

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
FEBRUARY 11, 2019**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Matthew Krasnow, Carrie Spear, Fritz Tegatz, Frank Tenney

**ADMINISTRATION:** Dean Bloch, Town Administrator, Aaron Brown, Zoning Administrator

**OTHERS:** G.A. Bouchard, Scooter MacMillan, Johann Phelps, Marian Wicker, Grant McCargo, Peter Swift, Diane McCargo, Peter Joslin, Bud Shriner, Sue Smith, Vince Crockenberg, Peter Carreiro, Hugh Lewis Jr., Victoria Zulkoski

**AGENDA:**

- 6:50 PM Capital budget—discussion
- 7:00 PM Adjustments to the agenda
- 7:01 PM Public Comment
- 7:05 PM Accessory Agricultural Uses—review of Act 143
- 8:00 PM Request for Bids, Mowing and Maintenance of Cemeteries
- 8:10 PM Requests for Bids for Mowing, Land Maintenance and Brush-hogging of Town lands
- 8:25 PM PBM Acquisition, LLC d/b/a Point Bay Marina—renewal of 2<sup>nd</sup> Class License to Sell Malt and Vinous Beverages, May 1, 2019 – April 30, 2020
- 8:30 PM Thompson’s Point lease for Lot 18 at 2657 Thompson’s Point Road:  
Termination of lease to Anne P. Hurlburt  
New lease ending December 31, 2038 to John C. Paul and Robert E. Paul
- 8:35 PM Prepare for Town Meeting presentations
- 8:45 PM Minutes: January 28
- 8:50 PM Selectboard updates

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 6:55 p.m.

**CAPITAL BUDGET—DISCUSSION**

Dean requested feedback about the capital budget preparations from Rick Brigham of Sullivan Powers. Rick Brigham said he would look at it in a month, he said. It would be a maximum of \$1,000. That is the possible cost. Is that was you were thinking of and should I pursue this?

Fritz said it is a good idea.

Lane said maybe update the format a little bit and have a copy of the fire and rescue budget, their capital spreadsheet and to do the first ten years and then five, five and five.

Lane asked, Is everybody on board? Everyone replied, yes.

**ADJUSTMENTS TO THE AGENDA**

No adjustments to the agenda.

**ACCESSORY AGRICULTURAL USES—REVIEW OF ACT 143**

Zoning Administrator Aaron Brown gave a presentation on how ACT 143 works and what is being requested of the town now that it is in effect. He highlighted some of the issues that have been raised.

Dean said the big question is how to regulate this. The statute allows for site plan review but doesn't allow prohibition. The concerns are if we should or not, he said.

Fritz asked what determines if it is accessory use. It says the municipality determines that.

Planning Commission Chair Peter Joslin told Lane that they had had isolated discussions on this subject a month ago. The question is if the town wants to regulate via a site plan, Peter said. The statute leaves it up to municipalities to make that decision.

Carrie asked about performance review. Aaron said it is concerning noxious gases and the like. If a farm were operating with a brewery there would be a lot of steam, for example. Noise is also under the performance review, Frank added.

Act 143 went into effect July 1, Aaron said. He reviewed the intent of the legislation and said he was not endorsing anyone locally, but was simply looking at what types of businesses run on farm as he gave his presentation. He explained the act is designed to allow farms to operate accessory businesses on their grounds to promote the economic viability of Vermont's farms and to increase the consistency in dealing with regulations on how we deal with these farm businesses.

Should these accessory businesses be subject to site plan review. This means parking, signage, layout and the like. The law aims for uniformity, Aaron said. The ag agency said they are going to defer to the towns for these accessory businesses. Right now Charlotte does not have much in the way of regulating accessory businesses on a farm.

Aaron reviewed what qualified as an accessory business according to the act and the stipulations it listed. These were farm events, tours, tastings, meals, workshops and exhibits. For example, Granby Farm held a workshop on sheep genetics and how to get the best silver curls on your sheep, he said. Another is Liberty Hope Farm, a three-star hotel that includes staying on the farm, meals and farm activities such as milking cows and sap collection. Another example was one offering theater. Aaron asked the question to exempt or not to exempt. If they served a salad to the crowd before the play started would it be exempt?

Certain types of events seem very clear, Aaron said, but what do we do if a farm in the area becomes a wedding or event venue? I am meeting with the Agency of Ag and the Towns of Shelburne and Hinesburg to learn more.

Shelburne is taking a restrictive view, Hinesburg more lenient. Officials need to consider whether to update site plan regulations. It was noted that Shelburne, before this law went into effect, passed a set of zoning regulations for ancillary farm business partly because of Bread and Butter farm family nights and Fisher movie nights because the town was experiencing traffic issues. They added regulations to have some control of what can happen on the farm. We need input here because it might not be as simple as saying a farm can do whatever they want as long as food is involved. Where does the Town want to go with that?

Frank asked if these farms have to be registered as a restaurant if they serve food indoors. Or get a caterers license. Aaron said they probably have not gone through the Department of Health.

Bud Shriner is a small organic vegetable grower and beekeeper. He said he wanted to clarify where farm stays factor in. His concern was that people could do a little window dressing to qualify as a farm and start a commercial business.

The events have to feature the qualifying products, Aaron said. For example, I have a friend with a hay farm that host weddings.

Peter said it seems the hay farm is making hay to have a wedding facility. He asked if it was income based. Is it subject to the 50% requirement? Aaron said it is not clear.

Fritz added that an accessory business and a subordinate business are two different things and that needs to be clarified. Do we look at this as an effort in trying to keep the farm a farm and not a strip mall? What is the value of a carrot and one that is cleaned and packaged and prepared? There is a line there with value added. There are a number of subjective things, he said. Maybe it was designed that way so towns could do what they want to. He said, if they are not viable, they will become something else.

Matt clarified that each town now would define how this act works.

Lane asked Philo Ridge Farm representatives in the room to weigh in on the subject. Grant McCargo of Philo Ridge said they designed their strategy before Act 143 and that they are excited that the town is looking at how to regulate this and to look at farmers and how they run their business. As we grow out fruits and vegetables this year we are excited to see what you come up with helping us all become viable businesses, he said.

Lane asked if he felt there were any restraints that the town would need to evaluate regarding having to offer 50% of farm products to qualify. Grant said that they are in the process of redoing sewer to have seating area and the farm is operating at a rate of 75% of qualified products currently and their year-end goals are way over that. When we do

events it is all about the farm, he said. We recently had a whole day work session on the farm. This Act is right in line with what we are already doing and where we want to go. However he suggested a yearly audit rather than a monthly audit because much of what farms do is seasonal.

Carrie asked are farms exempt from taxes? Aaron said food is not taxed in Vermont and is not sure about rooms. Marty added that all farms pay property and income taxes. Current use laws apply for qualifying activities.

Fritz said performance standards need to be addressed in the way of traffic, signs, noise, and Frank said much of this needs to be looked at on the site plan and to alert neighbors of new farm businesses. When you have a farm you have a farmer and workers and then when you go to accessory business you have the public coming in and out.

Matt said this discussion was happening because the Selectboard wanted to be in the loop and he suggested to continue the discussion in another public meeting to keep a unified discussion in researching what the other towns are doing across the state. We should see if there is a need before the planning commission starts drafting regulations. Tonight was an informational presentation and next time we should have what other towns are doing. That should be another discussion. We should have the opportunity to facilitate the discussion. We should have one more discussion before Aaron starts working on these regulations, he said.

Marty said the Act is nicely written but that the devil is in the details. We all have to decide what is exempt and what is not exempt and this is going to be about examples. That is where we are on a learning curve. We have a site plan review on the books today and it would be similar to that but we may have to refine that language. I am hoping we will get more information from other towns, she said.

Gerald, a member of the Planning Commission, read from the Act a description of site plan review and local permitting processes and other matters specified in local bylaws. Lighting pollution needs to be added, he said.

Peter said ultimately it circles back to planning.

Matt said the Selectboard took this on to discuss publicly because there were daily working conversations happening as well as individual citizens coming in to ask questions. The goal here is a coordinated discussion on how to move forward, he said. So before we break out into multiple meetings and daily work developments, I think it would be good for the public to have another night to discuss this so the planning commission has direction from the public and that this is clearly an open process that is public.

Peter said lets advertise the next meeting to get as much feedback as possible.

**MINUTES: JANUARY 28**

**Fritz motioned to approve with modifications. Frank seconded. Vote: 5-0; the motion passed.**

**REQUEST FOR BIDS, MOWING AND MAINTENANCE OF CEMETERIES**

Dean said he checked with the commission members and they requested no changes. The bids are the same as last year without any changes. Frank said language should be changed under mowing specifications. Dean verified it was all set. It was agreed to change the language to all of the bids having to be hand delivered or mailed and not emailed and must be submitted by the 25<sup>th</sup>.

**Frank motion to approve as amended. Seconded. Vote: 5-0; the motion passed**

**REQUESTS FOR BIDS FOR MOWING, LAND MAINTENANCE**

Change verbiage from weed-whacking to trimming and other edits similar to above with a Feb. 25 submission deadline. Matt asked about the removal of leaves from the sports court and asked for more specific language there. Mulching was discussed.

**Frank motioned to approve request for bids. Matt seconded. Vote: 5-0; the motion passed.**

**REQUEST FOR BIDS FOR BRUSH-HOGGING OF TOWN LANDS**

Steven Denton would like to be released from the lease, Dean said.

Matt motioned to release the Thompson Point ag land lease and rebid it. Fritz seconded. Vote: 5-0; the motion passed.

Junior Lewis, Road Commissioner, said there is a question about where this should be done. Some was not even cut last year. Some was cut in January. Someone needs to communicate to the land leaser because as the town mows a section there is a section that doesn't get mowed. He requested to clear up the miscommunication so it all gets cut on all of the ag fields.

Carrie Spear suggested a field visit.

The second issue is Lanes Lane hasn't been done in years. There is no wild parsnip in that area and it often comes in on mowers and equipment.

**Fritz motioned to approve the request for bids. Matt seconded. Vote: 5-0; the motion passed.**

**PBM ACQUISITION, LLC D/B/A POINT BAY MARINA—RENEWAL OF 2<sup>ND</sup> CLASS LICENSE TO SELL MALT AND VINOUS BEVERAGES, MAY 1, 2019 – APRIL 30, 2020**

Frank motion to convene as the Liquor Control Board. Seconded.

**Motion to approve the 2<sup>nd</sup> class liquor license for Point Bay Maria. Matt seconded.**

Lane said it is pretty straight forward. No changes to the format.

**Vote: 5-0; motion passed.**

**Matt motioned to reconvene as the Selectboard. Seconded. Vote: 5-0; motion passed.**

**THOMPSON'S POINT LEASE FOR LOT 18 AT 2657 THOMPSON'S POINT ROAD:**

- **TERMINATION OF LEASE TO ANNE P. HURLBURT**
- **NEW LEASE ENDING DECEMBER 31, 2038 TO JOHN C. PAUL AND ROBERT E. PAUL**

**Motion to terminate the lease and authorize the Chair to sign. Seconded. Vote: 5-0; motion passed.**

**Motion to create a new lease and authorize the Chair to sign. Carrie seconded. Vote: 5-0; motion passed.**

**PREPARE FOR TOWN MEETING PRESENTATIONS**

Dean said the Tree Warden, the Library Board and CVFRS would like to give presentations under Article 3.

The board reviewed the monetary pluses and minuses. Dean agreed to distribute the document to everyone on the board.

**SELECTBOARD UPDATES**

Discussion about lights being reinstalled with an additional light on a certain property. There has been no feedback from the land owner which makes him in violation of the court order. This could mean a lien on the property for the fines. The fines can accrue to the original violation back several years. It was a court order. Matt said it is not a new bylaw that has been broken, it is a state court order being ignored.

Carrie asked to review the current affordable housing grant program and the committee's recommendations and to understand the grant possibility for affordable housing. We want to understand the grant program and how it would work to review it and move forward, she said.

Dean said there is a site visit for contractors at the cemetery tomorrow, and he and Fritz will meet with the contractor about the installation of the generators on Thursday.

The installation of the generator at the Town Hall is schedule for a March 5 Town Meeting Day, so we are closed. The Senior Center installation of a transfer switch will close that facility temporarily on February 15<sup>th</sup>.

Motion to adjourn at 8:47 p.m. Vote: 5-0; the motion passed.

Minutes respectfully submitted, Lynn Monty, Recording Secretary.