

STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

TOWN OF SUDBURY REQUEST FOR A
DETERMINATION OF ENERGY COMPLIANCE PURSUANT TO
24 V.S.A. SECTION 4352

Public Hearing
March 21, 2018
6 p.m. - Sudbury Town Hall

Public Hearing held before the Vermont
Department of Public Service, at the Sudbury Town Hall, 13
Huff Pond Road, Sudbury, Vermont, on March 21, 2018,
beginning at 6 p.m.

P R E S E N T

Commissioner June Tierney

Staff: Sheila Grace, Esquire
Dan Potter

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1 COMMISSIONER TIERNEY: Good evening and
2 thank you for being here. My name is June Tierney
3 and I'm the Commissioner of the Department of Public
4 Service. I was appointed to that position by
5 Governor Scott and have been serving in it now for
6 about 15 months. Prior to that time I served as
7 General Counsel to the Public Utilities Commission
8 and prior to that as a Hearing Officer for those
9 folks, and prior to that as an attorney in the
10 division that I now am the Commissioner of, and with
11 me today is Sheila Grace who is an attorney on staff
12 who took my place more or less many years ago, at
13 least a spot in that division, and then of course Mr.
14 Potter who is probably familiar to some or all of
15 you. He is a program analyst in my department as
16 well and he specializes in planning.

17 So the purpose of tonight's meeting is to take
18 comment from the public as to the energy plan that
19 the Town of Sudbury has created and submitted to my
20 Department for review, and specifically the need for
21 a determination as to whether it complies with the
22 energy planning standards of -- let me see if I can
23 do this from memory -- Act 174, 4352. I have written
24 that citation so many times. In any case if your
25 plan is found to comply with those planning standards

1 that the Department has promulgated pursuant to that
2 statute, then your plan would be entitled to
3 substantial deference before the Public Utilities
4 Commission, my old employers, in Section 248
5 proceedings which are proceedings to site energy
6 generation facilities, among other things such as
7 solar facilities and wind facilities and the like.

8 If your plan is not deemed to comply with
9 those standards, then we would explain to you why and
10 give you every assistance we can in helping the town
11 to get over the hump and get a plan together that can
12 be certified.

13 As you probably are aware -- I have the
14 impression there are many planning board members
15 here, zoning administrator somewhere in there. Who
16 is the guilty person?

17 MS. WEAVER: Brand new.

18 COMMISSIONER TIERNEY: Welcome.

19 MR. ROWE: Do you want to go through and
20 do introductions?

21 COMMISSIONER TIERNEY: Since I'm here to
22 take comment from the public I'm first going to
23 determine whether any members of the public are
24 present. We have a sign-up sheet for that.

25 MR. ROWE: We are public, aren't we?

1 COMMISSIONER TIERNEY: Well but you're
2 also office holders and you are proponents of the
3 plan, and my first goal is to make sure that folks
4 who are not intimately involved with the plan have an
5 opportunity to give public comment on the plan. In
6 some communities I've been in there's been quite
7 robust -- how shall I put it -- debate about the
8 plan, and so we don't always have a situation where
9 the overwhelming majority of people present are
10 actually on the planning commission and nobody else,
11 but you have made me wise to that. So may I ask as a
12 show of hands how many folks here are familiar with
13 Section 248 proceedings? Fair enough.

14 MR. ROWE: We have two sites in town so
15 most of us are.

16 COMMISSIONER TIERNEY: Okay. I wasn't
17 going to spend a lot of time talking about Section
18 248 to orient people to it if folks here are
19 generally familiar, and you're the town clerk; is
20 that right?

21 MR. SGORBATI: I'm also on the planning
22 commission. Steve S-G-O-R-B-A-T-I.

23 COMMISSIONER TIERNEY: So Ms. Carson,
24 our very capable court reporter who is transcribing
25 the proceeding tonight, has through her example

1 reminded me that when you do speak if you could
2 kindly give your name first so she can make note of
3 it. There will be a written record of the hearing
4 and that helps anybody who wants to check their
5 memory as to what was transacted at the hearing, and
6 it certainly helps me too as I try to faithfully
7 characterize what I heard here. I understand, Mr.
8 Rowe, that you are --

9 MR. ROWE: Yes.

10 COMMISSIONER TIERNEY: -- going to give
11 a presentation, just a few remarks about the scope of
12 the plan and the like, and I would also urge you in
13 the event that you listen to the nice discussion and
14 you think there's something you might have liked to
15 have said but you didn't have the presence of mind --
16 it happens to me all the time -- to say it on the
17 spot, I just sent the Governor a note about this
18 because we had a meeting on Tuesday, a very intense
19 discussion, and I was so lost in my thoughts that I
20 didn't have a chance to say something that I thought
21 was important. I'm sitting there furiously emailing
22 him this morning, saying boss by the way. If that
23 happens to you, please feel free to contact us at the
24 Department and Dan has put out an information contact
25 sheet so you can get in touch with us.

1 So with that said, Mr. Potter, do we
2 have anybody who signed up to speak tonight?

3 MR. POTTER: I don't see anybody that
4 has checked the far right column.

5 COMMISSIONER TIERNEY: I want to talk
6 column. I hereby declare we have only one check in
7 the wish to make a public comment. So, Mr. Rowe, if
8 you would care to start it.

9 MR. ROWE: Sure. Larry Rowe R-O-W-E.
10 When we first heard this law was passed and heard of
11 the benefits that were going to be associated with it
12 we said yes because we've been through two sitings
13 already and wanted to obtain the hope for substantial
14 deference. However, shortly after this law was
15 passed we started -- I started attending a number of
16 events of the Rutland Regional Planning Commission to
17 try to alert towns and members what was going on and
18 prepare for this and all, and it became pretty clear
19 this law was going to be a real challenge and was
20 kind of overwhelming and that was an issue or
21 certainly a challenge for a small town like ours.

22 However, when Rutland Regional Planning
23 Commission made it known that basically they were
24 going to assist a number of pilot towns to get them
25 going and provide very good and much needed research

1 and assistance in the process we opted to go that
2 route, and basically we relied on their help in
3 supplying data on current usage, projected usage of
4 all energy sources, and they basically created a
5 pathway for us how to make decisions and how the town
6 was going to meet the goals, and key to the whole
7 process I think were the maps that they provided, and
8 the commission spent an overwhelming amount of time
9 looking at the maps, deciphering them, and I think
10 what was really important was our understanding of
11 how the different resources that we had, the
12 constraints that were identified, and the need for us
13 to try to come up with preferred sites how they all
14 overlaid, and this visual presentation was --
15 basically showed this intersection of, you know,
16 where things were going to mesh, where things
17 conflicted, what -- you know, and where that left
18 openings or potentials for things to happen, and I
19 think it's fair to say that most of the commission
20 members early on felt like how are we ever going to
21 do this, how are we going to identify preferred
22 sites, how are we going to go up to a landowner and
23 say your site is ideal and we want to use your site
24 to host a large solar installation, and we I think
25 over time -- because we spent three or four months of

1 meetings -- on long meetings. We had one meeting
2 that lasted for two and a half hours here. We
3 basically came down -- once we sorted through all the
4 data and looked at the maps the picture became a lot
5 more clear to us and the process unfolded in a way
6 where we said we're not going to make that decision.
7 We're going to go to potential landowners and
8 property owners and talk with them and let them know
9 that this is what we are seeing, would they mind,
10 would they be willing to basically have their land
11 designated as a preferred site. We did not want them
12 to find out after the fact that the planning
13 commission had acted in a way that was in some way
14 arbitrary on their part. So we took that step, and
15 everyone that we approached said yes they are willing
16 to do that, and they understood the process and we
17 went through a manner which clearly identified sites
18 that were within the one mile or -- one mile of the
19 three phase line, but also met a big concern on the
20 part of the townspeople was the need for making this
21 not a visual hi I'm here, you know, in your face sort
22 of thing, which quite frankly many townspeople regard
23 the site -- the two sites we have now as sort of an
24 affront. So we took it upon ourselves to meet what
25 the state needs for siting and what our goals are and

1 also to balance that with what the townspeople have
2 indicated to us.

3 So, in addition to that, we're also
4 finding that we found a number of sites where
5 buildings in particular -- existing buildings were
6 ideal sites, and again property owners were willing
7 to do that and we've identified a number of them,
8 including the state garages down here, the town
9 garage, we have a number of farm buildings, and
10 actually since we put this all together and looking
11 at some of the properties we found other sites that
12 are available too that didn't actually make our list,
13 but also there's a number of people in town that have
14 sites that are -- you know they are doing the
15 homeowner installation, and in fact I know that
16 there's going to be one new homeowner installation of
17 11 kilowatts that's going up this spring, and this is
18 going to be in addition to solar hot water which they
19 already have too.

20 So once the maps helped us settle on
21 what the preferred sites were we then tackled the
22 pathway questions and they, you know, focused how
23 were we as a commission going to help the town do
24 what the state wants us to do, and what a lot of us
25 on the commission already are doing, because a number

1 of us already have solar installations ourselves, and
2 we needed a form to show that we're going to be
3 leading by example to what the town does, but what
4 the planning commission is doing and the big effort
5 as I see it is going to be conservation, energy
6 efficiency, and trying to come up with good ways that
7 we can induce the townspeople and show them the
8 benefits that are going to reap to transition away
9 from fossil fuels, and I think one thing that's
10 really going to be beneficial -- we did lose a member
11 of our planning commission who was a valuable team
12 member in helping to create this document and the
13 plan, but that person has volunteered to be the
14 energy committee chair, and that person has a keen
15 interest in this, wants the town to succeed in this,
16 understands the benefits, and I think is going to be
17 a huge role player in helping us get to where we need
18 to be and where the state wants us to be.

19 So I think it's going to be a great win
20 because that person was instrumental in developing
21 this, understands what went into it, what's needed,
22 and now is going to be the chief facilitator to make
23 it happen. So that's where we are.

24 COMMISSIONER TIERNEY: Excellent. So
25 that was the spot in the program, Mr. Rowe, where you

1 were going to give an overview of the plan. So I
2 will accept that as the overview of the plan and you
3 are my only listed speaker as a member of the public.
4 Have you anything more you would like to say that can
5 be said in polite society?

6 MR. ROWE: No. Let other people on the
7 commission speak if they want.

8 COMMISSIONER TIERNEY: All right. So
9 I'm going to treat you as checked off. I have here
10 suspects, the usual ones, and what I found in these
11 meetings sometimes people just don't feel the urge
12 when they sign up. Sometimes if you lure people --

13 MS. WEAVER: I'll say something. Janet
14 Weaver and I'm new to the planning commission and
15 fairly new to Sudbury. I have only lived here a
16 couple years. I just picked this up on Monday and I
17 read the whole town plan, but I really kind of
18 focused on the energy plan and I got to say I was
19 really impressed. It shows that Larry and the team
20 put a lot of thought into this, a lot of work went
21 into this, and I am kind of overwhelmed that I'm now
22 part of this team. It's a very comprehensive plan.

23 COMMISSIONER TIERNEY: And may I ask
24 where you joined us from? I thought I understood you
25 haven't lived here very long?

1 MS. WEAVER: Well I moved here from
2 Ferrisburg.

3 COMMISSIONER TIERNEY: That's half an
4 universe away.

5 MS. WEAVER: So now I live down on Lake
6 Hortonia.

7 COMMISSIONER TIERNEY: I think it's
8 admirable you are engaged in town governance so soon.
9 So thank you.

10 MS. WEAVER: Two weeks.

11 COMMISSIONER TIERNEY: We really need
12 that kind of civic mindedness in both of the state
13 and the nation now. So thank you. All right. That
14 gets Janet Weaver checked.

15 MR. RUSSELL: You can put a check by my
16 name. My name is Ted Russell.

17 COMMISSIONER TIERNEY: You're Ted
18 Russell. Funny I was just going to read Ted
19 Russell's name out loud. Let's go with you, Ted.

20 MR. RUSSELL: Well I would really like
21 Barbara's name to go in as having been a huge help
22 with us. I don't know what we would have ended up
23 with without Barbara and she was great to work with.

24 COMMISSIONER TIERNEY: Is this Barbara
25 Pulling by chance who is present of course but being

1 very demure.

2 MR. RUSSELL: Barbara Pulling.

3 COMMISSIONER TIERNEY: There we go.
4 Okay. We'll hit you later, Barbara. Did you have
5 anything more you wanted to say?

6 MR. RUSSELL: No.

7 COMMISSIONER TIERNEY: Okay. Fair
8 enough, Ted. All right. Janet Sutell, can I really
9 not induce you to speak?

10 MS. SUTELL: No.

11 COMMISSIONER TIERNEY: Miss Carson is
12 newly doing a stint in criminal court as a court
13 reporter and I have to say we've worked together for
14 many years and she's always chastised me for being so
15 soft spoken, and as you can see, JoAnn, it hasn't
16 gotten any better, but I do have to make myself
17 heard. It's ugly, you know, but anyway she's
18 developed quite a command voice here in those
19 criminal court proceedings.

20 Having stalled sufficiently, Miss
21 Sommerland, really I can't persuade you to say
22 anything?

23 MS. SOMMERLAND: I did volunteer to
24 serve on the energy committee and I'm looking to
25 that. I think that having worked on the plan I think

1 will be a benefit. I think it's going to be pretty
2 easy to get people involved in town because I think
3 the people of Sudbury are really conscious of the
4 increasing use of fossil fuel, that we actually begin
5 to reduce this, the usage, and I think the people are
6 generally behind but they want it done in a right
7 way, and I think that we have found some sites that I
8 think are really great and that will be suitable, and
9 a lot of it has to do with Ted who is first year on
10 the planning commission and -- but has been in town
11 since before he was born, and --

12 COMMISSIONER TIERNEY: Really nothing
13 more to say?

14 MS. SOMMERLAND: Knows everyone in town,
15 and, you know, was tremendous in helping get people,
16 and our 11 kilowatt solar is going to start on
17 Friday.

18 COMMISSIONER TIERNEY: Well
19 congratulations. Very good. Boy my suspects are
20 dwindling here. There's always Ed. There's Barbara.
21 Bob.

22 MR. SGORBATI: That's all you have.

23 COMMISSIONER TIERNEY: Are you going to
24 talk? You're here in an official capacity?

25 MR. SGORBATI: I'm the one that doesn't

1 talk eloquently.

2 COMMISSIONER TIERNEY: I always get
3 stuck talking. All right. I won't put Ed and
4 Barbara and Bob through the catechism. I'll just ask
5 one more time do we have anybody else who would like
6 to give a comment tonight? Going one --

7 MR. ROSSI: I'm Bob Rossi R-O-S-S-I. I
8 think it's an interesting process that the -- that
9 we're all going to go through in the state certainly.
10 The legislation that's been passed and suggested for
11 the kind of energy usage changes that we are going to
12 be looking at it's going to be a process, and this is
13 just one part of trying to figure out where we can
14 get this free energy from the sun. I think in town
15 here all our resources are going to be photovoltaic.
16 I don't see -- we don't see really much wind
17 possibilities. So -- but beyond this there's what
18 the grid is going to have to go through to absorb
19 this kind of energy that suddenly is going to be
20 feeding back into it in reverse of the way it's been
21 working and the way it was designed. So the power
22 company is going to have to make a tremendous
23 commitment to the process as well. Hopefully in time
24 it will seem we'll have to go to a system of -- the
25 small amounts of energy that we generate in our homes

1 and so on will have to go to some kind of battery
2 system or plugged directly into your battery powered
3 car, although the car is home at night and the sun is
4 out during the day, but I think it's quite a thing
5 the state has taken on.

6 We would like to get away from seeing
7 acres and acres of glass as we drive by. We all know
8 it's good. We all know that we need to do it, but
9 again it's about attempting to shield it as much as
10 possible with vegetation, setbacks, and so on. It's
11 about all I have to say. I probably talked myself
12 out, but again it's been really good working with
13 this team getting through the process, and thank you
14 for coming here tonight and helping us through, and
15 of course Barbara -- without Barbara we would be
16 lost.

17 MR. ROWE: Second that.

18 COMMISSIONER TIERNEY: It certainly is
19 our pleasure to come down here. We serve you and
20 proudly so. So it was a lovely drive down too.
21 Can't complain about that. Well I'm going to be good
22 to my word. If I hear no further requests to speak,
23 once -- yes. Barbara, take a bow. Can you spell
24 your name for the record?

25 MS. NOYES PULLING: Barbara N-O-Y-E-S

1 P-U-L-L-I-N-G, and Sudbury is one of the first towns
2 I've been working on with enhanced energy plans on a
3 local basis. So there was an element of, you know,
4 what are we doing, how do we do this, are we making
5 this up as we go, but it was a great group in town to
6 work with. They -- in my estimation they did
7 everything right in putting together this plan, and
8 that extends to it continuing. It's not just
9 something that we got done. We checked everything
10 off on the checklist. There are some real goals and
11 real intentions to see this plan through and make it
12 work for the -- this town. So I just have to just
13 laud this group for the work that they did and the
14 seriousness with which they undertook this task.

15 COMMISSIONER TIERNEY: I have to say
16 that's one of the most eloquent uses of the word laud
17 I have heard in years.

18 MS. NOYES PULLING: I don't know where
19 it came from.

20 COMMISSIONER TIERNEY: It certainly is
21 laudable what they have done, right. Yes it's
22 wonderful. Okay. I mean seriously if I were to push
23 on Ed, I could get -- in baseball I could get a
24 thousand. Can you guys apply peer pressure to Ed?

25 MR. HANSON: Ed H-A-N-S-O-N. You have

1 to appreciate I'm in a politically sensitive position
2 here.

3 COMMISSIONER TIERNEY: Tell me about
4 that.

5 MR. HANSON: I'm the administrative
6 officer for the town and for three other towns at the
7 moment and I don't live in any of them which is a
8 perfect arrangement for a zoning administrator.

9 COMMISSIONER TIERNEY: I should say.
10 Very politic of you.

11 MR. HANSON: I'm happy to provide
12 whatever services I can based on my past experience
13 if the planning commission or whatever board I'm
14 working with anywhere requests it, but by and large I
15 really don't want to have my fingerprints on
16 anything. I shouldn't have and --

17 COMMISSIONER TIERNEY: Have you
18 considered being the Commissioner of the Department
19 of Public Service?

20 MR. HANSON: Pardon me.

21 COMMISSIONER TIERNEY: I was wondering
22 if you'd considered taking my job. It sounds like
23 you're really well suited.

24 MR. HANSON: It's just at the end of the
25 day when we produce a revised town plan and now we're

1 also in the process of producing an update of the
2 town's unified development ordinance and the last
3 major section to be put into that in the draft I was
4 preparing was the section on renewable energy
5 resources. So the timing was impeccable. It was
6 beautiful, but as I said at the end of the day I'm an
7 administration officer for the Act 24 V.S.A. 117 and
8 the town's bylaws.

9 COMMISSIONER TIERNEY: You're showing
10 off with the laws.

11 MR. HANSON: And as I learned in my
12 youth one of the primary rules of survival is that
13 you eat what your mother puts on your plate and
14 that's what I do.

15 COMMISSIONER TIERNEY: All right, but
16 who is your daddy. All right. Ladies and Gentlemen,
17 if I have no further comments to take, I'm going to
18 thank you for coming out tonight and commend you for
19 your civic spirit and engagement. It's inspiring and
20 I'm going to call the meeting adjourned.

21 (Whereupon, the proceeding was
22 adjourned at 6:30 p.m.)

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I, JoAnn Q. Carson, do hereby certify that I recorded by stenographic means the Public Hearing re: Town of Sudbury's Request for a Determination of Energy Compliance Pursuant to 24 V.S.A. Section 4352 at the Sudbury Town Office, 13 Huff Pond Road, Sudbury, Vermont, on March 21, 2018, beginning at 6 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 20 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings, to the best of my ability.

I further certify that I am not related to any of the parties thereto or their Counsel, and I am in no way interested in the outcome of said cause.

Dated at Burlington, Vermont, this 26th day of March, 2018.

JoAnn Q. Carson
Registered Merit Reporter
Certified Real Time Reporter