

8.5.5 Siting of Energy and Communication Facilities: Community Standards

The siting of facilities has become controversial statewide, not only for wind turbines, but also for solar farms and cell towers. As stated above, the 2012 Fayston Town Survey indicated that those who answered the questions about renewable energy and communication facilities are in favor of promoting these facilities, but are concerned about scale and location. Large commercial scale wind farms over one megawatt shall not be constructed in all of Fayston, and the regulations need to be revised accordingly. Large scale (utility-scale, on the ground) solar farms shall not be constructed in the Forest District and Soil and Water Conservation District, where the Town's highest elevation lands are located and where development is limited; the regulations need to be revised accordingly.

8.5.5.1 Environmental Protection

Because of the likelihood of undue adverse environmental impacts to higher elevation lands, all new energy and telecommunication facilities—including residential wind towers, transmission and distribution lines, accessory structures and access roads shall not be constructed above 2,500 feet elevation. Only forestry, outdoor recreation, ski area operations and ponds are allowed above this elevation. Any energy or telecommunication development under 2,500 feet shall not result in undue adverse impacts to surface waters, ground water and mapped source protection areas, core forest areas (see Map 5 in Appendix A of this Plan), and core wildlife habitat and travel corridors (see Map 5 in Chapter 3 of this Plan). Fayston is a rural town, and development, such as agriculture, forestry, low density residential and other limited uses, must be consistent with the rural character of the area. Development shall be sited to avoid or otherwise minimize encroachment and mitigate any adverse impacts. Facilities located above 1,700 feet shall be attached to existing structures. Onsite mitigation – e.g., through facility clustering, relocation, buffering and permanent conservation easements – must be considered. Off-site mitigation measures shall be required where on-site mitigation is not physically feasible. Free-standing facilities shall be located along field edges and along existing tree lines or otherwise disturbed forestland, to avoid fragmentation of and minimize impacts to agricultural land, open fields, productive timber stands and critical forest habitat. Any development must minimize the clearing of natural vegetation.

With the exception of transmission and distribution lines, new energy and telecommunication facilities that are not attached to existing or permitted structures shall not be located in:

- Special Flood Hazard Areas (SFHAs), including floodways and floodway fringes identified on Flood Insurance Rate Maps (FIRMs) for the town. Any allowed facility located within these areas must meet minimum National Flood Insurance Program (NFIP) requirements, as reviewed and permitted by the municipality or the state.
- Very steep slopes, with natural (pre-development) grades in excess of 25%: for example, 25 feet rise over a distance (run) of 100 feet, 50 feet rise over a run of 200 feet, etc.
- Publicly-owned conserved land, including Camels Hump State Park, the Phenn Basin parcel, Howe Block State Forest, the Huntington Gap Wildlife Management Area, and the Chase Brook parcel owned by the Town (see Map 7 in Chapter 5 of this Plan);

8.5.5.2 Important Scenic Resource Protection

Visual impacts of new and upgraded telecommunication and energy facilities must also be minimized. The documented rural and scenic character of the following areas in the Town of Fayston need to be preserved (documented in two studies—Mad River Scenic Byway Corridor Extension 2007, a National Scenic Byway, and the Mad River Valley Rural Resource Protection Plan 1988):

- The following popular vantage points for views: Bragg Hill, Knoll Farm, Center Fayston Road, Mad River Glen, Burnt Rock, and top of Appalachian Gap (See Map 11); vantage points are areas which provide critical viewing access, where it is important to keep the view open—the vantage point is also a critical aspect of the view, and in this sense are also focal points;
- Bragg hill and Knoll Farm have been identified as critical high meadows in the Mad River Valley Rural Resource Protection Plan; the view of these should be maintained; and
- Other scenic resources, as indicated on Map 11: foreground of views (indicated by the polygons), showing direction of view; the foreground of a view is generally composed of open lands which are framed by woodland, stonewalls, or hedgerows, and is critical because it is the window to a larger view, and should be protected from degradation by development.

New facilities sited within or as viewed from these areas shall not create a significant physical, visual, or audible incongruous or incompatible intrusion into these areas. New facilities, including generation facilities greater than 20 kW, substations and transmission lines, shall not be constructed within or as viewed from these areas unless associated impacts can be avoided, for example through facility siting, screening or line burial.

When feasible, solar arrays should be sited outside of or at the edge of scenic views, conforming to setback requirements; they must also be screened from view through the use of existing topography, structures, or vegetation that does not block the distant views.

Telecommunication and energy facilities, including wind systems and solar photovoltaic (PV) or thermal panels, that are located in the town's two designated historic districts (the McLaughlin/Knoll Farm District and the Mad River Glen Ski Area), or on properties with federal or state-listed historic structures, are to be sited in accordance with current Secretary of the Interior's Standards for Rehabilitation.

8.5.5.3 Review of Facilities

Most telecommunication and energy facilities, including small facilities connected to the power grid, are regulated by the Vermont Public Service Board (PSB) rather than the Town. The Town of Fayston requests that the PSB require, for their review of all energy and telecommunication facilities within the Town, the developer to provide the following:

- A wildlife habitat assessment, including but not limited to assessment of impact to migratory, resident and breeding avian and bat populations
- A rare species assessment; and mitigation plans (if necessary)
- A visual impact assessment, including pre- and post-construction photo simulations of the project as seen during the day and at night
- Alternative sites analysis.
- Adequate financial surety, either in cash or letter of credit, to repair damage to local roads and to stabilize the entire construction site during and following construction of the project. The financial surety should be available to the municipality in the event that the municipality is forced to conduct work to secure the stability of the soil and vegetation on the site, including the access road, after construction is completed.
- Sufficient decommissioning funds, kept in an escrow account associated with the property that is separate from the developer's general accounts, so that the site will be restored to natural conditions if the project is not repowered at the end of its useful life.
- A contingency plan that outlines mitigation action, in the event of unforeseen and unacceptable negative impacts from the completed project.

- Financial assistance to the Town to pay for the hiring of qualified engineering, environmental, and legal consultants to assist the Town in reviewing the application and establishing local revenue agreements.

Individual wind systems with blades less than 20 feet in diameter and those not connected to the grid are not regulated unless a town specifically addresses them in their zoning bylaws; Fayston does not currently regulate these structures. Rural areas with low density residential development or working agricultural landscapes are considered the most appropriate places to locate individual wind systems.

A small net-metered or off-grid renewable energy facility, including solar, wind or a combined system intended solely to serve an individual residence or business, will be considered an accessory structure allowed in all zoning districts in which structures are allowed. Individual energy systems must be designed so that they are not located as a focal point in one of the scenic areas identified in this plan. The permitting of these facilities shall be reviewed under the conditional use review process with additional safeguards specified in the Land Use Regulations. At a minimum, the additional safeguards shall regulate setbacks which accommodate a fall zone, operational noise levels, and lighting.