

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
MAY 14, 2007**

***APPROVED***

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

**ADMINISTRATION:** Tom Mansfield, Zoning Administrator.

**OTHERS:** Clark Hinsdale Jr, Clark Hinsdale III, David Miskell, Peter Demick, Susan Thieren, Eliz Phil, David Lagersteadt, Patricia Lagersteadt, Peggy Jansch, Mark Patane, Catherine Sikkes, Patricia DeMarco, Rachel B , Cara Taussig, Carrie Sear, Marjorie , Richard Yandow, Patricia Yandow, Laurel Sutta, Chris Patton, Peter Sholler, Jason H , Judy Priest, Jules Polk, Amy Magyar, Judy Bast, Jim Morris, Daniel Rosen, Mark Allegretta, Linda Hamilton, Andrea Grayson, Mary Chenney, Cliff Mix, Kelly Devine, Tanya Sorlovitz, Mat Burke, Robin Reid, Brook Scatchard, Mary Illick, Peter Schneider, Jessica Donovan, Ellie Russell, Tom Moreau, Kate Lampton, John Hammer, Charlotte News, Rachel Gill, the Charlotte Citizen; and others.

**6:30 PM SITE VISIT: For Highway Access Permit, 2030 Greenbush Road**

**1. CALL TO ORDER**

Mr. Russell called the meeting to order at 7:09 p.m.

**2. ADJUSTMENT TO ADENDA**

None.

**3. APPROVAL OF MINUTES**

Approval of the minutes of 04/23/2007 was deferred to the next meeting of the Board.

**4. PUBLIC DISCUSSION**

Peter Demick, Palmer Lane, expressed concern regarding a proposed VELCO staging area for the storage of 90' long chemically treated poles in his neighborhood. VELCO would need to build a road in an existing agricultural field, which would include laying down a rock base and a turn-around. There was the potential use of helicopters to transport poles from the field. In discussions with VELCO they said they need at least a 10-acre site. The proposal is out of character for East Thompson's Point Road. It is in a corn field adjacent to a neighborhood with six families. There are 11 children in the neighborhood and a lot of activities. A school bus stops at the end of East Thompson's Road three times a day to pick up and drop off kids. The proposal would impact views, create health issues, and would be within the Thorp Brook watershed. A spring water well adjacent to the site served three of the neighborhood houses. The chemically treated poles could contaminate the water.

Mr. Russell said that the Town has been aware of concerns. The town has held conference calls between (Mr. Russell), Jenny Cole, the Town Attorney and VELCO representative(s). VELCO has provided answers regarding requirements for a staging

area that included at least 15 continuous acres, flat terrain, no wetlands, a site that was not archeologically sensitive, has access to the highway, and no easements or conservation restrictions. VELCO stated they have looked at 23 other sites in Ferrisburgh, New Haven, Charlotte, and South Burlington. The poles were 55' to 90' in length, and would require a transport truck that would be 15' longer than the poles. VELCO explored bringing the poles in by railroad, but needed a siding access. To bring the poles in from NY on the highway VELCO needs a special permit, and a police escort. There will be travel restrictions. VELCO estimates that there would be 400-410 wood poles and 30+ steel poles at the storage site, construction trailers, cargo trailers, and reels of wire. VELCO was estimating 20 employees would park their construction vehicles at the site. There would be early morning safety meetings and then the workers would disperse to the work sites. Work permits were applied for a work day starting 6:00 a.m. to 5:30 p.m. with an occasional Saturday.

Ms. Cole explained that VELCO would transport poles with an escort along Green Bush Road to where ever they needed the poles. VELCO would work with the town to limit truck weight to 60-80,000 pounds. The town limit was 55,000 pounds for highway travel. Road speeds would be slow to keep down road dust, and sodium chloride would be used if necessary.

Ms. Cole said that construction on the transmission line wouldn't start until the end of the year. VELCO was going through the land condemnation process. Site prep for a staging area would occur in June. VELCO was not talking about a large graveled area, but would bring in gravel for a road. An access road would be gated, but not fenced. The poles would be stacked up to 6' in height.

There was lengthy discussion regarding proposed final site selection(s) that included the north or south side of East Thompson's Point Road. It was pointed out that the north side of the road has a trail easement.

Dan Rosen asked what authority the Selectboard had in the process. Mr. Russell explained that the Zoning Administrator could allow construction of a "contractor's yard". A question was if a staging/storage area was exempt from the local permit process or not. The Town Attorney is looking into the question of exemptions. Selectboard authority is limited. If the south side of East Thompson's Point Road isn't encumbered with an open space agreement then the Selectboard has not authority. If there is then the Selectboard would address that issue. The north side is being subdivided with easements. 100 Ethan Allen Highway is conserved land.

Chris Hadden spoke in opposition of the proposal noting that he has school children. Palmer Lane goes around the entire parameter of the cornfield. There is wetland on the field with standing water. A lot of gravel would be needed to support the number of poles. Mr. Russell explained that the poles would be kept off the ground by cribbing. There would be very little graveled area.

Peter Sholler, abutting neighbor, stated that he moved here two years ago. He did not move here to live next to an industrial site. The proposed site is within the Mt Philo view scape. It is out of character of the neighborhood. Originally the field was to have two lots, but the Town blocked that development. Mr. Sholler expressed concern that the VELCO project is a long term project that would affect home values. If it goes through then the Town should reassess property values downward.

Mr. Russell explained that VELCO was seeking a one-year lease with a two year extension.

Peter Demick pointed out the field was adjacent to an organic farm. There is a spring in the field that goes to my field. Pentachlorophal, a chemical used to treat utility poles, could contaminate the water. It only takes one part per billion in the water or soil to lose an organic designation. The poles could be there for five years. I might lose my status as an organic farm.

Richard Yandow said he only learned of the proposal today. He was opposed to the plan and asked the Town Selectboard to keep him informed.

Marty Illick stated that the VELCO project is a large project that would impact the landowners, the Town and neighboring towns. VELCO needs to come in with a formal presentation. This is a poor planning process. It is a question of locating staging areas up and down Route 7 versus off a rail road siding. VELCO is taking advantage of the rural areas versus Burlington, or South Burlington, said Ms. Illick. Mr. Russell said he didn't know what the process was – if the proposal would go before the ZBA, or Planning Commission. Ms. Illick suggested that the Town take a vigorous stand and demand a formal presentation. Give us the luxury of a formal presentation versus a phone call. If VELCO was bringing in poles in June there might not be time to have a procedure.

Jim Morris, Palmer Lane resident, said that this could start a precedent. VELCO can easily take over a beautiful area. A question was what the compensation is.

Clark Hinsdale III, land owner, explained that he received a condemnation letter from VELCO condemning the property indicating he needed to respond. That could result in an expensive court process. Ninety percent of my land is conserved. I called the Vermont Land Trust regarding the process (of using conserved land) and discussed how it could be done. VELCO was looking for a staging area along the rail road track, but most of the farm land along the rail line is conserved. There would be 30 percent less truck traffic if the poles were transported via rail versus the highway.

- Proposed other locations included the northern part of Route 7 on the Shelburne/Charlotte line where the old sawmill/lumber yard was.
- The Varney Farm on the west side of the road where there was talk about an access road for horse trailers to park.
- Vermont Land Trust at first said VELCO could use conserved land, then changed their opinion and took the sites off the table. VELCO said there were getting political pressure that VELCO can't be on conserved land.

Mr. Hinsdale III said that he was approached by VELCO regarding a site on East Thompson's Point Road. A lease has not been signed with VELCO yet. He started to contact neighbors until Pete Demick contacted his neighbors and took matters into his own hands. He had no courtesy of a phone call from the neighbors. I suggested that we should talk with the Selectboard regarding minimizing the impact on all of us.

Mr. Hinsdale III said that he was trying to avoid condemnation proceedings in court versus negotiations with VELCO. I asked Pete (Demick) and Pete (Sholler) to remove the negative signs they posted from Greenbush Road because it was character assignment (of me) by Pete. I came to you to talk about options that included a discussion of the issues and to enjoin the Selectboard to look at the best site.

Mr. Hinsdale III said that out of respect for the hardworking town leaders he has not signed the VELCO lease.

Peter Sholler stated that Sylvia Knight did a study on the damage to the land by a VELCO staging area that left the site an unusable toxic waste dump.

Mr. Ladue asked of the 25-23 sites considered how many of them are in Charlotte. Ms. Cole reviewed sites crossed off the VELCO list that included sites in Ferrisburgh, Ferry Road, and the state land. There were no sites considered south of Ferrisburgh. There will be an impact no matter where it goes.

Mark Patane, Thompson's Point Road resident, said the issue came up suddenly. Affected landowners were not notified. If there are hearings he wants to be informed. It is good that Clark Hinsdale III is willing to work with the neighbors. Can we submit list of those that would be impacted, asked Mr. Patane. Mr. Russell asked that interested parties provide their e-mail addresses.

A continuance of the hearing was scheduled for Monday 05/21/2007, at 7:00 p.m. The Vermont Land Trust would be invited.

#### **4. MINUTES**

Approval of the Selectboard minutes for 04/23/2007 was deferred.

#### **5. CONTINUATION OF PUBLIC HEARING TO ADD MEANDER STREET TO THE TOWN HIGHWAY MAP**

Mr. Russell reviewed a continuation of a public hearing regarding the addition of Meander Street to the Town Highway Map.

Moe Harvey, resident, asked if the Board knew where the road was. Mr. Russell replied that the Board did a site visit and tried to walk it. The Board received letters and e-mails on the road.

Mr. Ladue asked to revisit the site.

Larry Johnson, Miller's Creek Road resident, said he didn't receive notification of the hearing and asked to be put on the mailing list.

Mary Chenney asked if the landowners could be involved when the Board did another site visit. Mr. Russell replied yes. The Board would have a meeting the same night as the site visit. Ms. Chenney said Meander Street is a long street and may not begin where the Town says. It does end at the bridge. She would provide information to the Board.

Brooks Scatchard, Trails Committee representative, said that each end of the road is hard to find. The middle section is an obvious road bed. There are logging roads that cross the road. He had made a map and documented portions of the road with pictures.

**MOTION by Ms. Cole seconded by Mr. Ladue, to continue the public hearing to add Meander Street to the Town Highway Map to June 11, 2007 at 7:30 p.m.; and conduct a site visit on Saturday June 9, 2007, at 10:00 a.m.**

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

Marty Illick asked what the process is for prioritizing three ancient roads and criteria used to identify the roads. Mr. Russell replied the Trails Committee came up with the list, which was presented three years ago. Ms. Illick stated that in discussions with the Trails Committee it became apparent that it was not a well done prioritization process. It was a road selection done for the future use of the roads for the benefit of the town. The original mission process was not used. The list needs to be reviewed for the record, said Ms. Illick.

Ms. Chenney asked if the Conservation Commission could give recommendations. Mr. Russell replied that the Board would listen to everyone.

Ellie Russell, former Selectboard member, explained that the Board did not prioritize the list. We selected those roads that we thought would be easiest to start with. Everyone would have an opportunity to be included in the process. I think the roads are a town asset.

Mr. Scatchard explained that the Trails Committee worked with Frank Thornton and Town records to come up with a list of roads. Regarding Meander Street, the connecting points of interest were the two covered bridges on either end. It is in a habitat corridor and we are not talking about opening up the road. We hope to identify it because it is a public asset. We want to work with and negotiate with the landowners, said Mr. Scatchard.

Ms. Russell clarified that we are talking about putting the roads on a town highway map so we don't lose them. We are not saying they would be used.

**6. GREEN MOUNTAIN POWER PETITION TO REPLACE ONE POLE, ADD A POLE AND THREE REGULATORS BETWEEN 1510 HINESBURG ROAD AND 1711 HINESBURG ROAD**

Ms. Cole said she has met with Mike , Green Mountain Power (GMP), regarding the location of the proposed platform/regulators. She was shown pictures of a similar site in Montpelier. At a site visit they looked at the pole location on the Charlotte/Hinesburg Road (the pole was west of Guinea Road). There was the potential to remove one pole. Mike explained that the regulators are 300 amps. GMP would replace the existing tanks on the pole with three 3,000 pound tanks that are 6' tall. The old tanks would be removed.

Ms. Cole asked how visible the tanks were from the Hall's house, which needed to be "x" distance below the telephone lines. GMP could bury the line.

It was decided to notify the Hall's regarding the location of the proposed regulators, and to look into the position of the phone line and location on the pole (17' above the ground).

**MOTION by Mr. Thornton, seconded by Mr. Ladue, to authorize Jenny Cole to work out details.**

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

**7. THOMPSON'S POINT LEASEHOLDER GUIDELINES**

**MOTION by Mr. Ladue, seconded by Mr. Thornton, to approve the Wastewater Thompson's Point Guidelines as amended.**

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

**8. PETER SCHNEIDER AND JESSICA DONAVAN REVIEW OF PROPOSED CONSERVATION EASEMENT AND TRAIL EASEMENT**

Peter Schneider explained that they took the Selectboard's and Conservation Commission's comments into account regarding the Open Space agreement. The Wildlife conservation open space locations and locations of the proposed structures have been revised. The proposed biomass storage facility was eliminated. Mr. Schneider said they are suggesting the installation of the wind turbans on either side of septic mound. The Site Plan was amended 04/09/2007.

There was discussion regarding Open Space "C" (Mr. Schneider said they would like to tap maple trees in that area.)

Mr. Schneider asked what the process was for the Selectboard to get comments to the Planning Commission for a parallel review by both boards. Mr. Russell said that the Selectboard could informally approve the proposal.

There was further discussion regarding Exhibit B, Wildlife Management Plan, the proposed trail map, and a Charlotte School District corridor proposed route along an existing trail on the property (Mr. Schneider said the trail would be 20' wide). Mr.

Schneider said they were working with the Charlotte Land Trust on language for the easement and playground structures.

Mr. Schneider said that the Final Plat Planning Commission hearing was set for June 7, 2007, regarding the Open Space Agreement, the trail easement, and wastewater/road/stormwater proposals.

Linda Hamilton, Charlotte Conservation Commission representative, said comments on 04/09/07 letter have been reviewed regarding Open Space "D", forest, conservation, easement, and protection goals language. It still needs work. It is a whole system and protection is important to allow agricultural uses. Ms. Hamilton suggested rewording "...grazing" versus "tilling soil." There should be no soil disturbances.

Ms. Hamilton asked for clarification of "cultivation of crops". Mr. Russell explained that it is "low impact" in the Open Space Agreement, section Open Space A outlines what to grow, and Open Space B outlines when to plant. David Miskell said that it is Vermont Land Trust agreement language. It is possible to have agricultural uses on the property. For example, there could be the cultivation of food crops. The forest was a living food system. Cultivation was limited by the terrain and the agricultural uses would have to fit the locations. Open Space D was prime forest land. There have been conversations regarding "hands off" locations, and trail easements.

Mr. Hinsdale III pointed out that sugaring is allowed in the Open Space Agreement. The method of Maple Sugaring is drafted, such as it would be done with buckets versus tubing.

Robin Reid said that cutting honey suckle and preserving the wildlife corridor needs to be done in a collaborative effort with the homestead lot. Mr. Russell replied that the application would go before the Planning Commission for review and Selectboard could reserve the right to make comments.

Mr. Russell said a second discussion was the preliminary review process. Mr. Miskell asked how the process works. We hope to have comments to give to the Planning Commission at the 06/07/2007 meeting.

Ed Stone suggested waiting until the Planning Commission has had their hearing. He would like to review the Open Space Agreement, and would want to review the comments.

An audience member asked if the Board could ask questions before the Planning commission June meeting. Mr. Russell suggested that individually written comments should be handed in.

Ms. Hamilton noted that the boards used the Deliberative Session process. We could create a letter of comments to forward to the boards. Mr. Russell reviewed the deliberative process.

Mr. Stone said to make sure the Trails Committee and Conservation Commission were satisfied. Mr. Scatchard noted that the Trails Committee endorses the new easement. Letters were received from UVM, Rick Paradise, and Clyde Baldwin.

***ACTION STEPS:***

- **Update and send the Open Space agreement to the Planning Commission.**
- **Add an open meeting discussion on the Board next agenda for the purpose of taking further input.**

**8. PETER SCHNEIDER AND JESSICA DONAVAN REQUEST FOR ROAD NAME ON PRIVATE ROAD: GRIFFIN HILL ROAD**

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve a request by Peter Schneider and Jessica Donovan, to name a private road as Griffin Hill Road.**

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

**9. CLARK HINSDALE III HIGHWAY ACCESS PERMIT APPLICATION HAP-07-06 FOR NEW ACCESS NORTH OF 1081 GREENBUSH ROAD**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to open a public hearing regarding a request for a Highway Access Permit application HAP-07-06 for a new access north of 1081 Greenbush Road.**

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

Mr. Thornton said that the Board had done a site visit.

Mr. Russell reviewed that there had been discussion regarding moving the access 20' north to miss the barn and keeping an existing southern access. Mr. Stone asked if the current driveway would be eliminated.

Mr. Clark Hinsdale III explained the location of the proposed northern access and existing middle and south accesses. The middle access would be eliminated and a new access would be located 65' north of the center one that would be eliminated. The southerly access would be (Rubin's) driveway.

There was brief discussion regarding elevations; guidelines to reduce the number of road cuts and share driveways; and a proposal (based on discussion at the site visit) to relocate the new access north 65' to service the barn lot only, eliminate a middle existing access, and maintain the south existing driveway for a single family home on Lot 1.

Mr. Hinsdale III explained that two driveways were needed. The subdivision included a barn lot of 46 acre for 15+ horses, clinics, and public activities with a commercial driveway versus residential. The house lot driveway was located in a manner so that the low branches could be left as is. Each lot should have its own access. There are excellent sight distances for both driveways. The Lot 1 driveway (south curb cut) would loop around the south side of the house to the garage versus on the north side of the house and into the garage.

Mr. Hinsdale III said it would be informal to park in front. The existing loop is historical and pre-existing. Both options have been discussed at length.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to close the public hearing.  
VOTE: 5 ayes; motion carried.**

**10. CLARK HINSDALE III – REQUEST FOR ROAD NAME ON PRIVATE ROAD: BIG OAK LANE**

Mr. Hinsdale III handed out copies of a site map for Board review and explained that the private road was located off East Thompson's Point Road.

**MOTION by Mr. Stone, seconded by Ms. Cole, to grant a request for a private road name as Big Oak Lane, located off East Thompson's Point Road.  
VOTE 5 ayes; motion carried.**

**11. KATE LAMPTON, CHARLOTTE LAND TRUST – DISCUSS MOUNT PHILO INITIATIVE**

Ms. Lampton explained a proposal to purchase 69 acre on the north side of Mount Philo, which was known as the Allman property. An application has been submitted. No decision by the Board was necessary. A future request for fundraising would be made to the Conservation Committee.

**12. JOHN HAMMER – CHITTENDEN SOLID WASTE DISTRICT UPDATE  
MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a proposed Chittenden Solid Waste District budget as presented.**

**DISCUSSION:**

Tom Moreau, CSWD General Manager, reviewed that the CSWD budget has a 5.4 percent increase and that \$250,000 was added for legal defense expenses. The contract with Casella/GSI in Canada has been defaulted. It is proposed to use \$60,000 to study/analysis for a sludge solution. The CSWD was adding two full-time equivalent positions as contract employees for marketing. TIP fees were decreasing. There was funding in the Capital budget so there was no need to borrow money for a new truck.

There was brief discussion regarding Hinesburg, Sand and Gravel negotiations including the cost of the site, and recapture of sand and gravel. The Host Town Agreement with Williston was for a proposed landfill site off Redmond Road. The neighborhood adjacent to the proposed site has brought suit.

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

**14. POSSIBLE REOPENING OF HEARING FOR HIGHWAY ACCESS PERMIT HAP-07-05 CHRIS BROWN AND ERIN HYER**

**MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a HAP-07-05 request by Chris Brown and Erin Hyer for a highway access permit on the north location as requested.**

**DISCUSSION:**

Mr. Brown reviewed proposed changes to the entrance that advances better line-of-sight distances improved to 500' with tree trimming.

There was a Board question regarding a proposed well location.

**FRIENDLY AMENDMENT** by Mr. Ladue, to broaden the proposed road cut zone for an additional approximate 20' width to occur in a band vary from a segment along Greenbush Road from the north property line and extending southerly 50'.

**DISCUSSION:**

Mr. Russell suggested that the applicant should contact an adjacent neighbor, who might not know that there would be a road cut on the property line.

Mr. Stone said he would support an option to leave it up to the homeowner to decide within the suggested 50' band just what 20' width location he wanted.

Mr. Thornton pointed out that it was the Road Commissioner's role to go out and cut trees that blocked the line-of-sight view.

Ms. Cole suggested a condition that the homeowner enter into an agreement with the north property owners if the road cut is less than 10' from property line, and submit that written permission with the Town.

Ms. Cole suggested that the Board stipulate a rescheduled site visit.

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

**15. PAUL ARTHAUD SHELBURNE/CHARLOTTE FEASIBILITY STUDY FOR SHARING RESCUE SERVICE**

Paul Arthaud, Charlotte Rescue Chief, explained a potential to share resources between two towns and two departments (Charlotte and Shelburne). A committee was formed and has met for the last one and half years. If both towns agreed, a proposal would be presented and a mock trial held for a 4-6 week period in August. The department was looking for ways to save money. A joint meeting with Shelburne representatives would be Tuesday at 6:00 p.m. next week at the Fire/Rescue building.

Robert Mack Jr suggested that for financial reporting, the Fire/Rescue should update the paper trail process, such as how money comes in and where the money goes.

Mr. Arthaud said there is a paper trail for every transaction. Mr. Russell pointed out that billing goes through the Town Clerk now.

**16. APPOINTMENTS:**

**MOTION** by Mr. Ladue, seconded by Mr. Stone, to appoint Bill April to the Trails Committee for a one-year term.

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

**MOTION by Mr. Stone, seconded by Mr. Ladue, to appoint Heather Manning as Lister until the next general election.**

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

**17. SELECTBOARD UPDATE**

**a) TOWN PARTY**

Mr. Russell reviewed a proposed \$200 expenditure for port-a-lets for the 2007 Town Party. No action by the Board was necessary.

**b) Highway Access Permit Request by Clark Hinsdale III**

The Board entered Deliberative Session for the purpose of discussing a Highway Access Permit.

**MOTION by Mr. Stone, seconded by Mr. Thornton, to move a proposed road cut 65' north and to leave a south existing driveway as is to accommodate Lot 1.**

**DISCUSSION:**

**Mr. Russell stated that he felt that the approval for shared driveways done two years ago was right. Clark Hinsdale III had a good point regarding the Lot 1 driveway. However, there weren't good sight distances to the south. The Board should have a report from the Road Commissioner.**

**Mr. Thornton withdrew his second. Motion failed.**

**c) Letter Received Regarding the Laberge Firing Range**

Mr. Russell reviewed a letter from Jonathan Fairbanks regarding the Laberge firing range. Mr. Russell suggested adding the topic to the next Board agenda.

**18. BILL AND WARRANTS**

The Selectboard signed Bills and Warrants as presented.

Mr. Stone reviewed that Bill signing is an obligation of at least three Board members.

**19. ADJOURNMENT**

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

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

The meeting was adjourned and the Board entered Executive Session at 10:30 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.*