

## MEMORANDUM

To: Charlotte Planning Commission  
From: Karen and Michael Frost  
Date: February 15, 2017  
Re: Draft report to the Charlotte Select Board regarding Amendment to Charlotte Land Use Regulations to permit an existing “Event Facility” as an “**Allowed by Right**” use within the existing West Charlotte Village (WCV) zoning district.

We are adjoining landowners to the Old Lantern, the commercial enterprise that is the sole beneficiary of this proposed amendment to the Charlotte Land Use Regulations. We are writing to submit additional material that we think you should include in your report to the Select Board. This material is within the scope of what is required by the statute that governs your report, in that it demonstrates how the proposed amendment *does not* conform with or further goals and policies of the Charlotte Town Plan.

We noticed that your report identifies some passages of the Town Plan to which the amendment could be construed to conform. The first of those passages, taken from 4.3 The Economy is neither a policy nor a strategy. It is a statement describing Charlotte as it exists today. Even if it was the kind of Town Plan passage the statute directs you to apply to the amendment, it only weakly relates to the amendment and we think it should not be considered.

The second passage also is not a policy or strategy. It is a recommendation taken from a report by an *ad hoc* committee, which recommendations were not necessarily adopted as formal policies. Even if it was the kind of Town Plan passage the statute directs you to apply to the amendment, it is unclear to us how the amendment is more conforming to its sentiment than non-conforming. The Old Lantern, after all, is a relative newcomer to Charlotte’s 250-year-old village, having been established only in the middle of the last century. Again, we don’t see how this passage is helpful or supportive of the amendment.

The amendment may further the last passage in a general way, but it contains a critical qualifier, that commercial development is encouraged provided it is “in accordance with other policies and strategies in the Town Plan,” that requires you to be able to point to an actual policy or strategy in the Town Plan with which the amendment is in accord. We do not think you have identified one, and in contrast, we believe the amendment is clearly out of conformance with actual policies and strategies contained in the Town Plan, and rather than furthering any such policy or strategy, actually hinders important, even bedrock policies of the Town Plan.

Here are those policies and strategies, with our view as to how they relate to the amendment:

### 5.1. FUTURE PATTERN OF DEVELOPMENT

#### 5.1.1. General Policies and Strategies

##### General Policies

1. Charlotte supports landowners’ rights to reasonable use of their property.  
(*Charlotte Town Plan adopted March 5, 2013, Page 96.*)

***The proposed amendment neither conforms to nor furthers this bedrock policy that applies to all development in Charlotte, as it would deny landowners in the vicinity of the Old Lantern a reasonable use of their property by allowing virtually unlimited expansion of the operation without any local review. Requiring the owners of the Old Lantern to submit to Site Plan and Conditional Use Review, in contrast, does not deprive them of this right: asking a business to comply with land use regulations is well within reason, something a business owner should expect when expanding a non-conforming use.***

### **5.1.2. Land Use Policies and Strategies**

The Town recognizes that there are areas of the Town with unique characteristics and opportunities and that each area requires special provisions for guiding development.

#### Village and Hamlet

### **Village and Hamlet Policies**

2. The West Charlotte and East Charlotte Villages will provide for housing, commercial services and public buildings and facilities. Projects directing additional growth into the existing village areas should balance the overall clustering goals of the Town Plan with the existing character, charm and livability in these areas.  
(Charlotte Town Plan adopted March 5, 2013, Page 97.)

***The proposed amendment neither conforms to nor furthers this policy that requires balance between clustering of growth in the villages and maintaining the livability of those areas because it completely eliminates the ability of the Town to conduct that important balancing.***

### **5.3. ECONOMIC DEVELOPMENT**

#### **5.3.2. General Strategies**

1. Essential commercial services which meet Charlotte's residents such as a small grocery store, hardware store, pharmacy, and/or cafe/restaurant will be encouraged to locate within the existing village areas with a particular emphasis on the West Village/Town Center area. The commercial uses within these areas will be small in scale and designed in a way that is compatible with existing village historic and rural character.  
(Charlotte Town Plan adopted March 5, 2013, Page 101.)

***The proposed amendment neither conforms to nor furthers this strategy that, although aspirational in nature, expresses a clear preference for maintaining compatibility between the existing historic village and commercial services. More to the point, the Old Lantern does not even qualify as an essential commercial service: it serves mostly visitors to Charlotte, employs relatively few Charlotte residents and does not provide any of the services listed as examples of essential commercial services. Like the amendment itself, the Old Lantern exists primarily to benefit its owners by providing them with a lucrative income, and is greatly prejudicial to the interests of residents in its vicinity.***