

Norwich PC Solar Siting Subcommittee
Regular Meeting – Tuesday, March 26, 2024 6:30pm

To be held via Zoom only:

Topic: Solar Siting Subcommittee Special Meeting

Time: Mar 26, 2024 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84630975380>

Meeting ID: 846 3097 5380

888 475 4499 US Toll-free

1. Approve Agenda
2. Public comments for Items not on the Agenda
3. Correspondence:
 - DRAFT - Proposed Solar Siting Revisions to Norwich Town Plan
 - Chris Katucki - email to PC/Solar Siting Committee
 - TRORC - Response to Lamperti request for Preferred Site
 - Public Utilities Comm - 5.100 Regulations Pertaining to Construction and Operation of Net-Metering Systems (pages 8-11 and 24-27)
 - Town Plan Chapter 3 Energy Policies (pages 21-22)
4. Discuss changes to net-metering rule 5.100
5. Enhanced Energy Plan
6. Approval of 2/26/2024 minutes
7. Adjourn

Proposed Solar Siting Revisions to Norwich Town Plan

INTRODUCTORY NOTE

The Solar Siting Subcommittee of the Norwich Planning Commission is discussing changes to the Norwich town plan necessary for it to qualify as an enhanced energy plan and make changes relating to the solar siting process. This document presents an initial rough and incomplete draft to start discussion. It is not intended to propose specific language and represents the early stages of what will be an extended and multi-party conversation.

As discussed in the Feb 26th subcommittee meeting, I reviewed the energy chapters from several neighboring towns and compiled excerpts to give us a starting point for editing our energy plan. The main changes are to qualify as a state recognized enhanced energy plan and to remove the default preferred siting criteria across the town.

Wording from the Sharon town plan was chosen to use as a draft starter. We include this document in the packet for the 3/12/24 PC meeting to make it available to the public and interested parties as early as possible. Conversation at the PC meeting will be limited to policy topics such as eliminating the default preferred site language. Detailed discussion of the draft will take place at the next subcommittee meeting, scheduled for 3/26/24.

During this process we will actively solicit input from all town groups and residents.

*Respectfully submitted,
JTL*

PLAN ELEMENTS PROPOSED TO CHANGE OR UPDATE

- Make changes required to have Norwich's town plan qualify as an Enhanced Energy Plan (EEP) and achieve substantial deference in the PUC process. An 11/28/23 memo from Kyle Katz presents TRORC suggestions which can be used as a starting point.
- Remove Policy 3-2.h p.22 "...the presumption is that all of Norwich meets the Public Utility Commission definition of 'preferred site' and statement on p.28 "... based on the presumption that lands in Norwich..."
- Add specific, detailed and comprehensive preferred site guidance to replace the default designation. The proposal is to use a three-tiered approach, describing Preferred, Prohibited and Constrained locations.
- Describe credible plan to achieve our renewable generation goals.
- Updated reference data on usage and generation – coming from VT & TRORC

- Add stronger statement for PC to obtain party status on all PV projects

PLAN ELEMENTS NOT PROPOSED TO CHANGE

Not affected by EEP requirements and solar siting preferred site topic
Municipal energy sources & uses
Transportation
Energy efficiency - decreasing demand
Wood burning, geothermal, etc.
Electric energy planning, heat pumps, etc.
General energy goals - reduce use, increase renewables

OUTLINE OF TOWN PLAN ENERGY CHAPTER

Objectives, policies and actions
Electrical usage by type and use
Existing resources & goals
Renewable generation goal [*TRORC - has this been updated?*]
Renewable generation potential [*TRORC - do we have the latest maps?*]
Other plan sections will need review and updating to be consistent with changes
Development / Land use (solar siting related)
Scenic / ridgeline
Permitting context: Act 248, TRORC plan
Three-tiered siting criteria – Preferred, Prohibited and Constrained

NORWICH DRAFT OF SHARON’S THREE-TIERED SITING CRITERIA

For all commercial energy generation facilities, the following policies shall be considered:

PREFERRED LOCATIONS:

- The Town supports the placement of new generation and transmission facilities in the following areas: existing structures, parking lot canopies, rooftops, brownfields, and the disturbed portion of a gravel pit or quarry.
- To maintain the rural character of Norwich, a dispersed (low-density) nature to meeting our renewable energy goals is encouraged.
- Sites that are already a compact mix of structures and uses are preferred locations for commercial or group net-metering solar arrays, rather than a solar array becoming the only use of an existing agricultural field or clearing a forest tract to make room for a large commercial solar array.
- In map locations designated, generation facilities of up to 500kW are permitted.
- *Include instructions about particular areas, which should be very specific*

- Facilities of 500kW generating capacity or less are preferred.
- In the Norwich Village Area, generation facilities are limited to existing rooftops and/or a ground mounted systems that are no larger than 10 kW and 500 sq feet, designed to meet the energy needs for an individual lot so as to preserve as much of the historic character as possible.
- Unless it can be located solely on building rooftops, no system within the Norwich Village Area shall be designed to be part of a group net-metering arrangement.

PROHIBITED LOCATIONS:

Because of flood risk or for their distinctive natural, historic or scenic value, energy generation facilities shall be excluded from the following areas:

- FEMA Floodways and River Corridors
- Class 1 Wetlands
- All renewable energy development shall follow the protection strategies of Norwich's scenic ridges and hillsides as laid out in this Plan. [*Sharon example in appendix*]
- Additional areas identified in the Land Use Chapter of this Town Plan.
- Generation facilities shall utilize existing roads, no new roads are permitted for renewable energy generation facilities.

CONSTRAINT AREAS:

All new generation, transmission, and distribution facilities shall be sited and designed to avoid, or if no other reasonable alternative exists, to otherwise minimize and mitigate, adverse impacts to the following:

- Historic districts and lots immediately adjacent to them, landmarks, sites and structures listed, or eligible for listing, on state or national historic registers
- State or federally designated scenic byways, and municipally designated scenic roads and viewsheds
- Special flood hazard areas identified by National Flood Insurance Program maps(except as required for hydro facilities)
- Public and private drinking water supplies, including mapped source protection areas
- Primary agricultural soils mapped by the U.S. Natural Resources Conservation Service
- Agricultural Soils (VT Agriculturally Important Soil Units)
- Protected Lands (Updated 07/26/2016 – State Fee Lands and Private Conservation Lands)
- Deer Wintering Areas (as Identified by ANR)

Part 5.103 of Vermont's Net-Metering Systems Rule 5.100

- Act 250 Agricultural Soil Mitigation areas (as Identified by ANR)

- Vermont Conservation Design Highest Priority Forest Block Datasets (as Identified by ANR)
- Priority Forest and Connectivity Blocks – Connectivity, Interior and Physical Land Division (as Identified by ANR)
- Hydric Soils (as Identified by ANR)
- River Corridor Areas as identified by the Vermont Department of Environmental Conservation
- Class 2 Wetlands as indicated on Vermont State Wetlands Inventory maps or identified through site analysis
- Vernal Pools (as Identified by ANR or through site analysis)
- State-significant Natural Communities and Rare, Threatened, and Endangered Species

By joint letter of the Planning Commission and Selectboard, a site may be designated as preferred if a potential renewable energy generation project is subject to any of the constraints above but is mitigated by other factors.

APPENDIX

Excerpts from Sharon Town Plan Energy chapter

[p.62]

Protection of Scenic Ridges and Hillsides

Wind and solar energy generation facilities are strongly discouraged from being sited directly on or near a ridgeline or hilltop. Facilities are encouraged to be located at an elevation lower than the ridgeline so that they will be folded within the hillsides and disguised by the terrain. Should an applicant propose a facility directly on or near a ridgeline or hilltop, it shall have the burden to demonstrate by clear evidence that a less intrusive means of providing a similar or better service is not available by either different facilities, or a different location.

The Selectboard, in consultation with the applicant and others, shall determine the likely visual impact of any proposed energy generation facility and may require balloon tests, photographs, simulations, and any other necessary, helpful and relevant information, as well as an evaluation of other types of equipment that may provide similar benefit in a less intrusive manner.

Based on the information presented, the Selectboard may identify an alternative location for the facility to be considered by the applicant, may request a redesign in order to minimize the visual impact on the scenic character and beauty of the area, may add further conditions, and may approve or deny the application. In determining whether or not a facility would have an undue adverse visual impact and when to deny or set conditions in the permit, the Selectboard shall consider:

1. The period of time during which it would be viewed by persons traveling on public highways;
2. The frequency with which persons traveling on public highways will view the facility;
3. The degree to which it will be screened by existing vegetation, the topography of the land, and existing structures;
4. Background features that will either obscure it or make it more conspicuous;
5. Its distance from key vantage points and the proportion of it that will be visible above the horizon or tree line;
6. The number of members of the traveling public or residents of town that will be affected by the alteration of the scenic character and beauty of the area;
7. The sensitivity or unique value of the particular view affected by it in terms of federal, state and/or local significance;
8. Significant disruption of a viewshed that provides context to a historic or scenic resource;
9. Alternative less intrusive locations or equipment, that may be available to the applicant; and
10. Any community standards, including the Town and Regional Plans.

[p.63]

For all commercial energy generation facilities, the following policies shall be considered:

1. **Preferred Locations:** The Town supports the placement of new generation and transmission facilities in the following areas: existing structures, parking lot canopies, rooftops, brownfields, and the disturbed portion of a gravel pit or quarry.
 - To maintain the rural character of Sharon, a dispersed (low-density) nature to meeting our renewable energy goals is encouraged.
 - Sites that are already a compact mix of structures and uses are preferred locations for commercial or group net-metering solar arrays, rather than a solar array becoming the only use of an existing agricultural field or clearing a forest tract to make room for a large commercial solar array.
 - Along Route 132, generation facilities of up to 500kW are permitted.
 - There shall be no more than one generation facility of 250kW to 500kW per mile within 200 feet of Route 132.
 - Facilities of 500kW generating capacity or less are preferred.
 - In the Sharon Village Area, generation facilities are limited to existing rooftops and/or a ground mounted systems that are no larger than 10 kW and 500 sq feet, designed to meet the energy needs for an individual lot so as to preserve as much of the historic character as possible.
 - Unless it can be located solely on building rooftops, no system within the Sharon Village Area shall be designed to be part of a group net-metering arrangement.
2. **Prohibited Locations:** Because of flood risk or for their distinctive natural, historic or scenic value, energy generation facilities shall be excluded from the following areas:
 - FEMA Floodways and River Corridors
 - Class 1 Wetlands
 - All renewable energy development shall follow the protection strategies of Sharon's scenic ridges and hillsides as laid out in this Plan.
 - Additional areas identified in the Land Use Chapter of this Town Plan.
 - Generation facilities shall utilize existing roads, no new roads are permitted for renewable energy generation facilities.
3. **Constraint Areas:** All new generation, transmission, and distribution facilities shall be sited and designed to avoid, or if no other reasonable alternative exists, to otherwise minimize and mitigate, adverse impacts to the following:
 - a. Historic districts and lots immediately adjacent to them, landmarks, sites and structures listed, or eligible for listing, on state or national historic registers
 - b. State or federally designated scenic byways, and municipally designated scenic roads and viewsheds
 - c. Special flood hazard areas identified by National Flood Insurance Program maps(except as required for hydro facilities)

- d. Public and private drinking water supplies, including mapped source protection areas
- e. Primary agricultural soils mapped by the U.S. Natural Resources Conservation Service
- f. Agricultural Soils (VT Agriculturally Important Soil Units)
- g. Protected Lands (Updated 07/26/2016 – State Fee Lands and Private Conservation Lands)
- h. Deer Wintering Areas (as Identified by ANR)

Part 5.103 of Vermont's Net-Metering Systems Rule 5.100

- i. Act 250 Agricultural Soil Mitigation areas (as Identified by ANR)
 - j. Vermont Conservation Design Highest Priority Forest Block Datasets (as Identified by ANR)
 - k. Priority Forest and Connectivity Blocks – Connectivity, Interior and Physical Land Division (as Identified by ANR)
 - l. Hydric Soils (as Identified by ANR)
 - m. River Corridor Areas as identified by the Vermont Department of Environmental Conservation
 - n. Class 2 Wetlands as indicated on Vermont State Wetlands Inventory maps or identified through site analysis
 - o. Vernal Pools (as Identified by ANR or through site analysis)
 - p. State-significant Natural Communities and Rare, Threatened, and Endangered Species
4. By joint letter of the Planning Commission and Selectboard, a site may be designated as preferred if a potential renewable energy generation project is subject to any of the constraints above but is mitigated by other factors.

[p.64]

The Town of Sharon has not stipulated what properties are preferred sites for new commercial- scale renewables. Proposed new projects will be considered on a case-by-case basis. As stated above, the Town will favor locations that do not impinge on sensitive natural areas or scenic/historic sites. Any new vegetative screening negotiated as part of a project must be maintained and watered for a period sufficient for the plantings to become established and thrive. Plantings that wither and die within a short period of their installation will be considered a failure to meet the terms of the screening agreement. Developers will be required to create a decommissioning fund for removal of photovoltaic infrastructure at the end of its productive life, and for restoration of the land it sat on. Multiple large PV projects on adjacent sites are discouraged for their aggregate visual effect. Future projects should be dispersed so no single travel corridor in town or former farm is dominated by the presence of panels. Sharon has many sites that are viable for solar generation. In fact, some of the town's larger installations are on properties not singled out in the Energy Potential Map as having special solar access.

From: Jaan Laaspere <laaspere.planning@gmail.com>
Sent: Monday, March 11, 2024 5:01 PM
To: Christopher Katucki <kals95@startmail.com>
Cc: Kris Clement <kclmwp6@gmail.com>; Pam Mullen <PMullen@norwich.vt.us>
Subject: Re: Public comment: Three-Tiered Siting Criteria for preferred sites

Chris,

Thank you for your thoughtful comments. They will be included in the packet for the next solar siting subcommittee meeting. As I mentioned in my introductory note, this is the beginning of a conversation and we welcome people's input and participation.

Best regards,
Jaan

On Mon, Mar 11, 2024 at 3:06 PM Christopher Katucki <kals95@startmail.com> wrote:

Hi Jaan:

Please consider this email as public comment to the Planning Commission and the Solar Siting Subcommittee.

With respect to the Three-Tiered Siting Criteria, I have three concerns. The first is about the designation of “areas” under the first tier. New PUC Rule 5.100, effective March 1, amended the definition of preferred site. It eliminated the authority of towns to designate preferred sites in the town plan. See red-lined version attached. It also requires review of the 45-day notice for the project. In light of these changes and the existing reference to a “specific location,” I am not confident that it is proper to designate “areas” as preferred locations under the first tier, by map or description, however specific.

Second, concerning constraint areas of the Three-Tiered Siting Criteria, it seems inappropriate to use the phrase “or if no other reasonable alternative exists,” as it creates a huge loophole. To begin “reasonable alternative” refers to alternatives within a specific parcel. If a parcel is wholly located in a historical district or viewshed or if the parcel consists primarily of ag soils, then in those situations, there is “no other reasonable alternative” to locating the solar farm in a historical district or viewshed or on ag soils. Moreover, 150- and 500-kW projects use acres of land. Unlike a development envelope for a house, the footprint of a solar farm is not easy to move to minimize its impact.

Third, prime ag soils and forest blocks deserve greater protection under the preferred siting criteria. I am no expert but think these areas deserve special protection from permanent loss. Once in place, a solar project is likely a permanent installation. Even at reduced efficiency, solar panels produce power. In addition, outdated solar panels can be replaced with new and improved ones. If a CPG has an end date, it seems more likely that the PUC renews or extends the CPG, rather than requiring the project's decommissioning (assuming the single purpose entity has the resources to decommission the site). Accordingly, since large (150- through 500-kW) projects will exist forever, the town may want to limit or prohibit development on prime ag soils and forest blocks. Note that the new definition of preferred site under the PUC Rule 5.100 excludes sites that "require significant forest clearing."

I am happy to discuss further and to research and suggest alternatives.

Thank you in advance for considering my comment.

Sincerely,

Chris Katucki

~~(6)(7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in~~

July 1, 2017

Vermont
Public Utility Commission

Rule 5.100
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~~a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located~~ determined by the governing municipal legislative body and the municipal and regional planning commissions as suitable for the development of a net-metering system consistent with applicable policies in their respective plans. The specific location must be identified in a letter or letters from the municipal legislative body and the municipal or regional planning commissions based on their evaluation after having received the 45-day notice for the project. Such letters in no way limit the ability of municipalities and regional planning commissions to participate in the Commission's review of the net-metering system proposed to be constructed on the location identified in the letter.

~~(7)(8)~~ A site listed on the National Priorities List (NPL) established under the

March 18, 2023

Mr. Aaron Lamperti
557 New Boston Road,
Norwich, VT 05055

Re: Preferred Siting Designation – Lamperti/Eanet, Norwich

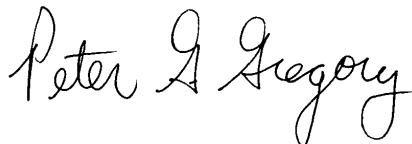
Dear Mr. Aaron Lamperti & Mrs. Franny Eanet,

You have reached out to us and shared information on a proposed 150Kw solar project to be located on roughly 3 acres of contiguous forest at 557 New Boston Road, Norwich, VT 05055, approximate latitude and longitude of 43.75639° N, 72.31352° W. The Town of Norwich has given the site preferred status. Having made our review, we are unable to provide regional designation of the location as a "Preferred Site" under Section 5.103 of your Rule 5.100.

In our review per the Section 248 TRORC Review Protocol, we found the project triggered several environmental criteria evaluated at the regional level. The proposed project is located entirely within a designated highest priority forest block mapped on the ANR BioFinder 4, as well as within the regional Forest Based Resources land use area. The project is also entirely located within a deer wintering yard as mapped on the ANR Natural Resources Atlas. The size of this project and the tree clearing (presumably 3 acres) that would be involved would result in a significant impact to these resources. The maps included in the submitted application specified the project would be 150 kW. However, the site area delineated in the application appears to be over three acres. A project of this size could take place on considerably less land. You are welcome to clarify if the area to be cleared is much smaller than what is specified on the provided maps.

Please note that at this time we take no position on the project's compliance with other policies of the regional plan, and any requirement of Rule 5.100 or of other applicable provisions of Vermont law.

Sincerely,



Peter G. Gregory, Executive Director
CC: Brennan Duffy, Jaan Laaspere

company's tariffs that apply to a customer regardless of whether they net-meter or not. Non-bypassable charges may not be offset using current or previous net-metering credits. A customer is liable for payment of these charges regardless of whether the customer has a credit balance resulting from net-metering. The customer charge, energy efficiency charge, energy assistance program charge, any on-bill financing payment, and any equipment rental charge are non-bypassable charges.

"Party" means any person who has obtained party status under Section 5.117 of this Rule.

"Plant" means an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, will be considered one plant if the group is part of the same project and uses common equipment and infrastructure, such as roads, control facilities, and connections to the electric grid. Common ownership, control, proximity in time of construction, and proximity of facilities to each other will be relevant to determining whether a group of facilities is part of the same project.

"Pre-Existing Net-Metering System" means a net-metering system for which a completed CPG application was filed with the Commission prior to January 1, 2017, and whose completed application was either filed at a time when net-metering was being offered by the electric company pursuant to 30 V.S.A. § 219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.

"Preferred Site" means one of the following, provided that the site does not require significant forest clearing:

- (1) A new or existing constructed impervious surface or structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity.
- (2) A parking lot canopy over a parking lot, provided that the location remains in use as a parking lot.
- (3) A tract previously developed for a use other than siting a plant on which a structure or constructed impervious surface was lawfully in existence and use at any time during the year preceding the date an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), more than half of the

energy generation component of the plant must be located within the footprint of either the existing structure or impervious surface. The project limits may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forest soils, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151. For purposes of this subsection, the energy generation component of the plant does not include interconnection facilities.

- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642, provided any request to the Secretary of Natural Resources for such certification includes a report from a diligent and appropriate investigation, as required by 10 V.S.A. chapter 159.
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602 and contiguous land, structures, appurtenances, and improvements on the land used for treating, storing, or disposing of solid waste, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and contiguous land, structures, appurtenances, or improvements, and that the landfill is actively maintained under the authority of a post-closure certification, administrative order, or assurance of discontinuance, or in custodial care as recognized by the Agency of Natural Resources. To qualify under this subdivision (5), some portion of the plant must be located on the landfill cap.
- (6) A gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that:
 - (a) more than half of the energy generation component of the plant is located within the disturbed or previously disturbed portion of the extraction site. For purposes of this subsection, the energy generation component of the plant does not include interconnection facilities; and
 - (b) all state and local permit conditions related to reclamation of the site are satisfied before the operation of the plant.
- (7) A specific location determined by the governing municipal legislative body and the municipal and regional planning commissions as suitable for the development of a

net-metering system consistent with applicable policies in their respective plans. The specific location must be identified in a letter or letters from the municipal legislative body and the municipal or regional planning commissions based on their evaluation after having received the 45-day notice for the project. Such letters in no way limit the ability of municipalities and regional planning commissions to participate in the Commission's review of the net-metering system proposed to be constructed on the location identified in the letter.

- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms that the site is listed on the NPL, and provided that the applicant demonstrates as part of its CPG application that:
 - (a) development of the plant on the site will not compromise or interfere with remedial action on the site; and
 - (b) the site is suitable for development of the plant.
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.

“Production Meter” means an electric meter that measures the amount of kWh produced by a net-metering system.

“Significant Forest Clearing” means clearing more than three acres of forest. For purposes of this Rule, the word forest means land that has at least 10 percent canopy cover by live trees of any size and associated naturally occurring vegetation or has had at least 10 percent canopy cover of live trees and associated naturally occurring vegetation in the past and has stumps, snags, or other evidence indicating that it has not been converted to a non-forest use at the time of a CPG application filing. To qualify as forest, an area must be at least one acre in size and 120 feet wide. In determining whether an area is at least one acre in size or 120 feet wide, any portion of a group or contiguous area of trees that extends beyond the project or parcel boundaries must be counted. Canopy cover must be measured from the outermost edge of tree crowns across a group or contiguous area of trees. The three-acre limit on significant

forest clearing is cumulative and includes each discrete area of any forest proposed for clearing. Clearing of individual trees that are not part of a forest will not count toward the three-acre limit on significant forest clearing.

“Substantial Change” means a change to a proposed or approved net-metering system that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the State under Section 248(a).

“Time-of-Use Meter” means an electric meter that measures the consumption of electricity during defined periods of the billing cycle.

“TOU” means time-of-use.

“Tradeable Renewable Energy Credit or REC” means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

- (1) Those attributes are transferred or recorded separately from that unit of energy;
 - (2) The party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the environmental attributes associated with that unit of energy; and
 - (3) Exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Commission, or any program for tracking and verifying the ownership of environmental attributes of energy that is legally recognized in any state and approved by the Commission.
-

CPG and complies with this Rule 5.100; and

- (3) within 30 days after acquiring ownership of the system, the new owner of a ground-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, the Agency of Natural Resources, and the electric company, or within 30 days after acquiring ownership of the system, the new owner of a roof-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, and the electric company.

- (C) **Abandonment.** Non-use of a CPG for a period of one year following the date the CPG is issued will result in the revocation of the CPG without further action by the Commission. For the purpose of this section, for a CPG to be considered used, the net-metering system must be commissioned. A CPG holder may obtain an automatic one-year extension of time by providing written notice to the Commission and the electric company. Such notice must be (1) filed in the case in which the CPG was issued or deemed issued, unless the case is closed, in which case the filer should contact the Clerk, and (2) filed before the one-year anniversary of CPG issuance; otherwise the CPG will be deemed revoked. Further extensions will only be granted upon written request and for good cause shown before expiration of the CPG. A CPG holder may abandon a CPG before construction by providing written notice to the Commission, the Department, the Agency of Natural Resources, and the electric company.

5.111 Substantive Criteria of 30 V.S.A. § 248(b) Applicable to Net-Metering CPG Registrations and Applications

Pursuant to 30 V.S.A. § 8010, which provides that the Commission may waive the requirements of 30 V.S.A. § 248(b) that are not applicable to net-metering systems, the Commission will review registrations and applications for net-metering systems for compliance with the following statutory criteria. All other criteria are conditionally waived.

- (A) For state-jurisdictional hydroelectric net-metering systems and for net-metering systems that are located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity: 30 V.S.A. § 248(b)(3).

- (B) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *transfer* the tradeable renewable energy credits to the electric company: 30 V.S.A. §§ 248(b)(1); (b)(3); (b)(5), except that the applicant does not need to address the effect of the net-metering system on municipal services, educational services, transportation, water conservation, sufficiency of water, existing water supply, or greenhouse gases; (b)(8); and Section 248(s).
- (C) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *retain* the tradeable renewable energy credits generated by the net-metering system: 30 V.S.A. §§ 248(b)(1); (b)(2); (b)(3); (b)(5), except that the applicant does not need to address the effect of the net-metering system on municipal services, educational services, transportation, water conservation, sufficiency of water, existing water supply, or greenhouse gases; (b)(8); and Section 248(s).

5.112 Aesthetic Evaluation of Net-Metering Projects

(A) Quechee Test. In determining whether a net-metering system satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called “Quechee test” as described in the case *In Re Halnon*, 174 Vt. 515(2002) (mem.), set forth below:

- (1) Step one: Determine whether the project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings. If the answer is no, then the project satisfies the aesthetics criterion. If yes, move on to step two.
- (2) Step two: The adverse impact will be found to be undue if any one of the three following questions is answered affirmatively:
 - (a) Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area?
 - (b) Would the project offend the sensibilities of the average person?
 - (c) Have the applicants failed to take generally available mitigating

steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings?

(B) **Adverse Aesthetic Impact.** In order to determine that a project would have an adverse impact on aesthetics and the scenic and natural beauty under subsection (A)(1), above, the Commission must find that a project would be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.

(C) **Clear, Written Community Standard.** In order to find that a project would violate a clear, written community standard, the Commission must find that the Project is inconsistent with a provision of the applicable town or regional plan that:

- (1) Designates specific scenic resources in the area where the project is proposed. Statements of general applicability do not qualify as clear, written community standards. For example, the general statement that "agricultural fields shall be preserved" would not qualify because the statement does not designate specific resources as scenic. The statement "the agricultural fields to the west of Maple Road are scenic resources that must be preserved" would qualify because it designates specific resources as scenic.
- (2) Provides specific guidance for project design. For example, the statement "only dwellings, forestry, and agriculture are permitted within the Maple Road scenic protection area" would be a clear standard because it states with specificity what type of development is permitted. The statement "all development in the Maple Road scenic protection area must maintain the rural character of the area" would not be a clear standard because it does not state with specificity what type of development is permitted.

(D) **Offend the Sensibilities of the Average Person.** A project will be found to offend the sensibilities of the average person if the project would be so out of character with its surroundings or so significantly diminish the scenic qualities of the area as to be offensive or shocking to the average person. In determining whether a project would offend the sensibilities of an average person, the Commission will consider the perspective of an average person viewing the project from both adjoining residences and from public vantage points.

(E) **Generally Available Mitigating Steps.** In determining whether an applicant has taken generally available mitigating steps, the Commission may consider the following:

- (1) what steps, such as screening, the applicant is proposing to take;
- (2) whether the applicant has adequately considered other available options for siting the project in a manner that would reduce its aesthetic impact;
- (3) whether the applicant has adequately explained why any additional mitigating steps would not be reasonable; and
- (4) whether mitigation would frustrate the purpose of the Project.

5.113 Setbacks

Applicants seeking authorization to construct a ground-mounted net-metering system must comply with the following minimum setback requirements:

- (1) From a state or municipal highway, measured from the edge of the traveled way:
 - (a) 100 feet for a solar facility with a plant capacity exceeding 150 kW; and
 - (b) 40 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (2) From each property boundary that is not a state or municipal highway:
 - (a) 50 feet for a solar facility with a plant capacity exceeding 150 kW; and
 - (b) 25 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (3) This subsection does not require a setback for a solar facility with a plant capacity equal to or less than 15 kW.
- (4) In the case of a net-metering wind turbine, the facility must be set back from all property boundaries and public rights-of-way by a distance equal to at least twice the height of the turbine, as measured from the tip of the blade.
- (5) On review of an application, the Commission may either require a larger setback than this subsection requires, or approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback.

3 | ENERGY

3.1 Objectives

- 3-1.a Reduce greenhouse gas emissions from Norwich municipal operations, businesses and residents (24 VSA §4302 (c) (7)).
- 3-1.b Reduce overall energy use in Norwich (24 VSA §4302 (c) (7)).
- 3-1.c Shift energy use in Norwich from non-renewable to renewable sources (24 VSA §4302 (c) (7) (A)).
- 3-1.d Increase the amount of renewable energy being produced in Norwich in a manner that is consistent with the goals, objectives and policies of this plan (24 VSA §4302 (c) (7) (A)).
- 3-1.e Pursue strategies identifies in the State Energy Plan (30 VSA §§202, 202b).

3.2 Policies

- 3-2.a Establish a mechanism to collect and appropriate funds to support projects that further the objectives of this Energy Plan.
- 3-2.b Ensure that the review of the Norwich Zoning and Subdivision Regulations is informed by the link between changing land use patterns and reducing fossil fuel use, including, but not limited to, consideration of increasing density adjacent to the existing village district, and the creation of new zoning districts.
- 3-2.c Promote bike and pedestrian as non-vehicular transport modes using best practices for traffic engineering such as sidewalks, bike lanes and dedicated trails.
- 3-2.d Consider lifecycle costs when planning to construct or upgrade municipal facilities.
- 3-2.e Develop programs that assist low-income households with weatherizing and improving the efficiency of existing dwelling units.

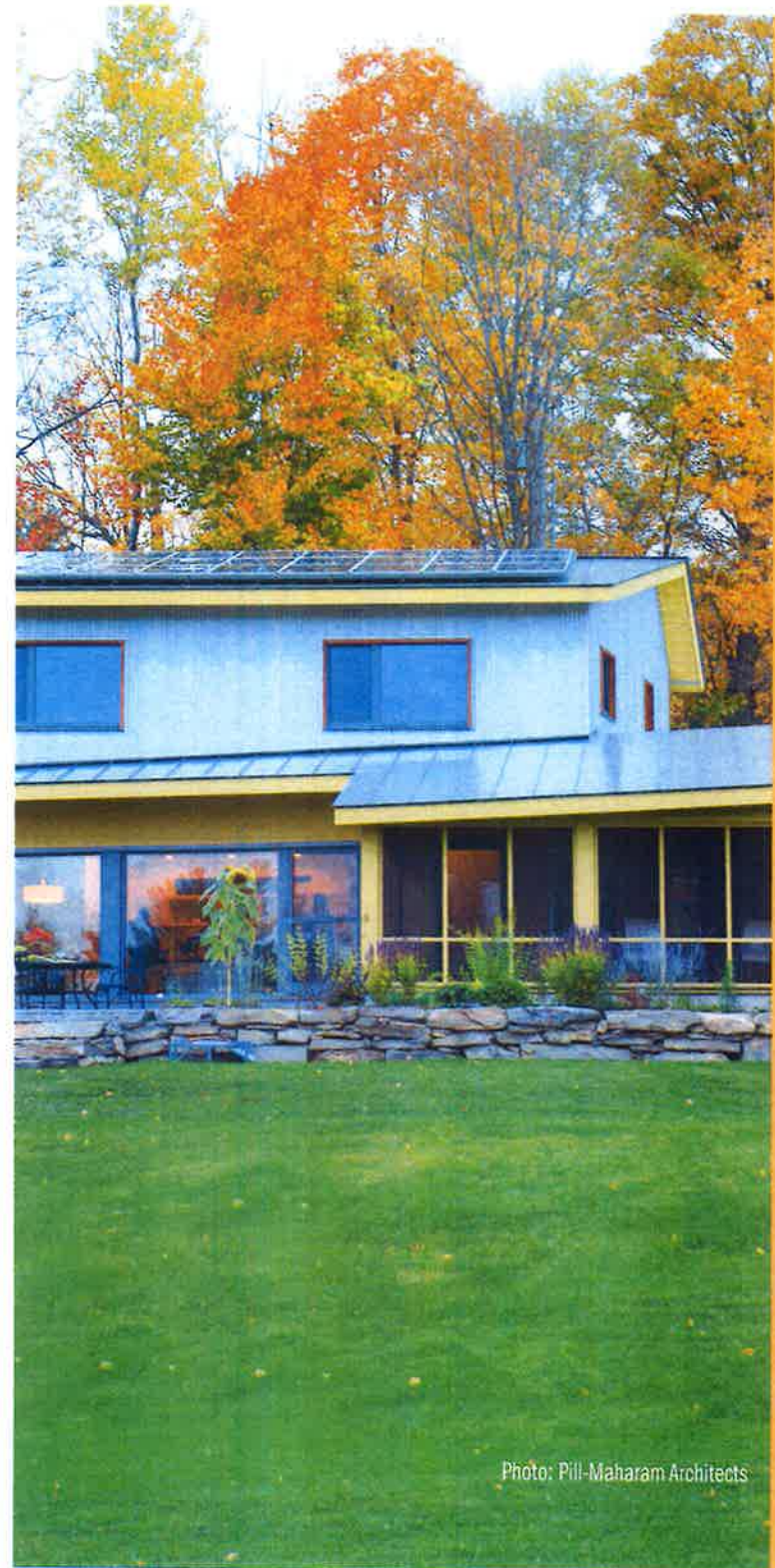


Photo: Pill-Maharam Architects

- 3-2.f Expand the authority of the Zoning Administrator to require the issuance of a Certificate of Compliance on all new construction over 800-sq ft ensuring that such work meets the VT Residential Building Standards (VT-RBES).
- 3-2.g Require large-scale commercial and institutional development to install solar panels on roofs and over any parking lots where feasible.
- 3-2.h For solar generation projects sized from 15kW to 500kW the presumption is that all of Norwich meets the Public Utility Commission definition of 'preferred site', notwithstanding the existing areas of local concern including the Ridgeline Protection Overlay Area, Shoreline Protection Overlay Area and the historic village district as identified in the Norwich Land Use Regulations.
- 3-2.i Support Advanced Transit in providing a range of commuter services to Norwich, providing connections with locations where residents attend school, work and shop.

3.3 Actions

- 3-3.a Advocate before VTrans on behalf of non-vehicular road users for improved accommodations on state highways.
- 3-3.b Review hybrid and electric options for any municipal vehicle purchase or replacement.
- 3-3.c Consider how to address barriers to development related to limitations on wastewater capacity, including a review of the findings of the 2005 study conducted by the Norwich Sewer Committee in light of current challenges and changes in wastewater management.
- 3-3.d Encourage development projects to install solar collectors on rooftops and parking lots.
- 3-3.e Participate in the Section 248 process before the Public Utility Commission to make decisions that further the goals, objectives, and policies of this plan.
- 3-3.f Implement to the best of our abilities the (non-binding) Article 36 from the Town of Norwich 2019 ballot, which was passed by voters:

Shall the voters of Norwich direct all Town officials to take immediate and sustained efforts to gradually and continually

reduce the Town's direct use of fossil fuels, beginning at a rate of no less than 5 percent per year starting in the 2019-20 fiscal year and continuing until they are eliminated entirely, and shall the Town Manager be charged with monitoring such efforts and reporting on them each year in the annual Town Report, and no capital expenditures shall be made that contradict or undermine this direction, absent a majority vote of the Selectboard?

- 3-3.g Ensure that the Zoning Administrator or their designee has the training and resources to both enforce state Residential Building Energy Standards and issue Certificates of Compliance on development projects greater than 800-sf.
- 3-3.h Provide residents with information on:
 - i. cold-climate heat pumps, and other non-fossil fuel heat sources in new construction and in existing homes and buildings;
 - ii. replacing fossil fuels powered vehicles with electric vehicles;
 - iii. managing forest land for long-term, sustainable harvesting of wood.
- 3-3.i Raise climate crisis and energy awareness.
- 3-3.j Work with community groups and others to support non-vehicular transportation options in Norwich.

3.4 Overview

We have understood for at least fifty years that human dependence on fossil fuels is not sustainable. Only now are we beginning to grapple with the climate crisis resulting from burning fossil fuels. We also need to develop community resiliency to better withstand the disruptions caused by the changing climate. There is an active grassroots effort in Vermont and around the world to act locally in addressing the climate crisis and in building resiliency.

Norwich PC Solar Siting Subcommittee

February 26, 2024 Minutes

DRAFT

Members present: Ciccotelli, Clement, Laaspere

Public participating: Linda Gray, Rob Gere, Zara Reeves, Susan Barrett, Amy Stringer

Meeting started at 6:35

1. Approved Agenda

2. Public comment for items not on the agenda - none

3. Correspondence

Letters: Shepherd, Andrews, Manganiello
New IREC introduction

4. Enhanced Energy Plan: Preferred Site Status/Criteria

Related packet material
2017 Norwich Energy data
2023 Sharon Town Plan

The subcommittee has decided to focus our work on updating our town energy plan to qualify as an enhanced energy plan (EEP). In our previous meeting (1.16.24) we had thought that a well-publicized public meeting would be an appropriate kick off for the significant project of creating an enhanced energy plan and we planned this event for our February meeting. However, we adjusted this plan based on new information.

Laaspere talked with TRORC to find a resource to assist with the project and with any public questions. After discussion with Peter Gregory at TRORC, Kyle Katz was identified as our resource. Kyle had already worked with TRORC staff to create a memo outlining specific changes needed in our plan to be considered an EEP. These language changes were relatively minor, except for one which will be discussed below.

We also learned that energy usage data for each municipality was being updated, with the new version available in a few months. This new data will be incorporated into our updated energy plan.

This information clarified the task of creating an enhanced energy plan and focused the effort onto the topic of preferred siting designation. Specifically, whether to remove the default preferred siting designation for certain types of net metering projects which currently exists in our energy plan [Policy 3-2.h p.22 and p.28].

The subcommittee expressed unanimous support for removing this default designation and replacing it with more detailed guidance. Members agreed that we

want to create an enhanced energy plan to give the town more influence into the siting of net metered solar projects. The default preferred siting language does the opposite, giving the town less influence on such projects. We will bring our proposal to eliminate this language to the full PC at their next meeting.

Removing the default preferred siting clause means we must create more detailed solar siting criteria. To qualify as an EEP, the siting guidelines must provide a credible path to achieving Norwich's energy goals, including siting sufficient renewable energy generation.

We discussed town goals for renewable energy generation which are given as a fraction of overall regional and state goals. A distinction was made between location of generation capacity and the use of the actual electricity or associated renewable credits. It is our understanding that the goals in the town plan refer to renewable generation capacity within the town. This means our stated goal of 16 MW requires that much capacity to be located within Norwich. Our energy plan must provide a credible means of achieving these goals to be approved.

One method for creating siting guidelines, which is used by several neighboring towns including Sharon, is to delineate a three-tiered siting criteria outline (see p.22 of Sharon's plan in packet). Land in town is designated either Preferred, Constrained or Excluded for net metering projects of 500kW or smaller. Adding the category of "constrained" or "allowed with mitigation", gives more flexibility and is more appropriate to the task.

Laaspere will compile a [very rough] draft of a three-tiered siting criteria framework, using our neighboring town plans as templates. The target is to have the first draft in the packet for the March 12th Planning Commission meeting. This will make the draft visible to the public and allow us to start conversations with interested groups, such as the Energy Committee, HPC, Selectboard and Conservation Commission. Clement will make initial contact with these groups to let them know this activity has begun and encourage them to participate when a draft becomes available. We will begin a detailed review of this draft at our next subcommittee meeting.

5. Approved minutes of January 16, 2023 - Unanimous

6. Adjourned at 8:20

Our next meeting will be March 26, 2024, and we will review of the rough draft of solar siting criteria compiled from neighboring town examples and discuss how to collect input from town groups and residents.

Minutes submitted by Jaan Laaspere