

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
MARCH 27, 2006**

***APPROVED***

**MEMBERS PRESENT:** Eleanor Russell, Chairperson; Jenny Cole, Charles Russell, Ed Stone, Frank Thornton.

**OTHERS:** Carrie Spear, Peter Doremus, Scott Barnes, David Winters, Lou Firth, Trafton Crandall, Laura Crandall, Antonia Bullard, Sylvia Knight, John Hammer, Charlotte News.

**5:00 p.m. Site Visit: Jeffrey and Irene Horbar – application for a Highway Access Permit (HAP-06-01) on Prindle Road**

**5:30 p.m. Peter and Jain Doremus – request to construct parking area on Thompson’s Point at 260 North Shore Road**

**1. CALL TO ORDER**

Ms. Russell called the meeting to order at 7:05 p.m.

**2. ADJUSTMENT TO AGENDA**

None.

**3. PUBLIC DISCUSSION**

The Selectboard discussed a request by Tom Kenyon to temporarily store chicken manure in a town right-of-way. The Board approved the request if the Charlotte Road Commission agreed and if there were no safety issues. Mr. Kenyon would be asked to provide a letter to the Town that the manure pile would be removed, and that Mr. Kenyon contact neighbors. The pile must stay clear of a water hydrant.

**4. APPROVE MINUTES FOR MARCH 7 (TOWN MEETING) AND MARCH 13**

**MOTION by Mr. Russell, seconded by Mr. Stone, to approve the minutes for the March 7, 2006 Town Meeting as written, with the following corrections:**

Page 2, 1<sup>st</sup> line, last word “levy”;

Page 3, change the amount of “\$150” to “\$150,000”, 4<sup>th</sup> paragraph change the name “Charlie Prout” to “Charlie Proust”;

Page 4, Article VII, 3<sup>rd</sup> paragraph, “Carol Russell”, and change the words “two years” to read “ten years”;

Page 5, Article VIII, change the names “Stanley Lane” to read “Stanley Lang” and “Valerie Prior” to read “Valerie Graham”;

Page 7, “Advisory Motion voted to support S-210 and S-219”.

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Russell, seconded by Mr. Stone, to approve the minutes of 03/13/2006 as written with the following correction:**

**Page 4, change to read: “Incumbents will be requested to re-apply” and change “appointments” to read “assignments”.**

**VOTE: 5 ayes; motion carried.**

**5. JEFFREY AND IRENE HORBAR – APPLICATION FOR A HIGHWAY ACCESS PERMIT (HAP-06-01) ON PRINDLE ROAD**

Ms Russell noted that a site visit was conducted at 5:00 p.m. 03/27/2006. Frank Thornton and Ellie Russell. Tags for proposed driveway opening.

**MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a request by Jeffrey and Irene Horbar for a Highway Access Permit, HAP-06-01, on Prindle Road (across from the intersection with Garen Road) as presented.**

**DISCUSISON:**

**Mr. Thornton said the motion should specify a condition that the current driveway cut is to be removed.**

**VOTE: 5 ayes; motion carried.**

**6. PETER AND JAIN DOREMUS – REQUEST TO CONSTRUCT PARKING AREA ON THOMPSON’S POINT AT 260 NORTH SHORE ROAD**

It was noted that Ellie Russell and Jenny Cole had conducted a site visit at the Peter and Jain Doremus property, 260 North Shore Road, at 5:30 p.m., 03/27/2006.

Peter Doremus explained that buckthorn and dead pines would be removed from an area between a white pine on the right to a cedar on the north for parking cars. Mr. Thornton clarified that the proposed parking area was on other side of road from the leased lot. Mr. Doremus said the parking area comes in 16’ from the road.

Scott Barnes said that the proposed area is 24’ wide by 16’ deep to park three cars perpendicular to the road. No white pines or cedars of any size would be cut and there would be no impervious surface.

David Winters, neighbor to the east, thanked the Board for preserving the character of Thompson’s Point. Mr. Barnes has done work for (me) and has done excellent work. However 16 x 24’ is a large area in addition to the car parking already on the camp lot. If the Board approved the new parking area then that would set a precedence of six cars for each camp lot, which would be detrimental to Thompson’s Point. Mr. Winters spoke in favor of retaining the 1920’s spirit of preservation and conservation on the point. (He) was leaving the country for up to four years and the Doremus’ were welcome to use the parking area at my camp for the four years. This was a potential solution versus cutting a new parking area, said Mr. Winters..

Ms. Cole asked if the need for new parking was to improve safety or if it was just to provide parking for visiting guests. Mr. Doremus replied that currently he has space to park three cars at the camp. There is no hazard. When company came it was just parking wherever you find it. The plan was for guest parking. Mr. Winters pointed out that parking along the road had an advantage as a traffic calming measure.

**MOTION** by Mr. Stone, seconded by Mr. Russell, to approve a request by Peter and Jain Doremus to construct a parking area on Thompson's Point at 260 North Shore Road as presented.

**DISCUSSION:**

Mr. Thornton pointed out that the Selectboard has never granted parking on the leased land across the road. Mr. Russell stated that the Board has restricted camp expansion as well.

**VOTE:** zero ayes, 5 nays; motion failed to carry.

**7. TRAFTON AND LAURA CRANDALL – REQUEST TO AMEND WATER SETTLEMENT AGREEMENT OF 1996**

**MOTION** by Mr. Russell, seconded by Mr. Stone, to approve a request by Trafton and Laura Crandall to amend a Water Settlement Agreement of 1996 as presented.

**DISCUSSION:**

Trafton Crandall clarified wording of the so-called water agreement with the Shelburne Town Water Commission. There was a boundary line adjustment and the lot numbering was not clear. In accordance with the settlement Lot 2 would connect to the system and Lot 1 would be restricted from connecting to the system.

Laura Crandall pointed out the location of Lot 1 and Lot 2 on the Plat Map, and said that they were asking to change the wording of the settlement agreement. An existing barn is completely located on Lot 2 and is hooked up to the water line. The request is to connect the house to the water system as well. Lot 1 is a separate lot and has a drilled well.

Mr. Stone asked for the number of connections the Crandall's had. Ms. Crandall explained there are 12 lots, which are allowed to have water connections from the system. The agreement includes a tap to the house on Lot 2. Ms. Russell asked if the water hookup allotment to Lot 2 was for one hookup, which was already used as a hook up to the barn.

Mr. Stone asked for a copy of the Shelburne documentation. The settlement agreement was only for 12 lots. Water already goes to the Lot 2. Mr. Crandall said that the house and outbuildings were included in the agreement language. Ms. Cole read the Settlement Agreement language for service to a "residence and normal accessory structures." Ms. Crandall said that they have already put a tap in the barn that honors the agreement and read a letter from Peter Swift.

Mr. Stone reiterated that documentation from the Shelburne Selectboard should be submitted as part of the record. Ms. Crandall explained that they have spoken to the Shelburne Town Manager, Paul Bohne. Lot 1 has been sold and we drilled a well, which gets 70 gpm. Mr. Bohne wrote to the realtor, dated May 13, 2002 regarding lots 1 and 2 on Orchard Road. Mr. Stone said that an updated letter from the Shelburne Selectboard was needed.

**Mr. Russell read an amendment to the Water Agreement, and a Planning Commission decision. A site map was filed with the Town in 2003, which appears inaccurate. Ms. Russell asked the Crandall's to draft an amendment to the Settlement Agreement and get the Shelburne Selectboard to sign off on it. Bring it back as an amendment to the current agreement.**

**Ms. Crandall explained that the site map was filed October 2003 in Shelburne, not Charlotte. Lot #3 was missing on the map. They went to the Shelburne Planning and Zoning office to find out who recorded the map – they were told it was hand delivered by an unknown person, said Ms. Crandall.**

**Mr. Stone asked who receives the bill and makes the payment for the water. It may have been Mrs. Mack and she said she would be responsible. Ms. Crandall stated that we would be responsible for paying for our own water. Shelburne has to approve the connection, and we have the current permits.**

**Ms. Russell asked if only looking to change Lot 1 to Lot 2. Does need approval by both towns.**

**The motion failed for lack of a vote.**

#### **8. OPPORTUNITIES CREDIT UNION –OBTAIN ELIGIBILITY FOR REVOLVING LOAN FUND**

Antonia Bullard, Opportunities Credit Union representative, explained the Vermont Development Credit Union had a change of name to the Opportunities Credit Union (OCU). The OCU has a social mission to provide financing for the low income and is a 10-12 year mortgage lender for mobile and pre-manufactured house repairs or for the purchase of lots. Because OCU can only lend through a recognized non-profit in a town partnerships are formed with municipalities. OCU has been approaching towns with mobile home units and Charlotte has one. An example of a recent collaboration included a partnership with Shelburne and Swanton to apply for a Revolving Loan Fund on behalf of the Opportunities Credit Union.

Ms. Russell read a proposed Resolution to partner with the Opportunities Credit Union to obtain eligibility for a Revolving Loan Fund in Charlotte.

**MOTION by Mr. Russell, seconded by Mr. Stone, to approve a draft Resolution to obtain eligibility for a Revolving Loan Fund as presented.**

#### **DISCUSSION:**

**Mr. Stone read a letter from the Opportunities Credit Union. Charlotte has adopted new Town Zoning Regulations and the proposal fits in with the plan for affordable housing, said Mr. Stone. Ms. Bullard clarified that the funding would be available for people who own a mobile home, but rent the lot. They usually don't own the land, which could be used as security for obtaining loans.**

**Mr. Stone asked if Charlotte built a new mobile home park, would this be applicable. Ms. Bullard said no, the funding could not be used for creating housing.**

The financing would benefit Charlotte residents if they purchased a mobile home, made repairs to an existing mobile home, or for the purchase of an individual lot. No other institution was lending money for mobile homes other than Lake Champlain Housing in Franklin County and an organization in the Northeast Kingdom.

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

Lou Firth noted that a recent housing survey in Charlotte showed that currently affordable housing in Charlotte was ten percent of the total housing units. The ten percent didn't include mobile homes, so what was included, asked Mr. Firth. Ms. Cole said the question was that it was on "owned" land. There was a number for mobile homes. Ms. Cole would recheck the survey.

**Mr. Russell pointed out there were about seven mobile home units in Charlotte.**

**VOTE: 5 ayes; motion carried.**

#### **9. THOMPSON'S POINT-POLICY REGARDING USE OF THE WASTEWATER FACILITY AFTER THE YEARLY SHUT-DOWN**

Ms. Cole reported that the Wastewater Committee has been having trouble with people staying at camps longer than the shut down of the Wastewater facility. The date on the leases was November 15<sup>th</sup> to shut down the system. Mr. Stone suggested changing the lease language to a shut down date to October 1<sup>st</sup>. The trouble is the water lines freeze, but people point out the date in the lease. Ms. Cole suggested language for a shut down date "on or about October 20<sup>th</sup>".

There was further discussion regarding the length of time some people stay in the Thompson's Point camps, which has been beyond the shut down date, the necessity of having the septic holding tanks pumped out, which is an extra expense; and potential legal issues if the water was shut down.

Ms. Cole would invite Marty Williams to come in to explain the issues with the Board. Mr. Stone suggested getting a legal opinion regarding on appropriate Wastewater Agreement language.

#### **10. SYLVIA KNIGHT – LETTER TO THE VERMONT PESTICIDE ADVISORY COUNCIL**

Sylvia Knight, Charlotte Conservation Commission member and resident, explained that page 2 of a draft letter forwarded to the Board for review was revised. There were three recommendations added, which were #5-7.

Ms. Knight explained a management plan for railroad weed control that was required by the federal regulations to keep the railroad ballast free from weeds. The commission was seeking Board endorsement for either a joint letter with the Conservation Commission to the VPAC, or a separate Selectboard letter in support of the Conservation Commission letter.

There was a discussion regarding what the federal requirements were; what the railroad leases provided related to weed control responsibilities, what the State of Vermont role was; alternatives to a Vegetated Management Plan; and notification issues that need to be addressed (the railroad must notify the public when work was scheduled).

Ms. Cole asked what were alternative practices that property owners or the Town could implement. Ms. Knight explained that when property owners saw vines growing out over the railroad tracks they could talk with Vermont Railway on how the landowner could assist in clearing vegetation. The vines root system is usually back on the property owners land and they could deal with the roots.

The Board would ask staff to draft a separate letter in support of the Conservation Commission letter related to limiting the use of herbicides and pesticides along railroad, utility, and highway rights-of-way.

Ms. Knight said VPAC doesn't approve herbicide permits, they only make recommendations to the Secretary of Agriculture. Ms. Cole asked if Ms. Knight had the opportunity for conversations with VPAC during VPAC meetings.

Ms. Knight noted that the next VPAC meeting was in April and the Charlotte Conservation Commission would meet 03/28/2006.

**11. REQUEST TO CHITTENDEN SOLID WASTE DISTRICT TO PROVIDE FINANCIAL ASSISTANCE FOR CLEAN-UP**

**MOTION by Mr. Stone, seconded by Ms. Cole, to send a letter requesting financial assistance from the Chittenden Solid Waste District for clean up of the Joe Aube property, Dorset Street Extension.**

**DISCUSSION:**

**Ms. Russell read a draft letter to the Chittenden Solid Waste District (CSWD).**

**Mr. Hammer, Charlotte Chittenden Solid Waste District representative, said he would present the letter to CSWD. There was \$1,000 available for clean up funding assistance.**

**VOTE: 5 ayes; motion carried.**

The Charlotte Selectboard Chairperson signed the draft letter.

**12. CHARLOTTE MUSEUM – REQUEST FOR APPROVAL TO BUILD STAIRS AND RAMP IN ROAD RIGHT-OF-WAY**

Mr. Thornton recused himself temporarily as a Selectboard member and addressed the Board on behalf of the Charlotte Museum. The Museum was requesting approval to repair an existing porch. The contractor indicated that in order to get a proper angle the porch should be moved 3-5' to the right. Six feet of the building was also in the right-of-way, noted Mr. Thornton, and the proposal would extend a wooden porch to match up with the ramp. The project would be funded by the Charlotte Museum.

**MOTION** by Ms. Russell, seconded by Mr. Stone, to approve a request by the Charlotte Museum to build stairs and a ramp in the road right-of-way as presented.  
**VOTE:** 4 ayes, 1 absent (Mr. Thornton); motion carried.

**13. APPROVE THOMPSON'S POINT LEASE LOT 202**

**MOTION** by Mr. Stone, seconded by Ms. Cole, to approve a Thompson's Point lease for Lot 202 to John Kerr.

**DISCUSSION:**

John Hammer suggested that if there was the potential to change the lease language then the Board might want to wait before approving a lease for Lot 202. Mr. Stone noted that some of the leases were 20-year leases and couldn't be changed until they came up for renewal. There should also be a process in place to make sure that future Selectboard were aware that of a change in date.

Mr. Russell asked for clarification on the location of Lot 202. It doesn't appear on the Town Map, and should be properly referenced to the correct map before we approve the lease of Lot 202.

**VOTE:** 0 ayes, 5 nays; motion failed.

Mr. Stone asked if tree-cutting language was included in the lease. Ms. Russell read the lease section related to use; tree cutting was under the direction of the Charlotte Tree Warden.

**14. APPROVE "FLEA MARKET" LEASE**

**MOTION** by Mr. Stone, seconded by Mr. Thornton, to approve a new "Flea Market" lease as presented.

**DISCUSSION:**

Mr. Thornton asked if it was an annual lease, or was it open to bid. Ms. Russell said it was a renewal to Mary Connelyn.

Mr. Russell said that the lease was for \$2,000. Mr. Stone said it should have been \$2,500.

There was discussion regarding the Flea Market hours of operation, parking safety, terms of the lease that included no tree cutting, no dumping, insurance issues and no construction without approval.

Carrie Spear asked if there was a possibility of having a Farmer's Market on Saturday's at the Flea Market site.

Mr. Thornton noted that Section G, on site parking. They do park vehicles on the site. The language should read "no over night parking", suggested Mr. Thornton.

Ms. Russell noted that compliance was voluntary.

**VOTE:** 5 ayes; motion carried.

**15. APPROVE JOB DESCRIPTION FOR ZONING ADMINISTRATOR  
MOTION by Mr. Stone, seconded by Ms. Cole, to approve the draft Zoning  
Administrator job description as presented.**

**DISCUSSION:**

Ms. Russell reviewed that the Town Planner had made editorial changes to consolidate some points.

**VOTE: 5 ayes; motion carried.**

**16. MATHIEU MOTORS – APPROVE STIPULATION AND ORDER OF  
DISMISSAL**

Ms. Russell stated that any discussion regarding the Mathieu appeal would be conducted in Executive Session.

**MOTION by Mr. Stone, seconded by Mr. Russell, to approve a stipulation and  
order of dismissal regarding the Mathieu appeal.**

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

**17. SELECTBOARD UPDATE/CHAIR'S REPORT**

Ms. Russell reported that there were two Selectboard Training Session dates scheduled for April 26 and May 6, 2006 in Montpelier.

Ms. Spear asked if the new ambulance was ordered. Ms. Russell replied yes.

Ms. Cole reported that preliminary Town comments regarding VELCO were submitted. More comments could be accepted. Some of the Town residents have expressed interest in meeting with VELCO representatives related to the Ferry Road issues. Ms. Cole has responded to comments received.

Mr. Stone noted that the Flea Market lease insurance policy included language of “no food or drink for profit”. Mr. Russell said the Town was not restructuring language. The insurance company added the language.

Ms. Russell reported that Nancy Wood has agreed to search for an auditor.

Mr. Stone stated that the Planning and Zoning office copier was malfunctioning. It was serviced, but it is time to do something about the copier. There are two different service contracts between the Town Clerk's copier and the Planning and Zoning copier. It may be time to revisit the contracts.

Ms. Russell reported that a letter of complaint was received regarding the Lime Kiln Road firing range. A neighbor of the range sent in the letter. Mr. Stone said he would take care of the matter.

**18. BILLS AND WARRANTS**

The Selectboard signed Bills and Warrants as presented.

**19. ADJOURNMENT**

**MOTION by Mr. Stone, seconded by Mr. Russell, to adjourn the meeting.**

**VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 9:20 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.*