

DRAFT

These minutes have not been reviewed
or approved by the convening board or commission.

PLANNING COMMISSION

December 16, 2008

MEMBERS PRESENT:

Fred Glover	Phil Dunwoody	Steve Stengel
Terry Carter	Christine Fuller (by phone)	Norman Vanasse

MEMBERS ABSENT:

Peter Crowley

OTHERS PRESENT:

Judy De Rosia	Jerry Morton	Duncan Love, LPC-TV
Victor De Rosia		Lisha Klaiber, Recorder

1. Call to Order

- A. Fred Glover called the meeting to order at 6:00 p.m.
- B. Roll call by Recording Secretary – all members present, except Peter Crowley.

2. Approve Minutes

- A. The minutes to be reviewed are from the regular meeting of November 18, 2008.
- B. **MOTION by Norman Vanasse and seconded by Christine Fuller to approve the minutes from November 18, 2008 as submitted. Motion passed unanimously.**

NOTE: FRED GLOVER SUGGESTED CHANGE IN AGENDA ORDER TO ACCOMMODATE GUESTS. ITEM 4 (WIND TURBINES) WILL BE DISCUSSED BEFORE ITEM 3 (CHAMPLAIN OIL). BOARD AGREED. MINUTES ARE IN AGENDA ORDER.

3. Accept and Act on Petition from Larry Slason, in re: Champlain Oil

- A. Fred Glover advised the board that he had received a copy of the letter from Larry Slason along with the petition. Ulla Cook verified ninety-three signatures and 83 were needed.
- B. Steve Stengel noted that the petition did not specify what they really want to do.
- C. Fred Glover said the petition is to amend Section 460 of the zoning regulations to add a restaurant with a drive-up window.
- D. Terry Carter said that it sounds like spot zoning to her.
- E. Steve Stengel said they should go to the DRB.

- F. Terry Carter said they were denied because that is not a conditional use. They want the Planning Commission to change the zoning to include restaurants with drive-up windows. We can write a report and still say no. When they presented the petition to some people it was with misleading information.
- G. Phil Dunwoody said the issue here is a change in the zoning. The way they got the signatures on the petition was not clear.
- H. Terry Carter said it may not happen because of the flood plain.
- I. Christine Fuller said that they want to construct a new building to sell gas and serve food.
- J. Fred Glover said the board needs to prepare a report and have a public hearing. The only thing we can do with the wording of the proposed change is to correct any technical inaccuracies. We can refer to the town plan for our report.
- K. Christine Fuller said it would cause additional traffic and litter.
- L. Phil Dunwoody said it would be detrimental to existing restaurants.
- M. Terry Carter made a motion to hold a public hearing on April 14, 2009.
- N. There was a general discussion regarding time requirements for a public hearing.
- O. Phil Dunwoody said this board needs time to prepare a report.
- P. Christine Fuller suggested tabling the discussion until they can discuss it with Rose Goings and find out about dates.
- Q. Phil Dunwoody said that this board would hold a hearing then prepare a report.
- R. Fred Glover said that they need forms for the report.
- S. Christine Fuller said the petition was to change the zoning.
- T. Steve Stengel said the petition did not mention Champlain Oil.
- U. Fred Glover read from *Vermont Planning, Development and Land Use Laws Annotated, 2005 Edition*, 24 VSA § 4441. Special forms are required.
- V. Christine Fuller suggested getting the form and discuss this at the next meeting.
- W. Phil Dunwoody suggested they each go over the papers received with the petition.
- X. Fred Glover asked Terry Carter to email Rose Goings regarding the required forms.
- Y. Phil Dunwoody said they should also look into information regarding the flood plain.
- Z. Fred Glover noted that the board consensus is to table this discussion. There is also a question regarding what is meant in the propose change by multi-use building. This board has to accept the petition and act on it.
- AA. Phil Dunwoody suggested that their report should note that spot zoning is not reasonable.
- BB. Fred Glover said they need a motion to accept the petition to follow the state procedure. They can prepare a report at their next meetings. They need a definition for multi-use structure.
- CC. **MOTION by Steve Stengel and seconded by Norman Vanasse to accept the petition and submit a report after receiving the required forms. Motion passed unanimously.**

4. **Approve Zoning Change in re: Wind Turbines and Schedule the Public Hearing**

- A. Fred Glover advised that he had spoken to Rose Goings and there is now less pressure to get the zoning passed since their last meeting.
- B. Jerry Morton advised that he is here to answer questions and clarify any concerns.
- C. Fred Glover said that board added Wind Turbine as a conditional use in all districts except the Lakes and Village districts. They also changed the height restrictions. They discussed the differences between net metered and non-metered systems.
- D. Norman Vanasse asked about how much power the wind turbine generates.
- E. Jerry Morton said usually small residential units would generate up to about 15 kW.
- F. Fred Glover suggested leaving the changes as they had discussed at the last meeting. He asked about definitions.

- G. Terry Carter said they handled definitions at the last meeting.
- H. Jerry Morton said that the net-metered systems fall under the jurisdiction of Act 248 and are handled by the state. The Public Service Board (PSB) must issue a Certificate of Public Good. The state advises interested parties of a project and the parties may request a public hearing. The PSB takes town plans and zoning regulations into consideration.
- I. Fred Glover said that the town could only regulate non-metered systems.
- J. Victor De Rosia said that he is concerned about the noise.
- K. Terry Carter said that the town sound ordinance should be followed.
- L. Judy De Rosia said that she has peace and quiet now and wants it that way. What if they hear the wind turbine?
- M. Jerry Morton said that there are two ways to quantify noise: sound pressure (decibels) and types of noise. It is difficult to quantify. He advised that he had submitted reports to the DRB that indicate that the average unit of this type produce noise less than 5 decibels above ambient and are usually about 54-55 decibels. The sound is like a swoosh or low hum. The sound at 200 feet was compared to less than the sound of grape leaves rustling in a vineyard. The blades are designed to be quiet and most people do not find the sound objectionable. The sound is linear with the sound of the wind. As the wind increases so does the turbine. At high speeds the sound of the wind may hide the sound of the blades. There are real energy problems in America and this is a way to make a positive effect on the environment. Noise is a downside.
- N. Norman Vanasse said that he has been up to Prince Edward Island where there is a huge commercial site of wind turbines. He did not think they were too loud.
- O. Fred Glover asked if the DRB discussed the town sound ordinance. He added that when the Planning Commission holds a public hearing, all interested people would have the opportunity to state their opinions and make comments. After the hearing, this board would review the comments and prepare a report with recommendations to the Select Board. The Select Board would also hold a public hearing.
- P. Jerry Morton said that he will send copies of the reports that he submitted to the DRB to the Planning Commission if they want. He added that the Dartley project has Act 248 approval. He explained that the Dartleys started with the DRB and tried to get town approval. They wanted the town to be part of the process. There were discrepancies between the Town Plan and zoning regulations as the zoning regulations have building height restrictions that would not allow Wind Turbines and the town plan supported them. They then tried to get a variance for the height. Since it is a metered system, the project is regulated by the state and they have state approval. The town does not regulate net-metered system. The unit is up, but not operating, yet.
- Q. Norman Vanasse asked if there were a way to get a preview of the sound.
- R. Jerry Morton said he tried to locate something on the web, but could not find anything.
- S. Norman Vanasse said there are working units in Mount Holly and on Route 131 on the way to Claremont.
- T. Terry Carter asked how far the De Rosias are from the unit.
- U. Judy De Rosia said about 1,600 feet – a 5-minute walk.
- V. Phil Dunwoody advised that the town sound ordinance is based on measurement in decibels at the property line.
- W. Victor De Rosia asked what can be done to bring the noise down if we hear it.
- X. Jerry Morton said that most reasonable people do not find the noise objectionable. Irrespective of a few neighbors, the state finds wind turbines desirable. At 1,600 feet, you would probably have to listen for the sound. The further away you are, the sound gets blended with the wind.
- Y. Fred Glover asked if the PSB gave them an opportunity to speak.
- Z. Jerry Morton said that no hearing was requested.

- AA. Steve Stengel said that he is concerned that this is a second home and has large usage. Usage is responsible for the size of the Wind Turbine. This is a large Wind Turbine.
 - BB. Jerry Morton said average usage is 1200-1500 kW. Dartley's usage is about 2200 kW. Any power that he generates and does not use goes into the grid.
 - CC. Phil Dunwoody said that a town can make regulations more restrictive than the state, but not less restrictive. Has the state actually said that all net-metered systems are allowed?
 - DD. Jerry Morton said that the applicants must obtain a Certificate of Public Good and the application for one is fairly intensive. The state looks at the area. Towns have the right to review applications and request a PSB hearing. Towns are notified of pending projects. Once the Certificate of Public Good is issued, the project is deemed good by the state.
 - EE. Phil Dunwoody said it could be trumping local regulations.
 - FF. Fred Glover said that since the power goes into the grid, it is considered as a Utility and therefore governed by the PSB.
 - GG. Jerry Morton said that the PSB takes local regulations and the town plans into consideration and gave approval irrespective of height restrictions. Someone will always have an objection and the state needs the mechanism to proceed with these projects.
 - HH. Steve Stengel asked if the unit would be operating when the owners were not at the house.
 - II. Jerry Morton said yes, whenever the wind is blowing. It would not make sense to turn it off when they are not there. It would not be cost effective nor would it put much power back into the grid.
 - JJ. Fred Glover said that the sound ordinance says 60 dB at the property line.
 - KK. Jerry Morton said this unit is 300-400 feet from the property line. Sound depends upon which way the wind is blowing.
 - LL. Phil Dunwoody said it would fall within town parameters.
 - MM. Victor De Rosia voiced concern about the noise. He said that he hears the snowmaking machines.
 - NN. Jerry Morton said that this will not be anywhere like the sound of the snowmaking machines.
 - OO. Phil Dunwoody said that he is working on a house across the road from the unit in Mount Holly and it makes a soft sound and it disappears from his attention.
 - PP. Jerry Morton said that he would be available for further questions or the public hearings.
 - QQ. Fred Glover said that he might be needed for the public hearings. They will deal with the non-net metered systems.
 - RR. **MOTION by Terry Carter and seconded by Steve Stengel to warn a public hearing to change the town zoning regulations regarding Wind Turbines.**
 - SS. **MOTION amended by Terry Carter and agreed upon by Steve Stengel to include hearing date of January 20 2009. Motion passed unanimously.**
5. **Continue Work on Town Plan**
- A. Norman Vanasse said that the Introduction draft is not complete. He will try to finish it for their next meeting.
 - B. Fred Glover suggested they start work on the town plan after the New Year. He recounted that the board had decided to have the group look over, as a whole, the sections prepared by the individual small groups.
6. **Adjourn**

- A. **MOTION by Christine Fuller and seconded by Norman Vanasse to adjourn the meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:38 p.m.
- C. Next meeting will be January 20, 2009 at 6:00 p.m.

Respectfully submitted,

Lisha Klaiber

Fred Glover, Chairman

Christine Fuller

Terry Carter

Steve Stengel

Peter Crowley

Norman Vanasse

Phil Dunwoody