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3 **Town of Charlotte**
4 **DEVELOPMENT REVIEW BOARD**
5 **Meeting Conducted At Town Hall and via Teleconference**
6 **March 9, 2022**

7
8 *As approved by the Development Review Board 3.23.22*

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

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

12
13 **OTHERS:** Maggie Citarella, Paul Plante, Frank Tenney, Jenna Aube, George Aube, Kevin Burget, Bill
14 Stuono, Scooter MacMillan, Jason Barnard, Linda Radimer, Fritz Tegatz, Linda Hamilton, Mark
15 Franceschetti, Teri _____ (last name not provided).

16
17 **Posted Agenda:**

18 7:00 PM Call to Order; changes to agenda (if any)
19 7:02 PM Public Comment (not pertaining to pending applications)
20 7:05 PM DRB 21-311-BA Franceschetti-Hamilton – Boundary Adjustment between two parcels at
21 899 Bean Rd. and 342 Bittersweet Ln.
22 7:25 PM DRB 22-25-SK Aube – proposed subdivision amendment to add additional residential lot to
23 existing 1052 Carpenter Rd. subdivision
24 8:10 PM Other business: - Review/approve draft minutes from March 2 DRB meeting; Review/
25 markup drafts of Tegatz-Harvey BA and Berry-Pearce SA decisions; Election of DRB
26 officers
27 9:00 PM Adjourn

28
29 **CALL TO ORDER:** Charles Russell called the meeting to order at 7:05 pm

30
31 **CHANGES TO AGENDA:** Charles Russell addressed that JD Herlihy would like to add a discussion of
32 amending the DRB's rules as a future agenda item.

33
34 **Public Comment:** None

35
36 **DRB 21-311-BA Franceschetti-Hamilton – Boundary Adjustment between two parcels at 899 Bean**
37 **Rd. and 342 Bittersweet Ln.**

38 The Chair inquired if any Board members had a conflict of interest with this application, or had any
39 'ex parte' communications with the applicant. None were disclosed.

40 Applicants Linda Hamilton and Mark Franceschetti were introduced and sworn in. Mark
41 Franceschetti and Kathleen Fleming have deeded rights to a spring on the Hamilton property, which they
42 access via an easement. Mark Franceschetti wants to purchase additional acreage from Linda Hamilton, so
43 the spring would be on his property. Ms. Hamilton has agreed to this. The Franceschetti lot size is 4 acres.
44 The property mostly consists of regenerating wet forest, with limited capacity for development, due to
45 extensive wetlands. No development is proposed with this application. JD Herlihy saw no issues since it is
46 taking a non-conforming lot of two acres and making it conform to the LURs, in terms of both shape and
47 size.

48
49 **MOTION by** Gerald Bouchard; seconded by JD Herlihy, to close the hearing for DRB 21-311-BA. VOTE: 4
50 ayes, motion carried.

51
52 **Deliberation:**

53 Larry Lewack reviewed the staff report. Charles Russell asked if there are any designated building
54 envelopes in these lots; Larry responded he did not find any referenced in the earlier subdivision
55 approvals. Larry Lewack added that our decision could require that building envelopes be designated
56 around the existing homes on both parcels. We could also stipulate that nothing can be built within the
57 wetlands, and wetland buffers. Gerald Bouchard added that if those restrictions are required for the
58 Franceschetti lot, they need to be added to the Hamilton lot as well. JD Herlihy pointed out that because
59 no new development is proposed with this application, he doesn't feel this application warrants that.
60 Christina Asquith asked why it was non-conforming. Charles Russell answered it is less than 5 acre
61 minimum lot size for the rural district. JD Herlihy added we should note that prior conditions from the
62 earlier subdivision decisions are still binding. Charles Russell told the applicants that the staff will draft a
63 decision, and that draft will be reviewed and approved at a future meeting of the Board.
64

65 **DRB 22-25-SK Aube - proposed subdivision amendment to add additional 5.24 acre lot at 1052**
66 **Carpenter Rd. subdivision**

67 The Chair inquired if any Board members had a conflict of interest with this application, or had any
68 'ex parte' communications with the applicant. None were disclosed. It was noted that the entire Board
69 conducted a site visit earlier today to the proposed new Lot 3, which would be a 5.24-acre lot accessed by
70 a farm road south of 1732 Dorset St.

71 Jason Barnard of Barnard & Gervais Engineering introduced the project, on behalf of the applicant,
72 and was sworn in. He explained the lot would have access to Dorset St. via a right of way along an existing
73 farm road that branches off to a leveled plateau, which is the proposed house location. Charles Russell
74 added the roadway goes over 2 culverts, and he noted the wetlands on the map. Jason Barnard responded
75 the driveway is approximately 1450 ft. long, and (following construction) will meet all of the town's road
76 and driveway standards, including a grade of 8%, and 12-ft. wide. Charles Russell explained this project
77 will likely be classified as a major subdivision, and thus would have to meet PRD standards, which require
78 50% open space conservation, to identify and protect areas of high public value (i.e. natural resources).
79 On this site, these would include agricultural soils, a river corridor, wildlife and possible scenic views.

80 Jason Barnard explained in each of the two earlier subdivisions (2013 and 2015), a single added
81 lot was created, so this would be the third new lot. He asked if we counted the 'parent' parcel towards the
82 4 lots defining a major subdivision? If they wait until 2023 to apply, would they be outside of the 10-year
83 period? Charles Russell said: even if they wait, there is still the need for an open space master plan, which
84 was specifically required in the 2015 subdivision, in the event of future development. Christina Asquith
85 asked what that means. Charles Russell said a master plan identifies areas of high public value, the
86 potential infrastructure, and an estimate of the type, density and timing of future development. Larry
87 Lewack added the applicant specifically needs to propose areas they will protect for open space.

88 Linda Radimer said she believes Lot 4 as proposed in this application is within an area of high
89 public value. JD Herlihy listed those criteria (from Table 7.1 in the LURs), and suggested the applicant
90 work with the Conservation Commission to further define how these criteria apply to this project. Jason
91 Barnard noted the only agricultural soils impacted would be the leach field for the wastewater system,
92 which was the only suitable area available. Linda referred to the aquatic habitat standard in the Town
93 Plan, which suggests a 330' buffer (on p. 2-25). She asked for the distance from the house site to the
94 LaPlatte River. Jason Barnard replied it's around 300'. Linda added that she would prefer this house site
95 be clustered nearby other homes, closer to Dorset St., rather than isolated in the middle of the parcel, as
96 proposed here. She requested that the Conservation Commission evaluate these concerns. Charles Russell
97 replied that the Conservation Commission's involvement is a required step, and the applicant also needs to
98 address protection of the remaining farmland.

99 Bill Stuono wanted the applicant to be aware of the town's road and driveway standards, and the
100 requirement to have a turn-around for fire access. JD Herlihy referred to table 2.8 standards in the LURs,
101 which states it is possible to put a driveway through a conservation district. Bill Stuono questioned
102 whether the existing culverts can handle a fire truck, and asked if there are State Permits required. Jason
103 Barnard agreed on the need for field delineation of wetlands in this area, and assured it will be done. The
104 culvert is an H-20 rated culvert which is designed for farm tractors and loaded wagons. Maggie Citarella
105 added the State of Vermont 'Permit Navigator' website lists all of the permits required.

106 Charles Russell suggested the DRB categorize this application as a major subdivision, using PRD
107 methods, and will require a master plan. JD Herlihy referred to section 7.3.D.5 in regards to clustering
108 lots, which is encouraged to reduce adverse effects on areas of high public value, to preserve open space,
109 and to protect habitats. Linda felt these habitats should be preserved and it warrants a very careful look.
110 Kevin Burget asked the Board to pay attention to the required road frontage & access issues, which helps
111 protect natural resources. Christina Asquith asked if the property has 300' of road frontage. Charles
112 Russell replied no, but their road access would be through a 50 ft. easement.

113 Gerald Bouchard asked George Aube if he gets 2 tax bills. George Aube replied most of the
114 property is in current use, and is unsure how the town has it set up for tax billing. Jason Barnard referred
115 to the rectangular lot that runs along Carpenter Rd. & noted it's a separate deeded lot.

116 Larry Lewack said this project needs to be classified as either a major or minor sub-division. Jason
117 Barnard added a lot of requirements hinge on how the Board treats this project. Charles Russell said we
118 should consult with legal before we classify this subdivision, and asked that we continue this conversation
119 to the next DRB meeting in 2 weeks.

120 **MOTION** by Gerald Bouchard; seconded by JD Herlihy, to table DRB 22-25-SK Aube. **VOTE:** 4
121 ayes, motion carried.

122

123 **Review/approve draft minutes from March 2 DRB meeting:**

124 Christina Asquith asked to clarify the town attorney's remarks re: whether Board can take public
125 comment during deliberations if they choose. She would also like her remarks on that point corrected.
126 Danielle Atherton, Recording Secretary, was asked to review her first draft, and add back comments that
127 may have been edited out. We can review this draft with changes at the next meeting. **MOTION** by JD
128 Herlihy to table the draft minutes from March 2 DRB meeting. **VOTE:** 4 ayes, motion carried.

129

130 **Review/markup drafts of Tegatz-Harvey BA and Berry-Pearce SA decisions:**

131 Edits to the drafts were made by the Board. The Board affirmed its favorable decision, in both cases.

132

133 **Election of DRB officers:**

134 Gerald Bouchard suggested that since we don't currently have a full complement of Board members,
135 we postpone this election until we are at full strength. The Board concurred.

136

137 **Future agenda item:**

138 JD Herlihy would like a discussion about amending the DRB's Rules and ethics be added to a future
139 agenda. He would like to see us append the outline of different types of DRB meetings (discussed at the
140 March 2 meeting) to that document & republish it, for future reference. Charles noted there's another
141 publication from VPIC on Board ethics that would provide good background & asked Larry to circulate
142 that to the Board in preparation for that discussion.

143

144 **Adjournment:**

145 **MOTION** by Christina Asquith; seconded by JD Herlihy, to adjourn the meeting. **VOTE:** 4 ayes, motion
146 carried. The meeting was adjourned at 9:10 pm.

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148 **Minutes respectfully submitted:**

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