

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
MARCH 26, 2007**

APPROVED

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

ADMINISTRATOR: Dean Bloch, Selectboard Assistant.

OTHERS: Clark Hinsdale III, David Miskell, Peter Schneider, Jessica Donovan, Rick Pete, Frank Tenney, Dan Senecal-Albrecht, Carrie Spear, Ellie Russell, Tom Mansfield, Tom Maffitt, Paul Boisvert, Rachel Gill, Charlotte Citizen.

6:00 p.m. SITE VISIT: Shirley Allen – Lake Road (east side) just north of Whalley Road

6:20 p.m. SITE VISIT: Peter Schneider and Jessica Donovan – Hinesburg Road just west of CCS

1. CALL TO ORDER, SELECTBOARD REORGANIZATION AND PROCESS

The meeting was called to order at 7:00 p.m.

2. ADJUSTMENT TO AGENDA

Add: Approval of Liquor License

3. PUBLIC COMMENTS

Clark Hinsdale III pointed out the many times that he, or his family, had donated land, and time for the benefit of the Town. The donation by Susan and Clark Hinsdale III of a large parcel of land in 2006 was omitted from the Town Report “thank you”. Mr. Hinsdale expressed concerns related the disrespectful manner that the Town treated (Mr. Hinsdale) regarding subdivision applications and lawsuits. Mr. Hinsdale said that he was on strike and no longer had interest or time to accommodate requests for donations to the Town. Mr. Russell said he felt bad about not mentioning the Higbee Road land donation in the Town Report.

4. MINTUES: 03/06/2007, 03/12/2007

Defer the approval of the 03/06/2007 Town Meeting minutes until the next meeting of the Board.

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of 03/12/2007 as written, with the following correction:

Page 1, Motion to set the Selectboard meeting dates, change the word “forth” to “fourth”.

VOTE: unanimous; motion carried.

5. HIGHWAY ACCESS PERMIT (for agricultural use) – Shirley Allen, Lake Road

Mr. Russell recused himself.

Shirley Allen, property owner, explained a request to move an existing agricultural culvert from the current location in a hay field 300' to the south and closer to the end of the field. The culvert crosses a brook. Today's farm machinery is bigger, wider, and heavier. A new culvert 30' long would be needed. Cutting trees near the new location was not requested.

Mr. Stone asked if the cedar trees would be trimmed. Ms. Allen replied that if the Town wants the cedars trimmed then it would be the responsibility of the Town to do the work since the trees were in the Town right-of-way. It would be best to take the trees out, said Ms. Allen.

Mr. Stone explained the process to remove trees required that the Tree Warden look at the situation first.

Regarding another matter, Ms. Allen stated that the culvert in her driveway has heaved up and doesn't drain to the north side. She would like the Town to re-bury the culvert.

MOTION by Ms. Cole, seconded by Mr. Thornton, to approve HAP-07-03 for an Agricultural access for Shirley Allen, Lake Road, as presented.

DISCUSSION:

Ms. Cole suggested a condition to the approval to trim the trees upon the recommendation of the Charlotte Tree Warden and the Town Road Commissioner.

Ms. Allen asked for a copy of the highway access permit.

VOTE: 4 ayes, 1 recused (Mr. Russell); motion carried.

Mr. Russell rejoined the Board.

6. HIGHWAY ACCESS PERMIT (for residential use) – Peter Schneider and Jessica Donovan, Hinesburg Road

Peter Schneider and Jessica Donovan, property owners, explained that they accompanied Ms. Cole and Mr. Ladue during the site visit. The Planning Commission has asked that the Selectboard approve the proposed access permit.

Mr. Russell asked if the Planning Commission had placed any conditions on the agricultural access. Ms. Donovan replied that the conditions imposed were normal, such as locating the access 30' from the center line of the road and 30' wide. The access must also be 15' from an existing telephone pole. There is plenty of room at the proposed location. We have worked with Green Mountain Power (GMP) regarding potential impacts to the telephone pole.

Mr. Ladue noted that the recommendation included two side-by-side 30' culverts. Mr. Schneider explained that Phelps Engineering had recommended the two 30' culverts to carry water. Mr. Thornton stated that the whole stretch of land in that location was under water currently. Mr. Schneider replied that Alan Quackenbush, Vermont Water Agency, the Army Corps of Engineers, and Phelps Engineering have all agreed that the proposed location was the best location for an access.

Ms. Cole asked if this was an existing agricultural access. David Miskell answered no. An agricultural access CUD was never applied for because we hadn't decided to do it. In discussions with the State and Army Corps of Engineers it was their decision to do it. If we don't get a Corp permit then it can't be a road.

Mr. Ladue recused himself. Technically he didn't have a conflict of interest, but there may be a perception of a conflict since he works in the same Vermont department in Army Corps of Engineers.

MOTION by Ms. Cole, seconded by Mr. Stone, to approve a request for HAP-07-04 (for a residential use) – by Peter Schneider ad Jessica Donovan, Hinesburg Road as presented.

DISCUSSION:

Ms. Cole asked if the Board should consider the request for an access now, or after the Planning Commission grants a CUD. Ms. Donovan pointed out that the Planning Commission said that the Board had to approve the HAP before the Final subdivision approval.

(NOTE: that the motion by Ms. Cole was not seconded at this point)

Mr. Schneider asked why there was no second to the motion. Mr. Stone seconded the motion.

Mr. Stone said he believed that there could be a better location for an access further down near Church Hill Road, and he had concerns related to impacts on wildlife, neighbors, and wetlands. Mr. Schneider explained that they have worked with experts to minimize impacts to wildlife, wildlife corridors and wetlands. If an access was put in by the yellow house it would disturb more wildlife and that area had a more significant wetland than where proposed. Ms. Donovan said that the Planning Commission changed the proposed development area where we can develop the property to the east side. There was an unnamed brook designated a "hands off" area on the west side, which also contained ledges.

Mr. Schneider pointed out that the Town had approved development of the school in a wetland area, which has created significant drainage issues. The proposed access design would help to address some of those (school created) issues. There are a lot of pines trees dying along the border area of the school. The school hockey rink and the bus parking area are an impact on the wetlands. We are tucking our road

by the hockey rink. There is a wildlife corridor located between the Jones' and the Pease Mountain area.

Clark Hinsdale III said that in terms of different permits, the access approval is a simple statement that doesn't absolve the applicants from getting the proper permits. The Board is basically approving a portion of roadway along the edge of pavement to the edge of a road right-of-way.

Mr. Thornton stated that he was not in favor of the roadway access.

Ms. Donovan pointed out that the Board was discussing an issue that came under Planning Commission review. The only item before the Selectboard was approval of an access. Mr. Schneider said that the access location is the result of efforts of the Planning Commission, State of Vermont Water Quality Agency, the Army Corps of Engineers, consultants, etc.

Ms. Cole asked if (Mr. Stone) rethink his stance regarding the wetland impacts after hearing the process the applicant's have gone through and where the Planning Commission decided was the best location for that access. Mr. Stone said that the Town has chewed away the amount of wetlands in approving the location of the school and we need to conserve wetlands. It's not a mean thing (I am) doing, but has to do with our drinking water. At one time there was a plan to move the school to a different location.

Mr. Schneider stated that by state law they have the right to an access to their property. We can't afford to live on one home site on 50 acres. We need to develop the home sites. We have approached an abutting home owner for access, but there was an unacceptable condition that we only develop one home site. Ms. Donovan said we can't develop the property as planned due to the Town and can't afford a single home site after two years of working on developing the property.

Mr. Russell asked Mr. Ladue if he would reconsider recusing himself. Mr. Ladue reiterated his reason for recusing himself.

Jim Squires, abutter, asked if (Mr. Ladue) was a state employee, and if so would you have to clear your conflict with your office, or is it a self determination. Mr. Squires noted that he was also a state employee. Mr. Ladue replied that he had discussed the issue of potential conflicts of interest with his office. He was advised to look at each case. Technically there is no conflict since he is a supervisor over those in the office. He is new on the Selectboard.

Mr. Ladue asked for the status of the Schneider-Donovan subdivision. Mr. Schneider replied that they are in between Preliminary and Final approval. All permits have been acquired except for septic. Mr. Ladue asked what has been customary and usual by the Selectboard, reference #3, page 1, Minimizing impacts.

Mr. Russell explained that the Board had reviewed another HAP that involved wetlands, Bunky (?). Bunky (?) was asked to combine two road cut accesses and to avoid the wetlands.

Mr. Hinsdale III pointed out the Board had approved an access on Lower Prindle Road that crossed a wetland. The Bloch agricultural access was upgraded to a residential access and crossed wetlands, said Mr. Hinsdale III.

Ms. Cole said it sounds like there is no other place for an access without crossing wetlands. Is the option to deny the HAP request completely, or choosing an access that minimizes the impact, asked Ms. Cole. Mr. Stone said that he thought there were other ways to gain access to property – we just haven't thought of a better spot.

VOTE: 3 ayes, 2 nays (Mr. Stone, Mr. Thornton); motion carried.

Mr. Schneider said that he appreciated Mr. Stone's frankness, but we have spent two years and worked with the Planning Commission, consultants, neighbors, and the state. In future hearings he would like the Board to state what their duties were versus the Planning Commission.

7. THOMPSON'S POINT WASTEWATER ORDINANCE

Mr. Russell reported that a revised draft Thompson's Point Wastewater Ordinance has been received for Board review.

Mr. Mansfield explained the revisions were only words added (shown in red) and nothing was taken out. A definition of a bedroom came from the State of Vermont.

David Connor, Leaseholders Association President, expressed concern with the proposed definition of a bedroom would allow a bedroom with more than two beds in it to fall through cracks. Mr. Connor suggested deleting the words "two or fewer." Camps have sleeping porches and could conceptually have more than two people sleeping on the porches. Mr. Mansfield said bedroom and occupancy were two different things. Occupancy is two or more people.

Mr. Boisvert explained that the design flow came down to an assumption that there were two persons per bedroom. Flow rates were calculated per bedroom. Mr. Connor suggested placing a "." after the words "sleeping quarters."

Mr. Boisvert explained that 2,000 gpd is an average flow. The out flows to the field were being monitored weekly.

Mr. Ladue said from a "so what" - might it be wise not to increase sleeping quarters if we are approaching maximum flows, or is it a question of making policy regarding the issue of sleeping quarters. Mr. Connor replied that it was no one's intent to allow an increase and the state permit doesn't allow it. At the time there was no accurate inventory of flow.

Rick Pete clarified that if the flow went over the state permit then we couldn't use the camps. We're not talking about breaking the limit. You can't change the number of bedrooms per camp. You can't increase the number of bedrooms, which is not allowed. Bedrooms are limited through other Town processes; for example, you can't build or renovate anything without a permit.

Mr. Thornton noted a scenario that if a camp was leased and the renters had ten or more people sleeping in a living room. How could the Town prevent that, asked Mr. Thornton. Mr. Pete asked how to regulate the design flow when reaching the flow limits. Mr. Mansfield explained that the solution for now was via the ordinance, so camps on occasion don't go over the maximum flows. If a "period" was placed after "quarters" that would resolve the issue.

Mr. Connor clarified that the ordinance was one of a series of ways to regulate flows. Flows are regulated through leases and the wastewater permit. The ordinance is a document intended to complement other documents.

Mr. Russell pointed out an inconsistency, page two, occupancy is defined, but Section 304 is defined differently. Mr. Russell suggested changing it to read "use".

Mr. Russell read page 2, #2-11, Washing Machines. The Board heard that washing machines are grandfathered and then heard they weren't allowed. Section 509 says that new machines are not allowed, but machines that were at camps in 1993 are grandfathered. A 1993 survey gathered information for a plan that was submitted to the State of Vermont. A question was how to determine which machines are grandfathered and which aren't. Mr. Stone suggested conducting another survey.

Mr. Pete said that there is a design rate and flow. There should be a design flow in portion to each camp to be equitable. Mr. Russell asked (Mr. Mansfield) if he inspects camps that have expanded for low flow fixtures. Mr. Mansfield replied no, and noted recently the Board denied the Stetson's request to install a washing machine.

Mr. Pete said he was trying to steer the Board toward a performance base. Mr. Ladue said that the flows were at over 80 percent at times already. We need to manage flows so we can enjoy the facilities without going over the flows.

Mr. Ladue suggested going forward with the ordinance as proposed and next summer look at how we're going to manage the system as we approach the design limits of the system.

Mr. Miskell asked if the current system has a pre-filtration system. Mr. Boisvert explained that it is a sand filtration system.

Ms. Cole asked if it was better to do an inventory of washing machines in place "as of" a date if a new survey is done versus what is shown on the 1993 inventory. Mr. Mansfield stated that to get an inventory you would need to do camp by camp.

Mr. Connor pointed out that we are not allowed to add plumbing connects.

Mr. Thornton suggested adding language for “washing machines”, which would cover dish washers and clothes washers.

Mr. Mansfield suggested a motion as the “Town of Charlotte as amended and Restated.”

Mr. Mansfield said that staff recommends striking Section 303, Subsection B.

Mr. Ladue asked if there were any camps not currently connected that can connect to the system, such as at Lane’s Lane. Mr. Mansfield replied no.

MOTION by Mr. Stone to approve the Town of Charlotte Thompson’s Point Wastewater Disposal System as amended and restated with changes and additions as presented.

There was no second to the Motion. Mr. Stone withdrew his motion.

Mr. Russell said that Section 509, Clothes Washing Machine, could be restated that not washing machines are allowed. Mr. Connor pointed out that the state permit says “connections in 1993 are grandfathered and no new connections would be made that would increase flows.”

In response to a Board suggestion to eliminate Section 509, Mr. Mansfield pointed out that the State of Vermont’s Indirect Permit does allow machines if they were in a camp prior to 1993. Mr. Thornton suggested the wording that “no washing machines can be installed.”

Mr. Russell noted that goals were:

1. To be consistent with the ordinance.
2. To operate within the system and if the flow went over the limit then the system would be shut down.

Mr. Pete reiterated that the Town could institute a performance base. Mr. Mansfield replied that the Town didn’t have a mechanism to incorporate a performance base. There was a mechanism to manage the system as outlined in the ordinance.

Mr. Boisvert said that there would be three meter readings per season to monitor flows.

Ms. Cole asked if UV filters were included. Mr. Mansfield replied no, that was not a part of this system.

ACTION ITEM:

- Eliminating Section 509
- Put a “.” at the end after public ‘sewer’.

There was further discussion regarding possible language to limit the number of washing machines, or to allow water efficient clothes washing machines if there was no increase in out flows. Mr. Stone spoke in support of no clothes washing machines. Mr. Ladue suggested no additional facilities could be installed to replace old machines.

It was the consensus of the Board to defer action on the ordinance until the next Board meeting.

Mr. Mansfield clarified that the State has already told the Town what can and can't be done. We are trying to tell the leaseholders what they can and can't do. Mr. Boisvert would ask Trudell for a copy of the 1993 physical inventory (number of bathrooms, bathroom fixtures, etc)

8. AMENDMENT TO PERSONNEL POLICIES TO ADD FIRE AND RESCUE ADMINISTRATIVE ASSISTANT

Mr. Russell read the Personnel Policies, and noted that there was a request to add the Fire and Rescue Administrative Assistant to the policy. The assistant works 15-20 hours per week as a Lister and 20 hours per week as the Fire/Rescue Administrative Assistant.

MOTION by Mr. Thornton, seconded by Mr. Ladue, to add the Fire and Rescue Administrative Assistant to the Personnel Policies.

DISCUSSION:

Mr. Russell said the administrative position was a half-time position. A question was if it should fall in the Town budget or add to the Fire/Rescue department's budget.

Ms. Russell said the Board should clarify setting a salary in the Town and Fire/Rescue sections.

Question posed are: is the Lister position considered a Town employee, and what budget to add the position to.

VOTE: 5 ayes; motion carried.

The Selectboard Chairperson would send a letter to the Fire/Rescue departments asking for further discussion regarding the part-time position, if the split position would be an employee of the Town, what were the job duties of the Fire/Rescue Administrative Assistant, and if the Fire/Rescue departments would help with the health insurance expense.

9. BYWAYS PANELS – APPROVE LOCATIONS NEAR TOWN HALL

Dan Senecal-Albrecht handed out copies of a revised schedule of potential locations, and aerial photographs for Board review.

Four panels locations proposed were:

- Panel #4 at the Mt Philo State Park is on State land,
- Panel #3, Spear Street, is in Town right-of-way,
- The Town Hall, or Option 8 by the Senior Center, which would require approval by the Senior Center, and

- Quinlan School House, Option 2.

Mr. Senecal-Albrecht said that responsibility of repair of damage is covered under Item C.

Mr. Thornton expressed concern that the proposed Quinlan School sign location would not be seen from the road.

Mr. Ladue suggested placing the panels at locations where people can park, and suggested at the Brick House on the south side of the road.

Mr. Senecal-Albrecht explained that another grant would provide funding for visitor amenities, such as a visitor kiosk.

The Board said that liability to the Town should be researched. Action on the panels would be deferred until the next meeting of the Board.

10. LAND MAINTENANCE AND BRUSH-HOGGING SPECIFICATIONS

Mr. Russell reviewed that a land maintenance contract at the Charlotte Wildlife and Refuge included mowing around the parking lot. The Plouffe Farm Lane landfill was added to the contract. Mowing at the cemeteries was eliminated and would be handled by the Cemetery Commission.

Mr. Stone noted that if the contractor performed poorly there was an option to withhold payment and a letter would be sent.

Mr. Ladue suggested including an informational note in the bid that a provision to prohibit two cycle motors would be required for air quality issues, which would come into effect in year two of the contract. The contractor could use four-cycle engines.

11. MOBILE HOME LEASE

Mr. Russell explained an added 90-day clause that would accommodate any action on affordable housing at the Burns property.

MOTION by Mr. Thornton, seconded by Mr. Ladue, to approve a Town of Charlotte Mobile Home Lease, dated 04/01/2007, and to authorize the Selectboard Chairperson to sign the lease on behalf of the Town.

VOTE: 5 ayes, motion carried.

12. SELECTBOARD UPDATES

MOTION by Mr. Thornton, seconded by Mr. Stone, to adjourn as the Selectboard and to convene as the Liquor Control Board regarding a request for a Liquor License for Tenney's Package Store

VOTE: 5 ayes; motion carried.

The Liquor Control Board signed a Liquor License application for Tenney's Package Store.

MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn the Liquor Control Board and reconvene as the Selectboard.

VOTE: 5 ayes; motion carried.

Mr. Russell reviewed the following items:

- The Planning Commission reviewed a Sketch Plan application regarding the Burns property. The Planning Commission issued a letter on the application that noted that 9 units were appropriate for the property, and the Flea Market area could not be used.
- The Planning Commission met to review the Town Plan with the intention to have a new Town Plan ready by the next Town Meeting.
- Staff contacted current committee members regarding their interest in continuing service on the committees. A question was if the incumbents should be reappointed, or should the positions be advertised. Appointments would be added to the Selectboard agenda for 04/09/2007.
- The Trails Committee members are appointed for one year and haven't been formally re-appointed.
- The Charlotte Wildlife and Refuge Park members are appointed for one year and haven't been formally re-appointed. Staggered terms are needed.
- Appointment of a Second Constable was needed.

Ms. Cole reported an update on the Thorp Barn. Neighbors attended a park committee meeting and had expressed concerns regarding the proposed Varney Farm access. A Thorp Barn meeting is scheduled for 04/16/2007 at 7:00 p.m. The Thorp Barn Committee would like to attend the Selectboard meeting on 04/23/2007.

13. BILL AND WARRANTS

The Board signed Bills and Warrants as presented.

14. ADJOURNMENT and EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Ms. Cole, to adjourn the meeting and to enter Executive Session for the purpose of discussing Legal Matters – Infill and Hinsdale appeals.

VOTE: 5 ayes; motion carried.

The meeting was adjourned and the Board entered Executive Session at 10:10 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.