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Town of Charlotte
PLANNING COMMISSION
Meeting Conducted at Town Hall and via Teleconference
March 9, 2023

Approved by the Planning Commission – 3.23.23

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

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

OTHERS: Frank Tenney, Paul Plante, Dean Bloch, JD Herlihy, Matt Citarella, Claudia Mucklow, Aaron Brown.

Posted Agenda:

7:00 PM Call to Order
7:02 PM Changes to Agenda (if any); Public Comment
7:05 PM Review/Approve draft meeting minutes: for Feb. 16 mtg.
7:10 PM Thompson’s Point LURs amends: review/markup revised draft; next steps
7:30 PM Choose topics for next round of LURs amends: schedule for upcoming meetings
8:00 PM Confirm/adopt draft Rules of Procedure (as revised)
8:15 PM March 23 public hearing on cannabis standards: discuss outreach, plans
8:30 PM Adjourn

Call to Order: Acting Chair Kelly Devine called the meeting to order at 7:01 p.m.

Changes to Agenda (if any):

Kelly added the interview of Aaron Brown for Interim Zoning Administrator; Thompson’s Point LURs amends: review/markup revised draft; confirm/adopt draft Rules of Procedure (as revised). Choose topics for next round of LURs amends: to be tabled, due to time constraints.

MOTION by Linda Radimer; seconded by Robert Bloch to accept changes to the agenda. VOTE: 5 ayes, motion carried.

Public Comment: None.

Interview of Aaron Brown for Interim Zoning Administrator:

Aaron Brown reviewed his educational and employment history in response to Kelly’s question of interest in the position, which included previously holding the Zoning Administrator (ZA) position for Charlotte for 18 months (2018-19). During that time, Aaron was involved in the digitization of land records, staffed the Zoning Board of Adjustment, and worked on potential zoning changes to the Land Use Regulations pertaining to accessory on-farm businesses. Kelly asked about Aaron’s freelance consulting during the past 18 months, and asked if he would continue to do contract work if he accepts this position. Aaron stated he might do additional contract work, but it would be minimal. Robert Bloch questioned if Aaron would be interested in the ZA position on a permanent basis. Aaron confirmed he would be interested.

Linda asked Aaron what he views as the most significant challenges for Charlotte. Aaron responded affordable housing, septic capacity, and minimum lot size/density. Kelly pointed out that the ZA position is functionally focused, versus strategic leadership. Aaron stated comfort with

48 this. Kelly asked for a functional challenge Aaron experienced during his tenure in Charlotte.
49 Aaron provided an example that involved ZA and enforcement, noting the challenge of following
50 through on enforcement as a ZA.

51 Kelly noted that cannabis standards have been warned and asked for Aaron's current
52 knowledge of standards. Aaron demonstrated that he is well versed in state statute. Aaron noted
53 that enforceable odor standards are challenging and suggested buffers. Kelly emphasized that
54 cannabis will likely be a challenge in the Interim ZA position. Aaron responded when state statute
55 enables local standards, that is what is enforced, when it precludes, state statute is followed.

56 Linda asked about Aaron's opinion about open space. Aaron noted that for subdivisions, the
57 ZA doesn't have much of a role, but could be a sounding board for the Town Planner.

58 Aaron questioned if zoning bylaws or the Town Plan had been updated since his tenure.
59 Kelly confirmed there have been minor changes in the bylaws, and provided updates on bylaw
60 modernization grant. Permitting roles were removed from Planning Commission to Development
61 Review Board. Charlotte is also going through a town-wide reappraisal.

62 **MOTION by Robert Bloch; seconded by Carrie Spear to recommend to the**
63 **Selectboard the appointment of Aaron Brown as Interim Zoning Administrator. VOTE: 5**
64 **ayes, motion carried.**

65
66 **Review/Approve draft meeting minutes: for February 16 meeting:**

67 **MOTION by Linda Radimer; seconded by Robert Bloch to approve the PC meeting**
68 **minutes for Feb. 16, 2023. VOTE: 5 ayes, motion carried.**

69
70 **Thompson's Point LURs amends: review/markup revised draft; next steps:**

71 Frank Tenney referenced a recent Thompson's Point application denied by the
72 Development Review Board. Larry Lewack clarified the denial was based on language in the Town
73 Plan which prohibits any development within 150 ft. from Lake Champlain shoreline. Larry noted
74 that the town attorney was consulted, and he advised that DRB decisions must be based on the
75 LURs when they set a more specific standard than the Town Plan (which they do, in this case).
76 Kelly questioned Frank, as Vice Chair of the Selectboard, about their oversight of an appointed
77 body that is operating outside Land Use Regulations (LURs). Frank responded that an appeal could
78 be made to the environmental court, and the Selectboard would have to decide if the town would
79 contest the appeal, or not. The Town Plan is an aspirational, policy document; LURs contain the
80 rules to apply law. Kyra Wegman believes the LURs language should support the Town Plan.

81 Larry redirected the conversation to the revised Thompson's Point draft, and noted neither
82 the current rules, nor proposed amendments, clearly restrict building further away from
83 lakeshore. (It's implied, but not explicit.) Kelly asked for consideration of revisions as proposed to
84 move the amendments forward. Matt Citarella noted that moving back equates to replacement.
85 Current LURs do not authorize demolition, with rebuild in a different location. Larry confirmed
86 that renovation/rehabilitation versus building an entirely new structure should be clearly
87 differentiated in the LURs, with clear standards for replacement.

88 Gerald Bouchard suggested that the current standard of requiring the Tree Warden to
89 individually authorize all tree removals on Thompson's Point is onerous, and would not be
90 changed in this draft. He suggests that leaseholders take photos of trees that are hazardous, and
91 we allow their prompt removal without town review to expedite that process and ensure safety.
92 Larry responded that the minor edits he proposed would allow only trees that are already down to
93 be removed without review by the Tree Warden, to ensure legitimacy of the removal. Carrie
94 pointed to language that encourages photographic documentation versus specifying that photos

95 are required. Larry responded that detailed procedures are not needed or required in LURs; he
96 believes the staff should be trusted to do their jobs without specifying all needed details.

97 Frank Tenney questioned how long a demolished, grandfathered structure retains its
98 footprint status before its no longer “grandfathered” (allowed to be rebuilt within that footprint).
99 Larry responded that demolishing and rebuilding a replacement structure each require a permit,
100 and each of those permits are valid for two years, which could either overlap or be sequential. So,
101 the “grandfather” period would be up to 4 years without an extension; could be longer.

102 **MOTION by Carrie Spear; seconded by Linda Radimer, to adopt amendments to**
103 **Thompson’s Point LURs. VOTE: 3 ayes, 3 nays. Motion failed.**

104
105 **Choose topics for next round of LURs amends: schedule for upcoming meetings:**

106 Kelly tabled this topic due to time constraints and pending commission member changes.

107
108 **Confirm/adopt draft Rules of Procedure (as revised):**

109 Kelly tabled this topic due to time constraints.

110
111 **March 23 public hearing on cannabis standards: discuss outreach, plans:**

112 Kelly clarified no changes to the draft standards can be made now, given the hearing has
113 been warned. Kyra asked for clarity to ensure her response to the 200 ft. buffer is correct. Kyra is
114 responding to residents with the following: The town needs to treat cannabis cultivation as any
115 other business. If a grower is required to have a larger buffer, the Town could end up in
116 environmental court. Larry confirmed that is the correct response. Kelly questioned notes within
117 the document that were based on opinion, and asked Larry to remove them. Kyra asked why
118 neighbors are discounted from odor consideration with use of the terminology “any reasonable
119 person.” Kelly noted this is the same standard applied elsewhere in the LURs to judging adverse
120 impact on natural resources. Close neighbors have a vested interest which needs to be weighed by
121 the DRB, but not to the point of having veto power, if they claim greater impacts than what would
122 be found by a truly neutral party. Larry added neighbors will always have the option to weigh in
123 during public hearings for conditional use approval of projects at the Development Review Board.

124 Regarding outreach, Larry listed outreach completed thus far, including:

- 125 • Publication of warning in the Citizen, and posted around town.
- 126 • Written warning to statutory interested parties, including neighboring towns
- 127 • Shared draft with Development Review Board, Conservation Commission and Selectboard

128 He plans to add the following:

- 129 • Personal invitation to all licensed cannabis businesses in Town,
- 130 • Draft an article for publication in the *Citizen* and the *Charlotte News*
- 131 • Postings in the Charlotte Front Porch Forum.

132 Kelly asked to see the draft article before publication. Larry will send the draft to Kelly and Robert
133 for review prior to submitting for publication.

134
135 **Adjournment:**

136 **MOTION by Robert Bloch; seconded by Kyra Wegman, to adjourn the meeting. VOTE:**
137 **6 ayes, motion carried.** The meeting was adjourned at 8:55 p.m.

138
139 Minutes respectfully submitted:

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