

**TOWN OF CHESTER  
PLANNING COMMISSION**

**June 21, 2018 Minutes**

**Commission Members Present:** Naomi Johnson, Claudio Veliz, Cheryl Joy Lipton, Tim Roper, Barre Pinske.

**Staff Present:** Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary.

**Citizens Present:** Jason Rasmussen

**Call to Order**

Naomi Johnson called the meeting to order at 7:00 PM. She added one item to the agenda before the last item (4), which was set a date for the next meeting. The item she added was Bylaw amendments for a snowmobile fueling station.

**Agenda Item 1, Review minutes from June 21, 2018 meetings**

Tim Roper moved to accept the June 4, 2018 Minutes. Claudio Veliz seconded the motion. Tim Roper asked for a correction to page 2, the next to the last paragraph. It wasn't clear from the text that examples of landscaping for energy efficiency were suggested by Jason Rasmussen, Tim Roper and Cheryl Joy Lipton. He also asked for a change to the next to the last paragraph on page 3. It wasn't clear from the text whether the Commission was obliged to specify tracts of land that would not be developed or to specify natural resources that would not be impacted by development. A vote was taken and the minutes passed as amended.

**Agenda Item 2 Citizen Comments**

There were no citizen comments.

**Agenda Item 3 Continue discussing Energy Plan with Jason Rasmussen**

During his talk, Jason Rasmussen reminded the Commission more than once, that the Chester Enhanced Energy Chapter will be used by the Public Utilities Commission (PUC) as it decides where to site a renewable energy project. The Enhanced Energy Chapter is a way to make the PUC aware of the wishes of the citizens of Chester. It is not setting rules for someone in Chester, such as the Zoning Administrator, to enforce.

Jason began by presenting a large versions of a renewable energy constraints map for Chester. The map is not yet available online. Jason explained that the darker gray areas on the map indicated areas of known constraint. These areas would not have a renewable energy project sited on them because they had known constraints such as being within 50 feet of a vernal pool, or within the floodway or river corridor, or are a Class 1 or 2 wetland. Other known constraints are state-significant natural communities and habitat for rare, threatened or endangered species. The lighter gray areas of the map indicated possible constraints. Solar or wind installations may or may not be allowed in areas of possible constraint. Possible constraints include agricultural soils, floodplain, State-owned land, private conservation lands, deer wintering areas, Agency of Natural Resources Conservation Design (which has the highest priority forest blocks) and hydric (wetland) soils. An example of what may be allowed in a possibly constrained area would be

solar panels in a flood plain area as long as the panels and all electrical wiring are above the flood average elevation.

Cheryl Joy Lipton asked if an Environmental Impact Statement is always required before a solar or wind field is installed. Jason Rasmussen said he was not aware of a requirement for a full Environmental Impact Statement. There would be requirements to show impact on individual items such as wildlife. Various state agencies would review the application and make recommendations to the Public Utilities Commission. On the map Jason presented, white represents areas with no known or possible constraints. Michael Normyle asked if the constraint map data was available on the Agency of Natural Resources web page. Jason said he thought that it was, but it was difficult to find.

Jason then turned to the large solar potential map he brought with him. He said the darkest areas on that map are the areas with no known constraints and solar potential. Tim Roper asked if the agricultural soil and hydric soils requirements are a state-wide standard. Jason said ag soil is not an issue for a solar installation because the panels and their supports can be removed when the solar project is finished and the soil can be farmed again.

Jason explained that the constraints he just outlined are taken into account when the renewable energy resource maps for solar and wind are set up. Areas with known constraints are not shown as potential sites. Jason said local constraints may be added to the constraint maps. Jason pointed to purple areas on the wind potential map. He said those areas had no known or possible constraints. The green areas had one or more possible constraints. Jason said all the data is available on the Agency of Natural Resource mapping tool, though it may not be easy to find.

Cheryl Joy asked if a map built on the ANR mapping site could be saved with all the settings and sent to someone else. Jason said it was not currently possible. Claudio said you could use a screen saver to save an image of the map, but the map would only be an image, it would not be something that could be manipulated further by the ANR software.

Barre Pinske asked where the darkest purple area on the wind map was located on the ground in Chester. He couldn't locate it on his satellite map. He was curious because the area would be one of the best wind sites available in Chester. No one could pinpoint the area for him.

Finished with the maps, Jason Rasmussen turned to the draft of the energy chapter he sent out before the meeting. He addressed section 4.4.5, Statements of Policy to Accompany Maps. He asked the Commission to look at each statement of policy in turn (numbered a) through k)) and state whether it agrees with the statement or not. The Commission's comments and discussion are shown below.

For a) Chester supports rooftop solar projects, Tim Roper asked that ground mounted solar be added.

All members agreed with b) Chester supports residential scale wind turbines, which are generally up to 30 meters (or 98 feet) tall, measured at the hub, or center, of the wind turbine blades.

The Commission then looked at Item c), which states: Renewable energy projects must not be located in the following areas:

1. Vernal pools with a surrounding 50-foot buffer:

2. Commercial scale projects in the river corridors as most recently mapped by the Vermont Department of Environmental Conservation;
3. FEMA floodways;
4. State significant natural communities and rare, threatened and endangered species;
5. National wilderness areas; and,
6. Class 1 and Class 2 wetlands.

Tim Roper asked if a 50-foot buffer around mapped streams could be included as a place where an energy project would not be allowed. Jason Rasmussen said larger tributaries and rivers have a 50-foot buffer included as a known constraint, but smaller tributaries do not. He said the Commission could include the 50-foot buffer around mapped streams requirement if they wanted to. The Commission decided they did want the stream buffer requirement, as well as a 50-foot buffer around Class 1 and Class 2 wetlands.

Michael Normyle asked what happens if the elevation of land above a stream bed is so great as to make the 50-foot buffer irrelevant. In other words, if a stream is 20 feet below the surrounding ground, does the structure still need to be 50 feet away from the bank? Several suggestions about how to measure the distance from the stream to the structure and how to express the requirement were made. Jason Rasmussen reminded the Commission that the Town of Chester will not be making the decision, the Public Utility Commission will be deciding. The PUC will be trying to interpret the language in the Town's Energy Chapter to know the Town's wishes.

Barre Pinske wanted to know how much land would be excluded by this requirement. He wondered what purpose the buffer would serve. Did people want the buffer to keep solar panels from spoiling the beauty of the river or did the buffer prevent problems with floods? Tim Roper said a buffer would protect the river bank. Tim suggested that the buffer only exclude solar arrays greater than 150 kw. Cheryl Joy Lipton said if small solar arrays were placed every acre or so along a stream bank it would affect the riparian habitat. She did not think anything should be allowed near the stream. Naomi Johnson pointed out that if a house were less than 50 feet from a stream, solar panels on the roof would not be allowed if there was a 50-foot setback rule. Cheryl Joy enumerated the problems created by even a small solar installation: human presence to maintain the site, noise from mowing, loss of shade at the edge of the stream, extra heat in the area. Michael Normyle said the Chester UDB's required a 50-foot buffer for a stream wider than 6 feet, and a 25-foot buffer for smaller streams. Ultimately a vote was taken and a 50-foot setback from any mapped stream for any ground mounted solar larger than 15 kw was approved, three votes for, one against and one abstention.

The Commission then considered d) Proposed renewable energy facilities must demonstrate that the proposed project siting is appropriate in scale as it relates to the character of the area in which it is to be located, and the applicant must also demonstrate that all reasonable options have been considered in siting the facility.

Tim Roper found the wording of d) vague. He worried that people could use the language to block a project. Jason Rasmussen suggested that the language was trying to require that common sense be used when evaluating a site. It was trying to prevent putting a huge solar array in the middle of a residential neighborhood. Barre Pinske said that the newness of renewable energy

facilities in our everyday lives and culture makes managing the transition to them very difficult. People want to stop using fossil fuels and they don't want renewable energy to make the landscape ugly. He proposed d) be changed to "Proposed renewable energy facilities must demonstrate that all reasonable options have been considered in siting the facility." Jason Rasmussen proposed that d) be deleted. Michael Normyle suggested that people develop new wording to be considered before the chapter is finalized. The Commission agreed to both suggestions.

The Commission agreed to e) All ground-mounted solar projects must meet or exceed the setback standards in 30 V. S. A §248(s).

After some discussion about native plants, landscaping, and the disturbance that maintaining landscaping causes, it was decided to accept f) with the following underlined changes: Any new biomass facility and all ground-mounted solar projects of 150 kW or greater that are within view of public roadways (i.e. state highways, US routes, and Class 1, 2 and 3 town highways) must provide naturalistic plantings that blends the project with its surroundings. This landscaping shall consist of a mix of native plants.

Cheryl Joy Lipton did not want the plantings to become formal gardens with mounds of mulch and trimmed bushes that look like topiary so she suggested adding the word naturalistic. Claudio Veliz asked if there was a legal definition for "naturalistic". Naomi Johnson said that would go on the list of items to research.

After discussing f) thoroughly, the Commission agreed to g) as written: The applicant must maintain any required landscaping for the entire life of the project, including the replacement of any dead or diseased vegetation serving as part of the landscape mitigation measures throughout the life the project or until the project ceases commercial operation.

Item h) reads: The applicant must provide a plan for the site to be adequately decommissioned at the time when the project ceases commercial operation. This would involve the removal of all parts of the project from the site including, but not limited to, the solar panels or wind turbine, inverters, metal framework that support the solar panels, fencing and any necessary site reclamation.

Tim Roper wanted concrete footings and mounting posts added to the list of items to be removed from the site. Claudio suggested that the words "any necessary" be removed. Naomi said that "any necessary site reclamation" could be a reference to the permit. The Commission decided to keep the "any necessary" language and add, "as stipulated in the permit" to the end of the sentence.

Item i) was discussed as a way to include control of invasive species. Item i) reads: Proposed renewable energy facilities must not have undue adverse impacts on significant wetlands, significant wildlife habitat, wildlife travel corridors, stormwater, water quality, flood resiliency, important recreational facilities or uses, scenic resources identified in this plan, or inventoried historic or cultural resources. Tim Roper proposed adding the words "should insure invasive species do not proliferate". After some discussion, Barre Pinske pointed out that those words belong to item j). Cheryl Joy Lipton proposed adding habitat connectivity to the list of things that should not be adversely impacted.

Item j) reads “Proposed renewable energy facilities must not result in substantial deforestation or cause forest fragmentation.” The Commission ultimately agreed to this wording for j): “Proposed renewable energy facilities must not result in deforestation, forest fragmentation, or proliferation of invasive species.”

The last item in the list, k) reads as follows:

For all utility-scale wind (i.e. hub height of 70 meters/230 feet) and commercial-scale wind projects (i.e. hub height of 50 meters/164 feet) the applicant must demonstrate that the proposal was evaluated and that reasonable mitigation was considered with respect to the following criteria:

1. Operational noise, to be measured at the property line, will result in noise levels that are compatible with the adjacent land uses in the surround area, and are consistent with state standards.
2. Avoid or minimize “shadow flicker” through careful project siting, planting trees or other methods.
3. Avoid or minimize adverse impacts to significant wildlife habitat and wildlife travel corridors, including applicable terrestrial, aquatic and aerial species (e.g. migratory, resident and breeding bird and bat populations).
4. Avoid or mitigate safety hazards in the vicinity of the project area (i.e. ice shedding or ice throw hazards, blade throw hazard and tower fall ones).

The Commission agreed to remove “compatible with the adjacent land uses in the surround area” from the noise standard, thinking that “compatible with the adjacent land uses in the surround area” was too vague to be useful.

Returning to the first item considered, a) Chester supports rooftop solar projects, Naomi Johnson asked if the Commission wanted to include ground-mounted solar, other scale of projects or other types of renewable energy in the list. Cheryl Joy Lipton said she felt all new construction should be required to be solar friendly. The Commission concluded that Chester wants to encourage, not merely support rooftop solar and Item a) should be changed to reflect that.

Cheryl Joy Lipton returned to the native plants and invasive species issue. Barre Pinsky questioned whether it was appropriate to dictate landscaping choices. Michael Normyle suggested a blanket statement that encourages native species. Claudio asked if the topic was more general than even the Town Plan and the Unified Development Bylaws. Naomi Johnson agreed it was a broad topic and tabled the issue because the meeting was running out of time.

Jason Rasmussen said his next step would be to make the changes requested to the documents. He asked for further suggestions from the Commission on items that had been set aside for reflection or research. Tim Roper asked about changes made to the first part of the document discussed at the last meeting. Jason said he had made some requested changes and may have missed some. He asked for input from the Commissioners on this part of the document. He said he had added language on page 1 noting that the document was based on the *Guidance for Municipal Enhanced Energy Planning Standards* document. He also added some discussion of Chester’s Energy Survey results and inserted the energy goals on page 2. He could not recall any other changes made to the document based on discussion from the previous meeting on June 4.

**Agenda Item 4 Discuss approval of Southern Windsor County Regional Planning Commission Energy Plan.**

Naomi Johnson brought up the hearing to be held on Monday June 25<sup>th</sup> about the proposed Regional Energy Plan. She asked for comments from the Commission about the proposed plan. No one had any comments. The Commission approved of the plan.

**Agenda Item 5 Consider Bylaw amendments related to fueling stations**

Naomi Johnson said this issue goes back to a letter received from the local chapter of the snowmobile club and a past request from a business owner to set up a fueling station. Fueling stations are not considered in the current Bylaws. Town Manager David Pisha brought the issue to Naomi Johnson's attention, pointing out economic benefits for allowing a fueling station in Chester. She said there was already a draft change to the bylaws for the sound ordinance and the Commission could consider fueling stations in a future meeting, add a change for fueling stations to the current draft of the Bylaws and then present the change to the Selectboard. The Commissioners agreed. Barre Pinske said there are state regulations for fueling stations and the property owner who wanted to install a fueling station met those conditions.

**Agenda Item 6 Set a date for the next meeting**

Naomi Johnson said that on July 16, 2018 Jim Carroll would be present at a special meeting with the Development Review Board to discuss the roles of Planning Commission and Development Review Board members. It was agreed to meet on the regularly scheduled date of July 2, 2018 at 7:00 PM, and not on July 30. Claudio Veliz moved to adjourn the meeting. A vote was taken and the meeting was adjourned.