 there should be a requirement to have connectivity if the trail occurs. Herlihy recalled that
63 pedestrian access was discussed during the preliminary hearing.

64 **MOTION by JD Herlihy; seconded by Brandon Tieso, to close 23-180-PUD (FP)**
65 **Yellowwood. VOTE: 5 ayes, motion carried.**

66
67 **DRB 22-259-SD (FP) Hutchins – Final Plan review for 5-Lot Subdivision/PUD at 363**
68 **Riverview Dr.:**

69 Rachel Hutchins said that an Act 250 site visit and hearing would occur on March 18th. If
70 Hutchins' request to eliminate the grassland bird impact mitigation area, proposed by the
71 Vermont Fish and Wildlife Department, is not granted, then Hutchins would withdraw her request
72 for the proposed lot 3.3. That two residential lots, 3.1 and 3.2, would remain with an adjusted
73 driveway.

74 Hutchins then asked to rescind the July 7, 2020, open space agreement. Hutchins said the
75 agreement is illegal given it was a material misrepresentation, which allows a contractual party to
76 cancel the contract. Hutchins asked who would submit this request to the Selectboard for their
77 approval. Russell responded that Hutchins would need to take the matter up with the Selectboard.

78 Hutchins asked about a density issue if lot 3.3 is created. Russell responded that density
79 cannot be addressed at this time.

80 **MOTION by Brandon Tieso; seconded by Gerald Bouchard, to continue DRB 22-259-**
81 **SD (FP) Hutchins to April 10, 2024, at 7:05pm. VOTE: 5 ayes, motion carried.**

82
83 **Deliberations/Markup & Approve Draft Decision 23-180-PUD (FP) Yellowwood:**

84 Lewis suggested a statement to reflect that the property is encumbered by a private
85 easement, with the town of Charlotte, for access to drainage. The easement is in the same location
86 as the driveway and the driveway meets town standards. Gerald Bouchard disagreed and felt that
87 reference to a private easement and where it's depicted would be sufficient. Herlihy stated
88 concern that DRB approval, as a board under the Town, could be viewed as approval that the
89 Town accepted a smaller easement. Herlihy proposed a statement to document that the existing
90 garage and proposed expansion have and will have a small encroachment into the easement.
91 Herlihy reiterated concern that approval could be construed as the DRB granting a smaller
92 easement. Tieso suggested a finding that easements are outside of the DRB's purview.

93 **MOTION by Gerald Bouchard; seconded by JD Herlihy, to approve the draft decision**
94 **for 23-180-PUD (FP) Yellowwood, as amended. VOTE: 5 ayes, motion carried.**

95

DRB 24-007-SK University of Vermont – Sketch Plan review for a two-lot subdivision:

96
97 Russell asked the Development Review Board (DRB) if anyone had conflict of interest or ex
98 parte communications to disclose. Russell noted that his wife previously worked for the University
99 of Vermont (UVM). He and his wife still receive healthcare from UVM which is paid for by them.
100 This was not determined to be a conflict of interest.

101 Doug Goulette, from Trudell Consulting Engineers, said that UVM had hired Trudell for
102 surveying and civil engineering associated with the subdivision. Goulette provided an overview
103 including maps of the two proposed lots and natural resources on the property. Proposed lot 1
104 would be 10 acres, proposed lot 2 approximately 71 acres. Proposed building envelope on lot 1 is
105 1.4 acres. Goulette clarified that the land in the proposed subdivision is all within Charlotte, the
106 existing residence is in the town of Shelburne.

107 During review of the natural resources map, Lewis asked when the wetland delineation
108 was completed. Goulette responded Trudell recently completed. Lewis asked if it is standard for a
109 private consultant to complete a wetland delineation or if the state typically completes them.
110 Goulette responded the standard is for private consultants to complete and the state to verify.
111 Goulette was not sure when the state would verify this delineation.

112 Abutting property owner, Trafton Crandell, pointed out that the building envelope could
113 expanded some on the western side. Crandell questioned if the septic mound does not have to be
114 within the building envelope. Russell confirmed that is accurate. Crandell then suggested to pull
115 the building envelope to the south to provide more wildlife connectivity. Lewis asked if there has
116 been a consultation with the Charlotte Conservation Commission. Russell confirmed that had
117 occurred and no concerns had been identified.

118 Abutting property owner, Laura Crandell, presented a letter to the DRB. Laura Crandell
119 summarized her letter that the proposed building envelope is unnecessarily large and restricts
120 wildlife movement. Laura Crandell reviewed other building envelopes in the area, and she said the
121 proposed building lot exceeds others in the vicinity. Tieso asked about the intent of the proposed
122 building envelope. Goulette could not speak to that. The applicant might develop the lot, sell it, or
123 leave it as-is.

124 Lewis suggested review of waivers. Russell reviewed. No waiver found to be applicable.
125 Russell then asked for a motion to classify the project as a minor subdivision.

126 **MOTION by JD Herlihy; seconded by Gerald Bouchard, to classify DRB 24-007-SK**
127 **University of Vermont as a minor subdivision. VOTE: 5 ayes, motion carried.**

128

129 **Markup & Approve Draft Decisions and Sketch Letters: DRB 23-199-SD-Stearns; DRB 24-**
130 **005-BA Buntten-Galipeau:**

131

DRB 23-199-SD-Stearns:

133 Lewis asked for a year to be associated with finding number 2. Lewis also requested clarity
134 on finding number 1, asking to include *from approval of this decision* after “180 days.”

135 **MOTION by Alexa Lewis; seconded by Gerald Bouchard, to approve the draft decision**
136 **for DRB 23-199-SD-Stearns, as amended. VOTE: 5 ayes, motion carried.**

137

DRB 24-005-BA Buntten-Galipeau:

139 **MOTION by Charles Russell; seconded by Brandon Tieso, to approve the draft**
140 **decision for DRB 24-005-BA Buntten-Galipeau, as drafted. VOTE: 5 ayes, motion carried.**

141

142 **Other:** Russell updated the DRB on efforts taken to organize meeting files. The links on the
143 website were previously set up to trigger document downloads, and those were changed to show
144 documents as new open tabs. In addition, files were re-organized into new categories.

145

146 **MOTION by Gerald Bouchard; seconded by JD Herlihy, to adjourn the meeting. VOTE:**
147 **5 ayes, motion carried.** The meeting was adjourned at 8:50pm.

148

149 Minutes respectfully submitted:

150 Nicole Burnell, Recording Secretary with edits by Aaron Brown