

**Town of Charlotte
Board of Selectmen
Minutes**

**Wednesday, January 26, 2005
7:00 PM, Charlotte Town Hall**

MEMBERS PRESENT: Chairman Charles Russell
Jennifer Steele Cole
Eleanor Russell
Ed Stone
Francis Thornton

OTHERS: Dean Bloch (Selectboard Assistant)
Tom Bates
G. A. Bouchard
Louis Cox
Jonathan Fisher
Clark Hinsdale, Jr.
Clark Hinsdale, III
Allan Jordan
Sylvia Knight
Dorothy Pellett
Peter Richardson
Spin Richardson
Mike Russell
Craig Sim
Sylvia Sprigg
Ruah Swennerfelt
Brenda Torpy
Gordon Troy
Jocelyn Bolick (clerk)

The meeting was called to order at 7:02 pm.

The items on the agenda were as follows:

Adjustment to Agenda / Approve Minutes for January 11 / Public Hearing for the proposed Land Use Regulations for the Town of Charlotte, and vote by the Selectboard to submit the proposed Land Use Regulations to voters by Australian ballot on Town Meeting Day, 2005 / Approval of budget for Town Meeting / Approval of articles for Town Meeting / Adjournment

Adjustment to Agenda

Affordable Housing. Peter Richardson introduced Brenda Torpy who came to provide answers to questions people asked regarding Affordable Housing.

- What happens to people who see their income rise after they purchase an Affordable Housing home? Families do not need to move – but there is an incentive for these families to seek market homes. That would free up the affordable housing home for another family.
- Can an owner of an affordable home rent their home? The home must be the primary residence of the owner, but it can be rented out for small periods of time under certain circumstances.
- Can Charlotte residents be given priority in the purchase or rental of an affordable home? You can place a preference criteria that would require the owner to prioritize Charlotte residents.
- How is affordability enforced? In Vermont, there is a covenant recorded in the land records on the property. The sellers would get 100% of the value of the added improvements, and 25% of the value added by appreciation.

Spin Richardson asked who is going to do this. Gordon Troy said it has to go through the Planning Commission, then on through the select board. Spin said we're taking a piece of property and valuing it less because it is classified as affordable. Brenda Torpy said the density is higher, so it offsets the diminished size of the individual taxes.

There won't be 2 tax rates. Spin said with 2 identical houses – the equity on the affordable housing is controlled, so the taxes paid on the 2 houses would be different. Brenda said some towns do take into account that there's a covenant on these houses, and it does affect the taxes but at a very minor level. They are different town to town – it's up to the town assessor, but there are no major differences between the taxes. Craig Sim questioned whether people felt that 25% off of property taxes for affordable housing is a big difference – he felt it was. Clark Hinsdale, III, said if people have less than \$88,000 adjusted gross income then they pay taxes based on their income, not the assessed value.

Clark Hinsdale, Jr., asked what the value of the house is in respect to the town. Discussion ensued on where the money goes after the first buyer sells (assuming appreciation). Suppose the house originally sold for \$100,000. The buyers received a \$20,000 grant, \$4,000 came from buyer equity, and they obtained a mortgage for \$76,000. When they sell the property 5 years later, it is appraised for \$120,000. Since they get 25% of the appreciation, they will get \$5,000, plus their original \$4,000 in equity, plus \$1,000 paid down on their mortgage. The first buyer (now the seller) will walk away with \$10,000.

The second buyer is buying a house appraised at \$120,000. The original \$20,000 grant still applies, bringing the price down to \$100,000. Then the \$10,000 paid to the first buyer is subtracted, bringing the price down to \$90,000 instead of the \$80,000 price it was 5 years earlier. The 2nd buyer will need to put in 5% (\$4500), and they would need a mortgage for \$85,500.

Ruah Swennerfelt felt that the wording should change to force an established partnership with a non-profit agency (Page 55). Gordon Troy said part of the problem is that you have to look at the wording in the context of the whole document. He felt the Planning Commission needs the flexibility in order to accommodate the applicants.

Discussion ensued on donating money to Affordable Housing to allow for the housing to be built on 5 acre lots.

Robin Reid sent a letter to express her reservations about affordable housing in the land use regulations. She feels much work has been done and good points have been made. The proposed solution serves affordable housing in the broader realm of agencies and affordable housing developers. It will lead to developments rather than a more organic Charlotte style maintenance and development. She feels it has been a political process, not a creative one, and she is disappointed with the results.

Listers. The listers want to drop their appeals on 2 properties. One is Fairbank, the other is Hayden. The Hayden property sold for less than the appraisal value; the Fairbank property is a similar situation.

Motion made by Ellie Russell, seconded by Jennie Cole:

“To withdraw the appeal to the Board of Civil Authority on the change of appraisal for the Hayden and Fairbank properties.”.

Vote: all in favor.

Access Permit. Two access permits needed to be signed (previously approved).

School Board. Should there be a joint budget hearing? There doesn't seem to be any reason to have a joint meeting.

Approve Minutes for January 11

Motion made by Ellie Russell, seconded by Francis Thornton:

“To approve the selectboard meeting minutes with corrections for January 11th, 2005”.

Vote: all in favor.

There were no changes.

Public Hearing for the proposed Land Use Regulations for the Town of Charlotte, and vote by the Selectboard to submit the proposed Land Use Regulations to voters by Australian ballot on Town Meeting Day, 2005

Clark Hinsdale, III, thanked the select board (the select board forwarded the thanks to Dean Bloch). Clark's comments:

- Page 44, line 29. Should be Prindle Road.
- Page 102, line 51. Concerning the well head protection - change “easement may be required” to “easement shall be required”. Gordon Troy said there may be some unintended consequences; it needs to be looked at further.
- Page 103, fire ponds. Line 24 – it says they need to be designed by a licensed Vermont engineer; Clark said a lot of fire ponds are designed by engineers who are employed by the conservation agencies. They are trained to do this but they are not in private practice. They don't necessarily maintain a license. He would like it to read a licensed Vermont Engineer or other qualified professional.

Ruah Swennerfelt wanted to talk about home occupation.

- Page 60, line 39-43; Page 61, where a permit is required. She gave the example of hiring 2 neighbors who come to her home to work – they walk over, create no traffic, etc. Why would she need a permit? Who would complain? There seems to be a problem when there's nothing visible in the neighborhood. She doesn't like home occupation #2 – it's very murky. Gordon Troy said you need to look at the existing regulations. There are 3 stages – at some point in time, there will be an impact on the neighborhood. They have widened up every one of those categories. Ruah doesn't feel using the number of employees as criteria is a good idea. Mr. Troy would like to hear any good ideas for criteria.

Louis Cox continued discussing home occupation level #2.

- Page 61, line 12 and 13. He feels the powers and responsibilities belong to the zoning board of adjustment, not the zoning administrator.
- Page 124-131. He feels there are a few places where the laws are not what the guidelines suggested. Charlie said the guidelines have changed.

Clark Hinsdale, Jr., had the following comments:

- Page 38, lines 4, 5 and 6. Fuel tank capacity greater than 550 gallons needs to be built with dikes to support the tank. Clark doesn't feel the town should be more restrictive than the state law. Gordon Troy said this section is addressing people putting huge tanks near their house that aren't properly retained. This does not affect agricultural uses for tanks. Anything that currently exists (legally) is grandfathered – the town cannot change the law and enforce it in pre-existing situations.
- Page 38, lines 19-22. Mandated bike racks and accessible parking spaces – are we deciding to go beyond state regulations when it comes to the ADA and transportation? Providing bike racks for a 2 or 3 family house seems a little severe. The suggestion was made to remove a comma after the word “adequate”.

Jonathan Fisher asked about windmills. He feels that windmills that aren't net metered aren't being addressed. People still apply for windmills that are not net metered, and there needs to be some way to deal with it. It would be an oversight to omit it. Mr. Fisher would like to state that he agrees with Mr. Hinsdale and his concern with well head protection.

Spin Richardson had the following comment:

- Page 35, section 3.8. Non-conforming lots. This is a change from the existing plan. Gordon Troy said it's a state law change. It doesn't affect Spin because it talks only about lots less than 1/8th of an acre.

Charlie said on page 123, line 14, Tom Mansfield was concerned about requirements for an application. Tom was concerned that you would have to do all the requirements listed for every permit. The proposed change is on line 18 and line 30; add the phrase “as applicable” to the end.

Motion made by Ellie Russell, seconded by Francis Thornton:

“To close the hearing.”.

Vote: all in favor.

Three minor changes to be fixed:

- “as applicable” (Page 123, line 18 and 30)
- remove the comma (Page 38, lines 19-22)
- change the road name to Prindle Road (Page 44, line 29).

Motion made by Ellie Russell, seconded by Jennie Cole:

“To approve the proposed land use regulations prepared on January 26, 2005, as corrected for the town of Charlotte allowing for editing adjustments.”.

Vote: 3 in favor, 2 opposed (Ed, Francis).

Approval of budget for Town Meeting

Charlie said that all the changes from the meeting on January 24 were made except for the landfill – it's still ongoing so it can't change right now; also intramural sports changed slightly. They added \$2040 for expenses and \$100 to the revenue.

It's a 7% change in the expenses; the tax rate is going up 1.32 cents. The listers say the increase in the grand list is estimated at 2%. The Reappraisal Fund will have about \$17,000 in it by the time the new year starts. The money must be used for appraisal costs. They will use \$8,000 for new computers and printing costs.

Discussion ensued whether to put the projections for the CVFRS Reserve Fund into the town report.

Motion made by Ellie Russell, seconded by Francis Thornton:

“To approve the detailed selectboard budget with expenses and revenues dated 1/26/2005.”.

Vote: all in favor.

Approval of articles for Town Meeting

Motion made by Ellie Russell, seconded by Jennie Cole:

“To approve the warning Articles 1 through 12 for the town meeting in March, 2005.”.

Vote: all in favor.

Adjournment

Next selectboard meeting: Monday, February 14th at 7:00 PM.

Motion made by Francis Thornton, seconded by Jennie Cole:

“To adjourn the selectboard meeting”.

Vote: all in favor. Meeting adjourned at 9:50 PM.

Minutes respectfully submitted by Jocelyn Bolick.