

SWANTON PLANNING COMMISSION
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August 12, 2015

PUBLIC MEETING
SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public hearing and meeting at 7:00 PM on Wednesday, August 12, 2015 at the Swanton Town Offices, 1 Academy Street.

Planning Commission members present:

Jim Hubbard
Ed Daniel
Andy Larocque
Ross Lavoie
Ron Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary

Others present:

Taylor Newton, Northwest Regional Planning Commission (arrived at 8:06 p.m.)
Marianna Gamache, Swanton Representative
Melody Bodette, Vermont Public Radio
Chris Leach and Adam Paxman, Swanton Village Trustees
Mary Anne Duell
Ricky Doe
Tyrell Boudreau
Gil & Marie Tremblay
Danielle Garrant
David Butterfield
Dustin & Christine Lang
Annette Smith
Justin Lindholm
John A. Smith
Patricia Rainville
Pat Messier

1. To hold a public hearing to consider adoption of the 2015 Swanton Town and Village Municipal Plan pursuant to Chapter 117 of Title 24, Section 4387 and 4384, Vermont Statutes Annotated. The plan will focus on the following: updating data and information to be as current as possible, incorporating strategies to make Swanton a more flood resilient community and to incorporate public input gathered from the Swanton Community Visit done in conjunction with the Vermont Council on Rural Development. The purpose of this hearing is to receive public comment on the adoption of the draft Swanton Town and Village municipal Plan. The notice of the public hearing is available on the Swanton Town Website at www.TownOfSwantonVermont.weebly.com.

Mr. Jim Hubbard called the meeting to order at 7:08 p.m. He explained that this was the final public hearing of the Planning Commission for the Town Plan revision, prior to presenting the revised plan to the Joint Legislative Body. He summarized the plan changes, noting that the Swanton Planning Commission had been working with the Northwest Regional Planning Commission to revise the plan to be more in compliance with recommended federal and state standards regarding floodplains, water quality, and more. Compliance resulted in access to FEMA funding and grants. Mr. Hubbard added that the Planning Commission incorporated information resulting from the Swanton Community Visit in the plan, to highlight goals and objectives for Swanton's future.

Mr. Hubbard explained the importance of remaining within the schedule for the town plan's adoption by Regional Planning Commission, since timely adoption allowed Swanton to remain eligible for grant money. The presentations before the Joint Legislative Body would take place on September 16th and 23rd.

Mr. Ed Daniel added that one of the objectives was to remember and support the homeless, since the plan included information identifying 178 households in Swanton with less than \$10,000 in income annually. Mr. Hubbard added that the Swanton Economic Development Council would benefit the community as well.

Mr. Chris Leach stated that he saw the plan not so much as a plan, but as an almanac of what Swanton is and plans to be, which could be used as a conduit to get more industry into Swanton. He encouraged everyone to be familiar with and to use the plan.

The Planning Commission summarized that there were four main priorities for the next few months:

- 1) **Main Corridor:** Should the downtown and service area be one business district?
- 2) **Culverts:** Create an inventory of culverts in the town.
- 3) **Town Road & Bridge Standards:** Ensure that these standards have been accepted by the Selectboard.
- 4) **Flood corridors:** Review flood corridors and how they should affect development.

The conversation then turned to renewable energy siting. Mr. Leach stated that, as Village Trustee, one of his responsibilities was power, and noted that Vermont had the 8th highest average power price, at 17.5 cents. In order to attract energy, that price needed to be reduced.

2. Presentation on Wind Power, facilitated by Representative Marianna Gamache

Rep. Marianna Gamache stated that she had first been made aware of the proposed Swanton Wind Project by Christine Lang, who was a neighbor to the proposed project. The developer was currently in violation due to his failure to receive a Certificate of Public Good for the meteorological tower placed on the ridge to measure wind speed. She introduced Annette Smith, who had testified before the state Energy Committee, on which Rep. Gamache sat. She stated that Annette Smith was very knowledgeable about wind power and had been consulting with her in relation to the proposed project.

Ms. Smith introduced herself, explaining that she served in numerous functions, both for her town of Danby and for the Regional Planning Commission, and she lived “off the grid” on solar. She had 6 years of experience working on wind issues. She noted that wind projects tended either to be divisive within towns, or to unify the townspeople in opposition to a project.

The Town Plan was the community’s voice to the Public Service Board, but, unfortunately, the plan’s language in relation to renewable energy would be cherry-picked by the developer when presenting the application for a project. The plan must therefore be specific and consistent. Statements could not contradict one another (e.g. general support of renewable energy yet desire to preserve natural beauty). Specificity involved naming specific areas to exclude from siting, or specific areas allowed for such siting. She was very concerned that if the revised Swanton Town Plan went before the Joint Legislative Body without specific language, the town’s (unstated) desires would be disregarded. She added that the strongest message that the town could send to the Public Service Board would be for the public to vote in support of the Town Plan.

Ms. Smith explained that her Regional Planning Commission had formed an energy committee with the following goals:

- 1) To develop language for guidance and regulation
- 2) To provide information and guidance to towns
- 3) To draft a bylaw on solar energy

Ms. Smith read sections from her regional plan, which gave specific guidelines. For example, the minimum setback from wind turbines shall be 1.5 times the total height of the turbine; a 500 foot turbine would therefore require a 750 foot setback from the property line of the nearest neighboring property. The tower base shall also be set back from the nearest home by one mile per megawatt.

She detailed a list of known health impacts caused by wind turbines: sleep disruption, heart issues, higher blood pressure, and more. Credible sources and experts had provided testimony before the Public Service Board regarding these health complaints, but the PSB had gone entirely with the information presented by one source. She explained that the motion of wind turbines produce

barometric pressure waves that can be channeled by topography toward homes and cause health problems. Infrasound could cause pressure inside the head, especially since it was often louder indoors than outdoors.

The PSB decided on DBA (A-weighted decibels) standards of 45 DBA measured from the exterior of a home averaged over one hour, and 30 DBA, measured in the interior of a home averaged over one hour. She stated that many reports regarding the standards and the impact on neighbors had been filed with the PSB, but had been ignored.

Mr. Dustin Lang remarked that cigarettes' known link to health problems had been denied; now the health risks of wind energy were similarly denied.

Ms. Smith explained that the Public Service Board would give the community's stated preference due consideration. However, there was no public process in the PSB process. She recommended that when the town received the 45-day notice regarding the Swanton Wind Project application, the town should hold a public hearing to gather input and should provide comments to the developer. When the application was filed, the Planning Commission and Selectboard should offer comments to the Public Service Board. These comments were not included in the record, but were considered. The town plan would be cited in the record.

Intervention as a town involved a lawyer. In Swanton's case, Ms. Smith recommended that the town intervene if an application was filed, since it was very hard to intervene at the citizen level. She explained that the process would involve a "discovery" prior to ruling on the motion to intervene. She further noted that the SPB had its own version of the Queechee analysis (for aesthetics) in which citizen intervention was not given as much standing as town intervention because neighbors were considered more likely to be concerned. This matter was currently before the Supreme Court.

Mr. Hubbard asked if wind projects were actually cost effective. Ms. Smith replied that, due to the lack of transparency, no one knew. The experts hired by the PSB to study the effect of sound, or the impact on birds and bats, were always from the same company. The system was not democratic and was harmful to communities. She doubted that they would "save the planet" with the current technology.

It was noted that the proposed Swanton Wind Project would involve going through a critical habitat, recognized by the Northwest Regional Planning Commission. Mr. Hubbard asked whether there was an movement to gather support from NRPC. Ms. Smith replied that a pilot program was being developed in NRPC to address the lack of renewable energy siting language in area town plans. The program was currently cataloguing energy, to make a map of the area for solar. Some of the mapped areas included forest; Vermont did not currently have a policy on removing forest for solar. She noted that some communities experienced significant flooding due to stormwater runoff from construction. There was massive pressure to move forward on Vermont's goal for 90% renewable energy by 2050, so much so that she had seen many organizations "roll over and violate their missions [in order] to support wind energy."

Mrs. Doe noted that she and her neighbors had first learned of the project in June 2015, so a lot of people still did not know of it. Pat Messier suggested asking the town's citizens: "Would you like this in your area? Would you like to live near a wind project?" Mrs. Marie Tremblay said that she lived a third of a mile away, and was very concerned for the health of her grandchildren. Mr. Doe added that if the developer had abided by the rules, the neighbors would have known over 4 years ago of the proposed project; there had to be some 11th hour language that the Town could put in the plan to "hit the pause button" so that the situation could be investigated more thoroughly.

Ms. Smith informed the board that some towns had raised and spent up to \$700,000 to intervene in the PSB process, whereas specific language in the town plan could provide better support in intervention and reduce costs significantly. She noted that the main issue was time, since the question of the meteorological tower did not necessarily slow down the application for the rest of the project.

Mr. Ross Lavoie stated that his parents had some wind turbines on their land, but they did not seem disruptive. Did topography influence the effects? Ms. Smith replied that topography absolutely influenced the effects, and suggested that the board members research "acoustic ecology." She emphasized that this was the highest concentration of population around wind power and that the actions that the Planning Commission might take did matter. She gave information on 17 towns who had language regarding wind siting in their town plans.

Mr. Hubbard informed the attendees that the Swanton Selectboard would meet with the Selectboards of Fairfield and St. Albans on September 1st to discuss the project.

Rep. Marianna Gamache reminded the board that, when representatives at the state level considered a bill, they did not hear from every constituent that they represented, only from those with definitive thoughts. Also, the representatives had access to information not available to the general public and therefore had to make decisions in the constituents' best interests. The Swanton Planning Commission should insert a simple measure of protection for the good of its citizens.

The Planning Commission hearing recessed at 8:50 p.m.

The recess ended at 9:00 p.m. Mr. Taylor Newton of NRPC informed the Planning Commission that there was still time to put in an insubstantial change before presenting to the Joint Legislative Body. NRPC had adopted a new plan, which would go into effect January 2016 and had strong criteria in terms of environmental protection and policy. Chris Leach sat on the Policy Recommendation Committee, which reviewed applications, all of which were treated on a case-by-case basis. The committee then reviewed the applications in terms of goals and policy, brought their findings to the full board, and asked any questions they wanted. There were usually several rounds of "discovery." Without strong standards in a town's plan, the plan was weaker in the PSB process. The PSB did not have to give deference to the Regional Plan, only "consideration." The pilot project mentioned by Annette Smith would amend the plan in some way in the future and would project out to 2050.

The Selectboard could make changes to the plan as long as it was more than 15 days before the final hearing on September 23rd. The Swanton Town Plan expired on August 31st, and getting approved by the Regional Planning Commission would allow Swanton access to one Municipal Planning Grant, at a maximum of \$20,000. Mr. Leach and Mr. Paxman, Village Trustees, stated their support for a minor amendment in the plan regarding wind energy siting.

After discussion, the Planning Commission and Village Trustees agreed to hold a joint meeting amongst the Planning Commission, Village Trustees, and Selectboard on Tuesday, the 18th of August, to discuss specific language for the Town Plan. Mr. Newton added that the NRPC committee would hopefully approve the Swanton town plan on September 30th. A grant application should have been submitted by that time.

3. Public Comment – None.

4. Any Other Necessary Business

Mr. Lavoie made a motion, seconded by Mr. Daniel, to approve the Town Plan as written. Motion carried unanimously.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to approve the Swanton Planning Commission meeting minutes of July 8, 2015. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn at 9:43 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Swanton Planning Commission Secretary

Jim Hubbard

Ed Daniel

Ross Lavoie

Andy Larocque