

MINUTES

PLANNING COMMISSION MEETING

August 10, 1982
(Continued)

Present: Clark, Nappi, McLoughlin, Plouffe, Palmer, Hall, Richardson.

First warned hearing on major subdivision request by Richard P. and Margaret S. Eastman for two lot subdivision on south side of Thompson's Point Rd.

There was considerable discussion of Mr. Eastman's proposal by adjoining property owners who were objecting to the subdivision for several reasons which are detailed in the enclosed letters. After much discussion the Planning Commission voted 5 to 1 to approve the subdivision on the basis that it satisfied the existing requirements for subdivision. Mr. Eastman was asked to provide evidence that the existing power supplied to the area would support an additional dwelling without additional installations. The Planning Commission also noted that it would reserve the right to hold site plan approval for the final placement of any buildings.

George Richardson

COPIES SENT TO: 10/28/82

Ronald Webster
James Olson

M/M/ Eastman
Garrison & Roop
M/M Price
M/M Bucklin

Homing Commission

Aug 10 1982

Gerry Kaswan

Edward Kaswan

Bill Horsford

Brian Fleming

Sanford Adams

Guy Ochler

Allen M Martin

Nancy B. Martin

Beth H. Gignoux

Rhodes Bucklin

Constance Bucklin

John B. Reid

Bertrice

Jane Boice

Patricia C. Roop

David C. Roop

Gordon Sadler

Kitty Godsmith

Jim Koon

Richard Cash

Gene Plaus

Janet (EA)

August 10, 1982

To: Planning Commission
Town of Charlotte

Re: Eastman Subdivision

At the outset, we would like to express our opinion that any Planning Commission members having a personal and/or professional association with the Eastmans should remove themselves from all deliberations regarding this subdivision request.

As residents of Thompson's Point and adjacent property owners of the Eastmans, we have some serious concerns about further subdivision of this property. Since 1979, the former Bucklin estate has been parcelled off first by Garveys and now by Eastman so that the property bears little resemblance to its former significance as a landmark of Thompson's Point and Charlotte. In addition, and most importantly, all the subdivisions have been done with no master plan for guidance. This has led to haphazard power line placement and road development and leaves the situation open to mismanagement of sewer and water lines. In fact, there are numerous existing conflicts and lawsuits among neighbors because previous subdivisions were not outlined in enough detail. As a result, we feel that no further subdivisions should be granted until all current issues, i.e. power lines issues, Garvey/Eastman vs. Garrison/Roop lawsuit, Sadler power line and septic questions, and any other outstanding problems arising out of past subdivisions are resolved.

Further, at the June 23, 1981 Planning Commission meeting when the Garvey subdivision for the Eastmans was approved, Nancy Flinn, then chairman, made a motion to place a covenant against further subdivision of the property in question. The motion was not passed; however, Spin Richardson stated that he did not see how it could be further divided anyway and that the planning commission would not look favorably on such a request. Certainly nothing has changed in the area that should alter this opinion.

Attached you will find minutes of various Planning Commission meetings since June 12, 1979 when the first Garvey subdivision was requested. A quick review of the highlighted areas demonstrates the rapid approval of subdivisions and lack of long-range planning on Thompson's Point. Within three years time the former 20+ acres of the Bucklin Estate has been divided four times with the fifth now being considered. The Garveys, buyers of the former estate in April 1979, divided the property as much as possible, and are in the process of selling their house and moving. The buying, subdividing, selling and moving pattern is not in the long-range interest of Thompson's Point or of the residents living there. This could not take place if the Planning Commission required a master plan for subdivision.

Other reasons why we feel the Eastman subdivision should not be approved are as follows:

1) A letter presented to the Planning Commission by concerned residents of the area on May 19, 1981 regarding the Garvey subdivision for Eastman, addresses points that are valid for the Eastman subdivision as well. Even more so now that the original ten acres is to be subdivided further. We feel this letter should be addressed point by point. A copy is attached for your review.

2) The five acres will obviously be sold to someone who intends to build a house on the lot. This will be directly in our lake view and therefore reduce our property value.

3) Being under ten acres, the parcel will come under Act 250 and should be approved as such before being considered by the Planning Commission.

4) As the request for subdivision is an obvious major issue to other property owners in the area, the request should be heard and voted on by a majority of the Planning Commission. When the Garvey subdivision for Eastman was approved, only two voting members of the commission were present. We feel that a truly representative body should consider and vote on this major subdivision request.

5) No further subdivision of the original Bucklin Estate should be allowed until all former conflicts have been resolved and a master plan for roads, power, etc. is developed for Thompson's Point. We and the Planning Commission have heard before that "power is all taken care of." In fact, power and other support services have not been taken care of despite assurances to the contrary. Formal written plans for all such services, e.g. power, water, sewer, access, etc. should be submitted with all supporting documents, i.e. easements, engineers reports, "perc" tests, etc. before any subdivision on Thompson's Point is considered.

We feel that the responsibility of the Planning Commission is not to just approve requests but to plan for the short and long-term interests of area residents and all the residents of the Town of Charlotte. In addition, decisions should take into account fairness and respect for all involved parties. Certainly the tension and conflict created by a seemingly endless stream of Garvey et al subdivision requests cannot be ignored by the commission. Continuation and escalation of lawsuits and conflicts would be an inevitable result of your granting subdivision approval. At the very least, any decision should be tabled until the above mentioned issues are resolved. We urge you to consider these facts and viewpoints carefully before making any decisions that would compound the problems now being faced by ourselves and other Thompson's Point residents.

Sincerely,


Heather Roop


David Garrison

Ben Price
Thompson's Point Road
Charlotte, Vermont 05445

August 4, 1982

Town Planning Commission
Town of Charlotte
Charlotte, Vermont 05445

George M. Richardson, Chairman

Re: Major Subdivision-Eastman (Thompson's Pt.) &
Green Mountain Power Lines on Thompson's Pt. Road

I am making this joint reference to the subjects above at the beginning of this outline because both issues are connected; legally, morally, and in my opinion, both vitally concern the future value of all Thompson's Pt. properties in the years ahead. To be more specific, neither question nor issue would exist today if a series of events hadn't taken place less than 12 months ago. The issues cannot be separated.

Also, I feel it is highly improper for the Planning Commission to even entertain Eastman's proposal at this time for a variety of facts and reasons, most of which you may know about personally and informally, but some of these facts are not on the Town Record. Your predecessor member, Mrs. Flinn, I believe, is on record as agreeing with me on most of the points which I am about to make in this outline. At least she so stated to me in person.

Concerned parties and landowners are Eastman, Garvey, Garrison, Price, the Griffiths, (Lisa and David as individuals since they are now legally divorced), Sadler, Bucklin, Al Martin, Mike Crane and certainly Mrs. Bushey and others.

(MORE)

The issues in question originally stem from the Major Sub-Division/Divisions granted to the Garveys since 1980. At this writing, the Garveys are either suing or being sued, or in hands of lawyers, in court over power lines, land-use or payment default on mortgage loans and alleged illegal dealings with real-estate interests. Four different law actions are in the works, that I am aware of.

The status of the Garvey House, at present, which faces directly toward the plot involving the Eastman subdivision, we should deal with first, as follows...

As you know, the Garvey House has been on the market for more than a year. It remains unsold, despite rumors otherwise. Certainly that eventual "new" owner ought to have a voice in the Eastman proposal. Also, the Garveys are in default of \$40,000 plus interest, owed to V. Rhodes Bucklin, the previous owner, since May 2, 1982. At this writing Mr. Bucklin advised me that he had informally given verbal approval to Christine Garvey until July 26, 1982, to postpone payment, pending sale of the house. This date has now passed and I am now advised that foreclosure proceedings are being prepared; Bucklin vs. Garvey. The Garvey sale fell apart more than three weeks ago.

The Garvey (Bucklin-Emerson) House is a Vermont Historic landmark. It was the first year-around house built on Thompson's Pt., of any stature. At present, except for the despicable power lines, it is attractive and in beautiful condition, inside and out, at least in a superficial way. The house, in its setting, with winding roads, uncluttered and open fields, is the showplace of the point, as all must concede.

It thus should be preserved as such. The Town has a responsibility to help prevent its future deterioration, and not to further depreciate its value as would happen with the granting of the Eastman proposal. This would be a tax loss to Charlotte. It also could become the white elephant of Thompson's Point.

(MORE)

July 30, 1982

Already, with the illegal granting of the power lines construction to Green Mountain to accommodate the Eastman/Garrison houses, the Garveys have desecrated the west end of the property. This arrangement of power adjacent to the Garrisons was done in complete defiance of my protests and under the protection of the archaic law of Eminent Domain. However, this lineup of power poles is still in violation of state law of Vermont, in my opinion, under statues which I have outlined to you and have recently re-stated to the State Attorneys Office and the State Power Board. I asked the Town for a review of this law a year ago by letter but never received any answer. The law reference is Title #30, Section 2505 of Vermont Statues Annotated.

Also, Garvey, as the original subdivider, should have insisted on underground lines all the way, but because, for obvious financial reasons, could not. The eventual owner, no doubt, will make this a high-priority item, if not a condition of sale. The Garveys obviously, at this time, should not be considered as qualified to speak for or against the subdivision because, as they have openly stated, it is their desire to move out of the community as quickly as possible. Yet, their house faces upon this maze of overhead power lines--none of which are necessary. Another house will only further depreciate their own property, as Eastman proposes.

If my original suggestions had been supported by the Town against Green Mountain Power, forcing this utility to put the power lines underground, but only where needed, the Garvey house might be more saleable. Certainly its value would have been enhanced. No fool would buy it with the myraid of power lines that now adorn the property.

Green Mountain's two so-called power experts, Gamelin-Ray, have consistently misled the town about the power lines, almost with malice, in order to serve Eastman/Garvey/Garrison, and completely ignoring my underground suggestions--for which I offered to pay my share in cash. A Green Mountain Power lawyer personally advised me that he was 100% in my support in recent months.

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And to further rub salt in my wounds, Mr. Ray had the gall last November, to tell me to my face, with a gesturing of his hand, that "all of this land one day soon will be poles all the way up the road." He was waving his arm in a sweep toward the Price/Sadler/Griffiths property on the north side of Thompson's Point Road, toward the curve below Mrs. Bushey.

Today, no UTILITY POLES EXIST OR STAND, for a distance of more than 1½ miles, from Mrs. Bushey's curve to Lane's Lane, except for the Marina Spur off my land and back along the TP Road to Garvey's water-tower, CRISS-CROSSING the TP Road FIVE Times in between. Otherwise, the TP Road is only open farmland--no fences, no anything--on this 1½ mile stretch.

The present poles were placed by the Gamelin-Ray team in joint conference with Garrison/Eastman and Garvey, but without my consultation. And the so-called "support" pole was put across to the north side of the road, on my side, because it was contended that this was needed for "bracing" and was "the only way" to do it. I am in possession of an engineers' report refuting this. Also, it was unnecessary in the first place because an underground line should have been placed there, to the Garvey traffic circle to an underground transformer. The contention that ledge rock prevents this is not factual because new underground water lines were placed in the same area four years ago. Mr. Bucklin supports me on this ledge question.

As a result of this impasse, the poles were placed; the power put through. The Eastman House was built in a position that was directly in front of a site chosen by my wife on the hilly knoll (directly above Eastman) where we were going to build when my red tenant house (next to the Marina land) became further obsolete. This caused me a loss of at least \$20,000 in land-value as the result of the Eastman house placement done in a calculating manner and in anticipation of the expansion they now propose. To support this, one of my colleague associates, was offered the parcel for sale by Eastman within weeks after he received a building permit.

The proposed Eastman expansion will further complicate the Garrison situation--probably damaged more than any other party..mostly due to existing power-line impasse, and the view from their newly rebuilt house.

(MORE)

The original Garvey-Eastman subdivision was granted, if you examine your records, on the contention that "power was not a factor," to quote Christine Garvey, at the open hearing... "we'll supply them power off our barn..." At that time, at the first hearing, I made it clear I would grant no easement, under any conditions to anyone, from the power spur serving the Marina which is on my property, and close to Eastman.

Yet Eastman himself personally phoned me in July 1981, seeking permission to put power underground across my land from the Marina Spur. I turned him down last July with the comment that he had already (1) damaged my property value by the positioning of his house, and (2) I had twice publicly stated during a "walk" of the property with members of the Planning Commission that I not grant any power-line rights across my land strip.

That was precisely why I bought the land in the first place-- to preserve all of this land as farmland, as I advised Mrs. Flinn at the time. (The Eastman property used to be farmed by Bobby LaBarge for corn and red clover).

As things progressed last summer, it became evident that no party except me had contacted the power company to learn precisely what was, in its opinion, necessary to provide as adequate power requirements to satisfy all parties without conflict. All of this is on the Town Record. I will not repeat here the events that followed, but a brief outline is necessary to clarify the present situation.

The original and (second power spur off the Marina line) to Garvey/Garrison crossed the ridge of my property south of TP Road, to a transformer pole a few feet from the Garrison-Price property line. If Garrisons had not objected, the Eastmans could have gotten power from this power pole which still stands at this point. This was obviously not practical, and I agreed.

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We, (Prices) supported the Garrison objection on the contention that, in future, this whole power line situation should be considered as such--future development. This was totally ignored. This is where I blame the Planning Commission for mishandling or being misled by the subdividers, Garvey/Eastman.

The poles/lines had to be eliminated because, it developed, the original lines, between the Garrison/Price pole and the Garvey pole, had a total of ten lines strung, not including the phone lines. It was agreed by all that these lines and poles had to be dismantled.

However, I wrote three letters to Green Mountain making suggestions to correct the situation. (all have been ignored to this day.) Finally, last fall, (in November), without my knowledge, Green Mountain proceeded to construct power lines down the TP Road, presumably following my suggestions; but this was not the case.

These lines did not essentially disturb the scenery, or landscape, because the original and existing lines were only a few feet away to the south (but inaccessible to Green Mountain). As a favor and compromise, it was the only solution. Except for the "cross-road" "Support" Pole, and one other pole that needlessly crisscrosses the TP Road from the Marina to the east, I have no objection to the present arrangement.

However, the support-brace pole is an atrocious eyesore to all TP Road travelers. It is unnecessary and a detriment to the value of all the houses within its view. It further is in violation of the law I have cited. And I suspect that it is in violation of the Environmental Protection Laws. It was placed, next to a beautiful pine tree, on my property, by the Gamelin-Ray team, in defiance of any common sense as it relates to preserving the general beauty of the road area; the conservation of the open-land on my side of the road and it directly subverts the suggestions I had conveyed to Green Mountain.

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This all could have been alleviated had the power gone underground from the pole on the road at the Price- Garrison line to a transformer, also underground, on the Garvey traffic circle.

Then, all lines to all residences in the complex should continue underground. (At present only the Eastman line is underground from the Garvey water-tower pole).

This is the crux of the whole dispute by all parties.

I had offered to pay one-quarter of the cost (eliminating two poles) to go underground to the Garrison or Garvey property. Instead, I got no support from any party. But Green Mountain went ahead, without my consent, and put the lines where they exist today. It is now a total disaster, in my opinion and I have support of Garrison/Bucklin/Sadler/Griffiths.

The whole power situation and mishandling has also led to the current lawsuits against Garrison by Garvey and Eastman. Additional power was essential to Garrison because they (Garrisons) needed it for improvements being made to their home, coinciding with the Eastman house construction.

Garvey/Eastman, in their law action, contend that the Garrison improvements are in violation of town law. It is of little doubt in my mind, that the suit is only a vindictive act, to further harrass the Garrisons. I support Garrison because it is a definite improvement to the entire area. If any party is damaged it is me because of closeness to my property line. In fact, the Garrison project improves all property values, particularly the Garvey land.

Also, Garvey even had the gall to place a powerful spotlight on his barn, shining directly at the Garrison windows; an obvious illegal act which they later turned off after threatened legal action against the Garveys.

Next the Salder situation, another innocent Garvey victim....

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Again, without insuring power line access, the Garveys moved the Bucklin Carriage Barn across the TP road, to a site next to land owned by Lisa and Dave Griffiths (at that time). The house stands today, unoccupied because of a power impasse, with Gordon Sadler the victim; and a potential buyer from Sadler is stalemated because of a suitable power access. I'm sure the Gamelin-Ray team could solve it by putting up some more poles along the TP road (which they have the legal right to do). Any buyer of this property should also have a say on the Eastman proposal.

To summarize, the Eastman subdivision should be rejected for reasons (1) We, (The Prices) suffered property loss damage by the first subdivision and would suffer more by this second subdivision; (2) Garrisons would suffer for the same reasons, but even more severely because their view would be desecrated; (3) The "buyer" of the Garvey property should have a voice; (5) Sadler or buyer would suffer damage and has had no opportunity to voice any opinion; (6) Lisa Griffith's lake front property would be damaged; (7) Bucklin's chances of receiving payment for loan would be lessened; (8) All users of the TP Road and owners of property on the Point itself would/and are damaged by the beauty of the TP Road because of the maze of lines, mainly from poles crisscrossing from trees on my land; (9) for the future preservation of the TP Road and the Historic Bucklin Estate.

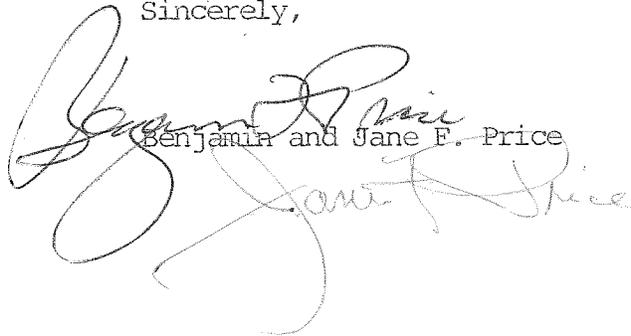
Also, Eastman's contention that he can supply power and sewage from his own power and own sewage plant independently is disputed and unless supported by documents and approved by the town, his petition should not even be considered at this time.

I also feel that it is the responsibility of the Town Overseer of Thompson's Pt., Mrs. Prindle, to have a voice in the matter since she, in effect, is the spokesperson for the landowners on the point itself.

(MORE)

This enforcement is also, we feel, the overall responsibility of the Town of Charlotte and the Town Planning Commission. Already everyone's land values have lessened by the Garvey subdivision. To further de-value this virgin piece of land would be a clear evasion by the Planning Commission to exercise its rights to prevent such violations under the Town Master Plan.

Sincerely,



Benjamin and Jane F. Price