

Amendment to Town Plan

Approved by Select Board on 4/11/16

Solar Electricity Generation and Transmission Siting

The term “solar facility” shall have the following meaning: a solar electricity generation and transmission facility with a 150kW(AC) or greater capacity, including all on-site and off-site improvements necessary for the development and operation, and on-going maintenance of the facility.

The Town of Bennington has developed community standards and siting standards for the development of solar facilities for reference and use by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248). These standards are set forth below. In addition, The Bennington Planning Commission, in consultation with the Bennington County Regional Commission, will identify and map those areas of Bennington that are most suitable for solar facility development based on facility siting requirements and municipal energy, conservation and development policies and objectives set forth in the Bennington Town Plan, the Bennington Screening of Solar Facilities Ordinance, and the Bennington Land Use and Development Regulations.

Pursuant to 30 VSA Sec. 248, prior to the construction of a solar facility, the VT Public Service Board (PSB) must issue a Certificate of Public Good. A Section 248 review addresses environmental, economic, and social impacts associated with a particular project, similar to Act 250. In making its determination, the PSB must give due consideration to the recommendations of municipal planning commissions and their respective plan(s). Accordingly, it is appropriate that Bennington’s Town Plan address these land uses and provide guidance to town officials, regulators, and facility developers.

The Town of Bennington may participate in the Public Service Board's review of new and expanded generation facilities to ensure that local energy, resource conservation and development objectives are identified and considered in proposed utility development. This may include joint participation and collaboration with other affected municipalities and the Bennington County Regional Commission for projects that may have significant regional

impact. H.40, passed in 2015 guarantees the host municipality automatic party status in the PSB's permitting process. It is acknowledged that the PSB's prime focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.

The Planning Commission, in consultation with the Bennington Select Board, should develop guidelines to direct local participation in Section 248 proceedings for the review of solar facilities located in Bennington or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.

Community Standards

The following community standards are to be considered in undertaking municipal solar electricity projects and programs, in updating Bennington's Land Use and Development Regulations to address solar facilities subject to local regulation, and in the review of new or upgraded solar facilities by the Town of Bennington and the Public Service Board (Section 248 review).

Plan Conformance: New solar facilities and proposed system upgrades should be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities Integrated Resource Planning (IRP).

Benefits: A demonstrated statewide public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar facilities located within or which may otherwise affect Bennington. Facility development must benefit Town of Bennington and State residents, businesses, and property owners in direct proportion to the impacts of the proposed development.

Impacts: New solar facilities must be evaluated for consistency with community and regional development objectives and shall avoid undue adverse impacts to significant cultural, natural, and scenic resources and aesthetic values identified by the community in the Bennington Town Plan and the Scenic Resources Inventory. When evaluating impacts of a proposed solar facility under the criteria set forth in this Town

Plan, the cumulative impact of existing solar facilities, approved pending solar facilities and the proposed solar facility shall be considered. It is explicitly understood that a proposed solar facility which by itself may not have an adverse impact may be deemed to have an adverse impact when considered in light of the cumulative impacts of the proposed solar facility and existing solar facilities and pending already approved solar facilities.

Decommissioning: All facility certificates shall specify conditions for system abandonment and decommissioning, including required sureties (bonds) for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads and accessory structures, must be removed from the site and safely disposed of in accordance with regulations and best practices current at the time of decommissioning

Solar Facility Siting

Bennington supports responsibly sited and developed solar facilities within its boundaries. It recognizes that financial considerations require projects to be located in close proximity to electric power lines capable of transmitting the load proposed to be generated and easy access from major transportation networks for construction. However, the town desires to maintain the open landscape and scenic views important to Bennington's sense of place, tourism economy and rural cultural aesthetic. Not all solar facilities proposed can meet this standard. Projects must meet the following criteria in order to be supported by this Town Plan:

Siting Requirements: New solar facilities shall be sited in locations that do not adversely impact the community's traditional and planned patterns of growth, of compact (downtown/village) centers surrounded by a rural countryside, including working farms and forest land. Solar facilities shall, therefore, not be sited in locations that adversely impact scenic views, roads or other areas identified in the Scenic Resources Inventory, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Scenic Resource Inventory: views across open fields, especially when those fields form an important foreground; prominent ridgelines or hillsides that can be seen from many public vantage points and thus form a natural backdrop for many landscapes; historic buildings and districts and gateways to historic districts; and, scenes

that include important contrasting elements such as water. The impact on prime and statewide agricultural soils currently in production shall be minimized during project design.

Preferred Areas: The following areas are specifically identified as preferred areas for solar facilities, as they are most likely to meet the siting requirements:

- Roof-mounted systems;
- Systems located in close proximity to existing large scale, commercial or industrial buildings;
- Proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
- Reuse of former brownfields;
- Facilities that are sited in disturbed areas, such as gravel pits, closed landfills, or former quarries;
- Areas specifically identified as suitable for solar facilities on a map approved by the Select Board.

Prohibited (Exclusion) Areas: In addition to those areas that do not meet the siting requirements set forth above, solar facilities shall be excluded from (prohibited within), and shall not be supported by the town, in the following locations:

- Floodways shown on Flood Insurance Rate Maps (FIRMs);
- Fluvial erosion hazard areas as shown in the Town of Bennington Land Use and Development Regulations;
- Class I, II and III wetlands;
- A location that requires fragmentation of Bennington's working landscape, including undeveloped forestland and primary agricultural soils (as defined in Act 250 and as mapped by the U.S. Natural Resource Conservation Service);
- Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
- Ridgelines: Mount Anthony, Whipstock Hill, Bald Mountain (Green Mountains);
- Steep slopes (>25%)
- Surface waters and riparian buffer areas (except for stream crossings);

- Areas specifically identified as unsuitable for solar facilities on a map approved by the Select Board.
- Topography that causes a facility to be visible against the skyline from common vantage points from public and private vantage points such as roads, homes and neighborhoods;
- A site in proximity to and interfering with a significant viewshed identified in the Scenic Resource Inventory;
- A location where a site cannot be screened from the view of neighbors and thus prohibits them from exercising the peaceful enjoyment of their property;
- A site on which a solar facility project can not comply with Bennington's prescribed siting and screening standards, including the screening requirements set forth in Bennington's Screening of Solar Facilities Ordinance;
- A site that causes adverse impacts to historical or cultural resources, including state or federal designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts to historical and cultural resources include:
 - removal or demolition;
 - physical or structural damage, significant visual intrusion, or threat to the use;
 - significant intrusion in a rural historic district or historic landscape with a high degree of integrity;
 - significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - creating a focal point that would disrupt or distract from elements of a historic landscape;
 - a significant intrusion in a rural historic district or historic landscape that has a high degree of integrity;
 - impairing a vista or viewshed from a historic resource that is a significant component of its historic character and history of use;
 - visually overwhelming a historic setting, such as by being dramatically out of scale;
 - isolating a historic resource from its historic setting, or introducing incongruous or incompatible uses, or new visual, audible or atmospheric elements.

Mass and Scale

Except for solar facilities located in preferred areas, solar facilities larger than 10 acres, individually or cumulatively, cannot be adequately screened or mitigated to blend into the municipality's landscape and are, therefore, explicitly prohibited.