

**MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, MAY 20, 2008, AT 7:00 P. M.
HOMESTEAD DINING ROOM**

PRESENT: Dick Gadbois, David Lucey, Bill Mayo, Doug Clark, John Giroux, Clark Hubbard, Jr., Doug Bradford, David Lothian and Dan Larivee.

Dick called the meeting to order at 7:05 p.m.

MINUTES OF MARCH MEETING:

Dick advised the first item of business is the March minutes. Motion by David/Bill to approve the minutes. Dick asked for any discussion/changes and there were none. All members voted in favor/minutes approved as submitted.

CORRESPONDENCE:

Pamphlet: On managing storm water with low impact development. Passed around for members to review.

Complaint: To Zoning Administrator regarding ATV track on Towle Neighborhood Road. Will not be discussed tonight as it is not on the agenda. Dick will provide members with copy via e-mail.

State of Vermont: Regarding subdivision of lot on Vinci property. It appears it is going to be an unimproved lot. Doug Clark questioned if they still need to get approval for the subdivision and Dick advised they must comply with all performance standards.

State of Vermont: Regarding Hubbard Subdivision. Clark Hubbard, Jr., recused himself from discussion of this matter. Dick advised that it appears they are now seeking approval for individual septic systems for each home instead of a community septic system. It is assumed this is happening because a community septic system would be very expensive where individual septic systems can be installed as individual lots are sold. It was noted that the Planning Commission had recommended individual septic systems in the beginning, but they requested a community septic system. It is assumed this change has to do with the real estate market and the fact that they will not have to invest a lot of money in an expensive community system. Dick noted that he does not know if there will be other changes since the State now has jurisdiction over septic systems.

Discussion was held on the town's involvement in septic approvals now. Dick noted that the town no longer administers its own septic ordinance, but under the State ordinance a representative of Franklin can be there when test pits are done and they have the right to observe any system before it is covered and to report any problems to the State.

State of Vermont: Regarding Cameron wastewater permit. Several members expressed their concern regarding this matter. It was noted that a permit was originally requested to renovate the camp, however, the entire camp was eventually rebuilt and not in the original footprint. The matter is in environmental court and some members feel they have gotten away with disregarding zoning regulations.

State of Vermont: Regarding request by Roger and Brenda Wright to subdivide lot on Riley Road and build a three bedroom single family residence.

VIOLATIONS:

Discussion was held on violations of zoning ordinances which are evident to anyone just driving around. It was noted there are people living in recreation vehicles; illegal junk yards; unpermitted businesses; and, unlicensed vehicles all of which are violation of our zoning ordinance. It was noted that Franklin does have a zoning ordinance in place that is “being eaten alive by violations which are not being addressed”; and, at this time rather than revising it, we should concentrate on enforcing the existing ordinance. Doug and David were on a committee to investigate “violation tickets”, however, the Selectboard has to approve it and we must have a municipal ordinance in place. Dick stated he went onto the Vermont League of Cities and Towns and printed out a large packet of material on violation tickets which we need to work on over the next couple of meetings. He noted that the ordinance is pretty much there and we would just have to change the language to meet our needs. It was noted that if we do the ordinance, perhaps the Selectboard would be more willing to look at it and approve it. He informed members that they can either go on-line and print out the material or he will provide his copy of the Town Clerk and, hopefully, she will duplicate it for members. Everything we need to do is in this informational packet and we need to make it fairly simple. Bob would issue the ticket and the matter would go to superior court and we need to have it “cut and dried”.

It was noted that a lot of camps are being fixed up with bedrooms added and no one knows whether the septic systems are adequate.

Discussion was held on the requirement that complaints must be put in writing before the town will act upon them. Members have no problems with requiring the complaint to be in writing, but most feel that steps should be taken to protect the identity of the complainant because there is the fear of retribution. Doug Clark disagree stating that the accused should have the right to confront his accuser since a complaint could be filed because of a “grudge”. Dick stated that would be true if the matter was based strictly upon observations of the person filing the complaint, however, these are cases of violation of the zoning ordinance which can be evaluated based upon the ordinance and are not the same as a criminal action based only upon someone’s observation. It was also noted that anyone riding around town can visually see these violations. These letters should be kept confidential unless a court decides that the defendant needs the information to defend himself. Members were asked to either print off the violation

information or get it through the Town Clerk so that it can be reviewed and possibly some action taken next meeting.

MEMBER CONCERNS:

Doug Clark: Informed members that at the last meeting Mr. Karnatz from the Vermont Land Trust had promised to get back to him with some information. Doug wanted everyone to know that Mr. Karnatz did promptly get back to him. It was noted this is refreshing since often times at meetings people promise to “get back to you” and you never hear again.

Clark Hubbard, Jr. : Informed members that he recently attended the Planning Commission seminar in St. Albans. He advised that he found it extremely interesting and learned things that he never had seen or heard before. He felt it was very educational and he actually got to work on a design.

Dick reminded members that there is another seminar coming up in Enosburg and he sent out an e-mail about it.

Dick: Informed members that if they are in St. Albans they should stop by Taylor Park and look at the new walk they are putting down. He stated that it is made of a permeable cement like material where the rain will go right through it into a drainage system underneath. Bill noted that he and Dick attended a meeting where they talked about this material.

John: Stated he is having a hard time with people who blatantly violate the zoning ordinance and seemingly get away with it because we lack a good enforcement system.

David Lothian: Was recently appointed by the Selectboard. Dick advised him that he should go to the Town Clerk’s Office and ask for copies of the Zoning and Subdivision ordinances and the Town Plan.

Motion by David/Dan to adjourn. All voted in favor/meeting adjourned at 8:20 p.m.

Respectfully submitted,

May 21, 2008

Barbara M. Varin

NOTE: These minutes are not official until approved by the Planning Commission at their next regular meeting which is presently scheduled for June 17, 2008.