

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
JUNE 12, 2006**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Robert Mack, Jr., Mike Richard, Rodney Trudeau Alex Laberge, Richard LeBoeuf, Dan Cole, James Laberge, Don Welch, Rodney Sterns, Donna Sterns, Hugh Lewis Jr, Hugh Lewis, John Hammer, Charlotte News, and others.

SITE VISIT: Proposed agricultural access – 1324 Lake Road

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

Michael Richard handed copies of an application for a Certificate of Approval for a junkyard renewal to the Board for review.

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve a Certificate of Approval for a junk yard, Richmond Valley Auto Parts, formerly known as A&J, for a period of five years as presented.

VOTE: 5 ayes; motion carried.

The Selectboard signed the certificate document.

4. APPROVE MINUTES OF 05/22/2006

MOTION by Ms. Cole, seconded by Mr. Russell, to approve the minutes of 05/22/2006 as written, with the following additions/corrections:

Page 2, agenda item #9, 2nd paragraph, last sentence, last word, change the word “fields” to “property”;

Page 3, agenda item #10, title, correct the spelling of the name “Priscilla”; last paragraph, 5th sentence, change “Marie” to “Maria (Wicker)” and change the sentence to read “...would like to eliminate the right...”;

Page 4, agenda item #11, change title to read “Thompson’s Point Wastewater Lease”; 2nd sentence, insert the word “it” between “leaseholder” and “is”;

Page 6, 4th paragraph, 2nd sentence, change to read: “Mr. Bloch said there has been talk...”

Page 7, 1st sentence, add “Reid” to the end of the sentence.

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

5. ALEX LABERGE – REQUEST TO CREATE SMALL PARKING AREA AT WILLIAMS WOODS NATURAL AREA

Alex Laberge explained a, Eagle Scout Challenge project to create a small 12' X 60' parking lot at the Williams Woods Natural Area. Mr. Laberge presented color photographs of the proposed parking lot area. There was a 200' sight distance looking and cutting a few branches the sight distance could be improved to 300'. No trees need to be cut to provide a pull off. The proposed parking area is 150' from where cars currently park.

Mr. Russell suggested conducting a site visit, and signage to prevent cars from making U-turns as they left the pull off. Mr. Laberge said he could fund raise to pay for signage. Several sign designs were presented for Board review.

Hugh Lewis Jr, Charlotte Road Commissioner, said he had visited the site. Cars park on the road now. A "No U-Turn" sign could be ordered.

MOTION by Mr. Thornton, seconded by Ms. Cole, to approve a proposed parking lot at the Williams Woods Natural Area as presented by Alex Laberge.

VOTE: 5 ayes; motion carried.

6. RODNEY AND DONNA STEARNS – AMENDMENT TO SEWAGE SERVICE WAIVER AGREEMENT

Rodney Stearns and Donna Stearns, residents, explained a request to amend a sewage agreement to increase the number of septic tanks from eight to ten.

MOTION by Mr. Russell, seconded by Mr. Stone, to amend a Sewage Service Waiver Agreement as proposed by Rodney and Donna Stearns.

VOTE: 5 ayes; motion carried.

7. HEARING TO DISCONTINUE SPEAR GERVIA ROAD (AKS UNCLE TOM'S ROAD) – THE HEARING TO BE CONTINUED TO JULY 10, 2006

MOTION by Mr. Stone, seconded by Ms. Cole, to re-open a public hearing to discontinue the Spear Gervia Road, aka Uncle Tom's Road.

VOTE: 5 ayes; motion carried.

Ms. Russell explained that a properly warned notice for a public hearing was not done. The public hearing would be continued to July 10, 2006.

MOTION by Mr. Stone, seconded by Mr. Russell, to continue the public hearing to discontinue Spear Gervia Road, aka Uncle Tom's Road, to 07/10/2006, at 5:00 p.m. for a Site Visit, and 7:30 p.m. at the Town Hall.

VOTE: 5 ayes; motion carried.

The Selectboard members signed a notice of public hearing document.

8. KATHY GUTTING AND DAVID FASSLER – REQUEST FOR HIGHWAY ACCESS PERMIT – Continued

MOTION by Mr. Stone, seconded by Mr. Russell, to re-open a Public Hearing for a request by Kathy Gutting and David Fassler for a Highway Access permit.

VOTE: 5 ayes; motion carried.

Ms. Russell reviewed that there were concerns expressed regarding trees and culverts at a previous hearing.

Don Welch, architect and agent, explained that the Charlotte Tree Warden had marked five trees for removal on the north side of Mr. Pittman's driveway. The Selectboard had suggested installing an 18" x 30' culvert under the proposed Gutting-Fassler driveway. The next driveway belonged to Mr. Pittman.

Mr. Russell said that a culvert was should go under both driveways. Mr. Lewis Jr, Charlotte Road Commissioner, said that a single 18" x 50-60' long culvert could be used under both driveways, or two 18" x 30' culverts could be used for each driveway. Mr. Bloch asked if the Town or Gutting-Fassler would be responsible for installing a culvert. Mr. Lewis Jr clarified that the property owner pays for the first culvert. The Town would pay for any subsequent replacement culverts.

Mr. Welch said the Pittman driveway already has a culvert, but it is blocked up. Only one culvert was needed for the Gutting-Fassler driveway. Mr. Lewis Jr said the Town Road Crew would clean the Pittman culvert.

Ms. Russell reviewed proposed conditions for approval that included paving the first 30' of the proposed driveway access and leveling of the roadway. A land abutter, Ms. Snead, was concerned regarding the paving, said Ms. Russell. Mr. Welch said traction would be worse with pavement versus gravel. Ms. Russell asked what the Town road access standards were. Mr. Bloch said they were not required for this permit.

The Selectboard suggested changes to the proposed conditions of approval that included:

- Delete the words "...and paved." from the condition language
- To retain "...the first 30' of the driveway would be level with Mount Philo Road."

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve a draft HAP 06-02 request by David Fassler and Kathy Gutting, located at 4047 Mount Philo Road, with conditions as set forth in Staff Report as follows:

- 1. Trees to the north of the access road, as marked by the Tree Warden, will be removed prior to the submission of an application for a Certification of Occupancy for any new dwelling served by the access road. No additional trees within the Mount Philo Road right-of-way will be removed without prior approval of the Tree Warden.**

2. **An 18" x 30' culvert will be installed at the ditch on Mount Philo Road – please call the Road Commissioner (425-2223) at the time of installation.**
3. **The new highway access shall be constructed consistent with the Recommended Standards for Access Roads and Driveways adopted by the Charlotte Planning Commission on September 2, 1997.**
4. **The first 30 feet of the road will be level with Mount Philo Road.**
5. **Following the completion of construction of the driveway access, please call the Road Commissioner (425-2223) and the Selectboard Assistant (425-3533), who shall inspect the access to assure proper construction; if the access is constructed properly they shall sign this permit and submit it for recording by the Town Clerk.**
6. **Trees marked for cutting to the north of the Pittman driveway would be cut within the next six months**

VOTE: 5 ayes; motion carried.

Mr. Lewis Jr said that a Basswood tree south of Mr. Pittman's driveway was not marked for removal. The tree was to be cut down.

Staff would check with the Tree Warden regarding the Basswood tree and move up the timeline to cut the trees within six months.

Mr. Welch asked if the proposed road name would be approved.

9. PROCEDURE AND RESPONSIBILITY FOR LOCKING THE TOWN BEACH

Ms. Russell reported that Hugh "Cowboy" Lewis, Charlotte Town Constable, had requested permission to have his wife accompany him on trips to close the Charlotte Beach gates.

Constable Lewis reported that vandals were breaking down the beach gate. Teenagers were caught at the beach and were given a lecture. So far the teens have not returned. Ms. Russell said that the constable was to let Town staff know if the vandalism continues.

Constable Lewis said that the State Police would be notified if vandalism started again.

Ms. Cole asked if people were going into the train station. Constable Lewis replied no. They go to the beach.

10. DISCUSSION OF DUTIES OF SECOND CONSTABLE

There was Selectboard discussion regarding the responsibilities of a second constable; powers of the constable's office (the constable did not stop speeders, write tickets, or carry a gun); and concerns for the safety of Constable Lewis.

Constable Lewis said that he checks out buildings that have been broken into, closes gates to the Town beach and parks, and helped with traffic control during Town events and funerals.

PUBLIC COMMENT

None.

11. PLOUFFE LANE TRAILHEAD – POSTING FOR “NO HUNTING” AND “NO MOTOR VEHICLES”

Ms. Russell reported that the Charlotte Trail’s Committee had asked if the Town trail on Plouffe Lane should be posted. There has been evidence of hunting and ATV tracks at the park.

Gary Franklin, Charlotte Trail’s Committee member, explained that during recent work on the trail evidence of vehicle use was noted. Gregg Beldock was asked if he knew who was hunting, or using a vehicle, on the trail. Mr. Beldock had said that he thought he knew who the hunter was and had offered to talk to the person. The appearance of ATV tire tracks on trail has raised a question if signage was needed at the start of the trailhead. The committee was recommending non-motorized use.

Mr. Franklin said that Mr. Beldock has posted the woods on his side of the property, but someone has taken the signs down. There was a question of where the property line was between Beldock’s property and the Town property. Mr. Beldock has been in favor of a non-hunting zone near his home, said Mr. Franklin.

Ms. Russell asked who would be responsible to put up the signage. Mr. Franklin replied that the Trail’s Committee would put up the signs.

There was discussion regarding identifying the Town property borders; what type of activity was allowed on Town land (an ordinance might be needed to post no hunting or ATV’s on public land); and a matter of enforcement. Mr. Stone stated that more public discussion was needed if the Board was suggesting a policy. A public hearing should be warned, said Mr. Stone.

Mr. Hammer, resident, stated that discussion on Town property should be warned and done in public.

Staff would research language in the trail agreement. Ms. Cole said that language was needed regarding what was allowed, or not, in the Town Management Plan.

Ms. Russell said that the Board would revisit the topic.

12. ROBERT MACK/THERESA KNOWLES – HIGHWAY ACCESS PERMIT FOR AGRICULTURAL ACCESS AT 1324 LAKE ROAD

Ms. Cole recused herself from the Board due to a conflict of interest. She was an abutter to the proposed application.

Robert Mack explained a request for a highway access permit to get farm equipment into crop fields. (He) has accessed the fields through the Knowles property and past the barn previously.

Mr. Russell stated the application was an incomplete application and neighboring abutters need to be notified. Mr. Bloch said that all neighboring abutters were notified.

Mr. Lewis Jr, Road Commissioner, said that a culvert 15"x 40' was needed for the proposed access.

MOTION by Mr. Stone, seconded by Mr. Russell, to exempt agricultural highway access requests from a \$100 application fee.

DISCUSSION:

Mr. Russell asked what the purpose of the fee was. Ms. Russell replied the fee was used to pay for administration costs of an application. The Town was on record in the Town Plan to encourage agriculture. Ms. Russell asked if the Town should waive the fee for this agriculture cut, or for all agricultural access requests.

Mr. Lewis Jr said that if the Town waived the agricultural fees then in the future when anyone decided they wanted a lot they would ask for an agricultural cut versus a residential access. Mr. Stone pointed out that if the applicant wanted access to a residential lot they would have to come back before the Board. Marty Illick said that the Board was talking about two different things. Any discussion regarding changes to fees should be done in public.

VOTE: 4 nay, 1 absent (Ms. Cole); motion carried.

MOTION by Mr. Russell, seconded by Mr. Stone, to exempt a request by Robert Mack for an agricultural access at 1324 Lake Road from a \$100 application fee for this one request.

DISCUSSION:

Mr. Mack explained that the Town should waive fee for agricultural cuts. Farmers are faced with \$10 milk prices, bad weather, wet fields, etc.

Marty Illick said that she would like to support agriculture, but the motion was favoring a specific occupation. (We) could speak to a hardship for a lot of occupations, such as teachers, etc.

Mr. Lewis Jr said that if the Town waived the fee for agricultural access then more farmers would want their own agriculture cuts. As any culvert put in by farmers were destroyed by equipment then Town would be responsible to replace those culverts. There would be a cost to the Town, pointed out Mr. Lewis Jr.

VOTE: 4 nay, 1 absent (Ms. Cole); motion carried.

Ms. Russell said that the Town has an application (by Mr. Mack) with no paid fee. The Board would revisit the request at the next meeting.

Mr. Lewis Jr said he could fill out the culvert size section of the application. But a site visit to check out sight distances was needed.

13. DISCUSSION OF TOWN HALL REPAIRS

Mr. Stone reviewed a proposal for Town Hall repairs that included replacing windows and screens, a kitchen floor, replacing ceiling tiles, and drainage around the parameter of the building. Mr. Thornton said the Town needed to get an estimate.

MOTION by Mr. Thornton, seconded by Mr. Russell, to get an estimate for repairs as necessary on the Town Hall as presented.

VOTE: 5 ayes; motion carried.

Mr. Stone would solicit estimates for repairs to the Town Hall.

14. ANCIENT ROADS

Ms. Russell said that the Board would need to revisit a discussion the process to throw up ancient roads. There was a list of 24 ancient highways.

Mr. Thornton explained road names and changes.

The Board reviewed a list of identified ancient roads and discussed the process to throw up a road.

14b. HIGBEE ROAD

Mr. Stone said that the Higbee Road project was to include landscaping as requested by landowners on the road. Trees needed to be planted to hide the Route 7 viewshed. Mr. Bloch said that he had e-mailed Kate Lampton regarding landscaping. There was a question of what the impact would be once the tall grass was cut.

There was discussion regarding the cost for landscaping, and the purchase and installation of Spruce trees to block the old Higbee Road entrance. Mr. Bloch said that staff would contact Higbee Road landowners and find out what they would like.

A Selectboard member asked if the road real estate would revert to landowners.

15. MODIFY LAND MAINTENANCE CONTRACT FOR PARKING LOT IN CHARLOTTE PARK

Mr. Russell reviewed that a contract to mow the Charlotte Park parking lot on a weekly basis needed to be modified.

Ms. Cole read excerpts from the Charlotte Park and Wildlife Refuge Management Plan for Town parks related to trail maintenance, hiking trails (maintaining a 4' width), agricultural unit maintenance, and a mowing schedule. There was a break down of costs in the Management Plan, said Ms. Cole. Mr. Russell noted that the proposed contract called for mowing a 6' width versus a 4' width.

It was the consensus of the Selectboard to defer action on modifying a Land Maintenance Contract for mowing a parking lot at the Charlotte Park to the next meeting of the Board.

16. REGIONAL PLAN – DISCUSSION OF DRAFT (MAY 22NE) AND APPROVE COMMENTS FOR SUBMISSION

Marty Illick reviewed a draft Regional Plan that included:

- A housing policy. Mr. Bloch reviewed critical concerns regarding proposed Regional housing targets, which were in the text body of the draft Regional Plan. The RPC was not going to approve the Town Plan unless the Town addressed the housing targets. The Regional Plan was encouraging 190 new housing units, which contradicted what Charlotte Town Plan supports in relation to Open Space, agriculture, etc. Mr. Bloch said that currently 15-20 new houses were being built per year. The targets covered a period from 2000-2010. Staff suggested that the Selectboard should draft a letter to the RPC regarding Board concerns. Ms. Illick said that the economy has changed since the 2000 census and an RPC adjustment of housing numbers. The Board should make a specific statement that the Town was in favor of affordable housing. Mr. Bloch said that staff would craft language outlining Charlotte Town goals, and how Charlotte has objected to maximum density by taking it out of the plan.
- A Child Care Policy. Local municipalities needed to create a child care policy on the local level to be in compliance with state statutes. Mr. Russell asked what was an example of a “local barrier”, which needed a definition. The word “formally” should be deleted.
- The language of #4 was too strong..
- #7 should be deleted.
- Policy #3, Energy, supported the VELCO project. Change “maintenance” to “...encourage and increase energy efficiency”. Delete “hydro electric”. Ms. Cole would draft language that suggests a policy as a guideline.
- Delete language that “recommends” the Circumferential Highway (8-6). Take the map out.
- Staff would craft opening remarks language.
- An Economic Development Policy should addressed by an affordable housing committee.

17. APPOINTMENTS: LYNN ALPETER AS LIBRARY TRUSTEE UNTIL MARCH 2007; STEVE MAYFIELD TO CHARLOTTE PARK AND WILDLIFE REFUGE COMMITTEE

MOTION by Mr. Stone, seconded by Mr. Russell, to appoint Lynn Alpeter as a Library Trustee to replace Alice Lawrence for a term expiring March 2007.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to appoint Steve Mayfield to the Charlotte Park and Wildlife Refuge Committee.

VOTE: 5 ayes; motion carried.

**18. SELECTBOARD UPDATE/CHAIR'S REPORT
THORPE BARN**

Ms. Cole reported that the Thorpe Barn Committee has been discussing fund raising and an up-coming visit by Texas Tech University students. The students would visit the barn to study timber framing techniques. The public is invited to meet the students Wednesday, 06/28/2006 at 9:30 a.m. at the Thorpe Barn.

Ms. Russell reported that new Selectboard handbooks were available. A Directory of Vermont Officials has been received.

Mr. Hammer reported that Tom Moreau from the Chittenden Solid Waste District would appear before the Board on 06/25/2006 regarding the CSWD budget. There were not many changes from the previous budget. A question was raised regarding employment levels by classifications supported by studies.

Mr. Trudeau asked if a second constable would be appointed. Ms. Russell replied that the Board was drafting a job description. Consideration of an appointment would be continued at the next meeting of the Board.

19. BILLS AND WARRANTS

The Selectboard signed bills and Warrants.

20. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned 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.