

April 9, 2019

Report re Proposed
2019 Granville Town Plan

One of the requirements of the town plan adoption process is that the Planning Commission submit a report addressing items in the proposed plan that may significantly differ from an earlier plan.

This report is in accordance with 24 V.S.A. §4384(c) which states: “When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.” (24 V.S.A. §4302 states the general purpose and goals of Chapter 117: Municipal And Regional Planning and Development.)

Furthermore, this report must accompany copies of the proposed plan that are required to be sent to the parties listed in 24 V.S.A. §4302 (e):

(e) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

- (1) the chair of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that municipality;
- (2) the executive director of the regional planning commission of the area in which the municipality is located;
- (3) the Department of Housing and Community Development within the Agency of Commerce and Community Development; and
- (4) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.

The Granville Planning Commission has spent the last several years drafting a new Town Plan to replace the current Town Plan that expires in June 2019. Although the proposed Granville Town Plan does not suggest changing any boundaries or land use designations, there are some significant changes related to the state’s Act 174 and Act 171. These changes are outlined below.

Act 174 is a recent act relating to Vermont's Comprehensive Energy Plan (CEP) aimed at achieving 90% of Vermont's total energy needs from renewable sources by 2050. Vermont has experienced the growth in renewable energy generation as one of the state's largest new land uses, and therefore the need for integration of energy planning with land use planning has grown. In 2016, Act 174 established a paradigm of "enhanced energy planning" comprising a new set of municipal and regional energy planning standards. Act 174 expands the basic requirements for regional energy planning, but its primary thrust is voluntary: municipal plans that meet the "enhanced" standards as prescribed by the Act will receive "substantial deference" before the Public Service Board with respect to both land conservation measures and specific policies included in their plans, when the state adjudicating body considers the orderly development criterion. Municipalities that do not have enhanced plans will continue to receive "due consideration" of their plans.

As the Granville Planning Commission stated in its 2017 Annual Report:

"Act 174, which instituted the above-mentioned determination, claims to offer towns achieving this status 'more say' in the Public Service Board process that regulates *commercial* renewable energy projects. (Neither Act 174 nor the Public Service Board regulates *private* renewable energy projects.)

Act 174 defines 'more say' as "substantial deference," stating that "a Plan's 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.*"

If a town does not have a certified Plan, previously established guidelines of Section 248 of the DPS/PSB will apply, and a Town Plan will receive "due consideration" of its land conservation measures and policies. But, as with "substantial deference," this rule also allows a Town Plan's land conservation measures and policies to be "*overcome by good cause to find otherwise.*"

We have concluded that, since there is no appreciable difference between the Act's proposed "substantial deference" and "due consideration," there is virtually no incentive to tackle the extremely complicated task of amending the Plan to achieve certification."

Furthermore, and perhaps more importantly, one of the requirements for potential certification is that the Town Plan very specifically identifies “good sites” for commercial energy projects. That is, relating to the Regional Commission’s stated “targets” for new renewable energy production necessary to achieve the above-mentioned CEP goal, Granville would need to identify specific sites for production of 1MW of solar energy and .13MW of wind energy. The Regional Commission states “The rule of thumb is that it takes roughly 9 acres for 1MW of [solar] generation,” and further states, “Given that siting decisions depend on the independent actions of developers and landowners, plans are expected to show that potential sites significantly exceed the required area to meet state goals.”

The need to reduce fossil fuel consumption is undeniable; and the proposed new town plan stresses conservation of energy by reduced usage as a key approach to reducing fossil fuel consumption. The draft plan states, “All Granville residents should be aware of wasteful energy behaviors and strive to change them to more conservative ones,” and provides examples of same, as well as addressing a number of ways to enhance energy efficiency. In addition, among the plan’s energy Goals are: 5. To encourage *private* renewable energy generation projects; and 6. To support carefully monitored development of *commercial* renewable energy generation facilities in the Town of Granville.

Rather than seeking energy compliance certification, the proposed 2019 Granville Town Plan includes comprehensive and very specific commercial renewable energy policies intended to protect Granville from any proposed commercial renewable energy projects that would detrimentally alter the long-valued rural, aesthetic nature of our town.

The other issue addressed by the proposed new Town Plan is embodied in Act 171 - Land Use Planning to Address Forest Fragmentation. Beginning in 2018, Vermont’s Act 171 requires that municipalities and regions that are updating their municipal and regional plans identify areas that are important as “forest blocks” and “habitat connectors” and plan for development in those areas to minimize forest fragmentation.

While the drafted plan does not propose any alterations of designated land use areas, it does identify important forest blocks and addresses the need to protect them as well as the need of habitat connectors; and, to such ends, it

incorporate new Goals, Policies, and Recommendations that satisfy Act 171 requirements.

Finally, in the Flood Resilience and Hazard Mitigation section of the proposed plan, we have added numerous Goals, Policies, and Recommendations suggested by the Regional Commission.

We believe the 2019 Town Plan as drafted is consistent with §4302, the Two Rivers-Ottawquechee Regional Plan and contains the required elements outlined in statute.

Granville Planning Commission
Judy Wood, Chair
Bill Cavanaugh
Rachel Grigorian