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Town of Charlotte
DEVELOPMENT REVIEW BOARD MEETING
Meeting Conducted at Town Hall and via Teleconference
May 8, 2024

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

Staff: Aaron Brown, Zoning Administrator

OTHERS: Frank Tenney, Paul Plante, Bill Stuono, Jonathan Maguire, Don Welch, Dave Marshall, Carrie Spear, Alex Bunten, Dave Adsit, Brown Adsit, Kurt Wetzal, Clark Hinsdale, Frank Tenney, Jim Faulkner, Jason Barnard, George Aube, Claire Aube, Claudia Mucklow, Peter Demick, Gerald Stockman, Andrea Regan, Kelly Devine, Nancy Faulkner, Matt Krasnow, Anne Labombard, Jana Beagley, Ross Huntley.

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 23-085-CU/SP/SD (FP) Maguire – Conditional Use/Site Plan/Final Plan review for 3-Lot Subdivision at 2760 Spear St. Project folder online at:
<https://bit.ly/3UbhWtU>
8:05 PM DRB 24-048-SPA TOC Garage – Site Plan Amendment to change landscape plan and extend gravel driveway at 3205 Greenbush Rd. Project folder online at:
<https://bit.ly/3VZfp7uhn>
8:15 PM DRB 24-044-SK Aube – 2-Lot Subdivision at 1052 Carpenter Rd. Project folder online at: <https://bit.ly/3Q0GhQB>
8:30 PM DRB 24-033-SK Palmer – Subdivision Amendment at northeast corner of Town of Charlotte (west of Shelburne Falls Rd.). Project folder online at:
<https://bit.ly/DRB 24-033-SK Palmer>
8:50 PM Markup and Approve Draft Decision: DRB 24-026-CU Smith
8:55 PM Review & Approve Meeting Minutes: draft DRB Minutes, April 10, 2024
8:58 PM Review DRB Summer Meeting Schedule
9:00 PM Adjourn

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

CHANGES TO AGENDA: Gerald Bouchard asked to provide a status update on DRB 22-259-SD (FP) - Hutchins.

Public Comment: Bill Stuono described smart growth, said that Charlotte fits the definition, and asked for development in the Villages to concentrate on amenities versus housing.

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

Russell swore in Jonathan Maguire, Don Welch, Dave Marshall, Carrie Spear, Alex Bunten, Dave Adsit, Brown Adsit, Kurt Wetzal, Clark Hinsdale, Frank Tenney, and Bill Stuono. Russell asked if the Development Review Board (DRB) had any ex parte communications or conflicts of interest.

47 Russell noted that he had received an email from Alex Bunten regarding parking. Russell's only
48 response was that he is not permitted to discuss the application outside the hearing.

49 Don Welch summarized that the 3-lot subdivision is for 14.8 total acres. The first lot is 5
50 acres and residential, the second is 4.5 acres for future elderly, affordable housing, and the third is
51 5 acres for mixed use (residential and commercial (café)). The application also proposes a 0.3-acre
52 transfer to the neighbor to the south. Changes since preliminary plan approval include: the
53 proposed road access has been reconfigured to avoid wetlands. Septic was relocated. An upgrade
54 to the shared use path is depicted. A Highway Access Permit has been approved contingent upon
55 final plan approval. Conditional use permit is now sought to for a café at the former garage site on
56 lot 3; the original plan was for a restaurant in the historic home on the property. Welch asked for
57 review of conditional use to occur first.

58 Welch noted that a fence would be added to the south end of the parking lot and that the
59 number of parking spaces has increased from 34 to 41. The proposal is for a 50-seat café. Welch
60 asked for discussion on what is the appropriate amount of parking for such. JD Herlihy asked for
61 seating square footage for the café as it pertains to parking. Welch responded 1,500 square feet.
62 Welch reviewed that café would have 27 spots for guests when allocating 8 for café staff and 6 for
63 tenants.

64 Russell asked if the DRB had any questions pertaining to parking. Alexa Lewis asked for
65 outdoor seating square footage. Herlihy asked for actual seating area inside the café and pointed
66 out that the 1,500 square feet includes kitchen space. Welch approximated 1,250-1,300 square
67 feet for actual seating. Brandon Tieso said the remaining space seemed small for a commercial
68 kitchen. Maguire responded that they are dealing in the hypothetical and he hopes to give
69 flexibility to the future operator of the café. Welch added that the intent is to accommodate 50
70 patrons with use of indoor and outdoor spaces.

71 Bunten, an abutting neighbor to the south, presented his thoughts and concerns; he does
72 not relish the idea of living next door to a parking lot and said a lighting plan would be helpful to
73 know how lighting would be mitigated. Bunten said a gravel parking lot would be more
74 appropriate with character of the area, and parking should be expanded as necessary. Maguire
75 responded that recreating the Village will involve village components. Maguire agreed to starting
76 small with parking but noted that inadequate parking has been problematic in the Village.

77 Carrie Spear expressed preference to maximize parking. Spear asked for consideration that
78 parking include an EV charging station and parking for a future bus route.

79 Brown Adsit said he was concerned about determining the number of spaces required
80 when the commercial use is still conceptual.

81 Bill Stuono said he counted 44 spaces on the plat and asked for a scale-down. Welch said
82 that he had referenced this in his opening. That the text box covers parking spaces.

83 Frank Tenney said specific standards for the commercial use should be established.
84 Parking for staff and tenants should be separate.

85 Welch summarized that public opinion is for parking to be reduced to 28 spaces. Welch and
86 Maguire said they are willing to reduce the number of spaces if needed. Tieso said 28 spaces still
87 exceed the spaces required by the LURs and questioned the use of café parking for other purposes.
88 Russell noted that building only the minimum could lead to inadequate parking, as has been the
89 case in other Charlotte commercial projects.

90 Clark Hinsdale said he supports the project, and emphasized the need for affordable,
91 elderly housing.

92 Russell asked for comment on the Highway Access Highway permit, which the Selectboard
93 granted earlier in the week. Maguire said that lowering speed limits, when approaching the
94 Village, would be an improvement. Wetzal agreed with Maguire regarding tapering, but said he

95 has safety concerns during inclement weather. David Adsit too agreed with tapering speed limits
96 and suggested an alternative location for the access to Lots 1 and 2. Marshall said that the location
97 is a balance of many factors, including avoidance of wetlands, and speed should be enforced. Tieso
98 cautioned that speeding is inevitable, and that traffic flow is at its greatest during the morning
99 commute. Marshall reiterated that enforcement is an effective deterrent. Maguire agreed. Brown
100 Adsit proposed a Spear St. entrance. Stuono reiterated safety concerns due to speeding and agreed
101 with a Spear St. entrance.

102 **MOTION by JD Herlihy; seconded by Brandon Tieso, to continue DRB 23-085-**
103 **CU/SP/SD (FP) Maguire to May 15, 2024, at 7:05pm. VOTE: 5 ayes, motion carried.**

104
105 **DRB 24-048-SPA TOC Garage – Site Plan Amendment to change landscape plan and extend**
106 **gravel driveway at 3205 Greenbush Rd.:**

107 Russell swore in Jim Faulkner. Faulkner explained the rationale for the project. The
108 driveway was expanded to allow easier truck and equipment access to the garage. The
109 landscaping plan changed due to concerns about tree roots growing into the geothermal and
110 septic systems.

111 **MOTION by Gerald Bouchard; seconded by Brandon Tieso, to close DRB 24-048-SPA**
112 **TOC Garage. VOTE: 5 ayes, motion carried.**

113
114 **DRB 24-044-SK Aube – 2-Lot Subdivision at 1052 Carpenter Rd.:**

115 Jason Barnard stated that the subdivision is to allow George and Claire Aube to provide
116 land for the home one of their three daughters. The home is currently under construction.
117 Barnard recapped that wastewater, wetland, building, and access permits have been obtained.

118 Russell said that during the site visit, a possible boundary for a building envelope was
119 discussed, and frontage is an issue. The current proposal shows river frontage on the LaPlatte and
120 no road frontage; the new access is proposed to be memorialized through an easement. Barnard
121 said creating road frontage is possible but would create an odd, shaped lot.

122 Aube said the remaining property would be in a family trust without any further
123 subdivision for at least two generations.

124 Lewis asked about the rationale for existing, odd, shaped parcels. Aube reviewed how lots
125 were created in the past. The intent was to minimize impact on the open land and give each of his
126 daughter's a roughly equal sized lot. Lewis then asked about the wooded buffer. Aube responded
127 with information on the forestry program that the land is in.

128 Gerald Bouchard pointed out an acreage error. Barnard said that it would be reviewed and
129 corrected if needed.

130 Bouchard requested review of the Conservation Commission's comments. Barnard asked
131 what Bouchard would like to review. Bouchard read from the report that any development on the
132 property should be carefully considered. Barnard responded that it has been. Russell referenced
133 another Conservation Commission concern about not having residential development in
134 conservation districts. Claudia Mucklow spoke to this. Russell clarified that driveways are
135 permitted in conservation districts. Mucklow then asked what guarantees that there will not be
136 any future subdivisions. Aube said that he can only guarantee so far in the future, that the
137 property will be protected in his trust for two more generations. Mucklow asked for a safeguard
138 such as a building envelope. Herlihy suggested a condition that any future development of Lot 1
139 require DRB review to establish a building envelope. Russell referenced a previous finding to
140 require a master plan to document intention.

141 Herlihy directed the conversation back to frontage and referred to Land Use Regulations.
142 Barnard questioned if interior lots are permitted. Herlihy said that they are with Planned

143 Residential Developments (PRD). It was determined that there is contradictory language
144 regarding river frontage counting towards frontage requirements. Stuono cautioned against use of
145 river frontage towards frontage requirements and suggested that a PRD would be appropriate.
146 Russell said that a PRD is an option as is providing frontage with the parcel.

147 **MOTION by JD Herlihy; seconded by Brandon Tieso, to classify DRB 24-044-SK Aube**
148 **as a minor subdivision and to waive items 1-4, 6,8,9 in Section 6.2 (C) and all of Section 6.2**
149 **(D). VOTE: 5 ayes, motion carried.**

150
151 **DRB 24-033-SK Palmer – Subdivision Amendment at northeast corner of Town of Charlotte**
152 **(west of Shelburne Falls Rd.):**

153 Gerald Stockman provided rationale for the amendment which was court ordered.
154 Stockman said there is no intended development and no change in use.

155 Stuono asked about protection of trails used by the public and asked if trails were
156 considered in the amendment. Stockman said there is no intention to post the property, trails
157 were not considered.

158 **MOTION by JD Herlihy; seconded by Brandon Tieso, to classify DRB 24-033-SK**
159 **Palmer as a subdivision amendment and to waive all items in Section 6.2 (C) except 5 and**
160 **all items in Section 6.2 (D). VOTE: 5 ayes, motion carried.**

161
162 **Markup and Approve Draft Decision: DRB 24-026-CU Smith:**

163 **The draft decision for DRB 24-026-CU Smith was approved as written. JD Herlihy**
164 **abstained.**

165
166 **Review & Approve Meeting Minutes: draft DRB Minutes, April 10, 2024:**

167 **MOTION by Alexa Lewis; seconded by Gerald Bouchard, to approve the DRB meeting**
168 **minutes for April 10, 2024, as written. VOTE: 4 ayes, motion carried. JD Herlihy abstained.**

169
170 **Review DRB Summer Meeting Schedule:**

171 No changes requested by the Development Review Board.

172
173 **DRB 22-259-SD (FP) - Hutchins review:**

174 Bouchard noted that the Hutchins case will likely have to be continued during the DRB's
175 hearing in June. The Act 250 review has been extended.

176
177 **MOTION by Brandon Tieso; seconded by Gerald Bouchard, to adjourn the meeting.**
178 **VOTE: 5 ayes, motion carried.** The meeting was adjourned at 9:58pm.

179
180 Minutes respectfully submitted:

181 Nicole Burnell, Recording Secretary with edits by Aaron Brown