

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
AUGUST 14, 2006**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Wayne Clark, Faye Clark, Steve Denton, Clark Hinsdale III, Nancy Goodrich, Carrie Spear, John Hammer, Charlotte News; and others.

6:00 p.m. SITE VISIT: Clark Hinsdale Jr., Highway Access Permit at “Sheehan Barn” on Spear Street.

6:30 p.m. SITE VISIT: Clark Hinsdale III, Highway Access Permit on East Thompson’s Point Road.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:08 p.m.

2. ADJUSTMENTS TO THE AGENDA

None.

3. PUBLIC DISCUSSION

Wayne Clark, property owner abutting the Swift/McCargo lot(s), asked to address the Selectboard regarding the closure of Spear-Gervia Road. Ms. Russell said that no new testimony would be accepted.

Mr. Clark asked for clarification of the existence of the McGuire-Pent Road. Ms. Russell reviewed that the McGuire-Pent Road was a trail that went as far as the north property line and stopped at the Clark property. There was a private right of way to the former Lambert lot, which was currently owned by the Swift/McCargo’s. Mr. Bloch clarified that there was a private right of way for the current owners only for access to what was the Lambert parcel.

Mr. Clark said that anyone who used the right-of-way went over his property. If the Swift/McCargo (formerly Lambert) property was ever developed what was the impact to (my) lot, asked Mr. Clark. Ms. Russell explained that the right-of-way would go to the Swift-McCargo property. If the lot were conserved then it wouldn’t get developed.

Mr. Clark expressed concern that if the Spear-Gervia Road was closed then the only access to that lot was through (his) land. The deed and survey states that the McGuire-Pent Road goes through (my) property to Spear-Gervia Road and then to Spear Street. The roads were connected by a right-of-way (Mr. Clark’s) mother had written to connect the two roads. The right-of-way was only 100’ long. Could a fence be erected across the right-of-way to close it to through traffic, except for one person (the Swift/McCargo’s),

asked Mr. Clark. Ms. Russell replied yes. As long as the Swift/McCargo's have access to their lot. Mr. Bloch suggested that if the Swift/McCargo's conserved the (former Lambert) lot, then Mr. Clark could request that the right-of-way be extinguished.

Mr. Clark clarified that if the McGuire-Pent Road didn't exit, then the right-of-way didn't exist. Ms. Russell replied yes. Mr. Clark asked that the fact that the right-of-way no longer existed be written into the Town land records and his deed.

Ms. Clark asked where it was written that the right-of-way was private. Ms. Russell said that Town staff would research the question and contact the Clarks.

4. APPROVE MINUTES

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of the Charlotte Selectboard meeting of 07/24/2006 as written with the following corrections/additions:

Page 1, #5, 1st sentence add the name "Shane Bluemle";

Page 2, 2nd paragraph, replace "stopping" with "slowing", and change to read "...painting lines on Ferry Road", last sentence change to read "and at State Park Road.";

Page 3, #9, 3rd line, regarding Hicks Road delete the words "remove from the list", and replace the word "dick" with "dock";

VOTE: 3 ayes, 2 absent; motion carried.

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of the Charlotte Selectboard meeting of 07/31/2006 as written.

VOTE: 3 ayes, 2 absent; motion carried.

The approval of the 08/07/2006 minutes was tabled until the next meeting of the Board.

5. CLARK HINSDALE, JR, HIGHWAY ACCESS PERMIT AT "SHEEHAN BARN" ON SPEAR STREET

Ms. Russell asked for Site Visit comments/questions.

Ms. Russell noted that the Land Use Planning Regulations requires that an entrance be located 225' from the nearest intersection. The current cut was 220' from the intersection. Mr. Hinsdale III said that it was easy enough to move the entrance over 5'.

Ms. Russell suggested holding off on a decision until a process was in place to approve a commercial access. Mr. Hinsdale III explained that the future owner of the parcel would like the access located so that he could park behind the barn. The barn would act to screen vehicles from the road. It was unlikely that (Mr. Denton) would use the entire four acres. Regarding access to Lot 21 there was a right-of-way off Valley View Drive in the deed, said Mr. Hinsdale III.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a request by Clark Hinsdale Jr. for a Highway Access Permit, HAP06-05, dated 08/04/2006, at the "Sheehan Barn" on Spear Street as presented.

DISCUSSION:

Mr. Bloch suggested potential conditions for approval as follows:

- That the access would be level with Spear Street for the first 30 feet.
- Remove the existing driveway and grass over the first 20-30 feet.
- The existing permit would be null and void.

Mr. Stone asked if the applicant would be constructing a commercial access. Mr. Hinsdale III asked if a commercial cut was considered, it was unclear if the Planning Commission would defer the curb cut amendment. Mr. Bloch explained that a commercial access was usually 18'-20' wide versus 14' for a residential access. Mr. Hinsdale III said could put a two-lane 18'-20' wide drive. The Selectboard could note that a commercial use would be subject to Site Plan Review in the future.

FRIENDLY AMENDMENT by Mr. Stone, to amend the motion that a commercial use would be subject to Site Plan Review and suggested conditions as noted in the discussion.

VOTE: 3 ayes, 2 absent; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to waive a \$100.00 access fee paid on the access, HAP06-05.

DISCUSSION:

Ms. Russell asked why waive the fee. Mr. Stone replied that the Planning Commission made a recommendation at the Sketch Plan Review.

Ms. Russell said that the Planning Commission recommended not to use the barn lot Spear Street access to go to Lot 21 behind the barn. Mr. Hinsdale III said that the applicant agreed to a Sketch Plan the recommendation was that it would be better to move the road access from where it was located. The thought was that it was better to concur on both points (the Spear Street access and access to Lot 21). Mr. Bloch said that the Planning Commission preferred that the Lot 21 driveway come in from the Valley View Drive side versus from Spear Street through the barn lot. Ms. Russell read the minutes of the Planning Commission meeting and a recommendation that the driveway to Lot 21 be maintained (from Valley View Drive). Ms. Russell suggested tabling the motion.

Mr. Stone and Ms. Cole withdrew the motion.

6. CLARK HINSDALE III, HIGHWAY ACCESS PERMIT ON EAST THOMPSON'S POINT ROAD

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a request by Clark Hinsdale III for a Highway Access Permit, HAP06-06, on State Park Road, East Charlotte, as presented.

DISCUSSION:

Ms. Russell noted that at the site visit a discussion was held regarding esthetics of the proposed road. Instead of a straight road from East Thompson's Point Road, it was suggested that a curve at East Thompson's Point Road would look better, and to move the entrance 20' to the west from where it was staked.

Mr. Stone asked if the Selectboard approved access, but not design. Ms. Russell replied yes.

Mr. Hinsdale III said that adding a curve to the drive would be fine, but input from the three adjoining neighbors would be needed.

Ms. Russell said the Selectboard would approve the access as shown on the Site Map, subject to the following conditions:

- Brush shall be cut to improve sight distances.
- Site distances were to the satisfaction of the Road Commissioner.
- Install a culvert 18" x 30'.

VOTE: 3 ayes, 2 absent; motion carried.

7. THOMPSON'S POINT WASTEWATER CONTRACT – Discussion of Bid Process

Agenda item #7 was tabled until the next meeting of the Board.

8. JAMES AND DAVID BAHRENBURG – Approve Open Space Agreement and Sewage Service Agreement, Waiver and Easement

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a waiver of an easement, and approve the Open Space Agreement and Sewage Service Agreement, and to authorize the Charlotte Selectboard Chair to sign the Open Space Agreement and Sewage Service Agreement documents on behalf of the Town of Charlotte.

DISCUSSION:

Ms. Russell reported that there were two minor changes to Exhibit A, Open Space Agreement. The Selectboard Chair would sign the document once the document was finalized.

VOTE: 3 ayes, 2 absent; motion carried.

9. WAIVE PLANNING FEES FOR STEVE DAVIS AND ELIZABETH LEONARD FOR AFFORDABLE HOUSING

Nancy Goodrich, Burlington Land Trust representative, explained that at Sketch Plan Review for the six units (five affordable units and one unit at market rate) the Planning Commission suggested that the applicant ask for a waiver of the fees.

Mr. Bloch reviewed that Spencer Harris would review the septic system as part of the review process. Fees were included as follows: \$500 Plat Fee, \$500 per unit, \$200 per unit for septic review and \$250 for septic construction. The application was classified as a PRD/PUD.

Ms. Russell said the request was to waive a total of \$4,300 for Planning and Preliminary review.

Ms. Goodrich said that the Burlington Land Trust would benefit the wavier of fees indirectly.

MOTION by Mr. Stone, seconded by Ms. Cole, to waive Planning, Preliminary, and permitting of the Septic fees for Steve Davis and Elizabeth Leonard for an affordable housing application as presented.

DISCUSSION:

Ms. Goodrich said that Steve Davis was the builder and has a niece living in Charlotte. The niece would live in the one market rate unit, which wouldn't be tied into the affordable portion of the application.

VOTE: 3 ayes, 2 absent; motion carried.

10. REPAIR OF WELL ON THE BURNS PROPERTY (Behind the Flea Market) – approve estimate

Ms. Russell reviewed that the existing water well house located on the Burns property was rotted and unsafe. An estimate totaling \$5,456.75 included repair of the well house. There was a \$140 fee for a service call and work, and an estimate of \$2,243.38 to repair the well equipment.

Mr. Stone said that the Old Lantern holding tanks were rotted out and the well house building was falling in. There had been a discussion with Jim Dickerson. (Mr. Dickerson) said he would talk to the new owners (of the Old Lantern) regarding financial assistance for the project, which would benefit the Old Lantern. There was money in the Town budget for repair and maintenance. Bids were sought for a three week period and only one bid was received, said Mr. Stone

Ms. Russell said the agreement was not clear regarding a water supply for the Old Lantern from the Burns property well. Mr. Hammer said that there was a well on the Old Lantern property that fed to Limerick Acres.

Mr. Stone said that Jim Dickerson had obtained a sketch of the water lines from Mr. Burns.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a bid by Classic Restoration in the amount of \$5,456.75 to repair the Burns property well house out of the Maintenance Fund as presented.

VOTE: 3 ayes, 2 absent; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a bid by Vermont Well and Pump to install a well and fittings for the amount of \$2,243.32 to repair the well on the Burns property as presented.

VOTE: 3 ayes, 2 absent; motion carried.

Mr. Stone would contact the bid winners.

11. TOWN HALL MAINTENANCE – Review Bids and Select Contractor

Mr. Stone explained that he had met with Justin Wiggman regarding Town Hall repairs and a walk-through was done. A total estimate for repairs was submitted for \$7,084.00. Mr. Stone reviewed a proposed scope of work list.

Ms. Cole suggested soliciting an estimate from some other contractors as a comparison. Mr. Stone replied that hiring a maintenance person with a budget line item to take care of the Town Hall, Library, Senior Center, etc had been suggested in the past.

MOTION by Mr. Stone, seconded by Ms. Cole, to award a bid for repairs to the Town Hall to Classic Restoration for an amount not to exceed \$7,084.00, to be funded by the Maintenance Fund.

VOTE: 3 ayes, 2 absent; motion carried.

Mr. Stone would contact Classic Restoration.

12. DISCUSSION OF PROCESS FOR REVIEWING ANCIENT HIGHWAYS FOR ADDING TO TOWN HIGHWAY MAP

Ms. Russell briefly reviewed a summary and list of identified ancient roads, and a proposed time schedule for reviewing several roads each Selectboard meeting to January. Discussions would continue with the full Board. Tim Eustus would continue a legal research of the Town records to identify and clarify roads.

Ms. Russell handed out a road map color coded with Class I, II, III and IV roads and legal trails. The final date to add the Class IV roads to the State Map was 02/10/2009. Public hearings would be warned and properly noticed.

Ms. Russell said that the intent was to change Meander Street to a legal trail. Currently, it was a Class IV road. The Town would need to warn a 10/09/2006 hearing by 08/25/2006.

Ms. Cole asked if copies of the colored map would be available for Board members.

Mr. Bloch said that Town Staff would locate adjoining property owners and notice them.

13. DELIBERATION ON DISCONTINUANCE OF SPEAR GERVIA ROAD (aka Uncle Tom's Road).

Ms. Russell noted that a draft Order of Discontinuance was prepared. A full Board would make a decision at the next meeting. The document specifies a trail along the property border. Staff would clarify the location of the McGuire-Pent Road location for Wayne Clark.

14. SELECTBOARD UPDATE/CHAIR'S REPORT

A) Trails Workshop

Ms. Russell said that a memo from Gary Franklin was received regarding hosting a meeting inviting all property owners to explore potential trail connections and share ideas related to the Trevor Mack Trail.

B) THOMPSON'S POINT WALK

Ms Cole reported that an archeological and educational walk on Thompson's Point was planned for Sunday, 09/10/2006.

C) VELCO

Ms. Cole reported that the VELCO Filing information on the proposed VELCO line route north of Greenbush Road and Ferry Road would be requested related to line design improvements. The Town has received feedback on the Town comments and the material would be reviewed. Design for the substation was still not clear. The Town has two weeks to respond to VELCO's overhead Ferry Road design (was submitted in June). The Town needs to respond to the existing plan and potential impacts to the community. A comparison would be done regarding the cost estimates of overhead and underground lines, said Ms. Cole. Mr. Bloch said that the Town has not received the filings yet, but the filings could be downloaded off the VELCO website.

15. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants.

16. ADJOURNMENT and EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Ms. Cole, to adjourn the meeting.

VOTE: unanimous; motion carried.

The meeting was adjourned at 9:04 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.