

1 **Town of Charlotte**  
2 **DEVELOPMENT REVIEW BOARD MEETING**  
3 **Meeting Conducted at Town Hall and via Teleconference**  
4 **May 15, 2024**

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6 ***DRAFT – subject to approval by the Development Review Board***

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

9 **Staff:** Aaron Brown, Zoning Administrator

10 **OTHERS:** Frank Tenney, Paul Plante, Bill Stuono, Jonathan Maguire, Don Welch, Dave Marshall,  
11 Carrie Spear, Alex Buntten, Dave Adsit, Brown Adsit, Kurt Wetzell, Julie Wetzell, Bill Stuono, Jim  
12 Faulkner, Terra Heilenbach, Can Doganci, Lucy Halvorson

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14 ***Posted Agenda:***

15 7:00 PM Call to Order; changes to agenda (if any)  
16 7:02 PM Public Comment (not pertaining to pending applications)  
17 7:05 PM DRB 23-085-CU/SP/SD (FP) Maguire – continued - Conditional Use/Site Plan/Final  
18 Plan review for 3-Lot Subdivision at 2760 Spear St. Project folder online at:  
19 <https://bit.ly/3UbhWtU>  
20 8:45 PM Markup and Approve Draft Decisions: DRB 24-048-SPA TOC Garage; DRB 24-033-SK  
21 Palmer sketch letter  
22 8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, May 8, 2024  
23 9:00 PM Adjourn

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

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27 **CHANGES TO AGENDA:** JD Herlihy asked to review recommendations for the appeals process to  
28 the Selectboard.

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30 **Public Comment:** None.

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32 **DRB 23-085-CU/SP/SD (FP) Maguire – continued - Conditional Use/Site Plan/Final Plan**  
33 **review for 3-Lot Subdivision at 2760 Spear St.:**

34 At different times during the hearing, Russell swore Terra Heilenbach and Can Doganci.

35 Russell questioned if the location of the driveway, as discussed and approved during  
36 preliminary plan review, is binding. Alexa Lewis reviewed the driveway decision from preliminary  
37 which stated that a Highway Access permit is to be obtained before final plan application. Brandon  
38 Tieso asked if the Highway Access permit is contingent upon Development Review Board  
39 approval. Lewis said she thought so.

40 David Adsit said he attended the Selectboard meeting at which the Highway Access permit  
41 was approved. The permit is for a residential lot. Frank Tenney confirmed this and said if the  
42 location changed, a new permit would be required.

43 Russell asked if discussing an alternative location of the driveway is a moot point given it  
44 was decided upon in preliminary. Lewis read transcript from the Selectboard meeting of May 6,  
45 when the Highway Access Permit was approved. The Selectboard approved the Highway Access

46 permit as presented, which is for one five-acre residential lot and one lot serving up to 20 units of  
47 senior housing.

48 Brown Adsit asked for continued discussion about the driveway location because that was  
49 the expectation when the Board continued the hearing on May 8<sup>th</sup>. Russell suggested taking more  
50 testimony on the location of the driveway and said the board could seek legal advice as to whether  
51 the preliminary decision is binding. Don Welch said that an approved Highway Access permit is  
52 saying that requirements have been met, and asked why continued discussion is needed. Tenney  
53 said that the DRB can say that a driveway must be moved. If that occurs, a new Highway Access  
54 permit is needed.

55 Russell asked for more comments about the driveway location. Jonathan Maguire brought  
56 up tapering speed limits when approaching the Village. Dave Adsit agreed with Maguire's  
57 suggestion and brought up an abutter's curb-cut concern. Dave Adsit also said that the  
58 Conservation Commission would accept entering sensitive land. Dave Marshall said wetlands are  
59 governed by the state and the current speed limits were factored into the current location.

60 Russell suggested reviewing the staff report. Gerald Bouchard asked what the total acreage  
61 is. Lewis said that since preliminary, a survey was conducted, and total acreage is 14.8 acres.  
62 Russell noted that 0.3 acres are proposed for transfer, thus 14.5 is total. When Russell asked if the  
63 transfer had been part of the application, Aaron Brown said that the transfer has been signed-off  
64 on by Maguire, not the receiver. Brown has advised the parties to complete a boundary  
65 adjustment form.

66 Bouchard expressed concern with not having visitor parking for the proposed elderly  
67 housing. Lewis reviewed minimum parking requirement is 27, proposed parking went from 34 to  
68 41. Welch reviewed why the proposed parking had initially increased and willingness to reduce to  
69 minimum parking, based on public opinion.

70 Lewis said that the proposed use of the historic house changed since preliminary, when it  
71 was proposed to be converted into a restaurant. Maguire has started working on a building  
72 addition, and she asked if he obtained approval from Historic Preservation. Welch responded that  
73 no approval is needed. Lewis said that she thought changes to the exterior require approval.  
74 Welch replied that the state wouldn't review a project unless the applicant were seeking federal or  
75 state assistance. Maguire is no longer thinking about a historic preservation grant.

76 Herlihy pointed out that the proposed Accessory Dwelling Unit (ADU) above the restaurant  
77 will require owner occupancy in one of the units. Maguire said he plans to live in the main house.

78 Russell moved to *staff comments* in the staff report where it is noted that *final subdivision*  
79 *review and for site plan and conditional use review of the café, the DRB may wish to focus on the*  
80 *following issues.*

81 *Density requirements pertaining to Lot 3.* Russell said Lot 3 can be mixed use. Aaron Brown  
82 said that he had also raised the question as to whether two family dwellings would be permitted if  
83 one was affordable. Russell said that 1/4-acre of density might be required. Brown responded that  
84 the applicant is working on a transfer of development rights, which might provide that density.

85 *Future phasing.* Welch said the residential lot could be underway three months from now.  
86 Maguire is seeking a partner to develop elderly housing and it's difficult to guarantee a timeframe  
87 on that.

88 *Lighting and hours of operation.* Russell said lighting is dictated by town performance  
89 standards. Maguire asked for DRB input on hours of operation. Alex Bunten expressed concern  
90 about noise after daylight hours. Tieso suggested that weekday and weekend hours might differ.  
91 Herlihy said that any potential entertainment should be considered. Can Dognaci said the board  
92 should consider future residents of the elderly housing units, and the café being within a  
93 residential area. Brown Adsit spoke against late hours on behalf of an abutter, John Sheheen.

94 *Size and impact of proposed parking facility.* Russell said this point had been talked through.  
95 *Owner-occupancy requirement for ADU.* Russell noted this too had been discussed.

96 Lewis asked for an update on the VAST path as it passes through the property. Welch  
97 confirmed that there is an easement and pedestrian improvement is intended.

98 Lewis asked about further connectivity, such as crossing Spear St. safely. Bill Stuono spoke  
99 to the need for a crosswalk, the problem being placement.

100 Lewis asked about the use of open space, specifically, if the DRB should make a  
101 recommendation. Lewis said that open space in a Village district may not make sense, unless for a  
102 specific purpose. Stuono asked if the parking lot could be encompassed in the open space and  
103 available to the community.

104 Lewis questioned the proposed gravel wetland. Dave Marshall responded that is the state's  
105 preferred method for runoff.

106 Lewis asked if building envelopes should be established. Welch pointed to the potential  
107 building envelope on the map.

108 Brown Adsit asked a process question, regarding the placement of the driveway. In  
109 response, Herlihy asked if the Highway Access permit is final. Tenney responded it is approved  
110 and final for the residential lot, unless the DRB recommends otherwise. At that point, a new  
111 permit would be needed. Herlihy then asked about the appeal process for an approved Highway  
112 Access permit. Stuono responded there is no mechanism to appeal. Aaron Brown said he thinks an  
113 appeal process is probably outlined in the Vermont Code of Civil Procedure and that an appellant  
114 might have to prove standing in court, which is more difficult to do than establishing interested  
115 party status.

116 Bunten said that, as an abutter, he'd prefer the least amount of parking required.

117 David Adsit said that Village planning is underway, cautioned against assuming the desire  
118 for higher density will prevail. It appears most people support moderate growth. Russell  
119 responded the application is being considered under the current Town Plan and Regulations.

120 Herlihy suggested reviewing any remaining items for conditional use review, which  
121 included the following:

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123 Ability to serve letter: the Charlotte Volunteer Fire and Rescue Service has provided one and did  
124 not recommend a fire pond or sprinkler system for the café development. The senior housing  
125 development might prompt another review of a fire pond, etc.

126 Character of area: the project fits the character of the area.

127 Impact on municipal services: none.

128 Traffic; no meaningful impact.

129 Bylaws in effect; met.

130 Effect on use renewable resources: none.

131 Conformance with Town Plan; met.

132 Any additional restrictions: none.

133 Performance standards: record of lighting plan to be added.

134 Parking and loading: addressed.

135 Landscaping and screening: Tenney asked about future screening when elderly housing is added;  
136 Russell confirmed this would be addressed at that time. Dave Marshall said that the site plan  
137 shows a "gravel pond" because they anticipate needing one for a state stormwater permit in the  
138 future. That state application will also include an erosion control plan. Outdoor lighting; to be  
139 added to record.

140 **MOTION by JD Herlihy; seconded by Brandon Tieso, to close DRB 23-085-CU/SP/SD**  
141 **(FP) Maguire. VOTE: 5 ayes, motion carried.**

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**Markup and Approve Draft Decisions:**

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**DRB 24-048-SPA TOC Garage:** Unanimous approval with amendments.

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**DRB 24-033-SK Palmer sketch letter:** Unanimous approval with amendments.

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**Review & Approve Meeting Minutes: draft DRB Minutes, May 8, 2024:**

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**MOTION by JD Herlihy; seconded by Gerald Bouchard, to approve the DRB meeting minutes for May 8, 2024, as amended. VOTE: 5 ayes, motion carried.**

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**Selectboard appeal process:**

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Herlihy said that the DRB had previously drafted a recommendation to be presented to the Selectboard, which outlines policy for Selectboard appeals. Given Tieso was not on the DRB at the time the draft was under consideration, would like Tieso to review, and for all to provide feedback, before presented to the Selectboard.

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**MOTION by Bradon Tieso; seconded by JD Herlihy, to adjourn the meeting. VOTE: 5 ayes, motion carried.** The meeting was adjourned at 9:56pm.

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*Minutes respectfully submitted:*

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Nicole Burnell, Recording Secretary with edits by Aaron Brown