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3 **Town of Charlotte**
4 **DEVELOPMENT REVIEW BOARD**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **January 19, 2022**

7 *Approved by the Development Review Board - 1.26.22*

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

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11 **Staff:** Larry Lewack, Town Planner; Rebecca Kaplan, Clerk; Danielle Atherton, Recording Secretary
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13 **OTHERS:** In person: Chris Davis (applicant/owner), David Cone (applicant/owner), Bradley Curler,
14 Peter Curler (applicant), Laurie Curler (applicant), Kari Curler; via Zoom: Dave Marshall
15 (applicant/engineer), Derk Bergquist, Frank Tenney, Paul Plante, Kevin Burget, Bill Stuono
16

17 ***Posted Agenda:***

18 7:00 PM Call to Order; changes to agenda (if any)
19 7:05 PM Public Comment (not pertaining to pending applications)
20 7:10 PM DRB-20-17-CU & DRB-20-18-CU Davis & Cone-Conditional Use Review for a unified
21 shoreline stabilization project at 349 & 351 Lane's Lane.
22 7:40 PM DRB-21-277-SK Curler-Sketch Plan Review to subdivide 10.1 acres into 2,
23 approximately 5-acre parcels.
24 8:10 PM Deliberative Session: on DRB-20-17-CU & DRB-20-18-CU Davis & Cone;
25 and DRB-21-277-SK Curler
26 8:55 PM Other Business: review & approve minutes from Jan. 12 meeting
27 9:00 PM Adjourn
28

29 **CALL TO ORDER:** Lane Morrison called the meeting to order at 7:01 p.m.
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31 **Public Comment:** (there was none)
32

33 **DRB-20-17-CU & DRB-20-18-CU Davis & Cone-Conditional Use Review for a unified shoreline**
34 **stabilization project at 349 & 351 Lane's Lane.**

35 Dave Marshall, engineer, was sworn in. Dave Marshall is speaking on behalf of both the Davis and
36 Cone family camps on Thompson's Point at Lane's Lane. There were previous efforts for shoreline
37 stabilization, however, now there is erosion under the tree roots which compromises the previous
38 efforts. This application was approved by the Selectboard and presented to the ZBA two years ago at
39 which time it was given a continuation for the applicants to amend the application to either include
40 the third property owner, Steven Hill, or remove improvements on that property from the
41 application. (The applicants decided to remove the third property owner.) The Davis property is
42 requesting slope stabilization from elevation 95.5 up to 102 ft., to remove and replace the stairway
43 from the camp to the shoreline, and to relocate the landing further away from the lake. The proposed
44 landing would need a 4-6' walkway with new stones from the upper plateau to the landing. The Cone
45 camp is requesting sloped stone fill that's keyed in at the base to create an anchor which will disperse
46 the wave energy. Due to the Cone camp with an existing porch being so close to the lake, there is a
47 retaining wall. It now needs select placement of rocks to provide more stabilization. The applicants
48 do not want white stone, requesting red/pink/yellow colors to not draw attention from the lake view.
49 Both leaseholders are in agreement of changes.

50 Charles Russell asked if the Selectboard discussed the color of the stone, and it may need approval
51 from the Selectboard again since the application has changed from two years. Dave Marshall is
52 willing to bring it back to the Selectboard. Charles discussed using vegetation to cover up the stones,
53 Dave said vegetation does not do well because the wave action eats it away causing erosion. He also
54 explained the stones will not be set in concrete since they are not looking to create resistance. The
55 subgrade will be prepped and it will maintain a constant pitch for consistency. Charles Russell states
56 this application is requesting a structure that goes outside of the 6' width that is permitted currently.
57 Gerald Bouchard asked the square footage of the deck, which is 10'x12'. Christina Asquith asks the
58 process of the Zoning Administration, if they will do a site visit. A zoning permit will be needed after
59 the DRB approval, and Rebecca Kaplan clarified the Zoning Administrator will follow up with a site
60 visit. (Dave Marshall leaves the meeting.) Chris Davis gets sworn in, he requests to use the town
61 access to get materials to the site, and stated he will install a removable aluminum ramp to the deck
62 instead of wooden stairs, which don't hold up well.

63

64 **MOTION by Charles Russell to close both hearings, seconded by JD Herlihy. VOTE: 5 ayes,**
65 **motion approved.**

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67 **Deliberative Session:**

68

69 Lane Morrison discussed the conditions re stone color. JD Herlihy suggested leaving it open to
70 "blending in." Charles Russell said the color could be determined in the Selectboards approval. Lane
71 Morrison says the application says shoreline stabilization but it needs to be clearer to include the
72 expansion of the deck. The zoning administration needs to measure the current decks. The
73 Selectboard also needs to approve the use of the town access. JD Herlihy refers to Christina Asquith's
74 point that no certificate of occupancy is needed; however he suggested need for a certificate of
75 compliance. Lane Morrison confirmed with Rebecca Kaplan that we are in consensus that this
76 application is still in deliberation until the decision is signed.

77

78 **DRB-21-277-SK Curler-Sketch Plan Review to subdivide 10.1 acres into two, approximately 5-**
79 **acre parcels.**

80 Bradley Curler is sworn in. He explained the application is to subdivide 10 acres into two 5-acre lots.
81 He states test pits were done in the zone around the leach field and the area selected had best soil
82 conditions re septic design. He is made aware there is an issue with insufficient road frontage. Lane
83 Morrison explains 300' of road frontage is required for houses and the current access to Guinea Rd is
84 (only) 50 ft, so the applicant could propose a PRD. In this case 50% open land is needed to protect
85 wildlife and farmland. The location of house could be tricky if 50% of lot is open land. Septic is
86 allowed in the open space area. Bradley Curler asks what limitations are involved in the open space
87 and asks if he is able to put a structure of any kind. Gerald Bouchard says a shed on skids is
88 acceptable. Charles Russell reads Section 8.6 (B)(3) of the *LUR* regarding open space limitations.
89 Peter asks if the 50% can be more on his property, Board says it doesn't matter. JD Herlihy said this
90 lot doesn't even have 300 ft. road frontage and this is a pre-existing non-conforming structure, to
91 issue waivers to allow is not in line with the Town Plan and he is not comfortable approving a
92 subdivision. Section 8.2 (B)(3) of the *LUR* is read by Charles Russell. Larry Lewack states it's clear we
93 can't approve without 300' road frontage unless they go the PRD route. Bradley Curler asks why 300'
94 road frontage is necessary. JD Herlihy states it's a requirement, other town's land use regulations
95 allow this but we do not allow land-locked lots. Laurie Curler is sworn in. She states she has an
96 easement with her neighbor for a 30' right-of-way on her property to allow access to the shared
97 driveway. Charles Russell reviews the easement paper and determines it doesn't change anything.
98 Frank Tenney states if you have three properties on a driveway it becomes a private road and a new
99 road needs to be created. Larry Lewack discusses the steepness of the driveway, being in the range of

100 12-17% grade. The requirement off an access road is 8% grade or less for emergency access so
101 improvements will need to be made. Charles Russell said an accessory structure or apartment (ADU)
102 can't be more than 30% of the other house, or more than two bedrooms. Larry Lewack explained the
103 disadvantage is there is no separate piece of property to sell. Laurie Curler asks about switching the
104 accessory dwelling to be the existing house and Larry said that is possible. Laurie asks if the
105 driveway issue would go away at that point -- yes, since it would still be considered one lot. Larry
106 Lewack says the applicants need to decide at this point what to do. If they want to continue with a
107 subdivision application it can't be done without the PRD approach. We will issue a letter with
108 guidance for subdivision application, they have 6 months to come back with another application for
109 final plan, or they can submit an application for an ADU on a single lot. JD Herlihy suggests getting
110 the Town lawyer involved. Bill Stuono wants to make it clear not to mislead applicant as far as the
111 ADU is concerned re the 30% rule for accessory dwellings. Christina Asquith suggests to let the
112 applicants decide, instead of the Board brainstorming ideas. She suggests they get estimates for the
113 road issue. Lane Morrison offers to continue the hearing in 60 days, JD agrees to continue the
114 hearing, and have them bring back more information. Gerald suggests sending the applicants a letter
115 after reviewing with the lawyer, which could take 3 weeks, and explained to applicants that onced
116 issued, an extension of the Sketch Plan letter can be done once for an additional 6 months. Charles
117 Russell said everyone will be notified of the next meeting.

118

119 **Review and approve draft meeting minutes from January 12, 2022:**

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121 **MOTION** to approve meeting minutes for January 12, 2022, as amended. **VOTE:** 5 ayes; motion
122 carried.

123

124 Discussion re: Horsford: Gerald Bouchard is concerned that a boundary adjustment was involved and
125 only one map was seen during the meeting, not two. The application did not specify an adjustment.
126 Concerns if there is enough road frontage. Board reviewed the map and lots.

127

128 JD Herlihy discusses Section 6.3, Sketch Plan Review, in *LUR*, noting the Town Planner has the
129 authority to waive the Sketch Plan reviews. He doesn't want to take away from the Board, but
130 suggests to empower Larry and Lane to make those decisions in the future. Christina Asquith asks
131 how will Larry determine what is required. It was explained it will be caught in the hearing if
132 anything is missed. This process will be more efficient and make it easier for applicants.

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134 **Adjournment:**

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136 JD Herlihy moved the Development Review Board adjourn this meeting. Charles Russell seconded.
137 **VOTE:** 5 in favor, none opposed. The meeting was adjourned at 9:19pm.

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