	SSTF Proposals v010516				
Recommendation Theme	**#**	**Recommendation**	**General Agreement?**	**12/3/15 Comments**	**Follow-Up Comments from SSTF Members (red=Sharon; green=Mitch; blue=Andy)**
Planning	X	Integrate/coordinate state, utility, regional and local energy and land use planning		• 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	• 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**	• 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.	• 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

				• 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.	elements to also include maps (identifying both exclusion and development areas)? • Also assumes these plans will be given more weight in 248? - Comments already incorporated in group comments from 12/3.
	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**	• 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.	• 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 - Yes. It is critical that towns have enough technical assistance and oversight/support that planning efforts recognize real-world development opportunities and constraints (ie. solar can't be pushed to solely a few parcels, on rooftops or over parking lots, or other areas that don't reflect a well-functioning solar market.)
	3	Continually develop statewide resources to assist towns and developers in	**Y**	• A lot is bundled into the term, "well-sited projects." How would this be defined?	• 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

		planning for and developing well-sited projects			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	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.		• 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	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 Fare share goal number, figure out a cap (not to exceed) for each community that could be driven by the grid capacity. • As discussed in committee, this is especially difficult—something that would need to be addressed in the planning rather than permitting process, w/re to energy use, mix, generation, grid capacities, etc. • The VLS report submitted to the Siting Commission may offer some better guidance (we participated in their

				areas, it would have to meet a higher standard. • Generally an intriguing idea, but a variety of concerns need to be fleshed out.	discussion re the allocation of capacity, but don't have a copy of the final report). - Comments already incorporated in group comments. There is an opportunity to explore this concept further either under the "fair share" model or other similar approaches.

	5	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.		• 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.	• Also should be addressed 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. - Seems to go beyond the mandate of the Task Force, however, is relevant if using the CEP and certain assumptions as a basis for siting and permitting planning or decision-making.

Incentives	6	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.	**Y**	• 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?	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. • 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 wi/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). - Comments already incorporated in group comments. (REV agrees on the comment regarding GMP and substantial solar development, but as a point of clarification notes that a load of 1000MW and solar *capacity* of 250-300 MW are not comparable figures and this is therefore a misleading demonstration. 250-300MW of solar is equal to more like 32-39MW of energy loan of the 1000MW.)

				How do you stop or control buildout of solar outside of these areas?	

	7	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).	**Y**	• 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.	• This could be combined with #6? Comments generally apply…
	8	Incentivize net metering projects whose benefits go to neighbors.	**Y**	• 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.	• 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.

				• Can resilience be added in to areas with a lot of existing solar? Not clear how communities would respond.	• 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.		• Incentives can be for other benefits too: i.e. managing property for biodiversity, public access, benefits to town such as new sidewalks.	• 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.		• Small-scale means rooftop. • SolarCity expects to install 1-2 MW/month of rooftop solar.	• 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).		• 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.	• 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.
Process, Transparency, and Public Participation	12	Revise notice and response timelines and requirements to facilitate greater engagement by towns and citizens		• Communities need enough time to comment – perhaps > 45 days in advance. • Should process be directly related to size, or rather to nature or location of the project and its potential impacts?	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		• Some communities would like more say on even the smallest projects, especially w/r/t historic impacts. • Perhaps towns (zoning administrators) could regulate projects < 15 kW similar to accessory structures. • Or, in the alternative, community review and signoff as part of the PSB registration process (would require advance notice to towns). • Concern about creating burdens and delays for small projects. • Draft Board Rule 5.100 for net metering does add pre-filing notice and consultation requirements for projects 15-150 kW. • What incentives could encourage developers to work with communities? • Energy Generation Siting Policy Commission suggested a Simplified Tier System: o For < 500 kW, registration process (no notice). o For 500 kW-2.2 MW, 45-day notice. o For 2.2-15 MW, 60-day notice. o For > 15 MW, 150-day notice, Public Engagement Plan.	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. 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. • 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 -Based on discussion at 12/17 meeting and PSB proposed NM rule, REV supports some change

					to the notice/comment process for NM projects 15-150 kW. Process for larger projects (i.e., 45 day notice, plus 21 day comment period) is adequate as is. REV supports the concept of a pre-notice developer information session in the town for projects greater than 150 kW.
	13	Develop means to facilitate pre-application mediation between the community and neighbors over solar project siting or design disputes.	**Y**	• Are there corollaries for mediation in other areas (i.e. judicial system)? • Advance notice may be a better solution. • Could there be rewards for a developer who engages in mediation? • Perhaps best used for projects with difficult issues, by the Board. • It might work best if it were triggered after the application and comments are filed but before a contested case proceeds. • The public good is broader than an individual neighbor's concern. • Perhaps someone at the Board could play this role, similar to federal judges. The devil is in the details.	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."? • 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)? -Not sure early mediation (pre-application, or during comment period) is feasible/helpful – who pays, does it slow down the process, etc. -However, in cases the PSB determines that there are issues that require further proceedings//hearings, mediation similar to the VT court system could be helpful. Needs to be timely and not cause delay or excessive costs. Could be outside mediators or dedicated staff at PSB.

	14	Designate individual at PSB to answer informational questions from the public and applicants.	**Y**	• Process should be more like ANR's permitting (e.g. stormwater general permit program), rather than old-fashioned 248 proceedings. Then the Board could have people dedicated to solar applications who could help manage dockets transparently, right up through receipt of public comments, and only triggering ex parte rules etc. if it becomes a contested case. • Some of the issues will be resolved when ePSB comes online. • Siting Commission suggested the Board "hire a Case Manager to provide guidance on all aspects of the siting application process to all parties, particularly as they relate to timing. The PSB shall also enable Hearing Officers to have procedural discussions with parties or the public. " • Perhaps the Board could undertake a process to better serve the public – similar to a lean process. • S. 230 includes a recommendation for a public administration officer at the PSB to serve a liaison function.	Individuals…? This may require more than one person. This is all the more reason to pursue the recommendation below. • Isn't this already in place? May not be sufficient. - There are 2 separate needs at the PSB – to have a dedicated staff of one or more who manage the solar docket, in a transparent way for the public and developers, and in a manner akin to an ANR permit program (understanding that some projects will require contested case proceedings if the PSB determines that significant issues exist). -The other function, which may overlap with the above, is to have staff who can answer questions from all sides in a timely and complete manner, without running afoul of any ex parte rules (except, as above, where the application has moved to a contest case). REV supports addressing both needs.
	15	Speed up process to convert to electronic filing system and ensure all filings and decisions are available in real time.	**Y**	• General agreement to "encourage" (rather than "speed up") process to convert….	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. 2. Would this be possible for 45-day notices? - This substantially relates to the prior comment. The web-based portal should be able to both manage documents that are filed (by applicant and the public, and whether formal or informal) in all cases, but also to provide a user-friendly ,

					transparent way for all parties to understand the status of applications, where they are located, what staff are assigned, relevant deadlines, etc. In other words, not just like a court filing system but more like an ANR permit portal.
	16	Ensure ability of Agency of Agriculture to participate in 248 process.	**Y**	• AAFM could have party status (probably automatic, similar to towns). See recent Board order w/r/t intervention as of right. • Some or all of criterion 9b from Act 250 could be explicitly transferred to Section 248, along with some type of off-site mitigation, if it's appropriate (depends on decommissioning as well). • Grading and stockpiling of soils can be an issue, even if it's minimal, such as for road to array. • Need further information on value of distinguishing between prime and statewide soils. • Interplay between poorly performing ag soils, solar potential, and wetlands restoration. Potential scenarios where wetlands rules could be relaxed where conversion to solar would provide a net water quality benefit, and the parcel would be allowed to fully transition back to wetlands at the end of a project's life. • If we really only need 12,000 acres, we can conserve a lot of prime ag and still meet our goals. • AAFM will provide suggestions.	• Yes, and incorporate 9(b) under Section 248 • Re-evaluate "temporary" status of solar installations • Limit/restrict solar on primary ag soils and/or consider requiring off-site mitigation (per Act 250) for projects that can't be clustered - There is no reason why the Agency of Agr. Shouldn't be a party as of right (rather than a statutory party) in PSB cases. More importantly, the Agency should develop standard guidance and proposed CPG conditions related to solar projects involving agr. soils, e.g., how different soils should be reviewed, small vs large projects, stockpiling, reclamation, etc. -As mentioned at the 12/17 meeting, some attention should be given to the potential benefits of converting agricultural fields to solar fields, in terms of a reduction in phosphorous pollution to Lake Champlain and/or keeping land from more impactful development - REV does not see a need, and does not support, adding the Act 250 agricultural soils criterion to Section 248.

	17	Incorporate simple intervention form for landowners and towns in 248 Guide.	**Y**	• Not a suggestion to change the standard of intervention, but rather to modify the Citizen's Guide and perhaps give a template. • Other forms could be helpful, too.	• Provide forms for other filings as well – not necessarily in guide. - We support the concept of an illustrative intervention template in the 248 Citizens Guide, understanding that the legal standard for intervention should remain as is based upon decades of case law and the rules of intervention. REV does not support changing the standard in 248b1 from due consideration to substantial deference. The existing law, focuses on determining public good, balances the overall statewide need for renewable energy with other legitimate concerns – town and regional planning, environmental, aesthetic, etc. -To the extent the towns feel that they are not being "heard," this should be addressed through some of the process changes noted elsewhere in the matrix, including the development of a more robust regional planning/energy planning nexus. -REV does not support mandatory public hearings for every solar project, no matter the size or the issues involved. That makes no sense and would require the PSB to conduct hundreds of hearings every year. Many projects are being developed with town support or without any opposition. Instead, the PSB should be able to continue to apply its experience and expertise in deciding whether based upon legitimate concerns raised through public comments, a project warrants further PSB proceedings. This is akin to section 248j, which has been in place for decades and permits the Board to hold a public hearing or evidentiary hearing only if there are significant issues.

					-When the PSB does conduct public hearings, it already incorporate comments from public hearings into their decision-making process. As the PSB has stated in many cases, it uses public comment to help determine what issues warrant further inquiry.

	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.		• Siting Commission recommendation was:
				  o RPCs update regional plans with energy guidelines, policies, and maps, then receive “substantial consideration” in 248.
				  o If energy plans found by DPS to be consistent with legislated energy goals and the Comprehensive Energy Plan, those plans would be “dispositive’ in 248.
				  o Town plans found to be compatible with regional plans would be given “substantial consideration”
				• Concern about upping “due” to “substantial” in light of overall public good consideration. How to give them greater voice without allowing for an arbitrary veto?
				• If towns know their voice will be heard, they will follow through.
				• Town plans tend to just stay to protect scenic resources. These resources need to be much better defined.
				• If plan is too broad and zoning too narrow, what should towns do? Need models, examples, perhaps identification of scenic areas and corridors.
					• Yes, if “substantial deference” is clearly defined in statute (and not through a PSB order)
					• Suggest we review Siting Commission recommendations in this regard.
					-See prior comment. The current system allows towns to inform the Board of its views on a project, which could include any “local decisions”. The Board is already required to consider those comments, under the NM rules and under the specific language of 248b1. And, towns already have automatic party status, granted to them in Act 56 in 2015.
					-The Board should not be required to automatically adopt and consider everything that occurs through local selectboard or planning meetings. Rather, to be properly considered, local comments and decisions must directly speak to the substantive criteria of section 248 (e.g., land conservation measures in town plans, aesthetics and clear written community standards, etc).

	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.		• Might be possible to give deference to a town or region that has done the work of accommodating energy to meet state goals. Towns shouldn't be determinative about public good for the state. • Substantial deference still allows for a Board to override towns for sake of public good – not talking about the Act 250 standard of conformance. • Ch. 117 goals should be updated w/r/t energy development. • How do regions and towns deal with "fair share," and resource-rich vs. heavy energy user areas? How do you compel a town to be engaged to meet state goals? Perhaps incentivize is a better framework.	
Environment and Aesthetics	20	Limit smaller-scale (ground-mounted) projects in favor of fewer, larger projects		• Size doesn't necessarily drive the concern (i.e., too many small projects can also be a problem). Good siting is key, as is renewability (understanding the limitations of the Commerce Clause). • Need to address as both a land use and an energy issue. Through incentives and or guidelines/standards. • #26, cumulative impacts, may address this too. • Is there a size that is too large? MW capacity limits don't make size with technology changes. Acreage limitations don't exists in any other arena, and depends on the context.	• Again, context sensitive—should be addressed as part of mix, in energy, land use planning processes. - We have concerns with this – VT needs both large and small well-sited projects. Also, not clear what the dividing line is – 150 kW? 500 kW? 5 MW? 20 MW? Further, our electric grid is not modernized and will need a blend of larger projects, where appropriate, with smaller projects more suitable for a single phase distribution grid.

				• Could require that the most efficient panel is chosen, but is a tradeoff for the developer. • May need to consider in the context of pacing.	
	21	Expand Quechee Analysis to include neighboring communities and their clearly written community standards		• Tackling Quechee may be beyond the Task Force's capacity at this point in time. • VLCT has asked for affected municipalities to get party status, and are also concerned about the definition of the average person. The PSB has historically accommodated towns party status in proceedings. For wind projects, towns w/in a 10-mile radius must receive notice. • It's important that intervention be granted only if a party has a demonstrated interest in the project. • It might be better to look to RPCs to weigh in on the scenic resources of an area beyond the borders of a single town – but they would need resources, and the scenic resources would need to be identified in advance. • Planning will be essential in order to identify the resources; but if a project is adjacent to a town boundary, the adjacent town should be noticed (for projects where the host town would receive notice). Perhaps borrow from subdivision notice provisions.	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. • 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 exclusion areas as well as more detailed guidance w/re to context-sensitive impact mitigation (setbacks, screening, etc.) • Instead should neighboring communities in general be given notice (e.g., as in wind) or granted party status under this and other relevant criteria?

					-This does not seem like a core issue/problem – the number of solar projects that happen to be at or near a town border must be relatively few, compared with total # of projects and the potential siting impact even fewer. If there is an issue of aesthetic impact from a non-host town, there is no reason the town/neighbors cant submit comments to the PSB and or the RPC.
	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.	**Y in part**	• The Board has been more explicit lately about project context and impacts on adjoining property owners. Some feel there is a Catch-22, where you have to demonstrate a particularized interest to have standing, but if you have such an interest, you are no longer an "average person." In fact, person with a particularized interest is given standing and taken into account in Quechee, particularly when the Board is reviewing the "harmony of the project with its surroundings" part of the test. The "average person" interpretation is only relevant to the "shocking and offensive" part of the test, which is the part in which consideration of neighbors' views is limited. • Our report could clarify this, but the Board should provide a plain-language recitation of the Quechee Test, and also provide explanation in the Citizen's Guide. • The Board could find a project has an undue adverse impact on aesthetics and still approve it based on the overall public good.	1. Provide clarity as to what the average person means (uninterested person) • 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. - Section 248 and Act 250 have a core difference – the public good standard. The Board appropriately focuses on impacts to the public at large, but also has made it clear in in its case law that impacts to neighbors do count in terms of requiring visual mitigation.

				• Need to keep consideration of the broader public good and statewide energy goals in mind. • Act 56 included setbacks and screening requirements designed to start to address aesthetic concerns of neighbors. We don't know yet if they're effective. • What we want is for the Board to acknowledge and address neighbors' concerns. • Perhaps an analysis of the differences between Section 248 and Act 250 is appropriate. • Towns are represented in Quechee via community standards, but there is a Catch-22 concerns with those as well (the Board will dismiss them if they are either too vague, which renders them meaningless, or too specific, which looks like zoning). • The Board won't look at zoning because energy permitting is a statewide role and thus pre-empts local regulation. • The concept of "clear, written community standards" comes into play in the Quechee test. Those standards need to be specific to the area in which a project is proposed. • One idea is to direct the Board to consider zoning.	
	23	Hold solar to the same aesthetic standards as any other development or land use (neither higher - don't		• Seems we are holding solar to a higher land use standard than other forms of development. Some think solar should be invisible. • Act 56 allowed for towns to develop bylaws for screening to harmonize a	• 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,

		expect it to be invisible - nor lower)		project with its surroundings. However, the screening was tied to all commercial screening standards, and took away the tool of town control over setbacks. In zoning, setbacks and screening are context sensitive. • Projects don't need to be invisible, but towns need to be able to create some reasonable screening mechanisms. Setbacks for good projects would probably show they exceed those in Act 56. • It would be better to have state agency & aesthetic expert guidelines, such as those in the Jean Vissering & David Raphael recommendations. • What if setbacks could not be greater than for other buildings in the same zone? Might be a problem because most other development is not at the same mass and scale as many solar developments. • State setbacks lack context, and need flexibility. • Perhaps 24 V.S.A. §4413 could provide useful language. Energy facilities used to be under that section – you could regulate them to the extent you weren't precluding them.	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). • 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 - Again, the issue is how to balance the public good under section 248. Solar should be held to same standard as other forms of energy projects, but it is not comparable in every respect to other forms of development regulated under local zoning or Act 250. -In any event, the provisions of Act 56 address this very issue by give towns the ability to set screening requirements comparable to other forms of commercial development.
	24	Require post-construction aesthetics review, with option for towns to assume this authority.	**Y in part**	• Is there a way for towns to engage in post-construction review, and go to the Board or work with the Department in the case of infractions, perhaps with access to financial resources through bill-back?	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

				• Some precedent exists with the Shoreland Protection Law, in that DEC can delegate enforcement to a town. • Perhaps require some measure of documentation that a project is complying with CPG conditions, as part of post-CPG compliance conditions. • Documentation is the baseline, but communities should also be able to monitor for the lifetime of the project, sort of like easements. Perhaps developers should file regular reports. • In the permitting world, there is usually some initial showing, then some span of time with regular check-ins; after that, issues generally come to light via complaints. • One idea is for developers to report to the Department annually for some period of time, such as 3 years, and allow the process to be complaint driven (by the town, neighbors, etc.) after that.	dying plant material over the life of the project. • Yes, enforcement is needed, whether through the state or towns. - We cannot support a blanket requirement that all solar projects are subject to post – construction aesthetic review. It is too open-ended and creates unreasonable risk and uncertainty if new, expensive landscape mitigation could be imposed after the initial CPG, and after the Project has been financed based upon known costs. Projects should be expected to comply with the terms of their CPG and parties have ability for redress if they do not. -Other forms of development or energy projects are not automatically subject to such re-opens. -And, in specific instances where it might be unclear whether landscaping will be effective, the Board has on a case by case basis required post-construction review.
	25	Require identification of all equipment and infrastructure on site plans in application, and focus screening efforts on those items	**Y**	• Requiring identification – but not necessarily screening – of all infrastructure is important. • Need better info for the 150 kW-scale projects in particular.	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. • Depends on context, site, but all components should be identified—how they are screened or mitigated may vary -All applications over 150 kW are already required to include such project information in the site plans and testimony. -The Board is considering changes to the application form for projects 15-150 KW, and REV would support the inclusion of additional project information, site plans, and the like.

					-However, it is not necessarily the case that all components of project infrastructure need to have required screening in every case. It depends entirely on the context of the site and the location of such equipment. There are poles, wires, transformer boxes, etc located throughout VT, in rural and non-rural areas, that do not have to be screened.
	26	Enable or enhance consideration of cumulative impacts of multiple solar projects in a given town or other defined area in relevant 248 criteria		• Cumulative impacts can be related to many things: grid capacity, use of farmland and industrial parks, archaeological resources, etc. • The grid is self-limiting; other resources would need evaluation at the local, regional, and state levels. Would be very difficult for a project developer to address all of these; might be better addressed by appropriate planning entities. • Biggest concern is aesthetics.	• Can't be addressed effectively in permitting (on a case by case basis), unless this is also addressed in the planning process. - It is not clear what types of cumulative impacts would be addressed. Is it necessarily fair for one project bear the burden of other projects? The relevant seems to be whether multiple projects are within the same view shed and if so the resulting impacts, rather than whether they are in the same town. -Other than aesthetics, there do not appear to be other types of cumulative impacts (the interconnecting utility addresses electric system issues that might be posed by multiple projects on the same electric circuit).
	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.		• See #22 above.	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. 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. • 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? -The town is a governmental entity and the town should weigh in consistent with that role and the municipal plan. This seems very far from the way Quechee was intended. Who is to say the "average person" is the "average person in that town", or that a vote of the town select board should be deemed the average person. -The Board should focus on the public at large, without regard to whether they happen to live in a particular town.
	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.		• See #23 above	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. 2. What other land uses currently have such large setback requirements? Should be held to the same standards as other industrial/commercial uses. 3. Is this something that should be flexible on a site by site basis? • Act 56 provisions are problematic, but may be the best we have? • Would repeal statewide setbacks unless their purpose is clarified— • 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. - It is entirely premature to amend Act 56's setback and screening requirements. It was enacted less than a year ago, and like any law, it needs time to be implemented and its effectiveness evaluated.
	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.	**Y in part**	• Agency of Natural Resources and Agency of Agriculture, Food & Markets are currently discussing ways to benefit water quality by recovering wetlands that are currently being drained for agricultural production through a solar transition. • Recommendation will be to encourage ANR and AAFM to continue to work together to come up with a proposal.	1. 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. 2. 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. • Agree—but should be subject to functional analysis in the field, regardless of classification—e.g., w/re to vernal pools, endangered spp. etc. -Not entirely clear what this recommendation is getting at – Is it suggesting potentially tighter guidelines or looser? How is this different than the analysis of impacts to significant functions under the VT?

Other	30	Give 2015 legislative changes time to work (siting, screening, automatic party status) and evaluate their effectiveness.	**Y in part**	• Act 56 changes could actually work, and shouldn't be changed already out of fear they may be imperfect. • Perhaps Act 56 changes could have been done better, but they are still a step in the right direction. • However, there is a risk in waiting too long, especially if the current pace of solar development is maintained. • Towns need guidance, even just for screening from the DPS, RPCs, and landscape architects.	1. 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. 2. Solar development is happing so fast and furious that we can't really afford to wait and see. • 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 • 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.		• H. 377 of last legislative session included a definition of community-scale. VLCT wanted systems to not be enormous, and to serve the municipality. There would be incentives to put in a facility that meets the town plan. • The proposed net metering rule includes a 10-mile radius that can be viewed as a proxy for "community." • Installing systems closer to load is key.	• See above - What does this mean? 50 kW? 150 kW?
	32	Move toward self-generation/net zero in building codes.		• Commercial buildings should have to do solar. • Microgrids are an important part of this concept. • Net zero should perhaps be removed from the definition. • This belongs in the introduction as part of the broader context.	1. 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. 2. This may be something to incentivize, but shouldn't be required. • Not sure what this means, especially w/re to siting - Yes.

	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 would violate their adopted plan or clear community standard.		• Sounds like a veto. • Bennington RPC's work matched up their energy needs with a solar requirement. We need to consider how much we want to trade our aesthetics for energy resources that may benefit other states. • Would be helpful to understand what a buildout might ultimately look like. • Unless we can restrict the buildout to what we need, there is no end in sight. Communities need help understanding the pace of buildout for context. • Also important to prevent overtaxing of regulatory systems. • Extension of federal tax credits may help modulate pace (for the time being). • The net metering rule will hopefully help with pacing.	1. This should happen at a higher level than the individual municipalities, i.e. regional planning commissions, the public utilities or the state. 2. Maybe limit the amount of solar allowed in any one community (cap), this also would tie in with planning for micro grids? 3. Instead of requiring every community to meet a Fare share goal number, figure out a cap (not to exceed) for each community that could be driven by the grid capacity. • See notes re planning, cumulative impact. - Do we do this for any other form of development? What does this mean for energy security? "We have enough houses for the people who live in this town. We don't need any more housing." Or milk production or tourist/skier visits? Also, what is "sufficient" based on (total per capital *total* energy use)?