

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
MAY 12, 2008**

*Approved*

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

**ADMINISTRATION:** Dean Bloch.

**OTHERS:** Matthew Burke, Garrett Mott, Justin Dextradeau, Greg Brown, Marty Illick, Robert Chutter, Ellie Russell, Walter Gates, Martha Perkins, Jack Pella, Deb Stone, Carrie Spear, Dorothy Hill, Nancy Barnes, Stephen Brooks, Peter Smyar, John Hammer, Charlotte News, and others.

**5:30 p.m. Site Visit at proposed access for Henrietta Fridholm property, 2278 Ferry Road**

**6:00 p.m. At Town Hall: Work-session on Selectboard's process and communication**

**1. CALL TO ORDER**

Mr. Russell called the Selectboard meeting to order at 7:04 p.m.

**2. APPROVAL OF AGENDA AND CONSENT AGENDA**

There were no changes to the agenda.

**MOTION by Mr. Thornton, seconded by Mr. Ladue, to adjourn as the Selectboard and convene as the Liquor Control Board.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Thornton, seconded by Mr. Ladue to approve a Second Class liquor license for the Spear Store as presented.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Thornton, seconded by Mr. Ladue, to adjourn as the Liquor Control Board and reconvene as the Selectboard.**

**VOTE: 5 ayes; motion carried.**

Mr. Thornton expressed concern that the Planning Commission would condition a fire pond for the Mary Beth Freeman subdivision approval. The Town Attorney should have told the Town that we couldn't win a court appeal.

**MOTION by Ms. Cole, seconded by Mr. Ladue, to approve a stipulation of dismissal and order for the Freeman subdivision filed with the Environmental Court.**

**VOTE: 3 ayes, 2 abstentions (Mr. Russell, Mr. Stone); motion carried.**

**3. PUBLIC DISCUSSION**

None.

**4. MINUTES: April 28, 2008**

**MOTION by Mr. Ladue, seconded by Ms. Cole, to approve the minutes of 04/28/2008 as written with the following corrections:**

**Globally correct the name "Jessie Bradley";**

**Page 3, correct the name "Cedar Cowles".**

**VOTE: 5 ayes; motion carried.**

**5. CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION**

**A) The Draft 2009 Work Program**

Garrett Mott, CCRPC Chair, introduced Greg Brown, CCRPC Executive Director. The Chair term ends June 30<sup>th</sup>. Greg Brown is leaving and Charlie Baker has been selected as the new Executive Director. The draft 2009 CCRPC Work Plan was coming up for approval.

Mr. Brown handed out copies of a draft 2009 CCRPC Work Plan for Board review, and explained that the Annual Work Plan was an internal document that spelled out where the CCRPC resources were allocated, includes a task(s) description and strategies. The work plan would be adopted in May. Elenie Churchill is the CCMPO contact.

Mr. Mott noted that a Corridor Committee for the Route 7 and rail road western corridor (Bennington to Highgate) was an important piece. The rail road is not a direct partner with the CCRPC, but is with the CCMPO.

Marty Illick said that an output is in forming a long range state and county transportation corridor plan. Mr. Brown said that the Charlotte view of the Route 7 corridor was known.

Mr. Brown noted that the CCRPC and CCMPO offices were exploring office relocation options.

The Board thanked The CCRPC representatives for their service.

**6. THORPE BARN COMMITTEE – Request for Consent to Apply for Conditional Use Review for Use as a Public Facility**

Martha Perkins and Robert Chutter, Thorpe Barn Committee members, presented a written proposal regarding a Thorpe Barn Museum to open to the public seasonally May through October. Parking is proposed as a grass lot at the barn. The Thorpe Barn Committee would fund raise to provide maintenance funding for the barn. The Town would have a line item similar to the Senior Center in the Town budget and the Friends of the Park would establish a fund to support the Park and barn.

Ms. Cole clarified that the barn is incorporated in the Friends of the Park versus as a separate line item in the Town budget.

There was discussion regarding an existing entrance off Route 7 and a proposed access at the Varney Farm as a new access, security at the Barn to be provided by the Town, use as a Town recreation resource (the barn is listed as a state historical outbuilding), access off Route 7 and/or Greenbush Road, and neighbor concerns regarding public access and use as a public facility. Mr. Ladue suggested a site visit to the Thorpe Barn to review barn uses, access from Route 7 or the Varney Farm easement, and the site plan.

Dorothy Hill, neighbor, pointed out that the Demeter Park was awarded a federal funding grant to enhance travelers experiences along Route 7. Planning two turn offs on a busy Route 7 didn't make sense.

Jack Pella, neighbor, said that the same questions and concerns were presented to the Thorpe Barn Committee last year. The barn as a public facility doesn't fit into the scope of the Park. Mr. Pella handed out copies of the Park MOU for Board review. Ms. Cole explained that the Land Trust knew that the topic would be discussed. There is a note book from when the Park was first developed and research on the Thorpe Barn related to value and uniqueness was included. The use proposed has been discussed for some time. The barn could be used to showcase the Town's agricultural history. It is a part of the Park.

Ms. Perkins noted that the VLTC and VHCB sent e-mails regarding a proposed parking plan that was acceptable to them.

Ms. Cole suggested formulating a check list of what steps were to be done so that everyone understood the proposal.

It was suggested that the Demeter Fund agreement should be review to find out if the Thorpe Barn Committee proposal was acceptable.

Mr. Ladue pointed out that the Town Plan didn't include language for a Town museum at the Thorpe Barn. Ms. Cole replied that the Thorpe Barn Committee was given the task to raise funds and in order to do so a use was needed to support any fund raising.

There was further discussion regarding an intended use as a public facility; audience requests for additional public input; a suggestion for direct communication with Steve Rockefeller; a question if the Town could use the barn property as a museum, or not; and a Town Meeting five years ago that indicated public support for restoring the barn.

Ms. Perkins stated that she has worked for 10 years on the project. It is a great barn, but the committee can't raise funds without showing that there was a use. She was not willing to go forward with efforts due to comments made to her. Ms. Perkins wished the Town well on the project.

## **7. INTERVIEW BIRGIT DEEDS FOR THE CONSERVATION COMMISSION**

The Board deferred action until the next meeting of the Board.

**8. INTERVIEW HOLLY SULLIVAN FOR THE CONSERVATION COMMISSION AND THE SCENIC BYWAYS COUNCIL**

The Board reviewed the candidate's qualifications.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to appoint Holly Sullivan to the Conservation Commission for a four year term and to the Scenic Byways Council for a one year term.**

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

**9. ST. CLAIR GROUP AND HENRIETTA FRIDHOLM**

Peter Smyar, agent for Roger and Henrietta Fridholm, appeared before the Board and explained a proposed PRD for two parcels. One two-acre parcel was located north of Ferry Road as a single family home with a driveway, and an 8.5-acre parcel on the south side of the road contained suitable soils for a septic system. A road crossing for a sewer force main was needed. The Planning Commission reviewed the application related to PRD standards and it was recently approved. A license approval was now needed from the Selectboard for the force main.

**HEARING FOR A HIGHWAY ACCESS PERMIT (HAP-08-01) AT 2278 FERRY ROAD**

The Selectboard heard a request for a Highway Access Permit (HAP-08-01). Mr. Bloch noted that the Charlotte Road Commissioner has reviewed the application and recommended a culvert. The Board could approve the Highway Access Permit contingent upon a written Road Commissioner's report.

Mr. Ladue pointed out that the unused driveway across from the proposed entrance has a culvert. The applicant should consider moving the proposed entrance further to the west to get the 550' sight distance needed, suggested Mr. Ladue.

Mr. Smyar explained sight distances at the proposed driveway as 490' to the east, and 390' looking west in a 50 mph corridor.

Ms. Cole asked that the Tree Warden review proposed tree cutting.

The Board suggested delaying action on the request until the next meeting of the Board to allow the Road Commissioner time to present a written report. Mr. Smyar expressed concern regarding a cost factor to his clients due to a delay and asked if approval could be done administratively.

Mr. Ladue said that if the driveway entrance was moved to the west it might impact a neighbor who might not have been warned of a public meeting. The neighbor might not have been an abutter where the entrance is proposed currently, clarified Mr. Ladue, also, there is a dip in the road and it could be a high risk with traffic going to the ferry.

A public hearing would be re-warned for the next Board meeting (June 2nd), noting language added: "...x number of feet west of the proposed driveway location (55'-60')..."

The Board asked Mr. Smyar to stake a new driveway location.

**LICENSE AGREEMENT TO INSTALL A FORCE MAIN UNDER FERRY ROAD  
MOTION** by Mr. Ladue, seconded by Ms. Cole, to approve a License Agreement to install a force main under Ferry Road as shown on a Site Plan dated August 2007 as contained in the Selectboard packet (05/12/2008), contingent upon review by the Town Attorney and determination/recommendation of a jack and bore, or a directional bore.

**DISCUSSION:**

Walter Gates, 2247 Ferry Road, stated that he was a neighbor both to the north and west of the proposed project parcels. A force main would come into the edge of an existing driveway. The proposed easement would go onto my property. Mr. Gates suggested moving the proposed easement 4' from the driveway, which would keep the 20' easement out of my 6' easement. During the Planning Commission meetings regarding the application there were no discussions related to the sewer easement location.

Mr. Stone said that the Planning Commission should have reviewed the sewer easement line. Mr. Bloch noted that the PRD has been approved by the Planning Commission, but the appeal period is still in affect.

**AMENDMENT** by Mr. Ladue that the force main should be located 4' east of the existing driveway and/or 10' from the lot line.

Mr. Thornton said that we don't know where the 20' easement is. Mr. Bloch clarified that the west edge of the 20' easement is proposed as the center line of the driveway. Mr. Ladue asked if it was a legal question on the impact on the driveway. Mr. Smyar replied that the force main line has been shown on the Site Plan throughout the PRD process.

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

**OPEN SPACE AGREEMENT**

**MOTION** by Mr. Ladue, seconded by Ms. Cole, to approve an Open Space Agreement as per the Board packet regarding the St Clair Group application, contingent upon review by the Town Attorney.

**DISCUSSION:**

Mr. Ladue asked if the construction agreement was referenced. Mr. Thornton pointed out that it was attached as Exhibit A. Mr. Bloch said that it was re-titled as a Conservation Agreement versus an Open Space Agreement. Attachment A would be recorded as part of the document. Staff would ask the Town Attorney to review the documents.

Mr. Ladue asked if the Plat referenced the document.

Ms. Cole asked for clarification of page 3, #3.a, that talked of “no construction or replacement of structures on the conserved property...without permission” and “permanent recreational facilities”. Was the Board concerned about the “pertinent” language and “permanent structures”. Is a tennis court acceptable in an open space agreement, asked Ms. Cole.

**AMENDMENT by Mr. Laude, seconded by Ms. Cole, to strike the words “permanent” and “Structures” from the document language, page 3, #3.a. VOTE: 4 ayes, 1 nay (Mr. Stone); motion carried.**

Mr. Bloch said that the license agreement runs with the land unless modified.

#### **10. BEACH FEES**

Mr. Russell reviewed that beach fees covered the expense of the beach attendants.

Deb Stone, Recreation Director, explained a proposal to increase the beach fees as follows:

- Season passes for residents: from \$10 to \$15 per car
- Season passes for non-residents: from \$20 to \$30
- Day passes for residents: \$1 to \$2
- Day passes for non-residents: \$2 to \$4

There was brief discussion related to costs/expenses and if the proposed increases would cover those costs; past practices as outlined in an e-mail from the former Beach Director, the number of day passes sold; and the duties of the beach attendants that included collecting fees, maintenance of the facility, trash pick up and cleaning toilets.

**MOTION by Mr. Ladue, seconded by Ms. Cole, to approve Beach Fees as follows:**

- Season passes for residents: from \$10 to \$15 per car
- Season passes for non-residents: from \$20 to \$30
- Day passes for residents: \$1 to \$2
- Day passes for non-residents: \$2 to \$4

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

#### **11. GREEN MOUNTAIN POWER – Petition to Install a New Pole in Greenbush Road Right-of-Way**

Mr. Bloch handed out copies of a Site Map showing a proposed location for a new pole location as requested by Green Mountain Power (GMP).

Ms. Cole noted that the location was in the VELCO right-of-way. The PBS ordered GMP to bury the line under the railroad between the new pole and the next pole (#44). A guy wire would be added within the right-of-way. If the guy wire was not in the right-of-way then the request would return before the Board. Tree cutting would be avoided if possible.

Board members suggested that Ms. Cole handle the pole installation request on behalf of the Town.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a Green Mountain Power petition to install a new pole in the Greenbush Road right-of-way, with a revised Site Map submitted, and that Jenny Cole act on behalf of the Town of Charlotte and to authorize Ms. Cole and two other Selectboard members to sign an agreement on behalf of the Town.**

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

**12. SECOND CONSTABLE- discussion**

A discussion regarding a second constable was tabled.

**13. WORK-PLAN – Implementation of High Priority Action-items**

Mr. Bloch reviewed a revised Work-Plan as revised on 04/28/2008.

**MOTION by Mr. Stone to approve five Habitat for Humanities houses on the Burns property. The motion died for a lack of a second.**

**MOTION by Mr. Stone, seconded by Ms. Cole, to contact the Habitat for Humanities organization and request a proposal for the construction of five houses on the Burns property.**

**DISCUSSION:**

**Mr. Thornton pointed out that answers were needed regarding sewage and potential allocations to the Town before any discussion on housing at the Burns property. Mr. Stone stated that Civil Engineering has done a study already. Ms. Cole asked if there were enough answers on how the septic issues would be handled. Mr. Stone noted that the motion was only to contact the Habitat for a proposal. Mr. Ladue pointed out that typically there was a process to warn a public hearing and have a vote on an issue. Mr. Russell agreed that if the Board was serious then a public meeting should be warned. Mr. Stone reiterated that the motion was for a proposal and he was not suggesting anything further.**

**VOTE: 1 aye (Mr. Stone), 4 nays; motion failed.**

Mr. Russell suggested that additions to the CCRPC Work Plan could include agriculture, transportation of the Western Corridor issues that impact Charlotte, and energy. Marty Illick should be invited before the Board to review topics of interest and offer input.

A timeline for Work-Plan priority follows:

Affordable housing - delegate to the Affordable Housing Trust Committee for an August report; Finance Committee – September; Donation Committee – September; Burns Property – put on the June 2<sup>nd</sup> agenda; Land Use Regulations (Planning Commission) – June 23<sup>rd</sup>; Open Space/Conservation Action Plan – joint meeting September/October with a Conservation Action Plan due March 2009; Shelter Generator; Speed Limit Study/revise ordinance – July; Driveway Standards – fall review.

## MARY BETH FREEMAN

Mr. Thornton stated that there were no ordinances regarding fire ponds unless it was a subdivision of 6 or more units. The Town Attorney should have noted that the Town would not win a court case on appeal. Ms. Cole said that the Planning Commission has some authority, but there needs to be a discussion. Mr. Thornton replied that the Planning Commission has some authority if there was language in the Town Plan and there is no language in the Town Plan regarding fire ponds. Mr. Ladue explained that the Planning Commission has broad authority related to health and safety. The Town Attorney said that the Town wouldn't win "on a fairness basis". The Freeman subdivision is an existing subdivision that is being expanded.

The Board would meet jointly with the Planning Commission on June 23<sup>rd</sup>. The remaining listed topics would be reviewed again at the June 2<sup>nd</sup> Board meeting.

**14. BILL AND WARRANTS**

The Selectboard signed Bills and Warrants as presented.

**15. ADJOURNMENT**

**MOTION by Mr. Thornton, seconded by Mr. Stone, to adjourn the meeting.**

**VOTE: unanimous; motion carried.**

The meeting was adjourned at 10:17 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.*