

March 24, 2015

In regard to siting renewable energy in Vermont

Honorable Representatives and Senators of the Joint Natural Resources and Energy Committee:

Our community and we (directly) have been impacted by the approval of two 150kW net-metered solar projects on adjacent properties directly across from ours. In spite of the experience, WE ARE NOT AGAINST SOLAR (or other renewables). Not unlike most others who are raising objections to the seemingly uncontrolled proliferation of commercial-scale solar projects in Vermont, we are concerned about the threat that the current legislative process for approving (including siting) and oversight poses to our communities, landscape, and democratic heritage.

For ease of reading, our statements are listed below:

- (1) Municipal planning and zoning regulations, as an expression of the preferences of the people of the community being impacted by the projects, are not being given appropriate weight and consideration. The impact is that they are effectively circumvented in the current process. If these solar projects were truly for the “public good”, why does there exist this reluctance on the part of developers and the PSB to work with local communities and municipalities. All projects, regardless of size, should be subject to local zoning regulations which are an expression of the community’s appetite for various types of development. Clearly, municipalities must be given a status commensurate with their role as the voice of the community and their role should be clearly defined and firmly integrated into the process.
- (2) In many instances, the hosting community receives no benefit from the project. The homeowner/landowner is compensated by leasing the land and receiving credit for the power they use, but excess energy credits often go to businesses outside of the hosting community or county. In some cases, the applicant is an enterprise where the parent company is out-of-state. Consideration should be given to the ultimate beneficiaries of the larger proportion of the profits to ensure the money stays in Vermont. Our resources should not be used for the benefit of non-Vermont interests.
- (3) Net-metered projects are highly-incentivized and profitable. As a prominent local attorney put it “Solar was a good idea until someone realized there was money to be made.” This shifts the focus away from doing the right thing the right way for the right reasons to maximizing profits. Siting directly contributes (or detracts) from the bottom line. Proximity to a connection to tri-phase power and use of above-ground lines are primary considerations in siting that impact cost. Alternatives such as siting next to a road along which tri-phase power lines run and making the connection above ground are cheaper but also result in sites that clearly have more aesthetic impact. At a minimum, measures should be in place to ensure that there is sufficient input to siting decisions by all affected parties, as well as clear, understandable, measurable, and achievable criteria against which elements of siting decisions can be measured to assess impact. We must remove the current “standards” of “because we (PSB) say so” or because some degreed/titled landscape architect working on estates in Shelburne that has no connection to the local community or the rural landscape has testified as such, to conclude that the aesthetic impact does not meet the elusive “undue” test.

- (4) The PSB has never adequately addressed or even considered the question of devaluation of a property as a result of the siting of a solar (or other renewable) project in its vicinity. Views have a monetary value associated with them when valuing real estate. This is not a factor of a fluctuating housing market. Is it appropriate for a property owner to bear the burden of their property being devalued because a neighbor decided to install a commercial-scale solar array when their neighbor is reaping the benefits at their expense? Neighboring property owners and quite possibly the local community as a whole are suffering disparate impact – assuming the tax burden for what is not being collected from the owner of the project’s site (commercial vs residential tax rates), paying premium taxes themselves, and having their rights diminished. Impact to property values is a key topic in this debate and should be addressed. The interests of neighbors within sight of a project need to be given a priority status because they have much to lose.
- (5) We must figure out a formula for taxing properties on which solar projects are sited. They are commercial in scale and purpose yet no provision exists to tax the acreage accordingly.
- (6) In addition to decreasing reliance on fossil fuels, solar projects are touted as providing jobs and saving money for Vermonters. Rates for electricity have not decreased. A tour of projects under construction will show a large percentage of vehicles with out-of-state license plates at the sites – frequently outnumbering those with Vermont plates. This is more evidence that the goal of profit-maximization is overriding other objectives. We recall a figure of 1,500 as the number of jobs the solar industry will provide. This is but a small percentage of the actual number of jobs available if you include all parties. Additional motivation is needed to increase the utilization of local Vermont human resources (as a percentage of the total involved in a project) to ensure Vermont gets the largest share of the funds invested in these projects.
- (7) Vermont is a small state. Every acre matters. Combine this with our reliance on our natural resources to support the few industries -- tourism (including Agritourism) and farming (Dairy, Maple Production, Farm-to-Table, etc.) -- which actually contribute to the (endangered) economic viability of Vermont and there is no scenario where it makes sense to redeploy large tracts of open land in the quantity and manner necessary to support solar development at the rate at which projects are currently being approved. While some believe these solar arrays to be beautiful, it is doubtful that the 73% of visitors which come to sightsee (per UVM Vermont Tourism and Recreation Survey), want to see fields of solar panels (or billboards – but they are already illegal). The land, once removed from productive farm use will likely not be farmed again in our lifetime or ever (leases are typically 20+ years in duration and renewable). Farmers need farmland not to graze animals (this has actually been mentioned as a ‘benefit’ of solar arrays) but to produce crops to feed livestock which is not possible under and around solar panels.
- (8) Certain areas of the state are being disproportionately impacted by commercial-scale solar projects being approved. By their own admission (at a community forum held at the offices of the Addison County Regional Planning Commission), developers have identified Addison County as targeted for these solar projects because of the quantity of open, flat land. Ironically, that which made Addison County

first in agricultural output is also making it a target for solar development. At the same meeting, a developer also indicated that in the future, the trend will be to move away from the larger installations with their additional complexities and costs, in favor of the 150-500kW because of the ease and economy of the expedited process and other benefits such as not having to post a bond for decommissioning. A moratorium should be placed on new project applications and/or approvals, or at a minimum, a pause taken in order to understand the current 'inventory' of applications such that the impact of an onslaught of applications that are likely to be filed ahead of any anticipated action by the Committee is mitigated.

(9) Preservation of our natural environment has long been a priority for us. Act 250 – the cornerstone of our environmental conservation legislation – is also being circumvented in the current process. Acreage is being converted to what amounts to a commercial use without being reviewed for compliance with Act 250. In some cases where ANR is involved and conditions to PSB approval have been imposed, there is no formal process to ensure that conditions are complied with. The fact that two significant pieces of legislation -- Act 250 and Section 248 of Title 30 – and the Boards which administer them are in conflict over the issue of solar is evidence that there is something inherently wrong with our approach. We also have other programs intended to preserve land (e.g. Current Use) but parcels are being removed from these programs in order to be used for commercial-scale solar development. This cannot have been an intended outcome.

(10) We can make meaningful progress toward reducing our carbon footprint with less upheaval and conflict by investing more to redouble our conservation efforts, and provide programs and incentives to encourage residential scale solar and wind projects.

Recently, we have seen examples of “big ideas” that were not well thought out with less than due consideration being given to impacts and those impacted. This has left us lacking but still having spent large sums of money. While “saving the planet” is a right and righteous cause, Vermont cannot continue to be the proverbial “sacrificial lamb” to grandiose proclamations and headlines. We don’t have the resources necessary to maintain our resiliency and ability to absorb bad decision made without sufficient analysis of the trade-offs. We are a state with a Napoleon Complex which will inevitably be our downfall. We have to look to the values of the Vermont of yesterday to help us through today’s challenges. An ounce of prevention is worth a pound of cure...

In conclusion, why does Increasing use of renewables have to be an “...either...or...” proposition? Why does the attainment of renewable energy objectives have to be at the expense of our rural heritage and deep tradition of working the land, our landscapes, our quality of life? The answer ... It doesn't.

Respectfully submitted,

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