

Act 174 Enhanced Energy Planning *Is it working to give towns more say?*

Different Standards for Town Plans at Act 250 and PUC. Criterion 10 of Act 250 requires compliance with Town Plans. The decision to give Town Plans the lower standard of “due consideration” was mentioned in a 2006 court decision that included an excerpt from a transcript of a 1988 legislative hearing with PSB Chair Rich Cowart and the Senate Natural Resources and Energy Committee.*

The Role of Towns and Town Plans at the PUC. Act 174 was passed in 2016 after towns complained they had no voice in the siting of renewable energy projects. Act 174 enables town planners to adopt Enhanced Energy Plans based on standards set by the Department of Public Service. Land conservation measures and special policies in Enhanced Energy Town Plans receive “substantial deference” rather than “due consideration” at the PUC.

DPS Standards Are Not Useful to the PUC. DPS developed standards under the Shumlin administration that have largely been carried forward by the Scott administration with minor changes. The DPS standards can be met by inserting data and maps provided by the state. There is nothing useful in the DPS standards to assist the PUC in consideration of the Orderly Development and Aesthetic criteria of Section 248 or Section 248a (Telecom).

What the PUC requires. The PUC requires specific language in town plans, and that language must be specific to the site. It requires planners to evaluate every possible location in town to identify sites where renewable energy is or is not desired. It is an extraordinarily high bar. Name the mountains, name the streets, name the fields where you do or do not want energy projects. The PUC can overrule a finding of undue adverse effect even if a town plan says certain areas are off limits. The Town of East Montpelier currently has the best example of an effective Enhanced Energy Plan, written by a professional landscape architect.**

Act 174 Enhanced Energy Planning has failed. Seven years after enactment, no Enhanced Energy Plans have been used by the PUC (as far as VCE knows) as a significant factor in a PUC decision.

*[https://legislature.vermont.gov/Documents/2016/WorkGroups/Senate%20Natural%20Resources/Bills/S.230/Witness%20Documents%20&%20Testimony/S.230~Sharon%20Murray~Glebe%20Mountain%20Wind%20Energy,%20LC%20\(Appeal%20of%20JO%202-227\)%20Docket%20no%20234-11-05%20Vtec%20Followup%20Document~2-3-2016.pdf](https://legislature.vermont.gov/Documents/2016/WorkGroups/Senate%20Natural%20Resources/Bills/S.230/Witness%20Documents%20&%20Testimony/S.230~Sharon%20Murray~Glebe%20Mountain%20Wind%20Energy,%20LC%20(Appeal%20of%20JO%202-227)%20Docket%20no%20234-11-05%20Vtec%20Followup%20Document~2-3-2016.pdf), p. 11

**<https://centralvtplanning.org/wp-content/uploads/2022/11/2018-Town-Plan-Amended-2022-07-11.pdf>