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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **February 15, 2024**

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

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

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

11 **OTHERS:** Frank Tenney, Charles Russell, Claudia Mucklow, Paul Plante.

12
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 PC member attendance: discuss/adopt draft addition to PC Rules
17 7:15 PM Verizon upgrade at 3425 Spear St. antenna tower: PC role (if any) in PUC process
18 7:25 PM Nonconforming Structures: redraft of LURs amends (complete edits)
19 7:40 PM Mark up draft LURs revisions to Sec. 3.1, Sec. 9.7 & definitions (continued)
20 8:15 PM Create work plan for LURs amends through June
21 8:45 PM Review & approve draft meeting minutes: Feb. 1 mtg.
22 8:50 PM Adjourn

23
24 **Call to Order:** Charlie Pughe called the meeting to order at 7:03 p.m.

25
26 **Changes to Agenda (if any):** None.

27 **Public Comment:** None.

28
29 **PC member attendance: discuss/adopt draft addition to PC Rules:**

30 Carrie Spear asked if the policy would be sent to the Selectboard. Charlie responded that he
31 had sent the draft to some Selectboard members. The intent, however, is to create an expectation
32 amongst Planning Commission members.

33 Larry Lewack pointed out that members life circumstances can & do change during their
34 term. If/when that happens, members have a responsibility to ‘own’ the effects of those changes,
35 if they require altering their commitment to attend PC meetings. Kyra Wegman agreed with Larry,
36 and the 80% attendance expectation proposed in the draft. Kyra said that our typical start time of
37 7 pm is difficult for parents of young children, and suggested consideration of alternative times.
38 Robert Bloch agreed with Kyra’s point and spoke to the value of having diverse community
39 members serving on the Planning Commission. Carrie spoke to the consistency of holding
40 Planning Commission meetings on Thursday nights.

41 Charles Russell pointed out that the Planning Commission cannot dismiss a member,
42 rather, the Planning Commission can make a recommendation to the Selectboard. Charlie
43 answered that he understands the Planning Commission’s role, the intention is to set expectations,
44 language in the draft will be cleared up.

45 Frank Tenney asked if a member would remain on the Planning Commission until their
46 replacement is appointed. Charlie did not feel that would be necessary.

47 Frank requested attendance data to accompany any recommendation to the Selectboard.
48 Robert questioned if a member’s attendance record could be remedied. Charlie reiterated; the

49 intent is to establish the expectation of 80% attendance. Larry added the main accountability is
50 internal.

51 *Next steps:* Charlie will make edits to the draft and circulate before the next meeting.

52

53 **Verizon upgrade at 3425 Spear St. antenna tower: PC role (if any) in PUC process:**

54 Larry distributed a 6-page document highlighting the project including illustrations. He
55 said the main changes will be the construction of an equipment box at the base, and an additional
56 antenna on the mast. Gerald Bouchard asked for dimensions of the box. Larry answered 12' x 30'.
57 Gerald questioned if the antenna would emit radiation that would impact health. Larry referred to
58 Land Use Regulations (LURs) which hold wireless operators to strict Federal Communications
59 Commission (FCC) regulations on transmission impacts, including radio frequency radiation
60 (RFR). Larry also pointed out that RFR data can be requested annually from the operator.

61 Robert questioned if anyone neighboring the existing tower has made any complaints.
62 Larry spoke to a visual complaint from a neighbor, and an inquiry from a parent on RFR issues at
63 another cell tower in town. Larry researched this, and any human further than 100 feet away, is
64 not subject to validated health risks. Charlie added that cell phone companies are required to
65 disclose any potential exposure, and that the Federal Public Service Commission regulates.

66 Kyra asked if the project is to upgrade to 5G. Charlie answered yes, that along with the
67 addition of a generator, to run the equipment on the tower. Gerald asked if the upgrade equipment
68 is new. Larry answered that AT&T has already made this type of upgrade on this tower, and at 3
69 other cell towers in town.

70 Frank asked if the box at the base would constitute new construction, require permitting,
71 and would be taxable. Larry confirmed that it is taxable, but local permitting is not required.

72 Charles asked if Verizon could come make a presentation. Kyra stated that a public
73 discussion should be held and advocated that the Planning Commission become an interested
74 party. Robert agreed.

75 **MOTION by Robert Bloch; seconded by Kyra Wegman, to request an informational**
76 **meeting on the Verizon tower improvements. VOTE: 4 ayes, 2 nays, motion carried.**

77 *Next steps:* Larry will draft a letter to the Public Utility Commission on the PC's behalf,
78 requesting an informational meeting with Verizon representatives.

79

80 **Nonconforming Structures: redraft of LURs amends (complete edits):**

81 Charles called attention to the latest draft of Sec. 3.8.B.2 and asked if the item is allowing
82 for a rebuilt structure to be taller. Matt Krasnow responded that 3.8.B.3 addresses Charles
83 question. Charles agreed with Matt but felt that 3.8.B.2 is open to the interpretation on increasing
84 height. Charlie suggested that 3.8.B.1-3 could be combined into one item, Charles and Matt agreed.

85 Charles asked for edits to 3.8.B.6 and 3.8.C for clarity and consistency. Larry made those
86 edits to the draft as requested.

87 Charles called attention to Figure 2 in the Nonconforming structure scenario illustrations,
88 and suggested that it be made clear that the illustration is for existing footprint, not the ability to
89 increase height. Matt suggested a 3D rendering be added to address structure height questions.
90 Robert summarized, any additional square footage in the setback, must conform to the setback of
91 the existing structure, or the applicant must undergo conditional use review. In response to a
92 scenario presented by Matt, Charles referred to the definition of height in the LURs. Charlie
93 suggested using the average height of a nonconforming structure. Larry said the standard
94 proposed is fairly straightforward, and cautioned against overthinking this issue. He believes
95 there is enough clarity in this draft for the ZA to decide if DRB review is required for adding height

96 in the nonconforming part of the structure, and to provide the DRB with guidance to fairly
97 determine whether to grant conditional use approval in that situation.

98 *Next steps:* Larry will present a cleaned-up draft of this redraft for the PC's review, and
99 attempt a 3D rendering clarifying the requirement of adding height to a structure in the setback.
100

101 **Mark up draft LURs revisions to Sec. 3.1, Sec. 9.7 & definitions (*continued*):**

102 Matt offered edits 3.1.1 to get at the point that stabilization is to address hazards to public
103 safety or adjoining properties. Charlie pointed out that the problem with Matt's edit would be that
104 it must create hazards to public safety before anything can be done. As drafted, it allows for action
105 to prevent hazards to public safety. Matt agreed with prevention and offered another edit.

106 Charlie suggested review of the definition for setbacks. Larry said a change since work
107 began on this, is that the town is relinquishing all authority over wastewater as of March 1st, and
108 suggested removal of the reference to wastewater in the definition.

109 Charlie spoke to additions to the definition to offer a means for the Development Review
110 Board to consider neighborhood patterns, such as height. Kyra asked about the disruption to the
111 neighborhood patterns where patterns don't necessarily exist. Charlie responded that patterns do
112 exist, even if not repetitive.

113 Charles asked about the purpose of the setback definitions amendment: "... setbacks
114 between buildings and property lines provide access to light and air, provide fire separation and
115 access, and maintain the existing neighborhood pattern of buildings and open spaces between them
116 and to the road." Larry responded the statement explains the intent. Frank said the statement
117 seems to be more of a guideline versus a definition. Larry said another part of the intent is to be
118 helpful in the DRB in considering whether to grant requested setback waivers; these are
119 addressed in a separate amendment to Sec. 9.7 that we haven't yet fully discussed or resolved.

120 Matt asked about the difference between private road and driveway. Charlie responded
121 that 3 or more houses on a road is considered a private road. Larry responded with historical
122 context and noted connection with state E-911 statute and LURs. A private road is named when 3
123 or more houses are established. Matt said a driveway with 2 houses has no front yard setback
124 requirements. Charlie answered that there is a setback between property lines. Matt proposed
125 that if two property owners share a driveway, there should be some type of setback rule. Larry
126 noted the current rules appear in Sec. 3.2.D and Sec. 3.6.B, and suggested Matt draft changes to
127 those rules to fulfill his suggestion, if he wants the PC to consider that.

128 *Next steps:* Larry will circulate a cleaned-up draft of Sec. 3.1 amendment and setback
129 definition for the Board's review. Sec. 9.7 (setback waivers) draft deferred for review at next mtg.

130

131 **Create work plan for LURs amends through June:**

132 Charlie asked members to review the Town Plan matrix (pp. 1-64 thru 1-74 of the Plan)
133 and select 2-3 elements of unfinished action items to discuss at our next mtg.

134

135 **Review/approve draft PC meeting minutes: for February 1 mtg.:**

136 (Minutes review deferred to next mtg., due to time constraints).

137

138 **Adjournment:**

139 **MOTION by Robert Bloch; seconded by Carrie Spear, to adjourn the meeting. VOTE: 6**
140 **eyes, motion carried.** The meeting was adjourned at 9:24 p.m.

141

142 Minutes respectfully submitted:

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