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Town of Charlotte
PLANNING COMMISSION
Meeting Conducted at Town Hall and via Teleconference
August 3, 2023

As approved by the Planning Commission, 8.17.23

Planning Commission: Carrie Spear, Kyra Wegman, Gerald Bouchard, Linda Radimer, Matt Krasnow (virtual), Robert Bloch (virtual), Charlie Pughe (absent)

Staff: Larry Lewack, Town Planner

OTHERS: Paul Plante, Frank Tenney, Claudia Mucklow

Posted Agenda:

7:00 PM Call to Order
7:02 PM Changes to Agenda (if any); Public Comment
7:05 PM Consultant selection process for Villages Master Plan project: update
7:10 PM Act 47 implications for Charlotte: discuss current interpretations (handout)
7:40 PM Map out topics/schedule for LURs amends: late summer into fall months
8:20 PM Review/approve draft PC meeting minutes: for June 29, July 20 mtgs.
8:30 PM Adjourn

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

Changes to Agenda (if any): Linda Radimer asked to discuss water protection. Carrie Spears asked to add having and using town maps.

Public Comment: None.

Consultant selection process for Villages Master Plan project: update:

Larry Lewack provided an update. Interviews tentatively scheduled for August 3rd have been pushed out to August 17th to allow for sufficient time for responses to be made to CCRPC's Request for Proposal, and for interviews to be held. Carrie asked which Planning Commission members had been selected to participate in interviews. Larry responded that it was left at the July 20th meeting that anyone interested would participate. Carrie requested materials that Larry based his candidate decision upon.

Act 47 implications for Charlotte: discuss current interpretations (handout):

Larry summarized S.100 and noted that the most significant changes do not impact Charlotte, as Charlotte does not have municipal water and sewer capacity in place. Larry noted that the Selectboard can now act as a legislative body to adopt LURs amendments without a town-wide vote, which changes the politics of how the process unfolds. Larry pointed out that the Planning Commission still has the responsibility to draft changes to bylaws, edit as necessary, hold public hearings, then forward to the Selectboard for their consideration.

Robert Bloch asked Larry to elaborate on his comment, *changes the politics*. Larry responded that, historically, the Planning Commission understands the nuances and details of proposed amendments, but it has proven to be sometimes quite difficult to convey those nuances to the whole community, to secure their support. Generally speaking, it's easier to explain

48 complex changes to 5 elected officials than to the entire town electorate of some 1,200 people.
49 Larry added that he believes the Selectboard would be diligent in taking controversial changes to a
50 town-wide vote. Robert responded that he does not see this as a change. Larry replied that by
51 giving the Selectboard this power directly, it potentially adds a new wrinkle to Selectboard
52 elections. Candidates can be questioned about their view of development in town; whether they
53 favor growth at all, and if permitting should be easier or more difficult, and whether town
54 resources should be devoted to building additional infrastructure, such as water and wastewater
55 capacity. Their answers could influence the outcome of elections.

56 Matt Krasnow suggested that the Planning Commission request time on the Selectboard's
57 agenda to tease out how the town will work within this new process. It would be helpful for the PC
58 to discuss with the Selectboard how they plan to handle this, going fwd. This discussion would
59 cover what kind of amendments would be passed directly by the Selectboard, vs. those that would
60 be scheduled for a town-wide vote. Linda Radimer voiced concern about a small number of people
61 (Selectboard) being able to make significant changes to the Land Use Regulations, and pointed out
62 there's a risk the focus may veer away from policies that benefit the entire town.

63 Kyra Wegman asked what recourse residents have if they object to a change passed by the
64 Selectboard. Larry responded that concerned residents can petition for a town-wide vote on an
65 adopted rule which may prove to be unpopular. This requires assembling a petition with the
66 signatures of at least 5% of the town's voters, or about 180 people. This has happened recently, in
67 2022. (The PC did not support that change, and the Selectboard didn't agree to schedule it for a
68 town-wide vote.) Robert clarified his question, and asked if the Planning Commission should
69 consider the voters or the Selectboard when proposing changes. Larry: it's both, really. All drafts
70 go the Selectboard after the PC finishes working on them. The public gets to weigh in at least
71 twice: at a PC hearing, and then again in a Selectboard public hearing. If the Selectboard chooses
72 to send draft changes to a town-wide vote, it would still be up to the PC to explain the effect of the
73 proposed change to voters, and advocate for its adoption.

74 Claudia Mucklow suggested that the Town Plan should guide the Planning Commission in
75 drafting proposed changes. Matt responded that there are frequent disconnects between the Town
76 Plan and Land Use Regulations, in Charlotte and throughout Vermont. Frank Tenney commented
77 that the Selectboard can pass LURs amends, but the process isn't always linear. If the Selectboard
78 believes a draft from the PC is not ready for adoption, they would pass it back to the Planning
79 Commission for further revision. That part of the process is unchanged. Kyra suggested that
80 significant topics be scheduled for a vote, and that public participation is requested when it is
81 important. Larry agreed, and emphasized that outreach is essential to educate the public.

82 Gerald Bouchard read from Tables 2.2, 2.3, 2.4, 2.5 and 2.6 from Larry's outline and asked
83 Larry to clarify on duplexes vs. Accessory Dwelling Units. Larry responded to Gerald's question; a
84 duplex is allowed on a single lot of 5 acres or more. No Board review is required to modify a single
85 family dwelling into a duplex, or build a duplex from scratch on a legal lot. Regarding ADUs,
86 anyone with a single-family dwelling can add an ADU with a zoning permit now. Gerald asked if a
87 duplex can be added to an ADU; Larry said this question is not yet resolved.

88 Matt added that the Town has no ability to bar ADUs that otherwise fit within the LURs.
89 Matt also clarified that amendments to make our Land Use Regulations better comply with the
90 requirements of Act 47 is not required, but: to the extent our LURs vary from state statute, they
91 are subject to successful challenges in environmental court. Kyra objected to changing Shoreland
92 District standards (Table 2.6) to specifically allow duplexes as a permitted use. She feels water
93 protection should be a higher priority than the housing crisis, as more housing could be built away
94 from the lake. She believes holding onto our current rule (no duplexes allowed there) would be
95 worth defending in environmental court if appealed. Matt did not feel that bylaws that contradict

96 state law would be responsible; lobbying the legislature would be the preferred route to change.
97 Robert noted that increased density on the shoreline doesn't necessarily lead to degraded water
98 quality. Inadequate wastewater treatment and dairy farms are much more significant issues
99 impacting water quality in Lake Champlain.

100 Frank asked if ADUs are allowed in the Shoreland District, Larry confirmed they are. Frank
101 summarized that the major difference between a duplex and an ADU is that a duplex could be fully
102 rented; the landowner does not have to be a resident. Larry clarified that duplexes are connected,
103 ADUs can be physically separated (but may also be connected). Larry added that increased septic
104 capacity would be required in most cases; this is a significant factor that limits growth. Matt
105 recalled from an earlier Planning Commission exercise that a duplex is not allowed to have an
106 ADU. Kyra asked for clarity about who determines if wastewater capacity is sufficient. Larry noted
107 that Charlotte retains the ability to permit wastewater; all other Vermont towns have relinquished
108 that responsibility to the state. Matt provided insight on how permits are vetted. The Selectboard
109 worked hard to make sure the town's permitting capacity is professionally staffed, so that
110 residents can get timely assistance in making sure that projects are high-quality, and conform to
111 the LURs. Consensus that we should continue this discussion at our next meeting.

112
113 **Map out topics/schedule for LURs amends: late summer into fall months:**

114 Larry presented a previously created work plan, which had since expired. Larry then
115 presented an outline for Land Use Regulations rewrites based on recommendations from the
116 Chittenden County Regional Planning Commission (CCRPC) audit. Larry pointed out that there are
117 some outstanding items from this list. Larry also put forward an additional list he had created that
118 was broken into three categories. Topics that we started that remain unfinished, remaining CCRPC
119 items, and issues flagged by the Development Review Board, Town Administrator, etc., for
120 cleanup. Larry suggested outlining topics for the next 3-4 meetings.

121 Larry reviewed rationale for items in the third category. Carrie proposed continuing the
122 work on non-conforming structures as an agenda item for an upcoming meeting. Re: topics
123 already discussed, Larry suggested that a limited number be identified and completed versus
124 tabling indefinitely. Carrie then suggested setback waivers as an additional item. Gerald reviewed
125 the revisions Larry had previously presented to the Planning Commission for non-conforming
126 structures, asked a clarifying question about maintenance which would increase non-
127 conformance. Kyra pointed out that the Development Review Board has practical use of the work
128 that the Planning Commission does. Robert agreed and suggested the third category as a starting
129 point for upcoming agenda items.

130 Carrie and Gerald discussed their concern how town resources are squandered in legal
131 appeals. Larry added insight, that at least 85% of all projects are approved without Board review.
132 Kyra suggested utilizing counsel to help the PC create guidelines. Larry noted this is already our
133 practice. Matt noted that the approved town budgets include covering costs for legal reviews of
134 draft LURs amendments, and for permit appeals. Carrie presented an example for Larry to
135 respond to. A 5-acre parcel is purchased for building a single-family dwelling, what is the
136 oversight beyond the Zoning Administrator issuing a permit. Larry responded that it depends on
137 whether there is an existing driveway access on a town road. If not, a Highway Access permit may
138 be required. If additional septic capacity is needed, that would require additional review, and a
139 separate permit from the town. That said, a single-family home proposed to be built on a legal lot
140 with permitted septic and an approved driveway requires only a zoning permit.

141 Kyra asked if non-conformance is an issue only on Thompson's Point. Larry responded it's
142 much broader than that; non-conforming structures appear in every zoning district. Kyra
143 suggested three-dimensional mapping for landowners on what is permissible on their property.

144 Larry answered that this is part of the pre-application meeting, which is a standard practice for all
145 complex projects. Paul Plante asked about the mapping used in the pre-application meeting,
146 specifically, if tax maps are being used. Larry confirmed these are part of the process, but they are
147 supplemented by using orthographic images and natural resources as shown on the Charlotte Map
148 Viewer. Paul noted that the tax map has inaccuracies. Linda asked if the Development Review
149 Board participates in Sketch Plan Review. Frank confirmed, but this is usually not done for
150 Conditional Use reviews.

151 Larry summarized agenda items prioritized for future work: non-conforming structures,
152 Act 47 mandated changes, conditional use review edit, flood hazard zone edit. These will be
153 scheduled for discussion at upcoming PC meetings.

154
155 **Water Protection:**

156 Matt asked Linda if she would like to discuss water protection tonight. Linda asked that the
157 this item be added to the agenda for the August 17th meeting.

158
159 **Mapping:**

160 Carrie presented an existing town land use map. Larry clarified that Carrie is looking at
161 Map 11, Existing Land Use, from the current Town Plan. He demonstrated where Town Plan maps
162 can be found on the Town website.

163
164 **Review/approve draft PC meeting minutes: for June 29, July 20, mtgs.:**

165 The needed quorum to approve the June 29th draft minutes was not in attendance. The
166 needed quorum to approve the July 20th draft minutes was not in attendance. Thus, both reviews
167 and votes were postponed to our next meeting.

168
169 **Adjournment:**

170 **MOTION by Matt Krasnow; seconded by, Kyra Wegman, to adjourn the meeting.**

171 **VOTE: 6 ayes, motion carried.** The meeting was adjourned at 8:58 p.m.

172
173 Minutes respectfully submitted:

174 Nicole Burnell, Recording Secretary, with edits by Rebecca Kaplan, Planning and Zoning Assistant,
175 and Larry Lewack, Town Planner.