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Town of Charlotte
DEVELOPMENT REVIEW BOARD
Meeting Conducted at Town Hall and via Teleconference
October 12, 2022

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Approved by the Development Review Board – 10.26.22

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

Staff: Rebecca Kaplan, P&Z Clerk; Danielle Atherton, Recording Secretary

OTHERS: In Person: Briar Alpert, Bill Zabiloski, Frank Tenney; via Zoom: Matthew Krasnow, Nicole Conley, Lawrence Robinson, Paul Plante

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 22-209-VA Alpert – Variance to install a septic system within the setback at 329 Hills Point Rd.
7:30 PM DRB 22-218-CU TOC Recreation – Installation of removable access ramp at town beach at 1371 Lake Rd.
8:00 PM Markup & Approve draft Decisions (Public Deliberations; no public testimony or comment will be allowed): DRB 22-207-SK Pfaff - Sketch Letter
8:30 PM Review & Approve meeting minutes: DRB Minutes Sept. 28.
9:00 PM Adjourn

CALL TO ORDER: Charles Russell called the meeting to order at 7:00pm.

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

Public Comment: There was no public comment.

DRB 22-209-VA Alpert – Variance to install a septic system within the setback at 329 Hills Point Rd. There was no conflict of interest or ex-parte communication. Bill Zabiloski and Briar Alpert were sworn in. Bill Zabiloski explained a soil evaluation was done to see where the best location would be for the wastewater system, which was then referred to Civil Engineering Associates. He wasn't aware there was a 150' setback from the lake, and the previous system was also within that buffer at 100'. The groundwater in that location flows away from the lake.

- Alexa Lewis asked if they could design it outside of the 150' setback. She understood it's harder to design, but wanted to know if it is possible. Bill Zabiloski said any system needs 6" of unsaturated soil, and the more it moves down slope the more problematic it becomes. He didn't design the system; it would need to be re-designed.

- 46 • JD Herlihy asked if it is moved where the groundwater is higher, are there risks of
47 contamination? Bill Zabiloski felt that eventually there would be and if the location
48 is changed there would be less than ideal circumstances.
- 49 • Gerald Bouchard asked what will happen to the existing system. Bill Zabiloski said it
50 could be abandoned.
- 51 • Charles Russell said the wastewater permit will be for four bedrooms, and since the
52 previous system still exists, it would be increasing the capacity. JD Herlihy said the
53 Board could make it a condition to not increase the capacity.
- 54 • JD Herlihy asked since it's a pre-existing non-conformity, could it be considered
55 Conditional Use and not a Variance? Charles Russell said wastewater is not on the
56 list for uses. JD Herlihy said the mound is underground and that doesn't count as a
57 structure.
- 58 • Charles Russell referred to Section 3.8 on "uses." Matthew Krasnow asked if the use
59 for septic applies under the town LUR's since this is a state permit. Charles Russell
60 referred to Table 2.6. The question asked was if the state wastewater allows the
61 town to be more restrictive for permits. Frank Tenney felt that the state statute
62 overrules the town.

63 **Variance requirements:**

- 64 1.) There are unique circumstances which causes an unnecessary hardship:
65 Topography applies; it's a pre-existing small lot.
- 66 2.) Because of these circumstances there is no possible way this property can be
67 developed: The Board was unsure how to reply to this one. Alexa Lewis said an
68 engineer needs to be consulted to design another system elsewhere. Bill
69 Zabiloski said this would be a financial burden. JD Herlihy interpreted this as a
70 septic system is a necessary requirement for use of the property.
- 71 3.) Unnecessary hardship isn't created by applicant: The Board confirmed.
- 72 4.) The variance won't alter the character of the neighborhood: The Board
73 confirmed.
- 74 5.) The variance will provide the least deviation from the regulations: The septic
75 could be put elsewhere, yet the soil is the best at this location. The lake is the
76 concern.

77 The Board felt #2 and #5 were questionable. The Board would like to get a legal opinion
78 from the town attorney on whether state statute overrules the LURs and if the application
79 should be reviewed as conditional use.

80 **MOTION** by JD Herlihy; seconded by Alexa Lewis, to change DRB 22-209-VA Alpert
81 from a Variance to a Variance / Conditional Use, as a potential permit from this hearing.

82 VOTE: 4 ayes, motion carried. **MOTION** by JD Herlihy; seconded by Gerald Bouchard, to
83 close 22-209-CU Alpert. VOTE: 4 ayes, motion carried.

84

85 **DRB 22-218-CU TOC Recreation- Installation of removable access ramp at town**

86 **beach at 1371 Lake Rd.** Nicole Conley, Matthew Krasnow and Frank Tenney were sworn
87 in. Nicole Conley explained the ramp will point North towards where the docks are. There
88 will be four blocks with the dimensions of 2x2x4 ft. They can anchor the ramp to it, which
89 will make it easier for removal. The length of the ramp is 20 ft and 6 ft wide.

- 90 • Alexa Lewis asked if shoreline management or stormwater management was a
91 requirement. Matthew Krasnow said the Recreation Commission has an application
92 before the State to see if it's exempt since it's a part of a road stabilization project,
93 which would waive some requirements. If that is denied they are prepared to move
94 forward with all of the requirements.
- 95 • Frank Tenney asked if this is being considered as a public facility. Charles Russell
96 referred to Table 2.8; F2. JD Herlihy felt this would be considered a Public Facility,
97 which has limited review. Matthew Krasnow said the State is looking at it as an
98 access to the shoreline, and asked if they are taking into account the temporary
99 nature of the ramp? This would be put in during the spring and taken out in the fall.

100 **MOTION by** JD Herlihy; seconded by Gerald Bouchard, to close DRB 22-218-CU TOC
101 Recreation. VOTE: 4 ayes, motion carried.

102 **Deliberation:** This is a public facility which gives limited review per Section 4.15. The
103 ramp will reduce erosion and is a temporary structure. Shoreline improvements are
104 exempt from setback requirements. The speed bump could be moved to the south next
105 year if that is determined to be a better setup.

106

107 **Deliberation for DRB 22-209-CU Alpert:** JD Herlihy felt this should be changed to
108 Conditional Use. The Board determined that this is compatible with the character of the
109 area. The proposed system is in a less non-conforming location than the pre-existing one.
110 The soils are better and the water flows down-slope and away from the lake. There will be
111 no adverse effects. Besides the setback, it is in compliance with the town plan. They need
112 to get a wastewater permit.

113

114 **Markup & Approve draft Decisions: DRB 22-207-SK Pfaff - Sketch Letter.** The Board
115 made edits to the draft.

116 **Markup & Approve draft Decisions: DRB 22-202-SK Wendeln.** The Board made edits
117 to the draft.

118

119 **MOTION by** Gerald Bouchard; seconded by Alexa Lewis, to approve the DRB Minutes for
120 Sept. 28; as amended. VOTE: 4 ayes, motion carried.

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122 **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to adjourn the meeting. VOTE: 4
123 ayes, motion carried. The meeting was adjourned at 8:44 pm.

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