



**Joint Meeting  
PC/Selectboard/SWCRPC  
Wednesday, March 13, 2019**

**Approved Minutes**

**Present:** Selectboard: Kristi Morris (Chair), Peter MacGillivray, Walter Martone, Mike Martin, George McNaughton. Planning Commission: Chuck Gregory (Chair), Char Osterlund, Jesse Webster, Beth Gray, Qayyum Johnson. SWCRPC: Jason Rasmussen. Joe Wilson, Liaison to SWCRPC

**Also present:** Renee Vondle, Town Planner, Tom Yennerell, Town Manager, Melissa MacKenzie, Steven Osterlund, Lori Claffee, Hallie Whitcomb, Walter Clark, Joseph Wilson, Daniel Pettigrew, Eva Pettigrew, John Hall, Donna Hall, Cynthia Martin (applicant), Martha Straskus & Joel Stettenheim (Norwich Solar Technologies, agent)

**Selectboard Chair, Kristi Morris called the meeting to order at 6:28 p.m.**

**Purpose of the Hearing:** Preferred Siting Net-Metering Solar Array Request from Cynthia Martin, 903 French Meadow Road

As warned: A joint meeting between PC SB SWCRC to hear a presentation from Norwich Technologies (“the Developer”) of a proposed 500 kW net-metered solar array (“the Project”) to be located on a 4.5 +/- acre portion of a 14.7 +/- acre deeded private parcel which will be set back approximately 285 feet from French Meadow Road.

Jason Rasmussen, Director of Planning for Southern Windsor County Regional Planning Commission opened the meeting by stating that the purpose of the meeting is a request of Norwich Solar Technologies to ask the Springfield Selectboard, Springfield Planning Commission and Southern Windsor County Regional Planning Commission to write a preferred siting designation letter to the Vermont Public Utility Commission in support of the 903 French Meadow Road solar site.

Mr. Rasmussen stated that this 500 kW-AC solar project proposal must go through the Vermont PUC for approval and is exempt from local zoning. He stated that this meeting is the beginning of the process for the community to review the merits of the project. He informed the boards that under net metering rules, the applicant really needs this letter of support in order to move forward. He noted that both the Regional Plan and Town Plan do not identify solar sites that are preferred for solar development, but rather have generalized categories for solar sites. All three boards must indicate that this is a preferred site under the net metering rules and then project may proceed. Once it goes to Public Utility Commission, the community would have an opportunity to speak about other concerns such as landscaping, wetlands, etc.

Martha Staskus made introductions. She is the Vice-President of Development at Norwich Solar Technologies and Joel Stettenheim is the President of Norwich Solar Technologies and Ms. Cynthia Martin is the property owner.

Mr. Stettenheim introduced the project, stating that his company is at the beginning of the project and that a joint letter of support will allow them to proceed. Once the joint letter from the local boards is signed, Norwich Solar will complete their environmental and aesthetic studies and create a more comprehensive plan that they will be able to present to the community and PUC. The State of Vermont has a rigorous review from many state departments including the Agency of Natural Resources.

Prior to the hearing, board members, abutters, Norwich Solar and interested parties took a site visit to both Mr. & Mrs. Hall's property and the proposed solar site. It was noted that the Pettigrew house to the south and the two proposed future house sites to the north are at higher elevations and overlook the array.

Mr. Stettenheim stated that the term "preferred siting" is bit of a misnomer because essentially preferred sites are automatically roof tops, brownfields, landfills whereby the State PUC does not allow any input from the local town. For all other sites, the idea is for the solar companies to engage the local communities and neighbors so a solar site can be agreed upon in accordance with objectives of the Town Plan and the needs of the solar company.

Mr. Stettenheim stated that his company's objective is to help Vermont meet its clean energy commitment which is 90% renewables by 2050 and how can we do this in a thoughtful way? He said that currently Vermont spends \$3billion a year on energy with 90% going directly out of state to buy the energy. Vermont cannot meet its clean energy goals by just having them on brownfields and gravel pits. He stated that his company can minimize the impact on other sites and he feels Ms. Martin's property is a good site. He stated that from an engineering perspective what would be ideal in terms of this location because it is close to a power line, has the highest solar production and is away from transmission infrastructure. He noted that as the application proceeds, the company would welcome the opportunity to talk to the neighbors regarding the best location for all involved and will make adjustments to minimize its impact on neighbors and the community. He encouraged the boards and community to not be overly focused on a particular location or layout as his company has not had one project yet that has not been adjusted during the process.

He noted that solar panel arrays are not permanent structures and they have a decommissioning plan, whereas the alternative land use of a new house will never move away. He stated that there is an opportunity to use the solar fields for grazing sheep and Norwich Solar also uses bee friendly seeds for new grass growth.

Kristi Morris, Selectboard Chair, reiterated that the purpose of this meeting is to discuss a proposed solar array located at 903 French Meadow Road. The applicant is requesting that the Planning Commission, Selectboard and SWRPC as interested parties to consider preparing a joint letter that identifies the proposed site as a "Preferred Site" as defined under the Net Metering Rule 5.103 of Rule 5.100 of the State of Vermont Public Utilities Commission as well as the Large Solar Array Siting Criteria in the Springfield Town Plan which stated that the Town Plan fringe or back acreage of developed commercial or industrial sites which are obscured from the public viewshed by the dominant use; areas which are not suitable for other usage due to environmental contamination, or as reclamation of topographical disruption such a gravel pits or as a result of the slope; areas where the viewshed is already developed in a manner which will not be substantially changed by the project; innovative arrays which allow for a co-use of space such as above a large parking area or stormwater facility; on roofs and exteriors of buildings (arrays so situated should be considered exempt from the viewshed criteria) and fringe agricultural areas having slopes or rocky soil not conducive to farming and not prominent in the viewshed.

Kristi Morris stated that this meeting is to listen to a brief presentation from Norwich Solar to establish if this is a preferred site and to allow the community to ask questions and to voice their concerns.

Selectboard member, George McNaughton asked that the board go through the actual criteria and ask specific questions. He noted that the solar site on the map appears to be a triangular field surrounded by forest land and asked if Ms. Martin owns this forest land or is relying on someone else's forest as buffer land. Ms. Staskus stated that the site is on an open field and the property owner does not own the forest land surrounding it.

Mr. McNaughton asked if the site is on prime ag land. Ms. Staskus indicated that it was on prime ag land. Mr. McNaughton asked how will the company save the prime ag land? Ms. Staskus stated that the Agency of Agriculture has requirements for stockpiling disturbed prime ag soils where there is an installation. The access road is the area of disturbance and Norwich Solar will remove and stock pile the soils from the site as they are layered right now in reverse order. When the installation is decommissioned and comes out, the ag soils will be returned back the way they were originally. Mr. Stettenheim stated that the Department of Agriculture views solar as a way to preserve ag soils. He noted that very little ag soils will be disturbed other than the access road and penetration of the posts. The land can still use it in a productive manner.

Mr. McNaughton asked if the project would be complying with Criteria 3D of the Town Plan Solar Array Siting Criteria which reads:

3 (D). Environmental Impact:

The project should not be placed over prime agricultural soils, or in such a manner as to interfere with the historical use of an area for agricultural purposes.

Char Osterlund, Planning Commission member questioned the 3 (D) criteria and stated that the property is currently being used and has historically been used for agricultural purposes. She noted that it is farm land now and can be farm land 10-20 years from now because they are not destroying the ag land.

Mr. Stettenheim stated that there can be an integrational use of solar and ag soils. He stated the access road will be built over ag soils, but the array itself does not remove it from agriculture. Mr. McNaughton asked if the proposal includes the grazing with sheep? Mr. Stettenheim stated that in past the field has been used for grazing and the owner would have the option of putting grazing sheep, but Norwich Solar is not going to put it in their operation and maintenance on the system. Ms. Martin indicated that she will not be including grazing sheep into the plan.

Chuck Gregory, Planning Commission Chair asked if Norwich Solar has the power to overwrite the owner if she does not want to graze the site? Mr. Stettenheim stated that Norwich Solar has a non-exclusive lease that allows them to have the array there. Kristi Morris asked Ms. Martin if she uses the field for grazing currently. Ms. Martin indicated that she does. Abutter, John Hall asked for clarification regarding the grazing and stated that he believed that it is bulls and cows that currently graze there. He asked if grazing animals will be inside or outside of the perimeter fencing. Mr. Stettenheim stated they would be inside the fence and will need to be sheep.

Tom Yennerell, Town Manager stated that it was his understanding that the project has to meet 1 of the 9 criteria in Statutory 5.100, Section 5.103 in order to make the preferred site designation and which one of the

nine criteria does Norwich Solar believe applies in this proposal? Mr. Stettenheim stated that the second half of the #7 criteria: A specific location that is identified in a joint letter of support from the municipal legislative and municipal and regional planning commission in the community where the net-metering system is located.

Mike Martin stated that the nine categories are automatics and #7 is what the joint boards decide based on our Town Plan. He stated he is hard pressed to find a category of preferred sites in our Town Plan where this project would qualify.

George McNaughton said that he is not necessarily negative on solar arrays, but he is trying to get the facts so that the joint boards will have some foundation when they make a decision. He noted that there is an argument that could be made on the ag soil issue if there was grazing at the site. He stated that the nearest residence (John and Donna Hall) on the map is 125 feet from the solar array. Mr. McNaughton asked Mr. & Mrs. Hall if they were objecting. Mr. & Mrs. Hall indicated that they were objecting. John Hall stated that the fence will be visible and the panels will take away the tree line as they look across the field. He stated that their property goes around the array on three sides. Mr. McNaughton asked if the array will blend with the use on their property. Mr. Hall stated that it would not and it would be very visual because they will be looking at the fence and at the side grid of the panels. Mr. McNaughton asked if there would be an adverse impact on their land. Mr. Hall said it would have a strong adverse impact. Mr. Hall stated that they have purchased two additional acres on the North elevation of the proposed array, close to Overlook Drive. They plan to sell two proposed house sites which will look down toward the field and will have direct visibility. He feels it will be detrimental to being able to sell those parcels. Mr. McNaughton asked Mr. & Mrs. Hall if a solid evergreen hedge that can obscure understructure of the solar array would be sufficient to take away their feeling of adverse impact?

John Hall stated that the way the array crowns in the field, the hedge would probably have a negative impact on the neighbors. Donna Hall stated that the field is higher than their property. Mr. McNaughton stated that the hedge would only have to obscure the understructure of the solar panels

Mr. Stettenheim stated that Norwich Solar would be open to moving the array back and down. The question is how far back? There will be an impact on the solar production depending on how far it is moved back and noted that there needs to be a balance between with moving it and using plantings to obscure it.

Ms. Straskus reiterated that this is only the beginning process to establish whether this is a preferred site and then Norwich Solar would continue working with neighbors. An environmental and aesthetic assessment will be done and they anticipate that the array may shift slightly once all the data is collected. After that there is a 45-day notice that is issued before the application is submitted to the PUC which provides the community an opportunity to give more feedback. Once the application is submitted, there is another opportunity for feedback. The designation of a preferred siting approval in no way prevents being able to review the final application.

Mike Martin questioned if, absent a letter for approval as a preferred site, can the application go forward? Mr. Stettenheim stated that the application cannot go forward without the letter of approval.

Ms. Martin addressed the joint boards. She stated that she is enthusiastic about the program, feels it is a good site and she is very happy with what Norwich is doing and how they address the subject. She said she thinks

a solar array will be a benefit to school system, town energy plan and it is economically beneficial to her. She said that Norwich is sensitive to the aesthetics problems and will address them with the abutters.

Daniel Pettigrew, abutter to the south, stated that after the site visit and from looking at the map, he has determined that two arrays will be facing his home. He questioned what could be done to cover up the arrays at his house.

Mr. Stettenheim stated that there will be an aesthetic study done and screening plans will be a natural part of it. The plan is for Norwich to talk to the neighbors to find out what their views look like and how they can be mitigated. He stated that it is a process and noted that the plan is substantial and they cannot do the whole application until we know that they can actually proceed with the application.

Kristi Morris inquired if the joint boards agree that this is a preferred site, does the town lose a handle on having input? Ms. Straskus referred to the last paragraph of the sample letter which states:

“We note that we take no position on the Project’s compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103”.

Ms. Straskus noted that the 45-day notice time is an opportunity to review the proposal in more detail. By then there will be a completed map and aesthetics plan. If, at that point, there are no comments, the community will still have another opportunity to comment after the full application is complete.

Melissa MacKenzie, interested community member, asked if the town does have a reservation will it make an effect on what you do? Ms. Straskus stated that they would like to hear it now so that they can take it into the process/design. Mr. Stettenheim stated that the PUC is really receptive and they want the dialogue. A town only gets deference from the PUC if they have a duly adopted Plan and they would be duly persuaded if none of the agreed upon promises were not delivered.

Donna Hall asked if she and her husband would have a chance to go before the PUC and if all abutters would be notified? Ms. Straskus stated that this is correct.

George McNaughton asked Jason Rasmussen if it is an option for the town to say that we are not going to say it is or is not a preferred site and to have Norwich come back and answer the questions on our Town Plan Large Solar Array Siting Criteria and hold another joint hearing at that time.

Jason Rasmussen stated that this is the town’s call. If one of these three boards decide not to sign off then the application will not proceed. If the boards sign off, they will still have to go through the process and work with Norwich Solar, but it is a leap of faith. George McNaughton stated that we are taking a chance of not getting a deferment.

Mike Martin stated he is not comfortable taking a “leap of faith”. He stated the town would like to be accommodating and trusting, but in signing a letter that this is a preferred site, we would be giving up our rights and we have two property owners who are going to be adversely affected and we have our own Town Plan solar siting criteria that these plans as presented do not comply with relative to the “solar array shall have no undue adverse impact to neighboring lands and should be consistent with and blending with the neighboring uses.” He stated that he would not be happy with this plan if were an adjoining neighbor and he is reluctant to sign a letter that modifies the design so it would address the concerns that the neighbors have.

Mr. Stettenheim asked for clarification regarding adjusting the design and what mitigations. Mike Martin stated that he does not want to give Norwich Solar a blank check and let them go ahead and force the landowners at their own expense to go to the PUC and argue their concerns on their own. He stated that he is not anti-solar, but the aesthetics need to be addressed and questioned whether this should be written into our letter? Mr. Stettheimer stated that if there are conditions that are not met, then the town can file a comment with the PUC.

Donna Hall requested that the joint boards do not sign the preferred letter. She stated that Norwich Solar should work out the deal with the abutter landowners before they waste the joint board's time.

Walter Martone asked when does adjusting the plan take place? Before or after the letter? Ms. Straskus stated that the solar array can be moved around, but it will still be the same site on Ms. Martin's property.

Mike Martin asked if other communities have given their permission conditionally. Ms. Straskus stated that they are doing a project in Barre town where they were issued a preferred siting letter but during the 45-day notice, they were sent a letter stating that Barre was concerned that the project was on steep slopes and requested Norwich Solar to address water quality issues. It is in the filing and we have to respond to that specific comment. In Springfield's case, you would say it is a preferred site, but we want the aesthetics addressed.

Walter Martone asked if we request a slightly different location, can you can tell us right now that it would be feasible? Because that would be important information, but we would need to know that it is a real possibility that will work and you won't come back later and say it won't work.

Mr. Stettenheim stated that there could be some adjustment to it and it would work, but it is a matter of degree to find the balance between production and cost. Ms. Straskus noted that the numbers have to work regarding solar productivity. She stated that the neighbors to the south could be mitigated by putting in more vegetation to screen the face of the solar array. If the site was moved to the south and over to the east, the solar productivity would need to be maintained and the interconnection cost can't be too prohibitive. Norwich Solar would work with Mr. & Mrs. Hall to move the array far enough away for a reasonable solution that benefits both Ms. Martin and Mr. & Mrs. Hall.

Kristi Morris stated that one of his concerns is that the fence is within 50' from Mr. & Mrs. Hall's property, but 200+' to the owner's property. He stated that it looks like there might be room to shift it significantly away from the Hall property. He noted that what they heard tonight is the Pettigrew and Hall properties will be impacted, but the owner's house is shielded.

Melissa MacKenzie asked if the array can be moved back so Mr. & Mrs. Hall cannot see it? Ms. Straskus stated they can screen it, but they cannot hide it. They can do a better job than this proposal, but they cannot commit to a new location tonight. They need to go back and do some more engineering.

Eva Pettigrew asked if there will be a glare effect that will show up on their property. Mrs. Pettigrew stated that this solar array field is going to lessen the value of their property. She stated that they can't avoid looking at it and that two of the panels will definitely face them. She stated that she feels solar is the best source of renewable energy, but at the same time, they moved to their home for a certain quality of life and that would be greatly affected by the solar panels.

Renee Vondle, Town Planner stated that at the site visit the view from the Hall's deck was a little alarming because it is so close to the house and can be mitigated somewhat through moving the location back or planting hedge, but she is stated that as the group was walking south through the field, the view that the Pettigrew's will have was very apparent and looks directly over the solar site. Mr. & Mrs. Pettigrew live up the hill behind Ms. Martin's house. Looking north on the property at Mr. & Mrs. Hall's other property where they want to sell two house sites in the future, I realized that those sites would also look over the site as they are also at a higher elevation. She stated that she did not know how Norwich Solar could possibly screen the solar array field from properties at such a high elevation.

Ms. Straskus stated that she is very comfortable with being able to mitigate that and noted that there are existing 9' high lilac trees by the Pettigrew property. She also stated that solar panels absorb the sun, they do not reflect the sun. Therefore, there would be no glare. Regarding the view from the north, she stated that she has not looked at this as it is a new piece of information so she cannot comment on that.

Jason Rasmussen asked, in terms of process, if the 3 boards go back to their own meetings, do we have the facts we need now to make an informed decision?

Kristi Morris stated that he is curious about the preferred siting letter and what the joint board can put into it so we do not feel excluded. Jason Rasmussen stated that we can put anything we want into it, but how much water it holds he does not know.

George McNaughton stated that he will move to table the issue at the Selectboard hearing until we get our specific concerns addressed. He stated that he feels Norwich Solar has not addressed the criteria in the Town Plan. He stated he is primarily concerned about prime ag soil and how this could be mitigated, and whether the land will be grazed. Norwich said yes, but the owner said no. He does not want to give up leverage regardless if we put conditions on it. Mr. McNaughton asked that the boards either table, approve or deny the request tonight.

Discussion followed regarding pending deadlines. Mr. Stettenheim stated that Norwich has six weeks to prepare all reports/specialists environment assessment, aesthetic assessment and then there will be the 45-day notice. He noted the rules change on July 1, 2019.

Chuck Gregory asked what revenues accrue to the town? Mr. Stettenheim stated that owner will receive several thousand dollars and the state education tax approximately \$2,000. Regarding valuation, Mr. Stettenheim stated that the metric standard procedure the state uses is between \$500,000-\$600,000.

Jesse Webster, Planning Commissioner asked how will the school/town benefit from the credits that are generated on net metering. Mr. Stettenheim stated that the bill will go down, however there will be a big-time lag as the application will be filed in July and it takes 12 months to issue the permit so Norwich Solar cannot sign anyone up now.

Char Osterlund suggested that the joint boards table this until March 25<sup>th</sup>, which will give the Energy Committee time to meet to discuss this and come up with a recommendation.

It was agreed that the Selectboard would not take any action tonight, but would put it on their March 25, 2019 agenda. Meeting time starts at 6:30. Jason Rasmussen stated that the next SWCRPC meeting is also

March 25, 2019 at 12:00 p.m. The Planning Commission agreed to hear it at their next regular meeting which follows this meeting.

It was agreed that the joint boards would consider abutter concerns and response to the town plan criteria 2B and 3D.

**Mike Martin moved to adjourn the meeting. Pete MacGillivray seconded. Motion passed unanimously.**

Respectfully submitted,

Renee L. Vondle  
Town Planner