

Charlotte Selectboard
February 22, 2010 Meeting

Selectboard Members Present: Jennifer Cole, Charles Russell, Ed Stone, Francis Thornton

Absent: Winslow Ladue

Administration Present: Dean Bloch

Community Members Present: Joe Blanchett, Norman Thibault, Joe Keenan, Martha Keenan, Stephen Brooks, Nancy Wood, Michelle Boomhower, Jim Donovan, Evan Langfeldt, Chris Snyder, Ellie Russell, Jennifer Adsit, Ruth Uphold, David Miskell, Bob Stone, Sue Smith, Marty Illick, Warren Severance

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Charles Russell called the meeting to order at 6:08pm.

Keenan Subdivision Appeal – Discussion with parties

- Norm Thibault (North Pasture Lane, Lot 10) presented what was to be a 15-minute overview regarding a resolution:
 - o In 1980, the land was to be subdivided (a map of the subdivision was presented to the Selectboard) into 11 lots. Later, Lots 4 & 5, the meadow and barn lots, were to be set aside and conserved for no development. The subdivision was approved in 1980 with a 14' access road, which was to be 3400' from Carpenter Road, well maintained, with three turnarounds, six driveways with good lines of sight, and no ditches. All property owners have a deeded responsibility to keep up the road. The Keenan lot (Lot 11) does not increase the number of lots in the original subdivision.
- Joseph Keenan, who was not in the original appeal but has since signed on and approved it, spoke. They do not want to break up the land. The new home would be in the far northeast corner. Because it was decided in 1980 that there could be 11 lots with deeded access, this does not make it an expansion of the parent subdivision (since they are now working on the 11th lot).
- Chief Davis made a site assessment regarding emergency vehicle access. He addressed the existing turnouts and guidelines for future driveways.
- The only issue the appellants have is with a condition the Planning Commission added, which was to widen the road to 15' with a 2' shoulder (Condition 11B).
- Joe Blanchett, one of the appellants, stated that the appeal was made on December 31, 2009. All applicants on the road support the appeal. They have handled everything on the 14' road as is and do not want to widen the road. Because the parent subdivision for 11 homes required a 14' road, and there are currently only ten dwellings, this 11th dwelling should be covered under the original subdivision (and thus not require further conditions). Also, according to Mr. Blanchett, the Fire Chief was comfortable with a 14' road. Mr. Blanchett explained that there would be a significant impact to telling every homeowner that they now have to maintain a 30% wider access road. This would create a ripple effect, both financially and aesthetically (and may also have an adverse effect on safety, if people begin driving faster down this potentially wider road).
- Jenny wondered what other things the Planning Commission asked for in terms of improvements. They were satisfied with the narrower sections of the road because of its "traffic calming effect" so the appellants wonder why they wouldn't just keep the entire road that width. The appellants said that the Planning Commission were very worried about future subdivision, and that is why they want the road to be widened.
- Martha Keenan said that there is a major difference since 1980 – now you only need 5 acres in order to subdivide when it used to be 10. Charles disputed the 10-acre claim.
- Stephen Brooks said that the action taken tonight won't change the opportunity to widen the road later on. What is the benefit of finishing here or sending back to the Planning Commission? Dean said that once an appeal is lodged, it should stop the clock for the additional information request deadline. It may be possible to

- reopen the hearing with the Planning Commission. If there is new information (which the appellants believe there may be – the Planning Commission was unaware that Lot 5 was conserved and may have thought of it as developable land, thus affecting their decision), this could have an affect on the Planning Commission’s final decision.
- Joe Blanchett said that because they don’t know what factors ultimately drove the Planning Commission to ask for an 18’ road, they don’t really want to kick the issue back to them. Also, a judge told them that at this point the Selectboard should be able to handle the matter. Dean said that once it goes to court, the Selectboard handles it and not the Planning Commission.
 - Joe Keenan wondered why the road was asked to be widened to 18’ in some areas and not in others. It seems arbitrary – if the Planning Commission wants all the roads up to standard, why wouldn’t they want the entire road widened?
 - Joe Blanchett suggested the Selectboard apply a common sense approach to the problem: Why was it okay when it was 10 lots of an 11-lot subdivision, but now the 11th lot makes a difference? The 11th lot should be grandfathered in to the original subdivision, since they are just fulfilling that agreement from 1980.
 - Ed doesn’t want the Selectboard to be pushed into making a quick decision. He would like to know why the Planning Commission didn’t take conserved Lot 5 into consideration. He would like to see the issue kicked back to the Planning Commission to give them a chance to see it through. The Selectboard can always overrule the decision if necessary – but he would like to give the Planning Commission the benefit of the doubt if they made a mistake. Dean said there is room in the March 18 Planning Commission meeting for them to reopen the hearing (the hearing would be reopened regarding this one issue only).
 - Joe Keenan worries that going back to the Planning Commission after going to environmental court might be a problem, and that the Planning Commission may be on the defensive.
 - Martha Keenan cited a letter sent on April 29 saying that the Planning Commission would consider various road widths. She also mentioned that the Fire Chief had okayed the 14’ road as is.
 - Joe Blanchett wondered what going back to the Planning Commission would imply considering they have pending litigation. Ed thinks the court would look favorably upon it because it shows they are trying to rectify the situation.
 - Dean said that the Planning Commission needs to make the decision to reopen the hearing (which they need 15 days’ notice for), and then it could take them up to 45 days to make a decision.
 - The Selectboard encouraged the appellants to get on the Planning Commission agenda for March or April.

Adjustments to Agenda: Added “Approval of Town application for an Aquatic Nuisance Species Grant-in-Aid Grant from the Vermont Department of Environmental Conservation” at 8:30pm

No public comment.

Review of minutes from February 8 were held off on – Jenny will type up changes and get them to Dean. Stephen Brooks pointed out an error; Winslow abstained from the flea market vote.

Michelle Boomhower, Executive Director, CCMPO – Report on CCMPO Blue Ribbon Commission on Innovative Finance; & discussion of Financing Options for I-89 Exit 12B.

- Ms. Boomhower sent advance materials to the Selectboard including a cover memo and final recommendation. She brought a resolution of the endorsement, which is generic and can be found in appendix H of the study.
- The final recommendation of the Board of Directors is that there is a cost savings of implementing this. The summary report is divided into two parts – Board-accepted recommendations and an appendix of materials. The Board has deferred the discussion until a further time (TBD). There is a likelihood that the status of the NPO could change – boundaries could be expanded based on the census size. There are unknowns regarding the organization’s size and structure.

- In terms of funding efficiencies, it might make sense to partner with the private sector to fund potential interstate exit 12B. They have asked for a study/local match share. The report is complete and they have come up with 5% of the project costs. They will keep looking at economic factors.
- There would be economic stimulation from proposed exit 12B. However, every year a project is delayed it costs more money. NPO participation may be more efficient, but they need to look into multi-year budgeting (the Agency of Transportation is against this and the issue was tabled at the Board meeting).
- The transportation issue is a problem that is not going to go away. As it is, they will be short \$4-8 million just to keep up with the current infrastructure. The message from the Board of Directors is that this is an important issue that will need to be sent to the legislature/governor/Department of Transportation.
- Jim Donovan stated that this was well founded and the Town of Charlotte voted to support this.
- Ed Stone made a motion to approve the resolution and Jenny Cole seconded.
Discussion ensued:
 - o Ed said we the Selectboard needs to talk about fixing Route 7 – they asked VTRANS for a letter about this.
 - o This is a \$35-45 million project.
 - o Frank wants to know what the advantage of a proposed exit 12B would be as he does not see that much traffic in that area. There was a Rte. 2 corridor study that shows that segment of highway is failing or anticipated to be failing. The airport anticipates a jump in the next 10 years from 1.5 million passengers per year to 3 million passengers per year. There is also going to be housing added near the Blue Mall, plus Tully Drive and Tech Park development.
 - o Dean mentioned that the resolution seems vague. How can the Board be sure it's not supporting or opposing something specific? The resolution continues to support dialog, not action.
- The vote passed 3-1 with Frank opposing.

Clark Hinsdale, III – Fire Pond Agreement & Waiver, and amended Sewage Service Agreement Waiver & Easement. *Action under consideration: approve agreements & authorize the Chair to sign*

- Charles wondered whether these documents had been reviewed by the town attorney. Dean replied that they haven't been and it shouldn't be necessary as they are standard agreements.
- Frank asked where the fire pond was located – it is on East Thompson's Point Road. Frank then asked if there would be a fence placed around the pond – this would be up to the homeowner's agreement. They can add a fence if they want.
- Ed made a motion to approve the Big Oak Plain Project; Jenny seconded the motion; all in favor.

Chris and Elizabeth Snyder – request for Highway Access Permits for two curb-cuts on Spear Street. *Action under consideration: approve HAP-10-01 and HAP-10-02.*

- Chris Snyder: Mr. Snyder and his wife purchased the property at the end of last year. It is comprised of three 5-acre lots and one 31-acre lot. They are requesting two access points (one for Lots 1 & 3, one for Lots 2 & 4).
- Nancy Hinsdale has requested farm access – she owns 130 acres of property to the south of the Snyder land.
- Jenny mentioned that the Planning Commission wants the building envelopes moved on the map and wondered if that change was reflected on the map. Mr. Snyder replied that it had been updated on the map.
- Charles wondered why the Snyders are not considering only one driveway. Mr. Snyder responded that this is due to the fact that Nancy Hinsdale has asked for access for agricultural purposes.
- The final application has not yet been submitted; Mr. Snyder wanted to see if the Selectboard would approve the two access points before submitting the final application.
- Jenny wondered where exactly the two access points would be. Mr. Snyder responded that they would be located across from the Adsits' driveway, which is the area that Junior and Ed thought would be the best spot when they went on a

site visit. Ed mentioned that he would like to see the access points combined into one, and wondered how this would affect planning. Mr. Snyder responded that he would like to honor the access for Nancy Hinsdale.

- Stephen Brooks inquired as to what the staff recommendation would be; Dean agree that one access would be best.
- The Planning Commission considered access to Hinsdale property possible with just one access using a right of way, and Charles recommended the access points be combined in compliance with the Planning Commission's recommendation.
- The Selectboard decided to approve only HAP-10-01 and would like the Snyders to return on 3/15/10 to show them exactly where the cut would be.
- A motion to approve for single curb cut HAP-10-01 (and to deny access of HAP-10-02) was made by Ed; seconded by Jenny; all in favor.

Resolution in Support of Paramedic Level Care. *Action under consideration: approve resolution*

- A new version of the resolution was submitted and the words "Charlotte Rescue" were removed.
- Jenny inquired as to what else needs to be done for this to move forward. There will be a FAHC-appointed Medical Director. Every EMS district in District 3 has supported this resolution, and the next step will be to determine how the meds are distributed from the FAHC pharmacy.
- Charles wondered when they would know whether it'll be a Charlotte paramedics team or intercept. The Fire Chief will determine that in-house, and not at the district level. The communications center at FAHC will determine where paramedics are, which is similar to what is being done now at the intermediate level.
- The Board asked if, in order for Fire & Rescue to switch to paramedic level care, there would be another authorization required from the Board. There would not be one.
- Jenny moved to approve the resolution as revised; Ed seconded; all in favor with Charles abstaining.

Thompson's Point Lot 156 @ 310 North Shore Road – 20-Year Lease to Harold W. Blake, Trustee & Marjorie A. Blake. *Action under consideration: approve lease*

- This agenda item was tabled.

Burns property – approve Notice required by 24 VSA 1061 for the conveyance of 1.31 acres and associated septic fields easement to Green Mountain Habitat for Humanity. *Action under consideration: approve notice*

- Stephen Brooks asked the Selectboard when the water situation could be looked into. Jenny said that it had been discussed in the past and that the first option was that a new well would be dug; if that didn't work out, the Burns well would be considered. Dean explained that tonight's process is to approve the notice, not the conveyance itself. If there were to be a petition, a hearing could happen. There is always room to add a water easement if the Board desires. Charles said that now might be a good time to add an easement. Ed said that if the wells don't work out, they can revisit the issue. Dean said that the water issue could be added to the 3/8 agenda so that the public can talk about it since it is not on today's agenda.
- The issue was tabled.

Burns property – Communications with Vermont Land Trust and Preservation Trust of Vermont. *Action under consideration: request partial release of lien to convey property to Green Mountain Habitat for Humanity*

- The Board received information from Vermont Land Trust regarding the Old Lantern building plans.
- Jenny asked if a motion could be made to approve the letter. Ed said that there can't be if the letter is not ready. Ed would like them to bring this up in the next meeting after revisions have been made.
- A covenant about affordable housing has been requested.
- This agenda item was tabled.

Approval of Town application for an Aquatic Nuisance Species Grant-in-Aid Grant from the Vermont Department of Environmental Conservation

- Marty Illick said that the application must be submitted from the municipality and they need the Town to be the applicant. Ms. Illick would be willing to be the contact if authorized, but someone from the Selectboard needs to be authorized to sign the application. The deadline for application submission is 3/1/10.
- There will be a contract with each individual who performs labor for the project – this would be similar to what has been done with the Lewis Creek project.
- This piece of the project will cost \$10,000 and the project will cost \$32,000 total.
- Ed made a motion to move forward with the grant and authorize Jenny Cole as the Selectboard representative and Marty Illick as the municipal representative. Jenny seconded; all in favor with Frank abstaining.

Prepare for Town Meeting

- Charles wondered if roads and trails would be talked about at the town meeting.
- Jenny asked about how the CSWD project would be discussed and who the townspeople will look to for questions. Stephen Brooks will be present to answer questions.

Ed motioned to adjourn the meeting at 8:55pm; Frank seconded; all in favor.

Minutes submitted by Meaghan Nooney