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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **October 19, 2023**

7
8 ***DRAFT – subject to approval by the Planning Commission***

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

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

12 **OTHERS:** Paul Plante, JD Herlihy, Frank Tenney, Matt Citarella, Claudia Mucklow, Charles Russell,
13 Beth Humstone, Scooter MacMillan, Jeffrey Horbar, John Lawlis, Alexa Lewis, Mike Russell, Bob
14 Stein, Libby Laino

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 Appoint PC Liaison(s) to Village Master Plan Steering Committee
19 7:10 PM Review/endorse state grant application for 2025 Town Plan update
20 7:30 PM Complete review of Thompson’s Point & Nonconforming Structures LURs for further
21 consideration: using rubrics from Sept. 21 mtg. Determine next steps, schedule
22 8:30 PM Review & approve draft meeting minutes: June 29, Oct. 5 mtgs.
23 8:40 PM Adjourn
24

25 **Call to Order:** Charlie Pughe called the meeting to order at 7:01 p.m.

26
27 **Changes to Agenda (if any):** None.

28 **Public Comment:** None.
29

30 **Appoint PC Liaison(s) to Village Master Plan Steering Committee:**

31 Robert Bloch stated willingness to step into the role.

32 **MOTION by Charlie Pughe; seconded by Gerald Bouchard to appoint Robert Bloch as**
33 **the Planning Commission liaison to the Village Master Plan Steering Committee. VOTE: 4**
34 **eyes, motion carried.**
35

36 **Review/endorse state grant application for 2025 Town Plan update:**

37 Charlie shared edits that came out of his review of the application, which included issues
38 with the template, and concern that outreach is scheduled at the end, vs. from the start of the
39 project. Larry Lewack responded that the Town Plan update will follow the Village Master Plan
40 project, which includes extensive public outreach. That said, he agreed to redo work plan to
41 include outreach from the start. Larry described the timeline for Planning Commission and
42 Selectboard endorsement, as the PC won’t meet again before the Nov. 1 application deadline.
43 Charlie suggested Larry edit, distribute by email, and then the Planning Commission would
44 endorse by email vote. Charles Russell voiced concern with Charlie’s suggestion. As an alternative,
45 the Planning Commission agreed to authorize Charlie to review and sign-off on the final draft.

46 **MOTION by Charlie Pughe; seconded by Robert Bloch to authorize Charlie Pughe to**
47 **sign the Municipal Planning Grant application on behalf of the Planning Commission**

48 **pending final review in concurrence with all Planning Commission members' final review.**
49 **VOTE: 4 ayes, motion carried.**

50

51 **Complete review of Thompson's Point & Nonconforming Structures LURs for further**
52 **consideration: using rubric from Sept. 21 mtg. Determine next steps, schedule:**

53 Charlie referenced public comments received on 10/18; a key question was the amount of
54 change that will be permitted on Thompson's Point. Robert suggested to establish what
55 Thompson's Point is and what the Town would like for it to be. Matt Citarella responded to
56 Robert's comment; he believes this is fully addressed in the Town Plan. Libby Laino voiced
57 concern with approving projects as nonconforming structures at Thompson's Point as that would
58 set a precedent throughout town. Charlie responded that Thompson's Point is unique. The issue is
59 whether standards are clear, and have been applied consistently. The goal is to provide clarity.

60 Beth Humstone, representative from Thompson's Point Leaseholders' Association, stated
61 that she brings a list of suggested changes from their leadership group. Beth asked for greater
62 fairness and reduction of onerous standards, such as all projects (including shed teardowns)
63 requiring Conditional Use review. Beth pointed out that Thompson's Point has NOT remained
64 essentially unchanged over the years. That accessory dwellings exist there, and have for years.
65 Beth asked for greater clarity on camping and recreational vehicles. Beth noted that wastewater
66 capacity is at 22%. Beth spoke to concerns regarding pruning of trees. Beth said that Design
67 Review Board standards were restrictive. If the Board is to continue, it should include qualified
68 design professionals, and operate according to clear standards.

69 Charlie asked the question if everyone should be allowed to relocate their camp. Robert
70 suggested parameters for relocating. Beth asked if there are situations where relocation would be
71 favorable. Charlie answered that the goal is to create consistent standards that apply to all. Claudia
72 Mucklow cautioned against allowing for relocation and asked for consideration on the impact that
73 relocation would have on lots. Charles requested a standard defining how much of a structure
74 could be changed within the definition of a 'rebuild.' For example, Hinesburg bylaws say you must
75 retain at least 30% of the original structure to meet rebuild criteria. Less than 30% retained is
76 treated as a new structure. Frank Tenney questioned if an existing camp could be physically
77 moved. Charlie answered that had not yet been discussed. He said there are 134 camps located on
78 Thompson's Point, and likely 134 different scenarios.

79 Charlie asked participants if they would be in favor of, or opposed to, an increase in lot
80 coverage, or adding a second story. Beth she personally agrees with retaining 10% lot coverage,
81 and allowing a second story should continue to be allowed. Mike Russell questioned what the
82 purpose of a setback is. Larry responded side yard setbacks are to keep a reasonable distance
83 between structures. Mike asked why distance is important. Beth: for privacy and fire protection.
84 Charlie referenced adherence to state stormwater permitting. Frank suggested a cap on square
85 footage for those leasing more than one lot (since building & lot coverage limits now apply to the
86 combined area of all lots under the same leasehold).

87 John Lawlis believes that current regulations are clear, and questioned where the wave of
88 interest in changing regulations is coming from. Trees are protected by state Shoreland Protection
89 rules. Charlie answered that cottage owners want to be able to make reasonable improvements
90 and upgrades to their property, but find that the current LURs are unclear. JD Herlihy noted
91 current LURs standards are unrealistic, vague & appear designed to block any changes. Claudia
92 suggested that LURs pertaining to non-conformance not be applied to Thompson's Point. Bob
93 Stein said that things change over time and cautioned against making Thompson's Point look a
94 certain way. Larry pointed out that the Town Plan does not say that Thompson's Point cannot or
95 should not change, but only suggest its respecting historic character. Also, current LURs require all

96 projects be subject to design review, when many buildings there (including sheds) are not of equal
97 historic merit (i.e., only 33 of the 134 camps there are on the state register of historic buildings).
98 Larry asked why this requirement is so broadly applied.

99 Charlie directed the conversation to nonconforming structures. Charlie pointed out the
100 DRB has requested standards on how and when to apply setback waivers, and asked to separate
101 Thompson's Point out from the discussion. Charlie questioned if different rules are needed to
102 allow: 1) modifications to nonconforming structures, when the modification does not increase
103 nonconformance; 2) proposed extensions of the nonconforming edge that run parallel to the
104 property line; 3) nonconforming structures that increase volume without going further into the
105 setback. Gerald Bouchard responded that any modification for health and welfare should be
106 permitted. Charlie said there is already a carveout in the LURs for such (exemption for ADA
107 improvements).

108 Larry revisited JD's previous suggestion to move standards for granting waivers to
109 setbacks, to a different section in the LURs. He agrees that standards are needed to guide DRB
110 permit decisions. He noted that this section has been used as the basis for granting conditional use
111 approval using a principle that does not now appear in the LURs: allowing rebuilds that are less
112 nonconforming than what currently exists. Charlie questioned if there should be a limit on how
113 many times nonconformance can be increased. Matt suggested new structures should always be
114 required to conform to LURs. Larry noted that there are carveouts for loss of a home by fire or
115 natural destruction. Frank stated concern for requiring a variance to move an existing structure;
116 this is a much higher bar in the LURs and in statute. Robert asked what is the public good behind
117 putting up barriers? Charlie spoke to potential impact on neighbors.

118 Mike Russell suggests we start over by trying to identify what we want to accomplish with
119 these revisions. Situations that should be addressed:

- 120 * Destruction of a NC structure: retain carve-out, with rebuild rights within time limits
- 121 * Voluntary demolition of a NC structure: considered a new structure, in most instances
- 122 * Modification within setback

123 Beth Humstone asked: what is the timeline for preparing a final draft of Thompson's Point
124 rule changes? Charlie responded: unknown, stay tuned.

125
126 **Review/approve draft PC meeting minutes: for June 29, October 5, mtgs.:**

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

128 **MOTION by Robert Bloch; seconded by Carrie Spears to approve the PC meeting**
129 **minutes for October 5, 2023. VOTE: 4 ayes, motion carried.**

130
131 **Adjournment:**

132 **MOTION by Robert Bloch; seconded by, Carrie Spears, to adjourn the meeting. VOTE:**
133 **4 ayes, motion carried.** The meeting was adjourned at 8:51 p.m.

134
135 Minutes respectfully submitted:

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