

NOTES FROM THE NORTH HERO PLANNING COMMISSION
Tuesday, August 23, 2016 at 3:00 pm at the Town Office,
Town of North Hero, 6441 US Route 2

Present: Marie Kilbride, Richard Mitchell, Chip Porter (Secretary)
Absent: Pete Johnson, David Jacobs, Ben Joseph, Joe Wilusz
Guests: Greta Brunswick, Mary Jane Healy

As there was no quorum, no action was taken on the minutes or the August 7, 2016 letter from Mary Jane Healey regarding zoning bylaw 476 and/or 8.12.

Greta presented a working draft of the Fairfax Solar Siting bylaws. See attached solar.fairfax and solar.screeningstate.

In brief the solar siting provisions provide the following:

A Town may forward recommendations to the Public Service Board. The Town may only participate by way of recommendations with regard to setbacks and screening. If adopted, the local Solar Siting Bylaws must be the same as setbacks and screening as are imposed or related to other comparable activities e.g. commercial, in the Bylaws.

This new statute has several unusual practical ramifications. The DRB, the Planning Commission or the Selectboard of the Town may hear an application in a public hearing. The Selectboard forwards the recommendations to the PSB, but perhaps not as an Interested Party, but the recommendation has greater weight. Perhaps like testimony versus expert testimony. The local hearing is not a function of regular zoning procedures, thus the Bylaw must be self-contained with regard to all provisions. For instance, it cannot rely on inter referenced bylaws such as for Conditional Use, specifically character of the area provision of Conditional Use. It cannot have Conclusions as derived from testimony on site specific conditions to determine setbacks and screening to formulate a finding. In a sense, it seems like it is more akin to a ZA determination: The proposed activity either meets it or it does not.

The need for North Hero to adopt language may be contingent on current PSB standards. The group discussed the apparent absence of set back and screening for two solar projects in Alburgh. The question was if those projects were put in place prior to the use of standards, or if they reflect the current standards. This might be important in considering the need for a North Hero bylaw. Greta said she would look into this question.

The committee briefly talked about the way forward on the deeded access and thought we should determine if we wanted to rewrite it.

The Board adjourned the meeting at 4:30.

copy: Town Clerk, Bob Ayers, Kate Kinney