

TOWN OF HIGHGATE

Planning Commission

October 20, 2015 @ 6pm

Joint meeting with the Highgate Selectboard

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

I. CALL TO ORDER

Rick Trombley opened up the meeting @ 6:00pm.

Present for this meeting were:

Planning Commission Board Members; Rick Trombley; Woody Rouse;
Luc Dupuis; Bruce Ryan; Larry Simmons

Selectboard Members; Jeff Towle; Chris Yates; Diana O'Hara;
Paulette Tatro; *absent-Randy Connelly*

Town of Highgate staff: Heidi Britch-Valenta – Planning & Zoning
Administrator; Wendi Dusablon – Clerk;

Public / Other: John O'Hara; Kirt Mayland – Reservoir Road Holdings, LLC

II. RESERVOIR ROAD HOLDINGS, LLC PRESENTATION

Kirt has previously attended a Selectboard Meeting on October 1st. He is here to share the same information with the Planning Commission. He handed out a packet that contained plans and photos as well as background information on his company and himself. Kirt focuses on site selection and is interested in VT for various reasons. The tax credit will be disappearing at the end of 2016. The site he is looking to develop with solar is on Frontage Road and is owned by Tyler Stanislaw (formerly owned by Pete Paquette). The site is invisible from the road, has no neighbors other than Carroll Concrete to the south, and recently went through ACT250. This is the kind of property he looks for. Tyler still sells sand off the parcel, but there are 45 acres vacant and usable for solar. An option to lease agreement was signed three months ago and they are now working through the ACT248 process. If approved, this will be a 5mw project. There will be no new access road needed and the interconnection would be along the poles on Frontage Road. Swanton Village Electric has finished their study and the economics work. Kirt said Swanton Village has been very receptive to this proposed project. The challenge in VT is finding someone to buy the power, VEPI is who he is working with on that. Kirt admits in Massachusetts, they were overpaid for solar power, they would get incentives close to 35 cents per kilowatt hour, in Vermont it is closer to 11 cents. Construction costs need to be reasonable to make it all affordable. ACT248 is similar to ACT250. Several studies will be done, including an aesthetics study, environmental study, engineering plan and storm water plan. There is a 45 day notice period and then they present to the PSB which begins the official permit process, which can take up to six months. There are tax benefits to the town. Currently the taxes on that property are approximately \$2,500.00 per year, and that could go up 10-15x that amount. The state sets how these projects are assessed. Kirt would be budgeting for \$15,000.00 per megawatt, in that range for tax purposes, and this is a 5mw project. Kirt will be back in a few weeks with his formal proposal. Tonight he is here to answer questions and address any concerns. Kirt feels he is easy to work with, and again stressed it is all about site selection. He is not into taking farm land or taking down trees. Larry had questions about the boundary lines on the maps. Setbacks will need to be honored and it is a nice square shaped piece of land. The solar rows will run east to west facing south. The leading edge to the top edge is a 15' gap at a 20 degree tilt. There will not be a lot of storm water issues. Larry asked about the life span of the project – 30 year contract and the panels are warrantied for 20 years, the inverters are warrantied for 10 years. Hopefully in 20-25 years they will just be swapping out more efficient powerful equipment and just keep going. A decommissioning bond will also be in place. Woody asked about the trees on the front of the property, Kirt will check the ACT250 permit. Rick asked about the airport and any concerns that might

need to be addressed. The panels face south, and they absorb the sun, not reflect it. Kirt has done other projects near airport facilities. The FAA will be involved in this process as well. Kirt referred to a project near the Rutland Regional Airport and one at the Burlington International Airport. Paulette had questions regarding the pictures in the packet from other projects. There will be small gaps in between the panels. There will be wiring underneath the panels and at the end of each row it all goes underground 3' deep in conduit, buried and backfilled and sent to an inverter. The project will hum at a very low level and only during the day. John O'Hara asked if that was the only noise associated with the project – yes. There will be no lights, and will all be fenced in with 6' high chain link fencing. There are shut down switches on each row. The poles will also have switches that can be controlled by Swanton Electric as well as Reservoir. John asked about training for emergency personnel and also asked about voltage. Nothing will happen by touching a panel. Paulette noted the proposal is in Highgate, but is within eye sight of Swanton, so it would be logical to train both towns as far as emergency personnel. Chris Yates asked about knock boxes. We currently don't have a program for this, or we could keep keys in the town trucks. Reservoir is willing to help us institute this process so the keys would be controlled. There will be plenty of space for vehicles with a 12-15' wide access road and there will also be plenty of space in between the rows. He does not anticipate any issues at the town level, the real challenge will be the power purchase agreement. If you don't pick a good site, you will run into opposition with your project. Construction would need to start in May 2016 and be operating by December 31, 2016 or lose the tax credit. It is a credit, not a deduction. Kirt hopes to have their 45-day notice out within the next two weeks. Heidi asked if Reservoir will maintain ownership of the project after it is constructed. Kirt works with Altus Power, which is a subsidiary of Blackstone, and they are behind all but two of his projects. They will be the investor and primary owner of the system but he will still be in the picture. He is the "dirt lawyer" out in front and they spend all the money. Kirt stays with them through the construction and all the way through. He is not a broker, he stays in. Bruce Ryan asked about the growth of weeds underneath and around the panels – they hire a landscaping company to do lots of mowing and trimming around all the racks. Larry asked if construction and maintenance workers would be local vendors. Yes, to the extent they are able to use local they prefer to do so. The excavators and fencing company will also be local. All would have to have a VT license, and it makes sense to use local folks whenever possible. Chris asked how local contractors and vendors would know about the work available – Kirt typically asks around town and works with the landowner, who is also local. Chris asked about the noise associated with pounding in the posts. Kirt explained that the town is a participant by law under ACT248. A lot of crews want to come in and just hit it hard and get it all done, if work on Sundays is discouraged, that would be addressed, as an example. There is only one house and a small mobile home park remotely close to this site. John O'Hara asked about winter snow volume and how that would affect the project. Some choose to let the snow be and let it melt off naturally. The panels are high enough that snow sheets off and piles upon the ground. The access road will always be plowed as well as the equipment pad. Kirt has not seen ice buildup be much of a problem either. The panels are dark blue and heat up quickly in the winter. Rick thanked Kirt for being here and for all the information. Kirt will be back soon with further information regarding this 5mw project on Frontage Road.

III. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from September 15, 2015 as written. The motion was seconded by Woody Rouse – **APPROVED.**

IV. OTHER BUSINESS ~ DISCUSSION WITH THE HIGHGATE SELECTBOARD RE: RANGER SOLAR PROPOSED PROJECTS IN HIGHGATE

Jeff Towle, Chris Yates, Paulette Tatro & Diana O'Hara were present from the Highgate Selectboard (absent was Randy Connelly). Based on the map presented by Ranger Solar, the proposed 20mw project will occupy parcels owned by RJ Fournier and Daniel Nadeau on St. Armand Road. This project will involve up to 95,000 solar panels. Larry asked if Ranger has a purchase of power agreement in place. They are looking for approval to sell power to Vermont and / or the region. This proposal would impact approximately 99 acres of land. Luc Dupuis feels it is impacting much more than that when you

look at the big picture. The Public Service Board (PSB) is the deciding entity. Jeff Towle added the location is not the best spot, it will change the aesthetics of the area and some of it is located in the village district. The project will be visible from the school and the arena. Woody asked if any of the land is town owned – no. Larry asked if our legal council is involved – yes. Heidi backed up and went over a history of the project to date. Ranger Solar was at the Selectboard meeting on 9/3 and then filed a 45-day notice. Now is the time to ask questions. Ranger came back to the last Selectboard meeting on 10/15, which was held at Highgate Elementary School and was very well attended. Ranger has provided details up to this point but they are still formulating a landscaping plan and how abutting properties can be appeased. Heidi, Chris and Jeff along with the town attorney met with Aaron from Ranger Solar this morning to discuss how they intend to mitigate the impact of this project. Paulette noted that in their 45-day notice it does answer some of the questions that are being raised, Paulette read aloud from the notice dated 9/24/15. Paulette noted that with regard to aesthetic impact, one sentence stands out to her “The preliminary assessment concluded that the project will not result in an undue adverse effect on the aesthetics of the surrounding area”. She noted that the consultant, TJ Boyle Associates LLC, was paid by Ranger to do the study. Woody agrees, trees or shrubs would certainly help. Chris noted that they use trees, berms, and sometimes solid fence, but not often. Paulette feels that based on the topography of the area, it will be difficult to totally screen the entire area. Larry would like them to consider downsizing some to give neighbors more of a buffer with trees. Larry asked about the power lines and if they are existing lines – yes. Ranger will be entirely responsible for any and all upgrades and their associated costs. The projects will avoid the wetland areas, and there are concerns about wildlife. Jeff noted that as a Planning Commission and Selectboard we have party status. We have heard from residents in the area, some are for the project, some are against it, and Ranger is working with them. Ranger will be moving forward and they want to work with the Town of Highgate. This could potentially lead to more and larger projects down the road, but for now, this is the project they are pursuing. Ranger is a permit company, so they will get this through the permitting phase and hand it off to a management company. Reservoir is a cradle to grave situation, Ranger is not. The land owners on St. Armand Road will continue to be land owners with this project, there are leases in place with the solar companies. There is a 50’ setback drawn into the plans from the property lines but that could be more, depending on shading. The map provided shows the scale of the project, the details are all still being worked out. It was noted that the town of Bennington Planning Commission is struggling with something very similar to this. Woody had more comments and suggestions regarding screening of the project along both sides of St. Armand Road. Larry commented that a 50’ setback doesn’t seem like a lot. The town could make a recommendation for more. There is nothing in our zoning bylaws / development regulations that will affect this at all, but an official opinion from the Planning Commission will. In our opinion letter we can voice our concerns. Ranger is presently courting the town, and are negotiating with us. There is a huge tax revenue opportunity here, and there is also potential for Ranger to gift the town a certain percentage as compensation for impact. Earlier today Heidi brought up the issues with the intersection of Route 78 & St. Armand Road. During the construction phase for this solar project, there will be increased traffic at that intersection, which will need to be addressed. All the options to address it will cost money, but would make for a much safer intersection. John O’Hara asked if the project should be hidden from the school or should this be used as an education opportunity for the children. St. Albans City is currently looking at a solar project on one of their old soccer fields. Sun Common builds in curriculum for schools that use solar power. Larry asked what concerns were voiced at the Selectboard meetings with Ranger. Bruce Ryan wanted to hear more about the benefits to the town, including tax revenue. Woody asked about funds set aside for decommissioning. Jeff brought up other benefits, including a potential 1% incentive, which could help with other projects, such as the intersection mentioned prior or other projects, such as the arena roof. There are many things we need done here and this could really help. Ranger has also put some land on the table that abuts the rail trail and arena. We have more time to discuss all of this at our Nov. 5th Selectboard meeting, but shortly after that the 45 –day notice will be up. Some of the big concerns brought up tonight were; 1) screening to mitigate the aesthetic impact 2) benefits to the town such as tax dollars, potential additional percentage to the town and potential donation of

land to the town 3) increased traffic issues during the construction phase for hauling of materials and equipment. Ranger will be redoing their plan with TJ Boyle and coming back to us. Bruce was curious why they are so interested in Highgate and in that particular area. It is because the VELCO substations are right there and overhead power lines already exist. Larry would like to see Ranger attempt to reach out to local business and contract all the work out locally if possible. Ranger does hold job fairs and include info on their website. Jeff reiterated that Ranger intends to move forward and they would like to have Selectboard and Planning Commission support. With support from the town, their project will go through much easier. It is our duty to our residents and taxpayers to get the most we can, as this project is going to the PSB either way. We have three options; 1) approve the plan 2) opposes the plan or 3) find common ground and negotiate. Woody would like to work with them to make it look good and maximize our benefits. This project, if approved, will be the largest in the state of Vermont. Ranger doesn't seem to think there will be hold ups. Reservoir sees hold ups with larger projects. Ranger is working with the Public Service Department (PSD) and aesthetics firms so when they get to the PSB they have all their ducks in a row and all their documentation is complete. Larry's view is that this will pull in major tax dollars with the most minimal environmental impact, and helps to meet the state mandate by the year 2050. There are no requirements from the municipality either. These projects (Ranger & Reservoir) could be just the beginning really. We should also be working with Reservoir and treating everyone the same. Kirt will be back and when he does, it will be time to negotiate with him as well, to be consistent. We have been fortunate that both companies have come to us and communicated as much as they have – because they are not required to do so. Both are trying to act in good faith. Both are aware of other communities in VT currently fighting against wind and solar projects. Heidi noted that the land owned by RJ Fournier is in current use, so we have been getting minimal tax dollars. Land owners will receive money for rent and that will likely be infused back into the community in several ways. These land owners will be making good money by leasing the property for these solar projects. Once this project goes to the PSB it can't get any larger, but could get smaller. Larry asked about training for the fire department, both Ranger & Reservoir have stated there would be training made available. Chris is not concerned about an electrical fire, he is more concerned about the potential for a grass fire. As far as construction, it would be a brief period of time that we would see an increase in the volume of vehicles and the number of trips at the intersection of St. Armand Road and Route 78. The Selectboard is looking for a recommendation from the Planning Commission, and this can be finalized on November 5th. Heidi will compile a list based on our conversations this evening and get that to our attorney prior to November 5th. Paulette asked if we could be asked for the PSB hearing(s) to be held locally, or if people will have to travel to Montpelier. We can incorporate that into our formal letter to the PSB.

V. MISCELLANEOUS UPDATES

Heidi, Paulette and Rick went to the airport yesterday for a meeting. Tim Smith from NRPC, Jim Harrison, George Coy and the Swanton Chamber of Commerce were also there. Guy Rouselle and Jim Thompson from the state chimed in via conference call. They will be working on expanding the actual run way from 3000' to in excess of 4000' to accommodate the next size planes they want to come in. Paulette noted there is a lot that goes on at the airport including outreach with schools, after school programs and a free pancake breakfast once per month (3rd Sunday each month). They briefly talked about the proposed wind turbines off Route 105 and how it relates to air traffic patterns and needed flight space. The professionals will deal with the issues regarding wind and solar projects and how it does or does not affect the airport.

VI. UPCOMING EVENTS

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| • Oct. 27 | by 5pm | PROPERTY TAXES DUE |
| • Nov. 5 | 7pm | Selectboard Mtg. |
| • Nov. 11 | CLOSED | Veterans Day |
| • Nov. 12 | 6pm | DRB Mtg. |
| • Nov. 17 | 6pm | Planning Commission Mtg. |
| • Nov. 19 | 7pm | Selectboard Mtg. |
| • Nov. 21 | 9am-3pm | Craft Show @ Highgate Elementary School |
| • Nov. 26 & 27 | CLOSED | Thanksgiving holiday |

VII. ADJOURNMENT

Motion by Rick Trombley to adjourn the meeting @8:12pm. The motion was seconded by Woody Rouse – **APPROVED.**

Minutes respectfully submitted by:

_____, Clerk
Wendi Dusablon

Date

Minutes approved by:

_____, PC- Chair
Richard Trombley

Date