

**MINUTES OF FRANKLIN PLANNING COMMISSION**

**TUESDAY, MARCH 18, 2008 AT 7:00 P. M.**

**HOMESTEAD DINING ROOM**

**PRESENT:** Richard Gadbois, Doug Clark, David Lucey, Greg Bouchard, Bill Mayo, Dan Larivee, Doug Bradford, Clark Hubbard, Jr. and Jamie Boudreau

**GUESTS:** Robert Irish, Franklin Zoning Administrator

Allen Karnatz, New Haven, Vermont, Vermont Land Trust

Dick called the meeting to order at 7:06 p.m.

**VERMONT LAND TRUST:**

Allen Karnatz representing the Vermont Land Trust entered the meeting. Dick informed members that Mr. Karnatz is here tonight to discuss the Wagner property and advised that we would deviate from the agenda and first hear Mr. Karnatz. Members were provided with maps of the property in question owned by Chris and Annie Wagner and a map showing property in the area also in the land trust. Mr. Karnatz informed members that whenever they use State funds to purchase the development rights on a piece of property, they like to check with both the Selectboard and Planning Commission. He outlined instances where towns/villages have had concerns and the VLT wants to be sure there are no conflicts with town plans or local zoning. He stated he likes to occasionally make a personal visit and respond to any questions/concerns. Dick pointed out that the majority of the property in question is in the residential/agricultural district, but that a small portion is in a conservation district. Mr. Karnatz explained the district does not make a difference. He explained to members the parts of the property which will be excluded from the land trust and informed that selling development rights does not prohibit the property owner from building new farm structures. He explained the purpose of the land trust is to ensure that agriculture land remains for agricultural purposes and not development. He also explained that forestry operations are allowed, but the land cannot be clear cut. If the property owner is going to do a commercial cut, they must have a forest plan in place. The property cannot be subdivided and there can be no commercial housing construction. The land trust does require that the landowner be signed up for soil conservation. Agricultural buildings can be built on the protected land, but it can only be done with permission from the land trust. Bob Irish questioned if buildings located on land for which the trust has purchased the development right would be "grandfather" if the property owner wanted to rebuild them. Mr. Karnatz stated they would be and the property owner could

rebuild in the same footprint. If he wanted to make the building larger or change the footprint, permission from the land trust would be required. Bob asked if the property owner would still be required to comply with our zoning regulations and was told they would.

Planning Commission members had a number of questions to which Mr. Karnatz responded – Can a landowner purchase back the development rights on their property – they cannot; Can a landowner run a commercial enterprise such as a produce stand – they can; Has the land trust ever used their development rights – no; Can the property owner sell produce not produced on their property – they can in limited quantities – for instance if you run a produce stand and do not raise squash, you can sell squash raised in another Ag operation. You cannot put in a non-Ag enterprise. It was noted that biodiesel or a manure digester are considered to be Ag enterprises; Does selling of development rights also include the loss of hunting rights – no. The landowner does not have to post his land, but can do so if they want. They can also use the property for recreational purposes such as snowmobiles, VAST, etc.

In response to a question regarding land trust resources, Mr. Karnatz stated that about one-third of their funding comes from the State; another one-third from private donations; and, the remaining one-third from the land trust. Dick asked how one would join the land trust or become a member of their board and he was advised there is a \$20 fee to join and Mr. Karnatz offered to send additional information to the Commission. Bylaws can also be accessed on the VTL website. It was noted that gifts to the land trust are 501C3 charity donations. He also pointed out that when you sell real estate you pay one-percent tax on the purchase price and half of those funds (\$3,000,000 to \$4,000,000) goes to the land trust. He pointed out that the land trust buys property from Rutland to the Canadian border. Mr. Karnatz advised that the purchase price of property varies dependent upon the appraised value of the property.

Doug Bradford noted that selling off of development rights affects the town because the land cannot be developed. Mr. Karnatz stated it is not so much about stopping development as it is about keeping agriculture land intact and this is a tool that the State has endorsed.

Jamie asked what is to stop someone from selling development rights, selling that property, purchasing another, selling the development rights, etc. Mr. Karnatz stated that could be done if the property meets their requirements, however, there is no guarantee that there would be monies available every time a person would try to sell development rights. It was also noted that usually the people who sell the development rights are trying to ensure the land remains for agricultural use. He noted that the people usually contact the land trust, the land trust “does not go knocking on doors”. Certainly, in most cases development would be more profitable if someone is just looking for money. Mr. Karnatz stated that he believes development rights have been sold to the land trust for about five percent of the property in Franklin.

Dick questioned what it is the trust would like from the Planning Commission and Mr. Karnatz provided him with a copy of a letter written by the Selectboard regarding this matter. A similar letter stated that the purchase does not conflict with either town zoning or the town plan. It was noted that we cannot determine whether or not it conflicts with the town plan since the Planning Commission has never been provided with a copy of the new town plan which was recently approved by the Selectboard.

Motion by Doug Clark/Doug Bradford that the Planning Commission send a letter indicating it neither supports nor opposes the Wagner's plan to sell the development rights to their property. All members voted in favor/motion passed. Dick will send the letter.

#### **REAPPOINTMENTS:**

Discussion was held on members whose terms expired on Town Meeting day. Apparently, all members were reappointed with the exception of Greg. Clark stated he received a letter stating that he had been appointed. No other members received correspondence nor were they contacted regarding their desire to continue to serve. Doug Clark noted that had he been contacted he probably would have declined to serve another term. Greg stated he wanted to continue on the Board and members expressed their desire that he continue because of his education and technical expertise. Dick recommended that Greg contact the Selectboard to clarify the situation.

#### **ELECTION OF OFFICERS:**

**Secretary:** Motion by Jamie/David that Barb Varin be elected Secretary. Dick asked for discussion and there was none. All members voted in favor/motion passed.

**Chairman:** Motion by Jamie/David that Dick be elected Chairman. Dick asked for other nominations or discussion and there was none. All members voted in favor/motion passed.

**Vice Chairman:** Motion by Doug Bradford/Dan that Bill be elected Vice-Chairman. Dick asked for other nominations or discussion and there was none. All members voted in favor/motion passed.

#### **REVISION OF ZONING BYLAWS:**

At last meeting, Dick asked that members review Articles I & II (Sections 100 through 290) and be prepared to suggest any changes or corrections. Members recommended no changes, but Bob Irish advised that he had three items which he would like to see included. The first would be wording that states, "Obtaining a state permit does not absolve the property owner from obtaining required town permits and obtaining a town permit does not absolve the property owner from obtaining the required state permits." Bob noted that there have been

several problems lately caused when a property owner applies for a State permit and doesn't apply to the town or vice versa. He stated he is not sure in what section this would go, but he feels it would help to clarify matters. Dick expressed his concern that we might be providing legal advice.

Bob noted that with the new regulations, it is now possible to renovate without a permit. He has concerns that people will add another bedroom without obtaining permits. He advised that he has written to the Secretary of State and to Vermont League of Cities and Towns regarding his responsibility to report violations he may find. Dick stated he feels Bob should report any violations he finds irregardless of whether he is acting as the ZA or lister. Dick noted that in some towns, they require a detailed application to be completed which they then compare to municipal records. If they find any violations, action is taken.

The third thing that Bob would like to be included in Section 210, Zoning Permits, is wording similar to 24 VSA 4495, "A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required." It was noted that it should become subsection "G" under Section 210.

Motion by David/Bill to include this material. Dick asked for further discussion and there was none. All members voted in favor/motion passed.

Discussion was held on the new septic ordinance. Bob pointed out that in order for the town to retain any type of oversight on the septic regulations, we must have a section in the zoning ordinance. Bob provided copies of what needs to be covered for the Commission to review and consider for inclusion in our zoning ordinance. He noted that inclusion of this material in our zoning regulations will allow us to require that the septic plans be filed with the town thereby allowing the selectboard to observe test pits and the system before it is covered. Bob noted that it will probably require a section under permits.

Discussion was held on the old septic ordinance and the fact that it will remain "on the books" which will allow us to continue to be involved in septic systems installed in compliance with it. The Board thanked Bob and he exited the meeting.

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Dick asked members to review and be prepared to work on Article III, Section 300 through Section 330 A & B. He reminded members not to under estimate the content of this section and it might generate a lot of discussion.

#### **MINUTES OF FEBRUARY MEETING:**

Motion by Jamie/David to approve the minutes. Dick asked for any discussion or changes and there were none. All members voted in favor/minutes approved as presented.

Motion by David/Bill to adjourn. All members voted in favor. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

March 19, 2008

Barbara M. Varin

**NOTE: These minutes are not final until approved by the Planning Commission at their next regular meeting which is presently scheduled for April 15, 2008.**

Minutes approved at the May 20, 2008 Planning Commission meeting