



State of Vermont

Agency of Natural Resources – Office of Planning & Policy

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Agency of Natural Resources

July 6, 2017

June E. Tierney, Commissioner
Vermont Department of Public Service
112 State Street Third Floor
Montpelier, VT 05620-2701

Dear Commissioner Tierney,

By email to Secretary Julie Moore on June 20, 2017, you initiated consultation with the Agency of Natural Resources (Agency) regarding the proposed certification of the Town of New Haven's Town Plan (Town Plan) as compliant with the energy planning requirements of 24 V.S.A. § 4352. The Town of New Haven is pursuing certification through part (g) of Section 4352, which allows a municipality, until July 1, 2018, to seek a determination of energy compliance for their plan if it is a member of a regional planning commission whose regional plan has not received such a determination. The Addison County Regional Planning Commission (ACRPC), of which the Town of New Haven is a member, has not sought a determination of energy compliance for its regional plan.

The Agency reviewed the Town Plan against the Public Service Department's determination standards. Generally, the Town Plan takes a restrictive approach to development of additional renewable energy resources, stating:

New Haven is already the site of more than its allotted proportion of renewable energy resource development in the region. State statutes regarding renewable energy development are addressed primarily to communities that do not yet have such resources. New Haven therefore identifies as areas for development and siting of renewable resources those areas that have already been so developed, for the time period of the respective CPGs for those projects (which exceed the effective time parameters for this Town Plan) (Town Plan p. 58).

Though the Town Plan identifies already-developed areas as the only appropriate areas for renewable energy development (effectively designating other lands as inappropriate for development), it does provide for development of "small net-metered or off-grid" renewable energy facilities intended to serve individual residences or businesses (Town Plan p. 74) and development of larger facilities in industrial zones once distribution constraints are resolved (Town Plan p. 63).

The above approach, combined with insufficient information in a few key areas, makes it difficult to assess whether the Town Plan squarely meets the following determination standards:

- 5.B. *Does the plan establish 2025, 2035, and 2050 targets for thermal and electric efficiency improvements, and use of renewable energy for transportation, heating, and electricity?*

By the Town's admission, no numerical targets were set (Town of New Haven's Checklist at p. 6). "Targets" do not appear in the Town Plan.

- 9.B. *Does the plan analyze generation potential, through the mapping exercise, to determine potential from preferred and potentially suitable areas in the municipality?*

The Town Plan does not analyze generation potential from preferred and potentially suitable areas. According to the Town of New Haven, “Analyzing the potential for energy development is therefore not the focus of the Town’s energy planning, but rather the need to balance our renewable energy ‘portfolio’ by ensuring that local residents and businesses, particularly land-based businesses like farming, can avail themselves of renewable energy resources” (Town of New Haven’s Checklist at p. 11).

- 12.A. *Raw renewable energy potential analysis (wind and solar), using best available data layers.*

By the Town’s admission, an analysis of raw renewable energy potential is not included in the Town Plan (Town of New Haven’s Checklist at p. 14). The Town states it will work with ACRPC to develop a map showing raw renewable energy potential in the next Town Plan.

- 12.B. *Known constraints (signals likely, though not absolute, unsuitability for development based on statewide or local regulations or designated critical resources) to include...*

The Town Plan includes a map of known constraints that includes the known constraints identified in the determination standards (Town Plan p. 61). The Town Plan also identifies hydric soils as known constraints, though hydric soils are identified in a separate map. Standard 12.B provides that known constraints should be subtracted from raw renewable energy resource potential maps to form “Secondary Resource Maps.” Secondary Resource Maps are not included in the Town Plan.

- 12.C. *Possible Constraints (signals conditions that would likely require mitigation, and which may prove a site unsuitable after site-specific study, based on statewide or regional/local policies that are currently adopted or in effect), including but not limited to...*

The Town Plan includes a map of possible constraints that includes the possible constraints identified in the determination standards (Town Plan p. 62). Standard 12.C provides that possible constraints should be subtracted from Secondary Resource Maps to form “Prime Resource Maps.” Prime Resource Maps are not included in the Town Plan.

- 12.E.i. *Statewide preferred locations such as rooftops (and other structures), parking lots, previously developed sites, brownfields, gravel pits, quarries, and Superfund sites.*

The Town Plan indirectly identifies preferred locations by indicating a general preference for new generation capacity that serves on-site uses by residents and businesses only, using geothermal, roof-mounted solar photovoltaic, passive solar, wood heat, and manure methane digester technologies. Specific preferred locations, such as specific parking lots, previously developed sites, brownfields, gravel pits, quarries and Superfund sites have not been identified; gravel pits, landfills, brownfields, “and the like” have been identified as *examples* of sites containing features that will help an energy plant comply with certain community standards (Town Plan p. 79). The determination standards encourage mapping of areas and specific parcels to signal preferences to developers.

The Agency defers to the Department of Public Service as to whether the Town Plan meets the above standards. Provided the Department determines the standards are met, the Agency does not object to certification. The Town Plan goes beyond some determination standards by providing specific criteria for renewable energy development to prevent forest and habitat fragmentation and disturbance of steep slopes. The Agency commends the Town of New Haven for the emphasis the Town Plan places on the conservation of these resources.

On behalf of Secretary Moore, thank you for the opportunity to comment on the proposed certification of the Town of New Haven Town Plan as compliant with the energy planning requirements of 24 V.S.A. § 4352. Please contact me if you have questions or concerns about the Agency's comments.

Sincerely,

Billy Coster
Director of Planning

cc: Geoff Commons, Vermont Department of Public Service

