

# Town of Hinesburg Planning Commission

May 11, 2016

Approved 5/28

Members Present: Joe Iadanza, Maggie Gordon, Rolf Kielman, Jeff French, Dennis Place, James Donegan.

Also present: Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary).

Public Present: John Keidaisch, Brett Johnson, Susan Tapman, Christie Brown, Chad Farrell & Chad Nichols, Jeff Glassberg.

Joe I. chaired the meeting, which was called to order at 7:36pm.

**Agenda Changes:** None.

**Public Comments for Non-agenda Items:** None.

**Magee Hill Rd Solar Array Proposal:** Chad Ferrell, the president of Encore Energy, presented this review to the Board. They are engaged with Vermont Electric Cooperative to site a Chittenden county solar array. They have worked with some neighbors on design given constraints both financial and site specific and to address concerns of both neighbors and the community at large. They encourage comments from the commission. They have already met with the Select Board and Energy Committee.

The proposed solar layout was viewed. A berm has been added to aid in screening. Chad F. said the north facing slope of the site also helps address line of site issues from Magee Hill Road. Wetland areas were identified and Chad said they have minimized clearing. Joe I. asked about the berm height. Chad said it will be approximately 4' with 5' vegetation to grow within a year or so (cedars). Joe I. asked about maintenance of the trees. Chad said they have taken maintenance into account and the design does take it into consideration; a 20 year trim might be necessary. Rolf K. asked if the Applicants have considered the visibility from the height of the neighboring residence. Chad F. said they have checked the area in person from the residential locations nearby. Maggie G. asked if the proposed fencing would be 7-8' Ag fencing. Chad F. said yes, adding that they feel this type of fencing minimizes visual impact and blends into the scenery best. Maggie G. asked if they plan to use herbicides in the maintenance plan. Chad F. said no. Once a year, someone will check the wires, etc. and vegetation will be mowed once or twice a year but no chemicals will be used. The panels sit about 3' off the ground. Alex W. asked if Encore had any interest in the current movement to integrate pollinator foliage plantings. Chad F. said yes, and they are talking with the gentleman from Bee Solar to investigate the potential for honey-producing bee hives and pollinator plantings including fruit trees and natural clover, etc. Alex W. encouraged this approach, noting an additional natural benefit to protecting bird nesting habitat by delaying what would normally be the first cut.

Joe I. and the Applicants acknowledged written testimony regarding concern for protecting the wildlife corridor. Agency of Natural Resources maps were viewed and the wildlife corridor areas were shown. The Applicant said it is important to remember that lines on a map are not always true to the actual site, while acknowledging their due diligence to consider such concerns. A 300' width of the wildlife corridor is to be retained. Alex W. said Ag soils are the biggest clear impact.

James D. said while other large solar array projects recently received town support, this project is 6-7 times the size; even with screening, there are very nice expansive views in that area that should be considered. He believes the proposed berm is likely to impact or eliminate some of these views. He asked if the Applicant has considered reducing the size of the project at all. Chad F. said yes, and reminded the commissioners that this is a first pass, preliminary. Also, this will not be a solid wall of trees, just enough to break it up visually, to change the line of sight. He assured the Board that they are keeping the views in mind and there will be no 100% blockage of views. In response to James D.'s concerns, Chad said, in terms of scale, those other projects are very different from this one; those other projects come in at around .20/Watt, this project is around .12/Watt. They are a different economy of scale. He said they have shrunken the size some but feel that much more constrains costs. James D. asked about the possibility of moving the project to the east. Chad F. said they have looked at that, and are open to it, but feel that the same issues will remain. Discussions thus far have been to constrain and leave the space to the east.

John K. asked if the array will be visible from Richmond Road. Chad F. said no, nor from Swamp Road, thanks to slope and vegetation.

The Board acknowledged written submissions from Brett Johnson, Leslie Morrissey and Gerry Livingston.

Brett J. summarized concerns in his written submission: size, scale, setbacks & screening. He feels that this project is not appropriate for the rural nature of the community. He asked the Commission to work on size, setbacks and screening to make the project less offensive. The 1<sup>st</sup> set of panels in this array will be 100' from his kitchen window. The proposed berm does not allow the site to be absorbed as much as possible in his opinion. The Applicants could relocate some panels to address his concerns. He is seeking setbacks, screening and size that work for all of us. He voiced his interest in the process and stages to final and his role as an adjoining land owner and member of the public. The Applicant said they have absolutely been reviewing and working on these concerns. They meet the setbacks to Magee Hill Road per regs and will continue to attempt to address other concerns and integrate feedback. Regarding the process, he said to Brett, your role is the same. Once the project goes to the state, that role may change regarding comments. At this time, he said, we are still technically in the "notice" period, we will go into permit phase and then construction. Ideally, there will be room for feedback in that process. Once the project goes to the Board, changes may be made through the Public Service Board process.

Susan T. asked about screening maintenance assurance. Chad F. said the Town and Applicant have that assurance two ways: 1) contract, 2) the state requirements for annual assessments as a condition of the Certificate of Public Good (CPG). Maintenance will remain Encores' responsibility long-term.

Brian T. voiced his concern with impact to his property's view impact. He asked the Applicants to address concerns to minimize their impacts. The Applicant assured Brian that they are in alignment, they also want this project done right.

Jeff F. asked if it would be possible to move the western array set to the northwest to increase the setback, although it may require increased tree removal.

Christie B. spoke, saying those trees are maples and are part of an active sugar bush.

Brian T. asked if the Applicant can make deals with adjoining land owners to address concerns. The Applicant said that is a conversation to have with the VEC but it is a possibility.

Jeff F. asked if the energy produced from this array will be staying local. The Applicant said yes the energy stays in Vermont and will be a part of the Vermont Renewables Portfolio.

The Board agreed to further discuss input at their next meeting.

**Town Plan—Review Draft 1 (ct'd from 4/27):**

Jeff Glassberg addressed the Board to request expanded uses in the Village NE District. He explained that some NRG tenant space was freed up on the 1<sup>st</sup> floor recently (around 7,000 sq.ft.). Jeff G. is requesting a change to reflect interest they have received from such employers as Attorneys, Engineers, Advertising Companies, some uses which would not be allowed under the current regulations. The Board reviewed the district purpose statement and list of allowed uses.

Joe I. voiced his concern with associated impacts with increases in traffic, etc. The site was good for NRG due to good soils with bedrock below.

Rolf K. said the general intent behind the list of allowed uses is to encourage placement of where certain things could happen in a way that could create or allow stimulating symbiotic relationships. The Applicant agreed, saying there has been real interest shown in the idea of an area to both live and work. The heart of this site, he said, is unlikely to be industrial.

Dennis P. said this is not entirely about the market, there is also the water and wastewater consideration. He said he personally is a big proponent for senior housing as was part of the proposed larger development plans. Joe I. said he feels we have a hurdle in front of us in regard to the municipal infrastructure constraints (water and wastewater). He feels it would be appropriate to reconsider the allowed uses and has no issue with that.

The Board continued its' review of the Town Plan revisions. They picked up on Chapter #4: Economic Development.

Joe I. asked about 4.3.5; what is a Non-Governmental Food Council? Alex W. said he does not know and will get an answer.

4.4.2 Joe I. suggested delete or revise to demonstrate that we have achieved some success. The Board agreed to delete.

4.1.5 The Board discussed whether or not to specify NRG or to include all business names or not. Maggie G. said the data here would be good as a chart. Alex W. agreed explaining that he had listed the selected business names as indicators of sectors/variety not as an enumeration. He suggested we could acknowledge this with a prior sentence.

**Stormwater Regulations—Possible Refinement or Amendments to regulations adopted in 2015 (Ct'd from 4/13, 1/13 & 8/26/15):** Joe I. said the Select Board was looking for a simpler self-assessment for

storm water. They are not looking at other issues (i.e., new appointments to the Commission) until they get feedback on this issue from the Commission. A draft was provided and reviewed.

Dennis P. asked about subdivisions where runoff flows into two different watersheds. Joe I. said regardless, this is based on the square footage of impervious surface area not what shed it goes into. He went on to say that there is a difference between erosion and storm water control. Storm water has more complex considerations, he said, all of which are not obvious without modeling.

Maggie G. said we could simplify the memo by specifying those differences.

Jeff F. reiterated his stance that this is a matter of cost shifting; we all pay for storm water, run off and water quality one way or the other.

Joe I. agreed we should simplify the document; explain storm water regulations to each storm water event and the criteria therein and explain that it is complex.

**Minutes of 4/27 & 5/4:** The Board agreed to table the minutes due to the late hour.

**Other Business:** The Selectboard has a public hearing on 6/16/16 to discuss interim bylaws.

James D. made a **motion to adjourn**. Rolf K. **seconded the motion**. The Board **voted 6-0**.

The meeting adjourned at 9:56pm

Respectfully submitted,  
Freedra Powers, Recording Secretary