

Minutes of Franklin Planning Commission
Tuesday, April 16, 2013
Homestead Dining Room

Members present: Clark Hubbard, Dan Larivee, Brooks Sturtevant, John Ho, Howard Deuso, Greg Bouchard and Peter Kittell.

Others present: Robert Irish, Zoning Administrator; Richard Boudreau, Homestead Board; Mark Vaillancourt; Rebecca Raymond, Franklin Telephone Board; Nat Worman, Polly Gadbois, Selectboard- Andrew Godin, Peter Magnant, Yvon Dandurand, Kyle Lothian, Wayne Laroche; Mike Gervais, Ernest & Roland Fortin.

Meeting called to order at 7:04 p.m. by Clark Hubbard.

Hearings:

1.) Betty Hubbard is requesting a 2 lot subdivision to subdivide off a 5 acre parcel from the 69.5 acres parcel, Parcel #401-4 on North Sheldon Rd in the Town of Franklin, with a right-of-way, in accordance with Section 5.2: A) & C) 2 of the Town of Franklin Development Regulations.

This subdivision is the pasture not meadow land that is being transferred to Paul Paquette. Clark is abstaining from voting as an interested party but will answer questions on his mother's behalf. Mr. Irish, ZA, this is a single lot subdivision under our zoning regulations he is required to recommend to the PC. Does have the required ROW and has a deferral permit for the septic. It is a land locked parcel of land. Mr. Irish recommends approval of this request as he sees no reason for denial; there are no permits in house for development of this piece of land at this time. Mr. Paquette will need to come back to the PC for approval of a 50 ft ROW before development can take place.

Dan Larivee states that the ROW appears to be a 75 ft; Clark replies yes but it is being sized back to a 50 ft as that is what is needed in the town regulations. Mr. Irish advised that this property was looked at extensively by the PC previously for a large development and was approved for development; therefore this subdivision is acceptable for this property. Nat asks about the septic permit; no permit currently, will need to get all necessary permits before development.

Clark puts to the board to vote. All in favor of subdivision being approved; Aye – 6 vote in favor, Clark abstained. The Betty Hubbard subdivision has been approved.

2.) Town of Franklin is requesting a determination of a right-of-way for proposed development of a town sand shed on the south/west portion of the town garage lot on Homestead Drive in accordance with Section 6.8: 1) and 2) of the Town of Franklin Development Regulations.

Mr. Irish states that the zoning bylaws require that all ROW for development be approved by the PC he is not allowed to make that decision and that is why this has come before the board to make a determination of three things in regard to the ROW

- Is there a legal ROW deeded in the land records
- Is there anything in the ROW agreement that would limit/restrict the use
- Look at the ROW to see if anything has happened to the ROW with changes in setting. For instance the utility setups of FTC that is in the ROW, the parking area of the fire dept. Are they acceptable and do they affect the overall use of the ROW. Currently the ROW is being used for the sand pile.

Becky Raymond introduced herself as a member of the Franklin Telephone Co (FTC) board and was here on their behalf. She would like to establish first that this hearing is strictly for the ROW and nothing else will be decided here but at a later meeting. In terms of the ROW, she listened to the three issues given. In respect to a legal ROW, there is a legal ROW established for the town, jointly with FTC and Franklin Homestead. In terms of restrictions, there are restrictions as noted in the legal decision of the court. The written agreement is a joint private driveway and repairs are shared by the three parties and development other than by the Hull children must have their own road or driveway. The judge's decision states by court order 1) The Town of Franklin is not entitled to use the ROW at issue in this case for access by the general public to or for egress by the public from the park and ride

and the town is enjoined from continued use of the ROW for the park & ride. 2) The Town of Franklin is not entitled to use the ROW at issue in this case for access to or egress from the Westcott land other than to access its sand pile and salt shed on that land and the town is hereby enjoined from doing so. Mrs. Raymond states as there will be construction equipment coming onto the site to build the sand shed; permission is needed and a conditional use permit would need to be acquired. Wayne states the town is not changing the use of the property; this is normal construction as when the Homestead replaced the roof with large equipment on site. This will be in line with general town highway activity with use of the sand shed/pile. Pete states they are trying to reduce the foot print of the sand pile and prevent leaching of the sand and run-off as requested by FTC. Robert Irish states per the town regulations, development on a land locked piece of property must go to the PC for approval of a sufficient ROW for that construction or development to take place. Mrs. Raymond states the restrictions can be waived if signatures of all parties are received/agree. Howard-expectations of the PC is to approve the ROW with stipulations of all signatures being met. Mrs. Raymond states the ROW approval should be denied by the PC at this point until permission from all parties for the conditional use of the ROW to have construction equipment going onto that property is acquired. Need to follow the town plan and regulations.

Peter Kittell/Dan Larivee made a motion to table this decision until walking the ROW and viewing the documents presented further. All members voted in favor, motion passed.

Clark wants to warn a continuation of this hearing date for Wednesday April 24 at 7:00 at the ROW and Homestead dining room to review the ROW and executive session.

3.) Mike Gervais as representative of Ernest & Roland Fortin for the sketch plan review of the proposed subdivision of the 256 acre property. All forest land is to remain in tack for production and environmental uses and agricultural land will be kept in production for hay land or pasture, no development is proposed in environmentally sensitive areas. Asking for 3 new building lots (two existing houses) and the remaining left for ag & forestry. Mr. Irish states this is just a sketch plan review to look at the proposals. How does this comply with what you see as your vision of the town plan? This property is within the rural/residential district and designed primarily for agricultural use with low density housing development. Does the proposal fit your uses; if approved will continue with full plans.

Clark asks for a vote to approve the sketch plan as submitted. All members voted in favor, approved. For the next step of full plan review a 15 day warning will be needed before the May 21 meeting. Mr. Gervais will submit required paperwork.

Minutes: Brooks/Howard made the motion to approve the minutes. No discussion had; all in favor, motion passed.

Member Concerns: None

Reorganization of Board: Peter/Howard nominates Clark Hubbard as chairman to the board. All in favor of election, motion passed. Peter/Greg nominates Dan Larivee as vice-chair; Dan/Greg nominates Peter Kittell. Peter elected vice-chair by voice vote.

Mail folder: Map of the Dewing Shore bridge project for information to the PC.

Next Planning Commission meeting is scheduled for May 21, 2013.

Clark/Dan made motion to adjourn the meeting. All in favor, meeting adjourned at 9:00 p.m.

Respectfully submitted,

April 18, 2013

Lisa Larivee, Acting Secretary

Note: These minutes are not final until approved by the Planning Commission at their next regular meeting. Approved at the May 21, 2013 meeting.