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PC Members: Francie Caccavo, Co-chair, Angie Dunbar, Pat Palmer, Benjamin Putnam, Peter Rothschild, and Jim Walsh  
Absent: Rob

Visitors: Suan Smiley, Nathan Vandal (Green Peaks Solar), John Madden, George Tucker (NRCS) and Ryan McCue

PC Staff: Dave Wetmore,

Meeting minutes:

Francie, called meeting to order at 7:00 PM. Dave Wetmore took minutes. The agenda was posted and it is attached.

- I. **1. Adjustments to Agenda-** Francie noted that she had not received any revisions from Brandy Saxton and that the PC would not discuss amendments to the HC district tonight.
2. **VISITORS BUSINESS:** John Madden- Stated that he will moving his case regarding the Horn amendment to US District Court.  
Ryan McCue- Is a New Haven resident and offered to assist the PC with Solar reviews.  
Susan Smiley- Here as a representative to the Conservation Commission.

**II. PC BUSINESS**  
**New/Old**

**NRCS Soils presentation-** Jim Walsh introduced George Tucker from the USDA/NRCS. Jim asked Mr. Tucker here to discuss the importance/significance of New Haven agricultural soils and the classification of soils designated as prime, statewide importance and local. Jim also introduced a map prepared by ACRPC.

Mr.Tucker- described the specific characteristics of each soil classification and their agricultural importance. Prime soils include those that have little or no limitation (naturally good drainage, good pH and little or no slope) and therefore require no improvements to make them productive. Statewide important soils typically require some improvement, like drainage. Both Prime and Statewide important soils are very productive once improvements are made. The letter attributed to the soil classifications on the map relates to slope, drainage and floodplains.

Francie- does USDA have a policy regarding the conversion of these soils for solar? None that Mr. Tucker was aware of. Jim noted that even the VT Ag Department has declined to intervene in PSB review of solar projects.

Jim- does New haven have a larger share of Prime soils than the rest of the County? Yes because geologically New Haven has less heavy clay type soils. Peter asked how New Haven compares with the rest of the State. Mr. Tucker stated that there are other counties that have a high percentage of Prime soils, i.e. Rutland County. However, many of the Prime soils are wooded and do not support agricultural crops. Slope is also a significant limitation and many of the Prime soils are on slopes too steep for agricultural use.

Mr. Tucker referenced the Addison County Soil Survey completed in the 1950s. The reference is no longer published but the information is available on line.

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Benj- asked about the Statewide number system for agricultural soils? George is familiar with the system but does not use it. George did state that this numbering system is used for Act 250 review and for ACT 250 "Primary Soils" include both Prime and Statewide Important soils.

PC- thanked Mr. Tucker for his time and the materials he left for the Board's review.

**Solar updates-**

Francie- noted that she had communications with Jessica Walsh regarding the Hamilton application. SunCommon has not submitted the application yet. Francie did tell her that the PC would respond with comments once it was received.

Susan- asked if the neighbors' concerns had been addressed? Francie was not sure.

John- stated that he was not in favor of the Hamilton 150 KW solar application, as it was not neighborly.

**Green Peaks site visit discussion-**

Francie- discussed options for a public hearing, meeting and site visit. Dave shared that depending on the purpose, notice requirements would be required. Francie indicated that she would like to formulate a plan. Nathan stated that he would be happy to meet at a mutually convenient time and date. Nathan noted that the 45 day notice package had been sent to all neighbors and that he had received letters and/or met with DeVoe and Rybak. Mr. McCue asked who qualified as a neighbor. PC discussed the need and purpose for this meeting to take place. Would this review process be used for all projects? PC discussed Selectboard's position to intervene. Some PC members felt their time is better spent strengthening the Town Plan.

**Francie moved to notice and hold a site visit and public meeting. No 2<sup>nd</sup> to the motion. No action taken.**

**Municipal Uses in all districts-**

Dave (ZA)- noted that municipal uses are not identified clearly as a permitted use in the Bylaws. Dave suggests that when the PC amends Bylaws that they include municipal uses as either permitted or exempt. PC agreed.

**Highway Commercial amendments-**

Francie- noted that she had sent the draft over to Brandy for her review and formatting into our present Bylaws. She explained Brandy's role in the Bylaw amendment process. Peter asked more about her role and expressed that she might have an agenda. Dave stated that he did not believe this was the case at all. She has been assisting the Town for many years with both Town Plan and Bylaw amendments. She acts as a facilitator and helps to keep the discussion moving forward. She is a great wordsmith and it is Dave's opinion that she saves the Town valuable time and helps to keep us legal and compliant.

**Board Clerk replacement-**

Francie- will draft advertisement and job description for PC review at next meeting (12/15). Will be advertised in Paper and on FPF. Selectboard will have final review of applicants.

**Continued review of draft amendments to Town Plan-**

Peter- expressed frustration that the Town Plan word document Brandy provided is not the most current version. Peter is happy to continue with the edits but will not until a current version is provided to him. Dave stated that he will talk to Brandy and forward the correct adopted version.

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John M. – spoke of the concept of undue adverse impact. This needs to be a clear written statement in the Town Plan. John noted the Quechee decision review.

**Siting Requirements for Individual Free-Standing-**

- a. All setbacks should be measured from the centerline of public or private road. Internal lots are lots that do not have the required minimum frontage. Current zoning requires that the all setbacks shall be equal to the required front yard setback.

**Siting Requirements for Group Net-Metered**

- a. OK as drafted
- b. All setback references should be to the centerline of road. Solar should be considered a non-residential use of property. Internal lots need to consider whether existing non-residential setbacks are reasonable. Internal lots are usually in the RA-2 district. Current Zoning would provide for 150-feet from all property lines. Currently a 150 kw size project is 1 acre and with a 150-ft setback the project would require 6 plus acres.
- c. OK as drafted
- d. Add - maintenance of the barrier will be for the life of the project.
- e. Add - maintenance of the planting will be for the life of the project.
- f. No comments
- g. PC observed that a decommissioning fund is not required for smaller, 150 KW projects

**Siting Requirements for Large Size**

- a. Francie- discussed a scenic overlay district. Some of the ground work has been completed by the Landworks, T.J. Doyle, ACRPC and Gerry Smiley. Jim expressed that scenic impacts could be a very hot discussion/issue and that the PC had decide not to address this issue in the amendments to the HC district. John noted the whole Town is scenic. Dave noted that this would take a lot of work and would likely affect all land uses in New Haven and therefore have a significant impact on Zoning review.
- b. Peter stated that he took the numbers cited from the Green peaks project. Setbacks should be the same as other non-residential setbacks.
- c. Nathan expressed that these setbacks are excessive. Green Peaks is only a 25-ft setback from neighboring property lines. Nathan stated that they would observe the 75-ft setback. Benj asked if setback from existing residential uses is more important. Jim stated that the setback from the property line is a better reference. PC agrees that a 700-ft setback from property line is too much.
- d.-f.- Ok as drafted
- g.- Not reasonable

**Suggestions-**

Wattage- should be replaced by acres. This allows for changes in technology on the same acres.

Solar Parks- would be similar to an industrial park. Will require Legislative approval. Town Plan should incentivize them.

Need to encourage developers to use practices that maximize efficiency.

Briefly discussed toxicity concerns

**III. MINUTES APPROVAL**

- 1. 10/13/2014 minutes. To be approved next meeting
- 2. 11/10/2014 minutes. Jim moved to approve, Pat 2nds. Approved 5-yes, 0-no , Angie abstained

**New Haven Planning Commission Meeting  
New Haven Town Office**

**December 8, 2014**

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3. 11/24/2014 minutes. Jim moved to approve as corrected, Pat 2nds. Approved 5-yes, 0-no , Angie abstained

**IV. CORRESPONDENCE** PC reviewed correspondence including;

- PC e-mail, 11/25/2014- concerns regarding ex-parte communications?
- PC e-mail , 11/28/2014- between Selectboard
- 12/1/2014, PSB Cold River Project information
- 12/1/2014, Brandy Saxton comments regarding Town Plan amendments
- 12/1/2014- John Madden response
- 12/1/2014- Gervais/Town of Middlebury Solar project
- 12/2/2014, Commins/Rybka letter regarding Green Peaks projects
- 12/2/2014- Cindy Hill correspondence regarding Madden appeal of Horn
- ZA/PC-chair correspondence 12/4/2014
- Francie shared her communication with Doug Tolles regarding SB plans to intervene on all solar projects. Cindy Hill will represent the Town before the PSB. Francie expressed that she wished the Boards would collaborate more.

**V. OTHER**

- Special Meeting –December 15, 2014- New Haven Town Hall Cafeteria. Dave will not attend. PC will need key and someone to take minutes.

**VI. Adjournment**

Angie moved to adjourn at 9:20 PM, 2<sup>nd</sup> by Benjamin. Motion approved 6-yes and 0-no

Approved on 1/12/2015

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Francie Caccavo

  
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Angie Dunbar

  
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Pat Palmer

  
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Benjamin Putnam

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Peter Rothschild

  
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Jim Walsh