

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
NOVEMBER 14, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Ed Stone, Charles Russell, Francis Thornton.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Steven Cooley, Carrie Spear, Clark Hinsdale III, Kate Lampton, Mary Jane Spooner, Chris Soulere, Michael Hinsdale, Gail Henderson-King, Elysabette James, R. L. Reid, Michael Richmond, Jim Bahrenburg, David Bahrenburg, Steve Denton, Hugh (Jr) Lewis, John Hammer, Charlotte News, and others.

3:00 p.m. SITE VISIT: Relocation of Higbee Road

MOTION by Mr. Russell, seconded by Mr. Stone, to open a Public Hearing regarding a relocation of Higbee Road.

VOTE: 5 ayes; motion carried.

Ellie Russell, Charles Russell, Ed Stone, Jenny Cole, Dean Bloch, Gail Henderson-King, Kate Lampton, Junior Lewis (Road Commissioner), Sally Spooner, Michael Hinsdale, Mary Jane Spooner, Clark Hinsdale III, and Lydia Hill were present during the site visit.

MOTION by Mr. Russell, seconded by Mr. Stone, to convene the Public Hearing regarding the relocation of Higbee Road until 7:15 p.m.

VOTE: 5 ayes; motion carried.

4:00 p.m. Site Visit: James and David Bahrenburg – two Highway Access Permits (Spear Street and Prindle Road)

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

None.

4. APPROVAL OF MINUTES

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve the minutes of 10/24/05 as written, with the following corrections/additions:

Page 5, 10th paragraph, last sentence; change to read: “Ms. Cole said that Ag Fence would do the project.”; last paragraph; change the date “11/17/05” to “11/07/05”;

Page 6, 2nd motion; add: “Motion by Mr. Russell, seconded by Mr. Stone”.
VOTE: 5 ayes; motion carried.

5. PUBLIC HEARING ON RELOCATION OF HIGBEE ROAD
MOTION by Mr. Thornton, seconded by Mr. Russell, to re-open a Public Hearing for the re-location of Higbee Road.
VOTE: 5 ayes; motion carried.

Ms. Russell read a notice of Public Hearing for the re-location of Higbee Road (Town Highway #49) and acquiring a strip of land from Clark Hinsdale III and Suzanne Hinsdale. The Selectboard conducted a site visit of the proposed location on 11/14/05 at 3:00 p.m. Written notices were sent to the Hinsdales, interested parties and adjoining neighbors.

Ms. Russell reviewed the hearing process and signing in for comments as an “Interested Party”.

BOARD COMMENTS

Mr. Bloch reviewed comments raised during the site visit that included interest in a no passing zone on Route 7 at the proposed intersection, concerns that car headlights might shine into the Spooner residence, the size of a culvert near the wetlands area, and an existing water line.

Gail Henderson-King, Lemouroux and Dickinson, reviewed the Higbee Road re-location project through the Charlotte Berry Farm and a four-way intersection for improved sight distances on a Site Map. The existing entrance to Higbee Road would be closed off. A Highway Access permit from the AOT and a Conditional Use permit have been received from the ANR. Higbee Road would be a gravel 22' wide travel way. Trees along the new access would be added for screening and as many existing trees as possible would be maintained.

Chris Soulere, resident, expressed concern for safety issuing related to the proposed Route 7/ Berry Farm intersection, and the potential for car headlights to shine into Mrs. Spooner's house. Ms. Soulere suggested adding a Route 7 passing lane to allow cars making a left hand turn into the relocated Higbee Road. Ms. Henderson-King explained that the state is proposing to widen the shoulders. The Town road relocation project is a separate project from the AOT Route 7 project. Ms. Henderson-King said that impacts from car headlights are addressed by lowering the Higbee Road grade from what is existing. The road elevation and existing trees/vegetation should help to screen the Spooner house from car lights.

Ms. Soulere expressed concern on how car lights would be blocked during the winter, and that the Route 7 intersection would be more dangerous getting into and out of the Berry Farm. Ms. Henderson-King explained that the AOT engineers looked at the proposed intersection design and determined that the four-way intersection is safer (than what currently exists). Mr. Russell suggested working with the AOT to make Route 7

safer. A hedge could be planted to block car lights. Mr. Stone suggested completing the roadwork first and then seeing where a hedge should go.

Ms. Henderson-King explained a proposal to plant several shade trees at the end of Higbee Road where it would be blocked off to help delineate that it is closed. A school bus and Town truck turn-around location was identified.

Junior Lewis, Road Commissioner, said the Town Highway Department had no comments.

Ms. Cole asked if the E-911 numbers for the homes would need to be changed. Mr. Bloch replied no changes were necessary. There is one potential house lot on the road remaining.

Ms. Russell reviewed the following Exhibits accepted:

1. Notice of Public Hearing
2. List of Interested Parties
3. Site Map
4. AOT Highway Access Permit
5. Letter from Clark Hinsdale III regarding the land donation as a friendly condemnation (Clark Hinsdale III signed the letter)
6. Letter from the Vermont Land Trust
7. Conditional Use Permit from the Agency of Natural Resources

There were no further comments

MOTION by Mr. Russell, seconded by Ms. Cole, to close the Public Hearing regarding the re-location of Higbee Road.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve the re-location of Higbee Road in concept, pending a final written decision.

DISCUSSION:

Mr. Stone noted that the re-location project was a first step. The AOT has earmarked funding in FY07 for a breakdown lane at the four-way intersection once the Route 7 project is completed.

Ms. Cole suggested contacting the AOT for a no-passing zone to address safety concerns.

Mr. Thornton commented that there is an old Town highway across from Higbee Road.

Ms. Russell noted that the culvert size was an issue. Mr. Lewis said that the Town Highway Department was fine with the 18" culvert, but it should be larger. A discussion was held with Mr. Hinsdale (III).

Ms. Russell suggested insulating the existing water line so it did not freeze. The Town would work with Ms. Spooner regarding the car headlight concerns.

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

Ms. Russell stated that the last step was signing a final written document.

6. JAMES AND DAVID BAHRENBURG – TWO APPLICATIONS FOR HIGHWAY ACCESS PERMITS: HAP-05-13 ON SPEAR STREET AND HAP-05-14 ON PRINDLE ROAD

Ms. Russell read a warned written notice of for an application for a Highway Access Permit, HAP-05-14, on Prindle Road. A site visit was conducted 11/14/05 at 4:00 p.m.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a request for a Highway Access Permit, HAP-05-14, Prindle Road as amended.

DISCUSSION:

Mr. Lewis, Road Commissioner, explained that a stake was placed 60’ west from the centerline of the existing driveway. Brush should be cut on both sides of the curb cut. James Bahrenburg, applicant, asked if that included taking down an existing fence. Mr. Lewis replied no, just cutting the brush along the roadside of the fence.

Elysabeth James, resident, asked if the driveway was changing from an agricultural lane to a residential driveway. Ms. Russell replied yes, it is a change to residential. Ms. James expressed concern that there have been impacts to wildlife in the area and that changing the lane from agricultural to residential would have further impacts, such as paving the driveway. Mr. (James) Bahrenburg explained that a house site was originally planned for the Prindle Road lot.

AMENDMENT to the motion by Mr. Russell, seconded by Mr. Stone, to include the following conditions:

1. Leveling the proposed driveway entrance with the roadway.
2. Cutting brush on the roadside of an existing fence on both sides of the proposed driveway.
3. The proposed driveway shall be moved 60’ to the west from the centerline of an existing driveway.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Russell, to approve a road cut on Spear Street, HAP-05-13, with the following conditions:

1. A 500’ sight distance shall be maintained in both directions.
2. A culvert size shall be increased from 12” x 20’ to 15” x 30’.
3. Brush shall be cut on the roadside of an existing fence.

DISCUSSION:

Ms. Russell asked if the proposed driveway was a second access. Mr. (David) Bahrenburg explained that the proposed curb cut is at the location of an agricultural access to a barn. The barn lot has been split off as a separate lot. Ms.

Russell asked if a shared access between the two lots was possible. Mr. (David) Bahrenburg said that it had been discussed with the Planning Commission, but some nice trees would need to be cut to get to the second lot with a shared access. Mr. Bloch said that the Planning Commission granted Preliminary Plat approval. The Planning Commission was comfortable with the general layout.

Mr. Stone asked if the created lot was part of a PRD. Mr. (James) Bahrenburg explained that there is a 8.8-acre lot is on the west side of Spear Street and the east side lot is 24 acres. Mr. (James) Bahrenburg showed a proposed house site and driveway on the Site Map.

Mr. Bloch said for the record that the Selectboard was not setting a global policy to use and change agricultural cuts for residential driveways, but would review each application on a case-by-case basis.

VOTE: 4 ayes, 1 nay (Ms. Russell); motion carried.

7. MICHAEL RICHMOND, USE OF BUILDING AT J&A AUTO ON HINESBURG ROAD

Michael Richmond, J&A Auto owner and resident, said he was seeking suggestions from the Selectboard regarding the use of existing buildings. An application to take down an old building, but to retain a driveway was denied by the ZBA. The back building is used for storage. Trees have been planted as screening as discussed with the east neighbor. Mr. Richmond read a written ZBA decision regarding used car sales, which is a non-conforming use. Used car sales are not listed as a permitted, or a conditional use.

Mr. Richmond asked the Board to consider changing the zoning regulations to allow used car sales as a permitted use. Colored photographs of the property were handed out for Board review.

Ms. Stone read Section 3.8, non-conforming use of structures, of the draft Land Use Regulations. The proposed changes/additions to the zoning language leaves room for the ZBA to use their judgment to base a decision on. This may allow you to do what you want to do if the voters approve the draft Bylaws.

There was discussion regarding language related to uses in the Town Plan and a grandfather clause that covered uses; and the next update to the Town Plan in FY07.

J&A Auto would update existing outdoor lighting to down shielded fixtures to be in compliance.

8. VLCT – STATE POLICE

Mr. Stone reported that the Vermont League of Cities and Towns and the State Police were seeking town participation in a collaborative program. Town constables would be asked to be more aware of lawbreakers. A question – is Charlotte interested, or not.

Ms. Cole asked if it was a program where the State Police would have a presence in town, or is it a contract. Mr. Stone replied that it is an effort to improve relationships between town constables, the State Police, and towns.

Mr. Stone would gather further information.

9. RENEWAL OF CONTRACT FOR COMPUTER (NETWORK) SUPPORT WITH PANURGY

Ms. Russell reviewed options for a renewal of a contract for computer network support with Panurgy for bi-monthly service.

It was the consensus of the Selectboard to award an annual contract for the amount of \$2,640 to Panurgy for bi-monthly computer network support service.

10. UVM CYCLING TEAM – BICYCLE RACE ON MOUNT PHILO ROAD, HINESBURG ROAD AND SPEAR STREET APRIL 2006

There was discussion regarding a proposal for a UVM sponsored USCF official bicycle race on Sunday 04/23/06 at the Mount Philo State Park. Staff would contact and invite the UVM Cycling Team to appear before the Selectboard.

Mr. Thornton pointed out that closing roads would cause delays in traffic.

11. DISCUSSION OF LAND USE REGULATIONS

Ms. Russell reviewed next steps regarding the draft Land Use Regulations that included a final review, completion of definitions, and a review by the Planning Commission. A public hearing would be held after comments/input was received from the Planning Commission.

SUGGESTIONS:

- Home occupation and landscaping, or any business with six employees, or less could be defined as a “six employees working on site.”
- A “Demolition Permit” was unnecessary (if a structure was demolished and a replacement structure was proposed then a permit was required). Need a definition of “demolition”.

12. DISCUSSION OF BUDGET

None.

13. SELCTBOARD UPDATE/CHAIR’S REPORT

Ms. Cole reported that Ag Fence has installed posts at the Town Waste Water field. Ag Fence would return to finish the project. The Waste Water Committee will put up signs on the posts. People are continuing to drive over the mound system(s).

Ms. Cole reported that Jim Foster has resigned from the Waste Water Committee. The Waste Water Committee has recommended Rick Pete to replace Mr. Foster.

MOTION by Mr. Stone, seconded by Mr. Russell, to appoint Rick Pete to fulfill the term remaining of Jim Foster's position on the Waste Water Committee.

VOTE: 5 ayes; motion carried.

Ms. Cole reported that there were two outstanding unpaid Waste Water bills, and asked if the Board would/should take action.

It was the consensus of the Board to send a second notice and to ask the Town Attorney, Joe McLean, to send a letter to the two camp owners.

Ms. Russell read an e-mail response received from the Town Attorney, Joe McLean, regarding a proposed Selectboard letter to Steve Denton. No action was necessary on the ZA's Notice of Violation unless the Town voters turned down the proposed Bylaws. Mr. Bloch reviewed that fines would not be assessed until seven days after a nay vote by the Town voters. Mr. Denton would have 30 days (after a nay vote) to remove his business from the property.

14. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

15. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting adjourned at 8:45 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.