

**Brandon Planning Commission Special Meeting
February 5, 2018**

Board Members Present: Stephanie Jerome, Ethan Nelson, Bill Mills, Lisa Rovi, Michael Shank

Also in Attendance: Anna Scheck – Zoning Administrator, Dave Atherton, Doug Bailey, Bill Moore, Sam Carlson – Green Lantern Group, Sam Guillard – Conti Solar, Natalie Steen and David Raphael – Landworks, Erin Kilpeck

1. Call to order

Stephanie Jerome, Commission Chair, called the meeting to order at 6:00PM.

2. Agenda Approval

A motion was made by Ethan Nelson to approve the agenda. **The motion passed unanimously.**

3. Consent Agenda

a. Approve Planning Commission Minutes – January 9, 2018

A motion was made by Michael Shank to approve the Planning Commission minutes of January 9, 2018 as amended. **The motion passed unanimously.**

Anna Scheck stated that Robert Foley had asked that the minutes be corrected to show the name of his company involved in the Local Act 250 hearing as Neshobe River Company LLC and not Neshobe River Winery.

4. Zoning Administrator's Report

Anna Scheck provided a written report to the Planning Commission.

5. Solar Project Presentation by Conti Solar

Sam Guillard of Conti Solar attended to provide a presentation to the Planning Commission on a proposed solar project in the Brandon area. Anna Scheck advised the Town has not yet adopted its Energy Plan that would include maps for the preferred solar sites. Natalie Steen noted the State has mapped some areas that have been deemed preferred suitable or suitable with possible constraints that would include areas that have wetlands or wildlife habitats. With this area, it could potentially be the soils, but there could be mitigation measures. David Raphael stated each town determines its mitigation measures. Ms. Scheck reported the Town does have solar guidelines and the mitigation is determined project by project. Sam Guillard provided the Planning Commission a PowerPoint presentation on the proposed solar project (See attached) that includes photos of the project site and the preliminary layout of the project. The project would include an inverter installed on a cement pad in the center of the project and would be set one mile from the central business district. It would be two fields and the project is set back from the wetland feature, with most of the array being in the western field, with access from the Country Club Road from the East. Conti Solar is working with Landworks to develop screening of the project. Mr. Raphael stated it is sometimes more effective to use street tree plantings rather than a hedgerow that provides a certain amount of screen and focuses away from the array. Michael Shank suggested it might make sense to have a couple of rows though he understands the concept of street plantings, however, with the size of this project additional planting may be more effective. Dave Atherton reported the Town has met with Mr. Guillard and some of the concerns expressed were the residential properties on the east side of road and the type of screening. Mr. Atherton noted he did not believe there is 3-phase power on

Country Club Road. Mr. Guillard reported Conti Solar has completed a study with Green Mountain Power and they will be able to use existing poles, plus the addition of one or two poles on the property, and will be able to tap into a 3-phase line without building a new line. The elevation was a big reason to maximize the setback from the Country Club Road. Ms. Steen stated it is the intent to work with the property owners. Mr. Atherton noted the Town is trying to do a good job of keeping these types of projects invisible. Ms. Steen stated when bringing in a larger project, it also brings in tax dollars, but it is not desirable to see it on Routes 73 or 7, which is what makes this project good. Mr. Atherton stated that consideration should be given to the residents, as people do not want to view these types of projects. Mr. Raphael stated Landworks considers all options. Mr. Shank requested the Planning Commission be provided examples of screens that grow quick and effectively block visual. Mr. Shank is in favor of solar, but suggested a more comprehensive mock-up be presented to provide information to the residents. Ms. Steen stated the idea of street trees is to guide the view down the road. Mr. Raphael advised Landworks would be developing a more comprehensive screening plan to provide assurance there will be effective screening. Stephanie Jerome asked if there are plans to screen the Park Street Extension side and was advised it is not the intent to screen that area at this time. Ms. Jerome questioned if there could be a reduction in the number of panels to eliminate the panels on the agricultural land on the County Club Road. Mr. Guillard advised he will inquire about these suggestions, but it would likely depend if more could be built on the western side. With regard to the mitigation of the soil, it depends on the history, whether it is a remote field or if it is currently being used. It was noted that solar projects have a different standard of review with regard to agriculture lands because they are non-permanent uses. It was noted that flat farmland are good sites for solar because they have proper exposure and no shade trees. Mr. Guillard summarized the project as a 2.2-megawatt project, with the energy produced to be exported as clean energy for distribution. If awarded the project, it would provide economic benefits in paying school taxes, using local subcontractors and providing municipal taxation. It is estimated \$160,000.00 in taxes would be paid. Conti Solar has done some of the initial environmental work in doing an archeological study and determining what areas are buildable. Conti Solar has also begun work with Landworks and Interconnection. The initial study was favorable for connecting to the grid. The next steps will be to do outreach to the neighbors and obtain input from the Town. Mr. Shank suggested face-to-face would be more effective means of communication with the neighbors and noted the Planning Commission would be interested in the input provided. Doug Bailey asked if the land is in current use and how the taxes were calculated. Mr. Guillard advised this is an estimate of the municipal taxes and is based on calculating the revenue over the 25-year life of the project, which was calculated using a tool that was provided by the State. Dave Atherton advised the Town would tax on the size of the array and the land. Mr. Atherton questioned if Conti Solar has contacted the RRPC for their approval and when they would be attending a Select Board meeting for discussion of the project. Anna Scheck advised the RRPC does not normally go through the process of reviewing the projects until an application has been submitted. Mr. Carlson advised the RRPC would be reviewing the project at the 45-day notice stage prior when it is sent out to all required parties prior to submitting the permit application to the Public Utility Commission to allow all interested parties the opportunity to contact the developer with questions. When the developer submits application to the Utility Commission, they do have a comment from the Regional Planning Commission. Mr. Shank noted visibility and the Ag soils are being addressed, but the Planning Commission does not have the maps for the preferred sites in Brandon. Anna Scheck advised the goal of the State is for the maps to be included in the town plans by 2020 and the Public Service Board will consider what is the town plans when reviewing applications. Mr. Raphael advised that Landworks incorporate the provisions of the regional plan when doing their review process. Stephanie Jerome asked who pays for the disposal of the equipment at the end of the project and it was noted the project is required to have a letter of credit through the Vermont CPG process for the decommissioning plan.

6. Solar Project Presentation by Green Lantern

Sam Carlson reported Green Lantern is a Vermont-based solar development company based in Waterbury. Their niche is commercial scale net metering with nothing larger than 500 kilowatts and typically the arrays are one to four acres. Mr. Carlson was present to discuss a proposal for a one-acre

150-kilowatt project on land owned by Ray Lamoureaux on McConnell Road. This project is surrounded by woods and is not visible. Mr. Carlson advised the new net metering rules became effective July 2017 and provide towns more say as to where net metering projects can go. Towns can declare a site a preferred site for solar development and if the town does not, the revenue generated is less. This project has a signed option-to-lease agreement. Green Lantern has filed for interconnect with Green Mountain Power and there are no issues with the project. There was a presentation made to the Select Board and they have signed off for the project and it is now before the Planning Commission for their approval. The project would provide about \$1,000.00 in municipal tax payments. Green Lantern would like Neshobe School to be the off-taker of the additional credits, which would be a savings of about \$4,500.00 per year for them. Mr. Carlson stated the goal is to provide the benefit of the net meter credits to a town entity first and it is hope the school will be the off-takers. The net metering array goes into the grid and for every kilowatt-hour that goes into the grid, Green Mountain Power issues a credit and it can be used to pay down electricity of any customer. The owner of the array does not need the credits and sells them, which is the revenue screen to pay for the solar array. Ethan Nelson questioned how much additional tree clearing would be required. Mr. Carlson advised it would be about 100 feet and ANR has approved the area as an appropriate site for the array with the additional 100 feet of clearing. If approved by the Planning Commission, the RRPC will be contacted for their approval. There are existing single phase lines along McConnell Road and the project would tie into an existing pole, with no new poles required. The project can be done on a single-phase line. Mr. Carlson advised the timing of the project, if approved, would be to obtain the RRPC approval, followed by the issuance of the 45-day notice that would be sent to the adjoining property owners, state agencies and municipal groups. Permitting would be received sometime in July with the project being built in August and September and operational in October.

7. Presentation by Barbara Noyes Pulling of the RRPC – Town of Brandon Energy Plan

This item was postponed to a subsequent meeting.

8. Old/New Business

Michael Shank has spoken with Bill Moore and Bernie Carr regarding the energy efficient upgrades that the Hannaford store has made and suggested some sort of recognition for this effort. It was suggested this could be a joint effort by the Brandon Chamber and the Town. Mr. Shank will follow-up with Mr. Carr.

Michael Shank met with the Manager at Rite Aid concerning the recent purchase by Walgreens. The Manager advised that some stores may take a three-year transition and was not sure the timeframe of the Brandon store. Mr. Shank suggested a conversation with Walgreens about the Town's signage regulations and it was recommended to contact the store in about a month, however, the Manager did not expect anything to happen within the next 6 months. Stephanie Jerome stated as a proactive measure, the company should be provided the sign ordinance to make them aware of what the Town would expect. Anna Scheck stated there had been a variance issued to Rite Aid. Dave Atherton advised the signs were a major issue with Segment 6 negotiations and he will review the plans relating to their signs. Ms. Scheck advised that with a change in the sign, it would have to come into compliance and a determination could not be made until an application is submitted with the specifics. Anna Scheck and Michael Shank will meet with the Manager of Rite Aid in about a month.

Michael Shank attended a meeting of the Pittsford Planning Commission concerning the wildlife corridor language for their Town Plan. He noted that due to recent changes in the statutes effective January 1st, their Town Plan would require language concerning this subject because it was not approved by the end of year. The meeting included a conversation with their Town's attorney concerning the language for their Town Plan. The Planning Commission is concerned because it affects property owner rights. Mr. Shank asked if this is on Brandon's radar screen. It was noted the Brandon Town Plan was approved in 2016 and this information will be considered when doing a renewal of the Town Plan.

Dave Atherton advised that when the Town receives a 45-day notice letter for solar projects the Select Board requests party status. If there are concerns with the project, they can then be addressed with the CPG Board. Anna Scheck advised Conti Solar is just beginning the approval process. Dave Atherton stated the Conti project is more of an informational presentation to obtain feedback and noted the Town had expressed the same concerns. Ms. Scheck stated the Planning Commission could also request party status and Mr. Atherton encouraged the Planning Commission to do this. Michael Shank questioned the percentage of agricultural land the State requires. Dave Atherton will clarify this information with Sam Carlson.

Stephanie Jerome stated the Select Board has approved the Green Lantern project as a preferred site and questioned the Planning Commission's decision on this subject.

A motion was made by Bill Mills to approve the Green Lantern Project and authorize the Committee Chair to sign the Public Utility Commission's document, "Designation as a Preferred Site under Net Metering Rule 5.100". **The motion passed unanimously.**

Doug Bailey stated he likes the proposed draft of the Sign Ordinance because it is simple and if he were a new business owner, he would find it clear and defined. Mr. Bailey applauded the Planning Commission's effort in reducing the document and making it short and concise. Mr. Bailey also forwarded the document to Seth Hopkins for further comments. Stephanie Jerome also had a conversation with Bernie Carr about the proposed document and he suggested looking at how it adapts to the changes in some of the larger businesses. Stephanie Jerome suggested the Planning Committee members review the Brandon Workbook 2002 as it talks about placement of signs and has some specifics that could be a good reference for the Sign Ordinance rewrite. She noted it talks a lot about signage on historic buildings. Ms. Jerome will compare the proposed Signage Ordinance against the Workbook. Dave Atherton advised a lot of that Workbook was incorporated in the Segment 6 Project.

In a future meeting, the Planning Commission will review the various town maps that include the Designated Downtown map, Future Land Use map and current Land Use map. Anna Scheck will contact the RRPC to obtain larger size maps for the discussion and to reschedule Barbara Noyes Pullings' discussion of the Energy Plan. Stephanie Jerome would like to move forward with the changes to the BLUO and requested Ms. Scheck provide a list of discrepancies in the BLUO for the Planning Commission's review. Anna Scheck stated the process for making changes to the BLUO would require a Planning Commission hearing and two Select Board hearings. Bill Moore thanked the Planning Commission for making the Sign ordinance much easier. Mr. Moore asked for clarification of internally list signs outside the downtown corridor, as it might be prohibitive for businesses outside the downtown corridor due to the speed of the traffic flow. It was suggested consideration could be made for those businesses outside the area. Stephanie Jerome will continue to work on the draft Sign ordinance for consideration at the next meeting.

9. Date for Next Meeting

February 20, 2018 at 6:00PM – Tuesday – Brandon Town Hall – Planning Commission Meeting

10. Adjournment

The Committee Chair adjourned the meeting at 8:09PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary

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