

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
JUNE 25, 2007**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Clerk.

OTHERS: Marie-Dennet McDill, Ellie Russell, David Miskell, Dale Knowles, Carried Spear, Tom Mansfield, Richard Weed, Randall Barrows, Tony Blake, Peter Mittelstadt, Joe Tieso, Gary Warner, Jonathan Fairbanks, Judy Laberge, Louie Laberge, Kelly Dorsevich, Al Hardy, Jim St George, Kristin Shea, Kevin Shea, Allan Jordon, Tia Callery David Speidel, Drew Chace, John Hammer, Charlotte News; Rachel Gill, the Charlotte Citizen; and others.

1. CALL TO ORDER

Mr. Russell called the meeting to order at 7:02 p.m.

2. ADJUSTMENT TO ADENDA

None.

3. PUBLIC DISCUSSION

None.

4. MARIE McDILL, 313 CHURCH HILL ROAD – REQUEST TO PUT FENCE IN ROAD RIGHT-OF-WAY

Marie-Dennet McDill, 313 Church Hill Road, explained that a fence was needed to provide road noise abatement and privacy. She could see the Town plow trucks from her front porch, which are parked opposite her property. She was willing to bring the fence in on the house side of the “Bridal Wreath” hedge. Eight foot posts would be used to raise the height of the fence to 8’ with panels of 6’ in height, and a 2’ gap from the ground to the bottom of the fence.

Mr. Stone noted that the Town right-of-way from the center of the road was 50’. Church Hill Road is the old Route 7 and is a six-rod road. If Ms. McDill put the fence 49’ from the center of the road then she wouldn’t need Town approval.

Mr. Ladue said that he paced off the distance from the culvert at 20’ +/- . Mr. Ladue expressed concern that the fence would be an obstruction.

Ms. McDill said she knew it was a busy road when she purchased the property. A cedar hedge was considered, but she had observed that cedars suffered from snow damage.

Mr. Bloch reported that the proposal has not been reviewed by the Charlotte Road Commissioner at this time. As per the Bylaws the Selectboard has the discretion to set the height of a fence.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a request by Marie-Dennet McDill, 313 Church Hill Road, to put a fence in the Town road right-of-way, with the fence panels installed on 8', 6"X6" posts, with the bottom edge of the fence 2' off the ground, inside the existing "Bridal Wreath" hedge, subject to a Dig Safe inspection and inside the existing culvert closest to the house.

FRIENDLY AMENDMENT by Mr. Ladue, that the posts were no larger than 6"x6".

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

5. DOG BITE COMPLAINT

MOTION by Mr. Stone, seconded by Mr. Thornton, to recess the regular meeting and enter Executive Session for the purpose of discussing a Dog Bite Complaint.

VOTE: 5 ayes; motion carried.

The meeting was recessed and the Selectboard entered Executive Session at 7:20 p.m.

MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn Executive Session and to reconvene the regular meeting.

VOTE: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 7:58 p.m.

Mr. Stone noted that no action was taken.

6. MUNICIPAL DELEGATION OF WASTE WATER PERMITTING

Tom Mansfield, Zoning Administrator, reviewed a memo, dated 06/12/2007, which outlined a checklist to complete a Waste Water Delegation application to the Agency of Natural Resources. The application would keep control of the process with the Town. Draft agreements were presented to the Board for review. Staff was seeking Board approval of the draft contracts and to authorize the Board Chair to sign the one-year contract.

Mr. Ladue asked if Spencer Harris would be available to the Town beyond a one-year contract. Mr. Bloch replied that the Town has had a 15-year relationship with Spencer Harris, but if Spencer Harris was not available, then there were engineering firms that could review septic plans; for example, Civil Engineering Associates. Hypothetically the Board could put the contract out to bid. Mr. Mansfield said that Mr. Harris was interested in the one-year contract. If he becomes overwhelmed then he would let the Board know.

There was discussion regarding the drop-dead date to submit the application to the state (07/01/2007); items B, E, G and I on the check list, which needs to be completed; clarification that the town submits an application and the state determines that the

application meets the standards of delegation (if so, then the town is the delegation); and a 20-hour timeframe for a permit review.

MOTION by Mr. Thornton, seconded by Mr. Stone, to make an application to the state for the Town of Charlotte to accept the requirements of a Waste Water Delegation; and to authorize the Selectboard Chair to work with the Zoning Administrator to represent the Town of Charlotte in the best interests of the Town.
DISCUSSION:

Mr. Ladue said that the Zoning Administrator was in the process of purchasing a scanner that could handle 11"x17" documents. Engineering firms would be required to provide PDF files for the Town records.

Mr. Ladue asked if staff has discussed the Permit Expedient Program standards and Environmental Notice Bulletin requirements with Colchester. Mr. Bloch replied in the affirmative and said that the standards were minimal.

Mr. Mansfield reported that Roger Thompson said the monthly or quarterly reporting would be sufficient. An annual report would need to be filed. A glitch was getting a "pin" number from the state.

Mr. Ladue asked if there was any liability for the Town regarding the issuance of permits. Mr. Bloch said that the Town has insurance for all permits. Any appeal of an issued permit would go before the Environmental Court.

Mr. Miskell asked if the Town septic rules would be the same as the state's. Mr. Mansfield replied that it was understood that some exemptions could be excluded; for example, conversion of seasonal properties. Colchester is the only town that has been delegated. A town can only do what the state allows.

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

7. FIRING RANGE

Jonathan Fairbanks, resident, read a letter sent to Ed Stone, dated 05/10/2007, regarding the Laberge Firing Range located on Lime Kiln Road. Mr. Fairbanks said that he was seeking a commitment from the Selectboard to mediate and monitor the use of the Laberge range. There was a change in use to allow automatic weapons on the range, stated Mr. Fairbanks.

Mr. Stone said that the Town Legal Counsel has researched the key points of the Fairbank's letter. The Laberge firing range has been in continuous use since 1950. As per the 1966 Zoning Bylaws, Section 3.8, the range is a non-conforming use and is exempt to a limited extent. In a 12/19/1991 written ZBA decision, the shooting range was determined to be a pre-existing non-conforming use. The increase in volume of use doesn't constitute an expansion of use necessarily.

Mr. Russell said that the Town had an agreement with the Laberge's regarding signage, improvements, what type of weapons, who could use the range, a sign-in sheet, and

payment of a fee for use, etc. An opinion was received from Town Counsel that the Board hasn't discussed yet related to Board involvement. The Board could take the issue up at the next Board meeting.

Mr. Thornton said that the range has been in use for over 30 years, and according to the Town Attorney, if it is a pre-existing use then (you) can't complain that it is a nuisance.

Judy Laberge, range co-owner, said that sound testing was done in 1993 and the impact of noise from the range was insignificant. The range is open from 8:00 a.m. to dusk. Usually no one shoots in the mid-day; for example, after lunch today there was no one using the range, or this evening. Users were told that rapid firing was not allowed. The boys know who is on the range. A sign is up regarding hours of operation, and Rules and Regulations are posted. There is no sign-in sheet, which would mean building a hut to protect the sign in sheet.

Mr. Stone pointed out that the Laberge's were to implement and keep a record of sign in sheets. Ms. Laberge replied that they could do it, but it wasn't clear if that would make a difference to the neighbors. Louie Laberge said that he would try a sign in sheet.

Mr. Fairbanks reiterated that he would like to have a discussion with the Laberge's with the Selectboard assistance/mediation.

Mr. Stone said that the issue should be an agenda item and on the record.

Mr. Laberge stated that the law says we are doing what we are allowed to do. Mr. Fairbanks lives at a camp on Thompson's Point all summer and not near the range, pointed out Mr. Laberge.

Ms. Laberge said they were willing to discuss the issue depending on the proposals.

Peter Millestadt, neighbor, explained that he was involved in mediation discussions two years ago. There was an agreement to have signage posted at the entrance to the range, on a bench at the Laberge house and at the range. It was finally done three weeks ago. There was no sign in or out. If we wanted to walk down the field we would call and the Laberge's who were supposed to call off any shooters. When we called that was not done. If we wanted some quiet time while a guest was visiting we could call in advance to schedule that quiet time. We tried at Easter to do that and the Laberge's didn't respond. The number of people using the Laberge range have increased over the last 30 years. We want people shooting at the range to shoot in the right direction.

Mr. Russell and Mr. Stone said that they would meet with the Laberge's.

8. RECREATION COORDINATOR – HIRING PROCESS

Mr. Bloch reviewed that the current Recreation Coordinator was leaving August 1st and it would be good to have some overlap with a new coordinator. The next Board meeting was scheduled for 07/09/2007 and a public interview process would start 07/02/2007 at 7:00 p.m.

Mr. Bloch reported that the dog catcher reported that there is an increase in dog bites during the July 4th holiday. Proper precautions should be taken for the safety of pets and people.

9. JAMES HUNTINGTON AND ANTHONY BLAKE – DELIBERATION FOR TWO HIGHWAY ACCESS PERMITS AT 770 ORCHARD ROAD (HAP-07-07 & HAP-07-08)

Mr. Russell reviewed a request by James Huntington and Anthony Blake for two Highway Access Permits, 770 Orchard Road. Following negotiations, the applicant's have agreed to move the access 15' to the south of the proposed location. Re-opening the public hearing regarding HAP-07-07 & HAP-07-08 would not delay the application.

MOTION by Mr. Thornton, seconded by Mr. Stone, to re-open a request for two Highway Access Permits at 770 Orchard Road, HAP-07-07 and HAP-07-08, on 07/09/2007, at 7:30 p.m.

VOTE: 5 ayes; motion carried.

10. TOWN PARTY – TRAFFIC CONTROL

The Selectboard would discuss asking the Shelburne Police Department to provide traffic control during the Town Party.

11. APPOINTMENT OF SEWAGE OFFICER

MOTION by Mr. Stone, seconded by Mr. Thornton, to appoint Tom Mansfield as the Charlotte Sewage Officer.

VOTE: 5 ayes; motion carried.

12. UPDATES

A) SPEED ENFORCEMENT

Mr. Russell and Mr. Stone would meet with Kevin (?) on 07/06/2007. A question was if a traffic study was needed for Lake Road and Spear Street.

B) AFFORDABLE HOUSING

Mr. Ladue briefly reviewed an update on the Burns Property Affordable Housing project, and said he would like to review the MOU.

C) ANCIENT ROADS

Mr. Ladue reported that he had created an ancient road system spread sheet that listed roads from the 1986 report on Town Roads.

The Board signed the HAP-07-09 application for American Towers.

13. MINUTES

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of 05/21/2007 as amended.

VOTE: 5 ayes; motion carried.

14. EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Mr. Ladue, to recess the regular meeting and to enter Executive Session for the purpose of discussing Plouffe Lane matters.

VOTE: 5 ayes; motion carried.

The regular meeting was recessed and the Board entered Executive Session at 9:30 p.m.

MOTION by Ms. Cole, seconded by Mr. Ladue, to adjourn Executive Session and reconvene the regular meeting.

VOTE: 5 ayes; motion carried.

MOTION by Ms. Cole, seconded by Mr. Stone, to authorize the Trails Committee to apply for a Conditional Use permit and Site Plan Review for the Plouffe Lane Trailhead while retaining the right to argue that no such permits are needed; and to authorize the Selectboard Chair to sign all necessary applications.

VOTE: 5 ayes; motion carried.

15. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at p.m.

Respectfully submitted, Kathlyn L. 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.