

Williston H Solar

Williston, Vermont



Aesthetic & Orderly Development Analysis Report

November 5, 2025

Prepared by:



T.J. BOYLE ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING

I.	Project Description.....	4
II.	Methodology – <i>Quechee</i> Test.....	6
III.	<i>Quechee</i> Test Part I – Evaluation of Adversity.....	9
A.	Overview.....	9
B.	Mountain View Road	10
C.	Other Surrounding Roads and Public Areas	11
D.	Residential Properties.....	11
E.	Suitability of Colors and Materials for the Project.....	11
F.	Impact on Open Space.....	11
G.	Summary	12
IV.	<i>Quechee</i> Test Part II – Evaluation of Undue Adversity.....	12
A.	Clear, Written Community Standards Intended to Preserve the Aesthetics or Scenic Beauty of the Area	12
B.	Has the Applicant Taken Generally Available Mitigating Steps which a Reasonable Person would Take to Improve the Harmony of the Project with its Surroundings?	17
C.	Does The Project Offend The Sensibilities Of The Average Person? Is It Offensive Or Shocking Because It Is Out Of Character With Its Surroundings Or Significantly Diminishes The Scenic Qualities Of The Area?	17
V.	Conclusion of Aesthetic Analysis.....	18
VI.	Orderly Development Within the Region.....	18
A.	Regional Plan	19
B.	Town Plan	22
C.	Town Energy Plan	25
D.	Summary of Orderly Development Analysis	28

Appendices

Appendix A		Project Maps
Appendix B		Photographic Inventory
Appendix C		Cross-Sections
Appendix D		Regional & Town Plan Excerpts

I. Project Description

The Williston H Solar Project (the “Project”) is being developed by Williston H Solar, LLC (the “Petitioner”), in the Town of Williston, Vermont. The Project is a proposed 2.75 MW (AC) photovoltaic electric generation facility. The Project will consist of ± 50 rows of fixed, ground-mounted racking units at up to 15 feet tall on the high side, with each row extending in an east-west direction. The fenced portion of the Project will occupy approximately 11 acres of the greater 440-acre parcel. Figure 1 illustrates the Project’s proposed array racking system.



Figure 1: Example of ground-mounted fixed-tilt array racks in east-west orientation.

Electricity will run from the panels in direct current to a bank of inverters located near the center of the array before being converted to alternating current. Cabling will then run in protective conduit to a switchgear before running underground to a pad-mounted transformer with secondary oil containment. From this transformer, the electricity will run southwest to a new riser pole, where the line runs above ground and extends approximately 196’ southwest in an overhead configuration via approximately three new 35-45’ poles, at which point the line will again transition below ground for approximately 125’ to pad-mounted equipment before connecting into the nearby existing electrical substation on Chip Alley.

The Project site will be accessed from Redmond Road via a new gravel drive, which involves regrading and realigning an existing farm road that leads northwest from Redmond Road. The new crushed stone access road surface will be 16’ wide and will extend approximately 1,250’ into the site. The proposed array will be enclosed by a new 7-8’ high agricultural style fence and will have a gated entrance. The Project site is located within an existing field, but will require some tree clearing and trimming for the construction of the array. See Figure 2 for a general layout of the Project. For more information, see the prefiled testimony and supporting exhibits of Jake Clark, Carla Fenner and Stephanie Wyman.

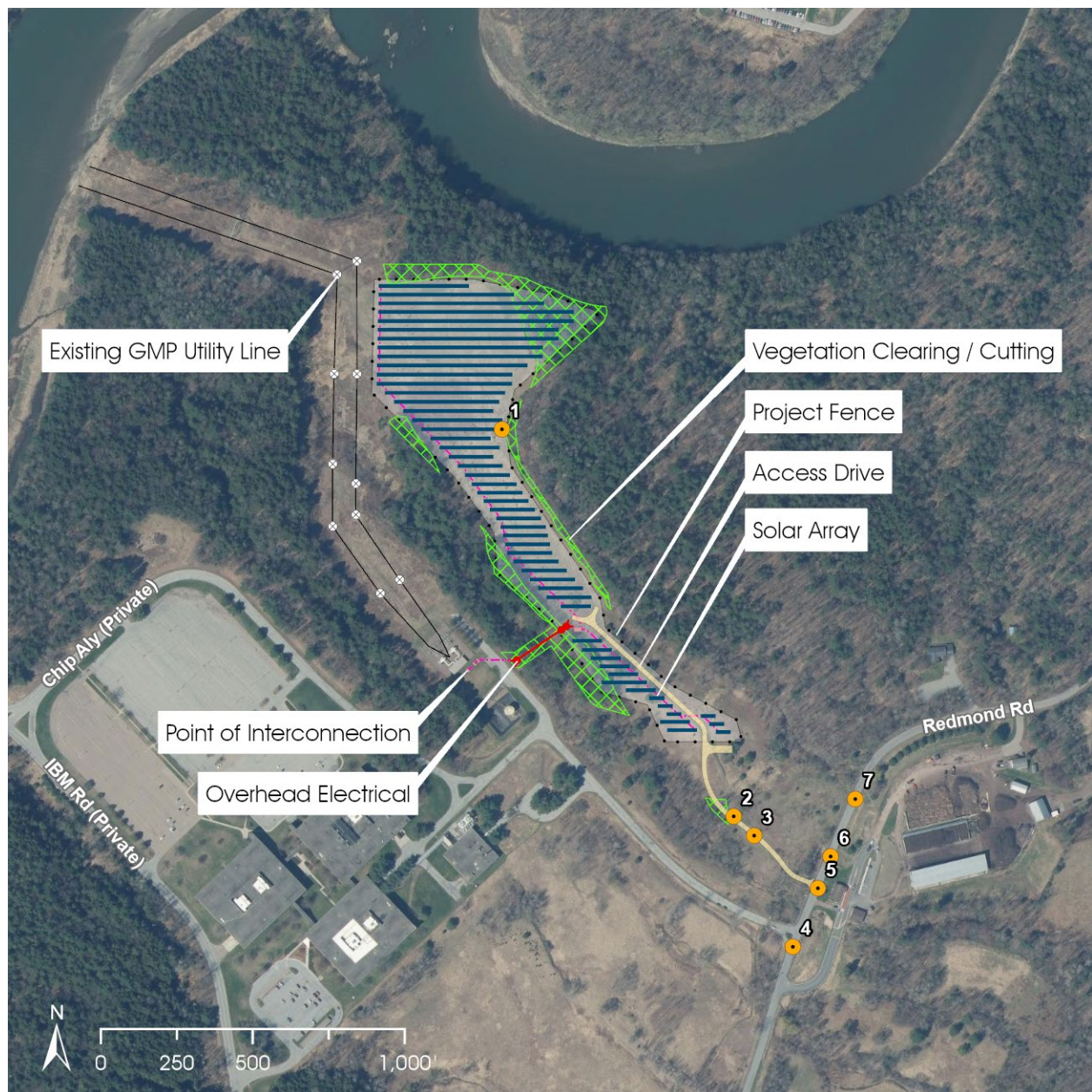


Figure 2: Proposed Project Layout and Viewpoint Locations

II. Methodology – Quechee Test

Section 248(b)(5) of Title 30, Vermont Statutes Annotated requires the Commission to make a finding that a proposed electrical generation Project would not have an undue adverse effect on aesthetics, as outlined in the so-called “Quechee Lakes Decision.”¹ As explained in the Commission’s order in Docket No. 6860, the Commission applies the so-called *Quechee* test in Section 248 proceedings, as follows:

The Commission has adopted the Environmental Board’s Quechee analysis for guidance in assessing the aesthetic impacts of proposed projects under Section 248. We have previously explained the components of the Quechee analysis as follows:

In order to reach a determination as to whether the project would have an undue adverse effect on the aesthetics of the area, the Commission employs the two-part test first outlined by the Vermont Environmental Board in Quechee, and further defined in numerous other decisions.

Pursuant to this procedure, first a determination must be made as to whether a project would have an adverse impact on aesthetics and the scenic and natural beauty. In order to find that it would have an adverse impact, a project must be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.

The next step in the two-part test, once a conclusion as to the adverse effect of the project has been reached, is to determine whether the adverse effect of the project is “undue.” The adverse effect is considered undue when a positive finding is reached regarding any one of the following factors:

1. Does the project violate a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area?
2. Have the applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings?
3. Does the project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?

Our analysis, however, does not end with the results of the *Quechee* test. Instead, our assessment of whether a particular project would have an “undue” adverse effect on aesthetics and scenic or natural beauty is “significantly informed by overall societal benefits of the project.”²

¹ *Quechee Lakes Corporation*, Applications #3W0411-EB and #3W0439-EB at pgs. 18-20

² *Petitions of Vermont Electric Power Company, Inc. (VELCO), Vermont Transco*, Docket No. 6860, Vt. Pub. Serv. Bd., Final Order of 01/28/2005 at 80 (citing *In Re: Northern Loop Project*, Docket 6792, Order of 7/17/03 at 28).

T.J. Boyle Associates interprets the first prong of the *Quechee* test to initially require an assessment of a project's visibility. Although the *Quechee* test lists visibility of a project as a "specific factor" for evaluation, visibility establishes the underlying method for which all visual aesthetics are evaluated. For instance, a project's design, materials and colors may be completely out of character with its surroundings, but if such project is not visible to the general public (or "average person"), then there would be no adverse visual effect. Likewise, when a project is determined to be out of character with its surroundings, one solution is to visually obscure the project with landscape mitigation or other screening, which itself is a simple reduction or occlusion of visibility. In this way, T.J. Boyle Associates interprets the first prong of the *Quechee* test to be asking, "What is the project's visibility, and is that visibility out of character with its surroundings?" In our experience, if the *Quechee* test were not interpreted in this way then a given project could be considered adverse even if it was completely invisible to surrounding areas, which would be an unreasonable interpretation and inconsistent with the purpose of the test.

Our initial study area for visibility of solar generation facilities tends to extend approximately two miles from a project location. This distance tells us whether a given project is, or is not, visible from prominent or protected locations in the study area, or, perhaps more importantly, if a project itself is in a prominent or highly visible location.

In conducting the *Quechee* analysis and preparing this report, three distinct methods have been used: (1) background data collection, (2) GIS viewshed analysis mapping, and (3) field investigation. The GIS viewshed mapping and field investigation are used to identify areas with potential visibility of the Project. The background data and field investigation are used to characterize the study area. All three methods are used to evaluate whether there are in fact 'adverse' impacts and if so, whether those impacts could be considered 'undue.'

- (1) **Background Data Collection.** Standard data that can help describe the landscape of the Project site, the surrounding area, and the Project are assembled. These data include available Project plans and details, aerial photography, topographical maps, Geographical Information System ("GIS") data including digital elevation model data, water and land cover information, transportation data and primary building data (public, commercial, residential), and applicable regulations such as the town plan and the regional plan.
- (2) **GIS Viewshed Analysis.** Following the background data collection, ESRI ArcGIS software is used to calculate a GIS viewshed or visibility analysis of potential visibility of the Project. Viewshed analysis can identify areas that have potential views of a project, and when mapped it shows the Project viewshed. The analysis applies a line-of-sight method from a prescribed point or points representing the Project (such as the top of an upright solar array, substation equipment, or power line structure), to all other locations within a designated study area. Figure 3 illustrates how line-of-sight is determined visibility. The analysis results (portrayed as two viewshed maps), and background data review form the basis for organizing the field investigation.

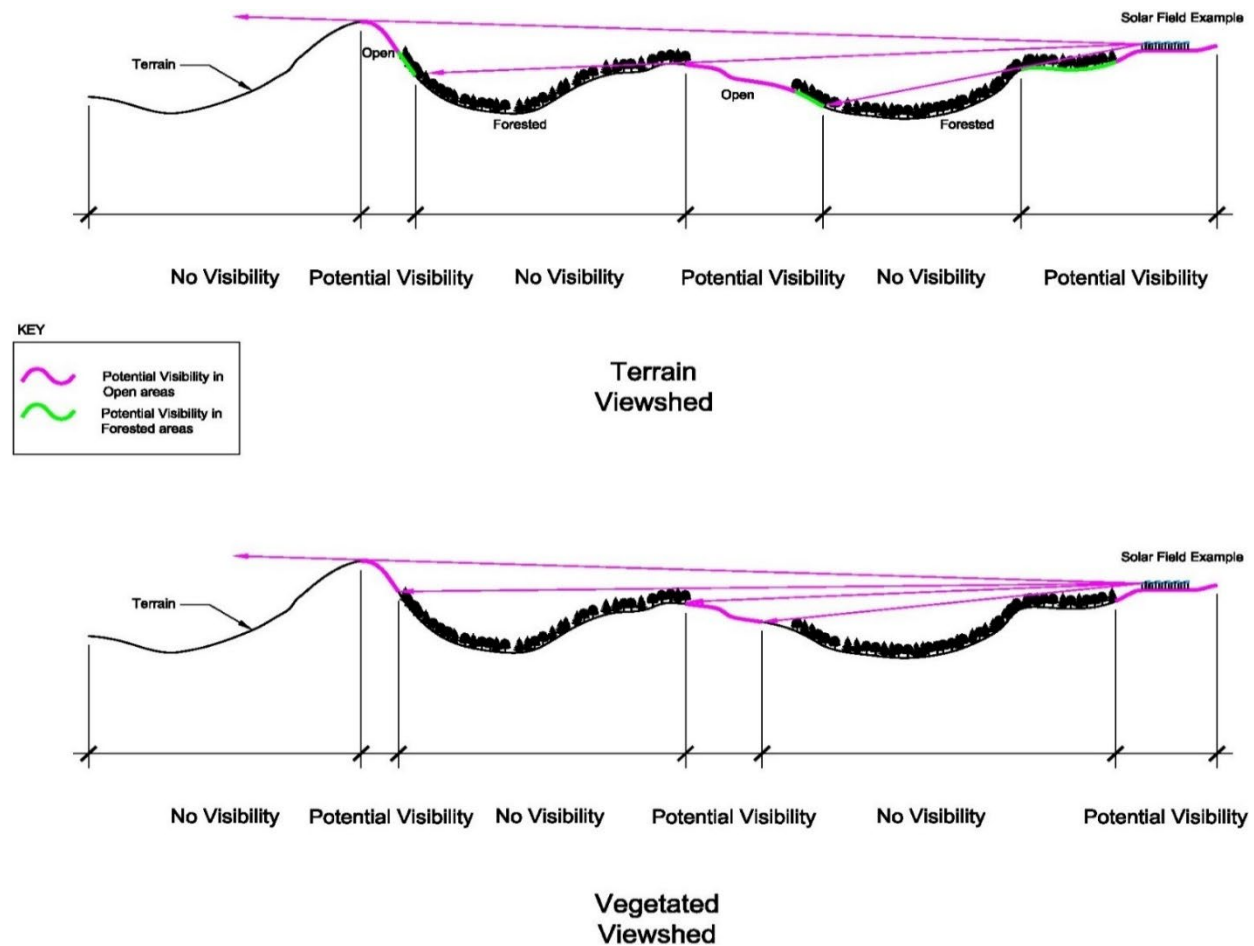


Figure 3: Terrain Viewshed and Vegetated Viewshed Diagrams. (Please note this diagram is for illustrative purposes only to portray the results of a GIS Viewshed analysis and is not representative of the proposed Project.)

- a. A “Terrain Viewshed” map (see Appendix A, Map 2) represents how landform may block views of Project upgrades. This analysis only accounts for intervening landform and does not incorporate how vegetation, buildings, hedgerows, street trees or any other vegetation or buildings would screen visibility of the Project. However, to facilitate interpretation of the results, the map differentiates between areas with and without forest cover, since there would be no distant views if one is standing in the forest. This map represents the maximum area from which the Project could be visible, and in almost every case overstates the probable visibility.
- b. A “Vegetated Viewshed” Map (see Appendix A, Map 3) represents a “Vegetated Viewshed.” This map shows how vegetation, buildings and other obstructions in the landscape may act in addition to landform, to block views of the Project. The data used to identify obstructions is derived from LiDAR data, the national elevation dataset, and the national land cover database. This map is a more realistic representation of the area from which the Project is potentially visible.

When properly taken into consideration, these maps indicate areas most likely to have views, emphasizing areas vulnerable to the greatest impacts. The viewshed maps also identify areas

that are unlikely to have views. The assumptions used to calculate these maps are conservative and tend to over-estimate Project visibility. Rather than serving as a final result, these maps are primarily used in preparation of the field investigation, which more fully evaluates the landscape context, views, and potential impacts based on the visibility indicated on the maps. Therefore, it is inappropriate to use these maps as the only basis to evaluate visual extent and impacts.

- (3) **Field Investigation.** The viewshed maps are used to focus the field investigation on areas most likely to have views of the Project. The purpose of the field investigation is to:
- Verify potential visibility as indicated on the viewshed maps
 - Photograph views toward the Project from sensitive areas (roadways, parks, public facilities, etc.)
 - Photographically document the landscape's visual character within the study area
 - Record notes concerning each viewpoint where photographs are taken as necessary
 - Identify the location of photograph viewpoints using a global positioning system ("GPS") unit

On completion of the field investigation, GPS data is transferred to a GIS database and synchronization of the data and photograph locations are verified. Photo locations and the actual photos are coordinated through indexed viewpoint numbers. Documentation of the field investigation is then prepared, which includes: (1) mapping of the routes traveled and locations of photograph viewpoints, displayed on mapping within Appendix A, and (2) a catalog of photography included as Appendix B - Photographic Inventory. Appendix B includes a series of panoramic views to provide context of the surrounding conditions, and single-frame photographs to represent views towards the Project site. Unless otherwise noted, single-frame photos utilize a focal length of 50mm on a FX digital single lens reflex camera, or a focal length approximately equivalent to 50mm on a 35mm film camera, which are considered a 'normal lens'. A normal lens reproduces a field of view that generally looks "natural" to a human observer. Panoramic views result in significant spatial distortion but are beneficial for providing a very wide field of view to illustrate the existing surroundings and character.

TJB evaluates data from the steps above and compares existing conditions with plans for the proposed Project. The following sections of this report describe in detail the collection and evaluation of data and the resulting conclusions. Appendix C – Cross Sections, which depict the proposed Project and underlying landform, have also been prepared as part of this review.

III. Quechee Test Part I – Evaluation of Adversity

A. Overview

The Project is proposed within an elongated existing field northwest of Redmond Road and east/northeast of existing office buildings on the Global Foundries campus. The nearby area surrounding the Project site is a mixture of small hills, graded terraces and existing fields, with various industrial uses located to the west, the Chittenden Solid Waste District ("CSWD") organics recycling facility and the CSWD drop-off center to the northeast, and a large storage yard belonging to the Vermont Electric Power Company ("VELCO") to the southeast. A forested area is located northwest of the Project, and limited residential uses are located northeast and south of the Project along Redmond Road. Some residential buildings along Redmond Road have been converted to commercial

uses and/or ownership, including an old farmhouse on the Project property (which is no longer used as a residence) located south of the proposed array, as well as other former residential structures to the northeast. An existing electric transmission corridor traverses the landscape approximately 3,000' to the southwest. See Appendix B – Photographic Inventory, Viewpoints 1 through 3 for views from the Project site. Visibility will also be highly limited from areas to the northwest, where the only location that the proposed array may be visible is on private property owned by Global Foundries (see Viewpoint 8).

As noted above, GIS viewshed mapping was utilized as a preliminary evaluation method to determine potential visibility of the Project. Field investigation found that the GIS viewsheds were generally accurate. Both the viewshed results and field investigation indicate that the greatest potential for visibility is from Redmond Road immediately southeast of the Project. Overall, the viewsheds and field investigation show that Project visibility would be screened from most areas in Williston by a combination of intervening landform and vegetation.

B. Redmond Road

Redmond Road is an AoT Class 3 paved dead-end town road located southeast of the Project, which runs in a roughly south to north direction. Redmond Road connects Mountain View Road to the south with the few remaining residential properties that exist along the road, as well as to the CSWD organics recycling and drop-off facilities. In the immediate vicinity of the Project, Redmond Road is largely characterized by the CSWD organics recycling facility and limited forested areas along the roadway, views of overgrown fields along the road (see Viewpoints 4 through 7). Other facilities that are visible from the road include the VELCO storage yard southeast of the site, and the existing transmission corridor south of the site. At its closest location, Redmond Road is approximately 440' southeast of the nearest proposed array structure. Redmond Road has a 35 mile-per-hour speed limit through the area around the Project, though speeds vary due to truck traffic and turning associated with the CSWD organics recycling facility entrance, which is located east of the proposed array on the east side of Redmond road.

Field review revealed that for travelers heading northbound on Redmond Road, the Project site is lower in elevation than the roadway, and will potentially become visible through intervening vegetation starting approximately 750' southeast of the Project. At this location, portions of the proposed array may become visible low in the landscape to the northwest through intervening vegetation, particularly during leaf-off conditions. Potential visibility will continue for a distance of approximately 500' before travelers begin turning northeast and move beyond the Project (see Appendix B, Viewpoints 4 through 7). At a speed limit of 35 miles per hour, this equates to approximately 10 seconds of potential filtered visibility of the proposed array. Through this area, views of the array will be backgrounded by the existing forest immediately north and west of the Project.

For travelers heading southbound on Redmond Road, as travelers traverse a nearby curve in the road, the proposed array will potentially be visible at roughly 70-90° from the direction of travel. From this direction, screened visibility of the proposed array may be possible for approximately 350', and is most likely to occur during leaf-off conditions. Any visibility will be highly screened due to intervening vegetation, and will be low in the landscape and partially screened by the intervening landform (see Viewpoints 4 through 7 in reverse order). At 35 miles per hour, this equates to approximately 7

seconds of potential screened visibility of the Project. Similar to northbound views, the proposed array will be backgrounded by the existing forest southwest of the Project.

Views of the proposed power poles will likewise be limited due to intervening vegetation for travelers in both directions. Any views will be similar to existing roadside distribution structures found on the west side of Redmond Road, as well as roadsides elsewhere in Williston.

C. Other Surrounding Roads and Public Areas

Due to intervening vegetation, buildings and landform, other public roadways in the area are not expected to have substantial visibility of the proposed array, including US Route 2A, US Route 2, Vermont Route 117 (Maple Street), Vermont Route 289, and Interstate 89. Likewise, the proposed overhead lines and poles are not expected to be visible from these locations.

D. Residential Properties

The north end of Redmond Road has seen land use changes in recent years, and most properties have been converted from residential to industrial/commercial uses. An existing residence is located approximately 916' northeast of the Project, and visibility of the proposed array will be heavily screened by intervening forest³ from this location. Other residential structures are located more than 1,400' south of the Project, and no substantial visibility is expected from these locations, again due to intervening vegetation and or landform.

E. Suitability of Colors and Materials for the Project

The Project materials and colors will include dark non-reflective photovoltaic panels, galvanized metal array racking systems, metal or black agricultural-style fence mesh with wooden posts, a gravel access drive, wooden power poles, and pad mounted transformers and associated electrical equipment. Comparable elements exist in the nearby landscape, including existing large buildings with metal roofs associated with the CSWD facility to the east of the Project, and existing electric transmission lines along Redmond Road that include wooden pole structures and conductors similar to materials proposed for the Project. Notably, a nearby permitted (but not constructed) solar generation facility will be located approximately 500' south of the Project. Based on the existing and future structures around the proposed array, the Project's colors and materials are considered similar to those in the surrounding area.

F. Impact on Open Space

Act 250 and Section 248 do not clearly define what is meant by the term "open space," and some regional plans and town plans have differing definitions of open space, if any at all. The 2018 ECOS Plan adopted June 20, 2018 (the "Regional Plan")⁴ and its associated Supplements do not define the term "open space" or depict areas where it is located.

The Williston Comprehensive Plan, adopted August 19, 2025 (the "Town Plan")⁵ often mentions "open space," though there is no specific definition included within the plan itself. Working landscapes, land conservation, and recreation are referenced as "open space attributes" that have value in creating a "more livable, equitable, and resilient Williston" (Town Plan at p. 192). Other types of areas such as wetlands,

³ The CSWD has previously purchased several residential properties in the area and converted them to commercial/industrial use. As such, this house may no longer be in residential use.

⁴ <https://www.ecosproject.com/2018-ecos-plan>

⁵ https://www.town.williston.vt.us/vertical/sites/%7BF506B13C-605B-4878-8062-87E5927E49F0%7D/uploads/2025_TOWN_PLAN_COMPLETE_DOCUMENT_ADOPTED_08-19-2025.pdf

upland forests, farmland, and scenic vistas are also considered to have open space attributes (Town Plan at pgs. 197 and 254).

Most clearly, the Town Plan's Map 18 – Protected Open Space includes mapped areas for protected open space, including subdivisions with designated open space, conservation easements, town-owned land, and other easements, none of which are located at the Project parcel (see Appendix D, Map 18). The proposed array is not located within or near any of these protected open space areas.

Because the Project site is located on private property that is not designated as open space within the Regional or Town Plans, the Project site is not considered to be "open space." Additionally, the proposed array will be well screened by existing vegetation, only be briefly visible from the nearby roadway, and any visibility will be in the context of nearby industrial/commercial facilities, both at the Project site as well as on the east side of Redmond Road. As such, the Project will not have substantial impact to "open space" in the area.

G. Summary

Overall, the Project siting takes advantage of surrounding landform and vegetation to reduce potential visibility of the proposed solar array. Views that will be possible will be from a limited portion of the closest roadway, Redmond Road, and will be in the context of surrounding commercial/industrial uses and a separate permitted solar generation facility. The Project will contrast somewhat with the "open field" character of portions of the existing property, but this area is already well screened from public and private vantages. The Project will also utilize similar materials and colors currently visible in the nearby landscape.

Based on the above, this review under the first part of the *Quechee* test concludes that the proposed Project will **not** result in an adverse impact to the aesthetics and scenic or natural beauty of the area. However, were the Commission to determine that the Project will result in an adverse impact, an analysis under the second part of the *Quechee* test is provided below.

IV. Quechee Test Part II – Evaluation of Undue Adversity

A. Clear, Written Community Standards Intended to Preserve the Aesthetics or Scenic Beauty of the Area

Although Section 248 projects are exempt from municipal zoning and related permits, local plans and regulations are reviewed under the second prong of the *Quechee* test where it has been determined that a project may have a potential adverse visual impact. Under *Quechee*, this involves an assessment as to whether or not a project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area. In Docket No. 7508, the Public Utility Commission held that "[i]n order for a provision to be considered a clear, written community standard, it must be 'intended to preserve the aesthetics or scenic beauty of the area' where the proposed project is located and must apply to specific resources in the proposed project area."⁶ The Commission clarified that generalized statements and general scenic resource policies that are not focused on a particular scenic resource or that fail to offer specific guidance or measures to protect the resource cannot be considered "clear

⁶ *Petition of Georgia Mountain Community Wind, LLC*, Docket No. 7508, Order of 6/11/2010 at p. 52

written community standards.”⁷ The Commission has further clarified that any such standard must expressly “designate the [project] parcel as a scenic resource worthy of protection.”⁸

For the Williston H Solar Project, available local and regional planning documents were reviewed to determine if the Project would violate a clear written community standard. The following sections of this review discuss the community scenic quality standards as detailed in the Regional Plan (which includes the Regional Energy Plan⁹ as Supplement 6), Town Plan, and the Williston Town Energy Plan, adopted August 19, 2025 (“Town Energy Plan”);¹⁰ the relevant pages from these plans are included in Appendix D – Regional and Town Plan Excerpts. Inclusion of plan excerpts below and in Appendix D does not necessarily reflect the author’s opinion that those excerpts satisfy the Commission standards reflected in the previous paragraph. This report provides summary and analysis on this issue *infra* at subsection iv.

i. Regional Plan

VISION, MISSION & GOALS

Natural Systems – Design and maintain a strategically planned and managed green infrastructure network composed of natural lands, working landscapes, and open spaces that conserve ecosystem values and functions, and provide associated benefits to our community.

2. Scenic and Recreational Resources – Conserve, protect and improve valued scenic, recreational, and historic resources and opportunities.

(Regional Plan at pgs. 3-4)

Built Environment

13. Land Use - Encourage future growth in the Center, Metro, Enterprise, Suburban, and Village Planning Areas to maintain Vermont’s historic settlement pattern and respect working and natural landscapes.
17. Energy - Move Chittenden County’s energy system toward a cleaner more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.

(Regional Plan at pgs. 3-5)

ECOS PLAN PRIORITIES & IMPLEMENTATION

4. Energy – Move the Region’s energy system to meet the goals of Vermont’s energy and greenhouse gas reduction goals while balancing economic vitality and affordability.

- b. CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goal of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment.

Constraint Policies: Ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development.

- i. Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local possible constraints...
- ii. Site ground-mounted solar development in accordance with setback standards as defined in 30 V.S.A. §248(s) and municipal screening requirements adopted in accordance with 30 V.S.A. §248(b)(B).

Suitability Policies: After considering the constraints referenced above and found in Supplement 3, different levels of suitability exist for different scales and types of renewable energy generation depending on location within the County. To determine an appropriate location for a facility, first review the constraints above and then look at the policies below to

⁷ *Id.* at 53.

⁸ *Petition of Rutland Renewable Energy, LLC*, Docket No. 8188, Order of 3/11/15 at 85-86.

⁹ <https://www.ecosproject.com/2018-ecos-plan#final>

¹⁰ https://www.town.williston.vt.us/vertical/sites/%7BF506B13C-605B-4878-8062-87E5927E49F0%7D/uploads/Williston_Energy_Plan_ADOPTED_08-19-2025.pdf

determine how and where CCRPC encourages renewable energy generation facilities. CCRPC recommends the location of renewable energy generation facilities in accordance with the relevant guidelines below.

- i. Locate energy generation proximate to existing distribution and transmission infrastructure with adequate capacity and near areas with high electric load
- ii. Locate renewable energy generation in areas designated by a municipality in an adopted plan for such use, including specific preferred sites for solar
- iii. Locate solar generation (including but not limited to net metering) on previously impacted areas (such as, parking lots, previously developed sites, brownfields, State regulated landfills with post-closure certification, gravel pits/quarries, or on or near existing structures).
- iv. Locate ground-mounted solar larger than 15 kW AC...outside of state designated village centers, growth centers, downtowns, new town centers, neighborhood development areas, and historic districts on the State or National Register.
- v. Locate ground-mounted solar generation...in Chittenden County's areas planned for growth, while allowing infill development wherever reasonably practical.

(Regional Plan at pgs. 19-21)

SUPPLEMENT 2 – REGIONAL ANALYSIS

NATURAL SYSTEMS

Broad Goal: Design and maintain a strategically planned and managed green infrastructure network composed of natural areas, working lands, wildlife habitat, scenic views and air quality that help to conserve ecosystem values and functions (including climate change adaptation and mitigation), and provide associated benefits to our community.

(Regional Plan, Supplement 2 at pg. 16)

2. Scenic, Recreational, and Historic Resources

Scenic and Recreational Resources Goal: Conserve, protect and improve valued scenic, recreational, and historic resources and opportunities.

Key Issues/Trends/Insights

- Chittenden County is rooted in its scenic, recreational, and historic resources...
- Scenic resources represent an important element of the region's landscape and contribute directly to sense of place, quality of life and economic vitality through tourism and by attracting new residents and businesses.
- Historic resources include buildings, structures, landscapes, and archeological sites, both on land and under water.
- As we work toward encouraging future development in areas planned for growth to maintain VT's historic settlement pattern of villages and urban centers, surrounded by rural countryside, access to valued scenic, recreation and historic resources should also be maintained and improved for all residents and visitors.
- There is low compatibility between municipal plan recommendations for natural and scenic resources and the implementation of those recommendations through zoning bylaws and subdivision regulation. Further, there are often contradictory goals within municipal plans regarding natural and scenic preservation and new infrastructure for energy generation and transmission. Reconciliation of these is necessary to meet community visions and bring predictability to the development process.

(Regional Plan, Supplement 2 at pgs. 21-22)

BUILT ENVIROMENT

13. Land Use

Land Use Pattern Goal: Encourage future growth in the Center, Metro, Enterprise, Suburban, and Village Planning Areas to maintain Vermont's historic settlement pattern and respect working and natural landscapes.

(Regional Plan, Supplement 2 at p. 59)

17. Energy

Energy Goal: Move Chittenden County's energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State's Comprehensive Energy Plan goals.

(Regional Plan, Supplement 2 at p. 73)

Transition to Renewable Energy

- A Vermont statute passed in 2015, Act 56 requires Vermont's Electric Utilities to be 55% renewable by 2017, 75% by 2032, and 90% by 2050.

Renewable Energy Generation

- Vermont's rural nature offers challenges for the transmission and distribution of energy. It is important to maintain and develop an energy production, transmission, and distribution infrastructure in Chittenden County that is efficient, reliable, cost-effective, and environmentally responsible...
- CCRPC has undergone a process to look at areas suitable for solar and wind energy generation to determine our ability to meet the 90% renewable by 2050 goal...

See Supplement 6 for the complete Act 174 Energy Planning Analysis and Targets

(Regional Plan, Supplement 2 at pgs. 75-76)

SUPPLEMENT 3 – REGIONAL PLAN

PLANNING AREAS

Enterprise Planning Areas are areas where local zoning authorizes a future concentration of employment uses that attract workers from the County and multi-county region. Development in these Planning Areas should have adequate wastewater capacity and access to transit or be near these services. Typically, this area encompasses major employers or a cluster of single employers and has current or planned transit service.

(Regional Plan, Supplement 3 at p. 4)

ii. Town Plan

CHAPTER 13 – LAND-BASED CONSERVATION RESOURCES

Introduction

Today, Williston aims to conserve land for climate resilience, ecological value, agricultural and silvicultural working lands, scenic aesthetics, and recreation.

Goals: In 2050 Williston is...

Equitable

...The town has preserved scenic views and established natural areas close to Taft Corners, where most of the town's population lives...

(Town Plan at pgs. 140-141)

Town Owned Open Space

Map 18 shows the location of the existing protected open space.

Scenic Viewsheds

When driving, bicycling, or hiking through Williston one can enjoy views of rolling fields framed by a background of wooded slopes, nearby ridgelines, and distant mountains. From some points in town, you can see both the Adirondacks to the west and the Green Mountains to the east at the same time. These views are central to the sense of place the residents of Williston treasure. To help maintain that sense of place, the town undertook an evaluation of the visual character and quality of the local landscape in 1989. The results of that analysis are provided on Map 17...

The Town still relies on the 1989 Visual Resource Assessment map to guide development review. This map is outdated and has been difficult to interpret. The Town should explore new visual assessment methods and technologies that developers can use to better illustrate how the proposed development will impact the landscape.

Williston's landscape has changed since the visual resource assessment was done in 1989. Development has filled some views, formerly open fields are no longer mowed, and the number of public viewpoints has grown as roads and trails are extended. A new visual resources analysis should be conducted using a combination of public participation and geographic information systems technology. Important viewsheds should be noted on the Official Map (Action 13.4.2). (Town Plan at pgs. 144-147)

iii. Town Energy Plan

Renewable Energy Generation Siting

Preferred Sites

Renewable energy generation is strongly encouraged on preferred sites before undeveloped areas such as agricultural or forested land...However, all other preferred sites do not have an expedited review process and must meet the same requirements as any other system. Preferred sites as defined under the PUC rule include:

- On the same parcel as a customer taking 50% or more of the output

Siting Policies

The policies in this section are the land conservation measures to be applied in the Section 248 decision making process with respect to the PUC's review of a petition for an electric generation facility.

1. The Town of Williston will use these siting policies while reviewing all Section 248 applications. The Town will also use these siting policies to determine support for designating a municipal preferred site when a site does not meet the criteria to be a State-designated preferred site. Municipally-identified preferred sites shall meet the intent of the following siting policies. Field verification of known or possible constraints is required.
2. Large scale solar facilities...should be located to preserve the scenic quality of the viewsheds identified in Chapter 13 of the Comprehensive Plan...The Planning Commission and Selectboard will review viewshed relevance to a proposed renewable energy generation project on a case by case basis. Measures to preserve the scenic quality include, but are not limited to, selecting and siting equipment which keeps the project from being the dominant feature of a viewshed. The project should be positioned in such a way so that it blends into the site. This can be achieved by following state setback requirements and using the natural topography to break the mass of the project.
5. Locate energy generation proximate to existing distribution and transmission infrastructure with adequate capacity and near areas with high electric load...
6. ... The intent is to maintain the historic character for properties with frontage on Williston Road, while allowing wind/ground-mounted solar elsewhere in the Village (such as the Central School or behind Town Hall).
7. Locate ground-mounted solar larger than 15 kW AC...outside of the Designated Village Center.
8. Locate utility lines serving new developments underground and site transmission lines, substations, and similar support facilities within existing utility corridors and be placed underground except where the presence of bedrock or other environmental constraints makes underground installation prohibitively expensive. Careful siting and screening will be required for above ground utility lines. Impacts to constraints identified in the constraints section should be minimized according to applicable policies in this section and in the comprehensive plan.

(Town Energy Plan at pgs. 37-41)

iv. Summary Analysis of Clear, Written Community Standards in Regional Plan, Regional Energy Plan, and Town Plan

The Regional Plan covers a wide range of topics for the region including land use, housing, economics, transportation, cultural resources and other community issues. As is often true of Regional Plans, encouragement and support is offered for the constituent towns to review their own needs and desires, and there are rarely any specific guidelines for scenic quality control. While the Regional Plan clearly recognizes the importance of scenic resources and supports renewable energy generation to meet Vermont's generation targets, it provides no clearly written standards regarding aesthetics at the Project site, instead only discussing general recommendations and policies. A review of the various Regional Plan maps did not reveal any specific protections or identification of scenic resources on or adjacent to the proposed Project location. The Regional Plan indicates that the Project site is in an "enterprise" area and that there are possible State constraints at the Project site (see Appendix D, Regional Plan at Maps 2 and 9). However, no specific goals, policies, guidelines or restrictions were found in the Regional Plan that are intended to preserve the aesthetics or scenic beauty of the Project site or nearby areas.

Regarding the Town Plan, the Project parcel is not mentioned as a scenic resource within the Town Plan, and is not shown on Map 17 – Visual Assessment as being within any visual assessment areas. As discussed in the Town Plan, “Williston’s landscape has changed since the visual resource assessment was done in 1989. Development has filled some views, formerly open fields are no longer mowed, and the number of public viewpoints has grown as roads and trails are extended. A new visual resources analysis should be conducted using a combination of public participation and geographic information systems technology” (Town Plan at p. 147). Based on our review of Map 17 and the field investigation described in Section III above and documented in Appendix B – Photographic Inventory, the Project site does not significantly contribute to a scenic or otherwise distinct visual area.

Based on this review of the Regional Plan, Town Plan and accompanying Energy Plans, the proposed Project will not violate any clearly written community standard intended to preserve the aesthetics or scenic beauty of the area. These plans generally encourage the development of renewable energy sources and do not clearly specify areas or methods for scenic protection. The Project site is not highly visible when viewed from nearby publicly accessible locations and will be well screened from the nearest portion of Redmond Road.

B. Has the Applicant Taken Generally Available Mitigating Steps which a Reasonable Person would Take to Improve the Harmony of the Project with its Surroundings?

The Project includes a number of reasonable mitigating elements that reduce potential adverse aesthetic impacts and improve the harmony of the Project with its surroundings. Mitigation for the Project includes:

- The proposed array is located in an area that is well screened by nearby mature evergreen and deciduous vegetation, reducing potential visibility from surrounding areas.
- The proposed array is setback approximately 440’ from Redmond Road, taking advantage of the landform and intervening vegetation to reduce visibility of the Project (see Appendix B, Viewpoints 4 through 7).
- All of the Project’s internal wiring would be installed underground between array racks and the transformer location, and the proposed overhead electric and associated utility poles that connect to the substation have been located over 1,000’ from Redmond Road. These types of poles are commonly seen in the Vermont landscape, including along Redmond Road.

C. Does The Project Offend The Sensibilities Of The Average Person? Is It Offensive Or Shocking Because It Is Out Of Character With Its Surroundings Or Significantly Diminishes The Scenic Qualities Of The Area?

When evaluating whether a project would offend the sensibilities of the average person, the criteria to make this assessment relates back to the first part of the Quechee Test; how the project ‘fits’ within its surroundings. The threshold for a project to be shocking or offensive is relatively high, and a given project would need to be entirely inconsistent with the surrounding land uses or exceptionally out of scale with the surroundings.

The assessment of impacts found the Project will not result in an adverse impact to the aesthetics and scenic and natural beauty of the area. However, if the Commission were to determine that the Project’s

impact could be considered adverse, the Project still could not be reasonably considered to be shocking or offensive for the following reasons:

- Visibility of the Project will be well screened, and filtered visibility that may be possible is limited to a short portion of Redmond Road in an industrial zoned area.
- Where visible along Redmond Road, the Project will have a low profile, will have similar materials to solar array structures recently permitted immediately south of the Project, and will not significantly intrude into any existing scenic views.
- The proposed overhead wires and poles are well screened, and any visibility will appear similar to roadside distribution structures currently visible along Redmond Road.

For these reasons, the Project would not offend the sensibilities of the average person, and would not be offensive or shocking because it would not appear significantly out of character with its surroundings or significantly diminish the scenic qualities of the area in which it is proposed.

V. Conclusion of Aesthetic Analysis

The findings of this analysis conclude that the proposed Project will not have an adverse effect on the scenic or natural beauty or aesthetics of the area. However, were the Commission to determine that the Project will result in an adverse impact, an analysis under the second part of the *Quechee* Test determined that the Project will not violate any of the three criteria of the second part of the *Quechee* test:

- The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan and Town Plan or accompanying Energy Plans; there are no such standards applicable to the Project site in these Plans.
- The Project incorporates reasonable siting and other mitigation efforts to reduce visibility and harmonize the Project with its surroundings, including the retention of intervening vegetation that helps screen the Project from Redmond Road.
- The Project would not be considered shocking or offensive to the average person due to the limited nature of public views, presence of intervening vegetation that screen the Project from surrounding areas, use of materials similar to the nearby previously permitted solar facility, and location in an industrial zone.

Based on these findings, the Williston H Solar Project meets the *Quechee* test insofar as its impact on aesthetics will NOT be UNDULY ADVERSE.

VI. Orderly Development Within the Region

Section 248(b)(1) of Title 30 of the Vermont Statutes Annotated requires that the Vermont Public Utility Commission find that a proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. For generation projects, Section 248(b)(1)(C) further states that “the Commission shall

give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), ‘substantial deference’ means “that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.”

Even when a town plan has received a determination of energy compliance, provisions of a town plan must only be considered “to the extent they qualify as land conservation measures or where there are screening requirements of a municipal ordinance or bylaw.”¹¹ The Vermont Supreme Court has ruled that “broad and general statements in Town and Regional Plans are not sufficiently specific to constitute a basis for denying a permit under § 248.”¹² Instead, for purposes of Section 248(b)(1), provisions of a regional or municipal plan will only be given due consideration or substantial deference if they qualify as “land conservation measures” that apply clearly and specifically to a defined area or areas.¹³ As such, the particular language used within Town and Regional Plans is important to determining whether a standard is clearly written and specifically applies to a given Project to constitute a land conservation measure.

For the Williston H Solar Project, the Regional Plan, Regional Energy Plan, Town Plan, and Town Energy Plan set forth the standards for orderly development of the region. The following review discusses the standards, land conservation measures, and specific policies as detailed in these plans. Excerpts from the various plans are included in Appendix D – Regional and Town Plan Excerpts.

The Regional Plan and Town Energy Plan both received an affirmative determination of energy compliance under 24 V.S.A. § 4352.

A. Regional Plan

Regional plans help guide many issues within the region, including development, mostly in the form of recommendations and support to its member towns. The Regional Plan includes chapters which cover housing, natural resources, economics, transportation, utilities, and future land use. Topics included in Regional Plans which typically pertain to orderly development of the region pertinent to solar projects include overall regional goals, land conservation goals and recommendations, and the region’s approach to renewable energy, and sometimes specific siting recommendations for solar projects.

While the Regional Plan supports land conservation efforts to protect ecological systems, scenic and recreational resources, natural landscapes/systems, habitat preservation and forest integrity (Regional Plan, Supplement 1 at pgs. 3 and 4, Supplement 2 at pgs. 16, 35 and 55, Maps 9 and 10), it does not specifically identify the Project site as existing conserved land or designate it for future conservation. The Regional Plan includes language to “[p]rotect forest blocks, wildlife connectivity resources and crossings, surface waters, riparian areas and other significant habitats (e.g. wetlands) from development and fragmentation” (Regional Plan at p. 35).

A review of Map 10 – Forest Integrity (Regional Plan at p. 40) appears to show portions of the site as being within “Highest Priority” forest blocks and/or wildlife habitat. A closer review of this data using the ECOS

¹¹ *Application of Emancipation Energy, LLC for A Certificate of Pub. Good, Pursuant to 30 V.S.A. Ss 248 & 8010, for A 150 Kw (Ac) Solar Net-Metering Sys. in Middlesex, Vermont.*, No. 20-1848-NMP (Order of June 21, 2022).

¹² *In re Petition of Apple Hill Solar LLC*, 2021 VT 69 at ¶ 36.

¹³ *Id.* at ¶¶ 36, 43.

Map Viewer¹⁴ shows portions of the site as being within Forest Integrity areas labeled as “Priority” (rather than “Highest Priority”) (see Figure 4). However, both of these data sources show areas that overlap with the Project, neither of which appear to accurately depict forested areas at the Project site (compare green areas in Figure 4 with the aerial image shown in Figure 5).

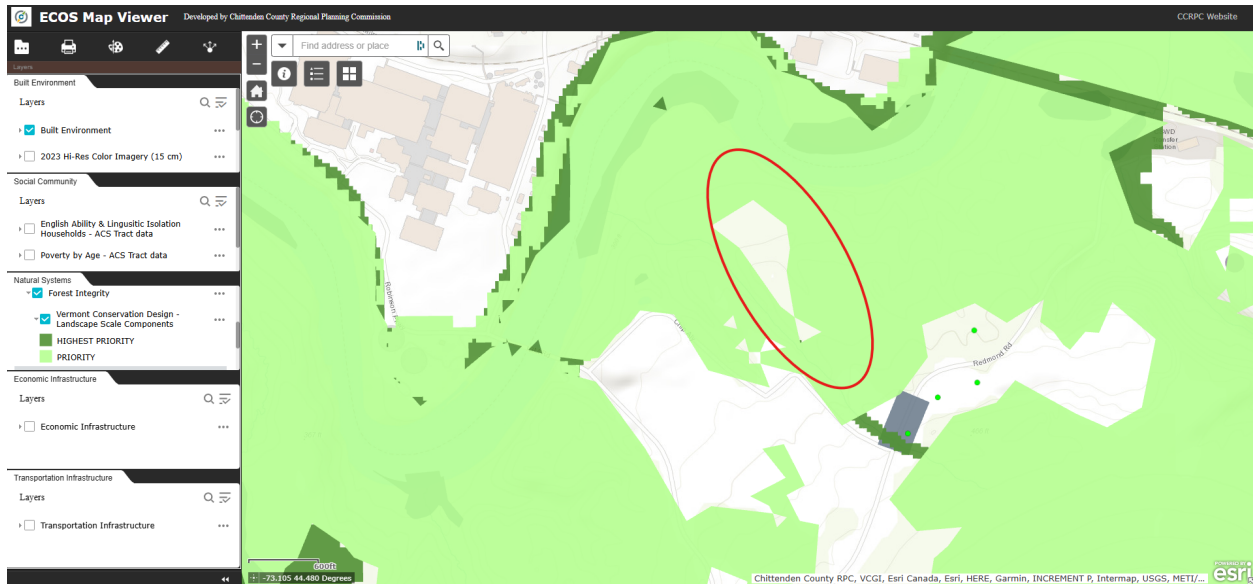


Figure 4: The Chittenden County Regional Planning Commission online viewer shows portions of the site as being within and “Priority” Forest Integrity areas.



Figure 5: The Forest Integrity areas shown in Figure 4 don’t fully match the existing conditions.

Additionally, the fields where most of the Project is proposed have historically not been forested, as can be seen in aerial imagery from 1999 (see Figure 6).

¹⁴ <https://map.ccrpcvt.org/ChittendenCountyVT/>



Figure 6: Aerial imagery c. 1999 showing the existing fields where the Project is proposed (source: Google Earth, historical imagery)

Based on the above review, as well as the existence of the Project's field for decades, the information in the Regional Plan's Forest Blocks Map 10 does not appear to accurately portray the existing conditions at the Project site. Importantly, the Regional Plan's Map 10 includes a disclaimer stating that "errors and omissions may exist" and that "questions of on-the-ground location can be resolved by site inspections and/or surveys...[T]his map is not sufficient for delineation of features on-the-ground...[T]his map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies." The Regional Plan also includes statements that "development *should* be located to avoid state and local known constraints that have been field verified," [emphasis added] including "State - significant natural communities and rare threatened and endangered species, vernal pools (unconfirmed and confirmed), and Class 1 and Class 2 Wetlands" (Regional Plan at p. 36). The Regional Plan's Map 9 does not appear to show state or local "known" constraints at the Project site.

Elsewhere, the Regional Plan supports the development of renewable energy, and offers language supporting the location of renewable energy generation on preferred or previously disturbed sites, though other sites are not precluded from development (Regional Plan at p. 21). The Regional Plan's Supplement 6, Energy Analysis, Targets, & Methodology, adopted 6/20/2018, is a certified Enhanced Energy Plan for the region that discusses the need to meet the State of Vermont energy goals by 2050 and provides guidance on how to meet those goals based on the amount of generation facilities that need to be developed. Though it is very blurry, Map 6 – Solar Generation Potential (Regional Plan at p. 29) appears to categorize at least a portion of the Project site as 'Base Solar: Areas with high solar potential and a presence of state/local possible constraint'. Importantly, the Regional Plan does not include specific siting standards for solar generation facilities.

Energy targets within the Regional Plan are described as follows:

SUPPLEMENT 6 – ENERGY ANALYSIS, TARGETS, & METHODOLOGY

Calculating Renewable Energy Generation Targets

Table 29. Municipal Renewable Generation Targets

Town Name	Total Low Target (MWh)	Total High Target (MWh)	Existing Renewables (MWh)	Low Range New (MWh)	High Range New (MWh)
Williston	44,647	74,691	3,435	41,213	71,256

(Regional Plan, Supplement 6 at p. 29)

In review, the Regional Plan and its associated Supplements do not contain clear and specific land conservation measures or policies preventing development of the Project site for solar energy generation. Per the prefiled testimony of Carla Fenner, the Project will not destroy or significantly imperil necessary wildlife habitat, and the Project is not sited in areas that should be considered significant wildlife core or travel habitat. Additionally, the Project does not interfere with any scenic protections, as reviewed above in Part II of the Quechee test. Therefore, the Project complies with the Regional Plan's general goals and policies, and supports the Regional Plan's goals for the development of renewable energy generation without violating land conservation measures within the plan. The Project therefore gives substantial deference to the duly adopted regional plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352.

B. Town Plan

Similar to regional plans, town plans help guide many issues including development/housing, natural resources, economics, transportation, utilities, and future land use. Potentially applicable excerpts from the Town Plan's chapters on utilities, energy and climate, and land use include the following:

CHAPTER 9 – UTILITIES

Goals: In 2050 Williston is...

Resilient

...Electricity is powered by renewable, local sources (solar, wind)...

(Town Plan at p. 92)

Objectives, Strategies and Actions

Objectives

9.A The Town is served by private utilities that are robust, resilient and adequate to meet the demands of projected commercial and residential growth.

(Town Plan at p. 97)

CHAPTER 11 – ENERGY AND CLIMATE RESILIENCE

Introduction

The 2025 Williston Energy Plan is a standalone document that is incorporated by reference into this Town Plan and summarized in this chapter... The Plan provides direction for the reduction of greenhouse gas emissions by focusing attention on five key areas: ...4) renewable energy generation

Goals: In 2050 Williston is...

Livable

...because Williston is a community powered by renewable, locally produced and owned energy...

Resilient

Williston is primarily powered by renewable, locally produced and owned energy, it is resilient to fluctuations in global energy supply and prices...

Three Things to Know

1. Bold action is required to address climate change impacts including moving the town away from use of fossil fuels toward renewable energy...

(Town Plan at pgs. 116-118)

Objectives, Strategies and Actions

Strategies

11.11 The town should increase its renewable energy production...

11.12 Encourage and support new solar arrays and community solar in Williston.
(Town Plan at pgs. 125-126)

CHAPTER 16 – RESIDENTIAL, MIXED USE AND INDUSTRIAL LAND USES

Goals: In 2050, Williston is...

Resilient

...because Williston's land use standards for commercial and industrial development allow the economy to shift with market trends, but without compromising on the goal for compact, walkable Smart Growth patterns...

Equitable

...because all zoning districts are held to high standards but within reason and context for their intended uses and geographic context for architectural design, natural conservation, landscaping, and pedestrian design.

Three Things to Know

1. RESIDENTIAL AREAS AND NEIGHBORHOODS ARE, FOR THE MOST PART, BUFFERED FROM INCOMPATIBLE INDUSTRIAL AND HEAVY COMMERCIAL AREAS

The Interstate highway, other major roads, and waterways primarily separate and buffer residential neighborhoods from incompatible, higher intensity uses. There are still a few places in town where heavy commercial and industrial uses abut residential neighborhoods.

(Town Plan at pgs. 181-182)

Land Use Trends in Williston

...Other recent trends include:

- A change in ownership from International Business Machines (IBM) to Global Foundries on parcels in the Industrial East Zoning District, with Chittenden Solid Waste District (CSWD) building or expanding several new waste management facilities in their portion of the area (Materials Recovery Facility, Transfer Station, Metals recycling, Compost Facility).

These trends will help shape the work of the Planning Commission to address bylaw changes and evaluations called for in the Objectives, Strategies and Actions that follow.

OBJECTIVES, STRATEGIES AND ACTIONS

Objectives

16.B Maintain the viability of industrial and heavy commercial areas in Williston as markets and demands change and buildings and sites age.

(Town Plan at p. 186)

The Town Plan clearly supports locally sourced renewable energy and increasing its production within the town. The Town Plan also recognizes that industrial areas are typically buffered from other areas, that land use has changed in the area around the Project, and includes an objective to maintain the viability of industrial areas.

Although it is placed in a chapter on rural land use and subdivision design, raising doubt as to its applicability to the Project location, the Town Plan describes conservation as important:

Beginning in 2005, the Town has taken steps to identify and protect significant wildlife habitat, comprised of core habitat and wildlife corridors:

The Town updated language regarding forest fragmentation and worked with the Vermont Department of Fish and Wildlife, Community Conservation Planning staff to refine the Town's Significant Wildlife Habitat Area map, dividing the mapped areas into Tier I (highest priority), Tier II (medium priority) and Tier III (lowest priority). This was done to recognize the importance of forests, in compliance with Act 171, which encourages and allows municipalities to address protection of forest blocks and habitat connectors.

The Strategies and Actions called for in this chapter emphasize continued protection of natural resources, continued updating of maps and data used to inform those protections, evaluating the effectiveness of

current regulations and adapting as needed, and coordination with neighboring communities on the protection of natural resources.
(Town Plan at p. 195)

Strategies

17.3 Continue to protect Significant Wildlife Habitat Areas, areas containing uncommon, rare, threatened, or endangered species, unique natural communities, farmlands of local importance, scenic viewsheds, special flood hazard areas, and streams, wetlands, lakes, and ponds during the development review process.
(Town Plan at pgs. 198)

Working farms and other similar landscapes that the town has helped to conserve are also described, as well as cultural resources such as archaeological and historic sites (Town Plan at p. 145), none of which are affected. The Project involves development on former agricultural land, which the Town already notes is no longer in production (see Appendix D, Town Plan at Map 14 – LESA Farmland).

Regarding specifically mapped conservation areas (see Appendix D, Town Plan at Map 16 – Conservation Areas), a small portion of the Project is located within an area depicted as “Wildlife Core Habitat” and/or “Wildlife Travel Corridor”. As discussed in the prefiled testimony and supporting exhibit of Carla Fenner, the Project area does not contain resource areas or habitats that are consistent with a core habitat or a wildlife travel corridor.

Regarding mapped known and possible constraints, a deer wintering area is depicted southwest of the site (see Appendix D, Town Plan at Map 19a – State Known Constraints), which after closer study was determined to not be within the Project area and not suitable overwintering habitat for deer (see prefiled testimony and supporting exhibit of Carla Fenner). The Project site is shown as being partially within a “Highest Priority Physical Landscape Blocks, Interior Forest Blocks, and Connectivity Blocks” dataset (see Appendix D, Town Plan Map 19b – State Possible Constraints). This state possible constraint appears to overlap with portions of the Project site and is similar to data depicted in the Regional Plan and reviewed above (see Figure 7 below, compare to Figure 4 above).



Figure 7: A screenshot of the Williston Map 19b – State Possible Constraints map, which depicts “Highest Priority Physical Landscape Blocks, Interior Forest Blocks, and Connectivity Blocks” in green.

Based on the extent of local known and possible constraints (see Appendix D, Town Plan at Maps 19c and 19d), the Project is not located on steep areas, but appears to be surrounded by the “Tier1 Significant Wildlife Habitat Area. As confirmed by the prefiled testimony and supporting exhibit of Carla Fenner, the Project is not sited in areas that should be considered significant wildlife core or travel habitat. Additionally, it should be noted that the accuracy of the datasets depicted on both the Regional and Town Plan maps include disclaimers that clearly state the data may have inaccuracies and that on-site investigations are needed for accurate analysis of the site.

In summary, while the Town Plan supports land conservation efforts to protect ecological, agricultural, scenic, forest lands, and other valuable natural resources within the town, it does not accurately identify the Project site as existing conserved land or designate it for conservation. The Project site will not impact the planned sidewalks and paths (Town Plan at Map 9), parkland or primitive trails (Town Plan at Map 15), will not impact a wildlife core habitat or travel corridors (Town Plan at Map 16, see prefiled testimony and supporting exhibit of Carla Fenner), protected open space (Town Plan at Map 18), or state or local known constraints (Town Plan at Maps 19a-19d, see prefiled testimony and supporting exhibit of Carla Fenner).

Based on the above information, the Project complies with the Town Plan’s goals and policies while supporting the Town’s goals for the development of renewable energy generation without violating land conservation measures contained within the Town Plan.

C. Town Energy Plan

The Town Energy Plan includes additional energy related information, existing generation, local objectives, renewable energy and associated siting policies. The Town Energy Plan includes an objective to “double the amount of renewable energy generation sited in Williston from 2015 levels” (Town Energy Plan at p. 6), and describes existing and target renewable energy generation within the town:

Local Objectives

Renewable Energy Generation

Renewable energy generation in Williston is produced by 454 solar sites, 2 small net-metered wind sites, one small biomass site and a hydro dam. The energy generation produced by the hydro dam on the Winooski River is shared with Essex Junction, according to guidance from the Department of Public Service which states that generation be counted based on its physical location.

Table 7 Existing Renewable Energy Generation (2023)

	Sites	Power (MW)	Energy (MWh)
Solar	454	11.82	16,819
Wind	2	0.012	28
Hydro	1	4.03	17,630
Biomass	1	0.09	552
Total	458	15.9	35,029

Source: Vermont Department of Public Service, Generations Scenarios Tool, Distributed Generation Survey + data as of 1/31/2023. *Williston receives half of the power generated by No. 19 Dam.

Where we are going: Estimated Future Energy Targets

To meet the goals, Williston must:

- Plan for a major shift away from fossil fuels to renewable sources of energy in the transportation, heating, agricultural, and industrial sectors.
- Increase renewable energy generation sited in Williston.

(Town Energy Plan at p. 13)

Table 12 New Renewable Energy Generation Targets

	2032	2040	2050
Incremental Generation Targets – Any Technology (MWh)	2,147	10,271	14,028
Total Targets (MWh)	35,890	44,014	47,771

Source: LEAP Model and CCRPC Modeling
(Town Energy Plan at p. 18)

Renewable energy objectives and pathways are also discussed in the Town Energy Plan, including specific encouragement for renewable energy and renewable energy siting policies:

6. Renewable Energy

Local Objectives

1. Double the amount of renewable energy generation sited in Williston

Pathways

6.3 Seek opportunities to encourage Utility-Scale Renewable Energy Projects. Farm methane plants, solar orchards, and ridgeline wind farms are examples of large-scale renewable energy projects that will likely have a significant impact on regional energy production in the years to come. The Town of Williston will support these utility-scale technologies as clean energy sources continue to develop. Permitting these projects should consider the renewable energy benefits along with environmental and aesthetic impacts as discussed in the following section.

6.5 Participate in the Public Utility Commission's Section 248 process by utilizing the siting policies identified later in this plan to review whether an energy project meets the orderly development criterion [30 V.S.A. § 248(b)(1)]. The town will be given substantial deference in the Public Utility Commission's permitting process for ground mounted solar projects greater than 15kW and for facilities using other technologies (not including hydroelectric facilities) of 50 kW or more.

(Town Energy Plan at pgs. 34-35)

Renewable Energy Generation Siting

The siting policies identified in this section will provide structure and guidance for increased renewable energy generation capacity in Williston. Once the energy plan is adopted, the town will seek a “determination of energy compliance” from the Chittenden County Regional Planning Commission and will be given substantial deference from the Public Utility Commission.

Preferred Sites

Renewable energy generation is strongly encouraged on preferred sites before undeveloped areas such as agricultural or forested land.

State and Local Constraints

Some areas are not appropriate for any type of development, including renewable energy generation facilities. The State of Vermont has defined certain resources as known and possible constraints, which are protected by the ECOS Regional Plan and state agency review during the Public Utility Commission review process. The Town of Williston has added additional constraints based on local policy, as discussed in the siting policy section of this plan.

Known Constraints are areas in which development, including renewable energy generation, is not appropriate. Known constraints are listed below and are shown on Map 23:

- State
 - o Federal Emergency Management Agency (FEMA) Floodways
 - o Department of Environmental Conservation (DEC) River Corridors
 - o National Wilderness Areas
 - o State-significant Natural Communities
 - o Rare, Threatened, and Endangered Species
 - o Vernal Pools (confirmed and unconfirmed)
 - o Class 1 and 2 wetlands (VSWI and advisory layers)
- Local
 - o Slopes 30% or greater
 - o Watershed Protection Buffers

Possible constraints are areas in which the effects of development, including renewable energy generation, may need to be mitigated. Possible constraints are listed below and are shown on Maps 24a-c:

- State
 - o Agricultural Soils and Hydric Soils
 - o Act 250 Agricultural Soil Mitigation Areas
 - o FEMA Special Flood Hazard Areas
 - o Vermont Conservation Design Highest Priority Forest Blocks (Connectivity Blocks, Interior Blocks, Physical Landscape Diversity Blocks)
 - o Highest Priority Wildlife Crossings
 - o Protected Lands (State fee lands and private conservation lands)
 - o Deer Wintering Areas
- Local
 - o Slopes 15-30%
 - o Vermont Conservation Design Priority Forest Blocks (Connectivity Blocks, Interior Blocks, Surface water and Riparian Blocks)
 - o Scenic Viewshed outside of the growth center (as described in the Town Plan and shown on Map XX) [sic]
 - o Conservation Areas (See Map 18 of the Comprehensive Plan: Natural Communities, Wildlife Travel Corridor, Wildlife Core Habitat)

Siting Policies

The policies in this section are the land conservation measures to be applied in the Section 248 decision making process with respect to the PUC’s review of a petition for an electric generation facility.

2. Large scale solar facilities and wind turbines should be located to preserve the scenic quality of the viewsheds identified in Chapter 13 of the Comprehensive Plan. The Planning Commission and Selectboard will review viewshed relevance to a proposed renewable energy generation project on a case-by-case basis. Measures to preserve the scenic quality

include, but are not limited to, selecting and siting equipment which keeps the project from being the dominant feature of a viewshed. The project should be positioned in such a way so that it blends into the site. This can be achieved by following state setback requirements and using the natural topography to break the mass of the project.

3. Development, including energy generation, distribution, storage, transmission facilities and fencing, should be carefully located and designed to avoid habitat fragmentation and impacts that would demonstrably reduce the ecological function on a parcel in conservation areas/wildlife travel corridors/wildlife core habitat.

4. Watershed protection buffers shall remain undeveloped with the exception of consolidating existing utility infrastructure (See Table 1 in the 2016-2024 Comprehensive Plan for specific buffer distances).

5. Locate energy generation proximate to existing distribution and transmission infrastructure with adequate capacity and near areas with high electric load

7. Locate ground-mounted solar larger than 15 kW AC...outside of the Designated Village Center.

8. Locate utility lines serving new developments underground and site transmission lines, substations, and similar support facilities within existing utility corridors and be placed underground except where the presence of bedrock or other environmental constraints makes underground installation prohibitively expensive. Careful siting and screening will be required for above ground utility lines. Impacts to constraints identified in the constraints section should be minimized according to applicable policies in this section and in the comprehensive plan.
(Town Energy Plan at pgs. 37-41)

Based on the information presented within the Town Energy Plan, the proposed Project will help diversify and grow the Town's energy portfolio, helping to meet the Town's long term energy generation goals. As discussed in the review of the Regional Plan and Town Plan, the Project area is not called out specifically for protection or conservation, is no longer in agricultural production, and no "known state and local constraints" exist at the Project site. Per the prefiled testimony and supporting exhibit of Carla Fenner, the Project will avoid habitat fragmentation, conservation areas, wildlife corridors, and wildlife core habitat. Per the prefiled testimony and supporting exhibit of Stephanie Wyman, the Project will result in minimal direct impacts to primary agricultural soils on the site, but these impacts will be mitigated. Lastly, the Project meets the siting policies as it is located on the Global Foundries campus and will not require significant distribution upgrades, will leave transmission capacity for other projects in the region, sites above ground utility lines away from public roads, and vegetation around the Project will help screen the Project from publicly accessible locations.

D. Summary of Orderly Development Analysis

Overall, the Regional Plan, Regional Energy Plan, Town Plan and Town Energy Plan do not clearly identify the Project area as having specific conservation measures or being clearly unsuitable for solar development. No land conservation measures or protections specific to the Project site were found in these documents or through investigation of resources at the site that would be unduly affected by the Project.

As discussed in the prefiled testimony and associated exhibits of Carla Fenner, the Project will not result in forest fragmentation, and the Project will not result in undue adverse impacts to streams, wetlands, natural communities or rare and irreplaceable natural areas, wildlife habitat, or any rare, threatened or endangered species. As set forth in Stephanie Wyman's prefiled testimony and supporting exhibit, the Project will also incorporate agricultural soil mitigation where appropriate.

Based on the above, and giving substantial deference to the recommendations and land conservation

measures in the Regional Plan, Regional Energy Plan, Town Plan, and Town Energy Plan, the Williston H Solar Project **will not** unduly interfere with the orderly development of the region.