

**MINUTES OF FRANKLIN PLANNING COMMISSION  
TUESDAY, NOVEMBER 17, 2009  
HOMESTEAD DINNING ROOM**

**PRESENT:** William Mayo, Greg Bouchard, Clark Hubbard, David Lucey, Gerard Tremblay, Doug Clark and Sara Rainville, Secretary.

**MEMBERS OF PUBLIC:**

Hugh Gates, Susan Clark

Bill Mayo called the meeting to order at 7:10 p.m.

**APPROVAL OF MINUTES:**

Minutes from October 20, 2009 presented. Motion was made by Mr. Lucey/Mr. Hubbard to approve the minutes from October 20, 2009. Bill asked if there was any further discussion or changes and there was none. 5 voted in favor, Mr. Clark abstained, minutes accepted as read.

**PUBLIC HEARING FOR REVIEW/AMENDMENT OF ZONING BYLAWS:**

1-Section 320 **District Land Use Control**

*C) 3) Uses not listed as Permitted or Conditional in any district may be considered by the Zoning Board of Adjustment as a Conditional Use, if the proposed use is of the same general character as those Permitted or Conditional in the district in which the use is proposed. This section shall not be construed to allow a use to be considered in a district, when it is clear that the use is Permitted or Conditional in a different district.*

Mr. Mayo would like Mr. Irish, the ZA to come to before the P. C. to explain the proposed amendment change as he/the P.C. feel it should be further clarified.

Mr. Gates stated that he was very disappointed with the town & their actions in regards to zoning decisions. He stated that a municipal parking lot is not addressed in the current zoning. He feels that an injustice has been done to himself by the Town. He claimed that the Zoning Administrator approved the park & ride/municipal parking lot verbally; then Mr. Gates appealed the ZA's decision to the Zoning Board of Adjustment, at that hearing his request was denied because the appeal had not being done in a timely manner.

Mr. Mayo asked, "If something is not in the bylaws, how do we add zoning to fit all instances?"

Ms. Clark stated that we can't address the unknown.

Mr. Gates felt that if the above amendment was approved, it would have helped with the municipal parking lot/park & ride issue. He felt that there should be a definition of what a municipal parking lot is in the zoning bylaws. Also, what kinds of setback, lots size, etc. would they be required to have if permitted.

Mr. Gates continued to state that a municipal parking lot was in the approved Town Plan but had not been in any prior working drafts. He wanted to educate the P. C. on the happenings between himself and the Town (current ROW and Park & Ride issues).

Mr. Gates proceeded to give the P. C. the Webster's Dictionary definition of a driveway: *a private road giving access from a public way to a building on abutting grounds*

Mr. Mayo stated he understood that there currently is not a provision for a municipal parking lot or park & ride and he advised that the P. C. would look into adding that in to zoning bylaws. He thanked Mr. Gates and noted that his points will be taken into consideration.

Mr. Gates stated he appreciated the P. C. hearing his concerns and he would also be curious to see how other towns have handled municipal parking lots and/or park & rides in there zoning. He noted that last time he attended a P. C. meeting they were discussing wind turbines and cell towers. Mr. Mayo said that draft never was approved by the Selectboard.

Ms. Clark asked the P. C. if they are adopting all three warned provisions tonight. Mr. Mayo advised, yes, decisions were being made tonight on the three proposed amendments.

Mr. Tremblay/Mr. Clark made a motion to table the above provision until Mr. Irish can further clarify the wording. All members agreed.

## 2-Section 330 District Objectives, Allowable Uses, & Dimensional Requirements

### **B) Rural Residential/Agriculture District:**

#### *1) Permitted Uses: Also Seasonal Recreational structures*

Mr. Clark asked what seasons and Mr. Mayo responded all seasons. The intention of this change is to cover deer camps. Ms. Clark stated that currently how this provision is written is unclear; it could mean many different things including an ATV track.

Mr. Gates inquired as to whether the ATV track on the Swamp Road had a permit approved; Mr. Mayo stated that he did not believe so. Mr. Mayo suggested that the P. C. change the word *Seasonal Recreational Structure* to *Seasonal Dwelling*, Mr. Gates agreed. Mr. Gates suggested that the P. C. come up with a definition for a *Seasonal Recreational Structure*. Ms. Clark added that maybe intermittent use should be included in the definition.

Mr. Clark wanted to know if all existing deer camps would be grandfathered in and what happens to the camps that were never approved by a building permit.

Mr. Hubbard/Mr. Lucey made a motion to table the provision until a definition could be agreed upon for *Seasonal Recreational Structure*.

Mr. Clark stated that he would like to do that definition tonight.

Mr. Hubbard/Mr. Lucey withdrew there previous motion.

Mr. Hubbard/Mr. Lucey made a motion that the provision now read *1) Permitted Uses: Also Seasonal Dwelling*. Motion approved.

## 3- Section 417 Mobile Home Parks and Mobile Homes

*All mobile homes erected in the Town of Franklin must be placed on a non-porous pad being at least 4 inches thick.*

Ms. Clark would like to know the reasoning behind the change. Mr. Mayo stated he believed it was for stability and safety concerns. Mr. Tremblay believed it makes the home more permanent; Mr. Hubbard

stated that many insurance company consider it still mobile even if its off its wheels, the require it to be on a cement pad as well as not having wheels.

Mr. Hubbard questioned if people are using old mobile homes for storage will they be required to have a cement pad.

Mr. Tremblay asked if there would be a size requirement for the slab, also would it be required to be the same size foot print as the mobile home.

Mr. Clark/Mr. Tremblay made a motion to disregard the proposed amendment.

Mr. Gates commented that in the current zoning bylaws for a trailer park there is a requirement for a slab, but nothing for a private/individual mobile home.

Mr. Tremblay/Mr. Lucey made a motion to amend the motion by Mr. Clark and himself; The new motion reads: The P. C. does not approve the provision of Section 417 **Mobile Home Parks and Mobile Homes**, *All mobile homes erected in the Town of Franklin must be placed on a non-porous pad being at least 4 inches thick.* 5 voted in favor, Mr. Clark against, motion passed.

Ms. Rainville summarized the motions made by the P. C.

#### **OTHER BUSINESS:**

Mr. Mayo received a letter that Greg Finch has applied for his land to be put into the VT Land Trust.

Mr. Lucey stated that he has spoken with Jennifer Charbonneau, the P. C. newest member, and she is no longer able to be on the P. C. Mr. Mayo also stated that Ed Rainville is done on the P. C. as he has not attended any meetings since being appointed. The Selectboard will have to appoint a replacement(s).

There is a Northwest Regional Planning meeting on December 9, 2009 that someone should attend to represent Franklin.

Next Planning Commission meeting is scheduled for December 15, 2009.

Motion made by Mr. Hubbard/Mr. Lucey to adjourn. All members voted in favor/meeting adjourned at 8:35 p.m.

Respectfully submitted,

November 19, 2009, 2009

Sara Rainville, Acting Secretary

**Note: These minutes are not final until approved by the Planning Commission at their next regular meeting.** These minutes were approved on December 15, 2009.