

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

Tuesday, April 27, 2016 @ 7:00 p.m.

The Swanton Planning Commission held a public meeting at 7:00 p.m. on Wednesday, April 27, 2016 at the Swanton Town Offices, 1 Academy Street.

Planning Commission members present:

Jim Hubbard
Andy Larocque
Ed Daniel
Ross Lavoie
Sara Luneau-Swan
David Jescavage, Town Administrator
Darlene Marrier, Zoning Administrator
Yaasha Wheeler, Secretary

Also present:

Travis & Ashley Belisle
Anthony Iarrapino
Penny Dubie
Dustin & Christine Lang
Adam Paxman
Mark & Mary Bushey
Luc & Michelle Deslandes
Gil & Marie Tremblay
Paula Pearsall
Patty Rainville
John A. Smith
Diane Bell

1. Call to Order

Mr. Hubbard called the meeting to order at 7:10 p.m.

2. Agenda Review

Mr. Hubbard reviewed the agenda; there were no changes.

3. **The Swanton Planning Commission will hold a public hearing for the proposed amendments to the Town & Village Municipal Plan. The proposed amendments cover site location provisions for green energy projects.**

Mr. Hubbard said that the Planning Commission proposed to present a final draft to the Selectboard for their review soon, after a third and final Planning Commission hearing. In summary, there would be three Planning Commission hearings, and at least two Selectboard hearings. Mr. Hubbard added that all towns had been asked by the state to address renewable energy in their town plans.

Mr. Paxman asked if the hearing would be held before the Joint Legislative Body, and Mr. Hubbard replied that the Selectboard had jurisdiction, though the Trustees would be made aware of the changes.

4. **Review the Town & Village of Swanton Land Use & Development Regulations, Zoning Bylaws & Subdivision Regulations for future amendments.**

Mr. Jescavage read the proposed verbiage, as an addition (not replacing any language):

Current Use and Renewable Energy – Change to Chapter 3 (Swanton Today)

In the placement of industrial solar panels and wind turbines, consideration shall be given to aesthetics; health impacts, environmental impacts; disturbance of wildlife habitat, groundwater and streams; noise generation levels; scenic incongruity; and effect on the adequacy of the power grid to sufficiently handle the additional kilowatts proposed to be produced by the industrial solar and wind facilities. The solar panel and wind turbine structures shall be located a sufficient distance from residences to avoid any conflict between the operation of these structures and the peaceful and healthful enjoyment of their properties by the occupants of the residences. Location preferences for industrial green energy projects should be given to brownfield sites, old quarry sites, and other disturbed land away from existing residential neighborhoods.

The use of prime ag soils for green energy projects should be discouraged. Ridges are scenic resources that enhance the natural beauty of the Town. All reasonable measures should be taken to avoid their industrialization with green energy projects or other high impact energy developments that alter the existing scenic character of the ridges. Critical wildlife habitats on ridge tops, in the lowlands, and in wetlands should not be considered for green energy projects where the negative impacts of the individual project disrupts the wildlife habitat or interferes with the migration patterns of the wildlife.

Addition to C) Natural Resources to Chapter 3.

The southeastern corner of Swanton is somewhat hilly and forested and contains the only dominant scenic ridgeline in Swanton. Swanton is the gateway to the United States from our border to the north via Interstate 89. This scenic ridge dominates the landscape and is visible nearly the entire drive south from Canada through Swanton. Because this ridge is elevated over 500 feet above the surrounding farmland, it is visible throughout most of Swanton including the waters of Lake Champlain.

Addition to F) Energy to Chapter 3:

Energy is a basic need for our society, but with most of it derived from scarce resources, effective planning for energy use and conservation is extremely important.

New technologies and state and federal financial incentives also provide opportunities for homeowners to add renewable energy systems to their house. Solar panels, evacuated tubes, and other devices can provide significant hot water and space heating while solar photovoltaics and small scale wind turbines can generate electricity. Small geothermal and cold climate heat pump systems can also be used to increase space heating efficiency in many homes. The implementation of small scale renewable energy systems in individual homes and businesses is preferable to the development of large scale renewable energy projects such as industrial scale solar farms and wind turbines. Generation of energy from renewable energy sources supports conservation of non-renewable energy sources while helping to maintain a clean environment. Potential renewable energy sources in Swanton include:

- *Hydroelectric energy from the Highgate Dam.*
- *Small scale wind turbines to generate electricity from individual homes and businesses provided there is no adverse impact on neighboring properties.*
- *Industrial scale wind turbine projects in suitable locations where any negative impact on wildlife, water quality, scenic quality, viewsheds, soils, vegetation, aviation space, prime ag land, crop production, human health & safety, electric grid capacity, and existing neighborhoods is minimal. These projects are important but should be carefully sited to avoid harm to these important natural and human resources.*
- *Small scale solar generation to produce electricity from individual homes and businesses provided there is no adverse impact on neighboring properties.*
- *Industrial scale solar projects in suitable locations where any negative impact on wildlife, water quality, scenic quality, viewsheds, vegetation, soils, prime ag land, crop production, human health & safety, electric grid capacity, and existing neighborhoods is minimal. These projects are important but should be carefully sited to avoid harm to these important natural and human resources.*
- *Wood and wood chip generating facilities.*
- *Methane production on dairy farms.*
- *Liquid biofuel production from cooking wastes.*
- *Geothermal energy production.*

The Town supports economically and environmentally sound development of local electric generation capacity, such as the electric generation sources mentioned above, provided that

the volume of new electric generation does not require costly major improvements to the existing electric grid that would result in significant rate increases for consumers.

Mr. Hubbard said he felt that the main idea was to use sites like brownfields or old quarries or sites that would not otherwise be used. Mr. Daniel was concerned with the language “the use of prime ag soils for green energy projects should be discouraged,” since a farmer might want to generate electricity for his farm. Mr. Lavoie said that farmers had plenty of “roof space” for solar, and that there prime ag soils were likely to be used for planting. He added that discouraging did not prohibit, and a turbine would likely be far away from other homes.

Mr. Larocque referred to the following: “the effect of the adequacy on the power grid to sufficiently handle the additional kilowatts” and wished to add “as determined by the effective utility” and change the term “kilowatts” to “power.”

Mrs. Luneau-Swan suggested adding to the “Current Use and Renewable Energy” language to this effect: “The Town of Swanton shall preserve all lands that the Northwest Regional Planning Committee has labeled as a High Rank Priority Forest Block.” Mr. Hubbard said that the town plan should be in compliance already with the Regional Plan. Mrs. Luneau-Swan said that the term “high rank priority forest block” was new language in the regional plan, but Mr. Hubbard believed that the regional plan had not yet been approved, so this terminology had therefore not yet been officially designated. He was more comfortable waiting to add this language until the regional plan had been adopted.

Mrs. Luneau-Swan offered the language to add to C) Natural Resources: “This scenic ridgeline known as Rocky Ridge shall be preserved for its natural scenic beauty and its value to our tourism economy.” Mr. Daniel said that the main question was the definition of “preserve”: “Do we want to stop all development there or just the turbines?” Mrs. Luneau-Swan was concerned that a lack of specifics would make the town plan ineffective before the Public Service Board. Mr. Lavoie said that he felt the verbiage already suggested was specific and clear in intent, and was not in favor of “spot-zoning” or placing restrictions on particular areas.

Mr. Larocque said he was in favor of waiting for the Regional Planning Committee’s designations as well. Mr. Jescavage believed that the plan was both general and specific enough for their current purposes.

Mrs. Luneau-Swan said she felt that it was important to add, after *effective planning for energy use and conservation is extremely important*: “All renewable energy projects built in the town of Swanton shall be used to meet the state’s renewable energy goals”—in order to keep the energy credits in-state, so that Vermonters benefit. Mr. Lavoie, Mr. Hubbard, Mr. Daniel, and Mr. Larocque agreed.

Mrs. Belisle referred to F) Energy, and asked why all the additional provisions (woods chips, methane production, liquid biofuel, etc.) were not given the same treatment in the language. Mr. Jescavage said that the Highgate Dam was pre-existing.

Mr. Belisle presented a letter to the Planning Commission, dated April 27, 2016, stating his the position of Swanton Wind.

Mr. Iarrapino said that the Belisles had had a long track record of positive contributions to this community and said that the current efforts would “lock up” their economic use of the property. It was a “working landscape,” with forestry and sugaring remaining after the wind turbines. They would add \$150,000 annually to the municipality and were invested in Swanton. He had read the existing town plan and had talked about the heritage of the town and the changes brought about by putting the town’s natural resources to work for the community. He felt that that the aesthetics were driving the current oppositional efforts, and noted that house development in the area in question would hurt the habitat block more than other types of development. The Belisles had invested a lot of money into obtaining the correct permits and studying the area to meet the required standards. The Swanton Dam had proven to have killed endangered species and did not see that the plan picked out the existing infrastructure’s endangerment.

He was concerned about “locking up” the existing landscape, and locking in “the appearance of one part of the landscape for the questionable benefit of those driving south” concerned him. He concluded: “We understand from the way that the town has dealt with this that we will probably not get a fair shake,” but he thanked the Planning Commission for listening to his concerns.

Dustin Lang said that it takes about \$9 million to lower the education fund in the state of Vermont. The state had designated the ridgeline as a high habitat block. He was concerned about the noise and about the cutting of the trees: “How will you have a sugaring operation if you cut all those trees?”

Mrs. Christine Lang preferred the terminology “renewable energy” to “green energy,” since some people could argue that renewable energy was not always green. The Planning Commission agreed to have all the terminology changed to “renewable energy.” Mrs. Lang said that informal counts of geese going over the ridge showed 6000 geese; Mr. Hubbard said that he had seen more than that before. Mrs. Lang said that the key was to have specifics in the plan, since that was what the Public Service Board was looking for.

Mr. Hubbard summarized that Montpelier wanted to create 90% renewable energy in the next few years, and the Planning Commission was trying to direct Swanton in the right direction.

Mrs. Lang said solar panels and wind turbines would not be tourist attractions the way that changing seasons would be; therefore the natural beauty was most important.

Mrs. Penny Dubie asked if the Planning Commission had looked at areas that they would “target” for wind or solar as appropriate sites. Mr. Hubbard said they had discussed the dormant portions of the quarry for solar, and mentioned a few other sites. He admitted: “We have not got that far yet.” Mrs. Dubie said that page 84 of the Regional Plan online showed the forest block image for the ridgeline.

Mr. Hubbard summarized that “we need to find a compromise that suits as many people as possible.”

One of the attendees noted that, if Mr. Belisle had not built the housing development first, he could have put up the wind turbine operation without any opposition. Mr. Hubbard said he felt that that was due to a lack of proper planning.

The language would be warned, as amended, 30 days in advance of the next public hearing. Mr. Jescavage reminded that a report must be created as well, to inform the Planning Commissions of adjoining towns, to give the reasoning for the changes.

The following language was suggested for this reasoning: “We sought public input, received a great deal of that input, and we are attempting to address local control in the proper placement of large-scale projects and also working with developers for the proper placement of small-scale projects... We want to steer Swanton in the right direction for the future.”

The intent of these changes was to:

- Protect Swanton by improving proper renewable energy development and support the state’s renewable energy goals
- Exercise local control over these projects
- Address community concerns for renewable energy siting
- Address conflicts between renewable projects and existing development
- Support environmentally and economically sound development
- Ensure proper siting for renewable energy development, while avoiding adverse impacts of renewable development and making sure that local concerns were heard
- Place industrial scale in suitable locations where any negative impacts will be minimal
- Site to avoid harm to natural and human resources
- Avoid adverse impact on neighboring properties
- Examine the effect of the adequacy of the power grid as determined by the affected utility

Mr. Hubbard said that these changes would have to be sent to the Regional Plan and be approved as well. Mr. Jescavage said that the new legislation required the town to come up with its own energy plan, which had to be compatible with the regional energy plan, which had to be compatible with the state energy plan. The Public Service Board would look at a town’s energy plan in addition to the municipal plan.

The Planning Commission set the next meeting for 6:00 p.m. on May 18th to walk along First Street walk to consider the districts and commercial possibilities; this walk will be open to the public. The next public hearing for renewable energy would be held on June 1st at 7 p.m.

5. Review minutes of March 16, 2016

Mrs. Luneau-Swan made a motion, seconded by Mr. Daniel, to accept the minutes as presented. Motion carried.

6. Public Comment

Mrs. Rainville thanked the Planning Commission. Mr. Hubbard said: "We try to do what the majority of the town considers to be for the town's best interests. We can't make everybody happy."

7. Deliberative Session

Mr. Lavoie made a motion, seconded by Mr. Daniel, to go into deliberative session at 8:37 p.m. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Larocque, to come out of deliberative session at 9:16 p.m. Motion carried.

Mr. Hubbard said that there had been a question from the DRB about contractor's yards, and to the best of the Planning Commission members' memory, contractor's yards were supposed to be allowed in all districts except the Village limits, lakeshore side of Lakewood Drive and Maquam Shore Road/Route 36, and the river side of Vermont Route 78. They believe contractor's yards should be allowed everywhere, with those exceptions, under conditional use.

8. Adjournment

Mr. Daniel made a motion, seconded by Mr. Larocque, to adjourn at 9:20 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Jim Hubbard

Ed Daniel

Andy Larocque

Ross Lavoie

Sara Luneau-Swan