

**MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, FEBRUARY 17, 2009, AT 7:00 P. M.
HOMESTEAD DINING ROOM**

PRESENT: Richard Gadbois, David Lucey, Bill Mayo, Doug Clark, Doug Bradford, Clark Hubbard, Daniel Larivee and David Lothian

PUBLIC: Peter Mazurak, Cross Consulting (representing Larivee Subdivision), St. Albans
Jacqueline Larivee, Franklin, Vermont
Amy Harrison, Franklin, Vermont (Corey ROW)
Roy Hango, P.E., Enosburg, Vermont (Adams Subdivision)
Mike Messier, C-21 Jack Associates, Enosburg, Vermont (Adams Subdivision)
Jason Paquette, Franklin, Vermont (abutting landowner Adams Subdivision)
Judith McLaughlin, Franklin, Vermont (abutting landowner Adams Subdivision)
Robert Cormier, Franklin, Vermont (Adams Subdivision)
Arthur Paquette, Enosburg Falls, Vermont (father of abutting landowner)

Dick called the meeting to order at 7:00 p.m.

MINUTES OF JANUARY MEETING:

Motion by David Lucey/Doug Clark to approve the minutes. Dick asked for any discussion and there was none. All members voted to approve/minutes accepted as presented by the secretary.

LARIVEE SUBDIVISION:

Peter Mazurak, of Cross Consulting Engineers, provided members with copies of the most recent map of the subdivision. Dick stated we now must look at compliance with Articles IV, V and VI of the Subdivision Ordinance. The following were discussed:

Any covenants or restrictions to be placed in deeds. It was suggested they might want to discuss this with their attorney to ensure the lots will be saleable and to avoid problems in the future.

The Larivees noted that the survey has now been completed and the current map shows the official survey. It was noted that the surveyor's number is on this map, but not his seal. He will sign and seal the mylar when it is done.

Discussion was held on the septic systems and Dan Larivee noted that they have now applied for septic permits, but had held off until the subdivision was approved. He noted that some people obtain the septic permit first, but he tried to follow procedure and obtain permission for

the subdivision first.

Section 503, B, 7 (A) was discussed. It was noted that although it is a minor subdivision, there needs to be some assurance that the road is completed properly. A performance bond for about half the cost of the road work will be required. Mr. Mazurak noted that the projected cost of the road will be about \$10,000 and the usual procedure is to obtain a letter from a bank indicating funds are available and they would remain in escrow for two years. Discussion was held on the drive/road and the specs. Mr. Mazurak stated that the road/drive would be 24' wide at the access off Route 120 and would vary between 14' and 12' wide at various points. He noted the widths will vary because of the wetland as they are trying to make as little impact upon it as possible. He further noted there will be turn arounds available for emergency vehicles. Mr. Larivee pointed out they contacted the Fire Department to make sure they will be able to access the subdivision in an emergency. They were questioned as to whether they contacted the Town Highway Department to discuss the road with them in the event that someday they will ask the town to take over the road. Dan stated that at this point in time, the plan is for it to be a private road/drive so they did not speak with the Highway Department. It was suggested they might want to do so as you never know what will happen in the future. They did discuss it with the State Agency of Transportation because of the access point off Route 120. It was pointed out that we need the specifics on the road, whether it is noted on the plot plan or whether it is on a separate sheet, the Commission needs something they can review. Responsibility for upkeep of the drive/road also needs to be clarified possibly as a covenant in the deeds.

Dick suggested they check out Section 601 which contains a lot of useful information. He then asked individual Commission members for their comments/concerns.

Bill Mayo stated that if he remembers correctly, the State will require a CUD regarding the wetlands. Dick provided the letter from the State which did indicate that a CUD will be required. Mr. Mazurak did point out that they had a wetland biologist and the State both look at the site. Mr. Mazurak stated they will not apply for it until after the subdivision is approved. It was noted that such approval would be contingent upon the CUD. No other members had any questions or concerns.

Dick noted that they will need to come back with the performance bond, road specifications and any deed easements or covenants regarding the subdivision. Dick stated he would make the minutes available to them as soon as they are finished, before they are approved by the Commission.

The matter will be put on the agenda for the March meeting.

COREY RIGHT-OF-WAY:

Amy Harrison appeared before the Commission regarding a right-of-way request. She provided the Commission with a map showing the current driveway which serves two homes.

Clark Hubbard asked for clarification of the location of the driveway and she explained that it is already a driveway and there will not be another. They are simply asking that it be declared a right-of-way to serve two homes and the common septic system used by both homes so that the lot on which the two homes now sit can be subdivided. Clark stated that it was his recollection that the second home was built as an in-law apartment and Ms. Harrison responded that it was originally built as a home for her grandmother who then decided not to move into it. It is free standing and her parents moved into it and she now lives in the original home. Mr. Hango informed the Commission that he was involved in the project and it has a septic system that was approved to serve two dwellings. It was noted there may be a need to file an amendment to the permit.

After discussion, the Commission decided to table the matter until the next meeting at which time Ms. Harrison will return with the required permit. Ms. Harrison stated they do not intend to subdivide anything other than the two existing homes.

Dick advised that the next item on the Commission's agenda is the sketch plan review of the proposed subdivision of the Craig Adams property on Route 236 in Franklin. He advised that before we go any further, he has represented both Mr. Adams and Ms. McLaughlin as well as having business associations with Mr. Messier. In addition, if he is not actually an abutting landowner, he certainly owns property close to the proposed subdivision. Therefore, he will recuse himself from the proceedings and turn it over to Vice Chair Bill Mayo. It was noted that Dan Larivee is also an abutting landowner.

DRB:

Dick suggested that those members who have computers access the Vermont League of Cities and Towns website (vlct.org). They have a wealth of information on the Development Review Board/Design Review Boards. He stated although we had planned on discussing this further tonight, it is obvious there will not be time.

TOWN PLAN:

Doug Clark stated he feels that the Commission should also discuss whether we should "get on the green bandwagon" and revise the Town Plan to encourage green/carbon neutral projects. We should also be including such things as wind mills and carbon foot print neutral projects.

Dick then provided members with a letter written by Judith McLaughlin, an abutting landowner, turned the meeting over to Mr. Mayo and exited the meeting.

ADAMS SUBDIVISION:

Bill asked those members of the public to introduce themselves so that the Commission knew who was participating. He advised the Commission is considering an application for a four lot

subdivision submitted by Craig Adams. Mr. Messier is representing Mr. Adams who had a prior commitment. Bill clarified that it is a piece of land containing approximately 11 acres which will be subdivided into four building lots.

He advised that we have the letter submitted by Ms. McLaughlin and asked her to present her concerns to the Commission.

Ms. McLaughlin stated she is here because when she looked at the proposal she found what they are proposing to do is make it basically a 3,000 gallon sewage waste system that will be flowing into three of her water systems. Mr. Cormier explained the location of the three water systems involved and stated he personally checked them and they are pressurized and feed into their potable water system. She stated these water systems are downhill from the proposed septic systems for the subdivision. They believe the septic systems from the proposed subdivision will contaminate their water for both human and agricultural use. They further feel that the 11 acre parcel cannot support the proposed subdivision and is contraindicated by Franklin's Town Plan. Mr. Messier and Mr. Hango both pointed out that the only permitted well on Ms. McLaughlin's property is the new drilled well and Mr. Messier stated that Ms. McLaughlin was made aware of that when she purchased the property. Ms. McLaughlin denied that anyone discussed the water system with her. Mr. Messier further stated that the pipes were cut/disconnected from the spring and that when an attempt was made to re-drill the well near the barn, it collapsed. Mr. Hango stated he permitted the new well and that it is the only one that passed health inspection. Mr. Hango provided the members with a map which shows the permitted well and the septic fields.

It was noted that the State has already approved the septic systems or the subdivision and they are permitted. Ms. McLaughlin questioned how the State could approve them without being aware of all wells in the area. Again, she was told that they were told of the permitted well. Ms. McLaughlin advised that it is her intention to appeal the issuance of the septic permit and that if the Planning Commission approves this subdivision she will also appeal that decision. She stated she has three wells on her property and they were not documented when the septic permits were obtained.

There was discussion between Mr. Messier, Mr. Hango and Ms. McLaughlin regarding the property she purchased. Ms. McLaughlin again stated that she feels the sewage sites across from her property is appealable. Mr. Hango explained to Ms. McLaughlin that the septic systems in question contain 1,000 gallon tanks with 490 gallons per day discharge. The 1,000 is the size of the septic tank, not the daily discharge.

It was again stated there is one permitted well for Ms. McLaughlin's property and that is recorded in the town records. Mr. Hango agreed to supply the Board with that permit. It was noted that all the rules were followed when permitting the septic system for the subdivision. The town was contacted and Peter Kittell was involved from the beginning.

Bill advised that we will move on to the sketch plan review. He informed Ms. McLaughlin

that the town will not become involved in the debate between her and Mr. Messier regarding the wells on her property. That is between the property owners. Mr. Hango has agreed to supply the Commission with the documentation on the permitted well.

Jason Paquette, pointed out to the Commission, that he is the owner of the abutting property on the Kennison Road. He noted the map incorrectly identifies the owner of his property and it needs to be changed.

SKETCH PLAN REVIEW:

Section 301, Submission Requirements.

A. 1.) **Name and Address of the Owner of Record and Applicant:** Contained on the map.

2.) **Name of Owners or Record of Contiguous Properties, Including Owners of Parcels Across a Common Public Right-of-Way:** Contained, except Jason Paquette's name should appear as the owner of the abutting property on the Kennison Road.

3.) **Boundaries and Area of All Contiguous Land, Including Land Separated By a Public Right-of-Way Belonging to Owner of Record and Proposed Subdivision:** O.K.

4.) **Existing and Proposed Layout of Property Lines, Type and Location of Existing and Proposed Restrictions on Land such as Easements and Covenants:** Plan shows shared driveway to serve two of the lots, but not the two driveways from the Kennison Road. Concern was expressed by Mr. Paquette over driveways off the Kennison Road. He pointed out that the road is narrow and he has concerns over whether it will support these driveways. He noted the road is in poor condition. Mrs. Larivee, also an abutting landowner, concurred with his assessment. It was noted it is a Class III Road until it reaches the Paquette residence and then it becomes a Class IV road.

5.) **Provisions of the Zoning Regulations and Any Zoning District Boundaries Applicable to Proposed Subdivision:** Needs to be provided.

6.) **Location of Existing and Proposed Homes and Home Sites, Well Sites and Septic Systems:** McLaughlin permitted well is shown, however, per previous discussion, they claim there are other wells which are not shown. Discussion was held on the spring in that area. Mr. Paquette also pointed out there is running water that runs across one of the proposed lots into the ditch along the Kennison Road. Mr. Messier claims there is no running water, but Mr. Paquette stated emphatically that he lives there and there is water that runs across the property.

7.) **Location of Existing and Proposed Drainage Structures and Drainage Ways:**

8.) **Type of, Location and Approximate Size of Existing and Proposed Streets, Utilities and Open Space:** Applications for curb cuts need to be done.

9.) **Natural Features Such as Wetlands, Shorelands, Water Courses, Rock Outcroppings, Rare/Threatened Plant or Animal Species, Geological Sites and Historic Sites:** If any, need to be contained on map.

10.) **Location Map Showing Relation of Proposed Subdivision to Adjacent Property and Surrounding Area:** O.K.

11.) **Date, True North Arrow and Scale:** O.K.

B. The Applicant Shall Also Prepare a Statement Which Describes How the Proposed Subdivision Addresses the Goals and Policies Stated in the Town of Franklin Municipal Plan. Applicants will have to provide this statement. A copy of the Town Plan may be viewed/obtained from the Town Clerk's Office.

C. The Applicant, Five (5) Days Prior to the Meeting at Which the Subdivision is to be Discussed, Shall Provide the Planning Commission with Proof, by Certified Mail Receipts, that all Adjacent Landowners Have Been Notified of the Meeting. Mail Receipts have been given to the Town Clerk. Copies were provided to the Planning Commission.

The Commission decided before they consider this proposed subdivision further, they will make a site visit. After discussion, it was decided they would do the site visit on Saturday, February 28, 2009, at 9:30 a.m. Bill will speak with Lisa regarding warning of the visit. This matter will be adjourned until the March meeting. Mr. Messier and Mr. Hango were advised to obtain a copy of the subdivision ordinance and town plan from the Town Clerk to ensure that they are aware of what is required under the Subdivision Ordinance.

Motion by David Lucy/Dan Larivee to adjourn. All members voted to approve/meeting adjourned at 9:10 p.m.

Respectfully yours,

February 19, 2009

Barbara M. Varin

NOTE: These minutes are not official until approved by the Commission at their next regular meeting. Note: These minutes were approved by the Planning Commission at their March 17, 2009 meeting.