

Town of Shaftsbury, Vermont
Ordinance for Solar Facilities

(A) Purpose.

In accordance with 24 V.S.A Sec. 2291, this Civil Ordinance sets forth screening requirements for ground-mounted solar electric generation facilities in excess of 60kw (AC), including, but not limited to, solar panels, transformers, utility poles, fencing, etc. This ordinance is intended to ensure that solar facilities do not degrade the natural visual appeal of Shaftsbury's hillsides, ridgelines, or open fields. This ordinance is designed to further ensure that solar facilities do not encroach visually upon a natural or historic area, a gateway, a stream, a wetland or other water resource. The aesthetics of any solar project shall not offend the sensibilities of the average Shaftsbury resident.

(B) Screening Requirements.

(1) All solar facilities with a production capacity in excess of 60kw (AC) shall be screened following the requirements outlined in this ordinance. The Town of Shaftsbury select board shall determine screening requirements and associated site issues for each above-mentioned solar facility based on the standards in this ordinance. The Select Board may request recommendations from the town of Shaftsbury Planning Commission or any other boards or advisory groups appointed by the Select Board.

(2) Screening shall provide a year-round visual screen and shall occur on property owned or controlled by the owner and/or operator of the solar facility. A range of materials should be used to create a diverse, naturalized screen rather than a large expanse of uninterrupted uniform material. Materials may include trees and shrubs indigenous to the area, berms, stone walls, fences, or a combination thereof to screen the site.

(3) All screening shall be maintained to optimize screening at all times by the solar facility's owner and/or operator until the solar facility is decommissioned and removed. Plantings that die or become diseased shall be replaced within six months of dying or becoming diseased.

(4) Setbacks required for ground-mounted solar facilities shall be consistent with all existing district requirements.

(5) In invoking the Quechee test for aesthetics, and the potential need for visual mitigation, a five-person panel shall be convened by the Select Board. This panel will comprise one person from each of the following committees: the Recreation Committee, the Development Review Board, the Economic Development Committee, the Trustees of Public Funds, and a Justice of the Peace. Each group shall select one of its own members to serve on the five-person panel. This panel will serve as the voice of the "average person." The five-person panel shall render an opinion to the PUC on the adequacy of the proposed screening no later than ninety days from the date of the panel having been convened by the Select Board.

(C) Recommendations to the Public Utilities Commission.

In accordance with 24 V.S.A Sec. 2291, The Town of Shaftsbury shall make recommendations to the Public Utilities Commission applying the ordinance's requirements to a proposed solar facility. The Select Board is designated to make such recommendations.

(D) Condition of certificate of public good

Pursuant to 24 V.S.A Sec. 2291, the screening requirements of this ordinance and the recommendations of the Town of Shaftsbury shall be a condition of a certificate of public good issued under 30 V.S.A Sec. 248 for a solar facility in Shaftsbury.