

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
January 12, 2006**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Ed Stone, Charles Russell, Francis Thornton.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Clark Hinsdale Jr, Gerald Bouchard, Dave Nichols, David Miskell, Clark Hindale III, Linda Hamilton, Lawrence Hamilton, Robert Bloch, Nancy Sabin, Louie Cox, Raven Davis, Carrie Spear, Larilee Surtin, Peter Schneider, Melissa Schell, Neil Seitell, Martha (?), Robbie Stanley, Lisa Rankin, Jonathan Fisher, Frank Tenney, Peter Joslin, Sylvia Sprigg, Kate Lampton, John Owen, Jeff McDonald. L. Beck, Dorothy Pellett, and others.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:00 p.m.

2. PUBLIC HEARING – LAND USE REGULATIONS

Ms. Russell explained the public hearing process for proposed Land Use Regulations and noted that written comments and input had been received from Clark Hinsdale III, Shirley Allen, and Liam Murphy. Ms. Russell read comments from Ms Allen as requested for the record.

PUBLIC COMMENTS

Clark Hinsdale III reviewed eight recommendations as follows:

1. Table 1.1 (page 3) Subdivision Regulations related to Boundary Adjustments – eliminate the word “infrastructure”
2. Section 3.2 c 3 a Page 22) Access Standards – remove 3a (Section 1.3 page 1, Section D & E include the words “not intended...”
3. Section 3.14 (pages 34 & 35), Steep Slopes and Very Steep Slopes – the Planning Commission can interpret and approve permits for Steep Slopes and the ZBA could issue permits for commercial review site development. Change the definition of Steep Slopes as “20 percent” versus “15 percent”; and “30 percent” for Very Steep Slopes versus “25 percent”.
4. Section 3.15a Stream Setbacks should change to 50’ and 100’ versus 75’ and 100’.
5. Section 6.1 #1-4 (page 73) definition of the word “any” was clarified by the Zoning Administrator as “any” land clearing whether clear cutting, or brush cutting, or clearing for a driveway during subdivision process... #1 – eliminate “or land clearing”; #2 eliminate “or lease”; #3, can eliminate entirely as the law says that you must get all permits before you can develop.. Section 4401.2 does not agree with Section 6.1.

6. Section 6.3, Chart 6.3 (page 79) Areas of High Public Value Step 1 “identifying” area of high public value can raise to the level of a “taking” of land. Should change Step 2 to “that minimizes impact on Areas of High Public Value...” Language suggested by Liam Murphy re: Step 2 “undue adverse impacts...” was acceptable.
7. Table 7.1 (page 83) Slopes, definitions #3 Change to read “Steep Slopes and Very Steep Slopes visible from public vantage points...”
8. Definition of Critical Wildlife Habitat (page 119), says that Critical Wildlife Habitat map is the definition, which makes the definition the map lines regulatory and needs to change and clearly reflect that on site delineation trumps the maps. Based on ACT 250 definition “also known as necessary wildlife habitat...” and the definition of High Public Value “as shown on the maps and including but not limited to...(see lists)” should reference as “areas of land on Table 7.1”.

Louie Cox said that was problematic areas of enforcement and read page 1, “List of Purposes” the word “may” versus “shall” raises concern regarding guidelines versus regulations. Have a list of changes:

- Certificate of Occupancy (page 105). State statutes place an obligation on the town to verify all conditions have been complied with re: town land use regulations. Should correct COO and two types of certificates.

Lawrence Hamilton questioned if the slope regulations were related to soil erosion versus visual impacts. Clark Hinsdale III replied that there was currently a soil erosion regulation in place on the State level, the protocol to handle soil erosion on slopes the state has dropped impervious surface from 5 acres to one acre and that would trigger rigorous review. Regarding slopes there are significant visual impacts when develop a hillside.

Linda Hamilton noted that the Charlotte Conservation Commission has submitted in five pages of written comments to the Board.

Frank Tenney reviewed the following concerns and comments:

- Section 4.9 (page 46, line 30), monitoring of underground storage tanks at gas stations is unnecessary since it is already closely monitored and regulated by the state and federal levels.
- Section 5.4b, (page 64, line 51) Conditional Use Review, “...Board shall act to approve or disapprove...” change to “on each matter of an application...”.
- (Page 68, line 21) Site layout and design –c change the word “massing” to “density”
- (Page 113, line 3) C Appeals – change to read “...any amendment shall be approved by the appropriate Board of Commission.” The ZA should not change a decision of any Board of Commission. **(The Selectboard will review)**

- Section 4.1 1c4 (page 48, line 40) #4 Storage of hazardous material at a home occupation, there was concern that as written would impact or limit home occupations. **(The Selectboard will review)**
- Section 4.1 3 (page 49) Mobile Home Park density concern. Should identify a district for mobile home, and change density from one mobile home per 5 acres via defining mobile homes as “affordable housing”.

Nancy Sabin asked how the Town would enforce “no more than 20 vehicle trips per day” related to home occupations (page 48, line 11).

Clark Hinsdale III Section E, Table 2.5, (page 13) Rural district lot coverages of 5,000 square feet for the residential and 1,500 square feet for non residential, should be changed to lot coverage percentages. A limited maximum square footage is a concern. Hinsdale discussed a 20 percent building coverage and 30 percent total lot coverage with Tom Mansfield in an e-mail. (Dean Bloch pointed out that lot coverage referred to the footprint, a structure could expand upward.) An agricultural structure does not require a permit, but the Listers still add the data on the Town property card. Tom Mansfield was asked how he would treat farm structures and he said he would add up all the square footage on the existing structures on the property. Key is percentages if rural district percentages were the same as the Lake and Village districts.

Rick Pete Section 4.4 (page 38), “meet the needs of Charlotte’s population related to Section 4.2 (page 37) Accessory dwellings related to the number of bedrooms permitted. Suggested changing to include “a Conditional Use for 2 bedrooms, or permitted for 3 bedrooms”.

Nancy Sabin pointed out that single family home or accessory apartment “must be occupied by the owner.” Can insert the word “either” to correct the language. Jonathan Fisher asked if an increased square footage for an accessory apartment would make the structure a duplex. A definition of “bedroom” is needed to differentiate a bedroom versus an office or den.

Marty Illick, Section “E” (page 35), reviewed delineation of wetlands (Class I, II, III) related to “development within 50” implies a Class I or II wetland. Section “F” an improved map to delineate Class II wetlands was needed; the present data/map is obsolete. Suggested a Section “E” change “town has the authority to ask for delineation of the map”. Ms. Illick said that she would help craft language in Section “E”: change the word “designated” to “significant” and “defined” to “determined” and use the title “Vermont Significant Wetland Map”.

Clark Hinsdale Jr suggested the following changes/additions/corrections:

- Section 3.15a1 (page 34, line 26), #1 change to “Prindle Road” regarding the tributary of the LaPlatte River
- Section 4.3a (page 38, line 50), Adaptive Reuse, Rehab of historic structures: insert the words “or other” to match the entry on line 6 page 39.
- Page 39, line 39, insert the word “usually” before “or no less than 50 years old.”

- Page 84, line 1, Section B, Charlotte Town Plan regulations and subdivisions after the word “shall” insert “be guided by”
- Page 95, line 30, Hamlets line 28, take out “or 8 acres or which-ever is less...”
- Page 79, Table 6.3, 1st paragraph, last sentence, Subdivision design guide change the word “determining” to “suggesting”. **(The Selectboard would reword for clarification)**
- Page 110, line 39, Public Notice #4, add “or when an adjoining property owner has not been notified” at end of sentence. There was discussion regarding Item #3 that talked to notification. Mr. Bloch reviewed current procedure that the applicant provided envelopes to Town staff to mail to abutters. Certified mail was not required. It was suggested by the assemblage that certified mailings should be required, that “owner of record” would be included in a mailing, and change the word “may” to “shall”. Hand delivered notices were permitted. The applicant/property owner should be responsible for notification versus the Town. **(The Selectboard would review the word “invalid”)**
- Page 25. line 36. lot area/size, total land area in the boundaries exclusive of the land owned in a right-of-way. **(The Selectboard would review)**
- Page 77, line 6, Sketch Plan determination related to a one-year extension add “...unless requested by the Planning Commission.”
- Page 1, “Land Development” box, reconstruction, conversion, structural alteration... question why is a permit needed (for tax purposes) Item 3, mining, excavation. “50 cubic yards” should indicate is material “for sale” and consider a larger amount of cubic yards, and eliminate “land fill”. Item 4, add “any change in use of any building, structure, use of land.” Line 34 “C”, “no land development...” needs a definition of “land development”. (Tie into Section 1.2, Purpose)
- Page 73, line 10, #1, 2, and 3; “any construction” is excessive language, and #3, should eliminate the permitting sequence.

Lawrence Hamilton said that land clearing is defined as clear cutting versus selective cutting for driveways or one or two trees. A question was to protect against clear cutting.

Nancy Sabin read a written statement that included concerns related to over-regulation, becoming an “elitist” town that no one could afford, and a revision of land regulations that would not be “enforceable”. Ms. Sabin asked how many Charlotte appeals/violations were heard at the Environmental Court level.

David Miskell said he had submitted a list of potential changes/additions:

- Section 4.4 b, (page 42), Affordable Housing; suggested to eliminate “not isolated or grouped together”
- Section 9.3 d s, (page 104, line 30), Zoning permit effective date”, “two years from date of issuance...” and “a single two year extension can be granted by the ZA...” Should eliminate the sentence “null and void”. A question was does the zoning permit expire. Jonathan Fisher explained that there was a good reason that a permit expired after four years of inactivity. A 15-year-old septic permit could see multiple changes to a septic design, for example.

Robert Mack Jr questioned if the definition of agricultural employees (page 38, line 16) included part-time workers in addition to full time employees and immediate family.
(The Selectboard would research the state definition)

Jonathan Fisher reviewed the following changes/suggestions as follows:

- Table 1.1, (page 3) Variance Approval, were not always brought forward through the appeal process. Either eliminate or add “and/or”. Page 12, a front yard setback should be 75’ or 100’ versus 50’.
- Page 39, line 24, density and adaptive reuse, clarify what they are subject to.
- Page 62, line 19, Abandoned towers, reference existing Bylaws, line 22, and amend that the Annual Declaration (January) is for all towers versus only abandoned and dangerous towers. Should be a separate items that would apply to all existing towers. Should appear page 58.
- Page 86, line 8, broaden “well head protection” to include small lots (also see Section 7.6, page 88, line 2), there was a suggestion to include easement language and add “...only for pre-existing lots under 5 acres.”

The next Public Hearing regarding proposed Land Use Regulations was scheduled for 01/30/2006. Ms. Russell explained the public hearing process and potential for adoption at the 2006 March Town Meeting. The Selectboard to incorporate changes/suggestions during a 01/13/2006 morning meeting.

MOTION by Ed Stone, seconded by Charles Russell, to close the Public Hearing regarding a draft Land Use Regulation update.

VOTE: 5 ayes; motion carried.

3. ADJOURNMENT

The Chairperson adjourned the meeting at 9:40 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary

These minutes are subject to correction by the Charlotte Selectboard. Changes, if any, will be recorded in the minutes of the next meeting of the Board.