

TOWN OF SWANTON
DRAFT MINUTES
SPECIAL PLANNING COMMISSION MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488

Tuesday, February 2, 2016 @ 7:00 p.m.

The Swanton Planning Commission held a public meeting at 6:00 p.m. on Tuesday, February 2, 2016 at the Swanton Town Offices, 1 Academy Street.

Present:

Jim Hubbard; Ed Daniel; Andy Larocque; Sara Luneau-Swan (entered 6:36 p.m.); Yaasha Wheeler, Secretary; David Jescavage, Town Administrator; Darlene Marrier, Zoning Administrator.

Also present:

Patricia Rainville, John A. Smith

Mr. Hubbard opened the meeting at 6:05 p.m.

1. Agenda Review

There were no changes to the agenda.

2. Preparation for discussion with the Selectboard

Mr. Hubbard stated that Adam Paxman was working on scheduling a joint meeting with the Joint Legislative Body and the Planning Commission. Mr. Hubbard directed the Planning Commission's attention to the action plan created with the help of the Regional Planning Commission, and noted that he would like to talk to the Selectboard about that plan. The Planning Commission discussed whether there was a historic district designated in Swanton; they believed there was no such district fully designated.

Mr. Hubbard said that the purpose of meeting with the Selectboard tonight was to discuss with them whether to have legal representation in opposing the Swanton Wind Project, in accordance with the town vote.

Mr. Hubbard recalled that the Fairfax screening standards for commercial wind projects had been discussed at the last meeting. Should Brian Monaghan, the town attorney, look at this in preparation for Swanton to put that sort of language in place? Mr. Jescavage said

that there was no power for the municipality to regulate, other than showing up before the Public Service Board, which was “fruitless.” Mr. Hubbard felt there was an ongoing effort throughout the state to attempt to reverse the PSB’s power; Mr. Daniel said that there was no bill introduced. Mr. Larocque said that a ban on industrial wind power had been proposed, though not acted upon.

Mr. Jescavage suggested adding language in both the municipal plan and the bylaws. Mr. Hubbard agreed: “It might not hold up on the Public Service Board, but if it was granted back, we’ve got stuff in our regs.”

Mrs. Rainville mentioned an article in the St. Albans Messenger, in which Emerson Lynn applauded Annette Smith and basically said that the powers and money behind these projects are not representative of the “Vermont way.” Some people had been accusing Mrs. Smith of “practicing law without a license,” because of the advice she is giving, but she was not being paid for those opinions. Mrs. Rainville felt that “critical mass” was going in the right direction, so what harm would there be if the Planning Commission wrote what they would like to see happen?

Mr. Hubbard said that Regional Planning directors and office do what they think, and they don’t listen to the individual towns. Taking a neutral stance was its own kind of involvement. Mrs. Rainville said, “What would be the harm in writing this in the way that we as the community, reinforced by the vote, wished for?” Mr. Hubbard said that simple things could be done. He suggested putting in “a few restrictions” such as setbacks or height restrictions. He suggested, for example, a setback of 500 feet for every 100 feet of height (effectively making a setback of 2500 feet for the Swanton Wind Project).

Mr. Daniel agreed, but added that Mr. Taylor Newton’s judgment that the language would be cast aside by the Public Service Board. “Are we going to open ourselves up to a challenge by someone in a court of law?” Mr. Hubbard noted that the State of Vermont said it was okay to have marijuana, but Washington D.C. said no legalization of marijuana, so he felt a town could challenge the state power. Mr. Jescavage agreed that it was reasonable to have some kind of regulation, and perhaps the state would empower the towns at some point, making Swanton just that much ahead.

“It would be a statement,” Mr. Hubbard said. “We still want local control.”

Mr. Daniel was strongly in favor of having a legal review of any language added to the town plan or bylaw. Mr. Jescavage explained that a certain generation of kilowatts resulted in Public Service Board review; anything under that threshold was not reviewed. Mr. Larocque read off the definitions of various sizes of wind turbines, the setback requirements, and other information from the town of Freedom regulations.

Mrs. Luneau-Swan entered at 6:36 p.m.

Mr. Hubbard said that they should speak to the Selectboard, admitting that the plan may not be given credence before the PSB, but feeling that language in the bylaw and plan should be included, and there would need to be some legal review.

Mrs. Rainville explained that she used to train Verizon employees in how to handle customer complaints. In that era, the Public Service Board was held accountable and was there to serve the public, and she detailed a recent meeting in which one of the Public Service Board members was very condescending to a citizen. "The Public Service Board style has changed... This is not the Public Service Board I knew. They have an agenda; there is someone pulling their strings."

Mrs. Luneau-Swan noted that Bernie Sanders had stated that Vermont has a stringent system that allowed for local control, but she felt he was not informed, since this issue did not fall under Act 250.

Mrs. Rainville asked, "Why is there not even discussion on hydro[electricity]?" The Planning Commission discussed the power line going under Lake Champlain.

Mr. Hubbard summarized: "We've taken testimony. We're working with Regional Planning Commission and they're telling us they have no control and we have no control. But we feel that we should establish some guidelines for renewable energy in the town. Whether or not they're enforced, this is our way of taking a stance."

Mr. Hubbard made a motion, seconded by Mrs. Luneau-Swan, to present to the Selectboard that the Planning Commission is seeking counsel from Brian Monaghan to draft and establish language addressing wind energy in the Swanton town plan and bylaws. Discussion: Mr. Daniel wanted more education on the issue, with representation from people who are part of the renewable energy scene. Discussion concluded. Motion carried.

3. Discussion of potential zoning bylaw updates

The Planning Commission discussed compiling some minor amendments to the bylaws. Mrs. Marrier noted that there were some lacking definitions that could be clarified or added.

4. Review minutes

Mr. Larocque made a motion, seconded by Mr. Daniel, to approve the January 12, 2016 meeting minutes. Motion carried.

5. Any other necessary business

None.

6. Adjournment

Mr. Hubbard made a motion, seconded by Mrs. Luneau-Swan, to adjourn the meeting at 6:56 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, Secretary

Jim Hubbard

Ed Daniel

Andy Larocque

Sara Luneau-Swan