

RUTLAND TOWN PLANNING COMMISSION MEETING MINUTES
THURSDAY, DECEMBER 29, 2016
7:00 P.M.
RUTLAND TOWN MUNICIPAL OFFICE

Present: Ms. Barbara Pulling, Mr. Fred Nicholson, Mr. Andrew McKane, Mr. Jerry Stearns, Mr. Howard Burgess, Mr. Norman Cohen, Mr. John Snee, Mr. Alan Biederman.

- Meeting called to order by Ms. Pulling at 7:04 P.M.

Approval of Agenda:

- Mr. Nicholson moved to approve the agenda. Mr. Stearns made a second to the motion. Motion passed unanimously.

Approval of Minutes December 8, 2016:

- Mr. Nicholson moved to approve the minutes as presented. Mr. Stearns made a second to the motion. Motion passed 5-0-3. Mr. Snee, Mr. Cohen and Mr. Biederman abstained from the vote.

Public Comment/Questions:

- There were none.

New Business:

Orin Thomas & Sons, Inc. Subdivision:

- Mr. John Thomas was present and representing Orin Thomas & Sons, Inc.
- The Commission reviewed the Final Plat General Requirements. Mr. Thomas told the Commission there have been no changes to the subdivision application. After some discussion Mr. Nicholson moved to approve the sketch plan as presented. Mr. McKane made a second to the motion. Motion passed unanimously.

Old Business:

Recap of Garvey Nissan Act 250 Hearing:

- The Commission reviewed the information regarding the Garvey Nissan Act 250 Hearing held Tuesday December 20, 2016 attended by Town Administrator Mr. Joseph Zingale and his assistant Ms. Patty Carbine. Ms. Pulling said as a result of criterion 9L there will be a requirement to connect Garvey Nissan and Formula Ford with an auto/pedestrian path. Ms. Pulling said that Mr. Zingale is concerned about traffic flow on Middle Road and has asked the developer to bear the cost of recalibrating the traffic light if necessary.

The Commission discussed 9L and the impact it would have Town wide and State wide and took on action.

Act 174 Renewable Energy Plan:

- Ms. Pulling presented the Commission with information regarding the State's renewable Energy Plan.
- Mr. Biederman asked the time line of when the data will be available for working at the local level. Ms. Pulling explained the Rutland Regional Planning Commission (RRPC) needs to complete several sections of analysis and mapping in the regulations which should be complete by the end of April 2017.
- Ms. Pulling said Rutland Town is a pilot town and the Town's Renewable Energy Plan should be complete by the end of July 2017. Mr. Biederman asked if the RRPC would be providing the Town with projections of energy efficiency for the future. Ms. Pulling stated the RRPC and the Public Service Department (PSD) has paid for some long term planning models from Vermont Energy Investment Corporation (VEIC) in Burlington, VT. The Leap Modeling will be projected up to 2050. Ms. Pulling said (VEIC) is taking efficiency, cost and other considerations to create the model. Ms. Pulling stated the Renewable Energy Plan is re-amended or re-adopted every eight years.
- Mr. Biederman asked if there is land in the current Town Plan that may change in the future because of the Renewable Energy Plan's projects. Mr. Nicholson stated he did not think that is what this planning process envisions and gave examples of how the RRPC will identify areas in the Town where current conditions can be met as well as the willingness of land owners. Mr. Biederman expressed his concern regarding the work the Planning Commission did on designating open spaces and scenic preservation and how that will affect land in the Town. Mr. Nicholson said the land base required to meet the alternative energy sources is small compared

to the land mass the Town has. Mr. Biederman stated the legislation has not proven any assurance to Towns regarding their Town Plan or certain areas in the Town.

- Mr. Cohen expressed his concern that when the Planning Commission meets again to re-amend or re-adopt the Town Plan they may be faced with requirements of the Renewable Energy Plan and the Commission's hands will be tied with regard to certain properties. Mr. Biederman suggested the Commission use caution when choosing lands for renewable energy development. Mr. Nicholson said if the Planning Commission gives a reasonable explanation why the property should not be used for renewable energy it should not be an issue.
- Mr. Burgess asked who is making the maps. Ms. Pulling said that VEIC will be providing data to the RRPC who will gather the data regionally by Town. Ms. Pulling said if the Town does not agree with the map provided they can make their own. Mr. Burgess suggested if the RRPC is looking to create projects with a three phase line they should create the project that way. Mr. Stearns said that when the time comes to choose properties for projects the Commission should be looking at appropriate locations and not what will fill pockets.
- Mr. Cohen asked if current solar projects are taken into consideration the Renewable Energy Program. Ms. Pulling said they are waiting for the data from VEIC before making any decisions but believes that Rutland Town has made quite a contribution. Ms. Pulling said when the data arrives the Commission will identify areas they feel are appropriate. Mr. Stearns expressed concern that the Town may not have a say in which projects are erected. Ms. Pulling cited the Cold River Road project that went to the Supreme Court in which "due consideration" was deciding factor in their decision of which there was no definition. Ms. Pulling said now the term "substantial deference" is in statute which the PSB can say the project has to happen for the greater good of the renewable energy goals, however they are supposed to consider the Town's Renewable Energy Plan. Mr. Nicholson said any proposed project can be rejected by the land owner.
- Mr. Biederman explained that the Commission can designate areas not to the exclusion of others and should take it as a case by case basis. Mr. Biederman proposed the Commission consider a solar corridor.
- Mr. Nicholson stated the Renewable Energy Plan is giving Towns an opportunity to have a say in where the Town doesn't want projects.
- Ms. Pulling made it clear to the Commission that there is no deadline for the Town in creating a Renewable Energy Plan.
- Ms. Pulling informed the Commission of a training session for the Renewable Energy Plan at the end of January or early February 2017 at the RRPC.

- Mr. Cohen moved to adjourn. Mr. Burgess made a second to the motion. Meeting adjourned at 8:37 P.M.