

**TOWN OF CHARLOTTE  
SELECBOARD MEETING MINUTES  
Monday, July 16, 2007**

*Approved*

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

**ADMINISTRATION:** Dean Bloch

**OTHERS:** Annemie Curlin, Larry Johnson, Gary Pittman, Mary Cheney, Clif Mix, Janie Cohen, Sylvia Knight, Nancy Sabin, Mark Allegretta, Emily Allegretta, Bob Hyams, Jonathan Fairbanks, John Hammer, Linda Hamilton, Moe Harvey, Hugh Lewis, Jr., Ellie Russell, Andrea Grayson, Mel Huff, Andrew Thurber, Robin Reid, Raven Davis, Andras Kirschner, Carrie Spear, Sheila Burleigh, Trafton Crandall, Celeste Leeuw, Mischul Brownstone, Matthew Burke, Bob Wright, Jessie Bradley, Beth Beldock, Carlie Krolick

**ADJUSTMENT TO AGENDA**

Dean Bloch reminded the Board of the Blue Flame litigation matter and it was decided to put that issue at the end of the agenda.

**CLEANING CONTRACT**

The Selectboard decided to put this out to bid.

*Ed Stone moved to open the hearing for the Meander Street matter. Frank Thornton seconded the matter. There was no discussion. The motion was unanimously CARRIED.*

**MEANDER STREET-CONTINUATION OF PUBLIC HEARING TO ADD MEANDER STREET TO THE TOWN HIGHWAY MAP**

Mark Allegretta addressed the Board and distributed documents to them.

He began by saying that he is speaking for the group that had been working on this matter, which consisted of himself, Janie Cohen, Andrea Grayson, Mary Illick, Mary Cheney and Terry Hotaling.

He stressed the importance and value of the work of this committee and the public effort as well that went into Lewis Creek Woodlands and how it is valuable to the Town. The area in question, Meander Street, has Lewis Creek Road to the south, Roscoe Road on the east, Prindle Road on the north and Spear Street on the west. Lewis Creek Watershed goes through it between 2 covered bridges.

The recommendation of this committee is to take Meander Street off the map and leave it as it is for the following reasons:

- Historical consideration
- Financial commitment towards conserving it –easement for footpath and restrictive covenants and existing access to it
- But putting Meander Street on the map, there are consequences:
  - financial hardship on landowners
  - potential for liability because it would be difficult to determine the process for ancient roads. He mentioned that even the state and land trust lawyers agree that the process is not black and white.
  - Adds for potential for misuse of property

He gave some history of the property stating that the Johnson Company originally wanted to put 13 houses there and it took 10 years to have that number reduced to 3 housing lots and getting restrictions on the property.

In the declaration of restrictive covenants he distributed earlier to Board members, he said that there in them, there is a no-cut riparian buffer zone along Lewis Creek to prevent erosion. The primary value of the property is the wildlife habitat. There is a desire to have a public trail.

Mr. Ladue was asking about the legal ramifications if the street gets put on the map and shows that it goes across someone's property.

Mr. Allegretta answered saying that if 10 people are notified that they are in the Meander area and the SB puts it on the map, that would constitute a challenge to the title and lawsuits are filed that require a survey to be done. If the individual had to defer legal expenses to defend the title and ultimately it was found that Meander Street doesn't go through their property, the Town has to pay the legal expenses.

Charles Russell asked what would be the loss of opportunity if the street was put on the map. Mr. Allegretta said that if it was put on the map and it created a lot of trouble just to accomplish a trail, there would be lots of ill will and people would start posting their land.

Mr. Ladue asked about the details of a less invasive approach.

Mr. Allegretta said that the easement on the trail covers a large part of the wooded area. There is already a network of deer trails, old logging trails to get around, etc. You can also walk down the river along the shore. Trails committee can also just say to people that they have access to it.

Some provision could be made if you need more to put in a trail, but then the SB would talk to the Land Trust. But this would be still far less traumatic on landowners than putting the street on the map.

Jenny Cole asked if access along the river was allowed and if there was a number of feet?

Mr. Allegretta said that the river bed plus reasonable portage is the language used. Even if property is posted, you still have the right to go in there to access the creek, go fishing, hiking and walking.

Mary Cheney said that she and Cliff walked it the other day and it was not an easy route, but there are several old paths and roads. If the Town decides that it wants a 2.5 foot wide trail through there, it limits the property – now you have a 150' easement. Right now it is nice and enjoyable.

If she would have problem with people camping, etc., she would be forced to post property. Currently, most people ask and they don't have a problem. You could walk all along the river on her part of the property. It is not an easy trail to find and it isn't easy access.

Brooke from the Trails Committee clarified their intention of working with landowners and come up with a reasonable agreement to have more clearly defined public access to land. Defining a route would help in a conservation sense as well, by containing people in one area. He said that there is a 3-mile continuous trail on the river which is great for cross-country skiing.

Mr. Allegretta asked for confirmation from the SB that they recognize that the one-page legal description is the only legal document they have showing where Meander Street is. Charles Russell said that the SB cannot give a legal opinion and that's why they are talking to a surveyor to get a quote as to what it would take to do the paperwork. .

Tom Hager – A Johnson Co. – He recognizes that people use this property, which is open for public use, as well as the easement they have given the Town along the river. Locating a trail where it may or may not be, however, is cause for reservation unless there is a legal description. Charles Russell said that that is the reason they are talking to a surveyor.

Bob Hyams read written comments from the Conservation Commission. Ellie Russell said that the decision is whether the Town wants to retain the asset so that it is available some time in the future and whether they want to have it still available for Town use and NOT where to locate a trail.

Linda Hamilton said that first you need to establish how you are going to evaluate these assets and set up a criteria first and then look at them all and it seems premature to deal with Meander Street without having criteria first for all Class 4 roads.

Mary Cheney said that from talking with land trust attorneys, they consider what she has on her property an unidentified corridor and not a Class 4 road. The Town can change it to that or a trail or make it anything they want to do or revert back to landowners in 2015.

Frank Thornton said that it is still a Class 4 highway at present.

Mr. Allegretta said that it makes sense to take the road issue out of play because this would be easier because there is an existing easement in place. The act of putting the road on the map across landowners' property triggers a response because it would be a challenge to their title. Charles Russell said that if surveyed land already exists, all other problems would go away.

Jenny Cole asked Mary Cheney if they had found any record that there was a road on her property. Mary said not along the creek; there is one that divided Lewis Creek Road. There is a 150 foot conservation easement put in place by Mrs. Hopp and herself. The land trust would want to know exactly where the trail is going to go and if the Town had a right to put it there.

Mr. Ladue asked her if it was a continuation of the Town's easement. Mary said that the Town's is 100 feet and hers is 150 feet.

Jenny Cole said that it is a conservation easement and not a trail easement. Sylvia Knight asked if the SB had considered the possibility of setting up criteria to look into developing a process to judge all the roads? Mr. Russell said that the SB, with Ellie Russell, has done a lot of work to look into ancient roads and there has been a lot of competing interests. The SB is taking the sensible approach and doing it slowly.

Jenny Cole said that before a decision is made, the SB will be gathering more information from the survey work and will go back and look at all the received information and respond to the Conservation Commissions' concerns about lack of process.

Mr. Laude said that there is a very precise minimum set of things the SB does and they are doing at least that and more and the decision is before the Town to elected officials and they are here to hear input and if they list criteria, the public can submit information against that criteria, but the SB's job is to factor and weigh them all out. They are not going to delegate that to another party. If it is helpful to make a master list for others to make comments, then that has merit but people need to recognize the weighing of decisions will vary on individual parcels.

Janie Cohen said that she has a small green camp at the other end of the route from Mary Cheney. She is the director of the Fleming Museum and she appreciates the value of process and there is a balance between access and preservation. She feels strongly that in order to make good decisions and maintain trust, a really vigorous and transparent process is critical. She supports what has been said here tonight and what Winslow Ladue just said.

Charles Russell asked her if she had seen anything not transparent? She said that there could be more. Mr. Russell asked in what way? Ms. Cohen said that Frank Thornton is right; they have been making decisions about the roads for years and years. But now it is

different because of the legislation that has passed and she thinks it should be an open public process.

Mel Huff said that they have 800 feet of frontage on Lewis Creek, but not this part. She asked if the fact that this is critical wildlife habitat, does the Town have an opportunity to protect something that is an asset?

Mr. Russell asked what the definition of “critical wildlife habitat.” He asked if anyone knew that answer.

Linda Hamilton said yes. The Town Plan states that critical wildlife habitat is of high public value. That’s why there is this request that there be an open evaluation of pros and cons.

Ed Stone suggested that they look at this more and continue the hearing before they hire the surveyor.

***Frank Thornton moved to approve the hiring of the surveyor for \$2,500. Winslow Ladue seconded the motion.*** Discussion centered around procuring a new survey or using one that Mary Cheney had done previously by Stewart Morrow, which went further than the land in question. Mr. Ladue said that there is some wiggle area because the old surveys are not as precise, but they could look at the zone that would fall in that area. Ed Stone said that even if a new survey was done and the SB was happy with it, it doesn’t change the fact that most people don’t want this road on the map and want to leave it where it is. The public applauded these comments.

Charles Russell reminded the Board of the motion on the floor. Frank Thornton asked Mary if it was a survey she had or just a plat. Mary confirmed that it was a plat and not a survey.

***There were 3 ayes, 2 nos, motion CARRIED to hire the surveyor.***

***Jenny Cole moved to continue this hearing to August 27, 2007 at 7:30 p.m. Frank Thornton seconded. Following discussion, a vote was made and all were in favor and the motion was unanimously CARRIED.***

## **INTERVIEW APPLICANTS TO THE CONSERVATION COMMISSION:**

***Ed Stone moved to appoint Trafton Crandall to the Charlotte Conservation Commission. Jenny Cole seconded the motion.***

### Discussion:

Nancy Sabin asked Mr. Crandall why he wanted to be on the Charlotte Conservation Commission (CCC). Mr. Crandall said that he has been in Charlotte for one year now

and has owned property here 4 years ago. He built a house here because he said it is the nicest place in Champlain Valley and wanted to move here. He did serve on a similar committee in Warren, Vermont. He is by profession, an environmental engineer licensed in Vermont and thought he could lend his expertise to the Commission.

Ed Stone asked him if he had talked with the CCC? Mr. Crandall said that he has met with them but not spoken with every member. They interviewed him at their meeting. Charles Russell asked him what he did. Mr. Crandall responded by saying that he does planning, zoning, permitting, subdivisions of land, permitting of individual facilities, cleaning up of petroleum-contaminated soils and groundwater. He said that he graduated from UVM in environmental studies. After that, he and his wife bought a dairy farm and ran it for 12 plus years in the Northeast Kingdom. He then went back to school and got his engineering degree, after which they moved to Massachusetts. He practiced engineering there for 9 years (in Connecticut and Massachusetts). It was very good experience to practice in a more densely populated and commercial and industrial area. He moved back to Vermont five years ago and has been practicing engineering in Vermont since that time.

Ed Stone asked him what he thought about hunting. Mr. Crandall said that he always buys his license, but never got a deer. He enjoys partridge hunting, as well as fishing. He has a good appreciation of natural resources. Mr. Stone asked him about “creatures flourish” which he read from a CCC memo. Mr. Crandall asked him to define what creatures to which Mr. Stone answered all wildlife creatures. Mr. Crandall said human being are creatures, too. He feels that there is a place for natural conservation and having studied ecology and biology and also water resources, personally he feels that sometimes there needs to be a compromise and that’s what planning is about.

Mr. Stone asked him about builders. Mr. Crandall Ed – what about builders? Mr. Crandall answered that there are good ones and bad one. Charles Russell asked if he had a field, where would he put the house? Mr. Crandall said that as a member of the CCC, he would be in support of the Town Plan and it would depend on the particular property and he would have to measure on asset against another, e.g. forests, soils (primarily agricultural soils) and other wetland areas. The Town Plan does encourage not plunking a house in the middle of the field, but close to the forest or woodland edge, in order to preserve most of the open field and most of the open woods. Mr. Stone thanked him for volunteering. Mr. Ladue asked him if he could provide an example of a controversial issue he had to deal with on the last Board he served on. Mr. Crandall said that an issue came before the Design Review Board in Warren.

Charles asked Mr. Crandall what his opinion is on the use of a trail near water and critical wildlife habitat. Mr. Crandall said that he wouldn’t want to make a sweeping statement like that because he is not familiar with the habitat. Mr. Russell asked if he thought there should be a balance of views on the Conservation Commission, i.e. agriculture versus wildlife. Mr. Crandall said that he believes the goal of the Conservation Commission is to act as a spokesperson for the natural resources in the Town. He feels that agricultural

lands are a part of that resource. He doesn't see any problem with having a broad spectrum of representation on the Commission, i.e. farmers and developers. Frank Thornton asked how much land he thought should be preserved percentage wise? Mr. Crandall said he couldn't put a number on that. It has to be a process and it would be a mistake to say a percentage because no one knows what may happen in the future. Mr. Thornton asked him if there was a limit. Mr. Crandall said that there has to be a compromise. They both agreed that there is currently pressure on Charlotte because they are on the edge of Chittenden County.

Mr. Russell asked him if he had any experience with historical, architectural and/or archaeological issues and value? Mr. Crandall said that other than owning and restoring an 1820s farmhouse in Glover, Vermont, not really. Jenny Cole asked him if there was anything that he thought in Charlotte that the Conservation Commission should do that they are not presently doing? Or should there be added emphasis to certain issues. Mr. Crandall said that he hasn't lived here long enough to make a comment on that, but so far it seemed to him that the Commission was doing a good job.

***The motion was voted on. Everyone was in agreement and the motion was unanimously CARRIED.***

The SB next interviewed Matthew Burke for the Charlotte Conservation Commission.

Ed Stone asked him if he had read the Town Plan, to which Mr. Burke said yes. Mr. Ladue asked him why he wanted to be a member on the Commission. Matthew said that partly it is because he was asked and also there are issues that the Commission deals with that he is concerned with and being a new resident in town, it is a good way to learn about the Town. Mr. Stone asked him if he knew what "critical wildlife habitat" was? Matthew asked "according to what context?" Mr. Stone said that's it and Matthew said that he doesn't have enough information to answer that question. Mr. Thornton asked him about his background. Matthew answered stating that he has a small farm and part of the goals and mission of the Commission is to encourage sustainable agriculture. He has both an interest in active farmland as well as preserving wildlife habitat.

***Frank Thornton moved to approve Matthew Burke for appointment on the Charlotte Conservation Commission for a term of three years ending in 2010. Ed Stone seconded. There was no discussion. All were in favor and the motion was unanimously CARRIED.***

### **COVERED BRIDGES**

Mr. Stone said that the Holmes Bridge has been run into by trucks that shouldn't be on the bridge, which is causing the Town to have to pay for repairs, so he recommends lowering the bridge so that only cars and pick-up trucks can go through.

Mr. Ladue asked if the damage was cosmetic or structural? Mr. Stone said that the part of the brace on one end was totally removed. The current height mark on the bridge is 8'3".

Mr. Ladue asked if there was evidence that the bridge was being overloaded? Junior said that most of trucks are the size of U-haul trucks.

Linda Hamilton suggested that the SB contact the Vermont Association of Covered Bridges for their input and/or advice.

Moe Harvey asked about paving of aprons. Junior said that where blacktop turns to dirt, there are potholes. If it is paved, cars go faster, so there might be more damage to the bridge. The potholes slow traffic. Raven agreed.

Larry Johnson said that when he comes off Monkton Road, there is a yield sign there. He doesn't know who has the right-of-way; he has come through the bridge and people have cut in front of him. He said you have to stop to make a left turn on Lewis Creek Road. He requests a stop sign there.

Ed Stone agrees, but the SB has to do its homework first before one gets put up.

### **RECREATION COORDINATOR – JOB DESCRIPTION**

Carlie Krolick addressed the SB stating that the last time they had interviewed 3 candidates, a lot of questions came up at that meeting to her about the nature of the commission. She requested an agenda item on the July 24 meeting with Robin Reid that she gets more information as a new commissioner and that the commission has a chance to talk about their mission. And then the job description got revised and she couldn't retain a copy of the description as it was when they hired her. She asked who participated in preparing the revised one that she only heard about this morning. Mr. Russell said that the SB discussed it at an executive session meeting and he drew up the changes.

Ed Stone asked why she didn't come up with her own job description? Jessie Bradley said that the revised, strike-out one is the one that they did come up with. Charles Russell said the main change was that this person would report to the SB. Carlie said that the other change is the beach venue. Charles Russell confirmed that as well.

**The SB decided to table this issue.**

### **TRAILS COMMITTEE – Bob Hyams**

*Ed Stone moved to appoint Bob Hyams to the Trails Committee for a period of two years commencing today. Jenny Cole seconded the motion.*

Winslow Ladue asked him why he wanted to be on the committee? Mr. Hyams said that he has been on it and also is an advocate for trails and wants to see the trail network work and believes that conservation values are important in deciding trails.

*A vote was taken; all were in favor and the motion was unanimously CARRIED.*

**ALTERNATE REPRESENTATIVE TO CCMPO**

**Jim Donovan**

*Jenny Cole moved to appoint Jim Donovan as representative to the CCMPO for the term period. Frank Thornton seconded. All were in favor and the motion was unanimously CARRIED.*

**ANDREW KIRSCHNER**

**The SB decided to table this issue.**

**PERSONNEL POLICIES**

There was discussion about the definition of regular and part-time employees as it relates to health care coverage.

Septic Permit fees

You can put it at 500, town is 250 and state is 260. The State is going away, so the SB discussed combing it and they will get a break of \$10.

*Frank Thornton moved to increase the Town's septic fees to \$500. Jenny Cole seconded. All were in favor and the motion was unanimously CARRIED.*

**MINUTES**

**Minutes were tabled.**

*Ed Stone made a motion for the Board to go into executive session. Jenny Cole seconded the motion. All were in favor and the motion was unanimously CARRIED.*

The Board went into executive session at 10:20 p.m.

Respectfully submitted,

Kimberly J. Malone