

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Application of MHG Solar LLC for a certificate)
of public good, pursuant to 30 V.S.A. §§ 8010)
and 248, to install and operate a 500 kW group)
net-metered solar electric generation facility) Case No. 20-____-NMP
located off Richville Road in Manchester,)
Vermont, to be known as the “Richville Road)
Solar Project”)

MHG SOLAR LLC’S RESPONSE TO COMMENTS RECEIVED

In response to the 45-day letter sent out by MHG Solar LLC (“MHG”) on November 22, 2019 for the Richville Road Project (“Project”), MHG received email comments from the Agency of Natural Resources (“ANR”) on December 17, 2019. Additionally, MHG received two comments by email as well as verbal comments at the Manchester Selectboard Meetings held on November 26, 2019, January 23, 2020, and March 10, 2020 and the Manchester Planning Commission meetings held on December 9, 2019, January 13, 2020, and February 10, 2020. The meetings were to discuss granting “Preferred Site” status to the Project site. These comments and MHG’s responses are summarized below.

ANR Comments

1. **ANR Comment #1:** ANR noted that the Project is in zone 2 of a groundwater source protection area (“SPA”) for two wells of the Manchester Water Department, a public community water system. Since groundwater SPAs are areas through which contaminants released to the land surface or subsurface would be reasonably likely to move toward, and reach, a drinking water source, it recommended that MHG (a) identify the SPA on the site plan and (b) address the Project’s potential impacts on public water sources in prefiled testimony; and use non-toxic coolant in pole-mounted transformers. Additionally, ANR alerted MHG to its likely request for the following CPG conditions:

The CPG Holder shall seek approval from the Vermont Drinking Water and Groundwater Protection Division for any changes in Project design related to any transformers or ground-mounted structures storing toxic substances prior to the installation of the design changes.

If a release of any toxic substance occurs within the source protection area, the CPG Holder or their representative shall immediately contact the Vermont Department of Environmental Conservation’s Spills Program and the public water system operator. The CPG Holder shall provide all contractors for the Project instructions for reporting a release which includes emergency contact information and shall require the instructions be readily available onsite at all times.

MHG Response: MHG has identified the SPA on the site plan as requested (*Exhibit MHG-TH-2*) and agreed to and included the above CPG conditions in the proposed CPG. MHG will be using pole-mounted transformers and non-toxic coolant therein. *Exhibit*

MHG-MLS-1. Finally, MHG Solar addresses the Project's potential impacts on public water sources in the Natural Resources Memorandum. *Exhibit MHG-MLS-1.*

2. **ANR Comment #2:** ANR requested that the application include a plan with a clear depiction of: (a) the proposed area of construction and construction-related earth disturbance resulting from the Project; and (b) all existing impervious surfaces and proposed new/expanded and redeveloped impervious surfaces resulting from the Project. Additionally, ANR requested that the application state whether a Construction Stormwater Discharge Permit and/or Operational Stormwater Discharge Permit will be required.

MHG Response: The site plan includes a clear depiction of the proposed area of construction and construction-related earth disturbance resulting from the Project. No existing impervious surfaces are located within the Project site and all new impervious surfaces resulting from the Project are set forth on the site plan. *See Exhibit MHG-TH-2.* As stated in Chris Ponessi's prefiled testimony, MHG will apply for a Construction Stormwater Discharge Permit prior to commencement of construction. *Ponessi PFT at 5.*

3. **ANR Comment #3:** ANR noted that the Project occurs in the Special Flood Hazard Area and ANR-designated river corridor requiring compliance with the Vermont Flood Hazard Area and River Corridor Rule.

MHG Response: MHG reached out to the Regional Floodplain Manager and reviewed the elevations of the flood waters. Using this information MHG determined the base flood elevation ranges are between 2-3 feet. In order to ensure that the panels will be at least one foot above the flood level, all racking is set for the base of the panels to be 4 feet above the ground. *See MHG-TH-2.*

4. **ANR Comment #4:** ANR noted that the proposed perimeter fence is placed on the boundary of the Class II wetland buffer zone and recommended MHG move the fence east, away from the buffer zone, to allow for vegetation management around the fence (suggesting an area of 10 feet wide on either side of the fence). Additionally, ANR alerted MHG to its likely request for the following CPG condition:

Prior to site preparation and construction, maintenance involving earth disturbance or vegetation clearing, and decommissioning, the CPG Holder shall install a continuous line of visible flagging tape along the boundary of the buffer zone for the Class II wetland located west of the Project and shown in the approved site plan.

MHG Response: MHG adjusted the proposed fenceline so that there is a 4-foot buffer between the fence and the Class II wetland buffer zone which will allow ample room for vegetation management. *Exhibit MHG-TH-2.* MHG agrees to and has included the above condition in the proposed CPG.

5. **ANR Comment #5:** ANR noted that the Project occurs in an area that a wood turtle, a species designated as rare and of greatest conservation need in the *Vermont Wildlife Action Plan*, may use for foraging. ANR requested MHG install perimeter fencing either (a) to exclude wood turtles (have a small mesh size—2 inches by 2 inches or smaller—extending 8

inches above ground level and be buried to a depth of 4 inches) and limit vegetation management outside the fence on the western and northern sides of the Project to the period after October 15 and before March 15; or (b) that is permeable to wood turtles (a minimum mesh size of 6 inches by 6 inches) and limit vegetation management, inside and outside the fence, to the period after October 15 and before March 15.

MHG Response: If MHG determines to use a fence instead of a solar scrim, it will use a fence that is permeable to wood turtles (mesh size of 7 inches by 12 inches at the bottom) and limit vegetation management inside and outside the fence to after October 15 and before March 15. *See Exhibit MHG-TH-3* (7"x12" mesh size will be at bottom of fence).

Public Comments

1. **Email Comments:** A resident located across the street from the Project parcel asked whether there were any benefits “powerwise” for those who would be impacted visually by the Project. A renter of an adjoining property is considering purchasing the property and asked questions concerning whether the Project was already approved, the Project’s effect on depreciating the value of the property and impacts for future sale, how the Project is addressing potential flooding, and whether neighbors to the Project will receive a direct benefit from the solar energy generated by the Project.

MHG Response: MHG will install visual screening for the Project to minimize impact to neighbors. Local Project benefits include increased tax revenues and more solar power on the electric grid but are not limited to neighboring properties. The Project will have no impact on flooding, as reflected in the testimony of Chris Ponessi at 4-5. Finally, while MHG does not believe that the Project will impact property values, it also understands that this issue is beyond the purview of the Public Utility Commission.

2. **Comments from Manchester Selectboard Meetings¹ and Planning Commission Meetings²:** The following issues were raised at the public meetings during which the Selectboard and the Planning Commission ultimately granted “Preferred Site” status to the Project:
 - a. Visual impacts, including the view from Richville Road to Mt. Equinox, and impacts on the value of neighboring properties to the Project site;

¹ Transcripts available at:

11/26/2019: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/selectboard/2019-11-26>;
1/23/2020: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/selectboard/2020-01-23>;
and
3/10/2020: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/selectboard/2020-03-10>.

² Transcripts available at:

12/9/2019: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/planning-commission/2019-12-09>; and
1/13/2020: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/planning-commission/2020-01-13>; and
2/10/2020: <https://sites.google.com/a/manchester-vt.gov/board-and-commission-minutes/planning-commission/2020-02-10>.

- b. The height of the Project and the draft Manchester Energy Plan's screening requirements as well as adjustments to the requirements to maintain the view to Mt. Equinox;
- c. The use of an alternative site -- the "Hayes" gravel pit;
- d. The effect of the Project on wetlands;
- e. The effect of the Project on flooding and ice jams; and
- f. Explanation of who would benefit from the Project's power generation.

MHG Response:

- a. MHG will install visual screening for the Project to minimize impact to neighbors. The screening will be in accordance with the draft Manchester Energy Plan's screening requirements with an adjustment, as requested by the Town, so that the view to Mt. Equinox is preserved. The height of Project equipment will not exceed 9.5 feet. Finally, while MHG does not believe that the Project will impact property values, it also understands that this issue is beyond the purview of the Public Utility Commission.
- b. See a. above.
- c. The Hayes gravel pit is not owned or controlled by MHG Solar. In addition, the property owners of the "Hayes" gravel pit were not interested in the Project.
- d. The Project has been sited to avoid Class II Wetlands and related 50-foot buffers; it is not anticipated that the Project will have an effect on wetlands.
- e. At the town meeting, Regional Floodplain Manager John Broker-Campbell's assessment of the proposed facility was reviewed and it was determined that the Project is allowable under floodplain regulations and that the U.S. Army Corps of Engineers database does not show an ice jam history for the site. The Project's electrical infrastructure will be located at least one foot higher than the base flood elevation.
- f. Local Project benefits include increased property tax revenues and more solar power on the electric grid but are not limited to neighboring properties.

MHG received no other formal comments from any other party during the comment period.