

Addison County Regional Planning Commission

14 Seminary Street Middlebury, VT 05753 www.acrpc.org Phone: 802.388.3141 Fax: 802.388.0038

MEMORANDUM

From: Addison County Regional Planning Commission
To: Member municipalities' selectboards and planning commissions
Date: October 19, 2015
Re: Siting guidelines for solar

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

The scope of the testimony for any municipality choosing to participate in a Section 248 hearing on energy generation should stem from the language within the municipal plan and any duly adopted regulations implementing the plan that the municipality may adopt as allowed under Act 56. The municipal plan stands as the controlling document because statute requires that the Public Service Board ("PSB"), the quasi-judicial body overseeing the permitting of new generation structures, consider the proposed project within the context offered by the municipal plan.

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

Addison	Bridport	Bristol	Cornwall	Ferrisburgh	Goshen	Leicester
Lincoln	Middlebury	Monkton	New Haven	Orwell	Panton	Ripton
Salisbury	Shoreham	Starksboro	Vergennes	Waltham	Weybridge	Whiting



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

The Municipality of ____ supports responsibly sited and developed renewable energy projects within its boundaries. It recognizes that to maximize profits, developers' desire projects to be located in close proximity to electric power lines capable of transmitting the load proposed to be generated and easy access from major transportation networks for construction. However, it desires to maintain the working landscape, adopted conservation and habitat protection measures and scenic rural views important to its tourism economy and rural cultural aesthetic. Not all commercial or community scale solar projects proposed can meet this standard. Projects must meet the following community standards in order to be considered "orderly development" supported by this plan and in order to not unduly impact the aesthetics of the rural countryside this plan intends to protect:

1. Community Standards

A. Siting. Where a project is placed on the landscape constitutes the most critical element in the aesthetic siting of a project. Poor siting cannot be adequately mitigated. Accordingly, all renewable energy projects must evaluate and address the proposed site's aesthetic impact on the surrounding landscape.

a. Good sites have one or more of the following characteristics:

- Roof-mounted systems;
- Systems located in close proximity to existing larger scale, commercial, industrial or agricultural buildings;
- Proximity to existing hedgerows or other topographical features that naturally screen the proposed array from view from at least two sides;
- Reuse of former brownfields or otherwise impacted property.

b. Poor Sites have one or more of the following characteristics:

- No natural screening;
- Topography that causes the arrays to be visible against the skyline from common vantage points like roads or neighborhoods;
- A location in proximity to and interfering with a significant viewshed (significant viewsheds within the Municipality of _____ include: _____ (This language could also be located in another section for broader application and referenced in this section. However, the references must be specific enough to provide people with notice of their existence in order to be effective.)
- The removal of productive agricultural land from agricultural use
- Sites that require public investment in transmission and distribution infrastructure in order to function properly.

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

- B. Mass and Scale:** The historical working landscape that defines ____ currently and that _____ desires to preserve is dominated by viewsheds across open fields to wooded hillsides (adapt accordingly to reflect the Municipality of ____). Rural structures like barns fit into the landscape because their scale and mass generally do not impact large tracts of otherwise open land. All commercial scale solar arrays shall also be limited in mass and scale, and/or have their mass and scale broken by screening, to fit in with the landscape. Commercial solar projects larger than _____ are larger than any other structure within the municipality of _____, cannot be adequately screened or mitigated to blend into the municipality’s landscape and are therefore prohibited. (Define: What should be considered large? This uses a standard of larger than all other structures within the municipality. As a general rule, 150kW arrays cover about an acre of land. Consider aligning the limits on solar arrays with the jurisdictional thresholds set by the PSB.).

Projects found to have poor siting characteristics pursuant to the community standards contained in Section 1 above and other poor siting characteristics that a community may clearly define in their plan, (and/or projects found to violate the maximum mass and scale community standards contained in Section 2 above, **Use only if adopting Section 2**) violate the municipalities’ standards regarding orderly development.

2. **Average person:**

For the purposes of this plan, either the municipal legislative body or the planning commission (depending upon which body is selected by the legislative body to represent the municipality before the Public Service Board in any Section 248 hearing), shall be deemed to represent the voice of the “average person” with respect to the “Quechee Test” when evaluating the aesthetics of a proposed solar array.

3. **Mitigation methods:**

In addition to properly siting a project, solar developers must take the following action to mitigate all project sites:

- a. Locate the structures on the site to keep them from being “skylined” above the horizon from public and private vantage points;
- b. Shorter panels may be more appropriate in certain spaces than taller panels to keep the project lower on the landscape.

- c. At a minimum, all solar arrays must observe the setback restrictions contained in Act 56 governing solar installations. However, developers are encouraged to increase setbacks to at least those listed in the Municipal Zoning Regulations within the Zoning District in which it lies;
- d. Use the existing topography, development or vegetation on the site to screen and/or break the mass of the array;
- e. In the absence of existing natural vegetation, the commercial development must be screened by native plantings beneficial to wildlife and pollinators that will grow to a sufficient height and depth to provide effective screening within a period of 5 years. Partial screening to break the mass of the site and to protect public and private views of the project may be appropriate;

Alternate Language for e:

All commercial development within the municipality of ___ that contains more than ___ acre(s) of involved property shall use ___% of the total construction price to landscape and effectively screen the project. (The appropriate municipal panel may reduce this amount appropriately based upon the existing amount of natural screening or topographical screening already in place.)

- f. Practice a “good neighbor policy”. The siting of the array should be done in such a manner that the array creates no greater burden on neighboring property owners or public infrastructure than it does on the property on which it is sited. As an example, a landowner may not site an array on his or her property in a location calculated to diminish the visual impact of the array from his or her residence, but places the array immediately within their neighbor’s or the public’s viewshed. Locating a solar array in a manner designed to reduce impacts on neighbors or public viewsheds constitutes reasonable mitigation.
- g. Use black or earthtone materials (panels, supports fences) that blend into the landscape instead of metallic or other brighter colors).

4. Decommissioning and Restoration:

All projects shall be decommissioned at the end of their useful life and the property shall be restored to its pre-project condition. Developers of all projects 100 kW and greater shall provide the municipality with appropriate assurances to guarantee funding exists to decommission the project. In keeping with the municipality of _____ desires to retain our agricultural land base, a solar arrays useful life shall be deemed to be at the end of the initial contract for services with the power company.

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