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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **December 7, 2023**

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

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

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

12 **OTHERS:** Paul Plante, Frank Tenney, Charles Russell.

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 Thompson’s Point LURs: discuss background materials shared; Determine next
19 steps, schedule to markup revised draft

20 8:30 PM Review & approve draft meeting minutes: June 29, Nov. 16 mtgs.

21 8:45 PM Adjourn

22
23 **Call to Order:** Charlie Pughe called the meeting to order at 7:02 p.m.

24
25 **Changes to Agenda (if any):** Charlie asked to review meeting minutes first. Larry Lewack offered
26 to provide an update on the Village Master Plan project.

27
28 **Public Comment:** None.

29
30 **Review/approve draft PC meeting minutes: for June 29, November 16, mtgs.:**

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

32 **MOTION by Gerald Bouchard seconded by Robert Bloch to approve the PC meeting**
33 **minutes for November 16, 2023, as amended. VOTE: 4 ayes, motion carried.** Linda Radimer
34 had not yet arrived.

35
36 **Nonconforming Structures: consider redraft of LURs amends, with edits/feedback**
37 **suggested by members:**

38 Larry said with Rebecca Kaplan’s help, he added illustrations for the five scenarios
39 addressed within the draft. Charles Russell suggested adding the property line and where the non-
40 conformance exists to the illustrations.

41 Charlie called attention to item B)1) in the draft. He proposed the separation of restoration
42 and reconstruction, from routine maintenance and repair. In his opinion, reconstruction should
43 require a permit, and meeting current building codes. Larry responded that Charlotte does not
44 have the capacity or authority to enforce building codes; the Zoning Administrator issues a Zoning
45 permit solely upon whether the project meets specifications in Land Use Regulations (LURs).
46 Larry pointed to the correlation of item B)1) to Section 9.2 (exemptions from the need for a zoning

47 permit). Larry noted that Section 3.1 would need to be revised if we separate reconstruction as
48 requiring a zoning permit.

49 Charlie responded if more than 50% of the structure is damaged, a permit should be
50 required. Robert Bloch questioned who would determine the 50%: an insurance adjuster? Charlie
51 responded that the standard would be to simply state 50% or more damage will require a permit.

52 Charlie asked how an applicant knows what requires a Zoning permit. Larry noted in
53 Charlotte, a zoning permit is equivalent to a building permit. The Zoning Administrator makes the
54 final determination about whether a zoning permit is needed for any given project.

55 Larry turned back to item 1) in the draft, and confirmed that Charlie is suggesting
56 separating routine maintenance and repair from reconstruction. He will rephrase B)1) to address
57 only repairs that do not involve total reconstruction. He will also prepare a separate revision to
58 Sec. 3.1 language that clarifies the difference between the two types, and stipulates the vested
59 rights and timeframe for projects involving total reconstruction (which require a permit).

60 Charlie moved on to item 2) in the draft, and asked for clarity on increased height. Larry
61 said this section states height may not be increased on the non-conforming part of a structure,
62 without conditional use approval from the Developmental Review Board (DRB). Larry used the
63 illustrative examples to provide further clarification, and added that scenarios described in B)4)
64 and B)5) in the draft require conditional use review. Charles suggested defining height. Charlie
65 said that vertical expansion could be used. Larry said that figure 2 in the illustrative examples
66 covers running parallel in the setback. Charlie said that there is redundancy in the statements *as*
67 *confirmed by the Zoning Administrator. These projects require a zoning permit.* Charlie asked that
68 they be removed.

69 Larry said that item 3) in the draft is a rare situation. Charlie believes the item is not
70 needed. Charles read from LURs on relocation which falls under development. Charles suggested
71 adding this situation to item 2). Larry will do this.

72 Larry read item 4). Charlie asked if there are standards for when the DRB would allow this.
73 Larry confirmed that there are standards (in B)5, a-d) that can be applied by the DRB. Charlie
74 pointed out the standards as written for item 5 would allow increased non-conformance, not an
75 overall decrease (as in item 4). (*Ed. note: these are two different situations, both requiring*
76 *conditional use review.*) Larry will redraft, to make it clear standards apply to both B)4 and B)5.

77 Frank Tenney asked about building out parallel to the non-conforming setback line. Charlie
78 confirmed that is possible, as outlined in illustrative example 2. Frank then asked about centering
79 a nonconforming house on a 100 ft. lot, which would increase conformance in the front, but
80 decrease conformance in the back, asking if that would be possible. Charlie answered Frank's
81 scenario would require conditional use review with the DRB. Charles pointed out that a building
82 which is not currently in a setback, cannot center by going into that setback. Larry agreed, that (if
83 new construction) that would require a variance. Frank stated that was to be addressed through
84 this process. Larry said yes, ideally, but the focus of this rewrite is providing some leeway for
85 modifying existing nonconforming structures. Entirely new construction doesn't have the same
86 vested rights that arise from a structure's current nonconforming status.

87 Charlie spoke to possible ramifications of the proposed changes in the Village district.
88 Robert questioned if different standards could be applied to the various districts. Larry responded
89 that the Village district already has more generous lot coverage, and smaller setbacks. LURs
90 pertaining to non-conforming lots (Sec. 3.8.A) have not been revised; they allow for development
91 and sale of such lots on generous terms.

92 Consensus that we should calculate before and after square footage of encroachment. This
93 would need to be equal to or less than existing encroachment to qualify as 'less nonconforming.' In

94 addition, 10% of the new structure would need to be co-located with the existing structure. (These
95 projects would still require conditional use review and approval.)

96 Charlie read a statement which defines the purpose of a setback: to provide access to light
97 and air, provide fire separation, access, and maintain the existing neighborhood patterns. Charlie
98 said that the statement also speaks to undue adverse effect. Frank questioned if the rationale
99 would be included under general standards. Gerald Bouchard suggested including in the
100 definitions section. This will be done for the next draft.

101 Charlie pointed to the word *waiver* in proposed standard a), asking if there is going to be a
102 change to grant waivers, and if so, to include a waiver section in LURs. Frank suggested the phrase
103 *conditional use approval* instead of waiver to avoid creating a waiver section. Charles suggested
104 the word *modification* instead of waiver.

105 Charlie asked if 10 ft. minimum distance to the property line should be included. Charlie
106 then asked about the timing piece in Section 3, confirming that it is being removed. Larry
107 answered that timing is being addressed in the reconstruction concept. The intent is to remove the
108 DRB from the process. Charlie proposed moving timing to Section 3.1.

109 *Next step:* Larry will prepare a redraft for the Commission's consideration at our next
110 meeting, on Dec. 14.

111

112 **Thompson's Point LURs: discuss background materials shared; Determine next steps,**
113 **schedule to markup revised draft:**

114 Charlie has investigated getting the CEA Thompson's Point engineering drawings revised,
115 as they do not accurately represent where houses are located relative to property lines. This redo
116 will also include adding the 100 ft. setback line from the lakeshore. These items are not available
117 yet, hence the Commission will defer consideration of these items until January.

118

119 **Adjournment:**

120 **MOTION by Robert Bloch; seconded by, Gerald Bouchard, to adjourn the meeting.**

121 **VOTE: 4 ayes, motion carried.** The meeting was adjourned at 9:12 p.m. (Kyra Wegman exited the
122 meeting prior to the vote to adjourn.)

123

124 *Minutes respectfully submitted:*

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