

TOWN OF BENNINGTON, VERMONT

ARTICLE 29. SCREENING OF 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 15kW(AC) (solar facilities) located in the Town of Bennington. This Ordinance is intended to further the goal of preserving the scenic quality of Bennington consistent with the guidelines set forth in the report entitled "Town of Bennington Scenic Resource Inventory," dated December 2004 and with the goals and policies of the then current Bennington Town Plan. This Ordinance is further intended to ensure that solar facilities do not degrade the natural visual appeal of hillsides, ridgelines, or open fields, and do not encroach visually or otherwise aesthetically upon a natural or historic area or gateway or upon a stream, wetland, or other water resource.

(B) Screening Requirements.

1. All solar facilities shall be screened in accordance with the screening requirements set forth in this Ordinance. The screening requirements: a) are consistent with the screening requirements applied to commercial development in all zoning districts as set forth in the Town of Bennington Land Use and Development Regulations; and b) articulate reasonable aesthetic mitigation measures to harmonize a solar facility with its surroundings.
2. All solar facilities shall be sited and screened so that visual impacts of such facilities, including but not limited to, solar panels, transformers, utility poles, fencing, etc., are mitigated as viewed from public streets and thoroughfares, scenic viewpoints, and/or adjacent properties. The Town of Bennington Select Board shall determine screening requirements and associated site issues for each solar facility based upon the standards in this Ordinance. The Select Board may request recommendations from the Town of Bennington Planning Commission, or by other boards or advisory groups appointed by the Select Board.
3. 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 diversity of materials shall 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, and berms, or a combination thereof, to achieve the objective of screening the site.

4. All screening shall be maintained to optimize screening at all times by the owner and/or operator of the solar facility 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.

(C) Recommendations to the Public Service Board. Pursuant to 24 V.S.A. Sec. 2291, the Town of Bennington may make recommendations to the Public Service Board applying the requirements of this Ordinance 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 Bennington shall be a condition of a certificate of public good issued under 30 V.S.A. Sec. 248 for a solar facility in Bennington.

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Bennington this _____ day of _____, 2015 and shall, unless a petition is filed as provided by law, become effective upon the expiration of 60 days after said date.

Select Board
Town of Bennington, Vermont

Sharyn L. Brush

Donald A. Campbell

Jim Carroll

Justin J. Corcoran

Thomas H. Jacobs

Michael A. Keane

John C. McFadden