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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **February 16, 2023**

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8 *Approved by the Planning Commission – March 9, 2023*

9 **Planning Commission:** Charlie Pughe, Gerald Bouchard, Robert Bloch, Carrie Spear, Kyra Wegman, Linda Radimer. Absent: Kelly Devine.

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

11 **OTHERS:** Frank Tenney, Paul Plante, Justin Samuel, Alexa Lewis, Lynn Hale, Matt Citarella, Justin Gelinas, Claudia Mucklow.

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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 Review/Approve draft meeting minutes: for Feb. 2 mtg.
18 7:10 PM Work session #5 on Cannabis standards: final markups to draft; set hearing date
19 7:30 PM Set schedule for LURs amends: topics for upcoming meetings
20 7:40 PM Thompson's Point LURs amends, redux: revisit draft; markup & next steps
21 8:00 PM PC Rules & Ethics policy: review drafts; final markup & adoption
22 8:30 PM Community Heart & Soul: follow-ups from last meeting
23 8:40 PM Adjourn

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

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27 **Changes to Agenda (if any); Public Comment:** (There were none.)

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29 **Review/Approve draft meeting minutes: for February 2 meeting:**

30 **MOTION by Robert Bloch; seconded by Gerald Bouchard to approve the PC meeting**
31 **minutes for Feb. 2, 2023, as amended. VOTE: 6 ayes, motion carried.**

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33 **Work session #5 on Cannabis standards: final markups to draft; set hearing date:**

34 Charlie Pughe noted that he had distributed information on performance standards which
35 were reviewed. Kyra Wegman questioned how compliance with performance standards would be
36 enforced. Charlie responded that the burden of proof is on the business operator to demonstrate
37 compliance, and what would define a nuisance, as the basis for enforcement of violations.

38 Robert questioned why the proposed 250 ft. buffer from Town parks was different than
39 residential buffers. Charlie responded that the 250 ft. buffer was taken from Stowe's regulations,
40 the 200 ft. is consistent with Charlotte's agriculture regulations. Kyra questioned the provision
41 that enables the Development Review Board (DRB) to require additional buffers. Larry Lewack
42 responded that this provision conforms with current Land Use regs standards for site plan review.

43 Robert questioned if the regulations would be enacted as an interim bylaw. Larry clarified
44 if the Selectboard wants to adopt this draft as an interim bylaw, that can be decided by the
45 Selectboard without a Town vote. Those interim rules are valid for up to two years.

46 With respect to standards Charlie presented for odor control: Larry commented that while
47 establishing odor control standards for indoor cannabis cultivation makes sense, these aren't

48 really feasible for outdoor grows, as there's no way to control odors for those type of operations.
49 Charlie reiterated that the intent is to outline standards for the permitting to avoid projects
50 becoming a nuisance. Larry presented his research on odor measurement. There is a device on the
51 market that quantifies odor. The cost to rent for one year is \$1,000 or purchase for \$4,000. Charlie
52 proposed that the current draft should be presented to the Selectboard, and use of these devices
53 could be considered in the meantime.

54 Larry agreed that the judgment of a reasonable, unbiased person, as outlined by Charlie, is
55 consistent with language in LUR, however, odor sensitivity as determined by individuals is a very
56 subjective standard. Larry noted that requiring documentation of odor impacts prior to operations
57 by a certified engineer, and a scientific measurement of site wind patterns, are very stringent
58 standards, potentially posing a considerable barrier & expense for growers. Charlie stood by the
59 draft requirements as necessary and fair. There is benefit in addressing odor control up front.

60 Charlie opened the floor to public comments. Matt Citarella noted that there are some UVM
61 professionals who measure outdoor odors. Justin Gelinis questioned if the rules quantify
62 maximum yield. Larry noted that yield is not an issue for state CCB licensing or the local review
63 process. Standards are based on permitted squared footage, and number of plants grown. Lynn
64 Hale questioned how regulations will apply to existing grow operations. Larry noted state
65 licensure requires annual renewal, which now includes approval from the Development Review
66 Board, then licensing via the Selectboard, acting as the local Cannabis Control Commission. Only
67 after these processes are complete can the applicant apply for their state license (or renewal).
68 Frank Tenney asked about procedures to renew a license if a cultivation operation is remaining
69 the same, or sizing up. Larry clarified DRB conditional use permit would not be required annually,
70 if the operation remained the same. Charlie suggested the Zoning Administrator would be
71 responsible for verifying changes, if any, to the operation.

72 Charlie requested that a clean copy of these standards be distributed to the Planning
73 Commission and responses, if any, be submitted by February 20. The Commission's public hearing
74 will be set for March 23, to enable sufficient time to be warned.

75

76 **Set schedule for LURs amends: topics for upcoming meetings**

77 Charlie postponed this agenda item due to time constraints.

78

79 **Thompson's Point LURs amends, redux: revisit draft; markup & next steps**

80 Larry reviewed previous, proposed changes. Charlie noted that previous markups had not
81 been agreed upon. Larry referenced rational standards for side yard setback, when speaking to the
82 proposed 25 ft., as opposed to the current standard of 50 ft. Demolition of any structure currently
83 requires DRB approval. Larry spoke to the disincentive to make improvements under current
84 regulations. Charlie agreed that tearing down an accessory structure should not require DRB
85 review, but the structure is then no longer "grandfathered." Larry noted that a tear-down and
86 replacement would require a zoning permit, which would require documenting the existing
87 structure. As proposed, that would not require DRB approval.

88 Frank spoke to current LUR rule (3.8.B) which regulates changes to an existing non-
89 conforming structure, with DRB approval, provided the proposal does not increase the structure's
90 non-conformance. Claudia Mucklow questioned whether a Thompson's Point project currently
91 under review by the DRB takes into account steep slopes there, which should preclude building.
92 Further, Claudia noted the tree removals are unwise in terms of erosion prevention, and voiced
93 concern that the Tree Warden has not been rigorous enough in his review of that project.

94 Larry directed the conversation to stake holders at Thompson's Point and their request for
95 relief from the strict regulations. Charlie stated discomfort with taking a built environment and

96 changing the rules this way, properties were purchased 'as is,' none are currently for sale, tax
97 revenue not in jeopardy. Larry responded that many properties are intergenerational.

98 The Planning Commission agreed that tearing down an accessory structure should require
99 only a zoning permit, not DRB conditional use review. A pitched tent would be allowable, but
100 placement of an RV, campers, platform tents, etc., should be banned as proposed. Larry made note
101 of short-term rentals which are problematic. Charlie agreed, that when square footage is
102 increased, bedrooms don't change, but sleeping space does. Frank suggested this could be
103 monitored with wastewater.

104 *Next steps:* Charlie asked for Larry to clean up and circulate the revised document for the
105 Commission to review and vote upon at the next meeting.

106
107 **PC Rules & Ethics policy: review drafts; final markup & adoption:**

108 Charlie noted that the Town has a Conflict-of-Interest policy, enacted by the Selectboard in
109 2011, shared with members prior to this meeting. Larry will confirm that all Planning Commission
110 members have signed the document. If not, members present agreed they would, and just use that
111 policy going forward, in lieu of adopting our own unique & separate conflict of interest policy.

112 Charlie & Larry's edits to the Commission's Rules of Procedures were summarized by
113 Larry. He suggested that the Rules of Procedure document retain language about how decisions
114 are made. This was agreed to.

115 *Next steps:* Larry will prepare a clean draft for consideration by members at the next
116 meeting.

117
118 **Community Heart & Soul: follow-ups from last meeting**

119 Robert confirmed that their redrafted grant application was read by all members, and
120 asked for the Planning Commission's endorsement, as requested by the Selectboard. Linda
121 Radimer questioned what Heart & Soul does for the Town that the Planning Commission doesn't
122 or can't do. Robert responded this project will result in more widespread community input into
123 framing a vision for the town's future, and encourage deeper interaction, volunteerism, and spirit.

124 **MOTION by Gerald Bouchard; seconded by Robert Bloch, to endorse the Community**
125 **Heart & Soul project's application for grant funding. VOTE: 6 ayes, motion carried.**

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127 **Adjournment:**

128 **MOTION by Robert Bloch; seconded by Gerald Bouchard, to adjourn the meeting.**
129 **VOTE: 6 ayes, motion carried.** The meeting was adjourned at 9:15 pm.

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131 *Minutes respectfully submitted:*

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