

Preferred Site Letter Policy

Mount Ascutney Regional Commission (the “Commission”) has received numerous requests for solar project preferred site designations over the past few years. To document and clarify the process to handle future requests for preferred site letters in accordance with [Vermont Public Utility Commission Rule 5.100](#), the Commission establishes the following policy.

A summary of state preferred sites as defined in Public Utility Commission Rule 5.103 include:

- Rooftops of new or existing buildings
- Parking lot canopy
- Previously developed tract (structure or impervious surface)
- Agency of Natural Resources-certified brownfields sites
- Agency of Natural Resources-certified sanitary landfill
- Lawful and reclaimed gravel pit, quarry or similar mineral resource extraction site
- A specific location identified in a duly adopted municipal plan or a specific location that is identified in a joint letter of support
- A site listed on the National Priorities List (NPL), i.e. “superfund” sites
- 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.

Review Process

For all preferred site letter requests, the Commission will utilize the following review process:

1. The Commission will prepare a draft preferred site letter from MARC for consideration by the Permit Review Committee. Commission staff will inform local officials (e.g. zoning administrator, town manager or town administrator, planning commission chair, and/or the selectboard chair) about the draft letter and the upcoming meetings scheduled to discuss it.
2. Commission staff will help to schedule a Project Review Committee meeting to review the proposal:
 - a. Invite the project’s developer to present the project and answer questions.
 - b. Provide Committee members with available project details and inquire if a site visit is warranted. Schedule a site visit before the meeting, if warranted.
 - c. Hold a Project Review Committee meeting and ask the developer and/or property owner to present the project and answer questions.

- d. The Committee will prepare a written recommendation for the MARC Board of Commissioners on whether to approve a preferred site letter based on the following criteria and policies in the Regional Plan, as most recently amended. (See the checklist below.)
3. Commission staff will add the preferred site letter request to the agenda of the next regular MARC Board of Commissioners meeting:
 - a. Agenda packet enclosures to include project details, recommendation from the Permit Review Committee, and a draft preferred site letter.
 - b. Invite abutters if contact information is known.
 - c. Project Review Committee will report and make a recommendation for action.
 - d. Action will be needed to issue or deny a preferred site letter.
 - e. A copy will be sent to the developer and municipality (Zoning Administrator, Town Manager/Administrator, Planning Commission chair and Selectboard chair)
4. Maintain documentation in our Section 248 files.

MARC Preferred Site Criteria

- Is it within a mile of phase 3 power?
- Where is the interconnection location?
- What alternative designs/layouts have been considered? What makes the other alternatives infeasible? Ground-mounted solar projects of 150kW and greater must demonstrate that the proposed project siting is appropriate in scale as it relates to the character of the area in which it is to be located, and that all reasonable options have been considered in siting the facility.

Does the project avoid “known constraints” as identified in the Regional Plan?

- Vernal pools with a surrounding 50-foot buffer.
- DEC river corridors.
- FEMA floodways.
- State significant natural communities and rare, threatened, and endangered species.
- National wilderness areas; and,
- Class 1 and Class 2 wetlands.

Does the project avoid undue adverse impacts on “potential constraints”?

- Agricultural soils (NRCS-mapped prime agricultural soils, soils of statewide importance or soils of local importance).
- Act 250 agricultural soil mitigation areas.
- FEMA special flood hazard areas (floodplain).
- Protected lands (state fee lands and private conservation lands).

- Deer wintering areas.
- ANR conservation design highest priority forest blocks.
- Hydric soils.

Is the project consistent with other relevant policies in the Regional Plan?

- Aesthetic Impacts, Landscaping Plan: All ground-mounted solar projects of 150 kW or greater that are within view of major roadways (i.e. interstate highways, state highways, US routes, and Class 1 and Class 2 town highways) must provide adequate landscaping in order to appropriately screen the project from the view of the traveling public.
- Forest Fragmentation (i.e. avoid known constraints, avoid undue adverse impacts on potential constraints)
- Impact to growth patterns: is the project consistent with the future land use categories and map?

Adopted December 6, 2021