

CHARLOTTE SELECTBOARD SPECIAL MEETING
Monday, September 19, 2022
Charlotte Town Hall 159 Ferry Road and via teleconference

APPROVED

SELECTBOARD MEMBERS: *In person:* James Faulkner, Chair, Frank Tenney, Vice Chair, Lewis Mudge

Remote: Matthew Krasnow

Absent: Louise McCarren

ADMINISTRATION: Dean Bloch, Town Administrator (*remote*); Larry Lewack (*in person*)

OTHERS:

In person: Chris Davis, Karina Warshaw, J.D. Herlihy, Peter Joslin, Kelly Devine, Margaret Woodruff, Peter Demick, G.A. Bouchard, Matthew Citarella, Maggie Citarella, Christine Asquith, Kyra Wegman

Remote: Max Kennedy, Ruah Swennerfelt, Robin Reid, Alexa Lewis, Brett Yates, Paul Plant, Robin Reid

AGENDA ITEMS:

6:00 PM Emergency management planning

7:45 PM Public hearing on proposed amendments to the Land Use Regulations

James Faulkner called the meeting to order at 6:00 p.m.

Emergency management planning agenda

1. Welcome and Introductions.

Chris Davis, Emergency Management Director, and Karina Warshaw, Emergency Management Coordinator

2. Tour town offices to establish best setup if activated. What supplies may be necessary?

Chris Davis stated that this will be an opportunity for all involved to share their ideas.

3. Emergency Operations Center overview/recap.

Karina Warshaw stated that The Town of Charlotte Emergency Operations Center is a physical location in the town hall where the EOC team gathers to support the Incident Commander and the Town through resource procurement and distribution, information gathering and dissemination, record keeping and whatever else may be necessary to help the Town recover from disaster.

4. Review of EOC roles and responsibilities. Possible assignment of roles and assignment of research/skills sharing exercise for next meeting.

Karina Warshaw reviewed the EOC roles and responsibilities.

EOC Manager: Responsible for overall coordination of the EOC. Makes sure EOC positions are filled. Prioritizes resources and activities. Maintains contact with Selectboard Chair and IC.

Liaison with VEM Watch Officer. Chris Davis stated that a single point of contact is needed and this is the EOC manager. Max Kennedy stated it's up to the EOC manager or the town to decide

who else is needed in the EOC. The EOC manager coordinates and supports the various emergency response teams but does not have control over them.

Public Information: Develops communication strategies. Writes press releases and EOC messaging via VT-Alert. Coordinates/provides interviews with local media. Observes and disseminates social media. Makes sure all information that goes out is accurate. Distributes signage around town. James Faulkner confirmed that there is training for this role. Ruah Swennerfelt stated that she spoke with Chris Davis in regard to a book that helps neighborhoods to be prepared as well and the neighborhoods could have one person from each neighborhood that could represent and help with communications in a case of emergency. The book is called, The Ready Together Handbook.

Administration: Answers telephones. Keeps detailed documentation. Takes detailed notes at briefings and/or meetings. This is a critical position. Max Kennedy stated that this is known as one of the most important positions.

Situational Awareness: Tracks location and status of incident(s). Maintains maps. Collaborates with the Public Information person for updated situational status and to seek out answers for requests for information. Max Kennedy stated that this is one of the most challenging roles; this role has to constantly gather information. Large, laminated maps are a useful tool for this position. Robin Reid stated that the presentation isn't clear as to if these positions are needed on a volunteer basis. She feels that it's difficult to get volunteers for positions that are less challenging than these roles seem to be. Chris Davis reiterated that the more volunteers that the town can get the less work will be placed on the EOC manager. There are already several that have signed up to help with some of these roles.

Logistics Support: Relying on the LEMP, seeks out and purchases supplies as needed. Coordinates needs with mutual aid partners. Liaisons with state for supplies/equipment that cannot be obtained locally or from mutual aid partners. Executes contracts for special needs - with Selectboard approval.

Finance: Tracks all costs and allocates previously agreed-to funds. Coordinates with Logistics on paying for supplies and executing contracts. Chris Davis stated they hoped that perhaps Mary Mead or an assistant town clerk might be interested in this role.

Full Team: All members support the whole team and step in where and when needed, eg. helping at shelters.

5. Establish goals and next steps. eg. plan development, exercises, training, etc. How often to hold meetings. Monthly? Quarterly? Other?

Chris Davis stated that they are working up to a tabletop meeting. Max Kennedy stated that he would send out some online trainings that he suggests viewing prior to the next meeting. He feels talking through some possible scenarios would be very beneficial at the next meeting. This month there will be a grant for local emergency management that will be released. Chris Davis stated that they are and will be reaching out with neighboring towns, (Shelburne, Hinesburg, Ferrisburg), to see where they are at with their EMP. James Faulkner stated that tentatively the next EMP meeting will be added to the Nov 14th meeting agenda.

6. Future Meeting Suggestions:

Not discussed.

MOTION by James Faulkner, seconded by Matthew Krasnow, to take a recess until 7:45 p.m. VOTE: 4 ayes, 0 nays, 1 absent (McCarren); Motion Carried.

Public hearing on proposed amendments to the Land Use Regulations (LURs)

Dean Bloch stated that the amendments approved by the Selectboard would be voted by Australian ballot. It's a state statute that a public informational hearing is required 10 days before all items that are voted by Australian ballot. James Faulkner stated that the public informational meeting will take place on Monday November 7th at 7pm. The warning for the November 8th vote has to be warned by October 8th at the very latest.

James Faulkner stated that there are 25 amendments that need to be looked at. Matthew Krasnow stated that, as he understands the process, it's the Planning Commission's statutory obligation to recommend amendments, and it's the Selectboard's obligation to prepare them so they are ready to be presented to the voters. He feels all should keep in mind tonight as these changes are reviewed that if changes are made to the recommendations of the PC, it could result in additional steps, dependent on the level of change. If it's a minor change it can advance and be put on a ballot for vote. If there are substantial or major changes to the recommendations from the PC language, it needs to go back to the PC for another hearing for their approval of the major changes. He cautioned all to be cognizant of the process and the Planning Commission's capabilities and knowledgebase on these areas and consider the time sensitivity to this work before suggesting major changes.

Dean Bloch stated that he believes that there has been an amendment to the state statute, and the current process is that the Selectboard can notify the PC but then the Selectboard holds another hearing if there are any changes that the Selectboard wants to make that are substitutive in nature. Matthew Krasnow stated that even if that is an accurate change, he questions making major changes without checking with the PC as they're the ones with the knowledgebase. James Faulkner stated that the bottom line is that if some major changes come up, they won't be ready for the November vote and they will have to wait until March.

Larry Lewack stated that there are two parts to the changes in Section F. The first part is to update LURs to reflect the creation of the Development Review Board (DRB) as the sole permitting body. This involved updating all references to the permitting roles of Planning Commission and Zoning Board of Adjustment to "Development Review Board." The second part was to specifically update the role and scope of DRB permitting roles in section 9.9, Administrative Requirements.

Frank Tenney pointed out some edits are needed. In section 9.9 (A) (1), the DRB is the one that nominates the Zoning Administrator, but the state statute still states that it's the PC that nominates the Zoning Administrator. The other edit cited is on the definition of Commission which is on pg. 126 of the red lined Land Use Regulations, it should remain the "Planning Commission." The Selectboard concurred on these changes to the editing.

Legislative mandated changes. LURs no longer compliant with state statutes. Telecommunication Facility Siting and Development Standards, Section 4.16.

Larry Lewack stated that all of these changes are an attempt to slim down the scope of local review but allows the town some involvement still.

Energy Facility Siting & Development Standards: (CCRPC recommends deleting the entire section from LURs).

Larry Lewack stated that the town does not have the authority to be involved in permitting these facilities; it is performed through the state's Public Utilities Commission. Lewis Mudge confirmed that this includes wind turbines.

Non-discrimination against Multi-Family housing. Article Section 5.4, page 67, Sub-Section Conditional Use Review.

Larry Lewack stated that 2-3 years ago the legislature passed Act 179 and one of the pieces of that was to identify if there are any regulations in local permitting or local zoning bylaws that could get in the way of towns approving multiunit dwellings in any district that allows them.

Make Accessory Dwelling Units (ADUs) a permitted use; remove limits on # of ADU bedrooms. Section 4.2, page 37, Sub-section Accessory Dwellings (A)(2).

Larry Lewack stated that changes were made to allow for compliance with state statutes. The legislation is saying that towns should have permitting processes to expedite people adding ADUs to their properties and they shouldn't be subject to unnecessary restrictions. The legislation took away restrictions on the number of bedrooms as well. The town can be more liberal but not more restrictive than the state statutes. Kelly Devine and Matthew Krasnow concurred that the fact that the state is silent on it means towns have to be silent on it as well.

Frank Tenney expressed his concern with this change because he feels its going to create a larger change for PUD or PRD because it would allow for a larger ADU and it would allow more bedrooms which in turn is going to create more traffic. Matthew Krasnow stated he understands Frank Tenney's concerns but he feels they should be directed to the State Legislature since these decisions were made by them and it's their jurisdiction. These changes that are being suggested by the PC are to keep in compliance with the State Legislature changes. Peter Joslin stated that he's in favor of removing the restriction on the number of bedrooms in order to comply with the State Legislation.

Clarify existing rules (no policy change)

Larry Lewack stated that these proposals all came from the work of the Development Review Board in permitting.

Public Facility Review Standards, Section 4.15, page 49, Public Facility

Larry Lewack stated this is in regards to facilities that have a public facing function such as churches, healthcare facilities, municipal facilities etc. It follows closely with the state statute language. Larry Lewack went on to state that the town attorney stated that these issues should be looked at only to the extent that regulations don't have the effect of interfering with the intended functional use. What the PC is trying to do is to say that if you're proposing a project that serves the public, that criteria, such as "if it is fit with character of the area" isn't something the DRB would be allowed to apply. J.D. Herlihy stated that the character of the area still applies. Kelly Devine clarified that the character of the area language hasn't been removed.

Dean Bloch asked why it's being proposed that public facility be removed from conditional use lists? Larry Lewack stated that all of the specific public facilities already appear on the

conditional use tables for each district, so they would have to be reviewed under conditional use already, so it's redundant.

Matthew Citarella asked why noise was excluded where the state statute includes noise? Larry Lewack explained that noise was removed because it's redundant. There is a section in the regulations called performance standards which creates very clear standards and covers the noise impacts. J.D. Herlihy stated that it's very confusing when things are made different from the state statute, which includes noise. It would be easier to interpret if it were the same.

Lewis Mudge stated that draft Version 8 with the 9/14/22 date isn't the same as the version that is being reviewed. Charles Russell stated that he agrees that noise should remain in the language.

Matthew Krasnow stated that he doesn't think that it's a good idea to be re-litigating the PC's work tonight since it's very inefficient and devalues the work that has been done in the months leading up to this hearing. The members of the DRB as members and as citizen had ample opportunity to weigh in on the language being suggested by the PC. He feels that if an item isn't ready for vote, then the Selectboard should decide to send it back to the PC and not attempt to edit it at this time.

Larry Lewack stated that the next two are revisions to table 4.2 in the Land Use Regulations. They are fine points to the previous discussion. There are some significant errors and omissions in the table. Some examples of changes made are: "churches" was switched to "places of worship," and "hospitals" was changed to "health clinic, health care facility," since Charlotte isn't likely to have its own hospital. These changes make it more inclusive.

J.D. Herlihy stated that hospital and hazardous waste facility should be put back in, as removing creates a potential problem. He stated that you can control where something is in town, but you can't say that you can't have it in town at all. Larry Lewack stated that that is back in the language; it had been removed, but that's no longer the case. J.D. Herlihy warned the PC to be careful with what is added beyond the state statute because it gives a lot of extra flexibility.

Existing (non-conforming) Small Lots rules. Section 3.7 Nonconforming Lots (Existing Small Lots)

Larry Lewack reported that the regulations as they're written currently are somewhat confusing. The Land Use Regulations stated that if you had two lots, they would be merged into one single lot for development purposes. In 2007 the Land Use Regulations changed and the town attorney suggested that the application of the old standard or the new one should be clarified. They proposed a very permissive rule to allow small lots to be sold only there is no assumption that it can be sold for development. J.D. Herlihy stated placing dates within the regulations may be helpful.

Additions to Non-Conforming Structures. Section 3.8, page 28. Nonconforming Uses of Land & Structures (B) Nonconforming Structures.

Larry Lewack stated that this language makes it very clear as to what needs to go to the DRB for review and approval and what things can be done with just a zoning permit. Any structural

alteration of a nonconforming structure which extends the building footprint or increases the height of a structure further into a setback than the existing structure, shall be considered to increase the degree of non-conformity. However, if there is any structural alteration of a nonconforming structure which does not encroach further into the setback or increase the height of the non-conforming part of a structure, such as extending the structure's footprint outside of any setback, it shall not be considered to increase the degree of non-conformity. Frank Tenney stated that he wonders if this language is very clear. J.D. Herlihy stated that he feels that it could be written with more clarity. Lewis Mudge stated that he feels that the language is very clear.

Application criteria waivers for subdivision reviews. Section 6.2, page 75, 6.2.A. Waiver Authority

Larry Lewack stated that there is just a slight change in the language. The goal was to make it clear, and it proposes not to waive the standards, but to waive the application requirements if they don't apply to a project. J.D. Herlihy stated the statement regarding the density requirement should be removed as well, since that's a standard and not an application requirement. Alexa Lewis asked for clarification, that the applicant has to apply for a waiver of application criteria, and then it goes to the DRB to grant it, and that's not something that is waived by the staff? Larry Lewack confirmed this. Dean Bloch stated that Chapter VI is where the application requirements are, rather than Chapter VII.

Limit scope of Adaptive Re-Use reviews. Section 4.3, page 39, Adaptive Re-Use.

Larry Lewack stated this is a provision to encourage the redevelopment of historic structures so they can be repurposed for more up to date uses. The PC wants to allow more flexible proposals to come in. As long as you don't destroy the historic side of the building, it can be considered by the DRB.

Replace 'Adverse Effect' with 'Undue Adverse Impact' standard in use tables (deferred till next round) 7)

Role of Tree Warden in limiting tree removals within Lakeshore Buffers (deferred till next round)

Proposed new (or changed) policy & standards (part 1): 1) Temporary Structure or Use: (removed new sub-section [B], Temporary Uses) Section 4.17, page 60-61, Temporary Structure or Use

Larry Lewack stated that there are definitions here to refer to in chapter 10. The existing language is unclear if a temporary structure needs a zoning permit because the current language says it may require a zoning permit. The language of "may be issued" was changed to "require" a zoning permit. Frank Tenney stated that in his opinion a temporary structure for a year's time isn't a temporary structure. Kelly Devine stated that the one year period is the existing regulation. Frank Tenney stated that he feels this needs further work.

Clean up Accessory Dwelling Unit standards & expand size limit. Section 4.2, page 37, Accessory Dwellings (A)(1).

Larry Lewack stated that these are changes to the accessory standards and size limits. Some people are reading the square foot limit as a ceiling and it's really not. This language change

highlights those that start out with a small house and want to build an accessory house there will be more flexibility compared to someone that starts out with a large house and wants to build an accessory dwelling. It equalizes the opportunity available. The state statute about accessory dwellings sets the 30% as a minimum so there can't be further restriction than the 30% but it can be written more liberally by the town. This proposal would bump it up further to 1,500 square feet. Other municipalities all over the map have been looked at. Shelburne is 1,500, Richmond is at 1,000, Hinesburg is at 1,200, state statute is 900 square feet.

James Faulkner stated that he received a letter from the Charlotte Conservation Commission expressing their concerns and lack of support of allowing the increase of the ADU size limit to 1500 square feet. They feel expanding the size of the ADU has several conservation impacts that will occur town wide in every district which includes an increase in total number of acres and percentage of land that could be developed. This could have a negative impact on wildlife. The CCC recommends including a requirement that would minimize habitat fragmentation.

Kelly Devine stated that this decision wasn't unanimous amongst the PC. Peter Joslin stated that there is one change only which is 500 square feet which is basically a 25'/25' room so he disagrees with the CCC. Claudia Mucklow stated that she feels that 1,500 ft is excessive and she's not in support of this and she has spoken with many that aren't in favor of this change. Matthew Citarella stated that it needs to be assumed that all will add 1,500 square ft vs just assuming that most will just add 1,200-1,250.

Kelly Devine stated that she feels this is consistent with the town plan that wants more houses for families. This would be an alternative option to families that want to keep their children here in the town without subdividing. Adding this 500 extra square feet makes it so there might be more families that would want to live in them.

Matthew Krasnow stated that he feels this is an equity issue. This is addressing the size of people's primary residences. The rest of the issues that the CCC brought up should be brought to the voters and to the legislature. The disturbances to the environment are going to be largely mitigated by encouraging increasing by 500 square feet vs breaking new grounds for building. He feels that this is ready for vote to see how the town feels about this issue. Kyra Wegman stated that she feels that the town needs affordable housing for young families to rent and she believes increasing the size of existing homes makes them less affordable to rent. Alexa Lewis stated that it might be beneficial for the habitable square footage to be defined. The concern that the CCC expressed is a good one in her opinion. She also feels the town needs to address the issue of water and wastewater problems as it may alleviate some people's concerns.

Dean Bloch stated that the hearing could be continued on Tuesday September 27th as there would still be time to warn it for the November 8th ballot.

MOTION by Frank Tenney, seconded by Lewis Mudge, to continue the public hearing on proposed amendments to the Land Use Regulations on September 27th at 7pm. VOTE: 4 ayes, 0 nays, 1 absent (McCarren); Motion Carried.

Adjournment

MOTION by Frank Tenney, seconded by James Faulkner, to adjourn. VOTE: 4 ayes, 0 nays, 1 absent (McCarren); Motion Carried.

The meeting was adjourned at 10 p.m.

Minutes respectfully submitted, Brooke Milo, Minute Taker. Edits by Dean Bloch.