

**Development Review Board Minutes
Town Office New Haven, Vermont
JUNE 19, 2017**

Members Present: Kathy Barrett, Carol Charbonneau, Tom Fyles, Donald Johnston, Charlie Roy, Susan Smiley, Mike Sweeney

Staff: Dave Wetmore, Zoning Administrator & Karen Gallott-Minute Taker

Guests: Gayle Forbes, Linda Schmidt, David Carpenter, Chris Cadwell

At 7:00 PM Development Review Board (DRB) Chair, Kathy Barrett called the meeting to order. DRB introductions were made.

Charlie Roy was welcomed as a new DRB member.

There were no adjustments made to the agenda.

There was no visitors business.

Public Hearings

a) 2017DRB-07-SD (subdivision) – Gayle Forbes and Linda Schmidt, 2 lot subdivision of parcel #0595-000 on map #11.

Barrett recused herself from this hearing and left the room. Smiley assumed the role of chair.

Linda Schmidt presented this evening. Current lot is 70.59 acres and would like to create a 2 lot subdivision with Lot #1 being 41.24 acres and the new Lot #2 being 29.47 acres. A 50 foot right of way will go across lot #1 to access Lot #2. The survey has been completed.

The Zoning Administrator (ZA) indicated that the DRB can treat this as a 2 lot minor subdivision and that the developer of Lot #2 needs to comply with all zoning regulations in this area when the land returned to no solar use. The wastewater permit has been issued from the State. The Town has issued a letter saying that they will not contest this subdivision.

The Town knowing that this subdivision (which is a complying subdivision), is for a solar array, there was concern that the lot after 20 years the property could be grandfather for use as a solar or industrial use and the town wanted to avoid this

Applicant has submitted draft condition language based on an agreement with the Town; and is asking the DRB to include these conditions in their decision. This is a request coming from the Selectboard through Next Generation Solar Farm, LLC to the DRB. Inclusion of these conditions would show it is compliant with the agreement of the town.

Fyles felt by including these conditions, it means the DRB gives its blessing to this solar project. He also felt the responsibilities for approval and regulating solar fields rests today with the Selectboard and the Selectboard is defaulting their duties over to the DRB.

David Carpenter, Lawyer with Facey, Goss & McPile, from Rutland, VT; explained that under the PSB permitting rules local zoning rules are preempted which may have prompted town worry, also the

decommission plan requires at the end of the project there is no change to zoning at the end of the project.

The ZA mentioned that the Selectboard was not recording the whole settlement agreement. But this was a way to get specific language of the agreement into the decision.

Carpenter indicated that the DRB could make reference to the settlement agreement in the DRB approval this doesn't record the settlement agreement and leaves the DRB free of obligation.

Sweeny asked what this settlement agreement was not being recorded. The ZA didn't have an answer to this question.

Charbonneau made the motion to approve application 2017DRB-07-SD by Gayle Forbes and Linda Schmidt for a minor two lot subdivision in reference to a letter submitted dated June 14, 2017 from Next Generation Solar Farm, LLC

Discussion – Johnston pointed out the corner monuments (pins) for the new lot is required by the DRB and the site plan indicates this is not being done. Dave Carpenter indicated that the monuments will probably be done; he thinks that they aren't done yet.

Charbonneau amended the motion to read:

approve application 2017DRB-07-SD by Gayle Forbes and Linda Schmidt for a minor two lot subdivision in reference to a letter submitted dated June 14, 2017 from Next Generation Solar Farm, LLC; with the condition that the all corner monuments (pins) need to be set on the new lot #2 and on the northwest corner on Lot #1 and shown on the Mylar.

Sweeney seconded

Discussion – none

Vote: Yes – 6 (Charbonneau, Fyles, Johnston, Roy, Smiley, Sweeney)

No – 0

Abstention – 1 (Barrett)

Motion Carries.

The Public Hearing closed at 7:30 PM

Smiley returned the Chair position back over to Barrett.

DRB Business

Minutes

Smiley made the motion to approve the May 15, 2017 DRB minutes as presented.

Fyles seconded

Discussion – none

Vote Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Smiley, Sweeney)

No – 0

Abstention – 1 (Roy)

Motion Carries

Review and Sign Decisions

a) 2017DRB-06-SD-at Palmer Subdivision and Boundary Line Adjustment

The ZA indicated that the Mylar needs to reflect the approved wording...that the boundary line adjustment does not create any new lots.

Smiley made the motion to approve the Findings and Decisions with corrections.

Charbonneau seconded

Discussion – none

Vote: Yes – 5 (Barrett, Charbonneau, Fyles, Smiley, Sweeney)

No – 0

Abstention – 2 (Johnston, Roy)

Motion Carries

Review Decision Compliance and/or Sign final Plats – none

Correspondence – none

Old Business – none

New Business – the DRB will not meet on Monday, July 3, 2017. The next DRB meeting will be July 17, 2017.

Fyles made the motion to adjourn

Smiley seconded

Discussion – none

Vote: Yes – 7 (Barrett, Charbonneau, Fyles, Johnston, Roy, Smiley, Sweeney)

No – 0

Abstention – 0

Motion Carries

The meeting was adjourned at 7:56 PM

Respectfully Submitted By

Karen Gallott



Kathy Barrett, Chair

Susan Smiley, Vice Chair


Donald Johnston, Clerk

Carol Charbonneau

Tom Fyles

Charlie Roy


Mike Sweeney