

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
SEPTEMBER 26, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Ed Stone, Charles Russell, Francis Thornton.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Robin Pierce Randy Franz, Bill April, Mike Russell, Carrie Spear, Gary Franklin, Gregg Beldock, Stanley Hinge, Beth Beldock, Martha Keenan, Dorothy Pellett, Spin Richardson, Trina Bianchi, Tom Bates, Lorna Bates, Nicole Gorman, Ebeth Scatchard, Brooke Scatchard, Belinda Richter, Marc Richter, John Limarek, Laurie Thompson, J. Plouffe, Charles Eller, Ava Eller, Marty Illick, John Hammer, Charlotte News, and others.

SITE VISIT: Plouffe Lane Trailhead. The Selectboard conducted a site visit at 5:30 p.m.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:02 p.m.

2. ADJUSTMENT TO AGENDA

Added:

14. Trailhead Discussion.

3. PUBLIC DISCUSSION

None.

4. APPROVAL OF MINUTES

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of 09/12/05 as written, with the following corrections/additions:

Page 1, bottom of page, Motion, change the name "Thompson's" to "Thornton";

Page 3, 1st paragraph, change "Gurvits" to "Gecewicz";

Page 5, 3rd paragraph, Motion by Mr. Russell, change to read "...close Hinesburg Road to East Charlotte from 1:30 p.m. to 2:00 p.m. and Hinesburg Road to Spear Street from 2:00 p.m. to 2:30 p.m., and to keep Jackson Road open.";

Page 7, motion 3rd paragraph; motion; change to read "...Lot 29/30"

Page 8, 1st paragraph, last word "camp" change to read "dump.";

Page 9, change to read: "...payment to Robert Mack."

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

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of 09/14/05 as written.

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

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of 09/19/05 as written, with the following additions:

Last page, Executive Session, “No decisions were made”.

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

5. TRAILS COMMITTEE – Plouffe Lane Trailhead Proposal

Gary Franklin, Trails Committee, reviewed a process to develop a network of town-wide trails that included an 80-acre parcel of Town land at the old Town dump. There is potential to link the Town dump trail to other existing town trails. Two potential sites have been identified for parking. Mr. Franklin showed a color map showing Plouffe Lane, the Town property, trails and potential trails to the north, and the LaPlatte River. Parking was proposed as two options:

- Plan A - a 60' x 80' gravel pad with access controlled by a three-rail split rail fence and a gated entrance.
- Plan B - parking at the Carpenter Road/Plouffe Lane corner. The right-of-way shoulder at the corner would be expanded to a 20' x 80' gravel lot. Users would then walk one-half mile to the trails on a mowed path along the right-of-way to the trails.
- Non-motorized use of the trail for walking, cross county skiing, or snow shoeing. The Town Dump trail could serve as an anchor to trails across the LaPlatte in the future. Maintenance would be limited to mowing grass and limbing low branches in an effort to be sensitive to the ecology of the LaPlatte River corridor.
- The budget breakdown included \$3,400 for the parking area, \$4,000 for fencing, \$50 per mowing, and \$30 per winter plowing of the parking lot. There might be the potential for one or two benches. .

BOARD QUESTIONS/COMMENTS

None.

PUBLIC COMMENTS

Gregg Beldock, Plouffe Lane resident, asked if the Town would take over snow plowing Plouffe Lane, which was currently done by (Mr. Beldock). The agreement with the Town states that in the event that the Town used Plouffe Lane then the Town might take over some of the maintenance. Mr. Franklin replied that to the extent that additional maintenance is required then the agreement could be re-negotiated.

Robert Hyams, Conservation Commission member, submitted a copy of a consultant report on an assessment of wildlife habitat integrity and the impact of trails in the 80-acre Town Dump property. There may be potential to include interpretative trails in the future. A management plan for use of the trails and the rest of property would be helpful. The report recommendations included:

- Four different wildlife zones – river, forest, open field, and transition zones.
- Trail maintenance included a schedule of mowings sensitive to wildlife impacts.

There was discussion regarding trash cleanup of the trails (it was noted that there was very little trash left on any of the existing Town trails); an educational process of the area (Mr. Beldock said that a woods and trail system inventory analysis was done in 1995); a report recommendation that there were area(s) that should be left untouched for wildlife habitat including a 100-yard strip and connectivity of woodlands west and east, a recommendation that the strip should be widened along the eastern border of the former Plouffe Farm, and portions of the Plouffe Farm that is in conservation with the Vermont Land Trust (Mr. Hyman asked for a copy of the report); and adjacent property owners concerns related to noise, after-hours parking, and other property impacts of the proposed Plan A and B parking lots.

Mr. Scatchard showed a Site Map that included the connectivity of space of forested areas, proposed and existing Town trails, and a 130' wide section of Town Land along the Plouffe Lane right-of-way.

Laurie Thompson, resident, said that she purchased land south of Mr. Beldock's property. Ms. Thompson spoke in support of the trails, but expressed concern regarding Plan A. A parking lot tucked away from a public thoroughfare is a problem. She moved from Shelburne where an out of sight parking lot at Shelburne Bay became a magnet for teenagers and others after hours. The Shelburne Police patrolled the area, but there were still issues. A gated lot would not prevent people from parking at the gate. There is enough traffic on Carpenter Road already and this would add to that.

Belinda Richter, resident, said that she lives across from the proposed Plan B parking lot on Carpenter Road. Ms. Richter could support Plan A. She didn't want traffic and cars ruining the pastoral setting. If the parking lot is gravel, small and gated then people wouldn't be able to loiter. She was concerned that the lot at Plan B would not be gated. There have been recent burglaries in broad daylight on Carpenter Road. The traffic would interfere with the Community Watch program.

Charles Eller, Carpenter Road resident, stated his motor coach was vandalized. There have been a fair amount of shenanigans on the road. Mr. Eller stated that he was concerned that allowing parking at the proposed lot without a police force was asking for trouble.

Ava Eller, Carpenter Road resident, spoke in support of the trails, but questioned the connectivity of the system if Plan B parking was used. There is a lot of traffic on Carpenter Road since the area has been developed. Cars speed and dogs have been hit on the road. It is a narrow road, which makes it difficult for two cars to pass at the same time. There is congestion and pulling in and out is unsafe in terms of traffic flow.

Randy Franz, Plouffe Lane resident and owner of Burlington Equine Veterinary Service, expressed opposition to the Plan A parking lot. There are young children and animals along Plouffe Lane. He would worry about night traffic. There is limited sight distances. Plouffe Lane is not the best road for traffic.

Danielle Vincent, Carpenter Road resident, expressed concern regarding people wandering off the trails and if they would stick to the side of Plouffe Lane, or walk in the roadway. She was not sure that an un-gated parking on Carpenter Road was a wise decision.

Marc Richter, Carpenter Road resident, noted that there were a number of Federal Express and UPS trucks flying down the road. Mr. Richter asked if the Town would be liable (for accidents).

Bill April, Trails Committee member, responded to misconceptions that increased vehicle and foot traffic would increase in large numbers. Compared to other areas, such as Demeter Park and William Woods, on a good weekend you are talking about 2-3 cars. The trails do not bring in hordes of people. The proposed Old Dump trails are only 1.5 miles in length.

Beth Beldock, Plouffe Lane, stated that the Plan A parking lot would increase motor traffic and that would impact the wild life in the natural corridor. Should start on foot or by bike in from the foot of Plouffe Lane. Plouffe Lane is a destination for teenagers who speed up the road. If an out of the way parking lot is created then the teenagers would take advantage of it. The current gate has been damaged multiple times.

Spin Richardson, Village resident, commented that people won't park a half-mile away to walk to a mile of trails. Mr. Richardson suggested making an internal parking lot away from the neighbors, and asked if Plouffe Lane was a town road. Mr. Russell explained no, there is a Town-owned strip of land, which is not a road. Regarding a Town liability issue, if the strip were classified as a Town road then the Town would have sovereignty.

Martha Keenan, resident, stated that neither proposed trail parking lot worked. Plouffe Lane in dangerous. If people walk along the side of Plouffe Lane they could get hit. If the parking lot was at end of Plouffe Lane then cars would go faster. There are safety issues for the Carpenter Road residents and security issues at the end of Plouffe Lane. Trails are great, but the parking plan needs more work.

Ebeth Scatchard, resident, said that she was excited about the prospect of trails in East Charlotte. It is hoped that we can work together to create a solution.

Mr. Beldock explained that there were legal issues regarding a 1965 agreement that transferred an easement to the Town. The document language spoke of an easement to the dump. The deed spoke to ownership as noted on a Site Map signed by the Planning Commission as part of the subdivision of the Plouffe Farm. Easements and deeds are recorded on that map, page 115 of the public records. The gate must close at 5:00 p.m. There were two traffic studies done that pointed out that Plouffe Lane was not wide enough and sight distances were insufficient. There is a question if the road could even access the trails. The development rights were granted with a contingency for agricultural uses. We have raised sheep, beef cattle and have tried other agricultural uses. Randy Franz runs an agricultural enterprise. There is talk regarding the benefits of sharing

pastoral views and widening both the grass sides of Plouffe Lane. The Trails Committee has discussed the potential for parking on Carpenter Road with us.

An informal straw poll of the audience indicated 10 votes in favor of no parking on either Plouffe Lane or Carpenter Road, 8 in favor of Plan A, and 1 in favor of Plan B.

There was further discussion regarding potential parking on Spear Street to the north; current trial users parking in the Beldock's driveway; a dangerous dip in Plouffe Lane that has only a 45' sight distance; a history of the road to the Town dump (old time Vermonter's worked around the road short-comings and there were no accidents); and developing trails as a positive for the Town, but if there is no possibility for a parking lot then that would kill the project.

Ms. Spear asked how the Town would handle people from outside the community who might use the trails.

Ms. Russell closed the discussion and thanked those attending for their input.

6. JAMES AND HOLLY CALLERY – APPLICATION FOR HIGHWAY ACCESS PERMIT ON PRINDLE ROAD
MOTION by Mr. Russell, seconded by Mr. Thornton, to open a Public Hearing regarding an application for Highway Access on Prindle Road as presented.
VOTE: 5 ayes; motion carried.

Holly Callery, applicant, reviewed a brief history of an existing driveway access recently built. Ms. Callery was asking for approval after the fact. They would be willing to cut trees to improve site distance if required. There is 225' to the next driveway and 400' in the other direction.

The Selectboard explained that Ms. Callery would need to contact Larry Hamilton, Charlotte Tree Warden, if any trees were to be cut. A 500' sight distance was needed for a road posted at 50 mph. The driveway entrance should have a rise of 6" or more in height; and a turn around should be constructed.

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve an application for a Highway access permit on Prindle Road by James and Holly Callery, with the following conditions:

- **The applicant shall consult with the Charlotte Tree Warden before cutting any trees.**
- **Three trees on one side of the driveway and five trees on the other side need to be cut for a total of eight trees.**
- **An additional 6" rise in height was needed at the driveway entrance.**
- **A turn around shall be constructed.**

VOTE: 5 ayes; motion carried.

7. REQUEST TO ALLOW GREEN MOUNTAIN POWER ELECTRIC LINES TO BE BURIED ALONG WESTERN EDGE OF THE CHARLOTTE SENIOR CENTER PARCEL

Ms. Russell reviewed a petition for work requested by Green Mountain Power and Adelphia to remove a pole from the Frost property and underground the line(s).

George Richardson, resident, explained that an alternative was necessary because Frost and Green Mountain Power have not come to an agreement at this time. Neighbors will pay for having the lines buried. The lines will be buried up to the homes and this will help to eliminate the power outages experienced. The line goes to Hill's Point.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve the proposed Green Mountain Power petition for a new pole on Ferry Road, as outlined in a drawing "OH Plan" as presented.

VOTE: 5 ayes; motion carried.

8. REVIEW OF THE FIRST DRAFT 2006 CHITTENDEN COUNTY REGIONAL PLAN

Mr. Bloch said that as the Selectboard reviews a new draft Chittenden County Regional Plan (CCRPC) they should keep two views in mind:

1. Make sure that the CCRPC not impose mandates on local planning, and
2. CCRPC was not presenting policies that were in conflict with local planning.

Marty Illick, pointed out that the proposed CCRPC plan would trump a town plan. When the Board reviews the draft they should note conflicts and should be clear to address those conflicts in their comments. Ms. Russell said the Town and Planning Commission have reviewed the draft. The Board needs to submit a letter.

COMMENTS:

- Paragraph 1 - need to be clear regarding SRI.
- Paragraph 2 - needs a definition (some towns are denoting it is when two or more towns are affected).
- Paragraph 3 – clarify the relationship of who does what, the RPC or MPO. The MPO has party status in ACT 250 through the CCRPC.
- Paragraph 4 - the vision should include agriculture as a goal.
- Paragraph 5 - planning areas need a definition of "undeveloped". Section 2.4, urban planning area should be characteristic of a "Vermont City" as per smart growth and should be included in the plan.

Mr. Bloch commented that the numbers at the bottom of page one should be reviewed. A question regarding "outdoor recreation": is a horse stable "recreation" – needs more detail. If a stable comes under ACT 250 then it would come under CCRPC review. Ms. Illick pointed out that the Regional Plan would trump the local plan if a use comes under regional review.

Mr. Stone said the Town Plan should follow the Regional Plan. Housing is a hot issue and the Town should recommend numbers, which could be a part of the letter to the CCRPC.

Mr. Bloch said that the housing focused on policies #3 and 4. Ms. Russell commented that the regional housing targets proposed are not applicable to Charlotte. Mr. Bloch said that the issue would be addressed in more details in the next draft. The word “target” is an issue.

AGENDA ITEM:

Circumferential Highway discussion. The Board needs to add comments in a letter regarding the Circ.

There was further discussion regarding an Environmental Impact Study that is on-going; the draft CCRPC Plan did not include air quality as an issue; how to measure air quality and (vehicle) trip numbers.

COMMENTS:

- Map 7.7 - major transportation infrastructure Spear Street as a collector road (delete), Church Hill Road bike lanes retain. Question: add Dorset Street as a bike lane
- Map 7.8 – delete.
- Ms. Illick reported that Essex Junction requested an “SRI” for historic downtowns.
- Brownfields are polluted spots in town, identify Charlotte’s brownfields in letter to Greg Brown, which will be included in a proposed Brownfields study.
- Map 7.9, Open Space - replace the map with the Town trail list (the Thompson’s Point trail was not included on the map). A question is how indoor and outdoor recreation is mapped and listed – what methodology is used.
- An agricultural soils policy is critical and needs more detail.
- Map 3.4 –the number is hypothetical in a sense. Page 6-10, Housing Targets are an issue. Charlotte is rural and 195 houses is not a realistic target considering the soils. A question is it a target or a goal; what is the definition of “moderate” income or “affordable” housing. Ms. Illick said the CCRPC adjusted the numbers across the county to be more realistic, and reiterated that the word “target” is an issue.

ACTION PLAN:

- Ms. Illick would draft a letter regarding comments related to air quality and trip number measurements, and forward a draft for Selectboard review.
- Identify brownfield sites in Charlotte in letter to Greg Brown; the sites will be included in a Brownfields study.
- Ms. Illick would make changes and corrections to the draft and send to staff. Staff would draft a letter consistent with Selectboard comments.

9. HIBBEE ROAD – DISCUSSION REGARDING INITIATION OF PROCEEDINGS TO RELOCATE ROAD

Mr. Bloch reported that the Town Attorney, Tim Eustace, will be finalizing a document regarding relocation and shutting off the end of Higbee Road as discussed at prior Selectboard meetings. A date for a Selectboard site visit was suggested for Monday, November 14th, at 3:30 p.m. with a public hearing to follow at 7:00 p.m.

Nancy Sabin commented that Higbee Road has existed since the beginning of time until a developer started subdividing lots. Mr. Stone stated that there were no more building lots, except for one potential north lot that might be able to subdivide. The rest of the land is all conserved including the orchard and all the land that goes up to the base of the hill where the trees are.

10. CHURCH HILL ROAD – SPEEDING ENFORCEMENT

Mr. Stone suggested hiring the State Police to patrol the Church Hill Road one day per week. Mr. Thornton said the person who complained was complaining about noise at the stop sign in front of his house. Speeding is not the issue.

Ms. Russell read the original request and petition.

Mr. Thornton said that the speed limit in front of the school is 30 mph and the warning sign by the church is 35 mph. All other roads are 50 mph. Mr. Thornton suggested that the Board not do anything.

Ms. Cole suggested conducting a Town-wide traffic study, and in that way address various complaints. (She) is not saying that speed limits should be lowered, but the Board should do a study and have a plan in place. Mr. Thornton pointed out that there is a Town Ordinance in place already. Mr. Stone suggested setting a budget amount to take care of any hot spots as complaints came in before any studies were done.

Mr. Russell pointed out that truck traffic on Church Hill Road will decrease once the Route 7 reconstruction project is completed. That will be a self-correcting problem.

AGENDA ITEM:

Speed Enforcement and Potential Town-wide Traffic Study.

Staff to ask for a one-week police presence.

Mr. Hammer explained that the State Police will cover a town for a few hours, but after so many hours per week there will be a charge. You can hire a sheriff, but you won't get anything back. You can contact the CCRPC for a traffic study. A study is based on a 85-percentile measurement of usage of the road and you might not receive the results that you think. Charlotte has rural roads. Let the rural roads assign the speeds themselves. A question is how many accidents happen at the stop signs at the Church Hill Road intersection.

Ms. Cole pointed out that if the Town has an ordinance then the Town gets a percentage of any tickets issued, and that might make enforcement pay for itself.

MOTION by Mr. Stone, to hire the State Police for one week to patrol the Town.

The motion died for lack of a second.

Mr. Russell stated he was in favor of further discussion at budget time.

11. BURNS PROPERTY –RE-FROM THE COMMITTEE TO REVIEW DESIGN OF POTENTIAL HOUSING

Ms. Russell reviewed a charge for a proposed Burns Property Committee related to the next phase of the project (potential housing on the Burns property). Potential committee members were contacted and they all agreed to serve.

Mr. Stone expressed concern regarding the wording for “implementation” in the MOU. Ms. Russell said that the issue was discussed with Steve Stitzel. A memo was written regarding the Town’s responsibility as outlined in the MOU, and Paragraphs 3 and 4 have been corrected. Mr. Stitzel said that it was correct, the Town must adopt a plan and implement it. A second MOU was not appropriate.

Nancy (?) said that the Town citizens did not vote on the initial “counterfeit” document. Mr. Russell explained that since that time the process has been “legitimized”. More detail was needed on how to use the Burns property, a plan, housing, etc.

Mr. Stone reiterated his concern regarding the language related to “implementation”, and suggested leaving the land as is for twenty years. A letter could be sent to the Land Trust outlining that as a plan. Mr. Russell said that planning is a public process and the proposed plan can’t be changed. Ms. Russell said she thought it could be modified. It was hoped that the committee would pursue the housing component. Mr. Thornton said that the Vermont Land Trust wants the Board to come up with a plan that they can force the Board to implement.

MOTION by Mr. Stone, to write a letter regarding a return of the \$120,000 to the Vermont Land Trust.

The motion died from a lack of a second.

Mr. Thornton asked what was wrong with “land” banking the property.

There was discussion regarding affordable housing and a committee charge to explore the possibility; a question of what the financial impact would be to the Town related to the housing that included infrastructure (roads, septic, school space) versus land banking the property; conserving the land, and a concern that there were fewer open space lands that could be conserved.

MOTION by Ms. Cole, seconded by Mr. Russell, to appoint a Burns Property Committee as listed to explore the potential for an affordable housing project on the Burns Property.

DISCUSSION:

Mr. Thornton said it was not clear how many people are seeking affordable housing or elderly housing.

FRIENDLY AMENDMENT by Ms. Russell, to change the charge of the committee to “explore the need for affordable housing or elderly housing on the Burns Property.”

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

12. GATES AT THE THORPE BARN – Review Proposals

Ms. Cole passed out a proposed design of a gate and estimates for the Thorpe Barn property.

MOTION by Mr. Russell, seconded by Mr. Thornton, to accept the bid by Donald Sheldrick for a 2” x 2” adjustable gate and reflectors for a cost not to exceed \$1,420.

DISCUSSION:

Mr. Stone stated that it is a waste of money. A gate was not needed. Mr. Russell pointed out it is replacing an existing gate.

Ms. Cole explained that the park was closed at night and the gate kept out vehicles after dark.

VOTE: 4 ayes, 1 nay (Mr. Stone); motion carried.

13. VELCO – APPROVAL OF SURVEY WORK AT THE CHARLOTTE PARK AND WILDLIFE REFUGE

Ms. Russell reviewed that survey work at the Charlotte Park and Wildlife Refuge was for placing transmission poles on Town land.

MOTION by Mr. Thornton, seconded by Mr. Russell, to approve survey work at the Charlotte Park and Wildlife Refuge to place transmission poles on Town land.

FRIENDLY AMENDMENT by Ms. Cole, to condition approval as follows:

- Require 24-hour advance notification before the survey work could begin;
- Allowing pedestrian access only, and
- If subsoil surveys, or soil borings, were necessary the survey crew would need to contact the Town before starting work to determine access.

DISCUSSION:

Ms. Cole clarified that the survey work would be in the northwest corner by the railroad tracks. The Vermont Land Trust was contacted regarding the work. Ms. Cole indicated the area on a Town map.

Mr. Bloch asked if Ms. Cole knew how deep the borings would go. Ms. Cole replied 20’ deep, which would require a small truck and a three-member survey crew.

VOTE: 4 ayes, 1 nay (Mr. Stone did not agree with the three Amendment stipulations); motion carried.

14. TRAILHEAD – Discussion

There was discussion regarding proposed access and parking at the old Town Dump Trailhead. Trail Committee suggestions included moving an access path to the trails off the Beldock's property and using a proposed northerly path across Harriett (?) property, which would come out at Spear Street. Mr. Scatchard has already approached Ms. Harriett (?), who has approved a path across her property that would connect to the Town trail on the north. Parking could be on the Gecewicz' parking lot on Spear Street. Issues with Plouffe Lane included insufficient sight distances, and impacts to neighbors on both Plouffe Lane and Carpenter Road. A proposed Trailhead budget of \$10,000 would cover parking lot improvements and trail maintenance of \$2,400 per year. There is a low number of users of the existing trails and the new trails are not expected to attract large numbers. A plan is needed for opening and closing a gated parking lot(s), as well as a cost estimate for paying someone to attend the gate.

15. SELECTBOARD UPDATE/CHAIR'S REPORT

Ms. Russell reported that a CCRPC letter outlined an opportunity to apply for two grants to fund a local emergency plan (needs Selectboard approval), and a grant to enable a study for Brownfields evaluation. The CCRPC is seeking support for the two grants.

Ms. Russell reported that the Mutt Strut would not close the Church Hill Road. The committee is hiring Hugh Lewis, Constable, to ensure the safety of the participants.

16. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

17. ADJOURNMENT

The Chairperson adjourned the meeting at 11:00 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.