

**CHARLOTTE SELECTBOARD MEETING**  
**Wednesday, November 2, 2022**  
**Charlotte Town Hall 159 Ferry Road and via teleconference**

**APPROVED**

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

*Absent:* Matthew Krasnow

**ADMINISTRATION:** Dean Bloch, Town Administrator (*in person*)

**OTHERS:**

*In person:* Charlie Pughe, Kelly Devine, Gerald Bouchard, Julian Kulski

*Remote:* Lawrence Robinson, Peter Hetz, Julia Gilbert, Paul Plante, Michael O'Brien, Teri O'Brien, Lynne Hale, Larry Lewack, Mike Yantachka, Chea Evans, Charlotte News, Deirdre Holmes, Isaiah Kiley, Juliann Phelps, Dorothy Waller, Carrie Spear, Junior Lewis, Peter Joslin

**AGENDA ITEMS:**

7:00 PM Public informational hearing for Australian ballot articles (re: proposed amendments to Land Use Regulations) to be voted at Nov. 8 General Election

8:00 PM Town Garage

**James Faulkner called the meeting to order at 7:06 pm**

**Public informational hearing for Australian ballot articles (re: proposed amendments to Land Use Regulations) to be voted at Nov. 8 General Election**

Charlie Pughe, Chair of the Planning Commission, presented the proposed amendments.

Article 1: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to make legislatively-mandated changes to Sections 4.2(A)(2), Accessory Dwelling, Section 4.16 Telecommunication Facilities, Section 4.20, Energy Facility Siting and Development Standards, Section 5.4(C)(2), Conditional Use Review (for multifamily dwellings), as approved by the Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town's website at [www.charlottevt.org](http://www.charlottevt.org).)

Amendments are to:

Section 4.2 (Accessory Dwellings); removed requirement for conditional use review.

Section 4.16 (Telecommunication Facility); changes are to purpose, jurisdiction, standards, monitoring protocol, post-transmission testing, amendments to existing facilities, lighting/signage/noise, antennas mounted on existing structures, temporary wireless telecommunication facilities, abandoned/dangerous towers, and insurance/bonding requirements.

Section 4.20 (Energy Facility Siting and Development Standards); deleted in its entirety, except for Guidance for Planning Renewable Energy Projects.

Section 5.4 (Conditional Use Review); added statement re: multi-unit dwellings.

Article 2: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to revise and clarify existing standards, make technical updates and revise definitions in Table 2.5(D), Rural District Conditional Use Table, Section 3.2(C)(7), Access Management Standards, Section 3.2(D)(5), Roads and Driveways, Section 3.7 Nonconforming Lots (Existing Small Lots), Section 3.8(2) Nonconforming Uses of Land & Structures (Nonconforming Structures), Section 4.3, Adaptive Re-Use, Section 4.15, Public Facility, Section 4.19(B) Accessory On-Farm Businesses, Section 6.2, Subdivision Waiver Authority, Section 9.2, Exemptions, and Section 10.2, Definitions, as approved by the Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town's website at [www.charlottetvt.org](http://www.charlottetvt.org).)

Frank Tenney clarified the food truck definition and deli definitions were still redlined in the definitions. He asked that redlined items under permitted uses be consistent with zoning bylaws. Some language has been omitted, he said.

Amendments are to:

Table 2.5(D) (Rural District Conditional Uses); Public Facility deleted

Table 2.5(D) (Rural District Conditional Uses); "and Helipad" added to "Airstrip (private)."

Section 3.2(C)(7) Road, Driveway and Pedestrian Access Requirements; deleted "considered a conditional use."

Section 3.2(D)(5) Road, Driveway and Pedestrian Access Requirements; requires road name for third or additional residence.

Section 3.7 (Nonconforming Lots-Existing Small Lots); changes "dimensional requirements" to "minimum lot size requirements;" added: "A nonconforming lot under common ownership with a contiguous lot may be separately conveyed if such lot is conveyed in its preexisting, nonconforming configuration."

Section 3.8 (Nonconforming Uses of Land & Structures); clarifies when the expansion of a non-conforming structure requires DRB review, and when DRB review isn't required.

Section 4.3 (Adaptive Reuse of an Existing Structure); clarifies that Section 5.5(A) [Site Plan Review, Applicability] governs for adaptive re-use projects. This would clarify that single and two family dwellings, associated accessory uses and structures, and uses and structures listed in Section 9.2 are exempt from Site Plan Review.

Section 4.15 (Public Facility); edits to mirror statute; replace "churches, convents" with "Places of Worship (such as churches, synagogues, mosques); replace "hospitals" with Health Clinic, Health Care Facility; add Commercial/Light Industrial District for district in which Health Clinic and Health Care Facility are allowed.

Section 4.15 (Public Facility); removes "Public Facility" as a listed conditional use in Tables 2.1 – 2.6

Section 4.19 (Accessory On-Farm Business); indicates access permit on Route 7 is issued by Vermont Department of Transportation.

Section 6.2 (Waiver Authority); clarifies that only application requirements, not standards, can be waived by the DRB.

Section 9.2(A) (Exemptions); creates a new #2 from the last sentence of current #1, and adds examples of exterior work that would be exempt from regulations, i.e. “adding, eliminating, replacing, enlarging or reducing the size of windows and doors, or replacing exterior siding or roofing materials, or painting and staining of decks and siding.”

Section 9.2(A) (Exemptions); adds new exemption: “Temporary contractor offices and Portable Storage Units associated with construction projects having a valid state &/or local zoning permit for the project. (These structures must be removed within two months following receipt of a Certificate of Occupancy or Certificate of Completion.)”

Section 10.2 (Definitions); adds or revises definitions for:

- Board (revised)
- Building Footprint (new)
- dBm (deleted)
- dBu (deleted)
- Commission (revised; corrected by SB)
- Funeral Home (revised)
- Golf Course (new)
- Health Care Facility (revised)
- Maintenance and Repair (revised)
- Public Facility (revised)
- Undue Adverse Effect (Impact) (revised)
- Variance (revised)

Article 3: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to enact new (or revised) policies and standards in Section 4.2, Accessory Dwelling, and Section 4.17(A), Temporary Structure or Use, as approved by the Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town’s website at [www.charlottevt.org](http://www.charlottevt.org).)

Amendments are to:

Section 4.2 (Accessory Dwelling); a statement indicating that ‘accessory dwellings proposed within nonconforming structures cannot increase the degree of non-compliance’ is removed for clarity; Section 3.8 (Nonconforming Uses of Land & Structures), which requires review by the DRB for such situations, would still apply.

Section 4.17 (Temporary Structure or Use); clarifies that a zoning permit is required.

Article 4: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to reflect the transition to the Development Review Board throughout the Land Use Regulations to replace either “Planning Commission” or “Zoning Board of Adjustment” with “Development Review Board,” and to Section 9.9(A), Municipal Administrative Requirements, as approved by the

Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town's website at [www.charlottevt.org](http://www.charlottevt.org).)

Amendments are to:

Throughout document); PC and ZBA were replaced with DRB where applicable.

The Selectboard corrected nomination of the Zoning Administrator (by the PC, not DRB)

Section 10.2 (Definitions), the Selectboard corrected the definition of "Commission," so no change from current definition.

Article 5: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to enact new (or revised) policies and standards in Section 4.2(A), Accessory Dwelling, as approved by the Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town's website at [www.charlottevt.org](http://www.charlottevt.org) .)

Amendments are to:

Section 4.2 (Accessory Dwelling); increases the maximum total floor area from 1,000 sq. ft. to 1,500 sq. ft.; alternatively, the total floor area is allowed to be up to 30% of the associated single family dwelling, whichever is larger. [The 30% figure is in statute: 24 V.S.A.

§4412(1)(A)(E)(ii)]. Section 4.2 (Accessory Dwelling); this provides a maximum size for an Accessory Dwelling Unit when a primary single family dwelling hasn't been constructed yet. It specifies a maximum size of 1,500 square feet of habitable floor area for such structures.

Article 6: Shall the Town vote to amend the Town of Charlotte Land Use Regulations to enact new (or revised) policies and standards in Section 3.6(B)(1), Lot, Yard & Setback Requirements, and Section 7.2(C), Lot Layout, as approved by the Selectboard on October 4, 2022, pursuant to 24 V.S.A. § 4442? (Copies of the proposed amendment to the Land Use Regulations are available for review at the Town offices and on the Town's website at [www.charlottevt.org](http://www.charlottevt.org) .)

Amendments are to:

Section 3.6 (Lot, Yard & Setback Requirements); this requires all lots to meet dimensional requirements for the district in which they're located, unless they're being proposed as a planned residential or planned unit development or affordable housing.

Section 7.2(C) (General Standards; Lot Layout); this requires all lots being created, including those accessed by a right-of-way, to meet dimensional requirements for the district in which they're located, unless they're being proposed as a planned residential or planned unit development or affordable housing.

Kelly Devine said there are five documents they have been working with, and she asked what is the governing document and how will the editing be conducted. Frank indicated the document in blue and red is the main working document, and after the vote it will be finalized.

Mike Yantachka noted the enormous amount of work that went into the Land Use Regulation updates and he thanked all involved.

### **Town Garage**

James Faulkner discussed a request to reduce the cost to the contractors. They made suggestions. Farrington Construction took about \$800,000 off the cost. A revised budget has been submitted. Changes to the originally proposed truss and pavement were made. The roof type was changed to solar-ready standing seam. It will be heated with wood. Solar panels are planned for the future. The Farrington cover letter was reviewed. Scooter Macmillan asked if there were any concerns about fire hazards with wood heat. Louise McCarren said she would leave that to Junior Lewis' expertise and she added the wood would be free. There will also be an HVAC system installed that will be radiant heat. Plus, it is an outside wood boiler, Frank said. Scooter clarified that his question was about the building being made of wood and that there are all kinds of flammable items inside of the garage and ways fires start. James said all of the State requirements will be up to code. The project will not exceed \$3 Million. A payment performance bond is not needed, Dean said.

**MOTION by James Faulkner, seconded by Louise McCarren, to accept the proposal from Farrington Construction Company dated November 2, 2022 for a design/build contract to build a Town Garage for a total of \$2,957,749.40 (without a payment and performance bond), with the final design and cost to be determined during the design process, and to authorize Jim Faulkner to make adjustments to the design and specifications of the building and site provided the total cost does not exceed \$3,000,000." VOTE: 3 ayes, 0 nays, 1 abstain (Faulkner), 1 absent (Krasnow); Motion Carried.**

Dean said he will be retiring on October 31, 2023. He said he will work towards a smooth transition. .

### **Adjournment**

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

The meeting was adjourned at 8:22 p.m.

Minutes respectfully submitted, Lynn Monty, Minute Taker. Edits by Dean Bloch.