



BOARD OF COMMISSIONERS

June 12, 2018 at 7:00 pm

Central VT Chamber of Commerce Conference Room, 963 Paine Turnpike North, Berlin

Page **AGENDA**

- | | | |
|----|-------------------------|--|
| | 7:00¹ | Adjustments to the Agenda |
| | | Public Comments |
| 2 | 7:05 | Renewable Energy Preferred Sites, <i>Eric Vorwald</i> (enclosed)²
Briefing and recommendation from the Executive Committee to refer this item to the Regional Plan Committee for additional policy development. |
| | 7:30 | 2016 Regional Plan Update, <i>Eric Vorwald</i> (enclosed)² <ul style="list-style-type: none"> a) Public Hearing – Host second hearing to receive public comments b) Plan Adoption – Adopt Regional Plan to incorporate Regional Energy Plan and forest integrity language. If changes are desired, additional hearing is required. |
| 62 | 7:45 | Renewable Energy Preferred Sites (continued), <i>Eric Vorwald</i> (enclosed)²
Briefing and recommendation from the Executive Committee to refer this item to the Regional Plan Committee for additional policy development. |
| 63 | 8:15 | Commission Appointments (enclosed)²
Appoint FY19 committees and representatives to outside organizations |
| 66 | 8:25 | Meeting Minutes – May 8, 2018 (enclosed)² |
| 72 | 8:30 | The Future of Act 250: Framing CVRPC Comments, <i>Eric Vorwald & Clare Rock</i> (enclosed)
Process introduction, summary of Vermont Planners Association Act 250 Conference, and trends from CVRPC's regional survey. |
| 78 | 8:50 | Reports (enclosed)
Updates and questions on Staff and Committee Reports |
| | 9:00 | Adjournment |

¹ Times are approximate unless otherwise advertised.

² Anticipated action item.



MEMO

Date: June 12, 2018

To: Board of Commissioners

From: Eric Vorwald, AICP, Senior Planner

Re: Net-Metering Rule Preferred Siting Designations

☒ **ACTION REQUESTED:** Direct the Regional Plan Committee to develop and recommend updates to the Commission's policies and procedures regarding preferred site designation.

Over the past several months, the CVRPC has received multiple 45-day Advanced Notices through the Section 248 process for renewable energy projects. In these Advanced Notices, the applicants have requested their projects be identified as preferred sites. This is being done through the Public Utility Commission's (PUC) net-metering rules; effective July 1, 2017, which requires projects greater than 150 kW to be located on a preferred site, and provides financial incentives to any project located on preferred site.

In the PUC's net-metering rules, there are 9 categories defined as "preferred sites." One of the categories, Item 7, indicates a preferred site can be, *"a specific location that is identified in a joint letter from the municipal legislative body and the municipal and regional planning commissions in the community where the net-metering system will be located."*

The Executive Committee had a lengthy discussion regarding the requests. It concluded that the CVRPC could not respond positively to these requests based on how projects are reviewed and the policy that is set currently. The Committee recommends that the Board of Commissioners follow existing procedures and direct the Regional Plan Committee to recommend policy updates related to preferred siting for approval by the Board of Commissioners. These policies would then be used by the Project Review Committee to evaluate preferred site designation requests.

Background

The CVRPC Board of Commissioners approved the Regional Energy Plan at their meeting on April 12, 2018 and amended the plan on May 8, 2018. While the plan has been approved, it is not officially adopted since it will be formalized in the Central Vermont Regional Plan. The Regional Energy Plan policy indicates that only the statewide preferred sites (as outlined in the net-metering rules) would be specifically identified at a regional level to provide maximum flexibility for municipalities to establish additional preferred sites.

The Regional Energy Plan states, *“The CVRPC will also evaluate and consider preferred locations as identified by the Public Utility Commission’s net-metering rules. This will ensure consistency between state, regional, and locally preferred locations for renewable energy siting.”* Specific guidelines or criteria for evaluating preferred siting requests under Item 7 as noted above were not included beyond the guidance provided in the net-metering rules.

The Project Review Committee was also introduced to this issue and discussed preferred siting at their meeting on May 31, 2018. The purpose of this discussion was to educate them on the rule and to note that they will be the Committee charged with implementing any policy or guidance that is developed to specifically address preferred siting requests.

Support Materials

The net-metering rules, effective July 1, 2017, are included in the packet. Information of interest can be found as noted below.

<i>Packet Page</i>	<i>Information</i>
9	Definitions of the four categories of net-metered projects.
12-13	Specific definitions for preferred siting and the 9 categories of preferred sites.
52	Incentives offered for projects located on preferred sites.

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Public Utility CommissionRule 5.100
Page 1 of 58**5.100 RULE PERTAINING TO CONSTRUCTION AND OPERATION OF NET-METERING SYSTEMS****TABLE OF CONTENTS**

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Public Utility CommissionRule 5.100
Page 3 of 58**PART I: GENERAL PROVISIONS****5.101 Purpose and Scope**

- (A) This Rule governs the terms upon which any electric company offers net-metering service within its service territory. In addition, this Rule governs the application for and issuance, amendment, transfer, and revocation of a certificate of public good for net-metering systems under the provisions of 30 V.S.A §§ 248, 8002, and 8010.
- (B) Except as modified by Section 5.125 (Pre-Existing Net-Metering Systems), this Rule applies to all net-metering systems in Vermont and applies to every person, firm, company, corporation, and municipality engaged in the site preparation, construction, ownership, or operation of any net-metering system that is subject to the jurisdiction of this Commission.
- (C) No person may commence site preparation for or construction of a net-metering system or convert an existing plant into a net-metering system without first obtaining a CPG under this Rule.
- (D) In the event that any portion of this Rule is found by a court of competent jurisdiction to be illegal or void, the remainder is unaffected and continues in full force and effect.

5.102 Computation of Time

- (A) Computation. In computing any period of time prescribed or allowed by this Rule, by order of the Commission, or by any applicable statute, the day from which the designated period of time begins to run is excluded from the computation. The last day of the period is included in the computation, unless it is a Saturday, a Sunday, or a state or federal legal holiday, or a day on which weather or other conditions have made the Commission's office and the Commission's electronic filing system unavailable, in which event the period runs until the end of the next day that is not one of the aforementioned days. Intermediate Saturdays, Sundays, and legal holidays are not counted when the

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period of time prescribed or allowed is less than 11 days.

(B) Enlargement. The Commission for cause shown may at any time in its discretion:

- (1) Grant an extension of time if it is requested before the expiration of the period originally prescribed, or
- (2) Upon request made after the expiration of the specified period, grant an extension where the failure to act was the result of excusable neglect.

5.103 Definitions

For the purposes of this Rule, the following definitions apply:

“Account” means a unique identifier assigned by the electric company to a customer for billing purposes. A customer account may include one or more meters.

“Adjoining Landowner” means a person who owns land in fee simple that:

- (1) Shares a property boundary with the tract of land on which a net-metering system is located; or
- (2) Is adjacent to that tract of land and the two properties are separated only by a river, stream, railroad line, or public highway.

“Adjustor” means a positive or negative charge applied to production kWh based on factors related to site selection (Site Adjustor) and retention of tradeable renewable energy credits (REC Adjustor).

“Amendment” means one or more of the following changes to the physical plans or design of a net-metering system. An amendment is either “major” or “minor”:

- (1) The following changes constitute a “major” amendment:
 - (a) increasing the nameplate capacity of the net-metering system by more than 5% or reducing the nameplate capacity of the net-metering system by more than 60%;
 - (b) moving the limits of disturbance by more than 50 feet;
 - (c) changing the fuel source of the net-metering system; or
 - (d) any other change that the Commission, in its discretion, determines is likely to have a significant impact under one or more of the criteria of

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Section 248 applicable to the net-metering system.

- (2) The following changes constitute a “minor” amendment:
 - (a) proposing additional aesthetic mitigation; or
 - (b) any other change to the physical plans or design of the system that is not a major amendment.

“Applicant” means the entity seeking authorization to construct and operate a net-metering system.

“Billing Meter” means an electric meter that measures either the consumption of electricity by a customer or the net of electric consumption by the customer and production by the net metering system.

“Blended Residential Rate” means the lesser of either:

- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that electric company’s tariff for general residential service;
- (2) For electric companies whose general residential service tariff does include inclining block rates, a blend of the electric company’s general residential service inclining block rates that is determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year; or
- (3) The weighted statewide average of all electric company blended residential retail rates, as determined by the Commission, whichever is lower.

“Commission” means the Public Utility Commission of the State of Vermont and the employees thereof.

“Capacity” means the rated electrical nameplate for a plant, except that, in the case of a solar energy plant, the term means the aggregate AC nameplate capacity of all inverters used to convert the plant’s output to AC power. The capacity of an inverter is not changed when it is derated.

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“Category I Net-Metering System” means a net-metering system that is not a hydroelectric facility and that has a capacity of 15 kW or less.

“Category II Net-Metering System” means a net-metering system that is not a hydroelectric facility that has a capacity of more than 15 kW and less than or equal to 150 kW, and that is sited on a preferred site.

“Category III Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 150 kW and less than or equal to 500 kW, and that is sited on a preferred site.

“Category IV Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 15 kW and less than or equal to 150 kW, and that is not located on a preferred site.

“Certificate Holder” means one who holds a CPG. The certificate holder must have legal control of the net-metering system.

“Certificate of Public Good” or “CPG” means a certificate of public good issued by the Commission pursuant to 30 V.S.A. § 8010.

“Commissioned” or “Commissioning” means the first time a plant is put into operation following the initial construction of the plant.

“Conditional Waiver of a Criterion of 30 V.S.A. § 248” means the Commission waiver of the requirements for the presentation of evidence under the criterion, a specific review of the project by the Commission under the criterion, and the development of specific findings of facts for the criterion, unless the Commission finds that the application raises a significant issue under that criterion.

“Customer” means a retail electric consumer.

“Department” means the Vermont Department of Public Service.

“Electric Company” means the utility serving the net-metering customer or the utility that would serve an applicant seeking authorization to construct and operate a net-metering system, as the context indicates.

“Excess Generation” means the following: for customers who elect to wire net-metering

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systems such that they offset consumption on the billing meter, excess generation is the number of kWh by which production exceeds consumption. For customers who elect to wire net-metering systems such that they do not offset consumption on any customer's billing meter, all recorded production is considered excess generation.

"File" means the submission of documents, exhibits, plans, information, or other materials to the Commission through the Commission's electronic filing system, by delivery to the Commission's offices, or by delivery to the Commission during the course of a hearing.

"Group Net-Metering System" means a net-metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net-metering system. A union or district school facility shall be considered in the same group net-metering system with buildings of its member municipalities that are located within the service area of the same retail electricity provider that serves the facility.

"Host Landowner" means the owner of the property on which the net-metering system is or will be located.

"kW" means kilowatt or kilowatts (AC).

"kWh" means kilowatt hours.

"Inclining Block Rate" means a rate structure where an electric company charges a higher rate for each incremental block of electricity consumption.

"Limits of Disturbance" means the boundary within which all construction, materials storage, grading, landscaping, and any other activities related to site preparation, construction, operation, maintenance, and decommissioning take place as a result of the net-metering system, including areas disturbed due to the creation or modification of access roads, utility lines, and the clearing or management of vegetation.

"Net-Metering" means the process of measuring the difference between the electricity supplied to a customer and the electricity fed back by a net-metering system(s) during the customer's billing period:

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(1) using a single, non-demand meter or such other meter that would otherwise be applicable to the customer's usage but for the use of net metering; or

(2) if the system serves more than one customer, using multiple meters. The calculation shall be made by converting all meters to a non-demand, non-time-of-day meter, and equalizing them to the tariffed kWh rate.

"Net-Metering System" means a plant for generation of electricity that:

- (1) is of no more than 500 kW capacity;
- (2) operates in parallel with facilities of the electric distribution system;
- (3) is intended primarily to offset the customer's own electricity requirements; and
- (4) either (i) employs a renewable energy source; or (ii) is a qualified micro-combined heat and power system of 20 kW or less that meets the definition of combined heat and power facility in subsection 8015(b)(2) of Title 30 and uses any fuel source that meets air quality standards.

"Non-Bypassable Charges" means those charges on the electric bill defined in an electric company's tariffs that apply to a customer regardless of whether they net-meter or not. Non-bypassable charges may not be offset using current or previous net-metering credits. A customer is liable for payment of these charges regardless of whether the customer has a credit balance resulting from net-metering. The customer charge, energy efficiency charge, energy assistance program charge, any on-bill financing payment, and any equipment rental charge are non-bypassable charges.

"Party" means any person who has obtained party status under Section 5.117 of this Rule.

"Plant" means an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, will be considered one plant if the group is part of the same project and uses common equipment and infrastructure, such as roads, control facilities, and connections to the electric grid. Common ownership, control, proximity in time of construction, and proximity of facilities to each other will be relevant to determining whether a group of facilities is part of the same project.

"Pre-Existing Net-Metering System" means a net-metering system for which a completed

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CPG application was filed with the Commission prior to January 1, 2017, and whose completed application was either filed at a time when net-metering was being offered by the electric company pursuant to 30 V.S.A. § 219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.

“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a lawful gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;

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- (7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms that the site is listed on the NPL, and further provided that the Applicant demonstrates as part of its CPG application that:
- (a) development of the plant on the site will not compromise or interfere with remedial action on the site; and
 - (b) the site is suitable for development of the plant.
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.

"Production Meter" means an electric meter that measures the amount of kWh produced by a net-metering system.

"Time-of-Use Meter" means an electric meter that measures the consumption of electricity during defined periods of the billing cycle.

"TOU" means time-of-use.

"Tradeable Renewable Energy Credit or REC" means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

- (1) Those attributes are transferred or recorded separately from that unit of energy;
- (2) The party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the

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environmental attributes associated with that unit of energy; and

- (3) Exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Commission, or any program for tracking and verifying the ownership of environmental attributes of energy that is legally recognized in any state and approved by the Commission.
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Page 12 of 58**PART II: REGISTRATIONS AND APPLICATIONS FOR CPGS****5.104 Eligibility**

To be eligible to apply for a net-metering CPG under this Rule, an applicant must propose one of the following:

- (A) A category I net-metering system;
- (B) A category II net-metering system;
- (C) A category III net-metering system;
- (D) A category IV net-metering system; or
- (E) A hydroelectric system with a capacity of 500 kW or less.

5.105 Registration of Hydroelectric Facilities, Ground-Mounted Photovoltaic Facilities of up to 15 kW in Capacity, and Roof-Mounted Photovoltaic Net-Metering Systems of Any Capacity Up to 500 kW

- (A) Applicability. The registration procedure is applicable only to hydroelectric facilities, ground-mounted photovoltaic systems of up to 15 kW and photovoltaic net-metering systems that are mounted on a roof.
- (B) Form and Content. A net-metering system under this subsection must be registered with the Commission in accordance with the filing procedures and registration form prescribed by the Commission and must contain all of the information required by the instructions for completing that form.
- (C) Timeframes. Unless a letter raising interconnection issues is timely filed with the Commission by the interconnecting utility, a CPG will be deemed issued by the Commission without further proceedings, findings of fact, or conclusions of law, and the applicant may commence construction of the system according to the following timeframes:
 - (1) in the case of a net-metering system with a capacity of 15 kW or less, the eleventh business day following the filing of the form; and
 - (2) in the case of a net-metering system with a capacity of greater than 15 kW,

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the thirty-first day following the filing of the form.

- (D) Service. Upon filing the net-metering registration form with the Commission, the applicant must also cause notice of the form to be sent to the electric company and to the Department via the Commission's electronic filing system.
- (E) Interconnection. If the electric company believes that the interconnection of the net-metering system raises concerns, the electric company must convey these concerns in writing to the applicant and the Commission within the timeframes in (C), above. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. The company must also convey a copy of the letter to the installer of the system named on the form. If an objection to the interconnection has been timely filed by the interconnecting electric company, the applicant may not commence construction of the project until the interconnection issues have been resolved. Disputes between the applicant and the electric company will be resolved using the dispute resolution procedures contained in Commission Rule 5.500, which governs interconnection requests.

5.106 Applications for Ground-Mounted Photovoltaic Net-Metering Systems Greater Than 15 kW and Up to and Including 50 kW and for Facilities Using Other Technologies Up to and Including 50 kW

- (A) Applicability. This application procedure is applicable to ground-mounted photovoltaic net-metering systems that are greater than 15 kW and up to 50 kW in capacity. This application procedure is also applicable to net-metering systems of 50 kW or less that use other eligible technologies. This application procedure does not apply to hydroelectric facilities or roof-mounted photovoltaic net-metering systems.
- (B) Form and Content. An application for a CPG under this subsection must be filed with the Commission in accordance with the Commission's current filing procedures, using the application form prescribed by the Commission, and must

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contain all of the information required by this Rule and the instructions for that form.

(C) Advance Submission Requirements. The applicant must provide notice of the application as follows:

- (1) Recipients Entitled to Advance Submission. The applicant must provide the following persons with an advance submission, at least 45 days in advance of filing the application with the Commission:
 - (a) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
 - (b) all adjoining landowners;
 - (c) the host landowner;
 - (d) the Department of Public Service;
 - (e) the Agency of Natural Resources;
 - (f) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
 - (g) the Division for Historic Preservation;
 - (h) the Agency of Agriculture Food and Markets; and
 - (i) the electric company.
- (2) Method of Service of Advance Submission. The applicant must cause the advance submission to be served to the entities listed in (1)(a) through (c), above, by certified mail. The applicant must cause the advance submission to be transmitted to the entities listed in (1)(d) through (i), above, using the Commission's electronic filing system, unless the applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by certified mail. With permission from the intended recipient, the applicant may serve a copy of the advance submission via electronic mail.

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- (3) Contents of Advance Submission. The advance submission must state that the applicant intends to file a Section 8010 application with the Commission, must identify the location of the project site and the number of any Act 250 Land Use Permit applicable to the host parcel, and must provide a description of and site plan for the proposed project in sufficient detail to afford the recipient reasonable notice of the nature of the project so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the project may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or comments with the applicant about the project and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.
- (4) Timing of Advance Submission and Application. If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the project that fully complies with the filing requirements of this Rule, the submission will be treated as withdrawn without further action required by the Commission.
- (D) Filing Requirements. Applications for net-metering systems that are greater than 15 kW and up to and including 50 kW and that are not roof-mounted photovoltaic systems must contain the following information. Failure to provide any required information will result in the application being deemed incomplete:
- (1) Applicant name. The application must include the legal name (and the "doing business as" name, if different), contact information, Vermont business registration number (if applicable), and a description of the company or person making the application. For example:
- XYZ Corporation (d/b/a ABC Solar)
Headquarters at 123 Maple Lane, Anytown, VT 05600

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Service Agent: Jane Doe, Esq.

VT Business ID#: 12345

- (2) Host landowner. The application must include the name and address of the legal owner of the land upon which the proposed net-metering system would be built, and the number of any Act 250 Land Use Permit applicable to the host parcel.
- (3) Adjoining landowners. The application must include the names and addresses of all adjoining landowners. This information must be obtained from the most recent version of the town's grand list.
- (4) Certification that advance submission requirements have been met. The applicant must certify that it has complied with the advance submission requirements listed above.
- (5) Site plans. The applicant must provide a site plan for each project. A site plan must include:
 - (a) Proposed facility location and any project features;
 - (b) Approximate property boundaries and setback distances from those boundaries to the corner of the closest project-related structure, approximate distances to any nearby residences, and dimensions of all proposed improvements;
 - (c) Proposed utilities, including approximate distance from source of power, sizes of service available and required, and approximate locations of any proposed utility or communication lines;
 - (d) A description of any areas where vegetation is to be cleared or altered and a description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources protected under 30 V.S.A. § 248(b)(5), including the limits of disturbance and the total acreage of any disturbed area;
 - (e) Detailed plans for any drainage of surface and/or sub-surface water

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- and plans to control erosion and sedimentation both during construction and as a permanent measure;
- (f) Locations and specific descriptions of proposed screening, landscaping, groundcover, fencing, exterior lighting, and signs;
 - (g) Plans of any proposed access driveway, roadway, or parking area at the project site, including grading, drainage, and traveled width, as well as a cross-section of the access drive indicating the width, depth of gravel, paving, or surface materials;
 - (h) The latitude and longitude coordinates for the proposed project; and
 - (i) The approved site plan from any Act 250 Land Use Permit applicable to the host parcel.
- (6) Wetland delineation. The applicant must provide either a wetland delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the net-metering system will not be proximate to any significant wetlands.
- (7) Response to comments received in response to 45-day advance submission. The applicant must file a document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the applicant has taken to address those issues or why the applicant is unable to do so.
- (8) Statement of Consistency with Act 250 Land Use Permit. If the host parcel is subject to an Act 250 Land Use Permit, the applicant must file a document describing whether the construction of the proposed net-metering system will interfere with the satisfaction of any condition contained in the Act 250 Land Use Permit. If the construction will

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interfere with the satisfaction of any Act 250 Land Use Permit condition, the applicant must explain what steps it will take to address such issues or why the applicant is unable to do so.

- (E) Review for Administrative Completeness. Commission staff will review all filed applications to determine whether they are administratively complete enough to process. Applicants should receive an e-mail message with the results of this review within 5 business days of the date the Commission received the application; however, the expiration of this time period without the receipt of an e-mail message does not constitute a determination that the application is administratively complete enough to process. If the application is found to be complete, the applicant must provide copies of the application to the persons set forth in Sections 5.106(F), below. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. A determination that an application is administratively complete enough to process is not a legal determination regarding the sufficiency of the information included in the application.
- (F) Service of Copies of Applications. Within 2 business days after the application is determined to be administratively complete, the applicant must serve copies of the application in accordance with this section.
- (1) Entities Entitled to Copies of the Application:
- (a) the municipal legislative bodies and the municipal and regional planning commissions where the net-metering system will be located;
 - (b) the host landowner;
 - (c) all adjoining landowners;
 - (d) the Department of Public Service;
 - (e) the Agency of Natural Resources;
 - (f) the Natural Resources Board, if the proposed net-metering systems

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is located on a parcel subject to an Act 250 Land Use Permit;

- (g) the Division for Historic Preservation;
- (h) the Agency of Agriculture Food and Markets; and
- (i) the electric company.

(2) Method of Service.

- (a) The applicant must provide a copy of the application to the entities named in (1)(a) through (c), above, by certified mail.
- (b) The applicant must cause copies of the application to be transmitted to the entities listed under (1)(d) through (i), above, using the Commission's electronic filing system, or if the applicant is making a paper filing, then using certified mail.

(G) Effect of Failure to Provide Timely Service. The Commission will grant reasonable extensions of time to the entities listed under (F)(1), above, to make a responsive filing when the applicant fails to cause timely service of copies of an application.

(H) Interconnection. If the electric company finds that the interconnection of the net-metering system will have an adverse effect on system stability or reliability, the electric company shall convey these concerns in writing to the applicant and the Commission no later than the thirty-first day following the Commission's determination that the application is complete. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. If a concern is raised, a CPG will not issue until the electric company files a letter stating that the concern has been addressed or the Commission finds that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability and reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-metering system. Any dispute between an applicant and the electric company shall be resolved using the

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dispute resolution procedures contained in Rule 5.500.

5.107 Applications for Net-Metering Systems Greater Than 50 kW That Are Not Roof-Mounted Photovoltaic Systems or Hydroelectric Facilities

- (A) Applicability. This application procedure is applicable to net-metering systems greater than 50 kW that are not photovoltaic systems mounted on a roof or hydroelectric facilities.
- (B) Advance Notice Requirements. The applicant must provide notice of the application as follows:
- (1) Recipients Entitled to Advance Submission. The applicant must provide the following persons with an advance submission, at least 45 days in advance of filing the application with the Commission:
- (a) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
 - (b) all adjoining landowners;
 - (c) the host landowner;
 - (d) the Department of Public Service;
 - (e) the Agency of Natural Resources
 - (f) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
 - (g) the Division for Historic Preservation;
 - (h) the Agency of Agriculture Food and Markets; and
 - (i) the electric company.
- (2) Method of Service of Advance Submission. The applicant must cause the advance submission to be served to the entities listed in (1)(a) through (c), above, by certified mail. The applicant must cause the advance submission to be transmitted to the entities listed in (1)(d) through (i), above, using the Commission's electronic filing system, unless the

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applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by certified mail. With permission from the intended recipient, the applicant may serve a copy of the advance submission via electronic mail.

- (3) Contents of Advance Submission. The notice must state that the applicant intends to file a Section 8010 application with the Commission, must identify the location of the project site and the number of any Act 250 Land Use Permit applicable to the host parcel, and must provide a description and site plan of the proposed project in sufficient detail to afford the recipient reasonable notice of the nature of the project so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the project may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or comments with the applicant about the project and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.
- (4) Timing of Advance Submission and Application. If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the project that fully complies with the filing requirements of this Rule, the submission will be treated as withdrawn without further action required by the Commission.
- (C) Filing Requirements. Applications for net-metering systems subject to this Section 5.107 must contain the following information. Failure to provide any required information will result in the application being deemed incomplete:
 - (1) Applicant name. The application must include the legal name (and the "doing business as" name, if different), contact information, Vermont business registration number (if applicable), and a description of the

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company or person making the application. For example:

XYZ Corporation (d/b/a ABC Solar)

Headquarters at 123 Maple Lane, Anytown, VT 05600

Service Agent: Jane Doe, Esq.

VT Business ID#: 12345

- (2) Host landowner. The application must include the name and address of the legal owner of the land upon which the proposed net-metering system would be built and the number of any Act 250 Land Use Permit applicable to the host parcel.
- (3) Adjoining landowners. The application must include the names and addresses of all adjoining landowners. This information must be obtained from the most recent version of the town's grand list.
- (4) Certification that advance submission requirements have been met. The applicant must certify that it has complied with the advance submission requirements listed above.
- (5) Site plans. The applicant must provide a site plan for each project. A site plan must include:
 - (a) Proposed facility location and any project features;
 - (b) Approximate property boundaries and setback distances from those boundaries to the corner of the nearest project-related structure, approximate distances to any nearby residences, and dimensions of all proposed improvements;
 - (c) Proposed utilities, including approximate distance from source of power, sizes of service available and required, and approximate locations of any proposed utility or communication lines;
 - (d) A description of any areas where vegetation is to be cleared or altered and a description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources

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- protected under 30 V.S.A. § 248(b)(5), including the limits of disturbance and the total acreage of any disturbed area;
- (e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure;
 - (f) Locations and specific descriptions of proposed screening, landscaping, groundcover, fencing, exterior lighting, and signs;
 - (g) Plans of any proposed access driveway, roadway, or parking area at the project site, including grading, drainage, and traveled width, as well as a cross-section of the access drive indicating the width, depth of gravel, paving, or surface materials;
 - (h) The latitude and longitude coordinates for the proposed project;
 - (i) The presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in connection with the construction and operation of the net-metering system, the amount of those soils to be disturbed, and any other proposed impacts to those soils; and
 - (j) The approved site plan from any Act 250 Land Use Permit applicable to the host parcel.
- (6) Elevation drawings.
- (a) For each proposed structure, the applicant must provide elevation drawings.
 - (b) The elevation drawings must be to appropriate scales but no smaller than 1"/20'.
 - (c) The applicant must include two elevation drawings of the proposed structures drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. The elevation

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drawing must show height of the structure above grade at the base, and describe the proposed finish of the structure.

- (d) The elevation drawing must indicate the relative height of the facility to the tops of surrounding trees as they presently exist.
- (e) Each plan sheet must be clearly labeled with the project title, date, revision date(s), scale, and name of the person or firm that prepared the plan.

- (7) Testimony, exhibits, proposed findings, and proposed CPG. The applicant must address each of the applicable Section 248 criteria through testimony and exhibits. The testimony and exhibits must contain sufficient facts to support a positive finding by the Commission under each of the applicable Section 248 criteria. To the extent that the proposal will result in an adverse impact affecting any of these criteria, the applicant must describe what measures, if any, will be taken to minimize any such impact.

Any witness sponsoring an exhibit or testimony must file a notarized affidavit stating that the information provided is accurate to the best of the witness's knowledge. All exhibits must be sponsored by a witness. The witness must further attest to having personal knowledge to be able to testify as to the validity of the information contained in the exhibit or testimony.

The applicant must file proposed findings of fact and a proposed CPG with the application.

- (8) Local and regional plans. The applicant must provide copies of the relevant sections of any town plan and regional plan in effect in the community in which the proposed facility will be located. The applicant must include testimony describing how the project complies with or is inconsistent with the land conservation measures in those plans.
- (9) Wetland delineation. The applicant must provide either a wetland

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delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the net-metering system will not be proximate to any significant wetlands.

(10) Interconnection.

- (a) For net-metering systems with a capacity greater than 150 kW, the applicant must file as part of the application a letter from the electric company stating that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability or reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-metering system.
- (b) For systems with a capacity less than or equal to 150 kW, no letter from the electric company is required as part of the application. However, if the electric company finds that the interconnection of the net-metering system will have an adverse effect on system stability or reliability, the electric company shall convey these concerns in writing to the applicant and the Commission no later than the thirty-first day following the Commission's determination that the application is complete. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. If a concern is raised, a CPG will not issue until the electric company files a letter stating that the concern has been addressed or the Commission finds that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability and reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-

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metering system. Any dispute between an applicant and the electric company shall be resolved using the dispute resolution procedures contained in Rule 5.500.

- (11) Responses to comments received in response to 45-day advance submission. The applicant must file a document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the applicant has taken to address those issues or why the applicant is unable to do so.
- (12) Decommissioning plan. All applications for net-metering systems with capacities greater than 150 kW must include a decommissioning plan that provides for the removal and safe disposal of project components and the restoration of any primary agricultural soils, if such soils are present within the net-metering system's limits of disturbance.
- (13) Statement of consistency with Act 250 Land Use Permit. If the host parcel is subject to an Act 250 Land Use Permit, the applicant must file a document describing whether the construction of the proposed net-metering system will interfere with the satisfaction of any condition contained in the Act 250 Land Use Permit. If the construction will interfere with the satisfaction of any Act 250 Land Use Permit condition, the applicant must explain what steps it will take to address such issues or why the applicant is unable to do so.
- (D) Review for Administrative Completeness. Commission staff will review all filed applications to determine whether they are administratively complete enough to process. Applicants should receive an e-mail message with the results of this review within 5 business days of the date the Commission received the application; however, the expiration of this time period without the receipt of an e-mail message does not constitute a determination that the application is

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administratively complete enough to process. If the application is found to be complete, the applicant must provide copies of the application to the persons as set forth in Section 5.107(E), below. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. A determination that an application is administratively complete enough to process is not a legal determination regarding the sufficiency of the information included on the application.

- (E) Service of Copies of Applications and Notices. Within 2 business days after the application is determined to be administratively complete, the applicant must serve copies of the application or provide notice of the application in accordance with this section.

(1) Entities Entitled to Copies of the Application:

- (a) the municipal legislative bodies and the municipal and regional planning commissions where the net-metering system will be located;
- (b) the Department of Public Service;
- (c) the Agency of Natural Resources;
- (d) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
- (e) the Division for Historic Preservation;
- (f) the Agency of Agriculture Food and Markets; and
- (g) the electric company.
- (h) the host landowner; and
- (i) all adjoining landowners.

(2) Method of Service.

- (a) The applicant must provide a copy of the application to the entities listed in (1)(a), above, by certified mail.
- (b) The applicant must cause copies of the application to be

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transmitted to the entities named in (1)(b) through (g), above, using the Commission's electronic filing system, or if the applicant is making a paper filing, using certified mail.

(c) The applicant must cause notices under (1)(h) and (i), above, to be served by certified mail.

(3) Effect of Failure to Provide Timely Service. The Commission will grant reasonable extensions of time to the entities listed in (E)(1) and (2), above, to file comments when the applicant fails to cause timely service of copies of an application or a notice.

5.108 Amendments to Pending Registrations and Applications

- (A) Minor Amendment. Applicants must provide notice of all minor amendments to all persons and entities who were entitled to receive a copy of the original application. The notice must provide sufficient information, including an amended site plan, so that the Commission can understand the nature of the proposed change and its impact, if any, on any of the Section 248 criteria. The Commission may request additional information from the applicant regarding a proposed minor amendment at any time during the review of a net-metering system. Any comments or objections to a proposed minor amendment must be filed within 10 business days of the date the minor amendment was filed with the Commission.
- (B) Major Amendment. An applicant seeking a major amendment must withdraw its application or registration and refile the amended document in accordance with the applicable procedures for that type of net-metering system.

5.109 Amendments to Approved Net-Metering Systems

- (A) Minor Amendment. For ground-mounted systems, certificate holders must provide notice of all minor amendments to the Commission, the Department of Public Service, the Agency of Natural Resources, the Natural Resources Board if

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the host parcel is subject to an Act 250 Land Use Permit, and any party to the proceeding in which the net-metering system was granted a CPG. For roof-mounted systems, certificate holders must provide notice of all minor amendments to the Commission, the Department of Public Service, the Natural Resources Board if the host parcel is subject to an Act 250 Land Use Permit, and any party to the proceeding in which the net-metering system was granted a CPG. The notice must provide sufficient information so that the Commission can understand the nature of the proposed minor amendment and its impact, if any, on any of the Section 248 criteria. The certificate holder may implement the proposed minor amendments without further action by the Commission unless a written objection is filed with the Commission within 10 business days after the minor amendment notice. If an objection is filed by any of the persons specified in this subsection, the certificate holder may not implement the proposed minor amendment until the objection has been withdrawn or resolved by the Commission.

- (B) Major Amendment. The procedure for obtaining authorization to implement a major amendment is the same as the application procedure for the category of net-metering system applicable to the amended net-metering system.
- (C) Maintenance and Repair. The maintenance and repair of net-metering systems and the replacement of equipment with like equipment do not require prior notice or Commission approval.

5.110 Transfer and Abandonment of CPGs

- (A) Transfer With Change in Ownership of Host Property. A CPG for a net-metering system is deemed to be automatically transferred when the property hosting a net-metering system is sold or legal title is otherwise conveyed to a new owner. The new owner may continue operating the net-metering system provided that:
 - (1) the new owner agrees to operate and maintain the net-metering system according to all terms and conditions of the CPG and complies with this

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- (2) within 30 days after acquiring ownership of the system, the new owner of a ground-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, the Agency of Natural Resources and the electric company, or within 30 days after acquiring ownership of the system, the new owner of a roof-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, and the electric company.
- (B) Transfer Separate from Change in Ownership of Host Property. CPG holders seeking to transfer a net-metering CPG separately from a change in ownership of the property hosting the net-metering system must obtain Commission approval prior to transferring a CPG. To obtain Commission approval of a proposed transfer, the current CPG holder and proposed CPG holder must complete and file a form developed for this purpose.
- (C) Abandonment. Non-use of a CPG for a period of one year following the date the CPG is issued will result in the revocation of the CPG. For the purpose of this section, for a CPG to be considered used, the net-metering system must be commissioned. An extension of time will only be granted upon written request and for good cause shown. Prior to construction, a certificate holder may abandon a CPG at any time upon written notice thereof to the Commission, the Department, the Agency of Natural Resources, and the electric company.

5.111 Substantive Criteria of 30 V.S.A. § 248(b) Applicable to Net-Metering CPG Registrations and Applications

Pursuant to 30 V.S.A. § 8010, which provides that the Commission may waive the requirements of 30 V.S.A. § 248(b) that are not applicable to net-metering systems, the Commission will review registrations and applications for net-metering systems for compliance with the following statutory criteria. (All other criteria are conditionally waived.)

- (A) For state-jurisdictional hydroelectric net-metering systems and for net-metering

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systems that are located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity: 30 V.S.A. § 248(b)(3) (stability and reliability).

- (B) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *transfer* the tradeable renewable energy credits to the electric company: 30 V.S.A. §§ 248(b)(1) (orderly development); (b)(3) (stability and reliability); (b)(5) (aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety); (b)(8) (outstanding resource waters); and Section 248(s) (setbacks).
- (C) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *retain* the tradeable renewable energy credits generated by the net-metering system: 30 V.S.A. §§ 248(b)(1) (orderly development); (b)(2) (need); (b)(3) (stability and reliability); (b)(5) (aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety); (b)(8) (outstanding resource waters); and Section 248(s) (setbacks).

5.112 **Aesthetic Evaluation of Net-Metering Projects**

- (A) Quechee Test. In determining whether a net-metering system satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called “Quechee test” as described in the case *In Re Halnon*, 174 Vt. 515 (2002) (mem.), set forth below:
 - (1) Step one: Determine whether the project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings. If the answer is no, then the project satisfies the aesthetics criterion. If yes, move on to step two.

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- (2) Step two: The adverse impact will be found to be undue if any one of the three following questions is answered affirmatively:
 - (a) Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area?
 - (b) Would the project offend the sensibilities of the average person?
 - (c) Have the applicants failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings?
- (B) Adverse Aesthetic Impact. In order to determine that a project would have an adverse impact on aesthetics and the scenic and natural beauty under subsection (A)(1), above, the Commission must find that a project would be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.
- (C) Clear, Written Community Standard. In order to find that a project would violate a clear, written community standard, the Commission must find that the Project is inconsistent with a provision of the applicable town or regional plan that:
 - (1) Designates specific scenic resources in the area where the project is proposed. Statements of general applicability do not qualify as clear, written community standards. For example, the general statement that "agricultural fields shall be preserved" would not qualify because the statement does not designate specific resources as scenic. The statement "the agricultural fields to the west of Maple Road are scenic resources that must be preserved" would qualify because it designates specific resources as scenic.

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- (2) Provides specific guidance for project design. For example, the statement “only dwellings, forestry, and agriculture are permitted within the Maple Road scenic protection area” would be a clear standard because it states with specificity what type of development is permitted. The statement “all development in the Maple Road scenic protection area must maintain the rural character of the area” would not be a clear standard because it does not state with specificity what type of development is permitted.
- (D) Offend the Sensibilities of the Average Person. A project will be found to offend the sensibilities of the average person if the project would be so out of character with its surroundings or so significantly diminish the scenic qualities of the area as to be offensive or shocking to the average person. In determining whether a project would offend the sensibilities of an average person, the Commission will consider the perspective of an average person viewing the project from both adjoining residences and from public vantage points.
- (E) Generally Available Mitigating Steps. In determining whether an applicant has taken generally available mitigating steps, the Commission may consider the following:
 - (1) what steps, such as screening, the applicant is proposing to take;
 - (2) whether the applicant has adequately considered other available options for siting the project in a manner that would reduce its aesthetic impact;
 - (3) whether the applicant has adequately explained why any additional mitigating steps would not be reasonable; and
 - (4) whether mitigation would frustrate the purpose of the Project.

5.113 Setbacks

Applicants seeking authorization to construct a ground-mounted net-metering system must comply with the following minimum setback requirements:

- (1) From a state or municipal highway, measured from the edge of the traveled way:

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- (a) 100 feet for a solar facility with a plant capacity exceeding 150 kW; and
 - (b) 40 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (2) From each property boundary that is not a state or municipal highway:
 - (a) 50 feet for a solar facility with a plant capacity exceeding 150 kW; and
 - (b) 25 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (3) This subsection does not require a setback for a solar facility with a plant capacity equal to or less than 15 kW.
- (4) In the case of a net-metering wind turbine, the facility must be set back from all property boundaries and public rights-of-way by a distance equal to at least twice the height of the turbine, as measured from the tip of the blade.
- (5) On review of an application, the Commission may either require a larger setback than this subsection requires, or approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback.

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Part III describes the procedures applicable to the review of net-metering applications filed pursuant to Sections 5.106 and 5.107. Part III does not apply to the review of net-metering registrations filed pursuant to Section 5.105.

5.114 Obtaining Information About a Net-Metering CPG Application

Interested persons may obtain information about a net-metering CPG application by visiting the web portal for the Commission's electronic filing system or by contacting the Clerk of the Commission.

5.115 Rules and Processes Applicable to the Review of Net-Metering CPG Applications

The purpose of this Rule is to simplify the process of participating in the review of applications for net-metering CPGs. In keeping with this purpose, the process for reviewing CPG applications is described in Sections 5.116 through 5.124, below. The following provisions of the Commission's general rules of practice, Commission Rule 2.200 (Procedures Generally Applicable), do not apply in the review of a net-metering application or a hearing thereon: Commission Rules 2.202 (initiation of proceedings), 2.204(A)-(G) (filing and service requirements), 2.205 (notice), 2.207 (time), 2.213 (prefiled testimony), 2.214 (A)(discovery), and 2.216(A)-(C) (evidence). Any procedure not described in this Rule is governed by the provisions of Rule 2.200. Where there is a conflict between the procedures described in this Rule and any other Commission rule, the provisions of this Rule govern.

5.116 Submission of Public Comments

When a net-metering application is filed with the Commission, the public may file comments addressing whether the application should be approved. All public comments concerning an application must be filed with the Commission, with a copy sent to the applicant, within 30 days from the date of notification by the Commission that the application is administratively complete. These public comments will be viewable on the Commission's electronic filing system. The applicant may file a written response to all timely filed public

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comments with the Commission within 15 calendar days of the close of the 30-day public comment period, unless otherwise directed by the Commission.

5.117 Party Status in Net-Metering CPG Proceedings

- (A) When a person wishes to participate in the review of a CPG application as a party, which is a prerequisite to filing an appeal of a final Commission decision, such person must obtain party status from the Commission.
- (B) The following persons must obtain party status as follows:
 - (1) The Vermont Department of Public Service and the Agency of Natural Resources are parties in any proceeding under this Rule.
 - (2) The Natural Resources Board is a party in any proceeding for which it is entitled to receive notice of an application under this Rule.
 - (3) The following persons will be granted party status by the Commission only after filing a notice of intervention. The Commission will provide a form for such purpose:
 - (a) the electric company;
 - (b) the legislative body and the planning commission of the municipality in which a facility is located, pursuant to 30 V.S.A. § 248(a)(4)(F);
 - (c) the regional planning commission of the region in which a facility is located;
 - (d) the regional planning commission of an adjacent region if the distance between the net-metering system's nearest component and the boundary of that adjacent region is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater;
 - (e) the legislative body and planning commission of an adjacent municipality if the distance between the net-metering system's nearest component and the boundary of that adjacent municipality

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is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater

- (f) adjoining landowners;
 - (g) the Vermont Agency of Agriculture Food and Markets; and
 - (h) the Vermont Division for Historic Preservation.
- (C) Any other person seeking to participate in a net-metering proceeding as a party must file a motion to intervene either in accordance with Commission Rule 2.209 or by filing a form developed by the Commission for use under this Rule.
- (D) Any person who obtains party status acquires all of the legal rights and obligations of a party in a Commission proceeding. The filing of public comments on an application and the consideration of such public comments by the Commission do not confer party status. Party status is conferred only upon the filing of a notice of intervention by the persons listed in (B)(3), above, or upon issuance of an order from the Commission granting a duly filed motion to intervene.

5.118 Requests for Hearing

The review of net-metering CPG applications is based upon the information contained in the application filed by the applicant. If a party wishes to offer contrary evidence or to challenge the accuracy of information contained in an application, then the party must request a hearing to present such evidence and argument. A party must file a request for hearing within 30 days from the date of notification by the Commission that the application is administratively complete. The request must identify the proposed issues to be resolved through the hearing. Unless the party has already been granted party status by the Commission, a request for a hearing must be accompanied by a notice of intervention or motion to intervene, pursuant to Section 5.117 of this Rule.

5.119 Circumstances When the Commission Will Conduct a Hearing

- (A) The Commission will grant a request for a hearing only if such request is filed by

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a party. Such a request may be included with a notice of intervention or motion to intervene. A hearing requested by a party will be granted provided that the request raises:

- (1) one or more substantive issues under the applicable Section 248 criteria; or
 - (2) a substantive issue that is within the Commission's jurisdiction to resolve.
- (B) Requests must be supported by more than general or speculative statements. For example, it is not sufficient to state that an application "violates Section 248(b)(5)." Instead, a party should state with specificity why the project raises a substantive issue under the Section 248 criteria. For example: "The application raises an issue under the aesthetics criterion under Section 248(b)(5) because the applicant has not proposed adequate mitigation to screen the western portion of the project from Maple Street."

5.120 Prehearing Conferences and Status Conferences

In cases where the Commission has determined that a hearing will be held, on reasonable notice the Commission will conduct a prehearing conference prior to the hearing. The Commission may also conduct additional status conferences as necessary. Upon request of a party and in the discretion of the Commission, such conferences may be conducted telephonically. The following topics may be addressed at a prehearing or status conference:

- (a) clarifying the issues to be addressed at the hearing and, if possible, narrowing them;
- (b) identifying evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing;
- (c) promoting the expeditious, informal, and nonadversarial resolution of issues and the settlement of differences;
- (d) requiring the timely exchange of information concerning the application;
- (e) setting a schedule for the prefilings of testimony and exhibits; and
- (f) such other matters as the Commission deems appropriate.

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Each party may serve interrogatories, requests for documents, and requests to admit on any other party. The cumulative number of such discovery requests may not exceed 20. For purposes of this limit, each subpart of a discovery request will be counted as a separate request. Any additional discovery may be obtained only upon request of a party and upon order of the Commission where the Commission finds that the requested discovery would not be unduly burdensome or expensive, taking into account such factors as the needs of the case, limitations on the parties' resources, and the importance of the issue in the case. Any discovery dispute must be submitted to the Commission in writing for resolution.

5.122 Procedure for Hearings

- (A) Notice. Prior to any hearing conducted under this Rule, each party will receive a notice stating the time, place, and nature of the hearing. The notice will include a short and plain statement of the matters at issue in the hearing and a statement of the statutes and rules involved in the case.
- (B) Order of Witnesses, Marking of Exhibits. At the hearing the Commission will establish the order in which the parties will present their witnesses and evidence. At that time all exhibits and any other documents to be entered into the record must be marked for identification (for example, Exhibit Applicant-1).
- (C) Pre-Filed Testimony and Exhibits. Each party must pre-file a copy of all testimony and exhibits with the Commission. Copies of such filings must be provided to the applicant and other parties at the time of filing. At the discretion of the Commission, parties may present live direct or rebuttal testimony.
- (D) Cross-Examination. At the hearing, each party will be afforded a reasonable opportunity to ask questions of other parties' witnesses.
- (E) Evidence. The Rules of Evidence, as modified by 3 V.S.A. § 810, apply in hearings under this Rule.
- (F) Transcript. Any hearing will be transcribed and a transcript will be made

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available to the public by the Commission.

- (G) Briefs, Proposed Findings of Fact. At the conclusion of the hearing, the parties will state whether they wish to file proposed findings of fact or legal briefs. A schedule for making such filings will be established, if necessary.

5.123 Decisions

After the conclusion of the hearing and after the submission of any briefs and proposed findings of fact, the Commission will issue a written decision in the case. In a case where a majority of the Commissioners have not heard the case or read the record, a proposal for decision will be provided to the parties for comment and opportunity for oral argument prior to the issuance of a final decision.

5.124 Appeals of Commission Decisions

Information about how to appeal a Commission decision to the Vermont Supreme Court will be provided with any final order from the Commission.

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- (A) Eligibility. A pre-existing net-metering system must:
- (1) have a complete CPG application filed with the Commission prior to January 1, 2017; and
 - (2) the complete CPG application must have been filed at a time when the electric company was accepting net-metering systems pursuant to 30 V.S.A. §219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.
- (B) Rules Applicable to the Review of CPG Applications for Pre-Existing Net-Metering Systems. Any complete CPG application filed prior to January 1, 2017, shall be reviewed pursuant to the version of Rule 5.100 that was in effect at the time the complete application was filed.
- (C) Applicable Rates for Pre-Existing Net-Metering Systems. Customers using pre-existing net-metering systems shall, for a period of 10 years from the date of the net-metering system's commissioning, be credited for generation according to the rates and incentives provided for in 30 V.S.A. § 219a, as the statute existed on December 31, 2016, and the Commission's rules implementing that statute. If the customer's system was commissioned before the electric company's first rate schedule to comply with Section 219a(h)(1)(K) took effect, then the 10-year period shall run from the effective date of the electric company's first rate schedule implementing the incentive. At the end of the applicable 10-year period, customers using pre-existing net-metering systems shall be credited for excess generation as provided in Section 5.126 of this Rule or its successor.
- (D) Non-Bypassable Charges. For a period of 10 years from the date that a pre-existing net-metering system was commissioned, a customer using that net-metering system may apply any accrued net-metering credits to any charge

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irrespective of whether that charge is a non-bypassable charge.

- (E) Adjustors Not Applicable to Pre-Existing Net-Metering Systems. Pre-existing net-metering systems are not subject to any siting adjustors or REC adjustors established under this Rule.
- (F) Tradeable Renewable Energy Credits. Any tradeable renewable energy credits created by pre-existing net-metering systems will continue to be either retained by the customer or transferred to the electric company per the election made by the applicant at the time of application for its CPG. For CPG applications filed prior to the time when such election was available, tradeable renewable energy credits are retained by the customer.
- (G) Existing Groups Using Pre-Existing Net-Metering Systems. Notwithstanding Sections 5.129(C) through (E), an existing group or customer may have more than 500 kW of pre-existing net-metering systems attributed to the group or customer if these net-metering arrangements were requested prior to January 1, 2017.
- (H) Provisions of This Rule Applicable to Pre-Existing Net-Metering Systems. Pre-existing net-metering systems are subject only to the following provisions of this Rule.
 - (1) 5.109 (Amendments to Approved Net-Metering Systems);
 - (2) 5.110 (Transfers and Abandonment);
 - (3) 5.126 (Energy Measurement), except as modified by (C), above, and except that a customer is not required to install a production meter at a pre-existing system pursuant to 5.126(A)(1);
 - (4) 5.129 (Billing Standards and Procedures);
 - (5) 5.131 (Interconnection Requirements);
 - (6) 5.132 (Disconnection of Net-Metering Systems); and
 - (7) 5.134 (Compliance Proceedings).
- (I) All other net-metering systems are subject to all provisions of this Rule.

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- (A) Electric energy measurement for net-metering systems must be performed in the following manner:
- (1) At its own expense, the applicant must install a production meter to measure the electricity produced by the net-metering system.
 - (2) Individual Net-Metering System Billing: For customers who elect to wire net-metering systems such that they offset consumption on the billing meter, the billing meter establishes billing determinants for the customer's bill based on the rate schedule for the customer.
 - (a) At the end of the billing period, the electric company must net electricity produced with electricity consumed.
 - (i) If electricity consumed by the customer exceeds the electricity produced by the net-metering system, the customer must be billed the difference, net of any credit accumulated in the preceding 12 months. Credits may not be applied to non-bypassable charges as identified in a utility's tariff.
 - (ii) If the electricity produced by the net-metering system exceeds the electricity consumed, the excess generation must be monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges in a utility's tariff.
 - (iii) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter and applied to the bill as a credit. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all kWh on the

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production meter.

- (iv) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter and applied to the bill as an additional charge. For example, the $-\$0.03/\text{kWh}$ REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of $\$0.03/\text{kWh}$ multiplied by all kWh on the production meter.
- (v) If credits remain after being applied to all charges not identified in an electric company's tariff as non-bypassable charges, such credits must be tracked, applied, or carried forward on customer bills, as described in Section 5.129.

(3) Group Net-Metering System Billing for Systems Not Directly

Interconnected: For customers who elect to wire group net-metering systems such that they offset consumption on the billing meter, the billing meter establishes the billing determinants for the customer's bill based on the rate schedule for the customer.

- (a) At the end of the billing period, the electric company must net electricity produced with electricity consumed on the generation account.
 - (i) If electricity consumed by the customer exceeds the electricity produced by the net-metering system, the customer must be billed the difference, net of any credit accumulated in the preceding 12 months. Credits may not be applied to non-bypassable charges as identified in a utility's tariff.
 - (ii) If the electricity produced by the net-metering system exceeds the electricity consumed, the excess generation

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must be allocated to group members and monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges in a utility's tariff.

- (iii) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members and applied to the bills as credits. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all allocated kWh from the production meter.
 - (iv) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as additional charges. For example, the negative \$0.03/kWh REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of \$0.03/kWh multiplied by all allocated kWh from the production meter.
 - (v) If credits remain on group members' bills after being applied to all charges on the bills not identified as non-bypassable charges in an electric company's tariff, such credits must be tracked, applied, or carried forward on group member bills, as described in Section 5.129.
- (4) Group Net-Metering System Billing for Systems Directly Interconnected: For customers who elect to wire group net-metering systems such that the generation is directly connected to the utility grid and does not also offset

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any customer's billing meter, the electricity produced by the net-metering system must be allocated to the group members and monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges.

- (a) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as credits. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all allocated kWh from the production meter.
 - (b) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as additional charges. For example, the negative \$0.03/kWh REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of \$0.03/kWh multiplied by all allocated kWh from the production meter.
 - (c) If credits remain on group members' bills after being applied to all charges on the bills not identified as non-bypassable charges in an electric company's tariff, such credits must be tracked, applied, or carried forward on group member bills, as described in Section 5.129.
- (B) As part of a tariff filed for Commission approval pursuant to this Rule, an electric company may propose alternative methods of energy measurement for group net-metering systems if the application of Section (A), above, would cause unreasonable administrative burdens for the electric company. Such alternatives

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may not displace any of the applicable adjustors, credits, or charges provided in this Rule.

5.127 Determination of Applicable Rates and Adjustors

- (A) Depending on the electric company service territory in which the net-metering system is located, the blended residential rate used to determine the value of net-metering credits is the lowest of the following:
- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that utility's tariff for general residential service;
 - (2) For electric companies whose general residential service tariff includes inclining block rates, a blend of those rates determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year. Each electric company whose general residential service tariff includes inclining block rates must perform this calculation (1) by May 15 of each even-numbered year and (2) within 15 days of the effective date of a new tariff for general residential service that includes a change in rates of more than 5%. To the extent the calculation shows that there has been a change from the rate then in effect, the electric company must file by that same date a revision to its net-metering tariff to reflect the change. Any change to the blended residential rate calculated pursuant to this section may be included in a tariff compliance filing made pursuant to Section 5.128(H) of this Rule; or
 - (3) The weighted average of the blended residential rates for all Vermont electric companies. The average is weighted by the annual retail sales of the electric companies.
- (B) The REC adjustors are determined as follows:

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- (1) At the time an application for authorization to construct the net-metering system is filed with the Commission, the applicant must elect whether to retain ownership of any RECs generated by the system or whether to transfer such RECs to the electric company. This election is irrevocable. The electric company must retire all RECs transferred to it by a net-metering customer.
 - (2) The REC adjustor for a net-metering system must be calculated in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive REC adjustor applies for a period of 10 years from the date the system is commissioned; a negative REC adjustor applies in perpetuity. Except for systems that register pursuant to Section 5.105 of this Rule, both the amount and the term of the REC adjustor will be stated in the net-metering system's CPG.
 - (3) Initial REC adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
 - (a) REC Adjustor (Transfer) = 3 cents per kilowatt hour;
 - (b) REC Adjustor (Retention) = negative 3 cents per kilowatt hour.
 - (c) Hydroelectric facilities net-metering under this rule are not subject to a REC adjustor.
- (C) The siting adjustors are determined as follows:
- (1) In order to provide incentives for the appropriate and beneficial siting of net-metering systems, each net-metering system may receive the highest-value siting adjustor for which it meets the applicable criteria. The net-metering system's siting adjustor must be expressed in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive siting adjustor applies for a period of 10 years from the date the system is commissioned; a negative siting adjustor applies in perpetuity. Except for systems that register pursuant to Section

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5.105 of this Rule, both the amount and the term of the siting adjustor must be stated in the net-metering system's CPG.

- (2) The initial siting adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
 - (a) Category I = 1 cent per kilowatt hour;
 - (b) Category II = 1 cent per kilowatt hour;
 - (c) Category III = negative 1 cent per kilowatt hour;
 - (d) Category IV = negative 3 cents per kilowatt hour;
 - (e) Hydroelectric facilities = 0 cents per kilowatt hour.

5.128 Biennial Update Proceedings

- (A) The Commission must conduct a biennial update in 2018 and every two years thereafter to update the following:
 - (1) REC adjustors;
 - (2) siting adjustors;
 - (3) the statewide blended residential rate; and
 - (4) the eligibility criteria applicable to Categories I, II, III, and IV net-metering systems.
- (B) In updating the REC adjustors, the Commission must consider:
 - (1) the pace of renewable energy deployment necessary to be consistent with the Renewable Energy Standard program, the Comprehensive Energy Plan, and any other relevant State program;
 - (2) the total amount of renewable energy capacity commissioned in Vermont in the most recent two years;
 - (3) the disposition of RECs generated by net-metering systems commissioned in the past two years; and
 - (4) any other information deemed appropriate by the Commission.
- (C) In updating the siting adjustors, the Commission must consider:
 - (1) the number and capacity of net-metering systems receiving CPGs in the

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- most recent two years;
 - (2) the extent to which the current siting adjustors are affecting siting decisions;
 - (3) whether changes to the qualifying criteria of the categories are necessary;
 - (4) the overall pace of net-metering deployment; and
 - (5) any other information deemed appropriate by the Commission.
- (D) On or before February 1 of each even-numbered year, each electric company must file with the Commission and the Department of Public Service the following information regarding the state of the electric company's net-metering program:
- (1) the number of net-metering systems interconnected with the electric company's distribution system during the past two years;
 - (2) the capacity of each system;
 - (3) the fuel source of each system;
 - (4) the REC disposition of each system;
 - (5) the siting adjustor applicable to each system; and
 - (6) any other information the electric company believes to be relevant to the biennial update.
- (E) By no later than March 1 of each even-numbered year, the Department of Public Service and the Agency of Natural Resources may file with the Commission any proposed updates to the items specified in Section 5.128(A)(1)-(4) and reasons therefor.
- (F) Any person may file comments on the filings under (D) and (E), above, by March 15.
- (G) By May 1 of each even-numbered year, the Commission may by order update the items specified in Section 5.128(A)(1)-(4), as necessary. Adjustors must be determined to ensure that net-metering deployment occurs at a reasonable pace and in furtherance of State energy goals.
- (H) Electric companies must file no later than May 15 revisions to their net-metering

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tariffs that incorporate the new values set forth by the Commission in its biennial update order. Such tariffs must have an effective date of July 1. This tariff compliance filing may not include any other proposed changes to the utility's net-metering tariff, except for a proposed change to the utility's blended residential rate calculated pursuant to Section 5.127(A) of this Rule.

- (I) Notwithstanding the above, the Commission may conduct an update sooner than biennially at its own discretion or upon petition by the Department.

5.129 Billing Standards and Procedures

- (A) Customer Billing Requirements. The bill of a net-metering customer must include the following:
 - (1) the dollar amount of any credits carried forward from the previous months;
 - (2) the dollar amount of credits that have expired in the current month;
 - (3) the dollar amount of credits generated in the current month;
 - (4) the dollar amount of credits remaining; and
 - (5) the total kWh generated by the net-metering system in the current month.
- (B) Accumulated Bill Credits. Any accumulated bill credit must be used within 12 months from the month it is earned, or it reverts to the electric company without any compensation to the net-metering customer. Bill credits may not be transferred independently of a transfer of ownership of a net-metering system.
- (C) Membership in Multiple Net-Metering Groups. Individual customer accounts may be enrolled in only one net-metering group at a time. Customers with multiple accounts may enroll each account in a separate net-metering group.
- (D) 500 kW Customer Limit. The cumulative capacity of net-metering systems allocated to a single customer may not exceed 500 kW. For example, a customer who has two accounts cannot have each account allocated more than 50 percent of the output from two 500 kW net-metering systems because the cumulative capacity of the allocated share of those net-metering systems would exceed 500

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kW.

- (E) Multiple Net-Metering Systems in a Group. Groups may, subject to Commission approval, have more than one net-metering system attributed to a group and may increase the capacity of existing generation attributed to the group. However, the cumulative capacity of net-metering systems attributed to a group may not exceed 500 kW.
- (F) Group Member Allocations. Where the customer has, at its own expense, provided a separate meter for measuring production, the kWh produced by a net-metering system may be allocated to the accounts of a single customer or the accounts of group members. Where there is no separate production meter, only the excess generation may be allocated to accounts belonging to a single customer or to the accounts of members of a group.

5.130 Group System Requirements

- (A) In addition to any other requirements in 30 V.S.A. §§ 248 and 8010, and in any applicable Commission rules, before a group system may be formed and served by an electric company, the group must file the following information with the electric company:
 - (1) The meters to be included in the group system, which must be located within the same electric company service territory;
 - (2) A process for adding and removing meters in the group and an allocation of any credits among the members of the group. This allocation arrangement may be changed only on written notice to the electric company by the person designated under 5.130(A)(3), and any such change may only apply on a prospective basis;
 - (3) The name and contact information for a designated person who is responsible for all communications from the group system to the serving electric company, except for communications related to billing, payment, and disconnection; and

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- (4) A binding process for resolving any disputes among the members of a group relating to the net-metering system. This dispute resolution process may not in any way require the involvement of the electric company, the Commission, or the Department. This process does not apply to disputes between the electric company and individual group members regarding billing, payment, or disconnection.
- (B) The electric company must implement appropriate changes to a net-metering group within 30 days after receiving written notification of such changes from the person designated under subsection 5.130(A)(3). Written notification of a change in the person designated under subsection 5.130(A)(3) is effective upon receipt by the electric company. The electric company is not liable for the consequences from actions based on such notification.
- (C) For each group member's customer account, the electric company must bill that group member directly and send directly to that group member all communications related to billing, payment, and disconnection of that group member's customer account. Any volumetric charges for any account so billed must be based on the individual meter for the account.

5.131 Interconnection Requirements

The interconnection of all net-metering systems is governed by Commission Rule 5.500. The applicant bears the costs of all equipment necessary to interconnect the net-metering system to the distribution grid and any distribution system upgrades necessary to ensure system stability and reliability.

5.132 Disconnection of a Net-Metering System

The following procedures govern the disconnection of a net-metering system from the electrical system. These procedures apply to net-metering systems only and do not supplant Commission Rules 3.300 and 3.400 relating to company disconnection in general. A customer who initiates a permanent disconnection of a net-metering system must notify the electric

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company. The electric company must notify the Commission and the Department of the disconnection.

- (A) In the event the electric company must perform an emergency disconnection of a net-metering system, the electric company must notify the customer within 24 hours after the disconnection. For the purpose of this section, the term “emergency” means a situation in which continued interconnection of the net-metering system is imminently likely to result in significant disruption of service or endanger life or property.
- (B) If the emergency is not caused by the operation of the net-metering system, the company must reconnect the net-metering system upon cessation of the emergency.
- (C) If the emergency is caused by the operation of the net-metering system, the electric company must communicate the nature of the problem to the customer within 5 days, and attempt to resolve the problem. If the problem has not been resolved within 30 days of an emergency disconnection, the electric company must file a disconnection petition with the Commission.
- (D) Non-emergency disconnections must follow the same procedure as emergency disconnections in subsection B above, except that the electric company must give written notice of the disconnection no earlier than 10 days and no later than 3 working days prior to the first date on which the disconnection of the net-metering system is scheduled to occur. Such notice must communicate to the customer the reason for disconnection and the expected duration of the disconnection. With written consent from the customer, an electric company may arrange to provide the customer with notice of non-emergency disconnections on terms other than those set forth in this Rule, provided that the electric company first informs the customer of the provisions of this Rule and that the customer may contact the Consumer Affairs and Public Information Division of the Vermont Department of Public Service. For group systems, such consent may be

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obtained from the person designated under Section 5.130(A)(3).

- (E) A customer who is involuntarily disconnected may file a written complaint with the Commission at any time following disconnection. The customer must provide a copy of the complaint to the electric company and the Department of Public Service. Within 30 days of the date the complaint is filed, the Commission may hold a hearing to investigate the complaint. In the event of the filing of such a complaint, the electric company must carry the burden of proof to demonstrate the reasonableness of disconnection.

5.133 Electric Company Requirements

(A) Generally. Electric companies:

- (1) Must make net-metering available to any customer or group on a first-come, first-served basis as determined by the order in which customers file a complete interconnection application;
- (2) Must track credits by the month and year created and apply them on a first-created, first-used basis;
- (3) May charge a reasonable fee for establishment, special meter reading, accounting, account correction, and account maintenance for a net-metering system;
- (4) May, prior to interconnection, charge a reasonable fee to cover the cost of electric company distribution system improvements necessary to safely and reliably serve the net-metering customer;
- (5) May require a customer to install advanced metering infrastructure prior to serving the net-metering customer;
- (6) May require that all meters included within a group system be read on the same billing cycle; and
- (7) May require energy efficiency audits for customers seeking to install and operate a net-metering system if they are:
 - (a) a residential customer with historic energy consumption of 750

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kWh or more per month; or

(b) a commercial or industrial customer.

- (B) Each electric company with net-metering customers must maintain current records of the number, individual capacity, cumulative capacity, and disconnections of net-metering generation installed within its service territory.

5.134 Electric Company Tariffs

Tariffs. Pursuant to 30 V.S.A. § 225, an electric company must propose for Commission approval a tariff to implement a net-metering program in its service territory pursuant to this Rule within 60 days after the effective date of this Rule. In connection with filing such tariffs, an electric company may request additional time to implement any provision of this Rule. The Commission will grant reasonable requests where there is good cause shown.

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Page 57 of 58**PART V: COMPLIANCE PROCEEDINGS****5.135 Compliance Proceedings**

- (A) In response to a complaint filed by any member of the public or on its own motion, the Commission may refer matters concerning whether an approved net-metering system is complying with the terms of its CPG or any applicable law within the Commission's jurisdiction to the Department of Public Service for investigation and to make a recommendation as to whether the Commission should open a compliance proceeding or take any other steps necessary to ensure that the net-metering system continues to serve the public good.
- (B) After considering the Department's recommendation, the Commission may take any or all of the following steps to ensure that a net-metering system is constructed and operated in compliance with the terms and conditions of the CPG issued for that net-metering system and any related Commission order:
 - (1) Direct the certificate holder to provide the Commission with an affidavit under oath or affirmation attesting that the person, company, or corporation or any facility or plant thereof is in compliance with the terms and conditions of the CPG pursuant to 30 V.S.A. 30(g);
 - (2) Direct the certificate holder to provide additional information;
 - (3) Dismiss the complaint;
 - (4) After notice and opportunity for hearing, amend or revoke any CPG for a net-metering system, impose a penalty under 30 V.S.A. § 30, or order remedial activities for any of the following causes:
 - (a) The CPG or order approving the CPG was issued based on material information that was false or misleading;
 - (b) The system was not installed, or is not being operated, in accordance with the National Electrical Code or applicable interconnection standards;
 - (c) The net-metering system was not installed or is not being operated

Effective July 1, 2017

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in accordance with the plans and evidence submitted in support of the application or registration form or with the findings contained in the order approving the net-metering system;

- (d) The holder of the CPG has failed to comply with one or more of the CPG conditions, the order approving a CPG for the net-metering system, or this Rule; or
- (e) Other good cause as determined by the Commission in its

discretion.

- (C) If, assuming the allegations in the complaint are true, the Commission determines that there is no probability of a violation of any CPG condition, Commission order, or any applicable law, the Commission will dismiss the complaint and inform the complainant and CPG holder of such dismissal.

History: Effective March 1, 2001; revised July, 2003; revised November 1, 2007; revised April 15, 2009; revised January 27, 2014; revised July 1, 2017.



RESOLUTION

WHEREAS Chapter 117 of Title 24 of the Vermont Statute provides the legal basis for regional planning commissions to develop a regional plan; and

WHEREAS Sections §4348 and §4348a outline the process and the requirements for regional planning commissions to adopt a regional plan; and

WHEREAS the Central Vermont Regional Planning Commission has followed the process outlined in statute and included all of the required elements in the 2016 Central Vermont Regional Plan update including enhanced energy planning consistent with Act 174 of 2016; and

WHEREAS the Central Vermont Regional Planning Commission utilized a Regional Plan Review Committee to evaluate, recommend, and solicit public input on each amended element of the draft regional plan; and

WHEREAS the Central Vermont Regional Planning Commission provided notice to each of its member municipalities, adjacent regional planning commission, and state agencies of its intent to adopt the 2016 Central Vermont Regional Plan update; and

WHEREAS the Central Vermont Regional Planning Commission has held two duly warned public hearings on the 2016 Central Vermont Regional Plan update to solicit public input; and

WHEREAS public input was received and discussed by the Regional Planning Commission; and

WHEREAS the Central Vermont Regional Planning Commission agrees that the 2016 Central Vermont Regional Plan update will meet the future needs of the Region and provide a clear path forward to achieve the goals and policies outlined in the draft plan; now, therefore be it

RESOLVED, that the Central Vermont Regional Planning Commission;

1. adopts the 2016 Central Vermont Regional Plan update as presented; and
2. may consider amendments to this plan as appropriate to reflect changes to community or regional priorities

Adopted by a majority vote in excess of 60% (___for; ___against) of the municipal representatives of the Central Vermont Regional Planning Commission at its June 12, 2018 meeting.

Juliana Potter, Chair
Central Vermont Regional Planning Commission



CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Committees and Appointed Positions

FY19 Recommendations

STANDING COMMITTEES

Executive
<i>Meets:</i> Monthly, 4:00 pm, week prior to Commission meeting
<i>Members:</i> 4 officers and 3 at-large Commissioners
<i>Term:</i> 1 year; officers typically two years
<i>Elected:</i> By Board of Commissioners
<i>Duties:</i>
<ul style="list-style-type: none"> - Act on behalf of the Commission in absence of a Commission quorum - Approve budgets, contracts & audits - Add/eliminate staff and contractors - Amend Personnel Policies - Approve policy actions - Recommend positions to be taken - Approve Commission agendas

Elected May 2018 (Date indicates end of term)

2020 - Julie Potter, East Montpelier, Chair
 2020 - Laura Hill-Eubanks, Northfield, Vice Chair

2019 - Michael Gray, Woodbury, Treasurer
 2019 - Dara Torre, Moretown, Secretary
 2019 - Janet Shatney, Barre City, At Large
 2019 - Byron Atwood, Barre Town, At Large
 2019 - Steve Lotspeich, Waterbury, At Large

Nominating
<i>Meets:</i> April/May, as needed
<i>Members:</i> 3 Commissioners
<i>Term:</i> 1 year; cannot serve consecutive terms
<i>Appointed:</i> By Board of Commissioners
<i>Duties:</i>
<ul style="list-style-type: none"> - Nominate officers and at-large members of the Executive Committee.

Appointed February 2018 (per CVRPC Bylaws)

Don La Haye, Waitsfield (Chair)
 Brian Fitzgerald, Duxbury

Ron Krauth, Middlesex

ADVISORY COMMITTEES

Project Review
<i>Meets:</i> Monthly (as needed), on the fourth Thursday, 4:00 pm
<i>Members:</i> 5 Commissioners plus 1 alternate and the project's host Commissioner
<i>Term:</i> 3-year; staggered terms
<i>Appointed:</i> By Board of Commissioners
<i>Duties:</i>
<ul style="list-style-type: none"> - Determine Act 250/Section 248 project conformance with the Regional Plan - Provide input and recommendations for projects with Significant Regional Impact - Solicit input from other parties as needed to gather information and render a decision - Evaluate potential cumulative impacts for projects - Provide guidance on amendments or changes to Substantial Regional Impact criteria

Nominated June 2018 (Date indicates end of term)

2021 - Bob Wernecke, Berlin or John Brabant, Calais (TBD)

2021 - Jerry D'Amico, Roxbury (Alternate)

2020 - Bob Wernecke, Berlin or John Brabant, Calais (TBD - finishing B Fitzgerald term)

2020 - Janet Shatney, Barre City

2019 - Byron Atwood, Barre Town

2019 - Laura Hill-Eubanks, Northfield

Personnel Policy Review
A Working Committee of the Executive Committee
<i>Meets:</i> As needed
<i>Members:</i> 3 Commissioners
<i>Term:</i> None established
<i>Appointed:</i> By Executive Committee
<i>Duties:</i>
<ul style="list-style-type: none"> - Recommend revisions to Personnel Policies

ADVISORY COMMITTEES

Regional Plan
<i>Meets:</i> Monthly, as needed
<i>Members:</i> 5 Commissioners
<i>Term:</i> changed from 1 year to 2 year (May 2018)
<i>Appointed:</i> By Board of Commissioners
<i>Duties:</i>
<ul style="list-style-type: none"> - Develop and recommend updates to the Regional Plan

Nominated June 2018

Laura Hill-Eubanks, Northfield
 Dara Torre, Moretown
 Ron Krauth, Middlesex
 Kirby Keeton, Montpelier
 Julie Potter, East Montpelier

Town Plan Review
<i>Meets:</i> As needed.
<i>Members:</i> 5 Commissioners
<i>Term:</i> 1 year
<i>Appointed:</i> By Board of Commissioners
<i>Duties:</i>
<ul style="list-style-type: none"> - Review municipal plans for conformance to statutory requirements and recommend whether a plan should be approved - Review each municipality's planning process and recommend whether it should be confirmed - Provide guidance to municipalities about future plan updates and ways to strengthen planning efforts

Nominated June 2018

Lee Cattaneo, Orange
 Bill Arrand, Worcester
 Jan Ohlsson, Calais - Alternate
 Ron Krauth, Middlesex
 Joyce Manchester, Moretown Alternate
 Karla Nuissl - Berlin Alternate (Alternate Seat)

Transportation Advisory
<i>Meets:</i> Monthly on 4th Tuesday, 6:30 pm
<i>Members:</i> Municipal representatives
<i>Term:</i> 1 year
<i>Appointed:</i> By municipal legislative body
<i>Duties:</i>
<ul style="list-style-type: none"> - Recommend Transportation Planning Initiative (TPI) work program & budget to Executive Committee - Prioritize transportation studies funded by the Commission's TPI program - Recommend Regional Plan transportation element - Prioritize state-funded transportation projects

2018 Members

Appointed by the 23 municipalities
 Steve Lotspeich, Chair



CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Committees and Appointed Positions

FY19 Recommendations

ADVISORY COMMITTEES

Brownfields Advisory	Clean Water Advisory	Energy Advisory
Meets: Monthly on 3rd Monday, 4:00 pm	Meets: Ad hoc, as needed	Meets: Monthly (as needed), 4:00 pm
Members: 4 Commissioners plus 1 alternate, CVEDC, VT Dept of Health, 5 representatives of housing, real estate, finance, at-risk populations, and the environment	Members: 2 Commissioners and at minimum 3 representatives from partner organizations, the public, and private companies	Members: 5 Commissioners and 12 stakeholders from municipalities & energy committees, utilities, economic development, transportation & transit, State agencies, and renewable energy developers
Term : 2 years; staggered terms - Commissioners even years & Interest Groups odd years	Term : None identified	Term : Duration of project or March 1, 2018
Appointed: By Board of Commissioners	Appointed: By Board of Commissioners	Appointed: By Board of Commissioners
Duties: <ul style="list-style-type: none"> - Oversee CVRPC Brownfields Program - Prioritize sites for assessment - Participate in hiring contractors - Recommend brownfield-related policy - Participate in public outreach 	Duties: <ul style="list-style-type: none"> - Identify activities, policies, and direction for CVRPC's clean water support - Determine CVRPC direction and goals regarding the Lake Champlain TMDL, Tactical Basin Plans, and the Regional Plan 	Duties: <ul style="list-style-type: none"> - Recommend regional energy plan to Commission - Oversee public engagement - Recommend to Commission energy policies

Nominated June 2018

4 Regional Commissioners + 1 Alternate

Janet Shatney, Barre City, Chair
 Amy Hornblas, Cabot
 Ron Krauth, Middlesex
 Don La Haye, Waitsfield
 VACANT, Regional Commissioner Alternate

Interest Group Representatives

Designated

Economic - CVEDC (Gunner McCain & Jamie Stewart, Alt)

Health - VT Dept. of Health (Joan Marie Misek)

Non-Designated

At Risk Populations - Capstone Community Action, VACANT

Brad Denny, Northfield VACANT

Housing - Downstreet Housing, Steve Comolli
 Environment - Friends of the Winooski River, Shawn White (requested non-voting status)
 Finance - Union Bank, Tim Ross

Non-Voting

Dorrie Paar, US EPA

Nominated June 2018 - Initial Members (active, but not appointed yet)

2 Regional Commissioners

Ron Krauth, Middlesex
 Amy Hornblas, Cabot

Representatives of the Region's Municipalities

Dona Bate, Montpelier City Council
 Stewart Clark, Worcester Planning Commission

John Brabant, Calais Selectboard
 Larry Becker, Middlesex Conservation Commission

Russ Barrett, Northfield Conservation Commission

John Hoogenboom, Moretown Selectboard

Vermont Agency of Natural Resources (ex-officio, non-voting), Karen Bates
 Winooski Natural Resource Conservation District, Corinna Parnap
 Watershed Group(s)

Friends of the Winooski River, Michele Braun
 Friends of the Mad River, Brian Shupe/Corrie Miller alternate

Private companies or interested stakeholders

Ann Smith

2018 Members

Steve Fitzhugh, Northfield Planning Com., Chair
 Janet Shatney, Barre City Regional Commissioner
 Julie Potter, East Montpelier Regional Commissioner
 Brian Fitzgerald, Duxbury Regional Commissioner
 Ron Krauth, Middlesex Regional Commissioner
 Don La Haye, Waitsfield Regional Commissioner

Jamie Stewart, CVEDC
 Bram Towbin, Town of Plainfield

Alex Bravakis, Novus Energy Development

Karin McNeill, Agency of Natural Resources
 Jackie Cassino, Agency of Transportation

Robert Dostis, Green Mountain Power

Barbara Conrey, Montpelier Energy Committee
 Paul Zabriskie, Capstone Community Action
 Karen Horn, Vermont League of Cities & Towns

Patty Richards, Washington Electric Coop
 Mark Sousa, Green Mountain Transit
 Dan Potter, Public Service Department



CENTRAL VERMONT REGIONAL PLANNING COMMISSION
Committees and Appointed Positions
FY19 Recommendations

COMMISSION APPOINTMENTS

Vermont Association of Planning & Development Agencies

Meets: First Thursday in June and December

Appointee: As desired by the Commission, usually the Chair

Term: 1 year

Appointed: By Board of Commissioners

Duties:

- Participate in two policy meetings

FY19 Representative

Julie Potter, CVRPC Chair

Vermont Economic Progress Council

Meets: Monthly, 4th Thursday of the month

Term: 1 year

Appointee: As desired by the Commission, usually the Executive Director

Appointed: By Board of Commissioners

Duties:

- Attend as needed and comment on projects in the region

FY19 Representative

Bonnie Waninger

Green Mountain Transit

Meets: Monthly on 3rd Tuesday, 7:30 am

Term: 3 years

Appointee: As desired by the Commission, usually Executive Director or Transportation Planner

Appointed: By Board of Commissioners

Duties:

- Guide the organization through setting goals and annual priorities
- Participate on at least one committee as designated by the Chair

2017-2019 Representatives

Bonnie Waninger, Commissioner

Dan Currier, Alternate

Mad River Valley Planning District

Meets: Monthly on 3rd Thursday, 7:00 pm

Term: 1 year

Appointee: As desired by the Commission, usually staff

Appointed: By Board of Commissioners

Duties:

- Manage business and affairs of the District as an ex-officio, non-voting member of its Steering Committee

FY19 Representative

Recommend having the Executive Director appoint the Representative and Alternate as part of staff duties

Typically, land use staff will be the Representative and the Executive Director will be the Alternate

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
DRAFT MINUTES
May 8, 2018

Commissioners:

<input type="checkbox"/> Barre City	Janet Shatney	<input type="checkbox"/> Montpelier	Kirby Keeton
<input type="checkbox"/>	Heather Grandfield, Alt.	<input type="checkbox"/>	Mike Miller, Alt.
<input checked="" type="checkbox"/> Barre Town	Byron Atwood	<input type="checkbox"/> Moretown	Dara Torre, Secretary
<input type="checkbox"/>	Mark Nicholson, Alt.	<input checked="" type="checkbox"/>	Joyce Manchester, Alt
<input checked="" type="checkbox"/> Berlin	Robert Wernecke	<input checked="" type="checkbox"/> Northfield	Laura Hill-Eubanks, Vice-Chair
<input type="checkbox"/>	Karla Nuissl, Alt.	<input checked="" type="checkbox"/> Orange	Lee Cattaneo
<input checked="" type="checkbox"/> Cabot	Amy Hornblas	<input checked="" type="checkbox"/> Plainfield	Bram Towbin
<input checked="" type="checkbox"/> Calais	John Brabant	<input type="checkbox"/>	Robert Atchinson, Alt.
<input type="checkbox"/>	Jan Ohlsson, Alt.	<input checked="" type="checkbox"/> Roxbury	Jerry D'Amico
<input checked="" type="checkbox"/> Duxbury	Brian Fitzgerald	<input checked="" type="checkbox"/> Waitsfield	Don La Haye
<input checked="" type="checkbox"/>	Alan Quackenbush, Alt.	<input type="checkbox"/>	Harrison Snapp, Alt.
<input checked="" type="checkbox"/> E. Montpelier	Julie Potter, Chair	<input type="checkbox"/> Warren	Camilla Behn
<input checked="" type="checkbox"/>	Jack Pauly, Alt.	<input type="checkbox"/> Washington	Gary Winders
<input type="checkbox"/> Fayston	Carol Chamberlin	<input checked="" type="checkbox"/> Waterbury	Steve Lotspeich
<input checked="" type="checkbox"/> Marshfield	Melissa Seifert	<input type="checkbox"/> Williamstown	Rodney Graham
<input checked="" type="checkbox"/> Middlesex	Ron Krauth	<input checked="" type="checkbox"/> Woodbury	Michael Gray, Treasurer
		<input type="checkbox"/> Worcester	Bill Arrand

Staff: Bonnie Waninger, Nancy Chartrand, Pam DeAndrea, Eric Vorwald, Clare Rock, and Laura Ranker
 Guests: Karen Bates (DEC)

CALL TO ORDER

Chair J. Potter called the meeting to order at 7:06 pm. The meeting began with introductions.

J. Potter acknowledged the 50th Anniversary celebration. She thanked Commissioners for their service. She reviewed Board and staff transitions. Brian Fitzgerald (Duxbury), Ivan Shaddis (Marshfield), and Daniel Raddock (Warren) are leaving the Board. Commissioners joining the Board include: Melissa Seifert (Marshfield), Camilla Behn (Warren), and Alan Quackenbush (Duxbury). Staff transitions include hiring Nancy Chartrand as Office Manager, and the departure of Matt Germaine, Planning Technician, who has accepted a new job in Pittsburgh. Potter acknowledged Ashley Andrews' 10 years of service.

ADJUSTMENTS TO THE AGENDA

B. Waninger noted the discussion of the Regional Energy Plan and Regional Plan update included discussion of compatibility of the plans and hub height.

PUBLIC COMMENTS

None.

ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE

M. Gray, Treasurer, read the election results. The results are as follows:

- Chair, Julie Potter
- Vice Chair, Laura Hill-Eubanks
- Treasurer, Michael Gray
- Secretary, Dara Torre
- At Large – Byron Atwood, Steve Lotspeich, Janet Shatney

Gray thanked Don La Haye for his service on the Executive Committee.

WINOOSKI TACTICAL BASIN PLAN

Karen Bates, VT DEC, and Pam DeAndrea, CVRPC, provided an overview of the draft Winooski Tactical Basin Plan. P. DeAndrea advised that the link provided in the Board Packet is the first working draft has not been published yet. She reviewed CVRPC's review process:

- DeAndrea will work with the Clean Water Advisory Committee to discuss project priorities and action items.
- Dan Currier will work with the Transportation Advisory Committee.
- Clare Rock will work with the Regional Planning Committee regarding Regional Plan conformance and to frame comments and recommendations for the Board of Commissioners.

DeAndrea noted the plan must be finalized by 12/31/18; comments and recommendations will be provided to the Board in the fall. By statute, the Regional Commission sends a formal letter to the ANR Secretary regarding the basin plan's conformance with the Regional Plan.

Karen Bates advised that Water Resource plans are essentially game plans for protecting water resources as requested by EPA and must involve working partners. It is important to know what the affected municipalities' goals are to incorporate in the plan/regulatory process. Protecting and restoring is the basis of the plan. Bates outlined top objectives and strategies. EPA dictates that for each basin the percentage of phosphorus in each sector be determined to meet the TMDL.

A copy of the full draft plan is available on CVRPC's website. A sign-up sheet was shared for those wanting a hard copy of the plan.

L. Hill-Eubanks advised some info on bylaws regarding Northfield in the plan was outdated. Bates advised to let Pam know specifically what this information was and it would be updated; as would any other information provided for update by the Board upon draft review.

B. Towbin indicated disappointment with the State acting across surfaces. He is Plainfield's Road Commissioner and feels such a plan may precipitate busy work vs. addressing real problems. He offered to show Bates several issues in Plainfield.

1 B. Waninger asked if DEC had a method for showing municipalities what percentage of phosphorus is
2 from areas within their borders and the proportion attributable to each sector. This would assist with
3 focusing municipal efforts. Bates advised the mapping would be best to help towns focus on certain
4 areas. The Clean Water Tool Mapping Program could assist as well. Bates said WikiWatersheds is
5 another great tool/group that helps the layperson understand phosphorus loading.

6
7 J. Potter confirmed with Bates that the Plan is currently in the input/feedback stage and by late summer
8 will be prioritizing to get ready for public distribution. Recommendations will be brought to the Board at
9 a future meeting. The Board will see the plan again with proposed draft comments by October.

10
11 DeAndrea said that if any communities would like presentations at Planning or Conservation
12 Commission meetings, that she and Karen would be able to provide.

13 14 **CVRPC COMMITTEES**

15 Appointments: Laura Hill-Eubanks provided an overview of the appointments needed for CVRPC
16 Committees. She will send members an email inquiring about interest in serving on a committee.

- 17 • Project Review: at least 1 Commissioner needed
- 18 • Regional Plan: at least 1 Commissioner needed
- 19 • Town Plan Review: at least 1 Commissioner needed
- 20 • Brownfields Advisory: likely to be 1 Commissioner and 1 Alternate needed

21
22 Regional Plan Committee: J. Potter gave an overview of this committee and its original charge. Became
23 it has become somewhat inactive it has had issues obtaining quorum. The Committee needs to be
24 re-established and Executive Committee is recommending a redefinition of the Committee in terms
25 of membership be adapted to five Commissioners and a term length of two years and that the
26 Committee use outreach to special interest groups vs. membership on the Committee. J. Potter
27 advised that the Board needs to take action if this recommendation is to be facilitated.

28
29 *B. Atwood moved that Regional Plan Committee membership be adapted to five Commissioners with*
30 *a term length of two years; S. Lotspeich seconded. Motion carried.*

31 32 **REGIONAL ENERGY PLAN & 2016 REGIONAL PLAN UPDATE**

33 J. Potter advised it is necessary to act on Regional Plan Committee recommendation regarding maximum
34 allowable height for development and consistency between the Regional Plan and the Energy Plan.

35
36 E. Vorwald presented additional information obtained since the last meeting. Language had been
37 approved for Energy Plan, which was provided to Dept. of Public Service. Feedback received from the
38 Public Service Department concluded a potential conflict existed between proposed language in Energy
39 Plan and existing language in the Regional Plan related to prohibition versus discouragement of
40 development above 2500 feet. He reviewed the Department's comments and recommendations and
41 the Regional Plan Committee's recommendation to the Board.

1 J. Brabant requested the definition difference between restricted and prohibited. Prohibited means not
2 allowed at all. Restricted may be allowed in some circumstances (which would be outlined in plan).

3
4 B. Towbin questioned whether the specificity of hub height a requirement that helps or hurts us as a
5 region? E. Vorwald stated it would help us because it would provide justification for decisions to restrict
6 different types of development.

7
8 At Brabant's request, staff confirmation the location of language being cross-referenced.

9
10 Brabant noted the importance of maintaining reference to protecting agricultural lands in the Energy
11 Plan as they are a critical resource. Vorwald clarified reference is provided in the Regional Plan.

12
13 S. Lotspeich noted he is clear about the request from prohibited to restricted and feels it is a wise
14 change and that it helps with ski area development. However, he noted he was unclear on the hub
15 height issue and requested an explanation of the three different categories. His interpretation is that
16 the stated 116' hub height has to do with wind towers that are more typical on farms and inquired if we
17 were wise to have separate height that is not consistent with the state categories. Vorwald provided a
18 presentation on this issue, reviewing the State standards for hub height, which does not include blades
19 length. He described a second key component, wind generation, stating that the blade length affects
20 generation.

21
22 B. Atwood noted that if we stay at 116' for both residential and commercial, it only allows for the lower
23 end of commercial development using State's definition.

24
25 Towbin asked if banning utility type turbines is a problem for Waterbury. Lotspeich advised there was
26 concern about hub height and that the height chosen should be practical with regard to what
27 communities' future needs may be.

28
29 A. Hornblas inquired if agricultural purposes (i.e. silos) and municipal buildings would be exempt.

30
31 R. Krauth completed Vorwald on the visual representation. He asked if the 116-foot height applies a
32 limit to all future development, such as silos, church steeples, cell towers, etc. Vorwald advised that the
33 RPC doesn't have zoning authority. The height restriction would come into play when reviewing
34 municipal plans for conformance with the Regional Plan. There is a venue for accommodating
35 exceptions, but it would be a potential issue to go through that process.

36
37 J. Potter advised most municipal plans do not address height limitations. Zoning would need to be
38 consistent with municipal plan, and the municipal plan needs to be consistent with Regional Plan.

39
40 R. Wernecke questioned why 116-feet was chosen. Vorwald said it was a public comment last meeting.
41 J. Potter advised the comment stated it was a height that allowed for on-farm wind turbines.

1 S. Lotspeich commented it would make sense to have a limit restricting turbines in the region, indicating
2 that limit should allow existing turbines to conform. He advocated for 125 feet as a reasonable height
3 based on what is currently in the region and what manufacturers are making.

4
5 *B. Atwood moved to approve height of 165 feet for hub height and amend the Regional Energy Plan*
6 *development language from “prohibited” to “restricted”.* S. Lotspeich commented he supported a 125-
7 foot limit. J. Potter requested clarification of the suggested motion. She asked if the motion was to
8 approve language presented on pages 15, 16, 17 & 18 of the Board Packet, but that 116 feet is replaced
9 by 125 feet. B. Atwood clarified that was the intent of his motion. *B. Towbin seconded the motion.*

10
11 In discussion:

- 12 • D. La Haye asked what dictated restrictions on development. B. Waninger said the Regional
13 Plan use critical resources in the area of development to address this.
- 14 • J. Brabant requested clarification regarding whether towns could be more or less stringent with
15 regard to a turbine height. Vorwald said towns could be more restrictive as long as they did not
16 restrict the ability to meet their proportional share of energy.
- 17 • B. Towbin questioned whether the motion as presented prohibited utility grade turbines.
18 Vorwald confirmed it would.
- 19 • J. D’Amico commented that 125 feet is as arbitrary a choice as 116 feet. He questioned why
20 this limit was being used. B. Atwood said the 125-foot height was due to data regarding
21 existing turbines in region and what manufacturers are currently making. J. D’Amico suggests
22 tabling the motion to complete additional research.
- 23 • J. Potter noted she had word edits for page 15, last paragraph: CVRPC does not have a ‘future
24 land use **plan**’; this should be “future land use **map**”? Also “categories” should be replaced
25 with “planning areas”. A brief discussion of language ensued.

26
27 R. Wernecke called a point of order. He noted editing changes were out of order related to current
28 motion. He suggested the Board vote on the motion and then make editorial changes. The Board
29 continued with discussion on motion.

- 30
31 • R. Krauth inquired whether the State-defined heights were arbitrary and asked why the State
32 picked those numbers.

33
34 S. Lotspeich called a point of order. He noted requested edits should be part of the previous motion
35 because they affected adoption of the language presented for adoption.

36
37 *B. Fitzgerald moved to amend Atwood’s motion to incorporate J. Potter’s text edits. B. Towbin seconded.*
38 *Motion carried.*

39
40 The amendment to the motion included the following:

41
42 “...To further support this limitation on industrial-scale wind generation, the 2016 Central
43 Vermont Regional Plan identifies two distinct planning areas that encompass a significant

1 portion of the region and includes almost all of the resource areas identified for industrial-
2 scale wind generation. These planning areas are Rural and Resource and are delineated on
3 the Future Land Use Map in Appendix A of the 2016 Central Vermont Regional Plan. These
4 planning areas are described as:..."

5
6 *The original motion as amended carried 15 yes and 1 no.*

7
8 Commissioner discussed the second public hearing for the 2016 Regional Plan Update. Upon inquiry,
9 Vorwald said that the second hearing is required under statute regardless of changes.

10
11 M. Gray asked if having a public hearing outside the Commissioner's meeting may be more beneficial to
12 obtaining comments. J. Potter advised the advantage of having the hearing at the Board meeting was
13 that Commissioners get to hear the comments. B. Waninger said the Commission will widely publicize
14 the hearing and that comments can also be submitted in writing. B. Towbin suggested that individual
15 Commission members promote it on their town's social media with further explanation.

16
17 A. Hornblas asked for clarification about changes related to forest integrity. Vorwald said they were
18 incorporated into the Regional Plan at the April Board meeting..

19
20 *B. Fitzgerald moved to schedule the second public hearing on June 12, 2018 as part of the Board of*
21 *Commissioner's meeting; J. Brabant seconded. Motion carried.*

22
23 **MINUTES**

24 *R. Wernecke moved to approve the April 10, 2018 minutes; R. Krauth seconded. Motion carried with M.*
25 *Siefert abstaining.*

26
27 **REPORTS**

28 No questions or comments were raised.

29
30 **ADJOURNMENT**

31 *D. La Haye moved to adjourn at 9:03 pm; seconded by R. Wernecke. Motion carried.*

32
33 Respectfully submitted,

34
35 Nancy Chartrand

36 Office Manager



MEMO

Date: June 12, 2018

To: Board of Commissioners

From: Clare Rock, CFM, Senior Planner
Eric Vorwald, AICP, Senior Planner

Re: Commission on Act 250 Discussion

✉ **ACTION REQUESTED:** No action is required. The Board of Commissioners will receive an overview of the process staff is undertaking to solicit comments on Act 250; including survey results and a briefing on the Act 250 conference hosted by the Vermont Planner's Association.

The Vermont State Legislature passed Act 47 in 2017 which created a Commission to evaluate and review Vermont's Land Use Statute known as Act 250. The Commission on Act 250 has hired a consultant to assist with public outreach and engagement including a series of public hearings that will occur over the summer. This will culminate in a report from the Commission on Act 250 to the Legislature that may recommend changes or amendments to Act 250.

In support of the Commission on Act 250 the CVRPC, as a statutory party under Act 250, may have its own comments to include. Understanding and gathering input from the larger regional community provides a more expansive perspective which can assist the Board of Commissioners in its formulation of potential comments. The CVRPC developed an Act 250 survey to solicit input from regional partners including member municipalities and regional organizations. Specific comments and results from the survey have been distilled down to general topic areas and have been preliminarily reviewed by the Project Review Committee.

Staff plans to present initial survey results to the Board of Commissioners as an introduction to the topic and to gather preliminary feedback on the extent of potential comments. Depending

on discussion outcomes, the Project Review Committee may be tasked with formulating draft comments based on outreach efforts to be considered by the Board of Commissioners.

Background

In 2017 the Vermont Legislature established the Commission on Act 250: the Next 50 Years. The purpose of the Commission on Act 250 is to:

- Review the goals, history, and implementation of Act 250;
- Engage Vermonters on their priorities for the future of the Vermont landscape, including how to maintain Vermont's environment and sense of place, and address relevant issues that have emerged since 1970; and
- Submit a report with recommended changes to Act 250 to achieve the goals stated in the findings made in the 1970 legislation and the Capability and Development Plan adopted in 1973

The CVRPC distributed a survey to regional partners including municipalities, economic development groups, environmental constituents, and other regional entities. The purpose of this survey was to solicit information on the various aspects of Act 250 to determine if any themes or ideas were common among the respondents. Specific topics on Act 250 included:

- The purpose of Act 250
- The application process
- The application criteria
- Jurisdiction
- Approvals and compliance

The survey ran for several weeks in May and was available on-line and in paper format if requested. Forty individuals responded to the survey. A preliminary analysis of the results has been included with this memo.

In addition, staff attended a conference hosted by the Vermont Planner's Association regarding Act 250. An overview of this conference will be provided at the meeting as an informational item. A report from the conference is being developed and will be distributed to the Commissioners when completed.

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
SURVEY ON ACT 250
PRELIMINARY ANALYSIS**

5.31.2018

The following is a summary of a survey that was conducted by the CVRPC regarding Act 250. The survey was done as a way to solicit input from regional partners on their experiences with Act 250 in order to identify themes and topics to be considered by the CVRPC Board of Commissioners. The survey was available on-line and in paper format if requested, and ran for several weeks in May 2018. 40 respondents engaged with the survey. An overview of the results are listed below.

GENERAL THEMES and TOPICS

Based on the results of the survey, the following general themes and topics have emerged. These themes and topics showed up in multiple sections of the survey including open responses and through specific questions.

1. There is too much duplication with other state agencies or local processes including permitting.
2. The process should be streamlined for time and clarity.
3. There are challenges related to public involvement in the process.
4. Identify a way or process for parcels to be removed from Act 250 jurisdiction.

SUMMARIZED SURVEY RESULTS

PURPOSE OF ACT 250 – 38.5 responses

Purpose of Act 250 (*as stated in the survey*):

The Act 250 process is effective at controlling development proposed on a relatively large scale, and/or sensitive areas by protecting Vermont's environmental and giving neighbors; municipalities; local and regional planning commission; and other interested parties a chance to participate and express concerns.

Of the respondents, 85% agree and 87% feel the above stated purpose still relevant.

ROLE IN ACT 250 PROCESS – 40 responses

- 58% Applicants (30%) or statutory parties (28%)
- 20% No role¹
- 18% Other (including multiple categories, emergency services, ZA, or representative of adjacent property owner)

¹ If “no role” was selected, the survey ended as the remaining questions specifically dealt with involvement or engagement in the Act 250 process.

APPLICATION PROCESS – 24 responses

Respondents were generally split on the process with efficiency of the application process; complimentary with other agency approvals; and timely responses from the District Commission being divided between positive and negative responses.

- The pre-application meeting was the only item noted as more positive than negative.
- The respondents felt the time required for the process; the application fees; coordination with local permitting; and consistency were more negative than positive.

Comments:

Comments provided were generally consistent with overall results. One comment in particular noted that it is too difficult and ineffective for neighbors or other parties opposing a project to get involved therefore limiting community input.

APPLICATION CRITERIA – 24 responses

Respondents were fairly clear in their agreement or disagreement with statements related to the Act 250 criteria.

- Strong support was shown for the criteria's ability to provide a thorough analysis of the issues related to each project and were generally more positive regarding the criteria supporting the purpose for Act 250 that was previously noted.
- Overall, respondents were more negative regarding the criteria noting difficulty in obtaining necessary information to address the criteria; relevance of criteria to all projects; understanding of the criteria; and investments needed to obtain information to address the criteria.

Comments:

It was generally noted that the criteria were too complicated for homeowners or small development projects and that the cost for consultant assistance can be prohibitive. Concern was also noted that environmental criteria was not being effectively applied.

JURISDICTION – 24 responses

Respondents were generally split on questions related to jurisdiction in areas related to knowing when an Act 250 application is required; distinguishing between the different types of applications (e.g. administrative amendment, minor notice, jurisdictional opinion, etc.); and that some projects should be exempt from the process.

- The respondents generally understand the distinction between 1 acre and 10 acre municipalities for jurisdictional considerations.

- The respondents generally did not support exempting state designated areas from the process or having more projects go through the process.

Comments:

Multiple comments noted that not all projects should be subject to Act 250 including projects in areas designated for development in town and regional plans; towns with robust zoning and review processes in place; and properties that were under Act 250 as a 1 acre town where the municipality may have enacted zoning now making it a 10 acre town. Other comments related to the perpetual review of projects under Act 250 jurisdiction and navigating multiple years of rulings or permit conditions that may no longer be relevant under current conditions or environmental laws.

APPROVALS & COMPLIANCE – 23 responses

In general, most respondents were more negative than positive when answering questions about approvals and compliance with the most negative responses related to equitability of compliance enforcement, and consistency in rulings by the District Commission.

Comments:

Specific issues noted in the comments included having the burden of proof for appeals from the neighbors be borne by the neighbors and not the applicant; not enough enforcement at the local level or weight given to locally decided criteria; and too many standard conditions that are not well defined therefore difficult to measure.

ROLE IN TAKING THE SURVEY – 23 responses

Almost 50% of respondents represent a municipality. 22% listed their role as “other” and included multiple categories or other professional service providers such as architects. 13% identified as developers. 9% were representing community or social service agencies.

INVOLVEMENT WITH ACT 250 – 23 responses

Almost 78% of respondents have been involved with Act 250 for 11 or more years. 13% have been involved for 6 to 10 years. 9% have been involved for 5 years or less.

NUMBER OF APPLICATIONS – 23 responses

Respondents were either very seasoned with applications or fairly new in the process with 35% involved in more than 15 applications and 48% involved with 1 to 5 applications.

MUNICIPAL ACTIVITY – 22 *responses*

Berlin and Montpelier top the list where respondents have been involved in applications with 7 each. This was followed Waitsfield with 6; Northfield and Waterbury with 5 each; and Barre City and East Montpelier with 4 each. Calais, Marshfield, Washington, and Williamstown had no Act 250 participation from the respondents.

DRAFT

Central Vermont Regional Planning Commission

P: 802-229-0389

Staff Report, June 2018

F: 802-223-1977

LAND USE PLANNING & MUNICIPAL ASSISTANCE

Regional Plan: Contact Eric Vorwald, Vorwald@cvregion.com.

The second public hearing will occur at the June 12 Commission meeting. Following the hearing, the Commissioners may approve a resolution adopting the updated regional plan. Updates include the Land Use Element for forest integrity, the Energy Element, and inclusion of the Regional Energy Plan as Appendix A-7. The adopted Regional Plan will be forwarded to the Department of Public Service for Certification of Energy Compliance in accordance with Act 174.

Act 250: Contact Eric Vorwald, Vorwald@cvregion.com.

Staff completed a survey soliciting comments on Act 250. Common themes and topics were reported to the Project Review Committee and will be reported to the Board of Commissioners in June. This information will help Commissioners establish comments to forward to the Commission on Act 250.

Regional Energy Planning: Contact Eric Vorwald, Vorwald@cvregion.com.

CVRPC received several requests for “preferred siting designation” from renewable energy developers. CVRPC does not have adopted policy to evaluate the requests. Once the Regional Plan update is adopted, some of the project will qualify as regional preferred sites. The Executive Committee has recommended the Board of Commissioners refer this issue to the Regional Plan Committee for additional policy development.

Local Energy Planning: Contact Eric Vorwald, Vorwald@cvregion.com.

Staff has prepared draft energy elements for consideration by Calais and Barre City. Staff is nearing completion of supplemental energy information for the Warren Town Plan. Staff met with the Marshfield Energy Group to discuss mapping and updates to its effort. Staff is working with Waterbury to update its energy plan for inclusion in its Town Plan update.

Municipal Plans: Staff has worked with Orange to finalize a draft plan. The Planning Commission will host a public hearing on June 13 with a possible recommendation to the Selectboard for adoption.

Zoning: Staff reviewed Plainfield’s draft zoning amendments and provided comments to the PC.

Mapping: Staff created maps for Plainfield to depict flood hazard areas both from naturally caused flooding and from dam release inundation to be incorporated into its hazard mitigation plan. Staff created maps for the 3-town Winooski uplands resilience project steering committee to assist with targeting parcels for outreach.

Municipal Consultations: All consultations for this fiscal year have been completed. These included the Barre City, Northfield, Plainfield, Roxbury, Duxbury, Fayston, and Barre Town.

Planning & Zoning Administrators Roundtable: Staff hosted the second event in this P & Z Roundtable series. Staff presented an “Essentials of Land Use Planning” presentation and a “Housing for All” presentation. 15 people attended, representing 7 towns. Participants held a robust discussion of Open Meeting Law and shared best practices and suggested collaboration and coordination between DRBs and Planning Commissions during zoning updates are beneficial. They also recommended that CVRPC share information about tools rural communities could use to address common challenges. Rural representatives suggested most Vermont tools are aimed primarily at urban communities. Another ZA Roundtable will be hosted on June 12.

EMERGENCY PLANNING & HAZARD MITIGATION

Local Planning: Staff reviewed Local Emergency Management Plans (LEMP) and submitted the following to VEM for acceptance: Berlin, Calais, Marshfield, Plainfield, and Worcester. Three of the four remaining towns have adopted Plans, and the fourth town is finalizing its Plan for Selectboard action. Staff provide assistance and resources to the Woodbury Selectboard Chair to facilitate taking ICS 100 online. ICS 100 is one of the required courses for a Selectboard member’s certification of the town’s LEMP.

The Points of Contact spreadsheet, used during an activation of the local liaison, was updated to reflect changes to the LEMPs. Having an adopted LEMP, formerly known as an LEOP, increases a municipality’s Emergency Relief Assistance Fund (ERAF) rating, providing it with more state aid after a federally declared disaster. Contact Laura Ranker, ranker@cvregion.com, for assistance.

Town officials from Moretown and Orange completed ICS 402, *Incident Command System Summary for Executives*. ICS 402 provides an overview of the executive level of preparedness, response, and recovery so decision makers in the community understand the process, thus preventing time lost by responders having to explain emergency procedures and processes during a disaster. These communities have positioned themselves to certify their local emergency management plan, as required by VEM.

Staff coordinated efforts with Woodbury, Lamoille County Planning Commission, Northeastern Vermont Development Corporation, and Vermont Emergency Management to conduct an ICS 402 training in Woodbury. Contact Laura Ranker at ranker@cvregion.com to register or for other training needs.

Local Emergency Management Directors/Coordinators (EMD/EMC): Staff responded to requests from local EMDs in support of their daily responsibilities. In response to new EMD appointments, staff provided updated EMD resource materials and is coordinating with VEM to conduct the EMD seminar series and 8-hour course offerings. Staff updated the EMD/EMC master list and provided it to VEM. Staff coordinated with Washington Electric Cooperative on EMD/EMC outreach for its Emergency Management Plan.

Trainings and Workshops: Contact Laura Ranker at ranker@cvregion.com.

Staff participated in a functional table top exercise on the Marshfield Dam #6 Emergency Action Plan. Green Mountain Power hosted the exercise. Participants included representatives from GMP, emergency responders from Marshfield, Plainfield, East Montpelier, and Montpelier, town officials from Cabot, Plainfield, and Marshfield, and staff from CVRPC, VEM, Public Service Board, and ANR Dam Safety Program, and professionals from the Kleinschmidt engineering company. One significant outcome was the identification of when GMP would notify communities during a “code yellow” or assessment level activation of the dam alert system. The majority of code yellow alerts do not require community notice. The exercise resulted in an agreement as to when GMP will notify communities. GMP will address this in its next Emergency Action Plan update. The exercise was well attended and provided a good forum for open discussion. It increased communication between the parties.

Two staff participated in the two-day, FEMA G-318 Local Hazard Mitigation Planning training and Skill Share. New updated resource guides for the development of a local hazard mitigation plan are available. Review of the Plan Elements emphasized a greater use of graphics and charts to depict plan information and content. FEMA emphasized the need to better connect the relationship between community assets (people, economy, structures, critical facilities and infrastructure, and the natural environment) and the community risks, addressing the community vulnerabilities. The State noted it had identified a new assessment methodology which towns will be able to replicate in the LHMP. The updated State Hazard Mitigation Plan will include more robust resources and data sets. Municipalities can access and utilize this information for LHMP development.

Staff participated in a training on Catastrophic Debris Management and Vermont’s Contingency Debris Planning hosted by VEM. Trainers discussed the importance of proper debris management and planning as part of hazard mitigation efforts and receipt of federal funding. Towns can develop Debris Management Plans as part of the communities local emergency and hazard mitigation planning efforts..

LEPC #5: Staff supported the LEPC 5 for its May bimonthly meeting. Guest Speaker was Natalie Elvidge, Homeland Security Program Manager of the Vermont State Police. Elvidge reviewed the 2017-2020 Strategic Plan and noted Homeland Security funding is focused on capability building and providing seed money for eligible projects. Participants discussed the 2018 funding cycle and new project areas. Homeland Security has heavily funded interoperable communications equipment and maintenance projects and special operations equipment projects. These project types will no longer be available. LEPC members provided feedback on funding allocations. Elvidge noted FEMA is now requiring applications to include Maintenance and Sustainability Plans which will be part of the application evaluation. For more information go to <http://hsu.vermont.gov/homeland-security-unit>

Staff participated in meetings of LEPC Chairs, RPC representatives, and the State Emergency Response Committee (SERC) Board. Concerns have been expressed over the direction of the LEPCs and the SERC FY19 funding.

Staff facilitated the distribution of materials from EPA Region I and the SERC Chief to the LEPC 5

membership. The regional Tier II dataset from the SERC was received. It is used to develop town-specific Tier II summary reports.

Local Hazard Mitigation Plans (LHMP): Contact Laura Ranker, ranker@cvregion.com.

Staff supported communities in the development, review, and adoption of local hazard mitigation plans.

Barre Town: FEMA approval received. Plan effective date of May 11, 2018. This plan is complete!

Duxbury: The Plan is under review by FEMA; awaiting Notice of Approval Pending Adoption.

Middlesex: The Plan is under FEMA review. Staff met with VEM regarding FEMA-requested changes and questions.

Plainfield: Staff continued to provide guidance on Plan development and provided Hazchem resources.

The Town's Committee is finalizing sections of the Plan. GIS staff provided map support.

Roxbury: FEMA approval received. Plan effective date of May 11, 2018. This plan is complete!

Warren: Staff is reviewing an initial draft, providing edits, and coordinating with stakeholders for information to incorporate into the Plan update.

Worcester: The Plan is under VEM review. Staff met with VEM regarding State-requested changes and questions.

Woodbury: Plan in process; minimal activity as town awaits grant award. Staff provided resources for the plan update.

TRANSPORTATION

Counts: Staff collected data from the Mad River counter. Staff conducted counts in Warren, Cabot, Marshfield, Middlesex, Waterbury, and East Montpelier. All counts were processed, and results were shared with communities. Contact Ashley Andrews, Andrews@cvregion.com, if your community would like CVRPC to complete traffic counts.

Bridge and Culvert Inventories: Staff collected data on bridge and culvert locations in Marshfield. Contact Ashley Andrews, Andrews@cvregion.com, if your community would like CVRPC to complete a bridge and culvert inventory.

Transportation Studies: Staff is working with Waterbury and VTrans to develop alternatives for improvements to the Stowe Street Bridge (Bridge #36) over Thatcher Brook. CVRPC's contractor will develop an existing conditions report and the project's purpose and needs statements. This project was review and selected by the CVRPC Transportation Advisory Committee for funding.

Green Mountain Byway: Staff worked with the Lamoille County Planning Commission and Waterbury, Stowe, Johnson, Hyde Park, Jeffersonville, and Morristown to expand the Green Mountain Byway. The first step is updating the Corridor Management Plan so it can be approved by the Transportation Board.

Public Transit: CVRPC represents Central Vermont on the GMT Board of Commissioners. GMT Commissioners are required to participate on at least one Committee as part of Board duties. Alternate

Commissioners are invited to participate on committees, which integrates them into the organization and prepares them to step into the Commissioner role.

Staff participated in the following Green Mountain Transit meetings:

- *Operations Committee* – Discussed the average age of the fleet and the possibility of replacement, particularly in the rural area. Fleet age is becoming a challenge as funds for bus replacement are increasingly difficult to obtain. Discussed RouteMatch remedies. The company has fixed many errors by disabling features in the app. More work on the errors are in progress. Operations has been doing their part in terms of logging in and out of the tablets correctly. Discussed FY18 Strategic Goals. Complimented staff on new format, which improves readability.
- *Next Gen Advisory Committee* – GMT hosted a second set of public meetings to present the final draft plan and its recommendations. Meetings were held in Waterbury and Berlin. Turnout was good, and residents who had not previously attended meetings about the Plan participated. They expressed concerns about the transition to para transit services in the Capitol Region. Waterbury participants sought confirmation that modifications to the Waterbury-to-Burlington commuter route would continue to allow them to arrive at work on time
- *Board of Commissioners* – See Committee updates for summary.

Municipal Roads General Permit (MRGP): Staff worked with ANR and fellow RPC's to finalize a data standard for the collection of the Road Erosion Inventory data. The standard will allow for direct loading of inventories into the ANR MRGP Data Portal. Staff worked with Woodbury to inventory road erosion.

Class 4 Roads Demonstration Project: Staff is working with Calais, Worcester, Waitsfield, and Moretown to implement best management practice on class 4 roads that have a history of gully erosion (erosion measuring 12 inches deep or more). CVRPC will showcase town work to statewide parties during an August presentation and site visit.

Municipal Roads Grant's in Aid: Year 1 of the funding is coming to a close. Staff have been meeting with Worcester, Calais, Barre City, Roxbury and Northfield to facilitate project completion by the July 1 deadline. Year 2 funding has been announced, and staff has started outreach and site visits. Contact Daniel Currier, Currier@cvregion.com, if your community would like to participate in Year 2.

NATURAL RESOURCES

Tactical Basin Planning Assistance: Contact Pam DeAndrea, deandrea@cvregion.com.

Staff supported the State's Tactical Basin Planning (TBP) efforts for the Winooski and White River Watersheds by:

- Having Basin Planner Karen Bates present the Plan to the Board of Commissioners in May;
- Facilitating the first Clean Water Advisory Committee meeting. Karen Bates discussed key elements of the Basin Plan; and
- Providing initial comments and edits on the draft Basin Plans.

This summer, staff will work with the Clean Water Advisory Committee, Regional Planning Committee, and the Board of Commissioners to develop comments on a second draft of the Winooski Plan and address conformance with the Central Vermont Regional Plan.

Clean Water Block Grant Program: Contact Pam DeAndrea, deandrea@cvregion.com.

The Vermont DEC has stopped funding additional projects under this program. DEC indicated a new program is under development; details of the program are unknown at this time.

Staff secured Block Grant funding for two projects. The Berlin will complete final design of stormwater mitigation at its Town Offices. This project emerged from the Town's Stormwater Master Plan. The Town is very happy to see a quick outcome from the plan. Barre City will construct its Pouliot Avenue stormwater mitigation project. CVRPC, the City's Public Works Director, surveyors and design engineers met at the site this month to inspect the site and refine ideas for final design plans. Remediation of the gully caused from stormwater runoff will be constructed in August – September.

Mad River and Kingsbury Branch Stormwater Master Plans: Watershed Consulting Associates (WCA) continued fieldwork to identify stormwater problem areas of concern in five Mad River towns and three Kingsbury Branch towns. This field work will lead to possible sites for consideration in the stormwater master plans. After the field visits, each town will be provided with maps and site lists they can use to set priorities for action. Outreach meetings will be completed with stakeholders identified for the project. The plans are expected to be completed in December 2018.

Northfield Water Street Stormwater Mitigation: Staff, Watershed Consulting Associates (WCA), Aldrich & Elliott (A & E), Town of Northfield, and Agency of Natural Resources officials conducted a site visit to discuss design plans and possible permits. WCA and A & E are busy finalizing the plans to move ahead with construction bidding and implementation this summer. The project involves final site design and constructions of a bioretention/infiltration system to capture runoff from 48 acres of residential development. The project will use a Downstream Defender[®], an innovative vortex separator that removes particles, hydrocarbons, and floatable debris.

Forest Integrity: Contact Clare Rock, rock@cvregion.com.

Staff helped create an-online Forest Integrity survey, which was drafted by Dept. of Forest, Parks and Recreation. The survey will gather information from municipalities about what tools they use and what tools would be helpful in their efforts to support forest integrity. During municipal consultations with Barre Town, Plainfield, and Roxbury, staff discussed the Act 171 requirements for inclusion in plan updates. Waterbury requested CVRPC review of its plan for conformance with the new requirements.

Upper Winooski Forest and Flood Resilience Project: The steering committee met to review the draft GIS analysis. It will be used to identify stakeholders who may benefit from direct outreach. The committee also started to review and discuss specific forest stewardship goals which could be promoted and disseminated to forest land owners who are interested in actively stewarding their forests for flood

resilience in addition to other associated benefits (ecological and economical). The committee is seeking a landowner in either Cabot, Plainfield, or Marshfield who is currently managing their land for water quality and forest management.

COMMUNITY DEVELOPMENT

Brownfields: Contact Clare Rock, rock@cvregion.com.

The Brownfields Advisory Committee meet in May and heard a presentation on Ayers Auto, 51 Prospect Street and Keith Ave assessments.

Assessment work is complete for three properties (Whiting, Ayers Auto, and 51 Prospect Street). The draft Corrective Action Plan for the Montpelier Union Elementary School site was released in May. CVRPC and project partners organized a public meeting to review outcomes and solicit comments. The CAP is expected to be finalized in June, with project construction beginning shortly thereafter.

A draft Phase II report was completed for the Bonacorsi property. DEC provided comments. Supplemental Phase II work is completed for the Granite Works property. Staff hosted a meeting with the consultant, DEC, property owner and prospective purchasers to discuss the outcomes of the Phase II and the next steps.

Municipal Assistance: Clare Rock and Eric Vorwald participated in a funders and technical assistance meeting aimed at assisting the Cabot Community Association implement its recently developed economic development strategy. Cabot will be focusing on improvements to its main street environment and encouraging business development.

Staff assisted the East Montpelier Revolving Loan Fund (RLF) Advisory Committee by providing guidance and coaching on the CDBG Closeout Agreement terms and conditions. Staff is assisting the Committee with agreement compliance and development of RLF Policies and Procedures. Staff attended an Advisory Committee meeting and provided sample documents.

NEWS & ANNOUNCEMENTS

Staffing Changes: Senior Planner Eric Vorwald will be leaving CVRPC on June 27. He has accepted the Planning and Zoning Manager position in Winooski. Eric has been a thoughtful addition to the team. His tackled the unfamiliar topic of energy planning with gusto and helped Commissioners and municipalities explore options. His cheerful attitude and humor during discussions on shared services and wind turbine heights made the discussions more enjoyable. We wish him well in his new opportunity.

CVRPC has advertised a Planner/Senior Planner position. During the vacancy, staff may shift duties to assist CVRPC in meeting its commitments. Clare Rock will become the primary land use contact for communities.

Planning Technician Matt Germaine, who has been working in a temporary position since September, accepted a full time position at the Food Bank of Pittsburgh, PA. Matt worked to gather data municipalities could use for local plan updates. The reports provide core data for a variety of community planning purposes, such as plan updates, grant application development, and preparation for Census 2020. Matt's efforts resulted in completed reports for Barre City, Barre Town, Berlin, Duxbury, Fayston, Middlesex, Plainfield, Roxbury, Waterbury, and Woodbury. Matt's quiet presence and dedication to creating attractive visuals from dry statistics will be missed.

CVRPC is pleased to welcome two summer Planning Technicians to its team. Tom Archibald, a graduate of Bucknell University, and Ashlynn Shanahan, a graduate of Green Mountain College. Tom earned a degree in geography with minors in economics and international relations. Ashlynn earned her degree in environmental science. Initially, they will work on road erosion data collection for Woodbury, Fayston, Williamstown and Northfield. Throughout the summer they will complete traffic counts and infrastructure assessments and continue the data report project.

Office: CVRPC is investigating and facilitating changes with some of its office equipment utilization. Nancy Chartrand investigating the term of contract in order to facilitate an appropriate return of our current postage meter in order to engage a more cost effective service. Once complete this change out should realize a savings of over \$650 annually, however, lease term must be met before this can be initiated. In addition, Nancy is engaging a new vendor for our water and water cooler taking advantage of the WB Mason State Contract rather than maintaining with our current vendor. This change should realize an approximate savings of \$350 annually.

Professional Development: Pam DeAndrea, GIS Senior Planner, is assisting the Central Vermont Solid Waste Management District to review applications for its Municipal Services Program grant program.

Three staff participated in VPA's Future of Act 250 Conference at the Vermont Law School. The conference invited developers and planners to focus on challenges and opportunities for improving Act 250, to learn from other states, and to discuss key issues looking to the future of Vermont's signature land development regulation. One presenter suggested Vermont might benefit by restructuring Act 250 into a "conceptual plan" permit. Developers would brief statutory parties using conceptual development plan. The parties and developer would work together to identify and resolve major issues prior to the developer investing in more detailed plans. This approach would create a stronger initial design which theoretically reducing the developer's investment in redesign costs.

Clare Rock learned about Better Blocks at a presentation and tour of the Bethel Revitalization Initiative. Better Blocks uses temporary projects to reshape environments and inspire residents. They engage people by helping them visualize what new sidewalks, restaurants, streetscape, etc. might look like. These temporary installations, known as "pop-ups" use paint, planters, chalk art, and other easy-to-remove materials to reshape areas for one day or one month. Better Blocks uses the concept of "Do"acracy versus Democracy to get things done.

Upcoming Meetings:JUNE

June 8	All Day	VT Downtown & Historic Preservation Conference, Bristol
June 12	7:30 am	Central Vermont Economic Development Corporation Leadership Seminar, Norwich University (RSVP requested to jurat@cvedc.org)
June 12	7 pm	Board of Commissioners, Central VT Chamber of Commerce, Berlin
June 14	4 pm	Clean Water Advisory Committee, CVRPC Office
June 18	4 pm	Brownfields Advisory Committee, CVRPC Office
June 21	7 pm	Mad River Valley Planning District Steering Committee, Waitsfield
June 26	6 pm	Transportation Advisory Committee, Central VT Chamber, Berlin
June 28	4 pm	Project Review Committee, CVRPC Office (if necessary)

JULY

July 2	4 pm	Executive Committee, CVRPC Office (tentative date)
July 4		HOLIDAY – CVRPC Office Closed
July 10	7 pm	Board of Commissioners, Central VT Chamber of Commerce, Berlin
July 16	4 pm	Brownfields Advisory Committee, CVRPC Office
July 16	6 pm	Local Emergency Planning Committee 5, CV Medical Center, Berlin
July 19	7 pm	Mad River Valley Planning District Steering Committee, Waitsfield
July 24	6 pm	Transportation Advisory Committee, Central VT Chamber, Berlin
July 26	4 pm	Project Review Committee, CVRPC Office (if necessary)

Visit CVRPC's web site at www.centralvtplanning.org to view our blog and for the latest planning publications and news.

Central Vermont Regional Planning Commission
Committee & Appointed Representative Reports
June 2018

Meeting minutes for CVRPC Committees are available at www.centralvtplanning.org.

EXECUTIVE COMMITTEE (Monday of week prior to Commission meeting; 4pm)

- Discussed current policy and a process for designating renewable energy generation Preferred Sites; recommended the Board referred the issue to the Regional Plan Committee for policy development.
- Approved 3-year accounting services contract with Nicole Sancibrian, CPA
- Approved 1-year audit services with Batchelder Associates.
- Approved maintaining the Commission's dental insurance benefit for FY19.
- Set FY19 Executive Committee and Board of Commissioner meeting schedule.
- Discussed Committee appointment process for the June Board of Commissioner meeting.
- Approved FY19 activities and measures for 5-year strategic goals.

NOMINATING COMMITTEE (February and March; scheduled by Committee)

Did not meet.

PROJECT REVIEW COMMITTEE (4th Thursday, 4pm)

The Committee discussed "preferred siting" related to renewable energy generation projects. This was an introduction to the topic which is a component of the Public Utility Commission's Net Metering Rules. Future policy related to preferred siting may be established by the Commission. The Committee also discussed the preliminary results of the survey that was conducted to solicit input on Act 250.

REGIONAL PLAN COMMITTEE (as needed; scheduled by Committee)

Did not meet

TOWN PLAN REVIEW COMMITTEE (as needed; scheduled by Committee)

Did not meet.

TRANSPORTATION ADVISORY COMMITTEE (4th Tuesday; 6:30 pm)

- Heard presentation on the status of the Emerald Ash Borer and steps communities can take to prepare.
- Completed the review of proposed changes to the Functional Classification System in Central VT for VTrans. The TAC agreed with twenty-three changes which were provided to VTrans for its consideration.

BROWNFIELDS ADVISORY COMMITTEE (4th Monday, 4pm)

The BAC approved additional contingency funding (\$5,000) for the Woodbury Phase 2 Environmental Site Assessment. Additional funds will ensure adequate funding for any additional meetings or other site work which may be required for the completion of the Phase 2 Report.

The May meeting was the last meeting for Julie Potter, as she has decided to step down. Commission members Don La Haye and Ron Krauth will remain on the Committee. The BAC will be seeking three new Commissioners and one alternate.

Most sites are nearing completion of assessment work, except for Granite Works in Montpelier, Bonacorsi in Barre City and the Woodbury Store. Assessment work on these sites is anticipated to be complete by late summer/early fall.

CLEAN WATER ADVISORY COMMITTEE (2nd Thursday, 4pm)

The Clean Water Advisory Committee, also known as "CWAC", held its first, and very successful, meeting. The Committee has 13 members and two alternates. The CWAC's main task in the coming months will be to provide comments on the Winooski Tactical Basin Plan to the Regional Plan Committee and the Board of Commissioners.

During the first meeting, the Basin Plan was widely discussed. Karen Bates, ANR's Basin Planner, wrote the plan. She answered questions and received comments on the plan. The CWAC also finalized and recommended CWAC Rules of Procedure for Board adoption.

ENERGY ADVISORY COMMITTEE (As needed; scheduled by committee)

Did not meet.

VERMONT ASSOCIATION OF PLANNING & DEVELOPMENT AGENCIES

- Discussed annual retreat; moved date from July to September to reduce lodging expense.
- Discussed annual meeting; will invite ANR Secretary Julie Moore as speaker.
- Heard legislative update. Anticipating level funding for annual ACCD contract and reduced funding for water quality planning and Basin Plan support. Discuss need for project development funding. Discussed DEC relationships, H.559 (basin planning statute fix), S.260, and RPC/Conservation district relationships.
- Discussed Clean Water Block Grant program. ANR will be replacing it with a new block grant program; no details available.
- Discussed Emergency Management Performance Grant (EMPG) program; anticipate level funding for FY19. Working to create more productive quarterly meetings for planners. Discussed SERC/LEPC current events.

VERMONT ECONOMIC PROGRESS COUNCIL

No applications from Central Vermont.

GREEN MOUNTAIN TRANSIT

- Approved a Title VI Plan. Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. The Title VI Plan describes how GMT complies with Civil Rights legislation and principles.
- Approved increasing the combined credit card limit to \$30,000.
- Approved a Capital Budget increase of \$6,250.
- Approve a Security System contract award for the 15 Industrial Parkway property.
- Discussed progress on increasing functionality of Route Match, which is a real-time bus information system. It has been challenged by software glitches and GMT's existing systems. Progress is being made, however, it remains unclear whether the vender can increase functionality to meet the contract's requirements.

MAD RIVER VALLEY PLANNING DISTRICT

The Planning District primarily discussed the Mad River Valley trails project including mapping, signage, and kiosks, and the timeframe for moving forward. The District's Community Planner, Kristine Keeney, submitted her resignation. The District is advertising to fill the position.