

**TOWN OF CHARLOTTE  
SELECTBOARD  
MINUTES OF MEETING  
OCTOBER 24, 2005**

*APPROVED*

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

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

**OTHERS PRESENT:** Carrie Spear, Liam Murphy, Cindi Burns, Dale Knowles, Clark Hinsdale III, Dorothy Pellett, Carolyn Sennlenn, Amadee Denton, Peter Coleman, Chris Mann, John Knowles, David Miskell, Roberta Nubile, Robert Mack Jr, Steve Denton, Spin Richardson, Hugh (Jr) Lewis, John Hammer, Charlotte News, and others.

**1. CALL TO ORDER**

Ms. Russell, Chairperson, called the meeting to order at 7:05 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 10/10/05 as written, with the following corrections/additions:**

**Page 2, bottom, “is the issue”;**

**Page 3, (the letter) handed in by Ms. Spear was a petition in support of Steve Denton; add “By Sharing ideas...”;**

**Page 5, #7, 2<sup>nd</sup> sentence, “to renew the contract for another three years.”**

**Page 4, #6 correct the spelling of “road”; bottom of page, “culverts on Green Bush Road”.**

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

**5. CHARLES AND CINDI BURNS: REQUEST FOR WAIVING OF FINES LEVIED BY THE DOG CONTROL OFFICER**

Ms. Russell opened a Public Hearing regarding a request by Charles and Cindi Burns for waiving of fines levied by the Dog Control Officer.

Cindi Burns briefly reviewed that they have lived at their home for 18 years. An underground wire pet containment system was installed, as well as a wire run in the backyard. There have been problems with the neighbor regarding her dogs. There are two other dogs running loose that look like her dogs. Ms. Burns showed photographs of two dogs near her property. Ms. Burns submitted a letter from another neighbor and a lady that exercises (runs) past her house that stated that the Burns' dogs were no problem.

There have been failures with the electronic pet containment system. The system has been replaced. Ms. Burns handed in tickets issued 10/04 by the Dog Control Officer. No other neighbor has complained about her dogs, said Ms. Burns.

Dale Knowles, Dog Control Officer, explained that last year the Burns' were good about containing the dogs for six weeks. Recently Mr. Baron has been calling about the Burns' dogs being loose.

Ms. Burns said that she was asking that the Selectboard waive the fines.

**MOTION by Mr. Russell, seconded by Mr. Thornton, to excuse the Dog Control tickets/fines as requested by Cindi Burns.**

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

**6. ROBERTA NUBILE: STUDY OF CREATION OF A SUSTAINABLE COMMUNITY COMMITTEE**

Roberta Nubile, resident, explained a proposal to hire a UVM student to conduct a sustainable rural community study for Charlotte. A Kellogg Foundation, or other organization, grant application would pay for the project at no cost to the Town. The student would interview citizens and attend Town meetings to gather input. "Sustainable" is anything that the Town sees as a need, such as transportation, bike paths, etc. Ms. Cole pointed out that there were Town committees already exploring bike paths and trails. Ms. Nubile said that new fresh minds could be a benefit.

It was the consensus of the Board to support the concept of a sustainable community study.

**7. DAVID MISKELL: PEPTITION TO AMEND THE CHARLOTTE ZONING BYLAWS**

Liam Murphy, attorney for Steve Denton, briefly reviewed Charlotte zoning bylaws related to accepted commercial uses, which did not include landscaping/excavating businesses. A potential solution discussed with the Town Attorney, Joe McLean, was to prepare a petition. A question raised was the number of acres per use on the property. Another option in place of a petition is to proceed with interim zoning, which the Selectboard could adopt after a single public hearing. This would obviate a town-wide vote. The appellant is requesting that the Board waive a public hearing and at the same time the appellant would ask the Environmental Court to place a hold on the appeal.

Attorney Murphy explained that a draft Interim Bylaw has been prepared. Protections are written into the draft: the use must be a commercial use, a PUD and Site Plan would be submitted, and limitations on size, density, and lot coverage. Mr. Miskell handed out copies of a draft Interim Bylaw for Board review.

Mr. Stone stated that the draft appeared to be compatible with the new draft zoning regulations.

Attorney Murphy reiterated that state statutes allow a town to warn a public hearing and to adopt a draft Interim Zoning Bylaw. The appellant was asking that the Selectboard placing it on the 11/14/05 meeting agenda. Ms. Russell said that the Board would consult with the Town Attorney.

Attorney Murphy asked if the ordinance requires a one-acre per use. The language was not uncovered during research, but if it is required then the use could be done as a PUD as long as it didn't increase lot coverage 40 percent.

Mr. Hinsdale III spoke in support of Mr. Denton's landscaping/excavating business and asked if a Maplefield convenience store was considered as one, two, or three businesses on the same lot. They are a gas station, store, and sell food. Mr. Denton's business is of a nature that changes with the seasons. In winter he plows and sands, and in summer he delivers soil, stone, etc.

Mr. Richardson, resident, noted that the Town had Interim Zoning 30-years ago. What about a virtual business with several clients that operates as a home occupation, asked Mr. Richardson, how many home occupations can one have. Ms. Russell replied that was not germane to the issue, which speaks to a definition of use.

Mr. Miskell said that they had hoped to arrive at a quick easy solution. He received over 200 petition signatures in one week.

There was further discussion regarding the presented draft Interim Zoning Bylaw. Ms. Russell said that the Board would review the draft with the Town Attorney and would warn a public hearing for 11/14/05.

Mr. Stone asked Mr. Denton if he was considering selling his property. Mr. Denton expressed concern that there was no place in Charlotte for his business presently. He didn't wish to go through this process again in two years. Mr. Stone suggested that Mr. Denton stay where he was and ask for another extension until a Town wide vote on the new Zoning Regulations passed. Attorney Murphy stated that it was hard to predict what would happen in January/February. The proposed Interim Zoning would allow Mr. Denton to continue on as is. As per the Supreme Court, once Interim Zoning passes an application would not go to the Planning Commission, it would go before the Selectboard.

Mr. Hinsdale III said that Mr. Denton was looking at possibly relocating in East Charlotte four-corners. There have been five parties looking to locate at the East Charlotte commercial zone. Service providers are struggling to find locations as the Town has become "gentrified". Attorney Murphy pointed out that the draft Interim Zoning would apply to all commercial districts in Town.

It was the consensus of the Selectboard to hold a 11/14/05 public hearing.

## **8. JEFF McDONALD: DISCUSSION OF TRANSPORTATION ISSUES**

Mr. McDonald, Charlotte CCMPO representative, reviewed a Transportation Efficiency Act funding provided for transportation projects. The Legislature was discussing a local match for the earmarks. Impacts to Charlotte included:

- Route 7 construction for 2008
- Planning funding subject to a local match would potentially impact Charlotte's CCMPO contribution by \$1,000
- "In-kind" service(s) could replace part of a local match

Mr. McDonald reported that Charlotte staff attended TAC meetings. The MPO has taken annual votes on support of the Circumferential Highway. The Board has been divided on that support, which the majority favors. (Mr. McDonald) abstains from the vote. The matter is in Environmental Assessment currently, which may take a year.

Mr. Hinsdale III stated the Circumferential Highway is a mitigation project. Charlotte made a decision to keep Route 7 open and free flowing, but other northern towns made a different decision. Mr. Hinsdale encouraged the Town to support the Circumferential Highway. (He) understood that Colchester and Essex always voted in favor of it.

There was brief discussion regarding traffic issues and impacts based on the needs of a town; Segments A, B, C and D of the proposed Circumferential Highway (Segments A and B, which went from Interstate-to-Interstate, were different from C and D.); and congestion issues, such as a Shelburne bypass, which was not done. Mr. Hinsdale suggested that at some future point a Charlotte bypass might be needed.

#### **9. PRESCRIPTION BENEFITS FOR TOWN EMPLOYEES**

Ms. Russell reported that VLCT Health Trust changed the prescription drug rider and explained that a co-insurance would pay a percentage on an annual basis as follows:

- \$50 deduction at 20 percent co-insurance, \$15-30 maximum
- \$100 deduction at 25 percent, \$10 co-insurance.

The employees prefer the \$100 deductible. The Town has a November 1<sup>st</sup> deadline to inform the insurance company regarding plan selection, said Ms. Russell.

#### **10. AMEND ORDINANCE REGARDING STREET NAMING & ADDRESSING: Add Partridge Lane**

Mr. Bloch reviewed a request to name a road at the Charles Stern subdivision Partridge Lane. Staff reviewed road names and there were no other Partridge Lanes.

**MOTION by Mr. Russell, seconded by Mr. Stone, to amend the Street Naming and Addressing Ordinance and add Partridge Lane to the ordinance as presented.**

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

#### **11. SELECTBOARD UPDATE/CHAIR'S REPORT**

Mr. Stone reported that Mr. Russell and he had made a site visit to Green Bush Road regarding the Town Highway Department's suggestion to cut brush back in the curve for safety reasons. The brush removal would not take away the protection of homes. During

the visit he noticed that cars were crossing the double line to see around the brush. It is recommend that the Highway Superintendent cut the sumacs and scrub trees that are in the Town right-of-way.

It was the consensus of the Board to have the sumacs cut back for road safety.

Mr. Stone reported that the CCRPC would be invited to come to Charlotte to discuss a potential for a three-way stop at Thompson's Point Road and Green Bush Road. East Thompson's Point Road would remain a yield.

Mr. Stone said that Class IV roads needed to be updated on the official state roads map. Mr. Thornton suggested coordinating a roads update with an "ancient roads" Town map so that anyone conducting a title search could check property for Town roads/trails locations.

Staff would follow up with the CCRPC.

Mr. Hinsdale III suggested adding Town Class IV roads/trails map to the subdivision checklist, and to have the roads/trails identified on Site Maps and Plats.

Mr. Bloch noted that a Public Hearing regarding the relocation of Higbee Road was on the agenda at the 11/14/05 meeting. The Town Attorney said the boundary of the road right-of-way needs to be surveyed. Lemoureux and Dickinson did a topographic survey. There is an issue with a water line servicing the west end of the road. The issue was discussed with Mr. Thorpe. A conduit for the line was suggested for protection. Lemoureux and Dickinson addressed another issue regarding car headlights shining into a house at a curve, noting that the road was designed to avoid that happenstance.

Mr. Hinsdale III explained that he had received a letter and was served notice that his land was being condemned. It was a sharp unfriendly letter. No one ever contacted (him) and he was offended by the tone of the letter, said Mr. Hinsdale. Ms. Russell said that the Board understood that Mr. Hinsdale was giving the land to the Town.

Ms. Cole reported that traffic control was needed for Halloween. Ms. Cole would discuss the issue with the Fire Department.

Ms. Cole reported that the Thompson's Point agricultural fence for the Town mound systems was estimated for a cost of \$700. Thirty 8' - 4"X4" posts were required. Robert Mack Jr, resident, suggested that Junior Lewis should install the posts and bill the Thompson's Point Association for the installation. Ms. Cole said that Ag Fence would install the project.

Ms. Russell suggested scheduling a 11/07/05 Selectboard meeting to discuss the new Zoning Regulations.

## **12. UPDATE ON LEGAL NEGOTIATIONS**

**MOTION by Mr. Russell, seconded by Mr. Stone, to convene the regular meeting and enter Executive Session for the purpose of discussing the Simms appeal and the Mathieu negotiations.**

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

The Board convened the regular meeting and entered Executive Session at 8:45 p.m.

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

**VOTE:**

The Board adjourned Executive Session and reconvened the regular meeting at p.m.

### **13. BILLS AND WARRANTS**

The Selectboard members signed bills and warrants as presented.

### **14. ADJOURNMENT**

The Chairperson adjourned the meeting at 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.*