

The Town of St. Albans
PLANNING COMMISSION MINUTES
Town Hall, 579 Lake Road
July 21st 2015 at 6:00 p.m.

Minutes

Present: S. Smith (Chair), B. Nihan, B. Brigham, G. Henderson, M. McKennerney
Staff Present: N. Neider, Planner & R. Perron, Zoning Administrator

CALL TO ORDER-

S. Smith called the meeting to order at 6:10 p.m.

COLLINS PERLEY SPORTS CENTER UPDATE- DAVID KIMEL

David Kimel, Collins Perley Sports Center manager, appeared before the PC to discuss a proposed field house. D. Kimel explained this was a preliminary discussion- funding has not been obtained. The center is looking for new ways to present wellness opportunities to the community; many possibilities have been discussed throughout the years but a fieldhouse has continued to be a favorite. He wanted to discuss the possibility of a field house to ensure the Zoning Bylaws would allow for such a use if the sports complex wished to move forward with the idea. D. Kimel discussed different size possibilities and showed pictures of a similar structure. The PC discussed the proposed field house and several ways Zoning could allow for a field house as a use. The PC advised D. Kimel to present the idea to the community and the Zoning could be changed down the road if necessary.

**DISCUSSION OF ZONING BYLAWS AND SUBDIVISION REGULATIONS-
COMPREHENSIVE LEGAL REVIEW**

The PC discussed Article IV: Specific Use Standards Section 909- Mobile Home Parks and agreed they could only set dimensional requirements for health and safety regulations. The PC agreed to change all of the “waivers” to “variance”. The PC reviewed Subsection B, Pre-existing Nonconforming Mobile Home Parks, number 1C and agreed to change the setbacks from ten feet to fifteen feet. Previously it read-

“C) The expansion or replacement will not:

- i. Be located less than ten (10) feet from any other primary structure(s)
- ii. Be located less than ten (10) feet from all access roads;”

It shall now read-

“C) The expansion or replacement will not:

- iii. Be located less than fifteen (15) feet from any other primary structure(s)
- iv. Be located less than fifteen (15) feet from all access roads;”

The PC agreed to remove numbers 2, 3, 4 and 5. Previously they read-

- 2) Should these standards be found to have the effect of prohibiting the replacement of a mobile home on an existing lot, the DRB may alter one or more of the standards above through Waiver review in cases where conditions exist which affect the subject land, and are not generally applicable to other land in the area. No waiver shall be granted which would have an undue adverse effect on adjacent property or on public health and safety.
- 3) A waiver shall only be granted when strict adherence to the requirements of these regulations would have the effect of prohibiting the replacement of a mobile home on an existing lot of an existing nonconforming mobile home park, in accordance with 4412(1)(B) and 1) above.
 - a) In the issuance of waivers the DRB:
 - i. Shall provide only the minimum waiver that will afford relief and will represent the least deviation possible from the bylaws, while ensuring public health, safety, and welfare.
 - ii. May require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver.
- 4) Waivers shall be issued by the DRB in accordance with Section 805 – Waiver Review as well as the above criteria.
- 5) Any and all appeals of such waivers shall be pursued in accordance with Section 808 – Appeals From the Decision of the Development Review Board.

The PC discussed Article IV: Specific Use Standards Section 914-Small Off-Grid Wind Energy Systems and agreed to accept the new proposed A, B and C and eliminate the previous standards. They also agreed to add numbers 3, 6 and 8 from the previous draft. Previously it read-

“It is the purpose of this regulation to promote the safe, effective, and efficient use of small-scale off-grid wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

- A. General Standards. Small off-grid wind energy systems are permitted in all Zoning districts as an accessory use subject to the requirements as set forth below:
 1. A zoning permit and any applicable height waiver shall be obtained before the system may be commenced or constructed. Additionally, the applicant shall submit standard drawing of the wind turbine structure, including the tower, base and footings. In addition, the applicant shall submit an engineering analysis of the tower certified by a licensed engineer or other qualified professional as approved by the DRB. This analysis is frequently supplied by the manufacturer.
 2. Small off-grid wind energy systems are prohibited for lots under one-half (1/2) acre.
 3. The tower base shall be set back a distance no less than the tower height (including blade, rotor, or other vertical elements) which shall create a fall zone entirely on the landowners property. Guy wire anchors and other accessory elements may extend to the setback for the zoning district in which it is located.
 4. Applicants shall be responsible for obtaining all applicable state and federal permits, approvals or authorizations applicable to construction, modification, enlargement, reconstruction, repair, etc. of the small off-grid wind energy system, including the FAA Regulations and the National Electrical Code. This shall be certified by a licensed engineer or other qualified professional
 5. The system shall not be illuminated unless otherwise mandated by the FAA.
 6. Small off-grid energy systems shall not exceed noise levels of 60.0 decibels measured at 100 (one hundred) feet from the base of the wind system. This level, however, maybe exceeded during short-term events such as utility outages and/or severe windstorms.
 7. The system shall be considered abandoned if it is out of service or otherwise unused for a continuous one (1) year period. This one (1) year period may be extended by the ZA if evidence is provided to demonstrate that repairs or maintenance is actively underway, or if an insurance claim for damage to the system has not been settled. If the system is determined to be abandoned, the ZA shall notify the owner in writing and the owner shall take the system down within three (3) months of the notification at the owner’s expense.”

It shall now read-

- A. “Purpose and Applicability. The purpose of this Section is to promote the safe, effective and efficient use of small off-grid wind energy systems which are not regulated by the Vermont Public Service Board. Small wind energy systems are a permitted use in all Zoning Districts; subject to certain requirements as set forth below.
- B. Application Requirements: Small off-grid wind energy systems require a Zoning Permit Application Form, which shall include standard drawings of the wind turbine structure, including the tower, base, and footings. In addition, an engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a Vermont Licensed Engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- C. Review Standards:- The Zoning Administrator shall find that proposed small off-grid wind energy systems comply with the following standards before issuing a Zoning Permit.
 - 1) Tower Height: For property sizes between ½ acre and one acre the tower height shall be limited to 80.0 ft. For properties one (1) acre or more in size, the total height of the system (including tower and turbine blades) shall not be more than one hundred fifty (150) feet.
 - 2) Setback: The tower base shall be setback a distance no less than the tower height (including blade, rotor, or other vertical elements), which shall create a fall zone entirely on the landowner’s property. Guy wire anchors and other accessory elements may extend to the setback for the Zoning District in which it is located.
 - 3) Noise: Small off-grid wind energy systems shall not exceed 60.0 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
 - 4) Compliance with State and Federal Codes and Regulations: Small off-grid wind energy systems must comply with all required state and federal codes and regulations, including the FAA Regulations and National Electrical Code. The manufacturer frequently supplies this information.
 - 5) The system shall not be illuminated unless otherwise mandated by the FAA.
- D. It is the purpose of this regulation to promote the safe, effective, and efficient use of small-scale off grid wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

The PC agreed to review Article IV: Specific Use Standards Section 915- Wireless Telecommunications Facilities at home and return to the next meeting with comments and corrections.

MINUTES

MOTION: B. Brigham made a motion to accept the minutes of the meeting dated July 14th, 2015. G. Henderson seconded. All in favor, none opposed, motion carried.

ADJOURNMENT

MOTION: G. Henderson made a motion to adjourn the meeting at 8:30 p.m. M. Mckennerney seconded. All in favor, none opposed, motion carried.

Respectfully submitted,
AJ Johnson, Administrative Assistant

Sam Smith, Chair

Date

Brent Brigham

Date

Grant Henderson

Date

Mike McKennerney

Date