

Mendon Planning Commission Minutes (Draft)
October 7, 2019

Present: Justin Lindholm, Fred Bagley, Phil Douglas, Neil Langer, Gary Sihler and Teri Corsones were present. The draft September 9, 2019 minutes were approved as written.

Enhanced Energy Plan: Barbara Noyes Pulling was present from the Rutland Regional Planning Commission, to continue the discussion from the September 9, 2019 Mendon Planning Commission meeting concerning a draft Enhanced Energy Plan for Mendon.

Members reviewed the Draft Mendon Enhanced Energy Plan Barbara had distributed at the September 9 meeting. One question was whether we could modify some of the phrasing used throughout the Plan that seems to state as fact a number of assumptions on which the State of Vermont Comprehensive Energy Plan (CEP) is based. For example, the draft Plan provides on page 4: “It is expected that by 2050 there will be 1,190 electric and 48 biodiesel -powered light duty vehicles in the town.” Given the town’s inability to realistically predict whether such numbers are feasible within that timeframe, Teri asked whether it would be permissible to modify the statement to provide: “It is projected by the CEP that by 2050, there may be 1,190 electric and 48 biodiesel-powered light-duty vehicles in the town”.

Barbara indicate such modifications were permissible, so long as the Plan shows that the town is open to encouraging good faith efforts to meet the goals, if the goals are feasible. Members also asked for confirmation that the town was not expected to force residents to comply with any of the goals, and Barbara assured members it was not. Teri will propose modifications to the Plan in a “track change” format, and will email a modified draft to members in advance of the November meeting.

Members also questioned the accuracy of some of the data. For example, Justin referred to the tables on page 8, and indicated that the figures appear to be based on state-wide data, versus Mendon-wide data. Barbara will double-check the figures. Justin will review the draft, and will indicate what other data might be in error.

The draft also still includes a number of references to the Rutland Town Enhanced Energy Plan. Teri will delete those references when she forwards a modified draft.

Members also discussed the recent Vermont Supreme Court opinion in “In Re Petition of Apple Hill Solar, LLC” 2019 VT 64, No. 2018-358, that Barbara recommended they review. It highlights the importance of town plans vis a vis a town’s ability to influence Public Utility Commission decision-making regarding certificates of public good. The opinion focuses in part on whether the Bennington Town Plan established a clear, written community standard for purposes of “the Quechee test”. That test examines whether a project unduly interferes with the orderly development of the region, and whether the project would have an undue adverse effect on aesthetics.

Members will review the draft Mendon Town Plan in the context of the Apple Hill Solar opinion, to consider whether it establishes a clear, written community standard for development, including specific design standards that the Court has highlighted in its review of the Bennington Town Plan. Any suggested changes should be brought to the Select Board’s attention at its public hearing for the draft Mendon Town Plan. Teri indicated that the Select Board is in the process of scheduling the public hearing.

Barbara reiterated that identification of a “preferred site” for approximately 90 acres that the CEP slates for renewable energy sites in Mendon would be helpful. Teri will connect again with Jeff Wennberg, Commissioner of the Rutland City Department of Public Works, for more specifics about the possibility of locating a preferred site in the Rutland City Forest. Other circumstances in Mendon that should be highlighted in an Enhanced Energy Plan include Route 4 being a “scenic byway”, and include the existence of the Ridgeline Overlay District in Mendon.

Barbara will continue the discussion of the draft Mendon Enhanced Energy Plan at the November 4 MPC meeting at 5:30 p.m. There’s a possibility that an application for subdivision approval may be submitted before the meeting; if so, it will be noticed for 7:00 p.m. in order to permit adequate discussion of the draft Plan.

The next meeting of the Mendon Planning Commission is scheduled for Monday, November 4, 2019 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones