

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
DECEMBER 15, 2015**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow. **ABSENT:** Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator, Jeannine McCrumb, Town Planner.

OTHERS: Gary Farnsworth, Robert Mack, Gerald Bouchard, Charles Pughe, Dana Hanly, Jason Stockwell, Nancy Wood, Ellie Russell, Vince Crockenberg, Michael Russell, Jenny Cole, Marty Illick, Frank Tenney, Charles Russell, Matt Zucker, Linda Radimer, Ronda Moore, Lucas Adlo, Rael Boumans, Owen Clay, Kathleen McKinley Harris, Mark Moser, Tom Kessler, Diane Kessler, Paul Landler, Howard Seaver, Susie Hodgson, David Marshall, Erich Finnley, Ed Sulva, Frances Foster, King Milne, Margaret Russell, Ben Lee, Carol Clay, Dorothy Pellett, Burlington Free Press, and others.

ITEMS TAKEN UP:

- **Public Hearing on proposed amendments to the Town Plan and Land Use Regulations**

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 7:00 p.m.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE TOWN PLAN AND LAND USE REGULATIONS

Mr. Bloch explained that that the updated Town Plan required two warned public hearings, and the Land Use Regulations was required to hold one warned public hearing. This was the First public hearing for both the proposed amendments to the Town Plan and Land Use Regulations, said Mr. Bloch.

Ms. McCrumb introduced the Planning Commission members, Community Development Committee members, and Energy Committee members, and briefly reviewed Planning Commission work sessions to date.

Ms. McCrumb narrated a power point presentation that included the following:

- Village Center designations related to political advantages and potential tax credits for commercial and residential properties;
- Update of the Town Plan, Energy section;
- Bylaw 2, house-keeping for typos and grammatical errors;
- Bylaw 3, Conditional Use and Permitted Uses in Village Commercial/Light Industrial districts.
- Bylaw 4, Two-family Dwellings.

PUBLIC COMMENT**TOWN PLAN UPDATE – ENERGY SECTION**

Mr. Farnsworth asked if the proposed West Village Designation District included the Route 7/Church Hill Road gas station corner. Ms. McCrumb replied that corner would be in the next discussion. It was a question of what were the historical village boundaries – the Old Brick Store and historical structures at the four corners, Rick’s market, etc. There is a list of Vermont Historical Structures and there may be more that need to be documented in the village. A structure has to be both historical and income producing, said Ms. McCrumb.

Ms. Radimer pointed out that there were historical structures along Greenbush Road, such as the old LaBeouf blacksmith shop and Horsford’s nursery.

Regarding the Energy Section update, Mr. (Charles) Russell suggested that solar installations should be appropriately scaled to the site(s). Regarding page 2 of 5 in the Land Use Regulations, wildlife habitat was not identified. There was significant wildlife habitat that no one can see, such as in back yards, where solar arrays could be installed and where wildlife could pass under the arrays. Bylaw 1, page 5 of 5, mentions solar panels related to lot coverage. If solar panels are mounted on posts how is that counted in lot coverage, and shouldn’t rain shedding off the panels be recognized, asked Mr. Russell.

Ms. McCrumb replied that the issue of rain run-off has come up before. There were two different statements regarding impervious surfaces. There was built in storm water management. Regarding solar panels it says that arrays would be included in lot coverage, and that there should be green space as well. We don’t want people cutting down wildlife habitat forest to put in solar, said Ms. McCrumb.

Ms. Wood suggested that excluding small home solar arrays within the 250’ high water mark setback in the Shoreline District was unnecessary. It is suitable to have a panel or array on a roof, said Ms. Wood. Ms. McCrumb replied that it was an esthetic issue. Would the solar panel be viewed from the lake or neighboring property owners, said Ms. McCrumb.

BYLAW 2, SIGNAGE

Mr. Bloch explained that individual signs referred to a certain size sign. Temporary signs were allowed, said Mr. Bloch. Ms. McCrumb clarified that currently there was no way to deal with off premise signs except to call the person and have them removed.

**BYLAW 3, CONDITIONAL USE AND PERMITTED USES IN LIGHT
COMMERCIAL/INDUSTRIAL**

Ms. McCrumb said that zoning deals with the uses and the Town Plan deals with the site and layouts under Site Plan Review. The Planning Commission felt that the West Village and East Village commercial districts should be treated equally (Table 2.3). The Route 7/Ferry Road corners were different from the rest of the Village. We may want to look at

different design standards, and consider other uses at the current gas station and snack bar, such as warehouses. The Planning Commission tried to define 'retail', explained Ms. McCrumb.

Ms. Moore, Greenbush Road resident, stated that the conditional and permitted uses in the West Village don't address issues like ground water and traffic. The rate of withdrawal and replenishment of ground water and brown water are concerns. Development shouldn't trump that. The Town Plan says ground water preservation was on the same level as wildlife habitat, and lake water quality. It is a quantity issue, not quality issue. There were no state regulations regarding ground water rate of withdrawal until it exceeds 57,600 gpd. There was no accounting for the amount of withdrawal, or how it is used. The proposal in the Land Use Regulations should be rejected regarding ground water use in the West Village. Address those first before commercial and new housing, said Ms. Moore.

Mr. Seaver pointed out that any new building or rehab of existing structures that required more water and septic had to pass state waste water rules and permitting. Subsection F language says that the state/town shall review a project, and potable and wastewater systems. State permits were required. The water supply and water table was adequately protected via the permits needed. To continue a Conditional Use category for every type of business in the West Village was out of line. On the flip side, Charlotte has not seen many businesses apply, except for small cafés, a book store, or a craft shop. Conditional Use means that opponents can appeal a project. A Permitted Use says that a small café is an appropriate use in this district. It gives a potential developer confidence that a project could be accepted in the site. That project can't interfere with anyone's water supply, stated Mr. Seaver.

Mr. Marshall, Civil Engineering, Inc., explained that a detailed analysis was required for a commercial use of larger water supplies. There was legislation governing large scale water withdrawal and it was scaled to a situation of taking water out and taking it elsewhere, for example. Regarding wastewater systems you are putting water back in the ground. There are checks and balances, said Mr. Marshall.

Ms. Hanly, resident and municipal planner, said that Land Use strategies #5 and 6 were written to encourage economic development. The Town Plan is a statement of what we have and what the community is telling us to do. Regarding adopting design standards, there is a word used that "advises"; it is advisory. Ms. Hanly said that she recommended language in the Land Use strategy #4 to say "...will adopt design standards in the village area."

In response to a question regarding language related to 'elderly', Ms. McCrumb explained that the use of the dwelling, whether it was for elderly or affordable housing. It was not legal to say '...we're putting elderly here'. We are not eliminating it; just not getting specific, said Ms. McCrumb.

Ms. Radimer noted that it only takes one bottling or water extraction company to impact the water table. For water extraction the state NRC ACT 199 urges communities to put in municipal planning language to protect ground water resources and suggested language that "...to allow time for water to recharge."

Ms. Radimer cited an on-going development proposal in Hinesburg's town center wetland areas and the importance of sand filtration areas. The state can't protect water supplies – it is up to the community to protect it, said Ms. Radimer.

Ms. Moore said that ACT 199 encourages each town to develop that language. It should be a priority to protect ground water. Permitted Use and Conditional Use could be changed later, suggested Ms. Moore.

Mr. Busier, Greenbush Road resident, said his well was shared with 5 other people and the water level had been lowering over the years. The proposed changes were making development easier. If the well goes dry he could hook into the Lake Champlain Water District. If there is a bill for that then Charlotte's would decide we like the Village the size it is. The water recharge area in the Village is limited and the soils don't perk. He was not in favor of further development, said Mr. Busier.

Mr. Tegatz noted that Gary Pittman has done a well survey of the entire Town. Ms. McCrumb said that a geologic survey was mapped on a larger scale then relying on a 'in the ground' survey.

Mr. Seaver said that the Town was focused on losing its attractiveness to young families. Population had an affect on property values and the number of school students in Town. Water supply studies could take years and we would still have a stagnate population as we do those studies. There are basic state regulations that say that small businesses can't affect a neighbor's water supply. It is a question that would be decided by the voters at Town Meeting, stated Mr. Seaver.

Ms. Hodgson, Mt Philo Road resident, noted that all her Mt Philo neighbors had low well recharge. Water is a big concern town wide. There should be protections in the Town Plan somewhere that covers all of Charlotte, said Ms. Hodgson.

Mr. Stockwell, Greenbush Road resident, said that he has his own well and this summer he lost water for the first time. His neighbor loses water all the time and has used his well in the past. If we have water issues and no safeguards that is a big concern, said Mr. Stockwell.

Mr. Mack asked how the Town would reconcile businesses mixed in with the existing single families in the Village. There was limited water and septic in the Village. What would happen if a restaurant in the West Village was a Permitted Use, asked Mr. Mack. Mr. Seaver replied that there are goals in the Town Plan that have been there a long time. Today it has become important and prevents people from moving here. The water table has been affected and people have been affected. People need to bring it to the attention

of the state authorities. Regarding restaurants in the West Village, if it affects the neighbors then the state should reject it. For people with water problems already they should push for a community water system. The Champlain Water District is expected to expand here.

Mr. Mack pointed out that there was not enough disposal area in the village. Mr. Seaver reiterated that a developer had to demonstrate there was an adequate water and disposal system. People should push to get a permitted realistic solution. A municipal water system, for example, suggested Mr. Seaver..

Mr. (Michael) Russell said that the ground water in the West village issue was new to him needed to be addressed. Ms. Moore said that by keeping it as a Conditional Use then the neighbors could respond to a development.

Ms. (Ellie) Russell pointed out that a section of the Purpose Statement was removed. "Serving the means of local residents" should be kept, said Ms. Russell.

Mr. Krasnow asked if the number of vendors should be increased related to #5, Section B, Outdoor Market maximum of 10 vendors, and Permitted Uses outdoor vendors maximum of 15 vendors.

COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

Ms. McCrumb described the proposed Commercial/Light industrial District in the West Village as west of the railroad, the Waldorf School site and on the north side of the Ferry Road rail station. As per Table 2.4, Commercial/light Industrial District, it was a total of 75 acres. The Waldorf School site conditional use was changed to a permitted use reviewed as a Site Plan at the Planning Commission level and under state wastewater/potable water supply rules. ACT 250 review was possible, explained Ms. McCrumb.

BYLAW 4, TWO-FAMILY DWELLINGS

Ms. McCrumb said that it would allow an adaptive reuse of existing structures within the Village residential area and commercial area as a Permitted Use. In the Rural and Shoreland districts it would be a Conditional Use, said Ms. McCrumb.

Mr. Tenney asked if there would be an affect on the capacity of septic and water when a single family dwelling was changed to a two family dwelling. Ms. McCrumb replied yes, and explained that bedroom configuration would affect wastewater capacity and water, which are public safety issues, said Ms. McCrumb.

Mr. Kessler asked if there has been a density assessment regarding the village center since a 2006 study. Ms. McCrumb replied that there was some concern expressed regarding non-home owner occupied dwellings in town. The Planning Commission worked on density and how to recognize and preserve the historic settlement pattern in Town. A comprehensive Town Plan update on housing has been started, which was still on-going, said Ms. McCrumb.

Mr. Kessler suggested making it a Permitted Use in Town and not just in the Village. The proposed 115 affordable units won't fit in the Village, pointed out Mr. Kessler.

Mr. Mack stated that water and septic capacity was a problem in the Village. He supported owner-occupied dwellings. That would solve problems on how a property was kept, said Mr. Mack.

Ms. Wood said that property taxes were high in Vermont. In Charlotte there is decreasing school enrollment. If the Town could increase school capacity that would lower the property taxes. There is a state aid formula based on the number of students in school. New families would revitalize the Town. Young people want to walk to amenities and to public transportation, said Ms. Wood.

Ms. (Ellie) Russell pointed out that elderly housing was in the Town Plan to represent senior housing units. The elderly wanted to walk to the post office and store. She would like to see it addressed, said Ms. Russell.

Mr. Kessler asked if the Planning Commission would consider the leading word "conditional" and "permitted" in other districts if the average of one-half unit per year was increased. Ms. McCrumb said that the 2006 study was a different reality than today. She would want to see data. She was not sure that twenty houses a year in general could be done, said Ms. McCrumb.

Mr. Bloch noted that an e-mail with comments by Linda Hamilton was received.

DISCUSSION FOCUS POINTS:

- Wildlife habitat excluded – define better.
- Architectural review - put in Design Review in Village Center.
- New energy projects – define better for home owners in the Shoreland District for small net metering projects versus large scale commercial projects.
- Ground water as a priority to address concerns as it relates to changes in Conditional Uses and Permitted Uses.
- Permitted Use regarding State Statutes in terms of ACT 199
- Duplex issue as a Permitted Use everywhere in Town.

NEXT MEETINGS:

- A Second Hearing could be scheduled for January 7, 2016, or to accommodate potential Selectboard changes at a mid-January hearing.
- Possible joint Selectboard/Planning Commission meeting on Monday, December 21, 2015 at 6:00 p.m.

ADJOURNMENT

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to adjourn the meeting.

VOTE: 4 ayes, 1 absent (Mr. Spell); motion carried.

The meeting was adjourned at 9:23 p.m.

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.