MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, NOVEMBER 18, 2008, AT 7:00 P. M.
HOMESTEAD DINING ROOM

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

GUESTS: Peter Mazurak, St. Albans, Vermont (representing Larivees)
Steven Ducham, St. Albans, Vermont (representing Matt Rainville)
Richard Fitzgerald, Franklin, Vermont
Rolland Rainville, Franklin, Vermont
Monique Rainville, Franklin, Vermont
Jacqueline L. Larivee, Franklin, Vermont

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

LARIVEE SUBDIVISION:

Dick stated that because there are persons here tonight who are being paid, we will go right to the discussion on the Larivee Subdivision. Mr. Mazurak stated he is from Cross Consulting and represents Dan and Jackie Larivee. Mr. Ducham indicated he is an attorney representing Matt Rainville who is an abutting landowner. Richard Fitzgerald is an abutting landowner. Rolland Rainville and Monique Rainville are abutting landowners.

Dick questioned if all abutting landowners had received notices of the proposed subdivision and it was learned that notices had been sent, but not the map. Mrs. Larivee stated all abutting landowners had received notices and they have the green return receipts. Dick informed the Larivees that the return receipts need to be brought to the Commission and they will be turned over to the Town Clerk to be made part of the file on this matter.

Dick questioned whether or not the Zoning Administrator had been provided with a copy of this application and maps and was told it has been done.

Discussion was held on the involved lots and whether it is a three lot or four lot subdivision. It was noted that there will be three lots with the Larivee home and surrounding land being the fourth lot. The Larivees noted that the property to be subdivided has a separate deed from their home site. Mr. Mazurak stated that the State wastewater considers it to be two separate lots. Dick quoted from the definition of a lot on page 25 of the bylaws, "Land in common ownership shall constitute a lot even if acquired by separate deeds or conveyances."

Dan was asked to identify all abutting landowners.

Dick stated that the next step for the Commission is the sketch plan review in compliance with our subdivision regulation, Section 301 A-C.

SECTION 301 A:

1) **Name and Address of the Owner of Record and Applicant:** Appears on map.
2) **Names of Owners of Record of Contiguous Properties, including owners of parcels across a common public right-off-way:** Because there are several different Rainvilles involved, the first name of the abutting landowners must be added to the map. Mr. Fitzgerald's name must be added and the Commission needs to see the back line of the property.
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:** The three proposed lots are defined. Mr. Mazurak explained that Matt Rainville has right-of-way to two sections.
5) **Provisions of the Zoning Regulations and Any Zoning District Boundaries Applicable to the Proposed Subdivision:** All rural/residential.
6) **Location of Existing and Proposed Homes and Home Sites, Well Sites and Septic Systems:** Need to show home of Andy and Imogene Rainville.
7) **Location of Existing and Proposed Drainage Structures and Drainage Ways:** Drainage in the right-of-way/wetland areas was discussed. Mr. Larivee and Mr. Mazurak indicated that Amy Norris from the State was contacted regarding the wetlands and upgrading the road and has no problem with it.
8) **Type of, Location and Approximate Size of Existing and Proposed Streets, Utilities and Open Space:** O.K.
9) **Natural Features Such as Wetlands, Shorelands, Water Courses, Rock Outcroppings, Rare/Threatened Plant or Animal Species, Geological Sites and Historic Sites:** It was noted that the right-of-way does go through a wetland area which has been discussed with the State of Vermont.

SECTION 301 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. The Commission informed the Larivees that they would be need to review the Town Plan and provide this statement.

SECTION 301 C:

The Applicant, Five Days (5) 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 Landowner Have Been Notified of the Meeting. As mentioned previously, mail receipts must be provided and they will be given to the Town Clerk for inclusion in the file

on this subdivision.

Dick asked Mr. & Mrs. Larivee if they or their engineer had any question as to what must be done on the map. He pointed out that the procedure is part of our subdivision regulation and should be followed by all subdivision applicants.

Dick then asked those guests in attendance if they had any comments they wanted to make. He advised that at this point in time the Commission is only interested in their comments about the completeness of the sketch plan. Other comments would be addressed later.

No further comments were made.

Dick informed members that Dan Larivee received a letter from Andy Rainville who is an abutting landowner. Those guests present disagreed stating that Mr. Rainville and his wife own a home with some surrounding land, but not the land abutting this proposed subdivision. Dick read the letter for those present. He expressed his concern over others using the right-of-way which is used by Matt Rainville for farming and forestry.

Three buildings have to be shown on the map - Andy and Imogene Rainville home, Dan and Jackie Larivee home and Mr. Fitzgerald's home.

Dick questioned the Larivees about the curb cut. Dan stated it already exists, however, Dick advised that they should check with both the State and the Town regarding the matter as the size and use of the curb cut will certainly be increasing. Discussion was held on some problems experienced in other subdivisions and checking with both the State and Town might eliminate any problems.

It was noted that the wetlands have already been looked at and the letter was provided to the Commission by Mr. Mazurak.

It was noted that each lot in the subdivision will have its own septic system. Dick also suggested that contact be made with the Fire Department because it will be a dead end road and it is essential that fire/safety vehicles have access. Clark Hubbard advised that Justin Rainville is the new Fire Chief . David Lucey questioned about Rescue and Dick stated they would not have as great a problem. Because of their smaller vehicle and wheel base, they are able to turn around in a driveway. That would not be possible for the Fire Truck or school busses.

Dick went back to the guests present and asked them if they had anything further they wanted to discuss regarding the subdivision.

Mr. Fitzgerald asked about the road/right-of-way. He asked if the town would be expected to take it over. Discussion was held on roads and Dick advised that it is possible that the Planning Commission will require that the roads meet certain standards or possibly be paved. Discussion

was held on who would be responsible for upgrading/improving the road. Dick expressed concern that down the road, residents would expect the town to assume the cost of improving and taking over their private road. It was suggested that deeds contain a covenant stating that the road is a private road subject to upkeep by the property owners.

Bill Mayo pointed out that after reading the letter from the State of Vermont regarding the wetlands, they are saying a CUD will be required to upgrade the existing right-of-way and he questioned whether that is being done. It was noted by Mr. Mazurak that they will be upgrading the existing driveway (right-of-way) which will serve the three lots. The Larivees were advised to work with the Agency of Natural Resources regarding the CUD. Location of any wetlands will be on the final plan.

Mr. Ducham indicated that he represents Matt Rainville and that Matt is pretty concerned over the shared right-of-way. He described the part of the right-of-way used by Matt to access his property and indicated that Mr. Rainville uses it for agriculture and forestry and is concerned that the shared use will be compatible. It was noted that if pavement is put down that would be a concern because of potential damage. Dick suggested that the Larivees talk with Mr. Rainville regarding his concerns over the right-of-way and Mr. Ducham stated they could do so through his office. It was pointed out that Mr. Rainville has the right-of-way and doesn't want to get himself into a situation because he brings heavy equipment over it and doesn't want it to be his responsibility. Mr. Larivee indicated that if he damages the right-of-way/driveway, then he would need to repair it and Dick responded that might not necessarily be true as he had the right-of-way first before any of the subdivision was done or thought of. Mr. Ducham indicated he is willing to have a discussion about this, but felt this meeting was not the proper forum for it.

Discussion was held on whether it is a three lot or four lot subdivision and it was noted that it will actually be a four lot subdivision with two separate deeds. There will be one three lot subdivision with homes on each lot, but at this point, they are not proposing to do anything with the lot where the Larivee home sits. The Commission will be addressing the right-of-way and the three lot subdivision. Mr. Ducham questioned whether road standards would apply since the right-of-way/driveway will serve three houses plus the Rainville property.

Discussion was held on Section 601 on the subdivision regulations regarding minimum and maximum widths of rights-of-ways/ private roads serving three or more lots. Dick noted that we need to read the entire section which does allow the Planning Commission some discretion. Discussion was held on what triggers a road to become a town road.

Dick advised that we need the revised sketch plan with additions/corrections discussed tonight together with a copy of the letter on the wetlands, copy of the Andy Rainville letter and the mail receipts. He noted that abutting landowners must also receive a revised set of plans. He recommended that the Larivees and their engineers review Section 301 of the Subdivision Ordinance and the Town Plan to ensure the sketch plan and other required information are provided.

He advised those present that the Planning Commission will review and vote on the sketch plan at the next meeting which will be held in December.

The Commission thanked the guests and they exited the meeting.

ENFORCEMENT:

Clark Hubbard obtained enforcement information from the City of Burlington. It was noted that it contains an enforcement complaint form. Discussion was held on enforcement and the extent some jurisdictions go to ensure compliance with their regulations. Dick will see that members receive copies.

GRANT:

Bill informed the Commission that the grant has been submitted and, hopefully, we will get some money to assist in revising the zoning regulations. Dick pointed out that the State is once again making some changes in zoning regulations which will be effective in a year or two.

CORRESPONDENCE:

Regarding wastewater feasibility study for the town.
Regarding seminar on municipal highway systems.
Regarding seminar to be held via video on December 17th from 7 to 9 p.m. in St. Albans. Dick advised he will send the information to members and they need to contact Lisa regarding registration fee. Clark pointed out that everyone needs to sign up before December 5th as the fee will be more after that time.

MEMBER CONCERNS:

Clark: Expressed his concern over road standards in some of the subdivisions. He feels they need to be brought up to town standards without the town being involved. Discussion was held on a bylaw that is on the books regarding road standards which is not enforced. Some members feel if we are not going to enforce it, then we need to remove it from our ordinance.

Doug Clark: Provided members with information he obtained on Developmental Review Boards and he asked that it be on the agenda for the next meeting.

Motion by David/Clark to adjourn. All members in favor/meeting adjourned at 8:30 p.m.

Respectfully submitted,

November 19, 2008 Barbara M. Varin

NOTE: These minutes are not official until approved by the Planning Commission at their

next regular meeting. Note: These minutes were approved by the Planning Commission on December 16, 2008.