

**Minutes of the Franklin Planning Commission**  
**Tuesday, April 21, 2015**  
**Homestead Dining Room**

**Members Present:** Clark Hubbard, Judith McLaughlin, Dave Bennion, Peter Kittell, Dan Larivee, Roland Rainville, Ed Rainville, Yvon Dandurand, Peter Magnant

**Members Absent:** Greg Bouchard

**Others:** Maureen Sodaro, Secretary

**Guests:** Bob Irish (ZBA), Jeanne Rainville

**Call to Order:** Meeting called to order at 7:06 pm by Clark Hubbard.

**Approval of Minutes:** Motion was made by Dan Larivee to approve the March 17, 2015 minutes and seconded by Dave Bennion. All members approved the minutes.

**Mail Folder:** There was no mail.

**Old Business:** None

**New Business:** The PC looked at the ZBA Public meeting notice regarding a Conditional Use Permit by Jennifer Carey and Jason Bessette. They are requesting change of use for their barn to be used as a commercial/recreational indoor facility. The barn is currently in the Rural Residential/Agricultural district. The PC discussed with the Franklin Selectboard members the importance of having certified letters be sent to abutting landowners when permits are requested. In the current Town of Franklin Development Regulations, it is stated that written notice be sent to abutting landowners. Clark would prefer that the regulations require certified letters be sent. The PC agreed, and Judith felt that the permit applicants should be responsible for sending the certified letters. Peter Magnant responded that in the past the written notice was the responsibility of the Town Clerk, but that it would be a good idea for the applicant to send the letters rather than the Town Clerk or Assistant TC. Email is not a good way to send notice as emails can easily get lost. The discussion also mentioned newspaper notice as well as the fees involved. Clark spoke with the Selectboard members present about a recent ZBA meeting regarding the permit in question. There was not a decision made regarding the permit as not all abutters were notified. He was also told that there was no representation from the PC at the meeting. He was unaware that the PC was expected to be present. Clark stated that he will be present at the May 4, 2015 hearing regarding the Carey/Bessette application. Judith questioned whether or not a decision about certified letters was made, and Clark explained that the Selectboard will take that up at their next scheduled meeting. The PC then went over the items of concern (as stated in March minutes) with the Franklin Selectboard members.

Item #6 of the concerns involved changing the wording of responsibility for PC approval of subdivisions to be 3 lots or more. Bob Irish suggested that it be stated as a Parent lot and 2 or more.

Item #8- The PC was concerned about the meaning of the word abandoned, and suggested that wording regarding danger or hazard to community be added to the statement in the regulations. The discussion regarding the legal wording of abandoned ensued. In the current regulations, the time of one year is stated, however, in many cases, it takes more than a year for banks to complete foreclosure action. The group mentioned using words such as inhabitable structure posing safety and/or health hazard to the

community. Bob Irish spoke of his experience dealing with owners of structures no longer in use or abandoned. He suggested perhaps the town regulations could include a process for declaring a structure abandoned. The process should involve contacting the owners about the town's concerns. Peter Magnant thought that there might be two different issues involved. An example would be those buildings that have burned and are still standing, as opposed to those uninhabited and awaiting foreclosure. In case of foreclosure, the group wondered if it is the responsibility of the town or the bank to secure property. The group did acknowledge that there needs to be a process put into place regarding this issue. Judith volunteered to check with the State of Vermont and other sources to research the abandonment issue. She will then make a recommendation to the Selectboard and PC as to how to write a process in the town regulations.

The discussion then switched to a Memo Judith wrote to the PC and Selectboard regarding required studies/changes to Municipal and Development Regulations. Judith asked the PC how many members owned property on the Shoreland/Recreation district, and two members stated that they did. She felt that it is a conflict of interest for them to vote on decisions involving changes to that district.

Judith also said that she feels changes made would affect more than just the Shoreland/Recreation district. It is also a water quality issue. The changes that the PC is considering are major. She feels that potential changes should be discussed at a public meeting. Clark stated that the request to make the change came from the ZBA. When the issue of changing the footage from 500 feet to 250 feet in order to match that of the Shoreland Protection Act, was brought up, Clark stated he (Clark) was thinking in terms of building development. Bob Irish said the state regulations are very confusing, and that he agrees with Judith's concerns regarding the change from 500 feet to 250 feet. Clark asked Bob if he wants to rescind his request to make that change, and Bob said yes. He agrees with Judith that the quality of the lake is a concern, and that the ZBA does not deal with quality of lake when landowners make permit requests.

The question of enforcement of regulations came up in the discussion. Bob explained the process of town permit vs. state permit. Bob recommended that the PC look carefully at protecting the lake. Building structures and water quality are two different issues. The time frame involved in approving permits for town vs. state is different.

The discussion returned to the Carey/Bessette property and the change to Commercial in the middle of a Rural Residential/Agricultural district. The definition of commercial was brought up as well as agricultural/production facilities. Bob stated that currently the town is using the Lister's tax designation of residential and commercial rather than that of the ZBA. Bob asked the PC which definition should be followed- that of the listers or the ZBA.

Regarding the shoreland area, Bob stated that he would like the footage to remain at 500 feet. He would also like any changes to lake properties require a permit. He can then make a site visit to monitor changes. Judith stated that she would like to have the town

regulations state exactly what the process should be for shoreland district landowners who want to make changes or build.

Judith made a motion to drop the 250 foot issue. Her motion was seconded by Dave Bennion. The motion was not approved by the PC. The vote was 3 yes, 2 no and there needed to be a vote of 4 yes in order to approve the motion. Clark told Judith that the decision regarding shoreline footage is ultimately a Selectboard decision. Peter Magnant stated that he feels the PC is divided on the issue and would like the PC to discuss the issue further then bring it back to the Selectboard.

Clark made a motion that the following concerns by the Selectboard-

- 1- The definition of "impervious" be placed into the Franklin Development Regulations, on page 78- after the words "home occupant" and before "interested person."
  - 3- page 9, section 2 of the Franklin Development Regulations, the words "written notification in certified form" by person wanting subdivision or lot change should be added.
  - 5- Section 5-22, 26b and 26c- the wording of Parent Lot and two or more should be written.
  - 6- section 5.3A- the PC would like the responsibility for approval of subdivisions to be -Parent lot and 2 or more that of PC, and ZA two lots or less.
- Clark would like the Selectboard to hold on the issue of lakefront footage and abandonment until the PC can discuss the issues further.

The motion was seconded by Peter Kittell, all approved the motion.

Peter Magnant brought up a concern regarding Open Meeting laws. He said that written communication including email falls under those laws. Email messages/responses were sent that unknowingly fell under the open meeting law. Members acknowledged and agreed with Peter's concern.

8:40 Selectboard members exited the meeting.

Clark asked the PC members to read Judith's memo and be prepared to discuss at the next meeting. He also asked Bob Irish to attend the next meeting. (May 19, 2015) Bob said he will attend the next meeting. Bob would like a copy of tonight's minutes.

Bob said he has concerns for the PC to consider in the future regarding subdivision and leasing. Issues to consider are: responsibility to pay taxes when property is leased, does leasing properties constitute a subdivision? What is the difference between subdivision and boundary line adjustment? How much land constitutes a Boundary line adjustment? Bob would like clarification regarding a subdivision if leasing is involved in the action. He also wants the PC to consider the issue of sale of land to an abutter and building lot. He would also like the PC to think about the issue of existing non recorded lots and the impact of possible changes to those lots.

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**Member Concerns/Other Business:** No other member concerns.

The next regular meeting of the Planning Commission will be held on Tuesday, May 19, 2015 at 7:00 pm in the Homestead Dining Room.

Motion to adjourn the meeting was made by Clark, seconded by Dan Larivee. Meeting adjourned at 9:00 pm.

Respectfully Submitted,  
April 22, 2015  
Maureen Sodaro, Secretary

**Note: These minutes are not final until approved by the Planning Commission at their next regular meeting.**

DRAFT