Town of Charlotte
DEVELOPMENT REVIEW BOARD MEETING
Meeting Conducted at Town Hall and via Teleconference
May 28, 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: Paul Plante, Frank Tenney, David Yergeau, Taylor Harmeling, Liam Murphy.

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-25-057-PRD – Leary/LaBerge – Proposed Two-Lot Planned Residential Development at 4670 Greenbush Road
7:10 PM	Review & Approve Meeting Minutes: draft DRB Minutes, May 14, 2025; draft joint meeting of CCC-DRB-PC, May 21, 2025
7:15 PM	Joint Meeting Re-Cap
7:25 PM	Discuss Revisions to DRB Rules of Procedure
8:05 PM	DRB-25-061-SDA – Harmeling-Cooper – subdivision amendment (boundary adjustment) at 3702 Mount Philo Road
8:45 PM	Adjourn

Call to Order/ changes to agenda:

Chair, Charles Russell called the meeting to order at 7:00pm. Russell added Sketch Plan Review for David Yergeau.

Public Comment: None.

DRB-25-057-PRD – Leary/LaBerge – Proposed Two-Lot Planned Residential Development at 4670 Greenbush Road:

Russell asked about any ex parte communications or conflicts of interest to be declared by the Development Review Board; none noted.

Russell noted that the applicant requested that the hearing be continued.

Alexa Lewis asked if the Town had sought legal counsel as the application involves Transfer of Development Rights (TDR). Aaron Brown responded that the Town has general guidance for TDRs.

MOTION by Gerald Bouchard; seconded by Alexa Lewis, to continue DRB-25-057-PRD – Leary/LaBerge to June 11, 2025, at 8:00pm. VOTE: 5 ayes, motion carried.

DRB-25-081-SK- Yergeau-Sketch Plan Review:

Lewis opened the discussion by pointing out that abutters are not clearly defined. Brown noted that Town staff can help if Yergeau if Yergeau files a final application. Russell suggested that Yergeau present his proposal.

Yergeau said in 2016 he purchased a five-bedroom house, a three-bedroom apartment, two one-bedroom apartments, and a storefront. In 2021, the tenant of the storefront vacated and it remained unoccupied for six months. At this time the storefront was converted into a studio apartment by adding a

small kitchen and shower to the space. Yergeau went on to explain that this decision was based on a 2012 letter from former Administrative Officer Tom Mansfield, which stated that the lot would lose its non-conforming commercial status if the use were discontinued for more than six months. Given the structure contained three existing apartments, Yergeau assumed that losing commercial status meant the space would become residential and that adding an apartment would be permitted. Yergeau acknowledged that this was a misguided assumption.

Yergeau is in the process of selling and needs this to be rectified to do so. Yergeau said he is willing to make the apartment affordable if required. Yergeau asked about the possibility of reverting to commercial space and was told that this is not an option.

The commercial history of the current studio apartment was reviewed. Russell said that the commercial space was a pre-existing nonconforming use, which went away following six months of remaining unoccupied. Yergeau asked, when commercial use is forfeited, what use is then permitted? Russell responded that the issue is density for the 3.7-acre lot. Lewis added that the wastewater permit does not support the added unit. Yergeau responded that the added studio falls within the 10-bedroom capacity of the permit. Russell redirected the conversation as the State regulates wastewater.

Russell asked if the entire apartment complex would be converted to affordable housing. Yergeau said he was advised that only the fifth unit would have to be classified as such. Through discussion and review of Land Use Regulations (LURs), it was determined that this is not feasible.

Russell said that the apartment complex could revert to three units. Yergeau spoke about the subsequent loss of a housing unit in Charlotte. Yergeau acknowledged that it could be converted to home occupation space, but this is less desirable.

Russell said that a non-contiguous Planned Residential Development (PRD) is also an option.

Yergeau concluded the most practical option would be to revert the complex to three apartments despite the loss of a housing unit and the eviction of a current tenant.

Review & Approve Meeting Minutes: draft DRB Minutes, May 14, 2025:

MOTION by Alexa Lewis; seconded by Gerald Bouchard, to approve the DRB meeting minutes for May 14, 2025, as amended. VOTE: 5 ayes, motion carried.

Joint Meeting Re-Cap:

Russell pointed out that the next joint meeting was not scheduled. Suggestion made for August 20th which will be proposed to the other two boards.

Russell suggested as an agenda item for the next joint meeting, a case study for the Planning Commission to act as the Development Review Board (DRB) and Zoning Administrator (ZA) to increase their understanding of the difficulties that the DRB and ZA encounter.

Russell noted the intention to compare Charlotte's LURs pertaining to non-contiguous PRDs, TDR, and Planned Unit Development (PUD) against State statute. Russell said the non-contiguous PRD was implemented in 2006 and vetted by Town counsel at this time. Lewis said she would be interested in knowing how other towns are recording TDRs. Russell pointed out that an area of high public value is required in the preservation transaction. Bradon Tieso said that having a TDR program that is systematized is essential for appropriate use. Russell responded that there is an administrative cost to maintaining a TDR bank, non-contiguous PRD is simpler. Lewis added that evaluation of credits in a TDR bank could be complicated. For instance, soil banks are more valuable than wetlands. Tieso proposed a registry versus a bank.

Discuss Revisions to DRB Rules of Procedure:

Lewis noted that the distinction between interested persons and interested parties needs to be clarified or the two should be considered the same as one another.

Russell reviewed the two reasons to go into the Executive Session. Lewis recalled the intent is to clarify that the public is excluded from participation. Russell responded that Executive Session is held in private and is different from Deliberative Session.

Lewis moved to Section VII: Public Hearings and Order of Business, item M, and how the item does not address the dismissal of an application.

DRB-25-061-SDA – Harmeling-Cooper – subdivision amendment (boundary adjustment) at 3702 Mount Philo Road:

Russell asked if members had any ex parte communications or conflicts of interest to disclose; none noted. Russell said a site visit was held earlier in the day. Rusell swore in Taylor Harmeling and Liam Murphy.

Russell asked for background information. Murphy said that Harmeling and his wife purchased two lots at different times; their house sits on top of the westerly parcel (former Bruska lot), and their access is on a different lot that abuts Mount Philo Road. The Bruska lot was originally accessed (at least in theory) from Route 7 via Colonel Williams Way. Between the time the Bruska lot was created and the time that Harmeling and his wife built, the LURs changed to prevent development of very steep slopes. The westerly portion of the Burska lot has very steep slopes. To address this, Harmeling and his wife bought a preexisting subdivided lot from the Wallers, which is the lot through which they built their driveway. The planning commission approved a subdivision amendment in 2012 to allow the driveway from Mount Philo Road. They are now seeking to reduce the former Waller lot's size, to the five-acre minimum, and to add that acreage to their house lot (former Bruska lot). They want to keep the woods intact, control the access to their property, and to reduce mortgages on their property to one. The bank is also requiring that Harmeling own the land around the driveway.

Russell said an issue identified in the staff report was frontage. Murphy responded that both lots would meet frontage requirements with a permanent 60-foot easement. Gerald Bouchard corrected Murphy: the requirement is a 50-foot easement.

Lewis said that an accessory dwelling unit, a primary residence, and third house site requires the drive to become a private road. Later the group found that the regulations state that three lots – not three residential structures – make a new road.

Russell circled back to the ability of the DRB to grant a permanent 50-foot easement and how doing so might require review as a PRD. Russell acknowledged that in the 2012 Waller decision, this was not required because the lots were in common ownership. Russell said the lot was created by allowing access by right of way and what the applicant is applying for today would create a better scenario. Lewis agreed that it would improve the access situation but asked about the frontage requirements. Subsequent review of proposed easements.

Bouchard proposed a scenario that would meet frontage requirements. Murphy responded that Harmeling went through a six-month process with his lender to have them approve the plat proposed in this application; the applicants would have to go back to the bank to adjust the plat to Bouchard's suggestion. Russell proposed adding a triangular easement south of the driveway to satisfy all requirements. Lewis again questioned frontage requirements; Russell again referred to the 2012 decision that allows for an easement instead of direct frontage. Murphy added that the former Bruska lot would also be gaining some frontage and therefore decrease its level of nonconformity. Russell summarized that what would occur is trading a right of way for a strip of land that is wider, but not anywhere near 300 feet.

Tieso asked Murphy to explain the rationale behind frontage requirements. Murphy said they were enacted in the 1980s when zoning favored suburban developments with neat blocks of land, and the requirements remain in effect in many areas today. Murphy then referenced section 3.2 in Charlotte's LURs which he interprets to mean that frontage or easement/right of way are required. Murphy questioned when requiring a PRD came into effect.

Tieso noted he feels that the applicant is creating an easement to nowhere that doesn't satisfy frontage requirements. Murphy said the former Bruska lot was approved with a 50-foot right or way. The former Bruska lot is a preexisting nonconformity because it lacks 300 feet of frontage. Therefore, adding some frontage is reducing the amount of nonconformity.

Bouchard asked about the driveway's right of way. Murphy pointed to an area of the map where the right of way ends and confirmed frontage is met. Doug Paton asked if the shared part of the driveway had to adhere to driveway standards. Russell confirmed that it must be 14 feet wide.

Murphy asked for confirmation that the application would be approved with the condition of adding the triangular easement to the south of the entry driveway, as an easement to the former Waller lot, to meet frontage requirements. Lewis questioned the validity of creating frontage through an easement that isn't abutting an access road. Murphy responded that the access easement would be redefined.

MOTION by Brandon Tieso; seconded by Gerald Bouchard, to close DRB-25-061-SDA – Harmeling-Cooper. VOTE: 5 ayes, motion carried.

Deliberation DRB-25-061-SDA – Harmeling-Cooper:

Russell noted that the building envelope was not discussed but was approved as part of Act 250 permitting.

Russell asked for feedback on the triangular easement solution. Lewis remained uncertain. Russell asked if Lewis could provide any LUR that would prohibit the proposal. Lewis said she would prefer that it be a road with 3 lots, 2 under common ownership, but agreed with Russell that there is a lack of clarity in LURs.

MOTION by Brandon Tieso; seconded by Doug Paton, to adjourn the meeting. VOTE: 5 ayes, motion carried. The meeting was adjourned at 8:59pm.

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