

TRANSCRIPT

Norwich Planning Commission Meeting July 13, 2021

<https://youtu.be/10ZLnHvi-bg>

Jackie, Chair

In a small conference room with Lia, Jeff and Ernie.

Hybrid format

8:40

Jackie

We can move then to our next item on the agenda which is Norwich Technologies Upper Loveland Road Solar installation. I know this is an exercise that many, I think all of us might be familiar with by now, we've had different proposals over the years come to us on solar installations and our role as a planning commission is to review the request and make sure it conforms to our directions in the town plan, which is basically to make sure that the installation isn't impinging on any ridgeline scenic view. And Troy will provide a lot more background on that. The action we're looking for here tonight, we'll have a vote on a motion that this proposed project conforms to the preferred site standard as described in our 2020 town plan. So that's the action.... And you have the background materials in the packet that we provided last Thursday and Ernie, you have a question before we turn to Troy?

Ernie

Yes, I'm just curious why is this in front of the planning commission instead of the DRB?

Jackie

It's always come to the planning commission. It's always come to the planning commission and I think once again it's our role to decide if it's impinging on the ridgeline. I don't have any better explanation than that, and that it will also go to the select board as well. Rod, do you have any other clarification?

Rod

Yes, so the process that's laid out by the Public Utility Commission requires a signature of the chair of the planning commission and the chair of the select board, and the Public Utility Commission doesn't actually recognize local land use regulations such as zoning. So there is no mechanism for them to accept or review a decision made by the DRB. So, to be blunt about it, solar power installations such as this that are going to be grid tied for net metering purposes are outside the purview of the Development Review Board.

Jackie

Thanks. Lia, you had a question? Can everybody hear us okay in here? I'm assuming yes since no one has complained.

Rod.

We hear you fine.

Lia.

With what you and Road are mentioning are referring to page 21 in the packet 11 that needs signatures?

Jackie

Yes, that's correct. Jeff Goodrich, go ahead.

Jeff

Yes, as much as I want to support this personally I know the site fairly well and I don't see evidence that there's been a wetlands scientist up here and so until a wetlands scientist takes a look at the site I can't support (unclear) actions.

Jackie

I don't know if Troy can hear that when we have a question

Rod

I'm sorry, I couldn't tell what Jeff Goodrich just said, he said the word scientist but I didn't hear the word before scientist.

Jackie

Wetland. Wetland scientist.

Jeff

May I repeat myself? I know this site exceedingly well. I don't see any evidence of a certified wetlands scientist doing an analysis of this site and so until that's done I'm going to oppose. Even though I support what Troy's trying to do.

Troy

And I can talk to it as well, Jeff.

Jackie

Troy, do you want to provide any background or, we can all read the packet, I'm assuming we've all read the packet and Jeff Goodrich has raised one question. Maybe before you start, does anyone else on the planning commission have a question that Jeff could target his remarks, I mean Troy could target his remarks? Okay take it away Troy.

12:33

Troy

Great. And Jeff I will address that as we go forward here. That's a very good question. So but yeah thank you for the opportunity to present (unclear) solar project here in Norwich. I'm Troy McBride, I'm one of the owners of Norwich Technologies. We're about a 10 year old company. Also on the phone here is a Ryan Darlow, or on the zoom, is Ryan Darlow, development

engineer with many years of experience in permitting and designing solar projects. So he can answer some specific questions if you have them. I think I could answer most of them. So Norwich Technologies, just for background, I may have told you this before, we're headquartered in White River Junction, we're about 35 people and we are focused on community solar projects in Vermont, New Hampshire and Maine. And we provide sort of end to end services. We have sales, financing, engineers, design, permitting, project management and operations and maintenance.

This particular project is proposed at about a 6 acre project on a 30 acre parcel up behind Upper Loveland near the transmission line and the cell tower. It would be about 3 acres of solar panels, 2 - 3 acres solar panels. One of the first steps as we talked about is coming before the planning commission and the select board to present the project. This is again the first step in the project and it's sort of a gating step going forward on the project is whether it is deemed as a preferred site or not determines whether we can do a project of this size in Vermont under the net-metering programs, the community solar net-metering programs.

There is beyond that, there's a full Act 248 process which would be a 45 day notice which we'll be sending out shortly that has much of the information that we're providing to you now for the Act 248 process that is provided in the 45 day notice. All the adjoining landowners and the planning commission, select board, state agencies are all stakeholders in that, so they all receive that, they all provide comments on that, and then we take those comments into effect and then after 45 days we put in a full application, that's around a 200 page application that has expert testimony from a number of areas including environmental, aesthetics, civil and historical and other areas.

So that's the background. I will pull up, just present, the slides that Rod shared just so we can have some things to look at when we talk about it. Specifically to the wetland scientist, we are having a wetland scientist look at the site. There are some areas there that we'll need to avoid and that is something we're fully committed to do and required to do and that is avoid all unmapped wetlands that our environmental scientist will locate and then we'll have full at least 50 foot buffer on any class two wetlands so that. **The layout of our solar array might change slightly depending on the review of the wetland scientist but it's a very, it will be very minor changes based on the location, and there's areas that we already are avoiding based on our understanding of this site.** So that's, that is coming and that is part of the process. The entire permitting process is about a year long and can be quite intensive.

17:23

I'll pull these documents up. You have them all except for the first one I'm gonna show is just a very high level picture to help you locate where this is. Shows image. I hope you're seeing this. Is that visible?



Audience:

Yep

Troy

Okay great. Just as reference here, this is Upper Loveland is parallels 91, about a mile north of the exit. There's a cell tower that is, and I don't know if you can see my pointer

Audience

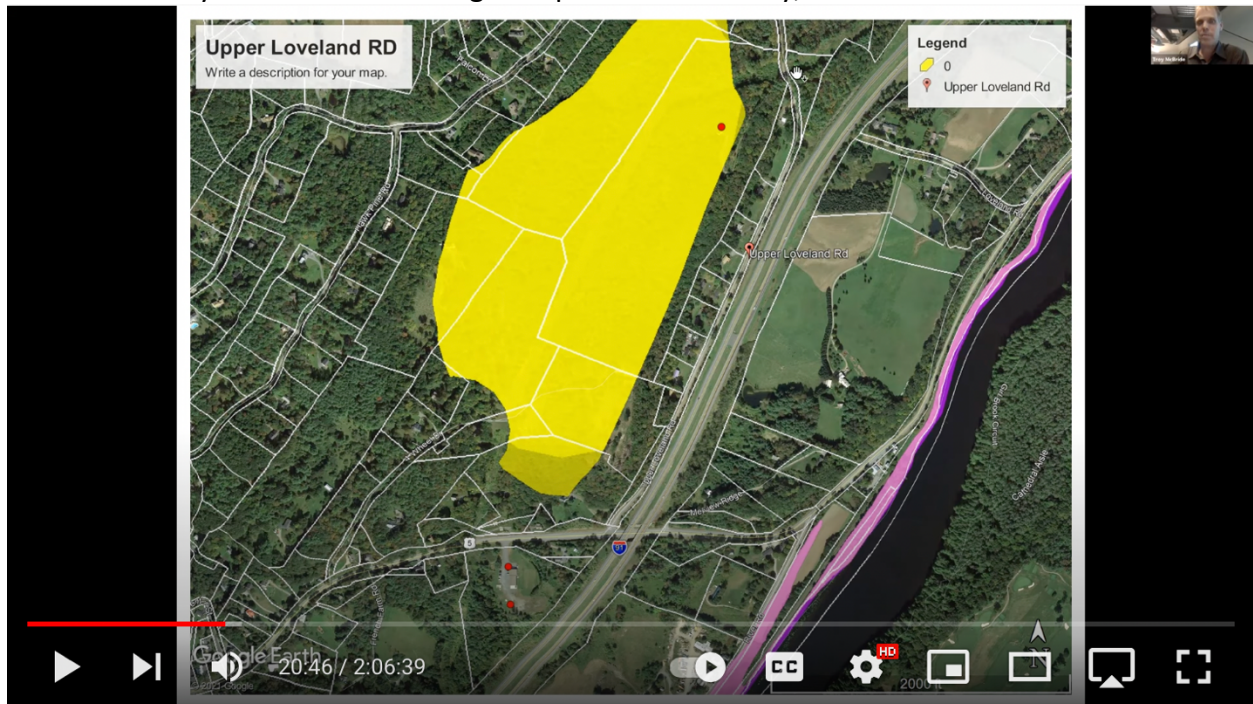
Yes we can

Troy

There's a cell tower right here. We would access the site by the existing cell tower road which actually comes along right here. And then we would come back into the site this way. Cell tower is here. This is the transmission line that goes through here. And then there's a little bit of a flat area in here and as Jeff is indicating, there's some wet areas right in this area (pointing to the northern area) that we'd be avoiding. And so the solar panels would be in this general area (pointing to blue outline in Site Plan B) using the west existing clearing from the transmission lines as the boundary on this side. And then this Hawk Pine neighborhood over here, some town land here. And so that's the general. And 4 wheel drive road comes up here. So that's the general location and proposed installation. This whole parcel is 38 acres. There's about 5 acres that are staying with the cell tower. And so the remaining 33 acres would come under our ownership, we would install the solar array in this area (pointing to blue outline) and leave the remaining property open for public use.

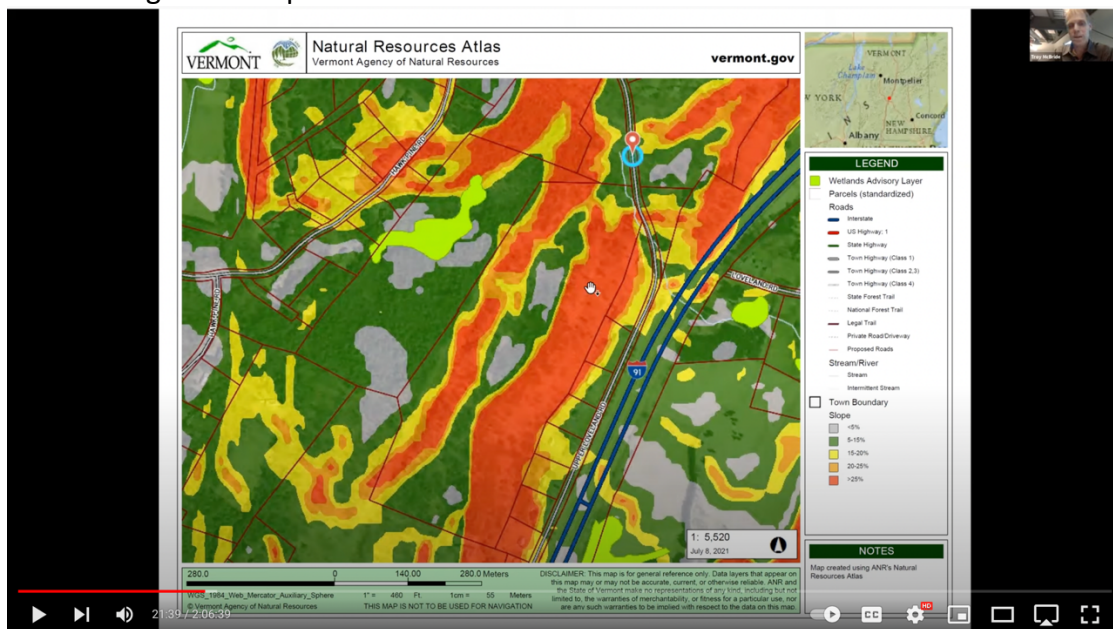
There are some trails on the Norwich town land (pointing to forest) here and it's in general a good location to maintain open to the public.

So the area falls within the ridgeline protection overlay (shows yellow image on site area) shown here in yellow and so the ridgeline protection overlay,



Rod call tell you more about but it's protect the views and the natural beauty of Norwich and so our design of the solar array is done in such a way that the array would not be visible from any public roads or houses so it's maintains the ridgeline protection viewshed.

Shows image with slopes.



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34 views Jul 14, 2021 Regular Planning Commission Meeting ...more

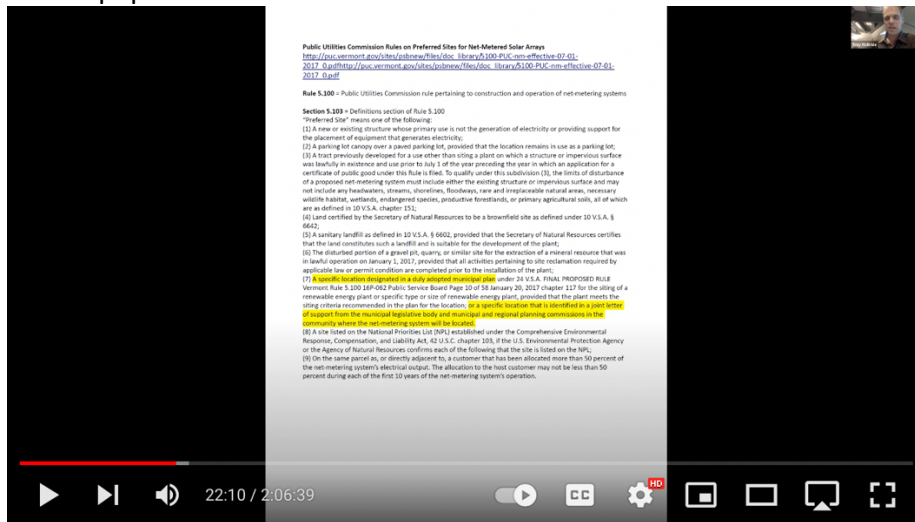
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This array shows, this was put together by Rod and added to the packet and just shows where we're talking about is an area that is actually a low slope area so the land slopes steeply up behind Upper Loveland and then just before the transmission lines and then there's an area of lower slope where we're looking to locate the solar array.

21:39

There's no mapped state wetlands. There's a large wetland here on the town property. However there are some smaller areas in, on this parcel that our wetland scientist will identify and then we'll have a 50 foot buffer around any areas that we locate.

Shows paper with text.

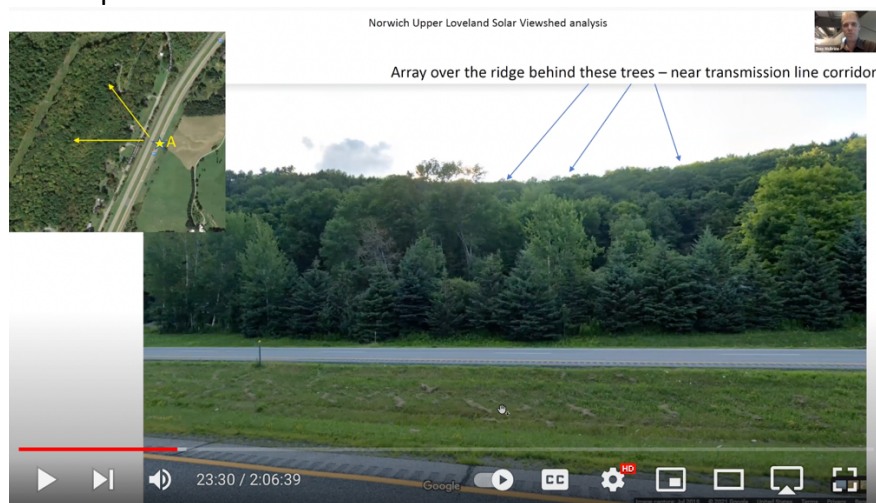


Shows packet information including Site Plan B with yellow arrows



This other information in your packet, skipping over to the images, this is just a, some visual work that Ryan Darlow, who's on the phone, put together. Though I took the photos. But he did all the analysis. So this is just showing how the array is very well screened, these points A, B, D, and C we chose as sort of the areas that to show visual analysis from as the most likely that you'd be able to see something, but in general all of the neighboring houses and roads have approximately 500 feet or more of screening and large 200 foot elevation change from the interstate and Upper Loveland to the proposed area. And there is the cell tower right here accessing through the existing cell tower road.

Shows photo



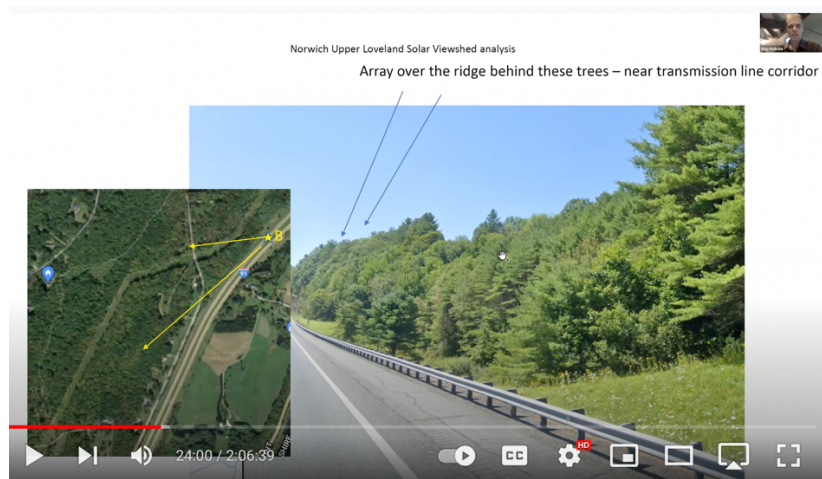
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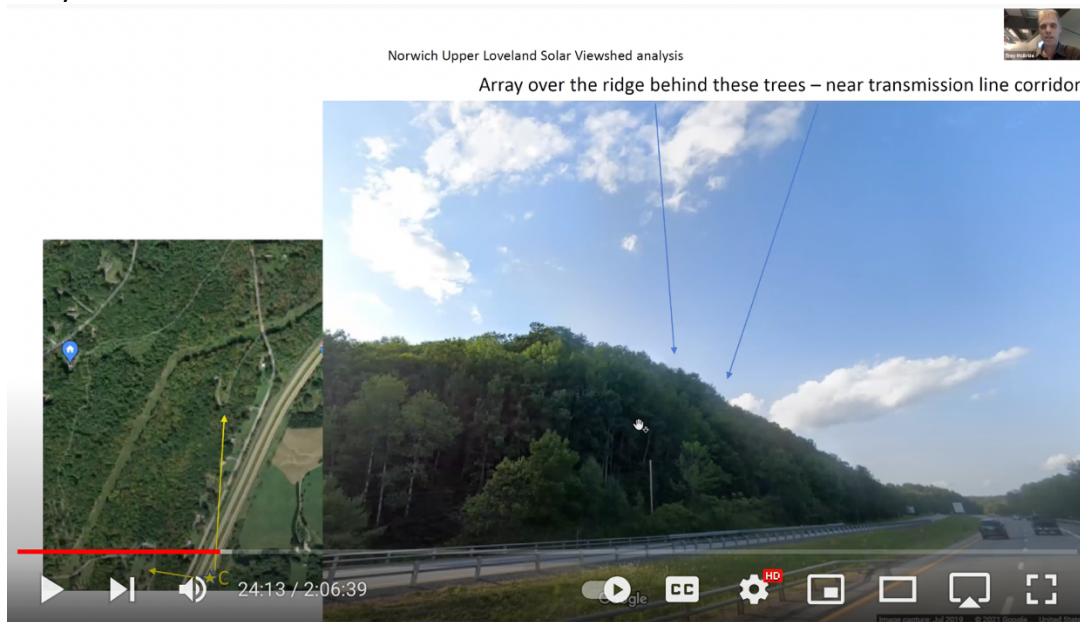
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Again, this picture, photograph from A so you have the existing trees and slope here and then we're talking about behind that ridgeline is where we would locate the solar panels.

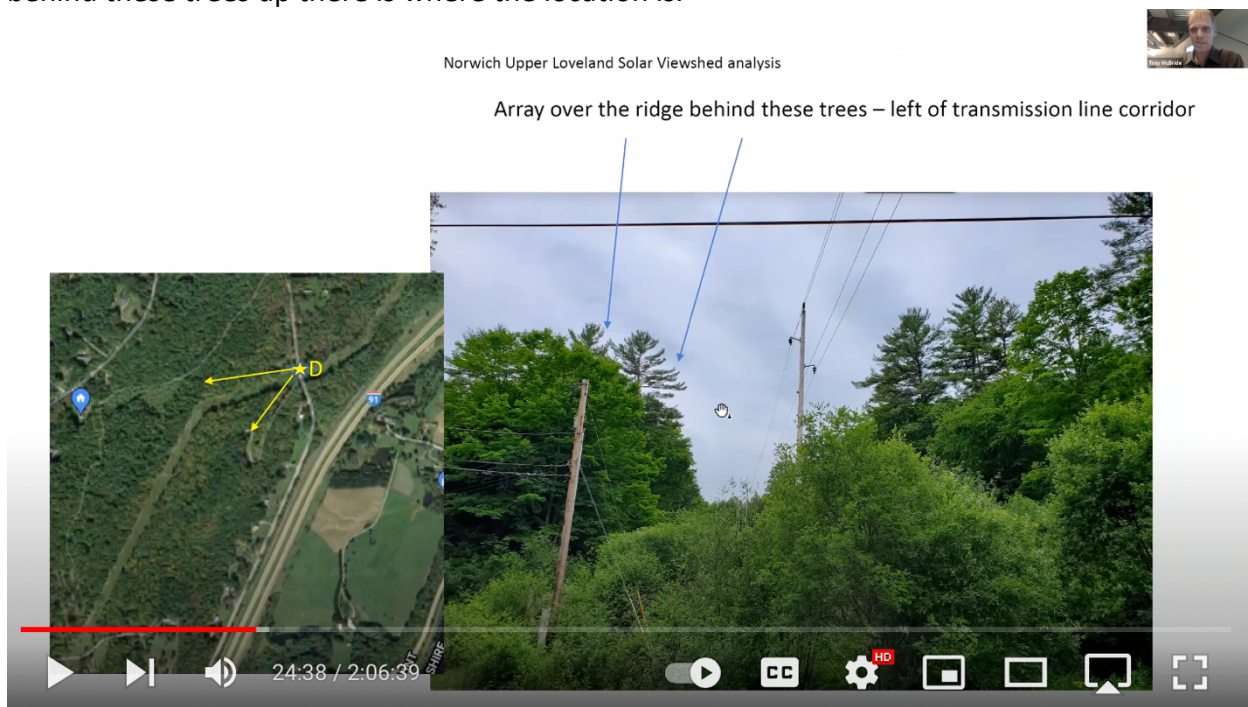
This is another view further up the interstate and again it's located behind those trees near the transmission line corridor.



This is just another view again behind this ridgeline is where we would be locating the solar array.



This is actually off of Upper Loveland Road, it turns and goes up and dead ends and then has a Class 4 road where it picks up on the other side. There's an opening where the transmission lines goes through and then from that opening the array is still not visible as it is up and around behind these trees up there is where the location is.

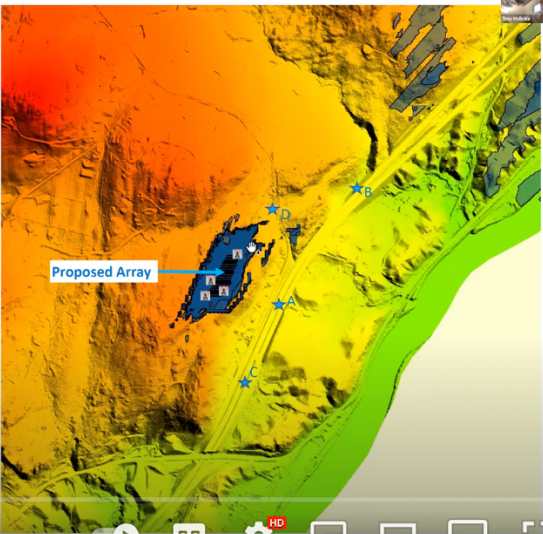


And then the cell tower access road is right here just off screen.

This is another analysis that Ryan put together as another way to look at it, he can, it takes into account the topography everywhere and then he puts points at the various corners of the array and then looks out to see where the views... this assumes there's vegetation here where we control it, but no vegetation anywhere else so it's an analysis showing this is not visible from any public roads or nearby houses and if you have questions on that, Ryan could provide more

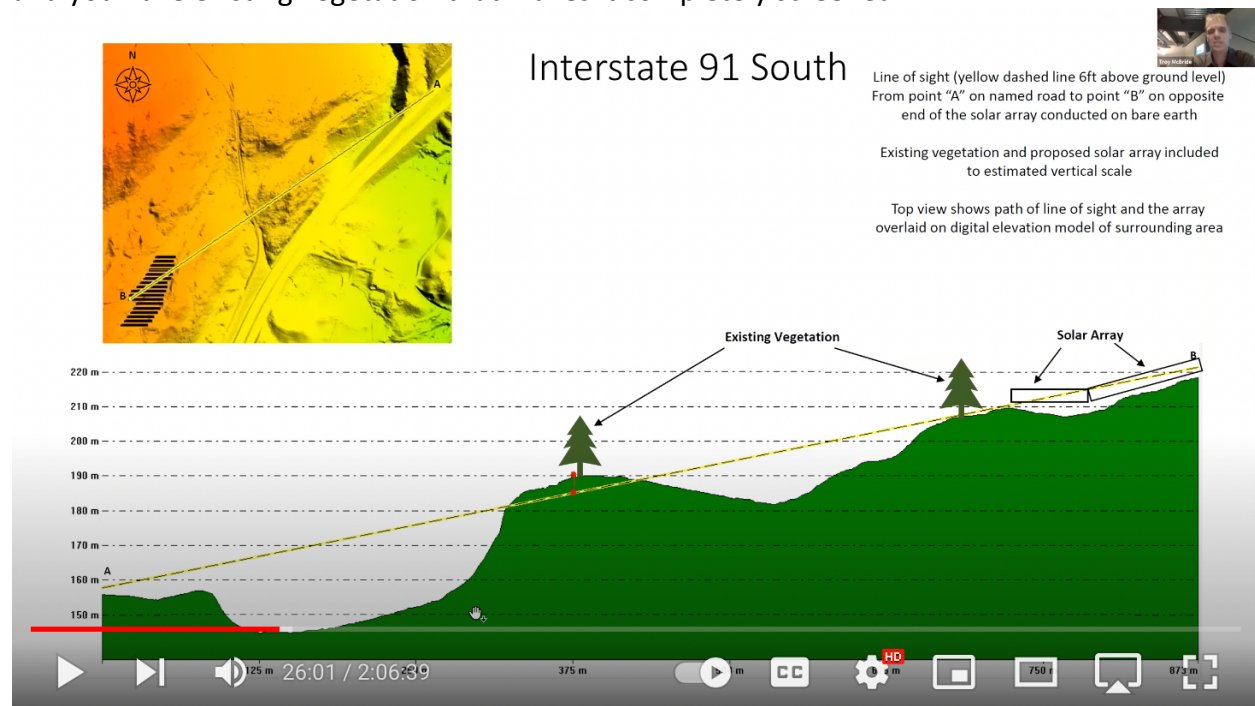
Viewshed Analysis for Norwich Upper Loveland Solar Proposed Project

- Viewshed analysis by Ryan Darlow
- Green/yellow/red colors are the digital elevation
- Blue colors are viewshed from the four corners of the solar project confirming that the viewshed area does not include any surrounding roads (or homes).
- Viewshed analysis includes existing vegetation that will be maintained around the project area
- Viewshed analysis does not include existing vegetation further from the project area (worst case scenario that others remove all other vegetation)

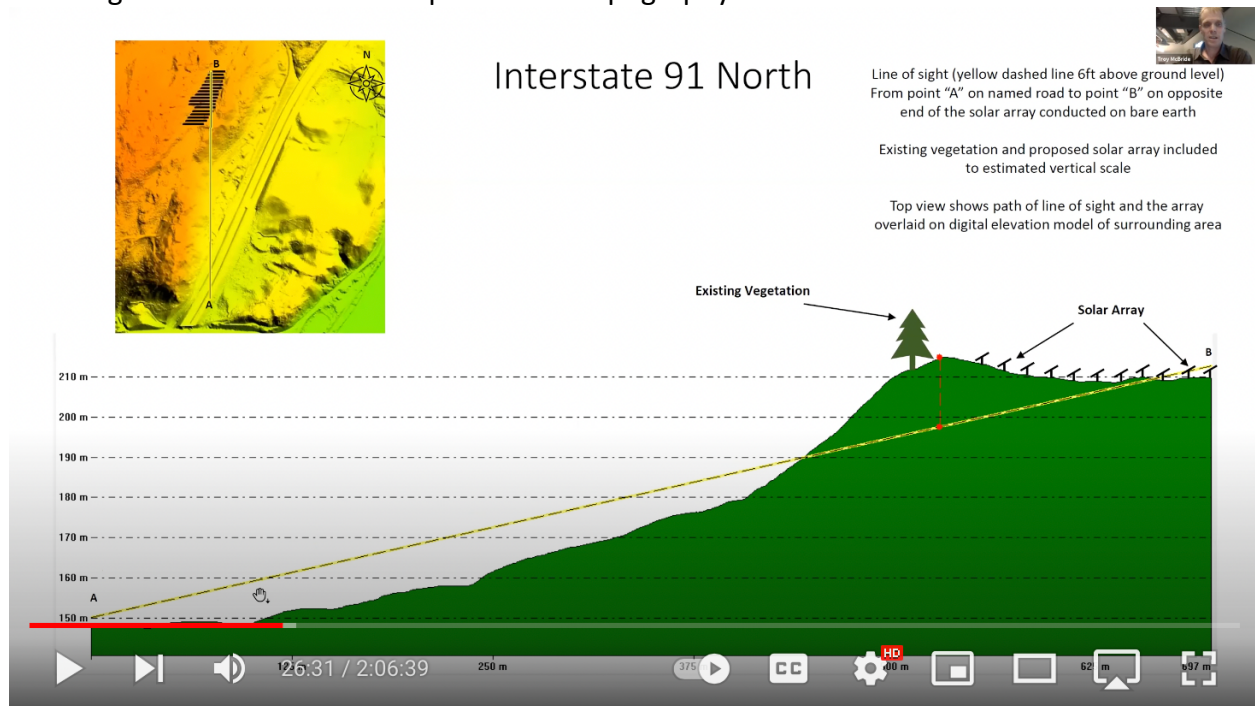


information.

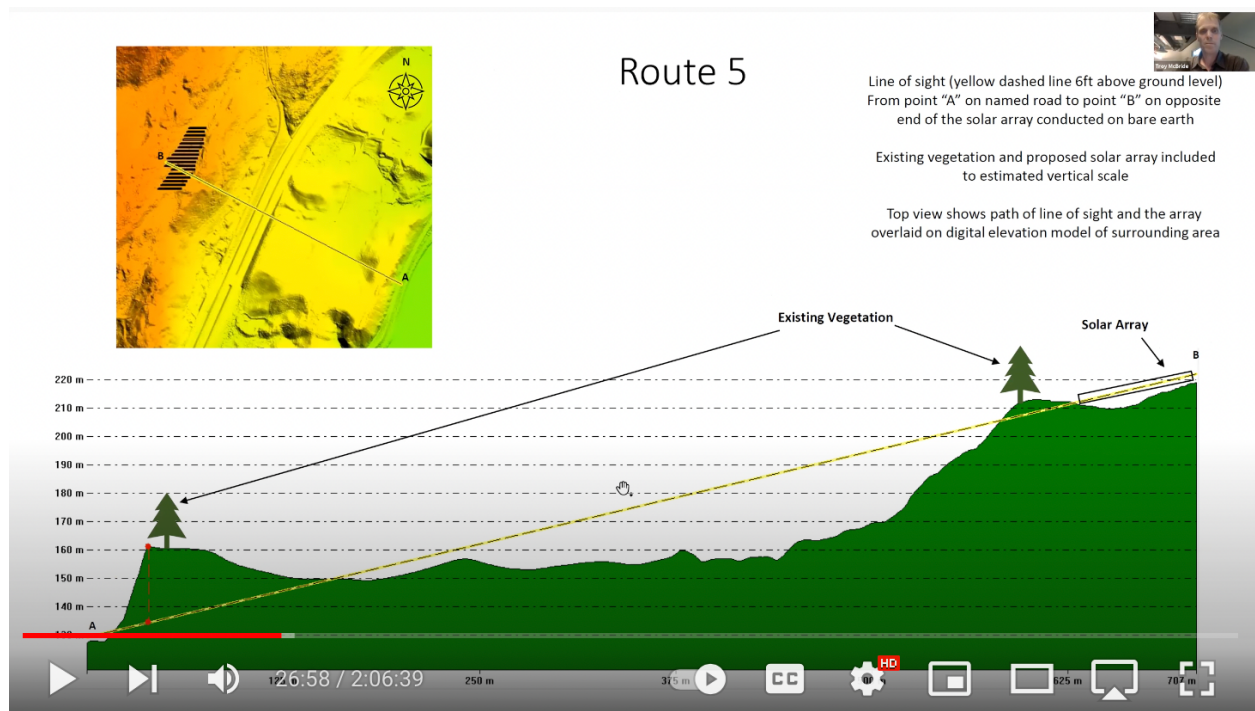
Another way of looking at that is looking at elevation changes and from the various locations again this is from their Interstate location looking over and so you have a large elevation change and you have existing vegetation that makes it completely screened



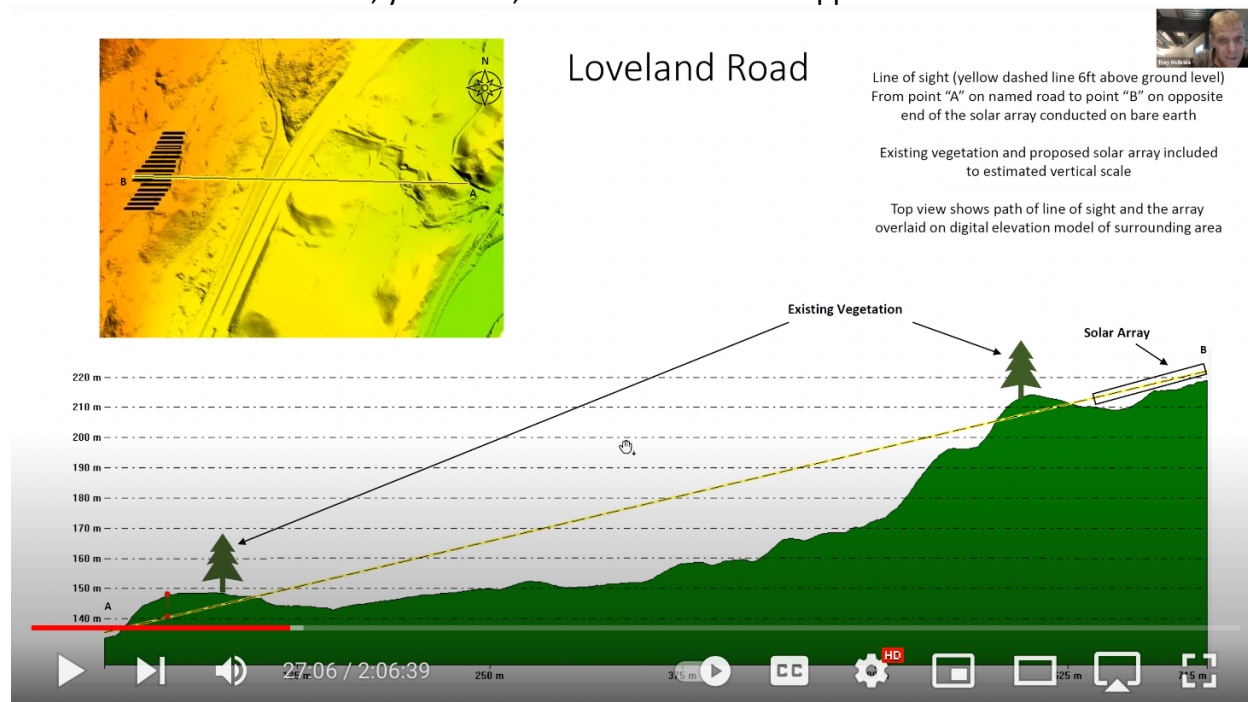
This is just another point from the Interstate again showing how the solar array is screened by both vegetation and the landscape that the topography.



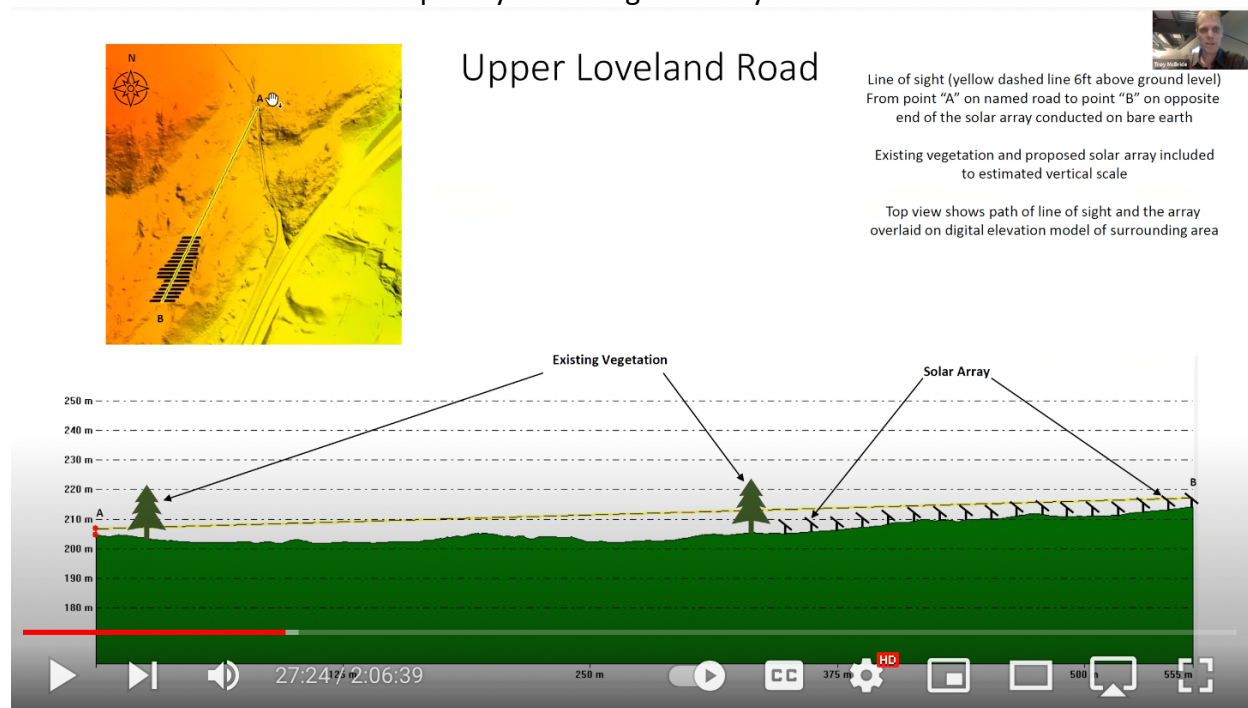
Route 5 as well. There's large elevation changes as well as vegetation that screen the array.



And this is, uh, where is this from Ryan? Loveland Road, okay. Yeah Loveland Road. Which, before the Interstate would, you know, connect it over with Upper Loveland.



And then from Upper Loveland Road looking back along the transmission line, that's where you have the least topography change, but you do have vegetation, including vegetation that's under our control that this completely screening the array.



Jackie

Troy, this is Jackie. I have a question.

Troy

Yep

Jackie

Were you happy when you found this site?

Troy

Uh, I am happy with this site, yes, I uh the things I like about it is that it's near existing disturbance, so cell tower and transmission line, and so that makes it a very good site, it's a site where we buy the land, we can provide a benefit to not only the state and the community through solar but through leaving the land open to the public and it is also completely hidden from the public which I personally am not, I love the look of solar arrays and I love seeing them, but there is very strong opposition by a certain subset of people to visibility of solar projects so that this project very much meets the invisibility or well-screened requirement which I begrudgingly accept as a, as something that a subset of people really feel very strongly about. I do believe, yeah, there's places where solar arrays shouldn't be that would be obnoxious but being able to glimpse them or see them shouldn't be a requirement but in this case we achieve that so that is a positive.

Jackie

Let me just go around the table. Anything else that people want to hear about? Ernie?

Ernie

No I'm actually, I have, is it all right to say what I think? I mean I'm not super thrilled with opening, having, in general, pastures, fields, woods torn down, placing like that, it has nothing to do with appearances. I think I kind of agree with Troy in terms of the appearance of the things when they're in the right places but I think they belong on buildings, surfaces, brown fields, parking lots and places like that. I really don't think they belong in fields. That said, I do appreciate the fact that he's using something that's kind of close to a brown field. I mean I've been to that site and I had to deal, I approved, helped approve the cell tower there and all that sort of stuff because those are disturbed sites already. I would have to see them on fields that have been turned from let's say pasture or something. I'm, I'm comfortable with this.

Jackie.

Jeff Goodrich?

Jeff G.

Yeah, so I'm less than ambivalent about the ridgeline issue. I agree with Troy, let's see more solar arrays, so that's not an issue at all for me. This is a super tough site with a ton of ledge, it is along a power line, I've hiked and jogged this corridor a whole bunch of times, I remain concerned, I probably won't vote no but I won't vote for this either because the wetland issues,

the notion of national wetland inventory adoption by the Vermont Center for Geographic Information is absolutely meaningless especially with the state's requirement to get the district ecologist not take a look at things with respect to wetlands. And to me that could simply expand the scope of the project but until I understand better what those implication are, I'm going to have to abstain.

Jackie

Lia

Lia

Is there any more detail. I appreciate the presentation and the documents. Is there any more detail on what the anticipated timelines are for next steps.

Jackie

Did you hear that okay troy?

Troy

Yes I did, the question is on time lines for next steps so the 45 day notice will be coming out shortly and you should see that as a group, Rod and Herb should be able to pass that, those, the 45 day notice along. That won't really contain much information you don't already have, but that is an opportunity to provide additional comments, but you can obviously give those comments now. At the end of the 45 day notice, that's when you'll see the big package and this is all assuming that you, that the select board and the planning commission vote to provide the letter. If you vote not to provide the letter, then that, the project sort of ends, so that's the, the other, other side but if you vote to provide the letter then in 45 day notice, 45 days, give or take a few more, we would be providing the full 200 page application and that would also be provided to the planning commission, select board, and that would have additional information and detail including all of the all of the inventories that Jeff is describing as well as others and that, as well, you provide comments provide, you can provide them directly to us but you can also provide them through the Public Utility Commission. You're a stakeholder in that. And then that, there's usually a number of back and forths in that process and then within six months to a year the project would receive a Certificate of Public Good, basically a permit, and that, so that would be sometime around this time next year and to the actual project itself would take place sometime between this time next year and this time in 2023.

Jackie

Okay. Thanks, Troy. All set Lia? Jeff (?) any comments or questions?

Jeff (?)

No, I saw Brian's hand was up

Jackie

I can't see hands, thank you for that. Brian, any comments or questions.

Brian

Yes, thanks Troy for the presentation and I just happened to be up there the other day on the trail that Jeff Goodrich mentioned connecting the top of 4 Wheel Drive and those trails into Hawk Pine. I wanted to hear a bit about your acquisition of this site, when it occurred, what the transaction was like, and what your plans are and what other opportunities there may be on the rest of the parcel which you said is another 33 acres.

Troy

Yeah, so it's another 27 acres, right. 33 total. And the solar will be at about, it'll be about 6 acres project, solar will be about 3, so 30 acres, right. Yeah, so it's only under contract so purchase and sale contract and we're only purchasing if we're able to move forward with a the solar project, so that that is part of sort of the negotiation. So we're under purchase and sale contract to purchase it and we would purchase it at the time that we got a Certificate of Public Good, so next year around this time is when we would purchase it, but we would have it under contract during that time.

The, full disclosure, I live up there and use trails in that area extensively and so I, my plan for the remainder is to leave it open as for trail use and use by the public for other, other means so just similar to the town of Norwich land which is right there.

Brian

Sorry, I missed who owns the land now.

Troy

The land is owned, what's his, Josh Lewis? John Lewis? Rod?

Rod

It's John Lewis

Troy

It's owned by John Lewis. His family owned much of the land on both sides of the Interstate there and.

Brian

Timeline, history of you guys locating a parcel and getting under contract?

Troy

It's for sale, just for sale by owner, by a real estate broker and it was for sale for about, about a year, nobody purchased it, the price came down and we put an offer on.

Brian

Thanks

Jackie

Thanks Brian. Anything else we need to know before there's a re, have a motion? Okay. So the motion we're looking for here is to recommend to the select board a letter of support be provided Norwich Technologies for their proposed solar generation project on Upper Loveland Road? Would anyone like to make that motion?

Brian?

Jackie can I ask a couple more questions or do we need...?

Jackie

Yes, I just asked if anybody needed any more information so I didn't hear an answer so go ahead.

Brian

Jeff Goodrich, how would you feel about supporting a motion that's conditional in seeking and then seeking that additional scientific guidance and also another question to Troy, is... any more development opportunities on the land. I love trails also, that's why I was out there myself, but if you would be open to exploring any development on that parcel.

Troy

Yeah, so you asked one of me and one of Jeff so I'm happy to, Jeff, do you want to?

Rod

Actually, Jackie, can I cut across this for a moment?

Jackie

Yep

39:33

Rod Francis:

I want to be really clear that my memo made really clear that the scope of the planning commission's review is to do with whether you can reach a conclusion that the visual impact has been minimized from the vantage points of public state highways, the interstate and town highways. And so with regard to the question of wetlands, Troy has patiently explained that there is another step in the process for him, and that's to do with wetlands, but that's not germane to the planning commission's inquiry here. And so the memo makes that clear.

And that also goes to the question of what if any other uses would be proposed for the site, while that may be of interest to individual planning commission members, it's not germane to the review that you're undertaking here. So with regard to the memo and the suggested motion, the motion reflects the scope of the planning commission's review. And so to be clear, it's visual impact analysis that you're doing, and that was the majority of Troy's presentation, to do, addressing the potential for visual impact.

PC Member. Jeff Goodrich:

First, I appreciate Rod as Planning and Zoning Director indicating what he just said, trying to focus us. And I would certainly agree with what Rod said with respect to Brian's query, although I think it's a valid follow-up for discussion in this collegial setting. **My issue, although I'm not deeply concerned about ridgeline or visual impacts, my issue is, it's entirely possible that once the wetland issues are evaluated, this is gonna expand and it could affect visual impacts, which wouldn't affect my positive support for the project even so, but there's not enough information for me to address the actual topic on the table.**

Rod Francis:

In response to that, sorry Troy, I'll give you a shot, **if the characterization of the site of disturbance would change dramatically as a consequence of the wetland mapping, then the obligation would be on the applicant to come back before the planning commission and seek, and indicate that there's been a significant revision to the area of impact, and then obtain permission, you know, obtain the letter of support from the planning commission subsequent to the changes to the project.** So, the assumption here is that the characterization of the project area is continuing, is moving forward. **If that changes, then so also does the letter of support.**

PC member. Jeff Goodrich:

I actually have a question. So how would the, what's the process there, so if you know, what is the point of intervention, who decides, for example, if the changes that get made in response to a wetland, a scientist's assessment rises to the level of having it come back to the planning commission and seeking a new letter...

Troy McBride of Norwich Solar

That's a good question, Jeff. I guess I give two answers to that. One is a, **if you wanted to add a little language to the preferred siting letter, we've had other planning commissions do things like that, where they just add a sentence or something based on a specific request.** So that's an option. The other is, as a stakeholder in the, when the full application comes along, you could say as a group you could evaluate it and say this does not meet what we said was a preferred site, that they have changed the layout extensively based on something that they did not present to us. The PUC would take that extremely seriously if you were... obviously (laughs) I would, because our reputation is extremely important to us, plus we want to do the right thing, but if, if you saw that during that full application that you thought that we had changed the layout in a manner that changed the outcome, or would, was misrepresented over what was presented here, then that would be another opportunity to present that.

Jackie, Chair of Planning Commission

This is Jackie. If I could take a stab at this, okay? A motion that would read "the planning commission recommends to the select board a letter of support be provided to Norwich Technologies for the proposed solar generation project at Upper Loveland Road **subject to wetlands review that doesn't require movement of the project.** Is that?

Rod Francis

No you can't do that because it's outside the scope of your review.

Jackie

Okay

Rod

Okay so I think Troy's tried to be helpful and say at the point where the Select Board drafts a letter, the letter could identify that some members of the commission and the select board had concerns with regard to the extent of what unmapped wetlands and what impact that may have on the final project and then as Troy pointed out with the 45 day notice there will be another opportunity to review the project and then the point where it goes before the Public Utility Commission which will be after the wetland scientist has characterized the site, **if the proposed area of impact is dramatically different from what we've been provided with, for review here, then I would flag that and draw that to your attention and I would draw it to Troy's attention and then the letter, the letter of support could either be withdrawn or modified to reflect the planning commission and the select board's concern with the changed nature of the project.**

Jackie

Okay so I misunderstood then, that this caveat, if you will, would appear in a cover letter, not in the motion.

Rod

Correct.

Jackie

All right, I misunderstood.

PC member Jeff Goodrich

So like Troy said I see caveats like this in motions in other places so I think we can do that.

Rod

He didn't say in motions, he said in the letter.

PC member Jeff

Jackie was making a motion I thought so if I may finish my statement before being interrupted, so sitting here I'm not advocating that we address the wetland question in a motion. Even though I abstain and others may vote for this, that's fine, but **I just want to state for the record that it's possible to include wetland considerations that may very well affect the things that are of concern.**

47:22

Ernie

I just have a question. I'm not clear on what happens if after the wetland scientist comes, let's pretend, just for the sake of discussion because I have no idea if this is gonna happen or not, **if they determine that the site as it's been presented to us today is not suitable, it has to be changed or something like that, what happens then if we, since we're voting today, what happens, what's the consequences for our vote?**

Rod

I think I've already tried to explain this a couple of different ways. So if the site, **if the area of impact for the proposed project changes dramatically as a consequences of the wetland scientist's input, then the applicant's obligated to come back to the planning commission and notify them of those changes.** If they don't, or if they overlook that, then we have the ability at the 45 day notice point to review the materials that they submit, and then we subsequently have the ability to review the material that they submit to the Public Utility Commission for Certificate of Public Good. So two, setting aside the good will of the applicant, we have two regulatory moments where we can voice our concern about what's being reviewed by the Public Utility Commission is not what we reviewed. And as Troy pointed out that would be taken very seriously.

48:58

Unknown PC

Would it be appropriate for us to ask Troy to let us know what happens when you get the opinion of the wetland scientist (unclear) after that affects the view considerations? Seems like a common courtesy rather than just having to sort of make an assumption about whether or not it's a big deal or not, if you'd just let us know that would at least trigger for us the opportunity to come and take another look at it in terms of you needed to move it (unclear).

49:26

Troy

So I'm very happy to come back and present and will send you the data through the, we can send the data directly to Rod when we have it. I do want to note that you will not see it in the 45 day notice, that will be coming out tomorrow, um, based on some, the timing of various PUC deadlines but you will see it in the full application and we will have it before we submit the full application and can send it to you before we submit the full application by sending it to Rod. And we're happy to come as well before the planning commission if you have the bandwidth.

50:42

Jackie

Thank you Troy. Any other comments or questions before a motion? So motion that we're looking for here is the planning commission recommends to the select board a letter of support be provided to Norwich Technologies for their proposed solar generation project on Upper

Loveland Road. Our responsibility here as has been described is that there is no ridgeline impact on this project. Do we have such a motion?

Melissa
I'll move

Ernie
Second

Jackie
Roll call. Melissa aye. Brian aye for me as well. Jeff LeBell aye. Lia? Aye. Jeff Goodrich. I abstain. Jackie is an aye. And Ernie is an aye. Thank you Ernie. So thank you Troy. Appreciate your time tonight and we can move on to our next item on the agenda. Okay?

Troy
Thank you very much.

Rod
Thanks Troy.

Jackie
Good luck.

Troy
Thank you.