

DRAFT

Town of West Rutland Development Review Board (DRB) Meeting Minutes Special Meeting held on November 16, 2016 - 7:00 pm - at Town Offices

DRB Members present: Mike Moser, Jim Mumford, Denis Lincoln, Leona Minard, Tim Ponto (No Members absent)

Also Present: Jeffrey Biasuzzi (Zoning Administrator, recorder), Michael Fried (TCE Trading), Diego Quesata (TGE), Joslyn Wilschek (attorney for the developers), and a number of other interested parties (roster attached).

Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. The Meeting was not electronically recorded.

M. Moser then introduced the Zoning Administrator (ZA) and Board members.

M. Moser requested a MOTION to accept the Meeting agenda. D. Lincoln made the MOTION to accept the agenda; J. Mumford seconded, all approved, and MOTION passed.

NEW BUSINESS:

M. Moser addressed the Meeting's rules of procedure. J. Wilschek, attorney for TCE Trading (developers of the W. Rutland solar project proposed for a portion of Parcel # 1330839, at 839 Clarendon Ave.) asked how her Client(s) may address any inaccurate facts. The Chairman replied that the Board would give all an opportunity to submit their information and opinion, but stated that a five minute speaking limit may be imposed if necessary.

M. Moser asked all interested parties that intended to submit testimony to be sworn in; and administered the Oath.

M. Fried led the discussion by describing the solar project proposed for the 17+/- acre tract. He stated the final design details were yet to be determined and depended on the input from the community and VT permitting conditions.

M. Moser asked for questions and Public input:

L. Minard asked on project size and if it would change with a Green Mountain Power (GMP) interconnection limit.

M. Fried stated that GMP had allocated 3.5 megawatts for the project.

E. Gilman (Westside Court resident) expressed concerns on impact to Town's Wellhead Protection Zone (the project is within the mapped boundaries of the WPZ).

Alex Marechaux (743 Clarendon Ave) expressed his concerns on the personal safety of his family; that part of his decision to purchase his residence was due to the Residential Zoning; felt the project was unacceptable for the neighborhood; and that the project would result in a negative impact to his property's value.

K. Curtis voiced her strong concerns about potential (bio) hazardous materials that may be onsite, and disfavor for the proliferation of solar projects.

L. Tyminski (689 Clarendon Ave.) expressed his preference for siting solar projects on secondary (overgrown) sites versus productive agricultural soils. He stated his property has about 300 feet of common frontage to the project and that it would result in negative aesthetic values. He regreted that the solar panels were to be made in China.

R. Manning (207 Clarendon Ave) was not against the concept of solar energy; but asked how this project would benefit the Town.? Would the project result in lower personal electric rates? If there was no benefits to West Rutland, why should the project be allowed?

A printed summary of the project, prepared by TCE Trading; and several VT Natural Resources maps, prepared by the ZA, were available to the Public and used in the Meeting (attached). M. Moser asked for any other Public input. Hearing none, he thanked the attendees for their participation and proceeded to the next agenda item.

OLD & MISCELLANEOUS BUSINESS:

M. Moser asked for a MOTION to discuss the Ace Muffler/Wilk permit situation in Deliberative Session. T. Ponto made said MOTION, D. Lincoln seconded, all approved and Motion passed.

T. Ponto made a MOTION to accept the Minutes of December 16, 2015 (the last DRB meeting). D. Lincoln seconded, all approved and the MOTION passed.

D. Lincoln reported on progress on the Town Plan; and the need for additional Planning Commission members.

M. Moser asked DRB members for any issues or concerns. D. Lincoln asked on what the next step for the solar project would be. M. Moser stated the purpose of the Meeting was to accept public input, review the Town Plan & Zoning Regulations, and advise the Select Board how these apply to the proposed project.

M. Moser asked for a MOTION to enter Deliberative Session. He requested that TCE Trading's representatives be allowed to stay for part of the Session, to answer further questions, and make any correcting responses to the Public input presented. _____? _____ made said MOTION to enter Deliberative Session at 7:33 pm; D. Lincoln seconded, all approved and MOTION passed.

M. Moser made a MOTION to exit Deliberative Session at 9:28 pm; J. Mumford seconded and the Public Meeting continued.


The Zoning Administrator was assigned with preparing a draft letter of Findings for presentation to the Select Board. The draft letter would be first emailed by the ZA to all DRB members, who would then submit their corrections approvals; etc. directly the Chairman (copy to the ZA) by Monday 11/28/16. The Chairman is authorized to sign the final version of the Findings, on behalf of the majority of the DRB, and present to the Select Board when the matter is scheduled.

M. Moser requested a MOTION on the matter of compliance of Permit #08-41; Rigg / dba Ace Muffler(Applicant-tenant) & S. Wilk (Property Owner). D. Lincoln made a MOTION to revoke Permit #08-41; per the Notice of Violation issued by the Zoning Administrator on 9/15/2015 and not appealed. This decision was brought about by the willful, regular, and repeated violations of the conditions of the permit by the Applicant-tenant. Condition #8 of Permit #08-41's conditions states, "That any deviation from this site plan will require a new application and site plan approval from the Planning Commission (now DRB)". All approved and the MOTION passed.

The next Meeting of the DRB will be at the request of the Select Board or Zoning Administrator.

M. Moser asked for a MOTION to close the Meeting. T. Ponto MOVED to close the Meeting; all approved, MOTION passed and the Meeting adjourned at 9:54 pm.

Respectfully submitted on 11/21/2016 by


Jeffrey M. Biasuzzi, recorder

Approved by the DRB on _____, by _____ Chairperson

Attachments: Attendance roster; TCE presentation, ZA maps (floodplain, wetland, Well Protection Zone)