

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
MAY 29, 2007**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Clerk.

OTHERS: Carlie Krolick, Robin Reid, Cameron Wesson, Andrew Beaupre, Craig Palmer, Alice Trageser, David Miskell, Susan Therrien, Martha Perkins, David Lagersteadt, Patricia Lagersteadt, Carrie Sear, Linda Hamilton, Robin Reid, Peter Schneider, Jessica Donovan, Ellie Russell, John Hammer, Charlotte News, Rachel Gill, the Charlotte Citizen; and others.

1. CALL TO ORDER

Mr. Russell called the meeting to order at 7:05 p.m.

2. ADJUSTMENT TO ADENDA

None.

3. PUBLIC DISCUSSION

Dr. Cameron Wesson, from the UVM Archeology Department, and Andrew Beaupre, UVM archeology student, explained a student program that performed an archeological dig in area communities. UVM looked for projects of interest. One potential project is the Charlotte Poor Farm. UVM staff has met with Happy Patrick and Frank Thornton. The project would be a confined shovel dig testing and mapping of the foundation structures.

Mr. Thornton said the site is where the old house and barn was, which is part of the Town owned land at Thompson's Point.

Dr. Wesson said the footprint of the dig would be confined to the existing cellar of the structure. The dig holes would be refilled as the students progressed. The Town would receive a full report. It is an educational opportunity for the students. There would be no cost to the Town. UVM staff will meet with the Charlotte Historical Society on August 7. The University insurance would cover the project.

MOTION by Mr. Thornton, seconded by Ms. Cole, to permit Dr Wesson to hold an archeology dig at the Charlotte Poor Farm on Thompson's Point Road.

VOTE: 5 ayes; motion carried.

Ms. Cole noted that the Town has aerial photographs of the area and photographs from the 1930s and 1940s. Copies would be forwarded to Dr. Wesson. Mr. Thornton suggested that Dr. Wesson talk to Clem Baker about the Poor Farm.

4. APPROVAL OF MINUTES

Approval of the minutes of 05/14/2007 was deferred to the next meeting of the Board.

5. DISCUSSION OF RECREATION COORDINATOR POSITION

Robin Reid and Carlie Krolick, Recreation Committee representatives, reported that the Recreation Coordinator, Ute Otley, had tendered a Letter of Resignation.

Ms. Krolick explained that the Recreation Committee would like to meet with Ms. Otley to define the scope of the Recreation Coordinator job description. Ms. Otley indicated an interest to assist with the basketball and tennis programs.

Ms. Reid handed in a copy of a draft advertisement for the position for Board review. The committee would like to have a pool of candidates to consider. Three more hours were added to the position for a total of 18 hours to allow the coordinator to spend time in the office as well as in the field.

There was lengthy discussion regarding qualities and expectations needed for the Recreation Coordinator position (Ellie Russell said this could be an appropriate time to review the job description); clarification of the reporting relationship between the Recreation Committee and Recreation Coordinator (Ms. Reid said that new programs would be brought before the Recreation Committee for consideration and authorization); and the need for Recreation Committee appointments.

The Board thanked Ms. Reid for her dedication in helping at the Town Beach.

Following a brief discussion regarding needed Town Beach improvements and general maintenance, Ms. Cole suggested that there might need to be a separate position developing related to maintenance of the ice rink and beach. Ms. Reid said she was happy with the way things were.

Mr. Ladue asked who signed Ms. Otley's time sheets. Ms. Russell said that when she was the Selectboard Chair she signed the time sheets.

Next steps:

- Place an ad for a Recreation Coordinator position for two weeks in "Seven Days" and local papers
- Review the Recreation Coordinator job description
- Interview Recreation Coordinator candidates
- Compose a hiring committee of Winslow Ladue, Charles Russell, and Recreation Committee members

Mr. Stone suggested hiring a Charlotte resident to oversee the Town recreation programs and beach.

Mr. Russell suggested paying someone to perform maintenance versus relying on volunteers. For example, Robin should be compensated as a Town employee for all she does at the beach. Ms. Reid suggested having a discussion at the Town Meeting.

Ms. Reid reported on a recent vandalism incident at the Town Beach. Ms. Cole suggested listing everything that needs to be done. Mr. Ladue suggested that the Town take steps to lessen the attractive nuisance of events at the beach.

6. MUNICIPAL DELEGATION OF WASTEWATER PERMITTING

Mr. Russell reviewed a Municipal Delegation of Wastewater Permit memo, dated 05/29/2007, from Tom Mansfield, Zoning Administrator, regarding an estimate of the cost and reasons to take over the delegation from the state.

Mr. Russell said that the Selectboard must make the decision by 07/01/2007, and if a new fee schedule is set that is approved by Selectboard. Currently, the State relies on an engineering stamp for wastewater system designs and approximately 50 percent of the systems are spot-checked. State staff reviews only twenty percent of the designs or does field sampling.

Mr. Ladue said he had spoken with Roger Thompson, System Administrator. The Town can amend the regulations, but can't have more stringent regulations than the state. A question is does the Town want to adopt all of the state exemptions, asked Mr. Ladue. Mr. Bloch said the Town has only received antidotal information from the state. Mr. Russell said there was a discussion to have Spence Harris oversee the state permits and leave the administration to the state.

Mr. Ladue said that there needs to be answers of what needs to be contained in the annual reports. Some of the items could be budget items with a cost associated. If we raise the fee from \$250 to \$450 that might cover some of the costs.

David Miskell asked if legal time was added in. There could be appeals from applicants. It could become a political process versus a scientific process. Mr. Russell asked (Mr. Miskell) if he noticed any variation between a review of the soil reports by Mr. Harris versus a review by the state, or engineers.

Mr. Ladue said that the state program relies on the engineer to do more of the work without a state review. There is an advantage to doing more soil testing.

Mr. Miskell said it would be helpful to find out what it costs the state to do an evaluation. Mr. Ladue replied that the state numbers are available.

Mr. Russell asked (Mr. Bloch) why Mr. Harris took more than two hours to review a design. Mr. Bloch replied it was not clear why. Mr. Harris would be doing the same review of soils and designs as the engineers.

Andrew Thurber asked if the Town would look at more applications than the state. Would town look at 100 percent or 40 percent versus the 20 percent that the state reviews, asked Mr. Thurber. Mr. Ladue said that the Town would look at 100 percent of soil reports and if it was economically feasible would do a cursory review of engineering designs. Mr. Thurber suggested that the Town could wait a year and see how bad it is.

Add a Municipal Delegation of Wastewater Permit discussion to the next Selectboard agenda.

7. PETER SCHNEIDER AND JESSICA DONAVAN – PRELIMINARY REVIEW OF PROPOSED CONSERVATION EASEMENT AND TRAIL EASEMENT

Peter Schneider and Jessica Donovan, applicants, explained proposed preliminary review of conservation and agricultural/forestry easement and restrictions, and trail easement revisions as outlined in a Planning Commission letter.

Martha Perkins, resident, asked to look at the revised Site Map.

Ms. Donovan reviewed the following:

- Structures that were a concern in open spaces were eliminated,
- A buffer was designated at Area D around the rock,
- Areas B and C were designated as “no management” zones where nothing is allowed.
- Maple Sugaring was proposed in Area C, a sugar house would be located in either Area E or D,
- Open Space D west of the trail would be a “no management” zone, except a tree house located on top of the outcropping. The Conservation Commission wanted “natural communities” to include plants, animals and lichens at the rock outcropping. Mr. Russell suggested renaming the area west of the trail as Open Space C since both C and D were “no management” zones.

Following a brief discussion regarding wind turbines, Mr. Thornton asked the applicants if they considered the affects of wind turbine vibrations on the septic field. Mr. Thornton said that he has received a number of letters of concern. Mr. Schneider explained that they would put up airononameter for a year to monitor the winds in the area as recommended by a Middlebury wind engineer. A future proposal included two 10 meter wind turbines that would provide enough energy to support eight homes. Mr. Schneider said that two turbines could be tied onto one meter for wind generation for the homes.

Linda Hamilton, Conservation Commission member, asked if the wind turbines were proposed for either side of the primary septic field. Ms. Donovan replied yes. One might be slightly on Area B. Mr. Schneider explained that a maintenance road to the turbines would be necessary. There was a logging road there already. We could be more specific regarding language. The bed rock is the highest location and for a wind resource would be ideal. But it is a “natural community” area plus it would be difficult to get a truck up there. Ms. Donovan showed a natural saddle between hills that funneled winds on the site map where the turbines would be located.

Ms. Donovan continued a review of points as outlined in the Planning Commission letter as follows:

1. Would be sited as per a Planning Commission discussion/decision,

2. There will be further discussions on locating wind turbines in Area D and impacts if they were in Area E. It was unclear where the Maple Sugar House would be located,
3. First sentence, there are no structures allowed in Open Space C. Regarding impacts to trails in Open Space D – there have been trails in this area for a long time already. The Tree House would be between existing trails. There are many spur trails that would be hard to close off since they are heavily used by dog walkers and people. The area west of Open Space C should be a “no management” zone,
4. In the first section the Conservation Commission wants to take out references to “agricultural”. We want it left in.

Ms. Hamilton asked if the spur trails in Area D were shown on a map. Ms. Donavan replied that one was close to the rock outcroppings and one went to our development. Ms. Donavan showed the location of a new trail easement on the Site Map and said that Open Space D is tucked up between the trail and development. Mr. Schneider said they would have trail designer come out to the property. The spur trails should be closed off to let the land rest. They are heavily eroded. We are suggesting a different more formal trail. Regarding a recommendation that there “shouldn’t be a tent platform or Tree House...” having a public recreation trail would have more of an impact on wildlife than the Tree House, stated Mr. Schneider. Ms. Hamilton replied that if there was a formal trail that doesn’t mean the informal trail network would continue “forever”. A tent platform and tree house would bring public use (parties), said Ms. Hamilton. Ms. Donavan disagreed and pointed out the Tree House was located near the house sites. For the last two years we have been crossing off items we wanted to accommodate the Town and neighbors. We are not willing to eliminate a tree house, said Ms. Donavan.

There was further discussion regarding Open Space D and if it was made a continuation of Open Space C that would make it clear that no one could do anything there. Mr. Russell asked Mr. Thornton to articulate his concerns in the area. Mr. Thornton said that as per the language in the document, Area D, no structures are permitted in area and areas west and south of the trail. If wind turbines are allowable structures then that is a contradiction. Language in the easement documents needs to be exactly explicit in the agreement, said Mr. Thornton.

Ms. Perkins said that tree houses were a danger.

Ms. Hamilton pointed out that the applicant’s development zone is currently part of a critical wildlife habitat, and the Conservation Commission was trying to keep Area D limited to a trail. It is part of a wildlife corridor, reiterated Ms. Hamilton.

Mr. Russell pointed out that the proposed trail is 250’ from the home lots. Mr. Schneider said if the trail would have less impact than a tree house he would consider the recommendation, but you have large school groups and recreation people coming up trail frequently. That is a big impact to the area. One potential lot buyer designed the tree house in Oak ledge Park and is a magical place.

Mr. Miskell pointed out that there was nothing in any of the Town regulations stating that area is a core wildlife habitat. The applicant's wild life consultant had very different report than that of the Conservation Commission.

Mr. Ladue pointed out that the easement documents say "tree houses" and "tent platforms", which should be changed to reflect the applicant's request for "a tree house" and "a tent platform".

Carrie Spear asked how tall the wind turbines would be. Mr. Schneider replied they would be 100' tall, which was 30' higher than the 70' high trees. The turbines were conceptual for the future, pointed out Mr. Schneider.

Ms. Spear asked how tall the tree house would be. Ms. Donovan replied the tree house was intended to be a part of our development community, and not the public community.

Ms. Spear asked why located a tree house in Open Space D and not another location. Ms. Donovan replied that the tree house was not considered in any other location. It would be near the homes. Mr. Miskell pointed out that the house lots were all moved below the original proposal to accommodate the Town. It is a nice spot up there.

Mr. Thurber asked if the Selectboard conducts site visits. The Planning Commission has found site visits to be very useful.

Ms. Hamilton said that in #4, Section 2.b, the Conservation Commission recommended to avoid the wording "cultivation of crops" as an agricultural use. A cardinal rule for protecting areas is "no soil disturbances". Plowing or tilling of soil not appropriate, stated Ms. Hamilton. Mr. Miskell said that you don't know what will happen in future regarding agricultural practices. There are agricultural uses allowed in some of the open spaces. This document commits use forever. It may be that people need to be fed in the future using plantings in little pockets versus open fields. To limit no agriculture doesn't make sense, said Mr. Miskell. Ms. Hamilton said that the conservation easement allows agriculture without cultivating row crops. Mr. Russell pointed out the current wetland could naturally dry up. You don't know what will happen in the future, said Mr. Russell. Mr. Miskell said we are not talking about disturbing the wetland areas in C or D. Ms. Hamilton pointed out that the agreement could be amended in the future.

Mr. Schneider said he was not hearing Conservation Commission concerns. Ms. Donovan stated we can't bring tractors, trucks, can't cut trees, etc.

Mr. Schneider said he was OK with adding "natural communities" language.

Mr. Schneider said that he would encourage the Conservation Commission to read about whole system management to manage property, which was different then what was proposed in the Open Space Agreement. Farming has changed from 10 years ago to today, and will change in the future. There is a perfectly good natural flat plateau, which

could be properly managed. We don't have a Hophorn/Hickory stand like the UVM Pease Mountain land. There is no where that we could have a community garden on our property.

Mr. Schneider said they were OK with #4, fourth sentence, and #5 through #7 was fine.

Mr. Ladue asked Ms. Hamilton where the applicants could have a garden on the property. Ms. Hamilton replied that it was hoped the Planning Commission would designate an open area on the building lots, or maybe they could have a garden in some common space. Mr. Thornton pointed out that the land was all farm land at one time. He didn't know why people were all upset. The wetlands existed because the drainage ditches are filled in and if they were cleared out the wetlands would dry up.

Mr. Ladue asked if the neighbors would have input regarding the proposed wind turbines. Mr. Bloch explained that a wind turbine application would be heard by the Public Service Board. The Town and abutters would have party status.

Mr. Schneider said that #10, maple sugaring, "agriculture" was changed to "harvesting of minor forest products." The item has been discussed already.

Mr. Ladue asked if there was a letter of approval from the Town regarding concerns of septic and wells related to the school's drilled well. Mr. Miskell said that the applicant has a letter from the state. There are no problems with the school well. We are expecting the state permit soon.

There was discussion of public water supplies that included the school as one of two water resources. Mr. Ladue mentioned several water resource locations, such as the cremee stand, the Flea Market, and at an old Greenbush Road campground.

Mr. Bloch explained next steps following the open space agreement discussion before the Selectboard. The Planning Commission would approve the Final Plat and Open Space Agreement, which would then come back before the Selectboard. Mr. Schneider said he would contact the Town Planner after the Planning Commission hearing was closed.

8. CLARK HINSDALE JR, DAMON SILVERMAN, AND LORI RACHA – APPROVE SEWAGE SERVICE AGREEMENT, WAIVER AND EASEMENT FOR COMMON WASTEWATER SYSTEM

Mr. Miskell reviewed that a Town Planner requested Mt Philo subdivision modification submitted to the Planning Commission neglected to include a septic sewer waiver agreement. If something goes wrong, or needs to be fixed, the Town has the right to go onto the property, fix the system, and then bill the property owners. The Town could place a lien on the property. Lot 1A is the Silverman lot with four bedrooms. Lot A1 belongs to Clark Hinsdale Jr and is permitted for six bedrooms.

Mr. Bloch said it is a standard document that addresses the ability to charge the property owners a proportionate share of the cost. It is a 60/40 split added to the language.

MOTION by Mr. Ladue, seconded by Mr. Thornton, to approve a Septic Sewage Service Agreement, Waiver and Easement for a common wastewater system, Clark Hinsdale Jr, Damon Silverman and Lori Racha, as presented.

DISCUSSION:

Mr. Miskell said that the applicants can't file a Mylar until the waiver is recorded. It requires the Selectboard signatures.

In response to a question, Mr. Bloch explained the agreement means that the Town can fix the system and put a lien on a property if the homeowners don't fix it. The Town Attorney has recommended the documents. Mr. Ladue pointed out that if the system failed the Health Officer had jurisdiction. He didn't see the need for the documents, said Mr. Ladue. Mr. Russell explained that the waiver contained language that outlined that the Town was not liable and won't take it over. But the Town has the right to go after the homeowners to fix it. Mr. Ladue asked if the Town has the right to charge double damages.

Mr. Miskell asked the Selectboard to sign the documents. The Town Attorney drafted it, and it was a Town form.

Mr. Ladue and Mr. Thornton requested time to read the documents.

VOTE: 3 ayes, 2 abstentions (Mr. Ladue, Mr. Thornton); motion carried.

Mr. Russell signed the documents on behalf of the Town.

9. APPOINTMENTS

MOTION by Mr. Stone, seconded by Mr. Thornton, to appoint Alice Trageser and Ken LeRoy to the Thorpe Barn Committee.

VOTE: 5 ayes motion carried.

Mr. Russell asked that staff add a discussion regarding the expectations of the Thorpe Barn Committee to the next Board agenda.

10. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

Mr. Miskell asked if the Selectboard came to a decision regarding the Baker/Hinsdale III road cuts. Mr. Russell briefly reviewed that the request was for a southern and northern road cut. A question was sight distances, which as per the Road Commissioner, was 600'.

Mr. Bloch handed out a summary of an Ancient Roads grant for Board review. The Legislature has made additional funding available. The Town could re-apply for \$4,000. The Selectboard Chair would need to sign the grant application.

11. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:30 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.