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Town of Charlotte
DEVELOPMENT REVIEW BOARD MEETING
Meeting Conducted at Town Hall and via Teleconference
May 22, 2024

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

Staff: Aaron Brown, Zoning Administrator

OTHERS: Frank Tenney, Paul Plante, Bill Stuono, Kurt Wetzell, Natalie Kanner, Giovanna Congdon, Stephen Diglio, Lambert Lussier, Michelle Lussier.

Posted Agenda:

7:00 PM Call to Order; changes to agenda (if any)
7:02 PM Public Comment (not pertaining to pending applications)
7:05 PM DRB 24-053-SD/SDA (FP) Lussier – Final Plan review for 3-Lot Subdivision and Subdivision Amendment at 212 Carpenter Road. Project folder online at: [https://bit.ly/DRB 24-053-SD SDA Lussier](https://bit.ly/DRB_24-053-SD_SDA_Lussier)
7:35 PM DRB 24-059-SK Congdon - Sketch Plan review for 3-Lot Subdivision at 653 Bingham Brook Road. Project folder online at: [https://bit.ly/DRB 24-059-SK Congdon](https://bit.ly/DRB_24-059-SK_Congdon)
8:00 PM DRB 23-085-CU/SP/SD/PUD (FP) Maguire – open deliberation
8:45 PM Markup & Approve Draft Sketch Letter: DRB-24-044-SK Aube
8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, May 15, 2024
9:00 PM Adjourn

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

CHANGES TO AGENDA:

Russell suggested a date be determined for a meeting with the Charlotte Conservation Commission. Alexa Lewis asked if review of the proposed Selectboard appeal process should be added. Russell said if time allowed.

Public Comment:

Bill Stuono asked if a reorganizational meeting had occurred since the March election. Through discussion, it was determined this should have occurred in December.

Frank Tenney asked if the Development Review Board (DRB) collaborates with the Trail Commission when applicable. Russell noted the suggestion.

DRB 24-053-SD/SDA (FP) Lussier – Final Plan review for 3-Lot Subdivision and Subdivision Amendment at 212 Carpenter Road.:

Russell asked about conflicts of interest or ex parte communications; none noted. Russell asked if anyone would like to establish interested party status. Russell swore in Lambert and Michelle Lussier.

Russell pointed out that a building envelope had been established on lot 3. Herlihy asked if a Highway Access Permit for lot 3 had been obtained. Lambert Lussier responded that it had not. Herlihy said that the decision could note that a highway access permit will be required to develop the lot.

Aaron Brown asked Russell if he wanted a density table. Michelle Lussier said she would have the table added.

49 **MOTION by Gerald Bouchard; seconded by JD Herlihy, to close DRB 24-053-SD/SDA**
50 **(FP) Lussier. VOTE: 5 ayes, motion carried.**

51

52 **Deliberation DRB 24-053-SD/SDA (FP) Lussier:**

53 Herlihy said conditions of approval are to obtain a Highway Access Permit for development
54 of lot 3 and to include a density table.

55

56 **Review & Approve Meeting Minutes: draft DRB Minutes, May 15, 2024:**

57 **MOTION by Brandon Tieso; seconded by Gerald Bouchard, to approve the DRB**
58 **meeting minutes for May 15, 2024, as amended. VOTE: 5 ayes, motion carried.**

59

60 **Markup & Approve Draft Sketch Letter: DRB-24-044-SK Aube:**

61 Russell asked that the building envelope should avoid steep slopes and comply with the
62 150 ft. stream setback.

63 **MOTION by Alexa Lewis; seconded by Brandon Tieso, to approve the draft sketch**
64 **letter for DRB-24-044-SK Aube. VOTE: 5 ayes, motion carried.**

65

66 **DRB 24-059-SK Congdon - Sketch Plan review for 3-Lot Subdivision at 653 Bingham Brook**
67 **Road.:**

68 Stephen Diglio of KAS said that the 23.2-acre parcel is being proposed for a 3-lot
69 subdivision. Survey has been completed, wastewater permitting is underway. The current
70 driveway design avoids disturbance of the parcel's wetlands and would not require a permit. Lot 1
71 would retain the existing home and be 11.8-acres. The two additional lots would be 6.5 acres and
72 5 acres and have small single-family homes.

73 Russell asked if a driveway easement existed to access the Hinsdale lot to the north.
74 Giovanna Congdon said that she contacted an abutter, Hinsdale, about the matter and had not
75 heard back. Herlihy said that conceptually, Congdon could create her own easements for the
76 proposed lots.

77 Russell asked if the two back lots would have frontage or would be a Planned Residential
78 Development (PRD). Diglio said that he thought with a 50 ft. easement a PRD could be avoided.
79 Russell said to Congdon that PRDs require 50% open space. Lewis suggested a lot line adjustment
80 on lot 2 that could potentially be made to avoid a PRD.

81 Herlihy pointed out that the driveway would be a private road because it would serve three
82 houses. Diglio said he thought it would be a shared driveway; wetland issues would arise if the
83 existing driveway would need to be expanded. That is, a wider driveway might require a wetlands
84 permit.

85 Herlihy asked Congdon for her input on a PRD. Congdon responded that this was
86 considered in 2022, and the Town Planner advised that it wasn't necessary. Russell noted that
87 bylaws had changed since then and redefined lot frontage requirements. Diglio said that he would
88 consult with the applicant and asked clarifying questions regarding open space and lot size
89 requirements with PRDs. Herlihy added that clustering is one of the intents of PRDs, and the
90 current proposal appears to cluster the two planned homes.

91 Lewis asked if the Conservation Commission had consulted on the project. Congdon said
92 that they had. Bouchard read from the letter that the Commission issued which pointed to a 4-acre
93 building envelope being too big. The CCC supports classification of the project as a PRD.
94 Concerning the four-acre building envelope, the board recognized that this size was approved in a
95 previous subdivision.

96 Herlihy noted that with a PRD, the private road would end after the first lot. Diglio pointed
97 out that there is an inconsistency between Zoning Regulations and Road and Driveway standards;
98 the latter indicates that shared driveways can accommodate up to 5 lots. This was acknowledged
99 and updates need to be made to the Regulations and the Road Standards. Lewis said a shared
100 driveway agreement, stormwater, and erosion control plans would be needed for the final
101 application. Diglio spoke to intent to have the driveway be impervious.

102 Stuono said that in his opinion, the project needs to be a PRD. That road frontage
103 requirements are requirements for a reason.

104 Tenney said that 4 lots would be served, if the application is granted, as an abutter has
105 access. Diglio said that the abutter has alternative points of access on Spear Street.

106 **MOTION by JD Herlihy; seconded by Brandon Tieso, to classify DRB 24-059-SK**
107 **Congdon as a minor subdivision. VOTE: 5 ayes, motion carried.**

108 Herlihy suggested review of waivers. Diglio asked if road requirements could be waived.
109 Lewis said that what can be waived are application requirements. Russell agreed with Lewis and
110 explained that waiver authority changed two years ago. Herlihy added that flexibility is available
111 with PRDs.

112 **MOTION by JD Herlihy; seconded by Alexa Lewis, to waive application**
113 **requirements listed in Table 6.2.C items 2,4,6,8,9. VOTE: 5 ayes, motion carried.**

114
115 **DRB 23-085-CU/SP/SD/PUD (FP) Maguire – open deliberation:**

116 Russell asked if the 0.3 acres proposed for transfer had been correctly applied for. Aaron
117 Brown said he now has a signed boundary adjustment form from Jonathan Maguire and Alex
118 Buntin and Britta Johnson. Russell said the conditions could include language to capture the
119 boundary adjustment. Brown clarified that he received the signed form after the hearing was
120 closed. Consensus it would be a condition since the signature was received after the hearing
121 closed.

122 Russell asked for feedback of the potential 4.6-acre lot being approved when it does not
123 have enough acreage for the current standard of five. It could be used for future affordable
124 housing or commercial use(s). Herlihy said there are uses in the district that are permitted for 4.6-
125 acres.

126 Russell moved on to parking on the proposed restaurant (café) lot. Lewis revisited the idea
127 of permitting 27 spaces and additional parking spaces being set aside as part of a common space
128 agreement. Herlihy suggested approval of 27 parking spaces closest to the restaurant, and 14
129 grassed, overflow spaces to the south.

130 Russell asked for input on hours of operation, and if weekdays would differ from weekends.
131 Discussion on hours of operation, whether staff hours before opening, and after closing, need to be
132 considered. Consensus reached Sunday – Thursday 7am-8:30pm, Friday-Saturday 7am-9pm.

133 Russell moved to proposed driveway location. Russell said the proposed driveway met
134 standards, and the Highway Access Permit for the residential lot and the lot with up to 20 units of
135 senior housing was approved by the Selectboard. Tieso stated safety concerns. Herlihy reiterated
136 Russell's points: standards were met and a permit was obtained.

137 Russell suggested that Brown distribute a draft decision for review, then further discussion
138 could occur at the next meeting.

139
140 **MOTION by JD Herlihy; seconded by Brandon Tieso, to adjourn the meeting. VOTE: 5**
141 **ayes, motion carried.** The meeting was adjourned at 9:55pm.

142 *Minutes respectfully submitted:*

143 Nicole Burnell, Recording Secretary with edits by Aaron Brown