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**TOWN OF CHARLOTTE
PLANNING COMMISSION
MAY 21, 2015**

APPROVED

Minutes are subject to correction by the Charlotte Planning Commission. Changes, if any, will be recorded in the minutes of the next Planning Commission meeting.

MEMBERS PRESENT: Jeff McDonald, Chair; Peter Joslin, Donna Stearns, Gerald Bouchard, Charles Pughe. **ABSENT:** Paul Landler, Marty Illick.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Martha Staskus, Janet Bull, Penny Manning, Harold Abilock, Jill Abilock, Michael Russell, Wally Gates, Joan Gates, Liam Murphy, Tim Hotaling, Martha Whitfield, Jacob Spell, and others.

6:00 PM SITE VISIT: to the Abilock Residence at 2087 Ferry Rd. re: Vermont AllSun Solar XII, LLC project.

AGENDA ITEMS:

- Vermont AllSun Solar XII, LLC 500 kW Group Net Metering Project Discussion
- Town Plan Responsiveness Summary Continuation of PC-15-06 Sketch Plan Review for Chris & Rebecca Fortin for a Contractor's Yard at 2737 Lake Rd.
- Town Plan Responsive Summary – Transportation
- Legislative Update H35–Water Quality and H40–Renewable Energy Workplan Update Discussion; Upcoming meeting schedule, 'Mail'

CALL TO ORDER

Mr. McDonald, Chair, called the meeting to order at 7:00 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The agenda was approved.

Consent Agenda: add: Richardson Mylar for Planning Commission signature.

PUBLIC COMMENT

None.

REVIEW MINUTES FROM PRIOR MEETING

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Planning Commission minutes of 05/07/2015 as written, with edits:

- Globally correct the name “Charles Pughe”.
- Page 3, line 123 – insert “elevation” between “211th” and “contour”; line 124 – change to read: “...plat was changed” and insert “final” before “Mylar”; line 132 – correct to read “15”x30”;

- 46 • Page 5, line 208 – add to the sentence end “...can continue to run overhead to
47 the new house,”;
48 • Page 6, line 251 – change to read: “...garden area, currently in grass, to ...”.
49 VOTE: 5 ayes, 2 absent (Mr. Landler, Ms. Illick); motion carried.

50

51 **VERMONT ALLSUN SOLAR XII, LLC 500 kW GROUP NET METERING**
52 **PROJECT Discussion**

53 Mr. McDonald reviewed that the Planning Commission had requested a courtesy
54 presentation by AllEarth Renewables regarding a proposed solar installation, and
55 introduced Martha Staskus.

56

57 Ms. Staskus, AllEarth Renewables representative, explained a proposal for an AllSun
58 Solar XII 500 kW Group Net Metering project on the Kurt Fischer property located off
59 Ferry Road. The project was under the Public Service Board jurisdiction (PSB). The
60 Town of Charlotte could participate as an interested party to the PSB proceedings, said
61 Ms. Staskus.

62

63 Ms. Staskus noted that AllSun Solar XII had collected data, communicated with Green
64 Mountain Power, notified six adjoining property owners and sent out information packets
65 during a 6 month period. A 45-day notice was sent in April to the Town and abutting land
66 owners. The proposed 500 kW Group Net Metering project would include 83 sun
67 tracking pole mounted arrays. AllSun representatives have met with Mr. and Ms. Abilock
68 and the Zoning Administrator. The discussion included lessening impacts to the Abilock
69 property, such as moving the arrays 150’ further from the Abilock property line, said Ms.
70 Staskus.

71

72 Ms. Staskus reviewed the proposed project as follows:

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82

83 Ms. Bull, a Ferry Road neighbor, said that she had not been contacted. She could see the
84 proposed site from her house and backyard. She had concerns regarding land value
85 impacts, said Ms. Bull.

86

87 Ms. Manning, Mr. Gates and Mr. Abilock, abutting neighbors, said that they could see
88 the proposed site from their homes.

89

90 Mr. Abilock, 2087 Ferry Road, noted that he and Ms. Abilock have lived in Town for 18
91 years. Jill was an artist and he was a translator and Rescue volunteer. Mr. Abilock read a

92 written statement regarding public viewsheds, economics, and negative impacts of the
93 proposed project as described in the 45-day notification. He would support an alternative
94 site, suggested Mr. Abilock.

95
96 Mr. Abilock narrated several slides taken from his dining room, living room, deck and
97 TV room looking toward the proposed solar array site. An array of solar trackers were
98 super-imposed by a computer artist on the slides to illustrate the view impacts, said Mr.
99 Abilock.

100
101 Mr. Abilock asked the Town to act as an intervener during the PSB application.

102
103 Ms. Staskus reviewed that the panels should be facing due south from the Abilock house.
104 The side of the back would be visible versus a face-on view. The existing trees would
105 remain, said Ms. Staskus.

106
107 Mr. Joslin noted that at the site visit he heard the trackers would be 20' high. Ms. Staskus
108 replied yes. A next step was to continue a natural resources study regarding an alternate
109 site further from the property lines and use of conifer trees for screening, said Ms.
110 Staskus.

111
112 Mr. Gates asked that each of the corners of the new alternate site be staked at 18-20' high
113 with pennants, or painted tips. Ms. Staskus explained that it was a 219 application before
114 the PSB. A height test might be entertained. A past solar project in East Charlotte was a
115 2.2 Megawatt versus the AllSun 500 kW project. The AllSun project was one-fourth in
116 size of the East Charlotte project, said Ms. Staskus.

117
118 Ms. Bull asked what was driving Mr. Fischer to site the project on the Ferry Road. The
119 trackers could be located at the Converse Bay Road end of the property where there was a
120 hedgerow and it wouldn't impact anyone, suggested Ms. Bull. Ms. Staskus replied that
121 Mr. Fischer had considered a 2.2 megawatt site located at another property he owned. Mr.
122 Fischer steered the project to this property. There was a hedgerow and the land elevation
123 went up gradually toward Ferry Road from Converse Bay Road, said Ms. Staskus.

124
125 Mr. Abilock showed another slide with the first row of simulated trackers deleted. Mr.
126 Abilock said that if the project was moved 122' from his property line that put the
127 trackers 177' from the edge of his deck to the trackers. If the trackers were moved back
128 150' from the property line the trackers would still have a large impact on his views, said
129 Mr. Abilock. Ms. Staskus reiterated that a vegetative buffer would be planted. Mr.
130 Abilock replied that if the screening was planted close to the edge of the trackers versus
131 at the property line that would be better, said Mr. Abilock.

132
133 Mr. Abilock suggested that a fixed array at 10' high could be done. Ms. Staskus
134 explained that the proposed 500 kW net metered facility was a lease with AllSun
135 Renewable. It took up a 5+ acre area with the poles 50' on center. The trackers proposed
136 were more economically viable versus fixed trackers, said Ms. Staskus.

137

138 Mr. Gates noted that the Town had been a party to the Charlotte Solar Farm, LLC project
139 on Hinesburg Road. Would the Town consider being a party to this application, asked
140 Mr. Gates. Ms. McCrumb said that procedurally, the Town was an intervener if the array
141 could be viewed from a road. That was why the Planning Commission conducted a site
142 visit and went along Converse Bay Road to see the view. The Town was an interested
143 party automatically, and there were legal costs involved. If changes to the project were
144 proposed, at what point would the company issue another 45-day notice, asked Ms.
145 McCrumb. Ms. Staskus said that a substantive change would trigger another 45-day
146 notice. Moving the trackers a few hundred feet did not qualify, said Ms. Staskus.
147 Ms. McCrumb said that the Town would like to review alternative sites prior to the PSB
148 process. Mr. McDonald pointed out that the Selectboard would need to take up the issue.
149 It was a PSB approval process, said Mr. McDonald.

150

151 Mr. Gates suggested that the Town would lose property tax revenue since the abutting
152 property owners would seek a reduced evaluation if the project was built.

153

154 Ms. Bull expressed concern that the project was inconsistent with the character and
155 nature of the area.

156

157 Mr. Pughe asked when the applicant would file an application. Ms. Staskus replied that it
158 might occur by the middle, or end of June. A concern was land features along Converse
159 Bay Road, which required further studies, said Ms. Staskus.

160

161 Mr. Joslin asked if a move to the southeast corner was a significant change. Ms. Staskus
162 replied no. A change to the number of equipment would categorize it as a significant
163 change, explained Ms. Staskus.

164

165 In response to a question, Ms. McCrumb said that the Fischer property was not
166 agricultural land.

167

168 Ms. McCrumb read a written statement from Wendy and Bruce Hawkins, dated
169 05/21/2015, into the record.

170

171 Ms. Staskus reviewed next steps that included further natural resources studies, potential
172 design changes to move the arrays further south, and added vegetation. A modified layout
173 would be presented for Town and abutters review prior to the PSB hearing. The corners
174 would be staked to show the height of the arrays, said Ms. Staskus.

175

176 Ms. Staskus asked for everyone's e-mail addresses to facilitate information dissemination
177 in a timely manner. Ms. McCrumb asked if Ms. Staskus would send proposal changes
178 within one week. A summary of the comments would be done. The Town could not
179 commit to "interested party" status until the revised information was available. She would
180 scan e-mail addresses to Ms. Staskus, said Ms. McCrumb.

181

182 **TOWN PLAN RESPONSIVENESS SUMMARY CONTINUATION OF PC-15-06**
183 **SKETCH PLAN REVIEW FOR CHRIS & REBECCA FORTIN FOR A**
184 **CONTRACTOR'S YARD AT 2737 LAKE RD.**

185 Michael Russell, Chris and Rebecca Fortin's representative, appeared on behalf of the
186 application.

187

188 **STAFF NOTES**

189 Mr. McDonald reviewed staff notes.

190

191 **APPLICANT COMMENTS**

192 Mr. Russell read notes taken from the previous hearing as follows:

- 193 • Dust control of top soil;
194 • Compliance and enforcement issues;
195 • Approval process – ZBA Conditional Uses, and Planning Commission review;
196 • Proposed beef and/or horse agricultural uses as a farm, or business operation. A
197 riding arena structure appearance was under Planning Commission jurisdiction.
198 A private use of the arena was not under Planning Commission review. If the use
199 became a public use then the applicant would voluntarily return before the
200 Planning Commission;
201 • Noise;
202 • Parking;
203 • Growth of the business was a use issue;
204 • A screening plan as per the ZBA approval conditions and questions regarding the
205 northeast property corner;
206 • A written storm water plan and drainage issues would be addressed prior to
207 approval;
208 • Topographical lines on the site map would be addressed.
209 • A lighting plan for the riding arena would be addressed.
210 • The logging operation was no longer on site.

211

212 **PLANNING COMMISSION QUESTIONS/COMMENTS**

213 Ms. McCrumb stated that a horse agricultural structure was not exempt until there were
214 four horses. The Town would have a consultant review a draft storm water plan.

215

216 Mr. Joslin said that in the ZBA decision regarding screening on the south side, the ZBA
217 wrote that the applicant should submit an alternative screening plan if the riding arena
218 was not constructed. A screening plan was needed, said Mr. Joslin. Mr. McDonald said
219 that requirement for a screening plan would be written into the Sketch Plan letter.

220

221 Mr. Russell said that the ZBA was leaving alternate screening plans to the Planning
222 Commission to determine. It was not clear if two screening plans, a Plan A or Plan B,
223 were necessary, said Mr. Russell. Mr. McDonald explained that a concern was that
224 vegetation may not be sufficient if the riding arena wasn't built. An alternate may be
225 structural; i.e., fencing in lieu of the barn and to the west where the parking area was. The
226 area on the southern border and to the west where the bunker is should be fenced. There

227 should be discussion related to the amount of distance where the ‘structure would have
228 been’. Solid screening was more important versus vegetation, said Mr. McDonald.

229

230 Mr. Joslin said another issue was sound.

231

232 PUBLIC COMMENTS

233 Mr. Hotaling said that the ZBA talked about screening for visual and sound along the
234 boundary lines. There was the activity of loading and unloading equipment and
235 noise/sound impacts. A concrete wall would block sound. If it was not a solid surface to
236 block the noise he would hear everything from inside his house, stated Mr. Hotaling.

237

238 There was further discussion regarding screening along the Fortin’s northeast corner.

239

240 Mr. Murphy, representing Mr. Hotaling and Ms. DeStigter, read page 12 of the ZBA
241 discussion regarding planning of trees 10’ high, opaque screening, and a berm, Mr.
242 McDonald said the decision read that the “effectiveness of screening would be
243 reviewed.”

244

245 Mr. Russell said that he was not sure that 10’ high opaque screening was necessary. Mr.
246 McDonald asked if a screening plan reflected the ZBA decision. Mr. Russell replied the
247 plan was what was presented.

248

249 Mr. Murphy said that procedurally, sketch plan review could close so the applicant could
250 present a plan, and any appeals could help to consolidate it. The Planning Commission
251 could make a decision. The Site Plan Review ordinance was clear and provided guidance
252 regarding the size, scale, arrangement, etc. that were in keeping with the character of the
253 neighborhood. At site plan review the Planning Commission could impose screening and
254 landscaping conditions. The Fortin’s activity was on-going a long time without a permit,
255 and no enforcement, stated Mr. Murphy.

256

257 Mr. Murphy submitted a series of Google Earth ortho-photographs for review and noted
258 that the visual impacts of the activities have an adverse impact. The property use grew
259 from a simple mobile home to a massive complex of at least four uses: a home, a
260 contractor yard, agricultural uses, and a potential riding arena. The size of the property
261 limited the cow operation to a feed lot. It was not just a cow grazing operation. The
262 neighbors were appealing a contractor yard use. The whole project should be looked at in
263 context of the uses on the property, site plan screening and the effects on neighbors, said
264 Mr. Murphy.

265

266 Mr. Russell asked what provision in the ordinance allowed the Planning Commission to
267 review the whole property. Mr. Murphy replied that the ordinance provided for the
268 layout, design, scale, size of scale and screening.

269

270 Mr. McDonald said that at the Site Plan review the Planning Commission said the
271 property would be discussed as a whole.

272

273 Ms. Whitfield, the westerly neighbor, said that the Planning Commission should look at
274 the visual impacts of the screening as well.

275

276 **MOTION by Mr. Joslin, seconded by Ms. Stearns, to classify PC-15-06 Sketch Plan**
277 **Review for Chris & Rebecca Fortin for a Contractor's Yard at 2737 Lake Rd as a**
278 **Site Plan Review.**

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

280

281 **TOWN PLAN RESPONSIVE SUMMARY – TRANSPORTATION**

282 Ms. McCrumb suggested tabling the Responsive Summary review of comments relating
283 to the Transportation Section of Town Plan noting that Mr. Donovan was not present.

284 The Planning Commission agreed to table. Mr. Pughe requested an electronic copy of the
285 transportation section.

286 Mr. McDonald highlighted a couple takeaways from the Development Review Summit
287 he attended that was sponsored by CCRPC: 1) Charlotte and the Town of Essex were
288 the only two remaining towns in Chittenden County that have not adopted a Development
289 Review Board. Jeff recalled that one of Charlotte's concerns with this transition was a
290 requirement for 'on the record' review. He now understands that this is not required and
291 that that is actually a separate procedure. A town can have a DRB and not adopt this
292 formal review procedure. 2) Confirmed that entering deliberative session in the middle
293 of a proceeding is okay if the Commission wishes to discuss something.

294 **LEGISLATIVE UPDATE H35–WATER QUALITY AND H40–RENEWABLE** 295 **ENERGY WORKPLAN UPDATE DISCUSSION; UPCOMING MEETING** 296 **SCHEDULE, 'MAIL'**

297 The Planning Commission briefly discussed the 500 kW group net metering project that
298 was the subject of discussion earlier in the evening. The Commission agreed to track
299 proposed changes and to request another meeting if a reasonable alternative was not
300 submitted in a timely manner. Mr. Bouchard felt that at least the top two (northerly) and
301 westernmost three lines of trackers should be moved. The Planning Commission agreed
302 that moving to the far southeastern corner would likely be the most desirable for all, but
303 agreed that they would want to see this.

304 Ms. McCrumb presented suggested revisions to the Planning Commission's annual
305 workplan based on new legislation. The Planning Commission agreed to prioritize
306 completion of draft energy siting standards in attempt to piggyback on the November
307 charter change vote. There was a brief discussion on what these might look like as it
308 relates to structures and areas of high public value. Mr. Joslin agreed with this approach,
309 but noted that solar installations were much larger than dwellings and thus appear more
310 commercial in scale. Mr. Bouchard inquired as to the timing of screening and Mr. Pughe
311 noted that expectations could be written into standards. Mr. Pughe also noted that some
312 towns require a % of development cost be dedicated to screening.

313 **ADJOURNMENT**

314 **MOTION by Ms. Stearns, seconded by Mr. Bouchard, to adjourn the meeting.**

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

316 The meeting was adjourned at 9:30 p.m.

317 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

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319