

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday July 1, 2019**

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Members Present: Peter Monte, Jeff Schoellkopf, Tom Boyle and Devin Corrigan.

Others Present: Jared Alvord, Chad Koenig, Ruth Robbins and Amy Scharges.

Agenda: Call the meeting to order, 7:00 pm.

1. The applicant, Mad River Solar, LLC along with property owner Summit Ventures NE, LLC (dba Sugarbush Resort) is requesting a **Conditional Use approval** for an **amendment** to permit # 2014-30-CU. The applicant is asking for approval to install a fixed 133.2 kW solar array along the northern edge of Parking Lot F within the 75 foot buffer along the Sugarbush Access Road. Parking Lot F is part of the Lincoln Peak Base Area, parcel id # 250010-020 in the Vacation Residential district. This application will be reviewed under the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11, 2012. [Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].
2. Review/sign minutes/decisions
3. Old/new business

Mr. Monte called the meeting to order at 7:26 pm.

Mr. Alvord outlined the project to the Board explaining that the fixed solar array would be running east to west just behind the drainage ditch on the north side of parking lot F of the Sugarbush Resort complex. He noted that though Sugarbush purchases solar credits they have been wanting to have some solar capacity of their own for some time. This fixed array will be very similar to the one that was installed at the Warren Elementary School. Mr. Alvord continued to say that the array would have a lifespan of 20 to 30 years and once it has reached that point it would be removed or possibly replaced. Mad River Solar both finances and owns the array and Sugarbush will be receiving discounted electricity from the collected solar energy power. The plan is for the power from this array to be able to power two of the resort's buildings but which two has yet to be determined.

Mr. Alvord told the DRB that they had submitted their application to the Vermont State Public Utility Commission for an Act 248 permit. There is an Act 250 permit that covers the site, they were able to stay out of the required 75' buffer, very few trees would need to be cut down and the residential view shed will not be able to see the array. When asked the height of the panels Mr. Koenig told the DRB that the back side towards the Access Road would be approximately 13' high with the front bottom being 3' off the ground. The tilt of the panels would be at a 30 degree tilt. With the project no longer encroaching on the 75' buffer there appears to be no need for an amendment to the existing permit. Mr. Schoellkopf did say that Sugarbush is responsible per the permit to replace any dead or diseased trees per the permit. He continues to say that any trees that had to be taken down with the installation of the solar array should be replaced. Mr. Koenig added that even though they were able to stay out of the 75' buffer that they maybe realigning a small section of the pedestrian walkway that exists in the buffer though Mr. Alvord said that they actually had enough room without having to do that.

Mr. Boyle noted that if Sugarbush is required to replace dead or diseased trees that there have been several trees that have come down during storms that maybe should be cleaned up/replaced. Mr. Schoellkopf also

stated that his assumption is that the buffer was required to screen the view of a parking lot from the Access Road. With the installation of the solar array that would be a new "screen". He continued by saying he thought that the DRB's consideration now was a buffer that protects the view of the back of the solar panels. Mr. Monte asked about the removal of the array at the end of its lifespan and was told that it was a requirement by Act 248 for decommission. Mr. Monte then asked if they bonded for such and was told that the project was small and bonding was not required by the state. He also told the Board that as the owners of the array they would be responsible for the removal and that the lease they have with Sugarbush also covers that issue. The applicant was also asked how long the array was which is estimated at about 800 feet with a break in the array for pedestrians to cross from the path to the parking lot.

Mr. Alvord said that they wanted to come before the Board keep them in the loop and to get their blessing. The discussion then focused on the screening of the panels which is really Sugarbush's responsibility per the permit for Lot F. Mr. Schoellkopf said the condition in the permit was rather general and maybe the Board should add some direction and specificity as to what was expected. He asked Mr. Alvord and Mr. Koenig what the distance from the back of the panel to a tree should be. Mr. Koenig said that to hopefully keep future branches from coming over the top of the panels they would want any new trees to be planted no less than 10 feet away and Mr. Alvord added that it would be their intention to utilize conifers. When asked who would be responsible for maintenance of the array in regards to any tree limbs or such Mr. Koenig said they would be.

Mr. Schoellkopf said that the Board might want to contemplate allowing for maintenance in an area around the array which could include some intrusion into the 75 foot buffer behind the array. Discussion ensued about how to best deal with the 75' buffer and how it really needs to be discussed with the land owner, Sugarbush. Mr. Schoellkopf added that he was very supportive of the project but also thought that it was necessary to amend the permit to allow for maintenance 10 to 20 feet around the array. He continued to say that the Board could offer to reduce the buffer but would want Sugarbush to come to them with a proposed planting/maintenance plan that would provide screening of the panels.

MOTION by Mr. Schoellkopf that the DRB continues this hearing until Monday July 29, 2019 and requests that Sugarbush bring a plan to adhere to the condition of replacement of dead and fallen trees in the buffer and a plan to allow intrusion into the buffer to maintain clearance around the solar array. SECOND by Mr. Monte. VOTE: All in favor the motion passed.

The Board reviewed and signed the minutes of 6/3/19, the Hyde and Haynesworth Decision and the Burfoot Mylar. The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Ruth Robbins  
DRB Secretary

Development Review Board

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Peter Monte                      date

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Jeff Schoellkopf                      date

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Devin K. Corrigan                      date

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Tom Boyle                      date

