

**CHARLOTTE PLANNING COMMISSION
CHARLOTTE SELECTBOARD
JOINT MEETING
DECEMBER 20, 2011**

APPROVED

PLANNING COMMISSION MEMBERS PRESENT:

Jeff McDonald, Chair; Ellie Russell, Peter Joslin, Gerald Bouchard, Jim Donovan.
Absent: Linda Radimer, Paul Landler.

SELECTBOARD MEMBERS PRESENT:

Charles Russell, Chair; Winslow Ladue, John Owen, Dennis Delaney. Absent: Ed Stone.
ADMINISTRATOR: Dean Bloch, Town Planner.

OTHERS: Tom Nola, Lars Cartwright, Scott Mapes, Mark Kane, Rebecca Boucher, Jenny Cole, Bruce Bernier, Peter Trono, Edd Merritt, Stephen Colvin, Carrie Spear, Clark Hinsdale III, Ray Applegate, Sherry Applegate, Ed Amidon, Meg Walker, Peter Walker, Lindsay Moran, Jack Moran, Tom Bagowski, Ed Sulva, D Merritt, Marin Vogler, Jonathan Fisher, Jan Davis, Mike Yantachka, and others.

CALL TO ORDER

Jeff McDonald, Planning Commission Chair, called the meeting to order at 6:08 p.m.

CHARLOTTE SOLAR FARM – DISCUSSION SENDING A LETTER TO THE APPLICANT AND THE PUBLIC SERVICE BOARD REGARDING THE PROPOSED SOLAR PROJECT ON HINESBURG ROAD AS PROVIDED BY THE SECTION 248 PROCESS

Mr. McDonald noted that the Charlotte Selectboard meeting on Monday, 12/19/2011, included the Solar Farm applicant's presentation of the proposal. The Planning Commission would open the floor for any new comments, said Mr. McDonald.

Clark Hinsdale III, reviewed that he submitted a written memo, dated 12/20/2011, regarding a proposed re-siting of the three phase power project. The Town Plan, Section 5.8.12, provides for co-locating existing infrastructure. He was approached by the solar farm developers before the Bean Farm was conserved. There were visibility issues on the Bean Farm. He has a 25-year commitment with the solar farm developer that would result in land banking 45 acres of the LeClaire parcel. There were efforts to date to move the solar panels further north in the parcel, explained Mr. Hinsdale.

Tom Nola, adjacent land owner to the LeClaire property, said he was not against change and progress. However, the proposed project would be a negative change. There were VPR websites that anyone could access for additional information on solar project impacts. Other large scale solar farm projects in the state produce electricity for towns. He hasn't heard what benefit Charlotte would gain from this project. It is a corporate project to make money for that corporation. Property devaluation issues were his main concerns, said Mr. Nola.

Stephen Colvin, Hinesburg Road resident, explained that his home would be 30 yards from the boundary of the solar farm. Even moving the panels 250' north, or any where in that field would de-value his home. The project was proposed in a rural zone that has residential homes. Commercial projects like this one were not mentioned in the Town Plan. This was not the right location. Clark Hinsdale has other properties in Town. Why this location. It is a high voltage electric project. It may be fenced, but he has two young children. He was concerned for his neighbor's children. He urged the Selectboard to seek party status in the PSB hearings, said Mr. Colvin.

Jenny Cole, resident, asked for clarification of the public hearing process. How much time would the citizens have to ask questions. There have been some suggestions already that might change the project, such as moving the panel locations further in the field, some landscaping, etc. A question was what the project might look like, said Ms. Cole.

Mr. McDonald said that the Planning Commission members would discuss how they would participate in the process. It was the PSB's role and process, pointed out Mr. McDonald. Mr. Russell explained that this hearing was the Town's opportunity for applicant to hear and take comments and to make changes to the application before filing it to the PSB, said Mr. Russell. Ms. Cole asked if there was time for more public input, or local planning before the applicant filed their application to the PSB. Ms. Boucher replied that they were here to take note and comments. There were ways to refine the project to respond to those comments. The applicant has already responded to some comments, such as moving the array 250' to the north due to neighbor's concerns. The Agency of Natural Resources has determined that a deer yard was not an active deer yard. The panels could be shifted closer to the woods. In this 45 day notice period to adjacent landowners we welcome communications. The notices listed the applicant's phone number on the letter so that comments could be taken, said Ms. Boucher.

Peter Walker, Hinesburg Road resident, said he lived across the road from the proposed project. The entire field could be moved north. Why not move it further west to the narrowest part of the field near Sheehan Green, asked Mr. Walker. Mr. McDonald said that part of the Planning Commission's findings could be a recommendation where to shift it – east, or north. Ms. Boucher said the applicant would consider all questions and comments. Regarding other locations – the application was under a standard contract with the state for this site and size. The size was for 2.2 megawatts, clarified Ms. Boucher.

Carrie Spear, resident, said that there had suggestions about moving the project to the northwest corner of the property. That would mean cutting trees. She thought that cut trees could be sold for lumber. Last night at the Selectboard meeting she heard that the array was going north by the tree line. That was still too close to Sheehan Green, Mr. Colvin and neighbors, said Ms. Spear.

Louise Pitcairn, resident, said the Town should seek party status and think about this in the same manner as if it were a community project. If the PSB not involved in the process

how would the Planning Commission and Selectboard handle it. She thought that the PSB process was a red herring, commented Ms. Pitcairn.

Rod Sullivan, resident, said that according to the site map, the project would be a massive size. It wouldn't matter if it was moved west, or north. It was a huge 15 acre solar array. The lines couldn't be buried. The panels couldn't be screened by trees since the trees would create shade, said Mr. Sullivan.

Mr. Walker said he was a landscape architect, and has lived in his home since 1973. His observations were that a home was a sense of place. This was the wrong thing to put in this place. It has a huge mass that could be seen from Hinesburg Road and Sheehan Green, stated Mr. Walker.

Mr. Russell asked if it would be an extra cost if the project was placed in the northwest and the shape changed. Ms. Boucher said she couldn't answer that - that may be the case.

Mr. Delaney said that most of the resident's comments involved a concern for the loss of property values. The applicant presents its case to the PSB. How would the PSB decide how much property value would be lost, and how could that loss be measured, asked Mr. Delaney. Ms. Boucher explained that the process was an evidentiary one. The PSB would review the project based on that evidence, said Ms. Boucher. Mr. Delaney asked if that would mean that individuals would go to the PSB. Shouldn't we talk about the loss of value and arrive at a solution, asked Mr. Delaney. Ms. Boucher said she couldn't offer any guidance to individual home owners.

Mr. Delaney asked if the project investors were prepared on their own to meet with those property owners whose homes would be impacted. Ms. Boucher relied that talking with neighbors was a good thing. Mr. Delaney asked if the applicant on their own would propose a monetary compensation. Ms. Boucher said they would discuss it. Mr. Hinsdale said that was a process that couldn't be answered by the applicant. He controls the LeClaire property as the landowner. He could tell the Selectboard that he has had discussions with one or more of the adjoining land owners. There has to be willingness on both sides. There were a finite number of people impacted - 6 adjoining and 6 across the road, for a total of 10 families, said Mr. Hinsdale.

Ray Applegate, adjacent land owner, said he purchased a small ranch house and had a view of the field in his back yard. The view was 75 percent of the reason he bought the house. If there had been a solar array project then, he wouldn't have purchased the house, stated Mr. Applegate.

Meg Walker, Hinesburg Road resident, said they were putting \$200,000 in renovations to their property. She was concerned that the property would be de-valued 50-75 percent due to the solar project at the same time they were making that investment. She would like to hear more about any compensation from Mr. Hinsdale. She has lived in her home for 40+ years and wants to stay. She doesn't want to look at solar panels, said Ms. Walker.

Mr. Bloch explained issues involved in property values/de-values. The PSB would look at existing situations as a reference. He was not aware of other projects near a residential area in the state, said Mr. Bloch.

Mark Kane replied that New Haven Road is potential comparison. Any property appraiser could point to a method for determining property values, suggested Mr. Kane..

Gerald Bouchard, Planning Commission member, said he walked the Hinsdale property today, and pointed to a part of the field where he found less agricultural soils versus the proposed location. The forest in that part has less value since it was full of Honeysuckle and Buckthorn. He found no sign of deer, and the topography slopes downward. There may be a right-of-way to that part of the forest. Regarding distances, it would be less to go to Spear Street there. Mr. Bouchard asked if there were any 3-phase lines on Spear Street that the developer could tap into. Mr. Mapes replied no.

Mr. Bouchard said that when the Town Plan was written there was no such thing as solar farms. It was his opinion that the further back from the homes the better, suggested Mr. Bouchard. Mr. Hyams, Conservation Commission member, said that regarding the forest mentioned by Mr. Bouchard, the trees do have value. That was a part of the Clayplain Forest, which was valued as a rare habitat by the commission and the state. He was not saying don't do it. In terms of habitat he would prefer to stay out of woods. Does the PSB take a Town Plan into account, asked Mr. Hyams. Mr. Kane said yes. The PSB considered Town Plans thoughtfully and examined an application in that light.

Rose Bernier, resident, said she lived up the hill on Hinesburg Road. She saw deer and turkeys in the woods. They were there this fall. She has kids. She thought the solar farm should be built in a commercial area, said Ms. Bernier.

John Quimmey, resident, said regarding the process and lack of time, it was hard to understand why the Town wouldn't want party status. Whether the Town was for, or against the project there were a lot of questions. If it costs money to hire a lawyer then it would be money well spent, said Mr. Quimmey.

There were no further questions.

DELIBERATIVE SESSION

MOTION by Mr. Donovan, seconded by Ms. Russell, to recess the public hearing and enter Deliberative Session to discuss Planning Commission input regarding sending a letter to the applicant and the Public Service Board regarding the proposed Charlotte Solar Farm project on Hinesburg Road as permitted under the Section 248 process, and to invite the Charlotte Selectboard and Town Planner to attend.

VOTE: 5 ayes, 2 absent (Ms. Radimer, Mr. Landler); motion carried.

Selectboard members, Charles Russell, Mr. Owen, Mr. Ladue, and Mr. Delaney and Dean Bloch, Town Planner, joined the Planning Commission members in Deliberative Session at 6:50 p.m.

Deliberative Session was adjourned at 8:00 p.m.

Adjournment

The public hearing was adjourned at 8:05 p.m.

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.