Town of Charlotte
DEVELOPMENT REVIEW BOARD MEETING
Meeting Conducted at Town Hall and via Teleconference
May 14, 2025

DRAFT – subject to approval by the Development Review Board

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

Staff: Aaron Brown, Zoning Administrator.

OTHERS: Frank Tenney.

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 Review & Approve Meeting Minutes: draft DRB Minutes, April 23, 2025
7:10 PM Review & Approve Draft Decision: 25-034-CU/SP O'Farrell-Sleeper
7:20 PM Develop Agenda for May 21 Joint Meeting with CCC and PC
7:30 PM Discuss Revisions to DRB Rules of Procedure
8:00 PM Adjourn

CALL TO ORDER:

Chair, Charles Russell called the meeting to order at 7:02pm.

CHANGES TO AGENDA:

Russell added a proposal regarding meeting packets.

Public Comment: None.

Review & Approve Meeting Minutes: draft DRB Minutes, April 23, 2025:

MOTION by Alexa Lewis; seconded by Gerald Bouchard, to approve the DRB meeting minutes for April 23, 2025, as amended. VOTE: 5 ayes, motion carried.

Review & Approve Draft Decision: 25-034-CU/SP O'Farrell-Sleeper:

Doug Paton asked for clarification on whether the entire driveway needs to be widened to 14'. Russell confirmed. This led to discussion of the initial 20' of the driveway being widened to 18'. Russell asked if the driveway would need to be widened to 14' up until the house, or extend beyond that, to the barn. Lewis recalled that the thought was to defer to driveway standards.

Lewis said the fenced play yard was discussed but not presented as a condition in the draft decision. Russell responded that the applicant is bound to what they presented in the application. The applicants mentioned the play area during testimony. Brandon Tieso reviewed application materials, and the fence was not included. Lewis said the fenced-in play yard was a finding in the draft decision and questioned whether it could be a condition as it is not a mandate in Land Use Regulations (LURs). Consensus to leave as a finding.

Paton referenced the statement within the draft decision that indicates the Development Review Board (DRB) finds the existing garage and site layout are architecturally compatible with the surrounding area. Paton pointed out that an analysis of such was not completed. Aaron Brown read from the LURs where the board is required to make such a finding under conditional use.

MOTION by Brandon Tieso; seconded by Gerald Bouchard, to approve the Draft Decision for 25-034-CU/SP O'Farrell-Sleeper, as amended. VOTE: 5 ayes, motion carried.

Develop Agenda for May 21 Joint Meeting with CCC and PC:

Aaron Brown said that the Planning Commission has not provided their agenda items for the meeting. The Charlotte Conservation Commission (CCC) had one general item, Thompson's Point regulations, and they will also provide an update on bids received in response to the updated mapping project.

Russell said that the Chittenden County Regional Planning Commission (CCRPC) worked with Russell and staff to create a map that shows existing homes and layers for wetlands and steep slopes, the intent of which is to discern what areas of town have been developed and what areas cannot be developed due to topographical constraints. Brown added that septic soil is not shown on the map and is a major limiting factor to development. Lewis suggested that the mapping be tied into the approaching Town Plan update and, specifically, how to prioritize objectives. Lewis noted that opportunities for commercial development should also be depicted. In response, Frank Tenney said that commercial development is possible in many places considering home occupations are allowed in most districts.

Russell circled back to mapping and suggested he distribute the aforementioned map before the joint meeting so that the Planning Commission and CCC could weigh in on needed additions. Russell said that map's name will also be determined in advance with representatives from the Planning Commission and CCC. Consensus that the agenda item pertaining to mapping would be to gather impressions, and to determine other possible features.

Discuss Revisions to DRB Rules of Procedure:

Russell reviewed Rules of Procedure Section III: Definitions, specifically, subsection D Conflicts of Interest item 2) which reads: *situation where a Board member has publicly displayed a prejudgment of the merits of a particular proceeding before the DRB. This shall not apply to a member's particular political views or general opinion on a given issue.* This addresses a DRB member stating a strong opinion regarding an application in a public setting. Frank Tenney pointed out that recusal from a hearing is voluntary. Lewis favored Russell's practice of speaking to indirect connection to an application and asking if any DRB member opposes his participation. Russell read from the *Recusal* section of the document which indicates that any person may request a DRB member's recusal. Tieso noted that *publicly* spans many social situations. Russell said that opinion cannot override regulations, and a DRB member must remain impartial.

Russell then reviewed previous edits made to the definition of *Deliberative session*. Tenney said he prefers for all matters to be addressed within the meeting. In response to this, Russell read edits he had made under *Decisions*, including what can be used in deliberations. Tenney reiterated his opinion that anything used in a decision should be limited to what is discussed at the hearing. Lewis pointed out that the hearing could be reopened if new information was needed.

Russell moved to edits made to the definition for Executive session. Russell noted that *legal services* should be added to allowable reasons to enter executive session. Tenny questioned *the evaluation of the administrative officer (zoning administrator)* as one of the rationales. Consensus to remove. The DRB does not do performance evaluations of the ZA.

Paton questioned edits to the definition for *Interested Persons* as he felt the edits made the definition too restrictive. Russell said the definition was taken from State statute. Subsequent discussion of what constitutes an interested party and hypothetical situations that might arise. Paton clarified that his concern comes from the contradiction between the definition and reference to interested party under Conflicts of Interest. Russell responded that the error is under Conflicts of Interest and should be removed. Paton, then noted *interested persons* is also referred to in Section VII: Public Hearings and Order of Business and again seems too restrictive. As an alternative, Russell suggested people that own

or occupy property in the immediate neighborhood. Tenny said that an interested person could be represented by legal counsel. Paton said there is a difference between an interested person and a person interested in participating.

Russell pointed to another edit under Public Hearings and Order of Business; the removal of the three-hour hearing cap. This prompted Tenney to address a concern regarding the DRB approving a draft decision during the same meeting that a hearing occurs. Russell said that the DRB deliberates during the same meeting so that materials presented are at the forefront of members' minds. Lewis added that having a draft decision prepared for approval following a hearing can be helpful, especially if an applicant went through Sketch Plan Review. Tenney said it appears that the DRB has decided on an application before the hearing is held. Russell said that a draft decision is beneficial to the applicant as they then know where the board stands. Russell also noted that this is not a common occurrence, and only happens occasionally with straightforward applications. Tieso agreed with the infrequency of this occurring. Lewis added that staff reports are public and are like draft decisions. Brown said that decisions are often copied-and-pasted in large part from staff reports. Tieso stated an understanding that from an appearance stance, approving a draft decision following a hearing does open the DRB to scrutiny.

Suggested protocol for preparing meeting packets:

Russell suggested all materials for applications are combined in either paper, electronic, or hyperlink format for reference during hearings.

MOTION by Brandon Tieso; seconded by Alexa Lewis, to adjourn the meeting. VOTE: 5 ayes, motion carried. The meeting was adjourned at 9:13pm.

Minutes respectfully submitted:
Nicole Burnell, Recording Secretary with edits by Aaron Brown