

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
AUGUST 11, 2008**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Jenny Cole, Winslow Ladue, Ed Stone. Absent: Frank Thornton.

ADMINISTRATION: Dean Bloch.

OTHERS: Jane Kiley, Deedle Kiley, Jane Aube-Tingley, Marc Aube, Linda Hamilton, Julie Franklin, Robbie Stanley, Sylvia Knight, Hugh Lewis Jr., Bill Powers, Laura Powers, Bid Spear, Ellie Russell, Carrie Spear, Tony Cairn, Robert Adsit, Elizabeth Demus, Bob Hyams, Bruce Baker, Harvey Sharrow, Gary Farnsworth, Stephen Brooks, Gary Pittman, Jill Knox, Peter Knox, Kim Farnsworth, H M Spear, Harriet Patrick, Richard Cunningham, Patrick Coleman, Peggy Eastman, and others.

6:15 p.m. Site Visit: Newman camp at 448 North Shore Road

1. CALL TO ORDER

Mr. Russell called the Selectboard meeting to order at 7:06 p.m.

2. APPROVAL OF AGENDA

Add: Traffic - Discussion.

3. PUBLIC DISCUSSION

Sylvia Knight handed in a letter of resignation from the Conservation Committee. Linda Hamilton read a letter thanking Ms. Knight for her leadership and commitment into the record.

4. PETER SCHNEIDER AND JESSICA DONAVAN- Request to Name Road MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a request by Peter Schneider and Jessica Donovan to rename a road as Elfin Lane.

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

5. BILL POWERS- Approve Rebuilding of Retaining Wall at 448 North Shore Road

Mr. Russell reviewed a proposal to replace a cedar log wall with concrete "rocks". A site plan drawing and photographs had been submitted by the applicant.

Bill Powers appeared before the Board and outlined a plan to blend in the earth tone concrete rock wall with plantings of ivy, or vines, or letting nature take its course. There were 5 trees that may be impacted by the wall. Digging around the roots would be minimized.

Mr. Stone expressed concern regarding impacts to the natural setting of the (car) parking area, and stormwater taking gravel to the lake.

There was discussion regarding textures of the concrete; concerns related to the trees that were directly in contact with the existing cedar log wall; and a suggestion by the Board to have the replacement wall moved 4' away from the trees so the roots would not be disturbed.

Mr. Stone suggested that the applicant consult with the Road Commissioner regarding the contour of the parking area, review conditions of a ditch across the road, and address water runoff and drainage from the parking lot. Mr. Lewis said that the existing culvert was sufficient. Ledge on the opposite side of the road at the top of the hill was an issue regarding drainage.

Mr. Ladue suggested placement of 4' X 4' timbers on top of the concrete wall to prevent people from driving off the edge.

Ms. Cole said that there was a question regarding the storage of fill and who has authority of the lot where it would be piled. The Thompson's Point Association should be notified as well. All logs dug out should go to a stump dump—not on Town property.

The Board suggested the following conditions for approval: the wall shall be built 4' from existing trees, the parking lot should slope toward the road, the applicant should wait until after Labor Day to begin construction, and location of the dirt pile will be placed upon the recommendation of the Charlotte Road Commissioner, or the Thompson's Point Association.

Mr. Bloch noted that a zoning permit was not required.

No action was taken, and consideration of approval was deferred until the next meeting of the Board.

6. Continuation: CALEB KILEY – REQUEST FOR HIGHWAY ACCESS PERMIT TO MOVE DRIVEWAY AT 2033 DORSET STREET

Mr. Russell briefly reviewed a request for a Highway Access Permit to move a driveway at 2033 Dorset Street as outlined in a letter, dated 08/04/2008, and asked the applicant what the elevation would be above the current driveway. Caleb Kiley, applicant, replied that the elevation was 30", which was 8" above the current driveway.

Mr. Russell asked for clarification of the proposed driveway center in relation to the stake. Mr. Kiley explained that the stake was on the center of the proposed driveway, which is 5-6' south of the snowmobile entrance. It is safer to enter to the north versus the current location, pointed out Mr. Kiley.

Jane Tingley-Aube, neighbor, stated that she would like the driveway placed 75' from the corner. It is a safety issue to have a curb cut on that road. There have been a lot of accidents at the corner. The location of the current driveway is safer.

Marc Aube said that 35-40 people signed the petition due to safety concerned of the driveway. Coming down the hill in winter can be slippery because it is shady there. Mr. Aube handed copies of the petition to the Board for the record.

Mr. Lewis said that he conducted a site visit. The new proposed driveway had a better sight distance. The current driveway has 100' less visibility then the new location.

Mr. Ladue asked what must be done to make it safer at the corner. Mr. Aube suggested trimming the limbs of a pine tree and cutting back trees to help the visibility to the north.

Ms. Tingley-Aube reiterated concerns related to Mr. Kiley's business that could generate more traffic, noise, fumes, etc.

Mr. Aube asked where Mr. Kiley would pile snow at the new location.

MOTION by Mr. Stone, seconded by Mr. Ladue, to close the public hearing regarding a request by Caleb Kiley, for a Highway Access Permit to move a driveway, located at 2033 Dorset Street.

VOTE: 4 ayes, 1 absent; motion carried.

Mr. Russell stated that a written decision would be issued.

7. SALT - Discussion

Hugh Lewis Jr, Charlotte Road Commissioner, explained that salt for winter road maintenance was purchased through Cargill. Last year the price was \$49 per ton. This year Cargill quoted \$55.40 per ton, but that was not a guaranteed price. The town can store three 25-ton loads in the back of the green shed. With modification to the shed more could be stored. Mr. Lewis said he would need to take measurements of the shed.

The Board asked Mr. Lewis to look into modifying the shed and report back to the Board at the next Board meeting.

Mr. Lewis briefly reported that the shale was completed on Bean Road. Gravel would be spread and the road ditched.

8. INTERVIEW SUZY HODGSON FOR APPOINTMENT TO THE CONSERVATION COMMISSION (to complete Matthew Burke's term to March, 2010)

The Board interviewed Suzy Hodgson for a position on the Planning Commission.

MOTION by Mr. Stone, seconded by Ms. Cole, to appoint Suzy Hodgson to the Conservation Commission to complete the term vacated by Matthew Burke to March, 2010.

VOTE: 4 ayes, 1 absent; motion carried.

9. PETER AND JILL KNOX, DREW AND DIANNE CHACE – Approval of Open Space Agreement and Conservation Agreement

Mr. Stone asked if the Knox land abuts the Chris McBride land. Jill Knox replied yes. We will conserve 5 acres.

Mr. Bloch said that the Planning Commission approved the application pending Selectboard approval of the Open Space document, and review by the Town Attorney.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve an Open Space Agreement and Conservation Agreement as presented, pending review by the Town Attorney.

DISCUSSION:

Ms. Cole asked for clarification of approval of management plan and how it would be done. Is it new to the Open Space Agreement, asked Ms. Cole. Mr. Bloch replied it was not completely new. The Conservation Committee is the local government for approval. Mr. Russell suggested that it would be cleaner to have the Planning Commission approve the plan with advice from the Conservation Committee. Mr. Bloch said the approval of the management plan language is similar as the Schneider/Donavan document.

Ms. Cole asked if the management of trails and use be reviewed by the Selectboard. (She) was fine to leave it as is.

Ms. Knox asked what the potential risks were in the plan document language. Ms. Cole explained that the plan keeps the town appraised of use, such as agricultural, pasturage, orchards, etc. Mr. Bloch noted that the land was not a Type A agricultural land; it is marginal.

AMENDMENT by Mr. Stone, seconded by Mr. Ladue, to replace the “Conservation Committee approval” with the “Selectboard approval”. And to authorize the Selectboard Chair to sign the management plan documents on behalf of the Town of Charlotte.

VOTE: 4 ayes, 1 absent; motion carried.

10. PETITION TO AMEND THE CHARLOTTE LAND REGULATIONS IN THE VILLAGE COMMERCIAL DISTRICT ON THE EAST SIDE OF ROUTE 7 – Continuation of Discussion and Possibly Set Date for Hearing

Mr. Russell briefly reviewed the process for a public hearing on a petition to amend the Charlotte Land Regulations in the Village Commercial District for the east side of Route 7. The amendments could come up for a November or March vote.

Beth Demus, attorney representing Mr. Spear, explained that the petition for a public hearing was signed by five percent of the registered voters. May 15th started the time for a hearing to be held within 120 days, which was by 09/12/2008. As per State Statutes, it is our understanding the Selectboard has to put it on a public ballot. The one-year petition

comes into play after the above process. Mr. Bloch interjected that the Town Attorney said that there could be multiple hearings.

Mr. Stone said this discussion is setting a date and making any language changes . Mr. Russell noted that if the Board made substantial changes to the proposed amendments/regulations, then would go back to the Planning Commission, such as eliminating mobile home sales. The Planning Commission had not heard that before, so the draft with changes would return to the Planning Commission. Mr. Bloch clarified that the Board could receive a Planning Commission report on the changes and then hold a hearing. Ms. Dumas said the Board could make minor changes without a new hearing.

Ms. Cole stated that there needs to be a discussion that changes should be in line with the Town Plan as well.

Mr. Russell suggested holding two public hearings, and then a town vote in March versus November.

Mr. Ladue read petition language for a right-of-way change to the setback of 20' from 100' and a Conditional Use change from a Permitted Use. The Planning Commission report recommendation was in support of a portion of the petition amendment. The petition supported a reduction in the setback, said Mr. Ladue. Ellie Russell clarified that the Planning Commission motion was to sound out the feeling of the Planning Commission, not as a formal way to forward a proposed amendment to the Selectboard. The Planning Commission discussed setbacks and that is reflected in the Planning Commission report as a response to the Selectboard. The recommendation is a technical change from a permitted use to a conditional use.

Bruce Baker, attorney, pointed out that once the Planning Commission hands its response to the Selectboard, then it is up to the Selectboard to set the date.

Mr. Stone asked Mr. Farnsworth and Mr. Cairns if they read the proposed changes, and if so, did they support those changes. Mr. Cairns replied no. The Planning Commission said "must" for use as a park and ride. We wanted "may" versus "must". The Town Plan talks about new development. A park and ride needs to be owned, or leased by the State of Vermont, or a municipality. This is private land.

Mr. Ladue stated that it was clear what the applicant wanted in the petition. There is a clause to reduce the setbacks. If we make substantive changes then it goes back before the Planning Commission, reiterated Mr. Ladue. Ms. Russell said that whether or not it gets approved it depends upon the changes. Mr. Ladue pointed out that the current park and ride occurs entirely within the state right-of-way. Mr. Cairns said no. It isn't a park and ride. It is people parking there to ride the CCTA bus.

The Selectboard elected to remove language related to a park and ride, which was not germane to the petition.

Mr. Cairns reiterated that they were seeking to reduce a 100' setback to 20'. Retail business is acceptable. We don't want, or agree with the other Planning Commission recommendations. Retail west should be the same as on the east side of Route 7. There is more room on the east side, and should be 10,000 square feet of space on the east side, and 3,500 square feet allowed on the west. The existing building is a three bay garage and is close to the 3,500 square feet now.

Trish Coleman, resident, said that a 3,500 square foot building was an average size of a current residential house in Charlotte. The proposed 3,500 square feet retail space is small for a retail use. Ms. Cole said 3,500 square feet would be retail and there is room for other uses in the rest of a potential space.

Robert Adsit, resident, said that he couldn't image having different rules for one side of Route 7 versus the other side. Mr. Ladue explained it had to do with safety issues. The design of Route 7 was a safety issue and there are many accidents. We are trying to create a "walking village" and if we have a large attractive retail on the east side of Route 7 that would create a pedestrian safety issue. High density population was planned for the west side of Route 7.

Mr. Stone (to Mr. Cairns) the west side for retail space is allowed 3,500 square feet, or with a conditional use could go to 10,000 square feet. If we remove the words "west of Route 7 only" would that address your concerns, asked Mr. Stone. Mr. Cairns replied yes. Keep in mind 3,500 square feet is a small retail space. We could foresee 3,500 on a first floor and some other type of use on a second floor, such as an office.

Peggy Neusmann, resident and business owner, said she owns 9,000 square feet of retail on Route 7 in South Burlington. A 3,500 square foot store was too small and limited what could be done.

Mr. Farnsworth explained a drawing of the current setback. The state had an 80' setback from the center line of Route 7 that encroached 20' into the property. The Town has added 100' to that for a setback of 180'. That brought the setback to the front of the gas pumps (to the building). If the Town changed the setback to 80' plus 20' (a total setback of 100') then that would get us to the gas pumps. In addition, part of the three acre lot contained a useless one acre wetland, which limited the usable land on the lot. A measurement of 100' from the center line of Route 7 would bring the setback to the pumps, clarified Mr. Farnsworth.

Mr. Spear explained that the state had 100' from the center line of Route 7. We gave the state an easement for the salt shed located in the back of the property and the state gave us back 20' (off the setback). That resulted in an 80' setback.

Mr. Ladue noted that historically the setback prior to 1995 was 80' plus 50' for a 130' setback. There was a question of when the setback changed from 50' (42 years ago) to 80'. Mr. Cairns replied that was when the road was improved in the 1960s.

Bruce Baker pointed out that we were talking about a private parcel versus a public. Back then people used service stations. Today they take their cars to the dealership for service.

Ms. Cole commented that the Planning Commission had a good discussion regarding setbacks and agreed with the 80'. Ms. Russell said that in a discussion of the development of the Town Plan Route 7 is noted as a throughway and discouraged development around Route 7. We don't want Route 7 to become a village center of activity. Ms. Cole read the Planning Commission report recommendations regarding reduced setbacks, safety and development.

Mr. Farnsworth said that (the town) is taking prime real estate and giving it no value. If the town wants an abandoned building with weeds as a "gateway" to Charlotte then that is what will happen if Route 7 is a throughway. The service station business is dead and we have to do some other type of business.

Mr. Lewis reported that the measurement from the center line of Route 7 to the fence was 50'. From the fence to the middle of the gas pumps is 61', and 25' to the building. The building is 40' deep and 60' long, for 2,400 square foot building.

Mr. Cairns asked for clarification of the entrance off Route 7 to the parcel. The current configuration works well. Wouldn't that issue be addressed at the Planning Commission level. The state Highway Department, or the Planning Commission could force the closing of a curb cut, said Mr. Cairns.

There was discussion by the Selectboard regarding the setback ranging from 50' to 20'; concerns by the petitioners that there was little wiggle room for expansion on the lot due to the wetlands; a suggestion that by allowing 10,000 square feet of space that would support dialog between the Planning Commission and the applicant; the petitioner had no objection to language as proposed in #6; and the type of use.

Ms. Hamilton asked what would promote compact mixed use related to size and the nature on the east side. It would be important to avoid the village straddle on Route 7. Mr. Cairns said that a service station use has no value today. Limiting the size building to 3,500 square feet ties the hands of the developer for a building of one or two floors.

In response to a question, Mr. Bloch replied that currently banks are an allowed use in the west side.

In an informal poll, Mr. Stone was supportive of 10,000 square feet, Mr. Ladue spoke in favor of 3,500 square feet as per the Planning Commission recommendation. It was noted that a parking lot use would be a change from the language that the Planning Commission did not consider. Ms. Dumas said there is one commercial lot on the east side, and cautioned the Selectboard to avoid spot zoning.

Mr. Stone expressed concern that there may be contaminated soil on the existing lot.

Mr. Lewis pointed out that in total, there was 6,600 square feet of building space on the lot. The town could approve that 6,600 square feet area. Mr. Stone, Mr. Russell and Ms. Cole were supportive of 6,600 square feet.

The Selectboard suggested the following:

- The Planning Commission should request a traffic study, to be paid for by the applicant.
- A pedestrian signalization traffic light would address the safety issue, and could be included in a traffic study.

In the Standards section, the setback was supported as 80' plus 20'; the word "must" was deleted, and "service" was defined as "personal service" as per the Planning Commission, which was a currently allowed use. Agricultural/equipment sales and service was a clarification.

MOTION by Mr. Stone, seconded by Ms. Cole, to set a public hearing for 09/08/2008 for Amendments to the Charlotte Land Use Regulations, and amendments as indicated in the proposal, with exceptions as follows:

- Eliminate "park and ride"
- Allow 6,600 square feet of retail space
- The Town setback from Route 7 is 20'
- Eliminate the word "must"
- Approval subject to Town Attorney review

VOTE: 3 ayes, 1 nay (Mr. Ladue), 1 absent (Mr. Thornton); motion carried.

11. APPROVE REQUEST BY JESSIE COWLES TO ALLOW PARKING ON THE BURNS PROPERTY FOR MEMORIAL PARTY

Following a brief discussion regarding a request by Jessie Cowles for permission to park cars on the Burns property, the Selectboard agreed as long as the ground was dry enough, otherwise parking could occur at the Senior Center, Town Hall and Library lots.

12. APPROVAL OF EASEMENT DEED GRANTING RIGHT TO VELCO FOR CONSTRUCTION OF AN UNDERGROUND TRANSMISSION LINE IN A PORTION OF THE TOWN TRAIL EASEMENT ON WALDORF SCHOOL PROPERTY

Mr. Russell reported that the site work paperwork between the Town and VELCO has been cleared up.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve an Easement Deed granting the right to VELCO for construction of an underground transmission line in a portion of the Town of Charlotte Trail Easement on Waldorf School property as presented.

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

13. APPOINTMENT OF TOWN ADMINISTRATOR OF THE COMMUNITY CLEAN-UP FUND

Stephen Brooks, CSWD representative, reported that the Town of Charlotte was given \$2,600 (versus \$1,000) from the Community Clean-up Fund. Tires and debris from Ferry Road were removed. There was no tipping fee charged and no fee to remove the tires, which have been re-used by Robert Mack.

Mr. Brooks said that whoever the Board appointed as Town Administrator of the Community Clean-up Fund will need to learn how to manipulate the system to receive more than the \$1,000 granted to each member town.

Mr. Brooks said that the Charlotte Town Clerk has decided to sell compost bins for the cost of the bins at \$40. That left no money to pay for the pick up of the bins from Williston. Pick up was arranged for free.

14 SELECTBOARD WORK-PLAN – Chart Out the Next Few Months of Agendas

Agenda for 08/25/2008:

- Salt/Shed Plan Report – Hugh Lewis Jr
- Retaining Wall Approval
- Traffic Ordinance Review (Consider Adoption of a 50 MPH Speed Limit as per the Town Ordinance, except by the Charlotte Central School)

Staff was asked to research what town had reviewed all town roads for speed limits. It was suggested to contact the VLCT.

15. MINUTES: JUNE 23

MOTION by Mr. Stone, seconded by Ms. Cole, to approve the minutes of 06/23/2008 as written with the following corrections/additions:

Page 1, Agenda Item #4, 2nd sentence, change to read “Clearing the title of..” and 3rd sentence, change to read “The Town has trail easements on the west side of Route 7.”

Page 3, 2nd paragraph, globally correct the name “Jim LaBerge”.

VOTE: 4 ayes, 1 absent; motion carried.

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve the minutes of 07/07/2008 as written with the following corrections:

Page 1, correct the date to read “July 7, 2008” in header;

Page 3, Motion, clarify that the motion was for the Town to have party status in the appeal;

Page 4, 1st paragraph, delete “Church Hill Road” and replace with “off Route 7 at the intersection”; and 8th paragraph, change to read “Mr. Bloch was tasked...”

Page 5, 9th paragraph, delete the word “hazard” and replace with effect”, and add “adding names to a plaque to the WWII monument.”

Page 6, 4th paragraph, delete “and to consider a sign on both sides of the road.”; 9th paragraph, 2nd sentence, change “Conservation Committee” to “Conservation Committee representatives”

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

16. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

12. ADJOURNMENT

MOTION by Mr. Stone, seconded by Mr. Cole, to adjourn the meeting.

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

The meeting was adjourned at 10:58 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.