

**TOWN OF CHARLOTTE
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF
Patricia O'Donnell & Jim Donovan
Final Plan Approval for a Subdivision Amendment
at
501 Lake Road
Application # DRB 25-135-SDA**

Introduction and Procedural History:

Patricia O'Donnell & Jim Donovan seek approval to expand the building envelope that was approved on their Two-Lot Subdivision Final Plat in 1997, with the intention of building an accessory dwelling unit (ADU). The applicants requested waivers for the majority of the subdivision application materials since all infrastructure (driveway, septic system and well) that will be required for the proposed future ADU is existing. Interim Zoning Administrator Rebecca Kaplan waived sketch plan review.

A public hearing for this application was held on September 24, 2025 in the town hall and via Zoom. A site visit preceded the public hearing. The applicant, Patricia O'Donnell, was present in person, and applicant Jim Donovan was present via Zoom. *(A complete list of participants may be found in the meeting minutes)*. The Development Review Board closed the hearing on September 24, 2025.

Notices of the scheduled public hearing were mailed to adjoining landowners on September 2, 2025. Notice of the meeting was also published in *The Citizen* print edition on August 28, 2025. The meeting warning was posted on the town website and in three public locations at least fifteen days before the hearing.

Exhibits received in support of this application:

1. Subdivision Amendment Application, received August 21, 2025
2. Boundary Line Adjustment Plat, BA1, Civil Engineering Associates, May 27, 2025
3. Proposed Wastewater Plan, C1.0, Civil Engineering Associates, June 2025

Regulations in Effect:

Charlotte Town Plan, Amended November 5, 2019

Charlotte Land Use Regulations, Amended November 9, 2023

Charlotte Road and Driveway Standards, 1997

Standard of Review:

The application requires review under the following sections of the *Land Use Regulations* for the Town of Charlotte, hereafter referred to as the LURs:

Chapter II Section 2.3 Application of District Standards, **Table 2.5** – Rural District

Chapter III Section 3.2 Road, Driveway, and Pedestrian Access Requirements

Chapter VII Subdivision Review Standards, **Table 1** Areas of High Public Value

Findings of Fact:

1. The applicants own a 146.4-acre lot at 501 Lake Road (Lot 1 of the 1997 Two-Lot Subdivision) in the Rural District.

2. The applicants requested waivers in letter of August 20, 2025.
3. 499 Lake Road (Lot 2 of the 1997 Two-Lot Subdivision) is a 1.1-acre parcel that shares a driveway with Lot 1.
4. There is an existing single-family dwelling, a shed and two silos within the existing building envelope.
5. The applicants intend to build an accessory dwelling unit (ADU) in the area of the expanded building envelope. The applicants will utilize the existing driveway, septic system and well for the ADU.
6. Section 2.3, Application of District Standards - Table 2.5 Rural District (E): The proposed expanded building envelope is 50 feet from the three property lines; therefore, it is compliant with district setbacks .
7. Section 3.2 Road, Driveway, and Pedestrian Access Requirements: The proposed development within the proposed expanded building envelope will be accessed from the existing driveway for Lots 1 and 2; therefore, the proposed future development will not require a new access from Lake Road.
8. Section 7.2 General Standards – Table 1 Areas of High Public Value: The following Areas of High Public Value (AHPV) have been identified on the property:
 - (1) *Land in active agricultural use* – the parcel contains agricultural operations.
 - (2) *Primary Agricultural Soils (Prime and Statewide)* – the proposed expanded building envelope encompasses prime agricultural soil, however, subject area is already developed with an existing shed and concrete pads.
 - (3) *Conserved Land on adjacent parcels* – parcels to the south and east of the lot is majority conserved land.

The Board finds that the proposed expanded building envelope presents no undue adverse impacts on Areas of High Public Value.

9. Section 7.2 (E): Building Envelope: The applicants propose to add 0.14 acres to the existing 1.14 acre building envelope resulting in a 1.28-acre building envelope.
10. Section 7.3: District Standards: *The purposes of the Rural District are ... to allow for low density or clustered residential development ..., that does not adversely affect the town's natural and scenic resources ... and is compatible with the rural character of the town as expressed in the Charlotte Town Plan.*

The Board finds the expanded building envelope allows for clustered development, and therefore, it is compatible with the purpose statement of the Rural District.

11. Section 7.4: Compatibility with Agricultural Operations: The Board finds no impact on agricultural operations; because the area within the proposed expanded building envelope is not part of the area being actively farmed.
12. Section 7.5: Facilities, Services and Utilities: A fire pond was a condition of the 1997 Two-Lot Subdivision.
13. Sections 7.6, Water Supply / 7.7 Sewage Disposal: The proposed development within the proposed expanded building envelope will utilize the existing septic system and

well.

14. Section 7.10, Roads, Driveways & Pedestrian Access: The proposed development within the proposed expanded building envelope will be accessed from the existing driveway.

Conclusions Of Law:

As outlined above, the Development Review Board finds the Subdivision Amendment to expand the building envelope at 501 Lake Road complies with cited standards in the *Charlotte Land Use Regulations*.

Decision and Conditions:

Subject to the conditions set forth below, the Development Review Board approves DRB 25-135-SDA O'Donnell Donovan:

1. One paper copy (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet and a 1" border on all remaining edges) and one electronic copy of the draft Final Plat shall be submitted to the Planning & Zoning Office for review by the Development Review Board within 150 days of this decision. Once approved, a Final Plat mylar shall be submitted to the Planning & Zoning Office to be signed by the Chair or Vice-Chair of the Development Review Board and recorded in the Charlotte Land Records within 180 days of this decision. The surveyor shall submit an electronic copy to the Vermont Land Survey Library, <https://landsurvey.vermont.gov/>, within 30 days of the filing of the Final Plat mylar.
2. Any easements on 499 Lake Road (Lot 2 of 1997 Two-Lot Subdivision) to benefit 501 Lake Road (Lot 1 of 1997 Two-Lot Subdivision) shall be shown on the Final Plat.
3. The building envelope and the existing fire pond shall be shown on the Final Plat.
4. Conditions related to the 1997 Two-Lot Subdivision remain in effect and shall be noted on the Final Plat.

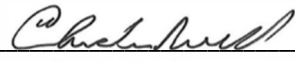
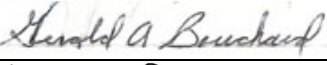
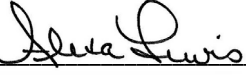
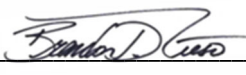
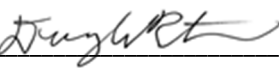
Additional Conditions: All plats, plans, drawings, documents, testimony, evidence, and conditions listed above or submitted at the hearing and used as the basis for this Decision to grant the permit shall be binding on the applicant, and his/her/their successors, heirs and assigns. Project shall be completed in accordance with approved plans and conditions, as stated in this decision. Any deviation from the approved site plan shall be regarded as additional "land development," will require additional permit(s), and must be reviewed and approved by the Zoning Administrator prior to commencing construction. It is the applicant's responsibility to adhere to all local and state regulations.

This approval shall expire if the mylar for the survey is not filed and recorded in the Charlotte land records within 180 days of the date of this decision.

Members present at the Public Hearing on September 24: Charles Russell, Gerald Bouchard, Alexa Lewis, Brandon Tieso and Doug Paton.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

Signed

- | | | For / Against | Date |
|------------|--|----------------------|--|
| 1. Signed: | <u></u> | Charles Russell | <input type="checkbox"/> For / <input type="checkbox"/> Against Oct. 8, 2025 |
| 2. Signed: | <u></u> | Gerald Bouchard | <input type="checkbox"/> For / <input type="checkbox"/> Against Oct. 8, 2025 |
| 3. Signed: | <u></u> | Alexa Lewis | <input type="checkbox"/> For / <input type="checkbox"/> Against Oct. 8, 2025 |
| 4. Signed: | <u></u> | Brandon Tieso | <input type="checkbox"/> For / <input type="checkbox"/> Against Oct. 8, 2025 |
| 5. Signed: | <u></u> | Doug Paton | <input type="checkbox"/> For / <input type="checkbox"/> Against Oct. 8 2025 |

This decision may be appealed to the Environmental Division of the Vermont Superior Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the latest date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.'