

Addison County Regional Planning Commission

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MEMORANDUM

From: Adam Lougee, Director
To: ACRPC Energy Committee
Date: February 23, 2015
Re: Siting guidelines for solar

Municipalities are increasingly expressing concern over the pace and scope of solar development in greenfields in their community. While a significant amount of siting criteria exist for natural resources, siting criteria addressing aesthetic issues are less prevalent. This document constitutes a draft of proposed guidelines to be recommended to municipalities from the Addison County Regional Planning Commission to address aesthetic issues. Municipalities should feel welcome to amend the document as they deem appropriate for their particular situation.

PROPOSED ASTHETIC AND DECOMMISSIONING GUIDELINES REGARDING COMMERCIAL SOLAR PROJECTS FOR INCLUSION IN MUNICIPAL PLANS.

The scope of the testimony for any municipality choosing to participate in a Section 248 hearing on energy generation must stem from the language within the municipal plan. The municipal plan stands as the controlling document because statute requires that the Public Service Board ("PSB"), the quasi-judicial body overseeing the permitting of new generation structures, consider the proposed project within the context offered by the municipal plan. Title 30, Section 248(b)(1) of the Vermont Statutes Annotated states:

(b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:

(1) with respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality... 30 V.S.A. §248(b)(1).

Currently, many municipal plans contain general language describing the Municipality's vision to support testimony on behalf of the Municipality to influence some siting decisions. These "preferences" can be crafted into legal arguments that should help to persuade the Board to include conditions within any given permit and give the Municipality's

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representative the ability to negotiate with the development community, both within and outside the PSB process. However, most do not have specific siting policy and criteria.

Planning Commissions have the ability to propose amendments to the Plan to be adopted by the Selectboard (or voters, depending upon procedures adopted by each municipality) to include more specific siting criteria language within the plan. The Municipality's representative may include the siting criteria in testimony to persuade the PSB to make findings in favor of the municipality. When properly included in a municipal plan and filed as testimony before the PSB, a well-crafted solar policy supported by specific siting criteria should significantly influence the PSB's judgment within their obligation to give "due consideration" to recommendations of municipal officials and the land conservation measures contained in the municipal plans. The language below constitutes one suggestion of policies and criteria municipalities could consider adopting.

The Municipality of ____ supports responsibly sited and developed renewable energy projects within its boundaries. It recognizes that financial considerations require projects to be located in close proximity to electric power lines capable of transmitting the load proposed to be generated and easy access from major transportation networks for construction. However, it also desires to maintain the open landscape and scenic rural views important to its tourism economy and rural cultural aesthetic. Not all commercial or community scale solar projects proposed can meet this standard. Projects must meet the following criteria in order to be supported by this plan:

1. Siting. Where a project is placed on the landscape constitutes the most critical element in the aesthetic siting of a project. Poor siting cannot be adequately mitigated. Accordingly, the first element any solar developer must consider is the proposed site's aesthetic impact on the surrounding landscape.
 - a. Good sites generally have several of the following characteristics:
 - Roof-mounted systems;
 - Systems located in close proximity to existing larger scale, commercial, industrial or agricultural buildings;
 - Proximity to existing hedgerows or other topographical features that naturally screen the proposed array from view from at least two sides;
 - Reuse of former brownfields or otherwise impacted property.
 - b. Poor Sites generally have several of the following characteristics:
 - No natural screening;
 - Topography that causes the arrays to be visible against the skyline from common vantage points like roads or neighborhoods;
 - A location in proximity to and interfering with a significant viewshed (significant viewsheds within the Municipality of _____ include:

_____ (This language could also be located in another section for broader application and referenced in this section. However, the references must be specific enough to provide people with notice of their existence in order to be effective.)

NOTE: Prior to including paragraph number 2 below, the Municipality should have a serious discussion on whether limiting large arrays is a good idea at all. A 5 MW project will produce about as much power as thirty three 150kW projects. In some cases numerous projects could have a more significant impact on the community than one large project. If a municipality chooses to limit larger projects, it may consider Section 2 below.

2. Mass and Scale: The historical working landscape that defines ____ currently, and that _____ desires to preserve is dominated by viewsheds across open fields to wooded hillsides (adapt accordingly to reflect the Municipality of ____). Rural structures like barns fit into the landscape because their scale and mass generally do not impact large tracts of otherwise open land. Solar arrays should also be limited in mass and scale, or have their mass and scale broken by screening, to fit in with the landscape. Projects larger than ____ cannot be adequately screened or mitigated to blend into the municipality's landscape and are therefore prohibited. (Define: What should be considered large? As a general rule, 150kW arrays cover about an acre of land. Consider aligning limits with the jurisdictional thresholds set by the PSB.).
3. Mitigation methods: In addition to properly siting a project, solar developers must take the following action to mitigate all project sites:
 - a. Locate the structures on the site to keep them from being “skylined” above the horizon from public and private vantage points;
 - b. Shorter panels may be more appropriate in certain spaces than taller panels to keep the project lower on the landscape.
 - c. Observe the setback and height restrictions listed in the Municipal Zoning Regulations within the Zoning District in Municipality in which the array lies.
 - d. Use the existing topography, development or vegetation on the site to screen and/or break the mass of the array;
 - e. In the absence of existing natural vegetation, at least the north side of the array must be screened by native plantings that will grow to a sufficient height and depth to fully screen that end; partial screening to break the mass of the site may also be necessary to protect public and private views on other sides of the array.
 - f. Practice a “good neighbor policy”. The siting of the array should be done in such a manner that the array creates no greater burden on neighboring property owners or public infrastructure than it does on the property on which it is sited. As an example, a landowner may not site an array on his or her property in a location

calculated to diminish the visual impact of the array from his or her residence, but places the array immediately within their neighbor's or the public's viewshed.

4. Decommissioning and Restoration: All projects shall be decommissioned at the end of their useful life and the property shall be restored to its pre-project condition. Developers of all projects 100 kW and greater shall provide the municipality with appropriate assurances to guarantee funding exists to decommission the project. The end of the useful life of the project shall be deemed to occur when no part of the project is used for its original purpose.

NOTE: The language suggested above constitutes a starting point for a municipality to consider incorporating in its plan should it desire to enable more specific testimony on this issue before the PSB. Once incorporated into the plan, the municipality's stated desire to participate and consistently apply its standards should provide it with a significantly stronger ability to influence decisions of the Public Service Board regarding solar siting within the municipality.