

**MINUTES OF FRANKLIN PLANNING COMMISSION & SELECT BOARD**  
**TUESDAY, AUGUST 21, 2012**  
**HOMESTEAD DINNING ROOM**

**Members present:** Clark Hubbard, Dan Larivee, Brooks Sturtevant, Greg Bouchard, Gerard Tremblay and Peter Kittell.

**Others present:** Sara Rainville (Secretary), Johanna Crane-Godin (ZBA), Chris Bolton (ZBA), Peter Magnant (Select board), Kyle Lothian (Select board), Andy Godin (Select board), Yvon Dandurand (Select board) and Lucille Rainville.

Meeting called to order at 7:05 p.m. by Clark Hubbard.

**Minutes:** Gerard/Dan made the motion to approve the July 17, 2012 minutes. No discussion had; all in favor, motion passed

**Planning Commission Mail Folder:**

- Mike & Dena Benjamin methane digester at Lake & State Park Road
- Franklin Fire District #1 Annual Report
- Grant

**Old Business:**

Development Regulations-

Clark welcomed everyone to the meeting. Peter M stated that on July 26, 2012 the Select board held a Public Hearing at the Town Hall on the Development Regulations, May 2012 Draft. There were many concerns with the Shoreland/Recreation District and seasonal conversions. Clark stated that the intention of the PC was to encourage people living year round at the lake in seasonal cottages to convert and go through the proper process; encouraged people to meet guidelines and become compliant. Clark stated that with the State holding all the laws for septic that the town was not able to ask people to upgrade if they did not have a suitable septic for year round living. Dan stated that the goal was State approved septic, potable water and parking for 2 cars.

Kyle stated that this puts the ZBA in a horrible position; he wants to make sure that the same rules apply to anyone that applies for a conditional use permit and has to go before the ZBA.

Kyle feels that keeping the lake clean should be the number one goal of the Town boards; people that pay taxes for their lake properties should be able to stay there whenever they choose; the camps according to recent studies of Lake Carmi, was shown to be causing only a small portion of the phosphorus problem at the lake. He feels strongly, as does other community members, that the board need to rethink the "180 consecutive day" wording for seasonal living in the Shoreland/Recreation District. Peter M questioned who was going to police the 180 days at the lake, everyday throughout the year? Kyle stated that we have to have everything clearly laid out and that those are the procedures that are followed. Clark stated that the entire seasonal conversion wording was written with the assistance of Northwest Regional Planning. Also the PC doesn't want to encourage further strains on the local school system and other Town services. Clark stated that he has received a letter from Kim Gates-Maynard suggesting that some camps could be grandfathered into year round from seasonal and then if they sold then they would revert back to seasonal use. Clark questioned if that could be done or if once it is grandfathered if it would have to stay that way forever.

Johanna stated that 5+ camps have been approved for seasonal to year round conversion thus far; 2 more were approved with conditions for needing more information for the ZBA. She further advised that the State septic rules are very strict. Clark stated that he was told that people applying to the State for year round septic only have to prove that they have already been living there for over 180 days, they then received a waiver from the State. Greg read the following from the July 17, 2012 meeting minutes for all to hear, "Septic must be certified for year round use; certificate must be from an engineer with a Vermont PE License or stamp; must have potable water from a well or spring, not lake water; enough parking for 2 vehicles. If all of the above have been satisfied and the applicant does not meet the 40,000'sq lot size, a waiver may be obtained from the ZBA, who will review on a case by case basis". This is what the PC would like to add to the seasonal conversion/conditional use section. Peter K stated that none of the people currently living year round along the lake in seasonal homes have applied for conversion to make their camp legally a year round home; it's not the goal of the PC to kick people out of their camps, we just want people to provide us with proof that they have a certified, approved septic system. Johanna stated that the Town of Franklin used to have stricter septic rules then the State did, then the State took over completely from the Town in 2007.

Lucille questioned what would happen if someone converted to a year round camp and had kids? Johanna advised that all camp roads are private and that they would be responsible for getting their children to school or arranging a pick/drop off point with the school or bus company. She further noted that none of the previous ZBA applicants had any school age children.

Chris B questioned the lot size necessary for conversion. PC stated that the ZBA has the power to grant a waiver if the applicant satisfies all of the other criteria. Johanna stated that they ZBA has a list of criteria that they follow for each applicant and that must be met. The Zoning Administrator can not approve conditional use permits which is what a seasonal to year round conversion is. She further stated that even when the ZBA gives a ruling and issues a permit that the applicant does not always follow it and that there is no one to enforce the rules; she feels that most people that apply to the ZBA want to follow the proper procedure and abide by the rules/permit issued. Yvon is afraid of what is to come down the road with the camp conversions, we need to make regulation's that are enforceable and have a person to do just that. Peter K advised that some things take time and that there are procedures to follow to enforce regulations.

Clark would like Sara to send the above underlined section to Vermont Leagues of Cities and Town for a legal opinion.

#### **New/Other/Member Business:**

Next Planning Commission meeting is scheduled for September 18, 2012.

Johanna questioned who has been attending the NRP monthly meetings for Franklin. Clark advised that he has and Yvon also has been; Chris B showed interest in attending and Johanna noted that each Town can send as many people as they would like.

Greg/ Brooks made motion to adjourn the meeting. All in favor, meeting adjourned at 8:15 p.m.

Respectfully submitted,

August 22, 2012

Sara Rainville, Acting Secretary

**Note: These minutes are not final until approved by the Planning Commission at their next regular meeting.** Minutes approved by the Select board on September 11, 2012.

Minutes approved by the PC December 18, 2012.