

1 **Town of Charlotte**  
2 **DEVELOPMENT REVIEW BOARD MEETING**  
3 **Meeting Conducted at Town Hall and via Teleconference**  
4 **June 12, 2024**

5 Approved by the Development Review Board July 10, 2024

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, Deedle Kiley, Alex Bunten, Carol Conard, Peter Hoehl

10  
11 ***Posted Agenda:***

12 7:00 PM Call to Order; changes to agenda (if any)  
13 7:02 PM Board Organization per DRB Rules of Procedure • Elect Chair • Elect Vice-Chair  
14 7:05 PM Public Comment (not pertaining to pending applications)  
15 7:10 PM DRB 24-061-CU Conard – Conditional Use review for renovation of an existing camp  
16 at 62 North Shore Road  
17 7:30 PM DRB 24-062-CU Hoehl – Conditional Use review for construction of a deck at 189  
18 Lanes Lane  
19 7:50 PM Markup and Approve Draft Decisions: DRB 23-085-SD Maguire; DRB 24-053-SD  
20 Lussier; DRB 24-059-SK Congdon  
21 8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, May 22, 2024  
22 9:00 PM Adjourn

23  
24 **CALL TO ORDER:** Chair Charles Russell called the meeting to order at 7:00 pm.

25  
26 **CHANGES TO AGENDA:**

27 Russell said if time permitted, he'd like to discuss the Vermont League of Cities and Towns  
28 (VLCT) training that he attended as it pertains to writing decisions. Alexa Lewis asked if review of  
29 the proposed Selectboard appeal process should be added. Russell said if time allowed.

30  
31 **Board Organization per DRB Rules of Procedure • Elect Chair • Elect Vice-Chair:**

32 **MOTION by Alexa Lewis, seconded by Gerald Bouchard, to nominate Charles Russell**  
33 **as Developmental Review Board Chair. VOTE: 5 ayes, motion carried.**

34 **MOTION by Alexa Lewis, seconded by Gerald Bouchard, to nominate JD Herlihy as**  
35 **Developmental Review Board Vice Chair. VOTE: 5 ayes, motion carried.**

36  
37 **Public Comment:** None.

38  
39 **Review & Approve Meeting Minutes: draft DRB Minutes, May 22, 2024:**

40 **MOTION by Gerald Bouchard; seconded by Alexa Lewis, to approve the DRB meeting**  
41 **minutes for May 22, 2024, as amended. VOTE: 5 ayes, motion carried.**

42  
43 **DRB 24-061-CU Conard – Conditional Use review for renovation of an existing camp at 62**  
44 **North Shore Road**

45 Russell asked if anyone had a conflict of interest or ex parte communications to disclose,  
46 and he noted that his camp is three camps down from the Conard camp. The board determined  
47 Russell did not have a conflict of interest. Russell swore in Carol Conard. Russell commented that  
48 the Design Review Board is not currently operating, that the Development Review Board (DRB)  
49 would review the Design Review Board standards because of this.

50 Conard read a description of the project. In response, Lewis asked if the project requires a  
51 state shoreland protection permit. Conard responded that she completed the state's project  
52 review sheet online and determined that she does not need a permit to convert space that is  
53 already improved.

54 Russell said that Conard's description addressed Design Review Board standards.

55 Russell confirmed that Conard had an approval letter form the Tree Warden for proposed  
56 tree removal.

57 JD Herlihy asked if the parcel had any other reviews in its permitting history. Aaron Brown  
58 produced the parcel file, which had only a certificate of compliance (no zoning permit history).

59 **MOTION by Brandon Tieso; seconded by Alexa Lewis, to close DRB 24-061-CU**  
60 **Conard. VOTE: 5 ayes, motion carried.**

61

62 **Deliberations:**

63 Russell said Design Review standards are met.

64

65 **Proposed Selectboard appeal process:**

66 Herlihy reviewed why the proposed appeal process had not yet been presented to the  
67 Selectboard (both staffing and board member changes). Herlihy said edits had been incorporated.  
68 Herlihy will ask for the proposal to be added to the Selectboard agenda.

69

70 **Other:**

71 Tieso summarized what he had learned about preliminary decisions not being binding. The  
72 binding nature of preliminary appeals does not appear to be absolutely clear. After some  
73 discussion, Russell suggested that the Board might seek a presentation from legal counsel on the  
74 matter.

75

76 **DRB 24-062-CU Hoehl - Conditional Use review for construction of a deck at 189 Lanes**

77 **Lane:**

78 Russell asked if anyone had to disclose conflicts of interest or ex parte communications;  
79 none noted. Russell swore in Peter Hoehl. Hoehl presented additional materials.

80 Russell said that moving closer to Lake Champlain, with the addition of a deck, is  
81 problematic.

82 Bouchard said he was concerned about the rise of the proposed steps to the deck. Tieso  
83 questioned if Bouchard's concern is in the purview of the Development Review Board (DRB).  
84 Bouchard suggested adherence to accepted building standards.

85 Russell read from Land Use Regulations (LURs) that confirmed that structures cannot move  
86 or be expanded closer to the lake.

87 Lewis said that increasing lot coverage is also a concern as existing coverage already  
88 exceeds the maximum.

89 Russell reviewed exemptions. Hoehl was interested in a handicap accessibility ramp  
90 exemption. This would not be under the DRB purview. Hoehl asked for guidance and was directed  
91 to work the Zoning Administrator as the DRB cannot be advisory.

92 **MOTION by JD Herlihy seconded by Brandon Tieso, to close DRB 24-062-CU Hoehl.**  
93 **VOTE: 5 ayes, motion carried.**

94

95 **Deliberations:**

96 Brown summarized concerns including moving closer to Lake Champlain and expanding lot  
97 coverage.

98

99 **Markup and Approve Draft Decisions:**

100

101 **DRB 24-053-SD Lussier:**

102 Herlihy said that lot acreages resulting from the subdivision, are confusing. Discussion on  
103 how to clarify and address.

104 **MOTION by Alexa Lewis, seconded by Gerald Bouchard, to approve the decision**  
105 **letter for DRB 24-053-SD Lussier, as amended. VOTE: 5 ayes, motion carried.**

106

107 **DRB 24-059-SK Congdon:**

108 Russell wanted clarity on the proposed easement. Herlihy pointed out that easements were  
109 not waived for final. Russell said that he would like to know if the easement is real. Lewis  
110 suggested Congdon provide the deed for the easement. Russell read from the trustee's deed.  
111 Herlihy said it is up to the applicant to provide proof.

112 **MOTION by Gerald Bouchard, seconded by Alexa, to approve the sketch letter**  
113 **for DRB 24-059-SK Congdon, as amended. VOTE: 5 ayes, motion carried.**

114

115 **DRB 23-085-SD Maguire:**

116 Russell questioned if restaurant should be used instead of café throughout the decision  
117 letter.

118 Russell moved to the lot that is under 5 acres in the subdivision, proposed for future,  
119 affordable, senior housing. Herlihy questioned if it should specially specify affordable, senior  
120 housing. Discussion to instead state that which is permitted for a lot under 5 acres in the district.  
121 Russell pointed out that the applicant proposed affordable, senior housing.

122 Herlihy said that the Planned Unit Development (PUD) did not include review of the  
123 proposed, affordable, senior housing. Lewis questioned if the lot for the proposed, affordable,  
124 senior housing was sold, would that trigger conditional use review. Herlihy determined from  
125 review of Land Use Regulations (LURs) that 20 units is only possible if part of a PUD. Conclusion  
126 reached that future, affordable, senior housing would require a PUD amendment and site plan  
127 review.

128 Russell moved to the addition to the existing house and asked if it needs conditional use  
129 review. Brown confirmed that there is an addition, but the addition does not encroach any further  
130 into setbacks, thus is permitted. Lewis suggested noting changes made between preliminary and  
131 final which resulted in a permitted use, not before the DRB.

132 The Highway Access Permit was then discussed. Herlihy recalled that the Permit is for  
133 residential only. Russell read from Selectboard meeting minutes during which the Permit was  
134 approved. The reading confirmed that adding the 20 units of proposed, affordable, senior housing  
135 to the Permit is contingent upon DRB approval.

136 Discussion occurred regarding the 27 parking spaces to provide clarifying language.

137 Lewis asked if the applicant specified where service delivery and trash removal would  
138 occur. Brown proposed language to specify.

139 Discussion of rewording the statement minimizing of undue adverse effect to greatest  
140 extent possible. Changing to minimizing adverse effect.

141 Discussion of 18 versus 20 affordable, senior housing units. 20 being possible with non-  
142 continuous PUD, 18 without Transferrable Development Rights (TRD).

143 In Findings, Russell asked that there be clarity as to why a parking lot, larger than required  
144 was approved. Herlihy pointed out that it's larger than the minimum required. Clarifying language  
145 discussed and decided upon.

146 Bouchard requested a means to ensure that the transfer of .03 acres occurs. Lewis  
147 suggested that the survey of the final plat be consistent with the mylar. Herlihy said it doesn't  
148 impact density and not necessarily a matter of concern for the DRB. Russell suggested that the  
149 transfer occur before the mylar is submitted.

150 **MOTION by Alexa Lewis, seconded by Gerald Bouchard, to continue the**  
151 **meeting past 10pm. VOTE: 5 ayes, motion carried.**

152 Brown spoke to his findings on bicycle racks.

153 Russell asked for clarification on if development of lot 2 could occur with Zoning  
154 Administrator approval only. Brown clarified.

155 Russell asked why the discussion around outdoor seating for the restaurant is not included.  
156 Consensus to not be too prescriptive.

157 Herlihy asked if hours for delivery and trash removal should be specified. Consensus, no  
158 delivery, or trash removal before 6am.

159 Bouchard asked for additional specification for uses of overflow parking.

160 Discussion of use and number of arborvitaes for screening.

161 Brown will distribute an updated draft and email approval will occur by 6/14.

162

163 **MOTION by JD Herlihy; seconded by Brandon Tieso, to adjourn the meeting. VOTE: 5**  
164 **ayes, motion carried.** The meeting was adjourned at 10:21pm.

165

166 Minutes respectfully submitted:

167 Nicole Burnell, Recording Secretary