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3 **Town of Charlotte**  
4 **PLANNING COMMISSION**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **April 20, 2023**

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8 *As approved by the Planning Commission – 5.18.23*

9 **Planning Commission:** Charlie Pughe, Gerald Bouchard, Kyra Wegman, Linda Radimer, Robert Bloch (absent), Carrie Spear, (absent).

10 **Staff:** Larry Lewack, Town Planner; Nicole Burnell, Recording Secretary

11 **OTHERS:** Frank Tenney, Paul Plante, Lynn Hale, Claudia Mucklow, Matt Citarella, Kelly Devine

12  
13 **Posted Agenda:**

14 7:00 PM Call to Order

15 7:02 PM Changes to Agenda (if any); Public Comment

16 7:05 PM Work session on cannabis standards (continued) - Review comments from public  
17 hearing on cannabis standards; revisions to draft based on feedback

18 8:00 PM Review/Approve draft meeting minutes: for April 6 mtg.

19 8:10 PM Set schedule for LURs amends: topics for upcoming meetings

20 8:25 PM Discuss CCRPC LURs audit recommends

21 8:40 PM Adjourn

22  
23 **Call to Order:** Charlie Pughe called the meeting to order at 7:01 p.m.

24  
25 **Changes to Agenda (if any):**

26 Charlie suggested to move review/approve draft minutes for April 6 meeting before  
27 continued work session on cannabis standards, as the minutes are applicable to the continuation.

28  
29 **Public Comment:**

30 Claudia Mucklow, on behalf of the Conservation Commission, asked how the Planning  
31 Commission would respond to the letter that the Conservation Commission's which outlined  
32 proposed changes to Land Use Regulations (LURs). Charlie responded that a joint meeting would  
33 be scheduled to discuss that memo. Matt Citarella questioned the intent of S. 100 (an act relating  
34 to expanding housing opportunities). Matt interpreted certain exemptions for duplexes including  
35 lot coverage and setbacks. Kelly Devine echoed Matt's interpretation. Frank Tenney commented  
36 that the intent is for character of the area to not be used as rationale for denial of a duplex.

37  
38 **Review/Approve draft meeting minutes: for April 6 mtg.:**

39 Amendments made. Planning Commission realized that Linda Radimer was not present for  
40 the April 6 meeting, therefore, they did not have quorum needed for approval. SO, tabled.

41  
42 **Work session on cannabis standards (continued):**

43 Regarding mixed use, Larry Lewack added a definition. Charlie questioned if a mixed  
44 indoor and outdoor operation in the Commercial/Industrial District should be a permitted or  
45 conditional use. Kelly noted that a permit was approved by the former Zoning Administrator, then  
46 came before the Selectboard for a mixed use (indoor and outdoor) local license in the Commercial  
47 District. Larry suggested we can learn from that by stipulating conditional use review for any  
48 outdoor cultivation (whether part of a mixed license, or outdoor only) in the Commercial District.

49 Frank noted that in state CCB rules, Tier 1 mixed use is defined separately. In response,  
50 Larry noted that mixed use licensees would go before the Development Review Board and  
51 reiterated his belief it's not necessary to define all possible varieties of mixed use in the LURs.  
52 Frank remarked on state cannabis licensure being limited to one per parcel.

53 In the Rural District, Larry pointed to revisions made to address possible confusion  
54 whether outdoor Tier 1 cultivation is agriculture & thus exempt from permit reviews. The new  
55 draft clarifies that an alleged Tier 1 outdoor cannabis cultivation can require a permit, if they do  
56 not meet exemption criteria. The Tier 1 exemption is for a small (up to 1,000 SF) cannabis  
57 cultivation on RAP-certified farms only. The Vermont Agency of Agriculture, Farms and Markets  
58 (AAFMM) will certify whether or not that farm is following required agricultural practices (RAPs).  
59 Charlie and Frank suggested the Zoning Administrator certify a small outdoor cultivation's  
60 compliance with this standard (this is what would happen under the proposed rule).

61 Lynn Hale asked what recourse the town has when the state CCB certifies a Tier 1  
62 cultivation as exempt, even when they plainly do not meet that license standard. She also asked  
63 what happens if/when an existing cannabis licensee expands their operations; would they be  
64 required to apply for a new permit & license? Larry: yes. He added that anyone who is not  
65 compliant with the town's bylaws could be cited for zoning violations with a warning letter, then  
66 the town could file for a court order for fines, in the event of continued violations. Charlie  
67 responded, if it appears that anyone holding a local cannabis license is operating outside of their  
68 licensed Tier, that would need to be brought to the Selectboard.

69 Larry noted this draft drops earlier proposed size limits within the Adaptive Reuse section.

70 Charlie stated concern for the Application procedures section; are we providing too much  
71 detail? He believes application procedures need not be specified in these LURs, as they can  
72 change. Larry asked where else it would be defined that as a commercial use, conditional use and  
73 site plan approval are required, if not in the Application section. Kelly agreed with Charlie's  
74 concern regarding complexity, and noted that the state is likely to make changes in their rules,  
75 which are referenced. Consensus reached to remove section 2)b) within the Application  
76 procedures section, after clarifying that cannabis businesses must apply for conditional use and  
77 site plan approval if they are not exempt from local permitting.

78 Charlie agreed it makes sense to move Odor performance standards to section 3.12 as  
79 suggested by JD Herlihy and our Town Attorney, who also suggested an odor nuisance exemption  
80 for the flowering period (mid-August to late September). Kyra Wegman voiced disagreement with  
81 that suggestion, feeling it is arbitrary and not applicable to all businesses. As an alternative, Larry  
82 proposed that language be added to Sec. 3.12 that allows the Development Review Board to  
83 require air filtration, screenings, or other mitigation measures to limit impacts on neighboring  
84 properties. Frank made mention of the possibility of grandfathered cannabis use, if agricultural  
85 odor was preexisting. Charlie responded that cannabis is commercial.

86 For Lighting, Charlie suggested that the word 'lumen' be retained in Sec. 3.12 (A)(6), and  
87 references to outdoor fixtures be removed. Larry noted he was trying to decouple impacts from  
88 indoor lighting vs. outdoor lighting. Charlie responded both are relevant in this context.

89 In the definitions section, Larry noted he added mixed use license. Charlie removing  
90 duplicative references within definitions to state statutes. Charlie suggested we add 'hoop houses'  
91 to Sec. 4.17 (Temporary Structure rules) of the LURs, to require a permit for commercial uses of  
92 these structures. There was agreement to add hoop house to list of temporary structure types.

93 **MOTION by Charlie Pughe; seconded by, Linda Radimer, to approve changes to the**  
94 **cannabis standards as agreed during this work session. VOTE: 4 ayes, motion carried.**

95 *Next steps:* Charlie asked Larry to circulate a revised final draft for review by members  
96 before this weekend. Members are asked to edit this draft to address any typos or mistakes, then

97 forward any fixes to Larry not later than Sunday, April 30. Absent any objections, the corrected  
98 draft will then be messaged over to the Selectboard for action on May 1.

99

100 **Set schedule for topics for upcoming meetings:** *(some dates tentative, subject to confirmation)*

- 101 • May 4, Chittenden County Regional Planning Commission (CCRPC) staff presentation re: 3-  
102 year workplan & timeline for their support for LURs and Town Plan amendments
- 103 • May 18, tentative joint meeting with the Conservation Commission
- 104 • June 1, meeting with Tree Warden regarding their role for Shoreline tree removals
- 105 • June 15, tentative meeting with the Development Review Board

106

107 **Discuss CCRPC LURs audit recommends:**

108 One page summary distributed to Planning Commission, and will be made available to the  
109 public via link on agenda on the Town's website.

110

111 **Other:** Charlie confirmed that the Planning Commission filed this week as an interested party for  
112 the Encore Renewable Energy proposed Lake Rd. solar project.

113

114 **Adjournment:**

115 **MOTION by Charlie Pughe; seconded by, Kyra Wegman, to adjourn the meeting.**

116 **VOTE: 4 ayes, motion carried.** The meeting was adjourned at 9:08 p.m.

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118 Minutes respectfully submitted:

119 Nicole Burnell, Recording Secretary, with edits by Larry Lewack, Town Planner