

## Shaftsbury Planning Commission (PC)

February 28, 2023

In person at Cole Hall and remotely via Zoom

### 1) Call to order

The meeting came to order at 6 p.m. Present were commissioners Chris Williams (chair), Nancy Burns, Martha Cornwell, and Naomi Miller. Mike Foley arrived a few minutes later. Also present were BCRC planner Janet Hurley, zoning administrator Shelly Stiles, and several members of the public.

### 2) Minutes

Ms. Cornwell moved to approve the January 24 minutes. Mr. Williams seconded the motion. Ms. Cornwell's name was misspelled on page 2. The amended minutes passed 4-0-0.

Ms. Miller moved to approve the February 8 minutes. Ms. Cornwell seconded the motion. The affiliations of Jim Porter and Eric Guzman were changed to Department of Public Service and the name of the last speaker of the evening was changed to Lisa Pezzulich. The amended minutes passed 4-0-0.

### 3) Discussion of Shaftsbury Solar project

Ms. Hurley said she couldn't guide the discussion.

Mr. Williams asked if commission members wanted to weigh in. Ms. Cornwell said she didn't have enough information. Ms. Miller said it was appropriate to wait until the final application has been filed. She said it didn't make sense to approach the PUC until we know what is being proposed. Mr. Williams agreed more information was needed. Ms. Burns said she appreciated hearing the views expressed by the public at the February 8 meeting and that it would be important to take them into account. She said the company's rationale for choosing the location is interesting but not a reason to either approve or disapprove of the project. Mr. Foley said it would be unfortunate to lose so many trees, but that it will be hard to go against state goals.

Citizen Michael Albus said the PUC encourages Planning Commission comments. He is glad the PC is discussing amending the Town Plan. He expressed concern that Holy Smoke Road would be damaged and would be unsafe to drive, walk, or bike on while construction is underway. He expressed concern that Reed Wills of Freepoint Solar had indicated the company had been in touch with town officials beginning several years ago. Ms. Cornwell said she reviewed the video of the February 8 meeting and that Mr. Wills did not say that.

Citizen Kit Ausschnitt said the PC could make a statement, based on the information included in the company's 45-day notice, that the project "is totally inconsistent with the Town Plan."

Citizen Ken Harrington asked that the PC adopt something like Bennington's solar ordinance. He shared a copy of the ordinance with Mr. Williams. Mr. Williams said the PC does not act on ordinances. Mr. Harrington submitted a copy of VSA 24, chapter 117. Ms. Hurley explained that chapter 117 explicitly limits a town's ability to regulate renewable energy via zoning. She said the state has provided another way for towns to be involved in such projects in the enhanced energy plan process. Mr. Harrington read a letter from the chair of the Bennington Select Board about that town's solar regulations.

### 4) Discussion of enhanced energy plan

Mr. Williams said the PC had considered such a plan when the Town Plan was last revised but had decided that it would be the state's plan, not the Town's, so rigid are the state's requirements for enhanced plans. Ms. Hurley agreed that the plan must reflect the state's policies but that towns have some prerogatives, e.g. adding screening requirements, preferred sites, and other items.

Ms. Miller said an enhanced energy plan would be a way to represent the desires of the citizens. Ms. Cornwell said it could be considered a compromise.

Ms. Hurley said many county towns have adopted enhanced energy plans and many have not. Taken altogether, the plans will help the region meet its energy goals as expressed in the Regional Energy Plan. She said the Regional Plan "regionalizes" the state's goals, and town enhanced energy plans "municipalize" the state's energy targets and could ensure that each town is shouldering its own energy responsibilities.

Ms. Hurley said the proposed contract between the Town and the BCRC to create an enhanced energy plan reflects a maximum cost; the BCRC would charge only for actual hours expended on the plan.

Ms. Hurley said the enhanced energy plan would have no retroactive weight. Any application filed with the PUC before the adoption of the enhanced plan would not be judged by the PUC in the context of that plan.

Ms. Cornwell moved that the Planning Commission resolves to ask the Shaftsbury Select Board to enter into a contract with the BCRC to prepare an enhanced energy plan. Mr. Foley seconded the motion, which passed 5-0-0.

5) Other business

The PC agreed to change the meeting schedule to the second and fourth Wednesday of each month.

Ms. Hurley will send an updated enhanced energy plan contract to Mr. Kiernan.

Ms. Cornwell moved to adjourn at 7:17 p.m. Ms. Miller seconded the motion, which passed 5-0-0.