

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
NOVEMBER 27, 2006**

APPROVAL

MEMBERS PRESENT: Charles Russell, Acting Chairperson; Jenny Cole, Ed Stone, Frank Thornton (Absent: Eleanor Russell).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Amy Dometrowitz, David Mullin, Robbie Stanley, Peter Richardson, Gary Pittman, Lawrence Hamilton, Linda Hamilton, Robert Chutter, David Miskell, Hugh Lewis Jr, Mary Tang, Mary Beth Freeman, and others.

1. CALL TO ORDER

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

MOTION by Mr. Thornton, seconded by Mr. Stone, to nominate and elect Charles Russell as Interim Charlotte Chairperson.

VOTE: 4 ayes, 1 absent (Ms. Russell); motion carried.

2. ADJUSTMENTS TO THE AGENDA

Added:

- Wind Turbine
- Thompson's Point Lease/Sale Approval of Transfer

3. PUBLIC DISCUSSION

None.

4. APPROVE MINUTES OF 11/13/2006

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve the minutes of 11/13/2006 as written,

VOTE: 4 ayes, 1 absent (Ms. Russell); motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve the minutes of 11/20/2006 as written,

VOTE: 4 ayes, 1 absent (Ms. Russell); motion carried.

5. REQUEST TO WAIVE FEES FOR SKETCH PLAN REVIEW FOR BURNS PROPERTY

Amy Demetrowitz, Champlain Housing Trust representative, explained that the Trust was seeking waiver of a \$50.00 permit fee for an affordable housing project at the Burns property. The Trust was proposing 9 units.

Dave Mullins, Habitat for Humanity representative, was introduced. Ms. Demetrowitz explained that two alternative plans for the project may be presented. The cost of the infrastructure was an issue and nine units were needed to cover all the costs.

Mr. Thornton noted that some neighbors had issues with the density of 9 units and were more comfortable supporting 5 units. Ms. Demetrowitz said that the Trust would follow the recommendations of the Burns Committee regarding a location of the 9 units.

Mr. Bloch asked if a plan would be the available for a January Planning Commission meeting. Ms. Demetrowitz replied that a plan would be available in January. The Trust would meet with the Town Planner on Wednesday meeting and go on a site visit.

Ms. Cole noted that other suggestions included a lesser number of units, or building the project in phases. Ms. Demetrowitz said that the Trust would consider doing an analysis of 5 versus 9 units, or phasing 5 units then 4 units for a total of 9.

In response to Board questions Ms. Demetrowitz said that the Town was expected to provide land and septic capacity. The Trust would construct the infrastructure.

Mr. Stone asked if the Trust was only asking for just the one \$50 fee, or would ask for waiver of future fees. Ms. Demetrowitz replied the request was for \$50, but the Trust would come back for future fee waivers.

MOTION by Mr. Stone, seconded by Mr. Thornton, to waive the \$50.00 fee for Sketch Plan Review.

VOTE: 4 ayes, 1 absent (Ms. Russell); motion carried.

Mr. Richards asked for clarification regarding Town board jurisdictions. Would planning occur at the Planning Commission level.

There were questions on conveyance of land by Selectboard. Mr. Stone explained that the Burns Committee and Affordable Housing Committee reviewed, researched, and brought in recommendations. There was a Town advisory vote. The Planning Commission dealt with an application at Sketch Plan Review.

Ms. Cole reiterated that the question was of “up to” a number of units, rather than a definite number of nine units. It would be good to have a comparison. It is hoped that we end up with a situation where the Selectboard can support the project and most people find acceptable.

Mr. Russell said that the next vote would be a binding vote at the March Town Meeting versus the “advisory” vote taken in November.

4b) APPROVAL OF TRANSFER OF THOMPSON’S POINT LEASE/SALE

Mr. Stone suggested that the Selectboard should consider a change the length of leases from twenty years to a shorter term for better control; for example, 5, or 7 years. Mr. Thornton said that banks and people who owe money for property/leases don’t like short term leases. Ten years was better than 5 years.

Mr. Russell suggested that the Board should approve this lease as is for 20 years and to consider changing the any up coming lease terms to ten years . The Town Clerk could put ten years on the lease term versus 20 years.

There was discussion regarding concerns related to financing loans for camp leases; what procedure to follow to end twenty year leases; and replacing long term leases with ten year leases as the longer term leases expired. Mr. Russell said that the topic would need to be put on the agenda. The lease holder association, as a representative of the lease holders, should be notified. There was a question on how the change would affect the Town.

MOTION by Mr. Stone, seconded by Ms. Cole to approve a proposed transfer of lease/sale for Lots 125 & 126 for Margaret B. Clark, for a twenty-year lease on Thompson's Point and to authorize the Charlotte Interim Chairperson to sign the lease document on behalf of the Town of Charlotte.

VOTE: 4 ayes, 1 absent (Ms. Russell); motion carried.

5. THORP BARN

Agenda item #5, Thorp Barn, was rescheduled for 12/11/2006.

6. BUDGET REVIEW

SENIOR CENTER

Mr. Thornton recused himself

Robert Chutter and Gary Pittman, Senior Center representatives, appeared before the Selectboard. Mr. Pittman reviewed a written Senior Center Town Budget versus Actuals. A three percent increase for the Director was proposed. A total budget increase of 1.5 percent was requested.

There was discussion regarding a proposal to paint the Senior Center building. Mr. Stone suggested that the Senior Center get an estimate for the project, then return before the Board. If the job was scheduled before July 2007 then it would go into this year's budget. Mr. Pittman said he would get an estimate before January.

Mr. Chutter reported that a maintenance plan was in place. The Town Clerk would be notified when a repair or maintenance was needed.

CONSERVATION COMMISSION

Linda Hamilton, Gary Pittman, and Sylvia Knight, Conservation Commission representatives, appeared before the Selectboard.

Mr. Hamilton reviewed a budget proposal that reflected funding for a Wildlife Habitat Map update. An application for a Municipal Planning Grant was submitted for \$15,000 to cover \$17,000 budgeted for the next phase. The commission was seeking a budget of \$7,000 prior to knowing if the grant was successful. An additional \$5,500 and \$1,500 for other projects was needed.

There was discussion regarding the usefulness of a Wildlife Habitat Map for the Town (Ms. Hamilton explained that the map would allow anyone to locate wildlife habitat on their property, and would help with the subdivision review process. Land Use Regulations call for the Planning Commission to direct development away from areas of high public value. Wild life habitat doesn't take away private property values, but it enhances the property values. Mr. Thornton disagreed, stating that it would impact the property owner.

Ms. Hamilton explained habitat was not about deer, but about eco-system health. For example; water quality, air quality and bio diversity, which are public values.

Mr. Thornton pointed out the current Town Wetlands Map was inaccurate. It shows wetlands on his property and he has lived there 30 years. It was dry with no water, or wetlands.

There was further discussion regarding mapping as an aid to locate potential home sites, verification of information, and the ability to make changes/correct inaccuracies. Ms. Hamilton said that if there were inaccuracies, then that highlighted the need for a field check, incorporating connections to mapped areas – ecological functions of forest, biological diversity, etc.

Larry Hamilton, Charlotte Tree Warden, said even USDA soil survey can have inaccuracies. It was just a red flag for field investigation.

Mr. Russell said that the wildlife consultant hired by Sneider/Donovan had noted in his report that a question was if houses should go in a field or woods. Should meadow habitat be on map as well was a question. Not all woods are completely valuable or should some houses go in the woods versus a meadow. Ms. Hamilton noted that a grassland habitat was now being recognized as having value for grassland birds.

Mr. Stone said that budget increases should be limited at three percent, or less. If the Conservation Commission had a 40 percent increase, then all Town departments would want a 40 percent increase. The budget is all about money and tax increases. Ms. Hamilton said that she understood from discussions last year that the Town said to increase the budget.

Ms. Hamilton submitted a written note of support from the Conservation Commission for the Lewis Creek Association budget request.

CHARLOTTE LAND TRUST

Jane Lawlis, Charlotte Land Trust representative, reviewed a request for \$10,000, which would pay for property appraisals, conservation mapping, and creating a database.

In response to questions by Mr. Thornton, Ms. Lawlis explained that conserved land was not categorized as a percentage, but there was about 22 percent of conserved land

including open space agreements. The Land Trust was monitoring about 20 projects in Town, and there were 12 easements in trust.

Mr. Thornton noted that the Town has only “executor interest” in easement agreements with other organizations, which was meaningless.

Mr. Russell asked for a written draft budget.

Ms. Cole asked if mapping could be integrated with other town data bases in a way that was compatible. Ms. Lawlis replied that the Trust relied on the Town Planner and others with technological knowledge.

LISTERS

Mr. Bloch handed out a written draft Lister’s budget for Board review. Mr. Russell asked staff to seek a 0.25 percent decrease to the proposed budget in order to keep the increase at 3 percent or below.

PLANNING/ZONING

Mr. Stone said Planning/Zoning color copier lease of \$171 per month allowed for “x” number of copies. Any overages incurred an additional fee. The Town Clerk copier was Town owned and should be used for black and white copies versus the color copier for a cost savings, suggested Mr. Stone.

Mr. Russell suggested that Recreation could provide its own ream of paper and use the Town Clerk’s copier.

Mr. Stone said that for the Planning/Zoning budget to stay at a 3 percent increase a \$126,000 budget was needed versus \$128,000.

Mr. Bloch said septic review revenue would offset some of the increase. The revenue was not included in the proposed budget. Mr. Stone said that no adjustments were shown for Planning/Zoning Administration and Administration Assistant. The revenue side should be shown.

The Selectboard asked to see a revenue-to-expense comparison.

ROAD COMMISSIONER

Hugh Lewis Jr., Charlotte Road Commissioner, appeared before the Selectboard.

Mr. Lewis Jr. reviewed a proposed Town Highway budget that was slightly under a three percent increase. Additions included \$5,000 for tree/brush removal, \$5,000 mowing increase, and \$4,000 for road signs and putting down road markings.

There was discussion regarding upgrades to dirt roads (Mr. Lewis Jr. explained that if budget money was left over then it was used for upgrading dirt roads); a suggestion to decrease funding for winter plowing/sanding (Mr. Lewis Jr noted that last year ‘s sanding plowing budget went over by \$4,000); a suggestion to grade gravel road less often (Mr.

Lewis Jr. said that once a dirt road was upgraded then it didn't need grading as often); and what line item(s) could be reduced in order to shift funding to gravel road upgrades. Mr. Lewis Jr suggested reducing gravel road maintenance and/or ditching.

The Board suggested to budget gravel road upgrades for \$75,000, and to leave gravel road maintenance as is, for a total budget of \$875,000.

7. CLARK HINSDALE JR – RELINQUISHMENT OF OPEN SPACE AGREEMENT ON SHEEHAN GREEN EAST (LOT 22) TO BE REPLACED BY A VERMONT LAND TRUST CONSERVATION EASEMENT FOR WHICH THE TOWN IS TO HOLD AN EXECUTORY INTEREST

Allen Karnatz, Vermont Land Trust representative, and David Miskell, agent for Clark Hinsdale Jr, appeared before the Selectboard.

Mr. Karnatz explained proposed changes to the Sheehan Green East (Lot 22) project that included reducing the number of housing lots to one (Lot 22). An open space agreement would be replaced by a Vermont Land Trust conservation easement as outlined in a quit claim document. Mr. Bloch said that Tim Eustaus, Town Attorney, added language to the second paragraph, Section 1061, which was a quit claim deed and explanation of purpose. Once final details were worked out the Selectboard would be asked to grant authority for a Board representative to sign the document.

Mr. Thornton said to eliminate the term "executory interest". It was meaningless.

Mr. Karnatz handed out copies of draft language of a proposed quit claim deed for Board review.

MOTION by Mr. Stone, seconded by Ms. Cole, to relinquish an open Space Agreement on Sheehan Green East (Lot 22) currently held by the Town of Charlotte and give a conservation easement to the Vermont Land Trust to which the Town would hold Executory Interest, and to approve a quit Claim Deed and to authorize the Charlotte Interim Chairperson to sign the Quit Claim Deed and Executory Interest document(s).

DISCUSSION:

Mr. Thornton asked for clarification on what the Town would get out of the proposal. Mr. Quickel explained that the original proposal included 4 houses. A small farm would be built on the land instead. As buyer of the land (Mr. Quickel) could not afford to pay the price of development of 4 houses to Hinsdale's. The development rights would be sold to the Vermont Land Trust and the acreage would be restricted.

VOTE: 3 ayes, 1 nay (Mr. Thornton), 1 absent (Ms. Russell); motion carried.

8. MARY BETH FREEMAN – SHORELINE EROSION MITIGATION PLAN FOR NOTICE OF VIOLATION AT 843 HILLS POINT ROAD

Mary Beth Freeman, owner, appeared before the Selectboard.

Ms. Freeman submitted a Site Plan that included an illustration of trees that were pruned a long the lake shoreline without permission. The trees were Eastern White Cedars and dead trees. Tree Works was hired to evaluate the trees and to remove trees were necessary. Ms. Freeman showed the location of the removed trees on the Site Plan.

Mr. Hamilton expressed concern regarding the stability of the lakeshore bank, and explained the relationship of tree roots systems to the banks. Ms. Freeman said the cedar trees weren't dead, but the roots balls were mostly exposed. One tree had a root ball completely exposed. The Zoning Administrator approved the removal.

Mr. Hamilton said that heavy pruning kills trees and planting little shrubs won't do anything for bank stability. Those cedars were approximately 300 years old and were part of a network of a White Cedar system on the bank.

Mr. Stone asked if the trees were there when the parcel was a dairy farm. Does the Design Landscape Plan require the land owner to plant the same kind of trees, asked Mr. Stone. Mr. Hamilton said that he would suggest the land owner restore the same kind of tree – White Cedars. Ms. Freeman said that Sumac was proposed for the bank top. Sumacs grew through a root system and were fast growing and spreading. Cedars get top heavy and that pulls the trees down. Tree Works suggested pruning the trees and securing the trees with cables.

Mr. Hamilton suggested hiring a soil erosion expert who could suggest how to stabilize the bank. Land owners had cut down trees along the bank to improve lake views in the past, noted Mr. Hamilton. Ms. Freeman stated that the trees were like that when she moved there. An ice storm has created a lot dead trees and broken tree tops and branches.

Mary Tang, neighbor, said that several trees were cut down and she had photographs. Some of the trees were leaning and needed to be cut, but there was a large bare area and soil erosion was occurring. The cedars kept the soil and bank in place. Ms. Tang showed where her steps going down the bank to the lake were located. The stability of her stairs might be impacted by exposed soil and erosion. Sumacs might not grow in a shady area.

Ms. Tang said she knew a person who works at the Lake Champlain Basin and UVM Extension Service.

Mr. Russell said the issue involved a tree cutting violation and bank stabilization. Ms. Freeman said would be willing to replant several cedar trees.

The board scheduled a site visit for 11/29/2006.

Ms. Freeman said that Rosa Rugosa bushes were planted at the top of the bank, which was a species seen on beaches every where.

Mr. Stone asked (Ms. Tang) if she would be satisfied if Tree Works did the work and planted three trees. Ms. Tang replied no, not as presented. She was unfamiliar with Tree

Works. In a second letter written to the Zoning Administrator, dated 11/02/2006, she had included the name of Jurij Momziak from the UVM Extension Service. Ms. Tang said that she would like him to look at the situation.

9. WIND TURBINE AT HORSFORD'S NURSERY

Ms. Cole explained a letter was received from a neighbor to Horsford's Nursery regarding a proposed wind turbine at the nursery. A question was if there was an impact to Town property and if a hearing should be held on the issue. There was a 30-day appeal period to react to application. Ms. Cole read the process of notification of abutting land owners related to applications.

Mr. Russell asked if the Town was an adjoining land owner. Ms. Cole replied no. A neighbor was questioning the impact to the Charlotte Wildlife Refuge and Park.

Mr. Russell said the issue was not warned on the agenda and may not be appropriate for public discussion without an opportunity for the applicant to appear.

Mr. Thornton said if there was no impact to a Town property then there would be no issue for Town. If the turbine was connected to a meter then the Town would not be a party. Ms. Cole pointed out that the Town has been mentioned in the PSB documents.

10. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants.

11. ADJOURNMENT

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

VOTE: unanimous; motion carried.

The meeting was adjourned 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.