

**TOWN OF WESTMINSTER  
PLANNING COMMISSION MEETING  
SEPTEMBER 8, 2014**

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

Others Present: Russell Hodgkins (Town Manager / Planning & Zoning Administrator)

**CALL TO ORDER:** Medeiros called this Planning Commission meeting to order at 7:05 PM in the Westminster Town Hall. He noted that a full Board was present. He advised that meetings are tape recorded therefore asked anyone wishing to speak to identify themselves for the record.

**ADJUSTMENTS TO AGENDA:**

**Solar Panel Project:** This week Hodgkins received a proposed project that is being presented before the Selectboard and the Planning Commission (PC). It is a solar project being proposed at Kurn Hattin Homes for the sole purpose of supplying Whitney Blake in Bellows Falls. The Selectboard is going to respond to it because their concern is that Kurn Hattin is a non-taxable unit in Westminster so how can they make money commercially yet not be able to pay taxes on it. This will go before the Public Service Board. Barnett pointed out that they can change the piece of property they are going to use for this purpose to not be tax exempt. Hodgkins noted that the tax system in place in Westminster does not tax solar. They are going to change this to follow the State guidelines so that after a certain amount of power is generated and put back into the system to make money it will be taxable. The State already has this in place. In the 1980-1990s Westminster said they were not going to tax renewable energy but that was when individuals were going to have panels on their roofs. However now there are fields-and-fields of arrays that are making money and they should be taxed. The Kurn Hattin panels will not be visible as they will be on top of the mountain beyond the apple orchard.

**ACCEPTANCE OF MINUTES – August 11, 2014:** Medeiros pointed out the following proposed changes for clarification: 1) Page 2, second paragraph, second to last sentence, change to “It is a significant reduction of insurance costs for commercial properties”. 2) Page 2, fifth paragraph, last line; change to: “The State has the ultimate review of fees according to the scope of services”.

**Major / Conklin moved to approve the Minutes of the August 11, 2014, meeting as amended above. The Minutes were approved by a 6-0-0 vote (approved, abstained, opposed) vote.**

**COMMUNICATIONS AND PUBLIC COMMENT:**

There were no new communications received. No visitors were present.

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

**Solar Panel Project (Continued):** Medeiros mentioned the Town Plan encourages solar panels/ renewable energy. Hodgkins clarified that the homeowner will still be tax free because it is for their personal use. The change is for when they are generating more than what they need and more is going into the grid for profit that is when the State says this is a taxable income; the State is clear on the outline. There is a meeting on Thursday night at 6:00 PM in the Town Hall on Solarize Westminster; it is a company that is giving the Town the opportunity, as tax payers, to buy solar as a group. If they bought now but in a few months more users came in the rates would drop. It is individual solar systems.

**Windham Regional Commission:** The PC members received a copy of the letter from the WRC advising that they are happy to help in any way that is on their Municipal Services Policy. Medeiros felt the PC will probably want them to assist with the mapping.

**Brattleboro Development Credit Corporation:** Medeiros had forwarded an email he received from the Brattleboro Development Credit Corporation about college students being available as interns to assist on projects to the PC members. However it appears this is offered to businesses rather than municipalities.

**Act 250 Business, If Any:** There was no new Act 250 Business.

**PSB Business, If Any:** There was no new PSB Business.

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

**Narrative of Implementation of the Last Town Plan Update:** Medeiros submitted a “Projects Implemented since Previous Town Plan Update (2007)”. John Bennett at WRC had indicated this was important. Specify everything the Town has done. This two page document can be amended / expanded, etc. It can include what the Town Highway Department has done especially since “Irene” plus what the Westminster School District has done, the lights at Hadley Field. Widening highways to accommodate bike paths and improvements to the Pond should be noted. Mark Lund will be asked to make a list of large projects that include the new bridge, culverts, etc. Major recommended that Ancient Roads be mentioned. Medeiros will continue to work on this but asked other members to contribute to the list. Hodgkins mentioned the housing project grant in North Westminster was just closed out.

*Page 2:* Medeiros pointed out that there are long term projects that they do not expect to implement in the near future. Bike lanes have been a wish for many years and how can wildlife corridors be protected; should something more be done than just write them down as goals. They can recommend having committees but the Selectboard do the appointing. Hodgkins feels the wording on committees is perfect: “The Planning Commission will endeavor to help create temporary town committees that could each focus on the problem of identifying realistic funding sources for a medium or long-term project, such as bicycle lanes on town roads or protected wildlife corridors”.

*Page 2 – first paragraph, line two:* Delete first word “agricultural”.

*Page 2 – first paragraph, line five:* At the suggestion of Major it was agreed to change “sentimental” to “strong”.

Hodgkins clarified that the Westminster Cares senior housing project is not going to happen. A. DiBernardo is now selling the property as building lots.

**Wildlife Corridors:** Kingston distributed copies of her document regarding long term health of wildlife and natural ecosystem. When thinking about where development might occur; it is important to consider how to incorporate wildlife corridors. There was discussion on the last bullets on the page:

- 1) “By inhibiting natural movement of plants and animals some species population size and viability decreases as genetic variability or opportunities for breeding decrease” and
- 2) “Culverts block passage of some terrestrial animals and stop fish migration and movement. Properly installed and sized culverts lessen this impact”.

Kingston felt it would be good if more research could be done on where the animals are moving. They generally move along streams. More tracking and collecting information could be done. Relative to the last bullet, Hodgkins mentioned that Westminster has adopted the State regulations and every culvert they are now putting in of any size has wares in them (a patrician in the culvert that they add gravel to so the animals are not walking on a smooth surface). Medeiros asked if the members have anything further to add to this section. There is a difference between identifying a corridor and protecting it.

**PC/DRB Collaboration Between Committees:** Following a discussion it was agreed that, as a first step, Hodgkins will email the PC members a DRB Agenda that lists all the applications.

**Continuing Town Plan Update – Land Use Plan, Page 55:** Medeiros advised that it would be good to have the final draft by January 2015.

Page 56: Medeiros had some concerns about the Land Use Policies and Recommendations. Hodgkins pointed out that this is one of the places the State looks at when the Town is applying for grants. That there is wording for commercial centers; that there is economic growth in a growth center. Medeiros felt a village center is supposed to be so people are close to work and stores. In his eight page document No. 5 is a growth center to include the Exit 5 access road, the business part between Westminster Heights Road and Route 5 and the Westminster Station Village District. There was a consensus to delete No. 4 under Land Use Policies and re-write it to read: “To protect the quality of life through a regulated separation of residential, commercial and industrial land uses.”

Under Land Use Recommendations add No. 5 on Economic Development from the Medeiros eight page document. Add No. 6: “The Town shall support water and wastewater feasibility studies for future economic growth centers”.

Hodgkins advised that when the PC gets to the point of drafting the document for viewing it needs to go to the Windham Regional Commission and Town counsel. Karen Astley volunteered to re-type it but she will be paid for the work. She would like to begin as sections are completed but it will not be published until the PC is finished. Medeiros has a draft that he has been up-dating as they move along; Draft #4 to Draft #5. He will give that to Astley.

**Residential District – Planned Unit Developments:** Medeiros had made some notes on Section VII - PUD. Hodgkins noted they are trying to make this process so it is more user friendly and will require less meetings. A PUD is to cluster developments so there is still open land.

Reference was made to page 49 of the Zoning Ordinance. Medeiros said the second line has the word “farmland”. Hodgkins noted it is to emphasize open space; confine the development into smaller areas. Medeiros thought it should be “soil conditions, environmental concerns/considerations”. Hodgkins clarified that “soils” has nothing to do with a PUD. In a Zoning Permit he is not going to look at the soils; that is a State matter. A PUD is to cluster the development so the open space farmland is still open space and farmland. Open space means no development. At the end of that paragraph Medeiros questioned the phrase “may be modified by the DRB” but should it be “shall be interpreted” or “interpreted and applied”. Barnett felt it is to promote greater flexibility in the use of land under a PUD. Hodgkins explained there are so many different applications for a PUD that they did not want to limit it to commercial, industrial or residential, it is an open subject and it is an interpretation of whether it makes sense to make a PUD out of it. A PUD has a lot of good practical uses if they do not put the wording too tight so they cannot modify it as they need to. The DRB has the power to look at each individual request. There are specific criteria and those do not change but two applications might be entirely different. Hodgkins explained that after the Town Plan is done the PC will get the by-laws; these are interim and have to be up-dated. Legal counsel is working on every section of this and Slason will come back with recommendations. He would like the PC members to say “yes” this is what they recommend; a PUD vs spacing out development. This was not given to the PC members to re-write it.

**Drawing the Proposed Land Use Map:** Medeiros obtained maps from Babs Lynde; there is one map of the whole Town and fourteen maps broken down into sections. DiBernardo and Associates is making him a map of the whole Town that shows the roads and parcels. They can define the zones by parcels. Hodgkins advised that, by law, it is described that any zone property can be off by 30 feet plus-or-minus; it is on each side. Medeiros will bring the maps to the next meeting.

**Revisions for the Policies and or Recommendations – Land Use Element:** This was included above.

**Completed Projects and Implementation Notes:** Kingston felt they need to do some more work on the Implementation. Medeiros said after each recommendation they should have a paragraph on implementation and who will be responsible for that in parenthesis, such as, Town Manager, Conservation Commission, etc. He has a list that shows all the agencies.

**DATE OF NEXT REGULAR MEETING:** October 20, 2014 at 7:00 PM. The following meetings will be on November 10<sup>th</sup> and December 08<sup>th</sup>, 2014. If they are going to need a Special Meeting it should be before the December 08<sup>th</sup> meeting. A decision will be made during the October meeting.

**OTHER BUSINSS:** There was no Other Business to come before this meeting.

**ADJOURNMENT: Kingston / Conklin moved to adjourn this meeting. The motion was approved by a 6-0-0 vote at 9:22 PM.**

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Signature of Clerk

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Date

Prepared by: Regina Borden, Recording Secretary

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the October 20, 2014, Planning Commission meeting.)