

**UNAPPROVED**

**TOWN OF CHARLOTTE  
Board of Selectmen Minutes  
Monday, April 11, 2005  
7:00 PM, Charlotte Town Hall**

**APPROVED MINUTES 05/09/05**

**MEMBERS PRESENT:** Ellie Russell, Chair, Jennifer Cole, Charles Russell, Ed Stone.

**MEMBERS ABSENT:** Frank Thornton.

**STAFF PRESENT:** Dean Bloch, Selectboard Assistant.

**OTHERS PRESENT:** John Hammer, Marty Illick, Dan Senecal-Albright, Jack Wallace, Charles Stearns, Carl Cole, Lynn Jaunich.

Ellie Russell called the meeting to order at 7:01 p.m.

**ADJUSTMENT TO AGENDA**

Ms. Russell asked for any adjustments to the agenda. Dean Bloch said that Peter Joslin, a Planning Commission applicant, will be here later for an interview. Ms. Russell said that they will try and fit him in. There were no other adjustments to the agenda.

**PUBLIC DISCUSSION**

NONE

**APPROVE MINUTES**

March 28, 2005. *Charles Russell made a motion to approve the minutes of the March 28, 2005 meeting as amended. Jenny Cole seconded the motion.* The changes were discussed and a marked-up version was given to Dean Bloch to incorporate and amend.

*All in favor and the minutes were unanimously approved.*

**LYNNE JAUNICH—REQUEST TO CLOSE HINESBURG ROAD BETWEEN CHURCH HILL AND MOUNT PHILO ROADS FOR 3<sup>RD</sup> ANNUAL CHAMP RUN**

Lynn Jaunich from the PTO from Charlotte Central School addressed the SB to talk about the Champ Run, an annual event. This year it will be June 4, 2005. It is a community event followed by a barbeque at the school. The first year 300 people attended and last year there were 400 people. There is a wellness initiative at the school this year and this run will be a culmination of that, so that numbers are anticipated to be greater than last year. Most of the people are little people, so for two years, the Town granted the road to be closed for safety. The first part starts on Hinesburg Road. The school is asking the same this year—for the road to be closed from 4:15 p.m. to 5:15 p.m. on that day.

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Ellie Russell asked if there were any problems in the past. Lynn said that last year, one person who came up Hinesburg Road at Mt. Philo were unsure of the direction of where to go, but they were showed the detour and they were fine. Ellie Russell asked if there were signs and Lynn said yes; there would be signs at both ends where the road is closed off. The signs will be up a week ahead of time. Ellie Russell asked for any other questions. *Charles Russell moved to authorize the closure of Hinesburg Road between Churchill Road and Mt. Philo Road from 4:15 p.m. to 4:15 p.m. on Saturday, June 4, 2005 for the annual Champ Run. Jenny Cole seconded the motion.* Ellie Russell asked for public discussion. There was none. *The motion was unanimously approved.*

Charles Russell talked about the road that goes by the McCargo/Swift house—Uncle Tom’s Road going east by Mt. Philo Road and McGuire Pent road meets it. There is a chain across this road with a sign on it. This is a town road and state law says that you are not supposed to put anything there to prohibit public travel. He suggested letting the owners of the house know and direct them to remove the chain. Ellie Russell will look at this property and write the owners a letter saying that the SB wants them not to close it off and send them a copy of Title 19 statute. The rest of the SB agreed.

Ellie Russell mentioned that this past week the Recreation Committee suggested a play station that they wanted to purchase. They wanted the cost to come out of recreation department funds; the cost is \$4,300. Ellie Russell signed the purchase request. The Recreation Department will be getting the new play station at the beach. John Hammer asked what a play station was. Ellie Russell explained that it was for younger children – Tiny Tots Play Structure.

Ellie Russell said that the Recreation Committee had been following through on the suggestion of a pool—they are working on that and have no recommendation as yet.

Jenny Cole reported that on Thompson’s Point on the land that was formerly leased to the Pony Club, there has been another dumping of brush. John Hammer said that there is still \$1,000 that needs to be spent by June 1<sup>st</sup>. John Hammer said that the road commissioner usually asks him to authorize the spending of the money. Ellie Russell asked Jenny Cole to follow through on this matter.

**JACK WALLACE—HEARING FOR HIGHWAY ACCESS PERMIT APPLICATION (HAP-05-02) ON SPEAR STREET**

Ellie Russell opened the hearing for a highway access permit HAP-05-02 on Spear Street. Jack Wallace presented a drawing for 7440 Spear Street. He explained that he was in front of the SB tonight to apply for a curb cut because he is through the preliminary PRD subdivision process with the Planning Commission and not yet through final. The curb cut is for a new driveway servicing 5 homes. In addition, there is a request for permission to replace the culvert that exists under Spear Street adjacent to their proposed entrance.

**Curb Cut**

The applicants feel they meet the criteria. Mr. Wallace briefly described the situation, explaining that the proposed drive is on the existing site. There are 3 existing residences on the property that they are going to create lots for and they are going to leave those accesses there. The original

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farmhouse and a mobile home behind it are served by the existing driveway and another mobile home has its own current driveway. They propose eliminating a leg of the "Y" for the farmhouse and mobile home driveway. The SB had concern about the angle of the cut and Mr. Wallace said they could widen it and that would take care of it.

The curb cut comes off Spear Street at 24 feet. The Town regulations are 18 feet, but it is safer to come in at 24 feet and then to narrow down. It is proposed to be paved for the first section. Ellie Russell asked if Junior had looked at it. Mr. Wallace wasn't sure. Dean Bloch said that the applicant submitted a month ago and held on it because the PC was in the middle of reviewing the subdivision and hadn't issued a preliminary hearing yet, so Dean didn't submit it to Junior until the end of last week. This project is a major subdivision and it is between preliminary and final. Therefore, the applicants do not have a recommendation yet from Junior or the Planning Commission yet. The PC did issue a preliminary plat decision partly addressing the driveway. One of the conditions is that it asks the applicant to check into the possibility of using White Birch Lane, Mr. Bloch said. Mr. Wallace said he has seen the property with Junior, but not during the formal process. Ellie Russell said that the SB would want to do a site visit and have Junior sign off on the location and they need to hear back from Mr. Wallace about the White Birch proposal. Dean Bloch said that the White Birch proposal would involve crossing Armells and they weren't sure whether they were interested. Mr. Bloch will call back this week to find out if they would be interested in that. Ellie said the process would be to proceed with the request in front of the SB. Mr. Wallace said that Armell is an intervening property owner. There is another subdivision there that has been through the process with the Planning Commission. The Planning Commission said that as a condition of approval they encouraged them to let them come off from it and they came back and said the position is that they would allow the Wallaces to come off White Birch if the Town took over the section up to where they intersect with it. Mr. Wallace said that they offered that at the same location across Armells lot and they would allow them to come off from them because they are building it new and there would be lesser issues. Ellie said that the SB needs to deal with the request that was brought up tonight and the rest if between the applicant(s) and the Planning Commission. Ellie asked for public comment. There was none.

**Culvert**

Charles Russell asked if the culvert was a capacity issue. No, Dean Bloch said. Jack Wallace said that the engineers did an analysis of the existing pre-development drainage and a large piece of it ends up at a culvert and currently, that culvert is the exit for most of the watershed. In doing that study, he said, at the 25-year storm event, Trudell Engineers concluded that that should be a 36-inch culvert. They are trying to prove to the PC now that it won't change anything downstream. Dean said that the applicants need the SB approval to do work in the road. Ellie asked about the timeframe. Dean said by next meeting. Mr. Wallace said that they are asking permission to go into the Town road to dig up the culvert and replace it. Because Junior came back and said he had no plans to do it, the applicants are offering to do it. Ellie Russell asked for questions. Ed Stone asked if the applicants would have Junior there while the work was being done or have Junior to do the work. Charles Russell asked if there was a paving plan. Mr. Wallace said that his specific request is to determine whether the SB would approve of them replacing the 24 inch culvert to a 36 inch culvert subject to any other permit approvals they would need. He said they are doing nothing to the drainage; the engineer advised the applicants that a 36 inch culvert is

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advisable as it stands now. Ellie Russell said that the SB needs to give the applicants approval to go under the road. Jenny Cole asked about the opposite side of road. Mr. Wallace said that is a PC issue with the applicants—and they address that at final approval. Jenny's question was that seeing that drainage is going across the road to the existing pond on the other side of the road, is the issue that the pond is situated high so if the applicants are increasing flow of water to that area, there might be a problem? Yes, Mr. Wallace said that the PC wants him to show them that they are not increasing the flows.

Ellie suggested doing a site visit 2 weeks from tonight and then make a decision that night. Ed Stone asked Mr. Wallace if the applicants are putting a pond in. Mr. Wallace said yes and showed him where on the map. Mr. Stone asked how big the pond was going to be because if it broke loose, all that water would go down the hill, saying that he understood that was a PC matter, but was just inquiring what they would do with the water when it hit the road.

***Charles Russell moved to continue the hearing until 7:20 p.m. on April 25. Jenny Cole seconded the motion.*** Ellie Russell asked for any discussion. There was none. ***All were in favor and the motion was unanimously approved.***

**JEAN PECOR – REQUEST TO AMEND GRANT OF DEVELOPMENT RIGHTS**

Dean Bloch said that he had asked Jean Pecor if she could attend this evening's meeting by leaving a message for her. She is not in attendance. Mr. Bloch reported that information had been sent by the Vermont Land Trust and the intent is to amend the grant of development rights in order to allow additional run-in sheds and change the location of the farmstead. Ellie Russell asked for a motion to approve it. ***Jenny Cole moved to approve the second amendment to the right of development rights and conservation restrictions for Jean Pecor. Charles Russell seconded the motion.*** Discussion: Ellie Russell asked about the location of the driveway section on page 2; there is no mention of the driveway. ***The SB agreed to table this matter until they have that information.*** Ellie Russell asked Dean Bloch to see if Jean Pecor can attend the next meeting. She then asked for comments. There were none.

**HIGBEE ROAD – APPROVE LANDSCAPING CONSULTANT**

Ellie Russell said that the SB had received two proposals for the landscaping consulting work for Higbee Road and they need to select one. Dean Bloch said that both are reputable landscape architectural firms, but that he did have Kate Lampton review the proposals, as well as Jim Donovan. They both pointed out that there appeared to be more services provided in the Lamoureux & Dickinson proposal, notably the topographic survey and the permitting. Ed Stone recommended that the SB obtain a firm statement from Clark Hinsdale that they have a deal before approving the consultant. Ellie Russell said that they can approve the consultant contingent upon a deal. All agreed. ***Ed Stone moved to accept the proposal for relocation of a portion of Higbee Road and award that contract to Lamoureux & Dickinson in the sum of \$6,550 contingent upon a letter from Mr. Hinsdale stating his intentions of granting the right-of-way deeding the land over to the Town. Jenny Cole seconded.*** Ellie Russell asked for comments from the public. There were none. ***All were in favor and the motion was unanimously approved.***

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**CHARLES STEARNS—APPROVAL OF DOCUMENTS RELATED TO SUBDIVISION:  
OPEN SPACE AGREEMENT, ROADWAY AGREEMENT AND FIRE POND  
AGREEMENT**

Carl Cole and Charlie Stearns appeared before the SB, with Mr. Cole stating that the SB has before them copies of the open space agreement, the road agreement and the fire agreement. They are drafts that were submitted to Dean Bloch 3 weeks ago, he said. He also said that Dean Bloch just got together with the Town's attorney at the end of last week and there are further changes but in general they are in the form that they will take. Dean Bloch said that the road agreement says it is the applicants and future landowners' responsibility to maintain that road (the same with the fire pond), except if it falls into neglect, the Town has a right to fix it and they can put a lien on the property to get paid back for the repairs. Ed Stone asked if there is a trail easement. Dean Bloch said no.

Dean said that they are Town-generated documents which need minor tweaks. *Charles Russell moved to approve the roadway agreement between Charles Stearns and the Town for the subdivision lot on Spear Street, contingent upon incorporating additional corrections by the Town attorney.* Dean Bloch said there is a condition for recording the mylar that these documents be at least executed – the 90-day limit ends this Wednesday, but if the SB thought it important to go through a more detailed review, they could do that. Ed Stone asked Carl Cole if he agrees with the changes from the list that Dean Bloch typed up from the lawyer's changes. He did.

There was a ten-minute break to go over the changes and notes. *Charles Russell withdrew his previous motion. Charles Russell moved to approve the open space agreement, the roadway agreement, and the fire agreement between Charles Stearns and the Town of Charlotte related to the 7-lot subdivision on Spear Street, contingent upon the incorporation of the edits noted by the Town counsel; also to authorize Ellie Russell to sign these documents. Jenny Cole seconded the motion.* Ellie Russell asked for discussion. There was none. *All were in favor and the motion was unanimously approved.*

**SELECTION OF CEMETERY COMMISSIONER**

Ellie Russell said that the SB needs to appoint new cemetery commissioners; they have two applicants. One applicant is Mary Cheney and the other is Peter Demick. Both have been interviewed at the last meeting. *Ed Stone moved to hire Mary Cheney as Cemetery Commissioner. Jenny Cole seconded.* There was a brief discussion on the number of cemetery commissioners that could be allowed. There are 3. Ellie Russell asked Ed Stone the basis for his approval of Mary Cheney. Ed Stone said that he thinks having a woman on the commission would give another insight to the Commission. Jenny Cole said that Mary Cheney had expressed an interest in being appointed before the Town meeting occurred this year. She said that both applicants could do a good job. Charles Russell read the regulations that it was not a Selectboard regulation or duty to approve and fill vacancies in the cemetery commission. The cemetery commission needs to pick someone and the SB will let them know. *Therefore, the motion is moot and not applicable.*

**APPLICANT FOR PLANNING COMMISSION** - Peter Joslin. The SB interviewed Peter Joslin for the position of Planning Commission member.

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**TOWN HAZARD MITIGATION PLAN—APPROVE FINAL DRAFT**

*Ed Stone moved to accept the final draft of the All Hazard Mitigation Plan for the Town of Charlotte in the form of the attached resolution. Charles Russell seconded the motion. After a brief discussion reviewing minor changes, all were in favor and the motion was unanimously approved.*

**SELECTBOARD UPDATE/CHAIR'S REPORT: MATHIEU MOTORS, THOMPSON'S POINT LEASE, COVERED BRIDGE LICENSE TO PHOTOGRAPH, FIRE & RESCUE BUDGET ADJUSTMENT**

Thompson's Point - *Charles Russell moved to approve the Thompson's Point lease on Lots 137-140. Jenny Cole seconded the motion.* Discussion centered around not approving the lease renewal at this time in order to inform the owners of the possibility of changing some of the boundaries on Thompson's Point in order to allow public access. *Charles Russell withdrew his motion.*

Jenny Cole said it was good to have a process of planning on Thompson's Point at this time. Ellie Russell asked for volunteers to follow through on this project; Charles Russell and Jenny Cole will be in charge of this effort.

Ellie Russell said that a person called her last week, who said that they would like permission to use a picture of Holmes Bridge; the SB all agreed that Ellie should sign the form giving them permission to do so.

Fire & Rescue budget adjustment. Ellie Russell explained the problem that the rescue squad was spending more than budgeted for EMT paid staff and they have almost run out of money on the budget line for that expense. They want to get approval to exceed the budget for EMT staff; as a result of that, Ellie has set up a meeting with herself, Ed Stone, Ray Curtis and Josie Leavitt to look at their budget to see if they had dollars to put towards this cause. Eventually the SB will need to approve going over the Town budget as well to help the rescue squad from now until the end of June, she said.

Mathieu Motors – *Charles Russell moved to go into Executive Session to discuss the Mathieu Motors matter. Ed Stone seconded the motion. All were in favor and the motion was unanimously approved. Charles Russell moved to come out of Executive Session. Ed Stone seconded the motion. All were in favor and the motion was unanimously approved.*

*Ed Stone moved to direct Charles Russell and Ellie Russell to continue negotiations with Mathieu Motors. Jenny seconded the motion. All were in favor and the motion was unanimously approved.*

**VELCO –**

Jenny Cole gave an update on the VELCO situation. She said that groups are appealing the deadline today. New Haven, Middlebury, Addison County Regional Planning Commission, Meach Cove Trust in Shelburne and Shelburne did vote to appeal. New Haven has issues related to alternatives to the 330 kilowatt line, notice to landowners, etc. Another issue is the cost of the

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problem versus the cost of the NRP solution to the problem. Issues related to the Highgate converter and double contingency standards.

Also there are issues related to federal law governing the use of the line, the timing of the need for the line as opposed to how long it will take to go through this process. Part of the approval for the project was based on a need for increased power into the area within a very short time, so timing was another issue. Issues related to the Department of Public Service ruling on consistency within the 20-year plan of the state, issues related to ANR, and concerns related to medical devices (pacemakers, insulin pumps) and the effect of electric fields and the open-ended nature of the way the Public Service Board worded the mitigation that was created were reasons that they felt that the PSB allowed the opportunity for VECLO to get out of their requirement to do underground in the Bay Road area where the PSB ordered underground.

Jenny Cole suggests meeting with Joe and Bob and have a chance to ask questions and find out what the appeal process is all about and find out if there is any action that the Town should be considering right now, etc. She asked about a meeting and Ellie said that her question is whether to have the full Selectboard have a meeting, or have one with lawyers, etc. Jenny felt that with the full board, it would give everyone an opportunity to feel clear about the appeal process. The SB directed Charles Russell and Jenny Cole to follow through on this matter.

**LAND USE REGULATIONS—DISCUSSION OF PROCESS**

Ellie Russell reported a very small response on the questionnaire so far; less than 20. There was a discussion on what process should be used to get peoples' concerns and comments.

After much discussion, it was agreed that the process will be to give the regulations to the key people; they give them back with their comments and Dean Bloch would prepare a collation of what they said. The SB would have that tool and at the same time have a public meeting and get the public's input as well. After that, the document will be in a condition to hold a public hearing to let the public know the outcome of their comments and give them one more chance to voice their opinions/comments/concerns. If there are more comments, e.g. more than 30, then the SB could go on with another hearing. If less comments, there would not be another hearing. Once a final draft is in place, the PC would write a report on the changes the SB had made. The SB would include some of the PC in meetings and hearings. Ellie Russell will circulate a draft plan to all SB and include an optimistic time schedule.

*Charles Russell moved to go into Executive Session to discuss the candidate for the Planning Commission. Ed Stone seconded the motion. All were in favor and the motion was unanimously approved.*

*Charles Russell moved to come out of Executive Session. Ed Stone seconded the motion. All were in favor and the motion was unanimously approved.*

*Charles Russell moved to appoint Peter Joslin to the Planning Commission for Gordon Troy's term. Ed Stone seconded. All were in favor and the motion was unanimously approved.*

Announcements – Ellie Russell noted the following events:

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1. Tour de Cure – one-day cycling event coming on May 15 – Sunday.
2. Meeting of Chittenden County Regional Planning Commission forum – Agriculture in Chittenden County Communities – April 20.
3. 60<sup>th</sup> annual town officers education conference. UVM Extension April 21 at the Sheraton-Burlington hotel.

**BILLS AND WARRANTS**

The SB signed and approved bills.

**ADJOURNMENT**

*Ed Stone moved to adjourn. Charles seconded. All were in favor and the meeting was adjourned at 9:50 p.m.*