

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

October 27, 2014

ORIGINAL

Present: Francie Caccavo, Co-chair, Rob Litch, Co-chair, Benjamin Putnam, Angie Dunbar, Peter Rothschild, and Jim Walsh

Absent: Pat Palmer

Visitors: Nancy Myrick, Susan Schaefer and Zach Despart

PC Staff: Dave Wetmore,

Meeting minutes:

Francie, called meeting to order at 7:05 PM. Dave Wetmore took minutes. The agenda was posted and it is attached.

I. 1. Adjustments to Agenda- Francie introduced and welcomed Peter Rothschild to the Planning Commission. Peter was appointed to the Board by the Selectboard on October 21, 2014.

2. VISITORS BUSINESS:

Nancy Myrick- Nancy is an abutter to the solar project proposed by Gervais and Encore Development on Field Days Road. She has discussed relocating the project with Encore so that it would be sited further east and south. Encore asked if she would send a letter to the PSB in support of the project if they were to relocate. She would not. Nancy has done some research and identified that the Upland Sand Piper, an endangered species located in the area. She distributed a map showing where the array is proposed in relation to her property. Nancy expressed that she could live with it if it were relocated as she had discussed with Encore. She also stated that Encore had agreed to a few more trees, but she felt the number is inadequate to screen from her view.

Francie- explained that the PC had sent comments to the PSB regarding this project and that the comments focused mainly on screening and observing the required setback for a non-residential use. The Town does not have any jurisdiction over these projects and that is clearly a problem. Francie suggested that there is enough land to site the project so the neighbors could be happy.

Peter- stated that this project was to benefit the Town of Middlebury. Dean George (Selectboard) had expressed that if New Haven did not want this project then it should not move forward. However, the New Haven Selectboard supported this project back in August. Further, Peter spoke with Dave Donahue from Middlebury College and he stated that Middlebury College is not funding nor are they benefiting from this project. This seems to contradict our understanding.

Jim- advised that the PC should discuss the concerns with the Selectboard and suggests that Middlebury and New Haven Selectboard try to resolve the concerns expressed. He is concerned that moving the project would require a change to the application to the PSB. Francie will write to the Selectboard outlining Jim's suggestion.

II. REGULAR BUSINESS

1. **Solar projects review-** The agenda item on this was to discuss a plan on how to be involved and move forward with the large solar projects discussed on 10/13.

Francie- noted that the draft Selectboard meeting minutes of 10/21 state that that Selectboard voted to

1. Intervene in the applications before the PSB.
2. Oppose the construction of the Green Peak Solar facility on Field Days Road
3. Oppose construction of the GroSolar facility on Rte. 7.

PC- discussed that the Selectboard minutes are not clear with regard the 1st motion to intervene. Was this just projects exceeding 300KW?

Peter- asked if setbacks applied to all solar projects or just those exceeding 300KW? It was noted that the PSB is not bound by the Towns setback requirements. If the setbacks had been cited in the Town Plan like the 300 KW limit perhaps the PSB would weigh the standard more seriously.

Rob- suggested that the Town Plan did not envision at that time the proliferation of solar projects. The interface between the PSB and the Towns/neighbors is broken and the legislature needs to look at this.

Jim- moved to support the Selectboards decision to intervene, and oppose the 2 projects. Peter 2nds. Benjamin amends the motion to take up each Selectboard motion separately. Jim and Peter agree to this as a friendly amendment.

Rob- asked how much will it cost to intervene? Are we suggesting the intervention should only apply to projects greater than 300 KW? Rob supports intervention on when projects exceed 300 KW.

Intervention will require an attorney to represent the Town and this will cost the Town. Current Cindy's contract does not apply to extra litigation such as this.

Peter- if the Town does not intervene on smaller projects how will the neighbors be effected? Benjamin states that the PC should continue to review and present comments to the PSB as we have been in projects less than 300 KW.

Motion- Jim moved to support the Selectboards decision to intervene on solar projects as long as they are greater than 300 KW. 2nd by Rob. Approved 6-yes and 0-no

Motion- Jim moved to support the Selectboards decision to intervene and not support the Green Peak Solar facility on Field Days Road. 2nd by Peter.

Discussion- Francie suggests that the location of the solar facility has been well thought out and a site visit should be made before we decide. Jim notes that this project is 7 times the limit set in the Town Plan and it is a serious challenge to the Towns limit. Francie does not want to categorically say no to large power. How are we going to meet our 2050 goal? Jim expressed that the PC and Selectboard should be on the same page. Based on the discussion Jim withdraws his motion. PC agrees. No further consideration on Selectboard action.

PC- Francie questions why the Selectboard did not take up the question of the Sawyer Road project? Peter stated that he did attend the Selectboard meeting and there was no discussion of that project.

All visitors left at 7:55 PM

2. Site Plan amendments- The points outlined in the minutes of 9/22/2014 need to be incorporated into the Zoning amendments being proposed. Brandy needs to review with amendments to HC .
3. HC amendments-
 - a. Signage- Francie researched Shelburne, Brandon and Ferrisburg. Shelburne's are way over the top. Brandon and Ferrisburg's are clear. She feels Brandy's draft sign standards are too long. Rob left at 8:00 PM. Benj. asked what is our approach, strict or liberal? Dave expressed that signs are currently a mess and that the current Bylaw is not adequate. They need to work for the businesses while maintaining order rather than clutter. What does the PC expect the HC district to look like? Benj suggested that the basic Bylaw should apply to all districts in Town. Dave notes that the DRB should have the ability to manage signs through site plan review, i.e. not greater overall amount of signage but number and placement. PC began to review of Brandy draft dated January 29, 2014.

Sign definition- use Brandy's, signs should include ground, building and vehicle

1.A.01.A- PC agreed that there should be permitted signage by ZA and that signage should be reviewed as part of site plan review.

1.A.01.B.5- allow no more than 2 open signs or flags.

B.7- Should require a zoning permit- strike

B.11- Amended to read- "Temporary sign for non-profit public or community special events not more than 16-feet wide and 8 feet tall. Temporary signs may be set up no more than 14 days before an event and must be removed within 7 days from the end of the event".

B.12- Change "ore" to "or". Strike entire last sentence.

B.13- Amended to read- "1 sign for a farm or roadside stand not more than 16 square feet in area and 8 feet tall.

C.4- Strike

C.8- Amend to read- " A sign illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights.

Continue review next meeting beginning with 1.A.01.D

b. Lighting- need examples. Dave will distribute again Starksboro's for Board review.

III. MINUTES APPROVAL

1. 7/28/2014 minutes. To be approved next meeting
2. 8/11/2014 minutes. Angie moved as drafted, Benj. 2nds. Approved 4-yes, 0-no, Peter abstained
3. 9/8/2014 minutes. To be approved next meeting
4. 9/22/2014 minutes. Benjamin moved as drafted, Jim 2nds. Approved 5-yes and 0-no, Peter abstained

IV. CORRESPONDENCE

PC reviewed correspondence including;

- ANR comments regarding Peter Norris solar at 2638 Ethan Allen Highway
- Laframboise wastewater application
- John Madden, D# 49-4-14, dated 9/20/2014
- Four Hills Farm request for variance, 9/23/2014
- Encore comments regarding Peter Norris solar at 2638 Ethan Allen Highway
- Section 106 filing, FCC
- Solar article in Independent, 9/29/2014
- Sundstrom wastewater application
- Solar article, 10/2/2014
- Four Hills Farm variance information
- Solar article, Rutland Herald, 10/5/2014
- Four Hills Farm, notice of Large Farm Permit Application
- Commin/Rybka letter to PSB, 10/8/2014
- Dean Percival comments, 10/13/2014
- Rod Viens, GroSolar
- PSB order- Green Have Solar LLC
- PSB order- Lodge at Otter Creek, 2638 Ethan Allen Highway
- Greenshine Catalog
- Newton Holdings Act 250 notice

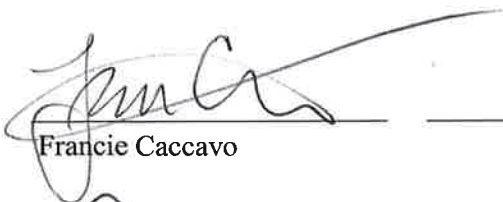
V. OTHER

Regular meeting- November 10, 2014- Agenda- Other business- TBD

VI. Adjournment

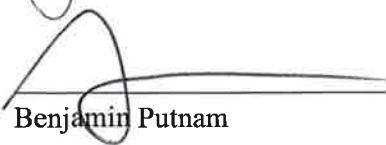
Angie moved to adjourn at 9:40 PM, 2nd by Benjamin. Motion approved 5-yes and 0-no

Approved on _____

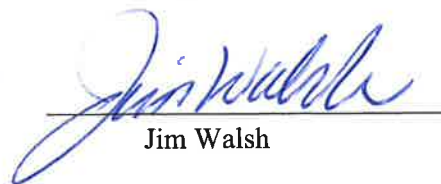

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