CCRPC Long Range Planning Energy Sub -Committee

AGENDA
* = attached to agenda in the meeting packet

DATE: Tuesday, November 15, 2016
TIME: 5:00 p.m. to 7:00 pm
PLACE: CCRPC Office, 110 West Canal Street, Suite 202, Winooski, VT.

1. Welcome + Introductions* (5 minutes)
   Bios of committee members are attached. Please read these to get to know who is on the committee and which areas of expertise are represented.

2. Review Minutes from the October 18, 2016 meeting* (5 Minutes)

3. Brief update on Department of Public Service’s Energy Compliance Standards (5 minutes) *
   Attached is a memo of CCRPC’s comments to the DPS submitted on 10/20/2016

4. Review DRAFT FAQ* (10 minutes)
   Staff has developed a FAQ for this project based on the questions that have come up at planning commission meetings. The committee will review the FAQs and assist with answering some of the unanswered questions, if possible.

5. Presentation on Mapping Energy Resource Areas (20 minutes)

6. Update on municipal planning commission meetings and feedback on local constraints to date *
   Staff will update the committee on which Planning Commissions have received a presentation on the Regional Energy Plan. Staff will also provide an update on the local constraints received from municipalities. Contained within this meeting packet are comments we have received from municipalities to date. Staff has categorized the comments to guide the committee’s discussion on next steps. Please attached.

7. Next Steps (5 minutes)
   Draft Energy Resource Maps are due December 15th
Irene Wrenner, Essex

Irene Wrenner’s passion for local government likely stems from positive “public good” experiences in the hometown of her youth. Irene and her siblings benefited from town library services and rec programs, parks, and lessons.

Her interest in land use took root in the realization that if the rolling farms of her childhood could morph into housing developments, then any area is vulnerable to losing its uniqueness without constant vigilance and careful planning.

Irene represented Essex on the Regional Planning Commission from June 2007 until July 2011, when it merged with the Metropolitan Planning Organization, and she became Essex Alternate. She served on the ECOS Project Steering Committee – which used a $1 million federal grant to help develop sustainable communities in our county – then traveled to Texas in 2012 to speak on a panel of grant-winners.

Irene helped the Heart & Soul of Essex team win a $100,000 planning grant in 2011 from the Orton Family Foundation, then served two years on its H&S Community Advisory Team. She was appointed to the Thoughtful Growth in Action Working Group in 2015, which recommended transitioning to a Joint Planning Commission and two DRBs from the current Town and Village PCs and ZBAs.

Irene is a ten-year member of the Essex Selectboard and Energy Committee. Her focus as a public servant is on improving communication and transparency with the aim of leveling the playing field between insiders and outsiders, helping taxpayers to easily obtain accurate info on multiple sides of an issue.

Karen Purinton, Colchester

Karen Purinton is the Planner for the Town of Colchester, Vermont, where she participates in long range and economic development planning for the community, acts as the coordinator for the Town’s involvement with FEMA’s CRS program, and assists applicants with their development proposals and the review process. Karen graduated from the University of Maine with a B.S. in Environmental Policy, and holds a Master’s Degree from the University of Southern Maine in Planning and Development. She is certified by the State of Vermont in Natural Shoreland Erosion Control Practices and is also a Certified Floodplain Manager with the Association of State Floodplain Managers, Inc.

Keith Epstein, South Burlington

Keith Epstein has been a volunteer member of the South Burlington Energy Committee since it was formed in 2008. He is currently serving as committee chair and the co-coordinator of the South Burlington Energy Prize, South Burlington’s entry in the Georgetown University Energy Prize. South Burlington is one of 50 semifinal communities in this national energy efficiency competition with a $5 million prize.

Keith’s day job is mechanical design engineer at AllEarth Renewables, where he designs, develops, builds, tests, operates, and improves dual-axis solar trackers and other renewable energy equipment.
including wind turbines, meteorological towers, and wind tunnels. He is an avid bicycle commuter, riding 7 miles each way year-round, thanks to the fantastic network of bicycle/pedestrian facilities in South Burlington.

Prior to AllEarth Renewables, Keith designed micro accelerometers to measure motion and vibration for Kionix in Ithaca, NY. He has a bachelor's degree in mechanical engineering from Cornell University, where his interest in energy efficiency and renewable energy was sparked by a single renewable energy class in the college of agriculture. That one class inspired Keith to seek out a career in the renewable energy field and devote countless hours to improving the energy efficiency of his community.

He lives in South Burlington with his wife and two daughters

Robin Pierce, Essex Junction

Worked for large developers as designer/project manager/client representative, and as a small developer myself for historic tax credit projects in Philadelphia. Worked for an affordable housing organization with a holistic approach to design that was inclusive for disabled people in all aspects of the design interior and exterior. Worked for a national (ecological) museum that was developed on the Skansen Model which originated in Sweden, in charge of the Open Air portion of the museum. I have written on energy issues, one attached, which focuses on how person mindfulness can reduce energy consumption and be the bridge to a renewable energy future. I have degrees in planning, landscape and urban design: I tried work once, didn’t see any future in it, hence back to University

Kate Desrochers, VEIC

Kate Desrochers is a Senior Analyst on the energy planning team at VEIC. She has conducted modeling, analysis and potential studies for clients including the Department of Energy, the US Forest Service, and the state of Rhode Island. Her other projects include program review of state energy efficiency programs in Maryland and Rhode Island, development of Technical Reference Manuals, and research on innovative efficiency financing mechanisms.

Mathew Burke, Charlotte

Sharon Murray, Bolton

Jim Donovan, Charlotte

Jeff Forward, Richmond

Jeff Forward is a renewable energy and energy efficiency specialist with 25 years of experience. Forward Thinking develops and implements energy efficiency and renewable energy programs by working with state and federal agencies as well as local and regional organizations throughout the country. Prior to becoming a consultant, he worked as an Energy Efficiency Specialist for the Vermont Public Service Department. More recently, he was a consultant to the Department for the Total Energy Study that was completed in 2014. Over the past ten years, Jeff has completed over 150 biomass pre-feasibility assessments for schools, hospitals, and other institutional facilities. He built the state’s 2nd group net metered solar project on his and his wife’s 200 year old farm in Richmond. Currently, in addition to his consulting business, he is the Facilities Coordinator for the Chittenden East School District.
Jeff has a community planning degree from Woodbury College and is a LEED® Accredited Professional with the US Green Building Council. He was a founding member of the Richmond Land Trust and served on that board for 15 years. He also served on the Mount Mansfield School Union School Board for over ten years. Jeff is currently the chair of the Renewable Energy Vermont Board of Directors. He and his wife Patty have lived on their farm since 1980. They have 2 grown sons and one delightful granddaughter, all who live in Burlington.

Catherine McMains, Jericho
1. The meeting started at 5 pm.
2. **Vote on Committee Chair**
   The LRCP Energy Sub-Committee voted Catherine, McMains as Chair.
3. **Review Minutes from the September 19, 2016 meeting**
   The meeting minutes were accepted.
4. **Brief update on municipal planning commission meetings and feedback on local constraints**
   Staff updated the committee on which Planning Commissions have received a presentation on the Regional Energy Plan. To date, Staff has presented on the Regional Energy Plan to Jericho, Milton, Colchester, Huntington, St. George, Bolton, Essex Junction, Essex, South Burlington, Richmond, and Shelburne. Staff has received comments from Colchester, Shelburne, and Milton informing CCRPC of the local land use policies that should be considered in the development of the energy resource maps. Over the next few weeks, staff will revise the energy resource maps showing prime and base areas for renewable energy generation with these constraints. The Committee will discuss these maps at their next meeting.
5. **Draft Comments on the Department of Public Service’s Act 174 Energy Compliance Standards**
   Staff reviewed the attached memo that had already been sent to the CCRPC board which details the comments on the draft energy compliance standards based on staff review and a discussion with the CCRPC Planning Advisory Committee. The Committee will discuss these comments and identify any needed additions. Staff will bring these additions to the CCRPC board meeting on October 19, 2016 for them to approve.
   The Energy Sub Committee agreed to add the following comments:
   - Clarification on the process by which a municipality would need to undergo if it chooses to adopt a supporting energy plan for the municipality to be given substantial deference in the section 248 process.
   - Consider making an addition to the consistency standard whereby an applicant would need to explain that not attaining to a part of the checklist would not prevent a town or region from achieving its renewable energy target.
• Clarification on the role solar CSAs play in a town or region achieving its renewable energy target.
• Consider removing the “or” in all references to “policy and/or implementation” measures.

6. VEIC Staff Presentation on total energy consumption by fuel type and sector

Kate Desrochers, VEIC Senior Analyst and David Roberts VEIC Senior Consultant, presented the initial LEAP results on future energy demand by sector and fuel type. Please see the attached presentation.

During the presentation, several questions came up that will need follow up- These are

   a. Natural gas – revisit future natural gas assumptions with VEIC/PSD and then potentially with Vermont Gas. Consider renewable natural gas opportunities. Also, understand that NG Advantage trucking may be skewing Chittenden County usage numbers as they truck across the region (including out of state).

   b. Residential housing –
      i. How are University dorms accounted for?
      ii. State has wood goal of 30% by 2030 which came after the Total Energy Study. Look into whether a high biomass scenario could be constructed for CCRPC which would be more in line with this

   c. Industrial – is it worth taking into consideration CCRPC data on sq ft from Dun & Bradstreet?

   d. Transportation – Does the jet fuel include military and passenger jets? Should this “count” as non-renewable for Chittenden County since the county doesn’t have any control over this?

6. Review DRAFT FAQ

Staff has developed a FAQ for this project based on the questions that have come up at planning commission meetings. The committee will review to FAQ and assist with answering some of the unanswered questions, if possible. This item was tabled for a future meeting.

7. Next Steps

The next meeting will be the third Tuesday of November from 5 to 7 pm. Staff will confirm with the members that were not in attendance on whether this time works for them.
TO: Department of Public Service  
FROM: Chittenden County Regional Planning Commission Board Members  
DATE: October 20, 2016  
RE: Comments on the Draft Energy Compliance Standards  

The Chittenden County Regional Planning Commission (CCRPC) appreciates the opportunity to comment on the Department of Public Service’s DRAFT Determination Standards for Energy Compliance. CCRPC’s comments are responding to the draft standards with a particular focus on asking for further clarification on the components of the standards to ensure that the way in which a region or town can attain an affirmative energy compliance determination is flexible and achievable. Below is a list of items that reflect the comments of CCRPC’s Planning Advisory Committee, Energy Sub-Committee, and the Board.

1. In Part II item 1 of the energy compliance standards on page 2, it is stated that: Act 174 requires regional and municipal plans be adopted/approved in order to qualify for a determination of energy compliance.
   
   • CCRPC feels that the timing of seeking energy compliance determination after a plan is adopted makes it very difficult for a region or town to address any necessary changes in their plan if a negative determination is received. CCRPC requests that an optional pre-application process be put in place to assure that the Department of Public Service can identify deficiencies prior to plan adoption. In developing this process, CCRPC asks that the process be simple as to not introduce a lengthy time of review.

2. Part II also describes that towns and regions are required to undergo “enhanced energy planning” through an enhanced energy chapter, town plan amendment or a supporting plan.
   
   • Please clarify the process for towns choosing to adopt a supporting energy plan. Does it need to be referenced in the town plan in order for the town to be given substantial deference in the section 248 process?

3. In Part II and Part III, the energy compliance standards state that if the requirement is not met, the checklist must satisfactorily explain and justify why it does not, and refers to the consistency standard.
   
   • CCRPC appreciates incorporation of the consistency standard that we currently use for all state goals in regional and municipal planning. However, we ask for further clarification on the ultimate threshold for standards that are not relevant or attainable. In other words, is there a maximum number of standards that a region or municipality can mark as not relevant or attainable before they receive a negative determination? Additionally, if an applicant cannot meet a particular standard part of the justification
for why it does not should ask the applicant to include an explanation on how the entity is still able to reach the target. This type of explanation is required in the Pathways section. Consider adding this to all components of the standard.

4. Part II describes the components of a town/regional energy element of a plan as required in 24 V.S.A. § 4348a(a)(3).
   - CCRPC feels that the checklist can be greatly simplified by combining Part II and Part III. It appears that these are separate sections based on separate sections of statute, however they are asking for the same language in the Plans so it should be combined. This would also help clarify that the consistency standard will be applied throughout. For example, Part II item 2 is asking for the same type of analysis as the Analysis & Target standards in Part III and the questions from Part II that apply to analysis should be integrated into Part III where appropriate.

5. The description in Part III on page 5 under that Analysis & Target heading refers to a Regional Plan breaking out the analysis for their municipalities.
   - CCRPC asks whether a region is required to also break out the targets discussed in item 2 on page 6. If so, please clearly state that this is a requirement.
   - CCRPC asks for clarification on whether community Solar Arrays (CSA) count towards a towns or regions renewable energy target even if the facility is not within its boundary.

6. In Part III Analysis & Targets, the standards say municipalities may choose to rely on a regional plan that has received an affirmative energy determination and is also presumed to meet the energy compliance standards.
   - CCRPC asks for guidance on how a municipality would rely on the Regional Plan to serve as its energy element in the section 248 process. Also, could a municipality rely on the Regional Plan for the analysis and supplement the pathways and/or mapping components with their own local plan? We presume the municipality would need to either have everything in their local plan, or rely completely on the regional plan if the method for this is 24 VSA § 4349(a), but would appreciate the clarification. We anticipate that there may be a level of specificity in the local plans that we won’t be able to fully incorporate in the Regional Plan.
   - Additionally, if a municipality chooses to do its own analysis prior to the Regional Energy Plan receiving a positive energy determination, CCRPC asks whether data available on the Energy Action Network’s Community Energy Dashboard is sufficient to meet this analysis and target standards. If so, please include that this is resource for towns to comply with Act 174 and provide guidance on its proper use for achieving energy compliance. If not, we find the analysis too onerous for a municipality to do this work on their own before the RPC completes their planning process.

7. Part III Analysis and Targets item 2 on page 6, asks if a plan establishes targets for energy conservation, efficiency, fuel-switching, and use of renewable energy for transportation, heating, and electricity?
- CCRPC asks if a target range is acceptable to meet this part of the standard and if renewable generation targets from wind, solar, biomass, and hydro-electric energy are also required.

8. Part III Pathways includes an “other” category under each sector (an example is Part III, Item 6.a.vi. on page 8).

- CCRPC asks can the pathways/implementation actions that a region or municipality lists under “other” replace all of the previous pathways (in this example it would be Part III, Item 6.a.i to 6.a.v.)?

9. Throughout the standards the terminology, "policy and/or implementation measures" are used.

- Consider changing all instances of this terminology to "policy and implementation measures", by removing "or". This change is important because a plan could have a policy that is in support of something, but no implementation measures that support it. The lack of implementation measures means that the policy will likely never actually be implemented, so having only the policy should not be considered strong enough to gain a certificate of determination.

10. On page 10 item C.i. refers to “existing electric load”.

- Consider improving the title of item C. to reflect that both load and generation components are needed to satisfy this part of the standard.

11. On page 5. Part III item 1. the question requires the applicant to check “Yes” if the plan includes an analysis of “current energy use...” and if “items a-c is checked below”

- Consider removing the part “(a-c checked, below)” as question 1 is general in nature and the questions below are more specific.

12. On Page 13, wetlands and transportation infrastructure are identified as known constraints.

- Consider further defining the types of wetlands that prohibit development of renewable energy facilities entirely and consider moving transportation infrastructure to a potential constraint.
1. If a municipality chooses NOT to pursue the path towards ‘substantial deference’ would the enhanced Regional Energy Plan be sufficient to represent the municipalities concerns in Section 248 proceedings?

   As we are just beginning our planning process, we cannot guarantee the Regional Energy Plan will be sufficient to reflect each and every town’s concerns in the PSB process. We do know if a municipality is not pursuing ‘substantial deference’ and they choose to intervene in the Section 248 process their concerns will only be given ‘due consideration’. However, there is a provision in Chapter 117 that allows a municipality to adopt a section of the Regional Plan as their own. If a municipality wanted to, they could do this for their energy plan. Unsure whether substantial deference is automatic or CCRPC has to request party status for the regional plan to be granted this. ACT 174 is silent on procedural items.

2. How does the future total energy demand in the State’s Total Energy Study compare to the future energy demand produced by LEAP? Need to ask DPS staff

3. What is the connection between the Tier 1-3 requirements for utilities and the Regional Energy Plan?

   The Regional Energy Plan ensures that local and regional policies are considered when utilities are siting new renewable energy generation facilities.

4. Will RPCs and Towns still have to intervene in a Certificate of Public Good petition process in order for their plans to be given substantial deference?

   We cannot say how the PSB is going to operate in practice. Act 174 did change the definition in order to give the Plan greater weight. The towns/RPCS may still need to proactively intervene in order to get their interests addressed.

5. If a town receives certificate of energy compliance from DPS before 2018 do they need to recertify once the RPC finalizes and receives their certification?

   No. The determination of energy compliance from the Department of Public Service is in effect for five years. The Department of Public Service will cease reviewing town plans July, 1 2018. When a town needs to re-certify it will be with the RPC.

6. Are towns required to produce renewable energy generation targets?

   We will not know until the standards are finalized on November 1.

7. Are regions required to produce renewable energy generation targets in order to received energy certification?

   We don’t know yet. However CCRPC is obligated to do this because it’s a requirement of the DPS’s regional energy project contract.

Commented [EN1]: Will there be more connections than this?
8. What type of local constraints will the RPC reflect in the regional energy map?

The regional energy plan map will likely reflect local constraints as requested by a municipality so long as protection of the local constraint is a clearly stated goal or policy in an adopted Town Plan or Zoning bylaw. The Regional Plan at a minimum will include the Public Service Board/Agency of Natural Resources list of constraints.

9. Is there a public fund for decommissioning renewable energy projects once they reach their useful life?

10. How are community solar agreements counted? If one community is buying solar energy from a facility outside their town does that count towards municipality’s target?

11. How is the energy counted if the renewable energy is sold out of state?

12. If a town does not have 3-phase power to accommodate the distribution of energy from new renewable facilities? Can that town meet its target through concentrating its effort on the transportation and heating sector?
Date: November 10, 2016

**Yellow Highlighting = Committee discussion is needed**

**Green Highlighting = Documentation town has provided is less restrictive than comments suggest**

**Grey Highlight = Documentation aligns with comment and is equally restrictive for all forms of development**

**Bold text highlights inconsistencies among local constraints and the Committee needs to discuss what the procedure for this is going forward.**

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<table>
<thead>
<tr>
<th>Town</th>
<th>General Comment</th>
<th>Level 1</th>
<th>Municipal Guiding Policy</th>
<th>Level 2</th>
<th>Municipal Guiding Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colchester</td>
<td>The State of Vermont may want to consider incentives or take other steps to increase the amount of rooftop solar arrays, rather than using undeveloped land. We support conserved land’s inclusion as a Level 2 Constraint. However, some conserved land may be so sensitive with regard to views, public recreational use, and natural resources that renewable energy development should be prohibited. I reached out to the Vermont Land Trust about language they may currently be including in easements which reserves areas for renewable energy development. I was advised that this is an emerging issue for them and one they have their eye on.</td>
<td>1. Existing Transportation Infrastructure Potential</td>
<td>1. unknown</td>
<td>1. Shoreland District</td>
<td></td>
</tr>
<tr>
<td>Essex</td>
<td>The State of Vermont may want to consider incentives or take other steps to increase the amount of rooftop solar arrays, rather than using undeveloped land. We support conserved land’s inclusion as a Level 2 Constraint. However, some conserved land may be so sensitive with regard to views, public recreational use, and natural resources that renewable energy development should be prohibited. I reached out to the Vermont Land Trust about language they may currently be including in easements which reserves areas for renewable energy development. I was advised that this is an emerging issue for them and one they have their eye on.</td>
<td>1. Draft Zoning. The purpose of this overlay district is to avert or minimize the adverse impacts of development on identified scenic resources, viewsheds, and roadscapes in the Town of Essex through appropriate site planning and design practices. The standards are intended to provide flexibility so that proposed development can be designed to fit the particular characteristics of the site on which it is located. Scenic resources and important distant views are identified in Views to the Mountain: Scenic Protection Manual (the Manual). 2. Zoning 3. Town Plan and draft Regulations. Development shall be avoided on slopes of 20 percent and steeper due to the likelihood of environmental damage.</td>
<td>1. Zoning 2. Town Plan 3. Zoning 6. Official Map 7. Zoning?</td>
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</tbody>
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The areas in **Green** on the map are the commercial and industrial zones in which renewable energy development has no constraints under the Town Plan.
4. Habitat Blocks

Provide large habitat blocks for animals and offer economic potential through timber harvests. Forest trails open to hiking, mountain biking, horseback riding, cross-country skiing and snowmobiling improve quality of life and can support a recreation-based sector of the economy. Nearly 13,000 acres in Essex are forested, yet forest fragmentation from development is a major problem in Vermont, including Essex. The largest forests in Essex stretch north from the northeastern and northwestern parts of town into Colchester, Milton, Westford, and Underhill. The largely unbroken woodlands serve as prime habitat – the Vermont Agency of Natural Resources scores both forests as 9 out of 10. While development must occur in those habitat blocks, every effort shall be taken to minimize the intrusion on the forests through the use of siting standards.

Essex Junction

The first criterion missing from the PSB’s draft is, does it fit with the Vermont Brand of Compact Settlements surrounded by productive Open Farmland? If not, then no other criterion should be needed, it fails the most basic, and important test the application should be denied. ... We should be right sizing renewable energy installations so that they produce the energy needed for the place they are in. ... There are a lot of flat roofed buildings in our major settlements. We could put solar panels on them in a way that is screen and have the energy collected where it is needed most and used.

1. Conserved Lands

1. unknown
Hinesburg’s language to describe constraints is more focused on impacts to the resource rather than viability of the development. We recommend CCRPC’s level 1 and level 2 descriptions be revised on this front. Level 1 constraints should be avoided due to the sensitive nature of those resources. Instead of describing level 2 constraints as those that, “may make renewable energy generation less feasible but do not necessarily prevent development,” we recommend a description that indicates the value/importance of these level 2 resources, and the need to minimize impacts rather than strict avoidance.

Renewable energy facilities in locally identified growth areas or industrial areas should focus first on preferred locations (e.g., rooftops, parking lots, reclaimed gravel pits, capped landfills). In these areas, renewable energy facilities not located in preferred locations should be accessory to principal uses envisioned in the plan and associated regulations.

Steep slope constraints and core wildlife habitat resources make much of Hinesburg’s eastern hills unsuitable for large scale commercial/industrial wind energy facilities, even though some of these areas have high potential for wind energy per the maps provided by the CCRPC. For some resources (e.g., core wildlife habitat), determining an appropriate constraint level may depend on the specifics of a renewable energy facility proposal. Finally, the PC wants to make sure that these constraints apply to access roads serving renewable energy facilities, as these have significant impacts, especially where there is challenging topography.

Concerns have also been raised about the sale of renewable energy credits out of state. The sale of these credits to satisfy renewable energy requirements for out of state utilities doesn’t appear to move Vermont closer to our own energy goals. In fact, some have argued that such a scenario actually makes it harder for Vermont to reach its goals. If communities and regions are to shoulder responsibility for planning suitable renewable energy facility locations, and are to accept some degree of impact, then there should be some certainty about how such credits are retired (i.e., what percentage of the credits accrue to Vermont renewable energy goals).

<table>
<thead>
<tr>
<th>1. Steep slopes (25% or greater) – due to erosion &amp; stormwater control, and access challenges for emergency services (e.g., fire response)</th>
<th>1. Zoning: Primary resource areas are extremely sensitive or generally unbuildable areas</th>
<th>1. Moderately steep slopes (15-25%) - due to erosion &amp; stormwater control, and access challenges for emergency services (e.g., fire response)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Conserved lands – incompatible uses on lands preserved for agriculture, wildlife, forestry, etc.</td>
<td>2. Core wildlife habitat – a subset of wildlife habitat blocks</td>
<td>2. Zoning: minimize impact on secondary resource areas</td>
</tr>
<tr>
<td>3. Village Growth Area &amp; Industrial zoning districts – due to the need for other types of planned development here (e.g., residential, commercial, industrial, etc.)</td>
<td>3. Renewable energy facilities in locally identified growth areas or industrial areas should focus first on preferred locations (e.g., rooftops, parking lots, reclaimed gravel pits, capped landfills). In these areas, renewable energy facilities not located in preferred locations should be accessory to principal uses envisioned in the plan and associated regulations.</td>
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### Jericho

#### 1. Well Protection Area Overlay District [§6.6.2]

**Delineation of Districts:** The Wellhead Protection Area (WHPA) Overlay District shall consist of the following three areas (only 1 is listed below as 2 & 3 allow most uses):

- **WHPA-1:** A circle of radius 200 feet surrounding each of the water supply wells serving the Jericho Village Water District, the Foothills water supply, the Jericho East water supply, and the Jericho Heights water supply, and any other public water supply on the most recent “Water Source Protection Areas” map, prepared by the Vermont Agency of Natural Resources Water Supply Division. The above map is herein incorporated by reference and made a part of this ordinance.

**Permitted Uses:** The following uses are permitted in the Wellhead Protection Area Overlay District, WHPA-1:

- (a) Wildlife management;
- (b) Passive recreation;
- (c) Proper operation and maintenance of existing dams, splash boards, and other water control, supply and conservation devices;
- (d) Maintenance and repair of any existing structure;
- (e) Agriculture and forestry provided that fertilizers, herbicides, pesticides and other leachable materials are neither applied nor stored outdoors.

#### 2. Zoning

- 1. The Town has three designated Village Centers. This might be a Level 2 constraint, but the Jericho’s Town Plan and Land Use Regulations directs residential and commercial development to these areas. So the village centers are not suitable areas for energy generation.


- 1. Secondary Conservation Areas are also very sensitive but some activities can occur within them without compromising their integrity. These include wildlife road crossings, a larger area surrounding vernal pools, significant (but not rare) natural communities, and ledge and cliff habitat that may be important for wildlife. In general, these places should be evaluated carefully when development is proposed within them for potential conflicts with the natural resource values.

#### 4. Town Plan, Grand List

- 2. Tertiary Conservation Areas, which occupy a large percentage of the town, are the contiguous habitat units, or habitat blocks, that occupy the mostly forested areas of the town. Development can occur within these areas, but care should be taken to minimize the incursion of new roads and development to avoid forest fragmentation. The residents of the town continue to recognize the value of the forested landscape that forms a backdrop to nearly all activities in all seasons. The forests provide not only scenic views for residents and visitors, but also habitat.

Commented [MNT]: Need to confirm with Katherine that this how the constraints should be divided up between level 1 and level 2.
2. Natural Resources Overlay District: §6.7. The purpose of the Natural Resources Overlay District is: to preserve wildlife habitat such as deer yards; to conserve and protect identified natural areas and natural communities such as significant habitat for flora and fauna; and to preserve identified scenic resources such as ridgelines. As seen below, the Natural Areas and natural communities have a greater restriction on development, as shown in the table below. However, all of these areas are to be protected. The text specifically says that if it isn’t listed in the table, the use is prohibited.

- Tiered Conservation Priorities, as shown on Map 9 of the Town Plan, depicts all the conservation priorities identified in Jericho in three tiers of priority. **Primary Conservation Areas** are the most sensitive places: the rare natural communities, rare species, vernal pools, riparian areas, river corridors, and wetlands. These areas occupy a small percentage of the town and should not be developed.

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| Milton       | 3. Tiered Conservation Priorities, showing on Map 9 of the Town Plan, depicts all the conservation priorities identified in Jericho in three tiers of priority. **Primary Conservation Areas** are the most sensitive places: the rare natural communities, rare species, vernal pools, riparian areas, river corridors, and wetlands. These areas occupy a small percentage of the town and should not be developed. Conserved Land. Current Use | 4. Habitat Blocks 10, 8, and 6: The property classified as Habitat Block 8 on the eastern side of Milton is considered a critical wildlife corridor. | 5. -- 2. Town Plan: Development of municipally-owned town forest, natural areas, and recreational area is not allowed. |
while industrial-scaled projects might not be appropriate in level-2 constrained areas, those projects of a lesser scope might be. The Commission also noted the striking differences of impact between solar, wind, and hydroelectric projects and that the constraints should be customized to correspond to the type of renewable energy facility and its typical impacts. Interested in seeing local studies on wildlife impact, post-installation of renewable energy facilities. The Commission expressed a general sentiment that more should be done by the State to invent residential-scale generation and storage innovation to increase the overall dependability and efficiency of wind and solar generation, given its variability.

2. Agricultural and Hydric Soils; 3. Conserved Lands. Eagle Mountain Natural Area and other land held with conservation easements provided through land trusts. These areas were purposefully protected to retain valuable natural resources.

4. Encumbered Open Space (set aside in local development review).

5. Town Forests and other Municipal Natural and Recreational Areas with adopted Management Plan.

6. expressly restricted by the Plan or the Regulations. The Town’s regulatory language does not expressly forbid development in Habitat Blocks 10, 9, and 8 (as identified in Map 9 of the Plan) or in significant agricultural soils. Use of open space has regulatory language in several sections of the Zoning Regulations: 804.6, 852.15, and 892.1(6) that encumber development (which may or may not be taken into consideration by the PSB at this time). For example: ZR804.6 states, "The open space shall be protected by appropriate legal devices to ensure the continued use of such lands for the purpose of agriculture, forestry, recreation and conservation. Such mechanism include: dedication of development rights, conservation easements, homeowners associations, restrictive covenants, conveyance to land trusts, or other appropriate grants or restrictions approved by the DRB. Permitted future uses and maintenance of the open space shall be specifically identified as part of the approval of the development [. . .]."
| Richmond | 1. Three areas in Richmond were identified where future human development should be assessed carefully. These are visualized on the map identifying Highest priority Wildlife Habitat and Contiguous Habitat Units (Appendix IV).  
   - The Gillett Pond Area  
   - Bryant Hill  
   - The forested area north of VYCC and the Andrews forest area north of Route 2  

| 1. **Town Plan Natural Areas - Priorities**  
|---|---|
| 1. | Three areas in Richmond were identified where future human development should be assessed carefully. These are visualized on the map identifying Highest priority Wildlife Habitat and Contiguous Habitat Units (Appendix IV).  
| | - The Gillett Pond Area  
| | - Bryant Hill  
| | - The forested area north of VYCC and the Andrews forest area north of Route 2  

| **Vistas**  
|---|---|
| The Richmond Planning Commission, in 2002, mounted an effort to establish guidelines regarding the development of ridges by creating an overlay district. A side benefit of the study was identification of important vistas within the Town. A detailed study of locations of potential vistas that included ridgelines provided a long list from which to choose those that should receive top priority. Three vistas rose to the top.  

First and foremost is the aforementioned vista from I-89, Exit 11 Park-Ride that encompasses still-preserved views of Camel’s Hump and Bryant Hill in particular overlooking undeveloped prime in-production agricultural lands (Figure 1). This vista has prominent consideration in the current Town Plan, to wit with regard to the Gateway District:  

The second vista is that from the brow of Wes White Hill, overlooking undeveloped agricultural lands to Mount Mansfield (Figure 2).  

The third vista is along Kenyon Road looking east over undeveloped agricultural lands and low hills to Camel’s Hump (Figure 3).  

Other vistas unquestionably are of importance. One example is that provided at the curve in Route 2 just east of the Village that looks over undeveloped forest land at the mountains to the east, including Camel’s Hump and Robbins Mountain. A second example is the views along Route-2, near VYCC, as noted in the “Mapping the Vision” Workshop. | 1. | Unknown  
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| Shelburne | 1. Significant view areas  
|---|---|
| 2. Archeologically sensitive areas  
| 3. Lake Champlain lakeshore buffer [100 feet from the 102 foot elevation contour] | 1. **Town Plan**  
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Commented [MN2]: This comment was confusing. It is unclear if this is referenced in the Town Plan. A follow up meeting with Richmond is being scheduled.  

Commented [MN3]: Unclear whether they recommending these as level 2 need to confirm.
Underhill

South Burlington

The Commission reiterates the NRC's comment that the review timeframe was short. The Commission provides this feedback with the hope that this represents a “first cut” at mapping and policy that communities will have additional opportunities to weigh in during the development of the Regional Plan elements. The Commission underscores the need to examine opportunities for renewable energy siting through the lens of placing an equal focus on energy conservation in each of our communities, as the State’s energy plan does. Policies related to level 1 and level 2 constraints should be responsive to the scale of the proposed renewable energy generation facilities. Small-scale solar should be allowed and encouraged in association with small-scale development or agricultural activity. The Commission would like to emphasize the Energy Committee’s comments of highlighting through planning & mapping areas that are not just appropriate for renewable energy siting due to a lack of resource constraints, but also those which are desirable and encouraged by a municipality. Municipally-owned lands, where not conflicting with constrained lands, should be added to the list of priority land for solar energy generation in South Burlington. The Commission recommends that the CCPRC look into bird migration areas as potentially constrained lands, where not conflicting with other types of development in a particular location. For example, where more intense development, such as light industrial, is allowed, larger solar arrays should also be encouraged. Wind and solar facilities may be looked at differently as to how they are assessed for similarity to other types of allowable development.

Underhill

1. **Zone 1 Source Protection Area**
2. **Unknown**
3. **Class I and Class II wetland buffers (50')**
4. **Class 3 wetlands and buffers**
5. **Slopes 20% and greater**
6. **Habitat Blocks**
7. **SEQ: Natural Resources Protection zoning sub district**
8. **Scenic Vistas**
9. **Riparian Connectivity**

South Burlington

1. **Contaminated Lands – The Planning Commission**
2. **Buffers for Private Wells (200 ft. as described under § 3-17.7.A.1)**
3. **Areas of Steep Slope (Grade between 15% & 25%)**
4. **Areas of Uncommon Species**

1. **Wetland Setbacks (100 ft. from Class I Wetlands; 50 ft. from Class II Wetlands and 25 ft. from Class III Wetlands)**
2. **Stream and Waterbody Setbacks (100 ft. from named streams as measured horizontally from the top of the bank or 50 ft. if measured from top of slope; 25 ft. from unnamed streams)**
3. **Above 1,500 ft. Elevation for Both Solar & Wind**
4. **Areas of Geographical Hazards (e.g. areas susceptible to landslides)**
5. **Scenic Corridor (See BHEL Mansfield Scenic Preservation Zoning District)**
6. **Areas of Very Steep Slope (Grade more than 25%)**
7. **Zoning**
8. **Plan**
9. **Overlay Map**

1. **Recommended by a Commission (Not in Plan or Regulations)**
2. **state statute**
3. **Town Plan + Zoning; to avoid site 36 disturbance on very steep slopes (> 25%) in**
4. **Town Plan + Zoning**

1. **Recommended by a Commission (Not in Plan or Regulations)**
2. **state statute**
3. **Town Plan + Zoning; to avoid site 36 disturbance on very steep slopes (> 25%) in**
4. **Town Plan + Zoning**
and valley areas with access onto Pleasant Valley Road. The goal of this is achieved by allowing compatible lower densities of development or clustered development that maintains Underhill’s rural character while protecting the views along Pleasant Valley Road.

6. development to

7. Zoning: minimize site disturbance and construction on steep slopes (15% to 25%)

| Westford | The Westford Planning Commission believes it should not be the policy of the CCRPC to encourage large scale power generating facilities. Rather, it should encourage, facilitate and defend the expansion of the small scale market. The CCRPC should be advising municipalities how they can support and encourage small power producers and at the same time provide advice to small municipalities on how they might be able to limit commercial solar and wind facilities. Specifically, we encourage the CCRPC to:

1. Promote point-of-use energy development with excess energy sold back to the grid at attractive rates;
2. Promote and facilitate a system that allows for excess power (energy credits) to be pooled for donation to financially needy families that struggle to pay their electric bills;
3. Oppose any proposed rules, regulations or statutes that are intended to reduce or limit how much a power company is required to pay point-of-use producers.

In summary, the Westford Planning Commission does not support the development of large scale solar or wind energy generating facilities in Westford. It is our determination that Westford lands are not suitable for this type of development and that such large scale

| 1. Areas identified as being within the Water Resource Overlay District and/or Flood Hazard Overlay District
2. Areas identified as being a high density residential district (e.g. Common, Village and Rural 3 Zoning Districts)
3. Prime (and State-wide significant) Agricultural Soils
4. Areas mapped by ANR as containing the following significant natural resources: Significant Natural Communities; Uncommon Species and Features; Deer Wintering Habitat; Rare; Threatened and/or Endangered species
5. All ridgelines
6. All view-sheds identified in the 2015 Town Plan | 1. Zoning
2. Zoning
3. Need documentation
4. ~ 9 Need documentation to ensure equally restrictive for all types of development.
energy generation development would conflict with our land use goals. We believe that the focus on developing such facilities is misplaced and that we should be encouraging and promoting small scale renewable generation, which provides more options for our communities and encourages more Vermonters to become involved in producing clean energy.

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<td>7.</td>
<td>Any town and school owned land</td>
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<td>8.</td>
<td>All conserved land, including the potential Jackson Farm and Forest</td>
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<td>9.</td>
<td>An exclusion area measured 2 km from existing dwellings</td>
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Commented [MN5]: Unsure if these should be level 1. The Town did not indicate.