

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
DECEMBER 15, 2008**

***APPROVED***

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

**OTHERS:** Hugh Lewis Jr., John Hauenstein, Lisa Hauenstein, Carrie MacKillop, Susie Hodgen, Dorothy Pellette, Moe Harvey, Mary Meade, Ellie Russell, David Miskell, Heidi Sheldrich, Don L Sheldrich, Graft Crandall, Nancy Wood, John Owen, Gary Farnsworth, Carlie Krolick, Jeff McDonald, Liam Murphy..

**1. CALL TO ORDER**

Mr. Russell called the Selectboard meeting to order at 6:30 p.m.

**2. APPROVAL OF AGENDA**

None.

**3. PUBLIC DISCUSSION**

None.

**4. CARRIE MacKILLOP AND SHANNON STRAIGHT – Request for a 2<sup>nd</sup> Class Liquor License at the Old Brick Store, 290 Ferry Road**

**MOTION by Mr. Ladue, seconded by Mr. Stone, to adjourn as the Charlotte Selectboard and to reconvene as the Charlotte Liquor Control Board.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve a 2<sup>nd</sup> Class Liquor License as requested by Carrie MacKillop and Shannon Straight at the Old Brick Store, 290 Ferry Road.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn as the Charlotte Liquor License Board and to reconvene as the Charlotte Selectboard.**

**VOTE: 5 ayes; motion carried.**

**5. JOHN HAUENSTEIN – Request for Waiver of Town Fee for an Appeal of a Zoning Permit**

John Hauenstein, resident, explained a request for waiver of Town fees for an appeal of a Zoning Permit issued to an abutting neighbor. Mr. Hauenstein submitted a site map for Board review, and noted an original placement of a boundary pin verified by Steve Reville, site engineer. The pin had been moved into Mr. Hauenstein's setback, which changed the boundary line.

Mr. Bloch clarified that the Zoning Board of Appeal would hear Mr. Hauenstein's appeal versus the Selectboard. As per the Town Attorney if the fee was paid and the appellant

was successful then they could come before the Board and ask for a fee reimbursement, or the fees could be waived. Mr. Russell read Zoning Regulations that an appeal application would be deemed complete by the ZBA if the fee was paid.

Mr. Hauenstein stated that the building permit should not have been issued. There is a \$500 fee for filing an appeal. A neighbor is infringing upon (Mr. Hauenstein's) setback by building an addition to his house that is 38' from a boundary line. The permit application says it is 50' from the boundary line. The neighbor's addition is 46' out from the main building. The Town ordered me to tear down an existing shed in order to get a subdivision approval. The shed slab is on the boundary line and the neighbor tried to build a structure on that slab. I told him that he couldn't do that. Then he was renovating his house without a building permit. The permit that was issued was based on false information. (Mr. Hauenstein) spoke to Tom Mansfield several times regarding this issue and asked Mr. Mansfield to rescind the permit. Proof was presented regarding the violations including a boundary pin location that was moved by the neighbor. The neighbor is now infringing on my land, stated Mr. Hauenstein.

Mr. Russell said that Mr. Mansfield has the authority to pull the permit if it is still within the 15 day period of issuance. It would be worth the appellant's time to see Mr. Mansfield again.

**6. THOMPSON'S POINT WASTEWATER SYSTEM – Proposed Budget for 2009**

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve a proposed Thompson's Point Wastewater System budget for 2009 as presented.**

**DISCUSSION:**

**Mr. Ladue reported that the proposed 2009 Wastewater System budget was the same as the 2007 budget. The Sinking Fund has been adjusted to a reasonable amount, engineer services have not increased, and lab charges and trash removal were the same.**

**AMENDED by Mr. Stone, seconded by Ms. Cole, to authorize the Charlotte Selectboard Chair to sign the proposed 2009 Thompson's Point Wastewater System budget on behalf of the Town of Charlotte.**

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

**7. QUINLAN BRIDGE REHABILITATION**

Mr. Russell reviewed a meeting with Sue Schriebner and Pam Thurber, State of Vermont Agency of Transportation (AOT), representatives regarding funding for the Quinlan Bridge rehabilitation project. There was a \$500,000 earmark with a 20 percent Town match. A question is will the Town manage the project, or will the AOT.

Mr. Ladue asked if the Town would still have a role in defining the scope of work if the AOT managed the project, and expressed concern regarding the foundations of the bridge. Mr. Stone replied yes. A question was did the Town want to pay a 5 percent waiver to the State for bridge maintenance, or would the Town do the annual maintenance of the bridge.

Susie Hodgson, resident, asked for a status on a previous public hearing discussion regarding the covered bridges related to grates, or a 20' paved apron. Mr. Stone explained that the Town would sign an agreement that obligated the Town to do an annual maintenance of the bridge. If the AOT was the project manager then a committee would be formed with one Town representative on that committee. The Town was supporting the Charlotte Road Commissioner as the Town representative.

Ms. Hodgson asked how communication with the community would be maintained regarding the bridge project. Mr. Lewis, Charlotte Road Commissioner, noted that there would be no limit on the number of public attendees at the committee meeting(s), but only the one town representative had a vote.

The Board suggested setting up an e-mail distribution list for committee meeting dates.

Ms. Cole read an e-mail from Marty Illick that suggested formation of an Ad hoc Town Committee versus one town representative.

It was the consensus of the Board to have the State of Vermont AOT manage the Quinlan Bridge project.

There was brief discussion regarding snow removal from the roof of the covered bridge.

**MOTION by Mr. Thornton, seconded by Mr. Ladue, to approve the State of Vermont AOT management of the rehabilitation of the Quinlan Bridge, pending review of agreement documentation by the Town Attorney.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Thornton, seconded by Mr. Stone, to approve a draft Finance and Maintenance Agreement between the State of Vermont AOT and the Town of Charlotte, and to designate the Charlotte Selectboard Chair to sign the agreement on behalf of the Town of Charlotte, pending review by the Town Attorney.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Ladue, seconded by Mr. Stone, to approve a Historic Bridge Preservation Easement between the State of Vermont AOT and the Town of Charlotte regarding Bridge #29, located on Town Highway #36, known as the Quinlan Bridge.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Stone, seconded by Mr. Thornton, to designate the Charlotte Road Commissioner as the liaison between the State of Vermont AOT and the Town of Charlotte regarding the Quinlan Bridge project.**

**VOTE: 5 ayes; motion carried.**

Ms. Cole and Mr. Stone signed the Notice of Problems reference structure, Quinlan Bridge.

## **8. BUDGET REVIEW TOWN CLERK**

Mary Mead, Town Clerk, reviewed a written proposed Town Clerk budget, revenues and expenses, and Town Hall maintenance.

Mr. Stone suggested adding window replacement and correcting wind penetration issues at the Town Hall building to the Town Hall maintenance budget. Mr. Russell spoke in support of adding \$5,000 for maintenance.

Moe Harvey, resident, noted that there has been little, or no, preventative maintenance to the 13 year old Town Hall building, and suggested two cents on the tax rate for a Reserve fund.

The Board thanked the Town Clerk for her report.

## **ROAD COMMISSIONER**

Mr. Lewis handed out copies of a draft Town Highway budget for Board review, and stated that the budget was level funded. A concern was the shale bed and the contract to remove the shale, which expires in July 2010. The pit owner wants the pit closed. There might be a possibility for a 2 or 3 year extension to the lease. It is anticipated that the current Town Highway budget would have money left over in the spring.

Mr. Stone asked if there was money for Lewis Creek Road in the budget. Mr. Lewis replied yes, or Orchard Road. The dip in the Monkton Road gets bad in the spring. The Lewis Creek Road is in good shape. Cedar Beach Road by the fishing access could use some shale.

Mr. Bloch reported that the State of Vermont may be cutting back on state highway funding. Mr. Lewis said that the Town would be cut by \$14,000.

The Board thanked the Charlotte Road Commissioner for his report.

## **9. PUBLIC HEARING ON PROPOSED AMENDMENT TO THE CHARLOTTE LAND USE REGULATIONS**

Mr. Russell opened a public hearing on a proposed amendment to the Charlotte Land Use Regulations to correct an error.

Mr. Bloch reported that the Planning Commission, Clark Hinsdale III, and Liam Murphy had submitted written comments prior to the hearing. Mr. Stone suggested adding the referenced written comments as an appendix to the minutes of the meeting.

David Miskell, resident, asked for an explanation regarding correction of "errors". During the Planning Commission hearing suggestions related to "farm café" and "commercial

farm stand” definitions were submitted. The Planning Commission considered them substantive changes and didn’t acknowledge the definition suggestions. Mr. Bloch clarified that the submittals were not necessarily substantive. It was adding a new use that would need further discussion; for example, farm café would bring produce in from out of state. The suggestions needed fleshing out, said Mr. Bloch.

Mr. Miskell said the definition of “significant wildlife habitat” is a more substantive change if one looks at the past versus the present definition. Trafton Crandall, Conservation Commission representative, said that the proposed definition was submitted by the Conservation Commission. The reason a new definition was proposed is to update the Land Use Regulations to be consistent with the new habitat map proposed for the new Town Plan. The new definition would not stand if the new Town Plan was not approved, said Mr. Crandall. Mr. Russell clarified that if the new map was not adopted then the definition would return to “critical” versus “significant”. Mr. McDonald said that the word “significant” was a federal designation. Mr. McDonald read a Conservation Commission e-mail regarding the definition change. The seven criteria were unchanged, and were used for creating the new map.

A copy of the Conservation Commission e-mail was submitted for Board review, and would be posted on the Conservation Commission page of the Town website.

Mr. Russell read a current definition of “critical” wildlife habitat in the Land Use Regulations. Ellie Russell suggested using the database, which was the key for the definition. Nancy Wood stated that the primary goal of the Conservation Commission is to protect wildlife. The goal of the Town was to create more housing. The Conservation Commission goal makes it harder to create housing. A balance is needed regarding restrictions on a person’s land and what they can do with it, Ms. Wood said. Mr. Donovan said that the map is informative versus regulatory. Each lot should look at both as tools to help develop land the right way.

There was further discussion regarding areas of High Public Value, page 82, and a question if it should be site specific versus sites that are moveable. Jim Donovan said that the Town Plan has areas of High Public Value spelled out. For example, wetlands can change. Mr. Russell read Table 7.1, High Public Value (page 82), and prioritizing resources. Mr. Donovan explained that it ties to the definitions, for example, undue adverse impacts and concepts. A property owner could do things as long as it did not have an undue adverse impact. They would just need to do it differently, said Mr. Donovan. Mr. Bloch read Section 7.3(d)(1), building envelopes. Mr. Russell asked if a property owner wanted to build a structure in an area that was identified as 75 percent High Public Value would the Planning Commission tell them they have to put it in the other 25 percent area. Mr. Bloch said that it is advisory to the Planning Commission during the regulatory process. Mr. Donovan said it was already in the regulations. The only discussion was a definition change.

Mr. Donovan, as a Planning Commission member, said that there is a map that is used for subdivision review. This map gives more guidance and tells us “why”.

Mr. Miskell expressed a concern that anyone bringing a project for Planning Commission review would need a professional wildlife study done, which is more expensive.

Mr. Ladue pointed out that one Planning Commission member says to use the database for regulatory purposes versus a map/definition. A question was is the database referenced in the map, or the definition. Mr. Bloch replied that it would be in the Town Plan with the map. Mr. McDonald said that a CD is proposed of the database with a base line that could be updated. Ms. Russell suggested noting "see Town Plan" in the definition.

#### ACCESSORY STRUCTURE

Mr. Bloch reviewed that the Planning Commission discussed eliminating the phrase "subordinate" in the definition of an accessory structure (page 113). The Planning Commission should reconsider and make a threshold size that would trigger a review, for example, "...more than 2,000 square feet." Mr. Russell expressed concern that home occupation was already limited to a size. Mr. Bloch clarified that Home Occupation I was included in the definition (page 46-47). Home Occupation II and III could have limitations put on.

Donald Sheldrick, resident, asked if the Board was trying to eliminate "subordinate in size" for Home Occupation I. No one knows what that means, said Mr. Sheldrick. Mr. Donavan explained that the reason the Planning Commission suggested not taking it out was for further discussion. It was felt that an accessory structure should be smaller than the main structure, clarified Mr. Donavan.

There was discussion regarding home occupation (page 36) that was protected in state statute (Ms. Cole suggested removing the word "existing" in Section 4.2); a concern that #4 as outlined in a Planning Commission memo regarding non-contiguous PRD's would prevent affordable housing; and confusion related to accessory structure "footprint" versus square footage. Mr. Bloch pointed out that if the word "footprint" was used then a structure could go up multi-stories.

(NOTE: the Board Chair called a recess of the Charlotte Land Use Regulations Public Hearing to hear agenda items #11, and #13. The public hearing was reopened at 9:20 p.m.)

There was further discussion regarding eliminating the word "subordinate" in size, or if the word should be retained. Mr. Russell suggested making the size limit 2,500 square feet. If a larger structure was wanted then the developer could go through a Conditional Use process. Mr. Bloch pointed out that in the district standards it say "gross floor area".

#### ***Action Item:***

- Consider: not to exceed 2,500 square feet net floor area for operation for gain, or a larger structure would require a Conditional Use permit. (Add to Use Standards)

- Table 7.1, change to read “wildlife habitat as defined in the Town Plan” versus critical or significant.
- Section 8.4, PRD, shall minimize the effects on resources; structure “shall” be avoided in.... and add a general standard that “balanced with the land owners right to the use of property.”

The Board would continue a discussion regarding a proposed 30’ setback on Route 7 in the Village Commercial District at the next Board meeting, scheduled for 12/22/2008, and consider holding a second hearing on 01/28/2008.

**MOTION by Mr. Stone, seconded by Ms. Cole, to close the public hearing.**

**VOTE: 5 ayes; motion carried.**

**11. RECREATION COMMISSION – Request to Spend \$3,000 from the Capital Reserve Fund for Improvements to the Hockey Rink**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to grant a request from the Recreation Commission to spend \$3,000 from the Capital Reserve Fund for improvements to the Hockey Rink.**

**DISCUSSION:**

**Mr. Russell explained that the improvements included crushed white stone as a base to allow multiple uses of the rink. The topic was discussed at the previous Board meeting regarding recreation budget discussions.**

**VOTE: 5 ayes; motion carried.**

**12. BUDGET REVIEW - Land Maintenance and Selectboard Expenses.**

Action was deferred until the next meeting of the Board.

**13. APPROVE DRAFT FUND-BASED AUDIT**

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve the draft Fund-Based Audit as presented.**

**VOTE: 5 ayes; motion carried.**

**14. MINUTES: 11/13/2008, 11/24/2008, 12/08/2008**

Approval of the minutes was tabled.

**15. APPROVAL OF BILLS AND WARRANTS**

The Board signed Bills and Warrants.

**16. ADJOURNMENT**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn the meeting.**

**VOTE: 5 ayes; motion carried.**

The meeting was adjourned and the Board at 10:45 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.*