

ORIGINAL

TOWN OF WESTMINSTER
PLANNING COMMISSION MEETING
MARCH 10, 2014

Members Present: John Medeiros (Chair); Chris Vincent (Vice-Chair); Matt Conklin,
Kathy Kingston, Randy Major

Members Absent: John Barnett (Clerk)

Others Present: Leslie Cadwell, Bob Dukeshire, Christian Blake, Paul Banik, (Ex-Officio), Russ
Hodgkins (Town Manager); Bill Jewell (Zoning Administrator)

CALL TO ORDER: John Medeiros called this Planning Commission meeting to order at 7:08 PM in the Westminster Town Hall. He noted that all members were present except John Barnett. Medeiros advised that meetings are tape recorded therefore asked anyone wishing to speak to identify themselves.

NEW BUSINESS:

GREEN LANTERN PRE-APPLICATION FOR A SOLAR ARRAY: Leslie Cadwell, Attorney for Green Lantern, and Bob Dukeshire, land owner, were present. Cadwell introduced herself as an attorney who practices before the Vermont Public Service Board. She obtains permits for utilities and renewable energy companies, etc. Mr. Shullenberger from Green Lantern was unable to attend. They will be filing the application for a Certificate for Public Good on Friday. That is a part of the reason why they are here. If the PC members have concerns she would like to address them ahead of time. This application is being submitted under a rule that went into effect in January 2014 so it is a little bit different than previous applications. This application may be the first one under the new rules.

Medeiros stated that even this is pre-application status the PSB now wants the PC to make comments. Jewell said the PSB would like to have the PC comments as a part of the application but it is not required. Cadwell said comments are important to them in terms of knowing if there are concerns that they may or may not be able to address. The PSB likes to hear from the PC as to whether or not they perceive that the project is consistent with their Town Plan but the PC is under no obligation to say anything. Responding to a question from Kingston, Cadwell explained that if the PC gave them specific comments they would respond to the PC and file it with the PSB but she encouraged them to feel free to just file them with the PSB; they would like a copy to know what they are. After they file on Friday the PC would have 21 days to file comments. She will file a paper copy with Jewell and will make a link available for the members who want to download the information. After the 21 days is up they are not sure what the PSB will do. The PSB may not require a Public Hearing if there are no substantial issues; in that case the PSB will probably just issue an Order.

Dukeshire advised that his property is one-half mile north of the Town Hall, down the hill across from the Goodell Farm. His Right-of-Way is between the Steve Wood garage and Alice Cobb property. The solar panels will go along the property line and the converter shed around the little jog, as pointed out on a map. The railroad tracks are to the east. Cadwell pointed out that this property is in the flood fringe area. Jewell noted that according to the Town's Zoning it is in a Flood Hazard area but there is a different definition everywhere one goes. He explained what the various flood designations are, the base flood elevations. Dukeshire said the back portion of this parcel, because it rises off of Route 5, is within the 500 year flood area; the lower section along Route 5 is in the 100 year flood area. Jewell asked if Dukeshire has a flood elevation certificate. Dukeshire did not believe he had one. Cadwell read a portion of the draft testimony relative to the flood area. Vincent asked how many acres Dukeshire owns. Dukeshire said approximately 6.36 acres; the array area will be 3-1/2 to 3.75 acres. Cadwell stated that the fencing will be 8-feet high for safety requirements. For the developer it helps protect against liability

and damage. This will be an agricultural fence. Some projects do not have fences. Major asked if there are fence requirements for the larger, commercial projects and for smaller ones like on the Harlow Farm. Cadwell said technically most are enclosed but someone would not put a fence around one panel projects. Kingston noted a concern which is that this land is in the Ag Overlay District so 60% needs to be preserved for Ag use. Will it be protected so it can be used for grazing by animals? Dukeshire did not see why it could not be used for that purpose but that is not their plan. Jewell clarified that they need to protect 60% of the land for Agricultural use. There could be arguments that it makes sense to do this but the PC has not heard that. If they were to come before the DRB they would have to do that but this does not need to go before the DRB. Medeiros asked if the land under the panels could be used for grazing and, if so, could that be classified as Agricultural use? Medeiros felt the Town Plan does support local generated energy as it is more secure. Jewell noted that if this were to go before the DRB they would make sure that all the controls and most of the connections were above the flood hazard area. Blake asked if an Act 250 would be required. Cadwell pointed out that in accordance with the new procedures the PSB will determine if they want to schedule a hearing. The State has decided that net metering is helpful to the local economy and the grid. At first there is the pre-application notice that the PC received indicating that there is a 21 day notice, then the application is filed and there is an opportunity for comment. Unless somebody presents issues that the PSB feels warrants a hearing there will not be a hearing on this project. The Westminster PC will receive a copy of the application, the Department of Public Service, Agency of Natural Resources, Public Service Board get copies; all the adjoining land owners get copies of the 45 day notice but the entire file is available.

Cadwell explained that Green Lantern will not own the project forever. They will package, put together financing and find investment to come to Vermont to build it. The power from this project will go to the Town of Putney to help offset some of their electricity. Dukeshire will receive rent; long term it could be 25-to-30 years. Many 500 kw projects are being developed in small bundles because they are expensive. School districts / folks that have big electric use and not a lot of money are interested. It is still considered a public utility similar to Green Mountain Power that is fully regulated; the State controls everything they do. Many years ago the Federal and States decided it was important to break the utility monopoly on generation resources and allow competition. Since 1978 the national policies promote renewable energy being developed by non-utilities to help development, reduce prices and lower carbonation. While these projects are regulated by the PSB the financial where-with-all of the developer none of it is subject to regulations. The reason the utilities are considered a public infrastructure is because they benefit everybody. The smaller systems that are connected to the grid relieve pressure on the utilities from buying power on a bulk level and ultimately might prevent the rates from going up. It makes us more independent. Kingston noted that since Dukeshire is leasing his land it would be up to the company to make a decision about allowing animals to graze. Vincent asked about the abutters. Dukeshire advised that there will be plantings on the north and east sides. Alice Cobb was concerned about the view but Clayton Goodell is good with it.

There was discussion about glare. Cadwell pointed out that glare is an issue for pilots; one would have to get to a certain level above before there is any glare effect at all. Dukeshire pointed out that a good example is Harlow's array; there is no glare from that one.

Kingston said they have not addressed the issue of the three-feet of top soil that was removed. Dukeshire was told by local people that Mr. Bazin removed it from behind the barn to the railroad bed. It changes the property value as an agricultural use. Dukeshire allows Goodell to cut the hay. Banik asked if there is a life expectancy for the panels. Cadwell agreed with Medeiros that it is more than 25 years. Hodgkins noted that it is the technology that will change. Major pointed out that it will be visible from Route 5. Cadwell said there are a lot of these projects going up around the State. Tax credits expire in 2017. For

the next couple of years there will be a big push. Jewell said in terms of the Development Review Board (DRB) removing the top soil does not make a difference. Cadwell stated that the Agency of Agriculture does try to keep an eye on these projects. She encouraged the PC to reach out to them. They have not opposed any on farm land because they have low impact on the land as opposed to a shopping mall. They are supportive of renewable energy. Lots of farms are putting them in to help provide some additional revenue. Dukeshire noted that the only concrete will be the pad where the shed sits. Cadwell said there will be underground cable so they will be built like any other sub-station. Medeiros asked if this is the best use of the land. Major felt they should take a positive approach to it with some questions about the Ag land and potential flood hazard area. Kingston agrees; they need to be more informed on the floodway. Jewell is reasonably sure that these maps are not accurate. Medeiros felt if it is not in opposition to the Town Plan they could take that approach and not make any comment; the Department of Agriculture is already paying attention to this.

Cadwell thanked the PC members for their time and thoughtfulness. If they have any questions she is happy to answer them. They should also feel free to contact Mr. Dukeshire or Mr. Shullenberger.

HADLEY FIELD LIGHTS: Medeiros advised that there is a site visit scheduled for March 20th but other than that there is nothing new. Blake is hoping the PC will oppose the Act 250 permit for the lights because they want the taxpayers to pay for the shields. They should not be a burden to the taxpayers. He will demand an appraisal of his property before and after the lights. How will the lights affect the value of his property? Jewell pointed out that the DRB feels they have to fix the problems before they can use the lights. Hodgkins pointed out that the lights were supposed to be used approximately 30 times in a calendar year at a cost of about \$200 per game. Jewell noted the electricity will be paid for by whatever team wants to use the field at night. Banik said we talk about strengthening our community, here is a huge gift to our students and there is such an issue for a few nights a year. Medeiros summarized the discussion by stating that the PC heard Blake's comments, it is not on the Agenda for them to act tonight but there is the site visit. Act 250 will act on the lights and then it will go to the DRB.

EXTENSION OF WATER AND SEWER LINES: Blake advised that there has been some discussion about extending the water and sewer lines from Bellows Falls. Medeiros noted that the project will take a lot of time; they would have to re-write the Town Plan before they would be eligible for financial assistance. Kingston said they are looking for a Feasibility Study; this is in their future plans.

ACCEPTANCE OF "REVISED" MINUTES FROM JANUARY 13, 2014 AND TO ACCEPT MINUTES FROM JANUARY 27, 2014 AND FEBRUARY 10, 2014:

JANUARY 13, 2014: Major / Kingston moved to approve the "Revised" Minutes of the January 13, 2014, meeting as printed. With all members in favor, the Minutes were approved by a 5-0-0 vote (approved, abstained, opposed).

JANUARY 27, 2014: Major / Conklin moved to approve the Minutes of the January 27, 2014, meeting as printed. With all members in favor, the Minutes were approved by a 5-0-0 vote.

FEBRUARY 10, 2014: Kingston / Medeiros moved to approve the Minutes of the February 10, 2014, meeting as printed. With all members in favor, the Minutes were approved by a 5-0-0 vote.

WESTMINSTER HAZARD MITIGATION PLAN: Hodgkins pointed out that this is still a draft. Some changes were made. Dina from the Windham Regional Commission is re-writing it with feed-back from some FEMA folks and the Town input. Vincent stated it should be mentioned in the Town Plan.

FILED
MAY 15 2014
TOWN CLERK
1237TA

TOWN PLAN UPDATE, DRAFT #4, from Page 44 (Cultural, Recreational and Historical Resources): Kingston mentioned that the Town Plan needs another Element on Resiliency. Vincent explained that FEMA is now looking ahead before there is a disaster.

SPECIAL MEETING: Kingston suggested having a Special Meeting to just work on the Town Plan. There was a consensus to schedule this meeting for Monday, March 24th at 6:30 PM.

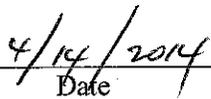
Kingston noted that on the State web-site it mentions that funding is available through various agencies. It sounds like there may be funding available to have people work on some of these items. Hodgkins said that is how they got WRC to assist. Kingston asked if there are any avenues through the State for PC members to be reimbursed for doing excessive work. Hodgkins felt they can go on the web site and use the samples for everything they need. They are talking about a new Element. Kingston will look into it. The Implementation Plan needs a lot of work. Bennett said we have too many recommendations in there.

POWERS AND DUTIES OF PLANNING COMMISSIONS: Hodgkins distributed copies of the Powers and Duties of Planning Commissions from Chapter 117; 4325 that Attorney Larry Slason sent to him. It is the law and it is very clear.

ADJOURNMENT: Vincent / Major moved to adjourn this meeting. With all members in favor, the motion was approved at 8:46 PM.



Signature of Clerk



Date

Prepared by: Regina Borden, Recording Secretary

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the next Planning Commission meeting.)

FILED April 16, 2014
WESTMINSTER, VT
TOWN CLERK'S OFFICE
ATTEST: Patty McKasst
TOWN CLERK