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3 **Town of Charlotte**
4 **DEVELOPMENT REVIEW BOARD**
5 **Meeting Conducted At Town Hall and via Teleconference**
6 **July 13, 2022**

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8 *Approved by the Development Review Board – 8.10.22*

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

11 **Staff:** Larry Lewack, Town Planner; Danielle Atherton, Recording Secretary

12
13 **OTHERS:** Steve Palmer, Larry Robinson, Julie Rubaud, Paul Plante, Frank Tenney, Rick Kozlowski, Carrie
14 Spear, Robert Walker, Dave Marshall, Rachel Hutchins

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16 **Posted Agenda:**

17 7:00 PM Call to Order; changes to agenda (if any)
18 7:02 PM Public Comment (not pertaining to pending applications)
19 7:05 PM 22-129-SA Palmer – Final Plan review for subdivision amendment to construct (2)
20 wastewater disposal systems at 2945 Shelburne Falls Rd.
21 7:30 PM 22-113-SK Hutchins – Sketch Plan review for proposed 5-lot subdivision at 363 Riverview
22 Dr.
23 8:10 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony or comment
24 will be allowed)
25 8:25 PM Review & Approve meeting minutes: DRB Minutes June 29
26 8:30 PM Feedback to Planning Commission on draft LUR amends under consideration
27 9:00 PM Adjourn
28

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

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31 **CHANGES TO THE AGENDA:** There were no changes.

32
33 **Public Comment:** There was no public comment.

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35 **22-129-SA Palmer – Final Plan review for subdivision amendment to construct (2) wastewater**
36 **disposal systems at 2945 Shelburne Falls Rd.**

37 Chair Charles Russell asked the Board members present if they had any conflicts of interest or ex
38 parte communications with the applicant. None were identified.

39 Robert Walker, Julie Rubaud and Steve Palmer were sworn in. Robert Walker explained this was the
40 final survey plat meeting on the proposed wastewater development on the Palmer Trust land to benefit
41 development on Julie Rubaud's parcel across the town line in Hinesburg. JD Herlihy confirmed there wasn't
42 any significant changes from the sketch plan. Steve Palmer asked if the LUR's in Charlotte allow this since
43 Section 1.3 application interpretation states that if it's not in the LUR's its prohibited. Charles Russell noted
44 this was presented as a subdivision amendment to one lot within a previously approved subdivision from
45 July 1996 on this land, and that any changes to an approved subdivision require a subdivision amendment
46 application, which is what's under review now. He referred to Section 7.7.A.1, which lay out wastewater
47 disposal standards for subdivisions. Larry Lewack added that Charlotte's jurisdiction arises under the
48 definition of land development, in Sec. 10.2, including "... installation of infrastructure or improvements
49 which is including but not limited to roads, utilities, drainage, **wastewater** or water." Steve Palmer again

50 protested the DRB's jurisdiction, and also noted approving this development would permanently remove
51 some land from agricultural use. He also stated it could render some of this parcel ineligible for continued
52 current use valuation. He also believes it should have been concurrently reviewed by the Hinesburg and
53 Charlotte DRBs, rather than separately by each town. JD Herlihy noted we have no control over how another
54 town regulates development within its own boundaries. He reiterated that its being correctly reviewed by
55 this Board as a subdivision amendment under the LURs, per process as required in table 6.1.

56 **MOTION by JD Herlihy;** seconded by Gerald Bouchard, to close the hearing for 22-129-SA Palmer.
57 VOTE: 4 ayes, motion carried.

58

59 **22-113-SK Hutchins – Sketch Plan review for proposed 5-lot subdivision at 363 Riverview Dr.**

60 Chair Charles Russell confirmed that members had no conflict of interest or ex parte communication
61 on this application. Speaking on behalf of the applicant, engineer Dave Marshall explained this development
62 proposes modifications to 2 existing parcels. On lot 3 there is an existing barn and lot 4 has an existing
63 house. They are proposing subdivision of both lots into 4 housing lots, 3 of which would be served by a
64 common septic leach field, and a common driveway. Lot 3.1 is 2.28 acres, lot 3.2 is 2.48 acres, lot 3.3 is 1.7
65 acres and lot 3.4 is 3.7 acres. Charles Russell noted the previous subdivision approval (PC 20-19-SD) had set
66 aside 5.94 acres of open space on Lot 4. He asked how they calculated how much more open space would be
67 needed to meet PRD standards for this 4-lot subdivision. Dave Marshall replied they took the original lot 3
68 and 4 areas, and proposed setting aside 50% of that acreage. But he didn't realize that lot 4 was already
69 encumbered by a PRD. The board looked at the previous subdivision plat that designated the open space.

70 Dave Marshall suggested a 3-lot subdivision instead, which eliminates the barn site because there
71 may not be sufficient density remaining for 4 residential lots. A map showing areas of high public value was
72 reviewed. JD Herlihy suggested that the setbacks of nearby homes from Carpenter Rd. be replicated. Dave
73 Marshall suggested moving the homes closer to the slopes, to maintain more open space. Larry Lewack
74 added this will require an Act 250 review. He shared the 1998 subdivision conditions of approval in which
75 there was a deferred open space requirement. In its 2020 decision (PC 20-19-SD), the PC required that set-
76 aside of open space. Charles Russell suggested that the applicant needs to reconsider this planned layout to
77 find the best approach.

78 **Next Steps:** Larry Lewack will draft a sketch plan review letter to the applicants outlining the board
79 member's concerns, and advice for their preliminary plan application.

- 80 • Alexa Lewis would like the original PRD decision referenced to identify when and where the open
81 space was required, and how it may affect it now.
- 82 • Charles Russell would like to keep as much of the field open for agricultural use as possible.
- 83 • JD Herlihy would like the houses moved as far west as possible. He is willing to show flexibility in
84 housing lot size and setbacks.
- 85 • Alexa Lewis added that she believes 4 housing lots isn't feasible, now it's looking like 3. The location
86 of all wells needs to be included in their application.

87

88 **Deliberations for 22-129-SA Palmer:**

89 JD Herlihy confirmed Charlotte's assertion of jurisdiction. Re: Mr. Palmer's point about a septic system in
90 Charlotte serving a property in Hinesburg: it's counter-intuitive because under Sec. 7.7.A.1, we can only
91 prohibit septic connections into Charlotte from a treatment system that's located in another town--not the
92 other way around, as is proposed here. Charles Russell wasn't sure that approving this project would take
93 affected lands out of current use valuation, since it's only an in-ground septic system, but we wouldn't make
94 a decision based on this factor either way. Standard conditions would be set, with another condition
95 stipulating that removal of quality hardwood trees be minimized, to protect the viability of that sugarbush.

96

97 **Markup & Approve draft Sketch Review letters:**

98 *DRB 22-117- SK Robinson Sketch Review letter* - The board made edits to the draft. The board in concerned

99 about potential erosion issues with the driveway. They want pre-existing and as-is conditions on the
100 driveway, and also asked for confirmation that the Heath parcel isn't part of a subdivision. **MOTION by JD**
101 **Herlihy;** seconded by Alexa Lewis, to delegate Charles Russell to approve final edits for DRB 22-117- SK
102 Robinson Sketch Review letter. VOTE: 4 ayes, motion carried.

103 *DRB 22-90-SK Stearns Sketch Review letter* - The board made edits to the draft. **MOTION by JD Herlihy;**
104 seconded by Gerald Bouchard, to approve DRB 22-90-SK Stearns Sketch Review letter. VOTE: 4 ayes,
105 motion carried.

106
107 **Review & Approve draft meeting minutes:** **MOTION by JD Herlihy;** seconded by Gerald Bouchard, to
108 approve draft DRB Minutes for June 29, as amended. VOTE: 4 ayes, motion carried.

109
110 **Feedback to Planning Commission on draft LUR amends under consideration:**

111 Larry Lewack explained the PC has been wrapping up their work on draft LURs amendments. They
112 scheduled 2 additional work sessions to finish up this round, which have already taken place. They finished
113 working on all tabled topics, and have deferred 2 issues until the next round of amendments in March. One
114 was the changes to Thompson's Point. Members felt there could be unintended consequences, and many
115 more may want to weigh in. Consideration of the proposed waiver section was also deferred.

116 The public hearing on these draft amendments has been scheduled for Tuesday, August 9th at 7 pm
117 at the Town Library. Several versions will be prepared: the 'roll-up' of all proposed amendments, the red-
118 lined version (i.e. entire LURs with amendments in context), and a guide presenting the purpose, rationale
119 and effect of each proposed amendment. After that hearing, the PC can make changes to the draft before it
120 goes to the Selectboard. If the Selectboard makes any further changes, these would go back to the PC. It
121 remains a draft until the Selectboard places them on the November ballot for a vote. Alexa Lewis would like
122 to see the drafts before the hearing. Charles Russell suggested a special meeting potentially on August 3rd to
123 discuss the draft, or possibly to start the July 27th meeting at 6pm.

124
125 **MOTION by Gerald Bouchard;** seconded by JD Herlihy, to adjourn the meeting. VOTE: 4 ayes, motion
126 carried. The meeting was adjourned at 9:22 pm.

127
128 ***Minutes respectfully submitted:***

129 Danielle Atherton, Recording Secretary, with edits by Larry Lewack, Town Planner