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4 **Town of Charlotte**
5 **DEVELOPMENT REVIEW BOARD**
6 **Meeting Conducted at Town Hall and via Teleconference**
7 **September 14, 2022**

8
9 ***Approved by the Development Review Board – 9.28.22***

10 **Development Review Board:** Charles Russell, JD Herlihy, Gerald Bouchard, Alexa Lewis,
11 Christina Asquith

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

13
14 **OTHERS:** Lawrence Robinson, Nancy Faulkner, Jim Faulkner, Paul Plante, Frank Tenney, Dave
15 Marshall, Marc Richter, Bill Stuono, Eli Lesser-Goldsmith, Maggie Citarella, Karen Wendeln,
16 Jeremy Matosky, Annie Richter, Richard Robinson, John Younce, Claudia Mucklow, Bill Stuono,
17 Sarah Thompson, Sarah Shays

18
19 ***Posted Agenda:***

20 7:00 PM Call to Order; changes to agenda (if any)
21 7:02 PM Public Comment (not pertaining to pending applications)
22 7:05 PM DRB 22-157-SPA HEARING Continued Town of Charlotte Town Garage - Site Plan
23 Amendment review for new town garage at 3205 Greenbush Rd.
24 7:30 PM DRB 22-183-VA PUBLIC HEARING Lesser-Goldsmith – Variance review for
25 proposed outdoor pool at 701 Hills Point Rd.
26 8:00 PM DRB 22-202-SK SKETCH REVIEW Wendeln – Sketch Plan review for proposed 2-
27 lot subdivision at 1555 Spear St.
28 8:15 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony or
29 comment will be allowed):
30 DRB 22-157-SA Town Garage - Decision
31 DRB 22-135-SK Hinsdale Charlotte Farms, LLC - Sketch Letter
32 8:25 PM Review & Approve meeting minutes: DRB Minutes August 10, 24 and 31.
33 9:00 PM Adjourn
34

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

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37 **CHANGES TO THE AGENDA:** Charles Russell added the Belisle sketch letter to the 8:15 draft
38 decisions to be reviewed.

39
40 **Public Comment:** There was no public comment.

41
42 **DRB 22-157-SPA Town of Charlotte Town Garage - Site Plan Amendment review for new**
43 **town garage at 3205 Greenbush Rd:** Charles Russell explained there is a draft decision and
44 the Board made edits to the draft.

45
46 **MOTION** by JD Herlihy; seconded by Gerald Bouchard, to reconvene the hearing for DRB 22-
47 157-SPA HEARING. VOTE: 4 ayes, motion carried. Christina Asquith abstained.

48 The Board reviewed the new drawing with the plantings. Dave Marshall confirmed the

49 berm is a foot shorter than the original plan, and the building's elevation moved up 3 feet.
50 **MOTION by** Gerald Bouchard; seconded by Alexa Lewis, to close public hearing for DRB 22-157-
51 SPA. VOTE: 4 ayes, motion carried. Christina Asquith abstained.

52 **MOTION by** Gerald Bouchard; seconded by Alexa Lewis, to approve DRB 22-157-SPA/SA, as
53 previously amended. VOTE: 4 ayes, motion carried. Christina Asquith abstained.

54
55 **DRB 22-183-VA PUBLIC HEARING Lesser-Goldsmith – Variance review for proposed**
56 **outdoor pool at 701 Hills Point Rd.**

57 Maggie Citarella, Eli Lesser-Goldsmith and Dave Marshall were sworn in. The Chair
58 asked for, and members declared no conflict of interest or ex-parte communication. Eli Lesser-
59 Goldsmith explained he is proposing to construct a 20x38 pool. He noted the pool size is noted
60 correctly on the submitted site plan, but incorrectly in the written application. The lot is
61 currently non-conforming being 1 acre, while new lots are required to be 5 acres minimum.
62 There are many non-conforming lots in Charlotte. He believes his plan would improve the lot
63 coverage ratio and mitigate stormwater runoff by replacing gravel driveways using permeable
64 pavers, and adding rain gardens.

65 Charles Russell explained this plan would be going further into the setback on the
66 southern boundary, and closer to the lake. Eli Lesser-Goldsmith was willing to be flexible on the
67 location, and offered to move it further north. Charles Russell said he can't go closer to the lake
68 if they are already within 150' setback, and they can't go closer to the south boundary. Larry
69 Lewack suggested he might consider reducing the size of his parking lot to reduce lot coverage.

70 Dave Marshall agreed with Charles Russell's comment that this plan would result in a less
71 compliant site layout than the current build-out. The Board discussed impervious surfaces, and
72 and if they could give lot coverage 'credit' for the use of permeable pavers. Larry Lewack noted
73 there's no basis in the current Charlotte LURs to give partial lot coverage credit for the use of
74 permeable pavers. Gerald Bouchard & Dave Marshall both commented that even if allowed,
75 permeable pavers need regular maintenance to function effectively.

76 Charles Russell said the core issue remains the encroachment into the setbacks. Eli
77 Lesser-Goldsmith noted the Zoning Administrator did not raise this issue until recently. Alexa
78 Lewis asked if the state is involved in this review, and if a state stormwater permit is needed.
79 Dave Marshall said they wouldn't be in this case, because of the size of the impervious area (less
80 than 1/2 acre).

81 Maggie Citarella shared the letter from the Conservation Commission. She asked if a state
82 shoreline permit is needed (likely). They do not recommend approving the variance because:

- 83 • Pools prevent the infiltration of water into the ground. Chemicals could runoff into
84 the lake.
- 85 • The areas identified in this application are of the greatest importance to maintain
86 ecological integrity and should be conserved.
- 87 • They may need a Shoreland Protection Permit.

88 JD Herlihy asked the Board if the pavers help with the lot coverage issues. Charles Russell
89 wants more evidence that permeable pavers meet or don't meet the definition of impervious.

90 Charles Russell said there are 5 criteria that needs to be met for a variance. He felt a
91 better answer was needed for the applicant's current answer to question #3, which stated the
92 LUR's created the hardship. JD Herlihy said if it's determined that a variance isn't required for
93 lot coverage, it gets turned into an appeal of the ZA's decision, and he could reapply under
94 Conditional Use criteria. The Board first needs to decide if it's a variance or not.

95 **MOTION** by Gerald Bouchard; seconded by Alexa Lewis, to continue the hearing until October
96 26 at 7:05pm. VOTE: 5 ayes, motion carried.

97

98 **DRB 22-202-SK SKETCH REVIEW Wendeln – Sketch Plan review for proposed 2-lot**

99 **subdivision at 1555 Spear St.** The Chair asked, and there were no declared conflicts of interest
100 or ex-parte communications. Jeremy Matosky (engineer) represented Karen Wendeln
101 (applicant). The total lot is 130 acres. One lot (112 acres) would be subdivided for the
102 Wendeln's to build a single family dwelling. The subdivided lot would be 18 acres, with a 3.5
103 acre building envelope. They have revised the plan to propose this as a Planned Residential
104 Development, with 70% of the subject parcel (approx. 90 acres) set aside as Open Space. They
105 are proposing 2 separate curb cuts. The driveway was designed to work around the wetlands,
106 and there will be a stormwater treatment area which will capture driveway runoff.

- 107 • Charles Russell asked if the lot 1 building envelope could be reduced in size. He said they
108 could reduce impact on the forest and linkage habitat.
- 109 • Gerald Bouchard said every 500 ft the driveway would need pull-outs for emergency
110 vehicles. He suggested moving the house closer to the road, which would save money
111 for the buried utilities as well. Jeremy Matosky stated that's not what the owners want;
112 the location of the house is in the most desirable area.
- 113 • Christina Asquith also spoke in favor of moving the house closer to the road, to better fit
114 the character of the area. She also had concerns with impacts of this plan to the wildlife
115 corridor, and to nearby wetlands.
- 116 • Charles Russell said the Board has to prioritize areas of high public value and see if
117 anything proposed has an undue adverse effect. The wildlife corridor is his main
118 concern, and the driveway shows potential steep slopes. Jeremy Matosky will create a
119 plan detailing the slopes crossed by driveway (road grading plan).
- 120 • Larry Lewack shared a view of the site illustrating connector habitat, which shows the
121 wetland in the center of the site (with its aquatic habitat on both sides of the N-S
122 tributary stream bed) as the key habitat connector. (Some residents commented that
123 the entire parcel is a known connector habitat.)
- 124 • Maggie Citarella shared the letter from the Conservation Commission, which identified
125 the abundance of natural resources on the parcel. They identified key impacts to forest
126 blocks, wildlife, and streams. They also listed ANR permits that may be required for the
127 project. They believe approving a project with this design would contradict the
128 principles in the LURs and the Town Plan.

129 **MOTION** by JD Herlihy; seconded by Alexa Lewis, to continue the DRB meeting after 9pm.

130 VOTE: 5 ayes, motion carried.

- 131 • JD Herlihy asked if the Conservation Commission could prioritize their list of concerns.
132 JD suggested the CC work with the applicant to further refine the proposal to address
133 their concerns. Maggie Citarella said protecting the habitat would be the greatest
134 concern, and suggested moving it closer to the road or to the cleared field.
- 135 • Charles Russell said it has to be shown that this layout has an undue adverse effect on
136 the areas of high public value. Christina Asquith felt the Conservation Commission just
137 shared that information. Maggie Citarella referred to the conformance with the town
138 plan and the intent is to protect natural resources. Charles Russell said the town plan
139 can be used, but there has to be standards in the town plan on how to protect that.
140 Maggie Citarella said those standards do exist.

- 141 • Mark Richter said undue adverse effect should be defined. This is a precedent case and
142 said a professional could help the town evaluate the impact.
- 143 • Maggie Citarella quoted standards from Section 5.5 which is for site plan reviews. Larry
144 Lewack said Chapter 7 is for subdivision reviews, which is somewhat different.
- 145 • Annie Richter said their property abuts the Wendeln parcel. The DRB has to follow the
146 town plan and LUR's. There are not many large wildlife habitat areas left in Charlotte.
147 She referenced her 10-page letter that was sent to the Board. She has asked the
148 Wendelns to consider moving the house closer to the road, or move the driveway to the
149 southern edge of the property.
- 150 • Sarah Thompson was concerned about setting a precedent for the future. Many more
151 people will be coming forward with the same request (to run long driveways to the
152 interior of a lot) if this gets approved. Protecting the known wildlife corridor is vital.
- 153 • Sarah Shays said the town refused to let her subdivide anywhere else besides close to
154 the road. It wouldn't be fair to approve this application when they refused others in the
155 past. She believes this wildlife corridor needs to be preserved.
- 156 • Bill Stuono demonstrated on a map the connectivity of the corridor and discussed the
157 wildlife that lives there.
- 158 • Maggie Citarella said there are very few large forest habitat blocks left in Charlotte. Act
159 171 (state law) encourages towns to keep large forest blocks intact in permitting.
- 160 • JD Herlihy asked if there was adequate frontage on Carpenter Rd. for Lot 2? (yes) He
161 also asked if they considered a driveway coming off Carpenter Rd. (Jeremy Matosky: yes,
162 but it's not as safe as what's been proposed & it would require routing through a
163 wetland, so not a good choice).
- 164 • JD also asked if we could get the history of prior subdivisions on this land, if any? Larry
165 Lewack said, yes. Paul Plante commented that this land was never subdivided; lots were
166 created by deed from his grandmother in the late 1950's.

167 **MOTION by** JD Herlihy; seconded by Gerald Bouchard, to classify DRB 22-202-SK SKETCH
168 REVIEW Wendeln as a 2-lot minor subdivision with a PRD. **VOTE:** 5 ayes, motion carried.

169

170 ***(Note: Christina Asquith left the meeting at 9:20 p.m.)***

171

172 **DRB 22-135-SK Hinsdale Charlotte Farms, LLC - Sketch Letter:** The Board made edits to the
173 draft. **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to approve DRB 22-135-SK
174 Hinsdale Charlotte Farms, LLC - Sketch Letter, as amended. **VOTE:** 4 ayes, motion carried.

175

176 **DRB 22-169-SK Belisle-Sketch Letter:** The Board made edits to the draft. **MOTION by** Gerald
177 Bouchard; seconded by JD Herlihy, to approve DRB 22-169 Belisle-Sketch Letter. **VOTE:** 4 ayes,
178 motion carried.

179

180 **MOTION by** JD Herlihy; seconded by Alexa Lewis, to adjourn the meeting. **VOTE:** 4 ayes, motion
181 carried. The meeting was adjourned at 10:10 pm.

182

183 ***Minutes respectfully submitted:***

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