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3 **Town of Charlotte**  
4 **PLANNING COMMISSION**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **April 4, 2024**

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8 ***DRAFT – subject to approval by the Planning Commission***

9 **Planning Commission:** Matt Krasnow (Vice Chair), Gerald Bouchard, Carrie Spear, Linda Radimer, Robert Bloch. *Absent:* Charlie Pughe (Chair), Kyra Wegman.

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

11 **OTHERS:** Frank Tenney, Charles Russell, Paul Plante, Claudia Mucklow, Bud Shriner, Jason Stockwell.

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14 ***Posted Agenda:***

15 7:00 PM Call to Order  
16 7:02 PM Changes to Agenda (if any); Public Comment  
17 7:05 PM Villages project – upcoming events, outreach messaging  
18 7:20 PM Review & discuss new LURs draft: Act 47-mandated changes  
19 7:50 PM Finalize(?) Sec. 3.8.b, NC Structures & Sec. 3.1 & setback definition drafts  
20 8:20 PM Discuss & mark up draft LURs revisions to Sec. 9.7 (continued)  
21 8:40 PM Review & approve draft meeting minutes: March 21 meeting  
22 8:45 PM Adjourn

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24 **Call to Order:** Matt Krasnow called the meeting to order at 7:03 p.m.

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26 **Changes to Agenda (if any):** Linda Radimer asked to review a letter she had received regarding water. Matt Krasnow asked if she could hold that thought until the next meeting; any document presented for discussion at a PC mtg. needs to be shared in advance with members & the public. Linda agreed.

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31 **Public Comment:** None.

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33 **Villages project – upcoming events, outreach messaging:**

34 Larry Lewack noted that three events will be held during the week of April 8<sup>th</sup>. On April  
35 10<sup>th</sup> a virtual design workshop will be held, open to all. The other two events, scheduled for April  
36 11<sup>th</sup>, are targeted for residents of the East and West Villages. Eleven Meetings have been held thus  
37 far, three more scheduled this week. In addition to these meetings, the project has promoted two  
38 surveys, one of which, the visual preference survey, is still open. Data from all meetings and  
39 surveys is being compiled. In June, a draft villages concept plan and report that summarizes all  
40 community feedback received to date will be presented to the Planning Commission and the  
41 public for review. Once approved, this concept plan will be used as the basis for proposed changes  
42 to zoning bylaws, which our consultant team will draft over the summer.

43 Frank Tenney questioned if changes to zoning bylaws are necessary to increase housing.  
44 Frank suggested a comparison of current and proposed changes to bylaws to understand how  
45 proposed changes would increase housing opportunities. Larry spoke to a spreadsheet previously  
46 created by Charlie Pughe, relevant to Frank's suggestion, that could be updated. Larry also  
47 mentioned that a suggestion was made for a story to run in the *Charlotte News* to explain  
48 legislative changes made that affect density for housing. Linda said that publicizing conserved

49 areas would be helpful. Robert Bloch agreed with Frank's suggestion. Charles Russell said Frank's  
50 suggested comparison should occur after all data collection efforts have taken place.

51

52 **Review & discuss new LURs draft: Act 47-mandated changes:**

53 Larry presented a document that he had created which listed Act 47 mandated changes to  
54 Charlotte Land Use Regulations (LURs). Robert asked if mandated changes have any leeway,  
55 asking if any discussion is needed. Larry said there is value in the Planning Commission reviewing  
56 the document, to ensure accuracy, before a public hearing and presentation to the Selectboard.

57 Claudia Mucklow asked if a duplex can have two owners or one. Claudia then asked if two  
58 owners is possible, then which owner has the right to an accessory dwelling unit (ADU). Charles  
59 read from VT statutes (24 VSA §4412(E)), which indicate that ADUs are permissible only for a  
60 single-family residence. Charlotte's LURs at Sec. 4.2.(A) includes this same restriction.

61 Larry reviewed the first category of change in Table 2.1 – Table 2.6. The change being 5  
62 acres/*dwelling unit* changing to 5 acres per residential *use*. This reflects that duplexes must be  
63 allowed in all districts which allow year-round residences.

64 The second category of change in Table 2.1 - 2.5 has slight variation in language across  
65 tables, but better reflects the purpose and intent of public facilities regulation from VT statute at  
66 24 VSA 4413 (a)(1). i.e., municipalities may not unduly restrict certain categories of proposed uses  
67 (including churches, schools, and nonprofit facilities, and now emergency shelters). Our LURs  
68 language incorrectly defines public facilities as only municipally-owned buildings. The important  
69 specifics about this are included in Table 4.2 of the LURs. So this is a great opportunity to correct  
70 and simplify our standards, leaving only those that are relevant & in conformance with VT statute,  
71 e.g. restricting some categories of 'public facilities' only to certain zoning districts in town, then  
72 referring readers to the specifics spelled out in Table 4.2.

73 The third category is affordable housing provisions – limited height bonus. Larry said that  
74 if someone was to build an affordable housing project, served by public wastewater and water  
75 supply, an additional floor above the district height limit must be allowed. (Does not apply to  
76 Charlotte now, as we currently have no parcels that can qualify for that height bonus.)

77 The fourth category is public facility use types that must be allowed. Larry pointed out that  
78 this includes emergency shelters. Robert asked if certain districts could be excluded. Larry  
79 responded that they could; we could restrict location of emergency shelters to certain areas. Linda  
80 asked about addiction recovery outpatient services. [*Ed. note: this type of use is not currently*  
81 *spelled out as a conditional or permitted use in the Charlotte LURs, but by law must be considered*  
82 *as a permitted use, equivalent to a single-family residence.*]

83 The fifth category pertains to housing non-discrimination in conditional use and site plan  
84 reviews. Conditions related to design, location, scale, and intensity cannot be used to block  
85 residential housing projects based on "character of the area."

86 The sixth category is regarding rights to appeal permits. Interested party status has  
87 expanded to include 10 or more residents who have signed and submitted a valid petition to  
88 appeal. Matt questioned if every decision the Developmental Review Board issues results in a  
89 permit. Through discussion, members decided that language needed clarification.

90 The seventh category is to include definitions for duplexes and emergency shelters, which  
91 the draft includes language based on Act 47 requirements.

92 Larry opened the discussion for comment. Gerald Bouchard asked to review Table 2.5 –  
93 Rural District. Specifically, the minimum frontage standard of 300 ft. The standard cannot be  
94 regularly met. Larry said that there is not a state mandate to change the 300 ft. standard. Frank  
95 added state mandates are under review. Larry explained that there is an alternative to the 300 ft.  
96 standard, when a lot in a subdivision can demonstrate access by a right of way/easement at least

97 50 ft. wide, and a second scenario, which requires any subdivision proposing a lot that does not  
98 meet all district dimensional standards may be reviewed and approved as a Planned Residential  
99 Development. Matt suggested Gerald's concern be added as a work plan item.

100 Gerald asked about the discrepancy in Table 2.5 between maximum building coverage at  
101 20% and maximum lot coverage at 30%. Larry confirmed that the difference is that lot coverage  
102 includes the driveway, parking areas and other impermeable surfaces such as patios.

103 Charles pointed out that the new right to appeal clause should read 10 or more *voters or*  
104 *residents* not just *residents*. Charles suggested that the inability to appeal affordable housing, based  
105 on the character of the area, should also be listed in the appeals section.

106 *Next steps:* Larry will revise and present an updated draft at the next meeting.  
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108 **Finalize(?) Sec. 3.8.b, NC Structures & Sec. 3.1 & setback definition drafts:**

109 Larry said that all suggested changes had been added to the current draft. Larry asked if the  
110 draft was good enough to move to public hearing.

111 Robert asked for clarification on B.1.C *it does not increase the average height of the non-*  
112 *conforming part of a structure*. Specifically, how the average height is determined. It was clarified  
113 that this is calculated as the average elevation across the building's span to the highest point of the  
114 non-conforming part of the structure. Robert asked for a definition of average height to be added.  
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116 **Discuss & mark up draft LURs revisions to Sec. 9.7 (continued):**

117 Agenda item tabled.  
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119 **Review/approve draft PC meeting minutes: for March 21, meeting:**

120 **MOTION by Gerald Bouchard, seconded by Robert Bloch, to approve the PC meeting**  
121 **minutes for March 21, 2024, as written. VOTE: 5 ayes, motion carried.**  
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123 **Adjournment:**

124 **MOTION by Robert Bloch; seconded by Carrie Spear, to adjourn the meeting. VOTE: 5**  
125 **ayes, motion carried.** The meeting was adjourned at 8:37 p.m.  
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127 *Minutes respectfully submitted:*

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