

**TOWN OF WESTMINSTER  
PLANNING COMMISSION MEETING  
APRIL 14, 2014**

Members Present: John Medeiros, John Barnett, Matt Conklin, Kathy Kingston, Chris Vincent,  
(Randy Major – late)

Others Present: Russ Hodgkins (Town Manager); William Jewell (Zoning Administrator)

**CALL TO ORDER:** William Jewell called this reorganizational Planning Commission meeting to order at 6:40 PM in the Westminster Town Hall. He noted that all members were present except for Major who is expected to be late. Jewell advised that meetings are tape recorded therefore asked anyone wishing to speak to identify themselves.

**REORGANIZATION OF PLANNING COMMISSION:**

**CHAIR:** Barnett nominated John Medeiros as the Chair for 2014. Kingston seconded the motion. There were no other nominations. Kingston/Conklin moved to cease nominations. With four members in favor, the motion was approved by a 4-1-0 vote (approved, abstained, opposed). Medeiros abstained from the vote.

**VICE-CHAIR:** Barnett nominated Chris Vincent as the Vice-Chair for 2014. Medeiros seconded the motion. There were no other nominations. Kingston / Conklin moved to cease nominations. With four members in favor, the motion was approved by a 4-1-0 vote. Vincent abstained from the vote.

**CLERK:** Vincent nominated John Barnett as the Clerk for 2014. Conklin seconded the motion. There were no other nominations. Kingston / Conklin moved to cease nominations. With four members in favor, the motion was approved by a 4-1-0 vote. Barnett abstained from the vote.

Jewell turned the meeting over to Medeiros as the newly elected Chair.

**ACCEPTANCE OF MINUTES – March 10, 2014 and March 24, 2014:**

**MINUTES – March 10, 2014:** Kingston noted that on page 1, second paragraph, first sentence, change from “Medeiros stated that even this” to “Medeiros stated that even though this”. Kingston / Vincent moved to approve the Minutes of the March 10, 2014, meeting with the above correction. With all members in favor, the Minutes were approved by a 5-0-0 vote.

Major came into the meeting.

**MINUTES – March 24, 2014:** Kingston noted that on page 1, under Town Plan Up-Date, 12<sup>th</sup> line, change the spelling of “Ducksbury” to “Duxbury”. Barnett / Kingston moved to approve the Minutes of the March 24, 2014, meeting as corrected. With all members in favor, the Minutes were approved by a 6-0-0 vote.

**ADJUSTMENTS TO AGENDA:** There were no adjustments to the Agenda.

**COMMUNICATIONS AND PUBLIC COMMENT:** There were no public comments.

**NEW BUSINESS (Discussion / Action):**

Jewell reported that under Act 250 there are the Savoy and Hadley Field Lights applications; under PSB there is the Dukeshire application.

**Dukeshire:** Kingston mentioned that the PC never made a formal comment on Dukeshire even though they discussed it. Dukeshire claims the project is in the 500-year flood area. The PB was concerned about the flood elevation. Jewell checked on this in his cross-section book and FEMA map but his record is incomplete. He feels the elevation is approximately 251 above sea level. In a letter the PC could ask the PSB for the elevation of the land and a Flood Elevation Certificate or they could decide to let the Agency of Natural Resources (ANR) deal with that. The ANR will not take care of the Ag Overlay.

Hodgkins advised that the two solar panel projects that are being proposed in Westminster are distinctively different: 1) Soveren that is being proposed in the Industrial Park and 2) Dukeshire on the flats that is being presented by Green Lantern. Green Lantern is a developer who comes in to create and establish the running solar net metering project and then moves on. They stream line the financing. At the time of the transfer it will be called Dukeshire, LLC. Soveren is a home based company; the gentleman lives in Westminster. He has given the Town the opportunity to buy into this facility and will donate 10% of the total outcome of this project. If it is 500 kw the Town might receive about \$5,000 a year toward their electrical bills. The Town's proposal from Green Lantern was given to legal counsel who had a huge array of questions about who is going to maintain this, what happens when the technology goes much greater than what they have now, and who is going to do the actual monitoring of Green Mountain Power's 20-year contract when Green Lantern is allowing 10-years. When you buy-in with Green Lantern you receive a 10-year contract. At Soveren they have a 20-year contract with all the stipulations for up-keep, maintenance, etc. Relative to taxation, in 1983 Westminster exempted all renewable energy sources which exempts solar from being taxed. The Select Board is working on updating that to join in with the State in that after 10 kw the rest will be taxed by the Town and the State. A normal sized house in a year's time uses 5 kw. 500 kw should do a huge array of either residential, town or schools. With the Soveren 5 kw is a \$20,000 investment with a Vermont rebate of \$6,000; the investment should be paid back at 10%. It is the town's ability to tax them appropriately for the land and extra usage they are making any money on. The Select Board would schedule a Public Hearing before the Town vote on the exemption changes. Jewell pointed out that the Town is considering being a customer of one of these projects.

Kingston feels with the Ag Overlay Dukeshire will be developing over more than 40%; there is also a house on the lot. Jewell noted the PC can write a letter expressing this concern. Hodgkins said according to Green Lantern they are not changing the Ag purpose or climate. They can still graze animals and raise crops. In the 500-year flood plain height of the panels is not an issue. FEMA said it was in the 500-year flood plain so they are going with four-feet tall. Medeiros said they should ask PBS to specify the height. Jewell advised that Dukeshire just asked for an extension. The PC is too late to make comment with the application but they can make comment up until the time of the Hearing because ANR has the questions about elevation. PSB has to give due consideration to the Town Plan but not Zoning By-Law.

Vincent had asked about solar glare as he has experienced it. Hodgkins stated that they situate them at an elevation so traffic will not be affected. Jewell felt the railroad might see the glare. Medeiros summarized that in the letter the PC will request that the PSB have a Flood Elevation Certificate and express concern that the project does not comply with the protection of agricultural soils; he will reference the Town Plan, Agricultural policy and earth and mineral resources. He will also mention the potential for glare on the traffic on Route 5. Medeiros volunteered to draft the letter to the PBS.

#### **UNFINISHED BUSINESS:**

**ZONING BY-LAW STATUS UP-DATE:** The members received draft copies of the Town of Westminster Zoning By-laws for their review. Medeiros advised that Attorney Slason recommended that

the PC should adopt this as an interim policy for up to two years. Jewell pointed out that they did not yet change the Criteria for review. He referenced Title 24. The DRB has trouble with the legal terms trying to figure out what they actually mean. Applicants have the same trouble. They were planning on doing this as part of the up-date after the new Town Plan. The PC members looked at the Site Plan Criteria on page 18 where there are seven items. There needs to be more explanation. Jewell advised that there are changes to the PUD as some people would never come into compliance with the current policy.

**Barnett / Conklin moved that: “The Planning Commission, after careful consideration of the approved corrections of the Zoning Bylaws, “last revision 1/13/2014”, recommend that the Selectboard of Westminster, Vermont adopt these Bylaws as Interim Bylaws”. With all members in favor, the motion was approved by a 6-0-0 vote.**

**Major / Kingston moved that: “We the Planning Commission of Westminster, Vermont after careful consideration of the approved corrections of the Zoning Bylaws “last revision 1/13/2014”, recommend that the Selectboard adopt these Bylaws as Interim Bylaws. Interim Bylaws as per VSA 24 S 4415 allows Bylaws to be used for up to two years until the final version is completed and adopted. A third year may be applied for if needed. This adoption will grant the Planning Commission time to finish the Town Plan and make sure that the final Zoning Bylaws meet the criteria of said plan.” With all members in favor, the motion was approved by a 6-0-0 vote.**

**TOWN PLAN UPDATE CONTINUES: PC Needs To Include Economic Development Content and Flood Resilience Content:** There was discussion relative to Forest Lands. Medeiros will do an email on the additions to the Forest Lands. The Town Plan Update began on page 45 with Energy.

Page 45:

Energy Planning:

Second paragraph, 6<sup>th</sup> line – change “generation installations *may be* determined” to “generation installations *is* determined”.

Third paragraph, 1<sup>st</sup> line – change “Little progress *in* has been made *in improving*” to “Little progress has been made *toward decreasing* our energy usage”.

Current Energy Use:

First paragraph – Barnett noted that the percentages do not equal 100%. Kingston will check on them.

First paragraph, 3<sup>rd</sup> line – delete comma between “fuel” and “oil”.

Page 46:

Solid Waste – Kingston will work on the first paragraph of Solid Waste.

Second paragraph, 1<sup>st</sup> line – begin with “*A recent update of the Vermont Solid Waste Bill.*”

Local Land Use:

First paragraph, 1<sup>st</sup> line – delete “(Planned Residential and”

First paragraph, 2<sup>nd</sup> line – delete “PRD and”

Page 47:

Energy Resources Analysis:

First paragraph, 5<sup>th</sup> line – delete “the” before net metering;

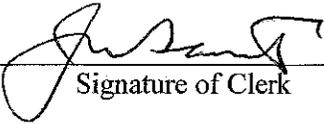
Fourth paragraph, 1<sup>st</sup> line – change to “Hydro can be very expensive and availability of access to potentially large systems is very limited within Westminster.”

Fifth paragraph, 3<sup>rd</sup> line – At beginning of sentence add “Providing” before “education”

At the next meeting the PC will begin on Page 47 – Energy Resources Policies.

**DATE OF NEXT REGULAR MEETING: May 12, 2014: Major / Conklin moved to change the regular meeting time from 6:30 PM to 7:00 PM. With all members in favor, the motion was approved by a 6-0-0 vote.**

**ADJOURNMENT: Vincent / Kingston moved to adjourn this meeting. With all members in favor, the motion was approved at 8:34 PM.**

  
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Signature of Clerk

MAY 17, 2014  
Date

Prepared by: Regina Borden, Recording Secretary

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the May 12, 2014, Planning Commission meeting.)