

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
JULY 07, 2008**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Jenny Cole, Winslow Ladue, Ed Stone, Frank Thornton.

ADMINISTRATION: Dean Bloch.

OTHERS: Jane Kiley, Deedle Kiley, Jane Aube-Tingley, John Aube, Joseph Aube, Mathew Aube, Sue Schermerhorn, Bid Sear, Tony Cairn, Doug Spear, Tim McCullough, Andrew Thurber, Dick Weed, Beth Merritt, Jim Donavon, Chris Davis, Dale Garvey, Elizabeth Garvey, and others.

6:00 p.m. Site Visit: Caleb Kiley, 2033 Dorset Street – request to move driveway

1. CALL TO ORDER

Mr. Russell called the Selectboard meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA

None.

3. PUBLIC DISCUSSION

None.

4. CALEB KILEY – REQUEST FOR HIGHWAY ACCESS PERMIT TO MOVE DRIVEWAY AT 2033 DORSET STREET

Mr. Russell opened a hearing regarding a request for a Highway Access Permit to move a driveway at 2033 Dorset Street, and noted that the Board has reviewed the permit application.

Deedle Kiley, owner, explained a proposal to move an existing driveway from the north side of the property to the south. The existing 1200' driveway has a 600' portion that was steep, which made snow maintenance difficult. The proposed south location had an elevation that was 30 vertical feet less, was flatter, and would eliminate a 90 degree turn. The existing driveway would be filled in and a line of white cedars would be planted at the property line to provide screening from the neighbor. Culverts would be installed to divert water as necessary. The original grade of the existing driveway was filled in and that would be cut back. A berm could be put in that was higher than the road to help any water issues. The Charlotte Tree Warden has not been consulted regarding potential tree cutting.

Mr. Stone read an e-mail memo from the Tree Warden and asked if cut trees would be replaced by Black Locust as recommended by Mr. Hamilton.

Jane Aube-Tingley, neighbor, handed in a written list of concerns and read the statement into the record.

In response to a concern that the Kiley driveway had encroached upon land owned by Roland Aube, Mr. Kiley said that the parcel was surveyed in the fall of 1994.

Mr. Russell asked (the Aube family) if they would be satisfied if a berm and ditching addressed water drainage concerns. Joseph Aube said that if the Town allowed two driveways then trucks could come in/out on the old driveway. Ms. Aube-Tingley expressed concern that truck traffic would increase on the Kiley property.

Mr. Thornton said he would like more information on how wide the main road was (either a three-rod, or four-rod road).

MOTION by Mr. Thornton, seconded by Ms. Cole, to continue a public hearing regarding a Highway Access Permit to move a driveway at 2033 Dorset Street to 07/28/2008 at 7:30 p.m.

DISCUSSION:

Mr. Kiley asked what further information the Board required. Mr. Thornton replied the width of the Old Carriage Road and where it is. Mr. Bloch noted the location of the road was on file in the Town Hall. Staff would research a road survey and Selectboard minutes regarding the Old Carriage Road.

VOTE: 5 ayes; motion carried.

5. DAVID SCHERMERHORN – LICENSE AGREEMENT FOR UTILITY LINES UNDER CHURCH HILL ROAD

Susan Schermerhorn, owner, appeared before the Board and explained a request to bore a utility line under Church Hill Road.

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve a License Agreement for a utility line under Church Hill Road as presented.

DISCUSSION:

Ms. Cole asked for clarification regarding the installation of a line, and suggested that the line crossing location should be highlighted on the Site Map.

The Board asked that the line should be required to be bored under the road, or if the road was dug up that the application must put in a concrete base for road stabilization.

Ms. Schermerhorn said that the utilities were located on the other side of the road and the crossing was a requirement of the Planning Commission.

Mr. Thornton suggested that the crossing should be located opposite the William's property.

Mr. Ladue asked if there were standards and specifications for digging up a road (for utilities). Mr. Russell replied that there were no standards. The language should read "that the concrete under the road should be engineered similarly as the Co-Housing crossing."

Ms. Cole expressed concern regarding frost heaves that were common in that area of the road. There should be language to address that concern.

AMENDMENT by Mr. Ladue, seconded by Ms. Cole, to include a condition that any trenching done must be upon the approval, review and acceptance by the Charlotte Road Commissioner.

VOTE: 5 ayes; motion carried.

6. PLOUFFE LANE TRAILHEAD – CONFIRMATION OF DECISION TO PARTICIPATE IN APPEAL BY GREGG AND ELIZABETH BELDOCK OF THE ZBA-07-13 TO ENVIRONMENTAL COURT, DOCKET No. 98-5-08 Vtec

Mr. Russell reviewed that the Board would consider a ratification to keep the Town as a party to the Plouffe Lane appeal.

MOTION by Ms. Cole, seconded by Mr. Ladue, to approve a confirmation of decision for the Town of Charlotte as a party in an appeal by Gregg and Elizabeth Beldock of the ZBA-07-13 to the Environmental Court, Docket No. 98-5-08 Vtec.

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

7. PETITION TO AMEND THE CHARLOTTE LAND USE REGULATIONS IN THE VILLAGE COMMERCIAL DISTRICT ON THE EAST SIDE OF ROUTE 7

Gary Farnsworth and Tony Cairns appeared before the Board and explained a proposal to adjust existing setbacks on a commercial business located on the east side of Route 7. There was a 100' setback as well as an 80' state right-of-way that impacted what can be done with the service/retail property. The 180' setback went through the existing building. We are seeking a 20' setback versus 100' to make the property more marketable.

Mr. Cairns reviewed the location of the setbacks on a site map. The property was a gas supplier at one time and gas tanks were in the right-of-way. The tanks were replaced with state approval. Service stations are becoming obsolete and even Steve Denton knows he can't survive in the current environment

There was further discussion regarding unsafe conditions at the Church Hill Road/Route 7 intersection and a concern that a new business might create more traffic; the existing three curb cuts to access the property (Mr. Stone suggested eliminating the 100' setback and the access on Church Hill Road and removing language from the Charlotte Land Use Regulations "...west of Route 7 only."); wetlands on the corners of the intersection that limited development along Route 7; and a request by the petitioners to change language in the Land Use Regulations to include new uses beyond service stations, such as convenience stores with gas stations. Mr. Farnsworth explained that the Planning Commission has put stipulations on the lot coverage and structure design, and asked if office space was a permitted use for a potential second floor of the structure.

Ms. Cole said an issue was a pedestrian crossing at the intersection. Is there a way to re-configure access off Church Hill Road to direct traffic directly on Route 7 only, asked Ms. Cole.

Mr. Cairns suggested zoning the east side of Route 7 as a Conditional Use the same as the west side. If the language wasn't changed that makes the property unmarketable for anything else except as a service station, which is grandfathered.

It was the consensus of the Board to discuss modifications acceptable to the Town and William Spear at the next Board meeting, 07/28/2008.

8. DALE AND LUCILLE GARVEY – REQUEST THAT SELECTBOARD DISCONTINUE THE CLASS IV PORTION OF BALDWIN ROAD

Jason Garvey appeared before the Board and asked the Selectboard schedule a public hearing to consider throwing up a portion of Baldwin Road, a Class IV road, so that a garage could be built.

Mr. Thornton pointed out that Baldwin Road connected to Monkton and was a Class III road. In cases where a road connects to another town then both towns must agree to throw up the entire road. Baldwin Road also connects to Old Quaker Cemetery Road. Mr. Bloch clarified that Baldwin Road was Class III until the house where it became a Class IV road as per Town records.

Elizabeth Garvey asked if it made a difference that the Class IV portion on the Monkton side now went through a pasture.

Mr. Thornton read state statutes regarding the process to throw up/lay out a road going through two or more towns. Abutters and towns must be notified.

Mr. Stone was tasked with contacting the Town Attorney regarding a public hearing process for consideration of throwing up Baldwin Road.

MOTION by Mr. Thornton to discuss the state statute process for discontinuing a Class IV road that connects two towns with the Town Attorney. Mr. Thornton withdrew his motion .

MOTION by Mr. Stone, seconded by Ms. Cole, to warn a public hearing and schedule a site visit regarding Baldwin Road.

DISCUSSION:

Ms. Cole asked if holding a public hearing was the first step in the process. Mr. Stone said that was not rushing the process since the next Board meeting was three weeks away. Mr. Bloch suggested that the Board warn a hearing and to post a date for a hearing.

Mr. Thornton said that abutters to the road needed to be notified. Mr. Stone pointed out that Mr. Garvey owned the land on both sides of the road all the way to Monkton.

Mr. Garvey handed in a copy of a site map for Board review.

Ms. Cole asked if there would be an issue if a hearing was delayed until after the process was discussed with the Town Attorney and a site visit conducted.

Mr. Garvey said he wanted to survey the property for a horse barn.

Mr. Russell said that it took 30 days to notice petitioners and interested parties, so a hearing couldn't be held until August.

AMENDED by Mr. Stone, seconded by Ms. Cole, to set a date of 08/11/2008 at 7:30 p.m., and schedule a site visit at 5:00 p.m.

DISCUSSION:

Mr. Bloch suggested that the Board coordinate discussions with the Town of Monkton and suggested setting a joint town hearing for 08/25/2008.

VOTE: 5 ayes; motion carried.

9. PRESENTATION BY MONUMENT COMMITTEE

Jim Donovan, Monument Committee member, explained a proposal to create a memorial on the Town Green and to move the monument from the Charlotte Central School to the Town Green. The monument at the Brick Store intersection would remain where it is.

Mr. Donovan handed in a sketch of the memorial plan for Board review that included new walkways, landscaping, location of the war monument, and two benches. It is a concept for discussion at this point.

Richard Weed asked if there was any consideration of connecting proposed sidewalks with existing ones. Mr. Donovan explained that the proposed curved walkways could connect to the south side of the post office access, and then could tie in with sidewalks in the Village Center. Mr. Thornton pointed out that it was not Town land and that could be a problem with the post office driveway and sidewalk.

There was further discussion regarding the proposed landscaping; concerns by a committee member for moving the WWI monument from its location, which acted as a traffic calming effect; and a past suggestion for adding names on a plaque to the WWII monument.

The Board Chairperson called a break at 8:55 p.m. to conduct a site visit at the Town Green. The meeting reconvened at 9:00 p.m.

There was discussion regarding the WWI monument and curbing to protect the monument; the committee was working to improve the curbing at the WWI monument at its current location; adding a plaque with names of veterans at the WWII monument

location; a discussion related to the shape of the proposed garden area around the monument; a suggestion to seek public support of the proposal and donations to cover costs of a new plaque of names; and next steps to redefine the proposed design at the Town Green. Mr. Stone said that a motion was passed by the Board to fix the corner at the WWI monument for up to \$600.

The Board thanked the Monument Committee for their efforts on behalf of the Town.

10. FIRE AND RESCUE – RESCUE FOR SIGN IN FERRY ROAD RIGHT OF WAY

Chris Davis and Kip Mesirow, Fire and Rescue department representatives, noted that people seek help from the Fire Department and a sign located 4-5' back from the edge of the road would clarify where to come. The proposed sign would be the same size and height as the Senior Center sign.

Mr. Davis said that the departments were seeking volunteers and an add-on sign could advertise that need.

Mr. Russell suggested placing a mock up sign to decide the best location, size, shape and style.

Mr. Stone spoke in support of no sign other than a temporary “volunteers needed” sign.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a request by the Charlotte Fire and Rescue departments for a sign with setbacks and size to be determined at a later time.

VOTE: 4 ayes, 1 abstention (Mr. Thornton); motion carried.

11. DISCUSSION OF CONSERVATION COMMISSION LETTER TO THE PUBLIC SERVICE BOARD REGARDING VELCO CONSTRUCTION ISSUES

Mr. Russell reviewed a Conservation Commission letter to the Public Service Board regarding concerns related to the VELCO construction in the wetlands. A meeting with Ms. Cole, Mr. Russell and the Conservation Committee was cancelled by the Conservation Committee representatives. There was no enabling legislation to allow the Conservation Committee to speak to the PSB process.

Following a discussion, Mr. Russell suggested that the Town Attorney should review a Board response.

MOTION by Mr. Stone, seconded by Mr. Thornton, to revise a draft Selectboard letter in response to a letter sent by the Conservation Committee to the Public Service Board to read as follows:

This letter is in response to the Charlotte Conservation Commission’s letter regarding VELCO’s violation of conditions in CPG re work in wetlands, dated June 20, 2008, and related documents submitted to the Agency of Natural Resources on July 3.

The Conservation Commission documents were submitted without input or endorsement from the Charlotte Selectboard.

DISCUSSION:

Ms. Cole suggested waiting and redrafting the letter to come up with a fair solution.

Mr. Stone called the question.

VOTE to call the question: 5 ayes; motion to call the question carried.

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

12. MINUTES: JUNE 23

Approve of the minutes was deferred until the next meeting of the Board.

13. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

12. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 10:17 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.