

Minutes:

Addison County Regional Planning Commission

Act 250/Section 248 Committee

April 15, 2015

**1. Call to Order:** Ellen called the meeting to order at 1:00pm. The first order of business was the approval of the minutes from 3/11. Stephen moved to approve, seconded by Mary Ann. Motion passed.

**2. Discuss staff research on TDI power line under Lake Champlain and make recommendations for interrogatories.** Adam was asked to review his comments on the TDI application:

Adam indicated that the LCMM had conducted an underwater survey and in working with the applicant was able to find a route through the historical sites except in three areas: Two railroad bridges around Larabee's Point and the revolutionary bridge between Orwell and Fort Ti. LCMM has asked that additional study be undertaken to make sure these would remain substantially unharmed.

Adam pointed to VSA Title 32, chapter 123, subchapter 002, 3655 for the committee to read in relation to whether the line should be taxable or not. The second half of the statute would seem to indicate that the line is taxable but Adam agreed to look up the legislative history in Montpelier. It is clear that the waters of Lake Champlain are governed by the state but the statute indicates that the lakebed itself belongs to the towns that border the lake out to the county line (New York). He also suggested that since the tax revenues from this project could be quite sizeable, he may ask the affected towns to hire a lawyer either singly or individually to pursue this line. Adam's rough ballpark estimate of annual revenue for each town is just under \$1 million annually.

The next question from the committee dealt with the economic benefits to the region. Adam indicated that short of the possible tax implications, the region would see very little economic benefit. There may or may not be electric rate benefit to customers but \$2 million will go annually to a lake phosphorous clean up fund and \$1 million will go to an independent environmental fund set up by the applicant. Tim said that in his research of the testimony, the applicant believed there would be some local economic benefit due to use of marinas, housing for workers and other ancillary benefits.

The committee next asked about possible disturbance to the Ti sludge bed. The testimony indicates that installation below the bridge will be handled by plowing the cable into the lake bed. They believe that the least impact will result from that technique. It is unclear whether the Ti sludge bed would be disturbed. Holly asked before the meeting via telephone that since the sludge bed is too environmentally hazardous to clean up, wouldn't that also include shear plowing a cable through it. Tim explained that he found most of the route below the Champlain Bridge had been evaluated previously for a similar cable along the New York side of the lake and since it is so narrow and shallow here the applicant relied heavily on the previous studies.

Tim next explained that impacts to mobile fishes will be only to sturgeon and eels which are sensitive to electrical fields. Those fields will be small enough that the impact to these fish will be limited to a small area immediately surrounding the cable.

Chico made a motion, seconded by MaryAnn that the staff recommendations be accepted and passed along to the full commission. Tim will rewrite his comments into the form of recommendations.

**3. Discuss and make recommendations for review of a 12 unit multi-family building on Plank Road in Bristol on the site of the former Roy's Automotive Shop.** Tim Indicated that he had heard information regarding the proposed site that it may have been used as a dumping site and that the slab proposed for the building might have oil contamination. Chico confirmed that he is also concerned about the same issue and additionally whether the structure meets Bristol's setbacks and height limits. There was some discussion of how these items fit into the mission of the committee, whether there is significant regional impact indicated or otherwise how it fits. Tim was asked to draft a recommendation to ANR that they give close review of the possible contamination issue in their review of this application. Because the time for entering comments will occur before the next full commission meeting, Thea will take the question to the E-board for their approval.

**4. Discuss and make recommendations for review of application by Maple Landmarks for an expansion of their facility on Exchange Street in Middlebury.** Staff has recommended that no action is required of the committee on this application. The committee agrees.

**5. Discuss and make recommendations for Sr. Solar, a 350 kw net metered Solar Array next to the State Police Barracks in New Haven.** The Town of New Haven opposes this application on several grounds that have been put in testimony by their town attorney. Both Ellen and MaryAnn read some of that testimony and indicated that they would like to support the Town of New Haven's position. MaryAnn is especially concerned about the explosion of free-standing solar installations in the region, indicating they are industrial in nature, consume Ag soils, add considerable impervious surface, and create no local jobs. She is also concerned that the installations do not generally have a decommissioning fund, may exceed lot coverages set by the towns, are imported rather than sourced locally, and contain heavy metals that are released when recycled. Chico made a motion, seconded by Thea that the committee make a recommendation to the full commission that the commission find a way to support New Haven's position in some manner.

6. Adjourn 1:57

Attendees:

Ellen Kurrelmeyer – Chair

Thea Gaudette

Diana Carter

Chico Martin

MaryAnn Sullivan

Susan Smiley

Stephen Pilcher

Tim Bouton

Adam Lougee