

Norwich PC Solar Siting Subcommittee

March 26, 2024 Minutes

Subcommittee members present: Ernie Ciccotelli, Kris Clement, Jaan Laaspere

Participating: PC member Mary Gorman, Rob Gere, Kathleen Shepherd, Amy Stringer

Meeting started at 6:35

1. **Approved Agenda**

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

3. **Correspondence**

TRORC letter denying Lamperti/Eanet preferred site letter

4. **Net – Metering Rule 5.100**

Related packet material

Katucki comment letter

5.100 rule with changes effective March 1, 2024

Our constructive discussion blended three closely related topics:

- The process for evaluating preferred site letter requests in the PC, SB & TRORC
- The PC's challenge of giving specific feedback while limited to interpreting how a PV project application compares with our current town plan.
- Which changes to the town plan are most important to propose in the short term to align with new state regulations and improve our siting review process?

TRORC sent a letter denying preferred site status to the Lamperti/Eanet PV project, saying that "...the project triggered several environmental criteria evaluated at the regional level." Specifically, the project is within a high priority forest block with deer yards and had an imprecise description of land clearing. This is important under the new 5.100 rules since projects involving over 3 acres of clearing do not qualify.

We wondered whether the PC should have evaluated these criteria or was it appropriate to do at the regional level? Three entities must independently approve preferred siting letter requests, each presumably using its own criteria. The municipal planning commission reviews consistency with its town plan. The regional commission has their list. We did not know the Selectboard's criteria.

Several challenges and contradictions exist for the PC, given our current town plan, combined with changes in state regulations.

We should review how applications comply with our town plan only, not zoning bylaws. However, our plan states the only exceptions to default preferred siting is

ridgelines, shoreline and historic districts. The specific description of these features exist only in the bylaws. For example, the ridgeline map is in the bylaws, not the town plan. Therefore, to evaluate a preferred site request we need to step outside of the plan, which confuses things.

Norwich's town plan is written as an aspirational document with the expectation it will guide creation of specific zoning by-laws and subdivision regs. However, zoning by-laws are excluded from consideration for net-metering projects under state rules. Act 248 requires "clear, written community standards" to guide evaluation of projects. The required level of specificity does not exist in our current plan.

The newly revised net-metering rules 5.100 give one definition of a preferred site as:
"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." [5.103 #7 Preferred Site definition]

To evaluate the aesthetics of a project the rules say to use the Quechee test:

"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."

"Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area?" [5.112 C]

These rules define a clear, written community standard and relate them to "applicable policies in their plans." Again, we do not have the necessary level of clarity or specificity in our town plan.

The subcommittee recognizes that updates to our plan are essential to solve these contradictions and confusion.

- Update to be current with new state regulations
- Remove default preferred siting language
- Add sufficient specificity and guidance to the plan to not rely on zoning bylaws or maps

We realize that any substantial editing of the plan would be an extended project and the urgency of our predicament suggests we only propose the minimum changes.

We discussed how we could improve our process for reviewing preferred siting letters before any changes were made to the town plan. One suggestion was to ask for more information and project detail during initial review.

We agreed to have the Lamperti preferred siting letter TRORC refusal added to an upcoming Planning Commission agenda.

We need help crafting town plan language which can meet the standard of “clear, written community standard” and give clear guidance in evaluating PV projects. Annette Smith was suggested as a resource and Mary Gorman will reach out to see if she can attend our next meeting. Laaspere will reach out to TRORC for other resources and specific answers.

5. Enhanced Energy plan

Packet included draft of three-tiered siting criteria

Based on the discussion above, it is possible the minimum changes that make sense to do initially do not rise to the level of creating a fully qualified EEP and we may need to do this in a subsequent round. We will evaluate this as the conversation continues.

6. Approved minutes of February 26, 2023 - Unanimous

7. Adjourned at 8:40

Our next meeting will be April 16, 2024, assuming outside resources are available, to continue the discussion on these topics. We will report our plans to the Planning Commission on April 9th.

Minutes submitted by Jaan Laaspere
APPROVED 3-16-2024