

The Rutland Regional Planning Commission is supportive of renewable energy development, but also has an inherent and statutory interest in supporting the planning and development goals of the 27 towns that the RRPC serves. Currently, these towns are voicing a number of concerns to the commission regarding the solar facility siting process.

The most pressing concern pertains to the role (or lack thereof) that the towns play in the PSB process. Land use documents, specifically municipal plans are created with the intent of outlining town goals and desires for development. Towns are expressing their frustration that the PSB is not utilizing these plans in the siting decisions for solar facilities.

The most frequent concerns heard by the RRPC:

- Towns want their land use documents, which have been established over time and have been put in place thanks to the work of mostly volunteers, to apply and have meaning.
- Towns are unclear about what to put in their town plans to address solar and wind siting and what constitutes a 'clear community standard'.
- Municipalities do not intervene because they are unclear about the process, do not have staff resources, and do not have legal budgets for participation.
- Towns do not think they have any say in the PSB process, which is often told to them by developers during the process (this has happened in both Poultney and Sudbury, for example).
- At the pace that solar projects are being approved and built, towns do not have time to update their land use documents to address solar siting. It would be an exhausting task to have towns attempt to include in their plans every single site that would be favorable or unfavorable to them for solar siting.
- Towns are unclear about the PSB application of the Quechee Analysis. In the past, the PSB's interpretation of the Quechee Analysis was consistent with that of the Environmental Board (EB) in ensuring that development did not degrade Vermont's scenic views, including those enjoyed by neighbors. For example, in a 2001 case, the PSB denied a wind tower, ruling that *"because . . . the Project will be in the direct view of the [neighbors] from their home and will significantly diminish their enjoyment of the scenic view from their home . . . the Project will be offensive and shocking to them and to the average person in a similar situation."* The decision was upheld in 2002 by the Vermont Supreme Court.

The RRPC also has concluded that the PSB siting process is no longer considering the interests of neighboring landowners. Every decision issued by the PSB on solar and wind projects has dismissed the interests of the neighbors, ruling that because they are most likely to be affected by the project, they cannot be considered the "average person." This

is especially curious because in order to participate at all, neighbors must show that they have a particularized interest that is greater than the interests of the public at large.

In addition, the RRPC believes the PSB appears to be contradicting the EB and its own precedent by ruling that municipal zoning ordinances do not constitute clear written community standards for purposes of the Quechee Analysis.

The town of Sudbury is currently experiencing many of the issues stated above and is a prime example of how towns are getting left out of the PSB process. A proposed 2 megawatt solar project for Sudbury not only will replace an active hayfield that provides neighbors with a scenic vista of the Green Mountains, but the project will not involve the town in any way, because the town did not have the financial means and legal resources to intervene. The 45 day timeline for intervention often does not provide enough time for a town to hold a publicly warned meeting and gather comments. That proved to be the case in Sudbury. Towns like Sudbury want to be involved in the PSB process so as to ensure protection of the town's resources, such as agricultural land and scenic vistas.

The RRPC stands behind our towns' desire to have their plans recognized and acknowledged in the PSB process. This will give the municipalities a voice in the process, and most importantly, the orderly development of the region. In response to the towns' concerns of solar siting, progress is currently underway to tighten the language on solar siting and development criteria in municipal land use documents and the Rutland Regional Plan. The RRPC's goal is to assist towns in writing these documents so that development criteria are clear and utilized by the PSB and developers alike. That's what we're doing for our towns. We respectfully request your assistance in addressing our towns' concerns and needs.

Edward Bove

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