

**TOWN OF ORWELL
VERMONT**

Office of the Select Board

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October 16, 2014

James Volz, Chairman
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: Application # 5016:

— Application for 150kW (now 220 kW) Solar Array on property owned by John Chiles
690 Route 73, Orwell, VT 05760

The Town of Orwell Select Board is of the opinion that the Public Service Board should not approve the above referenced applications without a public hearing for a number of reasons:

1. The Orwell Town Plan in Section 3.7 E – Energy, states very simply that “Orwell supports property owners who want to install residential-scale alternative power generation on their property to the extent that such a project does not have the potential to cause physical or environmental impact of neighboring property.” Additionally, Section 5.2 B Agriculture and Forestry Policies states (in part)
 - a. Maintain Orwell’s agricultural heritage and rural quality of life
 - b. Conserve agricultural, forest, and other undeveloped land and prevent development of important agricultural soils
 - c. Recognize that agriculture and tourism are closely linked and the town’s tourism sector will not grow if the scenic qualities of Orwell’s open, agricultural lands are not maintained

The proposed property has been and is currently used for agriculture. The property owned by John Chiles is part of a historic farmstead dating back to the early 19th century². The Town of Orwell questions whether the Public Service Board has required that an appropriate fund be established for the decommissioning of this solar array at such time as it will have arrived at the end of its useful life or the operator determines that new technology should replace the existing installation and that said installation is no longer economically viable.

2. The Town of Orwell has reviewed the Queechee Analysis and is of the opinion that the requirements of the analysis were not met, specifically:
 - a. The wording in the town plan asserts that a solar array is in conflict with the desire to maintain the aesthetic, scenic, and natural beauty associated with and present in our town, particularly in the rural zones (of which this property is a part)
 - b. The town plan is very clear in stating the type of energy projects that are allowed (small residential-scale alternative energy projects), not industrial-scale commercial 150kW (or now, 220kW) projects and that such a project is clearly out of character with the surrounding scenic area.
3. The Town of Orwell considers the proximity of other land owners and household views inappropriately close to the project in question. In one case a home is with 400 feet from an array.
4. The Town of Orwell believes ~~that the~~ that the statement, “having exercised due diligence and made reasonable inquiry” on the original application, could not be signed by the applicant in good faith since the application predated the receipt of any notification of neighbors who might be impacted by the projects and that other than by letter, no neighbors were contacted to discuss the projects.

5. The Town of Orwell asserts that unless the recipients of the net metering benefit are local parties, projects such as this should be built in the immediate vicinity of the net metering customer. This would demonstrate equity and fairness. Where we believe this should not necessarily be required is in locations where a proposed solar array is not in view of the public or where those with a view of the project agree that it is acceptable.
6. The Town of Orwell has been advised by the neighbors who will be impacted by this project that attempts to contact the Public Service Board by telephone have gone unanswered.
7. The Town of Orwell was very supportive (and sent an email to the clerk of the Board to that effect) supporting the concept of giving local communities more involvement in decisions by the Public Service Board that would have a community impact – reference the advice to include definitions for “good cause” and “substantial deference”.
8. 30 V.S.A. § 248
 - (b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:
 - (1) with respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

The Town of Orwell supports alternative energy generation as an appropriate action our society should take. However, careful consideration must be given to projects whose sales personnel are solely concerned with their financial enrichment at the expense of the scenic beauty of Vermont and the destruction of rural communities. As a state we have taken a position against advertising billboards and should consider the public display of solar arrays as no less offensive. This is not a “not in my backyard” issue. We support the use of alternative energy sources as indicated by our Town Plan, but those sources must be of appropriate scale and appropriately situated. These projects should either be placed where they will serve the parties enjoying their benefit or in locations that will not be in public view or where the scenic beauty of our state will be adversely impacted.

If this application had been made to the Orwell Zoning Administrator they would be considered commercial development in a residential zone, and would be referred to the Development Review Board for public hearing, discussion, and possibly modification or mitigation. We therefore ask the Public Service Board to hold a public hearing in the Town of Orwell and at such time as will be convenient for all interested parties.

Thank you for your consideration,



Roland Simmons, Chairman
Select Board of Orwell



Andrea Ochs, Chair
Orwell Planning Commission



David King, Chairman
Development Review Board, Town of Orwell