

To: Senate and House Natural Resources and Energy Committee Members

As the solar siting bills and discussion take place, I wanted to share a link to the Seven Days article that addresses this topic. If anyone would want to take a solar tour of completed, to be built, under discussion and pulled sites in the New Haven area feel free to ask.

Best regards,

Jim Walsh
New Haven

<http://www.sevendaysvt.com/vermont/communities-demand-more-say-on-solar-projects/Content?oid=2543278>

Communities Demand More Say on Solar Projects

By [TERRI HALLENBECK @TERRIVT](#)



- JAMES BUCK
- Solar array in New Haven

As Jim Walsh drove from Ferrisburgh to New Haven last week, he pulled over repeatedly to point out each new solar cluster

along Route 7. In some places, they seem to be popping up like dandelions.

That one, the New Haven selectboard member said of a 17-acre array, was originally proposed to be bigger and closer to the road. Based on the town's objections, smaller panels were erected farther back in a field when it was built in 2013.

A few miles away on Dog Team Road, Walsh pointed to a one-acre solar facility that is a stone's throw from a home. It's so close that the neighbors, Dale Hastings and Jess Whitney, say they plan to go to court to argue that their property's value has declined as a result.

New Haven is what Walsh and others refer to as ground zero in Vermont's red-hot solar siting debate. A surge of projects spurred by state incentives is bringing more attention to a nagging question: How much control should local residents and communities have over where energy projects end up?

Oversight currently rests in the hands of the [Vermont Public Service Board](#), but many town officials argue that the PSB should give greater weight to their ideas about what gets built where. Leaders of some 50 towns have signed a petition the Rutland town selectboard started in January, asking for changes in state law to give them that power.

"I think the state needs to find a way to accommodate the views and wishes of local communities," said Peter Rothschild, who serves with Walsh on the New Haven Planning Commission.

Legislators are listening. Ten pending bills would, to varying degrees, give communities more leverage. Legislators held a public hearing on the issue as *Seven Days* went to press Tuesday.

Even lawmakers who strongly support renewable energy are saying something has to be done.

"It's important that folks see and know that their concerns have been heard and listened to and we're addressing them," said House [Natural Resources and Energy Committee](#) chair Tony Klein (D-East Montpelier), a longtime renewable energy proponent. "Our intent is to craft a bill that gets out of committee and passes out of the House by the end of the session."

That means the bill stands little chance of passing the Senate this year. Klein's Senate counterpart, Chris Bray (D-Addison), said he hopes to put together a group that will work over the summer and fall on legislation that would be ready to go next year.

Bray could not ignore the debate even if he wanted to. He lives in New Haven, and towns in his district have signed onto the Rutland petition or raised similar concerns. A one-acre solar project is proposed for a tract of land that is half a mile from his house.

Bray said he looks favorably on locally generated non-fossil-fuel power. But he sees the rift that projects have generated in his town. "The risk I see is that if projects get pushed out in such a way that more and more people object, it will ultimately slow down the movement from fossil fuels," Bray said.

The chief complaint in scenic Vermont is that large-scale solar arrays have the potential to mar prime views. The angst is reminiscent of the debates that consumed some Vermont towns within sight of large wind turbine projects. In the wind debate, cries from a few towns — chiefly about aesthetics and turbine noise — were largely ignored. On the solar front, the sheer number of projects being proposed and of towns and neighbors affected make the complaints harder to dismiss.

"We're the canary in the coal mine. It's going to come to a town near you," said Rothschild.

New Haven, population 1,666, is rural and relatively flat, with lots of open farmland and ready access to the electric grid

through a new power-transmission substation. That makes it prime territory for solar development. In the past two years, eight solar arrays have been or are being built, Walsh said. Four more are planned. Another three or four are on the drawing board.

Each project sends neighbors, the planning commission and the selectboard scurrying to get a foothold in a PSB approval process that some say heavily favors the developer.

Having spent 14 years on the town planning commission, Walsh has seen other hot-button issues: the Northwest Vermont Reliability Project brought a major electric transmission line through town; more recently, Vermont Gas has sought to build a controversial 43-mile pipeline, nine miles of which would go through New Haven.

But nothing has consumed the commission quite like the steady stream of proposed solar projects.

Last week, the town applied to intervene in the PSB approval process for a 350-kilowatt-hour array that would cover five acres on Route 7 in New Haven near a Vermont State Police station. The proposed size exceeds the town plan's per-project limit of 300 kwh.

"This will be the next chapter that's written as to whether the town plan matters," said town selectboard member Doug Tolles.

Developers and state officials say they take town plans into consideration and that the process works the way it's supposed to. "If the community puts specification in the town plan, it's not clear that the Public Service Board doesn't take that into account," said Darren Springer, deputy commissioner of the state Department of Public Service. As an example, he cited a Springfield biomass project the board rejected because it conflicted with the town plan.

Energy projects are held to different standards than other commercial development based on their contribution to the overall public good. Developers note that Vermont law and Vermonters are generally in favor of locally generated renewable energy. Developers also contend they bend over backward to accommodate local concerns.

"We are learning as we go across the state of Vermont how to have these conversations," said James Moore, cofounder of SunCommon, a Waterbury Center solar developer. "I think folks have a voice in the process and a voice that carries significant weight. That does not mean that voice always carries the day."

Sometimes it does. Early this month, SunCommon proposed a one-acre solar project in a field off Route 7 in New Haven that would have planted solar panels between Tourterelle restaurant and a stunning view of the Adirondacks.

With just 10 days notice before SunCommon submitted its application to the state PSB, restaurant owners Bill and Christine Snell and neighbor Marie Gordon went to town officials pleading for help. The project was news to the town, Rothschild said. Neighbors and town officials were preparing to argue against it.

Walsh brought up the case in an email he sent to his legislators last week, noting that he was speaking as a citizen, not as a town official. "This project reinforces and highlights the immediate need for solar-siting standards that have local control embedded in this process," Walsh wrote.

Last Friday, SunCommon pulled the plug on the project. The company never intended to build it if the restaurant was opposed, Moore said. In just three weeks, the project had popped up, caused a furor and disappeared.

What the state might do to satisfy localities is unclear.

New Haven town leaders said they'd like solar siting to affect fewer people. One way, Walsh suggested, would be to clump arrays into designated solar parks.

Klein, the House committee chair, is sponsoring H.276, a bill that would give priority to projects built in less-desirable places such as brownfields. His bill would also force the PSB to give preference to municipal plans for siting, but with a caveat. The municipality would have to identify places where five-megawatt projects could be built, and the PSB would still be able to overrule such plans if its members felt they were in conflict with the state's public good.

Annette Smith of Danby, executive director of [Vermonters for a Clean Environment](#), has been trying for years to make the point that residents and communities lack sufficient standing in the PSB process. She's dubious that state leaders are willing to make significant changes.

"I really don't think it's getting as much traction as it should," she said. "It really puzzles me why the citizen legislature is so hostile to the public on this issue."

The PSB process is challenging, she said. Individuals who want to get involved in a case have to prove they are affected. Once they do that, they have a tough time showing their situation outweighs the public good. "It's rigged from the beginning," she said.

During the debate over large wind projects, Smith found little support in the legislature for giving neighbors more control.

But many more towns are involved in the solar showdown. And they're not seeking a moratorium on new projects, as wind opponents did. Most just want a say in where they are built.

"I don't think you'll find anyone on the planning commission or the selectboard totally opposed to renewable energy," said Walsh.

"They haven't just said, 'No, we don't want this,'" Bray noted. "They're saying, 'How can we do this better?'"

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