

Recommendation Theme	#	Recommendation	General Agreement?	12/3/15 Comments	Follow-Up Comments from SSTF Members
Planning	X			<ul style="list-style-type: none"> Recognize that energy facility development –including solar facility development-- is also a form of land development, with a clearly defined footprint and associated considerations w/re to facility siting and impact mitigation. Incorporate state land use goals under 24 VSA § 4302 in state/PSD energy planning, as specified under 3 VSA § 4020. Incorporate references re state renewable energy and GHG goals under 24 VSA § 4302 (goals), § 4347 (regional plans), § 4382 (municipal plans) Reference/incorporate state energy and utility planning (e.g., proposed system/grid upgrades) in regional and municipal energy and land use plans as applicable 	<ul style="list-style-type: none"> Coordinated energy and land use planning at all levels is needed to determine and address the need for and potential impacts of energy facility development under state energy and land use goals, to inform /guide siting decisions in advance of the permitting process Need to share data, information
	1	Expand RPC planning initiative to all regions	Y	<ul style="list-style-type: none"> DPS prepared to fund another 3-4 in 2016. Includes outreach to and feedback from towns. Doesn't include tools for towns. Could that be a next phase? Could recommend that tools be developed. What would these tools be? At the very least, RPCs could create individual town layers. Perhaps one outcome of the work could be protocols or guidelines to towns. 	<ul style="list-style-type: none"> VPA strongly supports the PSD's current initiative, and its expansion, consistent with Siting Commission recommendations Can be used to help address energy mix, fair share, cumulative impact, etc. Results should be used to develop/ update guidance for both RPCs and municipalities—including standard modeling and mapping protocols The mapping component (critical for siting) is missing from plans; require plan energy

				<ul style="list-style-type: none"> RPCs required to participate in 248 per Ch. 117, so they should be parties by right like towns. RPC planning could address cumulative impacts. Conflicts between regional and town plans should be addressed before a project files a petition. [This is more related to process—include below?] Don't lose sight of the recommendations the Siting Commission made. 	<p>elements to also include maps (identifying both exclusion and development areas)?</p> <ul style="list-style-type: none"> Also assumes these plans will be given more weight in 248?
	2	Provide tools and technical assistance to towns to undertake deep energy planning in concert with RPCs, so that town plans reasonably accommodate solar and are useful in the siting review process.	Y	<ul style="list-style-type: none"> One idea is an RFP to develop a model plan. VPA can provide some good national resources that would need to be adapted to VT. Towns are doing a lot of planning work now in response to projects, and it might not cost too much to review this. 	<ul style="list-style-type: none"> Several RPCs have already developed guidance documents re energy plan policies, including policies for facility siting, screening, etc. As noted above, energy mapping component is critical, missing – Towns are also now trying to develop screening ordinances, without much technical guidance. As noted VPA can also provide other models w/ re to best practices, especially from a land use perspective... we would also defer to ASLA and others re BMPs for site/impact mitigation
	3	Continually develop statewide resources to assist towns and developers in planning for and developing well-sited projects	Y	<ul style="list-style-type: none"> A lot is bundled into the term, “well-sited projects.” How would this be defined? 	<ul style="list-style-type: none"> In the absence of state siting standards, at minimum the PSD (in consultation w/ other agencies, RPCs, VLCT, etc.) should develop more detailed, consistent guidance re facility siting and impact mitigation, to guide planning for facility siting, developer site selection and facility development, and to better inform the Section 248 process (currently informed only by expert witness testimony)?

	4	<p>The State should explore “Fair share” standards by municipality, for all municipalities on a statewide basis to ensure that all municipalities contribute to renewable energy’s impact on the State.</p>	<ul style="list-style-type: none"> • It’s much easier to plan for a goal. What would “fair share” really entail? Don’t require towns to plan for a goal (or allow them to opt out of anything beyond that goal) for any other resources (e.g. gravel pits). • One challenge is to look at not only population and load but also resources, and to consider the state as a whole – including comprehensive statewide goals and an interconnected electric grid. • Another challenge is to look at energy comprehensively, not just electric generation. The Siting Commission looked at regional goals. • Also need to consider the pace at which technology changes; we weren’t even considering heat pumps a few years ago. • Who would determine fair share? Towns would want to do this for themselves. • Towns aren’t the developer; unless they purchase land, individual landowners will decide whether to pursue generation or not no matter what town says. • Idea behind a community standard is that projects sited where towns have indicated they want those projects would have an easier pathway to regulatory approval. Outside those areas, it would have to meet a higher standard. • Generally an intriguing idea, but a variety of concerns need to be fleshed out. 	<ol style="list-style-type: none"> 1. If the state decides to implement a “fair share” approach, it should include all the ways to meet the state’s energy goals, not just an allocation of individual energy sources. Some towns have flat open land suitable to solar development, some have ridges suitable for wind development, and every town has improvements that could be made through conservation. 2. It may be that some towns or regions cannot meet their “fair share.” If other towns take more than their “fair share” and host locally undesirable land uses (LULUs) maybe they should be compensated by the benefitting towns. 3. Maybe limit the amount of solar allowed in any one community (cap), this also would tie in with planning for micro grids? 4. Instead of requiring every community to meet a Fair share goal number, figure out a cap (not to exceed) for each community that could be driven by the grid capacity. <ul style="list-style-type: none"> • As discussed in committee, this is especially difficult—something that would need to be addressed in the planning rather than permitting process, w/re energy use, mix, generation, grid capacities, etc. • The VLS report submitted to the Siting Commission may offer some better guidance (we participated in their discussion re the allocation of capacity, but don’t have a copy of the final report).
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	5	<p>Vermont should consider and discuss what percentage of out-of-state hydro projects we could use to satisfy Vermont's needs for renewable energy and how that percentage may impact Vermont's rates and the amount of renewable energy Vermont should generate locally.</p>		<ul style="list-style-type: none"> • CEP looks at a 50-50 split. Understanding the implications for in-state energy needs and overall footprint would be helpful. Need to consider increasing demand due to electrification of transportation and thermal sectors as well. • With transmission proposals, more hydropower than VT's load would come through the state. Long-term contract possibilities should be part of the discussion. • In DPS MOU with TDI, reserved ability to purchase up to 200 MW in the 2030 timeframe; expect to do the same thing with any other proposals. • Large hydropower is included in the RES Tier 1 category, so utilities are already looking at these resources. • Overall question is whether the legislature should re-examine RES tiers in light of proposed transmission projects. It may be beyond the purview of the Task Force. 	<ul style="list-style-type: none"> • Also should be address in the planning process (e.g., the CEP)—fundamental to determining the amount of solar needed -- and from a land use perspective the amount of associated footprint needed—as part of the mix. Again, need to look at not just in relation to rates (not necessarily a siting issue), but also related land use/development impacts.
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<p>Incentives</p>	<p>6</p>	<p>Incentivize appropriate siting of projects - through financial or regulatory means - that avoid sensitive environmental, agricultural, and scenic areas and instead utilize rooftops, brownfields, grayfields, and other elements of the built environment.</p>	<p>Y</p>	<ul style="list-style-type: none"> • GMP will have somewhere between 250 and 300 MW of solar by the end of the year; their load is around 1000 MW. Shows we have done a great job in getting solar developed. • Regulatory and financial incentives are both useful tools. Need to focus the discussion on getting to the preferred outcome. Incentives (especially financial) are a good way to achieve better outcomes in the interim until better energy planning is completed. • Perhaps expand beyond the built environment to some appropriate greenfield locations. Perhaps financial incentives for built environment, and regulatory incentives for appropriate greenfields? But the likelihood of additional constraints on these greenfields may also necessitate financial incentives. • Key is to avoid certain (environmental, scenic, and cultural) areas, and perhaps layer in local planning. Requires good maps of these areas; but wetlands require on-site investigation. Need to keep this in mind as we design incentives. • Can we create greater clarity w/r/t preserving wetlands in the long term, but make an easier glide path to solar in appropriate locations? • If towns have identified preferred areas, let's make it easy to build there. • After the ideal areas are incentivized and built out, how do you deal with the rest needed to achieve energy goals? 	<ol style="list-style-type: none"> 1. Who is going to pay for these financial incentives, in the end is this really a benefit to the public? 2. Similar to any greenfield solar development, no two rooftop/brownfield sites are equal. In other words just because you're putting a project on a rooftop or in a brownfield doesn't mean it will not have an impact visually or otherwise on the public. <ul style="list-style-type: none"> • Agree incentives are useful—but often need to be significant, and used in combination with sticks to achieve desired outcomes • “Appropriate” in this context should be defined in large part through the planning process, in advance of the permitting process—particularly w/re to additional greenfield development • Must also recognize context—e.g., urban—more able to accommodate rooftop solar (many smaller systems) v. rural-ground-mounted solar farms, etc. (fewer, larger installations).
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				How do you stop or control buildout of solar outside of these areas?	
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	7	<p>Incentivize projects - through financial or regulatory means - located in target areas identified by towns and regions and/or that engage constructively with host communities (including possibility of co-location of net metering projects in these areas and/or allowing net metering > 500 kW in these areas).</p>	Y	<ul style="list-style-type: none"> • Points to where regulatory system and statute may be at odds with what we're hearing about how to site solar (net metering limit of 500 kW and no colocation allowed). • NM caps were set in order to contain costs to ratepayers for these more-expensive systems. Restrictions on colocation were put in place to avoid circumvention of the cap. There are lower-cost alternatives, e.g. the Standard Offer and PPAs. Need to keep costs to ratepayers in mind. • Colocation in town-designated areas could be a positive thing and may be a discrete change to statute. • Is there an upper limit beyond which we don't want to provide incentives to projects? • If there are economies of scale with colocation, projects may not need incentives. • Might be able to use RECs as well: i.e., if you are going to build an X MW system on a greenfield, you must retire the RECs or give them to the utility to meet its RES obligations. • May need incentives flowing to towns and regions as well. 	<ul style="list-style-type: none"> • This could be combined with #6? Comments generally apply...
	8	<p>Incentivize net metering projects whose benefits go to neighbors.</p>	Y	<ul style="list-style-type: none"> • This could look like community net-metered portion of a larger project, or a credit on an electric bill. • GMP looks for resiliency benefits as a value. Do developers incorporate/offer this? Not a lot of information. 	<ul style="list-style-type: none"> • Not exactly a siting issue per se (w/re to scale, footprint, impact), but "community" net-metered should be defined separately as one form of "shared" net-metered project – one that is specifically community (resident/town) based, as commonly understood, rather than speculative.

			<ul style="list-style-type: none"> • Can resilience be added in to areas with a lot of existing solar? Not clear how communities would respond. 	<ul style="list-style-type: none"> • Provide guidance, through RPCs, re “solar ready” net-metered subdivision and development—including model bylaws-- as provided for under 24 VSA §4414(14)
9	Align the financial benefit from REC sales to support high-value solar siting objectives, including managing cumulative impacts.		<ul style="list-style-type: none"> • Incentives can be for other benefits too: i.e. managing property for biodiversity, public access, benefits to town such as new sidewalks. 	<ul style="list-style-type: none"> • Would move above, into incentives... • Don’t understand how REC sales may address cumulative impact • As noted could also apply to other public benefits, specific to the project/property . • Need to establish nexus for any benefit not directly related to the project—form of impact fee, exaction, etc. (Q whether existing impact fee ordinances apply?) • Question re RECs—if not retired, and not applied toward meeting state energy goals, then will necessarily extend upper estimate/limit on how much solar may be needed (e.g., beyond 12,000 acres) to meet state goals. Will RECs have to be retired? If not, will those facilities that sell their RECs, and therefore do not contribute to meeting state renewable goals, still meet the PSB definition of “need”?
10	Align incentive structure to encourage building diverse sources of small-scale generation that passes more of the incentives to Vermont ratepayers.		<ul style="list-style-type: none"> • Small-scale means rooftop. • SolarCity expects to install 1-2 MW/month of rooftop solar. 	<ul style="list-style-type: none"> • Generally agree, but needs clarification • Also depends in part on context (urban, rural) as noted above—unless targeted to individual homeowners, businesses, etc.

	11	Ensure that facilities receiving subsidies cannot also require utilities and ratepayers to upgrade public lines serving those facilities (further subsidizing development).		<ul style="list-style-type: none"> • Developers are responsible for paying for upgrades necessary to keep the grid stable and reliable, per minimum interconnection standards. • Potential for region or ratepayers only if there is a cumulative impact over time not associated with a particular project – similar to developments and road access. • Calls for integration between solar deployment and grid planning in some way. GMP’s solar map starts to get at this. • Grid capacity is a limiting factor in solar deployment in the state. The grid can cause or alleviate constraints. • Is the grid evolving at a pace necessary to meet our energy goals? It is just the recent boom in development that has caused issues; we will see a downturn with the tax credit expiring and other incentives changing in 2017. Are we ensuring policies put in place are keeping us on the trajectory we need? • Net metering cap is keeping a lid on projects now/ no good mechanism w/o cap. • Distributed generation and energy efficiency have deferred \$400m-\$500m in transmission costs. 	<ul style="list-style-type: none"> • Grid/infrastructure capacity should be addressed as part of a coordinated energy-land use planning process, as noted above—key consideration wi/re to facility siting. • Developers should be required to pay for any needed upgrades specific to their projects • Ratepayers should be required to pay only for planned/scheduled upgrades • That said—there should also be policies in place to address the secondary impacts of system upgrades – w/ re to potential type, amount and location of additional development.
<i>Process, Transparency, and Public Participation</i>	12	Revise notice and response timelines and requirements to facilitate greater engagement by towns and citizens			<ol style="list-style-type: none"> 1. There needs to be more pro-active planning in order for the public to meaningfully participate in energy siting decisions. It is unreasonable to expect most towns to react thoughtfully to a 45-day notice, they are just not prepared. In the absence of a strong state planning agency, I

		in the project review process			<p>think that the Regional Planning Commissions (RPC) should be the focus of this planning effort. They are in the best position to provide the technical skills needed to do the analysis and coordinate the public discussion among their various towns.</p> <ol style="list-style-type: none"> a. Support to conduct solar and wind siting studies should be extended to all RPCs. b. RPC should be creating an inventory of scenic resources in the various towns for use in evaluating scenic impacts. There needs to be explicit criteria for identifying scenic resources and their quality (perhaps these are statewide criteria). The RPC should evaluate the quality (typical, significant, outstanding) and importance (local, state, national) of these resources. The RPC should be responsible for the quality control if the inventory is created in part through local nominations. <ul style="list-style-type: none"> • Yes, need to improve, extend and enforce notice requirements. • That said, community engagement w/re to big picture issues should occur in regional and local planning • Community engagement in the permitting process should concern whether a particular project is consistent w/ regional, local plans
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	13	Develop means to facilitate pre-application mediation between the community and neighbors over solar project siting or design disputes.			<p>1. How much weight do the individual neighbors' concerns over a project abutting them have on the greater public good? I agree that it's a good neighborly thing to do to minimize impacts from a development project of any kind, but will this mediation really be helpful in the siting process or just cause more public outcry i.e. "we said no to putting this project in our neighborhood and the PSB approved it anyway."?</p> <ul style="list-style-type: none"> • Pre-application at town (govt) level should be addressed through planning process • Disputes arising during the permitting process (e.g., between neighbors, developer, etc.) could be addressed through PSB-ordered mediation (similar to E-Court)?
	14	Designate individual at PSB to answer informational questions from the public and applicants.			<p>Individuals...? This may require more than one person. This is all the more reason to pursue the recommendation below.</p> <ul style="list-style-type: none"> • Isn't this already in place? May not be sufficient.
	15	Speed up process to convert to electronic filing system and ensure all filings and decisions are available in real time.			<p>1. This could be helpful in making the process as transparent as possible. The town of Colchester uses this ClerkBase program that makes all of their applications available to the public realtime and it's searchable.</p> <p>2. Would this be possible for 45-day notices?</p>
	16	Ensure ability of Agency of Agriculture to participate in 248 process.			<ul style="list-style-type: none"> • Yes, and incorporate 9(b) under Section 248 • Re-evaluate "temporary" status of solar installations

					<ul style="list-style-type: none"> • Limit/restrict solar on primary ag soils and/or consider requiring off-site mitigation (per Act 250) for projects that can't be clustered
	17	Incorporate simple intervention form for landowners and towns in 248 Guide.			<ul style="list-style-type: none"> • Provide forms for other filings as well – not necessarily in guide.
	18	The PSB should give “substantial deference” to municipal concerns and determinations in the Certificate of Public Good (CPG) permitting process. The PSB should hold hearings in municipalities potentially affected by a proposed project, and provide for comments received in those hearings to inform their discussion in the CPG process.			<ul style="list-style-type: none"> • Yes, if “substantial deference” is clearly defined in statute (and not through a PSB order) • Suggest we review Siting Commission recommendations in this regard.
	19	The PSB should include all local decisions concerning the project within its docket, formulate areas of inquiry based on concerns			

		raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.			
<i>Environment and Aesthetics</i>	20	Limit smaller-scale (ground-mounted) projects in favor of fewer, larger projects			<ul style="list-style-type: none"> • Again, context sensitive—should be addressed as part of mix, in energy, land use planning processes.
	21	Expand Quechee Analysis to include neighboring communities and their clearly written community standards			<ol style="list-style-type: none"> 1. The review of scenic impacts is tied to a permit, which is given for a site that is normally in one town. However scenic impacts do not stop at property lines or town boundaries. Quechee does not address this problem. The solution is not simply to consider the standards in neighboring towns, since this would hold the permitting town’s aspirations hostage to their neighbors. I think a stronger role for the RPC is part of the solution. In particular having RPCs maintain an inventory of potentially effected scenic resources would be helpful, but also actively participating in other ways. <ul style="list-style-type: none"> • PSB interpretation of “community standard” is problematic under recent decisions – given the issues around PSB use and interpretation under Quechee, it may be may be necessary to abandon or revise the Quechee Test – e.g., to develop more specific guidance w/ re to the identification of scenic and cultural resources at the state, regional and local level – in particular w/regard to potential

					<p>exclusion areas as well as more detailed guidance w/re to context-sensitive impact mitigation (setbacks, screening, etc.)</p> <ul style="list-style-type: none"> • Instead should neighboring communities in general be given notice (e.g., as in wind) or granted party status under this and other relevant criteria?
	22	The PSB should define “average person”, for purposes of applying the Quechee analysis to projects, to mean the same thing that it means in Act 250.			<p>1. Provide clarity as to what the average person means (uninterested person)</p> <ul style="list-style-type: none"> • This needs to be addressed, given the Catch 22 created for affected abutters; but again, additional or other forms of aesthetic impact evaluation and mitigation may be more appropriate.
	23	Hold solar to the same aesthetic standards as any other development or land use (neither higher - don't expect it to be invisible - nor lower)			<ul style="list-style-type: none"> • There seems to be some confusion between “district” standards, (e.g., district setbacks) that apply to all development within a specific district, and “use” standards that apply to specific types or forms of development. For example, district standards define are used to define district settlement/development patterns, setbacks from rights-of-way are intended to protect the highway corridor and in some cases define building lines w/in a streetscape. • Solar facility setbacks often relate to both minimizing visibility and/or allowing room for screening—and in an urban context, ensuring solar access in relation to neighboring properties (per 24 VSA § 4414(6)).

					<ul style="list-style-type: none"> • Aesthetic standards for solar should provide flexibility to address identified impacts specific to the context/location (in relation to neighboring properties, historic districts, scenic viewsheds, byways, etc. – which suggests the need for more detailed guidance
	24	Require post-construction aesthetics review, with option for towns to assume this authority.			<ol style="list-style-type: none"> 1. Compliance with proposed landscape mitigation plans currently goes unchecked once a CPG is issued. 2. This should include someone from the PSB as well as the aesthetic consultant. 3. Guidelines should be established for on-going maintenance and for replacement of dead and dying plant material over the life of the project. <ul style="list-style-type: none"> • Yes, enforcement is needed, whether through the state or towns.
	25	Require identification of all equipment and infrastructure on site plans in application, and focus screening efforts on those items			<ol style="list-style-type: none"> 1. I have found that the visual impacts of associated project infrastructure is too often ignored and not clearly identified on plans or described in documents. <ul style="list-style-type: none"> • Depends on context, site, but all components should be identified—how they are screened or mitigated may vary
	26	Enable or enhance consideration of cumulative impacts of multiple solar projects in a given town or other defined area in relevant 248 criteria			<ul style="list-style-type: none"> • Can't be addressed effectively in permitting (on a case by case basis), unless this is also addressed in the planning process.

	27	Municipal Planning Commissions or Selectboards, depending upon the body the community chooses to represent it, should be found to represent the voice of the “average person” in that municipality.			<p>1. The purpose of Planning Commissions and Selectboards can be contrary to that of an uninterested party, and these persons are susceptible to being swayed by vocal or powerful citizens within their town. This would also give too much potential for Planning Commission and Selectboard members to further their own (or someone else’s) personal agenda.</p> <p>o Proposed Solution: The towns should concentrate on determining their own scenic areas and associated mitigating requirements. The definition of an average person should remain, and perhaps be clarified as an uninterested party.</p> <ul style="list-style-type: none"> • No—the plan (inc. maps, community standards) should be used to identify scenic resources important to the community, in relation to project siting, screening, etc. • That said, this may no longer be an appropriate standard?
	28	Change the provisions of Act 56 regarding setbacks and screening to provide the municipalities with a greater voice in a manner that is easier to administer.			<p>1. The current setbacks in Act 56 are an arbitrary number, I think minimum setbacks are a great idea, but need to be thought though in more detail.</p> <p>2. What other land uses currently have such large setback requirements? Should be held to the same standards as other industrial/commercial uses.</p> <p>3. Is this something that should be flexible on a site by site basis?</p> <ul style="list-style-type: none"> • Act 56 provisions are problematic, but may be the best we have? • Would repeal statewide setbacks unless their purpose is clarified—

					<ul style="list-style-type: none"> At minimum additional guidance is needed w/ re to municipal screening ordinances—problematic in that they are not part of plans as referenced in 248, and are not enforceable at the local level.
	29	Impacts to functional significance should control the discussion regarding the use of solar on existing farmland that may once have been wetlands and on the use of solar within significant (Class II) wetlands and associated buffer areas.			<ol style="list-style-type: none"> It seems evident out of the current pilot project’s mapping studies that there is an abundance of suitable land for solar in this state without having to enter into wetlands/buffers. These lands may be more readily accessible to developers, but if the site constraints are such that you can’t make a project financially viable by avoiding these areas, then maybe this is not a well sighted project. Siting is not just about visual impacts. <ul style="list-style-type: none"> Agree—but should be subject to functional analysis in the field, regardless of classification—e.g., w/re to vernal pools, endangered spp. etc.
<i>Other</i>	30	Give 2015 legislative changes time to work (siting, screening, automatic party status) and evaluate their effectiveness.			<ol style="list-style-type: none"> Solar siting may have been marginally improved with the more recent legislative changes, but there are still many flaws that need to be worked out. Solar development is happening so fast and furious that we can’t really afford to wait and see. <ul style="list-style-type: none"> Support party status for host municipalities RPCs should also be given party status We’re still trying to understand the basis for legislated setbacks—don’t make sense

					<ul style="list-style-type: none"> Willing to develop screening ordinances as enacted, but much more detailed guidance is needed.
31	The Public Service Department (PSD) and PSB, if not the legislature, should define “community scale” as it is used with reference to energy facilities.				<ul style="list-style-type: none"> See above
32	Move toward self-generation/net zero in building codes.				<ol style="list-style-type: none"> This is not currently a viable option to require developers to be net zero/self-generating, the costs would drive developers out of the state. This may be something to incentivize, but shouldn’t be required. <ul style="list-style-type: none"> Not sure what this means, especially w/re to siting
33	A municipality should have the right to say at some point that they host a sufficient number of renewable energy projects and more projects				<ol style="list-style-type: none"> This should happen at a higher level than the individual municipalities, i.e. regional planning commissions, the public utilities or the state. Maybe limit the amount of solar allowed in any one community (cap), this also would tie in with planning for micro grids? Instead of requiring every community to meet a Fare share goal number, figure out a cap (not

		would violate their adopted plan or clear community standard.			to exceed) for each community that could be driven by the grid capacity. <ul style="list-style-type: none">• See notes re planning, cumulative impact.
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