

1
2
3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **December 14, 2023**

7
8 *Approved by the Planning Commission – 1.4.2024*

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

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

12 **OTHERS:** Paul Plante, Frank Tenney, Charles Russell, JD Herlihy, Susan Crockenberg.

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 Nonconforming Structures: consider redraft of LURs amends, with edits/feedback
17 suggested by members

18 7:45 PM Additional edits to Sec. 3.1, 9.7: redrafts tied to NC structures reviews

19 8:30 PM Review & approve draft meeting minutes: June 29, Dec. 7 mtgs.

20 8:45 PM Adjourn

21
22 **Call to Order:** Charlie Pughe called the meeting to order at 7:05 p.m.

23
24 **Changes to Agenda (if any):** None.

25
26 **Public Comment:** None.

27
28 **Nonconforming Structures: consider redraft of LURs amends, with edits/feedback**
29 **suggested by members:**

30 Charlie said that having two versions to consider is difficult. Larry Lewack explained the
31 difference between the two drafts. Charlie asked that going forward, to only have one draft for
32 review. The Planning Commission decided to work from version 6c.

33 Charlie called attention to item B)1) in the draft. Charlie asked for the removal of the
34 statement *these projects do not require a zoning permit*. Charlie believes this should be covered
35 under the permitting section of Land Use Regulations (LURs). Larry responded that the rationale
36 is that B)1) stands alone as a condition that does not require a permit, that statement provides
37 clarity.

38 Charlie moved on to B)2). Charlie questioned if teardown and rebuild falls under this
39 category. As it currently reads, rebuild is possible only after severe damage or total destruction.
40 Charlie suggested that the clause *after severe damage or total destruction* be removed.

41 Frank Tenney directed the conversation to Section 3.1 and questioned proposed
42 timeframes. Larry responded that the intent is to outline a reasonable amount of time to act. Larry
43 proposed that the Zoning Administrator would send a letter following a disaster, outlining the
44 right to rebuild. Public safety hazards would be treated differently.

45 Susan Crockenberg asked for clarification on B)3), specifically, the bullet *does not encroach*
46 *further into the setback*. Susan asked if B)3) excludes any change to a structure entirely behind the
47 setback line, that would remain behind the setback, but expanded. Larry responded Susan's

48 example would require a Zoning permit. Charlie read B)3) a)-c). Through review, it was
49 determined c) would be encompassed by a) if changed to *does not encroach farther into any*
50 *setback*. With that edit, agreement to remove c). Charlie also asked for the removal of the
51 statement *requires a zoning permit*, as again, this would fall under the permitting section of LURs.
52 Kyra Wegman suggested that an applicant could use the absence of the statement as justification
53 to not obtain a permit. Charlie remained adamant that LURs should not be redundant for applicant
54 ease. Larry shared the frequently asked zoning questions document that is available to applicants.

55 JD Herlihy questioned how structures that are not square or parallel would be handled.
56 Frank said historically, the closest point to the setback line was determined, and was the baseline
57 to restrict from moving any closer, without Development Review Board approval.

58 Charlie directed the conversation to B)4). Kyra questioned why B)4) doesn't suggest
59 movement to occur behind the setback instead of side-to-side. Larry responded the burden of
60 proof is on the applicant to explain why their proposal creates the least amount of non-
61 conformance—which is the goal. Linda Radimer asked where *the reconstruction retains at least*
62 *10% of the former footprint of the structure* comes from. Larry said this is based upon Hinesburg's
63 rule, that it is a means to establish what constitutes reconstruction, and outlines the property
64 owner's vested rights (as a nonconforming structure subject to these provisions, vs. being treated
65 as an entirely new structure that requires variance approval). B)4) mainly applies to when
66 someone wants to start over. Frank said this might restrict someone that wants to center their
67 home on a lot, if the retained footprint doesn't hit 10%. Linda questioned if 10% is enough. Larry
68 responded that town attorney advised to specify a standard.

69 Charlie asked to revisit B)3) to clarify what the intent is. Kyra suggested that *relocation* be
70 removed from B)3) and added to B)4). Charlie agreed. Charlie made additional edits to include
71 relocation and for clarification on determining increased conformance when comparing before
72 versus after measurements.

73 Frank addressed B)5) and asked how it would apply when they are not in a given setback,
74 but would need to go into that setback, to center the structure on the lot. Larry commented this
75 would be required conditional use review and approval by the DRB, in alignment with Sec. B)5).

76 Larry moved to B)6) and explained how the item encompasses how DRB approval for
77 projects falling under B)4) and B)5) is contingent upon standards as outlined in new Sec. 9.7.B.

78 Charlie asked for grammatical edits to B)7) to ease DRB conditional use review.

79

80 **Additional edits to Sec. 3.1, 9.7: redrafts tied to NC structures reviews:**

81 Beginning with 3.1, Larry discussed edits made to A) to rectify items that fall under the
82 Zoning Administrator, not the DRB.

83 In B) Kyra pointed to a removal of wording pertaining to permitting. Charlie pointed out
84 that adding demolition to A)1) would allow for deletion of the beginning of the paragraph.

85 Charlie moved to C) and noted that building back and adding requires permitting. As
86 edited, *the replacement structure must conform to all dimensional standards, or it may require*
87 *additional permitting*.

88 Frank questioned what constitutes abandoned. Larry responded it refers to residential
89 property that was formerly occupied, when tenants must move out because of damage, or it
90 becomes uninhabitable. Frank said that requiring stabilization or demolition for heavily damaged
91 structures is appropriate for residences close to a road or another house, but would not be
92 necessary for barns and other unused agricultural structures in the middle of large lots. He wants
93 to ensure that the Zoning Administrator would not use their authority to enforce this clause in
94 those situations. Larry said he does not believe this will be a problem, if these are adopted.

95 9.7 draft (Setback Modifications and Variances) was tabled due to time constraints.

96

97 **Review/approve draft PC meeting minutes: for June 29, December 7, mtgs.:**

98 The needed quorum to approve the June 29th draft minutes not in attendance.

99 **MOTION by Robert Bloch, seconded by Gerald Bouchard to approve the PC meeting**
100 **minutes for December 7, 2023, as amended. VOTE: 5 ayes, motion carried.** Kyra Wegman
101 abstained.

102

103 **Adjournment:**

104 **MOTION by Robert Bloch; seconded by, Kyra Wegman, to adjourn the meeting. VOTE:**
105 **6 ayes, motion carried.** The meeting was adjourned at 9:04 p.m.

106

107 Minutes respectfully submitted:

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