

Natural Resources Committee

DRAFT Minutes

Dec 14, 2016

Committee Members: Barrie Bailey, Nick Causton, Colin Davis, Peter Grant, Stan Grzyb, Wendy Sue Harper (Chair), Arabella Holzpfel, Ed Payne, Ron Payne, Paul Wagner, Kent Wright

Present: Barrie Bailey, Nick Causton, Arabella Holzpfel (acting Chair), Ed Payne, Ron Payne, Stan Grzyb, Paul Wagner, Kent Wright

Staff: Kevin Behm

Guest:

Arabella opened the meeting at 6:05. The Nov 9th minutes were moved for approval. (Ed motion, Kent 2nd). Stan abstained and the rest of the members were in favor.

Arabella is Acting Chair in Wendy Sue's absence and reminded the Committee that we would be discussing energy siting maps and the siting guidelines. She asked Kevin to start the discussion where the Committee left off at the end of last month's meeting.

Kevin briefly reviewed Act 174 and the opportunity under the Act for regional and town plans to receive 'substantial deference' in Public Service Board hearings on in-state energy generation if plans had received an affirmative determination of energy compliance from the Department of Public Service. Substantial deference in this context means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.

One element of compliance requires regions/municipalities to identify potential areas for siting renewable energy resources and those areas that are unsuitable. Specific maps and resource data layers (known and possible constraints) for the maps are identified in developing Prime and Secondary Resource maps as required for compliance. A region/municipality may also identify and justify additional map layers. At the last meeting, the Committee began reviewing the State identified Known and Possible resource constraint layers on maps of the region. Ultimately the land area available for renewable energy generation must be enough to satisfy the growth projections of the region/municipality and be 90% renewable by 2050. The Act doesn't place limits on the export of renewable electricity out of state.

Paul and Ed were unconvinced that towns would be able to obtain "substantial deference" under the new PSB rules since under current energy siting regulations municipal zoning regulations have virtually no authority except for screening and even with 'substantial deference' it is unclear whether land use policies will actually be given weight. Barrie was concerned that energy consumption is not being reduced and renewables will not be able to keep up. The focus should also be on reducing consumption to alleviate the siting battles.

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Known constraints, which signals likely, though not absolute, unsuitability for renewable development include Vernal Pools, DEC River Corridors, FEMA Floodways, Natural Communities and Rare, Threatened 7 Endangered, National Wilderness Areas and Significant wetlands. The Committee reviewed the maps and acknowledged that many of the layers were the same or similar to those identified on the Significant Regional Resource Map in the Regional Plan. Adverse impacts to the resources identified in the plan map trigger possible RPC involvement in an Act 250 hearing.

Possible constraints signal conditions that would likely require mitigation and may prove a site to be unsuitable after site-specific study include Agricultural Soils, FEMA Special Flood Hazard Areas, Protected Lands, Act 250 Mitigation Areas, Deer Wintering Areas, ANR Highest Priority Forest Blocks and Hydric Soils. These constraints cover a large portion of the land area of the region. The Regional Plan has agricultural land and contiguous forest block policies as well as wildlife and flood resiliency policies but those policies do not generally rise to the level of a prohibition of development but rather seek to limit poor siting and encourage mitigation through the Act 250 process. Many municipal policies may be more definitive as to whether or not a specific use is allowed or not allowed in a land use district.

Two additional local datasets were briefly introduced; a map layer of shoreline protection that requires a State permit under the Shoreline Protection Act and a regional viewshed layer developed from the views from US 7, State Highways and Class 2 town roads. Viewing points were chosen every 300 meters and a visual prominence map was developed identifying the count of visible 'hits' across the region. These 2 layers will be discussed more at the next meeting. Initial thoughts of the group were that the shoreland layer was already subject to a state permit and if a permit was awarded the likelihood of deference to a regional or municipal policy seemed slight. The viewshed map was impressive however the initial review revealed that prominence was mainly a matter of elevation and local concerns on visibility and aesthetics were not addressed very well.

The Committee adjourned at 6:55.