

**MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, DECEMBER 16, 2008, AT 7:00 P. M.
HOMESTEAD DINING ROOM**

PRESENT: Richard Gadbois, Doug Clark, Doug Bradford, Dan Larivee and Bill Mayo

MEMBERS OF PUBLIC: Peter Mazurak, St. Albans, Vermont (representing Larivees)
Jacqueline Larivee, Franklin, Vermont
Monique Rainville, Franklin, Vermont (abutting landowner)

Dick called the meeting to order at 7:08 p.m.

MINUTES OF NOVEMBER MEETING:

Motion by Doug Clark/Dan Larivee to approve the November minutes. Dick asked for any discussion/changes and there were none. All members voted in favor/minutes approved as submitted.

LARIVEE SUBDIVISION:

Members were presented with an updated subdivision map for their review. Dick asked members if they had all seen the letter from Andy Rainville which was discussed last meeting. Members reviewed a letter from Matt Rainville advising that Stephen Ducham will be representing his interest in this matter as Mr. Rainville will be living out of the area. Dick read Section 300 of the Subdivision Regulations, "The Sketch Plan Review provides an opportunity for the potential sub-divider, the Planning Commission and adjoining property owners to discuss a proposed subdivision informally to determine whether the project meets the goals and policies of the Town Plan, fulfills the requirements of the zoning bylaw and can address Article IV of these regulations. A review at this preliminary stage of the process should highlight issues which need to be addressed in a formal application." The Commission then did the sketch plan review in accordance with Section 301 of the Subdivision Regulations. The Larivees and Mr. Mazurak responded to questions from the Commission and outlined and explained changes made to the ditching and culverts in the wetland area. They also supplied the Commission with a two page municipal plan statement. They also pointed out that they spoke with the Vermont Agency of Transportation regarding the existing curb cut and they currently have a pending application to expand the size of the cut and the culvert.

Discussion was held on the Rainville right-of-way. Dick stated it is too bad that the road into the subdivision cannot be moved so it will bypass the existing right-of-way. Mr. Rainville's concern seems to be that his right-of-way is for agricultural/forestry purposes and may not be compatible with the subdivision use. Dick noted that should his animals and/or machinery cause

damage to the right-of-way, he would not be liable since that is the purpose for which it was designated. Mr. Mazurak suggested that the Larivees come up with a covenant in the deed regarding the road/access.

Bill questioned how the right-of-way came to be and was told that the Rainvilles sold off the lots and retained the right-of-way. It is a deeded right-of-way. Dan Larivee stated that one piece was sold by the Rainvilles to the Lymans and he bought it from the Lymans.

The Commission reviewed the definitions of PRD and PUD and this proposal is not consistent with either. It is a subdivision only.

The Larivees advised that last meeting the Commission expressed concern over emergency vehicles being able to access homes built on the lots; and, to facilitate that they have put in a turn around so that vehicles can pull in and then right back out. Dick acknowledged the effort, but noted it is only as good as the maintenance given the road. If it is not plowed during the winter, it will be of no help.

The Commission questioned a boundary on the map which seems to go right through the Larivee's home. The Larivees explained this shows an area that was set aside for gardening, however, a new deed has been issued and the area is not correctly shown on the map. They will see that the change is made to the sketch plan.

Motion by Doug Clark/Bill May to approve the sketch plan with the change discussed above as far as the garden area. Dick asked for any discussion or questions and Doug Clark questioned if making the change will require the Larivees to produce a whole new map. Mr. Mazurak stated the map is presently in his computer program and it will not entail a lot to make the required change. Dick asked for any further discussion and there was none. All members voted to approve the sketch plan. Mr. Larivee abstained.

Dick advised that the next step is to comply with Section 400 of the Subdivision ordinance which requires submission of an application to the Zoning Administrator.

The Commission thanked Mr. Mazurak, Mrs. Larivee and Mrs. Rainville and they exited the meeting.

ANNUAL REPORT:

Dick provided a draft of the annual report for the Town Report and members discussed information to be included.

ANNUAL BUDGET:

Dick shared with members a draft of the budget request. Members have shown interest in

attending educational seminars and programs and the request for educational funding will be increased this year.

GRANT:

Bill advised that he has not heard from Northwest Regional Planning regarding our grant application. He will contact them tomorrow.

DEVELOPMENTAL REVIEW BOARD:

Members were asked to review the material Doug Clark provided and be ready to discuss this matter next meeting.

Motion by Doug Clark/Bill Mayo to adjourn. All members voted in favor/meeting adjourned at 8:05 p.m.

Respectfully submitted,

December 17, 2008

Barbara M. Varin

NOTE: These minutes are not final until approved by the Planning Commission at their next regular meeting. Note: These minutes were approved by the Planning Commission at their January 20, 2009 meeting.