



Testimony on S.236
Peter Sterling, Executive Director, Renewable Energy Vermont
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Adjoining landowners can oppose a solar project, causing the significant delays, increased costs and outright cancellation of a good project even before it begins as you have heard in previous testimony from myself, Tom Garden, Joslyn Wilschek and Ben Marks even if a project is located on land that a town has designated a preferred site.

For example, as you may recall from Ben Marks testimony to this committee on February 14th, Acorn's community solar project was located on a preferred site but aesthetics was litigated by an out-of-state landowner whose property was vacant.

A town plan is a guidance document intended to promote orderly development and is not enforceable by law and a town plan designation for a site doesn't change anything as far as potential opposition by nearby landowners based on aesthetics. That's why we need the statutory changes called for in S.236 regarding the aesthetics criterion.

Some background on town plans and their relationship to renewable energy siting.

1. A town plan is considered by the PUC in two contexts in energy siting cases:

(1) § 248(b)(1) re: orderly development of the region; and

(2) § 248(b)(5) aesthetics and the prong of the Quechee aesthetics test re: clearly written community standard intended to protect scenic beauty.

2. Even if a town has an energy plan it might not consider all of the required factors at a level needed to permit a viable site in terms of: wetland delineation / suitability

- distance to 3 phase power
- willingness of property owners to sell or lease
- the Quechee aesthetics test is not applied in picking these areas
- towns often create a block of areas that then become tangled up in "Single Plant" issues at the PUC that also limit the effectiveness of these designations for developers

3. Development activities are also more dynamic than town plans which are done on a many year cycle. For example:

- Changes to 5.100 on the land clearing limitations have blown up many preferred siting designations by the towns
- Utility circuits capacity/feasibility changes over time leaving perhaps a previous well defined location now useless

4. A town plan's best use is to really identify where there is a desire for NO development of any kind which is very different than "here are completely vetted sites" to build on.

5. REV members experience is largely that since solar projects are complex to site, develop and build, towns simply don't have capacity to adequately evaluate all land. They often end up picking sites that they think are either good for solar, or in many cases bad for solar because they seek to block development of renewables, not facilitate development in an orderly manner.