

**DRAFT**

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

**PLANNING COMMISSION**

**November 18, 2008**

**MEMBERS PRESENT:**

Fred Glover

Terry Carter

Norman Vanasse

Peter Crowley

Phil Dunwoody

Christine Fuller

Steve Stengel

**OTHERS PRESENT:**

Duncan Love, LPC-TV

Lisha Klaiber, Recorder

**1. Call to Order**

- A. Fred Glover called the meeting to order at 6:03 p.m.
- B. Roll call by Recording Secretary – all members present.

**2. Approve Minutes**

- A. The minutes to be reviewed are from the regular meeting of October 21, 2008.
- B. **MOTION by Christine Fuller and seconded by Peter Crowley to approve the minutes from October 21, 2008 as submitted. Motion passed unanimously.**

**3. Act 250 Permits Review**

- A. Fred Glover advised the board that there was only one Act 250 permit to review and that was for Brett Sanderson, et al. on Commonwealth Avenue. It was Land Use permit 2S1227 and involved increased commercial use of his property.

**4. Discuss Wind Turbines**

- A. Fred Glover advised that he had received, back from Rose Goings, a set of the Zoning Regulations that the board had made changes to at their last meeting. Rose Goings had made some suggested changes. There was also a legal opinion from Chris Callahan that distinguished between metered and non-metered systems. In the case of metered systems, there is no need for a permit from the town. These systems are regulated by the State. Non-metered systems do require a town permit.
- B. Peter Crowley advised that metered systems are attached to the electrical grid and are capable of sending extra power they generate back to the grid.
- C. Fred Glover asked what was meant by net metered.

- D. Norman Vanasse explained that generally this would involve 2 meters. If the wind turbine generates more power that is used by the system owner, this power will go back to the grid. If the turbine generates less power than what the owner needs, the grid will supply the difference.
- E. Fred Glover said that would be why those systems are regulated by the state Public Service Board. Local zoning may not preempt the Public Service Board and the town would have jurisdiction over the non-metered systems. The Public Service Board, before issuing a permit, must consider impact on the area. The email from Chris Callahan mentions that the system will not unduly interfere with the area.
- F. Steve Stengel noted that the email also mentions that the Public Service Board hearing will be the forum and it is requested that the Town Select Board, DRB and Planning Commission attend the hearings. He also advised that on December 4<sup>th</sup> at 6:00 p.m., the East Central VT CEDS Commission would be holding a workshop on solar, wind, hydro, and nuclear power, along with energy efficiency.
- G. Fred Glover advised that Rose Goings had added a definition of wind turbine. This board dealt with the height restrictions at the last meeting. He added that now there is a distinction between metered and non-metered and that Ludlow has no legal authority to prohibit metered systems if the Public Service Board allows the system.
- H. Norman Vanasse suggested the following definition for wind turbines.
  - i. A wind turbine is a rotating machine, which converts the kinetic energy in wind into mechanical energy. If the mechanical energy is used directly by machinery, such as a pump or grinding stones, the machine is usually called a windmill. If the mechanical energy is then converted to electricity, the machine is called a wind generator, wind turbine, wind power unit (WPU), wind energy converter (WEC), or aerogenerator.
- I. Fred Glover noted that Rose Goings added wind turbines to the Town Residential, Town Residential Commercial, Industrial, Aquifer, Mountain Recreation and Jackson Gore Districts as a conditional use, but did not make reference to the height restriction exemption suggested by this board at the last meeting.
- J. Terry Carter said that the exemption needs to be added to every district that will have wind turbines as a conditional use. The exemption states, "Wind Turbines are specifically excluded from Building Height Restrictions."
- K. Fred Glover agreed. He added that wind turbines as defined in the zoning regulations refer non-metered systems. He suggested that included in the definition for wind turbine should be "Wind Turbines excluded from this definition are net-metered wind turbine systems and from the net effect of these zoning regulations. Net metered systems are defined as wind turbine systems that allow home based renewable energy systems to send excess power not immediately needed in this home directly back into the Electrical grid while crediting the home owner for the excess power, which systems are governed by the Public Service Board." He added that Section 252.2 of the Zoning Regulations is Variances for Renewable Energy Resource Structures. This variance would only be needed if the application for a conditional use permit for a wind turbine was denied. Fred Glover said in summary that the changes needed in the zoning regulations are the definition of Wind Turbine, the height restriction exemption in all applicable districts, and definitions of metered, non-metered and net-metered systems.
- L. Terry Carter said that Rose Goings also added that this board should make its intentions very clear.
- M. Steve Stengel asked who determines how many turbines a person would need.
- N. Terry Carter said that the contractor for the turbine would come and do a site inspection to calculate what is needed. With the way today's technology has evolved, wind turbines can work just about anywhere.

- O. **MOTION by Terry Carter and seconded by Norman Vanasse that the Planning Commission will propose that the Town Zoning Regulations be changed to include Wind Turbines as a Conditional Use in the Town Residential, Residential Commercial, Industrial, Aquifer, Mountain Recreation and Jackson Gore Districts and that the phrase “Wind Turbines are specifically excluded from Building Height Restrictions” be added under the section pertained to measurements for height. Also to be included are definitions as indicated above. Motion passed unanimously.**
- P. Christine Fuller said that wind turbines are a clean source of renewable energy.

5. **Town Plan**

- A. Norman Vanasse said that he would have the Introduction draft available for the next meeting.
- B. Fred Glover said that he looked at his topics and regarding Relationships to Surrounding Communities, he wondered if that meant other towns’ perceptions of Ludlow, economics or joint activities. He suggested that the board may want to go through the various sections together to get each other’s inputs. He suggested that start Section 1 at the next meeting – Introduction and then try to start on Community Profile.
- C. Norman Vanasse said that all of the data needs to be looked at and updated where needed.
- D. Peter Crowley said that Burnt Rock did most of the data compilation for the last Town Plan. The Planning Commission did most of the work that pertained to “What we want to be and where we want to go.”
- E. Christine Fuller agreed that they should start on the Introduction at the next meeting.
- F. Phil Dunwoody suggested that each group continue to work on their respective sections and bring them back to the meetings for general discussion and input.
- G. Peter Crowley said that they would begin with Introduction and Profile at the next meeting. They should try to get through at least one section per meeting.
- H. Phil Dunwoody said that Burnt Rock had suggested that the Planning Commission update the Town Plan in an ongoing manner and not just once every 5 years. It should be an ongoing process.
- I. Steve Stengel said that the survey provides a lot of good input from property owners.
- J. Fred Glover said that Act 250 relies more upon the town plans than zoning regulations. The first time Sanderson applied, Act 250 denied his application. This time, it was approved with conditions.
- K. Norman Vanasse said that the Regional Planning Commission must also approve each town’s Town Plan.
- L. Peter Crowley said that if the data is outmoded, they can move on to other sections and integrate the new data later on.
- M. Phil Dunwoody said if the Planning Commission updated the Town Plan every year, it would be more fluid.

6. **Other Business**

- A. Town Plan Survey
  - i. Christine Fuller advised that the survey results have been tallied and she has given board members copies to review. She suggested that the results be given to the Select Board and DRB. She suggested that the results be published and that this board discuss any

possible actions to be taken. She would like this put on the agenda for their next meeting.

- ii. Peter Crowley suggested they use these results during their discussions for updating the town plan.
- iii. Christine Fuller said there does not seem to be a lot of division in where people want the town to go. She added that Rose Goings has all of the individual result forms.

7. **Adjourn**

- A. **MOTION by Christine Fuller and seconded by Peter Crowley to adjourn the meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:32 p.m.
- C. Next meeting will be December 16, 2008 at 6:00 p.m.

Respectfully submitted,

Lisha Klaiber

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Fred Glover, Chairman

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Christine Fuller

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Terry Carter

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Steve Stengel

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Peter Crowley

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Norman Vanasse

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Phil Dunwoody