

Meeting Minutes:

Addison County Regional Planning Commission

Act 250/Section 248 Committee

November 20, 2014

1. Meeting was called to order at 10:01 by Thea Gaudette standing in for Ellen Kurrelmeyer as chair.

2. Members present: Ron Crawford, Diana Carter, Thea Gaudette, Mary Anne Sullivan, Steve Pilcher, Jim Walsh, Holly Noordsey, Chico Martin, Steve Revell, Karl Neuse, Tim Bouton-Staff. Also present to represent the interests of their towns in applications within their towns: Mel Hawley- Vergennes, Arabella Holzapfel – Ferrisburgh, Nick Causton – Shoreham. Nathaniel Vandal was also present representing Green Peak Solar, one of the projects being reviewed.

3. First project on the agenda for discussion was the New England Clean Power electric transmission line. The project has submitted a 45 day notice that they will be submitting an application and will be reviewed by the Public Service Board under Section 248. Discussion ensued:

- Is this project within our jurisdiction? Two differing trains of thought seem to exist here-
 1. A Town's boundary, and landowner's property line only extends to either the mean high water mark or to the mean low water mark when surveyed. The remainder of the land under the lake and the waters themselves are held by the State for the common good and are out of our hands.
 2. The State extends to the middle of the lake, Lake Champlain is identified within our regional plan as a significant regional resource, and the project has the potential to negatively impact the lake.
- Is there any tax revenue to the region or to the State?
- The regional plan speaks to not supporting any transmission project whose purpose is to provide energy primarily outside of the region.
- Concern was raised that the process of plowing the cable under the lakebed might disrupt toxic sediments remaining from the IP deposits.
- Concern was raised about whether drinking water intakes would be impacted by the installation process.
- Members felt it would be good to do what is needed to allow the commission to receive more information once an application has been filed. Members felt the committee did not have enough information to effectively review the project at this time and filing for party status could serve as a placeholder.

Steve Pilcher made a motion that ACRPC file for party status for this project, seconded by Karl Neuse. Motion was passed 12-yea, 1-nay

4. Next on the agenda was a discussion about Green Peak Solar's proposal to build a 2.2 megawatt solar generation facility off of Field Days Road in New Haven. Nathaniel Vandal was present representing Green Peak Solar and gave a brief description of the project.

- The project is proposed for a 70 acre parcel which would be initially leased, then 60 acres would be subdivided and purchased from the landowner. The parcel has soils that are considered class "B" statewide soils and has been used most recently as a hay field which has been harvested once annually.
- Green Peak Solar had originally submitted three proposals into the State's SPEED program. Two were proposed for this site. Due to resistance from New Haven the company has eliminated the second array proposed for this site which had been wait-listed.
- The proposed array lies off Field Days Road in New Haven roughly equidistant between Route 17, which the town plan identifies as of scenic value, and Twitchell Hill Road near the Weybridge town line. It will be visible from Route 17 but at roughly one mile away, the developers feel it will not interfere with the viewshed. The project will also be located about 700 ft from Field Days Rd. and has been sited to take advantage of the rolling topography to attempt to hide the majority of the panels from view from Field Days Road. The nearest neighbor will be approximately 1,200 ft away. No additional screening is being proposed at this point.
- The developer has had VHB out to assess the environmental impacts as well as State historic preservation staff. The specific siting of the panels will be set to avoid class II wetlands on the property and excavation of a trench for the cable service will follow a route that will avoid possible archaeological sites.
- The Town of New Haven has voted to become intervenors for this project and to retain counsel as it exceeds the appropriate size for solar arrays recommended in the town plan.
- The developer interprets the town plan as broadly supporting renewable energy projects and that the size recommendations are just recommendations that would depend on siting issues.
- Tim and Nathaniel will try to set up a time and date to have a site visit to the proposed project. Tim will send out a Doodle poll to all members.

Chico made a motion, seconded by Mary Ann that the committee recommend that ACRPC seek party status on this project due to significant regional impact. Discussion included that the committee had previously identified that they would like to do this with all solar projects 150kw and larger to allow the ability to weigh in and receive additional information when it becomes available.

9 yea, 4 abstentions. Mel indicated that he was not a member of committee and was present due to a different application which involved the City of Vergennes. He did not feel it was appropriate to vote on this proposal.

5. The next proposal to be discussed was a proposal to build a 750kw project on State of VT land north of the Northlands Job Corps campus off Comfort Hill Road in Vergennes.

- It was suggested that the committee recommend that the commission request intervenor status on this project in accordance with previously established policy be the committee.

- Mel spoke to this project for the City of Vergennes. He indicated that the Planning Commission and city council are looking into how this project either meets or does not meet the general purposes of the district identified in the City Plan. He feels that because it will be located on State lands, they will have limited ability to have any impact on the project and will receive no tax benefits either.
- Discussion followed that included that the committee should be consistent with its policy to request intervenor status for all solar proposals greater than 150kw. Mel feels this proposal does not meet the threshold for “substantial regional impact” but the committee considers all generation and transmission facilities to fall under this standard and wants to be able to stay ahead of the curve rather than finding out after a project becomes an application that they need to intervene. The impact of all the solar proposals in aggregation have a regional impact as well.

Ron made a motion seconded by Holly that the committee recommend that ACRPC seek party status on this project due to significant regional impact. A request was made that a site visit be combined with the previous application.

The question was called: 8 yea, 3 nay, 1 abstention.

6. Next on the agenda was a review of a proposal by Phoenix Feeds to expand their operations in New Haven Junction. They are proposing a track shed to be located on the rail siding and additional elevators to transfer product from the rail siding to storage bins on the property for redistribution. Issues connected with the project raised during New Haven hearings were primarily noise and hours of operation.

Steve Revell made a motion seconded by Stephen Pilcher that this project does not meet the standards for substantial regional impact and that the committee will therefore, not weigh in.

The committee voted unanimously in support of the motion.

7. Last on the agenda was a request by the Ferrisburgh delegates that the committee and the full commission reconsider their 9(L) testimony on the Deneker Act 250 application. The request was based on the accidental omission of the Ferrisburgh delegates from the meeting invitation in which the subject was discussed by the committee. It was reported that the Deneker application had been withdrawn prior to the last committee meeting and a letter indicating so was distributed to committee members. If the application was, indeed withdrawn, the previously approved 9(L) testimony would not be submitted.

Arrabella pointed out that though the Ferrisburgh town plan had expired, the proposed plan indicates that this location is planned to be within a highway commercial district. She is seeking recommendations of what can be done so the town plan is not overridden by state authority. Members expressed that if the current 9(L) guidance is not changed, it is unlikely that any commercial proposal for this property could meet the guidance and that the best course might be for the Selectboard to make a request to their legislators to take another look at the impacts this guidance may have on Addison County and its economic growth and make changes to the law/guidance.

Discussion ensued about the apparent gaps in the system that resulted in the Ferrisburgh delegates not being invited to the committee's last meeting. It was also expressed that though the commissioners were provided copies of the proposed testimony at their last meeting, not enough time was given to allow thoughtful votes. It was also questioned whether the committee had unilateral authority to make testimony without the consent of the commission.

It was explained to members that the previous testimony delivered in October was under a time constraint that did not allow deliberation by the full commission and was, instead, approved with some changes by the executive board as is allowed. Tim had been authorized to deliver the testimony before the District Environmental Board. The 9(L) draft testimony was not included in the full commission packet because the committee did not meet until after the packet had already been sent out.

8. Meeting adjourned at 12:01

Footnote: Following the meeting Tim called Geoff Green at the District Commission and he confirmed that Geoff had received a request to withdraw from Tom Deneker earlier that morning. The 9(L) testimony approved at the 11/19 commission meeting will not be submitted.