

**Select Board Members**

Peter Hood, Chair  
 Mary Just Skinner,  
Vice Chair  
 Phil Hyjek  
 Steve Martin  
 Liz Scharf

**MINUTES**  
**MIDDLESEX SELECT BOARD**  
**Tuesday, April 21, 2020**  
**5:00 PM**  
**HELD REMOTELY VIA ZOOM**

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**MINUTES**

**PRESENT:** Chair Peter Hood, Vice Chair Mary Just Skinner, Members Steve Martin, Phil Hyjek and Liz Scharf. Treasurer Dorinda Crowell. Planning Commission Chair Sandy Levine. From Aegis – CEO Nils Beh and Director of Business Development Eric Phaneuf. Cindy Hill, attorney for abutting landowner Jim Gallagher, also present. TJ Kingsbury, president of Kingsbury Companies, LLC. Zoning Administrator Mitch Osiecki. Road Foreman Paul Cerminara. Vic Dwire, Charles Evans, ORCA and Select Board Assistant Sarah Merriman.

**Call to Order/Amendments**

Peter called the meeting to order at 5:00 PM and welcomed guests. There were no amendments to the agenda.

**Approving Aegis’s Request for a Letter of Support**

Sandy noted that at its April 15, 2020 meeting, the Planning Commission agreed to issue a letter of support to the VT Public Utility Commission designating a vacant lot owned by Stephen Van Esen near 58 Center Road as a “preferred site” for a 150 KW solar project to be installed by Aegis, a Waitsfield renewable energy company. She said the PC considered Aegis’s presentation, Jim Gallagher’s letter in opposition based on environmental concerns, what the 2109 Town Plan says about renewal energy projects - which is that they should be encouraged - and Town zoning, which does not apply to such projects. In the end, the PC decided the project’s location met the criteria of what would be a preferred site and voted to issue the letter.

Nils said Aegis would approach the Select Board in the future to request a “formality waiver of setback” re: the Kingsbury building which under PUC rules needs to be 25 feet from the solar array. Nils said the project would encroach on the Kingsbury setback by 10 feet, but that TJ was willing to sign a waiver which would then be submitted to the municipality’s legislative body for an okay. Cindy strongly urged the Board not to grant a setback smaller than the Town zoning regulations and noted that the PUC rules actually allow municipalities to expand the setbacks. The question, she said, was whether the waiver was in the Town’s interest.

If Aegis is not permitted to encroach onto Kingsbury’s setback, then it may have to rework roads that will then be closer to the stream Jim’s concerned about. TJ said the impacts to the environment will be greater. Phil said he was inclined to table the request since there are two issues: one is the setback, which was not warned for this meeting, and the other is the letter of support. It was also unclear how much review would be at the state level. Therefore, the Board should not rule until the Town attorney had a chance to review the various issues. Peter noted that the Board’s charge at the meeting was not to rule on the setback, but to address this area as a “preferred site.”

Liz asked what if the Board doesn’t issue this letter; Eric said the PUC will reduce the rate and Aegis would earn about 20% less revenue, essentially rendering this project dead in the water. Nils conceded the setback issue was “very secondary” to the request to designate this a preferred site and Aegis could return to the Board on the waiver sometime down the road. Phil agreed he could vote on the request for a preferred site because the Town needs to support alternative energy, but he could not vote on the setback.

**MOTION:** Phil moved and Liz granted approval to Aegis’s request that the Board send a letter of support designating the location of the proposed 150KW solar array as a “preferred site” and that Peter sign the letter on the Board’s behalf. Mary voted nay. The motion passed. Nils, Eric, TJ, Sandy, Cindy and Jim left the meeting.

**Addressing Zoning Permit Applications During COVID-19**

The issue of how the ZA and the ZBA can handle zoning permit applications that often require site visits and, if more complicated, potentially hearings to the ZBA or the Planning Commission should be addressed by a Board policy, Peter said, noting he’d had conversations with Mitch about the challenges of handling these applications when COVID-19 guidelines forbade public gatherings and face-to-face meetings.

Mitch said one of his concerns was insuring that applicants could undertake routine projects such as garden sheds or decks while they’re at home on quarantine with time on their hands. Complicated applications requiring a hearing before the ZBA - which might be difficult to conduct remotely due to required site visits and presentations involving designs and maps - are more of a challenge and might have to be put on hold.

Peter said his concern was that if projects were put on hold for too long without a decision from the ZA, they could be “deemed approved.” To avoid that accidental result, he suggested Mitch deny such applications before that deadline expires; the applicant can always reapply after the COVID restrictions have been lifted. He said copies of approved zoning applications should be posted on the bulletin board outside the Town Clerk’s Office, currently closed to the public, so they can be reviewed at any time.

Mitch said he doesn’t have the authority to deny permits appealed to the ZBA. Phil, a member of the ZBA, agreed and said the best thing to do would be to forward such appeals to the ZBA which could convene a meeting and decide at that point whether the appeal could be reviewed.

The Board agreed that no formal policy was necessary and that Mitch could act accordingly. Charles left the meeting.

**VT ACCD Guidelines re: Road Crew Staffing Deemed Non-issue**

In light of Gov. Phil Scott's updated guidelines issued April 17<sup>th</sup> allowing municipal road crews to conduct repairs if they follow social-distancing protocols, the Board agreed a previous order, no longer in effect, was a non-issue. Steve, who is also Road Commissioner, and Paul said two-man crews are wearing face masks. The Board also asked Paul to check with Mary Nealon regarding the beaver pond that's out of control on North Bear Swamp Road. Paul left the meeting.

**Treasurer's Report**

Dorinda updated the Board on current financials. There was no action.

**OTHER BUSINESS**

**MOTION:** Mary moved and Steve seconded approving the April 7, 2020, Select Board minutes. The motion passed.

**MOTION:** Phil moved and Mary seconded approving Ronald Krauth as the Middlesex representative to the Central Vermont Regional Planning Commission and also the CVRPC Transportation Advisory Committee. The motion passed.

**MOTION:** Steve moved and Liz seconded approving Bear Roots Farm's application to the VT Department of Liquor Control for a Class 2 liquor license. The motion passed.

All orders were reviewed and approved via email.

**CORRESPONDENCE:** The Board reviewed an email from Stephen Whitaker to Central Vermont Town Clerks, Managers and Select Boards regarding his request for information on how much towns have spent over the past five years on Capital Fire Mutual Aid System or Capital West. Sarah said she responded to his request by emailing him PDFs of Middlesex town reports back to 2105 so he could conduct original research since the Town does not keep that information in a separate report.

The Board approved a request from the Middlesex Bandstand Committee to use Town Hall as a location to live-stream bands playing in the summer concert series since large gatherings might be prevented this summer. The Board will address at its next meeting whether to charge the bandstand committee the standard \$25 fee per use of Town Hall.

Vic asked the status of an offer made at Town Meeting to hold a public forum on various road issues with the Road Commissioner and Road Foreman. Steve said he had already drafted a warning for that meeting – which will be held at 10 am, Saturday, May 23 at Town Hall, COVID regulations permitting. Vic asked if the resurrection of McCullough Hill would start in May as indicated in the 2019 Town Report; Steve said it would not be starting that soon.

The meeting adjourned at 6:30 PM.

Respectfully submitted by Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE REMOTELY APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON MAY 5, 2020.

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PETER O. HOOD, CHAIR

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MARY JUST SKINNER, VICE CHAIR

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PHILIP HYJEK

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STEVEN MARTIN

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ELIZABETH SCHARF