

**CASTLETON PLANNING COMMISSION**  
**Tuesday, February 8, 2022**  
**Castleton Town Office**  
**and ZOOM**

**Zoom Recording Link:**

[https://us02web.zoom.us/rec/share/rWYajb627MZSlhHnb1f\\_u2qBIT-6GzIm4bitdonZu-t6reMCq71jxqzkbLSt8knU.EbX4j3mYgb9i2TyQ](https://us02web.zoom.us/rec/share/rWYajb627MZSlhHnb1f_u2qBIT-6GzIm4bitdonZu-t6reMCq71jxqzkbLSt8knU.EbX4j3mYgb9i2TyQ)

**Those in attendance included:** Elizabeth MacKay, Joseph Bruno, Michael Holden, Frank Johnson, Jonas Rosenthal Zoning Administrator, Allison Harvey Recording Secretary

**Others present by Zoom included:** Patrick Keller, Nicholas Lanko

J. Bruno called the meeting to order at 6:00 P.M.

**Approve Agenda**

M. Holden made a motion to approve the agenda. L. MacKay seconded. All voted in favor. So voted.

**Minutes of Meeting – January 25, 2022**

M. Holden made a motion to approve the minutes of January 25, 2022 as presented. L. MacKay seconded. All voted in favor. So voted.

**Discussion of Energy Projects (Solar and Wind)**

J. Rosenthal explained the letter dated 2/3/22 from the developer of the solar project, requesting extension of a year on their permit, which is good news, gives more time to evaluate. When he filed a notice of intervention, he provided comments and questions, applicant responded to and objected to almost all of them. He also had asked for an ariel view, as well as a site visit. J. Rosenthal reviewed the responses and what was requested by the Zoning Administrator. There are also a large number of questions and responses with regard to the project from other agencies and interested parties.

J. Rosenthal also provided a copy of the town plan and distributed to the commission members the draft. J. Rosenthal stated he spoke with the chair of the Board of Selectmen and he is hoping to have a recommendation of the commission as to the wind and solar projects. J. Bruno stated the wind tower generates 4 million kilowatts annually, the solar field is far less and takes up 15 acres and is much more obtrusive. He may feel differently if he were living in the area of the tower. A public hearing would be nice on the solar project, as they have estimates of energy and revenues, tear down/decommissioning costs. There's no guarantee that there will be money available to decommission when the time comes. Suggested someone like Sam Carlson come to discuss and answer questions the commission, town and public may have. It is his understanding that there is 30-40% efficiency on solar fields. Town enhancements of wind tower, commission members felt

need to have a hearing and get some answers to the questions they have, how will enhance the town, jobs, revenue, etc., as it appears the only ones that benefit are the landowner and developer. Discussion on the wind proposal and how it would impact the area to construct. Members feel like they don't have enough information to make a decision either way. If there's no benefit to the town for positives, would also have to review the negatives, property values, etc. also need to consider that if they are using up the industrial property in the town for solar, there's nothing left for any other industrial uses.

J. Rosenthal stated Ed Bove will be at next meeting, will review December 14, 2021 draft of zoning regulations.

### **Zoning Regulations Discussion Regarding Section 709 in Current Zoning**

J. Rosenthal reviewed his request with regard to the two permit applications. Explanation and review of application #8197 and how it should be handled and/or interpreted with regard to the zoning regulations, section 709. The hang up for the DRB is the fact the property has already been before the DRB for a permit approval and pursuant to A5 of Section 709, a property cannot come before the DRB again. Further discussion on the probable changes to the zoning regulations and how will affect future applications. It was questioned if should maybe remove A#5, or rewrite it.

Review of Application #8198 to put a roof over an existing deck and enclose it. Doesn't change square footage or setbacks, but was before DRB in 2008. J. Bruno felt that A#5 got by the Planning Commission when it was rewritten, and it is causing a lot of confusion, should probably be eliminated. J. Rosenthal stated it does not affect A1-4, as there is no increase in footage or setback, not being built off one of additions, so it's possible it should be a moot point.

Review of Application #8200 – request for addition that currently meets all setbacks and requirements but again, was before the DRB previously and was approved in 2016 under Section 709.

It was stated that to make changes to the regulations, it has to go through the planning commission hearing process, the board of selectmen hearing process, and public hearings to make changes to the regulations. J. Rosenthal suggested a letter from the PC, that they see the problem, do not agree with denying the applications, wish to correct the error, and these permits do not encroach or expand footprints and/or meets the setbacks. The commission have the town plan and zoning regulation changes before them, and they have to look at the interrogatories on the solar project as well. J. Bruno feels it penalizing the property owners to improve their properties, which is not right.

Pat Keller, Chair of the DRB, stated that there is nothing that the Planning Commission has observed that the DRB has not observed. If the PC determines the DRB has latitude when it comes to A(5), that's fine, but he felt it was a timeline, and would suggest either eliminate that one item or put a timeline on it, as he felt it may have been intended to slow down development, but say if a previous application was longer than the past 5 years, it would be allowed, not stop the expansion. It was questioned what was the intention, what did it really mean when they wrote A5? J. Bruno, has been 20 years since all rewritten, needs to be done. Would like DRB to consider the applications, as they are not detrimental to the town or neighbors. It was stated a letter should

provide something for DRB to have some latitude. J. Bruno asked DRB to go through the regulations in the next few months to find suggestions, and they will have a joint meeting and meet with Ed Bove on proposed changes.

**Zoning Draft Dated December 14, 2021**

For next meeting, Ed Bove will be present at that time to address the proposal.

**Adjourn Meeting 7:13 – M. Holden made a motion to adjourn. F. Johnson seconded. All voted in favor. So voted.**

Respectfully Submitted,

Allison Harvey, Recording Secretary

DRAFT