

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
NOVEMBER 7, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Ed Stone, Francis Thornton, Charles Russell (arrived 7:15 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: David Miskell, Robert Mack Jr, Steve Denton, Dorothy Pellett, John Hammer, Charlotte News; and others.

(Transcribed from tape)

1. CALL TO ORDER

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

2. ADJUSTMENT TO AGENDA

Ms. Russell said that the Board would discuss the Interim Bylaws in a Work Session.

MOTION by Mr. Thornton, seconded by Mr. Stone, to cancel a scheduled 11/14/05 Public Hearing on the draft Interim Bylaws upon recommendation by legal counsel.

VOTE: unanimous; motion carried.

3. PUBLIC DISCUSSION

None.

4. DAVID MISKELL: PETITION TO AMEND THE CHARLOTTE ZONING BYLAWS

David Miskell explained that Mr. Denton's legal counsel, Liam Murphy, could not attend the Selectboard meeting. Following a discussion with the Town Attorney, Attorney Murphy recommended that Mr. Denton continue to pursue a petition regarding a contractor's yard. Mr. Denton would have something specifically addressing the issue in case the Zoning Bylaws weren't ready by the March Town Meeting. Also, Attorney Murphy received an e-mail from the Town regarding a potential article. The appellant would continue to work with the Town, but would solicit petition signatures, which would be submitted if necessary.

Mr. Miskell said that a draft letter from the Selectboard was still pertinent.

Mr. Denton said he has a two-year lease with Champlain Oil and Bid Spear could decide to sell the property. Ms. Russell commented that timing is an issue and explained the public hearing and adoption process for the proposed amended Zoning Bylaws. The Selectboard can make changes after a public hearing, said Ms. Russell. Mr. Miskell

suggested instead of involving legal counsel(s) it might be better to seek a ruling from the Secretary of State to reduce the legal fees for both the Town and appellant.

Mr. Stone said it appeared there is a concern that a petition might be necessary because of a fear that the proposed regulations might not pass. The Board could grant an extension of six months to Mr. Denton. We would know if the proposed regulations passed in the next three months (at the March Town Meeting). . Section 4.6 of the proposed regulations would cover Mr. Denton and allow him to stay at the current location. That would save Mr. Denton and the Town legal expenses

Mr. Miskell reiterated that he had met with Attorney Murphy Saturday and it was Attorney Murphy's advice to go forward with the petition and work with the Town at the same time. Mr. Denton stated that if the Zoning Regulations didn't pass then that would mean (he) would have to wait another year.

There was brief discussion regarding the Zoning Administrator's Notice of Violation, and a draft Selectboard letter that addressed Mr. Denton's concerns.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a draft Selectboard letter to Mr. Denton as amended.

DISCUSSION:

Ms. Russell read a draft letter to the appellant from the Selectboard. Mr. Stone clarified that the Town would not take action until the Town voted on the proposed Zoning Regulation changes.

There was discussion regarding the language of the letter related to "...going to a Town vote". Mr. Miskell suggested changing the wording to read "...or until the petition passes." Mr. Russell suggested a statement to read "The Selectboard has agreed to take no enforcement action on this matter until such time as there is satisfaction that the Bylaw amendment has come to a Town-wide vote."

Mr. Russell said the Town was not doing anything until the revised Bylaws passed. The Selectboard could decide not to pursue enforcement, stated Mr. Russell.

**The Board agreed to leave the wording of the original draft as is.
VOTE: 4 ayes, 1 nay (Mr. Thornton); motion carried.**

5. AMENDED BYLAWS – WORK SESSION

Copies of the amended Interim Bylaws were handed out for review.

6. ADJOURNMENT

The Chairperson adjourned the meeting 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.

