

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

**Town of Charlotte**  
**DEVELOPMENT REVIEW BOARD**  
**Meeting Conducted at Town Hall and via Teleconference**  
**February 2, 2022**

*Approved by the Development Review Board – 2.9.22*

**Development Review Board:** Lane Morrison (Chair), Charles Russell (Vice Chair), JD Herlihy, Gerald Bouchard, Christina Asquith.

**Staff:** Danielle Atherton, Recording Secretary; Rebecca Kaplan, Clerk

**OTHERS:** In person: Sarah Thompson, Bill Stuono; via Zoom: Carrie Spear, Joseph Obuchowski, Paul Plante, Dexter Mahaffey, Andrew F, Kyra Wegman, Frank Tenney, Linda Radimer, Kevin Burget, Laurie Curler, Colleen Armstrong.

**Posted Agenda:**

7:00 PM Call to Order; changes to agenda (if any)  
7:05 PM Public Comment (not pertaining to pending applications)  
7:10 PM 21-256-CU VT Commons School – Request for Reconsideration of Decision  
7:25 PM 21-277-SK Curler – Review and approve Sketch Plan letter  
9:00 PM Adjourn

**CALL TO ORDER:** Lane Morrison called the meeting to order at 7:03 p.m.

**Public Comment:** (there was none)

**CHANGES TO AGENDA:** Lane Morrison would like to review minutes from Jan. 26.

**Review & approve draft meeting minutes from Jan. 26, 2022:**

**MOTION by Charles Russell to review meeting minutes from Jan. 26; seconded by Christina Asquith. VOTE: 5 ayes, motion approved. MOTION by Lane Morrison to approve meeting minutes for Jan. 26, 2022. VOTE: 5 ayes, motion approved.**

**21-256-CU VT Commons School – Request for Reconsideration of Decision.**

Lane Morrison refers to Section 9.9(4)(b) of the LURs. There are 3 reasons to reconsider: new evidence which indicates a substantial change of conditions or circumstances; oversight or error; or, that an unintended negative consequence will result.

**MOTION by Charles Russell to approve the request for reconsideration; seconded by JD Herlihy. VOTE: 5 ayes, motion approved.**

Sarah Thompson would like to present new evidence; the DRB will only address the letter, and not accept new evidence, under the terms of the LURs.

**Item B of the Request for Reconsideration:** Charles Russell addresses the concern that all activities shall end ½ hour after sunset. Applicant is requesting ½ hour before sunset to allow for horseback riding. Charles Russell responds this was already addressed by moving the setback/fence to 30 feet to reduce the effects on her property and horses.

52

53 **Item C of the Request for Reconsideration:** Lane Morrison addresses the concern that neighbors  
54 and the Selectboard are to be notified for events larger than 50 people. Lane Morrison explains the  
55 Selectboard has a process to review the necessary conditions for events. Christina Asquith clarified it  
56 is the applicant's responsibility to get on the Selectboard's agenda. Lane Morrison explains that at  
57 least one month notice should be given to Selectboard to allow for approval since some events  
58 require fire and police presence.

59

60 **Item E of the Request for Reconsideration:** Lane Morrison addresses the concern that the decision  
61 prohibits parking and unloading on Spear St. adjacent to the property, and who is responsible for  
62 signs. JD Herlihy explains the applicant can go to the Selectboard to request no parking signs. It is a  
63 condition of the permit that parking is not allowed on Spear St., parking on Spear St. would be  
64 considered a zoning violation, however, the town does not have anyone to enforce it.

65

66 **Item H of the Request for Reconsideration:** Lane Morrison addresses the concern that during  
67 construction access to Sarah Thompson's driveway shall not be impeded. Lane Morrison clarified  
68 that it is the obligation of the school to assure it is not impeded. JD Herlihy clarified it would be a  
69 violation of the ROW easement.

70

71 **Item I of the Request for Reconsideration:** Lane Morrison addresses that any deviation from the  
72 approved plans that require additional permits must be approved by the Zoning Administrator (ZA).  
73 JD Herlihy clarified the first step would be done through the ZA and the ZA would determine which  
74 Board will handle the request.

75

76 **MOTION by Lane Morrison to close debate and move to a vote on original motion of request for**  
77 **reconsideration; agreed. VOTE: 5 nays, motion denied.**

78

79 Frank Tenney asks if they have a 30-day appeal period and Lane Morrison confirms that begins today.

80

81 **21-277-SK Curler – Review and approve Sketch Plan letter.**

82

83 Lane Morrison explains this is a continuation of a Sketch Plan review discussion, and not a  
84 deliberation. The concerns are the lot not having 300 feet of road frontage and the steepness of the  
85 driveway. JD Herlihy didn't think the application warranted using a PRD to allow for a waiver and it  
86 would set a precedent. Gerald Bouchard compares the Cluff property that has the same qualifications  
87 and was a PRD; Charles Russell adds that other applicants have applied for PRDs in recent years and  
88 they did not have the required road frontage. JD Herlihy believes it's an overextension of the Board's  
89 authority to use the PRD to this extent and refers to Section 3.2(A), which does give the Board the  
90 ability to approve but at the board's discretion, which is a very broad authority. The Curler property  
91 has 18 feet of road frontage, which is waiving 282 feet of road frontage requirement.

92

93 Charles Russell does not feel the Board is granting a waiver, it's a modification based on the  
94 standards in Section 7.2. Christina Asquith explains the existing house is accessing road frontage  
95 through an easement, and now they want to extend it and add another residence. She doesn't feel it's  
96 in line with the LURs, it could set an uncomfortable precedent and she doesn't see any special  
97 circumstances to grant a waiver. JD Herlihy feels more comfortable approving a PRD, with the  
98 precedent set by the Planning Commission (PC) and after reading Section 3.2(A). Charles Russell  
99 adds that if they grant the approval the applicant is required to have a 50 foot wide easement, and  
100 meet the town road and driveway standards, and the driveway slope must not be greater than 8%.  
101 Lane Morrison asks if you can waive the slope requirement if it is a PRD.

102

103 Bill Stuono states this is creating a second non-conforming lot. A PRD is about more than just open  
104 space, it's about clustering, access and sharing resources. He explains the purpose of road frontage  
105 requirements are exactly for circumstances like this. Precedent is very important and this application  
106 will be used down the road to set an example. Charles Russell asks why it's a non-conforming lot and  
107 Bill Stuono answers it doesn't meet the dimensional requirements of the district. JD Herlihy feels that  
108 under the current LURs and Section 3.2, if it was properly approved by the PC it is a conforming lot.  
109

110 Lane Morrison says we are looking for exceptions and to Christina Asquith's point, it can be done but  
111 it's not in the spirit of the LURs to go around the rules and regulations. Charles Russell replies that  
112 the PRD allows for modifications, open space is the trade-off. Kyra Miller would like a standard set  
113 since there is a lot of interior land in Charlotte and currently there is too much leeway.  
114

115 JD Herlihy thinks it should be a PRD and the applicant needs to follow up with the fire department.  
116 Gerald Bouchard agrees that the first priority for the applicant is to obtain an ability to serve letter  
117 from the fire department. JD Herlihy states in the fire department recommended requirements from  
118 2019, the maximum grade should not exceed 12%, anything over 10% would require sprinklers.  
119 Charles Russell and JD Herlihy refer to the driveway standards, it reads the maximum grade shall not  
120 be more than 8%. Lane Morrison questions if the waiver should have been asked for during sketch  
121 plan review, and Charles Russell adds there is no path forward unless they have road access. Lane  
122 Morrison suggests the conversation is continued after the fire department assesses the situation, then  
123 the PRD route should be visited; the majority agrees. Christina Asquith does not support waiving the  
124 road frontage requirement and wants to know where we set the bar for waivers.  
125

126 ***Next Steps:***

127  
128 The applicant needs to contact the fire department regarding ability to serve. **MOTION by Charles**  
129 **Russell to classify application as a 2-lot minor subdivision with a sketch plan letter to be**  
130 **circulated, approved, and signed by Lane. VOTE: 5 ayes, motion carried.** The meeting was  
131 adjourned at 9:22 pm.  
132  
133  
134  
135  
136  
137  
138  
139