

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
December 3, 2007**

APPROVED

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

ADMINISTRATOR: Dean Bloch.

OTHERS: Ellie Russell, Robert Mack Jr., Liam Murphy, Frances Foster, Kate Lampton, David Quickel, John Owen, Linda Radimer, Andrew Thurber, Dan Cole, John Hammer, Charlotte News; Rachel Gill, Charlotte Citizen; and others.

1. CALL TO ORDER

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

2. ADJUSTMENT TO AGENDA

Add: Monument Committee Update.

3. PUBLIC DISCUSSION

In response to a question, Mr. Stone reported that the mobile home located on the Burns property has been demolished and removed by Lewis Construction. Tom Mansfield, Zoning Administrator/Deputy Health Officer, inspected the home and found it to be in poor shape. The people that rented the home have found other accommodations. The septic was dug up and ground smoothed over.

4. MINUTES

Approval of the minutes of 11/26/2007 was deferred.

5. DAVID QUICKEL AND EMMA BURROUS – REQUEST FOR HIGHWAY ACCESS PERMIT (HAP-07-07) ON HINESBURG ROAD

MOTION by Mr. Stone, seconded by Ms. Cole, to open a public hearing regarding request by David Quickel and Emma Burrous for a Highway Access Permit, HAP-07-07, on Hinesburg Road.

VOTE: 5 ayes; motion carried.

David Quickel reviewed a request to move an approved curb cut further east along Hinesburg Road. The original highway access permit has expired. Mr. Quickel showed the location of the original curb cut, the proposed curb cut, existing wetlands and buffers, and sight distances on a Site Map.

There was discussion regarding sight distances at the proposed location (the Road Commissioner has estimated a sight distance of 350' looking to the east); safety concerns related to a dip in Hinesburg Road near the original access and an ideal sight distance of 500'; a state issued wetland CUD to the Hinsdales; and a proposed 4' build up to the proposed access that would improve sight distances.

Mr. Quickel said that Larry Hamilton, Tree Warden, looked the proposed access and said that there were no problems with removing trees and brush from the right-of-way.

Ms. Cole said that she had driven by the access this afternoon and it appeared that the visibility was not that good. Mr. Quickel explained that Hinesburg Road leveled out to the east and you can see cars from a long way. Junior's method of measuring sight distance was to kneel down on one knee 7' down from an access and views down the road. If the access was built up that might make a better access. Right now I can't tell if the build up would result in a better sight distance.

There was further discussion regarding existing wetlands (Mr. Quickel said that Linda Hamilton, Conservation Commission, had gone out to see what impacts to the wetlands were.); a description of the farming area for vegetables, berries, and perennials; a house across the road from the proposed access that was set more to the east and headlights shouldn't impact the homeowners; and a suggestion for a site visit.

Mr. Stone spoke in support of the new access and a 350' sight distance, which was safer than the original access, which was located in dip in the Hinesburg Road. Mr. Quickel said that he has spent all summer working in the field and the road in that area (shown on the site map) is a passing zone. Traffic was heavy from 8:00 a.m. to 9:00 a.m. and from 2:30 p.m. to 3:30 p.m.

Mr. Stone suggested walking the field to get a feel for the proposed access and wetland.

MOTION by Ms. Cole, seconded by Mr. Thornton, to continue the public hearing regarding a request by David Quickel and Emma Burrous for a Highway Access Permit HAP-07-07 to Friday, at 4:00 p.m. at the Town Hall, and a site visit at 3:00 p.m.

VOTE: 5 ayes; motion carried.

6. REQUEST FOR DISBURSEMENT FROM CHARLOTTE CONSERVATION FUND TO CONSERVE 40 ACRES LOCATED AT THE SOUTHWEST CORNER OF STATE PARK AND MOUNT PHILO ROADS

Frances Foster, Charlotte Land Trust representative, reviewed a proposal to use \$70,000 from the Conservation Fund to conserve a field. The bigger picture is to conserve a field across the road. Using the funds would provide local participation for a local project.

MOTION by Ms. Cole, seconded by Mr. Ladue, to approve an expenditure of \$70,000 from the Conservation Fund to conserve land toward the Mount Philo Initiative as presented.

DISCUSSION:

Linda Radimer asked if the project was brought through the committee. Ms. Foster replied yes. The proposal was reviewed by the Land Trust and Conservation Committee. There was discussion with Linda Hamilton today and it wasn't going to be a problem.

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

7. CONTINUATION OF SELECTBOARD'S 1ST PUBLIC HEARING ON TOWN PLAN AMENDMENT

Mr. Bloch handed out copies of written comments submitted by Liam Murphy.

Mr. Russell said that Mr. Murphy's comments has prompted questions on key issues in the draft Town Plan related to projects of high public value, community water and sewer systems, and clustering houses.

There was lengthy discussion regarding the following issues:

- The draft Town Plan should be consistent with Zoning Ordinance recently adopted related to multiple areas of high public value: conservation easements, preservation of wildlife corridors, wetlands and buffers, etc.
- A suggestion to add language related to the concept of development in a hamlet "...and clustered development...", which is a defined term that is consistent with the Planning Commission and Zoning Ordinance to move away from large lots.
- Community systems (water and/or sewer) are discouraged in the draft Town Plan; if community systems were not allowed then development would eat up more land.
- Recognizing that most land is in private ownership and should be balanced that land owners have some reasonable rights for the use of their land.

There was lengthy discussion regarding a balance of property owner rights versus conserving multiple areas of high public value on a parcel; if the Town Plan should discourage 10-acre lots; clustering homes on large lots to keep land open; utilizing community systems even if the system needed to be located further away from the homes; and a definition of hamlet. Mr. Bloch said that the definition of "hamlet" was not accurate, and may not be representative of clustering

Mr. Bloch said that the state rules regulated community waste water and water. Mr. Mack said he didn't like community water systems because it gave rights to other people on someone else's land. Mr. Murphy said that a case law, Drinkwine versus the State, gives some protection of well water.

Mr. Bloch said that going back to open land agreements, the rule of thumb was that the larger the parcel then the larger the percentage of land that could be set aside. For example, a 100-acre parcel could have 50 acres preserved and the other 50 acres developed. Is the set aside a balance, asked Mr. Bloch. Mr. Russell said that it needs to be based on something. Currently it is a set aside of a minimum of 50 percent. Andy Thurber said if someone wanted to carve out a five acre lot from 100 acres then they could do a PRD. The Town Plan sets a formula currently. Four lots on 100 acres were fine, and if there were over that number then it is a PRD. Linda Radimer explained that the Planning Commission wants to look at all the land and how best to make use of the land. Mr. Murphy said that raises two issues. If there was a 100 acre parcel and you split off two lots, then you are forcing them to do a subdivision in one shot. If there were two lots (of 5

acres each) then that would preserve the other 90 percent. Secondly, there is a difference between a lot size and a building envelope.

There was lengthy discussion regarding the definition and usage of the words “shall”, “will”, and “may” (Mr. Murphy read Section 101 and noted that a 2004 State Statute uses “shall” versus “will”, or “may”. “Shall” or “will” are enforceable conditions and “may” can be enforceable, but not necessarily. “May” is more flexible.); and a strategy/goal to help farmers have a mechanism to sell lots, or develop a master plan related to future development of a farm. Ms. Ransom said that the larger farms were the ones that the Planning Commission wanted to preserve the most. The Conservation Commission would be the entity that would study wildlife and ecology of an area. It would be good to have a study group.

Mr. Mack suggested to consolidate references/language related to agriculture in one section versus scattered all through the Town Plan. Support for organic farming versus commercial farming should be included as well.

MOTION by Mr. Stone, seconded by Mr. Thornton, to close the Public Hearing on the Town Plan Amendment.

VOTE: 5 ayes; motion carried.

8. DISCUSSION OF UPDATING EMERGENCY OPERATION PLAN AND NATIONAL INCIDENT MANAGEMENT SYSTEM

Dan Cole, Emergency Operations Manager, explained that a Town application for a grant for an emergency generator for Public Safety (Fire and Rescue departments) required compliance for an Emergency Operations Plan and National Incident Management System. The intent was to show Town commitment via a three-hour on-line course.

Ms. Cole would take the course on-line.

9. BOARD UPDATES

Ms. Cole reported that the Monument Committee would meet Thursday, 12/06/2007 at 6:00 p.m.

Mr. Stone said that large rocks were placed on the southwest corner of the monument to keep people from driving over the curb. Alexandra put the rocks there.

Mr. Bloch reviewed that the Selectboard would meet Friday, 12/07/2007 at 4:00 p.m. to continue discussion on the draft Town Plan Amendment. Mr. Ladue noted that the maps in the Town Plan needed to be updated. The CCRPC has corrected maps to use for inclusion in the Town Plan. A question was would new maps raise additional concerns.

10. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

11. ADJOURNMENT

**MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn the regular meeting.
VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 9:25 p.m.

Respectfully submitted, Kathlyn L. 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.