

**TOWN OF SWANTON
DRAFT MINUTES
JOINT LEGISLATIVE BODY MEETING**

**Swanton Town Office Building
1 Academy Street, Swanton, VT 05488**

Tuesday, August 18, 2015 @ 7:00 p.m.

Present: Dan Billado, Selectboard Chair; John Lavoie and James Guilmette, Selectmen; Eugene Labombard and Adam Paxman, Village Trustees; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Ross Lavoie, Andy Larocque, Ed Daniel, Planning Commission; Ronald Kilburn, Zoning Administrator; Harold Garrett, Road Foreman; Brian Savage, Swanton representative; Heather Buczkowski, Channel 16; Derick Billado, Animal Control Officer; Pat Messier; Matt Preedom; Christine Lang; Ed & Sarah Ferguson; Gil & Marie Tremblay; Rita Howard; Danielle Garrant; David Butterfield; John A. Smith; Ricky Doe; Mary Anne Duell; Kevin Nichols; Sandra Skeels-Kilburn.

Mr. Paxman, Joint Legislative Body Vice Chair, opened the JLB meeting at 7:07 p.m.

Mr. Hubbard officially called the meeting of the Planning Commission to order. He explained that the Planning Commission has had the greatest community input that he had seen before, with input from the Community Visit in early 2015 and the latest from neighbors of the proposed Swanton Wind Project. The latest 5-year revision was due to expire and to be re-adopted soon. He did not feel that language specifically targeted toward green energy siting was not a substantial change. He reminded that the state had set the goal to have 90% of renewable energy by 2050, and Swanton supported renewable energy. He felt it was important to address that topic in the town plan. He read the summary of what had been there in the past, which he felt was a vague statement, but indicated Swanton's future direction. He underlined the importance in meeting this goal, but the need to protect Swanton's citizens too. He noted: "We want a voice. We want to be heard." The state had denied local control in some of this process.

The Planning Commission suggested removing the paragraph "As the state continues to pursue alternative energy resources and local interest increases, Swanton may find the need to revise their bylaws to accommodate the changes." They hoped to replace it with: "Swanton supports the development of additional energy sources in the community but in order to protect the health, property and lives of its citizens we may need, from time to time, to be able to exercise the right to revise our bylaws to accommodate the changes that will be proposed in our community."

Mr. Daniel said that the Public Service Board would use Swanton's town plan to determine if it supported the development of additional renewable energy resources. The Planning Commission intended to tell the PSB "we want the time to look at it." Mr. Billado said that renewable energy verbiage did not target or avoid any particular type of renewable energy.

Mr. Jescavage noted that Chris Leach suggested some language as well: "However, commercial renewable energy projects must benefit and not impose adverse economical, environmental, or health issues on the community and area in which it is to be located." Mr. Hubbard agreed that the Planning Commission was here both to protect Swanton citizens and to support the state's renewable energy goals. He added that the bylaw could be amended in the future as well. He added that the timeline became less of an issue: "Is a \$20,000 grant as important as Swanton's future?" He simply wanted Swanton to have a say at the PSB level. Mr. Daniel informed the board that nothing had yet been permitted or applied for.

Mr. Newton stated that the Planning Commission had already voted to submit this town plan to the JLB; the JLB would therefore make this change. Mr. Hubbard stated that the PC proposed the town plan as written, with the additions suggested by the PC members and Chris Leach. Mr. Daniel restated the removed paragraph, the suggested replacement paragraph, and the additional paragraph from Mr. Leach. Mr. Newton reminded that the PSB would not look at the bylaws, but only the town plan, so he suggested the language “town plan” instead. Mr. Guilmette made the motion, seconded by Mr. Billado, to approve the language suggested by the Planning Commission. Discussion: Mr. Billado said that the word “bylaws” should be changed to “municipal plan.” Mr. Labombard requested adding Mr. Chris Leach’s suggested language. Mr. Guilmette withdrew his original motion. Motion carried to withdraw the motion. Mr. Guilmette made a motion, seconded by Mr. Lavoie and Mr. Labombard, to approve the Planning Commission’s modifications and the addition of the language from Mr. Chris Leach. Motion carried unanimously.

Mr. Billado thanked the Planning Commission for all their hard work, and apologized for “dropping the ball” on inter-board communications. Mr. Hubbard also recognized the help from Northwest Regional Planning Commission.

The Planning Commission presented some literature to the JLB to read “at their leisure,” considering potential actions in the future regarding renewable energy. Mr. Jescavage reminded the Planning Commission that the commission must review the Zoning Administrator applicants and make a recommendation to the JLB. There were four applicants.

Mr. Ricky Doe thanked the JLB and PC for their efforts and their work together. He suggested that another key aspect of the municipal plan in regard to the proposed wind project was water quality. Mr. Jescavage let the public know that the Selectboard planned to meet with the St. Albans and Fairfield Selectboards regarding the wind project on September 1st.

Mrs. Christine Lang stated that in the meeting with Annette Smith, the need for specificity was important, even to the point of putting in setbacks. She was concerned that there was no specificity in the municipal plan. Mr. Hubbard felt that the suggested language was what the Planning Commission was comfortable with.

Rep. Savage noted that there could be a further amendment at the next two scheduled JLB meetings. Mr. Hubbard added that the only risk to not keeping within the schedule was to lose grant funding. Mrs. Garrant asked to clarify whether there were any proposed setbacks currently. Mr. Hubbard felt that the broad-based language would hopefully protect for the future, and it was up to the JLB to make the final decision. Only one side had been heard so far. A bylaw has teeth, a plan has vision. “To adopt something overnight, that we don’t know is right or wrong, for sure, we have to be careful. We still have to defend our town. That’s what we’ve tried to do.”

Mr. Jescavage said that Marianna Gamache had told him that there was a movement at the state level to lengthen the interval for adoption of a municipal plan from 5 years to 8 years. Mr. Hubbard added that the Planning Commission would have party status before the PSB if the Swanton Wind Project moved forward. Mr. Matt Preedom said that the “possible plans of action” were noted as “from one member of the PC to other members of the PC.” It was confirmed that this was not the Planning Commission’s general opinion, just suggestions from one.

Mr. Kevin Nichols said that he knew of a government state operated building with solar panels in the Burlington area, with cost savings to the state, he asked for the town representatives to put themselves in the shoes of the residents of that area and to look at the site of the proposed project. There was a right way to stand up for renewable energy goals. He had just moved to Vermont from another state, and this community in Swanton is “outstanding”: “To have these things to go in just to meet a state goal is ridiculous. We would love to help the state meet its goals.” Mr. Billado assured Mr. Nichols that the JLB was certainly doing its best to work with the Swanton citizens. Mrs. Patty Rainville said that she could have stopped a neighbor from building a house because a section of their

auxiliary septic system would going to touch a corner of her land. If she had that power, why should not the Town have power to oversee the wind project? Mr. Newton offered to continue to keep the various boards “in the loop.”

Mr. Matt Preedom noted that the whole thing basically hinged upon protecting the health and property of anyone. No one at the state felt that these types of projects put health and property at risk; how would this give any muscle at the PSB level? Mr. Hubbard said there was nothing in bylaws that said they could defend, fight, or make setbacks for renewable energy. It was a new issue for the Town of Swanton, and did not want to try to do something that the court then threw out because of a technicality. “We’re a community trying to defend itself in the eleventh hour.” Mrs. Pat Messier noted that there was an important natural habitat of that ridge.

Mr. Billado made a motion, seconded by Mr. Guilmette and Mr. Labombard, to adjourn the JLB meeting at 7:50 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date

Dianne Day, Swanton Village Clerk

Date