

NVDA Hearing Minutes

Determination of Energy Compliance for the Municipal Plan of Brighton

Wednesday, December 12, 2018 at 7:10 P.M.

NVDA Offices, St. Johnsbury, VT

Present: Alison Low, NVDA Staff; Steve Pitkin, Mark Whitworth, Mike Metcalf, Amanda Carlson, NVDA Board

Note: The hearing was held in accordance with 24 V.S.A. §4352. If the regional plan has received an affirmative determination of energy compliance for the regional plan, the municipal legislative body may submit its adopted municipal plan to the regional planning commission for a determination of energy compliance. The regional planning commission shall issue an affirmative determination, signed by the chair of the regional planning commission, on finding that the municipal plan meets the requirements and is consistent with the regional plan. This process includes a public hearing, warned at least 15 days out, with an electronic copy of the notice sent to the requesting community.

Alison Low opened the hearing at 7:10 and explained the process for determining energy compliance of a municipal plan. Since NVDA's regional plan had already received an affirmative determination from the Department of Public Service, the Town of Brighton could send their recently adopted plan to them for a determination. This was the first town to request a determination from NVDA. NVDA staff has been assisting a number of towns with drafting "enhanced" energy plans intended for a determination of energy compliance under Act 174, which will give the towns heightened standing in the Section 248 review process. More towns are in the process of adopting plans, and NVDA expects to receive more requests for determination shortly.

The basis for determination is a checklist, which has been developed and distributed by the Department of Public Service and must be completed to demonstrate that a plan is consistent with the goals of the Comprehensive Energy Plan of 2016. Alison distributed a copy of the checklist, which was deemed complete by NVDA staff. She also stated that to receive certification, the plan has to be "regionally approved." That approval requires a separate hearing, which just happened to be held on the same date. Since staff found the plan to meet requirements, she intended to seek approval of the full board to authorize confirmation.

Mark Whitworth wanted to know who was going to "check our work." Would the Department of Public Service, for example weigh in our decision? Alison stated that the regional plan was certified by the DPS last summer, so, in accordance with statute, the certification request from the municipality goes directly to NVDA, not the DPS, and NVDA is authorized to make such a determination. As for "checking our work," the staff is committed to using the checklists provided by the DPS, as well as maintaining transparency through thorough documentation supporting our actions. The process is not that different from regional plan approval of municipal plans: We simply document the basis for decisions.

Mark had a question about the checklist, particularly question #10, under mapping standards. If the plan has simply adopted the map from the regional plan without customization, they can simply check this box and skip questions 11, 12, and 13? Otherwise, if they make any changes to the

mapping standards, they have to complete all the questions? Alison confirmed that this is the case. Some towns are opting to make changes, such as added constraints at 1,700 foot elevations or identifying specific viewsheds identified on accompanying maps. Brighton however, simply adopted the regional plan maps, as well as constraints and preferred sites. There was some discussion of the regional constraint of 2,000 ft elevations, and Alison clarified that the regional constraint is more complex than that. It consists of rural lands that contain highly sensitive attributes, not all of which can be mapped.

(Note: The reference to the regional constraint, which is identified in NVDA's Land Use Plan, is provided here:

... “rural lands containing one or more of the following conservation attributes, shall be considered exceptionally sensitive and shall therefore not be designated as appropriate for commercial or industrial development that is not directly related to the region’s lands-based economy (i.e. forestry, agriculture, and recreation):

- *State natural areas and fragile areas: The region has two such areas, which are both designated as National Natural Landmarks, the Willoughby Cliffs area and the Barton River Marsh.*
- *Lands managed by the Department of Forest Parks and Recreation*
- *Highest priority forest habitat blocks*
- *Forested coverage of Site Class 1, 2, and 3 soils of 25 acres or more*
- *Headwaters*
- *Upland areas of 2,000 or higher”*

Mark had a question about the table on page 36, detailing the MW capacity of various renewable technologies, especially “small hydro”. Two hundred MW goes well beyond the conventional definition of small hydro. Alison explained that the information in that table came from the Department of Public Service, and she would seek clarification.

Mark also had some questions about the targets for heat pumps and conversion to biofuels and EVs, noting that he felt that these goals may not be attainable, which led to a question from Amanda Carlson: What happens in a town does nothing to achieve these goals? Mark pointed out that the goals, even those as defined in the DPS guidance documents and checklist, are largely aspirational and use words like “encourage.” Alison concurred that “encourage” is a word that is generally discouraged in planning. However, she also stated that the town planning confirmation process – which occurs at least twice in an eight-year planning cycle – takes into consideration if the town is making reasonable attempts to attain the goals identified in the plan. “Reasonable” takes into consideration the size and resources of the town. A small town, for example, could use their village center designation to establish EV charging infrastructure, or have the energy committee host an energy efficiency house party, where people are invited to see efficiency and fuel switching measures actually implemented. At this point, there was a discussion of heat pump technologies used for purposes other than heating space, such as heat pump hot water heaters and clothes dryers. Steve Pitkin noted that he installed the latter at the Craftsbury Outdoor Center.

Mark talked about the implementation of Act 174. While the Scott administration did not change the legislation *per se*, the guidance for implementation was rewritten, which had substantial implications for the region. The original intent was to assign solar and wind generation targets for each town.

Alison noted that the generation targets for the region are very low because they take into account the generation that has already been established. “Targets” for municipalities were developed by proportioning the target for new generation against the municipality’s share of the population. There was a question about rooftop solar – would that count toward achieving generation targets? Alison said yes, and NVDA developed a very conservative estimate of only one 4kW rooftop solar system per every ten residential structures with a capacity factor of 14% (non-tracking). That estimate gets residential solar alone very close to meeting targets.

With no more questions, Alison made a motion to close the hearing. The hearing closed at 7:50 p.m.

Respectfully submitted,

Alison Low