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Town of Charlotte
DEVELOPMENT REVIEW BOARD
Meeting Conducted at Town Hall and via Teleconference
May 25, 2022

As approved by the Development Review Board June 22, 2022

Development Review Board Commission: Charles Russell, JD Herlihy, Gerald Bouchard, Christina Asquith, Alexa Lewis

Staff: Rebecca Kaplan, P&Z Clerk; Danielle Atherton, Recording Secretary

OTHERS: Charlie Montgomery, Jen Montgomery, James Faulkner, Dean Bloch, Dave Marshall, Bill Fraser-Harris, Eva Fraser-Harris, Carrie Spear. Via Zoom: Drew Hamilton, Jonathan Fisher, Ronda Moore, Paul Plante, 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 DRB 22-27-SA Fraser-Harris – HEARING Continued– Subdivision Amendment at 3085 Spear/3087 Spear St
7:15 PM DRB 22-44-CU Moore – HEARING Continued – Conditional Use review at 2922 Greenbush Rd.
7:30 PM DRB 22-89-SA Montgomery-Horsford – HEARING – Subdivision Amendment at 719-1033 Converse Bay Rd
7:45 PM DRB 22-95-SP Town of Charlotte Town Garage – HEARING – Final site plan review for new town garage at 3205 Greenbush Rd.
8:30 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony or comment will be allowed): DRB 21-45-CU Coleburn – Decision; DRB 22-13-CU/SP Spear’s Corner Store -Sketch Letter
8:45 PM Review & Approve meeting minutes: DRB Minutes April 27; DRB Minutes May 5; DRB Minutes May 11
8:55 PM Election of Officers for the Development Review Board
9:00 PM Adjourn

CALL TO ORDER: Charles Russell called the meeting to order at 7:03 p.m.

CHANGES TO THE AGENDA: There were no changes.

Public Comment: There was no public comment.

DRB 22-27-SA Fraser-Harris – HEARING Continued– Subdivision Amendment at 3085 Spear/3087 Spear St.

Drew Hamilton, Bill Fraser-Harris, and Jonathan Fisher were sworn in. This application was originally filed as a lot line adjustment and has now been changed to a Subdivision Amendment. Bill Fraser-Harris explained there was a concern with the shape of the lot. It has now been made less angular. He demonstrated on the map the new lot lines. There is a pending approval on the septic application and test pits have been done. Alexa Lewis asked if there is existing septic and a well on the smaller property, and if the easement for the other septic is a backup. Bill Fraser-Harris

50 confirmed on all. Jonathan Fisher is an abutting neighbor and he supports this plan. Charles
51 Russell explained the Board will deliberate later in the evening. **MOTION by** Gerald Bouchard;
52 seconded by JD Herlihy, to close the hearing. VOTE: 5 ayes, motion carried.

53

54 **DRB 22-44-CU Moore – HEARING Continued – Conditional Use review at 2922 Greenbush Rd.**

55 Ronda Moore was sworn in. JD Herlihy recused himself. This application was originally filed as a
56 variance, and has now been changed to Conditional Use. Ronda Moore was asking to add a safer
57 egress which would increase the non-conformance of a non-conforming structure. The proposed
58 deck and stairs are further away from the property line than the existing structure. Alexa Lewis
59 said that state law and the town ordinance state not to increase a non-conformance; over time the
60 non-conforming structure should become more conforming. There are exceptions for an ADA
61 ramp, but this application is not asking for that. She felt the intent was to preserve the dimensional
62 requirements except for very limited circumstances, such as affordable housing. Neighbors may
63 want to do the same in a more exaggerated fashion. Charles Russell added that Conditional Use
64 review is for these circumstances and the precedent has been to allow expanding non-conforming
65 structures. He explained this application is not asking to move closer to the lot line, it's increasing
66 the footprint of the structure that is in the setback. Ronda Moore agreed. Gerald Bouchard asked if
67 health and welfare in case of an emergency should be a factor in this decision. Alexa Lewis wasn't
68 sure if the Board had the authority to grant a variance from requirements through conditional use.
69 Charles Russell stated this will not increase traffic and won't change the character of the
70 neighborhood. The Board will deliberate later this evening and have 45 days for the Board to issue
71 a decision. **MOTION by** Gerald Bouchard; seconded by Christina Asquith, to close the hearing.
72 VOTE: 4 ayes, motion carried.

73

74 **DRB 22-89-SA Montgomery-Horsford – HEARING – Subdivision Amendment at 719-1033**
75 **Converse Bay Rd.**

76 Charlie and Jen Montgomery were sworn in. The property line was originally supposed to
77 go to the tree line. There was an engineering error and the actual coordinates surveyed are now 30
78 ft inside the field, which required this adjustment. The driveway was on the wrong property
79 previously, and now the property line has been moved east approximately 27 ft. **MOTION by**
80 Gerald Bouchard; seconded by JD Herlihy, to close the hearing. The Board will deliberate later this
81 evening and have 45 days to issue a decision. VOTE: 5 ayes, motion carried.

82

83 **Review & Approve meeting minutes: DRB Minutes May 5.** **Motion by** Charles Russell to
84 approve meeting minutes for May 5. VOTE: 5 ayes, motion carried.

85

86 **DRB 22-95-SP Town of Charlotte Town Garage – HEARING – Final site plan review for new**
87 **town garage at 3205 Greenbush Rd.**

88 James Faulkner, Dean Bloch and Dave Marshall were sworn in. Dave Marshall from Civil
89 Engineering Associates presented the proposal.

- 90
- 91 • He requested to modify the open space from the previous subdivision. Demonstrating on
92 the map, they are asking to take the blue area out of the previous approval and relocate it
93 to the yellow area. It will allow the right side of the property to be consistent with the
94 easement and permits.
 - 95 • The Agency of Transportation weighed in for the access to Route 7. The width of the
96 entrance was enlarged so the maintenance trucks can exit as quickly as possible.
 - 97 • Proposed (13) parking spaces on the south side of the building for employee and
trailhead parking.

- 98 • The wetlands crept uphill so the west side parking spaces were moved easterly. The
99 parking area is in the wetland buffer and permission from the state will be a requirement.
100 • Stormwater Management Facility has been elongated.
101 • A state stormwater permit is not required per the 3-acre rule.
102 • The town highway foreman recommended 100 ft in front of the bays to allow pull outs so
103 the trucks can be worked on more easily. It was suggested to have equipment under
104 cover for longevity. A 60' wide building allows the plow trucks to occupy the building as
105 well as parking for other equipment.
106 • Above ground diesel facility was moved for aesthetics.
107 • Proposed mound system and a drilled well on site.
108 • EPSC plan requires a state permit which has been applied for.
109 • Site lighting plan in place. Lights are motion activated.
110 • Landscaping plan in place.

111 Charles Russell asked if this is a public or private facility. JD Herlihy suggested that it is more
112 appropriate to be a municipal facility. JD Herlihy asked about fuel containment for spillage. Dave
113 Marshall replied that the tank would be put in a concrete container so that if it does leak, it won't
114 go in the wetlands. A site plan decision will be drafted. **MOTION** by JD Herlihy; seconded by
115 Gerald Bouchard, to close the hearing. VOTE: 5 ayes, motion carried.
116

117 **Markup & Approve draft Decisions (Public Deliberations: no public testimony or comment**
118 **will be allowed): DRB 21-45-CU Coleburn – Decision; DRB 22-13-CU/SP Spear's Corner Store**
119 **-Sketch Letter:**

120 Coleburn: The Board made edits to the draft.

121 Spear's Corner Store: JD Herlihy felt this needs to be a non-contiguous PUD. He would like
122 clarification if this requires an additional ¼ acre to allow for another dwelling unit.
123

124 **Election of Officers for the Development Review Board:** **MOTION** by Gerald Bouchard;
125 seconded by Alexa Lewis, to elect Charles Russell as chair. VOTE: 4 ayes, motion carried. **MOTION**
126 **by** Christina Asquith; seconded by Gerald Bouchard, to elect JD Herlihy as vice chair. VOTE: 4 ayes,
127 motion carried.
128

129 **DELIBERATIONS:**

130 **DRB 22-27-SA Fraser-Harris.** JD Herlihy suggested any future development on the northern lot
131 must come back to the Board for a more intensive review. The applicant expressed no intent to
132 subdivide in the future.

133 **DRB 22-44-CU Moore.** Alexa Lewis said that state law and the town ordinance state not to
134 increase a non-conformance. She doesn't agree with this proposal. Charles Russell felt this is the
135 purpose of Conditional Use.

136 **DRB 22-89-SA Montgomery-Horsford.** The Board passed this on to staff to write the same
137 decision with the new map.

138 **DRB 22-95-SP Town of Charlotte Town Garage.** JD Herlihy refers to Section 5.5(E)(1)b pg. 69,
139 Site Plan Review, which states you can't do any grading or clearing in a setback. They are re-
140 directing the water to the wastewater facility they are creating. He felt a state wetland permit
141 would be necessary. He would like to include in the findings that there is a trail with access to the
142 town trail network.
143

144 **MOTION** by Gerald Bouchard to adjourn the meeting; seconded by JD Herlihy. VOTE: 4 ayes,
145 motion carried. The meeting was adjourned at 9:54