

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
JULY 10, 2006**

***APPROVED***

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

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

**OTHERS:** Liam Murphy, Stuart Morrow, Pam Moreau, Laurie Stavrand, Carrie Spear, Peter Swift, Diana McCargo, Barrett Mott, Marty Illick, Greg Brown, Gary Franklin, Clark Hinsdale III, John Hammer, Charlotte News, and others.

**SITE VISIT: Spear Gervia Road 5:00 p.m.**

Attendees included: Eleanor Russell, Chairperson; Jenny Cole, Ed Stone, Charles Russell, Frank Thornton Dean Bloch, Stuart Morrow, Liam Murphy, Pam Moreau, and Peter Swift.

**1. CALL TO ORDER**

Ms. Russell, Chairperson, called the meeting to order at 7:00 p.m.

**2. ADJUSTMENTS TO THE AGENDA**

None.

**3. PUBLIC DISCUSSION**

None.

**4. APPROVE MINUTES JUNE 26, 2006**

**MOTION by Mr. Russell, seconded by Mr. Stone, to approve the minutes of the Charlotte Selectboard meeting of 06/26/2006 as written with the following corrections/additions:**

**Page 1, top of page, delete Site Visit; Public Discussion, 2<sup>nd</sup> sentence, correct the word “files” and replace with “flies”;**

**Page 3, 1<sup>st</sup> paragraph, correct the name “Trafton’s” to read “Crandall’s”.**

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

**5. LAURIE STAVRAND – THOMPSON’S POINT DESIGN REVIEW**

Laurie Stavrand explained that her architectural firm has been involved in designing structures on Thompson’s Point. The Town has mapped cultural and significant factors/resources in Town, such as wildlife studies. Ms. Stavrand suggested that the Town implement the same degree of inclusiveness and public involvement in application decision related to Thompson’s Point camps versus the political arena as it is now. The division among different factions was at a high stress level. Currently, the Design Review Committee (DRC) makes recommendations to the Zoning Board of Adjustment (ZBA), but there are no tools in place for the DRC to use. Anyone who wants to do anything with the Thompson’s Point camps were unclear on how their plan/application would be perceived. There are no standards. Furthermore, there are no professional’s serving on the

committee with the background to make all the decisions the DRC makes. There were questions related to what some of the DRC recommendations were based on. The camps, old and new, have historical character. Ms. Stavrand suggested that the DRC should include Town residents and Thompson's Point camp owners.

Mr. Russell asked how the size specifications impact the issue. Ms. Stavrand replied that the DRC members don't agree with the size related to percentages. Zoning should be based on a maximum square footage, said Ms. Stavrand. Mr. Russell noted that size was based on the maximum 10 years ago and then was changed.

Ms. Stavrand explained that the DRC says if a structure was up at roadside then it should be "x" size, or down by the lakeshore should be "x" size. It was unclear if anyone knows what it is. There were different ways to view camps from the road, lakeside, etc. Some camps were built over lot lines. It shouldn't be as difficult as it has been. A question was what was the process for zoning, said Ms. Stavrand. Mr. Russell stated it speaks to what are the goals of the Town for that area.

Ms. Stavrand said that the new zoning calls for an 8' x 12' shed, which was an arbitrary size. The sheds look like they came from the Home Depot lot. In the past there were icehouses, boat houses, work sheds, which speaks to functionality. The new zoning doesn't. It is hurtful to the character of the area.

There was further discussion regarding square footage and height limits allowed; a suggestion to form a committee to study a process with participation of the Thompson's Point residents; identify who has authority, how to reach a consensus, and craft a list of guidelines.

#### **6. FLEA MARKET LEASE – ASSIGN THE LEASE TO NEW LESSEE**

Ms. Russell reported that Mary Conlin, Charlotte Flea Market lessee, has had health issues. Dan Jones was interested in taking over the Flea Market lease, which requires Board approval.

Mr. Bloch said that staff and the Town Attorney have reviewed the proposed lease. Mr. Jones has been a vendor at the Flea Market for many years.

Mr. Stone suggested that Mr. Jones appear before the Board for an informal introduction. The Selectboard was agreeable that Mr. Stone should meet with Mr. Jones.

**MOTION by Mr. Russell, seconded by Mr. Thornton, to approve an assignment of the Charlotte Flea Market lease from Mary Conlin to Dan Jones contingent upon Mr. Stone's meeting with Mr. Jones, and to authorize the Charlotte Selectboard Chairperson to sign the lease document on behalf of the Town of Charlotte.**

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

#### **7. HEARING TO DISCONTINUE SPEAR GERVIA ROAD (aka Uncle Tom's Road)**

**MOTION by Mr. Russell, seconded by Mr. Stone, to reopen the Public Hearing regarding a proposed Discontinuance of the Spear Gervia Road, aka Uncle Tom's Road.**

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

Ms. Russell read a notice of Public Hearing into the record regarding a proposed discontinuance of the Spear Gervia Road (Exhibit 1). All Interested Parties were noticed by certified mail and the notice was posted as per state statutes. A list of Interested Parties has been accepted into the record as Exhibit 2.

Stuart Morrow and Liam Murphy, representing Peter Swift and Dianna McCargo, appeared on behalf of their clients.

Ms. Russell asked for Board comments/observations regarding the Spear Gervia Road site visit.

Ms. Russell noted that it has been suggested that Spear Gervia Road was a dead-end trail. The current road is 700' long and runs easterly from Mount Philo Road. The Town has done an initial discontinuance proceeding on behalf of the Swift-McCargo's, who have agreed to a public easement.

Mr. Thornton said that the statement that Spear Gervia Road was a dead-end trail was not accurate as per the Town's records. A past Planning Commission had extended the right-of-way to connect to the McGuire Pent Road.

#### BOARD QUESTIONS/COMMENTS

None.

#### PUBLIC COMMENTS

Attorney Murphy handed out copies of a map showing the location of Spear Gervia Road and narrated a brief history of the road. The road was discontinued except for the final 750' to Mount Philo Road. The road went through Ms. McCargo's yard, but was moved and discontinued through (McCargo's) yard. Hunters used the road to access the land. The muddy road often gets dug up from vehicle tires and has been a problem. Mr. Swift and Ms. McCargo have formed a Limited Liability Corporation (LLC) and purchased most of the land east of the Burleigh and the Hinsdale lands. The road ends in a location entirely owned by the Swift/McCargo LLC. An easement granted by Clark's to Lambert's parcel is no longer relevant because all those lands are now owned by the LLC. The Swift/McCargo's have offered a north-south easement to the Town. There was a written signed agricultural use easement to the back field of the Foote Family Trust land.

Attorney Murphy was sworn in.

Attorney Murphy reviewed submitted documents, dated 06/10/2006.

Stuart Morrow was sworn in.

Mr. Morrow said a written report of the history of the property could be prepared for review and research. The north piece of the McGuire Pent Road was laid out in Volume III of the Town land records and was discontinued in 1876 as per Volume III, page 461.

There was discussion regarding property owned by Milo Williams who owned a lot of land in the area (Mr. Morrow handed in a copy of his research notes); Town Clerk records and maps showed that the Clark's property and private right of way to the Lambert's was sold; and there was a question if the McGuire Pent Road was a connecting road to Spear Gervia, or not.

Mr. Russell asked for clarification regarding the Swift/McCargo offer of a north-south easement, and if that included an easement over the former Clark property. Attorney Murphy handed out a copy of a Site Map and explained the location of the Lambert and Clark parcel. The goal was to work with the Trail's Committee. The Clark's granted an easement to both the Lambert's and Gecewicz'. Gary Franklin, Trail's Committee representative, said it was not clear that the easement was granted.

Attorney Murphy stated that the Swift/McCargo's could have put no-trespassing signs on the property. They were offering something more beneficial to the Town than a 1700' road that dead-ends.

Ms. Cole asked if there were any other trails that a proposed easement could connect to in the area. Attorney Murphy replied the intent was to go north-south, not east-west.

Mr. Thornton said that at one time there was a bridge that went over the Muddy Brook, but the bridge had collapsed.

Mr. Swift was sworn in and said that they were willing to work with the Town on a condition that a trail would be non-motorized.

Mr. Franklin explained that the Trail Committee was seeking a link to Carpenter's Road and an anchor point on Plouffe Lane. The Swift-McCargo's have offered to host a neighborhood meeting to see if the neighbors would like to participate in the process. A way to exit the property on the north, or north-east, corner (toward Dickerman's) was needed. If there was not way to use a right of way from McGuire Pent Road to access the Swift-McCargo's property then (we) need to explore what was possible first. If there were no connection to an easement on Gecewicz' property east-west then more stakeholders would need to be involved to make a solid proposition. Also (we) would need to make sure folks on McGuire Pent were comfortable with increased traffic.

Mr. Swift stated that (he) objected that the Town appeared to hold off discontinuing the road as leverage to go talk to Wayne Clark (about an easement). Mr. Swift reiterated that they would work with the Town to make a trail and (he) was willing to talk to Dickerson's.

Attorney Murphy explained that if the Town discontinued Spear Gervia Road then the Swift/McCargo's would offer an easement to the former Clark/Lambert land. There was a gap across those two parcels (Attorney Murphy showed the gap on the Site Map submitted). If the Town didn't discontinue Spear Gervia Road, then the recommendation (to the Swift/McCargo's) would be to postpone the easement offer. There was a potential that there would be no access across Wayne Clark's parcel.

Marty Illick was sworn in and said that the Recreation and Trail committees and property owners would come up with a mutually agreeable plan. The Selectboard does not have to micro-manage the process. Mr. Russell said that details were needed to identify end points north and south, or at a third northwest corner by the Clark's. Ms. Illick suggested that the Board should put a date on it. Attorney Murphy said that it should be in accordance with the Town's Trail Vision Map, dated as whatever date.

The Selectboard reviewed the Charlotte Trails Vision Map.

In response to a Board question, Attorney Murphy noted that the Swift/McCargo's don't own land east of Muddy Brook, so a trail can't go in that direction.

**MOTION by Mr. Thornton, seconded by Mr. Russell, to close a Public Hearing to discontinue Spear Gervia Road, aka, Uncle Tom's Road.**

**DISCUSSION:**

**Ms. Cole asked if the Town should look into the issue of the Clark easement. Ms. Russell replied it was a decision of what the Town wants to give up and what the Town received in return.**

**VOTE: unanimous; motion carried.**

Ms. Russell said that the Board would deliberate and issue a decision within 60 days.

## **8. GARRETT MOTT – CHITTENDEN COUNTY REGIONAL PLAN**

Garrett Mott and Greg Brown, Chittenden County Regional Planning Commission representatives, reviewed four critical concerns expressed by the Town of Charlotte regarding a draft Chittenden County Regional Plan. A goal was to achieve a consensus of all 19 Chittenden County communities.

There was lengthy discussion regarding Housing targets included in the draft Regional Plan. Mr. Brown said the numbers were not quotas or tools. The RPC would not use the target numbers to turn down the Charlotte Town Plan. State statutes enacted in 1988 require that a housing element must be in the Regional Plan on a town-by-town basis. The RPC updated the Regional Plan every five years, which was the same for a town plan. Housing numbers could change in the next version of the plan. Charlotte shouldn't worry (about the target numbers) as a municipality. Ms. Illick said the quota word versus target word was worrisome. If Charlotte couldn't meet a quota then the town would have to defend why it can't meet the numbers, which was in the Regional Plan language. Mr. Brown said that the meaning of the plan language was an opportunity for a town to give a

“good faith” reason why, or why not. There could be consequences if a town didn’t comply. Mr. Mott explained that each municipality has a CCRPC representative. Buel’s Gore would think long and hard before voting against Charlotte’s Town Plan because Charlotte’s representative would vote on the Gore’s plan.

Mr. Stone asked where in the RPC plan does it say how to get to the numbers. Charlotte has an affordable housing plan in mind, but runs into conflict with ACT 250. Mr. Brown replied that would be addressed in the Town Plan. For example, Williston said that they didn’t have the infrastructure in place to support “x” units. A goal was to make the town plans as consistent and uniform as possible. Ms. Russell stated that Charlotte’s goal was not compatible with the draft Regional Plan. There would be growth, but Charlotte also has a goal to protect its agricultural culture that brings value to the county. Mr. Russell said that it was meaningless math to push for “x” numbers. Charlotte was talking about smaller numbers and market forces would dictate (those numbers).

There was discussion regarding potential future affordable housing units; a RPC Housing Task Force charge to explore affordable housing on a per town basis; a Charlotte Needs Assessment study (Mr. Brown said that Charlotte should use the Needs Assessment study as a reason to explain why Charlotte can’t meet housing targets); and language in the RPC plan that would conflict with the Charlotte Town Plan to protect agricultural areas (Ms. Illick pointed out that the RCP plan says “and” in the policy statement in relation to housing distribution of a town, which was a concern).

Ms. Illick explained that there were concerns regarding interpretation of the Regional Plan language – have “x” density in “x” districts. In Charlotte there was 5-acre zoning, and other regulatory issues on-going in parallel at the same time. Charlotte doesn’t try to maximize density, but was spending hundreds of thousands of dollars to protect the rural areas, explained Ms. Illick. Mr. Mott said that the RPC was saying to enforce your zoning.

Clark Hinsdale III, a former Charlotte RPC representative, said that the character of Charlotte was as a beautiful recreational destination. Charlotte has a beach, ferry, horse stables, etc. The community was only willing to concede development if it supported the public good. Charlotte’s goal was to purchase development rights for recreational lands. Twelve percent of Charlotte land was conserved based on plans and policies. The land trust works with landowners.

John Hammer, resident, suggested changing the Regional Plan word “encourage” to “not discourage”.

Ms. Illick suggested a Natural Resources section in the Regional Plan to counter-balance the housing section in order to move the Regional Plan forward together.

Mr. Thornton said that the RPC Plan appears to be driven by an inner core (of municipalities) with water and sewer systems. Charlotte, as an outer ring, has clay and no sewer and in some areas no water (aquifer).

Mr. Russell said that Charlotte encourages growth in the village centers. Ms. Illick added that there was no interest in developing the village centers that would result in sprawl. Mr. Mott said that it was almost impossible to get Charlotte's suggestions into the RPC Plan, but as RPC Chair (Mr. Mott) would suggest that the commission consider those suggestions over the next four years.

The second CCRPC Plan hearing was scheduled for Monday 07/24/2006.

- Ms. Illick would forward Charlotte's concerns and position. Mr. Brown said that the law didn't allow changes in the plan language after the second hearing. An option was to warn a second public hearing with changes.
- The Charlotte Town Planner has had discussions with the CCRPC staff. Town staff could be asked to draft language that was not a substantive change and that could be woven into the Regional Plan text. (Mr. Brown said that CCRPC staff could not work on behalf of an individual town.)

There was brief discussion regarding #3, Energy Policy. Mr. Russell said that the fill-in language matches Charlotte's goals to concentrate growth in the village centers. Charlotte was sensitive to the VELCO transmission upgrades. Addison County has played an active role and Chittenden County should too.

Ms. Cole suggested that safety should be included in planning related to #2 and #15 (page 2).

Mr. Brown said that for the past three years the CCRPC has been in the re-building mode regarding ACT 250 and Section 248. The RPC hopes to work with Charlotte in a supportive role regarding ACT 250.

The Selectboard thanked Mr. Mott and Mr. Brown for attending the meeting.

**9. CLARK HINSDALE JR- HIGHWAY ACCESS PERMIT (HAP-06-04) ON WEST SIDE OF MT PHILO ROAD SOUTH OF STATE PARK ROAD**

Clark Hinsdale III appeared before the Selectboard on behalf of the applicant.

**MOTION by Mr. Stone, seconded by Mr. Russell, to open a public hearing regarding HAP-06-04, a request for highway access permit on the west side of Mt Philo Road south of State Park Road.**

**VOTE: unanimous; motion carried.**

Mr. Hinsdale III reviewed that the proposed access was staked. The opening was positioned so that it would not impinge on Chris Hurd's driveway, or the State Park access. Mr. Hinsdale III showed the proposed road location on a Site Map in relation to Mr. Hurd's driveway, a power pole, and the park access.

The Selectboard suggested that the Hinsdale access be moved sufficiently north to avoid obstruction by the pole.

**MOTION by Mr. Thornton, seconded by Mr. Russell, to approve an application for a Highway Access Permit, HAP-06-04, as presented with the entrance moved 25'-50' north from the center line of the stake and as verified by the Road Commissioner.  
VOTE: unanimous; motion carried.**

**10. BURNS COMMITTEE SEPTIC ANALYSIS –REVIEW PROPOSAL FROM CONSULTANT**

Mr. Bloch reviewed a discussion with the Burns Committee regarding potential septic capacity use out of the total capacity. A consultant had faxed an in depth proposal and was asked for another condensed cost estimate.

**11. VISITING NURSES ASSOCIATION – YEARLY CONTRACT FOR SERVICE**

**MOTION by Mr. Russell, seconded by Mr. Thornton, to approve a yearly contract for services by the Visiting Nurses Association, and to authorize the Charlotte Selectboard Chairperson to sign the contract on behalf of the Town of Charlotte.  
VOTE: unanimous; motion carried.**

Ms. Russell signed the contract document.

**12. SELECTBOARD UPDATE/CHAIR'S REPORT  
PARK MAINTANCE CONTRACT**

Ms. Cole reported that Scott Barnes would forward a proposed trail maintenance plan with a cost estimate not to exceed \$10,000. Grant opportunities would be explored.

Ms. Russell reported on the following items:

- There was a Justice of the Peace vacancy. Ms. Russell would contact Moe Harvey regarding a possible candidate.
- Ms. Russell and Mr. Russell would do Performance Evaluations, which were due.
- Add Garry Franklin to a future agenda regarding a discussion of a trail from Mt Philo to the Town Hall.
- Clark Hinsdale III requested an agricultural curb cut to get to fields located on Higbee Road and a waiver of the fees. Mr. Hinsdale III had donated land for the relocated portion of Higbee Road and that eliminated an existing agricultural cut after the road was reconfigured. It was an oversight not to reserve an access at that time.

Mr. Stone reported that the Chittenden County Sheriff's Office provided a contract for 10 hours per week for four weeks at \$36.50 per hour and mileage for Town approval and signature.

**MOTION by Mr. Russell, seconded by Mr. Stone, to approve a proposed speed enforcement contract with the Chittenden County Sheriff's Office for 10 hours for four weeks; and to authorize the Charlotte Selectboard Chairperson to sign the contract on behalf of the Town of Charlotte as presented.**

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

Ms. Russell would sign the contract 07/11/2006.

**MOTION by Mr. Russell, seconded by Mr. Thornton, to waive an agricultural cut fee for Clark Hinsdale III on Higbee Road for access to a field that was isolated by the new Higbee Road configuration.**

**VOTE: unanimous; motion carried.**

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

The Selectboard signed Bills and Warrants.

### **14. ADJOURNMENT and EXECUTIVE SESSION**

**MOTION by Mr. Stone, seconded by Mr. Russell, to adjourn the meeting and to enter Executive Session for the purpose of discussing a discontinuance of Spear Gervia Road.**

**VOTE: unanimous; motion carried.**

The meeting was adjourned at 9:45 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.*