

**Minutes of
Franklin Planning Commission
Tuesday, September 16, 2014
Homestead Dining Room**

Members Present: Clark Hubbard, Judith McLaughlin, Greg Bouchard, Peter Kittell, Dan Larivee

Others Present: Maureen Sodaro, Kevin Burke (VT DEC), Dan Homeier (VT DEC), Greta Brunswick (Northwest Regional Planning), Bob Irish, Yvon Dandurand, Peter Magnant, Ed Rainville

Meeting was called to order at 7:05 pm by Clark Hubbard.

Minutes: Minutes from the August meeting moved to approve by Clark, seconded by Judith. All approved.

Mail Folder: No Mail to review

Old Business: No old business

New Business: Guests from VT DEC and Northwest Regional Planning came to the meeting to help the Selectboard and Planning Commission understand the Vermont Shoreland Protection Act and how it impacts our present town plan. They also answered questions that members of both boards asked.

Kevin Burke presented a power point program regarding the Vermont Shoreland Protection Act which took effect July 1, 2014. Kevin spoke about Shoreland Standards (Exemptions, registrations, permits, and shoreland standards overview), the permit process (project worksheet and application forms, and related DEC permits).

Exemptions- Repair and maintenance, reconstruction in existing footprint, removal of dead diseased or unsafe trees, within lakeside zone (six foot path, tree pruning and thinning), and parcels intersected by a public highway (projects on the portion of the parcel on the side of the highway away from the mean water level), Wastewater/ potable water supply, stormwater discharges and treatment facilities, downtowns, village centers, and industrial redevelopment, act 250 and section 248 (utility projects), forestry in accordance with AMP's, existing agriculture in accordance with AAPs.

Clark asked if someone was trimming the top of a tree can they still do that, and Kevin answered yes, if they have been doing that type of trimming, they can continue to do so. Bob Irish asked about the parcels intersected by a public highway, and the answer was that private roads have to follow regulations- anything on the non lake side of a public highway do not need permits.

Kevin explained the registrations for Lakeside Zone (up to 100 sq. ft.) and Upland Zone (up to 500 sq. ft.). The fee is 100.00 and review time is 15 days.

Permit is needed for new cleared or impervious area, must meet shoreland standards. Fee is \$125.00 plus \$0.50 per sq. foot of proposed impervious surface. Review time 40 days.

Kevin explained other shoreland standards regarding slope. Bob asked for confirmation regarding the definition or area of slope, and it is in the project area. There is a cap of 20 percent of impervious surface area of parcel area. Greta asked about flexibility regarding the 20 percent. Kevin answered that the applicant must demonstrate best practice for runoff and that it is a subjective judgment call. A cleared area must take up less than 40 percent of the parcel area. If cleared area is greater than 40 percent, the applicant may be asked to plant, or create more vegetation.

Kevin explained the Vegetation Protection Standards. Bob Irish asked about those people who want to take out trees/vegetation for retaining wall projects. Kevin said there is a specific section in the act explaining what is regulated. Kevin presented redevelopment examples as well to the members present.

There is a Shoreland Project Worksheet available online and application tool to help applicants with the permit process.

Kevin stated that a municipality can request delegation if their bylaws are in sync with the act. He said that many municipalities prefer that the state handle permits.

Bob thanked Kevin for being available for questions and presentation for the meeting.

Bob asked for the definition of impervious surface. He explained that anything not vegetative basically is impervious. (There are some materials that are exceptions)

Bob confirmed that if the town does not require concrete driveways for example, people would still have to go through the state for a permit. Clark mentioned that if we had project worksheets for people at the Town Clerk office, it will help people know where to go for a permit. (If permit is needed by the state or not)

Judith wondered if people should go to the state or town first. Kevin suggested they go to the town first to discuss and get questions answered. Greta spoke about the legal timing for local zoning administrators to approve permits and that their approval timing cannot be held up.

Peter Magnant has a question about herbicides in the lake. Kevin stated that permits to control invasive species have been approved in parts of the state.

Bob asked about municipally owned areas and the State Park. Public recreation areas must meet the standards regarding public good. Those areas are explained early in the bill. Privately shared land among landowners are not considered municipality. The State Park has to apply to the state for permits. Clark was wondering if Mill Pond is considered part of Lake Carmi or not. The answer was not given at the meeting.

Bob handed to the Selectboard and PC members a section of the act that will cause issues for town zoning approval. He would like something added to the Franklin zoning regulations that refer to the Shoreline Protection Act. Concrete pads are not addressed in Franklin zoning regulations. Retaining walls are also not addressed. Bob thinks that Franklin regulations need to be as close as possible to the Shoreland Protection Act.

Judith said that Plans and regulations should be close to the State to eliminate any possible conflict with those wanting to do permits with the town. Bob would rather not be the enforcer, he would like to send a report to the state regarding violations, and let the state handle enforcing of the Act. Clark asked Greta who would enforce or approve permits if Franklin's regulations incorporated the Act. She answered that the town would need to enforce what is in our regulations. The Town could reference the shoreline act and the State would enforce regulations of the Act. Greta suggested that the town needs to look at what makes best sense for the town. Discussion followed regarding new

structures within 100 feet and building up floors on existing structures- and differences in size of structures between the town and the state. Greta suggested for permit projects, not registration projects, applicants can have a discussion with the Zoning Administrator, and then go to the State for permits. After that process, applicants can then see the Zoning Administrator.

Judith made a motion to the Planning Commission that the PC crosswalk the town plan and the Act to determine what needs to be changed or kept the same. Greg seconded the motion. The PC is willing to look at other town's regulations. The PC did not approve. The Planning Commission will continue the discussion at the next meeting. Judith rephrased her motion. The PC will look at our regulations, and look at the Act, the purpose is to compare the two documents. Greg seconded the motion. All approved the new motion. Clark thanked Judith for her passion regarding the enforcement of the Act.

Other:

Member Concerns: Greg would like to have Mike McCarthy attend the January meeting to discuss solar panels with the PC

The next regular meeting of the PC will be Tuesday, October 21, 2014 at 7:00 pm in the Homestead Dining Room. Motion to adjourn the meeting made by Clark, seconded by Dan Larivee. All in favor. Meeting adjourned at 9:17 pm.

Respectfully Submitted
September 17, 2014
Maureen Sodaro, Secretary

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