

PLANNING COMMISSION
Draft Minutes
April 6, 2016

Members Present: Sally Miller, Nick Scheu, Lowell Gray, Keri Cole, Sam Segal
Members Absent: Susan Boston, One Vacancy
Others Present: Jeff Bendis, Michael Brands

I. CALL TO ORDER

The meeting was called to order at 7:30 pm.

II. APPROVAL OF MINUTES

The minutes of the March 2, 2016 meeting were approved as submitted.

III. NEW BUSINESS

A. Open Meeting Law

After the last meeting, the Town Planner questioned the VLCT attorney, Garrett Baxter, of the impact of the State's Open Meeting law on email conversations among PC members. A letter from Attorney Baxter was sent around to all members. Development Review Boards are allowed, during deliberations after testimony has been voted closed, to discuss the deliberation outside of a meeting as long as the final decision is made in a warned meeting. All boards can distribute information/documents via the internet. Less clear and with no court opinions on such, is the process of board members working/commenting/making statement/corrections on shared documents outside of a warned meeting.

After discussion, the PC asked that all email records be retained for a period of time that would allow perusal by the general public upon request. The Town Planner noted it has been his habit to maintain emails sent and received from various boards for at least a five year period.

The PC then asked if it were possible to create a specific address within the Town of Woodstock's website whereby email conversations specific to the PC could be obtained. This would create an "open" digital record of such conversations with easy access.

The Town Planner will question the various technical consultants the Town employs for website maintenance to see if such a site could be established.

B. Selectboard Request re: Rutland's Solar Siting Petition

On February 16, 2016, the Selectboard received an emailed request from the Town of Rutland. The

request asked that Woodstock join 100 other towns in signing a petition to essentially ask the Public Service Board for more local involvement in the Act 248 process whereby solar and wind farms are approved.

The Selectboard is asking for input from the Planning Commission before taking action.

The PC noted the Selectboard's Solar Siting Ordinance is currently being rewritten. A draft of a chapter addressing solar siting within the Town Plan has been started. The Act 248 process would take into account statements made within the Town Plan as they impact an application before the PSB.

Additionally, the State legislature is about to make major changes to Act 248. A 66 page bill was recently voted out of committee. The bill sets standards for plan enclosures and also opens up the PSB's review process. However, the bill is not law yet and may change before it becomes so. It may be prudent to wait until the legislation is passed before signing any petitions.

After discussion, Mr. Scheu moved, with a second by Ms. Cole to recommend that the Selectboard hold off on signing the letter due to political advancement and pending legislation. The motion was approved with a 5-0 vote.

C. PC Vacancy/Officials

Mr. Bendis, current chair of the Design Review Board, asked to be considered as a member of the PC. He presented his resume, noting his public involvement with the community. In 2000, he owned and operated a five room B&B in the Village. From 2003- 2006 he wrote a weekly business column for the Vermont Standard. He has been a member of both the Woodstock Rotary Club and the Woodstock Area Chamber of Commerce as well as participated in many local and Upper Valley organizations. (At the end of the meeting, Mr. Bendis agreed to have his name submitted to the Selectboard and Board of Trustees in order to schedule interviews with each.)

Once a year, after Town and Village meetings, the Chair and Vice-chair positions are reelected. Chair Miller stated she was willing to continue as Chair. Ms. Spaulding had been Vice-chair but stepped down from the PC last fall.

Mr. Scheu declined the position, noting he is selling his house and will be leaving the area. He intended to step down from the PC in June, but agreed to stay on to help finish the Solar Siting work.

Mr. Segal agreed to accept the Vice-chair position.

After discussion, Ms. Cole moved, Mr. Gray seconded, that Ms. Miller be Chair and Mr. Segal be Vice-chair. The motion passed with a 5-0 vote.

D. Town Plan Updates

The Town Planner explained the current need to update the Town Plan which was recently readopted in 2014. A step in the reapproval of the Village Designation, originally approved in 2006 and reapproved in 2011, is to add reference to the benefits of the Village Designation within the Town Plan.

Complicating this process, is the fact that a Town Plan cannot be amended. It can only be readopted. Vermont State Statues Title 24 Chapter 117 rules mandate that all town plans adopted after July 1, 2015 are required to have a Flood Resiliency chapter. Therefore, to add the one page Village Designation language to the Town Plan, a chapter on Flood Resiliency is required.

Chair Miller felt that this may also be a good time to add Town Plan language on solar siting. The PSB recently denied a solar farm application in Bennington due to Town Plan language that discouraged development in a specific area of that town. One of the few means of impacting a PSB Act 248 review is via language within the Town Plan.

The deadline to add the Village Designation within the Town Plan is a final adoption date of September 1st. A Town Plan adoption requires one PC public hearing and two each by both the Selectboard and the Board of Trustees. There may not be enough time to write a clear and concise Solar Siting section for the plan. A TRORC draft set of solar siting guidelines was emailed earlier. The draft is very basic and is not written as a town plan section.

This led to a lengthy discussion. As noted above, the State is about to adopt legislation concerning the PSB's review process. A 66 page bill is pending. Unfortunately, the bill is not yet adopted. The bill includes specific town plan standards regarding solar siting language, which under the current time frame would not be met before the bill is approved.

The Town Planner noted the State is requesting that town plans be written in a positive manner, meaning the plan should propose areas for solar placement and not just indicate areas where solar development is prohibited. TRORC, during its 2014 review process, noted the plan was lacking adequate detail in both the Education and Energy chapters. A recent email from TRORC indicated they may ask that both the Education and Energy chapters be reworked before allowing additional chapters.

After additional discussion, the PC agreed to work on Solar Siting language for the plan in an attempt to meet the aforementioned deadline.

The PC reviewed the one page Village Designation draft. The PC asked that the language clarify Village Designation rules, add history (2006 & 2011), and the fact that there is no cost to the town. The PC agreed to include an updated version of 2011 Village Designation map within the plan. The language should be placed on page 25 of the plan, at the end of the Village discussion in the Economic chapter. An action item should also be added. Goal 9 noting the benefits from Village Center designation with a line noting the need to renew the designation in 2011 were suggested.

Flood resiliency was discussed. The PC reviewed the 8 page draft sent in by TRORC. The Town Planner noted he had made a few minor corrections to the document.

After a lengthy discussion, the PC noted the draft was too specific and preferred a more plan-like document. It has to be more pliable, it reads like a regulation. The draft needs to be reorganized as in some cases it repeats itself and in others the historical sequencing is off.

The PC stopped the review at the last page, Recommendations, due to the late hour.

E. Town Zoning Rewrite Update

The Town Zoning Rewrite is placed on hold until the Town Plan rewrite process is completed.

IV. OPEN DISCUSSION - None

V. NEXT MEETING

Chair Miller stated she would be absent the first week of May. After discussion, the PC agreed to reschedule the monthly meeting to Monday May 9, 2016 at 7:30 pm.

VI. ADJOURNMENT

The meeting adjourned at 9:15 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner