Town of Panton Chartered 1761

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Development Review Board and Planning Commission
Meeting Minutes

Thursday, April 11th 2024

In Attendance:
DRB/PC Chair Mary Rudd; DRB/PC Secretary Bethanie Brady Farrell; DRB/PC Member Annie Hopper, DRB/PC Member Gretchen Bailey
Panton Residents: Sarah Stradtner, Kevin Sullivan, Ben Chamberlain, Cindy Cooke, Janice Moulton, Robert Moulton, John Sullivan, Lisa Norris, Joe Marszalkowski , Rick Marszalkowski, Paulette Bogan, Eric Visser, Denise Strona, Chuck Strona, Kathy Kennett, Charles Kennett, Sandy Fon, George Fon, Sharon Ashcraft, Gordie Marcelle, Martha DeGraaf

Via Zoom: DRB/PC Member Catharine Hays, Zoning Administrator David Martini, and Panton residents: Diana Raphael, Kathy Rossier, Chris Wyckoff, Sean P. Sullivan

Development Review Board Meeting:

1. Mary Rudd Called the meeting to order at 6:00PM.

2. Approval of Minutes of the March 14th DRB/PC Meeting
   a. Bethanie moved to accept the minutes as written, Annie seconded. All in favor; the motion passed

3. Public Comment — None

4. Monthly Report from Zoning Administrator: one permit issued to Robert Bailey Jr. of 176 VT Rte. 22A for an Accessory Dwelling Unit on 3/18/2024

5. Plat Hearing: Kevin Sullivan and Sarah Stradtner are present to apply for a two-lot subdivision at 141 Stovepipe City Road, an existing improved lot, Parcel #06021300 which consists of dividing 10.38 acres into an 8.06-acre lot with 400 feet of road frontage, and a 2.32-acre lot with existing house and 214 feet of road frontage. The

parcel is zoned for R-2 and requires 200 feet of road frontage. Wastewater permit is in order. Applicant submitted all necessary and requested materials for the DRB to adequately review and warn the Two-Lot Subdivision.

a. Mary entertained the motion to approve the by-right minor subdivision. Gretchen Bailey made a motion, Annie Hopper seconded, all in favor the board approved to grant the subdivision.
b. 141 Stovepipe City Road Hearing Adjourned

6. Waiver hearing for Ben Chamberlain, 186 Spaulding Road: Mr. Chamberlain is present to apply for a waiver for relief from the 90-foot minimum front yard setback to 78 feet to rebuild and enlarge an existing non-conforming front porch (Parcel #053700000). The applicant submitted all necessary and requested materials for the DRB to adequately review and warn waiver request. The front setback is an existing non-conformance, and pre-dates the zoning regulations. The porch will not further encroach on the front setback, as the front of house will remain closer to the road than the expanded porch. The expanded porch will not alter the character of the neighborhood.
   a. Mary entertained a motion to approve the front setback waiver, Bethanie Farrell made a motion to approve, Annie Hopper seconded, all in favor, the DRB approved to grant the waiver.
   b. 186 Spaulding Road Hearing Adjourned

7. Adjournment:
Meeting Adjourned at 6:05

Panton Planning Commission

1. DRB/PC Chair, Mary Rudd called the meeting to order at 6:06PM

2. Mary minor corrections to minutes from March:
   -Item 4a: Reed Willis was the speaker, and the company is Sun East instead of Free Point.
   -Item 4e: EHP has does a Natural Resources Assessment - add “for a portion of the project” and will make it available for the town “when all sites are complete” and delete “not” for the CPG requirement.
   -Item 2: There has not been an application for the Certificate of Public Good applied for. They have not discussed the transmission line with Ferrisburgh.
   -Concludes corrections to March PC Meeting Minutes.
   -Bethanie made motion to approve minutes as corrected, Gretchen seconded. All in favor, the board approve the March PC meeting minutes as corrected.

3. Mary entertained a motion to change the order of the agenda to place public comment at the end of the meeting. Annie made a motion, Bethanie seconded. All in favor, the board approved the agenda order being changed to have public comment at the end of the meeting.

3. Old business - PELS Update:
   a. Mary: We Applied for grant from Addison County regional planning for $10K toward a surveyor to address Vergennes/ Panton boundary. Vergennes also applied and we believe both have been accepted. No official word yet, but Vergennes will take the lead on moving things forward, as the Town boundary issue is what has been delaying progress with the PELS study.

4. Board Discussion on the Solar Array preliminary proposal:
   a. Mary explains that the Board received a very preliminary proposal which the Board has had a chance to review. As a Town, retained council, Leslie Cadwell, who is very experienced in the Energy sector, and well-qualified. The PC has not yet received answers to questions that were submitted to Free Point/Sun East last month, so we do not have new information. The action that they asked of the PC is to modify the Town Plan because the proposed siting is only about 1/3 in the approved area, with 2/3 outside of the approved area.

   b. Mary opened up questions as to who on DRB would be open to revising the town plan as it relates to the Energy plan.
   Bethanie: A lot of time and effort went into developing the plan and would vote No on modifying the town plan.
   Annie: Agree with Bethanie's comment. There was a democratic process with input from town residents and the plan was set up to address this type of project, so would vote No.
   Gretchen: Agrees that it's a good plan and would vote No on modifying
   Catharine: Although not a board member when it was developed, she agrees that the process and expertise that was provided to develop the plan is very strong and concurs with fellow PC Board members not to modify the Town Plan.
   Mary: Would like to add that it really was a very exhaustive process with land use visioning workshop which included 75+ interested parties, which was a very comprehensive look at land use. We are also generating twice as much renewal energy by 2050 to meet the State requirements, which is laid out in the plan. We also explicitly prohibit development of this scale outside of the approved area, which is outlined in the plan. We are officially warning a Board vote next month to reopen the plan.
   Consensus: a lot of work and effort was put into the town plan, no need to change it.
   Official vote warned for next meeting

Public Comment:
Mary requested that everyone sign in with their name and contact info. Each speaker will be allowed two minutes to comment on the Solar Array Project. Annie will be the timekeeper; Bethanie will take notes. Each PC Member introduced themselves to the public comment attendees. We will record questions and comments, but we do not at this point have answers to many of the questions we all have.

1. Cindy Cooke: lives on West Road where panels are proposed to be placed. Already have energy needs met, will diminish landscape, natural beauty and habitat, endangered species reduce access to roads and trails for biking and hiking, fishing, etc., will negatively affect. VT is also a very cloudy state, is it even worth investing in a solar project this size if it won't be efficient? Clarified location of all solar panels to help visualize all of the views and natural habitat areas that will be replaced and obstructed by solar panels.

a. One attendee requested a map handout to review - provided.

b. Catharine Hays, present on zoom, requested that each public comment speaker stand and comment in front of the microphone so that all zoom attendees can hear.

2. Kathy Kennett - Live right on 22A, currently have clear view of the valley to Vorsteveld's solar array. This project will obstruct views, will stick out like a sore thumb, will affect tourists and nature lovers, it will result in no wildlife corridor. What happens to property taxes on that land? Does the town still collect them? What happens to the value of those houses?

    a. Mary clarifies the power from this station will be transported directly to the VELCO station, it will not be used locally. There will be a new line directly to VELCO

3. Charles Strona 2032 and 22A - moved here from California 32 years ago, bought house paid it off, pay almost $100,000 in property taxes - didn't move here to look out his back door and see a field of solar panels, moved here for the rural environment, this will diminish that. Won't benefit local residents. Will have many negative effects.
4. Joe Marszalkowski, 2654 Route 22A: Father is Richard Marszalkowski. Stated that they are partial landowners of that area. View will be destroyed, entire 22A ridge will be completely obstructed from across West Rd to Marszalkowski property to Addison Town line will be solar panels. There will be nothing to hide them. Artists pull over and paint that view. We certainly see the existing solar field. All or nothing deal with the solar company, they are not willing to change the size, they are maximizing profit, new line being built. No benefit to us, no tax rebate, Joe and father are absolutely against it and are not involved at all. If the whole town unites, there's no way they can do this. It's wrong and is dragging their name through the mud due to other family members.

5. Richard Marszalkowski wants to take a hard stance against this. Has been here 40 years, and does not want to see this happen to our Valley. This will turn us into another Gary Indiana, another run of the mill drive-by.
6. Bob Moulton: people don't realize the scale of this. 300 acres is too massive for our town, will obstruct views, sun will reflect off it and will be blinding at times. Against it.

7. Chuck Kennett: We keep turning Ag land into solar fields, what happens to farming land? Food suppliers?
8. Sharon Ashcroft: Lives on Jersey Street, moved here 25 years ago from out West for the scenic beauty and open rural landscape. To destroy that scenic beauty would be a huge tragedy for people who live here now and for future generations. The scale of this project compared to the current solar field in Panton is 10X the existing array on Panton Rd. Placing that right on Dead Creek would be detrimental to our wildlife and refuge. The Dead Creek Wildlife Management area, established in 1950, has a list of species that they have established this refuge for, including Bald Eagles. Does not see any benefit to the community. Only cons to the community. We are responsible for protecting the wildlife and the rural character of the area.
9. John Sullivan: As I look and survey ppl for comment, almost all are native. We don't want to turn this into another New Jersey. Concern: What's the heat generated off of 300 acres of solar panels, transmission lines built. His family has 6 generations here, and all are strongly against it. Is it within land use? Is the land permitted for commercial use? There's no way around the environmental impact of the construction phase either.

a. Mary response: Land is not allowed to be in current use if solar panels are on it, but the State has regulated how much property tax the town can charge for it - town gets a small amount per kilowatt hour generated. The existing lot only generates half of what was predicted. It is not a commercial zone, but the state has regulated all the taxation around large scale solar, so we don't have an option to regulate that as a town. The State Public Utilities Commission is who will approve this. We will have substantial deference with our approved Town Plan because we jumped through all of the hoops the State asked us to jump through - so they are required to hear us, but at the end of the day the PUC will make this decision. Similar to how septic is now regulated by the State, town does not have jurisdiction. But what we want to do here is - the solar company has asked us to revise our town plan, and all five board members have said we are not supportive of changing the town plan. The State can overrule us. Town residents' input is very important to the process, and it's important to voice your positions to the Panton Select Board as well. We will have a seat at the table during the hearing and public sentiment is important to be heard. We can't speak to the Select Board's position - they are required to hear us out, but can overrule us.

10. Gary Norton: Slang Road Lived here for 70 years, had to move because he couldn't put a water line in down by Dead Creek, so if he couldn't put in a water line, then why is this

being allowed now? The people making the decisions in Montpelier, a lot of them are out-of-towners.

11. Denise Strona Route 22A - How much say do we have? Heard this has been going on since 2018 - was that denied? Why are we just hearing about it now? We heard about it on Front Porch Forum. What power and control do we have?
Mary: They proposed a plot in 2018 but it did not meet the plan, so it was denied, they went away and came back with this proposal. Any time this is on the agenda, it will be posted.
We need a real application - we received a power point presentation at our meeting last month. They need to give us 45 days' notice that they will be filing an application - we don't have that notice and don't know when it will be. There will be a notice, so we will be aware of the date of the hearing. There will be a hearing with the State that our attorney will be representing us through the hearing, but our input to the process is getting your feedback.

Denise: If we aren't benefiting, why are we even considering this?

Annie: We are functioning as a public board, our job is to administer the town plan as the Planning Commission, the select board also has a public interface and public comment, so it would be good for you to voice your input during those public comment opportunities. These are the Town mechanisms that have to be involved in this process. We are working with the State through these mechanisms.

Mary: This is the first opportunity for your feedback. There will be more opportunities for you to voice your comments once there is a formal proposal received. That's assuming that the developer moves forward after hearing these comments, as they are online during these meetings.

Sharon A: Would a petition with signatures from everyone opposed be helpful in this process?

Mary: We think it would be, it wouldn't hurt, but we don't know for sure at this time.

Mary calls order to stop overlap talking outside of the allotted two minutes.

12. Sandy Fon Hopkins Road: We went through this whole energy plan according to the State requirements. I assume the State approved this plan. Can they really go back on their word? Can we not hold the State to their word?

Mary: We can appeal the PSP decision, but that's way down the road.
Annie: Our Town Plan gives us substantial deference which gives us greater weight in the decision - which is the benefit of having gone through the process of creating a state plan.

We will now move to online public comment.

On Zoom:

1. Sam Marszalkowski: Our family's legacy as stewards of the land has been to uphold and to primarily preserve an area of Vermont that we came into as Rhode Island natives. That said, the proposed solar project really compels us to speak against such proposition, not only because it contradicts the nature of the quintessential landscape that all of you folks are speaking to, but moreover impacts an environmental standpoint in addition to prime Ag land that, as VT becomes more gentrified, further decreases. In the essence of act 250 this project does go against it and at the end of the day, as we reach our capacity of the development by 200%, the state will have to hear our concerns and as stakeholders, they will need to listen to us and I encourage all of you to use that leverage to be heard at the State level.
2.
3. Kathy Sullivan Rossier: Thanks to the board for their service and volunteerism. Grew up in Panton - family owns land on West Rd and Slang Rd and the entire family is totally against what is being proposed. How did this start? Was the first step that the public service board came up with a plan? Or was the first step that a landowner agreed to sell/lease this land? With this plan being all or nothing, does the Public Service Board have the final say?

Mary: Yes -

in that case, we need to come out in force. Strength in numbers, select board meetings letters, petitions. The natural beauty and wildlife in that area would be decimated and the people of Panton would need to come out in force and really be heard.

4. Sean P Sullivan: Procedural question: What is the reasoning for warning and revoting on the plan? Can anyone just not submit and say that they want a revote and open it back up for revote?

Bethanie: Bylaws state that we must warn a board vote

Mary: We have to redo our plan every X years as a requirement of the State. We can optionally update it for any compelling reason. As of now, our preliminary board position is that we don't have a reason, so at the next board meeting, we will make our board decision formal.

Sean: My suggestion would be to be silent and not open it up but if that's the requirement then so be it.

Annie: This is directly in response to the developers asking us to amend our Town Plan - so any vote we take would clarify the Board's position.

5. Chris Wyckoff - Has lived on 22A since 1997. The view is the reason to live in Panton and this project would absolutely lose that. Often sees visitors stopping at end of her driveway to take pictures of the view. It's a primary reason to live in Panton. Her

understanding is that this is not imminent domain - this is one property owner that is benefiting. How could one resident make a decision that would require the town to pay to hire a lawyer and defend the town in a way such as this, without having to put down some sort of money to help cover these expenses. This would bring down the value of our properties, she would rather see a Walmart put in, at least that would bring tax revenue and jobs, etc. We can't even drain our property or put up housing because there might be endangered wildlife etc. We're all subject to that type of scrutiny, yet this project will have so much more of a detrimental impact than any of us could with our individual lots on our own property, so how is this even being considered?

Mary: We appreciate your comments and questions, but now is not the time for the Q+A, as we do not currently have answers to our questions.

6. Jeanne Jackson: Lives on Jackson Rd in Panton: Bullet Points: will impact wildlife, ruin the scenic beauty of the land, doesn't believe the road doesn't have capacity to handle this type of construction. No one has ever explained what happens with the solar panels after they've lived their life. Do the companies just walk away and leave the structures for all eternity? Those are concerns.

6. Joe Marszalkowski: His uncle owned the first plot that was proposed in 2018 which was shut down. Uncle legally has control of the land, not Joe and Father - they made a deal with the solar company without their approval. Which has now shifted the project to the current proposed area (300 Acre Parcel). Private landowner previously made the deal. This would be the largest solar field in Vermont three-fold. There will be no give or take, so we need to just shut this down. We didn't know how serious this is until now. We all need to band together to stop this now.

7. Martha Sullivan DeGraff on Panton Road: How would it affect Joey M's farming business and land operations?

8. Joe Marszalkowski: This will have a totally negative impact farming capabilities, the pollution, the blocked sunlight on clay will kill the soil and not be able to recover. The damage would be irreversible.

9. Ashcroft - There are thousands of lawsuits against solar companies across the country for various reasons related to: pollution from cracked solar panels leaching chemicals into the soil, promises made and not kept, fires, etc. Shaftesbury and Fair Haven residents where project proposals have been made - residents completely oppose them, but don't have enhanced energy plan written into their town plan and can't hire an attorney.

10. Mary: To wrap this up, we do, as a board, appreciate your input - at this point we don't have a lot of answers for you. We don't currently even have a formal proposal from Sun East/Free Point. At that point, if we do get one, we will have it on our meeting agenda. We

do appreciate the feedback, comments, and energy - if people want to do petitions, that's great, please make sure you copy this board and the Select Board.

Denise: Can you let residents know what they can do to voice their opinions?

Mary: We will check on that and get back to you.

Kathy Rossier: What is your suggestion to voice our opinions to the Select Board? Do we get an agenda item on the select-board meeting? Public Comment doesn't have the same weight.

Mary: We will get back to you

Annie: If you want to request an agenda item, you can make that request to the Select Board

Diana: Thanks to the Board, so very glad that we have this Town Plan and that's a nod to David.

Board agrees and acknowledges the foresight that David Raphael (late Board Chair and instrumental Panton leader) in leading the development of our current town plan.

11. Mary: Entertains a motion to adjourn. Gretchen makes the motion, Annie seconds. Meeting adjourned at 7:06.

Respectfully submitted,
Bethanie Brady Farrell
DRB/PC Secretary