

1 **Town of Charlotte**
2 **DEVELOPMENT REVIEW BOARD MEETING**
3 **Meeting Conducted at Town Hall and via Teleconference**
4 **March 13, 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, Tim Doyle, Lambert Lussier, Michelle Lussier
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 **24-015-SK Lussier** – Sketch review for Boundary Line Adjustment/Subdivision at
15 211 Carpenter Rd. Project folder online at: <http://bit.ly/3Vakw4b>.
16 7:30 PM **Review & Approve Meeting Minutes:** draft DRB Minutes, February 28, 2024
17 7:35 PM **Review & Approve Draft Decision:** University of Vermont Sketch Letter
18 7:50 PM **Open discussion on DRB process and resources**
19 9:00 PM **Adjourn**
20

21 **CALL TO ORDER:** Chair Charles Russell called the meeting to order at 7:00 pm.
22

23 **CHANGES TO AGENDA:** A review of the minutes occurred before the Lussier sketch plan review.
24

25 **Public Comment:** None.
26

27 **Review & Approve Meeting Minutes: draft DRB Minutes, February 28, 2024:**

28 **MOTION by Gerald Bouchard; seconded by JD Herlihy, to approve the DRB meeting**
29 **minutes for February 28, 2024, as amended. VOTE: 5 ayes, motion carried.**
30

31 **24-015-SK Lussier – Sketch review for Boundary Line Adjustment/Subdivision at 211**
32 **Carpenter Rd.:**

33 Russell asked the Development Review Board (DRB) if anyone had a conflict of interest or
34 ex parte communications to disclose; none noted.

35 JD Herlihy asked if there is an access behind the barn. Lambert Lussier confirmed. Russell
36 pointed out that when there are two potential street accesses, the less busy street is preferred. In
37 this proposal, this would mean an access off Carpenter Road for lot P3 and potentially Plouffe Lane
38 for P4.

39 Michelle Lussier reviewed the previous subdivision (1997) which then required 10 acres
40 per residential lot, which has since been reduced to 5 acres.

41 Michelle Lussier pointed out a well easement area and asked how to best protect it.

42 Russell said that classification as a major subdivision would require 50% open space.

43 Michelle Lussier asked if the reduction of the 10-acre lot to 5-acre is a boundary line
44 adjustment. Russell responded that because the 10-acre lot was created in a previous subdivision,
45 a boundary line adjustment is not the appropriate term. Herlihy agreed and said that it would be a

46 subdivision amendment and a minor subdivision. Consensus that this would not require two
47 separate hearings.

48 Russell read the definition of re-subdivision from Land Use Regulations (LURs) and asked if
49 the application could be classified as a re-subdivision.

50 Frank Tenney asked about the 1997 subdivision, given more than 10 years have passed,
51 does that make the 2 existing lots stand alone? Russell said in response, that previously
52 subdivided lots are not eligible for boundary line adjustments. Shifting boundaries in subdivided
53 lots is a subdivision amendment.

54 Michelle Lussier questioned if the subdivision amendment should be completed first. Then
55 apply for a minor subdivision to simplify the process.

56 Michelle Lussier said that the proposed Spear Street lot had been perc-tested. Russell
57 pointed to the need to establish a building envelope. Russell said that two building envelopes can
58 be established with the condition to pick one. Herlihy said it would be clearer to include in the
59 conditions, the ability to modify the building envelope.

60 Michelle Lussier asked about protection of the fire pond via an easement. Herlihy said that
61 a condition could be for the preservation of the fire pond, but an easement might hold more
62 weight legally. It is ultimately a private legal matter.

63 Russell reviewed application waivers to determine which are applicable. Waivers included
64 traffic generation rates, phasing schedule, offsite easements, homeowner agreement.
65 Requirements included location of driveways and building envelope and documentation of the six
66 acres of density that were dedicated to three lots created across Carpenter Road in 2010.

67 **MOTION by JD Herlihy; seconded by Brandon Tieso, to classify 24-015-SK Lussier as a**
68 **minor subdivision and subdivision amendment. VOTE: 5 ayes, motion carried.**

69
70 **Review & Approve Draft Decision: University of Vermont Sketch Letter:**

71 Alexa Lewis spoke about waiving the stormwater management and erosion control plan
72 and suggested that it be a condition to follow best practices at the time of development.

73 Russell spoke to the proposed building envelope. Herlihy cautioned against being too
74 specific or advisory. Russell stated that he'd like to point out concerns, including preserving the
75 wildlife corridor/hedge row. Lewis proposed a suggestion for a smaller building envelope, in
76 keeping with character of the area.

77 Gerald Bouchard suggested determining and outlining applicable road and driveway
78 standards.

79 Bouchard proposed preservation of the tree canopy. Lewis said that a more general
80 suggestion could be preserving character of the area.

81 **MOTION by JD Herlihy; seconded by Brandon Tieso, to authorize DRB Chair, Charles**
82 **Russell to sign the amended Sketch Letter. VOTE: 5 ayes, motion carried.**

83
84 **Open discussion on DRB process and resources:**

85 Russell spoke to preliminary decisions being appealable and binding. Herlihy agreed and
86 reiterated his concern about being too advisory in sketch plan. Judgments on whether an
87 application will pass, should not be made.

88 Herlihy identified the benefit of more collaboration with the Charlotte Conservation
89 Commission. For the Commission to identify concerns which could then be incorporated into
90 sketch. Lewis agreed that applicants should consult with the Commission.

91 Russell spoke to the appeals process, and the Selectboard having the authority to appeal
92 DRB decisions. Herlihy said if they are an interested party. Russell read from LURs which indicate

93 appeal authority extending beyond interested party, if there is belief a decision is illegal or
94 unconstitutional.

95 Russell said that the Town Plan should not contradict bylaws. The Town Plan should be
96 broad and LURs prescriptive as LURs can be updated more frequently.

97

98 **MOTION by Brandon Tieso; seconded by Gerald Bouchard, to adjourn the meeting.**

99 **VOTE: 5 ayes, motion carried.** The meeting was adjourned at 9:06pm.

100

101 Minutes respectfully submitted:

102 Nicole Burnell, Recording Secretary