

1
2
3
4
5
6
7
8
9
10
11
12
13
14

Town of Charlotte
DEVELOPMENT REVIEW BOARD
Meeting Conducted at Town Hall and via Teleconference
August 10, 2022

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

As approved by the Development Review Board – 9.28.22

35
36
37
38
39
40
41
42
43
44
45
46
47
48

Development Review Board Commission: Charles Russell, JD Herlihy, Gerald Bouchard, Alexa Lewis (not present; Christina Asquith)

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

OTHERS: Paul Plante, Frank Tenney, Lawrence Robinson, Richard Robinson, Karen Frost, Scooter MacMillan, Jim Donovan, Patricia O'Donnell, Dave Marshall, Steve Revell, Ronan Belisle

Posted Agenda:

- 7:00 PM Call to Order; changes to agenda (if any)
- 7:02 PM Public Comment (not pertaining to pending applications)
- 7:05 PM DRB 22-97-CU Continued Robinson - After-the-fact Conditional Use review for accessory dwelling at 295 Meadowside Dr.
- 7:15 PM DRB 22-156-SK SKETCH Gaujac – Two-lot subdivision at 3260 Greenbush Rd.
- 7:45 PM DRB 22-169-SK SKETCH Belisle – Two-lot subdivision at 138 North Pasture
- 8:15 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony or comment will be allowed): DRB 22-160-SK O'Donnell Donovan Sketch Letter; DRB 22-117-SA Robinson Decision; DRB 22-97-CU Robinson Decision; DRB 22-129-SA Palmer Decision
- 8:40 PM Review & approve meeting minutes: DRB Minutes July 13 and July 27
- 8:45 PM Discussion on LUR Amendments
- 9:00 PM Adjourn

CALL TO ORDER: Charles Russell called the meeting to order at 7:02 p.m.

CHANGES TO THE AGENDA: There were no changes to the agenda.

Public Comment: There was no public comment.

DRB 22-97-CU Continued Robinson - After-the-fact Conditional Use review for accessory dwelling at 295 Meadowside Dr. Charles Russell explained the ability to serve letter has not yet been received from the fire department.

- Larry Lewack explained that CVFRS Captain Sargent stated that the letter is in process. There is a concern about the grade of the driveway, and the letter will address that. Larry Lewack researched how this situation was treated in the past. With the Wallace-Hardy and Snyder-Donovan subdivision projects, Chris Davis was the fire chief at the time. He wrote a letter citing the average grade of roads should not be more than 10%, and ideally at 8%. He asked the applicants to install sprinkler systems since their grades were above that. When roads are clean and dry it shouldn't be an issue, but if its icy, installing a sprinkler system would be a good backup.
- Charles Russell said this driveway was approved when the house was permitted. The ADU has to use the same driveway as the house. Would the sprinkler be just for the ADU? Gerald Bouchard asked if the driveway is capable of being re-graded to 8% or less? Dr. Robinson replied that there has been active re-grading of the driveway the past 2 days. Eric Sargent told him there were 2

- 49 areas in the driveway that were at a 14% grade which has been actively brought down. This was
 50 supposed to be completed today. Alexa Lewis asked if the road doesn't meet the specifications and
 51 they have to install sprinklers, will someone make sure they are installed before the occupancy
 52 permit is installed? Larry Lewack stated the fire department or a professional is required to make
 53 sure it is properly installed before the occupancy permit is issued. Many decisions include
 54 conditions that require additional materials to be submitted prior to recording the final plat mylar.
 55 They can close the hearing, continue the decision process and still have some items outstanding.
- 56 • JD Herlihy asked what happens if they can't get the ability to serve. He asked if the decision could
 57 be written to stipulate that they must meet the requirements of the ability to serve letter. Gerald
 58 Bouchard was hesitant to say that since he would like to see the letter and he suggested to continue
 59 the hearing until the letter is received. There is a new chief and they aren't sure what his
 60 recommendations could be. Alexa Lewis added there should be no permit until the ability to serve
 61 letter is in hand. Larry Lewack suggested the board to delegate this to the ZA to make sure the
 62 letter is clear and that the applicants follow it.
 - 63 • Dr. Robinson asked the DRB to have this be an issue between the fire department, the applicant
 64 and the ZA to make sure all issues are met for serviceability. The board was comfortable with this.
 65 Charles Russell said it will be a condition to get the ability to serve and they trust the fire
 66 department, ZA, and the applicant will solve it.
 - 67 • Charles Russell said erosion has been discussed. Larry Lewack explained the house is permitted
 68 without any requirements around erosion control. That issue is typically addressed in the
 69 subdivision approval. Alexa Lewis noted the driveway has changed so this should re-open the
 70 permit. She asked for it to be a condition for approval. JD Herlihy doesn't think anything can be
 71 done about the past, but it's usually a standard condition in the permits which would apply going
 72 forward.
 - 73 • Dr. Robinson said this was addressed in 1986 and 2017 and the location has not changed. With the
 74 ADU, now they are looking into a number of other issues that should have/were addressed in the
 75 past. JD Herlihy agreed, and if the driveway was over a 15% grade in 1986 or 2017, it would have
 76 been conditional use and considered a steep slope. Alexa Lewis said if this issue isn't raised unless
 77 the grade is greater than 15%, she now has less concern.
 - 78 • JD Herlihy wanted it noted that he asked that the original conditions from the fire department to be
 79 added to this file, and it hasn't been added. All prior conditions need to be incorporated before
 80 decisions, and no action was taken to get this. This is a process issue. Charles Russell replied that
 81 they spent 1.5 hours in the vault looking through the handwritten minutes trying to locate this.

82 **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to close DRB 22-97-CU Continued Robinson - After-
 83 the-fact Conditional Use review for accessory dwelling at 295 Meadowside Dr. VOTE: 4 ayes, motion
 84 carried.

85
 86 **DRB 22-156-SK SKETCH Gaujac – Two-lot subdivision at 3260 Greenbush Rd.** Dave Marshall from
 87 Civil Engineering Associates presented the application on behalf of the applicants, Ronald & Lisa Gaujac. He
 88 stated this is a paper subdivision of the land to enable a future sale of the Old Lantern Barn, separate from
 89 the Inn. There is already a shared driveway serving the Inn and an adjoining property owner (the Kingston
 90 lot). An existing easement allowed this. The town also has easements crossing these properties.

- 91 • As part of the original Burns subdivision, the town retained a 25% interest in the onsite wastewater
 92 disposal capacity (unbuilt, but shown on project plans). Potential future wastewater locations are
 93 identified as well. The town wanted to make sure the subdivision didn't create any undue issues in
 94 regards to the town's rights to build leach fields, going fwd. The 25 ft. setback from the future
 95 septic mounds would run across the edge of the potential locations, but a cross-easement would
 96 mitigate this.

- 97 • Alexa Lewis asked if the state gets involved to confirm this agreement is acceptable? Dave Marshall
98 replied the state will make sure the barn has suitable capacity in case their existing system fails.
99 The exception is since the Inn has an existing mound system; they don't need a replacement area.
100 The barn has a grandfathered system, but the site plan identifies a potential wastewater site which
101 has the capacity for servicing the barn if its primary system failed in the future.
- 102 • Alexa Lewis asked how that could impact parking? Dave Marshall said they can continue to park
103 there as long as there is no detrimental impact to the surfaces. But if at some point the Old
104 Lantern's wastewater system fails, it could impact future parking.
- 105 • JD Herlihy said since this will have 4 lots from a single access, this would have to become a private
106 road. Alexa Lewis added this road will need to be named as well for E-911.
- 107 • Frank Tenney said when this shared driveway becomes a private road, people would have to cross
108 it to attend events at the Old Lantern. He questioned if that could be an issue.
- 109 • The Old Lantern barn is eligible to be listed on the historic register, but not currently on it.
- 110 • JD Herlihy said this is an amendment to a prior PUD subdivision. There are multiple subdivisions
111 overlaying with each other, which makes it complex. Larry Lewack suggested we classify it as an
112 amendment to a previous PUD, with a new lot subdivision.
- 113 • Maggie Citarella asked if proposed lots are compliant with density requirements for the West
114 Village district. Charles Russell responded yes, because West Village density is 1 acre for
115 commercial uses, both the Inn and the Old Lantern are commercial uses.
- 116 • JD Herlihy asked about Maura Wygman's letter in regards to cooking. Dave Marshall replied the Inn
117 can serve breakfast, and all major events must be served by the barn. Most issues cited in
118 Wygman's letter were already addressed in prior decisions uploaded to the project page.
- 119 • Karen Frost wants to make sure the conditions from previous PUD decisions and court decisions
120 are carried forward. She noted the barn didn't have to abide by any performance standards since
121 they were grandfathered, but believes this project could provide another opportunity to hold the
122 barn to such standards. JD Herlihy said once a permit is issued, its final, but he wasn't sure if there
123 is an ability to amend or adjust a permit after that point. Karen Frost said there was an agreement
124 between the town and the Land Trust which states that an Inn could be built, but it had to be in
125 conjunction with the Old Lantern, and it couldn't be divided from that. She was told that wasn't
126 implemented, but that was the intention. Charles Russell will check on that and will make sure any
127 prior conditions are addressed. Since she is an abutter, she will be notified of the hearing.

128 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to classify DRB 22-156-SK SKETCH Gaujac as a minor
129 subdivision and PUD amendment. VOTE: 4 ayes, motion carried.

130
131 **DRB 22-169-SK SKETCH Belisle:** Steve Revell, engineer, said Ronan Belisle is asking to create a lot for his
132 daughter to build a house. It's a 10.27-acre parcel that would be split into 2 lots. Lot 2 would be the new
133 lot at 5.02 acres. The new lot would be served by water and wastewater on Lot 1. Test pits have been done
134 to establish the location of the mound disposal system. A 2-bedroom dwelling is planned in the NE corner
135 of Lot 2. Plans show a 50 ft setback for Lot 2. The access would be from North Pasture Lane. The driveway
136 may slightly shift to the north.

- 137 • Charles Russell asked that the building envelope not include the wet area in the SE corner. Steve
138 Revell agreed the building envelope will be reduced to exclude that area.
- 139 • Alexa Lewis confirmed there will be an easement between the 2 parcels for the wastewater. Steve
140 Revell said the well hasn't been located yet but ideally it would be 10 ft off the house.
- 141 • JD Herlihy noted that lot 1 has frontage on N Pasture Rd. Frontage on a private road doesn't give
142 frontage to a lot. The proposed new language would not allow this unless it is a PRD, which would
143 require open space. This doesn't affect this application.

144

145 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to classify DRB 22-169-SK SKETCH Belisle as a minor
146 subdivision amendment. VOTE: 4 ayes, motion carried.

147
148 **Markup & Approve draft Decisions:** The board made edits to the drafts.

149 DRB 22-160-SK O'Donnell Donovan Sketch Letter

150 DRB 22-117-SA Robinson Decision

151 DRB 22-97-CU Robinson Decision

152 DRB 22-129-SA Palmer Decision

153

154 **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to continue the meeting past 9 pm. VOTE: 4 ayes,
155 motion carried.

156

157 **Review & Approve draft meeting minutes: DRB Minutes July 13 and July 27**

158 **MOTION by** Alexa Lewis; seconded by JD Herlihy, to approve the DRB Minutes for July 13, as amended.

159 VOTE: 4 ayes, motion carried.

160 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to approve the DRB Minutes July 27, as amended. VOTE:
161 4 ayes, motion carried.

162

163 **MOTION by** Alexa Lewis; seconded by Gerald Bouchard, to adjourn the meeting. The meeting was
164 adjourned at 9:35pm.

165

166 *Minutes respectfully submitted:*

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