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**TOWN OF CHARLOTTE
PLANNING COMMISSION
JULY 7, 2016**

DRAFT

Minutes are subject to correction by the Charlotte Planning Commission. Changes, if any, will be recorded in the minutes of the next Planning Commission meeting.

MEMBERS PRESENT: Jeff McDonald, Chair; Peter Joslin, Gerald Bouchard, Charles Pughe, Puspa Luitel, Marty Illick, David Kenyon.

ADMINISTRATION: Daryl Benoit, Town Planner.

OTHERS: Jessica Louisos, Fritz Tegatz, Christine Souliere, Laura Lipton, Gary Pittman, Carrie Spear, and others.

AGENDA ITEMS:

- Sketch Plan review for Christine Souliere (PC-16-63-SK) for a Boundary Adjustment at 236 & 237 Lucy's Lane
- Extension request for Robert Ulrich (PC-16-25-SK) Sketch Plan at 69 Ashe Road
- Senior Center discussion
- Amendment to the Land Use Regulations regarding two-family dwellings on single-family density requirements
- Continuance of Town Plan review

CALL TO ORDER

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

APPROVAL OF REGULAR AGENDA/CONSENT AGENDA

Regular agenda approved as presented.

Consent Agenda: none.

PUBLIC COMMENT

None.

MINUTES: June 2, 2016

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Charlotte Planning Commission minutes of June 2, 2016 as written, with edits:

- Page 1, line 40 – insert the words “two of” between “articles” and “which”;
- Page 2, lines 79 & 80 – change to read “...Baptist church and Grange, southerly to the Catholic Church...”;
- Page 4, line 147 – change “Pre-trial” to “Pre-filed”; and line 151 – change “PSB” to “Public Service Department”;

VOTE: 6 ayes, 1 abstention (Ms. Illick); motion carried.

PC-16-63-SK: SKETCH PLAN REVIEW FOR CHRISTINE SOULIERE FOR A BOUNDARY ADJUSTMENT AT 236 & 237 LUCY'S LANE

47 Christine Souliere, applicant, appeared on behalf of the application.

48

49 STAFF NOTES

50 Mr. McDonald reviewed staff notes, and noted that a site visit was conducted this date at
51 6:15 p.m. The request is for a simple boundary adjustment from one neighbor to an
52 adjoining neighbor that will follow a natural swale. The site visit attendees viewed the
53 swale, said Mr. McDonald.

54

55 APPLICANT COMMENTS

56 Ms. Souliere explained that her property consisted of 5.2 acres. The request was to add
57 one acre on the east boundary that she would purchase from Laura Lipton, for a total of
58 6.2 acres. The new proposed boundary will follow the natural contours of a little ravine.
59 She had hired Civil Engineering, Inc., to help figure out the boundary adjustment area,
60 said Ms. Souliere.

61

62 **MOTION by Mr. Joslin, seconded by Ms. Illick, to classify PC-16-63-SK, a request**
63 **by Christine Souliere for a Boundary Adjustment at 236 & 237 Lucy's Lane, as a**
64 **Boundary Adjustment.**

65 **VOTE: 7 ayes, motion carried.**

66

67 Mr. McDonald explained that a summary letter will be issued to the applicant with next
68 steps.

69

70 There was brief discussion regarding the Souliere request, which was warned as a Sketch
71 Plan review, and a formal application approval process as a next step. Mr. McDonald
72 noted that the applicant had submitted a completed application and site plan with the
73 Sketch Plan review.

74

75 Mr. Benoit said that the abutting property owners had not been notified for the Sketch
76 Plan review. An application hearing can be warned for the first Thursday in August,
77 suggested Mr. Benoit. Ms. Souliere said that was fine.

78

79 **EXTENSION REQUEST FOR ROBERT ULRICH (PC-16-25-SK) SKETCH PLAN**
80 **AT 69 ASHE ROAD**

81 Mr. Benoit explained that the applicant, Robert Ulrich, has a potential buyer for his
82 property without the need to subdivide it. Mr. Ulrich asked for a one-year extension in
83 order to keep his options open, said Mr. Benoit.

84

85 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve a request by Robert**
86 **Ulrich to extend PC-16-25-SK, Sketch Plan review, property located at 69 Ashe**
87 **Road, for another 12 months as follows:**

- 88
 - **As of a date that expires July 22, 2016 to July 22, 2017.**

89 **VOTE: 7 ayes, motion carried.**

90

91 **SENIOR CENTER DISCUSSION**

92 Ms. Illick recused herself in order to speak as a "Head of the Storm" Project Leader.

93

94 Ms. Illick introduced Jessica Louisos, and noted that she had spoken with the Charlotte
95 Town Manager, Dean Bloch, and Fritz Tegatz, the Senior Center Charlotte Selectboard
96 liaison.

97

98 Mr. Tegatz reviewed that the Senior Center is doing all the work as Project Manager(s).
99 Since the Senior Center is Town property the Selectboard is involved, said Mr. Tegatz.

100

101 Ms. Illick explained that the “Head of the Storm” projects are water quality and
102 stormwater management demonstration/educational sites. The Lewis Creek Association
103 (LCA) was invited to become a part of the Leahy Summit grant to “develop” a project
104 scope for three towns in the LaPlatt River watershed. Grant funding comes from the
105 Agency of Natural Resources (ANR) and private foundations for engineering design and
106 scoping estimated costs. The report identifies 14 sites that include 9 Charlotte sites. The
107 Charlotte Senior Center met the high public profile criteria and a site assessment was
108 done in March, 2016. The concept is at the beginning stage of design, said Ms. Illick.

109

110 Mr. Joslin asked if the Town was contracting to do the work. Ms. Illick replied that there
111 were several ways to approach the work. For example, the Mack Farm project involved a
112 Town road ditch and privately owned farm fields. Jessica did the engineering work and
113 applied for a grant on behalf of the Town as an East Thompson’s Point Road Town right-
114 of-way grant application. There were formal agreements with the property owner who
115 gave permission to work on his land and with the Town to work in the Town right-of-
116 way. Jessica is working for the LCA and is paid via a state grant, said Ms. Illick.

117

118 Mr. McDonald asked if the Town was paying for the project construction through the
119 grant funding. Ms. Louisos explained that the Senior Center is hosting the
120 demonstration/educational site. The former Zoning Administrator/Town Planner,
121 Jeannine McCrumb, has left the Town and now there is some confusion regarding the
122 project. Decisions on who is the “owner” to talk to, who to work with, what is acceptable
123 and if the property owner wants to move forward were needed, said Ms. Louisos.

124

125 Mr. Tegatz said that a concern was how a replacement of an existing 100 square foot
126 landscaping plot became a condition of the permit application. Mr. Pughe said that a 100
127 square foot plant bed was being removed and it is conditioned that a like landscape bed
128 would be replaced elsewhere.

129

130 Ms. Illick explained that the discussion with the Planning Commission is not related to
131 any planning. The Head of the Storm project will fine tune a design plan, discuss funding
132 feasibility with LCA assisting, and facilitate implementation to completion. A meeting
133 should be scheduled with the Town and Senior Center to resolve any issues, suggested
134 Ms. Illick.

135

136 There was further discussion regarding requirements for issuing a Certificate of
137 Occupancy (COO); if the replacement of the 100 square feet of a green stormwater ‘rain
138 garden’ space is required prior to issuance of a COO; if a zoning permit was required;

139 and a Planning Commission staff letter, dated June 18, 2015, and signed by the Planning
140 Commission, regarding limiting impervious surfaces and conditioning the project with
141 “at least a 100 square foot rain garden”.

142

143 Ms. Louisos said that Mr. Bloch and the Senior Center representatives appeared to be
144 unaware of the rain garden condition and therefore, a permit was not submitted. Dean
145 asked her to send him a copy of The Head of the Storm design for the permit. Missing is
146 the step identifying who we need to talk with, reiterated Ms. Louisos.

147

148 There was lengthy discussion regarding a proposed site plan at the Senior Center
149 involving a vegetated filter strip treatment design along an existing parking lot consisting
150 of a 1’x2’ trench, a gravel strip and tall plantings to catch and retain rain water; an
151 existing ditch where water is piped from the building; a plan goal to slow or retain water
152 running off the parking lot that would not contribute to down stream flooding; and
153 addressing Mr. Tegatz’s concerns related to a COO.

154

155 Mr. Tegatz said that the project contractor has back filled around the building with 30
156 cubic yards rock and that should be enough to address water runoff. Any saved money
157 could be spent on the parking lot instead, suggested Mr. Tegatz. Ms. Louisos said that a
158 filature strip could make the permit happen and it could be written into the plan design.

159

160 Ms. Spear said that she would like to walk around the site, and visualize what the design
161 would look like in 20-50 years into the future.

162

163 In response to questions regarding the grant status, Ms. Illick explained that the grant
164 money will pay for the design and costing work. A next step for each Head of the Storm
165 project is an individualized funding plan. It would be cost effective to order all the stone
166 needed for these projects under the Better Back Roads grant, suggested Ms. Illick.

167

168 Mr. Tegatz summarized that the 100 square foot of landscaping replacement area
169 condition must be satisfied, which could be done via the excavation work and rock. He
170 will get the figures for the volume of rock and percentage of underground fabric used
171 sent to Jessica. He is the Senior Center Town representative as Selectboard liaison, said
172 Mr. Tegatz. Ms. Spear said that she would like to be involved as well.

173

174 Ms. Illick asked if the Planning Commission was satisfied regarding regulatory questions.
175 Mr. McDonald replied yes.

176

177 **AMENDMENT TO THE LAND USE REGULATIONS REGARDING TWO-** 178 **FAMILY DWELLINGS ON SINGLE-FAMILY DENSITY REQUIREMENTS**

179 The Planning Commission discussed an amendment to the Land Use Regulations
180 regarding two-family dwellings for a single-family density requirement(s).

181

182 Mr. Tegatz pointed out that new people moving into Charlotte had a hard time figuring
183 out the various regulatory zoning and planning processes. A check list for steps needed
184 by an applicant in the sketch plan, final plan, or any other application is a missing piece

185 of the regulatory processes. When someone wants to do a simple boundary adjustment,
186 for example, they might need state, federal permits/reviews in addition to Town
187 permits/reviews, said Mr. Tegatz. Mr. McDonald said that there are tables with checks
188 lists in the regulations. A sketch plan review goes through the whole process informally,
189 said Mr. McDonald.

190

191 Mr. Joslin pointed out that there were check lists in Land Use Regulations, pages 70 and
192 71. Regarding a list issue, that could be different from project to project. For example,
193 subdividing a lot was different from building a house, said Mr. Joslin. Mr. McDonald
194 pointed out that there is no site plan review if someone wanted to build a house on an
195 existing 5 acre lot.

196

197 Regarding a proposed amendment for duplexes, Ms. Spear said that she wanted to see
198 where this would take Charlotte 20-50 years in the future.

199

200 Mr. Tegatz said that Land Use Regulations come from the Town Plan and the amendment
201 could be referenced in the Town Plan.

202

203 Mr. McDonald asked if the duplex issue is still a priority, or not. Mr. Tegatz replied that
204 from a Selectboard view point he didn't want to push it for one person's benefit.

205

206 Ms. Spear asked if the amendment was for owner-occupied dwellings. Mr. Joslin replied
207 that it was silent on that point.

208

209 Mr. Pughe expressed concern that it would be hard to enforce. The Town wants to create
210 affordable housing, which in his opinion should be at 80/100 percent of median income.
211 Owner occupied is not an issue, said Mr. Pughe.

212

213 Following further discussion regarding affordable housing rents and possible
214 enforcement, Mr. Pughe said that he would research how other towns handle that
215 question. There are mechanisms for rental rates. Language could be added to support
216 "affordable" in the amendment. Mr. Pughe pointed out pages in the 2016 Town Plan,
217 page 11, 5th goal; page 122, Housing; and page 123 senior housing policy regarding
218 strategies and income ranges.

219

220 **AMENDMENT CONCERNS:**

221

- Spot zoning

222

223

TASKS:

224

- Mr. Pughe to research information on how to apply and enforce regulations regarding two-family dwellings, affordable housing eligibility related to median income, and if dwellings were owner occupied, or not, from surrounding towns and to forward such information to the Town Planner

225

226

227

228

- Complete the draft Town Plan as a first step

229

- Consider tabling an amendment to the Land Use Regulations regarding two family dwellings

230

231

232 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to table consideration of an**
233 **Amendment to the Land Use Regulations regarding two-family dwellings on single-**
234 **family density requirements.**

235 **VOTE: 7 ayes; motion carried.**

236

237 **CONTINUANCE OF TOWN PLAN REVIEW**

238 The Planning Commission discussed Town Plan proposals as outlined in a report by
239 Jeannine McCrumb, consultant at 8:25 p.m.

240

241 **OTHER BUSINESS**

242 • Charlotte Solar Farm, LLC Update

243 Mr. Pughe reported that a technical hearing was held a few weeks ago. A brief filing
244 deadline was July 11th, which would be followed by reply briefs with a decision by the
245 end of summer.

246 • Peck Electric proposed solar array south of Mt Philo State Park and east of Route
247 7.

248 Mr. Pughe reported that the Town filed pre-trial testimony to the PSB and discovery
249 questions on Peck Electric. Peck Electric has not responded to date.

250

251 **UPCOMING AGENDA:**

252

253 **ADJOURNMENT**

254 **MOTION by, seconded by , to adjourn the meeting.**

255 **VOTE:**

256

257 The meeting was adjourned at p.m.

258

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

260