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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **June 1, 2023**

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8 *Approved by the Planning Commission, 6.15.23*

9 **Planning Commission:** Charlie Pughe, Gerald Bouchard, Linda Radimer, Robert Bloch, Kyra Wegman, Carrie Spear, Matt Krasnow (absent)

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

11 **OTHERS:** Frank Tenney, Paul Plante, Kelly Devine, Vince Crockenberg, Alex Bunten, Susan Crockenberg, Nina Regan, Alexa Lewis, Maggie Citarella, Charles Russell, Claudia Mucklow, JD Herlihy, Jennifer Adsit

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15 **Posted Agenda:**

16 7:00 PM Call to Order
17 7:02 PM Changes to Agenda (if any); Public Comment
18 7:05 PM Susan Crockenberg, Nina Regan re: 'Braver Angels' proposal
19 7:25 PM Alexa Lewis – present draft revisions to LURs Sec. 3.15 (G), Tree Warden role in
20 shoreline tree removals
21 8:00 PM Review revised draft cannabis standards – as triggered by H.270
22 8:20 PM Review new LURs amendment drafts: Sec. 9.2 exemption re: adding EV charging
23 stations as accessory to approved use; Sec. 4.12 (2) – delete limit of 1 residential
24 unit in a Mixed Use Development
25 8:50 PM Review/approve draft PC meeting minutes: for May 18 mtg.
26 9:00 PM Adjourn

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28 **Call to Order:** Charlie Pughe called the meeting to order at 7:13 p.m.

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30 **Changes to Agenda (if any):**

31 Robert Bloch will provide an update on the Community Heart and Soul initiative.

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33 **Public Comment:** None.

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35 **Susan Crockenberg, Nina Regan re: 'Braver Angels' proposal:**

36 Susan Crockenberg introduced the Braver Angels initiative. This arose from a facilitated
37 meeting held at the Charlotte Library last March. Participants self-selected as pro-development, or
38 more concerned about conservation. There were about 20 participants, of whom about 8 people
39 were actively engaged in the conversation (the rest were observers or facilitators).

40 Braver Angels was established after the 2016 election. It's a nation-wide effort to bring
41 people together for conversations across political divides. Model is to foster active listening, and a
42 respectful exchange of ideas. The goal is to find shared values and areas of agreement. The need to
43 cultivate what balance looks like, in both the discovery and buy-in phases.

44 Nina noted some caveats including: it was a small group of people. Town officials were not
45 invited, or represented. Their goal was to arrive at a starting point for future discussions.

46 Nina summarized the handout sent to the PC, that provides an overview of the group's
47 findings: 1) The town should balance fostering development with protection of natural resources.

48 There's a need to clarify what environmental protection means, bringing in expert testimony. They
49 suggest collaboration with neighboring communities that share a border with Charlotte, where
50 connector habitat spans town borders. 2) Address barriers to providing local services and
51 development in Charlotte's two villages. They support increasing housing density there, and
52 building affordable housing for those that work in Charlotte, but cannot afford to live here. The
53 town could provide some level of centralized water/wastewater, and pay more attention to what
54 businesses need to succeed. 3) Potential sprawl of development into farmland. This could be
55 addressed by amendments to Land Use Regulations (LURs). There was agreement the town should
56 protect agricultural uses, support farmers, and continue to conserve areas of high public value.

57 Charlie noted some of these ideas have long been discussed in Charlotte, and studied in
58 village plans in 2002 and 2010. The challenge is getting from policy to practice. With the recently
59 approved funding Charlotte will receive from Chittenden County Regional Planning Commission
60 (CCPRC), and the state Bylaw Modernization grant, the town will get considerable guidance from
61 consultants, and technical assistance from CCRPC. The Community Heart & Soul project may also
62 help to engage the community in deeper conversations about these issues. Susan responded that
63 Braver Angels also offers more opportunities for public engagement. Moderators are being
64 trained, including Nina. Kyra commented that it's important to set meetings at different times than
65 weekday evenings, to accommodate the diverse schedules of residents.

66 Kyra Wegman suggested that visual representations of more densely developed rural
67 villages could help reduce residents' anxiety about proposed changes. Charlie noted that is part of
68 what the CCRPC will be doing. Susan stated opinion that the CCRPC focus will be on the villages;
69 what about the rural areas? Kyra noted that 90% of recent development has been in the rural
70 district. Larry added that it's really been just a trickle; in the 3 years he's worked in Charlotte, only
71 6-11 new houses have been built each year. So, if this pattern holds, there's not much danger
72 development will overwhelm open areas in town.

73

74 **Alexa Lewis – present draft rev. to LURs Sec. 3.15 (G), Tree Warden role in shoreline tree**
75 **removal:**

76 Alexa Lewis, Deputy Tree Warden, presenting recommendations for amendments to LURs
77 Section 3.15 (G). Alexa highlighted (1) no cutting or removal of trees or shrubs without
78 administrative review by the Zoning Administrator. Alexa suggested this be amended to read *in*
79 *consultation with the Tree Warden*. Alexa suggested proposed tree cutting and removal conform to
80 approved wildlife habitat and shoreland management plans. She noted shoreland management
81 plans typically only come into play in large projects. Robert Bloch questioned who has the
82 authority to mandate such plans. Alexa responded that it is current regulation, which can be
83 waived by the Development Review Board (DRB). She suggests adding the following new goals for
84 this section: that tree removals (a) be consistent with the goals of minimizing runoff and pollution
85 and maintaining bank stability and water quality, (b) not cause undue adverse impact on
86 designated wildlife corridors as shown on the Charlotte Map Viewer, and (c) be in conformance
87 with the State's Best Management Practices for Shoreland management as described in statute.

88 Alexa pointed out inconsistencies in buffers, jurisdiction, and mean high water levels
89 before moving on to (3) Nothing in this section shall prohibit the cutting and removal of storm-
90 damaged, diseased or dead trees which pose a hazard ("hazardous tree"). Alexa suggested the
91 addition of the adjective *imminent* to hazardous tree, and adding a definition of hazardous as
92 posing danger to people or property. She proposed adding a requirement that landowners always
93 be required to involve the state Shoreland Protection staff in reviewing and approving tree
94 removals.

95 Larry commented this proposes a much stricter standard than what we require now. The
96 original scope we discussed for this change was much simpler; it was to create a quick and
97 efficient town process to respond to residents' questions about whether they can remove trees
98 alleged to be dead, diseased or a safety hazard. He agrees with the Zoning Administrator bringing
99 in the Tree Warden to review & consult on these requests (this is what he originally proposed). He
100 does not support the idea of making landowners apply to the state's shoreline protection office for
101 approval in all cases. He noted many tree removals and vegetation trims within 100 ft. from the
102 mean high water line are actually exempt from the state's rules. Requiring residents to apply to
103 the state for review for exempt activities like raking leaves or removing fallen trees will take
104 several weeks. But in the end, many will be told by the state that their project is exempt anyway.

105 Alexa moved onto (4). She suggested adding removal of vegetative *duff* layer to the list of
106 activities that would require state regulatory review. Robert questioned the validity in that
107 recommendation, wondering if it would be regulatory overreach. Maggie suggested changing draft
108 language from vegetation to vegetative cover.

109 Charlie suggested that LURs standards be stripped down, and mostly refer to the need to
110 follow state regulations. This would avoid future rewrites and town votes.

111 Frank Tenney pointed out a discrepancy of jurisdiction. Sec. 3.15 (G) calls for Zoning
112 Administrator review of tree removals along the entire Lake Champlain shoreline, whereas Table
113 2.7 requires Tree Warden approval of all tree removals on Thompson's Point. Larry noted this
114 section would provide more general guidance to all lakeshore property owners. Thompson's
115 Point leaseholders will be reminded that Tree Warden review is required, not just advisory. He
116 agreed this distinction should be clarified in the draft. Frank Tenney stated that LURs used to refer
117 to potential need for state permitting, and provided contact information. Larry responded that
118 these clauses are already included in all DRB conditional use approval decisions.

119 Larry also spoke to sub-sections 5) and 6) in Alexa's draft. He believes restrictions on
120 building structures would be more appropriately addressed in dimensional standards for Tables
121 2.6 and 2.7, rather than in this section, which is about tree and vegetation removal. Maggie
122 proposed that all approvals for tree removals come directly from the Tree Warden, vs. involving
123 the Zoning Administrator.

124 Kyra asked for clarity on buffer discrepancies, as previously noted by Alexa. Charlie noted
125 that state shoreland restrictions differ for what is allowed and prohibited at 100 ft., 150 ft., and
126 250 ft. from the mean high water line. JD Herlihy circled back to Larry's suggestion to separate
127 construction from tree removal. He questioned what happens when there are non-conforming
128 structures within the 100 ft. buffer, suggesting LURs should specify. Charlie reiterated that LURs
129 should refer to state regulations. Kyra commented that LURs and the Town Plan should refer to
130 cultural expectations to protect trees, as a means of preserving the lake's water quality.

131 *Next steps:* Charlie thanked Alexa for the work she put into drafting these standards. The
132 PC will take up edits to this draft at a future work session.

133 134 **Review revised draft cannabis standards – as triggered by H.270:**

135 Charlie reviewed recently-adopted legislative changes (Bill H.270) to cannabis statute
136 which (if signed into law) will make all outdoor cannabis cultivation operations exempt from
137 municipal permitting. The state has decided to treat outdoor cultivation as agriculture. Because
138 this will require significant changes to the draft cannabis standards endorsed by the PC in May,
139 another public hearing will be held by the Commission at our next meeting on June 15, 2023.

140 The Commission reviewed proposed edits including page 1 Commercial District under
141 Conditional Uses, *Cannabis Outdoor Cultivation* struck. Page 2 Rural District Permitted and
142 Conditional Uses, *Cannabis Cultivation Outdoor* struck.

143 Frank Tenney questioned what changes would be required for permitting a mixed use
144 license. Charlie responded that the state Cannabis Control Board and the local Cannabis Control
145 Commission still have jurisdiction for all cannabis business license types. DRB approval will still
146 be required for indoor cultivations, and mixed uses involving indoor cultivations. However, local
147 Cannabis Control Commission licenses for outdoor cultivation will be 'pro forma,' as they are now
148 exempt from DRB review.

149 Larry reviewed edits in section 4.20 Cannabis Establishment which included some required
150 edits to sections on Applicability, Application Procedures, and Review Standards, including
151 Setbacks, and Performance Standards, including Fencing and Screening. He also proposed a minor
152 edit to Cannabis Establishment definition, to add 'Propagator' as a type of cannabis business. Linda
153 Radimer suggested substituting less vague language on Setbacks if the DRB uses its discretion to
154 set larger buffers to the property line than current setbacks require.

155 *Next steps:* Larry has posted this revised draft to the town website page on cannabis
156 standards (at: https://bit.ly/Cannabis_rules_in_Charlotte), so all may review changes prior to the
157 warned June 15 public hearing. We'll recalibrate this draft after hearing that public feedback.

158

159 **Review new LURs amendment drafts: Sec. 9.2 exemption re: adding EV charging stations as**
160 **accessory to approved use; Sec. 4.12 (2) – delete limit of 1 residential unit in a Mixed Use**
161 **Development:**

162 *(Tabled until next mtg.)*

163

164 **Review/approve draft PC meeting minutes: for May 18 mtg.:**

165 **MOTION by Linda Radimer; seconded by Robert Bloch to approve the PC meeting**
166 **minutes for May 18, 2023, as amended. VOTE: 6 ayes, motion carried.**

167

168 **Community Heart & Soul update:**

169 Robert commented that a draft motion, for the Selectboard to read in support of Heart &
170 Soul, has been prepared. Larry will circulate to the Commission for review.

171

172 **Adjournment:**

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

174 **VOTE: 6 ayes, motion carried.** The meeting was adjourned at 9:15 p.m.

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176 *Minutes respectfully submitted:*

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