

Charlotte Selectboard

April 12, 2010 Meeting

Selectboard Members Present: Jennifer Cole, Charles Russell, Ed Stone, Francis Thornton, Winslow Ladue

Administration Present: Dean Bloch

Community Members Present: Ellie Russell, Marion Price, Julie Cartularo, Ken Cartularo, Jim Donovan, Ashlee Sage, Peter Heininger, Carol Miklos, Tim Smith, Elizabeth Jacques, Tim McCullough, John Kerr, Mike Spear, Stephen Brooks, Josh Castonguay, Bruce Bushey, John Limanek, MattBurke, Thom Pence, Larilee Sutor, Suzy Hodgson

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Charles Russell called the meeting to order at 7:00pm.

Adjustments to Agenda: Added scheduling for the next meeting to the agenda.

Public Comment: None.

Ken and Julie Cartularo – request to amend Order. *Action under consideration: amend Order*

- The Selectboard has received emails from the public asking for specific hours to be specified for when the dogs can be out. Mr. Cartularo remarked that he would like to go with the plan that the Cartularos had outlined in their letter. They were allowing the dogs to run free when they were outside already and they never defied the electric fence. The dogs have not left the property.
- Dell Palmer lives in the neighborhood and spoke out on behalf of the Cartularos. She has walked past the house many times and, while the dogs do bark, she has not experienced any problems with them. She has, however, had problems with other dogs that are under “voice control.”
- Bonnie Christie is also in favor of relaxing the order. She would like to have a test – she walked by the property and Mrs. Cartularo let them run free, and she felt safe. The dogs ran along the fence line but did not cross the electric fence barrier. While there has been a history of 12 years of bad dog behavior with these dogs, nothing has happened for the last two years so she feels it would be okay to try out a relaxing of the Order.
- Neighbor Tim Smith remarked that he is in favor of keeping things the way they are currently. He thinks changing the Order could be tempting fate. Any issues with the electric fence could lead to the dogs breaking through, and he doesn't see a reason for them to roam free when they're already allowed to walk on leashes at any time. At the least, Mr. Smith would like to see the “free roaming” time limited to specific times. Neighbor Peter Heineker agreed with Mr. Smith.
- Neighbor Carol Miklos agreed that she would prefer designated hours. As the proposal stood, there were only three hours per day excluded and she thinks that too much time is being left open.
- Neighbor Ashley Sage remarked that she would like to give the Cartularos a chance but would like to start small.
- Jenny said that the long history with the neighborhood and the dogs makes it difficult for the Selectboard to make a bold step. Jenny thinks that it would be better to make smaller steps to ensure that everyone is comfortable.
- Charles suggested that they come up with specific hours for the dogs to be out, and if those hours need to be changed the Cartularos could then notify the neighbors. Mr. Cartularo requested a 3-hour window.
- Ed would like the neighbors to discuss possible solutions amongst themselves so that it doesn't end up with half of them happy and half of them upset.
- Bonnie ?? wanted to know in what way the Selectboard would “have the neighbors' backs” if something negative happened with the dog – if someone was chased or bit. Winslow replied that is difficult to predict every possible situation and the Selectboard needs to be both reasonable and flexible in determining consequences.

- Charles asked the neighbors to get together to discuss solutions and send back the proposed Order to the Selectboard; from there, the Selectboard will either approve or deny the proposed Order and go from there.

Samuel W. and Priscilla L. Spear Revocable Trust – applications for two Highway Access Permits on Lake Road: HAP-10-05 for residential use and HAP-10-06 for agricultural use. *Public hearing. Action under consideration: approve applications.*

- Junior stated that there is 500 ft. of site distance in both directions and a 15' x 30' residential culvert. There were no questions or comments from the public or the Board.
- Ed made a motion to approve the applications, Jenny seconded; all in favor with Frank abstaining.

Thomas and Gwendolyn Zweber – application for Highway Access Permit (HAP-10-07) on Spear Street. *Public hearing. Action under consideration: approve application.*

- The applicant wants to upgrade the existing farmroad to a driveway. Ed wondered if the Planning Commission has talked about removal of the guardrails. Ed had a problem turning around in the driveway because of the guardrails. Ed wondered if the applicant was prepared to make the significant upgrades necessary to make this driveway safe.
- Mr. Zweber remarked that, according to the VT Land Trust, they are allowed the opportunity to develop one homesite. The environmental impact is minimal with the proposed driveway siting.
- Ed is not in favor of having the driveway there. There is excess speed on that road and people do not drive for the conditions. He would like to see another option presented to the Selectboard.
- Charles wondered if the Zwebers had looked into cutting into the side of the hill. Ed mentioned that he has always been concerned with the Zwebers' driveway.
- Winslow asked Junior for his opinion. Junior said that they need 600' of site distance and the driveway would need to be built up to grade with Spear Street.
- Ed voiced concern about the speed on that road. He feels that if people were abiding by the speed limits he might not have to worry.
- Winslow, Ed and Jenny would like to see alternatives for where the driveway could be. Frank mentioned that he too worries about speed. Charles asked the Zwebers to come back with alternatives and encouraged that they use one driveway for both homes.
- Ed made a motion to approve the application, Jenny seconded; motion failed unanimously.

Green Mountain Power – petition to install 3 poles and anchors on Guinea Road (replacing 5 poles northwest of Mt. Philo). *Action under consideration: approve petition.*

- Josh Castonguay and Bruce Bushey of Green Mountain Power presented a mapped plan for replacing wires.
- Ed mentioned that there are some wires on Hinesburg Road that are very low and he would like them fixed.
- Ed motioned to approve the petition, contingent upon the presentation of more maps and administrative approval. Jenny seconded. Passed 4-1 with Winslow opposing.

Big Oak Trail – review route, construction cost estimate, and permit(s) needed.

Actions under consideration: approve hiring consultant to obtain permit(s)

- Jim Donovan (of the Planning Commission) presented a map of the cohousing site/Big Oak subdivision. He explained that they looked at options for connecting the trail to the easement and then following the easement down to the road. The UVM team identified “sensitive areas” which included an intermittent stream through the forested area. Regarding water pocketing in the winter, it was determined that no wetland permit is needed because it's just a wet spot.
- Winslow asked why they don't cross the wetland once. Jim stated that that is his preference, and there is a verbal agreement with Clark to do this but now there is a new owner. It makes the most sense to do it this way because there would be the least amount of disturbance.

- Winslow asked about the timeline regarding permitting. Charles remarked that they would need to get all permits six months before the 2013 construction.
- Jim said that a Phase I archaeological consult would be approximately \$5,000 but they are waiting on another proposal that should be less than that.
- Charles proposed that the Selectboard wait on approving this until they know the cost.

Lund Family Center – Mother’s Day Ride, a bicycling event using Charlotte roads and Senior Center. *Action under consideration: Approve request.*

- Ed made a motion to approve the request, Winslow seconded; all in favor.

Eustis Cable Enterprises, Ltd. – petition on behalf of Comcast Cable for the use of public right-of-way (North Shore Road) for the underground installation of 790 feet of coaxial cable. *Action under consideration: approve petition.*

- Winslow made a motion to approve the petition, Jenny seconded; passed 3-2 with Ed & Frank opposed.
- Dean mentioned that the Selectboard’s approval does not mean that this is a done deal – the applicant must still agree.

Thompson’s Point Wastewater System Proposed Budget for 2010 Season. *Action under consideration: approve budget*

- Ed made a motion to approve the budget, Winslow seconded; all in favor.

Amendment to Thompson’s Point leases to allow driveway and utility access over Town land where leased lots do not adjoin town highways. *Discussion only.*

- Frank wondered if there was implied consent to go over the town property. Frank also wondered if the land being crossed was leased land. Winslow stated that he thinks that land is shared access to the water.

Thompson’s Points Lots 36 & 37 @ 209 Association Way – 20-year lease to Peter A. and Peggy H. Briggs. *Action under consideration: approve lease*

- There was some question amongst the Board regarding the language of the lease. Dean informed the Board that Mary would like Steve Stitzel to review the language; however, Steve Stitzel’s associate was the one who crafted the language.
- Winslow motioned to approve the lease, Ed seconded; passed 4-1 with Ed opposed.

Ed moved to make the following appointments:

Animal Control Officer (1-year term): Richard St. George

Chittenden County Metropolitan Planning Organization

Representative (2-year term): Jim Donovan

Alternate (2-year term): Jeff McDonald

Technical Advisory Committee (2-year term): Dean Bloch

Chittenden County Regional Planning Commission

Representative (2-year term): Marty Illick

Alternate (2-year term): Evan Langfeldt

Chittenden Solid Waste District (2-year term): Stephen Brooks

Conservation Commission (4-year term): Suzy Hodgson, Gary Pittman

Design Review Committee (3-year term): Avery Hall

Planning Commission (4-year term): Jim Donovan, Eleanor Russell

Recreation Commission (3-year term): Craig Reynolds, Nicole Gorman, Jessie

Bradley

Trails Committee (2-year term): Brooke Scatchard, John Limanek, Carlie Krolick,

David Ziegelman

Tree Warden (1-year term): Larry Hamilton

Zoning Board of Adjustment (3-year term): Frank Tenney

Discussion followed regarding whether open positions should be advertised in the local paper.

Winslow seconded. Motion passed 4-1 with Frank opposing.

Ed motioned to approve the Arbor Day Declaration, Winslow seconded; all in favor.

Ed motioned to approve the fee waiver for Charlotte Central School, Jenny seconded; all in favor.

The Selectboard reviewed their work plan for the year.

The next regular Selectboard meeting was scheduled for Monday, May 3, 2010.

Meeting was adjourned at 10:30pm.

Minutes submitted by Meaghan Nooney