

**TOWN OF CHARLOTTE
SELECTBOARD
SEPTEMBER 13, 2010**

APPROVED

MEMBERS PRESENT: Charles Russell, Ed Stone, Jenny Cole, John Owen, Winslow Ladue (arrived 7:07 p.m.).

ADMINISTRATION PRESENT: Dean Bloch.

OTHERS: Ellie Russell, Nancy Wood, Stephen Brooks, Gerald Bouchard, Clark Hinsdale III, Beth Mahon Tenney, Dorothy Hill, Brad Simpkins, Polly Simpkins, Jennifer Adsit, Carlie Krolish, Catherine Hughes, Sue Smith, Dick St George, Marty Illick, David Nichols, Kate Lampton, Richard Bernstein, Michael Gewars, Moe Harvey, Carrie Spear, Suzie Hodgson, Stephanie Coate, Charlotte Citizen; and others.

Call to Order

Charles Russell, Chair, called the meeting to order at 7:03 p.m.

Adjustments to Agenda:

Change the October 11, 2010 meeting date to October 4, 2010.

Public Comments

None.

Minutes of August 23

Motion by Mr. Owen, seconded by Mr. Stone, to approve the minutes of 08/23/2010 as written with edits/corrections.

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

Charlotte Family Health Center – request for sign in Ferry Road right-of-way.

Action under consideration: approve request

Richard Bernstein, Charlotte Family Health Center representative, reviewed a request to place a 6' square sign attached to a tree 12' off the ground.

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve a sign for the Charlotte Family Health Center as presented.

VOTE: 5 ayes; motion carried.

Conservation Fund Policy – action under consideration: approve revision to policy

Mr. Russell reviewed proposed revisions to the Conservation Fund Policy related to Uses of funds and spending funds on projects outside of Charlotte.

Ms. Lampton noted that there was also a slight wording change under the Confidentiality section. Ms. Cole spoke in support of the language changes. A question was how to bring the revised policy to a Town vote. The proposed language could be used as an article for discussion at the March Town Meeting, suggested Ms. Cole.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve the proposed revisions to the Conservation Fund Policy as presented.

DISCUSSION:

Ms. Illick said that the Purpose Statement was the most important section.

Whatever is done should be consistent with the Purpose Statement.

Mr. Stone suggested leaving the policy as is. It has worked well for the last 10 years.

Mr. Owen spoke in support of the proposed language. Mr. Ladue said he was comfortable with the voters voting on the revisions.

Ms. Adsit pointed out that the policy statement was created by a past Selectboard. There were important language improvements that should go before the voters. The policy is a guideline/concept that a Selectboard might consider, said Ms. Adsit.

Mr. Harvey said the fund was a major concept change passed by voters in 1996. Any changes should be talked about in public, just like when the policy was first

approved in 1996. At that time there was never any talk about funding projects outside of Charlotte. The Vermont Land Trust protects land throughout Vermont. The proposed change would allow (Charlotte) tax money to be spent outside Charlotte borders. The issue should be brought before the voters at the 2011 Town Meeting.

VOTE: zero ayes, 4 nays, 1 abstention (Ms. Cole); motion failed.

Public Hearing for Amendment to the Land Use Regulations for Farm Café Provision – action under consideration: close hearing and vote to put on the Australian ballot for Town-side vote on November 2

Mr. Bloch read the Land Use Regulation, Purpose Statement for the Rural District and Selectboard modified language changes related to lot size and farm income. Mr. Bloch submitted a note from Lisa Beal, dated 09/13/2010, in support of the proposed changes for the record.

Mr. Russell opened the floor for public comments/questions.

Ms. Tenney suggested that the changes should be added to the Conditional Use, Home Occupation 3 section, and define the word ‘auxiliary’ in the glossary. Under the Mixed Use rule there can be more than one use, said Ms. Tenney. Mr. Russell replied that the proposed farm café would apply in the rural district under the Conditional Use rules listed in Table 2.5.

There was lengthy discussion regarding a farm café under Home Occupation 3 (Mr. Hinsdale III said an operation, which could be owned or rented, would have to produce a lot of on-site produce. When I first ran the berry farm I lived on-site, then I lived off-site. I think you could apply for a Home Occupation as a renter if the owner agrees.); and an e-mail from Tom Mansfield that suggested an alternate proposal for a farm café as an accessory use using an active agricultural enterprise as defined by the State of Vermont. Mr. Russell pointed out that the Town Attorney did not agree with Mr. Mansfield’s letter. Ms. Hughes said that the new version was more restrictive and suggested placing both versions before the voters. Mr. Russell explained a concern that someone could have a sham agricultural business with a farm café. That might open the rural district to commercial use, said Mr. Russell. Ms. Hughes pointed out that an application would go through the zoning and planning review process. Mr. Russell said that if an application meets the criteria then it could be approved. Mr. Simpkins said that an application would need to meet site plan review. Ms. Russell said that under Conditional Use an application has to be in keeping with the neighborhood.

MOTION by Mr. Stone, seconded by Mr. Ladue, to close the Public Hearing for an Amendment to the Land Use Regulations for Farm Café provision.

VOTE: unanimous; motion carried.

MOTION by Mr. Stone, seconded by Mr. Ladue, to put a proposed amendment to the Land Use Regulations for a Farm Café provision to a vote by Australian ballot for Town-wide vote on November 2, 2010 as described here:

In Table 2.5(D), add “Farm Café” as a conditional use.

In Chapter IV, add a new section (Section 4.19) with the following provisions:

A farm café may be allowed in the designated zoning district subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements:

(A) An enclosed building, or portion thereof, dedicated to this use, including food preparation and seating areas, shall occupy no more than 1,000 square feet of gross floor area.

(B) Designated outdoor seating shall occupy a total area of not more than 1,000 square feet.

(C) The parcel on which the Farm Café is to be located must be at least 10 acres, unless the parcel has frontage on Route 7, in which case the parcel must be at least 20 acres.

(D) The farm associated with a Farm Café must have gross sales of at least \$10,000 of agricultural products per year, unless the Farm Café is to be

located on a parcel with frontage on Route 7, in which case the farm must have gross sales of at least \$20,000 of agricultural products per year.

(E) Annual gross farm sales must not be less than 33% of annual gross sales derived from the Farm Café. Farm projects sold at the café or used as ingredients in products sold at the café can be valued at fair market value for the purpose of calculating gross farm income for this criterion.

In Chapter X, Section 10.2, add the following definition:

Farm Café: A use that is auxiliary to the agricultural use of the parcel of which the primary function is to serve to the public, for consumption primarily on the premises, food and/or beverages that include but are not exclusively created from agricultural products grown on the parcel on which it is located. This definition excludes Restaurant/Fast Food and Restaurant/Drive-through. (See Section 4.19)

DISCUSSION:

Ms. Cole suggested deleting (E) and expressed concern that someone could be in violation of the Zoning Bylaws. Gross farm income could be less than the farm café income. To say that someone can't make more than \$30,000 from a café isn't fair, said Ms. Cole. Mr. Owen said that an operation would use farm products to supply a farm café. Mr. Russell said that a café is to be auxiliary to a farm agricultural operation. It is different, but I'm not sure that it is unfair, said Mr. Russell. Ms. Cole asked if a café is successful and makes more money, then would they have to figure out how to make more money from the farm. Mr. Ladue explained that we are trying to balance the issue of a sham/token farm with a café versus having a restaurant. We are creating a process to be successful, said Mr. Ladue.

Mr. Ladue asked if outdoor seating was intended to be seasonal. What is the difference between picnic tables versus outdoor seating with a tent and heaters.

Mr. Bloch explained that as per the Town Attorney, wording changes to Section 4.19 (D) and (E), from 'income' to 'sales' are minor changes and are not substantive changes.

AMENDMENT to the Motion by Mr. Stone, seconded by Mr. Ladue, to include the changes as noted.

VOTE on the amended motion: 4 ayes, 1 nay (Ms. Cole); motion carried.

Contract for Energy Efficiency Work on Town Hall Building – action under consideration: approve contract

Jennifer Chiodo, Suzie Hodgson and Catherine Hughes, Energy Committee members, appeared before the Selectboard.

MOTION by Mr. Ladue, seconded by Mr. Stone, to authorize the Charlotte Selectboard Chair to sign a contract on behalf of the Energy Committee and Town of Charlotte to complete energy efficiency work on the Town Hall building.

DISCUSSION:

Mr. Stone suggested that Mr. Russell, as Selectboard Chair, oversee all the work, and that the Energy Committee understand and agree that that should happen. Ms. Chiodo, Ms. Hodgson and Ms. Hughes agreed.

Mr. Ladue noted that a contingency item was an added concept and should be discussed.

AMENDMENT to the Motion to approve a contract in the amount of \$28,564 in grant funds with a Town match of \$3,018.

VOTE on the amended motion: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a contingency in an amount not to exceed \$3,000, and to authorize the Charlotte Selectboard Chair to approve those expenditures.

VOTE: 5 ayes; motion carried.

Mr. Bloch, Selectboard Assistant, Ms. Mead, Charlotte Town Clerk, Mr. Russell, Selectboard Chair, and other Town staff would meet for further discussion regarding the work to be done.

Repairs to Town Hall – action under consideration: authorize Selectboard Chair to meet with two contractors to obtain further price information and award contract for amount not to exceed \$30,000

MOTION by Mr. Stone, seconded by Mr. Ladue, to authorize the Charlotte Selectboard Chair to meet with two contractors to obtain further price information and award contract for an amount not to exceed \$30,000.

DISCUSSION:

Mr. Russell reviewed that he and Mr. Ladue had met with PRIME Construction and Dick St George.

Mr. Stone asked if a bond was discussed. Mr. Ladue replied no.

There was brief discussion regarding a revised list of items #1-11, which were presented in bold and represented priority items; Mr. Russell suggested including painting and cleaning of clapboards; cost of window replacements at \$400 plus \$900 installation per window (Mr. Ladue suggested conducting a window survey and getting new bids for windows from vendors); and consider which contractor to use. Following discussion, Mr. Stone and Mr. Ladue withdrew their motion.

MOTION by Mr. Ladue, seconded by Mr. Stone, to award a contract to Dick St George for repairs to the Town Hall, priority items #1-7 in the amount of \$10,425 and item 9a, painting and cleaning of clapboards, in the amount of \$770, for a total amount of \$11,195.

VOTE: 5 ayes; motion carried.

A window survey would be conducted and a report would be presented at the next meeting of the Board.

Police Contract – action under consideration: approve contract

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a contract with the Shelburne Police Department for a period of one year, commencing 09/13/2010 and ending 06/30/2011.

DISCUSSION:

Mr. Stone asked if the contract should include coverage for 30 hours per week, or between 20 and 30 hours per week, or an average of up to 30 hours per week.

AMENDMENT to the Motion by Mr. Stone, seconded by Mr. Ladue, to leave the language as: “..between 20 to 30 hours per week.”

VOTE on the amended motion: 5 ayes; motion carried.

Mr. Russell, Charlotte Selectboard Chair, signed the contract on behalf of the Town of Charlotte.

Parking at the Old Lantern – renew License Agreement – discussion only

No action was taken.

Clark Hinsdale, III:

- a) **Request to name private road (at 173 State Park Road) Vineyard View Drive – action under consideration: approve name**
- b) **Request refund of \$1,500 application fee (\$500 per lot) for subdivision that proposed transferring development rights for three lots from the Palmer parcel on East Thompson’s Point Road to the State Park Road property – action under consideration: approve refund**

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve naming a private road at 173 State Park Road as Vineyard View Drive as requested by Clark Hinsdale III.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to issue a credit of \$1,500 to Clark Hinsdale III for subdivision that proposed transferring development rights for three lots from the Palmer parcel on East Thompson's Point Road to the State Park Road property.

DISCUSSION:

Mr. Stone noted that Mr. Hinsdale would get a credit for any future application fees so that funds were not taken from the Town budget.

Mr. Ladue pointed out that at the 08/23/2010 Selectboard meeting it was proposed that one-half of the \$1,500 fees paid would be refunded. Mr. Stone explained that Mr. Hinsdale was active and doing business in town. A credit would be a compromise. Ms. Cole suggested changing the wording that did not tie in the three lots.

Mr. Stone and Ms. Cole withdrew their motion.

MOTION by Mr. Stone, seconded by Ms. Cole, to give Clark Hinsdale III a \$1,500 credit for future application fees for planning and zoning as a result of lots not developed on the Palmer parcel on East Thompson's Point Road and the State Park Road property.

DISCUSSION:

Ms. Russell expressed concern that the Selectboard was creating a precedent. There was some cost to the Town regarding the subdivision application process.

Mr. Bloch explained that originally the subdivision application was for 8 lots at a fee of \$500 each. There was a flat fee of \$4,500 paid, plus \$500/lot, clarified Mr. Bloch.

There was further discussion regarding staff service received by the applicant and the worth of those services rendered; the application process (Mr. Hinsdale pointed out that there was no public opposition to the application during the public process); and a suggestion to issue a \$750 credit versus a \$1,500 credit.

Ms. Cole stated that the Board should review the fee schedule as well and put it on the Selectboard agenda.

AMENDMENT to the Motion by Mr. Stone, seconded by Ms. Cole, to issue a \$1,000 credit to Clark Hinsdale III for future application fees for planning and zoning as a result of lots not developed on the Palmer parcel on East Thompson's Point Road and the State Park Road property.

Vote on the Amended motion: 5 ayes; motion carried.

Carrie Spear – Tractor Parade on October 10th – action under consideration: classify this as a “town event” for insurance purposes, and close Spear Street from 1:30-2:30 p.m. from Nichols Farm to Hinesburg Road, and close Hinesburg Road from 1:30-2:30 p.m. from Spear Street to Valley View Drive.

MOTION by Mr. Ladue, seconded by Mr. Owen, to classify the Tractor Parade on October 10, 2010 as a “town event” for insurance purposes, and close Spear Street from 1:30-2:30 p.m. from Nichols Farm to Hinesburg Road, and close Hinesburg Road from 1:30-2:30 p.m. from Spear Street to Valley View Drive.

DISCUSSION:

In response to questions, Ms. Spear explained that Valley View Drive was a good place to park the fire trucks and tractors. In order for the town to cover the parade as a town event the organizers were willing to be appointed on a town committee.

Mr. Bloch explained the process for providing insurance coverage for town events.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Stone, to appoint Carrie Spear as the Charlotte Tractor Parade Committee Chair and to appoint Deb Christie, Cindy Bradley, June Bean and Margaret Roddy to the committee for the purpose of organizing and running a Town of Charlotte Tractor Parade.

VOTE: 5 ayes; motion carried.

Thompson's Point Lots 49 & 100 at 532 Flat Rock Road – action under consideration: terminate existing lease and approve a new 20-year lease to Henry and Carleen Tufo, Trustees of the 923 Trust

MOTION by Mr. Stone, seconded by Ms. Cole, to terminate an existing lease of Thompson's Point Lots 49 and 100 at 532 Flat Rock Road, and approve a new 20-year lease to Henry and Carleen Tufo, Trustees of the 923 Trust.

VOTE: 5 ayes; motion carried.

Mr. Russell signed the lease documents on behalf of the Town of Charlotte, witnessed by Mr. Ladue.

Agriculture Lease for Charlotte Park and Wildlife Refuge – action under consideration: approve Request for Proposals

Ms. Cole reviewed a draft RFP agricultural lease for the Charlotte Park and Wildlife Refuge.

Mr. Ladue asked if the lease included the Galbreath property. Units K, L, E, F, and G were lumped together on the last page. Either the parcels should be split out by acreage, or lumped by uses. Also a fee should be established for Item #4, suggested Mr. Ladue. Ms. Cole explained that she needed to hear from farmers regarding potential uses, then we could make a decision regarding fees from that.

There was further discussion regarding potential use of parcels (for example, if use included animals would the Town provide a drilled water well); language in the Management Plan for criteria related to uses of the units; and questions related to egress to the units.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a proposed Request For Proposals Agriculture lease for the Charlotte Park and Wildlife Refuge with revisions.

DISCUSSION:

Mr. Ladue reviewed questions/concerns related to unit acreages as split for Units L (2.4 acres), K (20.9 acres), E (12.2 acres), F (6.0 acres), and G (6.0 acres), and Item #4 fee. Mr. Ladue suggested that factors could be the operation of the parcels and the duration of a lease.

In response to a question, Ms. Cole said that proposals are to be received by Mr. Bloch.

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

Schedule Annual Update with Committees/Commissions prior to Budget Session – discussion only

The Selectboard reviewed potential joint committee/commission meetings over three meeting dates. The CCRPC and MPO would appear at the 09/27/2010 Selectboard meeting. Ms. Cole would contact the Park Oversight Committee regarding a meeting date.

Next Agenda items:

- Set meeting dates
- Conservation Fund Guidelines
- Charlotte Land Trust Update

Approval of Bills and Warrants

The Selectboard signed Bills and Warrants as presented.

Adjournment

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 10:20 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary