



PLANNING COMMISSION MEETING
Monday, July 22, 2019
Minutes

Present: Joe Wilson (Chair), Chuck Gregory, Char Osterlund, Judith Stern, Jenn Gehly, Jesse Webster, Michael Martin (ex officio),

Absent: Beth Gray, Walter Martone (ex officio)

Also present: Renee Vondle, Town Planner; Lori Claffee, George Trombly, William Handly, Kevin McCollister, Marie Wright, Patrick Adrian, Reporter/Eagle Times

1. **Call to Order:** Chair, Joe Wilson called the meeting to order at 6:30 p.m.
2. **Roll Call of Commissions:** All members were present with the exception of Beth Gray who has recently resigned. The Selectboard has not officially accepted her resignation yet.
3. **Requests by commissioners for additions to agenda:**
Town Planner, Renee Vondle asked that approval of the July 2, 2019 Emergency Meeting minutes be placed under #6 (Approval of Minutes)
4. **Public Hearing Draft Zoning Bylaws**
Chair Joe Wilson gave a brief update on the hearing process for the adoption of the draft zoning bylaws, noting that the first draft was heard at both a Planning Commission public hearing and a Selectboard public hearing. The Selectboard asked for revisions and sent it back to the Planning Commission. The current draft has been amended according to a directive from the Selectboard. He noted that this draft is a Phase I document and a master planning grant will be written, and, hopefully obtained to complete the full document in a Phase II process. He stated that the purpose of this hearing is to hear from both the Planning Commission and the public any changes that they would like the Selectboard to consider. The public will get two more opportunities to be heard at the Selectboard hearings. A summarization of all the changes "Planning Commission Reporting Form for Municipal Bylaw Amendments" was available for the public to follow along with. A copy is also available at the public library, North Springfield Post Office and in the Town Clerk's office as well as the town website.

Town Planner, Renee Vondle noted a spelling error in Section 3.30 Recreational Vehicles, under #3 (page 43): "Recreation Vehicles" should state "Recreational Vehicles". This will be incorporated as a minor amendment.

There were no other comments from the Planning Commission.

Chair Wilson opened up the hearing for public comments.

Patrick Adrian, reporter for the Eagle Times, asked about any sign or lighting changes. Town Planner, Renee Vondle noted that the Planning Commission did not do a complete rewrite of the sign bylaws as it is a very big undertaking which can be a part of the Phase II bylaw rewrite if

the community and Selectboard would like to see such a rewrite. She stated that the only changes to the sign bylaws was the addition of a new bylaw to allow Electronic Media Display signage (Section 4.18 #19 Electronic Display). Ms. Vondle stated that the zoning office received a request by the Springfield School District to place a free-standing Electronic Media Display Sign at the Riverside Middle School over a year ago which prompted the need for the Planning Commission to write a bylaw that would allow such a sign. Once the draft bylaws are adopted by the Selectboard and become effective, the Springfield School District will be able to apply for the sign permit. There were no other changes to the signage bylaws.

Mike Martin explained that the zoning bylaws are a working document which take a long time to go through the process. The PC has identified a lot of items they would like to address, but have not done so in this document which is referred to as "Phase I". The PC continues to review inconsistencies in the current bylaws, conflicts and language changes, and technical compliance with state regulations that have to be addressed.

Patrick Adrian asked if there were changes made towards the strategic plan to facilitate some of the plans for economic develop and the downtown district. Are there things that the public does not know about?

Lori Claffee asked how the DRB should review applications during the transition to the completion of Phase II? Town Planner, Renee Vondle stated that the DRB will review applications under these new bylaws from Phase I once they become adopted and effective. State law allows 20 days after adoption for the bylaws to be effective.

Chair, Joe Wilson stated that once the Phase I bylaws have been approved, if something is not clear it can be addressed in Phase II. He noted that the bylaws are a living document that will continue to change according to the needs of the community, to stay current with state laws, and to address evolving new technology.

Town Planner, Renee Vondle stated that another big change to the current bylaws was a rewrite of the Downtown Design Review Control District Standards and Procedures (Section 5.4) which was needed to direct the applicant on the application process and assist both the Downtown Design Review Advisory Commission and the Development Review Board how to review the applications. Previously the commission and board did not have a clear procedure and the application process was confusing to the applicants and the Development Review Board.

Ex-officio, Mike Martin explained that the Downtown Design Review Advisory Commission (DDRAC) functions in a customer service capacity to enable the applicant to prepare for the following hearing with the Development Review Board. The DDRAC does not have a judiciary role, but exists to assist the applicant in preparation for their hearing with the Development Review Board and to advise them on what the DRB will be looking for in their hearing and if the application conforms with bylaws.

George Trombly asked why the commission removed medical marijuana dispensary prohibition, but kept the description in the bylaws and stated that this does not make sense to him. He

asked if medical marijuana dispensaries aren't allowed, then why do you describe them?

Char Osterlund explained that originally there was only one prohibition in the entire bylaws and that was a medical marijuana dispensary. The Planning Commission took the prohibition away so the use is now allowed and they put the description of a medical marijuana dispensary in the

definition section. Mr. Trombly stated that this is disappointing to him. Jesse Webster stated that medical marijuana dispensaries are not allowed as a business at this point. Mike Martin stated that it was removed as a prohibition, but there is no mention of where a medical marijuana dispensary will be allowed and asked for clarification where a dispensary would be allowed if someone applies to the DRB? Joe Wilson stated that it will go before the DRB and they still may deny it, but noted that if it was not defined in the bylaws, how could we regulate something that is not allowed in our bylaws? Mr. Trombly stated he felt it was a reasonable prohibition and asked why it was removed. Chair Wilson stated that the PC is saying that it must be applied for. Patrick Adrian asked if the PC is trying to make the ordinance comply with State law? Joe Wilson stated that is a correct assessment to what is going on at the state house and in the states around us and this bylaw is stating that someone needs to apply for it.

Town Planner, Renee Vondle gave an update of the recent legislative session regarding recreational marijuana. She stated that the legislators are considering taxing and legislating recreational marijuana and one of the items they are considering is making the grow and warehouse use an agricultural function and may take jurisdiction away from the municipalities, but still give the municipality the right to prohibit a recreational marijuana retail operation by either a Selectboard ordinance or a full town-wide vote. Nothing has been decided yet in Montpelier and the conversation will continue next session.

Chuck Gregory moved to approve the zoning bylaw draft as amended. Judith Stern seconded. Motion passed 6-0.

Chair Wilson thanked the Planning Commission for all their work. The draft will be sent to the Selectboard. The Selectboard will hold two public hearings and may make changes on their own. Once the draft has been approved, the bylaws will become effective following a 20-day period. The bylaws will then go into effect.

5. **Announcements:** There were no announcements.

6. **Approval of Minutes**

Judith Stern moved to approve the minutes of June 5, 2019 as amended. Chuck Gregory seconded. Motion passed 6-0.

Judith Stern moved to approve the minutes of June 27, 2019 as printed. Char Osterlund seconded. Motion passed 6-0.

Judith Stern moved to approve the minutes of July 2, 2109 as printed. Jesse Webster seconded. Motion passed 6-0.

7. **Public Comments**

George Trombly asked if the Planning Commission was going to deal with signage. Chair Joe Wilson stated that the Planning Commission will entertain comments, but that no action will be taken at this time. Signs will be addressed in Phase II and any comments will be taken into consideration during the rewrite.

William Handly stated that he has heard a lot of discussion with people wanting all signage or no signage. He is concerned about being business friendly. He would like to understand the difference between signage for commercial farms and the farmers market sign.

Marie Wright asked at what point something is grandfathered. She stated that the farmers market was grandfathered in and at what point is the Blais farm grandfathered in? Joe Wilson explained that a use which exists before a zoning bylaw may remain. He stated that the sign for farmers market is not grandfathered, but was approved with the intention that the additional space on this sign would be for nonprofits to use.

Discussion followed regarding for profit business signs and non-profit signs. Ms. Wright stated that she believed the Farmers Market is a for-profit market because the people with booths make a profit. Chair Wilson stated that the Farmers Market as an entity is a non-profit, the farmers who sell their goods are a for-profit, but the Farmers Market is a non-profit. He noted that the Golf Course is a nonprofit organization as well. Chair Wilson also noted that the Farmers Market sign is a Springfield On The Move sign and they are a non-profit as well. Mr. Handly stated he did not think it is a Springfield On The Move sign.

Discussion followed regarding signs on the island by the plaza. It was noted that for profit signs are not allowed there. Town Planner, Renee Vondle read Section 4.18 (C 6): “Any sign, permanent or temporary, located within the highway right-of-way, except for official business directory signs maintained by the State of Vermont, and official traffic control signs [This prohibition includes political campaign signs). Ms. Wright stated that it sounds like there should be no signs allowed in the town public right-of-way including the island. Town Planner Vondle concurred. Ms. Vondle stated that the State of Vermont Department of Transportation (DOT) wants to be notified regarding any signage along their state highways.

George Thompson stated he came from a generational agricultural family and he highly supports agriculture and stated that he feels we should support the farmers and make special exceptions for the farmers. He stated that it appears the town is playing games with the nonprofit situation. Town Planner Renee Vondle agreed that the sign bylaws need to be cleaned up and that the Planning Commission needs the public input. Ms. Vondle stated that she has fielded calls and noted that seasonal farmers such as berry farms or Christmas tree farmers are at a disadvantage because the only sign bylaw we have that somewhat addresses it is Section 4.18 (A) (16c): “A portable sign may be used to advertise a special sale or other event, but for no more than one week in duration.” This does not fully address the situation either, because a seasonal sale is at least 3 weeks long. The signage bylaws are not working for seasonal farmers.

Marie Wright asked about highway setbacks and if signs allowed in certain districts and not others? She stated she has seen blueberry signs on roads outside of town that have not been removed, but the Blais sign on the island was removed and she feels everyone should be treated

equal. She stated that the town needs to take a good look at what direction they are going in. Discussion followed. Chair Wilson stated that these are exactly the discussions that we should be having when it comes time to rewrite the sign bylaws. Chair Wilson stated that the Planning Commission writes the sign bylaws and the Zoning Administrator must enforce them and she is just doing her job when she removes signs.

Jesse Webster encouraged the community to come to the Planning Commission meetings which are the first Wednesday of the month and to voice their opinions and share their ideas as we go forth in creating change. The Planning Commission wants and needs input from the community. Chair Wilson stated that the Planning Commission is representing the community, but they need the community to share their input. It was noted that sharing on social media is not the same as discussing the issues with Planning Commission whether in or out of the public

meetings. Town Planner, Renee Vondle stated that the Planning Commission is allowed to talk to people outside of a meeting. Jenn Gehly stated that if someone feels passionate about an issue that it is more important for people to come to a meeting and get it on record. Char Osterlund noted that the people can email the Chair and he can share it with the rest of the commission.

8. Town Planner's Report

Town Planner, Renee Vondle reported that the VLCT training on July 17th was well attended by our Planning Commission and members from both the town of Chester and the town of Rockingham. The topic was Rules and Responsibilities of Planning Commissions and was led by VLCT lawyer Susan Senning. The power point presentation was emailed to members and is also available in hard copies at the Planning & Zoning office as well.

9. Old Business:

There was no old business.

10. New Business

A. Catamount Solar – Discussion on Springfield Hospital Solar Site

Kevin McCollister, founder and managing partner of Catamount Solar addressed the Planning Commission. Mr. McCollister informed the Commission that Catamount Solar is in a peculiar situation with the 500 kW net-metered solar array to be located on the parcel south of Springfield Hospital (wooded property going uphill from the upper parking lot). The project has a Certificate of Public Good from the Vermont Public Utilities Commission, but because of the hospital's recent bankruptcy filing, finalizing a net metering agreement with the hospital is problematic and the project developers would prefer to provide the system's utility billing credits to another entity. He noted that the project achieved its preferred site status due to adjacency – the system was to be built physically adjacent to and on the property using the net metering credits. In order for Catamount to build the system and deliver the credits to another non-adjacent entity, the company must petition the PUC to amend the CPG. As part of their amendment petition, they need to demonstrate how the project continues to be a "preferred site." The way that they can do this is by obtaining the joint letter of support from the Select Board, Planning Commission, and the Regional Planning Commission.

Originally, application plans and filings were sent to all the entities according to the PUC rules. They were sent to the SWCRPC, Springfield PC, Springfield Selectboard and the abutters. Catamount Solar did not receive any comments. In January of this year, an intermittent stream was discovered by the Agency of Natural Resource and an amended site plan was sent out with a letter to the town, SWCRPC and abutters asking for comments. Again, there were no comments. They received permission to build in April. Recently, the hospital declared bankruptcy and is no longer interested in receiving the credits and this makes them a poor credit risk. If the hospital was solvent, Catamount would be building the system today.

Mr. McCollister stated that Catamount would like to sell the power to the Springfield School District. He noted that they have a letter of intent from the Springfield School District, but they cannot do that without being declared a "preferred site" and the way to get the "preferred site" status is to get a joint letter of approval from the three boards. He stated that he received approval from the SWCRPC on July 15, 2019.

He noted that it is unusual for this to happen as part of the CPG application process and now Catamount is circling back because they need to change the receiver of the power. He is hoping

for approval so they will not become collateral damage to the hospital's financial difficulties. Currently they have approval from SWCRPC and now they need both PC and Selectboard approval.

Mike Martin asked if the site has changed? Mr. McCollister stated that the site has not changed since the intermittent stream situation. The site was reconfigured to be tighter which made the array area smaller. Nothing has changed since and they do not plan to change anything further.

Mr. McCollister stated that the PUC will take between 2-3 months to deliver their decision and he believes they will be in favor of it because there was a similar situation over in Castleton that the PUC found acceptable.

The PC reviewed the letter of intent between the Springfield School District and Catamount Solar; the basic terms being that the Springfield School district agrees to receive 465 kW AC of net-metering credits from the Project for a period of 25 years at a fixed discount rate of 14% at an established floor price and will incur no costs for the permitting or construction of the project.

Char Osterlund stated she was on the PC when Catamount Solar first applied for this project and noted she had a letter addressed to Nathan Stumpff (dated June 2017) with conditions attached and she asked if the conditions were met. One of the conditions was to complete aesthetic mitigation for abutters in the public viewshed. Mr. McCollister stated that project actually shifted. He noted it was broader from east to west the first time they submitted the plan, but based on the abutter comments, they pulled everything from the east side and put everything on the other side of the stream. Abutters from the east side felt there may be drainage issues, so they stayed out of that watershed area that is to the east.

Regarding adequate screening, Ms. Osterlund stated that the abutters talked about erosion and asked if these concerns were addressed. Mr. McCollister said that they have a fully engineered, comprehensive stormwater plan that has been approved by the State. Ms. Osterlund was satisfied that the concerns from the letter were met.

Chair Wilson quoted from the 2017 letter "both PC and EC endorse the efforts of Springfield Hospital and Catamount Solar to help in our town's transition from fossil fuels to renewable resources by developing a new local source of renewable energy. As the project moves forward the PC anticipates it will, as it must, be in balance with neighborhood health and safety, aligned with community standards." Chair Wilson stated that the site was moved and a drainage plan was developed for the watershed.

Chair Wilson summarized that essentially, because of the financial troubles of the hospital, the same plan is in place and intact, but the recipient of the power will now become Springfield School District. He asked if the PUC is the one requesting the preferred site status approval? Mr. McCollister stated the PUC is not specifically requesting this, but it is written as part of the Net-Metering Rule 5.103 that a system this big needs to be considered a preferred site. He explained that there are a number of ways to become considered a preferred site and Catamount had the preferred site status initially because all the power was going to an adjacent property, but due to the financial circumstances, that can no longer happen so Catamount has to amend their preferred site designation by getting this joint letter of support. He noted that some projects know from the very beginning that they are not selling to an adjacent entity and the

process they need to follow is to come to the town right from the beginning before they apply to the PUC. Now that they will have to sell off-site, they are coming back to ask the town to give them a letter reaffirming that town supports the project. Mike Martin stated that he remembers taking testimony from abutters and listening to their concerns. He asked why did we have that hearing if it wasn't for the purpose of drafting a joint letter approving preferred siting status?

Char Osterlund stated that when the PC first gave the approval as a preferred site, we were using the Town Plan with the energy chapter and criteria, but these have both changed since the initial application. Mr. McCollister explained that Springfield had the hearing because they received the 45-day notice informing you that Catamount had the intention of filing the CBG application. He noted that every town does it differently and Springfield decided to make it an agenda item. He stated that he did not believe it was a hearing, but a chance for the abutters to express their concerns and have an opportunity for Catamount's representative to show the PC the plans. Mike Martin summarized that the outcome of the meeting was not a result of a vote by the PC. Mr. McCollister agreed and stated that they were not asking for a preferred site status because they already had it from the State. Chair Joe Wilson agreed, stating that it was deemed a preferred site by the characteristics of being a site on the same property as the receiver, a closed loop. Mr. McCollister noted that the town had status to comment within the 45-day period to the PUC and if there were serious concerns, they could have weighed in with the PUC to state that they did not like the project, but that did not happen.

The PC struggled with whether the project was grandfathered in and should receive a letter of approval on that basis or whether it should be put through the Town Plan Large Solar Array Siting Criteria. Char Osterlund asked if this situation calls for having to put the project through the five criteria in the Town Plan for Large Solar Array Siting Criteria.

Chuck Gregory stated that the PC should consider the project to be grandfathered in. Mike Martin stated that the project has met the State solar criteria of listed preferred sites and he felt that the PC should be compelled to approve it. The PC members agreed with that assessment except Char Osterlund who felt the project should be reviewed with the Springfield criteria from the Town Plan and asked if the PC should use the current criteria as opposed to the expired criteria.

Jenn Gehly read the Springfield preferred sites: fringe or back of acreages, areas not suitable due to environmental contamination, no slopes, rooftops, place on parking areas, rocky soil and not prominent in the viewshed. She noted that this project has met all these conditions and that nothing in our criteria talks about the proximity of where the power is going. She stated that the proposed site has not moved so it is still to be considered a preferred site. She stated that the town should not care where the power is going and should only be concerned about the views and abutters. She stated that it is the PUC rules regarding the project needing to sell the power to the adjacent land owner. Chuck Gregory stated that the developer has done everything that the State and the municipality has required and this accidental issue has occurred through no fault of their own and he believes the project should be allowed to continue and the joint letter should be signed.

Char Osterlund then asked all the questions from Springfield's criteria (Exposure, suitable access to 3 Phase power, no undue adverse impact to the abutters, not in the viewshed from a major transportation corridor, aesthetic mitigation, will not increase potential erosion, will not result in substantial deforestation or interfere with wildlife, will not be placed over prime

agricultural soils or interfere with historical use for agricultural purposes and won't interfere with future uses) for which Mr. McCollister responded that it meets all the criteria. Char concluded that the project has met all the criteria in our existing plan.

Judith Stern moved that the Planning Commission approve the Catamount Solar request for a signed letter recommending the Springfield Hospital Solar Site as a preferred site and direct the Chair to sign it. Jesse Webster seconded. Motion passed 6-0.

11. Identify agenda items for August 8, 2019 meeting

Chair, Joe Wilson recommended that the Energy Chapter Public Hearing should be the sole item on the agenda. The commissioners agreed.

ZA, Renee Vondle asked that the commission consider having a joint meeting with the Development Review Board prior to continuing work on Phase II of the zoning bylaw rewrite. Discussion followed. It was agreed to hold the joint hearing in October.

12. Adjournment

Joe Wilson moved to adjourn at 8:25 p.m. Judith Stern seconded. Motion passed 6-0.

Respectfully submitted,

Renee L. Vondle
Recording Secretary/Town Planner