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3 **Town of Charlotte**  
4 **PLANNING COMMISSION**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **May 18, 2023**

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8 *Approved by the Planning Commission – 6.1.23*

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

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

11 **OTHERS:** Frank Tenney, Paul Plante, Charles Russell, Susan Crockenberg, Kelly Devine, Chea Evans, Maggie Citarella, Claudia Mucklow, Pete Demick, Roelof Boumans, Maggie Korey, Sharon Mount, Charles Russell, JD Herlihy

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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 Joint mtg. w/ Charlotte Conservation Commission; discuss LURs recommends  
19 8:10 PM Discuss outline of LURs audit recommendations; prioritize for LURs amends  
20 (continued from May 4 mtg.)  
21 8:40 PM Review/Approve draft PC meeting minutes: for April 6, April 20 & May 4 mtgs.  
22 8:50 PM Officer Elections – for PC Chair & Vice Chair  
23 9:00 PM Adjourn

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25 **Call to Order:** Charlie Pughe called the meeting to order at 7:00 p.m. He welcomed Matt Krasnow, newly appointed by the Selectboard as a member of the Planning Commission.

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

29 Charlie asked Robert Bloch to provide a Community Heart and Soul initiative update.

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31 **Public Comment:** None.

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33 **Joint mtg. w/ Charlotte Conservation Commission; discuss LURs recommends:**

34 Claudia Mucklow and Maggie Citarella introduced the Conservation Commission's (CCC's) draft Land Use Regulations (LURs) recommendations. Their goal is to protect forested areas and other remaining habitat from development. Charlie Pughe noted 29% of Charlotte is now forested. Maggie Citarella reviewed the rationale portion of the recommendations, including reference to Act 171 which asks that municipalities better protect forest blocks and habitat connectors. Maggie also noted that the region's greatest biodiversity is in the Champlain Valley.

40 Robert asked if the CCC has specific conservation goals. For example, do they hope to protect \_\_\_ acres, or \_\_\_ % of these forest lands? Have they mapped out certain vulnerable wildlife corridors they want protected? Claudia responded: not really, just greater protection for larger forested blocks, and protecting habitat corridors when development occurs. Maggie agreed; mapping is beyond the scope of this proposal. She noted that current LURs do not provide for the expansion of forested areas. She also referenced Act H.126, also known as the 30 x 30 or 50 x 50 bill. Act H.126 seeks to increase land conservation in Vermont to 30% by 2030, 50% by 2050.

47 Linda Radimer asked if the CCC has prioritized where conservation efforts could occur.  
48 Roelof Boumans spoke to linkage habitat as critical to protecting species. Pete Demick shared his

49 opinion that all of Charlotte is high public value. He opposes recent efforts from the Chittenden  
50 County Regional Planning Commission (CCRPC) to increase Charlotte's wastewater capacity. Kyra  
51 Wegman echoed sentiment to see a map of corridors. She also commented that affordable housing  
52 in village centers and conservation efforts to protect rural open space are not necessarily  
53 opposing values.

54 Charlie spoke to need for updated habitat maps and educational efforts. Roelof noted that  
55 the habitat data in those map layers is ~14 years old & needs updating. He questioned how maps  
56 should be made accessible. Charlie suggested the CCC work towards an update of the data behind  
57 the Significant Wildlife Habitat Map, and that this data set also be incorporated into the Charlotte  
58 Map Viewer, so that it's more accessible to all residents. Town staff could request those updates.

59 Robert pointed out conservation needs to be balanced with landowner rights. Roelof  
60 suggested one path: reduce property taxes for owners who conserve land; higher taxes when land  
61 is developed. Maggie noted that VT's tax incentive is limited to people who own conserved blocks  
62 of 25+ acres. Charlie suggested that residents be able to pool their properties to qualify for current  
63 use valuation (for reduced property taxes). (*Note: this would require changing state law.*)

64 Matt Krasnow pointed out that forest edges are important to biodiversity, and Charlotte  
65 also has abundant aquatic and edge habitat along our rivers and lakeshore. Matt would like to see  
66 the reinstatement of the town's collection of taxes dedicated to land conservation. Charlie  
67 commented that historically, conservation dollars have been allocated to conserve open farmland.  
68 Perhaps equal attention & resources could be devoted to conserving forested areas.

69 Charlie recommended that the CCC collaborate with the Trails Committee. The Town Plan  
70 must be updated in 2026, which will require compromises to make sure that new trail  
71 development does not enable further human encroachment on important habitat areas. He also  
72 suggested that the CCC focus on public education & outreach: provide specific guidance to  
73 landowners about how to steward and protect their land for wildlife habitat; 'do's and don't's, etc.

74 When asked about how she would prioritize this long list of proposed amendment, Maggie  
75 pointed out that all recommendations are tied to principles from the Town Plan, and aim to make  
76 LURs clearer and enforceable. For instance, several recommendations would change 'shall's' to  
77 'musts' to remove ambiguity in how the DRB should apply those standards.

78 Linda asked for clear definition for high public value. Maggie responded the Town Plan lists  
79 them in Table 7.1. JD Herlihy added that high public value is clearly defined. Charles Russell stated  
80 the issue is really a lack of clear standards of what constitutes an undue adverse effect. Frank  
81 Tenney said he's trying to figure out how these proposals would affect residents' property rights.  
82 He's concerned that enacting these rules would make building anything much more difficult &  
83 further restrict the town's ability to construct needed housing. Charlie added compromise will be  
84 needed to reach the point of a Town vote.

85 Matt turned attention back to incentivizing conservation, and discussed Transferrable  
86 Developmental Rights (TDRs), used to increase density where desirable. For example, town could  
87 place a \$\$ value on TDRs, payable to the town, and use those funds to conserve land, when they're  
88 used to increase density in the village centers. Gerald Bouchard commented developers have only  
89 used TDRs once. Larry commented that current TDR rules don't allow density to be transferred  
90 from the Rural District to village commercial districts, where it's most appropriate.

91 Maggie commented on potential to rezone rural residential and rural districts to restrict or  
92 allow density where desirable. Charlie stated the need is to create a means to compensate the  
93 landowner when conservation is critical. Rezoning is possible with a Town vote.

94 **Next steps:** Charlie suggested the Planning Commission and CCC meet again soon. It was  
95 decided the two Boards will reconvene on June 29, 2023. In preparation for the meeting, JD  
96 Herlihy suggested that the Conservation Commission's role be better defined in LURs.

97

98 **Discuss outline of LURs audit recommendations; prioritize for LURs amends** (continued from  
99 *May 4 mtg.*)

100 Larry Lewack recapped where the Planning Commission had left off during the May 4  
101 meeting, including Charlie's request for members to prioritize bulleted 'to do' list items in Section  
102 II. Gerald Bouchard called attention to the Zoning Administrator being empowered to approve  
103 minor changes to an approved site plan and subdivision amendment, asking that "minor" be  
104 defined. Charlie responded that he found this change would likely be controversial, and suggested  
105 that non-controversial bullets should be addressed first.

106 Robert questioned this approach. To this, Charlie answered that the straightforward items  
107 could be addressed before the CCRPC begins village planning work. Charlie suggested adding EV  
108 charging stations to list of development exempt from local permitting as an example. Discussion  
109 and consensus this would mean one EV charging station, tied to previously approved conditional  
110 use. He also suggested dropping the 1-residence limit for Mixed Use applications. We could also  
111 drop required Sketch Plan reviews for boundary adjustment and subdivision amendments; this  
112 could be made optional (because it can be helpful). Larry noted that waiving Sketch Plan Review  
113 for these types of projects is already optional (per Sec. 6.3). Charlie also suggested separate  
114 minimum lot area from minimum density, and amend section 3.6 to allow for more than one  
115 principal structure on a lot, as straightforward items to get done in our next stage.

116 Regarding amending section 3.6, Larry noted that adoption of S. 100 will effectively  
117 eliminate single family zoning, as duplexes will be allowed on all lots. Kyra questioned the impact  
118 of removing the ban on connecting to the Champlain Water District. Charlie answered that the  
119 desire for a denser village need to be established before water supply and sewer are discussed.

120

#### 121 **Other:**

122 Larry updated the PC on recent legislative changes (H.270) to VT's cannabis laws which  
123 makes outdoor grow operations off limits to town permitting, just like agriculture. This will  
124 require revisions to proposed cannabis LURs, removing outdoor, and possible public hearing. Kyra  
125 questioned if cannabis should be folded into commercial standards. Charlie responded that  
126 cannabis has not been treated any differently than any other business in proposed LURs. Frank  
127 questioned mixed use. Charlie responded that indoor cultivations would still require permitting.

128 *Next steps:* Larry will consult with the town attorney about whether an additional public  
129 hearing needs to be scheduled. He will mark up the recently approved draft for needed changes  
130 due to H.270 & circulate to Commission members prior to our next mtg. on June 1.

131

#### 132 **Review/Approve draft meeting minutes: for April 6, April 20 & May 4 mtgs.:**

133 **MOTION by Charlie Pughe; seconded by Gerald Bouchard to approve the PC meeting**  
134 **minutes for April 6, 2023, as amended. VOTE: 5 ayes, motion carried.** (Linda Radimer  
135 abstained due to absence. Matt Krasnow not on Planning Commission on April 6.)

136 **MOTION by Linda Radimer; seconded by Gerald Bouchard to approve the PC meeting**  
137 **minutes for April 20, 2023. VOTE: 4 ayes, motion carried.** (Robert Bloch and Carrie Spears  
138 abstained due to absence. Matt Krasnow not on Planning Commission on April 20.)

139 **MOTION by Gerald Bouchard; seconded by Linda Radimer to approve the PC meeting**  
140 **minutes for May 4, 2023, as amended. VOTE: 4 ayes, motion carried.** (Kyra Wegman and  
141 Carrie Spears abstained due to absence. Matt Krasnow not on Planning Commission on May 4.)

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#### 143 **Officer Elections – for PC Chair & Vice Chair:**

144 Robert Bloch nominated Charlie Pughe to remain as Chair.

145 **VOTE: 6 ayes, nomination carried.** Charlie Pughe abstained.  
146 Carrie Spears nominated Matt Krasnow for Vice Chair.  
147 **VOTE: 6 ayes, nomination carried.** Matt Krasnow abstained.

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149 **Community Heart & Soul update:**

150 Robert noted that the initiative is at a standstill. They held a training at the town library  
151 April 1. The Orton Foundation has agreed to provide coaching to their group at no charge. They  
152 are precluded from pursuing grant funding at this time, pending a formal endorsement from the  
153 Selectboard to support the CH&S effort in Charlotte, as a condition to qualify for the Orton Foundation  
154 Seed Grant. Matt suggested a motion be drafted and presented for the Selectboard to adopt.

155

156 **Adjournment:**

157 **MOTION by Gerald Bouchard; seconded by, Linda Radimer, to adjourn the meeting.**

158 **VOTE: 7 ayes, motion carried.** The meeting was adjourned at 9:16 p.m.

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160 Minutes respectfully submitted:

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