

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

Wednesday, September 21, 2016 @ 7:00 p.m.

Planning Commission

Jim Hubbard
Ed Daniel
Ross Lavoie
Sara Luneau-Swan
Andy Larocque

Town Officials

David Jescavage, Town Administrator
Yaasha Wheeler, Secretary

Also present:

Travis Belisle
Anthony Iarrapino
Dustin & Christine Lang
Penny Dubie
Greg Pierce
Patty Rainville
John A. Smith
Marianna Gamache
Luc & Michelle Deslandes
Curt Swan
Tom Benton

1. Call to Order

Mr. Hubbard called the meeting to order at 7:04 p.m.

2. Agenda Review

No changes.

3. The Swanton Planning Commission will conduct a public work session to review proposed amendments to the Town & Village Municipal Plan. The proposed amendments cover new provision for green energy projects. Members o the public are invited to attend to offer their impute.

Mr. Hubbard said that the Swanton Planning Commission had gathered language earlier in the year but, for more than one reason, decided not to submit that language to the Selectboard. They were now starting with language they had had in May.

The Planning Commission reviewed the following language:

In the placement of industrial solar panels and wind turbines, consideration shall be given to aesthetics; health impacts, environmental impacts; distribution 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 at a sufficient distance from residences to avoid any conflict between the operation of these structures and the peaceful and healthful enjoyment of their priorities 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.

Mr. Daniels felt that the effect of wind projects on the power grid was the job of the PSB, not the Planning Commission, to evaluate. Also, in the discussion of prohibiting prime agricultural soils to be used for the purpose of green energy generation, Mr. Daniel felt that it was too restrictive on farmers. Mrs. Luneau-Swan said that “shall be prohibited” is language with more teeth than “should.” She added that prime agricultural lands should not be used but other soils and landscapes could support green energy. Mr. Hubbard agreed that with Act 250, prime agricultural soils are avoided, and felt that green energy projects should go through a similar process. “Our goal is to protect as much prime ag as we can because it’s the backbone of our community.” He supported a strong statement that any type of development in our town using prime ag soils should be discouraged.

Ross Lavoie said that he saw uses for green energy projects on agricultural land and mentioned the New York wind turbines. “Am I saying it’s right for Swanton? I’m on the

fence.” He preferred the language “should be discouraged” instead of “shall be prohibited.” He believed that wind and solar should have different rules, because they affect the space differently. Mr. Hubbard summarized the process of putting it the wind farm in New York and how the farm had affected the communities.

Mr. Hubbard further summarized that the problem was with Montpelier, who overruled local control over such projects. Mr. Lavoie said he was concerned about the cost of electricity. In New York, the community had benefited. In Swanton’s case, Swanton Electric did not need the power. Mrs. Luneau-Swan reiterated the importance of “shall” versus “should” in the case of a project that the Selectboard and Planning Commission felt was not right for the Town.

Mr. Daniel suggested differentiating between commercial use and private use. He detailed the benefit of private use. Mr. Larocque said that “our town used to have the lowest energy prices in the state” but the abundance of solar panels had raised the price. He added that MVU would be net metering and estimated that the electric bill would go up 4% because of it. “As far as green energy projects around the Town, I would really discourage it.” He noted that the state mandated each Town to add 15% renewable energy per year. Mr. Larocque advocated for “shall” versus “should.” Mr. Hubbard stated that “ ‘Should’ or ‘shall’ could be torn apart either way... It says ‘shall be discouraged,’ not ‘shall not happen.’”

Mrs. Luneau-Swan made a motion, seconded by Mr. Larocque, to amend the word “should” to “shall” in the first and fourth sentences of the second paragraph of Chapter 3. The paragraph would now read: *The use of prime ag soils for green energy projects shall be discouraged. Ridges are scenic resources that enhance the natural beauty of the Town. All reasonable measures shall 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.* Motion carried unanimously.

Mrs. Luneau-Swan stated that, due to new Public Service Board rules, the language should specify “the scenic ridges to the east of Route 105 in Swanton” versus “this scenic ridge,” which is not specific. The PSB was directing town planners to designate specific scenic resources in their area and not to have general statements. The general statement that agricultural fields shall be preserved does not qualify, but specific fields being designated as scenic does qualify. Mr. Hubbard mentioned the scenic corridor designations along I-89, as well as the development and growth designations, and the importance of such designations. He added that the ridge “is definitely a scenic corridor.” Mr. Lavoie stated: “We’re here to plan for Swanton, not to make the people who sit on a board happy. I understand what they’re looking for, but I don’t feel we should do things because we’re being told to do things.” Mrs. Luneau-Swan said that they had to make sure that the plan would be upheld and given “substantial deference.” Mr. Larocque agreed that, if the PSB said the plan needed to give specifics, then it should give specifics. Mr. Daniel said that, aesthetically, a number of local controversial

projects (cell phone towers, wind turbines) eventually “blended into the landscape.” Mr. Lavoie added that, as a builder by trade, he saw things that were done badly, but not things that were abstract.

Mrs. Luneau-Swan suggested not looking in terms of specifics about the Swanton Wind project, but looking at what Swanton should have. She noted that ridges in the area had a rare highland plateau, with a high concentration of habitats and wetlands. The wildlife habitat was documented by ANR. “If we keep encroaching on these wildlife habitat blocks, what is left of that acreage?” She referenced the following language:

These ridges contain a rare highland plateau in that it holds a high concentration of both wooded wetlands and open water bodies. Heavy water saturated highland plateaus are rare in Vermont and contain a wide variety of animals, from amphibians to bears. Any ecosystem containing great diversity is at high risk if changes occur to the system, such as development caused by humans. Also, the many open bodies of water on these ridges attract high numbers of waterfowl since they are in direct line with the Champlain valley flyway, one of the largest flyways in the eastern United States. In addition, these ridges contain a rare and excellent deer yard which, in addition to providing shelter for the deer in the winter, also provides food from the beech nuts and acorns from those trees, which grow at the very edge of this yard. Deer yards are very sensitive to development as has been seen by the abandonment of deer yards close to human development.

“We want to have areas like that in Swanton. That’s what makes Swanton what it is.” Mr. Lavoie suggested that some of the development might help with deer yards, noting that he had hunted near turbines before. He asked where the verbiage had come from. Mrs. Luneau-Swan said that Rep. Marianna Gamache had presented this information at the last meeting. Mr. Hubbard said that a lot of this information was interpretation.

Mr. Hubbard pointed out that this project was within one of the top five scenic corridors along I-89. “How do we continue to preserve as much of it for as long as possible?”

Mrs. Luneau-Swan summarized that she wanted the ridge specified as “the scenic ridges to the east of Route 105 in Swanton.” She also wished to add in the paragraph about the highlands and flyway. The Planning Commission discussed whether the flyway was as large in Swanton as it was in the past. Mrs. Luneau-Swan suggested that, if the larger paragraph should not be added, the Planning Commission might consider the following language: “It is the goal of the Town of Swanton to conserve the ridges to the East of Rt. 105 in Swanton as scenic resources. Only forestry, agriculture, and residential uses (where appropriate) are permitted on these ridges.”

Mr. Hubbard said that the section was to detail the natural resources versus the protection of such resources. Mrs. Luneau-Swan suggested revising the language to “at this moment, these ridges contain a rare highland plateau...” Mr. Lavoie noted that there were ways not to cause harm to ecosystems in development. Mrs. Luneau-Swan said that ANR had documented the area as a deer yard.

Mr. Hubbard said that he was not taking public testimony from the attendees.

Mr. Hubbard suggested “fine tuning” and shortening the paragraph.

Mrs. Luneau-Swan made a motion, seconded by Mr. Larocque, to amend Section C (Natural Resources) to contain the following:

These ridges contain a rare highland plateau in that it holds a high concentration of both wooded wetlands and open water bodies. Heavy water saturated highland plateaus are rare in Vermont and contain a wide variety of animals, from amphibians to bears. Any ecosystem containing great diversity is at high risk if changes occur to the system, such as development caused by humans.

This would follow this language: *The southeast 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.*

Motion carried unanimously.

Rep. Gamache stated: “The more you take out, the weaker it becomes.”

Mr. Larocque made a motion, seconded by Mrs. Luneau-Swan, to remove Bullet #3 and #5:

- *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 and 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*
- *Industrial scale solar panel projects in suitable locations where any negative impact on wildlife, water quality, scenic quality, viewsheds, vegetation, soils, prime ag land, crop production, human health and 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.*

This would create a total of seven bullets, and he further proposed to add an eighth bullet, with the resulting total language:

New technologies and state and federal financial incentives also provide opportunities for homeowners to add renewable energy systems to their houses. 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 shall be 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.*
- *Small scale solar generation to produce electricity from individual homes and businesses provided there is no adverse impact on neighboring properties.*
- *Wood and wood chip generating facilities.*
- *Methane production on dairy farms.*
- *Liquid biofuel production from cooking wastes.*
- *Geothermal energy production.*
- *All commercial renewable energy projects, including those listed above, shall be located in suitable locations where any negative impact on wildlife, water quality, scenic quality, viewshed, vegetation, soils, prime agricultural land, crop production, human health and safety, electric grid capacity, and existing neighborhoods is minimal. The solar panel and wind turbine structures shall be located at 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. Impacts such as noise, shadow flicker, and solar glare shall not extend unto neighboring properties. 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.*

Mr. Hubbard summarized that it was important that the bullets addressed other types of energy. Motion carried 4-1, with Mr. Lavoie opposing.

Mr. Larocque made a motion, seconded by Mr. Daniel, to add at the bottom of the energy section a separate paragraph stating: *Any renewable energy projects that produce renewable energy credits, those RECs shall remain in Vermont and shall not be sold to other states, to help Vermont reach its goal of 90% renewable energy.* This would be added to the end of the Energy section. Discussion: Mr. Larocque explained that Vermont renewable energy projects were selling credits out of state. “If we sell out of state, we do not care for Vermont.” This language would be added at the end of the Energy section. It was noted that Swanton’s hydroelectric dam was not considered renewable energy. The board agreed that that was an important matter. Discussion concluded. Motion carried unanimously.

Mrs. Luneau-Swan made a motion, seconded by Mr. Larocque, to change “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” to “the implementation of small scale renewable energy systems in individual homes and businesses *shall be preferable* to the development of large scale renewable energy projects such as industrial scale solar farms and wind turbines.” Motion carried 4-0, with Mr. Daniel abstaining.

The Planning Commission reviewed the following language:

Swanton is blessed with a variety of outstanding scenic beauty ranging from its handsome village green, beautiful historic buildings, a tree-lined mile long recreation path, pastoral farm fields, lush forests, and magnificent lakeshore to its regal ridgeline. All of these scenic assets serve to make Swanton appealing to tourists and attractive as a desirable place to work, recreate, live and raise a family. Efforts should be pursued to protect this natural and man-made beauty through zoning by-laws, covenants, conservation easements, and all other appropriate means.

Made-over or previously disturbed land areas such as rock quarries, old missile sites, sand and gravel pits, brownfield sites, and former junkyards to name a few should be considered as ideal locations for renewable energy facility locations provided that there is no adverse impact on neighboring properties.

Mrs. Luneau-Swan wished to change each instance of “should” in this paragraph to “shall.”

Mr. Daniel made a motion, seconded by Mrs. Luneau-Swan, to change all the “shoulds” to “shalls,” resulting in the following language:

Swanton is blessed with a variety of outstanding scenic beauty ranging from its handsome village green, beautiful historic buildings, a tree-lined mile long recreation path, pastoral farm fields, lush forests, and magnificent lakeshore to its regal ridgeline. All of these scenic assets serve to make Swanton appealing to tourists and attractive as a desirable place to work, recreate, live and raise a family. Efforts shall be pursued to protect this natural and man-made beauty through zoning by-laws, covenants, conservation easements, and all other appropriate means.

Made-over or previously disturbed land areas such as rock quarries, old missile sites, sand and gravel pits, brownfield sites, and former junkyards to name a few shall be considered as ideal locations for renewable energy facility locations provided that there is no adverse impact on neighboring properties.

Motion carried unanimously.

The Planning Commission set the public hearing for Wednesday, November 2nd at 7 p.m. Mr. Jescavage would look into the availability of the Village Complex for the meeting, for more space.

The Planning Commission also set their regular meeting for Wednesday, October 19th at 7 p.m. They would not discuss renewable energy, but address other planning concerns. Mrs. Marrier would propose changes to the fee schedule and give an update for violations addressed. Mr. Jescavage would bring forth information about the Municipal Planning Grant. The Town did not receive a grant to help fund an Economic and Community Development Coordinator, and were considering hiring a consultant. The Planning Commission could apply for any grants they felt would be helpful.

4. Review minutes of August 17th, 2016

Mr. Hubbard said he had not had time to review the corrections recommended by Mr. Anthony Iarrapino, so he recommended tabling approving the changes until next month.

5. Any other necessary business

Mrs. Luneau-Swan reported that she had trouble getting into her new Town-assigned Planning Commission email address. Mr. Jescavage suggested using a different browser. She recommended looking at the Public Service Board's application from Swanton Wind LLC, available online.

6. Adjournment

Mr. Lavoie made a motion, seconded by Mr. Larocque, to adjourn at 9:03 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Jim Hubbard

Ed Daniel

Andy Larocque

Ross Lavoie

Sara Luneau-Swan