

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
JULY 11, 2005**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Jack Clemmons, Kate Martin, Carrie Spear, William Kendall, David Miskel, Jody Brown, Robert Mack Jr, Amy Wright (Kiernan), Peter Schneider, Jessie Donovan, Richard Bernstein, Peter Joslin, Karen Frost, John Owen, Dana Farley, John Hammer, Charlotte News.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:05 p.m.

2. ADJUSTMENT TO AGENDA

None.

3. PUBLIC DISCUSSION

None.

4. HIGHWAY ACCESS POLICY AND PROCEDURE – USE OF EXISTING CURB-CUTS FOR ADDITIONAL LOTS

Ms. Russell stated that a question was if the Highway Access Policy should be amended to address use of an existing curb cut for a second residential lot created from an existing lot, and if a second curb cut permit was needed. The driveway in question was an existing driveway. An access permit had been granted for the rear lot. There was a potential buyer for the rear lot and both lots would use the same driveway. The Town Attorney's opinion was that an existing access for one additional lot wouldn't require a permit.

Mr. Russell pointed out that the request is for a driveway that had a grandfathered access, which was not an approved curb cut. The Town might want to review the access for sight distances, etc. The current policy could be modified to address the situation.

Mr. Thornton said that if the curb cut already exists and is adequate for one house, then it must be adequate for a second. If the rest of the property were being subdivided significantly then a review would be needed. The Town can't take away an existing curb cut.

The Board asked that staff draft an amendment to the current policy to allow for one or more houses served by the same curb cut for Board consideration.

5. ARROCHER HAY LLC, GREENBUSH ROAD – APPLICATION FOR HIGHWAY ACCESS PERMIT HAP-05-08

Kate Martin, owner, appeared on behalf of the application.

STAFF NOTES

Ms. Russell noted that the Highway Supervisor has recommended trimming a Maple tree to improve sight distances north of the proposed curb cut.

APPLICANT COMMENTS

Ms. Martin explained that they were selling the property across the street (from their residence). Their realtor advised that (Martin) apply for a curb cut. The blue print is not specific where the curb cut would be on the north side of the road, which could be located anywhere within 169' as marked.

Mr. Russell pointed out that zoning regulations requires a driveway with a grade at no more than 3 percent.

Ms. Martin said that a marker near an existing telephone pole was for the septic system. There was a building site staked out to show where a 2,500 square foot house could go. A stake 169' from the corner with a Maple tree indicates the safest place where a driveway could go. The Maple tree was on Robert's property. Had been trimmed before and has grown back.

Jack Clemmons, neighbor, noted he had received a drawing of proposed lot in the mail, which did not show much information. The Site Plan was more detailed and showed a history of the property and successive ownership. Mr. Clemmons expressed concern of the lot layout for septic, water, driveway, etc in relation to (his) property. The Martin's have been in contact with me regarding their plans, said Mr. Clemmons.

BOARD QUESTIONS/COMMENTS

Ms. Cole expressed concern regarding a driveway that could be located "somewhere" within a 169' line and that the Maple tree was located on a neighboring property. Ms. Cole asked if Ms. Martin has discussed trimming the Maple tree with the neighbor. Ms. Martin explained that the neighbor was well aware of issues with the tree. The tree had been trimmed before so that they could enter and leave the hay field safely in the past. Mr. Bloch said that the Town would need written permission from the neighbor on file regarding the tree.

Mr. Russell suggested continuing the hearing and conducting a site visit. The driveway should be flagged in a definite location. The tree could be in the Town right of way, which should be checked with the Town Tree Warden.

MOTION by Mr. Russell, seconded by Ms. Cole, to continue the Public Hearing regarding Arrocher Hay, LLC, Greenbush Road, application for a Highway Access Permit, HAP-05-08, and to schedule a sight visit at 6:30 p.m. on 07/25/05.

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

6. CAMERON BROWN, THOMPSON'S POINT ROAD – APPLICATION FOR HIGHWAY ACCESS PERMIT HAP-05-09

Jodie Brown, owner, appeared on behalf of the application.

STAFF REPORT

Ms. Russell read an application request for a highway access permit, HAP-05-09, and opened the Public Hearing.

APPLICANT COMMENTS

Jodie Brown, applicant, explained a request to relocate an existing driveway 125' to the west. She had met with the Town Highway Commissioner and discussed a culvert for drainage and cutting small trees for an improved sight line. The sight lines are better at the proposed location versus at the existing site. A proposed new driveway was staked and flagged with orange surveyors tape. Ms. Brown explained the location of an existing garage and driveway. The proposed driveway would cut across the front yard and would also serve the barn in the rear and access to fields. Access to fields would be off that curb cut versus going through the building envelope. The existing driveway would be removed. An unapproved agriculture lane, which was pre-existing, goes into a cornfield.

BOARD QUESTIONS/COMMENTS

Ms. Cole pointed out that the (Town) road dipped down in the area of the existing driveway, and asked if the line of sight had been discussed with the Highway Commissioner. Ms. Brown replied that the current driveway is in the dip. The proposed driveway would take the access out of the dip and provide better visual distances.

**MOTION by Ms. Cole, seconded by Mr. Russell, to close the public hearing for a Highway Access Permit, HAP-05-09, by Cameron Brown, Thompson's Point Road.
VOTE: 5 ayes; motion carried.**

DELIBERATION/DECISION

MOTION by Ms. Cole, seconded by Mr. Stone, to approve a Highway Access Permit, HAP-05-09, by Cameron Brown, Thompson's Point Road, with conditions as follows:

- A 2' x 30' culvert would be installed
- Trees would be trimmed as necessary for improved sight lines
- The applicant shall removed the existing driveway.

VOTE: 5 ayes; motion carried.

7. CLARK HINSDALE, III, SUZANNE HINSDALE, PETER SCHNEIDER AND JESSICA DONOVAN, HINESBURG ROAD – APPLICATION FOR HIGHWAY ACCESS PERMIT HAP-05-10

Clark Hinsdale III, Peter Schneider and Jessica Donovan, co-owners, appeared on behalf of the application.

MOTION by Mr. Russell, seconded by Mr. Stone, to open a Public Hearing regarding a request by Clark Hinsdale, III, Suzanne Hinsdale, Peter Schneider and Jessica Donovan, Hinesburg Road, for a Highway Access Permit HAP-05-10.

VOTE: 5 ayes; motion carried.

APPLICANT COMMENTS

Mr. Hinsdale explained a brief history of the property, location of meandering wetlands throughout the property, and woods to the rear of the property. An access was proposed where the wetlands were the narrowest by the Town road ditch. The curb cut would provide access to the rear of the property and woods. The woods needed cleaning up. There had been a right of way reviewed and approved by a past Selectboard and was not on school property.

Ms. Russell said that she had driven past the property, but did not drive into the house yard, or stop. Ms. Russell asked if the existing signs on the telephone pole and school sign would obstruct views. Mr. Hinsdale said the proposed driveway location was staked, but could be moved east of the stake (closer to the school). Ms. Russell suggested moving the driveway west of the telephone pole. Mr. Hinsdale pointed out that the pole was to the west of the stake, but he would prefer to move it closer to the school.

In response to a Board question, Mr. Hinsdale said the proposed location was 35' away from a dry hydrant.

Ms. Russell stated that the proposal was only for an agricultural cut. Mr. Hinsdale replied (they) were not proposing anything else. The woods were in Current Use and Forest Management, but there has been no management since the ice storm. The woods could not be accessed from the dooryard due to wetlands.

PUBLIC COMMENT

Bill Kendall, Homestead Drive neighbor, expressed concern that once a road was in and the woods cleaned up the applicants would develop the site for houses. Mr. Kendall said he would prefer to see any potential development plans upfront since any development would impact the Homestead Drive neighborhood. Mr. Kendall agreed the woods had not been cleared since the ice storm. Mr. Hinsdale explained that they did not know the property well enough at this time to know what could be done with it. A master plan could be proposed by fall when (we) are more knowledgeable.

Mr. Kendall asked if the applicants had any sense of what they would do. There was 60 acres in the back, said Mr. Kendall. Mr. Hinsdale said that he typically puts 75 percent of a property in conservation. There was no clear cutting proposed in the woods. He would prefer to get neighbors, school and UVM input. He has been in contact with some of the neighbors. At this point only dead and damaged trees would be removed.

Ms. Russell reiterated that the request was for an agriculture cut. Any development would need to return to the Town.

There was further discussion regarding the location of the wetlands. Mr. Hinsdale pointed out the wetlands on a Town map and where the narrow spot was.

MOTION by Mr. Russell, seconded by Ms. Cole, to close the Public Hearing for a request by Clark Hinsdale, III, Suzanne Hinsdale, Peter Schneider and Jessica Donovan, Hinesburg Road, for a Highway Access Permit, HAP-05-10.

VOTE: 5 ayes; motion carried.

DELIBERATION/DECISION

MOTION by Mr. Russell, seconded by Ms. Cole, to approve a request by Clark Hinsdale, III, Suzanne Hinsdale, Peter Schneider and Jessica Donovan, Hinesburg Road, for a Highway Access Permit, HAP-05-10, with conditions:

- **Any signs that obstruct the line of sight view shall be moved.**
- **Placing the agricultural driveway where an existing utility pole doesn't obstruct views to the east.**
- **The applicants shall install a culvert as required by the Town.**

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

8. LEWIS CREEK ASSOCIATES, FERRY ROAD – APPLICATION FOR A HIGHWAY ACCESS PERMIT HAP-05-11

Dr. Richard Bernstein, owner, appeared on behalf of the application.

MOTION by Mr. Russell, seconded by Ms. Cole, to open a Public Hearing regarding a request by Lewis Creek Associates, Ferry Road – application for a Highway Access Permit HAP-05-11.

VOTE: 5 ayes; motion carried.

STAFF REPORT

Ms. Russell reviewed an application to re-approve an access permit that had expired, and asked if there were any changes proposed from the previous permit.

APPLICANT COMMENTS

Dr. Bernstein explained there were no changes in the design. There is a potential purchaser for a rear lot and the purchaser's plan was to rough in a driveway in the fall. The original approval included a condition that the existing driveway would be removed and the new driveway shared. (He) was requesting to retain the health center driveway until the new driveway was completed. Then the existing driveway would be removed.

PUBLIC COMMENT

John Hammer, neighbor, spoke in support of the application.

MOTION by Mr. Stone, seconded by Mr. Russell, to close the Public Hearing for a request by Lewis Creek Associates, Ferry Road – application for a Highway Access Permit HAP-05-11.

VOTE: 5 ayes; motion carried.

DELIBERATION/DECISION

MOTION by Mr. Stone, seconded by Mr. Russell, to approve a request by Lewis Creek Associates, Ferry Road – application for a Highway Access Permit HAP-05-11, with the following conditions:

- **To remove the existing driveway by December 2006.**
- **The applicant shall install a 18” x 30’ culvert.**

VOTE: 5 ayes; motion carried.

9. TRAIL MAINTENANCE IN CHARLOTTE PARK AND WILDLIFE REFUGE

Ms. Cole reported that the Charlotte Park and Wildlife Refuge budget of \$10,100 included funding for trail maintenance. A breakdown of proposed work included \$4,000 for park maintenance, \$3,000 for a gate replacement and raking for the amount of \$3,100. Spreading wood chips on the lower trail at a cost \$2,400.

Ms. Cole reviewed areas in the park that were eroded and needed added gravel. It was suggested completing one-half of the maintenance project this year. Landscapers were contacted for estimates.

Ms. Russell noted that \$2,500 agricultural lease revenue was in the budget. A lease was signed and the fee paid in June.

There was further discussion regarding chip spreading at a cost of \$2,400, how much gravel repair could be done, and if the entire project could be completed by utilizing the budgeted \$10,100 and agricultural lease revenue combined. Mr. Russell commented that Country Products was looking for places to field-testing equipment. Ms. Cole would contact the company.

Mr. Mack asked how much money would carry over from the park budget. Ms. Russell replied that the park maintenance would take \$9,100 from a budgeted \$10,100. There would be \$1,000 and the agricultural lease payment remaining.

10. BURNS PROPERTY AND VILLAGE PLANNING COMMITTEE – REVIEW OF CONSULTANT’S FINAL REPORT, AND COMMITTEE’S RECOMMENDATIONS FOR FUTURE ACTION

Dana Farley, Village Planning Committee representative, briefly reviewed a December committee presentation that included a consultant master plan and a final report. Recommendations from the consultant’s report were summarized as outlined in the report.

Ms. Farley reported that the committee had met with Gil Livingston, Vermont Land Trust, and Paul Bruhn, Preservation Trust, who said they would like to see a letter from the Town regarding details for implementation of the plan. There was no sense that the Vermont Land Trust or the Preservation Trust has any financial assistance for feasibility studies. Funding for community-supported agriculture might be available. The Burns property could be a pilot for a community supported agricultural program. Ms. Farley

suggested that the Town consider appropriating money for planning funds, or apply for a municipal planning grant

Ms. Farley suggested that the Selectboard either disband the committee or re-commission it with a charge to continue work the on report recommendations and strategize implementation. It was noted that there had been no input received from Dick LeBeouf and that would need to be rectified. There was potential to develop a 5-acre parcel for affordable housing (or senior or market rate housing) on the Burns property. Public input was received that ranged from keeping the land open, or if it was developed, the plan should be respectful of the surrounding neighborhood. A wastewater treatment site could be a Town asset for in-fill in the Village. The School Board did not indicate that they were interested in using a portion of the Burns property for a future school site.

Ms. Russell asked for clarification of what the Land Trust or Preservation Trust was seeking from the Town. Ms. Farley replied in terms of what has been accomplished to date they were thrilled. They were seeking more support and commitment from the Town related to next steps.

Ms. Russell asked the committee to prepare a one-page summary for Board review. The Board would need to meet with Mr. Livingston and Mr. Bruhn regarding next steps.

11. THORP BARN – APPROVE LETTER FOR GRANT REQUESTS

Ms. Russell passed out copies of a draft letter, dated 07/05/05, to Doug Porter from the Town for Board review.

Ms. Cole reported that Mr. Porter had met with the Thorp Barn Committee at the Thorp Barn. Mr. Porter recommended applying for two Preservation Trust of Vermont technical assistance grants. A \$500 with a \$250 Town match would pay for an assessment of the barn. A second \$500 with a \$250 Town match would pay for a fund raising consultant to assist planning a fundraising campaign for the barn restoration. Mr. Porter has started the assessment process. A copy of a 2002 engineering study would be sent to Mr. Porter. There was \$9,000 in the Thorp Barn Fund for the match money.

**MOTION by Mr. Thornton, seconded by Mr. Russell, to approve a draft letter to Doug Porter regarding two grant requests, dated 07/05/05, and to authorize the Selectboard Chairperson to sign the letter on behalf of the Town of Charlotte.
VOTE: 5 ayes; motion carried.**

12. SELECTBOARD UPDATE/CHAIR'S REPORT: Budget Review, Plouffe Lane Trails, War Memorial, GMP/CELCO Update

a) BUDGET REVIEW

Ms. Russell handed out a summary of the End-of-Year Budget, and noted that there was an increase in expenses of \$44,469. Revenues were \$162,000, and Expenses were a total of \$278,000 over budget. Line items over budget included Selectboard Legal Fees, Fire/Rescue departments, Audit Expense, and Miscellaneous. The Recreation Path included a \$117,000 grant.

b) PLOUFFE LANE TRAILS

Ms. Russell noted that there were legal issues regarding right-of-ways. There were on-going discussions.

c) WAR MEMORIAL

Mr. Thornton reported that the damaged war memorial located at the school was repaired. Ms. Cole said that cost to move the memorials would be forwarded. It was suggested forming a committee to discuss a central location for all the Town war memorials. At this time Happy Patrick, Mary Lighthall, and Beth Merritt have expressed interest in serving on a committee.

Mr. Thornton suggested contacting the State for a list of Charlotte veterans.

Ms. Cole suggested a plaque for Allen Bean be placed on the East Charlotte green. A nice stone was located on the Bean farm to mount the plaque.

d) GMP/VELCO

Ms. Russell reported that she had discussed the issue with the Town Attorney. The Town Attorney would contact GMP regarding collaboration with VELCO related to the proposed new transmission line. VELCO has let the public know costs would be significantly higher than estimated.

e) WORK SESSION

Ms. Russell said that the Selectboard would meet Tuesday, 7:00 p.m. – 9:00 p.m. July 12 to discuss Land Use Regulations, Chapter 3, starting with Section 3.12. A meeting scheduled for 07/19/05 would be rescheduled.

f) ANNUAL TOWN EMPLOYEE APPRAISALS

Ms. Russell noted that Annual Town Employee appraisals would be done.

g) MT PHILO UTILITY POLES UPDATE

Ms. Russell read a portion of a letter from Larry Hamilton regarding removal of the utility poles on Mt Philo Road. Staff would contact Verizon.

13. APPROVAL OF MINUTES

MOTION by Mr. Russell, seconded by Mr. Stone, to approve the minutes of 06/27/05 as written, with the following corrections/additions:

Globally correct the spelling of “Zoe”;

Page 1, Public Discussion, 4th sentence; delete “... and removal of a pipe.”

Page 3; change the numerical order to read, “5. Thorpe...”, Agenda Item #6, 1st paragraph, 5th sentence; delete the word “the” before “Tom”;

Page 5, last sentence; change the date “July 10” to “July 19”;

Page 6, c) VELCO Timetable, see attachment as per Ms. Cole; h) change the word “was” to read “...is 09/30/05”.

VOTE: 5 ayes; motion carried.

14. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

15. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:20 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.