

**BENNINGTON SELECT BOARD MEETING
BENNINGTON FIRE FACILITY
130 RIVER STREET
BENNINGTON, VERMONT 05201**

MONDAY, JULY 10, 2017

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs; Jim Carroll; Jeanne Conner; Jeannie Jenkins; Donald Campbell; Chad Gordon; Carson Thurber

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Linda E. Bermudez – Secretary; (34) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – June 26, 2017 / June 27, 2017

Jeannie Jenkins noted name (spelling) correction for Lora Block and Diana Leazer.

B) Warrants

MOTION: Donald Campbell motioned and Jim Carroll seconded to accept and approve the Minutes of June 26th and June 27th, 2017 as amended well as the warrants as submitted. Motion passed unanimously (*Carson Thurber abstained from the meeting minutes vote ONLY*)

3. CITIZENS

No citizens spoke this evening.

4. CHELSEA/APPLE HILL SOLAR PROJECTS – CONTINUED

Tom Jacobs again recused himself from this discussion. He asked that everyone respect the integrity of the Board and their neighbors as the discussion moved forward.

Donald Campbell stated there would be no vote this evening. This is not about negotiations but solely about listening. Lastly, he asked that everyone keep the discussion civil.

Libby Harris, resident of Apple Hill read her statement. This included the reasons why she moved here and the many things she enjoys about Bennington. She also listed a few challenges Bennington is experiencing which include these solar projects.

Ms. Harris was granted “intervener” status as she abuts both the Chelsea and the Apple Hill projects. She noted that the Chelsea project is the first in Vermont to be denied. She is not opposed to renewable energy however the siting locations for these projects is the issue. Ms. Harris continued by reading excerpts from the sixty-two-page denial of the Chelsea solar project. It stated one of the main reasons for denial was that it did not comply with Bennington’s Town Plan.

Lastly Ms. Harris expressed concern that the Town will sell out the Town’s honor, integrity and solid values to the highest bidder.

Bill Knight, President of Apple Hill Homeowner’s Association (HOA) spoke of his interactions with solar developers and how he came to find out about the project. He too stated he was not against solar projects. However, this is not the right location. This area is zoned as “Rural Conservation” and the project does not meet the Town Plan.

Lora Block, resident of Apple Hill stated she supported what Ms. Harris stated. She has spent many hours considering all the possible outcomes. She is concerned that the Town would pull their “intervener status”. Currently the Chelsea project has been denied and in the appeal process at the Supreme Court. The Apple Hill project is before the Public Service Board (PSB). She encouraged the Board to let these two processes take their course.

Lastly, Ms. Block asked where the Town was with the preferred solar siting plan. Dan Monks stated the draft had been finalized and sent to Town Council for review. He has recently sent it back with some suggested changes.

Bob Block, Apple Hill resident discussed the proposed access roads to both of the projects. This has been modified to a single road (Willow Road) for access. Mr. Block expressed concern for the intense remediation the road would need to handle the type of vehicles that would travel over it. Also, these projects should have two access roads for proper fire safety etc. not a single road. All of this would ruin the current wildlife habitat and a great walking path area.

Diana Leazer, Apple Hill resident discussed how she and others have been working on the preferred solar siting plan for the last year. These projects are not in those designated areas. Ms. Leazer urged the Board to adopt the plan once it is presented to them.

Mary Morrissey stated she served on the Renewable Energy Siting Committee. They have worked hard and met often to develop a plan with strong language. She encouraged the Board to hold any decision until after the siting plan and maps have been approved. Ms. Morrissey asked the Board to uphold the integrity of the Town Plan as it had been the basis for the PSB discussion. If not, she is concerned that projects could just go to the highest bidder. That is not a good way to conduct business.

Ken Seward, Apple Hill resident for 40 years, discussed the wind and snow result of VELCO removing trees last winter for power line maintenance. He had increased snow accumulation due to blowing snow. Also, there has been other adverse effects due to the clear cutting including loss of wildlife habitat. He no longer sees deer, rabbits, etc. in his yard

Mr. Seward stated the State of Vermont banned billboards in the 1970’s because it took away from the State’s beauty. This is very similar. This is simply not the right location. Currently there is an active solar project behind NSK. Most people are unaware because it has been sited properly so that you cannot see it.

Anna Kinney asked the Board to remember what Bennington is all about.

Joe Schoenig, Apple Hill resident, spoke of the types and quality of the trees that would be clear cut for this project. One in that designated area is approximately 300 years old. Trees

serve as wind and noise barriers, reduce temperatures in warm weather and clean the air of carbon dioxide releasing oxygen. Mr. Schoenig also discussed the fencing around the panels that would interrupt wildlife habitat and force their migration close to or into the roadway. He continued by noting an area within the project boundaries that is not listed as wetlands, but perhaps should be designated so. He feels it needs further investigation. Lastly, Mr. Schoenig had concerns the panels would create additional runoff, that would have previously been absorbed into the ground making this are a giant swamp or create roadway concerns.

Dan Malmberg, resident of Apple Hill, stated this area is designated as Rural Conservation and read the definition. There currently is significant noise from the south side of the area due to Route 279. Any increase in noise would be unacceptable. He would also like to see a third-party review on the noise and/or wind factor of an already established project. Apple Hill residents have already been significantly impacted by the development of Route 279 and PFOA contamination in their wells. He is opposed to these projects and any further impacts.

Allison Malmberg, resident of Apple Hill stated she cares for the environment but does not want to see the Town “bullied” by money making projects. She asked the Board to honor the Town Plan and to not support these projects.

Bill Christian spoke of the future for children. People are currently burning too much gas and coal. There may be better places for this project but they have already purchased the land and put a lot of work into the development. If people truly cared about Vermont’s natural beauty there would be no homes at all carved into the countryside.

Mike Bethel stated he was disappointed in the Board. He asked that they keep the integrity of the Town Plan and don’t fold.

Gerry Byrd stated he wished we had started with solar energy thirty years ago. We need to help the environment.

Betsy Haverfield stated she purchased the former Eagle Mill. We are in a watershed area. We need to use more water for energy. Years ago, trees were clear cut for coal and this caused flooding and almost destroyed the area.

Jim Sullivan, Bennington County Regional Commission (BCRC) discussed the regional energy plan. It is more than just a map, it is a comprehensive plan. It is designed to be the framework for towns. Each town then has a Town Plan that is developed in more detail to control the issues at that level.

Brad Wilson, Ecos Development, stepped forward for questions from the Board. Jeanne Conner asked about the wetlands mapping. Mr. Wilson stated that VT Agency of Natural Resources (ANR) was onsite and mapped out the wetlands themselves. It is a Class 2 Wetlands area and all of those are noted on the design maps.

Chad Gordon asked if they had used the wind and noise consultants before on any other projects. Mr. Wilson stated he did not.

Jim Carroll asked how much taxes this would generate. Mr. Wilson estimated \$42,000 per year. Mr. Carroll then asked what their estimated gross revenue would be. Mr. Wilson declined to answer. This is a private business and is not required to give that information.

Lastly Mr. Wilson stated that as part of the project they are required to obtain a Storm water permit from the State. This requires the development and design of a storm water plan including swales, retention ponds etc to deal with run-off.

Donald Campbell thanked everyone who spoke this evening.

A five-minute recession was taken.

5. MAPLEWOOD SUBDIVISION – ROAD ACCEPTANCE QUESTION

Leonard Giroux resident of the Maplewood Subdivision stepped forward to ask the Select Board and Town of Bennington to accept a petition to accept the roads in the Maplewood Subdivision (Duffy Drive & Jayne Lane).

Tom Jacobs asked the Manager what is the policy/procedures to take over roadways. The Manager stated that in order for the Town to take over private development roadways, they would need to meet the Town's standards. Most developers build the roadways with the intent of the Town to take over at a later date. This developer did not plan this; therefore, it does not meet Town specifications. The road is not paved and storm water and culverts would need to be moved out of the roadway. This would also require the addition of easements granted by the property owners.

Mr. Jacobs asked if the development was close to standard. The Manager stated it is not. The paving alone will cost approximately \$160,000. The Town has taken over the roadways for other developments in Bennington. The most recent was Skeeter Jelley's Country Terrace Development off Chapel Road (Laura Lane, Bradley Drive and Justin Drive). He completed the work required to bring the roadways etc up to Town specifications and then continued through the process. The process includes a notice of public hearing, order a public meeting, a site visit and the actual public hearing. It can take 30-45 days in total.

Carson Thurber asked if there was a HOA (Homeowner's Association) and if dues were paid. Mr. Giroux said there is some sort of HOA but he is not sure it has any teeth. Some pay dues and some do not.

Donald Campbell asked Mr. Giroux if he understood the Town's dilemma. If other developments were required to bring the roadway etc. to standard and they complied, why would they not ask the same of Maplewood?

Mr. Giroux stated the residents are all tax payers and have paid a lot of money over the years. Mr. Jacobs asked if road conditions are considered in property assessments. Robert Ebert stepped forward. He has served on the Board of Listers for several years. He stated road condition has never been discussed as part of the value of a home nor had it been brought up at grievances.

Mr. Jacobs stated he would make arrangements with two other Select Board members to come and at least conduct a site visit.

6. CHARTER REVIEW COMMITTEE APPOINTMENT

Tom Jacobs stated the voting and appointment would happen by ballot. The top seven votes would be appointed. Ballots were distributed by the Manager. Donald Campbell appreciated all those who applied. Jeannie Jenkins was impressed by how prepared many of the applicants were. Some had already read through some of the Charter and came to the interview with questions in hand.

The ballots were collected. The Manager read the top seven votes. They were as follows:

Jon Cohen	Lynne Green
Robert Ebert	Michael Keane
Dan Malmborg	Sean-Marie Oller
Robert Plunkett	

Tom Jacobs stated those names read would be appointed to the committee. He hopes they begin their work around mid-August.

7. DPW FACILITY BOND BANK SALE

The Manager listed the documents requiring signatures to move forward finalizing the purchase of the new Department of Public Works (DPW) facility on Bowen road.

Motion: Jim Carroll moved and Donald Campbell seconded a motion to accept and approve the DPW Facility Bond Note and waive the reading of the documents. Motion passed unanimously

8. MANAGER'S REPORT

Jim Carroll asked the Manger to deliver the information found regarding opening a bottling plant in Bennington. The Manager stated after speaking with several contacts it was discovered that most small bottling plants were being bought out because they cannot compete regionally with the large companies. The cost to retrofit an existing building is approximately \$18 Million Dollars. The minimum net per case of water required would be \$0.18. Wholesale cost of a case of water is \$1.00. We would need to sell at least 18 Million bottles per year to compete with the likes of Pepsi and Coca-cola, the larger water companies.

Tom Jacobs asked that this information be sent to those who recently inquired about this type of project.

The Manager then discussed recent storm damage in Bennington. We did not get hit as bad as Brandon, VT or Hoosick Falls, NY. There is approximately \$100,000 worth of damage to our roadways. This would include labor, equipment and materials. Eamons Road was hit the worst as it was washed out entirely.

9. OTHER BUSINESS

Jim Carroll spoke of resident who contacted him regarding a damaged tree. He encouraged all residents to contact him or other Select Board members anytime when they have a concern or question. They are there to serve the community.

There was no other business this evening

Tom Jacobs stated there was no need for Executive Session.

Motion: Jim Carroll moved and Donald Campbell seconded a motion to close the meeting. Motion passed unanimously.

Respectfully submitted,

Linda E. Bermudez
Secretary