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3 **Town of Charlotte**  
4 **PLANNING COMMISSION**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **February 1, 2024**

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

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

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

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

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  
17 7:20 PM Nonconforming Structures: redraft of LURs amends (continued)  
18 7:50 PM Mark up draft LURs revisions to Sec. 3.1, Sec. 9.7 & definitions 8:15 PM Create work  
19 plan for LURs amends through June  
20 8:30 PM Review & approve draft meeting minutes: Jan. 25 mtg.  
21 8:40 PM Adjourn

22  
23 **Call to Order:** Charlie Pughe called the meeting to order at 7:11 p.m.

24  
25 **Changes to Agenda (if any):**

26 Larry Lewack had an announcement. The town received a courtesy notice from the  
27 attorneys representing Verizon Communications regarding a project for additional equipment to  
28 be added to the broadcast tower located on Spear St. Charlie asked Larry to distribute the notice to  
29 Planning Commission members for review. The notice will be discussed at the February 15<sup>th</sup>  
30 meeting.

31  
32 **Public Comment:**

33 Frank Tenney commented on the usefulness in having Planning Commission meeting  
34 packets available online.

35  
36 **PC member attendance:**

37 Charlie suggested establishing expectations for a reasonable amount of attendance. Charlie  
38 proposed an 80% threshold, which comes to participating in 19 out of the 24 meetings held each  
39 year. Allowing for 5 absences. Carrie Spear mentioned that Zoom is available to assist with  
40 meeting the threshold. Charlie said a leave of absence can be requested and would be considered  
41 by the Planning Commission. Charlie has a draft which he will circulate and will be discussed  
42 during the February 15<sup>th</sup> meeting. Matt Krasnow suggested alternates, to ensure a quorum. Charlie  
43 responded that what is important is continuity in attendance, so that materials covered do not  
44 have to be revisited. Quorums aren't the issue as votes are mainly to approve meeting minutes and  
45 adjournment.

46  
47 **Nonconforming Structures: redraft of LURs amends (continued):**

48 Charlie suggested review of the framing questions, which the Planning Commission created  
49 for Land Use Regulations (LURs) updates. Larry located the document with the framing questions,  
50 the questions were reviewed by Charlie. While reviewing the question *are proposed fixes likely to*  
51 *lead to the desire outcomes*, there was discussion of what is required to retain grandfathered  
52 rights. Frank questioned what would trigger the need for a variance, Larry said, if none of the  
53 existing footprint is occupied. Frank then questioned what would occur in the event of a home  
54 burning down, the lot being sold, and a proposed rebuild years later. The conversation then went  
55 to reasonable use, a condition to obtain a variance. Building a home on a vacant lot, falls under  
56 reasonable use. Frank cautioned against leaving anything open to interpretation. As different  
57 boards update and implement LURs.

58 Matt asked to review 3.8.B.2 *may be reconstructed within the existing footprint; see Sec. 3.1.*  
59 Matt read 3.1.A and suggested that extension expectations be clarified. Charles Russell asked why  
60 3.1 is referenced in 3.8.B.2. Charlie clarified the point that Charles made. If someone elects to tear  
61 down and rebuild a non-conforming home, then 3.1 does not apply. Charlie continued to speak on  
62 3.1 and explained that a damaged structure, can be rebuilt to the same extent as it was before.  
63 Matt added, this is true for all buildings in town. The discussion then returned to what is a  
64 reasonable amount of time, following an event, for stabilization to occur. Larry responded that this  
65 is a judgement call by the Zoning Administrator (ZA). The ZA would document date and nature of  
66 communication, in the event an appeal is made. Frank spoke to consequences if someone is not  
67 able to act or appeal in the stipulated amount of time. Frank suggested that it be stated that an  
68 extension can be requested. Charlie stood by the ZA being able to decide what a reasonable  
69 amount of time is. Matt pointed out that current LURs only speaks to stabilization, of a clear  
70 hazard to public health and safety, or clear hazard to an adjoining property. Without one of these  
71 clear hazards there is an unlimited time for stabilization. Larry said the proposed version gives the  
72 ZA a great deal of discretion. Matt said he wants to ensure that the updated LURs cannot be used  
73 by neighbors against one another.

74 Frank asked about increasing height. Larry explained increasing height for non-conforming  
75 structures requires conditional use review from the Development Review Board. Frank clarified  
76 that he is speaking to increasing height, to district limits, on a conforming part of a structure.  
77 Charlie said that raising a roof shouldn't occur without conditional use review to allow neighbors  
78 to have input. Matt read from current LURs which confirmed that conditional use review would be  
79 required. Charles suggested editing the current LURs so that it is clearer, including moving the  
80 definition of non-conforming structures. Edits made to 3.8.B.5 to address the concerns.

81  
82 **Mark up draft LURs revisions to Sec. 3.1, Sec. 9.7 & definitions:**

83 Charlie asked to strike the reference in 3.1.A, to 3.8.B. Matt suggested that the stabilization  
84 sentence, found in 3.1.A, be a standalone sentence. Stabilization would be 3.1.A.1 and Demolition  
85 would be 3.1.A.2. Charlie suggested the title be *Repair of Damaged Structures*, strike Demolition.  
86 Larry asked about the extent of reconstruction. Charlie responded, to the prior extent it was  
87 before. Matt added, prior dimensions, extent, and use. Charlie clarified that this is not to say  
88 someone cannot build back bigger, rather that bigger requires a permit.

89 Charlie asked to review previously discussed items, that have since been deleted from the  
90 current version, listed at the bottom of the draft. Two bullets were discussed. The first bullet,  
91 *stabilization vs. securing a damaged structure against a possible threat to public safety. Securing a*  
92 *simpler short-term strategy to prevent unauthorized & potentially hazardous exposure to falling or*  
93 *standing debris or contamination vs. stabilizing.* Consensus, this would better serve as an  
94 ordinance. The second bullet, *ZA's role in verifying risk to public safety, defining date of damage, and*  
95 *whether 50% or more of structure damaged*, Charlie felt is covered by the language that

96 reconstruction can be to the prior dimensions, extent, and use. Matt said that he feels this bullet is  
97 geared towards an ordinance. Charlie said that the health piece is the ordinance. A property that is  
98 a nuisance or threat to public health, that is what an ordinance is intended to address. Matt stood  
99 by that the ZA would have to determine reasonable amount of time when a complaint is made.  
100 Charlie said a complaint, based on LURs, is automatically the ZA's issue to address.

101  
102 **Review/approve draft PC meeting minutes: for January 25, mtgs.:**

103 **MOTION by Gerald Bouchard, seconded by Carrie Spear, to approve the PC meeting**  
104 **minutes for January 25, 2024, as amended. VOTE: 4 ayes, motion carried.**

105  
106 **Adjournment:**

107 **MOTION by Carrie Spear; seconded by Gerald Bouchard, to adjourn the meeting.**  
108 **VOTE: 4 ayes, motion carried.** The meeting was adjourned at 9:03 p.m.

109  
110 Minutes respectfully submitted:

111 Nicole Burnell, Recording Secretary, with edits by Rebecca Kaplan, Planning & Zoning Assistant.