

TRANSCRIPTION

Norwich Select Board Meeting

August 11, 2021

<https://youtu.be/eyBI5Gw3WWc>

1:08:50

Roger, Chair

So let's move on to #5, the proposed solar generation project at Upper Loveland Road, Norwich Solar Technologies. In this case we're going to be asked to accept the recommendation of the planning commission to support this project, and then a motion is required. There is a lot of material in our packet. I think some folks from Norwich Solar Technologies are here to potentially offer a presentation. I just wanted to clarify one thing before we begin, which is that the 2020 town plan and the energy chapter 3.2 as Rod Francis points out in his July 3 memo as part of the packet that solar generation projects that are sized from 15 kW to 500 kW, the presumption is that all Norwich meets the Public Utility Commission definition of preferred site, notwithstanding the existing areas of local concern including the Ridgeline Projection Overlay area, and then this site that we're going to be talking about is located in the Ridgeline Protection Overlay area and **therefore does not automatically qualify as a preferred site in the town** plus, thus a different process is triggered and that is why we are here today following the Planning Commission's presentation as well. So I did want to summarize that. So would it make sense for folks to hear a little bit from Norwich Solar Technologies first? As an approach?

Unknown

Yeah

Roger

I'm seeing yes from Rob, Marsha, Claudette. Would you like to do that? Or would you like to take a different action?

Charlotte

It doesn't matter to me. I watched the planning commission meeting.

I'm going to have questions.

Roger

Okay, so why don't we, let's take some questions then. Marsha would you like to begin with questions?

Marsha

Sure. I'm just concerned because I don't know that there's any statement or provision in the town plan and certainly nothing was mentioned in this application about any of the habitat blocks and connectivity issues for animals. And when I looked today on the Vermont Biofinder for that particular address on Upper Loveland Road it looked to me like there were, it was a

habitat connectivity area, which would mean that nine acres of cutting forest and the two acres of plastic solar panels could disrupt animals significantly and cause a problem. So even though the Agency of Natural Resources was copied on this, it's been my experience that nobody will raise their hand and say, oh yes, this is a problem. So I'd like to have feedback from them before we take any action on this because I think we have real worries about climate change that might be addressed on the one hand with things like solar and might be harmed on the other hand by ruining the habitats of animals that actually benefit us in other ways. So before moving on this I would definitely like to hear from the Agency of Natural Resources and have them explain in particular where this fits on that habitat block and connectivity scheme.

Roger

Okay, Marsha, would you like to hear from the applicant or Rod Francis who may or may not have been in touch with that Department?

Marsha

Yeah. And I'd also like to know who exactly is going to benefit from this, is this going to be money that's in the pocket of the developer. This is a large field so I'd like to know who's getting the benefit here. So those two question.

Roger

Okay, that's great. Do any other board members have questions? Otherwise I'll ask our applicant to address Martha's questions. Why don't we do that. Rod Francis I see that your hand is up. Would you like to address these questions first, is that what that hand means?

1:13:07

Rod Francis

Yes it does actually. And I just want to say at the outset, I don't mean to speak across Troy here who has come prepared for a presentation, but I wanted to make it clear to the public and to the Select Board that the Agency of Natural Resources is a party to the Certificate of Public Good proceedings that will happen under Rule 5100 and as this application proceeds, and they're obligated then by statute to review any such applications like this with regard to their own policies and that includes the mapping that Marsha was able to see on the Agency of Natural Resources Atlas this afternoon. So to be clear, the point I want to make here is that the town's jurisdiction doesn't extend to that. We don't, we don't determine or define habitat blocks and we don't enforce around habitat blocks. We don't review for habitat blocks. That's the purview and the jurisdiction of the Agency of Natural Resources which is why it didn't come up. I'd respectfully suggest that the Select Board also does not have the authority to review habitat blocks in this instance. So I acknowledge that Marsha is concerned that under some circumstances perhaps it won't get the attention that it's due, that's a reasonable concern. But ultimately the town is bound by the way the, is bound by statute and so the town does not actually enjoy the authority to review forest blocks, and moreover, even if you were to invite the Agency of Natural Resources, assuming that they were available, I suspect that their response would be that the appropriate response would be in the forum of a hearing for the

Certificate of Public Good and so Troy has actually been through several of these, of course, so he can speak in more detail about that but I want to make clear that the town has no authority in this regard.

Roger

Okay. Thank you. Troy, would you like to add anything to that, to Marsha's question?

Troy McBride of Norwich Solar Technologies

Yes, and I appreciate the opportunity to speak with you and, yeah, as Rod is indicating, that we hire environmental consultants as part of the application process and the town is a party to that process and the Agency of Natural Resource works with closely with us and our environmental consultant to make sure that we follow all environmental regulations and that we do not disturb wetlands, sensitive plants, and habitat, so it is definitely part of the process in is definitely something that we look to be environmental stewards on. **One of the big advantages of this project is that it's not seen from any public way**, and so there's been definitely some strong considerations in Norwich for having solar arrays be at most seen at a glimpse and so **this particular project is a good example of one that is not going to be seen from any public way or homes**, and also this is a private property and there are some trails there, it does border on some town land and we commit to having this continue to be open to the public and so we believe that this is a good, a good use for the property.

1:17:25

There was the question about a developer and who benefits from these projects. I would be remiss not to mention that that's outside the scope of this but I, it's something we're very proud of, as a company, we're 35 people, local Vermonters, we're based in White River Junction, we provide good wages, we're voted the 2021 best place to work and all these community solar arrays provide solar credits to local Vermont individuals, businesses, non-profits, towns, municipalities, they see savings from that. We, so, there's broad based benefits including environmental, social and economic and I just, happy to answer any other questions you have.

Roger

Just to pin it down, I think Marsha was looking for unders.. I think could there be explanation of how these projects are financed and how and who are the beneficiaries of the financing structures, so just to, I think.. the question, you can answer that didactically and broadly as you wish as a reminder...

Troy

So uh we, we finance projects a number of different ways. And so projects in Norwich to date, for example, one is owned by a local resident and serves low/moderate income housing in the Star Lake region. One is owned by individuals through residential community solar and half owned by another Norwich individual who then provides discounted power to the Norwich Fire District and the town of Fairlee. There's another solar array that is hosted by the Norwich Fire

District, provided lease payments to the Norwich Fire District that's financed by an individual investor and that provides credits and benefits to King Arthur Flour and so all of these projects provide multiple benefits to many parties. We're bringing dollars into the state from the federal tax credit, from the federal tax rules, and from both local investors and investors in the New England region. So a number of our solar projects are bank financed with local banks, Mascoma Bank, Claremont Bank are great partners, VSECU is a great partner, and we have individuals at both local and regional in New England that are investors in solar projects bringing money into the state, paying good wages and also providing savings to customers throughout Vermont.

Roger

Okay. Thank you. Any, Marsha, did you get answers to your question?

Marsha

Yeah, I have a follow-up. So we didn't see fit to put anything about habitat connectors in our town plan. We did have protection supposedly for ridgelines. And now we're asked to abandon that protection in this particular case. And I'm just wondering, yes, jurisdictionally though their review and various components of the government will look at this including the Agency of Natural Resources, but I'm just wondering, I'll find this out myself independently but I will ask the question, if the Agency of Natural Resources said they didn't agree with this, would the vote by the Select Board trump anything that any agency might have for objection?

Roger

Troy muted himself so maybe...

1:21:55

Troy

I'm happy to answer this and also for Rod to provide some information. This is the very first step in the process so this does not trump any, any of the Public Utilities Commission proceedings. It is really just a gating step in the process. And then just noting on the Ridgeline Protection Overlay, the Ridgeline Protection Overlay is for scenic view and that's why **we've been very diligent, careful in showing that we are not impacting the ridgeline view from any public, public highway or road or even house. So that's where we're protecting the ridgeline viewshed with this project.**

Roger

So, just to be clear, if I may, Marsha. If the Agency of Natural Resources finds that this doesn't conform the standards set for protecting these wilderness blocks.

Marsha

Habitat connectors

Roger

The wilderness connectors, that trumps any decision that we render here. I think, just to be clear, do you have a sense of yes or no on that? I'll turn to Rod, he can help, and then I'll.. Go ahead Rod, answer Marsha's question clearly?

Rod

Let me try and be clear. So Troy is correct. There is a review process that Troy's firm and the applicant's, the property owners are in the process of going through with the Public Utility Commission, this is the first step. As part of the process for obtaining a CPG from the PUC, state agencies have what they call intervenor status in those hearings. If any one of the statutory parties including Agency of Natural Resources have got serious concerns, they can do two things. They normally do both. They formally articulate their concerns with the applicant, in this case that would be Troy and his firm. If there's an inadequate response or Troy's firm's response is that we would like to take this plan unchanged to the Public Utility Commission and will argue our case there, then the Agency of Natural Resources can make representations before the commission on the basis of their statutory authority. To be really clear, the town at this time has no authority to comment or to provide an opinion or to attempt to prevent this from going forward on the basis of the existence of mapped habitat blocks. To be clear about that, the process that the town follows in an instance like this is generally to delineate between ridgeline protection areas and the other designated areas that are designated through the zoning process.

So if you look at the zoning maps, you'll see the ridgeline overlays is one of those maps. That was duly adopted as part of the zoning regulations in 2009, and so that's what we can enforce around. The concern about forest blocks and habitat blocks has come subsequent to that, are important for policy reasons but they're not germane to this question. And so the town plan identifies forest blocks as a key issue and it also identifies encouraging renewable energy resources as an issue and so it set the level at quite clearly at **if the project proposed is outside the ridgeline overlay district then it's presumed to be a preferred site and if it's in the ridgeline overlay area, it's not.** And then the Planning Commission renders the decision as to whether the proposed project has an impact on the ridgeline overlay area within and there it references the language of the ridgeline overlay area itself which as Troy correctly pointed out is an aesthetic consideration, not a habitat quality or habitat value judgment. It's a visual aesthetic judgment. So we don't have the ability in the plan policy-wise to review habitat blocks.

1:26:46

Roger

Right, which is why your memo originally to the planning commission and now that we have addresses Section 3.13 of the Norwich Zoning Regulation. That is what we are to use for the standard of review.

Rod

Correct. Correct.

Roger

Any further questions or comment? Go ahead Marsha and then I'm going to ask everyone else and then we'll move on if that's okay?

Marsha

It is within our purview because it's here in front of us and it's here in front of us because this is different. And it is, Mary (?). It's here because we are going to have to make a decision about this and say whether we say this is ridgeline and it's a primary, whatever site. And I think that can't be lost. And the fact that the town plan didn't provide for habitat connectors is now coming to bite us and it will potentially come to bite us in the future and I'm hoping sincerely that the Agency of Natural Resources will take a good hard look at this because I'd like to know why we don't first and foremost look at brownfields. I'm looking at all sorts of stuff on the internet that talks about the concerns and I took a continuing legal education course on solar siting and energy siting and basically people are saying the best case scenario is for people to choose brownfields and this is gonna come back to bite us as we go forward. So I would say if this was coming to us and you said this should be a preferred site and it's a brownfield, maybe so. But not a ridgeline which is by the look of the biofinder, a habitat connector. I'm concerned about the harm that we're doing if we say this should be a preferred site.

Roger

Thank you, Marsha. And I would hope that the Agency of Natural Resources would share your concern in their review. Right? That's what I would say. And so what I will offer is if Miranda can make sure that they are clearly expressed in our meeting minutes, your point, right?

Marsha

Thank you

Roger

It will make its way through this course. Right? Any other board members have anything? Thank you Marsha?

Unknown SB member

I have one thing to say. Just that I appreciate the different site lines that were explored since it is a ridgeline. It is sensitive for scenic reasons. And they made sense to me. I was impressed by how thorough that was.

Roger

Thank you. Any further discussion or question? Do we have any motion?

Unknown SB member

I move to accept the recommendation of the Planning Commission and provide a letter of support as drafted by the planning director to Norwich Technologies for their proposed solar generation project on Upper Loveland Road.

Roger

There a second? Seconded by Rob. All in favor please raise your hand?



Okay. We'll call. Rob, how do you vote? I can't hear you.

Roger

Rob

Yes

Claudette how do you vote

Yes

Mary how do you vote

I vote yes

Marsha how do you vote

No

Roger

And I am a yes. Thank you.

Claudette

Can I just point out to Marsha too that the abutters and especially the abutters and I believe even members of the town can submit testimony to the PUC when this comes up if there's opposition and they'll listen to you.

Marsha

Thank you

Roger

Troy is nodding

Troy

And the select board themselves and you as individuals, please review our plans, please contact us directly with any concerns but then also you know if we're not addressing them please put your all your comments to the Public Utilities Commission. It is a indepth process and it we appreciate all of the effect that goes on in that.

Marsha

Will do.

Roger

That's great. Thank you Claudette. Let's move on to the Town Manager Report

1:31:36