

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
JUNE 27, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Francis Thornton, Ed Stone, Charles Russell (arrived 8:35 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Nancy Sabin, Carrie Spear, Robert Bickford, Robert Chutter, Martha Greene, Richard Greene, Tom Williams, Zoe Williams, Larilee Suiter, William Logan, Debbie Ramsdell, Lee Weisman, John Hammer, Charlotte News.

NOTE: the Agenda of the meeting was heard out of order, but appears as warned for continuity. Mr. Russell joined the meeting at 8:35 p.m., after the Selectboard had continued deliberations on a request for a Highway Access Permit HAP-05-07, Agenda Item #5.)

SITE VISIT: Brian and Johanna Machanic, east side of Mount Philo Road just north of One Mile Road, for Highway Access Permit application HAP-05-07

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:00 p.m.

2. ADJUSTMENT TO AGENDA

None.

3. PUBLIC DISCUSSION

Ms. Sabin noted that there was an on-going issue regarding lack of Selectboard enforcement of an Environmental Court ruling four years ago. A fine was assessed, but the Town has not pursued closure. It was a waste of Town staff time and money if the Selectboard would not pursue an enforcement process, said Ms. Sabin. Ms. Russell replied that the Town has every intention of pursuing enforcement of a decision for a fine and removal of a pipe. The Town has been waiting for a remedy for an adjustment in the density.

4. APPROVAL OF MINUTES

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of 05/23/05 as written, with the following corrections/additions:

Page 2, paragraph 3; change to read "...The Chairperson would sign the document on behalf of the Town."; Agenda Item #6, 1st paragraph; correct "te" to "the";

Page 4, change the words "license agreement" to "decision of the Selectboard"; Agenda Item #10, change to read: "The Town Assessor agreed

that the assessment for Powers was...”; add “Andrew Thurber, Robert Mack Jr were both interviewed.”;

Page 5, 1st paragraph, line 5; change “Spear Street” to read “McGuire-Pent”;

Last page; replace “BLCT” with “VLCT” awards.

VOTE: 3 ayes, 1 abstention (Ms. Cole), 1 absent (Mr. Russell); motion carried.

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of 06/13/05 as written, with the following corrections/additions:

Page 2, Agenda Item #7, 2nd paragraph, regarding draft license agreement change to read “..grantor of development rights.”

VOTE: 3 ayes, 1 abstention (Ms. Russell), 1 absent (Mr. Russell); motion carried.

5. BRIAN AND JOHANNA MACHANIC – APPLICATION FOR HIGHWAY ACCESS PERMIT HAP-05-07

Ms. Russell reviewed a request by Brian and Johanna Machanic for a new driveway to service a single-family home. Comments were received from the Town Highway Department regarding sight distances. Ms. Russell opened the public hearing.

Robert Bickford, agent, appeared on behalf of the applicant, and reviewed soil investigations for a septic. Mr. Bickford showed a proposed site of a primary septic field located north (close to the road) and a secondary field on a Site Plan. The driveway would be perpendicular to Mt. Philo Road and bend around an existing tree to approach the north end of the house.

BOARD COMMENTS/QUESTIONS

Mr. Stone asked that brush on the south of the driveway be cleared and maintained for proper line of sight distances.

There was brief discussion regarding line of sight distance requirements based on posted speed limits (a 50 mph zone required a 500’ line of sight), and potential for a shared driveway utilizing an easement on an adjoining property. Mr. Bickford stated that his clients strongly preferred to have their own driveway.

MOTION by Mr. Thornton to approve a request by Brian and Johanna Machanic for a Highway Access Permit HAP-05-07. Ms. Russell suggested deferring a vote on the application until Mr. Russell arrived to present input/comments. Mr. Thornton withdrew his motion.

MOTION by Mr. Stone, seconded by Ms. Cole to close the Public Hearing for a request by Brian and Johanna Machanic for a Highway Access Permit HAP-05-07.

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

MOTION by Mr. Thornton, seconded by Mr. Stone, to approve a request by Brian and Johanna Machanic for a Highway Access Permit HAP-05-07, with conditions as follows:

1. Brush shall be cut and a clear line of sight maintained.

2. Written permission was required for a culvert.

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

(NOTE: Mr. Russell joined the meeting at 8:35 p.m., after the Selectboard had continued deliberations on a request for a Highway Access Permit HAP-05-07.)

5. THORPE BARN COMMITTEE REPORT

Robert Chutter, Thorpe Barn Committee representative, presented a written report on renovations of the Thorpe Barn that included contacting the Preservation Trust, State Historic Preservation Office and UVM Historic Preservation Department regarding potential funding sources; inviting contractors to visit the site; and completed improvements. The committee will meet with Doug Porter, Preservation Trust, regarding an estimated cost for the project. The current roof was adequate at this point. The committee has secured recycled 8"x10", 6"x6", and 8"x8"s for the project. The committee was seeking an alternate entry from Route 7. Volunteer help with the project would be requested.

Mr. Hammer suggested an old-fashioned barn raising and picnic.

Mr. Stone asked if the west shed would be removed. Mr. Chutter replied that the committee was looking at a cost for renovating the main barn and removing the shed. It was anticipated to have an estimate to present at the Town Party.

Ms. Cole noted that Mr. Porter would provide a project assessment funded via a \$350 grant with a \$150 Town match. There has been interest in a field trip to view a Stowe barn that had a back portion taken off.

Mr. Thornton commented that barn raisings could be dangerous and suggested talking with the Quinlan School.

Mr. Chutter said the committee would update the Selectboard regarding progress.

6. NEIGHBOR'S CONCERNS REGARDING ZOE'S TACK SHOP

Richard Greene expressed concern regarding use of a right-of-way on the Williams property that serviced his lot. The AOT has cut down two Blue Spruce trees and the brush has not been cleaned up. (He) has met with Dick Hoskins, AOT District Manager, and (Hoskins) agreed that the brush in the State right-of-way was an issue. The Williams have let their sheep and goats run in the driveway. The problem was discussed Tom Williams and the situation has improved the last week. Mr. Greene stated he did not have any issue with the tack shop, but was concerned that his children, who drive, might have an accident with one of the animals.

Mr. Greene showed the location of the driveway on a Site Map and where the sheep were located. According to zoning there can be no obstruction 60' within a right-of-way, said Mr. Greene.

Mr. Greene related that he has called the Animal Control Officer, but there are no ordinances related to loose sheep or goats. Mr. Stone said that the Town had a dog ordinance and a copy was available from the Town Clerk.

Mr. Thornton asked who owned the land where the driveway was located. Ms. Williams replied she did. (She) was upset about the trees that were cut down by the state. The driveway is a neighbors' dispute. Mr. Greene reiterated he had no complaint regarding the Tack Shop, just the right-of-way issue.

7. AMENDMENT OF STREET NAMING ORDINANCE TO ADD ROAD TO CHAMPLAIN VALLEY CO-HOUSING PROJECT – “COMMON WAY”

Mr. Thornton asked if the Fire and Rescue departments reviewed the proposed name, “Common Way”.

MOTION by Mr. Thornton, seconded by Ms. Cole, to approve a proposed Amendment to the Street Naming Ordinance to add a road to the Champlain Valley Co-Housing project as “Common Way”.

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

8. LEWIS CREEK ASSOCIATES – WAIVE FEE FOR RE-APPLYING FOR ACCESS PERMIT

Ms. Russell reviewed a re-application of an access permit for Lewis Creek Associates. The current permit has expired. Nothing has changed. It is reasonable for the Selectboard to waive the application fee.

Mr. Thornton asked if the Town has waived fees for other people. Ms. Russell replied yes.

MOTION by Mr. Stone, seconded by Ms. Cole, to waive a fee for a re-application by Lewis Creek Associates for an access permit.

DISCUSSION:

Mr. Thornton asked what the fee amount was.

Ms. Russell reviewed that the application was for a new curb cut that was never put in. Mr. Stone clarified that the applicant was waiting for the sale of the property. There is a new buyer (for the rear lot).

Mr. Bloch reviewed that access permit was valid for two years then it expired.

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

Ms. Russell suggested amending the Highway Access Policy to include a provision for waiver of the fee, or extension of a current permit. if there were no changes.

Dr. Weisman, owner of the property, explained that he was seeking temporary relief from a stipulation that would eliminate an existing driveway in the event the rear lot was sold.

The proposed access would be constructed next spring. (He) did not wish to share a common driveway with construction equipment and the mess and asked the Selectboard to postpone the stipulation until the new house was completed. Mr. Stone suggested dealing with the request during the hearing of the application.

9. APPROVE AIR CONDITIONING MAINTENANCE AGREEMENT (1 YEAR)

Mr. Bloch, Selectboard Assistant, reported on two proposals for an Air Conditioning Maintenance Agreement. New England Air (current contractor) submitted a bid of \$1,200 and Vermont Mechanical for \$480 per year. The Selectboard reviewed both proposals.

MOTION by Mr. Stone, seconded by Ms. Cole, to accept a proposed agreement between the Town of Charlotte and Vermont Mechanical for an Air Conditioning Maintenance Agreement for the Town Hall as presented.

DISCUSSION:

There was brief discussion regarding the proposals in terms of comparisons of the agreements. Mr. Bloch said the contract was for one year and the system would be serviced twice a year.

Mr. Stone pointed out that grass growing around the air conditioning system had caused a problem. It was the Town that had to address the issue.

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

10. TRAIL MAINTENANCE IN CHARLOTTE PARK AND WILDLIFE REFUGE

Ms. Cole reviewed proposed work on trail maintenance in the Charlotte Park and Wildlife Refuge. Wood chips would be spread on some of the trails and the sections of the gravel trails have become overgrown with weeds and grass. Ms. Cole displayed recent photographs of the sections requiring work. Some of the trails have been mowed and a "natural" herbicide, "Burnout", has been applied in an experiment. The herbicide worked well. Ms. Cole suggested completing one-half of the necessary maintenance this season and one-half the next summer. Raking the gravel trails was budgeted at \$3,700 last year.

Mr. Thornton asked how many people used the trails. Ms. Cole replied she did not know.

Ms. Russell asked (Ms. Cole) for clarification of \$10,000 budgeted for Park Maintenance and a firm scope of work proposal for the next Selectboard meeting.

11. SELECTBOARD UPDATE/CHAIR'S REPORT

a) Town Party

The Selectboard has reserved a table; Shelburne Police Department would provide traffic control.

b) Land Use Regulations meeting schedule

The Selectboard scheduled Land Use Regulations update meetings as follows: Tuesdays, July 12, July 19, and July 26, 7:00 p.m. – 9:00 p.m.

c) VELCO timetable

Ms. Cole reported that the PSB has granted approval for VELCO's post-certification schedule. VELCO would pre-circulate plans to stakeholders prior to submitting plans to the PSB. VELCO will state what they intend to do at Ferry Road by 07/01/05. Plans for the design of the 115kV line are to be submitted by 09/23/05, and for the substation by 03/03/06.

d) Dog complaint on Lake Road Extension

Ms. Russell reported on a dog disturbance on Lake Road Extension, which was a neighborhood issue. The owner of the dogs is a breeder and shows the dogs, but does not operate a commercial kennel. The complainant was seeking Selectboard action, said Ms. Russell, and read a letter received from the complainant and a response letter from the dogs' owner.

Mr. Russell explained that the dogs were "at large" once and the situation was handled. The dogs' owner could get a license as a kennel with the Town. Ms. Russell said that it was recommended that each dog be licensed individually. A commercial kennel was not allowed in a residential development. The dogs have been licensed. A Selectboard response would be drafted by staff and sent.

e) Future Highway Access Permit Site Visits

It was the consensus of the Selectboard to conduct independent site visits for three Highway Access Permit requests.

f) Zoning Enforcement Issues

There was discussion regarding an issue related to a Certificate of Occupancy regarding Zoe's Tack Shop. The Zoning Administrator was seeking Selectboard authorization to pursue next steps in a notice of violation. Ms. Cole asked if there had been adequate efforts by staff to contact the party involved to resolve the issue. Ms. Cole suggested that Ms. Williams should be contacted and asked if she has received a written notification.

There was further discussion regarding enforcement efforts (Ms. Russell said that the general policy of the Board was for "reasonable enforcement").

g) Draft Regional Plan

Five copies of a draft Regional Plan would be needed for Selectboard members to review.

h) VTrans Grant for Park and Ride Facilities

Ms. Russell reviewed VTrans grant requirements for engineering and planning activities related to Park and Ride facilities. The grant application deadline is 09/30/05.

There was brief discussion regarding potential Park and Ride sites in Charlotte, such as in the old Route 7 right-of-way.

i) VLCT Annual Awards Program

Ms. Russell reviewed VLCT award categories and asked for Board recommendations. Copies of the program would be distributed for Board review.

12. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

13. ADJOURNMENT

The next regular meeting of the Charlotte Selectboard: 07/11/05.

MOTION by Mr. Thornton, seconded by Mr. Russell, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:25 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.