

NVDA Hearing Minutes

Determination of Energy Compliance for the Municipal Plan of Burke

Tuesday, November 19, 2019 at 6:30 P.M.

Burke Town Offices, West Burke, VT

Present: Alison Low, NVDA Staff; James Bentley, Burke Planning Commission Chair; Valerie Demarais, Burke Planning Commission; Mike Harris, Burke Zoning Administrator

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.

The hearing opened at 6:35 p.m., and Alison explained the process for determining energy compliance of a municipal plan. It was also noted that the Town of Burke's plan was already approved by the full board of NVDA on April 26, 2018. This is considered an amendment to the plan, and the town plan's expiration remains the same: seven years from the date of adoption, November 6, 2017.

Mike was curious to know how the amendment would impact the regulatory process. Alison and James elaborated on the purpose of the plan amendment, which was to have more say in the Public Utility Commission's (PUC) process for reviewing and approving proposed renewable energy development. Alison stated that the plan does not require people to develop renewable energy but it does provide specific guidance for the types of renewable development considered suitable in Burke. James added that the plan encourages small- to medium-scale solar and wind and quantifies this with specifics on capacity and dimensional standards, such as ground coverage and height. There are illustrations in the plan to reinforce this. Utility scale energy development is not considered appropriate for Burke. There are higher screening standards for areas along scenic roads identified in Burke's plan.

Preferred sites are identified in the plan, and there are opportunities to add specific preferred sites to the siting resources maps in the future, provided those areas meet the siting and screening criteria. It was noted that preferred sites for on-farm development were more permissive than state preferred criteria (which holds on-farm use to 50% of generation). The planning commission had received comment to reduce this use to 10%. Nevertheless, to be considered a preferred site, the on-farm development must be on a working farm, and the development must be sited to not compromise productive farmlands.

There was further clarification regarding the role of the PUC, which still retains control of the review and approval process for siting grid-connected renewables. Mike had a question about intervenors who object to something that has already been established: What happens if a developer fails to meet the siting criteria? Alison said that this was a good question for an attorney who is more familiar with the Section 248 process. She told the group that NVDA was hosting a training on December 3rd, at the NVDA offices at 4:00 p.m., and that the training would cover the PUC process. The hearing closed at 6:55 p.m.

Respectfully submitted, Alison Low