

**TOWN OF CHARLOTTE
SELECTBOARD
MAY 9, 2005**

APPROVED MINUTES

MEMBERS PRESENT: Eleanor Russell, Chairperson; Ed Stone, Jennifer Cole, Francis Thornton, Charles Russell (arrived 8:15 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Clark W. Hinsdale Jr, Clark W. Hinsdale III, Tom Kenyon, Gerianne Smart, Robbie Stanley, David Miskell, Jeanette Andrew, Chris VonTrapp, Peter Nobes, Lisa Simon, Marion Bausch, Doug Hewitt, Linda Hamilton, Marty Illick, Theresa (?), Hugh Lewis Jr, Carrie Spear, David Miskell, Kate Lampton, and others.

SITE VISIT: Marion Bausch: Access Permit (application HAP-05-05) on Bingham Brook Road (5:30 p. m.)

SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-03) on Hinesburg Road (6:00 p. m.)

SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-04) on Spear Street (6:15 p. m.)

SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-06) on Hinesburg Road (6:30 p. m.)

1. CALL TO ORDER

Ms. Russell called the meeting to order at 7:00 p.m.

2. ADJUSTMENT TO AGENDA

None.

3. PUBLIC DISCUSSION

Tom Kenyon explained that the Town has not done the drainage work on the parcel he leases for organic farming (hay or wheat) off Thompson's Point Road. Both sides of the road need drainage ditches so he could use the field(s) again. A one-year lease document was signed versus a five-year lease. Jenny Cole showed location of the parcel on the Town Map.

There was brief discussion regarding a \$15 per year lease that would cost the Town \$3,500 for ditch work. Tom Kenyon said he would prefer a five-year lease. The lease last year was a one-year agreement.

Ed Stone suggested placing the work out to bid.

4. APPROVAL OF MINUTES APRIL 11, 2005, April 22, April 25

A MOTION by Jenny Cole, seconded by Ed Stone, to approve the minutes of 04/11/05 as written, with corrections:

Page 2, 2nd paragraph, the closure of Hinesburg Road “from 4:15 p.m. to 4:45 p.m”.

Page 5, MOTION; change the word “hire” to “appoint”;

Page 6, 4th paragraph from bottom; change to read “...Charles Russell and Ed Stone...”; correct the spelling of “Albrecht”;

Page 7, VELCO discussion; change to “...345 kV line...”

VOTE: 4 ayes, 1 absent (Charles Russell); motion carried.

A MOTION by Ed Stone, seconded by Jenny Cole, to approve the minutes of 04/22/05 as written.

VOTE: 4 ayes, 1 absent (Charles Russell); motion carried.

A MOTION by Ed Stone, seconded by Frank Thornton, to approve the minutes of 04/25/05 as written, with the following corrections/additions:

Page 1, agenda #5; change to read: “...a decrease in the TIP fee...”

Page 5, agenda #9, 3rd paragraph; change to read: “...on weekends and holidays only.” Kate Lampton “representative of the Champlain Valley Green Belt Alliance”

Page 6, globally change the name “McGuire-Prent Road” to “McGuire-Pent Road”; and correct the name “Obe’s” to “Aube’s”;

Page 7, under Fire/Rescue discussion; change to read: “...Mr. Stone and Ms. Russell met...”

Page 8; change to read “...zoning language was like writing law and was technical...”;

Page 9, 1st line; change to read “...June Selectboard meeting...”.

VOTE: 4 ayes, 1 absent (Charles Russell); motion carried.

4. GERIANNE SMART – REQUEST TO ALLOW FILMING (WITH TRAFFIC CONTROL) ON GREENBUSH ROAD AT THE UNDERPASS

Gerianne Smart, Pasture Productions representative, explained the need to temporarily close Greenbush Road at the railroad underpass to complete filming of a chase scene for the film “The Summer of Walter Hacks”. Gerianne Smart handed out a photograph album of prints and tracking of scenes done over the last year for Board review. A candy/printed explanation/thank you would be handed out to waiting motorist during the filming. The Town would be acknowledged in the film credits.

There was discussion regarding safety issues (traffic control personnel would wear orange safety vests, cones would be placed on the road and neighbors would be notified); advertisements placed in the local newspapers; Selectboard suggestions to place road closure warning signs at Orchard Road, Lake Road and by the Brick Store; and expected delays of 15 minutes at a time during filming of the tractor scene. Gerianne Smart said that any debris would be cleaned up. Jenny Cole suggested notifying the Fire and Rescue departments, as well as the Post Office.

MOTION by Frank Thompson, seconded by Ed Stone, to approve filming of the chase/tractor scene at the Greenbush Road railroad underpass by Pasture Productions as presented.

VOTE: 4 ayes, 1 absent (Charles Russell); motion carried.

5. KATE LAMPTON, CHARLOTTE LAND TRUST – DISCUSSION REGARDING TRANSFERRING AN OPEN SPACE AGREEMENT TO THE VERMONT LAND TRUST

Kate Lampton, Charlotte Land Trust representative, explained a proposal to transfer a Town/Sheehan subdivision Open Space agreement to the Vermont Land Trust. There are four approved building lots. The net result would be more land conserved. The Vermont Land Trust would conserve three of the housing lots and one lot would be developed. The Vermont Housing and Conservation Board was seeking a statement of intent from the Town. A draft Selectboard letter has been submitted for Board review.

Frank Thornton asked what the advantage to the Town was. Kate Lampton explained the Town would gain more land under conservation. Currently there was open space and four building lots proposed. Under the agreement there would be one building lot and everything else would be conserved. Also, a non-dairy alternative agricultural business would be proposed. The Vermont Land Trust would steward the land.

MOTION by Jenny Cole, seconded by Ed Stone, to authorize the Charlotte Selectboard Chairperson to sign a draft Selectboard letter regarding a proposed transfer of a Town Open Space Agreement for a conservation easement to the Vermont Land Trust regarding the Hinsdale Hinesburg Road property as presented.

VOTE: 3 ayes, 1 nay (Frank Thornton), 1 absent (Charles Russell); motion carried.

6. MARION BAUSCH – ACCESS PERMIT (Application HAP 05-05) on Bingham Brook Road

Marion Bausch explained a request for an access permit regarding an exception for a “highway access in a case of hardship.” The proposed southern relocation of a driveway would not work. Winter navigation of the proposed driveway would be difficult, would open up the woods and create environmental destruction to wildlife and esthetics of the area. Ellie Russell asked if Ms. Bausch was seeking to retain the current entrance and create a second entrance to the subdivision lot. Marion Bausch replied yes.

There was discussion regarding Town Highway Department work on the line-of-sight improvements last fall (clearing brush and lowering the height of the slope); a Town policy to approve one road cut; and potential options that included using the existing entrance and cutting across to the east to the new driveway. Doug Hewitt, engineer, reviewed a letter to the Selectboard, dated May 2, 2005, that summarized findings based on a site visit. A shared driveway would add more traffic to a less than standard access. The Conservation Commission has viewed the access. The steepest point was a 12 percent grade. Would changing it put it back before the commission for review, asked Doug Hewitt. Ellie Russell replied yes.

Chris VonTrapp, realtor, said that Ms. Bausch has learned to navigate the existing driveway. The sale of a back lot was precipitated by Ms. Bausch's desire to remain in a house that she has lived in for 36 years. The Board could condition a decision that when the property transfers to the next owner then the driveways would be combined.

Lisa Simon said that the key was to make sure the driveway was no more challenging than it already is. The driveway was steep and faced the north side. In winter (you) must park at the bottom. Access of emergency vehicles was a concern.

Jenny Cole suggested a site visit, as well as cutting back trees and the bank to further improve the sight lines.

Carrie Spear, resident, commented that a potential purchaser of the back lot was a 20-something coming back to Vermont. The person could be future asset to the community.

MOTION by Frank Thornton, seconded by Jenny Cole, to close the public hearing regarding a request by Marion Bausch for an Access Permit (Application HAP 05-05) on Bingham Brook Road.

VOTE: 4 ayes, 1 absent (Charlie Russell); motion carried.

7. SITE VISIT: Clark Hinsdale Jr. - Access Permits (Application HAP 05-03, HAP 05-04, and HAP 05-06)

a) SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-03) on Hinesburg Road

Clark Hinsdale III explained an application regarding a request for an access permit on Hinesburg Road east of the East Charlotte Village. The access meets the Town standards and has been reviewed by the Town Highway Department. The application was previously approved for four houses. The original access was an old farm road and has now been moved away from a wetland area. The new access was square against the driveway across the road. No trees would be cut - just brush at the new location.

MOTION by Jenny Cole, seconded by Frank Thornton, to close the public hearing regarding a request by Clark Hinsdale Jr for an Access Permit (Application HAP 05-03) on Hinesburg Road.

VOTE: 4 ayes, 1 absent (Charlie Russell); motion carried.

SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-04) on Spear Street

Clark Hinsdale III explained an application regarding a request for an access permit on Spear Street, which was part of the original Sheehan subdivision. Lot 21 and open space would be sold to a single buyer and was being added to the development. The access was on the west-facing slope out of view of the highway and from the neighbors across the road. The access meets sight distance standards and was located at a point between commercial and open space areas. An existing entrance would be maintained until the new access was built.

Dean Bloch noted that the Planning Commission said that it looked like the proposed driveway was near, or at, the Open Space area. The Selectboard could amend the open space designation at the driveway at some point. Comments from the Highway Department were needed.

Clark Hinsdale III said that a business use would require a site plan review. It would not be used commercially at this time, but a future owner might. The proposed driveway might impact a few feet of the open space. Ellie Russell said that it was better to place the driveway as indicated at the site visit (this date) than to potentially encroach on the open space.

Clark Hinsdale III said the driveway as planned would go through a commercial space to a residential space. The curb cut might straddle the commercial/open space. The actual entrance would be square with the Sheehan-Green Road. Measurements would be taken and if it did encroach on the open space then he would come in to modify the application as a combined commercial/agricultural/residential. Clark Hinsdale III suggested that if the Selectboard amended the open space agreement he would return to the Planning Commission as part of the process.

MOTION by Frank Thornton, seconded by Ed Stone, to close the public hearing regarding a request by Clark Hinsdale Jr for an Access Permit (Application HAP 05-04) on Spear Street.

VOTE: 4 ayes, 1 absent (Charlie Russell); motion carried.

SITE VISIT: Clark Hinsdale Jr.: Access Permit (application HAP-05-06) on Hinesburg Road

Clark Hinsdale III explained an application regarding a request for an access permit on Hinesburg Road west of the intersection on the north side of the road. He was seeking an amended application based on a site visit (05/09/05). The proposed driveway would be moved 125' east. At site visit it was determined that the uphill side had a better sight distance. There was 400' more or less from the center of the intersection and 125' east from what was shown on the application. Traffic patterns approaching the stop sign at the intersection was observed. There was a mix of slow and fast stops. The applicant agreed with the assessment of the site visit committee. The Sheehan-Green neighbors requested that the access not be put near them.

There was further discussion regarding the safety issues at the Sheehan-Green Road (it was hazardous at the hill and during the winter snow builds up there); Lot 18, which ended up in a Class III wetlands buffer (Carrie Spear suggested building a duplex for affordable housing); if the access should be modified to meet today's standards; and a determined that the declaration of Sheehan-Green included lots 3-18. Clark Hinsdale III said that he was paying a pro-rata share of the road maintenance costs. If he didn't use it then the pro-rata share was zero.

Hugh Lewis Jr. said that it was better to locate the access down the hill. Where the original stake was would mean more water in the road.

(NOTE: Charles Russell joined the meeting at this point)

Dick Stone, Sheehan-Green President, said that they appreciated the applicants' willingness to explore alternatives. There were close mishaps on the Sheehan-Green knoll then on Hinesburg Road. Snow does accumulate and the sun hits your eyes. We put up a snow fence and have used a pay-loader to remove snow. The Sheehan-Green residents would resist a road at the top of the hill. Dick Stone showed the locations of a fire pond, road access, wetlands across the front of Lot 18, and houses already built on a Site Map.

Dean Bloch asked if the Selectboard needed to schedule a site visit and noted that if the Selectboard closed the hearing then no more new testimony would be taken. Ed Stone suggested measuring the 125'.

Charles Russell indicated that he was comfortable closing the hearing.

MOTION by Frank Thornton, seconded by Ed Stone, to close the public hearing regarding a request by Clark Hinsdale Jr for an Access Permit (Application HAP 05-06) on Hinesburg Road.

VOTE: 5 ayes; motion carried.

8. HIGBEE ROAD – APPROVE CONTRACT FOR DESIGN WORK

MOTION by Ed Stone, seconded by Charles Russell, to approve a proposed contract for professional services from, Consulting Engineers, for an amount not to exceed \$6,550;

FRIENDLY AMENDMENT by Frank Thornton, that if the amount exceeds \$6,550 then the consultant would return before the Selectboard for review/approval.

DISCUSSION:

Dean Bloch noted that the new road would need to be surveyed, but not under this contract. Clark Hinsdale III suggested hiring Stuart Morrow once the centerline was staked out.

Ed Stone explained that another bid was lower but it was thought that Lamoureux and Dickinson bid was more thorough.

VOTE: 5 ayes; motion carried.

9. DICK HOSKING OF VTRANS – ANNUAL DISCUSSION OF VTRANS PROGRAMS AND ISSUES

Dick Hoskins, VTrans District Manager, handed out copies of a Local Officials listing form for Board signature. Ellie Russell filled out the form.

Dick Hoskins reported on changes to the state roadside Ditch Treatment Management practices, state funding approved for scrim overlay on Spear Street, approval of a culvert on Town Highway 24, and that the stop lights at the F-5/Route 7 intersection would be re-configured and re-timed.

Ed Stone suggested a right turn lane south on Route 7 onto F-5. Dick Hoskins replied that a permit would be required. Lamoureux and Dickinson do a lot of signal work. A signal head would be needed and could designate a “no right turn” on red if there was a safety concern. What currently exists was the safest configuration, or curbing could be put in.

In response to a Board question regarding the Route 7 project, Dick Hoskins replied it is a CCMPO project and suggested contacting the Town CCMPO representative.

11. LINDA HAMILTON – APPLICATION TO BETTER BACKROADS FOR GRANT FOR EROSION CONTROL

Linda Hamilton reviewed an application for a Better Backroads grant for erosion control. The grant included a road inventory that could be used to create a Capital budget. It was an annual grant. Selectboard signature was needed on the application.

There was discussion regarding problem roads; Roscoe Road bridge area (erosion of the road and back slope material was discharging into Lewis Creek); a Charlotte Conservation Committee report that recommended replacement of three culverts; the grant amount of \$7,000 with a \$2,333.33 town match for a total of \$9,333.33 and a \$4,000 Capital Program and Plan with a \$1,333.33 Town match for a total of \$5,333.33.

MOTION by Frank Thornton, seconded by Ed Stone, to approve an application for a Better Backroads grant for erosion control; and to authorize the Charlotte Selectboard Chairperson to sign the application document.

VOTE: 5 ayes; motion carried.

The Chairperson signed the grant application document.

Ellie Russell noted that a Department of Public Safety FEMA grant deadline was July 8, 2005. Marty Illick said she would research if the CCRPC had applied for a FEMA grant.

12. JUNIOR LEWIS – DISCUSSION OF CHIP-SEALING THOMPSON’S POINT ROAD

There was discussion regarding a proposal to pave East Thompson’s Point Road (Hugh Lewis Jr stated that the residents on the road were not in favor of paving the road); road features that result in dust and a wash-board road surface (no trees and car speed); and potential to chip-seal the road (Ellie Russell said that chip-sealing the road would retain the dirt road appearance). Hugh Lewis Jr explained the chip-sealing process and that brown material from Hinesburg would look like dirt, but the road would be paved. Speed would increase, but the rock would solve the dirt road issues. There was an estimated cost of \$30,000 for chip sealing.

Theresa Marko (?), resident, spoke in support of retaining the dirt road and explained that she walks on East Thompson’s Road, which is a very rural beautiful road with trails. People go fast on the road already. Hugh Lewis Jr said that there was a good chance the

road might not be paved next year. What was on Mt. Philo Road was sprayed tar with a rock layer.

Marty Illick suggested an alternative, such as trees planted along the road to retain moisture and trees acted as traffic calming. Marty Illick asked if the number of road trips warranted paving. Frank Thornton said that once the traffic load gets to a certain point it would be paved. The potholes were a liability to the Town. An audience member suggested waiting on paving until potential future development supported the cost.

There was further discussion regarding the number of cars (4 cars per hours in an informal survey); spending money on tree plantings versus paving; potential to conduct a traffic study; and not making changes on the road until more public comment was received.

13. PARCEL-MAPPING CONTRACT

Dean Bloch explained that \$2,000 was budgeted to update the Town parcel map.

MOTION by Charles Russell, seconded by Frank Thornton, to approve a Parcel-Mapping contract with R. G. Turner Company for 2005 as presented.

VOTE: 5 ayes; motion carried.

The Selectboard members signed the Parcel Map Contract document.

14. UTILITY POLE RELOCATION IN CHARLOTTE WILDLIFE REFUGE – Approve Easement

Jenny Cole explained a Green Mountain Power proposal to replace a utility and support poles on the east side of the road, and a request to re-configure a change of the easement to the east. The changes would improve the situation if the VELCO line goes through the area. VELCO might require an easement and it is recommended to wait on approval. The maps were unclear regarding the location of the poles. Jenny Cole would seek clarification.

15. APPROVAL OF RESOLUTION REGARDING USE OF STATE EDUCATION FUND

MOTION by Charles Russell, seconded by Jenny Cole, to approve a proposed Resolution to prevent the illegal use of the State Education Fund.

DISCUSSION:

Frank Thornton clarified it is a letter to the Legislature asking that no State Education funds be diverted for other purposes, such as adult education that was offered through supervisory unions. The education fund was the result of passage of the Brigham Decision, ACT 60 and ACT 68.

Clark Hinsdale stated that if each town wrote their own letters it would be a stronger message to the Legislature. Charles Russell said that if all towns supported the resolution then that would present a stronger position.

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

16. SELECTBOARD UPDATE/CHAIR'S REPORT**a) ALAN BEAN AWARD**

Jenny Cole reported on a proposal to install a memorial plaque or establish a scholarship in memory of Alan Bean. An estimated cost for a plaque was \$700, or \$1,500 for a stone. Suggested locations for a plaque included the Town Green, the Fire Station, or to move all three separate veterans war memorials to one space. Jenny Cole displayed draft wording for a plaque for comments.

Ed Stone spoke in favor of a scholarship rather than a plaque. Jenny Cole said that investment with the Vermont Police Association was suggested due to Alan's interest in the police. A question was how long a fund could be maintained if \$1,000 was awarded each year.

Charles Russell pointed out there were Town trails dedicated to individuals.

Clark Hinsdale III spoke in favor of a memorial on the Town green and encouraged the Town to appoint a committee to explore a memorial. There were service clubs in Town that could explore appropriate memorial sites as part of their mission (historical, senior, rotary, etc). There could be a landscape plan for the Town buildings, such as the memorial trees on the UVM campus. Living trees are nice symbols. Rick Pete, a landscape architect, and Happy Patrick could be consulted.

Jenny Cole reported that Mr. Bean (father) did not have a specific request.

There was further discussion regarding a potential plan and options for different monuments, placing a plaque, or stone, and then have the option of moving it at a later date, and seeking further input/comments/ideas.

b) TOWN PARTY

The Town Party was scheduled for Saturday, 07/09/05. Ellie Russell would reserve a table for Selectboard purposes (presenting Town information).

c) CHVB DECISION

CHVB has requested continued Town reports regarding affordable housing projects, such as the Titus Farm, which has been approved.

d) TOWN POLICIES UPDATE

Steve Stitzel has reviewed and approved town policies.

e) SPEAR-GERVIA ROAD UPDATE

Dean Bloch reported that the Town could close the Spear-Gervia Road to motorized vehicle traffic under certain circumstances, such as if the road crossed private land. Frank Thornton said that the Planning Commission had the McGuire-Pent Road going all the way to Tom's Road. There was question if it did, or not.

There was discussion regarding public restriction of vehicle access except to adjoining land owners who could continue to use vehicles on the road; concerns if public interest would be pre-empted if the Town made a deal with the landowners; the reasons that the roads were left the way they were; a suggestion to request road research already done by landowners/attorneys for review to see if McGuire-Pent Road went all the way to Tom's Road; and whether farm equipment could be driven down the Town right-of-way (someone was planting trees in the right-of-way).

Ed Stone noted that Mr. and Mrs. Clark gave deeded rights to the Lamberts to access the Lambert lot. Clark Hinsdale III said that the Planning Commission required a 60' easement. The old town roads are three-rod road (48') so had brought up to standards.

Ed Stone stated that it was in the Town interest to take down the chain and to leave the road as is. There was a trail that goes all the way already. Charles Russell said that it was important to know if the McGuire-Pent connected or not.

FUTURE AGENDA TOPIC: McGuire-Pent Road

f) PLANNING COMMISSION APPOINTMENTS

Ellie Russell reported that a written letter was received from Robert Mack regarding interest in serving on the Planning Commission. An interview would be scheduled at the next Selectboard meeting.

g) BYLAWS WORK SESSION

A Bylaws Work Session, Chapter 3, was scheduled for Monday, 05/16/05, 7:30 p.m. and Tuesday 05/17/05 at 7:00 p.m.

17. BILLS AND WARRANTS

The Selectboard members signed the Bills and Warrants as presented.

18. ADJOURNMENT

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

VOTE: unanimous; motion carried.

The meeting was adjourned at 10:00 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.