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Town of Charlotte
PLANNING COMMISSION
Meeting Conducted at Town Hall and via Teleconference
January 4, 2024

DRAFT – subject to approval by the Planning Commission

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

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

OTHERS: Frank Tenney, Charles Russell.

Posted Agenda:

7:00 PM Call to Order
7:02 PM Changes to Agenda (if any); Public Comment
7:05 PM Nonconforming Structures: redraft of LURs amends (continued)
7:45 PM Mark up draft LURs revisions to Sec. 3.1, Sec. 9.7 & definitions
8:30 PM Review & approve draft meeting minutes: June 29, Dec. 14 mtgs.
8:45 PM Adjourn

Call to Order: Charlie Pughe called the meeting to order at 7:04 p.m.

Changes to Agenda (if any): None.

Public Comment: None.

Nonconforming Structures: redraft of LURs amends (continued):

Charlie addressed his previous request to remove indications of whether a permit is required, found throughout the draft. These indications remained in the current draft, Charlie again asked that they be removed. Larry made these edits in the draft.

Charlie moved on to section 3.8 (C) in the draft. Existing versus revised drafts were compared. Charlie felt that the edits did not tie the section together and suggested using the existing version. Larry restored most of the earlier version.

Charlie directed the conversation to the structure scenario illustrations and pointed out that there are not currently any illustrations in the Land Use Regulations (LURs). Larry Lewack responded that *Tables* are included in the LUR table of contents, and this section can be revised to read *Tables and Illustrations*. Matt Krasnow suggested that the Illustrations appear with Section 3.8 in the LURs.

Charlie spoke to a proposal made by his fellow Planning Commission member, Carrie Spear. Carrie proposed that permit requirements appear in the beginning of LURs. Robert Bloch suggested a user guide. Charlie asked Larry to pull up the frequently asked zoning questions document that is available to applicants. Charlie pointed out that most people access LURs on the town's website. Larry suggested an embedded link to the document and workflow chart for user friendliness. Charlie proposed a future exercise where each Commission member selects a theoretical project, uses the website to determine what is required to complete the project, and evaluate ease.

Larry confirmed that the Commission was prepared to move on to review of section 3.1, Repair of Damaged Structures; Demolition. Larry pointed to the need to establish time limits, as

49 they pertain to nonconforming grandfathered rights. Larry said his colleagues across New England
50 recently discussed this topic, and said towns generally provide for a time limit of 2 years. Matt
51 asked what constitutes a damaged structure. Larry responded that Charlie had previously
52 suggested loss of 50% or more of a structure. This can be assessed by an insurance adjusted. Matt
53 asked what the goal of adding time limits is.

54 Charlie stated that after thorough review of section 3.1, perhaps Demolition should be
55 removed from the heading and section (A) remain as written in the current LURs. Further, He
56 suggested that as an alternative to making these new standards part of the LURs, (A) 1)-3) in this
57 draft instead be adopted as an ordinance by the Selectboard, to ensure that they are enforceable.

58 Larry pointed out three fundamental flaws in the existing 3.1 language. The first being
59 involvement of the Developmental Review Board (DRB), whereas this is condition is more
60 properly addressed by town staff (the Zoning Administrator). Two: the phrase *shall occur in a*
61 *reasonable amount of time*; 'reasonable' is undefined. Three: It's usually cheaper & faster to
62 restrict access to a heavily damaged, unsafe structure than to stabilize it, but this current language
63 doesn't address that situation at all. That's the path of least resistance & would make sense.

64 Larry reminded the Commission that part of the reasoning behind the updated language
65 was to define what constitutes a hazard to public health and safety. This would be enforced by the
66 Zoning Administrator with flexibility, depending on where a structure is located. Charlie said the
67 issue at hand is public safety, not health, and reiterated the suggestion for an ordinance.

68 Frank Tenney suggested that written notice from the Zoning Administrator to the property
69 owner would start the clock on time limits. Robert questioned the town's responsibility: when &
70 how should the town get involved? Frank responded that the current norm is for someone to
71 make a report (of a severely damaged structure that potentially poses a safety hazard), then the
72 Zoning Administrator goes out to observe, document & follow up. Robert proposed that the
73 Selectboard determine what responsibility the town wants to take, for conditions of structures.

74 Frank agreed with Charlie's previous suggestion to separate Demolition from the section.
75 Matt suggested adding *demolition* to *No zoning permit shall be required for the stabilization, repair,*
76 *or restoration* and deleting 3.1 (B). Larry offered to rewrite unclear items. Matt asked why in the
77 current version, section 3.8 is referenced in 3.1 (A). Larry answered that gets to the need to define
78 grandfathered rights for nonconforming structures. Matt asked where in the LURs "repair" is
79 defined. Larry answered: while it's not defined in the LURs Chapter 10, most people understand
80 the plain meaning of repair as: fixing something within the same footprint. However, rebuilding
81 something slightly altered, a little better, is the typical scenario for nonconforming structures.

82 Charlie requested that the deleted section 3.8 (C) be brought back into the draft. Frank said
83 in response, that the right to rebuild cannot be taken away. That the suggestion for a time limit
84 would result in vacant, unusable lots. Frank then suggested a variance from the Development
85 Review Board would be needed to rebuild in a time-lapsed situation. Robert spoke to the difficulty
86 in obtaining a variance. Frank said variances are easier to obtain on nonconforming lots. Larry
87 added, as noted by his planner colleagues, having defined time limits for rebuilding
88 nonconforming structures after a total loss provides incentive for landowners to rebuild, and will
89 likely result in better outcomes for the community (e.g. quicker cleanup of destroyed buildings).
90 He also noted that having reasonable use of your property is a condition to obtain a variance, so it
91 would be unlikely that the DRB would deny such a request (to rebuild after time limits have
92 expired). Robert suggested incentivizing landowners to clean up and document footprint of
93 damaged structure, to be exempt from time limits. Larry said this is standard practice now; in
94 most cases, the permit file includes a site plan with dimensions and building elevations.

95 Matt said that DRB purview is appropriate in the current 3.8 B. Matt asked for consistency
96 between 3.8 and 3.1 regarding the authority to grant a one-year extension.

97 Matt pointed out that in the draft, repair of nonconforming structures must commence
98 within one year and be substantially completed by two years. Charlie suggested extending these
99 timelines to two years to commence, 3 years to substantially complete, given current challenges in
100 retaining contractors. The one-year extension could still be applied for. Larry made these edits.
101

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

103 Due to time constraints, this agenda item was briefly reviewed. Charlie questioned if
104 section 9.7 edits would be more appropriate as part of Sec. 3.8.B of the LURs, as Larry had
105 previously presented.
106

107 **Other:**

108 Robert announced outreach activities for the villages project would be taking place on
109 January 11th at various locations.

110 Charlie and Matt stated inability to participate in the January 18th Planning Commission
111 meeting. Gerald Bouchard will serve as acting chair. (*Ed. Note: the Commission subsequently*
112 *decided to reschedule that mtg. to January 25, so Charlie & Matt could attend.*)
113

114 **Review/approve draft PC meeting minutes: for June 29, December 14, mtgs.:**

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

116 **MOTION by Robert Bloch, seconded by Linda Radimer, to approve the PC meeting**
117 **minutes for December 14, 2023, as amended. VOTE: 4 ayes, motion carried.** (Matt Krasnow
118 abstained.)
119

120 **Adjournment:**

121 **MOTION by Robert Bloch; seconded by, Linda Radimer, to adjourn the meeting.**

122 **VOTE: 5 ayes, motion carried.** The meeting was adjourned at 8:44 p.m.
123

124 Minutes respectfully submitted:

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