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3 **Town of Charlotte**  
4 **DEVELOPMENT REVIEW BOARD**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **June 8, 2022**

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8 *As approved by the Development Review Board June 22, 2022*

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

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

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13 **OTHERS:** Paul Plante, Scooter MacMillan, Frank Tenney, Bill Fraser-Harris, James Faulkner, Jonathan  
14 Fisher, Donna Stearns, Rod Stearns

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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 DRB 22-90-SK Stearns – *SKETCH* - Minor Subdivision  
20 7:30 PM Board discussion on the *Rules of Procedure*  
21 8:00 PM Board discussion on DRB in the media  
22 8:20 PM Markup & Approve draft decisions (*Public Deliberations; no public testimony or comment*  
23 *will be allowed*):  
24 DRB 22-13-CU/SP Spear’s Corner Store-Sketch Letter  
25 DRB 22-95-SP Town of Charlotte Town Garage-Decision  
26 8:55 PM Review & Approve meeting minutes: DRB Minutes April 27; DRB Minutes May 11; May 25  
27 9:00 PM Adjourn

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29 **CALL TO ORDER:** Charles Russell called the meeting to order at 7:05 p.m.

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31 **CHANGES TO THE AGENDA:** Gerald Bouchard would like to review the Spear’s Corner Store minutes  
32 before the sketch letter. The Board agreed to switch the order of those items (minutes reviewed first, then  
33 decision drafts). Larry Lewack noted the Town Garage decision wasn’t drafted yet, but he asked that we  
34 discuss the draft Fraser-Harris decision instead.

35  
36 **Public Comment:** There was no public comment.

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38 **DRB 22-90-SK Stearns – SKETCH - Minor Subdivision, 7336 Spear St.:**

39 Chair Charles Russell asked if there are any Board member conflicts of interest or ex parte  
40 communications to disclose. None were reported. He also noted that several Board members (himself,  
41 Gerald Bouchard, and Alexa Lewis, and the Town Planner) participated in a site visit there earlier that day.

42 Donna and Rodney Stearns, applicants, presented on their own behalf. Applicants are proposing to  
43 subdivide the 10.01 acre Lot 7 (from the original Wallace-Hardy subdivision, approved as PC 05-22) with  
44 an existing trailer and garage, and divide it by half, into two lots of roughly 5 acres each. The road  
45 frontage would stay on lot 7 which includes the existing dwelling, with access to the rear lot via a ROW  
46 across the frontage lot. This leaves 6.45 acreage of open space. There are 50’ setbacks on the 3 sides.  
47 They are proposing to re-use the existing curb cut and extend that driveway uphill to the new house site  
48 above the trailer. Gerald Bouchard noted on the staff report it says slopes in area of driveway may be  
49 greater than 15%. He asked if slopes are above 15% at the new house site, since during the site visit it  
50 didn’t appear that way. Applicants and Larry Lewack agreed that the house site is not a steep slope area.

51 Alexa Lewis asked if they have figured out over-shadow zones for the proposed septic leach field.  
52 Donna replied no. JD Herlihy commented he believes under Section 6.1C.4.A, the board should classify this  
53 as a minor subdivision amendment. Charles Russell said they will need an ability to serve letter from fire

54 and rescue. JD Herlihy asked where the water is coming in from and where are the proposed mounds,  
55 Donna Stearns replied that has not yet been established.

56 Alexa Lewis and Christina Asquith said the issue is the dimensional requirements and if they have  
57 the frontage. JD Herlihy replied access can be approved by a ROW with no frontage requirement. Larry  
58 Lewack stated this is not ready for an approval yet, this is just a sketch review to classify the application.  
59 JD Herlihy felt since this subdivision was approved 17 years ago, the applicants should work with the  
60 Conservation Commission to revisit the status of the forest management plan and wildlife habitat study  
61 which was done at that time, and to evaluate what the impacts would be now with this new project.  
62 Donna Stearns agreed to contact them.

63 **MOTION** by Gerald Bouchard; seconded by JD Herlihy, to classify this project as a minor  
64 subdivision amendment. VOTE: 5 ayes, motion carried.

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66 **NEXT STEPS:** Staff will write up a draft Sketch Letter, to be reviewed at the next available meeting agenda.

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68 **Board discussion on the Rules of Procedure:**

69 Christina Asquith asked if these rules are required by the State and we adapt them? Charles  
70 Russell confirmed; this version was developed and approved for this DRB. The PC and Selectboard each  
71 have their own Rules policy. Alexa Lewis asked if the board could discuss changes to the Regulations  
72 separate from regular meetings, since there's a clear need to come to agreement and communicate with  
73 the Planning Commission about how to revise the LURs so they're more clear and easier to interpret.  
74 Charles Russell agreed and confirmed that the Board can schedule work sessions just focusing on  
75 amendments to the LURs, or on professional development. Gerald Bouchard believes the PC is moving too  
76 slowly on amendments. Charles Russell is willing to add a 3<sup>rd</sup> meeting a month if needed to enable the  
77 Board to have more time to focus on that essential work.

78 With respect to the Conflict of Interest rules: Christina Asquith asked if a Board member had  
79 previously spoken for or against a project on the DRB docket, would they need to recuse themselves?  
80 They don't necessarily have an interest in the outcome, just an opinion. She felt they should be allowed to  
81 participate in the conversation, but not vote. Alexa Lewis suggested it's very important for members to be  
82 absolutely neutral on projects and that they recuse themselves from any participation. You always have  
83 the option of providing input as an interested party or as a community member, once recused. JD Herlihy  
84 added since they are a quasi-judicial body, applicants have a right to expect an unbiased due process. If a  
85 member has already publicly declared a specific point of view on the matter, that due process is broken.  
86 Even if one wants to become an interested party it can be murky. Charles Russell added they can be an  
87 interested party if they have rights at stake.

88 With respect to the Board's recent clarification of how it uses deliberative sessions: Larry Lewack  
89 stated how the town attorney's advice was to clearly define what a deliberative session is, and that agenda  
90 items need to be labeled as such on the agenda. We got clear on these details, and created an attachment  
91 to these Rules to help clarify this for the public. Charles Russell would like to discuss this further at a  
92 future meeting. (No action was taken to amend the Rules of Procedure at this time.)

93  
94 **Board discussion on DRB in the media:**

95 Christina Asquith asked for agenda time to discuss the recent article published in the  
96 Hinesburg/Charlotte *Citizen* (see: [https://bit.ly/Citizen\\_article\\_May\\_26\\_2022](https://bit.ly/Citizen_article_May_26_2022)). She was upset by the  
97 headlines and tone of the article as presented. She felt it misrepresented the town's permitting work. She  
98 understands that Larry Lewack sent a letter to the editor to clarify several points. She wanted to make  
99 sure this doesn't happen again. Her concern was that community members might draw incorrect  
100 conclusions; e.g. our permitting process is bureaucratic and unreasonable. In the future, she would like  
101 greater attention to tone and content.

102 Larry Lewack shared the minutes from last week's Planning Commission discussion on the same  
103 topic. PC members agreed it would be valuable to plan media outreach & circulate drafts in advance  
104 before releasing it publicly, which would be coordinated by the chair. It was suggested that interview  
105 requests should be handled only in pairs, so that more than one members' views are included.

106 Charles Russell explained the *Citizen's* article was about the PC's focus on updating the LURs, not  
107 about the DRB. He commented that there are very few circumstances where the DRB should ever agree to  
108 speak to the press about a pending application, because that could display member bias for or against  
109 projects before they are decided by the full Board. Addressing the article, he added that currently the DRB  
110 is not as busy as they were. JD Herlihy added there were some factual mistakes in the article &  
111 encouraged all of us to try to avoid making generalization that could be easily misinterpreted.

112 Scooter MacMillan (editor of the *Charlotte News*) wasn't clear what damage was done (if any) by  
113 the *Citizen* article. He believes attempting to limit or restrict public access to information is much worse.  
114 It's inevitable that journalists will sometimes make mistakes in reporting. That said, there should be  
115 more, not less, open discussion about town issues. The media have a public responsibility to interpret and  
116 report on public affairs as they see fit, which is often going to present a different interpretation or  
117 perspective than what Boards might prefer to see reported. That's how the First Amendment works.

118 Christina Asquith felt the idea of the Board having to meet to develop agreement on a public  
119 statement in advance was unworkable. She shared that she always asks the journalist to read back what  
120 points they showed she presented for accuracy.

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122 **Review/approve draft minutes from April 27; DRB Minutes May 11; May 25:**

123 **MOTION** by Gerald Bouchard; seconded by Christina Asquith, to approve meeting minutes from  
124 April 27 as amended. **VOTE:** 5 ayes, motion carried.

125 **MOTION** by JD Herlihy; seconded by Gerald Bouchard, to approve meeting minutes from May 11  
126 as amended. **VOTE:** 4 ayes, motion carried.

127 May 25 minutes were tabled for now, since not all of the members have reviewed them yet.

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129 **Review & approve draft decisions:**

130 **DRB 22-13-CU/SP Spear's Corner Store - Sketch Letter:** Edits were made by the board.

131 **MOTION** by JD Herlihy; seconded by Alexa Lewis, to unanimously approve the sketch plan letter, as  
132 amended. **VOTE:** 5-0

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134 **DRB 22-121-SA Fraser-Harris-Decision:** Edits were made by the board. The Board approved the  
135 decision unanimously, as amended. **VOTE:** 5-0

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137 **Adjournment:**

138 **MOTION** by Gerald Bouchard; seconded by JD Herlihy, to adjourn the meeting. **VOTE:** 5 ayes,  
139 motion approved. The meeting was adjourned at 9:09 pm.

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141 ***Minutes respectfully submitted:***

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