

**MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, JUNE 16, 2009
HOMESTEAD DINING ROOM**

PRESENT: William Mayo, Clark Hubbard, Jr., Dan Larivee, Greg Bouchard, David Lucey and Doug Clark.

MEMBERS OF PUBLIC:

Craig Adams, Roy A. Hango, Robert Cormier, Judith McLaughlin, and Jacqueline Larivee

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

LARIVEE SUBDIVISION:

Bill asked Dan & Jackie Larivee if they had anything that they would like to discuss tonight in regards to their planned subdivision. They responded they are on the agenda for the July meeting and that meeting has been warned as follows in the St. Albans Messenger, "The Planning Commission will hold a public meeting and hearing on Tuesday, July 21, 2009 @ 7:00 p.m. in the Homestead Dining Room to act on the following application: Daniel & Jackie Larivee-site plan review for a 3 lot subdivision on No Sheldon Road in Franklin. These applications are available for inspection at the Town Clerk's Office during regular business hours."

Bill stated that he had spoken to Gretta at NWRP about getting clarification on Franklin's current ROW dimensions. She advised Bill that the PC would need to make a motion to change current ROW dimensions of 50' in village and 65' all other districts, then warn a public meeting to get Town's input. The meeting would need a 15 day warning. Gretta advised that the bylaw now states "there is to be a 60' ROW for 4 lots or more". NWRP encouraged the PC to rewrite some of the subdivision rules so that they were more consistent; however that could be quite a lengthy, drawn out process and delay some projects that are currently being reviewed by the PC.

The PC suggested that Dan & Jackie Larivee change there ROW from 50' to 65' to move there plans along.

ADAMS SUBDIVISION:

Bill stated that on June 5, 2009 there was a public site visit on the Kennison Road in regards to Craig Adams proposed subdivision.

Bill said that he had talked to the Franklin Highway dept. and they saw no problems with current road condition, they noted it was wider than the Town had on record.

At last meeting the PC had asked for a profile of the proposed roads/driveways. On page 3 of supplied plans by Mr. Hango, on behalf of Craig Adams, dated May 28, 2009, they show that information. Mr. Hango stated that upon completion of the drives he will provide the Town a certification letter that they are completed to state standards. Mr. Hango further explained that there will be some underground utilities, all 24' culverts and the private driveways will be 12' wide.

Greg asked about erosion control. Mr. Hango stated that a state storm water permit was not required due to the size of the project but they still will be complying with state guidelines.

Mr. Hango pointed out to all that a proposed well previously shown on Ms. Hammonds property has been moved back on to Craig's property. Mr. Hango stated that they have submitted a permit modification request to the state and upon his speaking to the state felt that there would be no problems with that being approved.

Judith McLaughlin/Robert Cormier are adjacent land owners and wants their permitted well to be on the site plans. They want the PC to know that the well was never "abandoned" as Mr. Adams claimed it was. Mr.

Cormier read the State of Vermont's definition of an abandoned well to the PC. He stated that they could still use the well if they wanted, all they would have to do is connect the pipes, the well was never filled with cement and the cap with tags was never removed. Mr. Cormier gave his well information: permit # 13988, dated 6/17/2000 and permit # 46714, dated 6/28/07 and again stated that both should be shown on any maps that Mr. Adams provides.

Greg asked by not show both wells on the map. Mr. Hango stated that the State told him that one was not, it had been abandoned and that is why it is not on the map. Mr. Cormier stated that both wells are both on the State of Vermont's website as being active.

Ms. McLaughlin wanted the PC to know that when she bought the property, Mr. Adams gave her a certification stating there was a new septic system installed because the previous one had failed. Just recently she had her tank/septic lines inspected by Drummac. They found that one line was hooked to the new system, one line was hooked to the old system and one line was hooked to nothing. She read a letter from Mr. Hango to Mr. Zabalowski certifying that the septic had been completely redone in accordance with State guidelines, when in fact she stated, it had not. Ms. McLaughlin's main concern is about what Mr. Adams and Mr. Hango are telling the state/town about the current project if they were not truthful about what was done on her property before she purchased it. She believes that certifications were not followed through with.

Mr. Hango stated he does not see the relevance of this to tonight's current meeting discussion.

Bill noted that a few years the Town of Franklin was stripped of its septic authority; this is not a town issue. The only thing the Town does is make sure that all state permits have been approved.

Bill stated that he received a letter from the State that Ms. McLaughlin has appealed the Adams project.

Ms. McLaughlin noted that she may send a request to the State for the decertification of Mr. Hango on the basis that a certified engineer may be suspect and that certifications are not being properly carried out.

Bill advised that the project now needs a 65' ROW and Mr. Hango stated that he will make the changes for Mr. Adams. Mr. Adams feels like the expectations of the PC keep changing and is getting frustrated. He feels that he has been very accommodating with the PC's requests but now it's just costing him more and more money. He commented that maybe the next step would be to get his attorney involved.

Clark/David made the motion to accept the site plan with the contingencies that the 50' ROW be changed to 65' ROW and that all State/local permits are approved. Motion approved by PC.

Bill stated that the next step is for the applications and maps to be given to the Zoning Administrator. Once he reviews them a public meeting will be warned in the St. Albans Messenger and posted at the Post Office, Town Clerk's office and General Store.

Jackie Larivee asked if Kennison Road was wide enough should two cars meet. Bill stated yes, it is.

Bill asked is there was any more discussion, there was none. The PC thanked all interested parties for their comments and they exited the meeting.

OTHER BUSINESS:

Bill noted that Gretta is willing to come to the next meeting to help rewrite some bylaws. The PC would also like Robert Irish, ZA to attend.

Scott Choiniere, select board chair, has also relayed to the PC that he would like to have a joint meeting in August.

Upon further discussion of ROW and reading of Town Subdivision bylaws, *section 601 letter L*, "ROW for all roads shall be a minimum of 50' in width within the villages and a maximum of 65' in width in all other districts unless the PC deems it appropriate for environmental, conservation, or design reasons to have a narrower ROW, Clark/David made a motion to amend the previous motion in regards to the Adams ROW size. Their current motion is now to accept the Adams site plan as is with the 50'ROW on the contingency that all State/local permits are approved, the ROW is sufficient due to the size of the development being only 4 lots, also which to the change to a 65'ROW is an unnecessary expense to the landowner. Motion approved by PC.

Dan feels that all ROW within the town should be set at 50'. Doug disagrees; it should be at the discretion of the PC. The PC will wait to rewrite bylaws.

Bill will notify Mr. Hango about the ROW on Mr. Adams project.

APPROVAL OF MINUTES:

Motion was made by David /Greg to approve the minutes from May 19, 2009. Bill asked if there was any further discussion or changes and there was none. All members present voted in favor/minutes accepted as presented.

Bill asked if members had any further matters to be discussed and there was nothing else.

Motion made by Doug/Clark to adjourn. All members voted in favor/meeting adjourned at 8:15 p.m.

Respectfully submitted,

June 16, 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 by the P.C. on August 18, 2009.