

October 1, 2020

Clerk of the Commission  
Public Utility Commission  
112 State Street, 4th Floor  
Montpelier, VT 05620

RE: Public comment in: Margo Avery Trust 29.4 kW solar NM in Norwich,  
Case No. 20-2276-NM

Dear Madam or Sir:

Please include this letter as public comment in the above referenced case. My view is that the Public Utility Commission ("Commission") should require the applicant to address visual impact before moving forward on this application.

The project is located in the Ridgeline Protection Overlay (RPO) District, as defined and mapped in the Norwich Zoning Regulations.<sup>1</sup> The applicant has not addressed the visual impact the project will have on ridgelines. In fact, the block of the Net-Metering Application Form relating to Visual and Aesthetic Impact is completely blank.

Pursuant to 30 V.S.A § 248(b)(5), the Commission cannot issue a certificate of public good for a solar project unless it finds that the project "will not have an undue adverse effect on aesthetics." Since the applicant has not addressed the substantive criteria of aesthetic impact, there is no factual basis to issue a certificate of public good.

In addition, the Norwich Town Plan<sup>2</sup> specifically protects the RPO District in its Renewable Energy Project Siting Standards. At page 28 of the Town Plan, special mention is given to: "Preserving the recreational and natural value of those lands identified in the Ridgeline Protection Overlay Area and Shoreline Protection Overlay Area."

The stated purpose of the RPO District is to protect the "uninterrupted skyline" and to minimize "adverse visual impact on designated ridgelines and adjacent slopes as viewed from public roads." NZR, Table 2.9(A). Because the project is

---

<sup>1</sup> Table 2.9 of the Norwich Zoning Regulations defines the RPO District and is attached. The regulations are on the Town's website at: [http://norwich.vt.us/wp-content/uploads/2012/06/Norwich-Zoning-Regulations\\_Amended\\_07-01-09.pdf](http://norwich.vt.us/wp-content/uploads/2012/06/Norwich-Zoning-Regulations_Amended_07-01-09.pdf)

The map is at: <http://norwich.vt.us/wp-content/uploads/2012/06/5RidgelineDistrict52108.pdf>

<sup>2</sup> The Norwich Town Plan is here: [http://norwich.vt.us/wp-content/uploads/2012/06/Norwich\\_Plan\\_2020-ADOPTED-lr-.pdf](http://norwich.vt.us/wp-content/uploads/2012/06/Norwich_Plan_2020-ADOPTED-lr-.pdf)

in that protected area, a review of its visual impact needs to address not only the views of abutters but also views from public roads.<sup>3</sup>

It may well be that the applicant can easily meet those standards. In fact, I hope it does. But to date, the applicant has not even tried, notwithstanding the Zoning Administrator's suggestion in July (seemingly within the 45-day Advance Notice period) that the applicant submit a visual impact analysis.

In sum, the Commission should require a visual impact analysis before moving forward on this application.

Thank you in advance for considering my public comment.

Sincerely,

Christopher Katucki  
47 Old Coach Road  
Norwich, VT 05055  
kals95@gmail.com

---

<sup>3</sup> See e.g. NZR Table 2.9(E)(5) (accessory structure exempt if not "visible from a public road"), (G)(2) (new structures to be "minimally visible from public roads"), (G)(4) ("structures visible from public roads" are to "minimize reflective glare").

**Table 2.9**  
**Ridgeline Protection Overlay (RPO) District**

(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 I, II, and III town highways, state highways and interstate highways within the town).

(B) **Area.** The Ridgeline Protection Overlay District includes all land within 750 feet of the designated ridgelines except for land within 300 feet of Class I, Class II, or Class III town highways, state highways or interstate highways. The designated ridgelines are as shown on the Ridgeline Protection Overlay District Map.

(C) **Permitted Uses:** Structures and uses specifically exempted under subsection (E), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.01.

(D) **Conditional Uses:** Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (E), require the approval of the Development Review Board in accordance with Section 5.04 and the standards set forth below.

(E) **Exemptions.** The following uses are exempted from review under the Ridgeline Protection Overlay District:

- (1) Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with the most recent version of Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.
- (2) Uncovered decks attached to a one or two-unit dwelling.
- (3) Accessory structures with a footprint of less than 100 square feet (total accumulated in any 10 year period) and a height of less than 12 feet.
- (4) Changes in use that do not involve any exterior alterations to a structure.
- (5) Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a public road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.

(F) **Dimensional Standards.** All dimensional standards shall be as set forth for the underlying district.

(G) **Supplemental District Standards.** New structures within the RPO District shall comply with the following:

(1) Forest Cover. On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads. The Development Review Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(2) Placement of Structures. New structures shall be as minimally visible from public roads as possible given site conditions and topography, and shall not stand in contrast to the surrounding landscape patterns and features, serve as a visual focal point, or be visible from multiple points along a road, for an extensive distance along a road segment, and/or which is highly visible from several vantage points within one mile of the development site.

(3) Landscaping & Screening. In instances where existing forest cover or topography will not adequately screen proposed development, a landscaping plan may be required by the Development Review Board. Such plan shall be designed to minimize the visibility of the structure as viewed from public roads.

(4) Glare. Exterior building materials of all structures visible from public roads may be required to be of a type and design to minimize reflective glare and avoid undue adverse visual impact. Exterior lighting visible from a public road shall be shielded and downcast.

(H) Pre-application Site Development. Forest management activities designed as pre-development site preparation shall be reviewed by the Development Review Board to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or related work. Where a landowner fails to submit pre-development plans for review, the Board may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.