

**MINUTES OF FRANKLIN PLANNING COMMISSION
TUESDAY, JULY 15, 2008, AT 7:00 P. M.
HOMESTEAD DINING ROOM**

PRESENT: Dick Gadbois, David Lothian, Bill Mayo, Clark Hubbard, Jr., and Dan Larivee

EX-OFFICIO MEMBER: Peter Kittell, Chairman, Franklin Selectboard

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

MINUTES OF JUNE MEETING:

Motion by Clark/Bill to approve the minutes. Dick asked if there was any discussion and there was none. All members voted in favor/minutes approved as submitted.

VIOLATION TICKETS:

Dick informed members that he took the packet from the Vermont League of Cities and Towns on violation tickets to Lisa a couple of days after our last meeting. He asked if members went over there to get a copy and no one had done so.

Dick welcomed Peter Kittell, Chairman of the Franklin Selectboard, to the meeting telling him that the Planning Commission was glad to have him join them. He advised that the Planning Commission is putting together a ticket ordinance for zoning violations. Dick advised that a lot of stuff is already done and decided, but it is also going to take a lot of work on the part of the Selectboard. Dick asked what the expectation of the Selectboard is with the Planning Commission sending over an ordinance for tickets for violations. Peter stated that there is positive support by the Selectboard for it, but the Zoning Ordinance needs to be amended to include it. He stated the Selectboard has discussed enforcement quite a bit. Dick stated that the Planning Commission feels we will not get any kind of enforcement with the current state of affairs unless we make it really simple. The ordinance we are working on is both simple and fair and the Selectboard may have to come up with some additional money for Bob when he goes to the court because they enforce these in the same way they do traffic tickets. A representative of the town, which we assume would be the Zoning Administrator, would testify as to our ordinance, the violation, what he sees, etc. Dick stated that when it comes to getting an ordinance in place, we would probably look to Burlington or South Burlington where they have one in place. The League of Cities and Towns does not have an enforcement ordinance in place, at least not one that Dick could find. So, we will be looking at some of the other cities and towns that have adopted an ordinance.

Peter commented that it is a quick way to solve things.

Dick commented that it takes care of things immediately. He noted there is a point after the ticket is issued where there has to be either a positive or negative response (admission or denial of violation). If you admit, you pay the fine and then you move into the rest of the violation (action to correct violation). If denied, it goes to court and a magistrate hears it. Dick noted that we don't know of any community in Franklin County that uses tickets.

Clark questioned for what kinds of violations the tickets would be used. It was noted that it would be used for all violations. Discussion was held on some violations which will need to be addressed - people living on land of others in campers, people living in RV's all year round. It was suggested that, if the Selectboard agrees, we can amend the current zoning ordinance that once they are five days overdue to move out, they must move until the next year. It was noted that our current ordinance does not allow people living in RV's. There are many camps that are occupied year round and the concern is whether or not water and septic systems are adequate. Dan noted that he feels we are going to see some "interesting stuff" happen especially with lower income people because of the cost of fuel. Dick noted that a lot of people will be shutting off rooms in order to save on heating costs. Bill Mayo asked Peter if he knew of anybody who had holding tanks and Peter stated he is aware of a couple of them. Dick noted that holding tanks are alright as long as there is a documentary system in place where you have a hauler/haulers who document that it is being pumped and legally disposed of on a regular basis. Someone stated that illegal dumping has been a problem in some areas.

Dick again asked that members get over to the Town Clerk's office and get a copy of the ticket materials so that we will be prepared next meeting. He noted there will be no August meeting, but we should be ready to work at the September meeting. He reminded that members can also go onto the Vermont League of Cities and Towns site and print it themselves if they prefer.

SEPTIC:

Bill questioned Peter as to whether or not the town has any oversight of town septic systems since the State took over. Peter noted that we do not until such time as it is written into our zoning ordinance. It was noted that it would be good to do that since the State rules are more relaxed. Discussion was held on the fact that with the high technology available today, it is quite possible to put a working system on a small piece of land if you have enough money to pay for the high technology. Minimum soil depths were discussed.

ZONING/SUBDIVISION ORDINANCE:

Bill asked Peter if there is anything from Selectboard meetings that they would like us to work on. Peter responded that they have not really talked a lot about zoning. Dick stated we have a good zoning and subdivision ordinance, however, some additional training may be required for the Zoning Administrator. It was noted that it all came to a head when the LaRose subdivision was not handled correctly. Peter noted that is when the Board agreed the mother lot would be

counted.

Bill asked about the cost of the State septic permit vs. town septic permit and it was noted that with engineering designs, the cost now is between \$2 and 3,000. Mound systems cost between \$12 and 20,000. Discussion was held on rate of development in various towns/counties.

Clark Hubbard stated he was approached by someone who told him they had received a letter from the Planning Commission that they couldn't be in their camp over the winter. Clark told them he was not aware of such a letter going out from the Planning Commission and Dick stated that he certainly had not sent such a letter. Peter advised that the town has sent out some letters informing some residents the town is aware they are living there year round. The goal is to have the violation recorded in property records so it is known that these camps are seasonal and not sold as year round residences. Dick stated he doubted the notation in the land records would be of much use because of the new laws which became effective January 1st. It was mentioned that the town might want to pay Bob to go door to door to see what each camp has for septic/water. Peter stated what we would like in the ordinance is to allow camps to be year round as long as they have potable water, working septic system and are accessible by emergency fire and ambulance vehicles. It was noted that many of these roads are not accessible for emergency vehicles and they must have a turn around spot so these vehicles can come and go. Dick stated that is probably the strongest point the town may have. It was noted that next, there will be children who need buses and the buses will not travel down those roads. It was noted that the buses are not owned by the school district, but a private contractor, and it is assumed the school board adopts regulations which are taken into consideration when submitting/awarding bids to a bus company.

Bill noted that we have a regulation in our zoning about road improvements that are required after a certain number of dwellings are built on a road and we have not been enforcing it. Members were not able to cite the number of the regulation so Bill will research and let other members know the section. Discussion was held on various levels of roads.

ENVIRONMENTAL COURT APPEAL:

Peter informed members that the Cameron appeal of the ZBA decision to the environmental court has been denied. Members asked if there were any more pending and Peter responded there are none. The only other case was the restaurant which was not rebuilt in the same footprint. They have now received approval, but will not be able to use the apartment above it.

Dick thanked Peter.

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

Respectfully submitted,

July 20, 2008

Barbara M. Varin

NOTE: These minutes are not official until approved by the Planning Commission at their next regular meeting which is presently scheduled for September 16, 2008. Note: These minutes were approved by the Planning Commission at their September 16, 2008 meeting.