

Emily Heymann

From: G Miller
Sent: Wednesday, May 13, 2020 9:02 AM
To: Emily Heymann
Cc: Chapin Kaynor; Matthew Boulanger
Subject: Re: Edits for Energy Plan

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Hi Chapin,
I'm fine with including my comments in the packet.
I'm assuming that Bennington had substantial deference but it would be nice to know for sure. (And only a nice to know, no need to follow up.)
Thanks,
G

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On Tue, May 12, 2020 at 4:18 PM Emily Heymann <EHeymann@willistonvt.org> wrote:

Hi Chapin,

I will include this email thread in the packet so the other commission members can follow along. If a quorum of members (4 of 7) were on this thread, it would be a problem for open meeting law. But we're in the clear because 2 members are discussing changes that will be presented to the commission members in the formal hearing.

Best,
Emily

From: Chapin Kaynor
Sent: Tuesday, May 12, 2020 4:09 PM
To: G Miller
Cc: Matthew Boulanger <mboulanger@willistonvt.org>; Emily Heymann <EHeymann@willistonvt.org>
Subject: Re: Edits for Energy Plan

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Thank you all.

Yesterday's ruling on the solar farm in Bennington is relevant. One of the reasons given is that cutting forest was not compatible with the town plan...

<https://www.vpr.org/post/utility-regulators-rule-bennington-solar-project-fails-comply-town-plan#stream/0>

Other Planners on the PAC meeting were sympathetic to our intent, so after our Energy Plan is on the books, I'd like to see us work on this with legal/legislative/CCRPC help to construct an amendment or a proposed law change.

Note re open meeting law... I'd like to share your input and results with the rest of the PC but sharing them might spark discussion. The fact you had comments either submitted or to be submitted by e-mail was part of the last meeting, G, and we continued the hearing, so... If you three are OK, I think it best for your comments could be included in the Agenda packet for the next meeting when we will take the Energy Plan up again. Does that sound right, Emily or Matt?

Thanks!

--Chapin

On Tue, May 12, 2020 at 3:35 PM G Miller wrote:

Thanks Matt,

I agree with your summary.

G

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On Tue, May 12, 2020 at 3:27 PM Matthew Boulanger <mboulanger@willistonvt.org> wrote:

Thanks G and Emily,

To your last point, G, the reason for the scrutiny on clearing here is that the default state of things is that renewable energy production development is not subject to local zoning at all.

An Energy Plan represents a way that at least some local zoning (or the values thereof) can be imposed on these otherwise-exempt-from-local-regulation projects. The enabling legislation for Energy Plans, though, only allowed this to the extent that there was no "special treatment" of energy facilities was established. I do think it might be possible to go a little further with the clearing limit language in the future but we may want to be more prescriptive both in our Comp Plan and our Bylaw first.

Matt

Matt Boulanger

Planning Director & Zoning Administrator

Town of Williston, Vermont

mboulanger@willistonvt.org

(802) 878-6704

7900 Williston Road

Williston, Vermont 05495

From: G Miller

Sent: Tuesday, May 12, 2020 2:55 PM

To: Emily Heymann <EHeymann@willistonvt.org>

Cc: Matthew Boulanger <mboulanger@willistonvt.org>; Chapin Kaynor

Subject: Re: Edits for Energy Plan

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Hi Emily,

Thanks for the quick response and the edits. I only have two comments and embedded them in your response below.

Thanks,

G

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On Tue, May 12, 2020 at 1:19 PM Emily Heymann <EHeymann@willistonvt.org> wrote:

Hi G,

Thanks for sending these along.

1. Change made to working document
2. I added "require, where possible, and incentivize where not" to 5.5 and 5.6. I think this language captures well the feedback and concerns from Brian and Ron. We know right now the town's authority is very limited, but this language gives the direction to take stronger action if town authority is expanded in the future. Matt correct me if I'm wrong, but I think this is supportable Town Plan language?
3. Change made
4. Change made
5. I added "Field verification of known or possible constraints is required" to Policy #1. However, I'm not sure how necessary it is. All the maps have a disclaimer which includes, "*This map and the corresponding data is intended to be used to inform energy planning efforts by municipalities and regions. They may also be used for conceptual planning or initial site identification by those interested in developing renewable energy infrastructure. They should NOT take the place of site-specific investigation for a proposed facility and should not be used as "siting maps."*" I think that it is good to have this in both places. Not sure how much people read the detail on maps.
6. It would violate PAC/CCRPC review to include this and may not be legally viable. The town bylaws do not require other development (commercial, residential, industrial) to provide a 1-to-1 replacement of removed forests, and therefore cannot hold renewable energy development to a different/stricter standard than other kinds of permissible development. I understand the issue here but I think it is worth discussing. We may not be able to add it to the plan now since, as you noted, we do not require it for other types of development at this time. I wanted to discuss this in the context of applying this to all development. I've seen clear cutting of forests for other development that should have had some mitigation (not necessarily in Williston). By the way, I think that the CCRPC/PAC comment on this is an interesting concept since we

certainly have industrial use language that is specific to industrial and we have residential use language that is specific to residential development.

7. Change made
8. Change made

From: G Miller

Sent: Tuesday, May 12, 2020 12:28 PM

To: Emily Heymann <EHeymann@willistonvt.org>

Cc: Matthew Boulanger <mboulanger@willistonvt.org>; Chapin Kaynor **Subject:** Edits for Energy Plan

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Hi Emily,

Here are my suggestions for edits to the Energy Plan.

1. Introduction - in the last sentence in the first paragraph, add ", at the very least," so it reads "Therefore, addressing climate change deserves attention and resources on a similar scale, at the very least, to other Town public safety departments."
2. Land Use - Page 31/32 - 5.5 and 5.6. 5.5 has been changed from "require" to "incentivize" but 5.6 has not. I think we should be consistent in responding to the PAC's comment about these two pathways. I am still interested in stronger language. The suggestion from the PAC is that we might not have legal basis to require. However, since we have not brought this in front of a lawyer, I'm in favor of saying something like "...require, where possible, and incentivize where not,..." for 5.5 and leave 5.6 as is. If we can't do it, fine, but let's at least try.
3. 6.3 on Page 34. Change to read: ~~Adjust Update~~ the property tax system to ~~energy ensure~~ renewable energy systems and structural support systems (such as reinforcements and canopies) are not assessed, as allowable under Vermont state law. 32 V.S.A. § 38021F 2
4. Siting Policy 1 on Page 40. Remove "and in the review of Section 248 in the second sentence as this is already covered in the first sentence.
5. Also in Policy 1, I think we need to resurrect the idea that field verification of known or possible constraints is necessary. In fact, I believe it should have its own point because we want to make sure that a site is not selected based on bad maps. The new point should read: Field verification of known or possible constraints is required.
6. In Policy 3, I would like to bring up the idea of treating cutting down forests as similar to impacting wetlands. If an acre of forest is cut down, the entity cutting the forest down should create/preserve an equal amount of forest somewhere else. I know that wetlands are protected by law but that doesn't mean a similar standard is out of the question.
7. Policy 5 should be resurrected because the part of Policy 1 that it was redundant to was stricken.
8. Policy 10 should be stricken since that language is now in Policy 1.

Please let me know if you have any questions.

Thanks,

G

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