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3 **Town of Charlotte**
4 **PLANNING COMMISSION**
5 **Meeting Conducted at Town Hall and via Teleconference**
6 **September 21, 2023**

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8 *Approved by the Planning Commission – 10.5.23*

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

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

12 **OTHERS:** Paul Plante, Fran Stoddard, Mike Yantachka, Janet Yantachka, John Streng, Charles
13 Russell, JD Herlihy, Frank Tenney, Maggie Citarella, Matt Citarella, Claudia Mucklow

14 **Posted Agenda:**

15 7:00 PM Call to Order

16 7:02 PM Changes to Agenda (if any); Public Comment

17 7:05 PM Thompson's Point LURs – Effects of current rules; desired outcomes for revised
18 rules; does redraft meet those goals? If not, next steps?

19 7:50 PM Nonconforming Structures LURs - Effects of current rules; desired outcomes for
20 revised rules; does redraft meet those goals? If not, next steps?

21 8:35 PM Review & approve draft meeting minutes: June 29, July 20, Sept. 7 mtgs.

22 8:40 PM Ltr., email from Mike Yantachka re: short term rental regulation

23 8:45 PM Adjourn

24
25 **Call to Order:** Matt Krasnow called the meeting to order at 7:01 p.m.

26
27 **Changes to Agenda (if any):** Larry Lewack added he was advised by CCRPC staff to apply for
28 additional state planning grant funding, to hire outside help to update the Town Plan in 2025. This
29 application would need to be submitted by November 1st. Larry will present a draft to the Planning
30 Commission on Oct. 19. Maggie Citarella, from the Charlotte Conservation Committee, noted they
31 are also interested in applying for state grant funding to update Charlotte's habitat map.

32 Linda Radimer asked about Carrie Spears' previous request to discuss visions for Charlotte.
33 Larry responded that these discussions would occur as part of the project underway with the
34 Chittenden County Regional Planning Commission. Carrie clarified she was talking more about
35 planning some kind of get-together for PC members to get to know one another better.

36
37 **Public Comment:** None.

38
39 **Thompson's Point LURs – Effects of current rules; desired outcomes for revised rules; does
40 redraft meet those goals? If not, next steps?:**

41 Larry introduced Charlie Pughe's suggested approach to updating Land Use Regulations
42 (LURs). Based on this, Larry created a worksheet. Questions include: 1) What is/are the
43 problem(s)/issue(s) we are looking to address? 2) What are the effects of this current rule? 3)
44 What are the desired outcome(s) for revised rules? 4) (if we have a draft): Are proposed fixes
45 likely to lead to this outcome(s)?

46 Larry presented current Thompson's Point rules (Table 2.7) and previously drafted,
47 updated (but not approved) amendments to this section. Linda asked if there is any obvious
48 problem with the current LURs. Kyra Wegman responded the 50 ft. side setbacks which makes

49 many projects unfeasible. Matt Citarella asked that the Planning Commission consider that the
 50 current setbacks were intended for conservation. Matt Krasnow asked if 50 ft. is the standard in
 51 every district in the town. Larry responded that it is not. For instance, the Village District has 25 ft.
 52 setbacks. In addition, Larry explained that making any changes at Thompson's Point requires
 53 conditional use review and approval from the Developmental Review Board (DRB), which is an
 54 expensive and lengthy process. Updating LURs to achieve a happy medium would be
 55 advantageous to residents and regulatory bodies. Linda restated her question about what is
 56 problematic with current LURs. Matt Krasnow responded the inability to improve existing
 57 structures. Robert Bloch asked what the town's obligation is to those leasing at Thompson's Point.
 58 Matt Krasnow reiterated, the ability to make improvements. Linda spoke to the ability of
 59 Thompson's Point leasers to build up. Larry commented on Thompson's Point residents feedback
 60 obtained in the past. At-large lease holders felt the regulatory process is unpredictable,
 61 applications can become unduly politicized, the application process is expensive and cumbersome,
 62 and results varying from one applicant to another. Matt Krasnow opened public comment.

63 JD Herlihy, member of the DRB, asked for consideration that Thompson's Point is unique
 64 because of the need for conditional use review. JD noted a struggle from the DRB, is that all the lots
 65 on Thompson's Point are non-conforming in nearly every aspect. JD also suggested review of the
 66 purpose statement, which sets forth regulatory goals for these rules.

67 Frank Tenney agreed with JD that the Table 2.7 purpose statement should be the starting
 68 point, then revise LURs accordingly. This may include changing setbacks, clarifying rules about
 69 moving a structure, & clarify what the DRB can approve.

70 Maggie stated that the worksheet looks great, but suggested adding if/how the LURs align
 71 with the Town Plan. For Thompson's Point LURs, evaluate if prospective changes align with the
 72 current Town Plan. Maggie said current LURs seem to preclude any new development there.

73 Charles Russell, member of the DRB and a Thompson's Point leaseholder, stated that there
 74 are due process issues at stake; every applicant has the right to know what must be done to get an
 75 application approved. The Table 2.7 rules should make this clear. Charles agreed that current rules
 76 are an impediment to new development. In some cases, moving the structure can make it more
 77 compliant with LURs standards. Linda Radimer asked if the DRB has specific suggestions for
 78 improvement. Charles responded that the DRB is working on a document that outlines this. Frank
 79 asked how the town should treat a proposal to move a structure, that brings it into closer
 80 compliance with the standards. Larry responded those projects usually get conditional use
 81 approval, but that new residential development is not permitted in that district for various
 82 reasons, including the state wastewater discharge permit. Linda stated this violates lease
 83 agreements. Matt Krasnow: that is beyond the Planning Commission's jurisdiction. He suggested
 84 we address the questions on the worksheet, in turn.

85 *What is/are the problem(s)/issue(s) we are looking to address?*

- 86 • Unrealistic setbacks (to side yard parcel lines)—makes it impossible to build almost
- 87 anything
- 88 • Every change to structures requires conditional use review by the DRB--\$800 fee +2-3
- 89 months minimum time frame, on top of usual permitting, design process to get a Zoning
- 90 Permit &; build.
- 91 • WW system rules/ordinance essentially ban building new dwellings or ADUs (a given)

92 *What are the effects of this current rule?*

- 93 • Challenging, expensive process; unpredictable results in permitting
- 94 • DRB challenged to interpret rules that are vague &; highly restrictive

- 95 • Many cottage owners get discouraged & walk away, when they would prefer to maintain
 96 & make modest improvements in their property which would increase enjoyment (& add
 97 value for town)

98 *What are the desired outcome(s) for revised rules?*

- 99 • Protect lake water quality in a fragile shoreline district
 100 • Respect the rights of neighbors; encourage peaceful co-existence
 101 • Rational rules that allow cottage leaseholders to maintain & modernize their
 102 properties w/o undue regulatory burdens or process

103 *Are proposed fixes likely to lead to this outcome(s)?*

- 104 • Possible unintended consequence of reducing side setback: would encourage additions
 105 outside the setback. (limited by lot & building coverage %, though)

106 Kyra asked if the 50 ft. setback could be between cottages, versus lot lines. Larry responded
 107 that this is the standard at Cedar Beach, which has been successful. Claudia Mucklow cautioned
 108 against reducing setbacks or relocating cottages due to steep slopes, and deforestation. Matt
 109 Citarella asked for clarity when saying *move*. A total rebuild = a new structure. Matt Citarella also
 110 cautioned against calling lease holders customers, and noted that revenue gained may be offset by
 111 water quality efforts that would be needed. Matt Krasnow asked if the town has the authority to
 112 negotiate boundaries. Larry responded surveyed lease lot lines have not changed since 1932,
 113 largely because if done, Thompson's Point would be subject to Act 250 review. JD noted that
 114 reducing setbacks could result in larger structures. In response, Robert noted that lot coverage
 115 limits and septic capacity would still limit scope of allowed additions.

116

117 **Nonconforming Structures LURs - Effects of current rules; desired outcomes for revised**
 118 **rules; does redraft meet those goals? If not, next steps?**

119 *What is/are the problem(s)/issue(s) we are looking to address?*

- 120 • No standards in the current NC structure rules; leaves a lot of discretion
 121 • Unclear how height figures into determination of non-conformity; OK to increase height
 122 w/in setback? (current rules don't say)

123 *What are the effects of this current rule?*

- 124 • Without standards, applicant & DRB doesn't have a clean, consistent answer to what kinds
 125 of changes to NC structures are allowed & which cannot be approved.

126 *What are the desired outcome(s) for revised rules?*

- 127 • Create clear standards for the applicant & DRB to understand & follow

128 *Are proposed fixes likely to lead to this outcome(s)?*

- 129 • Proposed standards are a good start. Need fine-tuning.
 130 • Not everyone agrees w/ 3.8.B.2 premise in draft. Some interpret a total rebuild as a new
 131 structure, thus losing its 'grandfather' rights & requiring 100% compliance with standards.

132 Robert asked about definition of non-conformity: is that the extent to which a structure
 133 intrudes further into a setback or volume within the setback? Larry: in the current 3.8.B rule,
 134 volume is not included. It is based upon encroachment of exterior walls into the setback. Frank
 135 agreed that clear standards are needed. Frank asked if lot coverage would be included in the
 136 standards. Matt Krasnow suggested that Thompson's Point leasers should have equitable rights
 137 regardless of lot size. Larry noted this language is intended to provide an alternative to variance
 138 review, which is extremely restrictive. JD said specific standards for setback waivers could be
 139 added to LURs in a separate section, as waivers are more lenient than variances. Matt Citarella

140 asked for clarity on when the 'grandfathered' status of a damaged non-conforming structure
141 expires. (**Ed. note:** current LURs state 2-year limit.) Charles said this could be clarified by a % of
142 how much of the existing footprint remains. Frank asked if the same waiver language would be
143 appropriate for Thompson's Point, or would Thompson's Point require its own language.

144

145 **Review/approve draft PC meeting minutes: for June 29, July 20, September 7, mtgs.:**

146 The needed quorum to approve the June 29th draft minutes was not in attendance. The
147 needed quorum to approve the July 20th draft minutes was not in attendance.

148 **MOTION by Linda Radimer; seconded by Kyra Wegman to approve the PC meeting**
149 **minutes for September 7, 2023. VOTE: 4 ayes, motion carried.** (Matt Krasnow and Robert
150 Bloch abstained, as they were absent from that meeting.)

151

152 **Ltr., email from Mike Yantachka re: short term rental regulation:**

153 Carrie pointed out that the letter was written on July 25th and asked if any action had been
154 taken. Mike Yantachka responded that no response has been received from the Selectboard. Mike
155 was told his concern is more in the purview of the Planning Commission. Mike said one of the four
156 houses on his road has converted to an Air B&B. The property was purchased strictly for the
157 purpose of setting up as a short-term rental site & has absentee ownership. He noted the
158 disruption to his neighborhood. Mike commented on the housing shortage in Vermont, and how
159 this is contributing to the problem. He is not opposed to residents making money on their
160 property when it remains as their primary residence.

161 Mike asked if short-term rentals must be registered in Charlotte. Larry: they are not. Larry
162 said what first needs to be established is if & how to regulate them. Some VT towns have adopted
163 ordinances that govern the operation of STRs, with registration fees. Matt Krasnow asked if
164 holding companies buying properties violates LURs. Larry responded that LURs are silent on this
165 issue. Robert asked Mike if his main concern is nuisance, or effect on housing stock. Mike: it's both.
166 Mike believes it's creating a commercial property in a residential zone. Robert said that long term
167 rentals are also a commercial venture. JD suggested LURs for Inns & Bed & Breakfast, might be
168 applicable. Larry commented that the same health and safety standards for long-terms rentals
169 should also apply to short-term rentals. He also noted under current rules, we could pursue
170 enforcement of violations of performance standards, such as excessive noise, trash, etc.

171 Matt Krasnow suggested the Selectboard could enact an ordinance. Meanwhile, we can
172 provide a handout document on what to do if you observe problems at a short-term rental. Frank
173 asked for Planning Commission input on how to move forward. Maggie suggested wastewater
174 capacity might be a factor. Matt Krasnow responded that wastewater is regulated by the state, and
175 based on # of bedrooms. JD added wastewater permits are issued based on uses. Robert suggested
176 we look into the wastewater permit for that property; if it exceeds capacity, contact VRBO
177 corporate. Larry stated that he could draft the fact sheet Matt Krasnow suggested, and research
178 ordinances from other towns, and present results to Selectboard.

179

180 **Adjournment:**

181 **MOTION by Kyra Wegman; seconded by, Robert Bloch, to adjourn the meeting. VOTE:**
182 **5 ayes, motion carried.** The meeting was adjourned at 9:30 p.m. (Carrie Spear left @ 9:05 p.m.)

183

184 Minutes respectfully submitted:

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