

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
APRIL 9, 2007**

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

**ADMINISTRATION:** Dean Bloch, Selectboard Assistant.

**OTHERS:** Lynne Jaunich, Ellie Russell, Tom Mansfield, Spencer Harris, David Miskell, Peter Schneider, Jessica Donovan, Frank Tenney, Linda Hamilton, Sylvia Knight, John Hammer, Charlotte News, Rachel Gill

**1. CALL TO ORDER**

Mr. Russell called the meeting to order at 7:00 p.m.

**2. ADJUSTMENT TO ADENDA**

Added:

- Thompson's Point Lease
- Plouffe Farm Lane
- Byways Panels

**3. PUBLIC DISCUSSION**

None.

**4. MINUTES**

**MOTION** by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of the 2007 March Town Meeting as amended.

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

**MOTION** by Mr. Stone, seconded by Ms. Cole, to approve the minutes of 04/09/2007 as written, with additions/corrections as follows:

Page 1, under Public Comments, 2<sup>nd</sup> sentence. Correct the spelling of the name "Susan" to "Suzanne";

Page 2, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence, correct to read "The road crosses...";

Page 3, 3<sup>rd</sup> paragraph, change to read "...same state department as the state wetlands office.", and 5<sup>th</sup> paragraph, change the words "Planning Commission" to "state";

Page 4, 7<sup>th</sup> paragraph, last sentence, change to read "..he is not a supervisor over the people that issue the permits.";

Page 5, 9<sup>th</sup> paragraph, delete the words "2,000 gpd is an average flow";

Page 9, 3<sup>rd</sup> paragraph, replace the word "House" with "Store", and 8<sup>th</sup> paragraph, 1<sup>st</sup> sentence, change to read "...bid that the bidders use four-cycle motors to address air quality issues."

Page 10, add after the Board adjourned Executive Session: "MOTION by Mr. Thornton, seconded by Mr. Ladue, to appoint Mr. Russell, Ms. Cole, and Mr. Stone as Selectboard representatives regarding mediation related to the Hinsdale (Mt Philo property) and Infill appeals."

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

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve the minutes of 04/05/2007 as written.**

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

**5. LYNNE JAUNICH – REQUEST TO CLOSE HINESBURG ROAD FOR CCS CHAMP RUN ON JUNE 2**

**MOTION by Mr. Ladue, seconded by Mr. Stone, to close Hinesburg Road for the CCS Champ Run on 06/02/2007 from Mt Philo Road to Churchill Road, 4:20 p.m. to 5:15 p.m., for the 5<sup>th</sup> annual CCS Champ Run as presented.**

**DISCUSSION:**

**Lynne Jaunich, Champ Run representative, explained the run route and a request to close off the road for safety issues. The run is a fund raiser for the CCS PTO. There would be an EMT from Charlotte Rescue on site, but no police presence.**

**Mr. Thornton said he objected to closing Hinesburg Road, which would cause a long detour for motorist traveling east-west. The run organizers could find a different route for the race. Ms. Jaunich replied that for their purposes the proposed location was the best. Last year it rained and having a paved surface versus a muddy dirt road was great.**

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

**6. RAYNE HERTZOG – SHELBURNE ATHLETIC CLUB RACE SCHEDULE AND REQUEST FOR ROAD CLOSURE**

**Rayne Hertzog, Athletic Club representative, explained a request to hold the 5<sup>th</sup> Annual Half-Marathon April 28, 2007. The route would be the same as in the previous year. We are asking to close one lane of Hinesburg Road from Jim Dickerson's house to Guinea Road from 8:30 a.m. to 8:40 a.m.**

**Mr. Ladue suggested starting the race at Guinea Road to avoid issues at the intersection.**

**Mr. Ladue asked if there were ever problems with the program. Mr. Russell replied no.**

**Mr. Hertzog said that safety was foremost and the course was picked up immediately.**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve the Field House Athletic Club race scheduled for 04/28/20, and a request to close the intersection of Hinesburg Road for 10 minutes, from Mt Philo Road and Guinea Road from 8:30 a.m. to 8:40 a.m.**

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

**Mr. Hertzog explained that four sprint races would be held this year. Only the bike segment would impact the Town at the Brick Store intersection. Mr. Hertzog said that he controlled the traffic at the intersection. Organizers stressed respect for motorist and the country roadways to the bikers at the pre-race meetings.**

Mr. Russell stated bikers can't interfere with the flow of traffic and for safety shouldn't ride two abreast. Mr. Hertzog said that race organizers strictly enforced "drafting" rules in a triathlon.

**MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a request by the Field House Athletic Club for the following dates for Sprint Triathlon 06/30/2007, 07/31/2007, 8/04/2007 and 8/18/2007 starting at 8:00 a.m.**

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

**7. THOMPSON'S POINT WASTEWATER SYSTEM – APPROVAL OF BUDGET AND ORDINANCE**

**A) BUDGET**

Tom Mansfield, Zoning Administrator, said that there were no changes made to a draft Thompson's Point Wastewater System budget.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a draft Thompson's Point Wastewater System budget for 2007 season for \$97,125.00 as presented.**

**DISCUSSION:**

Mr. Stone asked Mr. Mansfield if Dean Bloch gave him a sheet with two recommended changes. Mr. Mansfield replied yes, Mr. Bloch had e-mailed. Mr. Stone said there was a discussion with Steve Williams, who was adamant that funds were needed for pumping out tanks. Mr. Mansfield explained that the Advisory Committee felt there was enough money in the budget under the closure procedures for the \$4,200.00. One of the responsibilities of the committee is a fiduciary function. The committee maintains \$7,000.00 from last year's budget. Pump maintenance is covered under a line item for repairs and parts.

Mr. Mansfield said that the Advisory Committee has met four times and the operator didn't attend any of the meetings. It was at the last meeting that the operator came and mentioned the two items. Bills have been sent out with the rates as approved. Mary Mead is confident that there is enough in the budget. Any overages could be covered through the Sinking Fund, but the Sinking Fund is not there to cover operating expenses. The Advisory Committee is not inclined to increase the budget.

Mr. Ladue commented that the state records include a graph showing weekly monitoring of the fields. Review of the records show there are times that maximum flow rates of 20,000 gpd at the field have been reached in the weekly averages. Flows have exceeded 16-18,000 gpd on several occasions. It may be wise to implement daily monitoring and if usage exceeds a certain amount the Town might need to implement conservation measures. Mr. Mansfield said that this was a topic of discussion at last Advisory Committee meeting. The committee will take it into consideration at the June/July meeting. The Board is invited to attend the meeting.

**Mr. Ladue suggested that a resident could read the meters if daily monitoring was done. Mr. Mansfield said that cost of conservation saving measures are under discussion currently. A survey was mailed out with the bills to discover the number of washing machines.**

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

B) ORDINANCE

Mr. Mansfield explained that the Board reviewed the draft Thompson's Point Wastewater System Ordinance at a previous Board meeting. Staff did not recommend any revisions at this time.

Mr. Stone asked Staff to forward a clean draft version prior to the next Board meeting and suggested that the Board could review the draft and approve at the at the next Board meeting.

Mr. Mansfield reviewed issues that included the number of bedrooms and the maximum allowable flow of 20,000 gallons. Low flow fixtures were a requirement in the ordinance. Mr. Ladue briefly reviewed a history of flows. Leaseholders should be made aware up front that conservation measures may need to be implemented in the future. Mr. Ladue suggested that an Oversight Committee could bring forth suggestions on how to address conservation notification.

Mr. Russell pointed out that there was a question of the grand-fathered clothes washing machines. Would low flow fixtures include washing machines when a leaseholder needs to replace an existing machine, or does that mean a machine can't be replaced, asked Mr. Russell.

It was decided to invite Paul Boisvert to attend the next meeting of the Board.

C) LEASE

Mr. Russell reviewed a request for a lease of Lot 118 and 119, the termination of the lease for Jonathan and Louise Fairbanks, the Louise B. Fairbanks Trust, dated 4/03/1995, and a new twenty-year lease.

**MOTION by Mr. Stone, seconded by Ms. Cole, to terminate the Louise B. Fairbanks Trust lease, dated 04/03/1995, and approve a twenty-year lease agreement for Lots 118 and 119, for Jonathan and Louise Fairbanks.**

**DISCUSSION:**

**Mr. Ladue asked what the duration of a lease was and how were the lease rates determined. Did camp lots turn over much, asked Mr. Ladue.**

**Ms. Cole read the section of a lease related to "use" and noted that the language regarding dates was "plus or minus" and was not specific. Mr. Russell said that the Board had changed language to read "November 15<sup>th</sup>". Mr. Thornton suggested to strike the words "plus or minus".**

Mr. Mansfield clarified that the ordinance reads that the wastewater system was to shut down on one side of Thompson's Point earlier than the other. The operator needed to clean out the system.

Mr. Stone withdrew the motion for further discussion at the next meeting of the Board.

**8. PETER SCHNEIDER AND JESSICA DONAVAN – PRELIMINARY REVIEW OF PROPOSED CONSERVATION AND AGRICULTURAL FORESTRY EASEMENT AND RESTRICTIONS**

Peter Schneider and Jessica Donovan, owners, appeared before the Board.

Mr. Schneider handed out copies of a Forestry Management Plan and Wildlife Assessment report to the Board for review and asked the Town Planner to review the materials.

Mr. Bloch said that the Charlotte Selectboard was a party to the agreement and would need to sign the documents. The Planning Commission would approve a Final Plan at the 05/03/07 meeting. The agreement would come back before the Board for a final approval.

Mr. Schneider reviewed a proposed Open Space agreement and map references of various open spaces as follows:

- A proposed 20' wide trail easement on the southern portion of the property has been discussed with the Trail Committee Chairperson, the school and UVM. An appendix to the Open Space agreement defines open space management with a focus on wildlife.
- Area "D" included a replacement field for the proposed mound system. Area "D" was not in the open space.
- Wind turbines were proposed for either side of the mound, 2/10's of which was in Area "D".
- A proposed Bio-mass storage could be a small silo within the lot area to be accessed by an existing driveway.
- A mechanical room has been discussed as one central boiler in Area "E", but the proposal may change to individual systems.
- A recycle area was proposed opposite of a retention pond in Area "E".
- A proposed sugar house location was not determined at this point.

Mr. Ladue asked if the applicants were reserving a right to reserve septic capacity in Area "C". Mr. Schneider replied no.

Mr. Russell asked for clarification regarding a "privy". Mr. Miskell said that the language was taken directly from the Vermont Land Trust. If there was a social gathering it would allow the use of a rental "privy", such as a port-a-potty.

Mr. Ladue asked for clarification regarding a proposed 300 square foot building location. Mr. Miskell noted that an agricultural structure could be built any where on agricultural land.

Mr. Russell asked for clarification regarding the location of a trail easement in a steep area of the property. Mr. Schneider explained that there has been discussion of the trail easement with Rick Paradise, Environmental Design Specialist at UVM. He would meet with Mr. Paradise to walk the proposed trail and flag a corridor. The property line has been walked and cleared. Mr. Miskell said that a proposed trail did not encroach on any steep portions of the property and had been included in the Preliminary presentation. Mr. Schneider explained a proposed road for handicap access to the trails.

***ACTION ITEMS:***

- Clarify that a Bio-mass storage would be located only in Area “E”;
- Reference the proposed Recycle area in Area “E” in the Open Space agreement and the Final Plat document;
- Reference the “right to construct” trail and structures language in the Open Space agreement(s).
- Page 3, 3<sup>rd</sup> statement needs to include MOU context regarding views, wildlife, agricultural and forestry land.
- Add wording that in Areas “B” and “C”, no structures or trails would be allowed in the open space.
- Written comments and concerns of the Conservation Commission were received for the record.
- Planning Commission comments/questions would be added to the record for Board review at the first May Board meeting.

**9. MUNICIPAL DELEGATION OF WASTEWATER PERMITTING**

Tom Mansfield and Spencer Harris appeared before the Board.

Mr. Bloch reviewed that the State of Vermont would take over septic review and permitting starting 07/01/2007. Mr. Harris explained the procedural process and stated that it would make more sense for the Town to take over wastewater permitting.

Mr. Ladue said there were a number of issues for taking over all the permitting for wastewater systems and water supplies. Mr. Harris said that he would like to see the deadline extended because it was not known what the rules would be, for example; at one point any replacement of water wells would require certification and a permit. Key issues included state staffing issues, which meant that there would only be 20 percent of on-site inspections done. The state would like a ranking process for engineering firms.

Mr. Stone suggested to let the state take it over, but not to mandate to towns what was needed. A cost should be placed on the process.

Mr. Harris said a scanner was needed to scan and send information to the state. Mr. Ladue clarified that a town only had to prove an “ability” to scan, which could mean going to a Kinko’s or Blue Prints, etc.

Mr. Mansfield said that staff recommended that the town maintain control of the process. Mr. Stone said he would like to hear from engineers and the state. Mr. Mansfield pointed out that there were no “engineers”, but were now “licensed designers” such as Mr. Harris.

There was further discussion regarding a state proposal for 20 percent inspection rate (Mr. Harris said that meant that every 10<sup>th</sup> permit would flag an inspection); exemption changes to a “seasonal camp” to a year-round use was a concern; a suggestion to use the Colchester ordinance that was state approved as a template; a suggestion to take over the delegation, but leave everything as is; and a suggestion that the current ordinance would need to be amended.

Mr. Ladue said that he would like to know more about the costs/benefits to the Town and applicants going through the process. The idea was to streamline the process to one permit versus two permits.

Sylvia Knight said water resources are integrated into one system. She didn’t see the process being regulated as integrated as one system at state level is political. The Town shouldn’t delegate to the state. If it is an either/or situation then we need to equipment ourselves to protect Town and water resources.

Mr. Russell said Mr. Mansfield would pursue the “make application” process with the state attorney.

The Town staff would invite Civil Engineering Associates, or other engineering firms, to the next Board meeting for a discussion including Town delegation, regional administration review, auditing procedure and site visits.

## **10. APPOINTMENTS**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to appoint the following:**

- **Dale Knowles as Animal Control Office;**
- **John-Paul Bettencort as Civil Defense Coordinator;**
- **Linda Hamilton to the Conservation Commission for a four-year term;**
- **Avery Hall to the (Thompson’s Point) Design Review Committee for a three-year term;**
- **Jeffrey McDonald to the Planning Commission for a four-year term;**
- **Linda Radimer to the Planning Commission for a four-year term;**
- **Jessie Bradley, Cedar Cowles, Debra Fischer and Craig Reynolds to the Recreation Commission for three-year terms;**
- **Lucia Plante as the Town Service Officer for a one-year term;**
- **Frank Tenney to the Zoning Board of Adjustment for a three-year term;**
- **Louis Laberge to the Zoning Board of Adjustment for a three-year term; and**
- **Robert Hyams to the Conservation Commission for a four-year term.**

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

#### **11. SELECTBOARD UPDATE**

##### **BYWAY PANELS**

Mr. Russell read an e-mail memo from Daniel Senecal-Albrecht related to potential locations for the four Charlotte Byway Panels.

There was discussion regarding a possible panel location at the Senior Center and/or Fire Department property (Mr. Thornton said that the Senior Center Board would discuss a panel location by the parking lot – three spaces before the circle – at the next meeting); and concerns that if a panel was placed by the Town Hall parking lot it would not be seen from Ferry Road. Mr. Stone reported that he would attend the Fire/Rescue departments next meeting and discuss a panel location with the departments.

##### **PLOUFFE FARM LANE**

Mr. Russell reported that the Trails Committee would schedule a celebration to open the trails. The agreement still needs to be finalized with Gregg Beldock.

Mr. Russell reported that there have been some issues related to activities occurring on the Town landfill property to clarify.

#### **12. BILL AND WARRANTS**

The Selectboard signed Bills and Warrants as presented.

#### **13. ADJOURNMENT and EXECUTIVE SESSION**

**MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn the meeting and enter Executive Session for the purpose of discussing the Clark Hinsdale III Mt Philo appeal.**

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

The meeting was adjourned and the Board entered Executive Session at 9:16 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.*