

Shaftsbury Planning Commission

October 25, 2023

In person at Cole Hall and remotely via Zoom

Call to order

The meeting came to order at 6 p.m. with vice-chair Martha Cornwell presiding. Also present were commissioners Mike Foley, Chris Williams, and via Zoom, Naomi Miller and Nancy Burns. Zoning administrator Shelly Stiles was also present.

October 11 minutes

Ms. Miller moved to approve the October 11 minutes. Mr. Foley seconded the motion, which passed 5-0-0.

Public comments

There were none.

Continued efforts to craft Enhanced Energy Plan (EEP)

The commission reviewed a draft screening ordinance submitted by Mr. Foley. The document is incorporated in these minutes by reference.

Ms. Cornwell asked to discuss (B)(5), "in invoking the Quechee test for aesthetics, and the potential need for visual mitigation, a majority of the Shaftsbury Select Board or a five-person panel chosen from the Shaftsbury voter list by the Select Board, will serve as the voice of the 'average person.'" Mr. Foley said he'd reviewed the screening ordinances of several communities, and he thought this phrase came from Montpelier's document. Mr. Williams asked what the section was for. It was explained that is intended to address the PUC's (Public Utility Commission) "aesthetics" review section.

The commissioners asked "who should be on the board?" Ms. Miller suggested members of standing committees. Ms. Burns said the Select Board and Planning Commission should not be included as those members don't represent the "average person." (Instead they bring unusual experience and expertise to the question.) After discussion it was agreed that members should represent a Justice of the Peace, the Recreation Committee, the Development Review Board, the Economic Development Committee, and Trustees of Public Funds.

Ms. Cornwell asked how the board should be 1) organized and 2) called to action. After discussion, it was suggested that "a five person panel shall be convened by the Select Board. This panel will comprise one person from the following committees: the Recreation Committee, the Development Review Board, the Economic Development Committee, and Trustees of Public Funds, and a Justice of the Peace. Each group shall select one member to serve on the five person panel." Ms. Miller moved to approve the addition of the language to the draft screening document. Mr. Foley seconded the motion, which passed 4-1-0 with Mr. Williams voting "no." Ms. Cornwell said she imagined the Select Board would convene the committee as needed, when it was called upon to submit an intervenor's statement to the PUC.

Mr. Foley noted that many communities reference a 15kw application as the threshold to trigger review under the screening ordinance, but he wasn't sure why that number was chosen. The PUC reviews essentially all proposals. Ms. Burns said she thought the commission should prioritize potential neighbor concerns, and establish a threshold of some kind. Ms. Miller noted that solar installations will

be the rule in the future. Ms. Burns suggested as a threshold for review a 60kw level; such a project would occupy about one acre. An inconclusive discussion was had on whether the Town's maximum land coverage bylaw could serve as protection for neighbors. Ms. Burns moved to change the first sentence in the document to read"ground-mounted solar electric generation facilities in excess of 60kw(AC)....". Ms. Miller seconded the motion, which passed 4-1-0, with Mr. Williams voting "no."

Ms. Stiles will make the approved changes to the draft, share it once again with the commissioners, and then send it to the town attorney for review.

Mr. Williams thanked Mr. Foley for his efforts on the screening ordinance, but said he thought the regulation was an arbitrary one. He said ordinary people hate solar development, and the Quechee test could be a road block to installing solar facilities in Shaftsbury. "I think it is wrong-headed," he said. Ms. Miller said she agreed with some of what he said but that the commission needed to address the issue to make a good faith effort to represent the wishes of the public.

Other business

Ms. Miller said she probably wouldn't have time to do her own final edit of the EEP before the next meeting but asked that everyone read Ms. Hurley's latest draft ("version 2") by that time.

Mr. Foley summarized the additions the Commission has made to the Hurley draft – screening, "average person," and size – and asked if they'd left out anything. Ms. Miller said a final read-through would help answer that question.

The next meeting will be held November 8, 6 p.

Mr. Foley moved to adjourn at 7 p.m. Mr. Williams seconded the motion, which passed 5-0-0.