

**Town of Charlotte  
SelectBoard  
Meeting Conducted At Town Hall and via Teleconference  
September 27, 2022**

**APPROVED**

**SelectBoard—*In person*:** James Faulkner (Chair), Frank Tenney (Vice Chair)

***Remote*:** Lewis Mudge (in person from 7:25 pm on)

**Absent:** Matthew Krasnow, Louise McCarren

**Staff:** Dean Bloch; Town Administrator, Larry Lewack; Town Planner (both in person)

**Others—*In person*:** Gerald Bouchard, Charlie Pughe, Peter Joslin, Charles Russell, Kyra Wegman,

***Remote*:** Barry Finette, Sharon Mount, Susan Crockenberg, Paul Plante, and others

***Posted Agenda:***

7:00 PM      Public hearing on proposed amendments to the Land Use Regulations  
(continuation of recessed hearing from September 19, 2022)

**CALL TO ORDER:** James Faulkner called the meeting to order at 7:00 p.m.

**Public hearing on proposed amendments to the Land Use Regulations (continuation of recessed hearing from September 19, 2022):** Charles Russell wanted clarification that no decisions can be made from tonight's meeting, and only last week's meeting would allow decision changes. Dean Bloch replied that Title 24 Section 4442 states the Selectboard can make minor changes, but can't do so less than 14 days before the final hearing. The Selectboard met on the 19<sup>th</sup>, so 14 days is October 4, which will allow time for the warning and vote.

Larry Lewack explained the following changes:

**Revised definitions:**

**Road and Driveway Standards:** There is a requirement to name a long driveway with three or more houses via the E911 system.

**Accessory On Farm Businesses:** The modification adds that if you are making a curb cut onto Route 7, one must apply to VTrans for a road access permit.

**Exemptions for exterior changes:** If you are updating siding, roofing, doors, etc. none of these require a zoning permit.

**Exemptions for permit:** Temporary contractor offices and portable storage units in support of a construction project. They need to be removed within two months following the project completion.

**Helipads:** VTrans requested to add helipads as a conditional use, which would go before the DRB

**Health Care Facility:** removed the verbiage “licensed by the state of Vermont” and changed it to “provided by state-licensed practitioners to persons on both an in-patient and or outpatient basis.”

**Public Facility:** This was changed to align with Table 4.2 and Sec. 4.15.

**Undue Adverse Effect (Impact):** This was very slightly changed; verbiage was corrected to align with Vermont court in appeals on land use projects.

**New definitions:**

Food truck, maintenance and repair, deli, building footprint, and golf course.

- Frank Tenney felt the food truck definition was too limited and asked if it were more of a vendor then a food truck. Larry Lewack felt the Selectboard would adopt a special event ordinance on how the food trucks are to be managed in town, and this is just a place-hold in the interim.
- Frank Tenney asked about the discussion around the change for undue adverse effect. Larry Lewack said they were going to re-define adverse effect, but that was dropped last minute since some PC members felt adverse effect was too broad. Charlie Pughe added that Charles Russell brought this issue to the PC and the PC decided not to change it. They changed the heading to match what the State uses, which is Act 250 related. Charles Russell agreed and said this would be addressed before March.
- Frank Tenney asked if a deli needs a permit since it’s an accessory use. Larry Lewack replied this can only work in conjunction with an approved retail use. This makes it consistent with that type of business function, without needing a permit. Frank Tenney felt this is an expansion of the use which would make it exempt from the regulations and he felt this should require a permit. Charles Russell said the language isn’t clear. Dean Bloch read the definition on Accessory Use and asked if the PC’s intent was to not require a permit. Charlie Pughe didn’t believe that was the intent, and then asked in order to open a deli, would one need another retail operation going in order to open a deli? Due to the confusion the Board agreed to put this topic on hold.

**Section C: Accessory Dwellings:** Larry Lewack explained the first section was addressed at the September 19<sup>th</sup> meeting. Today they discussed the second section which addresses the size of ADU’s. The State statute says you can build an ADU which is 30% of the finished floor area of the primary dwelling, or 900 sq ft, whichever is larger. Towns are allowed to increase the 900 sq ft., and currently the standard is up to 1000 sq ft. The proposal is to increase the square footage to 1500.

- Frank Tenney said the State changed this regulation to help with affordable housing, not for equity.
- Kyra Wegman said the ADU must be clearly subordinate to the primary dwelling. She asked why this is, and 2-1500 sq ft homes on a 5-acre lot is essentially 2.5-acre zoning. Lewis Mudge added the ADU can actually be larger than the primary.

Charlie Pughe said in that case the accessory dwelling would become the primary. The owner must live in one of the residences, and this would help the housing crisis in Charlotte. This may allow someone to buy a property with an ADU to help pay their mortgage which falls into the affordability aspect. Many people will be limited by water and septic capacity, among other hurdles.

- Peter Joslin didn't think this was about equity, it was about proving more housing stock. He didn't think there were many 1,500 sq ft homes in Charlotte, or many ADU's, and he felt people are assuming everyone will want to build an ADU now.
- Frank Tenney was concerned with the enforcement aspect; someone could move out and rent both properties.
- Barry Finette felt the size was a problem, allowing people to double their lots. There is no municipal water or sewer and there is no evidence this supports the housing problem in Vermont. He suggested setting the limit to 1000 sq ft, no matter what the primary dwelling size. There is a highly motivating factor to build a 1,500 sq ft ADU now because of the significant increase in the proposed change.
- Sharon Mount wanted the rationale explained as to why the square footage increase in ADU's. Charlie Pughe said equity, multi-generational living, work-at-home space, among others. The ADU has to be close to the existing home with a shared driveway and must be constructed within the same building envelope. He disagreed they are going to 2.5-acre zoning with this change. Frank Tenney disagreed that the ADU has to be close to the existing residence since there is nothing in the regulations that stipulate that.
- Susan Crockenberg wanted this to be put on the ballot and let the public decide. Peter Joslin agreed.

**Next Steps:** Dean Bloch said tonight is the night for public comment and the October 4<sup>th</sup> meeting will finalize the ballot. Lewis Mudge wanted to see the verbiage that will be on the ballot to make sure it clearly states an increase from 1,000 to 1,500 sq ft. Frank Tenney agreed and was concerned that since there are two ADU topics, they will be lumped into two different buckets which could be confusing to the voter. He felt since this is such a controversial topic it should have its own bucket. Lewis Mudge, James Faulkner and Charlie Pughe agreed. Kyra Wegman wants this language to be very clear and it hasn't been done yet. Larry Lewack referred to the user guide that was created that explains the purpose, rationale and effect. He also shared a red-lined version. He suggested a post in FPF to clarify as well.

**Lot layout:** Larry Lewack explained this is a policy change. Under PRD's, for four or more lots, you have to set aside 50% of the land for open space to get a waiver for lot size. The goal is to cluster the lots. Charlie Pughe said historically the PC interpreted it as, if someone couldn't meet the lot constraints such as road frontage (300 ft required), it would become a PRD to get a waiver. The DRB has interpreted it differently. If you don't have frontage, but have access by ROW, you don't have to follow the PRD rules. The PC is asking

to clarify the language that if your subdivision doesn't have the frontage, a ROW can't be created to bypass the PRD process.

- Frank Tenney clarified you don't lose the density by open space, it's still usable by the landowner.
- Charles Russell said the PRD is to protect areas of high public value. In the last decade the PC did interpret it that way, but before 2007, people were granted access to lots just by approval by the PC which was allowed by State Statute. The LUR's have to follow the town plan, and the town plan doesn't mention frontage. Frank Tenney asked if setbacks are in the town plan, and Charles Russell didn't believe so. Charles Russell didn't think it was the town's intention to put houses right on the road. He wanted this topic put aside for now because more thought needs to be put into this change. There hasn't been time to analyze the effect and he would like that done before it gets before the voters.
- Lewis Mudge asked roughly how many spaghetti lots there were on the map. Charles Russell said there wasn't time to fully analyze that.
- Paul Plante said no towns in the area ban the process of accessing a lot by ROW or easement. He understands it's not banning per se, but it is taking 50% of the land. If someone gets denied by access of ROW, they will have a recourse with a lawsuit especially since no other towns ban this.

**Next Steps:** The Selectboard will continue this meeting on October 4<sup>th</sup> at 7:00 pm. They will decide at that meeting if they will allow public comment or not. They agreed they want to separate the controversial topics on the ballot for clarity. There is scope to tweak the language on the articles, but not of the changes to the Land Use Regulations. The non-controversial topics will be separated into 4 buckets with a guide provided. The public informational hearing is scheduled for November 2<sup>nd</sup> at 7:00 pm.

**MOTION by** Frank Tenney; seconded by James Faulkner, to continue the LUR meeting to October 4<sup>th</sup> at 7:00 pm. VOTE: 3 ayes, motion carried. **MOTION by** Frank Tenney; seconded by Lewis Mudge, to adjourn the meeting. VOTE: 3 ayes, motion carried. The meeting was adjourned at 8:47 PM.