

STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

RE: THE BENNINGTON COUNTY REGIONAL
COMMISSION'S REQUEST FOR A DETERMINATION OF
ENERGY COMPLIANCE PURSUANT TO 24 V.S.A.
SECTION 4352

May 31, 2017
7:00 p.m.

Bennington Fire Department
Bennington, Vermont

Public Hearing held before the Vermont Department
of Public Service, at the Bennington Fire Department,
Bennington, Vermont, on May 31, 2017, beginning at 7:00
p.m.

P R E S E N T

Commissioner: June Tierney

DPS Staff: Ed McNamara, Director
Sheila Grace, Special Counsel
Dan Potter, Energy Policy and
Program Analyst

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1 COMMISSIONER TIERNEY: Good evening, ladies
2 and gentlemen. My name is June Tierney, and when I can
3 get my staff to quiet down back there -- hi, guys.
4 Thank you. Thank you so much for being here tonight.
5 I do apologize for our tardiness in getting here. You
6 can't hear me, can you? All right. I suppose we need
7 the commander voice. Better? Okay. We had some
8 weather delays getting down here. It was a little bit
9 scary coming all the way from Montpelier through the
10 line of thunderstorms but some beautiful lightning.

11 And we're truly blessed to live in this great
12 state, and that is part of what we're talking about
13 tonight is how you folks feel about your particular
14 corner of this state and some of the planning work
15 that's been done, and I'm very much looking forward to
16 hearing from all of you your thoughts about these
17 plans.

18 You're perhaps aware that my obligation under the
19 law is to look at a plan that's been prepared by the
20 Bennington County Regional Commission to determine
21 whether it complies with the provisions that were
22 enacted by our legislators that pertain to land use and
23 energy planning in this area. The purpose of this
24 hearing tonight is to gather input from you regarding
25 that plan and the Bennington County Regional

1 Commission's request for determination from my
2 department that the plan that they put together
3 complies with the energy planning requirements set
4 forth in 24 V.S.A. 4332, excuse me, 4352.

5 AUDIENCE MEMBER: It's a little bit hard to
6 hear you still.

7 COMMISSIONER TIERNEY: Is that because I'm
8 really soft-spoken, do you think? So, if I project
9 more into the microphone, is that better? Okay. I
10 must be terrified to be meeting you. With me tonight
11 are staff members from the Department, our Planning
12 Director, Mr. Ed McNamara; one of our planners, Mr. Dan
13 Potter; and counsel on the project, Sheila Grace, and
14 all three of these individuals are available to you at
15 any time should you have any follow-up questions from
16 this evening's meeting. Of course, I am as well. You
17 can find me at the Department of Public Service in
18 Montpelier.

19 I think the staff has prepared for you contact
20 information, and, if not, if you would just see any one
21 of them, they could help you get a hold of me at a time
22 that's convenient for you. I think that Representative
23 Morrissey will confirm that I am only too happy to make
24 myself available to anybody to who wants to talk to me
25 about these plans. You're nodding, right? You are.

1 Thank you so much.

2 In order to set the stage for tonight's
3 discussion, I believe that Mr. Sullivan, Jim Sullivan,
4 the Director of the Bennington County Regional
5 Commission, has prepared some remarks to help set the
6 table for what we might talk about tonight, and I think
7 the idea was that, if you wish to speak, that you would
8 sign up on the sign-up sheet, and, if I'm not mistaken,
9 the sign-up sheet is over there. You're also more than
10 welcome to submit comments in writing, and I give you
11 my word that, if you submit something in writing, I
12 will personally be looking at it.

13 A last formality for you to consider, we have
14 somebody here tonight to transcribe the discussion. It
15 always helps me because I simply can't recall things
16 anymore off the top of my head. I always prefer to
17 have a written record to go back to to look at, and
18 that written record's available to you, of course, as
19 well for you review and consultation.

20 At this point, I think that it's appropriate for
21 me to turn things over to Mr. Sullivan so we can get to
22 his presentation. I understand that there's some
23 interest from the public in wanting to use the podium
24 in order to voice your remarks, and I'm happy to have
25 you come up here to do that. The purpose of this

1 evening is for me to hear you, to listen to you. So
2 I'm going to be seated over here. Should the occasion
3 arise where a remark from you would be appropriate,
4 I'll either come to the podium myself, or I'll speak
5 from my seat.

6 I'm really going to have to do something about
7 helping this gentleman here in front hear me. I simply
8 beg your indulgence and ask you to let me know if I'm
9 not projecting loud enough. This is something I've
10 dealt with all of my life. I spent some time in the
11 military early in my career and was taught a parade
12 field voice that blows you out of the road, so I
13 compensate for that by being very soft-spoken, but I
14 assure you, however hard I may be to hear, I myself am
15 a very careful listener, and I will listen very closely
16 to hear things that you have to say to me. So, with
17 no further ado, Mr. Sullivan, if you'd like to take the
18 reins here.

19 MR. SULLIVAN: Thank you, Commissioner. Can
20 people hear me okay? I tend to turn around a little
21 bit, and I forget that I have a mic, and so I have a
22 similar problem. Thank you all for coming. Thank you,
23 Commissioner. Thanks to everybody from the Department.
24 Thank you for Representative Morrissey and
25 Representative Browning for both coming out tonight and

1 everybody else.

2 I want to, first of all, I want to apologize to
3 people who have seen this before because I know many of
4 you have as I've done the presentation quite a few
5 times. So I'm going to go -- the main purpose of the
6 meeting tonight, as the Commissioner explained, is to
7 hear from you, to hear your comments and concerns, so I
8 don't want to spend a lot of time with this. I've got
9 the full presentation, but I'm going to try to go
10 through it fairly quickly, but, please, if it's okay,
11 if you have a question about anything up there or
12 anything that's said, feel free to stop me and ask a
13 question. That's okay?

14 So, so this is, this is our Bennington County
15 Regional Energy Plan, which is an amendment to this
16 which is our Comprehensive Bennington County Regional
17 Plan which was adopted in 2015. The energy plan was
18 just adopted in March of this year as an amendment to
19 that plan. So the, and I should say that the, the
20 energy plan, by way of background, was adopted, was
21 prepared under an agreement with the Department of
22 Public Service.

23 There were three regional planning commissions
24 that did kind of a pilot energy planning process that
25 started two years ago, I think, two years ago this

1 month, actually, and so we've been working on it for
2 two years and really finished the final draft last
3 fall. We had some public meetings last fall and
4 winter.

5 So this is, this is the energy plan overview.
6 What it basically does is it takes a look at current
7 energy use in the region. It looks at some targets,
8 what we think energy use might have to look like in the
9 future, especially focused on what we would need to do
10 in our region to help meet the State's energy goals,
11 and then we, we developed some specific strategies
12 across all different energy sectors on how we think the
13 Regional Commission and communities in our region can
14 help advance the plan's objectives.

15 So the plan starts out with an explanation of
16 energy, really wonderfully dry stuff. Talks about
17 nonrenewable energy, renewable energy, and where they
18 come from, solar-derived or otherwise. Then, as I
19 mentioned, talked about the State's energy plans and
20 energy plan and energy goals, and they range from
21 things involving number of homes to be weatherized to
22 the kind of the, the big catch-all energy goal which
23 incorporates a lot of the others and which is the one
24 that we kind of put out there for all of our planning
25 efforts, that 90 percent of Vermont's total energy

1 needs should come from renewable sources by 2050, and
2 that's from the State's energy plan.

3 So the plan next goes into why these goals are
4 important, and we have a number of categories. We talk
5 about the environmental issues associated with energy.
6 We talk about the, the negative effects of fossil fuel
7 combustion on the environment and the atmosphere. Talk
8 about issues associated with nuclear waste and nuclear
9 plant dangers, and we talk about economic, the economic
10 benefits that are possible from economic development
11 associated with energy.

12 This is a graphic here that talks by sector how
13 much our region spends on energy. Upwards of \$150
14 million a year just from Bennington County goes toward
15 energy, and an awful lot of that leaves our region.
16 So, by trying to reduce the amount that we spend in
17 total on energy and by developing some businesses
18 locally that can benefit from energy development
19 activities, whether it be weatherization or alternative
20 fuel systems or what have you, then we can actually
21 have a significant economic benefit on the region.

22 We talk in the plan about long-term energy
23 security. Talk about how there's, again, by reducing
24 our overall dependence and reliance on the amount of
25 energy, we can, we can reduce our vulnerabilities and,

1 by obtaining more of our energy from local sources, we
2 can reduce, reduce volatility in the market and
3 potential disruptions in energy flow, and we also
4 talked a little bit about greater efficiencies both in
5 cost and energy loss and from obtaining energy from
6 more local sources.

7 Then I always like to talk about this one. It's
8 one of my favorite things. I don't think it gets
9 enough attention, but this is, this is talking about
10 why we really need to start thinking and talking about
11 this stuff very seriously now, because the vast
12 majority of our energy comes from these nonrenewable
13 sources and oil, in particular, natural gas, not so
14 much but, but worldwide, definitely, and these lines
15 are basically the, the rate of extraction and use of
16 these nonrenewable resources over time over the last 50
17 years or so, all the dots, those are points.

18 It just shows that we've been using, using these
19 resources up at an ever-increasing rate to the point
20 where now -- this is a graphic I like to, to picture is
21 the amount of oil that we use worldwide right now is,
22 if you can picture the Bennington Battle Monument as an
23 empty flask and you filled it up with oil every five
24 minutes nonstop constantly around the clock, that's how
25 fast the world is using oil right now.

1 So it's not to say that we're going to run out of
2 oil or natural gas any time soon, but what it does say
3 is that there's only a finite amount of this stuff and
4 we have to keep finding new and more expensive ways to
5 extract it and obtain it and process it in the future.
6 So it means that, over time, inevitably, it's just
7 going to get a lot more expensive. Yes, Cynthia?

8 REPRESENTATIVE BROWNING: I don't understand
9 your charts, because it says historical, and yet
10 historical goes up to 4,000, and that's 4,000 tons or
11 --

12 MR. SULLIVAN: So a million metric tons, I
13 guess, is the measurement, is the measurement there.
14 So that, that's a historical use. So it basically
15 starts out down here, and, basically, it's just a
16 graphic to show that, you know, the, the rate of use
17 has gone up from, what, 500 to 600 to over 4,000 on
18 that.

19 REPRESENTATIVE BROWNING: But is that the
20 amount that you're using every year, or is it
21 cumulative?

22 MR. SULLIVAN: Yeah, that's the amount that
23 you're using every year, and if you want to picture
24 this, basically, the area under this curve is like the
25 total amount of oil that, that exists, and so, if you

1 drop, like, a straight line down, that's the amount
2 that's been used by now, and this is the amount that's
3 still there.

4 REPRESENTATIVE BROWNING: Okay. That helps.
5 Thank you.

6 MR. SULLIVAN: Yeah. So we can push this up
7 more, you know, with new extraction technologies and
8 things like we're doing, but the end point doesn't
9 change. So, if we do push it up here, it just means
10 we're going to go down more steeply at some point in
11 the future. So the idea is to smooth that transition
12 to convert to alternative sources and conservation so
13 we don't fall off a cliff.

14 REPRESENTATIVE BROWNING: Okay, thank you.

15 MR. SULLIVAN: Thank you for that question.
16 So the next thing we did in the plan was kind of
17 summarize a whole lot of energy usage data for the
18 region. So we looked at, you know, so basic data, how
19 many people live here, how many households, how many
20 cars, things like that. Using, using a lot of data
21 from the census, from the Department of Labor, from
22 various sources, I mean, we made estimates of how much
23 energy we use currently, pretty good estimates. The
24 information on electricity we got's actually very
25 accurate because that's measured, nothing else is, but

1 we have pretty good estimates on use.

2 And so just a couple of examples I highlighted
3 was, you know, the region burns over 17 million gallons
4 of gasoline in a year and over or about 7 million
5 gallons of oil, heating oil, every year in our region,
6 so pretty big numbers, and the plan has, has it broken
7 down for every town as well.

8 So questions: What would 90 by 2050 look like?
9 So, if we wanted to get to that goal of 90 percent of
10 all our energy from renewable sources by 2050, how
11 would we get there? What would it look like? So we
12 worked with the Vermont Energy Investment Corporation,
13 somewhat related to Efficiency Vermont that some of you
14 know about, and they ran this computer model called the
15 Long-range Energy Alternatives Planning Program. They
16 did it for the State, and they did it for all the
17 regional planning commissions as well.

18 And so, basically, they looked at models that were
19 based on the State's Comprehensive Energy Plan and a
20 study that the State did called the Total Energy Study
21 a couple years ago to say, What would the mix of fuel
22 use and energy use in the different regions of the
23 state look like over time if we were to move toward
24 that goal in a realistic way? There are lots of
25 assumptions built into it. There are lots of different

1 ways you can get to that goal, but this one is, again,
2 it's based on, you know, studies that were done by the
3 State, and I think it provides pretty good information.

4 Probably the most important thing it tells us
5 right off is that, you know, this is where we're at
6 now, and this line here is where our total energy use
7 would need to be by 2050 to get to that goal.

8 Basically, that's saying that we have to use about a
9 third less total energy than we do now. We can do all
10 sorts of stuff with renewables, but that's not going to
11 be enough. We have to do a lot with conservation and
12 efficiency, and this, this shaded area is basically the
13 kind of changes and improvements we have to make over
14 the things that we're doing now. So we have to really
15 ramp up our conservation and efficiency efforts.

16 MS. BLOCK: What is the Vermont Energy
17 Investment Corporation? You're sounding like they gave
18 you objective data, but who is doing that investment?
19 What is that?

20 MR. SULLIVAN: So Vermont Energy Investment
21 Corporation is -- and I apologize because I'm not, I
22 can't really speak for exactly who they are, but they,
23 they are an organization that is headquartered in
24 Burlington that Efficiency Vermont is one of their, is
25 like their nonprofit energy efficiency utility, I

1 think. But VEIC is involved in all manner of energy
2 conservation projects and programs. They have a
3 research group, and one of the things that they do is
4 do computer modeling.

5 MS. BLOCK: So they're not an investment
6 company. Do they invest money? That's what I'm
7 wondering. Are they investors in these renewables?

8 MR. SULLIVAN: I don't know why it's called
9 investment corporation.

10 MR. McNAMARA: Sorry. Ed McNamara,
11 Department of Public Service. So Vermont Energy
12 Investment Corporation has been around, I think, since
13 the early 90's. The investment piece simply -- they're
14 not an investment bank or anything else. It's talking
15 about investment in energy planning. I think that's
16 how "investment" ended up in their name. They're in no
17 way providing any financial -- they've got no financial
18 interest in the model or anything else. They're
19 essentially a consulting company --

20 MS. BLOCK: Okay, thanks.

21 MR. McNAMARA: -- that also provides
22 efficiency services for Vermont as well, but,
23 essentially, the consultant that did this model.

24 MR. SULLIVAN: Thank you. So one of the
25 things we do is we start to look, we look at different,

1 at the total mix of fuels that we use to get our, to
2 get our energy. So all these things are various fuel
3 sources used around the state, and they show up on
4 these stacked bar charts from the current, roughly
5 current time, 2015, through 2050, and it shows how the
6 mix of fuels needs to change over time.

7 And you can see -- and the next slide, I think,
8 shows it for our region a little bit better -- is that
9 the -- let's see. We go from all these things in here
10 are nonrenewable fuels, the vast majority of energy
11 that we use, and, in fact, a lot of the top bar
12 electricity here is also generated from nonrenewable
13 sources. So we have to get that down to this little
14 band, you know, 10 percent by 2050, and the next couple
15 of slides talk a little bit about how that might
16 happen. So, again, that just kind of highlights those
17 areas that are straight nonrenewable fuels and how much
18 they have to drop down to get to that point by 2050.

19 In our region it's very similar, but in our
20 region, actually, the drop-off in total energy use as
21 projected by the model is actually even a little bit
22 higher because the model builds in growth rates for
23 different parts of the state, and our growth rate based
24 on historic trends in Bennington County is quite a bit
25 less than Chittenden County. So Chittenden County is

1 using more of the energy, so we actually go down a bit
2 more.

3 Again, you know, this is a couple of the things
4 that I really wanted to highlight here is electricity,
5 and this is woody biomass fuels. You know, the woody
6 biomass is a lot of local sources available. That's
7 one of our important nonrenewable fuels in the future,
8 and you can see that over time, while the amount
9 doesn't change very much as a percentage of the whole
10 because the total amount used, it becomes a much bigger
11 player in the picture.

12 Electricity, you'll notice the amount of
13 electricity that we're projecting grows quite a bit.
14 In fact, it close to doubles in our region, and that's
15 because, you know, electricity, while it's not an
16 energy source, it's an energy carrier, but it can be
17 produced from renewable sources. So there's a lot of
18 shifting, and we'll see why that happens. Then there's
19 also some assumptions built into the model. Again,
20 that comes from one of the scenarios in the State's
21 Total Energy Study that relies a lot more on liquid
22 biofuels too.

23 So, so then the model and our plan breaks it down
24 further. So we, we look at it by sector. So how does
25 the residential, so how we heat our homes and use

1 electricity in our homes, how that changes over time,
2 and then we break it down even further and look at just
3 the heating part of homes. About 70 percent of the
4 total residential energy demand is for heating.

5 Again, you see those types of significant changes
6 where, you know, a lot of our homes are heated with oil
7 now. Over time that drops off and basically goes away.
8 You know, propane, again, another one that squeezes
9 down to almost nothing, and we start to see significant
10 growth in especially woody fuels. Again, the cord wood
11 doesn't change too much, but we see a lot more uptake
12 in the use of wood pellets, which I think we've already
13 seen if the huge piles of wood pellets I see outside of
14 some of the stores is any indication. And, also, this
15 one is particularly important, heat pumps, which is a
16 highly efficient electric distribution system to heat
17 buildings. Again, you know, because it can be run with
18 electricity, it has a potential for being driven by
19 renewable energy.

20 So, you know, commercial energy, it's less of a
21 downward trend but still a downward trend, significant
22 reliance on electricity in the future. Industrial,
23 again, fairly similar, even more reliance on
24 electricity, and both of them use a bit more biomass
25 for heating. One of the really, really significant

1 ones -- yes?

2 MS. ADDISON: Leslie Addison, and I do have a
3 question about that last slide. So does that mean that
4 there's less expectation on businesses to reduce their
5 energy consumption? Because that would put more burden
6 of responsibility on residences which seems like you'd
7 get a bigger bang for your buck by making sure that the
8 businesses increase in the same percentage that we are.
9 So where did that projection come from?

10 MR. SULLIVAN: So a lot of it came from
11 projections on business growth as well as residential
12 growth and the amount of energy that you need to run a
13 business, because businesses involves some space
14 heating down here, but they also have a lot of process
15 work, you know, a lot of running a lot of machinery and
16 things, and, you know, there's only so much you can do
17 -- again, it's projections and assumptions, but there's
18 only so much you can do to improve efficiency and
19 reduce energy use in the process end of things. But,
20 you know, it does, it does show a decrease and a
21 significant decrease, but, you're right, not as much as
22 on the residential side.

23 Transportation energy demand really drops off a
24 lot because transportation is our biggest user of
25 energy in Vermont and in Bennington County, and, you

1 know, diesel and gasoline, they're huge, right? I
2 suspect most of us got to the meeting driving a
3 gasoline car today. You know, to get down to our 90
4 percent by 2050 goal, that, that stuff really needs to
5 get squeezed down. There's some -- again, it's a
6 statewide thing.

7 And they, they're still anticipating in the model
8 a fair bit of activity in the airline sector. So jet
9 fuels is something that I don't think anybody's
10 projecting that we're really going to figure out how to
11 fly commercial passenger jets with electricity or
12 biofuels at this point. So, you know, our amount goes
13 down quite a bit, and it's really, those fossil fuels
14 are really replaced by two things, largely electricity
15 for the passenger vehicle fleet. We're talking about
16 over 13,000 passenger vehicles being converted to
17 electric, and, for the lighter-duty trucks, some
18 biodiesel. These are mostly light-duty vehicles, I
19 think, and then the ethanol basically reduces a little
20 bit, but that would be mostly vehicles that are just
21 driven by ethanol.

22 Again, these are assumptions and projections about
23 what things might look like in the future, and this
24 particular scenario assumed a lot, I think, in my
25 opinion, on the liquid biofuels front. If we don't

1 develop the technologies that really manage to pull
2 that off, we'll probably have to rely more on
3 electricity.

4 But one thing I should mention, too, is, while the
5 total amount of energy goes down, the total miles
6 driven doesn't really go down, and a lot of that is
7 because electric vehicles are much, much, much more
8 efficient than the internal combustion engines, so you
9 actually get a lot more miles per BTU by driving
10 electric vehicles.

11 So how do we get there? So we talk about, and
12 I'll just go through these really quickly, the planning
13 that goes into these strategies, lots of strategies.
14 What can we do in our region? What can the regional
15 planning commissions do? What can towns, communities,
16 organizations do in each one of these sectors? So we
17 have a whole bunch of ideas that we discussed in some
18 depth in the plan, you know, things like really working
19 with the fuel dealers now and seeing if we can
20 encourage them to become full-service energy service
21 providers that provide home energy audits and
22 efficient, building efficiency services, installation
23 and supplying alternative heating systems, you know,
24 building weatherization programs to make sure our
25 buildings are as energy efficient as possible.

1 We talk about, you know, converting over to
2 biomass district heating systems for a lot of
3 buildings. I have a picture of the Applegate
4 Apartments there because Applegate is going to convert
5 over to I think it's a wood pellet based district
6 heating system from their old oil system. So a whole
7 range of things that, on the thermal side, we can do.

8 Then electricity efficiency, you know, we go into
9 a lot of the programs that are run by Efficiency
10 Vermont. We talk about the value and importance of
11 expanding energy storage capacity in systems so that
12 our renewable systems will work a little bit better.
13 Because renewable energy doesn't generate all the time.
14 It happens when the sun's shining and the wind's
15 blowing and the water's flowing really well. So we're
16 going to need probably more storage. Behavioral
17 changes, how do we influence individual behaviors to
18 try to get people to be more energy efficient and
19 thoughtful about how they use electricity?

20 Then transportation strategies, again,
21 transportation is a big one. There's lots and lots of
22 things. There's a little fun discussion in the plan
23 about this one here, why there's a big "X" through it.
24 You know, it's, a lot of people think that, you know,
25 economists and business folks think that a real

1 significant increase in the federal gas tax would do an
2 awful lot to drive the market in the right direction
3 and would really address a lot of our transportation
4 problems. After much thought and analysis, we decided
5 that that's probably not going to happen, so we crossed
6 that out, and we focused on other things and things
7 that we may be able to have some control over.

8 So the, the image on the left there is our
9 regional land use plan, and all of the towns in the
10 region have municipal land use plans and land use
11 ordinances that are based on that framework. Really
12 trying to focus on encouraging compact, mixed-use
13 development, the most efficient development patterns
14 possible, and then strategies to improve and make
15 communities more walkable and bikeable.

16 Then there's a lot on public transportation and
17 carpooling. How can we -- you know, I mean, we're a
18 rural county. It's kind of hard to do these things,
19 you know, to serve everybody with buses because we're
20 so dispersed, but we looked at the opportunities for
21 what we could do with buses and carpooling and
22 expanding the use of electric vehicles. That cute
23 little electric car is, belongs to Leslie Addison.

24 And then we're, right now, we're working on
25 getting greater access to inner city rail, because we

1 have to figure out how we're moving people in and out
2 of the region too. So we're talking about, right now,
3 we're in the midst of reviewing proposals for a shuttle
4 between Bennington, Manchester and the Amtrak train
5 station in Rensselaer and then finding ways to access
6 and use more liquid biofuels in the region.

7 So our future energy supply, where is this energy
8 going to come from? What can we do locally to help
9 provide more energy? The picture on the left is, I
10 think, a picture taken from Bromley looking out over
11 the region to the south. Lots of trees, lots of
12 potential for using local woody biomass for space
13 heating. This is a picture from State Line Farm some
14 of you might know in Shaftsbury where they produce
15 vegetable oils and biodiesel that are used in their own
16 operations and some other operations. It's a fairly
17 small operation but shows what you can do. And that's
18 a picture of the Vermont Tissue Mill where Bill Scully
19 has just started his hydro generating project. He's
20 working on another one in Pownal at the moment.

21 So, again, so, so talking about now just on the
22 electricity side of things, again, I mentioned earlier
23 that the amount of electricity that we're going to use,
24 while the overall energy use in the region is going to
25 go down by a third, the amount of electricity in the

1 State that the State's going to use, the models all
2 project that's going to go up, and it's going to go up
3 largely because of a couple things: Really
4 anticipating a significant move to electric-based
5 heating systems, especially so-called cold climate heat
6 pumps, either air source or geothermal that run on
7 electricity, and transportation. That's, that's a
8 Tesla. That's, I don't think that's anyone in this
9 room's car.

10 But, but so the projection is really the
11 transportation, and the, and the space heating
12 electricity demand is really going to boost things up,
13 and so we look at, like, Well, what does that look like
14 in terms of actual electricity generation projects or
15 capacity in our region? There's different ways of
16 looking at it. Again, there's lots of assumptions,
17 and, when we started working on this plan, it was
18 really -- we, we worked with the other regional
19 planning commissions and the Department and VEIC to try
20 to sort out how to allocate new demand around the state
21 assuming that about 50 percent of our future energy
22 demand over time would have to come from in-state
23 sources.

24 There's very little capacity to do it in the hydro
25 realm, so we're here now. There's quite a bit of

1 growth in hydro. That's going to be a lot of imported,
2 new imported hydroelectric, and so most of the growth
3 in in-state, if we assume that 50 percent of the new
4 electricity beyond what we're getting now is going to
5 come from renewable sources, a lot of that would come
6 from wind and solar or just solar or just wind but some
7 mix of those, and the model made some assumptions about
8 what it would be, and in our region the, the numbers
9 shook out of about 85 megawatts of solar capacity and
10 about 26 megawatts of wind capacity.

11 It also suggested about 4 megawatts of new
12 hydroelectric, but it's just not there. It doesn't
13 exist in our region. We have about 1 megawatt of
14 potential capacity at the existing dams in our region.
15 Yeah?

16 MS. COLLINS: Melissa Collins. I have a
17 question. When you say 26 megawatts of new wind, how
18 many megawatts does each wind put out by one turbine?

19 MR. SULLIVAN: So, yes, I've got a graphic on
20 that in a little bit, but I can tell you that the
21 biggest ones in the world right now are probably about
22 5 megawatts and the ones like the ones that, if you've
23 seen the ones that have been operating for a while in
24 Searsburg, those are about 700 kilowatts, so they're
25 less than 1. So there's a range, and the residential

1 ones, the smaller ones you see by people's houses,
2 those usually run from, like, 2.5 to 5 kilowatts.

3 MS. COLLINS: So you're saying around a
4 minimum of 20, at least 26 turbines?

5 MR. SULLIVAN: You know, it, if you talk, if
6 you're talking some of the newer ones like on the
7 Hoosac project, I think they're 1.5 megawatt. There's
8 some in the state that are 2 to 2.5. So, yeah, maybe
9 20, maybe 10 or 12 if they were, you know, the
10 full-sized commercial scale ones.

11 MS. COLLINS: So my same question about solar
12 then. That 85, what does that look like?

13 MR. SULLIVAN: I've got pictures of that too.
14 But so, like, if you've been by the racetrack in Pownal
15 where that, that's about 2 megawatts, little over 2
16 megawatts of capacity.

17 MS. COLLINS: That's huge.

18 MS. DRAGON: I heard that doesn't count
19 towards our goals, anyway, in Pownal because we're not,
20 it's not providing power the for the state, right? So
21 these are extra megawatts that are not including the
22 ones that we've already placed in our communities that
23 are selling to sites out of state, correct?

24 MR. SULLIVAN: So there's the issue of what
25 happens to the Renewable Energy Credits, and that's

1 where I always used to turn it over to one of my
2 friends in the Department of Public Service to explain
3 how we would deal with that. But our guidance, our
4 direction was we're just counting capacity, installing
5 capacity in our region toward our regional targets.
6 So, for a lot of reasons, we weren't --

7 MS. DRAGON: I'm just trying to understand if
8 what we've already done counts towards those regional
9 targets.

10 MR. SULLIVAN: Yes, it does.

11 MS. DRAGON: Even if it's sold out of state?

12 MR. SULLIVAN: Yes.

13 MS. DRAGON: I heard otherwise. I hope
14 you're right.

15 COMMISSIONER TIERNEY: I think we should
16 clear this up. I think what Mr. Sullivan is getting at
17 is they have a planning function that they're
18 discharging, and so, for purposes of planning for this
19 generation, these projects count toward that. What
20 you're getting at is whether the energy itself counts
21 toward realizing the goals of the renewable portfolio
22 standard of the like is a different thing, and you're
23 quite right. When a Renewable Energy Credit is sold
24 out of state, that power does not count toward the
25 accomplishment of those goals. That's absolutely

1 right. More loudly with emphasis; is that right?

2 AUDIENCE MEMBER: Can you go back to the
3 microphone, please?

4 COMMISSIONER TIERNEY: What we have here is a
5 case of there being two rights. One is the question
6 of, How does this planning commission go about
7 discharging its duty to plan for the energy needs in
8 the area? And they've drawn up a plan, and they're
9 showing you how these resources would generate energy
10 that would count in terms of totals to the levels that
11 they need to reach in order to give you a plausible
12 pathway to how to have a 90 percent of renewable energy
13 by 2050.

14 The point that you're raising, Ms. Dragon, is,
15 What happens with that energy in terms of a different
16 criteria, a different goal? It's not, you know, added
17 to this regional plan, and that's the State's goals.
18 And the point I was making is that, when renewable
19 energy is generated, it has renewable attributes
20 associated with it, and, when those renewable
21 attributes are stripped from the energy and they're
22 packaged in what's called a Renewable Energy Credit, if
23 that credit is sold out of state, then, by definition,
24 that means that energy that was once associated with
25 those credits does not count toward the State's

1 renewable energy goals.

2 AUDIENCE MEMBER: And it doesn't count
3 towards that?

4 COMMISSIONER TIERNEY: It does count toward
5 that because this is something different. This is the
6 regional plan's pathway to accomplishing a planning
7 goal, a regional planning goal, not the State's
8 renewable energy goal. I'm sorry if that doesn't help
9 further, all right? Yes, and this is at the root of
10 some of the difficulty that we're all having in finding
11 common ground in discharging these different
12 obligations.

13 MS. COLLINS: Can you repeat that again?
14 Because, if this plan is trying to meet the State's
15 plan --

16 COMMISSIONER TIERNEY: For your region.

17 MS. COLLINS: -- for our region, it's still
18 the State's plan, but, nevertheless, the solar credits
19 sold out of state don't meet the state plan.

20 COMMISSIONER TIERNEY: Another way to look at
21 it is this: The State's plan, the Comprehensive Energy
22 Plan, is to reach a 90 percent renewable energy by
23 2050. What the law has required is that the regions
24 come up with plans and that the towns come up with
25 plans if we want to have a certain level of what we

1 call deference or consideration given to those plans in
2 Public Service Board proceedings. So all of this is
3 directed at how your region and your towns are able to
4 weigh in on certain parts of Public Service Board
5 proceedings when projects are certificated, meaning,
6 when a project is approved to be, excuse me, built in
7 Vermont to get a Certificate of Public Good.

8 The Renewable Energy Credit issue that Ms. Dragon
9 is raising is a familiar point of debate or
10 controversy, depending on how you look at it, in the
11 context of the State's larger renewable energy goals.
12 They are two different discussions. I haven't helped
13 you, have I?

14 MS. COLLINS: I can still -- I've heard this
15 many times. No matter who explains it to me, I still
16 don't get it. I'm sorry.

17 COMMISSIONER TIERNEY: Well, in that case,
18 I'm going to have to join the list of failures only
19 because of the time that I want to consider here. I
20 wonder if perhaps you would consider contacting my
21 office, and perhaps we could have a more detailed
22 discussion where I could try to be clearer if that
23 makes sense to you.

24 MS. DRAGON: Very quickly, is it possible to
25 put a clause in this plan that says we do not want any

1 development in our region that sells energy credits out
2 of our state so, that way, all of our development goes
3 to benefit our communities, not out of state, and so we
4 don't waste our land on these corporate developments
5 and --

6 MS. BROWNING: They're not listening.

7 COMMISSIONER TIERNEY: No. I heard every
8 word. I'm sorry. It's an old litigator's trick where
9 you're doing one thing but your ear hears another.
10 You're asking whether it's possible to have a clause in
11 this plan that says, as you were saying, you don't want
12 any development of projects that generates energy where
13 Renewable Energy Credits are sold out of state?

14 MS. DRAGON: Yeah, if that's what the region
15 wants.

16 COMMISSIONER TIERNEY: What I'm going to do
17 tonight is to make a solid contract with you. I'm not
18 going to try to answer a question off the top of my
19 head, right, that I can't stand behind. What you're
20 asking is a legal question, and, while it is true that
21 I'm a lawyer, I am not practicing law in my present
22 capacity. So what I would invite you to do, Ms.
23 Dragon, is to give my staff your contact information,
24 and we would be happy to get you an answer on that
25 point. Does that satisfy you?

1 MS. DRAGON: Sure. Thank you. Not
2 immediately, but, yes, thank you.

3 COMMISSIONER TIERNEY: Thank you. Mr.
4 Sullivan, did you want to complete your --

5 MR. SULLIVAN: Yeah, just a couple more
6 minutes. Yeah, and, you know, I wish I could give you
7 a better answer too. I mean, you know, one of the ways
8 it was explained to me is, you know, when we install
9 one of these projects and start generating electricity,
10 then you generate two things. You generate
11 electricity, and you generate Renewable Energy Credits.
12 The electricity from all the things that we've had
13 built in our region feed into the local distribution
14 grid, so we have those electrons.

15 The Renewable Energy Credits are in a market, and
16 they can be sold out of state. They can also be bought
17 inside Vermont from out of state, and they're on
18 different timeframes. Those projects are going to
19 generate electricity for longer than the REC contracts.
20 The REC contracts might be renewed, resold. So there's
21 so much dynamism in the Renewable Energy Credit market
22 that it was just very difficult to include that in the
23 planning process.

24 AUDIENCE MEMBER: It's kind of an important
25 point to include.

1 MR. SULLIVAN: It is not the first time that
2 question has been raised, yes. So, you know, in the
3 Bennington region right now, we're talking about
4 electricity. We generate a little bit now from, mostly
5 from those solar projects, from the one hydro project
6 -- well, actually, another small one on Mount Equinox
7 -- and, and a little bit of wind.

8 The rest of the, the rest of the electricity that
9 comes into the region is imported. In the future by
10 2050, still going to be importing a lot. There's, you
11 know, how you, how you cut this pie you can make
12 different assumptions. You can take out all the wind
13 and make all this solar, perfectly reasonable
14 assumption. A little bit challenging technologically,
15 but, you know, this would be in-region generation.

16 So where the big challenge, obviously, is, if
17 we're going to have in-state and in-region renewable
18 energy generation, where is it going to go? Because we
19 want it to go in places where it's as efficient as
20 possible from its production capacity so that we're not
21 building things that are producing at less than an
22 optimal level so that we need to build more of them
23 than we otherwise would, and we also want to put them
24 in places that avoid environmental impacts and avoid
25 social impacts in neighborhoods. Big challenge, right?

1 I think everybody is aware of that. Yeah?

2 MS. LEAZER: Dianna Leazer. I'm sorry. I'm
3 still really confused, and that's just me. So is, so
4 the energy that we're generating now, that 4 percent
5 from various projects, that is building toward meeting
6 Bennington County's portion of energy needed for this
7 big plan; is that correct?

8 MR. SULLIVAN: Yeah. We haven't, like,
9 established what we try -- we tried to figure out what
10 word to use. We call it targets because it's not
11 something we have to do. It's something that we are
12 trying to plan toward so that we can, we can contribute
13 to the State's goals, yes.

14 MS. LEAZER: But that, that 4 percent is
15 right now contributing toward what our target portion
16 would be; is that correct?

17 MR. SULLIVAN: Yes, yes.

18 MS. LEAZER: Okay. But so for the solar --
19 and I know they're two different things, I think. So
20 that, is the solar projects that are in place right
21 now, their energy credits are being sold out of state?

22 MR. SULLIVAN: Not, not necessarily. I think
23 in the past a lot were. I think that Vermont, new
24 legislation -- I can't remember the name, but the
25 effort was to really try to drive a lot more of those

1 credits to be retired in-state. I can't give the
2 details of that. Maybe --

3 MS. LEAZER: So it's very -- it seems like
4 things have been, have changed a little, and so it's
5 very confusing, because it sounds like maybe kind of
6 they are and kind of they're not, and I'm, I'm
7 confused. I'm really confused.

8 MR. SULLIVAN: You want to take a shot at
9 that one?

10 MR. McNAMARA: Sure. Ed McNamara with the
11 Department again. So, just to make sure I understand
12 the question, the question is about the existing, the
13 existing projects, the 4 percent right now --

14 MS. LEAZER: Right.

15 MR. McNAMARA: -- and whether those count
16 towards the targets?

17 MS. LEAZER: Our target, our Bennington
18 County share, our target share of the overall State of
19 Vermont 2050 goals.

20 MR. McNAMARA: Yeah. And, at the moment,
21 what we're looking at, we're just looking at total
22 energy. We're not looking -- one way to think about it
23 is, to simplify the planning process, just assume this
24 whole Renewable Energy Credit market which has only
25 been around for the last 15 years or so just doesn't

1 exist, that there's energy and then there's capacity.

2 So, I think, probably the easiest way is to set
3 aside the Renewable Energy Credit issue, because my, my
4 guess is, when the legislature was working on Act 174
5 to try to figure out where the RECs went, because, as
6 Jim mentioned, that's very dynamic. It can change
7 month to month. Simply, the easiest way to do it is,
8 What's the total amount of energy, and, therefore, how
9 much different resources do you need to produce the
10 amount of energy for your particular region?

11 MS. LEAZER: Right.

12 MR. McNAMARA: Is that helping?

13 MS. LEAZER: Yeah, it does, but, still,
14 there's another part of it. So, if the existing
15 projects now are selling -- if their contract states
16 that they're, that those Renewable Energy Credits are
17 being sold out of state, that still counts towards our
18 portion, even though they're being sold out of state?

19 MR. McNAMARA: That still counts, because,
20 again, this is focused just on the energy produced. It
21 has nothing to do with the Renewable Energy Credits.

22 (Several audience members talking at once.)

23 AUDIENCE MEMBER: But she just said the
24 opposite.

25 COMMISSIONER TIERNEY: No, I said there were

1 two different things. What you're dealing with here is
2 a planning process that is designed to get your
3 expressed desires in terms of energy and where it's
4 derived from afforded a certain kind of consideration
5 or recognition by the Public Service Board when people
6 go to get Certificates of Public Good to build
7 projects. That's what this process is about.

8 What Ed was just talking about is the bigger
9 picture of the State in terms of looking at our energy
10 needs, period, planning for how we are going to fulfill
11 those energy needs, and then allocating among regions
12 in the State a responsibility to come up with a plan
13 that demonstrates how we would do that.

14 And then we have a third theme that Ms. Dragon has
15 brought up which is the issue, the public policy issue
16 around the use of Renewable Energy Credits and the role
17 that those credits play in terms of transferring
18 attributes for money and what's done with those
19 revenues, which, in some respects, are used to reduce
20 or to have an effect on ratepayers' rates that they're
21 charged for electricity.

22 MS. LEAZER: What I'm specifically talking
23 about is we've got these large, commercial-scale solar
24 projects, and if they're not, if those Renewable Energy
25 Credits -- and I understand what you're saying. If

1 they're not helpful, then why are we having them?

2 COMMISSIONER TIERNEY: You're putting your
3 finger -- you haven't put your finger. You've very
4 squarely addressed an issue that I think is of
5 legitimate concern to people which is, How is it that
6 Vermont is hosting large projects of this nature if
7 Vermont itself is not deriving the benefit of the
8 energy that is generated by it?

9 MS. LEAZER: And then you have the other
10 issue of, with these large-scale solar projects, What
11 about, you know, what about clearcutting and the amount
12 of trees that can take, you know, greenhouse -- I mean,
13 it just doesn't -- well, anyway.

14 COMMISSIONER TIERNEY: No, no. Please, I
15 think you are raising precisely the points that are the
16 purpose of public engagement in this process. When you
17 say, What about the trees that are getting clearcut and
18 the like, underlying that, I think, is probably the
19 view that perhaps we ought not to be cutting those
20 trees, right, especially if we're not getting the
21 benefit of the energy that's generated.

22 MS. COLLINS: Exactly.

23 COMMISSIONER TIERNEY: Fair enough. Okay.
24 So let's say that that's the expression of your
25 community will, that that's how your community at large

1 feels about these projects. This planning process is
2 where you get together, you use the mechanism to
3 express that viewpoint in your plan, and then, if I
4 understand Mr. Sullivan's plan correctly, because your
5 municipalities have articulated that particular vision,
6 We don't want our trees cut down if we're not going to
7 have the benefit of that energy, that would then be a
8 plan that would supersede aspects of your plan, and
9 that would be a clear message to the Public Service
10 Board when it has to review applications for projects
11 that would generate energy.

12 The Public Service Board would look at that
13 articulated statement of your community. It would say,
14 Okay, by law, we have to give substantial deference to
15 that. We have to respect the will of the community on
16 that point, unless there's some compelling overriding
17 reason why we can't. I hope I've helped you some here.
18 If nothing else, I hope I'm leaving you with the sense
19 that you have power. There's merits. And I had this
20 conversation with Representative Morrissey this winter.
21 There is value in you folks engaging your municipal
22 planning process in order to make those kinds of policy
23 statements known. Now I'm going to let you off the
24 spot. I'm sorry. Did you have a question?

25 MS. LAWRENCE: Wendy Lawrence. I just want

1 to make sure that we are going to be wrapping this up
2 to actually get to the fact of that map release and
3 approval, because those towns are not being given the
4 time and the ability to get those maps, and this map is
5 going to be approved and released, and that's what
6 people are going to be going to, and towns aren't being
7 given the opportunity to have the input on that, and
8 that's the issue, and that's why we're here. So I want
9 to make sure that we're going to get to that.

10 COMMISSIONER TIERNEY: Thank you, Ms.
11 Lawrence. So I think Mr. Sullivan's going to wrap up.

12 MR. SULLIVAN: So I'm going to talk about the
13 mapping.

14 COMMISSIONER TIERNEY: Jim, do you have a
15 sense, to give Ms. Lawrence comfort, do you have a
16 sense of how much more time your presentation is going
17 to take?

18 MR. SULLIVAN: Mapping is the last part, and
19 so I'm going to say five minutes.

20 COMMISSIONER TIERNEY: Does that suit you,
21 Ms. Lawrence?

22 MS. LAWRENCE: Yes, thank you.

23 COMMISSIONER TIERNEY: And then we'll have
24 the balance of the time to talk about your concerns?
25 Please, go ahead.

1 MR. SULLIVAN: Okay. So in our mapping
2 analysis that you see some of the maps up on the wall
3 there, basically, we're following the guidelines that
4 were handed down on how these regional plan maps should
5 be put together. The first thing we look at is where
6 the resources are for these renewable energy resources,
7 where does the sun shine most reliably on the
8 landscape, where does the wind blow most consistently,
9 where is the wood growing and the most productive
10 places for that, where are the existing dam sites for
11 hydroelectric potential?

12 Then we lay on top of that constraints, so
13 environmental constraints that were identified by the
14 State, and these, these over here on this side, those
15 are no-go. Those are things that you're not going to
16 develop for renewable energy projects or anything else.
17 So those things are taken right off the plate. So
18 there's the areas where there's energy potential.
19 These areas block those out. Then Level 2 are possible
20 constraints. Those are a whole additional set of
21 resources identified by the State where they may
22 prevent renewable energy development, they may not,
23 But, in any event, they're going to make it a bit more
24 complicated.

25 So we've produced these maps, and let me just go

1 through it quickly. So this is the solar map that I
2 think a lot of you are particularly interested in.
3 Starts out with a map of our region. That's our
4 planning region there. Then we look at the resource
5 areas. Yes?

6 AUDIENCE MEMBER: Who produced the maps? I
7 missed it.

8 MR. SULLIVAN: So these maps are produced by
9 the Regional Planning Commission in our office based on
10 criteria that were decided upon as part of this
11 planning process.

12 AUDIENCE MEMBER: And where did you get the
13 information from?

14 MR. SULLIVAN: All the data came from the
15 State and the required things that we have to include
16 on the maps.

17 AUDIENCE MEMBER: No. I know that but where
18 --

19 AUDIENCE MEMBER: You mean who did the
20 analysis?

21 AUDIENCE MEMBER: Yes.

22 MR. SULLIVAN: So those are, it's a
23 geographic information system, and there's a whole
24 bunch of layers of information that's in a giant
25 statewide database, and we pulled the information from

1 that state database and put it on the maps. Yeah?

2 MR. KNIGHT: Bill Knight. At this point, you
3 hadn't contacted the town, the town plan hadn't been
4 introduced into this yet, and the concerns and issues
5 of the town hadn't been brought up at this point?

6 MR. SULLIVAN: So I'm going to talk a little
7 bit about the town planning process, but I will answer
8 that and say, you know, you're correct that the town
9 plans had not been developed yet. We were under
10 contract with the Department of Public Service to
11 produce a final draft plan by last fall, which we did.
12 Act 174 didn't really kick into gear and create this
13 whole town substantial deference thing until after
14 that.

15 So, you know, yeah, we did this. We finished our
16 plan. We adopted our plan. We're currently in the
17 process of working with towns on their energy plans.
18 It's a, it's exactly the same planning process that the
19 BCRC has used for the last 50 years where we develop a
20 concept regional plan that provides a framework for
21 town planning that provides information and data for
22 towns, and then we immediately start working with towns
23 to develop their plans.

24 MR. KNIGHT: But you had adopted that or come
25 up with this plan before you got with the town?

1 MR. SULLIVAN: We had -- we are, we are an
2 organization that's composed of representatives from
3 municipalities. So all of the towns in Bennington
4 County have commissioners that serve on the Regional
5 Planning Commission. So we also had a number of -- so
6 they participate in the process. We also had a number
7 of public meetings and public hearings and met
8 individually with a number of towns. So, no, the towns
9 had not all developed their town energy plans yet when
10 we had finished this, but, yes, there was a lot of
11 municipal and public input in the process.

12 MR. KNIGHT: So that would create a problem
13 then once you said it is going to be this way and they
14 would introduce, interject actual things that
15 interfered.

16 MR. SULLIVAN: So let me just get to the town
17 part, because I know we're in a bit of a rush. So this
18 is, this talks about the constraint layers and adding
19 the constraint layers. So, like, these big white areas
20 here, there's no resource there. They're taken out.
21 The yellow layers, there's some constraints. The red
22 layers, there's resources, but there's no
23 state-identified environmental constraints. So then
24 this percolates down. That's the plan. It's over
25 there. That's the plan that's in the regional plan

1 that has all the different solar resource areas on it.
2 This is, this is the part that you're probably most
3 interested in.

4 So what we've started doing with towns now is
5 working on those town energy plans. The Bennington
6 town energy plan draft is probably going to be
7 completed by the beginning of next week. This is the
8 current Bennington town solar map. So they took that
9 map, the regional plan map, and a committee that I
10 think some people here might be serving on with the
11 town took that information and decided to refine it
12 based on more detailed local knowledge and information,
13 and they did things like delete as suitable any land in
14 the rural conservation district that has good
15 agricultural soils. They deleted any land in the
16 forest zoning district. They deleted any land in the
17 agricultural district.

18 So they, they took a whole bunch of additional
19 constraints and applied them to the regional plan map,
20 and then I think what Bennington did was really great.
21 They went the next level, and they said, Okay, are
22 these places that are remaining where there's some
23 potential for solar energy, are there any of those
24 where the property owners are interested in solar
25 energy development and we feel, as a community, as a

1 committee that's going to make a recommendation to the
2 town planning commission, that the impacts of solar
3 development in those areas would be acceptable?

4 And so they came up with -- this is still in the
5 draft phase -- but a number of parcels that amount to
6 somewhere over 500 acres around the town of areas that
7 might be acceptable. There are things like the
8 landfill, couple of industrial parks, field at
9 Bennington College, some land that the hospital owns,
10 sand pit on the east side of town.

11 So and I think it's, I think it's exactly the way
12 the process is supposed to work. We developed a lot of
13 background, a lot of base information for the towns to
14 work with. The towns then refine that and come up with
15 a, a town plan map, and, as the Commissioner said, our
16 regional plan specifically says that the municipal plan
17 is given deference over the regional plan in 248
18 hearings.

19 And I also want to emphasize, these maps that
20 we've done at the regional level, these are absolutely
21 not siting maps, and if any developer or anybody else
22 stands up in front of a Public Service Board hearing
23 and says, This project should be approved because it's
24 on the BCRC's regional solar siting map, we will
25 immediately respond and say, That is not a solar siting

1 map. That is a planning map that's supposed to provide
2 general information for planning purposes.

3 So this just is a graphic that shows there's a lot
4 of, there's sufficient land in the region for solar.
5 Somebody asked earlier what projects look like. That's
6 a picture of a 2-megawatt project. That's a picture of
7 a 6-kilowatt backyard solar project. Rooftop solar,
8 everybody asks about rooftop solar. You know, we used
9 this very similar algorithm for determining how much
10 solar capacity could be developed on rooftops in our
11 region, and we said probably about 40 percent of the
12 total demand in our region can be done on rooftops.

13 So then this is a breakdown town by town. Again,
14 these are targets based on population of the town, the
15 amount of solar resource area in the town, the distance
16 from power infrastructure and netting out how much
17 existing solar there is in the town. So and that gives
18 a certain amount of megawatt capacity by town. Again,
19 that's a general target.

20 Similar analysis is done for wind, and I won't run
21 through it all, but you get to a map like this that
22 basically looks at the same environmental constraints
23 and the same things as far as, Where does the wind
24 blow, where are there severe environmental constraints,
25 and what's left over?

1 It turns out that there are virtually no prime
2 wind resources in our region because all of the
3 high-elevation ridgelines where the wind blows with
4 greatest consistency have some level of significant
5 environmental constraint. It's not saying there can't
6 be development there possibly in the future. It's just
7 saying nothing really stands out. The only one is like
8 this little spot right there in West Sandgate that's
9 probably two or three acres of land somewhere between
10 Trunk Brook and West Sandgate Road that still shows up
11 as prime wind, but, you know, there's areas clearly
12 where there is wind resource but there are significant
13 environmental constraints, so we can't, you can't
14 really say that's a go-to place.

15 And our plan used to talk about that some places
16 really did stand out like down here in Stamford and in
17 Arlington and up in the northwest part of Sandgate,
18 because, before that final environmental constraint
19 layer was added, those showed up as prime. So we've
20 included those in the map with a note about why they
21 may be complicated or difficult to develop in those
22 areas.

23 That's just a picture of -- people were asking
24 what this stuff looks like. These are the 1.5-megawatt
25 turbines that are down just south of us in the Hoosac

1 range. This is a smaller 100-kilowatt. So 15 of these
2 would equal one of those. It's on a farm in Vermont.
3 And I couldn't -- I really wanted to find the, like,
4 the horizontal axis wind turbines, the residential
5 scale ones like Paul has a couple of those, I think,
6 but I couldn't find any of those. Because I did want
7 to make the point that you'd probably need, oh, maybe
8 800 to 1,000 of those to add up to one of those. So
9 people say, Can we do it all small-scale? We say,
10 Maybe, but you'd probably need about 20,000 of those
11 small-scale ones around the region, so that, I think
12 people would probably think that looks even worse.

13 Hydro generation, again, that's very limited.
14 That's just a map that shows all the existing dams and
15 what the capacity is at the hydro facilities. And then
16 we talk about woody biomass because we're supposed to,
17 and we just talk about how the fact that there is
18 actually plenty of low-grade wood resource available to
19 handle a significant increase in our space heating
20 needs. And that's a real quick run-through at the end.
21 I apologize.

22 COMMISSIONER TIERNEY: We're over the finish
23 line.

24 MR. SULLIVAN: Thank you.

25 COMMISSIONER TIERNEY: Well, thank you very

1 much for that presentation, Jim. We're now going to
2 proceed with the portion of the evening where you folks
3 will please give us your comments. Ms. Grace is going
4 to get the sign-up sheet right now, and, as soon as I
5 know who the first lucky speaker is, we'll go ahead and
6 get started on that.

7 REPRESENTATIVE MORRISSEY: First of all, I'd
8 like to thank Commissioner Tierney and her team for
9 coming down to Bennington for this hearing.

10 COMMISSIONER TIERNEY: It's my pleasure.

11 REPRESENTATIVE MORRISSEY: I would also like
12 to thank Jim Sullivan and his team for putting this
13 plan together. I'm here tonight as actually a person
14 that was appointed by our Bennington Select Board to,
15 to look at the plan. We did our town plan language
16 about a year-and-a-half ago, and now we're working on
17 our maps. We are a group of folks -- and Rick Carroll
18 is here who is also on that committee. We're the
19 citizens on it, and then there's three Select Board
20 members. We've worked very hard within working on our
21 plan to coincide with what should coincide with what
22 the Regional Commission has put forth.

23 I think it is a huge mistake for the plan to be
24 certified at this point without the towns being able to
25 weigh in in this process. We've worked very hard.

1 We're a group that's very much in favor of renewable
2 energy, but we want to do it right. We want to have
3 towns have the deference that they should have at the
4 state level, and so I think it is challenging to have a
5 map kind of floating out there, and, as much as folks
6 say it's not going to be looked at as it's a siting map
7 for energy, I'm sorry to say in some of the legal terms
8 or a company going forward, I think, could use it as,
9 Well, this is what you're showing.

10 I think there's a real fine line there, so I'm
11 very concerned with that. So I would strongly say that
12 I'd strongly object to the certification of the
13 regional plan at this point. I think we need to allow
14 towns from across our county to weigh in. We're, as
15 Jim Sullivan said, we're working on -- we actually have
16 another meeting on Tuesday, and we've got the language,
17 and we've worked very hard to put the criteria and also
18 to the preferred sites within Bennington. We're
19 actually up to about 450 acres. I believe that was our
20 last number we came up with. We're working very, very
21 hard, and I think we need to give the other towns and
22 communities the respect to have that process go forward
23 as well, and I think, you know, the process needs to
24 work hand in hand.

25 Obviously, this plan from the commission, from the

1 Regional Commission but also with the towns. I think
2 it's got to go, be locked together going forward. I
3 would also say, even though the plan from the Regional
4 Commission, Jim said, came out kind of before V.S. 174,
5 174 was actually put in place so that towns would have
6 more voice in this process, and I find that, if we look
7 to cut the towns out of this at this point and certify
8 this plan, we're doing a disservice to that piece of
9 legislation.

10 I actually spoke before the Senate Natural
11 Resources a couple of weeks ago, and it was about --
12 and Jim actually spoke at it before me. There was
13 probably 90 percent of the people in that room that
14 testified felt very concerned about the process. The
15 League of Cities and Towns, which is really kind of the
16 -- how do I want to say -- the overseer for a lot of
17 our towns was very, very concerned about how this
18 process is going, and then if these three, I believe,
19 pilot program or pilot regional commission plans are
20 put out there, that that would be detrimental to the
21 towns to get, go forward in getting their plans done.

22 Most all of the other folks that spoke were
23 individuals from towns and planning commissions that
24 had the same concerns. So I am hoping that your board
25 or your, the board will look at this in that respect,

1 that this does need to look to go hand in hand.

2 I did also want to ask how the public hearing
3 process will go forward and work. Is this the first
4 meeting of a public hearing process? How many public
5 hearings are there? I mean, may I ask you questions?

6 COMMISSIONER TIERNEY: You certainly may, and
7 the answer is, This is the public hearing in this
8 process. This is a 60-day process from the time that
9 the plan is submitted to my department. So I regret to
10 tell you that there are no further public hearings
11 planned.

12 REPRESENTATIVE MORRISSEY: Okay. And one
13 concern that came forward to me and several others in
14 the room was that there wasn't a real notice out there
15 that people were aware of it. They were kind of
16 hearing it. I didn't see it in a paper, and I might
17 have missed it. So I'm not -- but there appeared as
18 though a lot of folks were not aware of it except for
19 word of mouth. So I was actually surprised we had as
20 many folks show up as they did, but I think that was by
21 word of mouth.

22 COMMISSIONER TIERNEY: If I may for just a
23 second, Ms. Grace, can you tell me --

24 MS. GRACE: I have a copy of the paper. It
25 was in the Saturday paper two weeks ago, three weeks

1 ago.

2 COMMISSIONER TIERNEY: And was it not also on
3 our website?

4 MS. GRACE: It is on our website.

5 COMMISSIONER TIERNEY: But the point is well
6 taken that the publication process is not necessarily a
7 perfect way. I have to tell you, though, I'm quite
8 impressed with the number of people here tonight, and I
9 do thank you very much for coming. I've done public
10 hearings for Public Service Board proceedings for
11 years, and it is uncommon to see this number of people
12 appearing and the level of engagement that you folks
13 have. So I can understand from your perspective this
14 may not look like a robust turnout, but, from my
15 experience in dealing with these regulatory matters,
16 this is an exceptional turnout.

17 REPRESENTATIVE MORRISSEY: Well, and I do
18 have to say the people in this room are pretty amazing
19 folks --

20 COMMISSIONER TIERNEY: They are. I can tell.

21 REPRESENTATIVE MORRISSEY: -- for wanting to
22 engage in this process and do it right.

23 COMMISSIONER TIERNEY: Yeah. I imagine I'm
24 not in your league. Please, proceed.

25 REPRESENTATIVE MORRISSEY: And so I'm

1 understanding one -- I just have two other quick
2 questions because I know you've got a long road back
3 tonight.

4 COMMISSIONER TIERNEY: Well, more
5 importantly, we have people here who we're going to
6 hear from tonight. We are here until we've heard from
7 you.

8 REPRESENTATIVE MORRISSEY: But so the
9 information is gathered by the gentleman taking notes.
10 Is it also taped?

11 COMMISSIONER TIERNEY: We have a transcript
12 being made right here. So every word you've said is
13 going to be studied very carefully, and Mr. McNamara is
14 helping me with identifying issues for me to be
15 thinking about, and, of course, there's my own realtime
16 hearing of what folks have had to say, and I'm making
17 my own notes as well. And I must reiterate I urge you,
18 please, if you are able and willing, send us your
19 comments in writing. They will receive very careful
20 consideration.

21 REPRESENTATIVE MORRISSEY: And I do have to
22 say, working or speaking with the Commissioner, she is
23 very -- she means what she says, and she will listen to
24 every word you have to say. So, please, I encourage
25 that as well. I thank you for your time.

1 COMMISSIONER TIERNEY: Oh, it's my pleasure.
2 Representative Morrissey, if you are yielding the
3 floor, I believe it's Representative Browning who's
4 next.

5 REPRESENTATIVE BROWNING: These legislators,
6 you just can't shut us up.

7 COMMISSIONER TIERNEY: Well, if you'd like,
8 I'm happy to give courtesy titles to everybody tonight.

9 REPRESENTATIVE BROWNING: Okay. In terms of
10 the matter before us tonight, the report and the
11 planning that BCRC has done, I think it's an incredibly
12 useful piece of work, and I think it's going to stand
13 in good stead as we try to address these issues going
14 forward. I think, that being said, I'm extremely
15 frustrated because of the issues related to the towns
16 and their role in this process that Representative
17 Morrissey has already addressed.

18 I'm on the Arlington Select Board. I've served in
19 the past on the Planning Commission and the Zoning
20 Board of Adjustment. Those latter bodies are all
21 volunteer, and we have enough to do to take care of the
22 business that is already before us. We revise the town
23 plan every five years or whatever, but to start a
24 special process to try to incorporate this in order to
25 try to get it in place in case there's a development,

1 that is really hard for us, and it's really frustrating
2 because the only reason we even have to do it is
3 because the State has preempted local zoning.

4 We already forbid anything above 1,200 feet in
5 Arlington. It's only because the State preempted that
6 for renewable energy projects that we're even having to
7 do this. So it's incredibly insulting to have to do
8 all this extra work in order to get the approval of the
9 State in order to get deference from the State for
10 something that we already did and we already have in
11 our ordinances and our plans, and now we have to do
12 this whole extra effort for the State, and if we don't
13 do it exactly the way it says, we won't get substantial
14 deference.

15 I have constituents contacting me feeling that the
16 material in these maps decreases their property values
17 because either they are in or they are next to some
18 identified resource area. And I understand what Mr.
19 Sullivan said. This is just potential. It's not, it's
20 not a site. It's not zoning. But it's something, and
21 people are already upset about what they are viewing,
22 actually, as a kind of taking because of this planning
23 process. That's how threatened they feel by this
24 process, and, and I'm in the position -- I've been in
25 the legislature, and I have been unable to rectify the

1 manifest wrongs that I see in this process.

2 So, to jump over the question of, Should you
3 approve this plan, I think Representative Morrissey's
4 are good reasons to hold off, not the nature of the
5 plan, but the question of the town involvement, but I
6 think the real question is, What are the legislative
7 remedies for some of the profound contradictions in our
8 energy policies including the sale of RECs out of
9 state? You should not be able to get a Certificate of
10 Public Good if you're going to sell the RECs out of
11 state, and, if you already have, I think we're going to
12 say it has to stop. That is just ridiculous. I think
13 it had to do with trying to lower the cost of renewable
14 energy. I understand that reason. But, in the context
15 of this planning process, it no longer makes sense.

16 So most of my concerns really are not about the
17 quality and the character of this work and what you
18 have to consider, but I want you to also consider this
19 larger framework and whether the Department of Public
20 Service could play a really positive role in trying to
21 resolve some of these contradictions coming up with
22 suggestive legislation to try to do a better job of
23 incorporating the towns into their planning process as
24 we go forward to meet the energy challenges and the
25 climate change challenges that we all are concerned

1 about, that we all are concerned about but that none of
2 us want to be meeting by destroying the environmental
3 resources and the quality of life and the economic
4 activities that we are already engaged in, and I feel
5 that the existing policy structure has really gotten
6 out of whack in terms of how some of those issues are
7 addressed.

8 So I will -- and I guess I would just say one
9 other thing. One of my other activities is as the
10 director of the Batten Kill Watershed Alliance, and I
11 have spent the last 14 years of my life trying restore
12 the trout habitat in the Battenkill River working with
13 the State of Vermont and federal agencies, and the idea
14 that we would even contemplate putting industrial
15 windmills on the top of any of those ridges in the
16 Battenkill watershed is just insane to me. You would
17 disrupt the entire movement of groundwater and springs
18 that feed the tributaries that keep the Battenkill cold
19 in the summer and warm in the winter. You might as
20 well just say we're not going to have a trout fishery
21 if you are going to be building industrial windmills up
22 there.

23 Now, I understand it's just a question of where
24 the wind is, but, to me, that should just be off the
25 table. The other question is it isn't just the trout.

1 Everybody outside the center of Arlington gets their
2 drinking water from wells, and, if you start disrupting
3 the movement of groundwater on the mountaintops and
4 through the spring system, it's going to affect the
5 wells.

6 So I really feel that we have to figure out a way
7 to meet the energy challenges with distributed
8 generation, small-scale generation, not these
9 industrial facilities that are not going to work.
10 They're going to destroy what makes Vermont Vermont.

11 COMMISSIONER TIERNEY: Thank you,
12 Representative Browning. That was a very eloquent
13 comment, whoever that made that comment. Somebody has
14 a very difficult task to follow Representative
15 Browning, and that would be Ms. Dragon. So you, you
16 have the mic.

17 MS. DRAGON: I got it. So I hunkered down
18 for a little light reading today. I read the entire
19 plan while shooing my children away because I really,
20 really, really care about where we live, and it says on
21 page -- well, let me start with this. I posted that
22 map on a Facebook page called "Pownal Past and
23 Present", and it has over 800 members, I believe, of
24 that page. Within five minutes, I had a phone call
25 from a member of our planning commission, Where did you

1 get that map? Where did you get that map? I've never
2 seen that map. Where did you get that map?

3 So I immediately posted the entire document and
4 told her what page I got it on, and it seems that I'm
5 actually glad to hear people are scared by the plan
6 because I feel like nobody knows about it. I can't
7 believe I made it here under the wire. It says on Page
8 99 of this plan that, once this plan is certified by
9 the PSD, we'll have substantial deference at the PSB
10 hearings and that it also states on that same page that
11 municipalities can have similar deference. I'm
12 assuming that refers to Act 174.

13 But, when faced with a project that goes against a
14 municipal plan but falls in line with the regional
15 plan, which plan wins? Which plan wins? And I know I
16 heard a little bit of talk today, Oh, no, of course
17 your municipality will get the deference. Well, where
18 does it say that the municipality is going to get the
19 deference? Because, if there's contradicting plans,
20 we've put ourselves into a real pickle, and, if a
21 regional plan can be considered in opposition to a
22 municipal plan at the PSB, then this is akin to having
23 an unelected official board creating a plan for my
24 town.

25 So, if a regional board plan can have deference at

1 the PSB regarding siting of a project of an individual
2 town, then why isn't a process happening right now
3 where each individual town has a meeting to go over
4 this plan with its residents so we can all have an
5 equal say in this matter? You should be sending your
6 reps out to facilitate transparence and warned meetings
7 and processes to garner public opinion of those that
8 these plans will affect.

9 I don't necessarily say I disagree with anything
10 in the plan or agree. I see parts that I think are
11 interesting, I think, you know, but we need to be able
12 -- that's not even the point. We need to be able to
13 have a conversation, and the towns need to be able to
14 have their say, and we need to be really clear about
15 what substantial deference means and what the region
16 means. The region is unelected. The regional plan,
17 even if it's made up of elected officials -- I love
18 you, Mary Morrissey, but you're not elected to my town,
19 you know? So she has a say in the plan.

20 The other thing I want to say, and this is off
21 the topic of this exactly, but I get very discouraged
22 at this one-solution answer to everything. It's almost
23 like a snake comes and bites your leg and you go
24 straight for the amputation before you try to suck the
25 poison out a little bit. I feel like a lot of these

1 projects that have been going through are this -- it's
2 not thinking about any of the environmental
3 ramifications of what these projects are going to do.
4 They're blasting ridgelines, you know?

5 And why -- I think we're, the human race, we're
6 pretty creative. There's distributed solar,
7 distributed energy. Let's talk about each community
8 becoming its own microgrid. Let's talk about each home
9 becoming off grid. Let's take away power from a
10 centralized corporate grid and give it to the people
11 that live in these towns. That's what I'm in favor of
12 as a resident of Pownal and a resident of this region,
13 and I really thank you for listening to me today.

14 COMMISSIONER TIERNEY: Absolutely. Thank you
15 very much, Ms. Dragon. You do indeed breathe fire.

16 MS. DRAGON: It's that theater degree.

17 COMMISSIONER TIERNEY: Well, it's clearly
18 serving you well. My own in journalism, not so much.
19 Dana or Donna Lauzon. Did I get that right, Ms.
20 Lauzon?

21 MS. LAUZON: It's Donna. I'm not a
22 representative, and I don't play one here either. I
23 get very nervous. I apologize if my face gets red. I
24 am a sixth-generation Vermonter, and I have had some
25 really great conversations with Mr. Sullivan who's been

1 very -- I think, any time I've emailed you, within a
2 day, you've emailed me right back. So I really
3 appreciate that, and I've really enjoyed listening to
4 some of the descriptions of things that you've said.

5 As a Vermonter and as a resident of Bennington
6 County, I also own land in Glastenbury which has been
7 in my family since 1842 and is considered -- it's in an
8 area that's federal wilderness, and I look at the map
9 and I see secondary wind in an area that would be
10 considered federal wilderness land, and I'm not sure if
11 anyone has thought about the fact that there's no
12 wheeled vehicles even allowed, I mean, nothing.

13 The idea is conservation, and, for anyone who thinks,
14 you know, windmills and wind turbines don't cause any
15 damage, I mean, this happened to our national forest.
16 This is national forest land in Searsburg that we all
17 own.

18 Now, I'm for renewable energy, but, as a
19 Vermonter, I know that developers aren't necessarily
20 environmentalists. I know that ridgelines are not
21 renewable. I know that there are people up north that
22 are suffering from -- people will debate whether or not
23 they're suffering, but things such as flicker. You
24 know, they're having epilepsy issues with seizures from
25 the turbines.

1 I'm very concerned that we are destroying our
2 landscape while saying that we're saving it. I am
3 passionate about, when I look out over the field across
4 from the sheriff's department -- I don't know if any of
5 you have driven by there lately. Every morning my
6 14-year-old and I would count the deer that were in
7 that field. I haven't seen any in three weeks. Do you
8 know why? Because they've brought the excavators in,
9 and now they're digging all that land up to put up
10 solar panels. Was that really the best idea? That's
11 prime agricultural land.

12 And we can sit here and debate, you know, the
13 necessities of renewable energy, and I am fully -- for
14 those of you who come to my house, I have solar
15 everywhere, right? But it's not that people are
16 against it. We are not NIMBY's. We are not climate
17 change deniers. We're not anti's. We just care about
18 our land. We care about our ridgelines. We care about
19 the areas that we love inherently as Vermonters, and I
20 really think that we need to postpone this plan until
21 towns --

22 And I don't think anyone from Pownal is even here,
23 any representatives to even step forth and say, Yes,
24 we've seen the plan. Yes, we're going to incorporate
25 it into our town plan. And I don't think we should

1 move forward until we, as residents -- and I think,
2 collectively, the BCRC has said, Everybody's heard from
3 the towns and they feel comfortable with it and they're
4 willing to incorporate it. That's all I have to say.

5 COMMISSIONER TIERNEY: You didn't turn red
6 either. You did a fine job. Ms. Melissa Collins?

7 MS. COLLINS: They've covered me.

8 COMMISSIONER TIERNEY: They have? Very good.
9 You know, I used to be a debater, and they always
10 advised us to save 30 seconds for a rebuttal, and the
11 sign of a truly skilled debater was the one who could
12 stand up and say, I have no rebuttal. That takes a lot
13 of confidence. I am going by the fact that there are
14 some individuals who said, yes, they wish to make a
15 public comment and others who signed up but did not
16 indicate that they want to give a public comment. So
17 my strategy is to go through here and to hit all the
18 people who've said yes, and then I'm going to come back
19 and say, Are there folks who did not say yes but who
20 would like to make comments on the list? Yes, ma'am?

21 MS. BLOCK: I think my name is on there. I
22 didn't realize I needed to check off --

23 COMMISSIONER TIERNEY: Not at all. What is
24 your name?

25 MS. BLOCK: Lora Block.

1 COMMISSIONER TIERNEY: Okay, Lora. Indeed,
2 you are much earlier, and you didn't put yes down. So
3 do you mind if I follow the strategy I just outlined
4 and come back to you?

5 MS. BLOCK: That's fine. I guess I didn't
6 read the full instructions.

7 COMMISSIONER TIERNEY: That happens to me,
8 too, so not at all. I'm just going to write yes in for
9 you if that's okay. So my next person would be Nancy
10 Faesy. Did I get that right?

11 MS. FAESY: Faesy like crazy or lazy. Well,
12 I've been hearing so much anger. I'm sort of calming
13 down. But I'm a member of the Dorset Energy Committee,
14 and there are three of us here tonight, and there are
15 more that would be here, but they had other things
16 going on. And I just want to say I think the
17 communication -- I'm also a rep from Dorset, one of two
18 reps to the BCRC, and I think the communication from
19 Jim and the BCRC about tonight and about his plan, it's
20 almost too much.

21 I mean, I really have to compliment them. We've
22 been hearing about this plan for over a year, and, as a
23 rep, I go back to Dorset, and I sit in on the Planning
24 Commission meetings, and I go to the Select Board
25 meetings, and I've been telling them, and they don't

1 show up at meetings the way I'd like them to come and
2 hear some of these hearings, especially when they're
3 local, and he's been showing us maps and charts and
4 graphs for over a year, and so there's no secret to it
5 all, and my understanding and what I say in the
6 Planning Commission is where we are in this and that
7 there will be and that there are three towns.

8 We're very lucky, I feel. We're one of the three
9 towns that -- Bennington is the large size, and we're
10 the medium size -- that he's helping us with our own
11 energy plan, and we're using the guidance booklet that
12 came from you all, which is excellent. We've each
13 taken a bullet in it, and we're looking at our old town
14 plan, our more recent energy plan, and what you want us
15 to cover, and, and we've been struggling through it but
16 working on it.

17 And then, when Jim gets to work and BCRC gets to
18 working on our town on the Dorset energy plan, then
19 there will be hearings about it in the town, and that's
20 the time when the, I understood -- maybe I'm wrong, but
21 that's the time when the town gets their say, but,
22 meanwhile, I think it's up to the reps to go back to
23 their town and tell them what's going on and speak
24 about it, and, and that's, I think it's working very
25 well.

1 I mean, there may be fireworks at the hearing.
2 I'm sure there will be. But we're intending to ask the
3 residents of Dorset if they, what they think about some
4 of these places that have been indicated as
5 possibility, possible sites, and, and there are always
6 people who don't want it. There's a historic district
7 that makes it hard, but I really think that it's
8 working for us, and so I'm sorry it doesn't seem to be
9 working for everybody else, but we're not at the end.

10 We know those are just -- I'm familiar with GIS
11 mapping, and I know that's all it is, and then the
12 State had its input as areas they want to preserve, and
13 it's hypothetical. It's not written in stone yet.
14 There's still plenty of time to make changes and say
15 what you want.

16 But I really compliment you on this process. I
17 think it's so good, because there wasn't -- they didn't
18 have a chance before to say much. It came down that
19 people could put the solar panels where they wanted,
20 but now the towns do have an input. So that's really
21 -- I was going to read this off, but --

22 COMMISSIONER TIERNEY: Well, perhaps --

23 MS. FAESY: -- I will give it to you.

24 COMMISSIONER TIERNEY: Thank you very much.
25 I appreciate that. All right. Ms. Faesy was the last

1 person who had indicated that they want to make a
2 comment. So, Ms. Block, that would bring us to you.

3 MS. BLOCK: Okay. Thanks, and thanks for
4 coming down and thanks for having me here.

5 COMMISSIONER TIERNEY: My pleasure.

6 MS. BLOCK: This has all been very
7 enlightening. I'm a resident of Apple Hill, a
8 neighborhood. There are a number of our neighbors
9 here. We have been subjected, I guess you could say --
10 that's how we feel -- to the Malone outfit, Eco Solar.
11 They have these projects, Apple Hill and Chelsea Solar,
12 right in our neighborhood and going to be looking out
13 onto Route 7 if they are approved. As you may know,
14 they're, Apple Hill, rather, Chelsea Solar was not
15 approved. It was denied by the Public Service Board.

16 And that is part of the reason why the siting, the
17 Solar Energy Siting Committee in Bennington -- I'm not
18 a member of that. One of our neighbors is, and Mary
19 has talked about it. I've been going just as a very
20 interested party. A number of our neighbors have been
21 going to that siting committee to find out what the
22 plans are, and we've had some input in that, and it was
23 -- it's very upsetting to find out that -- and we knew
24 this in the beginning -- that the maps, the BCRC maps,
25 had, had indicated, as Jim has said, that our two

1 projects, one of which has already been denied by the
2 Public Service Board, are labeled prime solar sites.

3 So that is how the map is, the BCRC map, whereas
4 the town plan has indicated they are not prime solar
5 sites. So I'm here to say the same thing that Ms.
6 Dragon said, the same issue. We have a conflict here,
7 as I see it, between what the town eventually will be
8 doing assuming that the town siting maps are then
9 approved by the Town Planning Commission and then by
10 the Select Board, and, even if that map is now almost
11 finished, I think we know it's going to take several
12 months, if we're lucky, to have that approved as the
13 town plan.

14 So I'm here to ask you not to yet certify the BCRC
15 plan but give us time to get the town plan approved so
16 that then it can be incorporated into the BCRC plan.
17 It seems to me this has gone backwards. I'd like to
18 think that all this great work -- I mean, this is very
19 impressive work, and I don't disagree with it. It's
20 nothing that I have. I don't have the knowledge to
21 disagree with the plan as presented by the BCRC, but it
22 should be used as a draft document to aid the towns.
23 It should not be yet certified, I think, because I do
24 believe, despite what everybody says and hopes, that
25 the developers could still take this as a road map and

1 say, Oh, wow, you've got prime siting areas here, and,
2 even if the Public Service Board then disagrees with
3 that, you are still faced with having to fight it,
4 because that has made -- that will be given due
5 deference before the town plans have been approved and
6 then incorporated into the BCRC plan.

7 So I think, to protect us, to protect the town, to
8 protect our neighborhood and all these other
9 neighborhoods, I am agreeing with some of the other
10 speakers and asking you to hold off on certification.
11 Let us use the plan. I think it shouldn't have been
12 adopted yet, really, but they went ahead and adopted
13 the plan. So it, I guess that can't be undone, but it
14 could be amended. I would like to see that the town,
15 the BCRC plan be amended to incorporate what the town
16 plan and plans say once those town plans have been
17 adopted and fully approved through the whole process of
18 all the, the acceptable, accepted processes, whatever
19 you call them.

20 COMMISSIONER TIERNEY: That was pretty good.

21 MS. BLOCK: Whatever they're called, you
22 know, through the town planning boards, and then the
23 select boards, and then there are, as we know, there
24 would be open hearings and town, people are more likely
25 to come to those hearings once it's on the planning

1 commission stage and the select board stage. I think
2 most people don't know and have the opportunity to come
3 to the BCRC hearings to even weigh in. We never heard
4 anything about it locally. I didn't hear anything
5 about it, anyway.

6 So I think that is, that's my first request, that
7 you not certify this until it's been amended to
8 incorporate the towns' work and the town plan, because
9 I do think the developers are going to use that, and,
10 even if it's then, as I said -- I'm, I guess, repeating
11 it. Even if the, the towns have not, towns have not
12 weighed in yet or because the towns have not gotten
13 their plans done, developers can still use the BCRC
14 plan and say, Oh, prime, it says prime, prime solar
15 siting. That's hard to avoid what that means. That
16 says to me, you know, Come here.

17 So that's my first request, and the second part of
18 my request is, is also to ask why there isn't more
19 concern about clearcutting? Because that is, as others
20 have said -- I'll just reiterate. I'll just agree.
21 That, to me, is really a big problem, and, you know,
22 they were going to clearcut 40-something acres, 27
23 acres for our two projects clearcut, and now, and that
24 takes away -- there were deer coming through there.
25 It's going to increase the wind coming through there

1 for all our houses, and there seems to be no
2 recognition of those kinds of concerns for the
3 neighbors.

4 So that is a big concern, and the other final
5 issue that was brought up about wind, we had a very
6 helpful meeting with Jim, our neighborhood, a few
7 months ago and we were mostly concerned about solar
8 because that's our issue, but we did ask about wind,
9 and, as you said, Jim, you know, well, it's probably
10 not likely that there's going to be any wind prime
11 location in the region. However, I wonder why the
12 town, the regional plan doesn't make that more
13 explicit.

14 I would like to see -- and because I don't think
15 there's language in the plan to say only small or
16 medium-sized wind projects should, are allowed or
17 whatever the language would be. It's nothing that --
18 we don't have any explicit language in there
19 disallowing large industrial wind projects, even though
20 you may think that we don't have any likely source of
21 siting there.

22 As we know, just because we've -- you, I think,
23 the regional plan or the town plan, even if we locate
24 prime or acceptable sites, there's nothing to prevent a
25 developer from buying other sites. They don't get due

1 deference, but they could still -- I don't know how
2 likely it would be, but we're not really, really
3 protected from them just saying, Well, we want to buy
4 another location because we think we can do it there.

5 So I think we need more protection about
6 industrial wind projects in the regional plan, and
7 that's another reason why I'd like to request that you
8 don't certify until the plan has been amended in that
9 way as well. And so those are the two objections I
10 guess I would have.

11 COMMISSIONER TIERNEY: You said three, and I
12 got three.

13 MS. BLOCK: Well, the last two about
14 clearcutting and the wind, and then the main thing is
15 --

16 COMMISSIONER TIERNEY: Fair enough.

17 MS. BLOCK: -- wait until the towns have been
18 able to have their plans then be incorporated, use this
19 as a draft. It's a good working document. It's a very
20 useful working document, but that's how it should be
21 treated rather than having certification. So I'm, I
22 guess I've repeated myself, but thanks.

23 COMMISSIONER TIERNEY: Thank you, Ms. Block.
24 Does Wendy Lawrence wish to make a comment?

25 MS. LAWRENCE: I'm good.

1 COMMISSIONER TIERNEY: No? Are you all set?
2 And so I've got two folks who are raising their hand at
3 this point. Could you identify yourself?

4 MS. HURLEY: Janet Hurley. I'm on the bottom
5 of the page.

6 COMMISSIONER TIERNEY: Okay. Oh, yes, I see,
7 all the way in. Okay, very good. And, sir, your name
8 is?

9 MR. KNIGHT: I'm Bill Knight.

10 COMMISSIONER TIERNEY: And did you wish to
11 speak tonight?

12 MR. KNIGHT: Yes.

13 COMMISSIONER TIERNEY: Okay. And then I have
14 another hand in the back.

15 MR. WILLIAMS: Yes. I'm Chris Williams. I'd
16 like to speak.

17 COMMISSIONER TIERNEY: Okay. Chris Williams.
18 Yes, I'm just making a record of Mr. Knight's name as
19 well. There's another gentleman. I'm sorry. Yes,
20 sir, your name?

21 MR. MORANDI: John Morandi.

22 COMMISSIONER TIERNEY: Very good. So why
23 don't we first start with -- oh, Mr. Morandi, you're
24 here on the list, so I'm going to write you in as a
25 yes. So, Ms. Hurley, why don't take the mic?

1 MS. HURLEY: My name is Janet Hurley. I'm
2 the Planning and Zoning Director in Manchester and the
3 newly, I guess, elected chair of the BCRC, because I
4 didn't say no when I was asked. And I see this plan as
5 a planning tool, and I don't think that Act 174 intends
6 to give the BCRC regional plan or any regional plan
7 substantial deference in hearings for siting or for the
8 Public Service. Maybe I'm misunderstanding the act,
9 but I don't think that that's what would get
10 substantial deference. The substantial deference would
11 be given to the town plans when they are certified, and
12 the first step in getting the town plans certified is
13 to get the regional plan certified, and I, I don't see
14 any reason to hold off on certifying the regional plan.

15 The data that is reflected in those maps is
16 available to everybody. That is publicly available
17 information, and you can bet that solar and wind and
18 other developers already have done these analyses and
19 they already know where the prime sites for solar in
20 the areas that we're thinking. They do these. They do
21 these themselves. They have their own GIS personnel
22 that would do that. This, these data are publicly
23 available. Anybody can put this together, and
24 developers of renewable energy projects have probably
25 already done that.

1 And what some of the issues that are, that are
2 real for local municipalities and local communities, I
3 think Act 174 is trying to address, and that is by
4 giving these localities more input in the Public
5 Service Board process and giving substantial deference
6 versus due consideration. The, the other point I was
7 going to make I'm losing.

8 COMMISSIONER TIERNEY: Take your time.

9 MS. HURLEY: But it doesn't seem to me that
10 holding off on certification will answer any of those
11 concerns, because it's not the regional plan that gets
12 substantial deference in terms of siting issues. And
13 then in -- some of the problems that occur, I mean,
14 some of these, these problems that have already
15 occurred have occurred without a plan, and once, once
16 there is a regional plan, that is a tool for the
17 municipalities, just as Jim showed that, that
18 Bennington is doing, for, for adding those local
19 constraints. This is a regional map that shows, you
20 know, prime sort of geographic areas for different
21 kinds of development of renewable development, but then
22 it shows you there are constraints.

23 The State says you have to take away all these
24 areas because of various environmental or other
25 constraints. The next step is to get this to the

1 localities and to put the local constraints in there,
2 and then that is the final kind of siting map that
3 would get the due, not the due consideration, the
4 substantial deference at the hearings as far as I'm
5 understanding Act 174. Maybe I'm misunderstanding Act
6 174.

7 COMMISSIONER TIERNEY: I would encourage you
8 to have a conversation with my staff about Act 174. I
9 would, to put it in loose terms, 95 percent of what you
10 just said makes perfect sense, but there is one
11 supposition in there that I think we need to straighten
12 out, and that is that the regional plan does, in fact,
13 get substantial deference from the Board.

14 AUDIENCE MEMBER: It does, or it does not?

15 COMMISSIONER TIERNEY: It does.

16 (Several audience members speaking at once.)

17 MS. HURLEY: But can I finish my time at the
18 mic? Thank you.

19 COMMISSIONER TIERNEY: I'm sorry, Ms. Hurley.
20 Just a second.

21 MS. HURLEY: Yeah.

22 COMMISSIONER TIERNEY: I think one of the
23 rules that we have to observe here tonight -- I
24 understand the passions in the room -- is that we give
25 people their orderly opportunity to speak, and I

1 apologize for breaking it on you, Ms. Hurley.

2 MS. HURLEY: That's okay.

3 COMMISSIONER TIERNEY: It's just that so much
4 of what you're saying turns on this point of fact, and
5 I think that the point that Ms. Dragon is getting at is
6 that there is a very easy way to clear it up, because
7 the statutory language says what it does. What I would
8 suggest to you is that Ms. Hurley will have a
9 conversation, if she so chooses, with us in order to
10 gain an understanding of what the language says, and we
11 should probably leave that point tonight because none
12 of us here in this room are empowered to determine as a
13 matter of law what this language says. Does that
14 satisfy most people in the room? I would go by nodding
15 heads.

16 AUDIENCE MEMBER: I don't understand how
17 someone can make a plan when they don't understand the
18 significance of the plan. Sorry.

19 MS. HURLEY: This plan was developed before
20 Act 174 was law.

21 COMMISSIONER TIERNEY: Wait. Excuse me, Ms.
22 Hurley. May I? I'm afraid I'm responsible for the
23 process we have tonight.

24 AUDIENCE MEMBER: Sorry, sorry. I apologize.

25 COMMISSIONER TIERNEY: No. This is the

1 American way. I appreciate that. I'm sure Ms. Hurley
2 accepts the apology if you'd like to complete your
3 remarks.

4 MS. HURLEY: Well, I mean, this was developed
5 before Act 174 was law --

6 COMMISSIONER TIERNEY: Indeed.

7 MS. HURLEY: -- before it was even
8 contemplated. This has been, as Nancy said, been
9 publicly planned for the last at least year-and-a-half,
10 if not longer. But, in any case, I think what Act 174
11 intends is to give local municipalities more say in the
12 process, and the first step is to get the regional plan
13 certified, and the regional plan in our region, in
14 fact, is ahead of every other region in trying to get
15 that help to the municipalities to get municipal plans
16 certified.

17 So Bennington seems like it's, you know, on the
18 way. Dorset is on the way. I don't know what the
19 small community was. Sunderland? You know, Manchester
20 is intending to take this up when Jim is free of those
21 three communities, and Manchester looks forward to
22 having that, you know, increased influence in the
23 Public Service Board process. So I don't, I don't see
24 a reason to hold this certification up for that.

25 COMMISSIONER TIERNEY: Thank you, Ms. Hurley.

1 So, Mr. Knight, I think you were the next person who
2 said you'd like to speak, and then it will be Mr.
3 Morandi. Did you want to speak after all?

4 MS. LAWRENCE: Thank you.

5 COMMISSIONER TIERNEY: Okay, Ms. Lawrence,
6 I'll put you down.

7 MR. KNIGHT: Thank you. My name is Bill
8 Knight, and I'm the president of the Apple Hill
9 Homeowners Association, and I'd just like to interject
10 some of the personal things that we've had to go
11 through. There are some discrepancies and
12 contradictions between the regional plan and the town
13 plan.

14 When we were, we got involved in this three years
15 ago, we were just blindsided by the solar companies
16 coming in. They called me on vacation, in fact, and
17 said I had to have a Certificate of Public Good signed
18 in two or three days, and I said, I've never signed
19 anything like that, and I don't understand. They said,
20 Well, we sold some property in your development, and I
21 said, Well, I still haven't done anything like that,
22 and they said, Well, that's because this is commercial,
23 and I said, Well, I can't sign that because we're all
24 residential in our development.

25 So and, like it says in that plan, the regional

1 plan, it says we are a prime site, and the town plan
2 says we're not. I'll try to make this brief, but I
3 told them I wouldn't sign it, and they told me that
4 legal action could be taken against me if I didn't sign
5 it. I said, Well, I'm not signing it. So, when I come
6 home and I immediately got with Peter Lawrence, who is
7 a resident in our development, we found out that they
8 had sold some land in our development that adjoined --
9 the solar people were going to come in and clear 27
10 acres and put in two sites that are, actually, they
11 divided it by a fence, but it's actually too big to be
12 one, so it's actually double.

13 And we were just on our own. We didn't really
14 know anything that was going on, how to fight this. We
15 had numerous meetings with the project developer. We
16 had emails, voice mails, site visits, everything else,
17 and we just really didn't know how to fight it, to be
18 honest with you, and, finally, just to protect
19 ourselves to keep them from using our roads --

20 They felt like they could use our private roads
21 for their commercial use just because they had bought
22 the land. So we didn't want them to use our roads. We
23 didn't want the 27 acres that was going to be cut down.
24 It was going to create wind problems. It was going to
25 create noise problems. You could see the solar panels

1 they were going to build from the Monument and from the
2 Welcome Center, which is just an eyesore. It's just as
3 bad, if not worse, than billboards, and we obviously
4 didn't want that to happen.

5 So, just to protect ourselves, we finally come up
6 with a Memorandum of Understanding. They agreed not to
7 use our roads except for emergencies, and because it's
8 such a big solar development, they had to have two
9 egresses, one from Willow Road and one from Apple Hill,
10 and they agreed never to use our roads except for
11 emergencies or maintenance about three times a year,
12 and they would agree never to join Willow Road and
13 Apple Hill Road because we didn't want that to be a
14 through road to come through our development because it
15 is just such a nice community.

16 But, if it hadn't been for such, so many good
17 neighbors in our development and the help of Peter and
18 everybody sticking to their guns, we fought them tooth
19 and nail, and now they do not meet the town plan.
20 So, for the time being, the solar project has been
21 stopped, and I think it's in the Supreme Court now, but
22 this is just an example of how, if the town was
23 involved sooner than the regional plan, they could see
24 that it doesn't work for us.

25 I mean, obviously, 27 acres, I mean, keep it

1 green? That's not keeping it green. It's an eyesore,
2 and we don't want it. I mean, it's got to go
3 somewhere. We're not against solar. We just don't
4 think it ought to be in our development. That's, I
5 mean, you know, that's -- like I told them, I mean, I
6 like bacon, but I don't want a pig farm next to my
7 house. It's one of those things. It's kind a rob
8 Peter to pay Paul kind of a thing.

9 So, anyway, I just think it's very important that
10 this certification does not go through yet, and I think
11 that the town plan has to be observed very early or
12 before the regional plan to look at some of these
13 things. It's a personal thing. Look at what we've
14 gone through for three years. It's taken a lot of our
15 time, and, if we had just rolled over, you would have
16 that right now, probably. So thank you very much.

17 COMMISSIONER TIERNEY: Thank you, Mr. Knight.
18 Mr. Morandi?

19 MR. MORANDI: Now, I'm not quite sure who to
20 ask on this, okay? So, when you put up your, well,
21 maps and everything, I saw the vast amount of area
22 you're going to be taking or can be developed. Now, my
23 question is, When the companies come in and do this, do
24 we test the efficiency of their solar cells?

25 COMMISSIONER TIERNEY: Okay.

1 MR. MORANDI: What I'm saying is solar cells
2 from five years ago are down here. Solar cells now are
3 up here. (Gesturing.) So, if I'm getting 10 percent
4 down here on 100 acres, I'm getting 30 percent here on
5 100 acres, the electricity goes up 10 times. But
6 that's all I'm asking you. Now, if it's not being
7 done, can it be checked or a ruling made to check these
8 contractors before they put up substandard solar cells?
9 This would, this would save so much of your land.
10 Okay, thank you.

11 COMMISSIONER TIERNEY: Thank you, Mr.
12 Morandi. I appreciate that. Mr. Williams, Chris
13 Williams?

14 MR. WILLIAMS: My name is Chris Williams.
15 I'm Chairman of the Planning Commission in Shaftsbury.
16 What I hear tonight is change makes people queasy, and
17 it's very much on display in this room. People are
18 very queasy. If you look at the graphs in the regional
19 plan that we just saw -- and let me back up and say,
20 Good job. BCRC's done a tremendous job on this, and
21 congratulations, Jim.

22 This is, this is a planning tool. This isn't
23 prescriptive. I think people have generally lost sight
24 of that in this group. But, you know, everybody
25 seemingly is in favor of renewable energy, and yet

1 everybody is nervous as a cat about the fact that it
2 might actually be developed.

3 Now, we, in Shaftsbury, don't feel the need to
4 protect ourselves from the build-out of renewable
5 energy. Last week we signed off on phase two of the
6 only solar development in town, but there will be more,
7 and, you know, as I travel around the state, I see,
8 over the last five years, basically, that solar has
9 really exploded on the landscape, and I see
10 installations of panels in places I'm surprised to see
11 them, and, when I pass by on that road two months
12 later, there's another installation.

13 And, you know, in 1974 I was living here, and the
14 Arab oil embargo landed on Vermont. Vermont went
15 absolutely down the tubes. There were no jobs. There
16 was no tourism. There was no ski season. There was no
17 nothing. It was all entirely energy related. I, my
18 little woodworking business went kablooey, and I found
19 myself working in a factory job three days a week for
20 minimum wage taking home \$37.50 a week with two young
21 kids. So this is the results of poor energy planning.
22 We hadn't insulated ourselves against the possibility
23 of constricted energy supply. We depended on something
24 that we didn't control.

25 Now, renewable energy is all well and good, except

1 for nobody here has spoken in favor of it. Everybody
2 is nervous as a cat that somebody might build something
3 in their town. Well, you know, the 1974 Arab oil
4 embargo is the shot across the bow about why this is
5 important and why, you know, going forward to 2050,
6 yes, we have to change some things about what we're
7 doing. In fact, we have to change a lot of things
8 about how we live on this landscape, because, to get to
9 what Jim showed at 2050, we're only that far along.

10 So, you know, change makes people queasy, but
11 there's going to be change, because we have to make
12 this happen, and will we do everything in the most
13 brilliant way possible? Will people -- you know,
14 there's a huge amount of grouching out there in the
15 populace that I hear, and yet everybody's in favor of
16 renewable energy until it starts to be a question of
17 their town. So, you know, I'm at a loss for why this
18 is so contentious, because we do have to make this
19 change.

20 In 1975 I left Vermont and enrolled in
21 architecture school in New York City because things
22 were so hopeless here, and the only issue that people
23 talked about in architecture school was energy, and now
24 all these years later we're actually at a point where
25 we can make this change in terms of our energy

1 independence and self-sufficiency, and yet everybody's
2 nervous. Everybody's queasy. Everybody doesn't want
3 it in their neighborhood.

4 So that's, that's not going to work, and, you
5 know, what this plan represents is a planning tool so
6 that I can take this to my commission in Shaftsbury and
7 say, Look, you know, we've got two potential wind
8 sites, and we've got a whole area of the town that has
9 good solar exposure. What do we need to do in
10 response? And I, I'm not sure what the answer is. We
11 don't feel threatened by this development. It's been
12 suggested here tonight that this whole process is
13 undermining town democracy at the grass roots level in
14 Vermont. I say, Rubbish, what a bunch of baloney.
15 Vermont will come through this democracy intact. Not
16 to worry.

17 And it's meetings like this that are proof that
18 that can work, and I, I think everybody is
19 overreacting. I think that this plan represents a road
20 map for the work that we have to do in our communities
21 over an extended period of time. It won't come out
22 exactly as the graphs that we just saw this evening
23 show. You know, we may fall short. It might be in
24 2050 we don't get there. That would be a question that
25 nobody asked tonight. I'm curious about what that

1 might mean.

2 This is a, you know, a major social -- well, I
3 mean, it's a revolution in how we live on the landscape
4 in terms of energy generation, and it's going to affect
5 every single one of us, and so, you know, you can --
6 you know, people in other parts of the country aren't
7 having this discussion, and they, they have better,
8 especially with solar, they have much better solar
9 installation than we do. But, you know, when I go to
10 Arizona and New Mexico, there's very little activity
11 there.

12 And so people, you know, this is a particularly
13 Vermont conversation, and the rest of the nation isn't
14 really having this conversation except in the sense
15 that there's a certain political strata that believes
16 that green energy is a complete ripoff and it's, it's
17 complete baloney and it's a scam and people are making
18 millions of dollars from it and sucking up taxpayer
19 money, but that's just the, the kind of political
20 ideology that is a minority view, but, you know, we're
21 actually at the point to do something about this, to
22 actually make it happen on the landscape.

23 It will affect your house, your community, and
24 will we do everything perfectly? No, we won't do it
25 perfectly, and people will be dissatisfied, and people

1 will feel like that, that they were had somehow, that
2 their property was devalued, that they had to look at
3 something they didn't want to look at.

4 In my wilderness camp in the Northeast Kingdom, I
5 look out on the ridge across from me, and there's 18
6 wind turbines with red lights flashing at night, and
7 I'm, you know, I'd just as soon not see those red
8 lights. I'm in the wilderness. You know, I located
9 there because it was very remote and there was very
10 little impact from the outer world, but we have a
11 process, and the, the people who built those turbines
12 in Sheffield went through the process, and, you know,
13 it was argued and that was the result, and you can't,
14 after the fact, say, Well, I hate your damned process
15 because it didn't come out the way I wanted it to.

16 So this is a process, and it won't come out the
17 way you want it to because everybody is, is criticizing
18 it. Everybody's saying, I'm all for green energy, but
19 don't have anything to affect me. Too late. It's
20 going to affect you.

21 AUDIENCE MEMBER: The process doesn't protect
22 the people, though. It's not for the people.

23 COMMISSIONER TIERNEY: Thank you, Mr.
24 Williams. Could I ask the two of you to maybe join a
25 conversation later? Thank you. Ms. Lawrence, I

1 believe you're my next person.

2 MS. LAWRENCE: Thank you. I'm Wendy
3 Lawrence. I'm a resident of Bennington, and I'm, I'm
4 going to agree to disagree. I don't think this is a
5 room of anxious people or nauseous people or whatever
6 word you used. I think that this is a room full of
7 people who are actually in favor of a lot of this
8 project of BCRC. We're very much in favor and
9 appreciative of all of the work that has gone into
10 this. There's just a little tweaking that we're asking
11 for this. A lot of us are hybrid diving cars and solar
12 in our own home. So, no, I don't think that we are
13 fighting this project against moving forward. I think
14 what we're asking is, Let's not run forward 80 miles an
15 hour and look back years from now and go, What did we
16 do?

17 This is the State of Vermont. This is a special
18 state. We have a lot of pride in this state, and
19 that's why we're here. We're not here feeling
20 nauseous. We're not here going, Not in my
21 neighborhood. We have a lot of this in our homes and
22 in our neighborhood now. So I think that description
23 does not fit most of us sitting here right now.

24 Earlier, there was a comment about the substantial
25 deference. I just want to read Page 99 real quick:

1 "The BCRC will adopt this energy plan as a component of
2 its comprehensive regional plan. Once adopted, the
3 combined plan, energy plan and comprehensive regional
4 plan will be submitted to the Public Service Department
5 for review under the new promulgated Department
6 determination standard for energy compliance. If
7 approved by the Department, subsequent to that review,
8 the plan will have elevated substantial deference
9 status at Section 248 Certificate of Public Good
10 proceedings."

11 "The BCRC will then be responsible for reviewing
12 municipal plans under those same determination
13 standards. Municipal plans approved through this
14 process will be afforded similar substantial deference
15 status in Section 248 proceedings."

16 For me, I think that the big issue is you're going
17 to approve something that is going to contradict our
18 town plan, and that is what I'm asking to be considered
19 here. That is very detrimental. We, we really want
20 the plan for protection. If you have not fought one of
21 these companies, then you don't know the experience
22 here. You are setting towns up, whether it's
23 Bennington, whether it's another town, you're giving
24 them grounds for, for fight, and that's really a
25 detrimental thing for any town. So if you, if you're

1 saying you're working with a town, then that's what
2 we're asking is, Work with a town and, like Lora said,
3 use this as a tool instead of working against them.

4 And another very large thing for me that's very
5 important is clearcutting. Give the towns the
6 opportunity to produce their maps for identifying those
7 prime sites so that we're not setting ourselves up for
8 clearcutting. We can reach that goal very easily as
9 we've shown in the Bennington town map by saying these
10 are the sites that are appropriate for our town and
11 protect our lands and not allow for that clearcutting.

12 Because this is Vermont. What are we known for?
13 Our Green Mountains, our areas. We don't want to
14 destroy those and, once again, years from now look back
15 and say, What did we do? Thank you.

16 COMMISSIONER TIERNEY: Thank you. Ms.
17 Addison, you're a late entry. Would you like to take
18 the microphone?

19 MS. ADDISON: Yes. I'm Leslie Addison. I
20 feel like I'd be remiss if I didn't say something, so
21 I'm taking the opportunity. Jim is my husband, and how
22 often do you get to give public testimony about the
23 work of your spouse?

24 COMMISSIONER TIERNEY: Is it for or against
25 it, though?

1 MS. ADDISON: I completely support the work
2 of my husband and of the BCRC. I know personally and
3 firsthand the blood, sweat, and tears and dedication
4 that this man and this organization puts into this
5 energy plan and what we're all moving towards. We're
6 running out of energy. If we run out of energy, we're
7 all going to die. If we keep putting road blocks ahead
8 of moving this forward, we're not going to get to where
9 we need to be. As a mother and a grandmother, I'm
10 eager to see this move forward. I think windmills are
11 beautiful. I think telephone poles are ugly, and we
12 are surrounded by them. So I think beauty is in the
13 eye of the beholder.

14 I hear what people are saying, and I know that
15 people have a lot of concerns that I respect but I
16 don't share. So I wanted to give you my opinion that I
17 am in full support of this and in support of the work
18 that they're doing, and I thank you wholeheartedly.

19 COMMISSIONER TIERNEY: At this time, I don't
20 have anybody else indicated. So what I want to do out
21 of an abundance of caution is go over the remaining
22 names and just make sure there's nobody who wishes to
23 speak. Mr. Lawrence, you're on my list. Do you wish
24 to speak?

25 MR. LAWRENCE: You mean say something in

1 addition to what my wife said? I'm all set.

2 COMMISSIONER TIERNEY: You could keep things
3 harmonious. Silence could keep things harmonious too.

4 MR. LAWRENCE: I got the good sense from
5 Leslie to just support my spouse.

6 COMMISSIONER TIERNEY: Fair enough. Mr.
7 Harrington, Ken Harrington, did you wish to speak?

8 MR. HARRINGTON: No.

9 COMMISSIONER TIERNEY: Okay. Ms. Dianna
10 Leazer, you've spoken many times. Would you like to
11 speak some more?

12 MS. LEAZER: I just think that what everyone
13 has said, everyone's concerns are just to be
14 appreciated and heard and, and, you know, the issue for
15 me is whether this plan will have substantial whatever
16 it is --

17 COMMISSIONER TIERNEY: Deference.

18 MS. LEAZER: -- deference over the town's
19 plan, and so that point, for me, really needs to be
20 clarified and that one doesn't roll over the other
21 without the towns having input. That's, and that's the
22 key for me. Because, if that's the case, then this
23 needs to be halted, not stopped, but halted until
24 things are made clear.

25 COMMISSIONER TIERNEY: All right, Ms. Leazer.

1 Mr. Carroll, Rick Carroll, did you wish to speak? No?
2 Very good. Oh, you do? Okay.

3 MR. CARROLL: Well, there's, I mean, you hear
4 so much tonight about they question what this means,
5 what that means, and everybody seems to me a little bit
6 confused about it, and all we're really saying is, Give
7 the rest of the towns in Bennington County a chance to
8 weigh in. Let them pick their preferred sites. Let
9 that be fully established and integrated into the BCRC
10 plan. So we don't want to stop anything. Jim did a
11 beautiful job, he really did. So all we're really
12 saying is, Let's wait a minute, and it should, the
13 language that each town should have should be in this
14 plan, and we should all stay together.

15 I fought the developers, and I know what they do,
16 and all I'm saying is that that's what we should do is
17 put the town's language in Jim's plan. Jim and I have
18 talked a lot about that's what the towns need to do,
19 you know, where they want them and where they don't
20 want them.

21 Bennington will be done with theirs this Tuesday
22 and our language. So wait. That's all we're asking.
23 We have a couple of months. I mean, this has been
24 going on for years and years. We have a long way to
25 go. Why rush this now?

1 COMMISSIONER TIERNEY: Mr. Carroll, I believe
2 you were the last person to speak, and I've got nobody
3 else on the list. Ms. Hurley, you wish to speak again;
4 is that correct?

5 MS. HURLEY: I wonder if you can clear up
6 that question about substantial deference that a
7 municipal plan versus the regional plan would get, and
8 in what instance would the regional plan get
9 substantial deference over a town plan in a siting
10 issue?

11 COMMISSIONER TIERNEY: I think I can clear
12 that up for you, at least make a good start at it. I
13 would start by saying two things. There is what the
14 BCRC plan says, because it has, through this process,
15 chosen to include certain language, and then there is
16 what the law says about substantial deference. What
17 I'm going to do is read to you from the law, and then
18 I'll have a follow-on comment to make. Here's what the
19 law says:

20 "With respect to an in-state electric generation
21 facility, the Board", meaning the Public Service Board,
22 "shall give substantial deference to the land
23 conservation measures and specific policies contained
24 in a duly adopted regional and municipal plan that has
25 received an affirmative determination of energy

1 compliance under 24 V.S.A. 4352."

2 "In this Subdivision C" -- Subdivision C refers to
3 the section of the law -- "substantial deference means
4 that a land conservation measure or specific policy
5 shall be applied in accordance with its terms, unless
6 there is a clear and convincing demonstration that
7 other factors affecting the general good of the State
8 outweigh the application of the measure or policy. The
9 term shall not include consideration of whether the
10 determination of energy compliance", the determination
11 I make, "should or should not have been affirmative
12 under 24 V.S.A. 4352."

13 So that's what the law says.

14 MS. HURLEY: So it's talking about giving
15 substantial deference to conservation measures?

16 COMMISSIONER TIERNEY: And to a duly adopted
17 regional and municipal plan. So, if you follow the
18 processes in the statute, regional plans that have been
19 certified as compliant with energy, with the energy
20 plan will be given substantial deference at the Public
21 Service Board, and municipal plans that have followed
22 the process will receive substantial deference before
23 the Public Service Board.

24 Now, BCRC, as I understand it, has elected to
25 include language in its own plan that says, If the

1 municipalities in our region prepare plans that say one
2 thing that is different from what our regional plan
3 says, that town plan will prevail. Mr. Sullivan, I
4 would ask you whether I've correctly characterized
5 that.

6 MR. SULLIVAN: Yes, that, that that's
7 correct. It's actually --

8 COMMISSIONER TIERNEY: That's actually where
9 I'm going to stop you for a moment, because we're going
10 to create some clarity here, okay? So, from my
11 understanding for the many people tonight who have
12 talked about wanting the brakes to be put on this
13 process so that the town plans could be completed and
14 considered, you have every incentive to complete
15 processes underway in your town to get those plans
16 done, because, under this regional plan, those plans
17 would prevail.

18 Many of you have intimated tonight that we should
19 stop this process and wait so that you can catch up to
20 it. I don't want to leave you tonight with false hope.
21 By this same statute, I'm obliged to complete this
22 review within 60 days of the filing of the plan with me
23 requesting certification. My analysis of the statute
24 is that I don't have the discretion to stop and to give
25 you more time. What I can do is encourage you to

1 complete your municipal planning processes, because you
2 have every reason to believe that those plans, when
3 completed, will be very important in the administration
4 of the BCRC plan.

5 There is also a question that I think I need to be
6 candid with you tonight about, and that is that,
7 sitting here today, I don't think any of us know what
8 is going to happen if, at a Public Service Board
9 proceeding, you have a regional plan and a town plan
10 that contradict each other. That is why the Public
11 Service Board exists. They will make a decision.

12 What I said just now is, Sitting here tonight, I
13 don't think any of us can know what will happen in a
14 given Public Service Board proceeding under Section 248
15 if there is a regional plan that contradicts a
16 municipal plan. That's, that's why the Public Service
17 Board exists is to resolve conflicts like that, and
18 it's, if you ask me, Representative Browning and
19 Representative Morrissey, with all due respect,
20 probably a hole that was left in the statute when the
21 statute was promulgated.

22 So I know that I've not said things tonight that
23 please people necessarily, and I don't -- I'm quite
24 sure that there are people who are dissatisfied. It's
25 very clear from what you've said tonight there are

1 people who are dissatisfied with the process. As your
2 public servant, I continue to believe that there is
3 value in people gathering as you have tonight to speak
4 your comments to me that I've been able to hear. It
5 gives me a good sense of the, the different tensions
6 that are manifest in your communities.

7 The Governor often asks me views about things, and
8 I'm in the position of having to characterize for him
9 what public sentiment is, and it's these kinds of
10 meetings that help me give him a realtime feel for what
11 Vermonters are thinking and feeling about this process.

12 MS. BLOCK: Can I ask a question about what
13 you said?

14 COMMISSIONER TIERNEY: Please do, yes.

15 MS. BLOCK: You said you don't have the legal
16 authority to halt the certification?

17 COMMISSIONER TIERNEY: I don't. That's
18 correct.

19 MS. BLOCK: So, in other words, you must
20 certify a plan that's given to you?

21 COMMISSIONER TIERNEY: No.

22 MS. BLOCK: You don't have the authority to
23 not certify?

24 COMMISSIONER TIERNEY: No. What I do not
25 have is the authority to halt, to stop the clock. Many

1 of you have said tonight you would like more time,
2 you'd like us to slow down, you would like processes to
3 be completed before this plan is, before a
4 determination is made about this plan, and what I'm
5 saying to you unambiguously is I am under a 60-day time
6 clock from the time that this request is made until I
7 have to render a determination as to whether to certify
8 the plan.

9 MS. BLOCK: So your only authority in 60 days
10 is to say yes or no?

11 COMMISSIONER TIERNEY: That is correct.

12 MS. BLOCK: Right. That was what I asked.
13 That was my, my --

14 COMMISSIONER TIERNEY: That is -- you're
15 correctly saying, I think, that one option on the table
16 is for me to say no, and another option on the table is
17 to say yes. Whichever option it ultimately is, I have
18 to do it within 60 days. You had your hand up, Mr.
19 Lawrence?

20 MR. LAWRENCE: I did, and my wife gave me
21 permission to speak. I'm Peter Lawrence.

22 COMMISSIONER TIERNEY: Yes. I'm now going to
23 write you down as an official yes.

24 MR. LAWRENCE: What you said is we don't know
25 what would happen in front of the Public Service Board

1 if there was a contradiction between the regional plan
2 and the town, the municipal plan.

3 COMMISSIONER TIERNEY: Yes, that's correct.

4 MR. LAWRENCE: What we do know is, right now,
5 that contradiction exists, and we know that from Jim's
6 presentation, because the draft Bennington plan
7 excludes areas as solar sites that are considered prime
8 sites under the regional plan.

9 COMMISSIONER TIERNEY: Yes.

10 MR. LAWRENCE: It also sounds like Bennington
11 County -- and I want to be clear. Jim and the BCRC has
12 done a lot of work, and the overall thing is really
13 good, and, you know, I think most everybody here
14 supports that. It's just waiting for the town plan so
15 we don't have that contradiction, and maybe the, the
16 only solution is that you would reject the plan. Then
17 it gets redone with the town plan and gets submitted
18 again. Not that much different except for the siting
19 maps. You know that.

20 It does seem a little odd to me, and I understand,
21 you know, judicial timeframes where you have to make
22 determinations within a certain timeframe, but,
23 clearly, if Bennington is ahead of the state,
24 Bennington County, in producing this, some additional
25 time to get the input from the towns and to see if

1 those contradictions can be avoided is, in the long
2 run, is going to save everybody and is going to be a
3 model for the rest of the state.

4 So, if the only thing you can do is deny the plan,
5 I would ask that you do that now, and then, and am I
6 right in thinking that then the plan can be resubmitted
7 with whatever changes are made?

8 COMMISSIONER TIERNEY: You are certainly
9 right in thinking that a negative determination would
10 leave open the opportunity for a new version of the
11 plan to be submitted for certification.

12 MR. LAWRENCE: So, again, I think the
13 regional plan needs to be on hold in some fashion until
14 all the input from the towns is there, and I recognize
15 that this process for the Regional Commission began
16 before Act 174, but Act 174 was passed. We don't want
17 to have those contradictory things that currently look
18 like they're going to exist. So that's the, that's the
19 difficult thing for you.

20 COMMISSIONER TIERNEY: Thank you. I think
21 your wife was well-advised to let you speak. Ms.
22 Hurley? There's a record of that, too, by the way.
23 You can get the transcript, print the page out. Ms.
24 Hurley, yes?

25 MS. HURLEY: Just two things regarding that.

1 One is my understanding of Act 174 is that, in order
2 for municipal plans to be certified, the regional plan
3 has to have already been certified.

4 COMMISSIONER TIERNEY: I believe that is
5 correct, Ms. Hurley.

6 MS. HURLEY: Okay. And, secondly, that --

7 COMMISSIONER TIERNEY: I'm sorry. Wait a
8 second. I'm getting static on the line.

9 MS. HURLEY: Maybe that's not correct.

10 COMMISSIONER TIERNEY: Not at all. What I
11 said to Mr. McNamara at the outset of the evening was,
12 When you hear me saying something stupid, please kick
13 me. He's known me too many years to actually kick me,
14 but he did the verbal equivalent. So, Ed, why don't
15 you speak up and correct me?

16 MR. McNAMARA: So there's two processes.
17 Once a regional plan has -- let's say, if a regional
18 plan has been certified, the municipalities within that
19 regional planning commission area can then get
20 certification. However, until a certain date in 2018
21 sometime in July --

22 MS. GRACE: So can I just --

23 COMMISSIONER TIERNEY: Please do. Now we
24 have Ms. Grace.

25 MS. GRACE: If a regional plan has been given

1 a determination, right, it's been certified by
2 Commissioner Tierney, then the municipalities go to
3 that region to get certified.

4 MS. HURLEY: Okay.

5 MS. GRACE: If a particular regional plan has
6 not come before Commissioner Tierney to be, to get the
7 determination, municipalities can go directly to the
8 Department up until July of 2018.

9 MS. HURLEY: And then what happens?

10 COMMISSIONER TIERNEY: And you get a
11 certification determination from me directly.
12 Thereafter, you're stuck with that one process.

13 MS. GRACE: After July of 2018,
14 municipalities would have to go to their region. So
15 this is just, it's a, a time period that municipalities
16 can come directly to the Department. It's until July
17 of 2018, but after that -- well, if your region has
18 already been given a determination, you can't come to
19 the Department. You have to go to your region. So
20 that's just a distinction.

21 MS. HURLEY: But that's not exclusive if it
22 hasn't been --

23 MS. GRACE: That's correct, until July of
24 2018.

25 MS. HURLEY: So then, after July of 2018,

1 does the regional plan have to have been certified for
2 a municipal plan to be certified?

3 MS. GRACE: That is my read. It's not clear.
4 The statute does not answer that question, but the fact
5 that the statute does not address that, it's my read
6 that that is how it would go, that it's a, it's
7 completely at the discretion of a region whether or not
8 they ask for this determination, and that, after July
9 of 2018, the municipality would be confined to asking a
10 region that has a determination for that determination.

11 MS. HURLEY: So, if the region does not have
12 a determination, the municipality cannot, after that
13 point, get a determination?

14 MS. GRACE: That's my read of the statute.

15 MS. HURLEY: Okay. And then the second point
16 I think I forgot followed up on something else you
17 said. Oh, so, if -- my understanding of this plan is
18 not that you would use it for siting. You would not
19 use to it to say, This is where we want solar
20 development and where we want wind development. This
21 plan is simply saying, These are the geographically
22 prime areas for solar or wind or whatever else if you
23 take out the state-mandated constraints, and that this
24 plan says, you know, the next step is to go to the
25 municipality, and the municipality would be the next

1 layer of, of saying what those constraints are locally.

2 So, I mean, I don't, I don't know that the Public
3 Service Board would look at this plan and say, Well,
4 this plan is in conflict with what Bennington is
5 developing. This is just what Bennington is developing
6 is the next step in the planning process. That is a
7 planning tool. It is not a plan that says, This is
8 where we want this kind of development.

9 COMMISSIONER TIERNEY: Fair enough, Ms.
10 Hurley. It is a quarter to 10:00, and my solemn
11 promise to you was that everybody tonight would be
12 heard, and I believe we've accomplished that. I still
13 have two-and-a-half hours of driving on what I consider
14 to be treacherous back roads to get back to my home in
15 Randolph Center, Vermont, where there are also
16 treacherous back roads.

17 REPRESENTATIVE MORRISSEY: You know my weekly
18 pain in making that travel.

19 COMMISSIONER TIERNEY: Indeed, I do, and I
20 salute you that much more for it. Your tenacity and
21 the courage you exhibit in doing that is truly
22 admirable. So I'm going to call it a night with you
23 folks, but let me just leave you with a thought. In
24 2011 my home in Bethel was not exactly destroyed by
25 Tropical Storm Irene, but it was severely affected by

1 it. I was left on a banana-shaped piece of land with
2 my house intact, but I couldn't get to it. An oil
3 truck couldn't get to it. An ambulance couldn't get to
4 it. And there was the Gilead Brook that wanted to eat
5 it, I'm sure, but, for some strange reason, it refused
6 my house.

7 My homeowners insurance policy, notwithstanding
8 the fact that it said it covers the destruction of the
9 access road to my house, somehow did not cover the
10 damage. My flood insurance policy, notwithstanding
11 that it's called flood insurance, did not cover the
12 damage. FEMA was not going to help because my house
13 was not destroyed. Community development block grants
14 were not going to help because my house was not
15 destroyed. There was no need for me to get any help
16 from the government because, well, I had a house,
17 except I couldn't get to it.

18 My point is this: I spent a year-and-a-half
19 knocking on every door and talking to every official I
20 could find who would hear me. 99.9 percent of the
21 time, folks had to tell me in as many ways as you can
22 imagine in the English language that, I'm very sorry,
23 Ms. Tierney, there's no help for you. But I have to
24 say how I was treated in that process stays with me to
25 this day, and so, though I was told no many times, at

1 least I was not told in a way that was injurious to me
2 or that was disrespectful to me.

3 In the end I did get help, and in the end I now
4 live in Randolph Center, and all is well, but for 18
5 months that was by no means clear. And I can tell you
6 the experience really changed me as a regulator. It
7 really made me understand that people need to know that
8 government is rational, that people who are making
9 decisions of this nature are empathetic and
10 compassionate.

11 And so I know I'm destined to break some hearts in
12 this room. I don't know which ones. But I hope you'll
13 remember that, as I do that, I don't do it carelessly,
14 I don't do it lightly, and I do it with the highest
15 aspiration that it be done the Vermont way and a way
16 that is worthy of the confidence that you've placed in
17 my boss, the Governor, in electing him.

18 I respect there are people here tonight who, of
19 course, did not, but it is both the Vermont way and the
20 American way to recognize that, when the election is
21 over, the person who is governing governs for everyone
22 until the time comes for a new choice.

23 I am not going to speak anymore because I'm about
24 to babble, but I just wanted to leave you with those
25 thoughts, and I'm hoping to convey to you that my staff

1 and I couldn't be more honored to serve you folks, and
2 we are aware of the difficulties and the tensions that
3 folks are facing as they're trying to do the good work
4 of planning, the good work of being citizens, the good
5 work of being individuals who are properly concerned
6 with their own interests, and it falls to us to try to
7 do our best to reconcile it. I think Mr. Knight said
8 it best. We're not going to do it perfectly, but we
9 will do it in good faith, and I hope that will mean
10 something to you. Good night.

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13 (Whereupon at 9:51 p.m. the hearing was adjourned.)
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