

Scott Woodward
Town of Pomfret
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Dear Members of the Senate and House Natural Resources and Energy Committees,

I am a member of the Pomfret Select Board and the Pomfret Planning Commission. I am also a graduate of the Vermont Law School. The comments contained herein are relevant to Pomfret's recent experience with two potential Community Solar Arrays (CSA's) and the land use policies of the Town.

SunCommon, the sponsors of the two recent projects, should be commended for the company's sensitivity to the concerns of Pomfret residents. However, what is abundantly clear from Pomfret's recent experiences is that the rush to create state-wide renewable energy infrastructure is somehow more important than local land use policies and control over land use decisions. Apparently, there's a perception in Montpelier that the scale of solar renewable energy projects governed by the abbreviated § 248 process are somehow so discreet that there is no role to play for local land use organizations, or that the importance of these projects trump local policies. I fear our legislators are not paying attention to what is happening on the ground. There are two good reasons why greater control should be ceded back to local governments.

Reason #1: NIMBY'ism versus Formal Process


In my estimate, what has happened here in Pomfret is that neighbors end up fighting each other while Pomfret's local government does little more than try to influence the situation from the sideline. If not for the good nature of Pomfret residents, there would surely be long-lasting animosity between the neighbor who hosts a CSA and other neighbors who are impacted by the change in visual aesthetics. Not everyone feels the same way about solar panels and all views should be respected and given the same weight. Moreover, contrary to the opinions expressed by commercial scale solar panel supporters, the comparison of solar panels to the big blue Harvestore silos simply does not work. There's no mistake that renewable energy is important, but solar panels, especially commercial scale arrays, do not and may never occupy the same place in the minds of Vermonters. Nothing is more important and hallowed in Vermont than agriculture and for better or for worse, we are not yet at a point where Vermonters are collectively convinced that dotting the landscape with solar panels serves the same necessity as producing food. When I pass a silo, I think that I might benefit directly from that farm's production, but I do not have the same feeling when I pass a solar array. The best way to convince Vermonters that more commercial scale renewable energy should be built is not to bypass the very local organizations that can help build legitimate support. I implore the

committees to ask which is better – informal local control through NIMBY’ism (“Not in My Back Yard”) or through more formal local processes that can help build legitimate support?

Reason #2: Distortion of Local Planning Documents & Processes

The Pomfret Planning Commission recently drafted revisions to the Town Plan. Among the several drafting challenges was how to craft language to address the possibility of commercial scale solar development projects. Fresh on our minds was the fact that our zoning regulations would not have any effect on if and how these kinds of projects would occur. What we did know is that the Public Service Board (PSB) would at least pay some attention to the Town Plan. The Planning Commission had many lengthy discussions about what language to adopt that could allow the Commission to play a stronger role. At times, we twisted ourselves in knots trying to establish control measures ... in the Town Plan ... while not disrupting other well-established policies. Surely, the legislature never meant to have Vermont towns turn their town plans into regulatory documents, but local planning commissions have had no other choice. Some of the language Pomfret has adopted should properly be contained in zoning regulations. The net result of the abbreviated § 248 process is that local planning documents are becoming distorted in a way not contemplated in the municipal planning statutes, e.g., 24 V.S.A. § 4382. I urge the committees to consider what impact that bypassing local organizations has on the overall municipal planning and development process. There are unintended consequences to keep in mind and the appropriate course of action, in my opinion, is to not put local planning organizations in the pickle of having to beef up the Town Plan only because local zoning regulations will surely be ignored.

Respectfully Submitted,



Scott Woodward