

Approved June 15, 2016

## CORNWALL PLANNING COMMISSION

Regular Meeting  
May 18, 2016

**MEMBERS PRESENT:** David Anderson, Bobbie Carnwath, Jim Duclos, Jamie McKenna, Holly Noordsy, Jean Terwilliger

**ALSO PRESENT:** Bruce Byers, Ben Marks, Barbara Greenwood, Rowan Nelson, Patty Ross, Jen Kravitz, Amie Wilson, Rachel Dorsey, Travis Dorsey, Joseph Severy, Matt Bonner, Mary Dodge, Tom Halnon

The meeting was called to order at 7:08PM. A quorum was established.

**AGENDA:** Holly moved and Jean seconded a motion to accept the agenda. Motion passed 6 ayes/0 nay.

**APPROVE MINUTES:** Jean moved and David seconded a motion to approve the March 16, 2016 minutes. Motion passed (5 ayes/ 1 abstention- Jim Duclos). The Commission corrected the date on the minutes to read "2016." David moved to approve and Jamie seconded to approve the May 4<sup>th</sup> minutes. Motion passed: (4 ayes/ 2 abstentions – Bobbie and Jean.) Once again the date on the minutes was changed to read "2016."

**OLD BUSINESS: Continuance of Formal Hearing from May 4, 2016.**

The chair reminded everyone present that this is a public hearing, it is being recorded, and if anyone wishes to speak, they must take the oath. David administered the oath to Rowan Nelson.

David and Jim noted that they had conducted a site visit.

The purpose of this meeting is to have the applicant present the four (4) items the commission requested at the end of the first stage of taking testimony.

**Exhibit I:** Patty Ross showed the commission the deed which contains language for the easement (ingress and egress). This deed is more detailed and includes the easement for utilities and addition of the Right-of-Way.

**Exhibit J:** Survey Map- March 20, 2016. Applicant testified that there are some inaccuracies on the map, but that it shows the septic and well correctly. The Commission discussed the notations and the accuracy of the map.

**Exhibit K:** Three (3) Photographs. Board member David Anderson presented photographs of part of the property under examination. He noted the electric cabinet, the markings on the road made by the phone company and more distant view. Jim Duclos concurred with David that he had witnessed the same. He also noted the stakes indicate the building envelope. The line from Route 30 cuts across the property. Jim also spoke to the question of the 2003 easement being superseded, but noted that the violation "does not apply to the application before us." The town attorney has cautioned that this is not to be considered in the Commission's hearing.

Rachel and Travis Dorsey then asked if there will be an additional line because, if so, it would cross their land. Rowan Nelson explained the line would be in the power

company's easement. The Dorseys stated that they were aware of the ROW along the traveled highway but not the power line easement.

The Commission continued their discussion of the new materials submitted by addressing the well and septic sites. Jean noted that the septic shield does not overlap either wells. Holly explained that the town attorney indicated that shields overlapping property lines is the state's purview and should not be part of this hearing proceeding.

The Commission concurred that the well and septic as indicated on the survey are fine.

Holly noted that the approximate location of the buried lines are on the survey and setbacks are indicated, material which the Committee had requested.

There were no further questions from the Commission and no additional information from the applicant. Jim Duclos moved and David Anderson seconded that the hearing be closed. Ayes - 4: Holly, Jamie, David, and Jim Abstentions - 2 - Bobbie and Jean.

At this point the voice recorder was turned off.

### **OLD BUSINESS CONT'D:**

**Proposed Wind Turbine:** Jen Kravitz and Tom Halnon (installer) were present for questions and to give further input into the project.

Jen explained that the land is constraining placement of the turbine, but the site receives plenty of wind. She has talked with neighbors to the school, and while they had questions about the project, none had any real objection. Members of the selectboard have made visits to the planned turbine area.

Jim Duclos noted that he had traveled around Cornwall when the balloons were floated to indicate the height of the turbine, and although it was visible in some spots, there was nothing aesthetically intrusive. He also does not think the noise generated by the turbine will bothersome. Tom Halnon spoke to noise question by comparing this planned turbine to others in Cornwall and environs. The placement is staked, showing the site much more compact than expected

Ben Marks (selectboard chair) shared information from the Board's discussion the previous evening: The selectboard supports the project, and believes the matter should be taken to the town attorney who will draft a license or lease. Included in this public document will be language that the license is revocable at the discretion of the selectboard or if there are conflicts with an officially determined better use. The license will be non-exclusive, will specify cable location, dimensions of the garden and shed, and be non-transferable. In addition to the school's, the Town should ensure (add) sufficient insurance to cover any unfortunate eventuality. Also to be included is specific language regarding of the turbine termination / decommissioning by the school. The land belongs to the town. Does the license come back to the town? What happens when the school is no longer a school? All legal provisions for this project need inclusion.

Bruce Byers asked what the benefits of the turbine would be. David noted that the annual bill for school electricity is \$9,000; the school turbine will generate \$1,000 towards that bill. Jen also explained the educational benefits of the turbine: students become more aware of their use of electricity, often resulting in lower bills. Students also chart and analyze their findings on the turbine's productivity, etc. Both Mount Holly and Ferrisburgh have the same model turbine, and these student patterns are clearly proven.

Holly noted that this is a better site than in the field which is in full view Route 30, a designated scenic by-way.. Holly also reminded all that the legislature is considering a moratorium on wind turbines.

Tom Halnon addressed matters security, fencing, and lights. No light is required at the top, as it is less than 200' high. Fences and gates aren't called for or wise, as they are easily breached.

Matt Bonner expressed concern that the school might want to replace the turbine and whether that could be done. Holly explained that if it were a different size or tied to grid)-, the application would have to go to the PSB again.

Jim Duclos asked what will happen to the \$ generated by the turbine and will it stay in Cornwall. Jen explained that at that point, after consolidation, the money will go to the school district.

The consensus of the meeting was that the next step is to present the application to the PSB. Jim Duclos moved and David Anderson seconded that "the Cornwall Planning Commission is in favor of this project as currently proposed." Motion carried 6 ayes, 0 nays.

Members of the Commission thanked Holly and Jen for all their work on the project.

**Discussion with the DRB:** There followed a lengthy discussion of the duties of a

Development Review Board, the types of cases which will come before the Board, and the Board's requirements during a hearing.

As the conversion to a DRB has only lately taken place, many comments included application forms, requirements of applicants and where to find additional information on DRB procedures and decisions.

A member of the Planning Commission noted that the Conservation Commission would like to receive the case information on each application and be able to weigh in.

**Community Value Mapping:**

Mary Dodge presented the Commission with a schedule for this project. The actual mapping is ready to be done. A steering committee (including Bobbie Carnwath from the Planning Commission) will consider the best way to advertise.

This community event is planned for either September or October and is designed to offer opportunity for people to learn about others in town and what people in Cornwall value – in landscape, flora and fauna, favorite places and activities. It is designed to involve and speak to the whole town.

**NEW BUSINESS:**

Holly noted that it appears Jim Duclos, as Cornwall Zoning Administrator, will have additional work with the formation of the DRB and needs to be compensated fairly for it. After a brief discussion, all agreed that the discussion should continue.

**OTHER BUSINESS :** None

Bobbie moved and Jean seconded a motion to adjourn Motion passed unanimously. 6/0  
The Cornwall Planning Commission adjourned at 10:08PM.

Respectfully submitted,  
Mary Anne Sullivan- Tonight's Minute Taker