

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

***Wednesday, July 20, 2016 @ 7:00 p.m.***

*Present: Jim Hubbard, PC Chair; Ed Daniel, Andy Larocque, Sara Luneau-Swan, and Ross Lavoie, Planning Commission members; David Jescavage, Town Administrator; Darlene Marrier, Zoning Administrator; Yaasha Wheeler, Secretary; Travis & Ashley Belisle; Anthony Iarrapino; Dustin & Christine Lang; Penny Dubie; Rep. Marianna Gamache and Rep. Brian Savage; James & Jeanne Royer; Michelle Deslandes; Tom Benton; Lindsay Hunn; Lisa Ackel Judge; Chris Leach; David Butterfield; Claud & Carolyn Palmer; Gil & Marie Tremblay; Paula Pearsall; Patricia Rainville; John A. Smith; Felisha Leffler.*

**A. Call to Order**

Mr. Hubbard called the meeting to order at 7:03 p.m.

**B. Agenda Review**

No changes.

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

Mr. Hubbard said that he had received the letter from the Belisles, dated July 18, 2016, in which certain allegations were made against the Planning Commission. He said he “took considerable offense” to the letter, and there was no intent on the Planning Commission’s part to make any changes prior to holding a public hearing and discussing them.

He felt bad that the Belisles felt the way they do and wanted to make amends for that and wanted to be sure that their voice was heard if they felt it hadn’t been. The Planning Commission had responded to the Belisle/Swanton Wind application to the PSB with the information they had about the Belisle past history.

He added that the Belisles had presented some legitimate concerns in past meetings, concerns that were on file. As chair, he defended the Planning Commission by saying that there had been no votes on what would be added to the town plan.

Some months ago, there had been language ready to go into the plan, but some of the notification to the surrounding towns had not arrived by the legally-required due date, so the scheduled meeting was cancelled. In the meantime, the Planning Commission heard of changes in Montpelier and felt it would be “due diligence” to re-look at the language. This was where the process was at the moment.

Mr. Hubbard said he would give the community and the Belisles 30 days to look at the language presented tonight. “I do not feel that the Planning Commission has done anything wrong. We have not voted on anything.” He noted that even if the Belisles felt that the newest and least experienced member, Sara Luneau-Swan, did something they would consider inappropriate, she had done nothing wrong in terms of voting on anything outside of an open meeting.

Mr. Daniel admitted “we goofed.” He said that he, Mr. Andy Larocque, and Mrs. Sara Luneau-Swan had considered the language in order to present it at the meeting and say, “Here, tear it apart.” He and Mr. Larocque had met together, but all three never met in one place at one time. They had communicated with one another via email. “Was there any intent to harm anybody? No.”

Mr. Iarrapino said they appreciated the recognition that it was important to be open and that the state law was written not just for final decisions but for deliberations. “When people are talking and it’s the majority of the votes on the commission and they’re saying things that we don’t have a chance to respond to in real time, those things sink in.” He gave the example that Sara Luneau-Swan wrote in an email, stating that Travis Belisle could put solar on the property. He said that that would be a much more difficult undertaking than was supposed.

“The point is, in a fair and open process, when you’re saying something about a private property owner and you’re making claims about what they can and can’t do with the property and there’s dispute about that, that shapes what happens here... Yes, you haven’t made decisions in a formal sense, but the point is, have you made up your mind?”

He acknowledged that Swanton had asked for greater authority to make decisions on these projects at the local level, but with that authority came greater responsibility. He said it was important to have the chance to respond to any accusation. He mentioned that the Selectboard had previously mentioned in the letter to the PSB that the Belisles were “under investigation” for a zoning violation. “If that was about you, would you think that was fair?”

He said that the Belisles felt “unfairly targeted and justifiably so... There’s an obligation to put facts above fear... The Belisles are sorry you didn’t get the resources to get a more effectively-guided plan.”

Mr. Hubbard said he felt that anything that had been done by the Planning Commission over the past year had been done correctly and in his best ability, he had chaired the meetings, and the majority ruled. He was trying to answer the Belisles’ concerns before there was a vote.

Mr. Iarrapino said that one of the involved Commissioners had admitted he goofed. Mr. Hubbard said, “Well, I don’t know if he clearly knows what he’s talking about... This [language] is being thrown out for 30 days and at that point, the Planning Commission will take testimony.” Mr. Hubbard said that the information from the Belisles was still in the file. He was trying to address the Belisles’ concerns and 30 days from now, the Planning Commission would reconvene and discuss what language should go into the town plan. “I’ve been very non-biased to what’s been presented.” He said he was willing to work with the Belisles to see that it was done right, whether that involved asking certain commissioners to step down on this matter or not. “We’re trying to do what’s right.”

Christine Lang thanked the Planning Commission for their time. “It’s been a long year, you’ve done a lot of work on it. The Town had voted against the Swanton Wind project 731 against 161... Based on what I’ve seen in Montpelier, we have an obligation to update our town plan.” She asked what was the preferred format for commenting within those 30 days. Mr. Hubbard said that he had received constant information from the group opposing the project, and felt it was important to give the commission and even the Belisles time to decide where to go from here. “We have sufficient information from your side [opposing Swanton Wind]. I am seeking more from theirs. We haven’t had as much information from you [the Belisles]. You [the Belisles] have had the opportunity, but we haven’t heard as much.”

He added, “No action has been taken. No votes have been made. The Planning Commission will decide what to do with renewable energy as soon as a conclusion has been reached.”

Mr. Jescavage said that the language that the three Planning Commission members had considered had been forwarded to Belisle through Miss Wheeler.

Mr. Iarrapino stated that when they filed the public records to look at Mr. Jescavage’s and Mrs. Luenau-Swan’s emails, Mr. Jescavage and Mrs. Luneau-Swan had responded well and complied.

Mr. Jescavage reminded the Belisles that they had seven days to reply to the Planning Commission’s response to their letter. Did Mr. Hubbard’s comments satisfy the Belisles? Mr. Iarrapino said that it was not appropriate to be put on the spot in order to respond. “We’ll do that promptly and, to the extent that we don’t have a decision overnight, I can

notify you of our willingness to extend the 7 day period while we deliberate on the question you've put to us."

Mr. Dustin Lang asked whether the Planning Commission will be able to encapsulate what had been done so far, at the next Planning Commission meeting. Mr. Hubbard said he did not believe there had been any "substantial violations" and said that the Planning Commission had taken tons of testimony. "We'll decide how we may want to discuss changes to that particular section. Whatever we have in front of us could potentially be used."

Mr. Jescavage said that the product of the three commissioners could be emailed to anyone who was interested. Any comments emailed in response could be passed on to the group at large—commissioners and public—so that everyone was in the loop.

The Planning Commission set the date for the next meeting for August 17, 2016, at 7 p.m. It would be a work session with opportunity for public input, not a public hearing.

Mr. Lavoie made a motion, seconded by Mr. Larocque, to go into deliberative session for "town issues," violations going on in the town and he wanted to ask the Zoning Administrator if they were being addressed. Some of the present felt that this matter should be public record, so the motion was not carried. Mrs. Marrier said that the violators had had friendly letters, but had not received official violations yet. She said that the state had not responded to her request for assistance. One individual had made a tentative arrangement with her that he would clean up the violation, and, on the other individual, she had received a 3-page letter with information that was not pertinent to the violation. She would be following up.

#### **D. Review minutes**

Mr. Daniel made a motion, seconded by Mrs. Luneau-Swan, to approve the Planning Commission minutes of June 15<sup>th</sup> and May 19<sup>th</sup>. Motion carried. Minutes signed.

Mr. Larocque made a motion, seconded by Mr. Daniel, to adjourn at 7:42 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler  
Swanton Planning Commission Secretary

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Jim Hubbard

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Ed Daniel

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Andy Larocque

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Ross Lavoie

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Sara Luneau-Swan