

1  
2  
3 **Town of Charlotte**  
4 **DEVELOPMENT REVIEW BOARD**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **September 28, 2022**

7  
8 *Approved by the Development Review Board – 10.12.22*

9 **Development Review Board:** Charles Russell, JD Herlihy, Gerald Bouchard, Christina  
10 Asquith, Alexa Lewis

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

12  
13 **OTHERS:** In person: Jason Barnard, Mark Pfaff, Claudia Pfaff, Mark & Brittany Ambrosio,  
14 Maggie Citarella, Richard Robinson, Bill Stuono; via Zoom: Kip Andres, Paul Plante, Keith  
15 Osborne

16  
17 **Posted Agenda:**

- 18 7:00 PM Call to Order; changes to agenda (if any)  
19 7:02 PM Public Comment (not pertaining to pending applications)  
20 7:05 PM 22-203-CU Bos - PUBLIC HEARING - Conditional Use review for proposed  
21 detached Accessory Dwelling Unit at 1879 Hinesburg Rd. Project information  
22 available at: [https://bit.ly/DRB\\_22-203-CU\\_Bos](https://bit.ly/DRB_22-203-CU_Bos)  
23 7:35 PM 22-207-SK Pfaff - SKETCH PLAN REVIEW - for proposed 2-lot subdivision at  
24 311 Whalley Rd. Project information available at: [https://bit.ly/DRB\\_22-207-](https://bit.ly/DRB_22-207-SK_Pfaff)  
25 [SK Pfaff](https://bit.ly/DRB_22-207-SK_Pfaff)  
26 8:05 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony  
27 or comment will be allowed); DRB 22-202-SK Wendeln SD - Sketch Letter  
28 8:15 PM Review & Approve meeting minutes: DRB Minutes August 10, 24 & 31; Sept.  
29 14.  
30 9:00 PM Adjourn

31  
32 **CALL TO ORDER:** Charles Russell called the meeting to order at 7:01pm.

33  
34 **CHANGES TO THE AGENDA:** Charles Russell explained the Bos public hearing was  
35 canceled and they will review the minutes first. He would like to discuss future agendas  
36 and have a general discussion on process with the DRB and Conservation Commission at  
37 the end of the meeting.

38  
39 **Public Comment:** Bill Stuono was at the meeting for the Bos application, representing  
40 Sheehan Green. He stated that the ZA issued a building permit in error; the environmental  
41 court states a master plan must be submitted and approved before any development can  
42 occur, and this is a legal matter

43  
44 **Review & Approve meeting minutes: DRB Minutes August 10, 24 & 31; Sept. 14:**

45 August 10: **MOTION** by Gerald Bouchard; seconded by JD Herlihy, to approve the August  
46 10<sup>th</sup> meeting minutes; as amended. VOTE: 4 ayes, motion carried. Christina Asquith  
47 abstained.

48 August 24: **MOTION** by Gerald Bouchard; seconded by JD Herlihy, to approve the August  
49 24<sup>th</sup> meeting minutes; as amended. VOTE: 4 ayes, motion carried. Christina Asquith  
50 abstained.

51 August 31: **MOTION** by JD Herlihy; seconded by Gerald Bouchard, to approve the August  
52 31<sup>st</sup> meeting minutes; as amended. VOTE: 4 ayes, motion carried. Christina Asquith  
53 abstained.

54 September 14: **MOTION** by JD Herlihy; seconded by Gerald Bouchard, to approve the  
55 September 14<sup>th</sup> meeting minutes; as amended. VOTE: 5 ayes, motion carried.  
56

57 **DRB 22-202-SK Wendeln SD - Sketch Letter**: The Wendelns have decided not to pursue  
58 a subdivision at this time based on the feedback, but it doesn't say they are withdrawing  
59 the Sketch Plan. Bill Stuono recommended that the Board draft a letter saying they don't  
60 approve or deny the application and they believe the application was withdrawn. He  
61 thought they were obligated to respond. The Board started to edit the sketch letter and  
62 will continue after the Pfaff review.  
63

64 **22-207-SK Pfaff - SKETCH PLAN REVIEW - for proposed 2-lot subdivision at 311**  
65 **Whalley Rd.** Charles Russell verified there was no Conflict of Interest or ex-parte  
66 communication. Jason Barnard represented the Pfaffs. The total parcel is 58.4 acres and  
67 they were asking to subdivide it into two parcels. One lot would be 5.3 acres for their  
68 daughter, and 53.1 acres would remain theirs.

- 69 • There is a solar panel array which is close to the building envelope.
- 70 • The home would be served by a drilled well and wastewater would be at the  
71 western side of the property.
- 72 • The soils are suitable for a mound system.
- 73 • A wetland delineation has been recently done.
- 74 • The primary goal was to protect the field.
- 75 • Meets dimensional requirements with a small building envelope.

76 The Conservation Commission submitted comments and they suggested to relocate  
77 the driveway. Gerald Bouchard also felt the driveway should come out higher than it is  
78 now. Jason Barnard felt this could create a more impervious area and increase stormwater  
79 impacts. Alexa Lewis asked for them to have sensitivity to the bigger and older trees;  
80 Jason Barnard agreed. JD Herlihy wanted the previous subdivision referenced in the  
81 records. Charles Russell agreed and wanted to make sure there weren't any required  
82 conditions. He wanted to identify the areas of high public value. Jason Barnard shared a  
83 map showing the primary agricultural soils and natural resources. JD Herlihy noted the  
84 house does not go into the core habitat.

- 85 • Maggie Citarella from the Conservation Commission said the priority is the  
86 wildlife and forest habitat. She asked to move the building envelope to the  
87 west and closer to the road to be in line with the character of the area. She

88 also suggested to move the driveway out of the high public value area pulling  
89 it along the road to follow the existing edges.

- 90 • Jason Barnard replied that closer to the road is where the large tree species  
91 live. He said moving a driveway parallel to the road isn't a safe plan because  
92 the headlights would point towards each other.
- 93 • Mark Pfaff doesn't want anything put in the field and felt areas of high public  
94 value was someone's opinion.
- 95 • Maggie Citarella stated that Act 171 identifies forest blocks. She asked how  
96 the determination was made in the staff report that there were no undue  
97 adverse impacts. Charles Russell read the definition of undue adverse impact  
98 and said that staff decided it was minimal. JD Herlihy and Christina Asquith  
99 agreed with Maggie Citarella that that determination shouldn't have been  
100 made. Maggie Citarella felt there would be undue adverse impacts since in  
101 the town plan it states that areas of high public value are to be avoided first,  
102 and if that's not possible then it is to be mitigated. Charles Russell  
103 encouraged her to read the Jam Golf LLC case which states it's not a clearly  
104 written community standard because it doesn't define what "protect" means.  
105 Maggie Citarella said it says "avoid" not "protect," and it shares a process.  
106 She questioned if they bring up areas of high public value but don't use the  
107 strategies to mitigate, she doesn't see the point in her attending the meetings.  
108 Generally speaking, she said it is frustrating for her to see the Sketch letters  
109 and not see the Conservation Commission's recommendations. Mark Pfaff  
110 said her work is very important to the application process and he valued her  
111 opinions.

112 Charles Russell said the Board will issue a letter. **MOTION by** JD Herlihy; seconded  
113 by Gerald Bouchard to classify 22-207-SK Pfaff as a minor subdivision. VOTE: 5 ayes,  
114 motion carried.

115  
116 **DRB 22-202-SK Wendeln SD - Sketch Letter:** Maggie Citarella said they could require a  
117 wildlife or ecological study. Charles Russell wasn't sure if they should table the Sketch  
118 letter for now to allow more time to research whether a wildlife study is needed. Christina  
119 Asquith said, since the applicants decided not to continue, the Board should not do too  
120 much work in regards to the Sketch Letter. Alexa Lewis felt they may come back in the  
121 future and the Board could provide them guidance. Bill Stuono suggested since the Board  
122 has all of the information now, they should list the concerns, provide the guidance and  
123 leave it up to the applicant. Rebecca Kaplan will rewrite the Sketch letter and the Board  
124 will approve it at the next meeting.

125  
126 **MOTION by** JD Herlihy; seconded by Gerald Bouchard, to adjourn the meeting. VOTE: 5  
127 ayes, motion carried. The meeting was adjourned at 9:00 pm.

128  
129