

Minutes:

Addison County Regional Planning Commission

Act 250/Section 248 Committee

February 4, 2015

1. Call to Order: 10:03

Members present: Andrew Manning, Thea Gaudette, Garland Martin, Holly Noordsey, Richard Warren, Arabella Holzapfel, Mary Ann Sullivan

Staff Present: Tim Bouton, Adam Lougee

2. Discuss and make recommendations for intervention for New England Clean Power Electric Transmission Link application to lay a power line under Lake Champlain. Application proposes to install a 1000mw power line 3-4 ft under the lakebed through the Towns of Ferrisburgh, Panton, Addison, Bridport, Shoreham and Orwell in the Addison Region.

Adam led this discussion and started with a 4 page handout that included a Project map, economic benefits, and an Executive Summary from the TDI application. He explained that due to limited staff time and funds, the committee should try to limit its intervention request to issues that will not be covered by other agencies (ie: ANR, DPS, CLF, etc.). The committee should try to get its questions answered via these agencies as a way to limit ACRPC's costs and to use staff time effectively.

Adam next introduced the committee to the 11 criteria that the PSB must look at prior to issuing any Certificate of Public Good. Adam highlighted Items # 1, 4, and 5 and encouraged the committee to keep their requests limited to these criteria:

Criterion #1- with respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

Criterion #4 - will result in an economic benefit to the State and its residents;

Criterion #5 - with respect to an in-state facility, will not have an undue adverse effect on esthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K) and greenhouse gas impacts;

Members then asked what the other RPCs in the area were doing. Southern Windsor, Northwest, and Addison County RPC are planning to be involved. Rutland and Chittenden County RPCs are choosing not to intervene.

Adam asked for clear direction from the committee on the motion to intervene. Committee members then responded with their concerns:

Nick Causton(via e-mail) – Concerned about:
Preservation of lakebed artifacts (LCMM worked with the applicant to develop the route)
Disturbance of the Ticonderoga Sludge Bed
Disturbance of the Ticonderoga Ferry cable
Disturbance of fish communities
Location of staging and process for cable laying
Jurisdiction of towns over the project and/or tax implications to the towns

Andrew Manning- Concerned about:
The Ticonderoga sludge bed
Lake floor artifacts
The same jurisdictional vs town issues that relate to tax implications

Holly Noordsey – Concerned about all of the above plus:
Impacts on drinking water for those communities who have the lake as their supply.
Impacts to economic tourism that could happen due to ecological changes in the lake
Impacts of two cables lying close to each other through the Lake Champlain narrows
Later additions by Holly:
What is the source of the energy? Hydro vs oil since HQ supplies both
Concern that relying on DPS to answer the questions and do the only review has not worked well in the past

Chico Martin – Concerned that:
ACRPC should be realistic in what it can hope to impact
Contamination for 5 and ½ towns water supply
Tax implications both state and local
Potential impacts to public ownerships (Beaches, etc.)

Richard Warren – Concerned about possible disturbance of the lake bed resulting in increased Phosphorous levels
Concerned for private businesses (Ferry, fishing charters, etc.)

Arabella Holzapfel - Concerns about:
Maritime safety during construction

Mary Ann – Concerns about:
Positive economic benefit to the State if the power will be going out of state.

Tim – Concerns about:
Impacts to ratepayers: Will rates go higher locally due to competition for the same power from the project's end users.

Adam indicated that he was OK with intervening on tax ramifications for towns and what the method of assessment would be. He explained that New Haven was recently awarded compensation because the system for assessing VELCO was determined to be not fair.

Chico made a motion that Adam look into the property tax issue and methods of assessment. (No second).

Adam indicated he will create summary of where each of the members concerns are addressed in the application for distribution to the committee.

Holly asked whether the application was available on the web and Adam will look into it. Tim also offered that ACRPC could probably copy the application CD for members if needed.

Thea agreed that the tax issue is high up on the list of concerns and that it may not be easily dealt with since the applicant believes no property taxes would be due and the question is really whose jurisdiction is it? Town boundaries are usually shown on maps out to the New York line but the lake itself is a public resource controlled by the state.

Richard asked whether Adam could ask CCRPC why they chose not to intervene. Adam will do so.

Adam requested a motion that ACRPC intervene on criteria 1, 4, and 5. Rich made the motion to intervene on Criteria 1, 4, and 5 seconded by Thea. No discussion – unanimous in favor.

Adam will look into the issues associated with those criterion.

Thea requested that committee members be supplied with copies of the Act 250 and Section 248 criteria so they could be better prepared to discuss them in the future.

3. Review and make recommendations for response to any solar applications currently before the Public Service Board:

1/9 application for a 30kw array for personal use at 18 Lemon Fair Rd. in Cornwall. (Staff recommends no intervention)

Tim reviewed the status of current applications and notices of intent with the committee.

Phoenix Feeds: Act 250 board held a hearing following responses by interested parties. Outcome – unknown

Green Peak Solar- Field Days Road in New Haven. 45 day notice was followed by a letter indicating that New Haven was prepared to intervene.

Dog Team Solar – Off Campground Road in New Haven. Norris property west of Route #7. Application received for an installation under 150kw.

All Earth Renewables – Comfort Hill Vergennes – No application yet following 45 day notice.

Sun CSA LLC – Route #7 New Haven – Application for a 150kw installation west side of Rte #7. New Haven filed a letter to intervene. Included SunCommon's new Good Neighbor Policy. Tim believed this application may have been withdrawn.

Kent Solar – Lemon Fair Rd. Cornwall – Application to construct a 30kw array. Tim suggested that this did not fall within the committee’s 150kw. Committee agreed not to intervene.

4. Other business

Holly asked a procedural question relating to Phase #1 of the VT Gas pipeline. Phase #1 may be remanded by the supreme court back to the PSB for re-review due to the cost overruns. She is asking whether, in such a review, the committee would weigh in again or the full commission would weigh in. Adam has spoken with the DPS lawyer and it all depends on DPS recommendations. If they recommend a full review then probably yes but it will be up to the full commission to make their own decision.

MaryAnn asked whether the recommended plan language that was presented at the last full commission meeting could be distributed, especially since some towns are currently in a plan rewrite and would welcome some guidance on how to deal with the Solar issue. Adam indicated that the commission had approved it but had sent it back to the Energy Committee for some minor changes.

5. Adjourn: 11:30

DRAFT