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Town of Charlotte
DEVELOPMENT REVIEW BOARD
Meeting Conducted at Town Hall and via Teleconference
August 31, 2022

Approved by the Development Review Board – 9.28.22

Development Review Board: Charles Russell, JD Herlihy, Gerald Bouchard, Alexa Lewis
(not present: Christina Asquith)

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

OTHERS: James Faulkner, Dave Marshall, Dean Bloch, David Rugh; via Zoom: Keith Osborne (ZA), Paul Plante, Frank Tenney, Lawrence Robinson.

Posted Agenda:

6:00 PM Call to Order; changes to agenda (if any)
6:02 PM Public Comment (not pertaining to pending applications)
6:05 PM DRB 22-157-VA/SA/SPA HEARING CONTINUED Town of Charlotte Town
Garage - Subdivision and Site Plan Amendments and Variance review for new
town garage at 3205 Greenbush Rd.
7:00 PM Adjourn

CALL TO ORDER: Charles Russell called the meeting to order at 6:01 p.m.

CHANGES TO THE AGENDA: Charles Russell wanted to discuss the sketch plan letter for DRB 22-156-SK Gaujac.

Public Comment: There was no public comment.

DRB 22-157-VA/SA/SPA HEARING CONTINUED Town of Charlotte Town Garage - Subdivision and Site Plan Amendments and Variance review for new town garage at 3205 Greenbush Rd:

Charles Russell explained that Gerald Bouchard posted on Front Porch Forum what could be interpreted as a pre-judgment of this review. He read the Conflict of Interest policy, Section 2. Gerald Bouchard stated he made a positive comment and felt as a voter himself he should be able to. If the Board felt he should recuse himself, he would. The Board felt he could continue to be a part of this hearing.

Charles Russell swore in David Rugh. Keith Osborne, the ZA, wrote a letter to the Board stating the need for a variance is not required per 24 VSA 4413. David Rugh explained the town is more restrictive of regulating community facilities than what the State Statute allows. The state bylaws supersede the town's bylaws. There is no variance application before the DRB, solely the subdivision amendment and the site plan amendment. Keith Osborne concurred with what David Rugh said.

Dean Bloch mentioned that Larry Lewack asked if a subdivision amendment was needed noting there was a condition in the prior decision requiring open space. He

47 believed a subdivision amendment is needed and ultimately the Selectboard would
48 determine if the open space is to be moved but thinks the plat that is recorded is going to
49 change and that needs the DRB approval.

50 **Site Plan Amendment:** Charles Russell wanted to discuss the changes on the plan. He
51 noticed the trees aren't there, and there's a propane tank buried between the building and
52 Route 7. Dave Marshall explained what was originally proposed will be carried through on
53 this plan including the screening along Route 7, the berm, landscaping and grading. The
54 propane tanks did get moved because that side of the structure was consolidated. The
55 trees will move 10 ft closer from the previous proposal. The concept of the screening
56 component isn't to make the building go away, but to create a diversion from those driving
57 on Route 7.

- 58 • Alexa Lewis wanted clarification the berm will also exist, since the building will
59 now be higher than previously anticipated. Dave Marshall confirmed and added
60 that now that the plan is moving forward, they will complete the grading and
61 landscaping plan. The bedrock is a limiting factor.
- 62 • Charles Russell said he is asking them to approve what will be done, but it's not
63 being shown. Dave Marshall replied the character of the original landscaping
64 plan approved by the Board is what the outcome will be, but in a more
65 compressed manner.
- 66 • JD Herlihy wanted to know the elevations of the building, landscaping and
67 hardscaping coming from the south on Route 7. Alexa Lewis wanted the size and
68 layout of the berm. Dave Marshall will have those answers in a few days.
- 69 • Gerald Bouchard asked what the setback is. Dave Marshall replied 53' with a 47
70 ft encroachment.
- 71 • Dave Marshall shared the previous grading plan showing the intent. He would
72 like to use the same amount and types of trees that were in the original approval.
73 David Rugh suggested a condition be placed that specifies the exact number and
74 species of trees to make it clear and easy for the ZA. Alexa Lewis added that due
75 to the power lines and proximity to the road, to allow the ZA and tree warden
76 flexibility to determine the types of trees. James Faulkner said there is a remodel
77 in East Charlotte, the future tavern, and he made an arrangement for the
78 landscaping to be taken from there and moved to the town garage.
- 79 • Dave Marshall said when the town implemented this project, they brought in 5-6
80 superintendents from surrounding towns to get their input to provide the best
81 design as possible. The goal is to create a shield from the roadway. He
82 demonstrated the turning radius on the map showing the necessary width of the
83 pavement to properly make the turn. If it's too tight, that is when accidents
84 happen. The goal is to get them into the building safely without damaging the
85 building or equipment. JD Herlihy wanted to make sure there won't be storage
86 outside due to the turning radius being tight. James Faulkner confirmed there
87 won't be, and they will be utilizing the same off-site location they are currently
88 using.

- 89 • Charles Russell would like a condition that specifies that this is to be owned and
90 operated by the town. JD Herlihy and Dean Bloch suggested not to limit it to the
91 highway department. David Rugh will work on language after the hearing.

92 **MOTION by JD Herlihy; seconded by Gerald Bouchard, to recess the DRB 22-157-**
93 **SA/SPA hearing until September 14 at 7pm. VOTE: 4 ayes, motion carried.**

94

95 **DRB 22 156-SK Gaujac Sketch Letter:** JD Herlihy told David Rugh the Board received
96 a Memorandum of Agreement, and asked how binding that is and should that impact
97 any decision the Board makes? David Rugh stated if there is no condition of approval
98 then this should be considered a private agreement and outside of the scope of the
99 permitting process. It would have to be presented to the Selectboard and amended if
100 there is a potential breach of the language of that memorandum of understanding. It
101 would be a matter for the Selectboard to negotiate with the other parties as to whether
102 that provision in the contract can be changed. Any term of that private agreement
103 should not impact the process of zoning applications.

104 The Board was unsure whether or not to address this in the Sketch Letter.

- 105 • Alexa Lewis would feel more comfortable if it was referenced that there may be
106 other issues outside of their jurisdiction.
- 107 • Charles Russell said the interested parties can bring it up at a meeting and didn't
108 feel it should be brought up in the letter. He said the town was briefly a
109 landowner, they didn't do the legal covenant while they had the authority, it went
110 on to different ownership and later on it was challenged, which made it no longer
111 binding.
- 112 • JD Herlihy felt it should be mentioned in the letter, since it has been brought up
113 and it is now added to the record.
- 114 • Gerald Bouchard felt it should be in the sketch letter and referred to as an item
115 that will need to be addressed at some point.
- 116 • Rebecca Kaplan suggested to modify the existing sentence that is in reference to
117 the memorandum, and the Board agreed.

118 **MOTION by JD Herlihy; seconded by Gerald Bouchard, to approve DRB 22 156-SK**
119 **Gaujac, as amended. VOTE: 4 ayes, motion carried.**

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121 **DRB 22-157-VA/SA/SPA HEARING CONTINUED Town of Charlotte Town Garage -**
122 **Subdivision and Site Plan Amendments and Variance review for new town garage at**
123 **3205 Greenbush Rd:**

- 124 • JD Herlihy asked if they are going to close the hearing and leave it for staff to
125 address the landscaping, or continue the hearing? Alexa Lewis felt it was
126 appropriate to close and leave it up to the staff.
- 127 • JD Herlihy would like it to be very clear since the variance issue went through
128 incorrectly. Charles Russell said it's a known problem, a process issue, and it has
129 been addressed. Alexa Lewis agreed it was a procedural issue and felt a checklist
130 would be helpful.

- 131 • Alexa Lewis recommended that the landscaping to be done in consultation with a
132 licensed landscaper. JD Herlihy didn't want to give the dimensions for the berm.
133 Dave Marshall said the tree warden can also provide input.
- 134 • JD Herlihy wanted to know what the height of the building will be above the grade of
135 Route 7.
- 136 • Gerald Bouchard asked why the wastewater removal was being moved further
137 north? Dave Marshall said it will provide additional space, and the existing well has
138 a lot of demand currently and they aren't willing to give up rights to it.

139 The Board discussed whether they leave the hearing open to allow time to receive
140 documents? James Faulkner wanted the RFP to be put out ASAP. JD Herlihy asked if the
141 Board can deliberate without a meeting? The Board decided to recess and go into
142 deliberative session at the next meeting.

143 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to recess DRB 22-157-/SPA HEARING
144 and go into deliberative session until 9/14 at 7:05pm. VOTE: 3 ayes. 1 nay. Motion
145 carried.

146 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to close DRB 22-157-Subdivision
147 amendment. VOTE: 4 ayes, motion carried. Staff will draft the amendment and it will be
148 discussed on September 14th.

149 **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to adjourn the meeting. VOTE: 4
150 ayes, motion carried. The meeting was adjourned at 7:41.

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