

Shaftsbury Planning Commission (PC)

October 11, 2023

In person at Cole Hall and remotely via Zoom

1. Call to order

The meeting came to order at 6 p.m. Present were commissioners Naomi Miller (chair), Mike Foley, Nancy Burns (a few minutes later), Martha Cornwell, and Chris Williams. Also present was zoning administrator Shelly Stiles.

2. Outstanding minutes

Ms. Cornwell moved to approve the September 27 minutes. Mr. Williams seconded the motion, which passed 3-0-1.

Mr. Williams moved to approve the September 13 minutes. Ms. Miller seconded the motion, which passed 3-0-2.

3. Public comments

There were none.

Commissioners discussed a policy regarding public comments. Ms. Cornwell moved to allow each speaker to speak for two minutes each, two times. The second comment would be permitted only after all other speakers had a chance to speak at least once. Ms. Burns seconded the motion, which passed 5-0-0.

4. Ongoing discussion of Enhanced Energy Plan (EEP)

Ms. Burns noted she'd viewed a video of a meeting recommended by Shaftsbury citizen Karen Mellinger at which Annette Smith spoke. She said her suggestions to call out specific sites or roads or views for protection may not be what the PC has in mind.

ZA Stiles reported she'd learned that Act 248, which governs Public Utility Commission (PUC) reviews and decisions, considers screening requirements only "of a municipal bylaw...or municipal ordinance...." The Act also states that it assesses aesthetic impacts according to their "undue adverse affects." She shared with the PC the Supreme Court's application of the phrase "undue adverse affects" in the context of Act 250 (hereby referenced in these minutes), which includes "the sensibilities of the average person."

Mr. Foley suggested the EEP include a) a recommendation to the Select Board that it consider adopting a screening ordinance; b) a recommendation to the Select Board that it appoint a board of five elected or appointed town officials to serve as the "average person" in considering aesthetics; and c) a statement of the maximum size solar array allowable in Shaftsbury.

Mr. Williams said he was skeptical about delving into aesthetics, which is a very squishy subject. He offered an example of how the issue could be used to prevent an otherwise good project for a spurious reason.

Mr. Foley will bring examples of other towns' "boards of ordinary people" and suggestions of how to build the Shaftsbury board to the next meeting.

Ms. Burns said she thought the state's EEP policy is a "plug and play" one.

The commissioners began to edit the Bennington screening ordinance. Many comments were shared. Mr. Foley will try to incorporate them in a draft for review at the next PC meeting.

5. Other business

Ms. Miller said the Select Board will host a public meeting on the joint SB/PC letter to the PUC at the October 16 meeting. Public comments will be welcomed.

Ms. Miller asked if anyone would be able to join a Zoom video on the HOME Act scheduled for Thursday October 19.

The next PC meeting will be held October 25 at 6 p.m.

Ms. Cornwell moved to adjourn at 7:24 p.m. Mr. Foley seconded the motion, which passed by acclamation.