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3 **Town of Charlotte**
4 **DEVELOPMENT REVIEW BOARD**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **April 13, 2022**

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8 **Minutes as approved by the Development Review Board 05.05.22**

9 **Development Review Board:** Charles Russell (Acting Chair), JD Herlihy, Gerald Bouchard, Christina Asquith, Alexa Lewis.

10 **Staff:** Larry Lewack, Town Planner; Rebecca Kaplan, Planning & Zoning Clerk.

11 **OTHERS:** *In person:* William Coleburn, David Marshall, Dean Bloch; *via Zoom:* Alexa Lewis, Paul Plante, Corey McDonald, Barbara Russ & Dean Williams, Frank Tenney, Scooter MacMillan, Deirdre Holmes, Jim Faulkner, Megan.

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15 **Site Visits:**

16 4:30 p.m. at 1108 North Shore Road for 21-45-CU Coleburn

17 5:00 p.m. at 3205 Greenbush Road for 22-49-SK Town of Charlotte Garage

18
19 **Posted Agenda:**

20 7:00 PM Call to Order; changes to agenda (if any)

21 7:02 PM Public Comment (not pertaining to pending applications)

22 7:05 PM DRB 21-45-CU Conditional Use Review to add a 2nd floor addition to existing cottage at 1108 North Shore Road.

23
24 7:45 PM DRB 22-49-SK Town of Charlotte Garage – Sketch Plan Review of site plan for proposed new town garage at 3205 Greenbush Road.

25
26 8:30 PM Markup & Approve draft Decisions – 22-20-SD Curler - Decision

27 8:50 PM Review/approve draft minutes from March 2 DRB meeting; March 23, DRB meeting

28 9:00 PM Adjourn

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30 **CALL TO ORDER:** Charles Russell called the meeting to order at 7:05 pm

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32 **CHANGES TO AGENDA:** Christina Asquith asked to be added to the agenda under Public Comments.

33
34 **PUBLIC COMMENT:**

35 Christina Asquith expressed concern regarding the DRB process related to the March 23rd DRB meeting, and use of LUR's in DRB decisions. Christina Asquith read a written statement into the record. Charles Russell said that there were no conversations or emails exchanged by DRB members outside of the DRB meetings. He said he is sorry if that was the impression. JD Herlihy said that the DRB tries to have consistency in its decisions. Waivers should not be used indiscriminately.

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41 **DRB 21-45-CU Conditional Use Review to add a 2nd floor addition to existing cottage at 1108 North Shore Road.**

42 The Chair inquired if any Board members had a conflict of interest with this application, or had any 'ex parte' communications with the applicant. None were disclosed.

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46 Charles Russell noted that a site visit was conducted at 4:30 p.m., 1108 North Shore Road.

47
48 William Coleburn was sworn in.

49
50 William Coleburn reviewed that the 1934 Thompson's Point camp has been owned by four generations of his family. There are two existing houses. An architectural designed second floor addition is proposed on the larger house; an existing first floor bedroom will be eliminated and replaced by a second-floor

53 bedroom, and a second bathroom added. The foot print, color, etc., of the house will remain the same. A
54 second bathroom has been approved by the Waste Water Commission and DRC has approved the plan.
55 Construction will start in early fall/September. The height will be 25' from base to peak. The house is built
56 on piers and one pier will be added to support a staircase. The second story will add 420 square feet, said
57 William Coleburn.

58
59 DISCUSSION:

60 Alexa Lewis asked for clarification on which lot they were looking at on the site plans – Lot 196, or Lot
61 195. There were four lots. Is a lease hold “a lot”, asked Alexa Lewis. William Coleburn explained that all
62 four lots, 194, 195, 196 and 197, are in the lease hold. Alexa Lewis said that the DRB looks at lot coverage,
63 which is a requirement. Is it the entire lease that can't be subdivided, and is that the way it is recorded,
64 asked Alexa Lewis. William Coleburn replied that Larry Lewack, Town Planner, did the lot coverage
65 calculations.

66
67 In response to DRB questions, William Coleburn explained that the two buildings on Lot 196 were built in
68 1935 as a main house and a two-car garage. In 1964 his grandfather converted the garage into a dwelling.
69 As per the plot plan everything is on Lot 196. Nothing is on Lots 197, or 194. His grandfather built an
70 accessory structure, a carpentry shop, on Lot 195 in 1966. The shop is non-residential and used for
71 storage, stated William Coleburn.

72
73 There was discussion regarding the number of lots on the Coleburn lease hold; and a DRB member request
74 to clarify the determination of the lease hold to make sure the lot coverage calculation was done correctly
75 and that the determination reflects that. Frank Tenney said that the Zoning Regulations state that a lease
76 hold is all of the 'lots', and that, historically, lot coverage is calculated on all of the lots within a lease hold.
77 No lots can be subdivided from a lease hold, said Frank Tenney. Alexa Lewis said that there are two
78 dwellings on the single lease hold, so that it is a grandfathered non-conformity. Frank Tenney replied
79 correct. It was done a long time ago. A little porch was put on the back and can remain since it exists, said
80 Frank Tenney. JD Herlihy clarified that the proposal is not expanding the lot coverage. It is a pre-existing
81 non-conformity.

82
83 Charles Russell said that as long as the proposal was not increasing the non-conformity within the
84 setbacks; that could only be done under Conditional Use, which we are doing. Frank Tenney pointed out
85 that the plan will increase the dwelling volume (not-applicable). Charles Russell quoted Zoning Bylaws,
86 Table 2.7, F (1).

87
88 Alexa Lewis asked for clarification regarding the lease hold as recorded. William Coleburn stated that
89 there is one lease hold recorded as four lots. In response to a DRB member question, Frank Tenney said
90 that lot lines within a lease hold cannot be removed or create any more lease holds, per the bylaws.

91
92 Charles Russell asked if an overhanging tree branch noted at the site visit on the east side was being
93 removed, not the entire tree. William Coleburn replied it was just the branch. No trees will be cut down.

94
95 **MOTION by Gerald Bouchard; seconded by JD Herlihy, to close (recess) the hearing for DRB 21-45-**
96 **CU. VOTE: unanimous, motion carried.**

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98 **Deliberation:**

99 Frank Tenney pointed out that the Design Review Committee had applied conditions and those should be
100 addressed.

101
102 JD Herlihy asked if there was a Waste Water Commission report regarding the approval of a second
103 bathroom. Frank Tenney asked if a second bathroom changed the discharge permit. Gerald Bouchard
104 replied no.

105

106 Charles Russell said that further information and clarity was needed regarding the following:

- 107 • Second bathroom, number of fixtures allowed as per the Thompson's Point ordinance
- 108 • Discharge permit related to the number of fixtures – is an amendment required
- 109 • Documentation from the Thompson's Point Waste Wastewater Advisory Committee (minutes)

110

111 **MOTION by Gerald Bouchard, seconded by JD Herlihy, to continue the hearing for DRB 21-45-CU, to**
112 **April 27, 2022, at 7:05 p.m.**

113 **VOTE: unanimous; motion carried.**

114

115 **DRB 22-49-SK TOWN OF CHARLOTTE TOWN GARAGE – Sketch Plan Review of site plan for**
116 **proposed new town garage at 3205 Greenbush Road.**

117 The Chair inquired if any Board members had a conflict of interest with this application, or had any 'ex
118 parte' communications with the applicant. None were disclosed. Charles Russell noted that a site visit
119 was conducted at 5:00 p.m., 3205 Greenbush Road.

120

121 David Marshall, Jim Faulkner, Dean Bloch, and Frank Tenney were sworn in.

122

123 David Marshall, Civil Engineer Associates., reviewed site plans for the town property, town Open Space
124 and Vermont Land Trust conservation easements to preserve areas of high value. Dean Bloch pointed out
125 that the town doesn't actually have a Town Open Space Agreement on the conserved land.

126

127 Gerald Bouchard asked if proposed equipment turn-around on the north side interfered with the power
128 line to the well. David Marshall replied yes, the line will have to be moved. Gerald Bouchard asked who
129 determined the size of the proposed building. David Marshall explained the process to determine the
130 town's needs and requirements. Jim Faulkner said that town officials held meetings with Hinesburg,
131 Monkton, Williston, etc., to gather information for needs and town building requirements. The consensus
132 was that a 150' X 60' building would provide the space required to protect equipment. Gerald Bouchard
133 suggested adding an auxiliary power source to the plan. Jim Faulkner said that a generator was on the
134 want list. The roof will be designed as "solar" ready, said Jim Faulkner.

135

136 Charles Russell asked if there was any consideration for flashing lights to alert traffic that town equipment
137 was coming onto Route 7. David Marshall noted that there were long sight distances. Flashing lights will
138 be taken under advisement. The town will work with Junior regarding truck lights. The AOT had said that
139 traffic lights in/out of the property didn't meet warrants and dedicated turn lanes are not in the plans. The
140 radius going south on Route 7 has been increased to get trucks off the road as quickly as possible, said
141 David Marshall.

142

143 There was discussion regarding truck traffic in and out of the salt/sand shed; a question if there were any
144 restrictions using Root Road to Church Hill Road (none); safety concerns at intersections (flashing lights);
145 lighting on-site (downcast mounted lights and motion lights); and landscaping and screening from Route
146 7.

147

148 JD Herlihy asked if the facility use was exclusive use of the town. Dean Bloch said that it would be 90
149 percent town use. The current Road Commissioner is a town employee and a private contractor, said Dean
150 Bloch. JD Herlihy suggested classifying the proposal as a municipal facility.

151

152 There was discussion regarding Section 4.15, as an application for a Conditional Use and Site Plan Review
153 for a public facility versus a municipal facility, which is a Site Plan Review.

154

155 Sketch Plan Letter to include:

- 156 • Consider re-routing a power line to the well, bury the power line (power line is already buried)
- 157 and eliminate the pole
- 158 • Move and isolate the proposed trail parking spaces to the west for safety and to avoid
- 159 truck/equipment traffic on-site with the potential to expand the number of parking spaces in the
- 160 future
- 161 • Hide, or use a natural color/material for the roof
- 162 • On Route 7 coming from the south make sure the building front is attractive and functional
- 163 • Bring truck/equipment traffic on the west side
- 164 • DRB review of landscaping
- 165 • DRB review of building height
- 166

167 **MARKUP & APPROVE DRAFT DECISIONS – 22-20-SD CURLER - DECISION**

168 JD Herlihy said he had concerns regarding non-conforming structures related to setbacks, and waivers.
169 There is no obligation to grant a waiver, said JD Herlihy. Charles Russell said the options are to re-open the
170 hearing for more testimony, modify the plans, or deny the application. Alexa Lewis said that the DRB
171 should give context why it would not be approved; there are issues with approving it. Based on what has
172 been presented there are reasons toward not approving a waiver. The applicant should have the
173 opportunity to supply additional information that might cause the DRB to approve it, said Alexa Lewis.
174 Christina Asquith said that the minutes should note that it would create non-conforming lots (lots with
175 non-conforming structures).

176
177 **MOTION by Gerald Bouchard; seconded by Christina Asquith, to re-open the hearing for a Minor**
178 **Subdivision, 22-20-SD CURLER, on Spear Street.**

179 **VOTE: 3 ayes; 2 nays, motion carried.**

180
181 **REVIEW/APPROVE DRAFT MINUTES FROM MARCH 2 DRB AND MARCH 23 DRB MEETINGS:**

182 **MOTION by Christina Asquith, seconded by JD Herlihy, to approve the draft DRB minutes from**
183 **March 2, 2022 meeting.**

184 **VOTE: unanimous, motion carried.**

185
186 **MOTION by JD Herlihy, seconded by Christina Asquith, to approve the draft DRB minutes from**
187 **March 23, 2022 meeting, with corrections/additions;**

- 188 • Line 94, Deliberation, change to read “Charles Russell asked that a condition to existing structures
- 189 be added that the structures could not be reconstructed...”
- 190 • Next sentence, that JD Herlihy said that any future development lot(s) shall require a build
- 191 envelope.

192 **VOTE: unanimous, motion carried.**

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194 **ADJOURNMENT:**

195 **MOTION by JD Herlihy, seconded by Christina Asquith, to adjourn the meeting.**

196 **VOTE: unanimous, motion carried.**

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198 The meeting was adjourned at 9:43 pm.

199
200 ***Minutes respectfully submitted:***

201 Kathlyn Furr, Recording Secretary, with edits by Rebecca Kaplan, P&Z Clerk.