

Town of Norwich | Planning Commission Agenda | July 13, 2021 | 6:30pm |

Physical Meeting Location Small Conference Room Tracy Hall. Limitations apply (see access instructions at the link below):
http://norwich.vt.us/wp-content/uploads/2021/06/COVID_Contingency_Emergency_PlansPublicReleaseNo8_1Jun2021.pdf

ZOOM access information:

<https://us02web.zoom.us/j/89339717735>
 888 475 4499 US Toll-free
 877 853 5257 US Toll-free
 Meeting ID: 893 3971 7735

Agenda Item	Action	Packet Materials	Estimated Start/End
1. Approve Agenda	Chair will ask Commission to add/remove/reorder agenda items.		6:30-6:35
2. Public Comment	Public invited to speak to any item not on the agenda		6:35-6:40
3. Norwich Technologies Upper Loveland Rd solar installation	Vote on a motion that the proposed project conforms to the 'preferred site' standard as described in 2020 Town Plan	Directors Memo Norwich Technologies submission	6:40-7:10
4. Announcements, Reports, Updates, and Correspondence	Discuss, comments and questions	Correspondence Director's Report Childcare Minutes 6/7/2021 Affordable Housing Sub-Committee Minutes 6/21/2021	7:10-7:30
5. Density Study draft RFQ	Comment on draft of RFQ	RFQ for Density Study draft and timeline	7:30-7:40
7. Planning Commissioner Code of Conduct	Update Planning Commission By-laws	Vision and Guiding Principles- Norwich Selectboard 5-24-17 Plus previously circulated materials in May and June packets	7:40-8:10
8. Approve Minutes of May June 8, 2021	Approve minutes. Motion required.	Minutes June 8, 2021	8:10-8:15
10. Other Business	Raise any other topics		8:15-8:20

TO: Planning Commission
FROM: Rod Francis, Planning Director
RE: Solar Generation Project "Preferred Site" Status review, Upper Loveland RD
DATE: July 3, 2021

Background

The 2020 Town Plan Energy Chapter contains Policy 3.2.h:

For solar generation projects sized from 15kW to 500kW the presumption is that all of Norwich meets the Public Utility Commission definition of 'preferred site', notwithstanding the existing areas of local concern including the Ridgeline Protection Overlay Area and the historic village district as identified in the Norwich Land Use Regulations

The subject site is located in the Ridgeline Protection Overlay Area, and therefore does not automatically qualify as a preferred site.

Process

Under such circumstances the following process is available to applicants:

1. Applicant presents materials for review to the Planning Commission requesting a "letter of support" for the project (effectively a conclusion that the project as described does not pose a material conflict with the purpose of the Ridgeline Protection Overlay District)
2. Planning Commission votes on a motion recommending the Selectboard provide a letter of support
3. Applicant presents to the Selectboard, which votes on a motion to provide a letter of support (drafted by the Planning Director)

Standard of Review:

The Ridgeline Protection Overlay (RPO) District Overlay is described on page 28 of the Norwich Zoning Regulations (NZR) as adopted July 1, 2009.

- (A) **Purpose.** The purpose of the Ridgeline Protection Overlay District is to protect Norwich's rural character and scenic landscape by ensuring that development is located and designed in a manner that protects the uninterrupted skyline and minimizes adverse visual impact on designated ridgelines and adjacent slopes as viewed from public roads (Class 1, 2 and 3 town highways, state highways and interstate highways within the town).

The NZR addresses natural and scenic features in Section 3.13 (page 43). The standard described is "minimize adverse impact of development on significant natural, scenic, and cultural resources" and more specifically:

- (3) **Scenic Resources.** Development shall be *located and configured to avoid undue adverse impacts to scenic resources* identified on maps created in conjunction with the document entitled Inventory of Scenic Resources, prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. (See Map C).

Development within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources. [emphasis added]

Attached is a map from the ANR Atlas for the subject site. The applicants have provided other materials for review addressing the possibility of visual impact.

Staff Findings:

1. Upper Loveland RD is not a designated 'scenic road'
2. The subject parcel is developed with a telecommunications tower and a high voltage power transmission line
3. There are no mapped wetlands, or other key natural or cultural resources
4. The site has an existing service road for the telecommunications tower, which traverses steep slopes
5. The location for the solar generation project on the parcel is not subject to steep slopes
6. The solar generation project does not cause an undue adverse visual impact to travelers on town, state or interstate highways.

Recommendation

Staff offers the following in the form of a proposed motion:

I move that the Planning Commission recommend to the Selectboard a letter of support be provided to Norwich Technologies for their proposed solar generation project on Upper Loveland Road.

Upper Loveland RD

Write a description for your map.

Legend



0



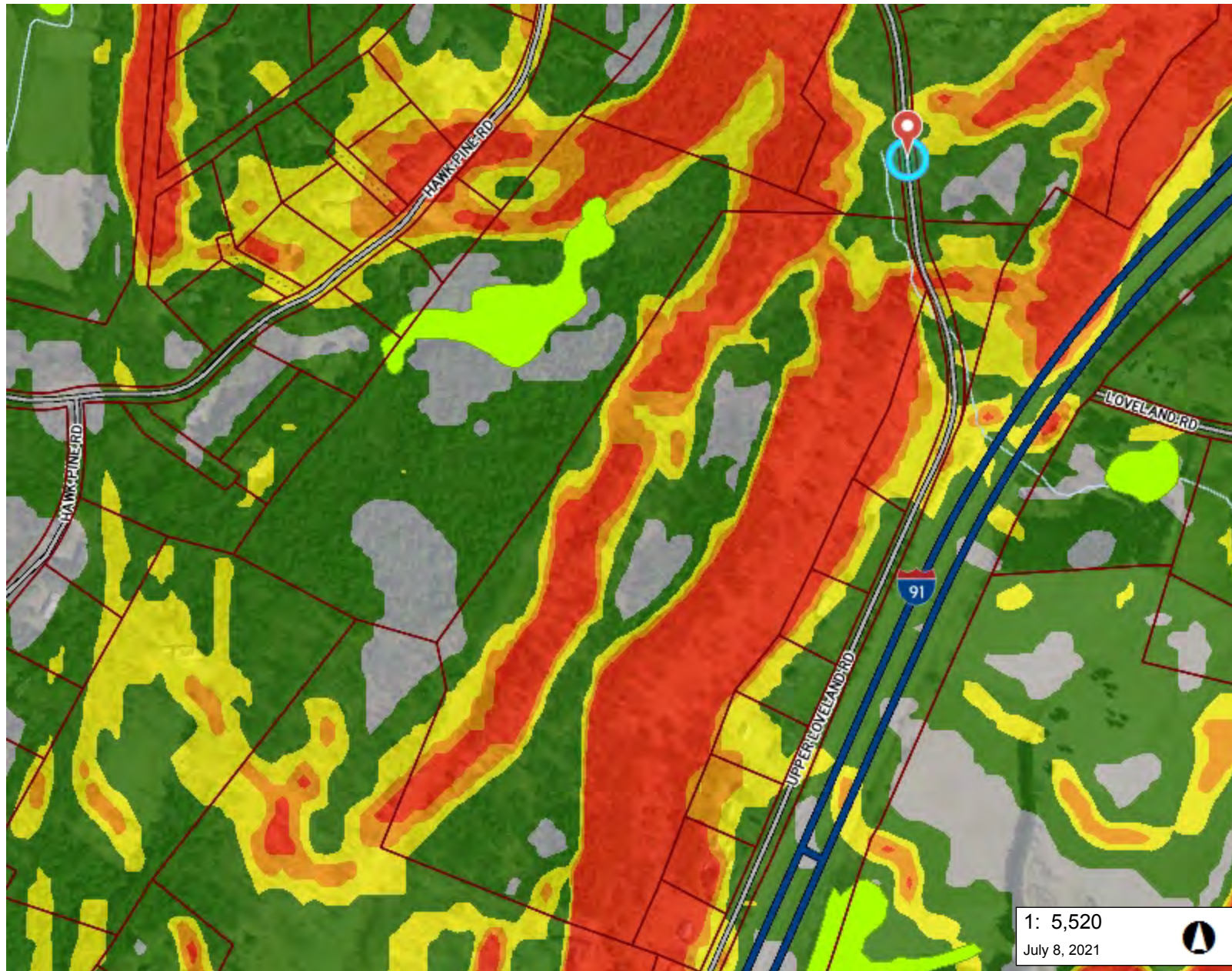
Upper Loveland Rd

Google Earth

© 2021 Google



2000 ft



LEGEND

- Wetlands Advisory Layer
- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Stream/River**
 - Stream
 - Intermittent Stream
- Town Boundary
- Slope**
 - <5%
 - 5-15%
 - 15-20%
 - 20-25%
 - >25%

1: 5,520

July 8, 2021



NOTES

Map created using ANR's Natural Resources Atlas

280.0 0 140.00 280.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 460 Ft. 1cm = 55 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

OVERVIEW OF PREFERRED SITING in VERMONT for SOLAR PROJECTS

CURRENT RULES

Starting in 2017, for proposed solar net metering sites in Vermont between 150 kW-AC and 500 kW-AC, the sites must be deemed “preferred” in order to participate in solar net metering. The 2017 Public Utilities Commission rules for net-meter projects are in part a response to public concerns about projects sited in opposition to town planning, so they include requirements for “preferred siting” to encourage projects that towns support, as well as solar projects on existing rooftops, parking lots, brownfields, gravel pits, and sites where 50% of the power is used onsite.

Please note that sites under 15 kW-AC (residential sized projects), the site does not need to be deemed preferred. For projects between 15 kW-AC and 150 kW-AC, projects may proceed without a preferred designation, but there is a steep financial dis-incentive. As such, any solar net metering projects between 15 kW-AC and 500 kW-AC, the site will need to be deemed “preferred” in order to participate in solar net metering.

500 kW-AC generates approximately enough energy to offset the electric bills of ~100 homes.

TOWN ROLE IN PREFERRED SITES

One category of preferred site is "A specific location designated in a duly adopted municipal plan... or identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions."

Well-sited solar projects in towns like Norwich, help the town achieve its goals for clean energy and contribute its proportionate share to statewide energy goals.

When willing landowners are ready to host such projects, with sites that work well on key factors, the Town will typically support the development.

Public Utilities Commission Rules on Preferred Sites for Net-Metered Solar Arrays

http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf
http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf

Rule 5.100 = Public Utilities Commission rule pertaining to construction and operation of net-metering systems

Section 5.103 = Definitions section of Rule 5.100

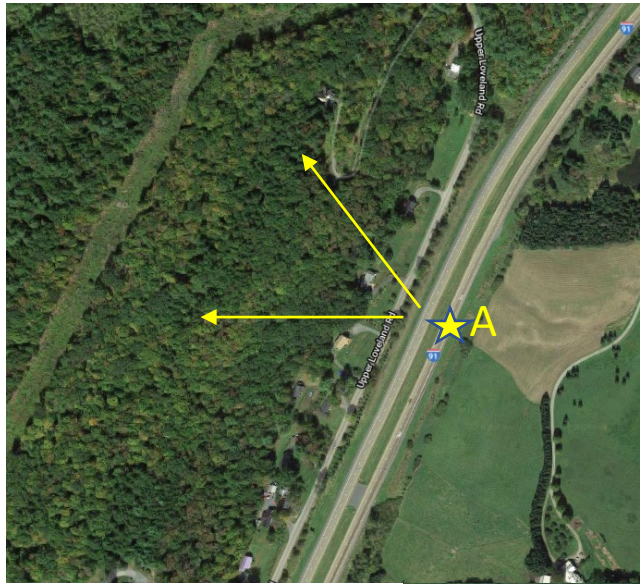
“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a gravel pit, quarry, or similar site for the extraction of a mineral resource that was in lawful operation on January 1, 2017, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;
- (7) **A specific location designated in a duly adopted municipal plan** under 24 V.S.A. FINAL PROPOSED RULE Vermont Rule 5.100 16P-062 Public Service Board Page 10 of 58 January 20, 2017 chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; **or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.**
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following that the site is listed on the NPL;
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system’s electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system’s operation.

Array over the ridge behind these trees – near transmission line corridor



Array over the ridge behind these trees – near transmission line corridor

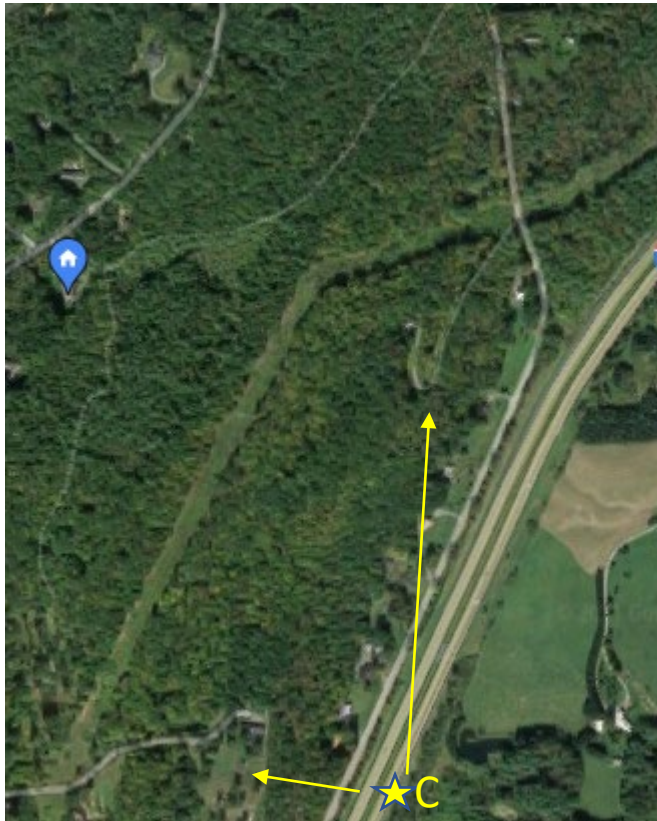


Array over the ridge behind these trees – near transmission line corridor



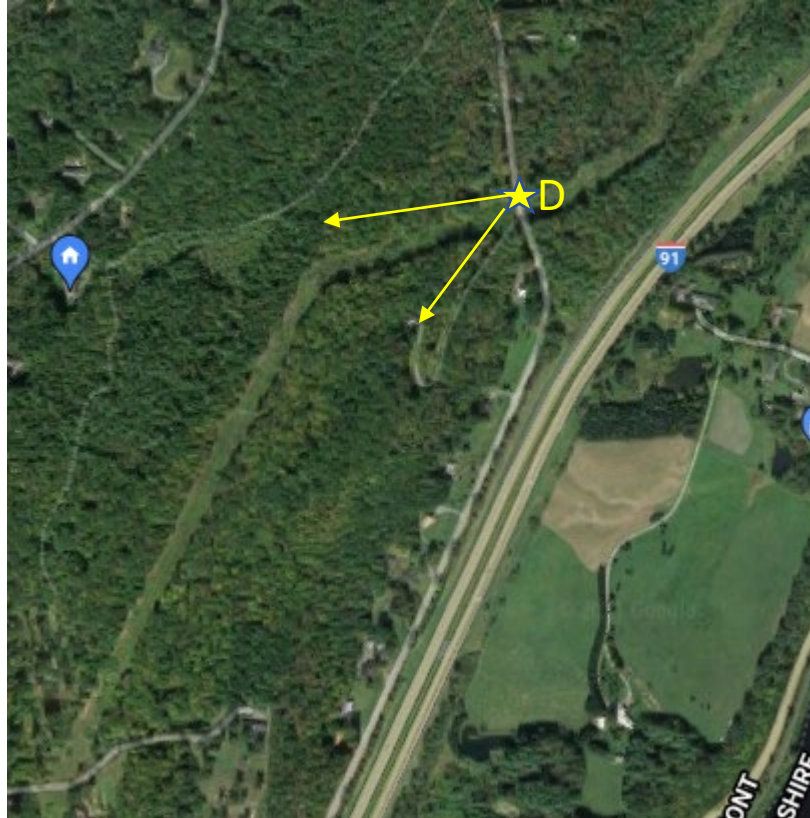
Norwich Upper Loveland Solar Viewshed analysis

Array over the ridge behind these trees – near transmission line corridor



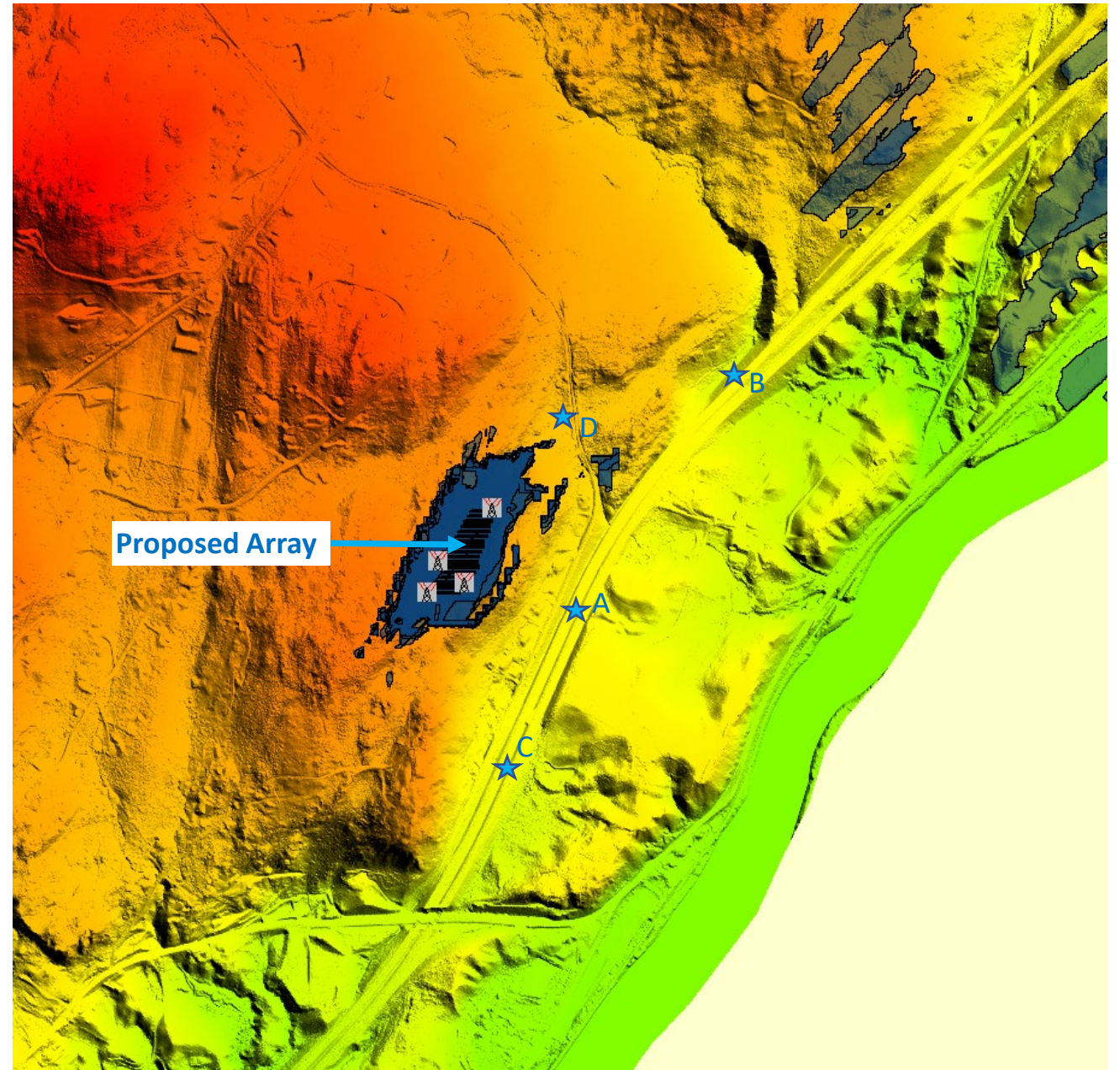
Norwich Upper Loveland Solar Viewshed analysis

Array over the ridge behind these trees – left of transmission line corridor



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)

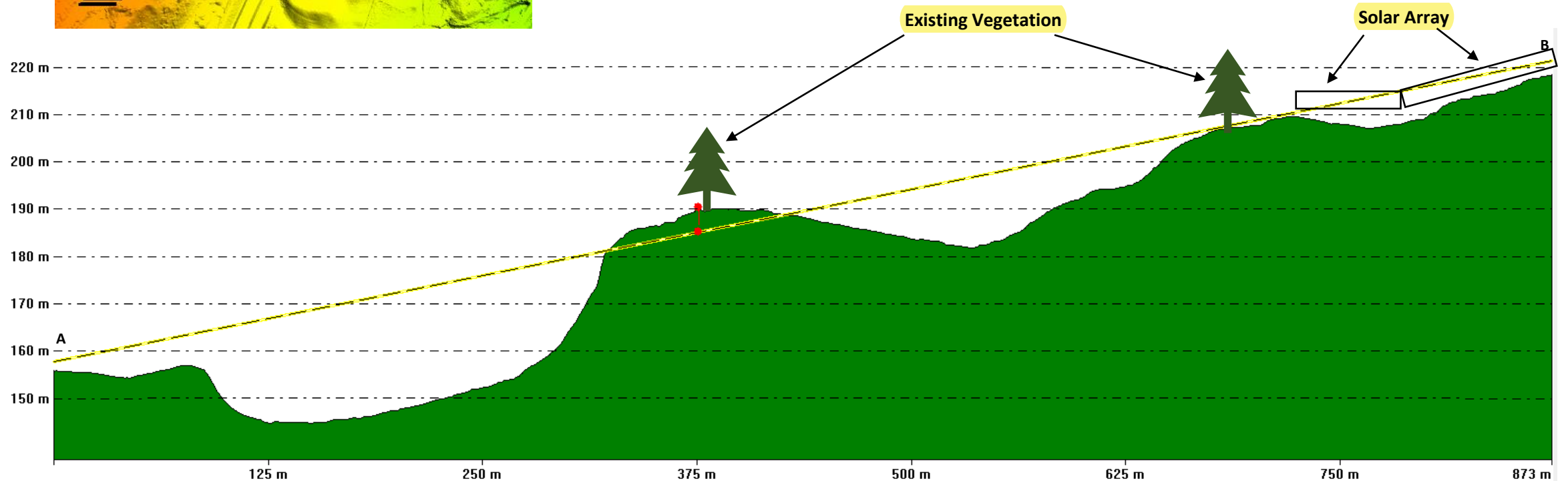
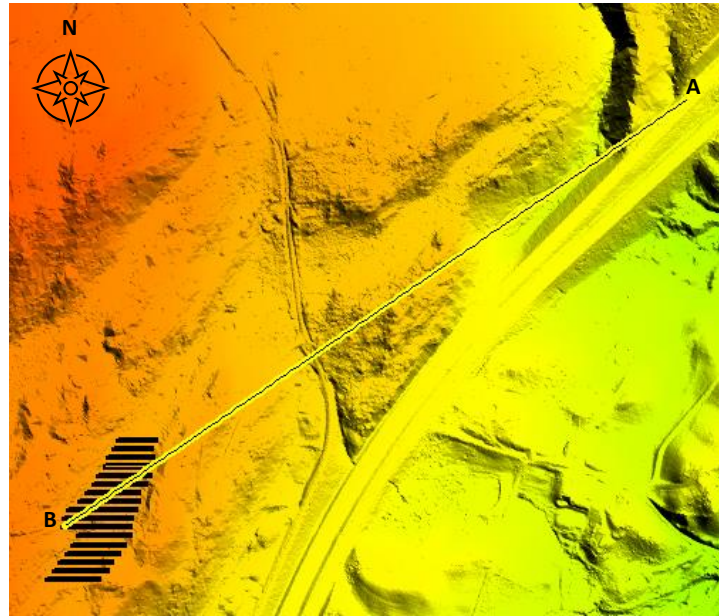


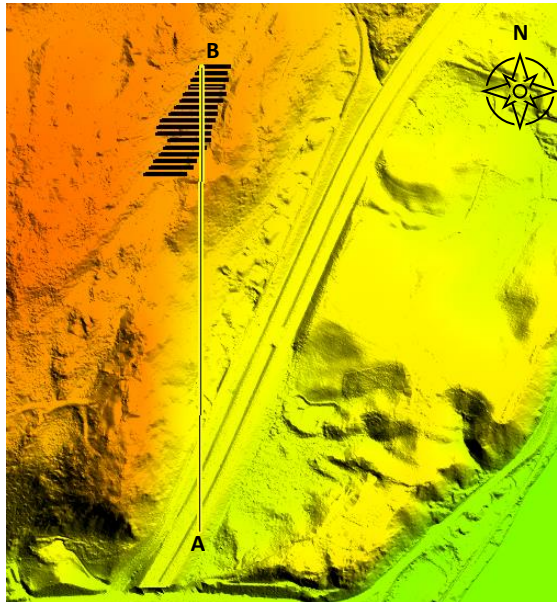
Interstate 91 South

Line of sight (yellow dashed line 6ft above ground level)
From point "A" on named road to point "B" on opposite
end of the solar array conducted on bare earth

Existing vegetation and proposed solar array included
to estimated vertical scale

Top view shows path of line of sight and the array
overlaid on digital elevation model of surrounding area



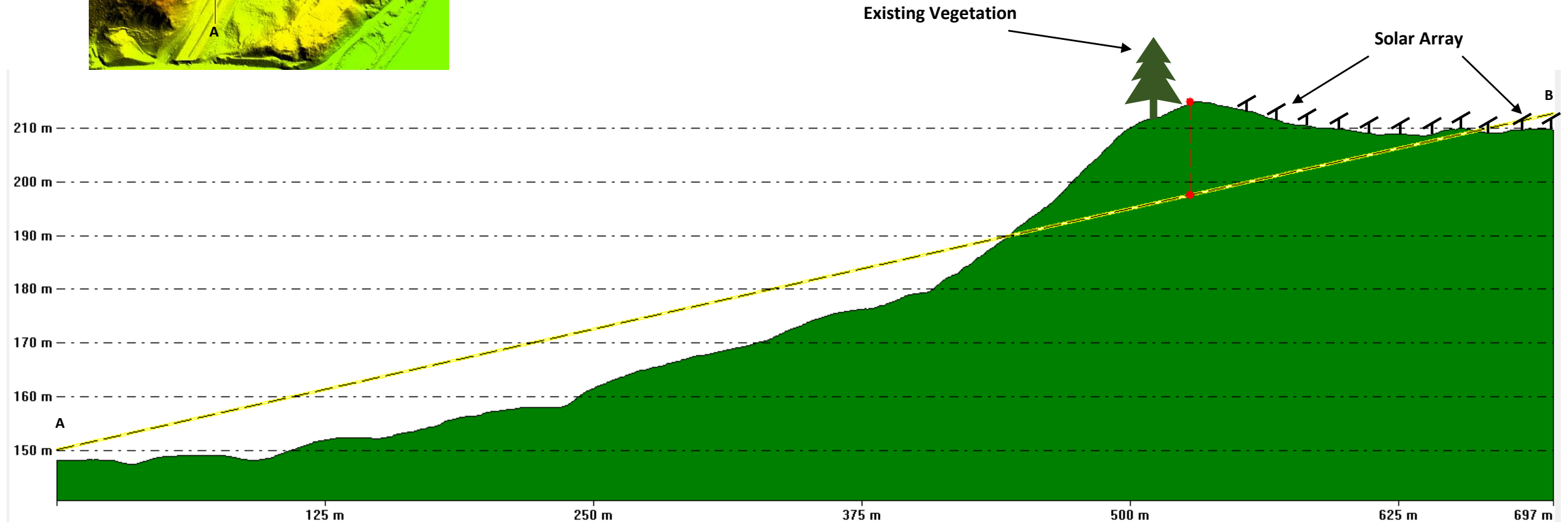


Interstate 91 North

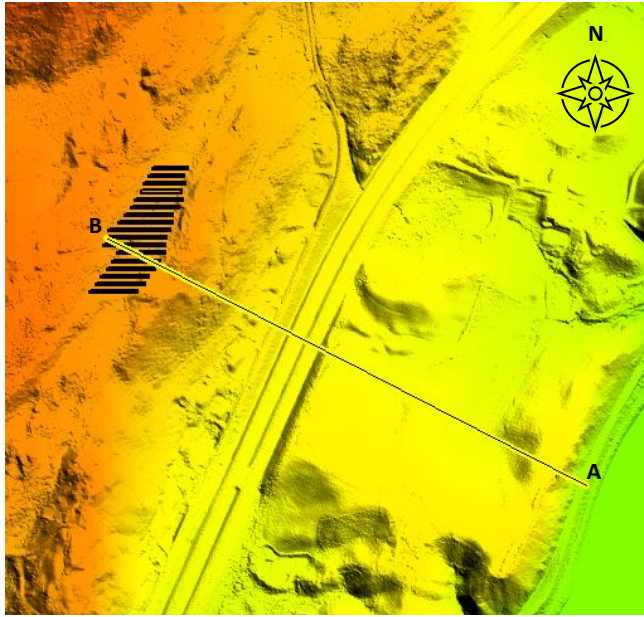
Line of sight (yellow dashed line 6ft above ground level)
From point "A" on named road to point "B" on opposite
end of the solar array conducted on bare earth

Existing vegetation and proposed solar array included
to estimated vertical scale

Top view shows path of line of sight and the array
overlaid on digital elevation model of surrounding area



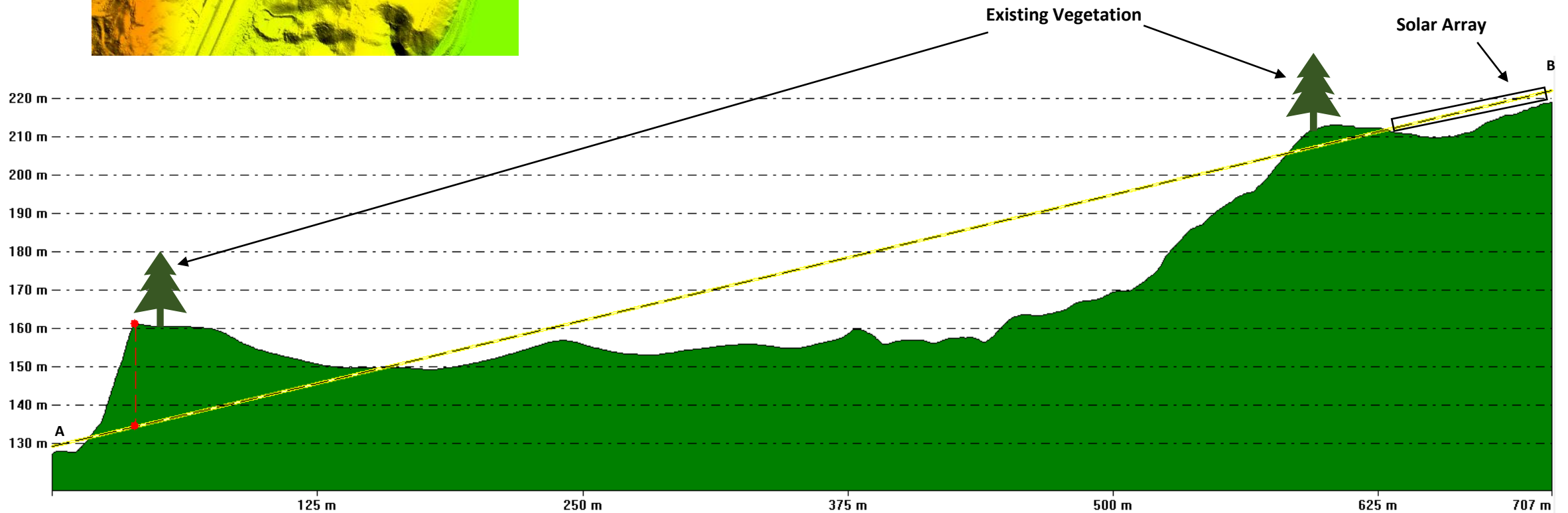
Route 5



Line of sight (yellow dashed line 6ft above ground level)
From point "A" on named road to point "B" on opposite
end of the solar array conducted on bare earth

Existing vegetation and proposed solar array included
to estimated vertical scale

Top view shows path of line of sight and the array
overlaid on digital elevation model of surrounding area

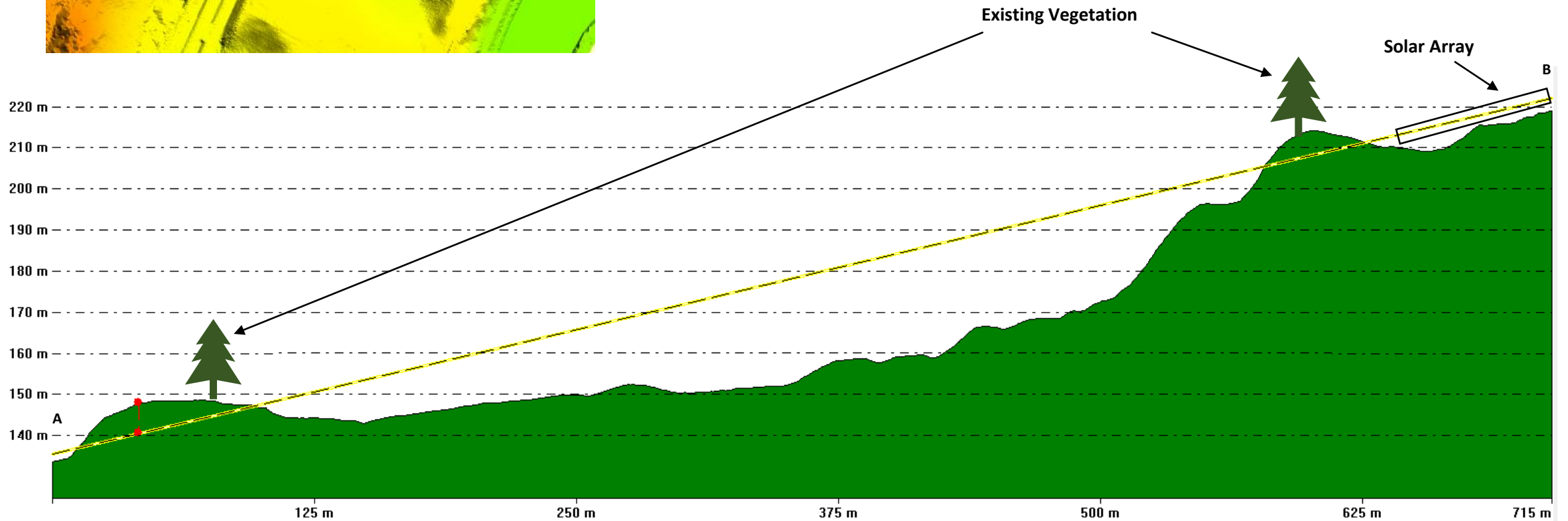
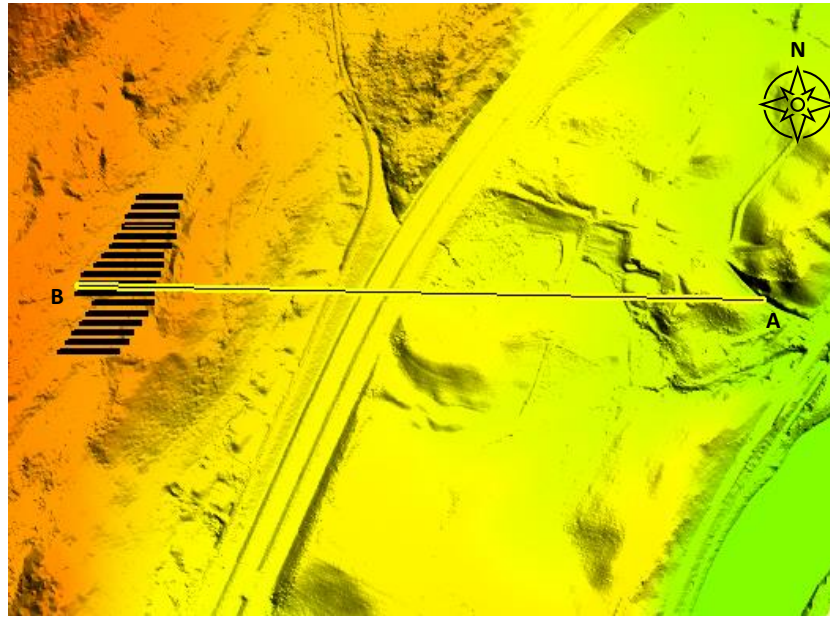


Loveland Road

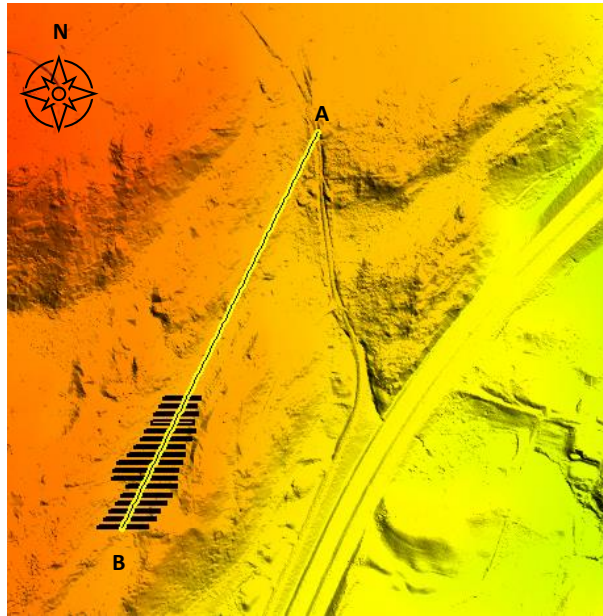
Line of sight (yellow dashed line 6ft above ground level)
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Existing vegetation and proposed solar array included
to estimated vertical scale

Top view shows path of line of sight and the array
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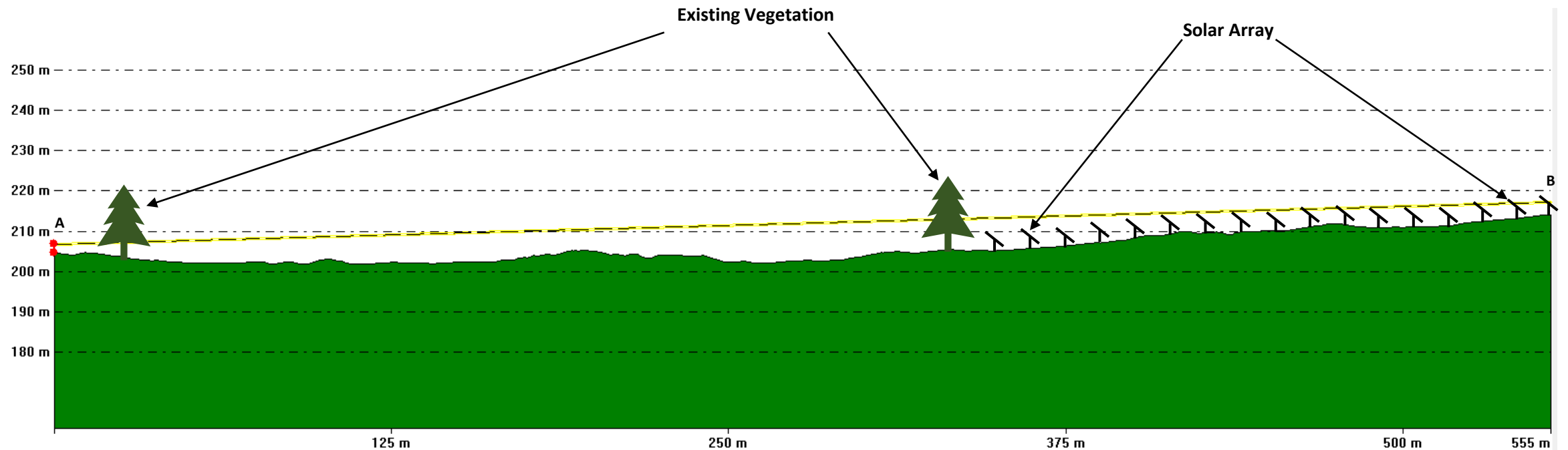
Upper Loveland Road



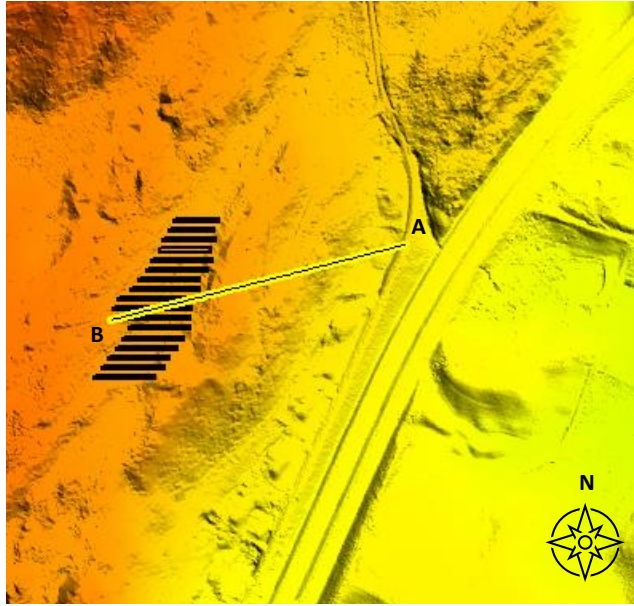
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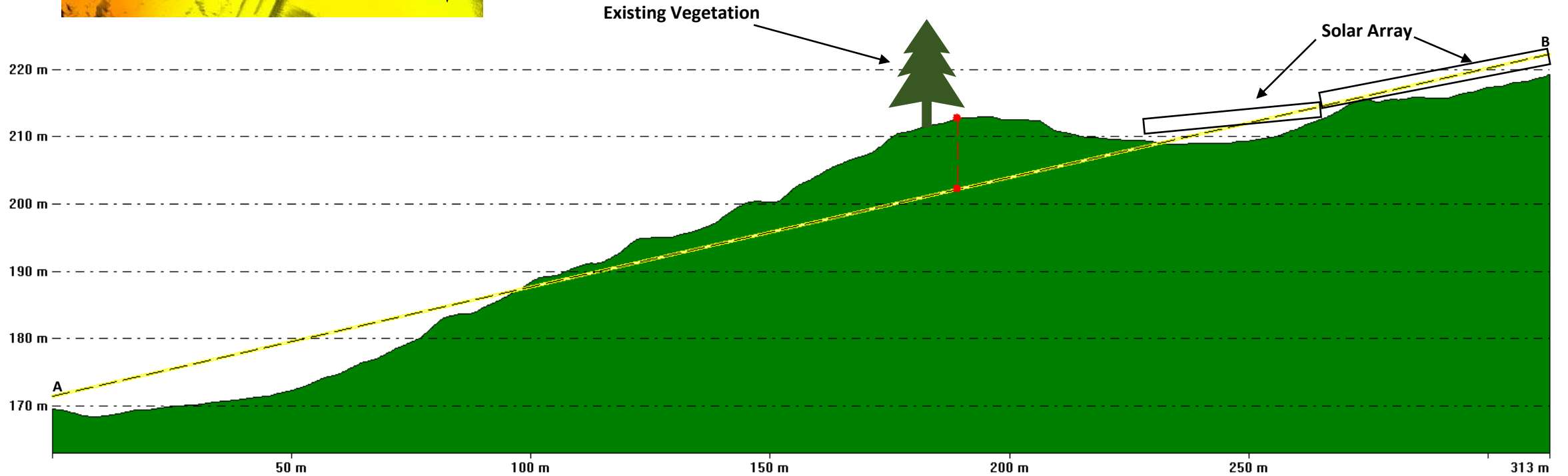
Upper Loveland Road



Line of sight (yellow dashed line 6ft above ground level)
From point "A" on named road to point "B" on opposite
end of the solar array conducted on bare earth

Existing vegetation and proposed solar array included
to estimated vertical scale

Top view shows path of line of sight and the array
overlaid on digital elevation model of surrounding area



[LETTERHEAD]

BY MAIL

[DATE]

Public Service Board of Vermont
112 State Street
Montpelier, VT 05620-2701
Ms. Judith Whitney, Clerk

Re: Preferred Siting Designation under Rule 5.100

Dear Ms. Whitney,

We refer to the application for a Certificate of Public Good (the “Application”) to be filed by Norwich Upper Loveland Solar LLC, in respect of the 500 kW-AC solar electricity generation project (the “Project”) proposed to be sited at the parcel located at 201 Upper Loveland Rd, Norwich, VT 05055, approximate latitude and longitude of 43.723836, -72.292770 (the “Location”). Having made our review, we wish to support the Project and declare our desire to have the Location designated as a “Preferred Site” under Section 5.103 of your Rule 5.100.

We note that we take no position on the Project’s compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103.

Sincerely,

Town of Norwich
Planning Commission

Town of Norwich
Selectboard

Two Rivers-Ottauquechee
Regional Commission

Name:

Title:

Signature:
