

From: [Martha Staskus](#)
To: [McNeill, Karin](#); [Kathan, Kasey](#)
Cc: [Buckley, Courtney](#); [Chalmers, Rebecca](#); [Leslie Cadwell](#)
Subject: Re: ANR response to 20-3715-AN Putney Green Acres Solar LLC
Date: Monday, January 25, 2021 2:56:36 PM
Attachments: [WH600 2020.12.03 Certification as Preferred Site \(1\).pdf](#)

Thank you Karin,

Here is communication from Waste Management and Prevention Division. Our contact there is Kasey Kathan, and added to this email.

Regards, Martha

On Mon, Jan 25, 2021 at 2:19 PM McNeill, Karin <Karin.McNeill@vermont.gov> wrote:
Hello Martha,

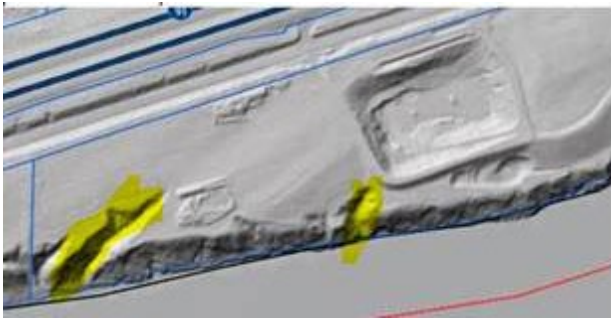
The Agency of Natural Resources' (ANR) has the following comments in response to the Notice. I am waiting for a response from ANR's Waste Management Division. I'll let you know if I hear of any other concerns as I am notified. Upon receipt of the application, the ANR will conduct a full review of the Project and may require modified or additional conditions. Please indicate if/how the proposed activities or designs have changed since the Notice. You are welcome to contact me with any questions.

Criterion 1E Streams

Connecticut River riparian zone ("RZ") needs to be delineated in the field, measured 100-feet from top-of-bank/slope or from a contiguous wetland edge. A confirming site visit may be required. **On site plans, mark the top-of-bank/slope or wetland edge, and RZ boundary. On site plans indicate where any Project activities occur within 100 feet of the RZ, that visible flagging would be installed prior to construction. In the application explain that all activities for the Project occur outside the RZ including future mowing and other vegetation management.** Under Criterion 1E, the Agency reviews projects for conformance with the Agency's [Guidance for Agency Act 250 and Section 248 Comments Regarding Riparian Buffers](#) ("Guidance"). Undisturbed, naturally vegetated RZs preserve water quality and aquatic and terrestrial habitat.

Criterion 1G Wetlands

The Wetlands Program desktop review identifies potential wet areas in/near the steep ravines or swales along the river. These areas are marked below in yellow. **Wetlands must be assessed in the field with a qualified consultant.** Under Criterion 1G, the ANR reviews projects for conformance with the [Vermont Wetland Rules](#). The Project must avoid impacts to Class II wetlands and 50-foot wetlands buffer zone, or the Applicant must obtain and comply with the provisions of a Vermont Wetlands Permit for any activity that is not an Allowed Use designated in Section 6 of the VWR.



General Comments

Conduct a field assessment and in the application materials show evidence of avoidance or minimized impacts under all **10 V.S.A. § 6086** environmental criteria. On application site plans, indicate all jurisdictional natural resource boundaries.

Thank you,

Karin



Karin McNeill | Regulatory Policy Analyst | she/her

Vermont Agency of Natural Resources

Office of Planning

802-505-0396 karin.mcneill@vermont.gov

anr.vermont.gov/planning/planning

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Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| phone: 802-359-7416
| email: staskus@norwichsolar.com
| site: norwichsolar.com
| address: 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



Please #WearAMask. Keep our community safe from the spread of COVID-19.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/i-wear-a-mask-because.html>

From: [Martha Staskus](#)
To: [Steve Hannan](#)
Cc: judith.whitney@vermont.gov; [James Fountain](#); [Jeffrey Castle](#); [Debra-Ann Bocash](#); ludwig.pulaski@vermont.gov; [Fitzgerald, Mark](#); [Clithero, Toni](#); [Thomas Moore](#); [Peter Van Oot](#); [Leslie Cadwell](#)
Subject: Re: NECR - PUC Net- Metering Application 20-3715-AN – Putney Green Acres Solar LLC at Putney, VT, - OBJECTION - Putney, Windham County, VT - Palmer Sub MP 131.28
Date: Monday, January 25, 2021 2:48:56 PM
Attachments: [image001.png](#)
[image004.png](#)
[image.png](#)
[20210125 Putney Environmental review pp.6 11 - Red boxes.pdf](#)

Dear Mr. Hannan,

The project is in receipt of your comments. Thank you for taking the time to participate in the Vermont Public Utility Commission review process.

As an adjoining property owner, and therefore participant in State permitting activities at this parcel, NECR has been and is aware of the numerous ACT 250 permits / amendments filed dating back just shy of forty years that demonstrate use of the site, including access across the rail road tracks. Act 250 Criteria 5, Transportation is part of these applications as well as notification to adjacent property owners. Please see the attached Act 250 notice, specifically citing the Notice of the Application and Hearing as well as extended use of the railroad road for access to the parcel. "k. The crossing is property signed with rail crossing warning signs and there have been no problems associated with the use of this crossing in the past ten years."

With respect to deed references, we recommend NECR review the numerous deeds going back as far as 1946 where repeated reference is made: (at the end of the property metes and bounds description).

"**Reservation is hereby made** of all spring and water rights now owned by George F Whitney and sister Ida Whitney. Also rights of way owned by the New England Telephone and Telegraph Company, and by the Fall Mountain Power Line Company, and **rights of way on lands owned by the Vermont Valley Railroad**, and lands owned by the public in said highway."

Lastly, to the current state of operations on this track, **AMTRAK** train service has been suspended since March 26, 2020, and continues to be the same as of Amtrak's last website update December 3, 2020. While we certainly wish to see the service return, your statement on frequency of service is inaccurate.

The Project complete Application is scheduled for submission to the Public Utility Commission later this week. Once deemed complete by the PUC, a full hard copy of the application will be provided to the listed railroad address. We look forward to continued communication with you and your staff once the project is permitted, coordinating with the railroad scheduling for the short period and safe installation of the array.

Regards, Martha



On Fri, Jan 8, 2021 at 10:37 AM Steve Hannan <steve.hannan@wrr.com> wrote:

Dear Ms. Staskas:

Please note that Genesee & Wyoming Railroad Services, Inc. is an affiliate of New England Central Railroad, Inc. (NECR), and that this letter is sent on its behalf. Per our January 5, 2021 phone conversation, it has come to the attention of NECR and CV Properties Incorporated (CVP – owner of railroad corridor) that Putney Green Acres Solar LLC (You) proposes to use an undocumented private farm crossing in Putney, Windham County, VT that extends over NECR / CVP's operating railroad corridor, with a parallel access drive extending 1,300 feet north, straddling the railroad corridor and I-91 property to River Road. (see attached exhibits)

Please understand that the operating railroad corridor typically has six (6) trains a day – two (2) Amtrak trains travelling at speeds of up to 70 MPH and four (4) freight trains travelling at speeds of up to 40 MPH.

Per our prior conversation on January 5, 2021 and e-mail communication on September 3, 2020, after a thorough review of its files, NECR has no record that a crossing was established at this location for private use by You or any other party.

If You have documentation supporting the position that You have rights granted to cross the CVP / NECR corridor, please provide a copy of such document(s) to my attention ASAP.

If we do not receive any documentation from You supporting your use of the crossing within thirty (30) days of receipt of this letter, NECR will then assume that no such documentation exists and take whatever measures may be required to ensure the future safety of the railroad, including the removal of the crossing.

Should You be unable to provide proper crossing documentation, while the crossing is closed, You may apply for a crossing. The process is on link https://www.gwrr.com/real_estate/grade_crossings

Green Mountain Power should be familiar with the application process to obtain a license to cross railroad property. The process is detailed on https://www.gwrr.com/real_estate/utility_occupancies

As You have many unresolved issues and are creating significant safety concerns, we are contacting Vermont's Public Utility Commission to request a delay and/or hearing to stop the pending Net- Metering Application 20-3715-AN – Putney Green Acres Solar LLC at Putney, VT, to allow You to properly address them.

If you have any questions, please call me at (904) 900-6307 or via email at steve.hannan@gwrr.com .

Sincerely,

Steve Hannan
Manager Real Estate

cc:

James Fountain
Senior Manager Real Estate
Canadian National Railroad / CV Properties Incorporated
17641 S. Ashland Avenue
Homewood, IL 60430
James.Fountain@cn.ca

Jeffrey Castle
General Manager
New England Central Railroad, Inc.
1 Depot St
Palmer, MA 01069
jeffrey.castle@gwrr.com

Debra-Ann Bocash
Manager Regional Engineering Coordinator
New England Central Railroad, Inc.
2 Federal Street - Suite 2

St Albans, VT 05478

deb.bocash@gwrr.com

Ludwig Pulaski

Property Management Specialist.

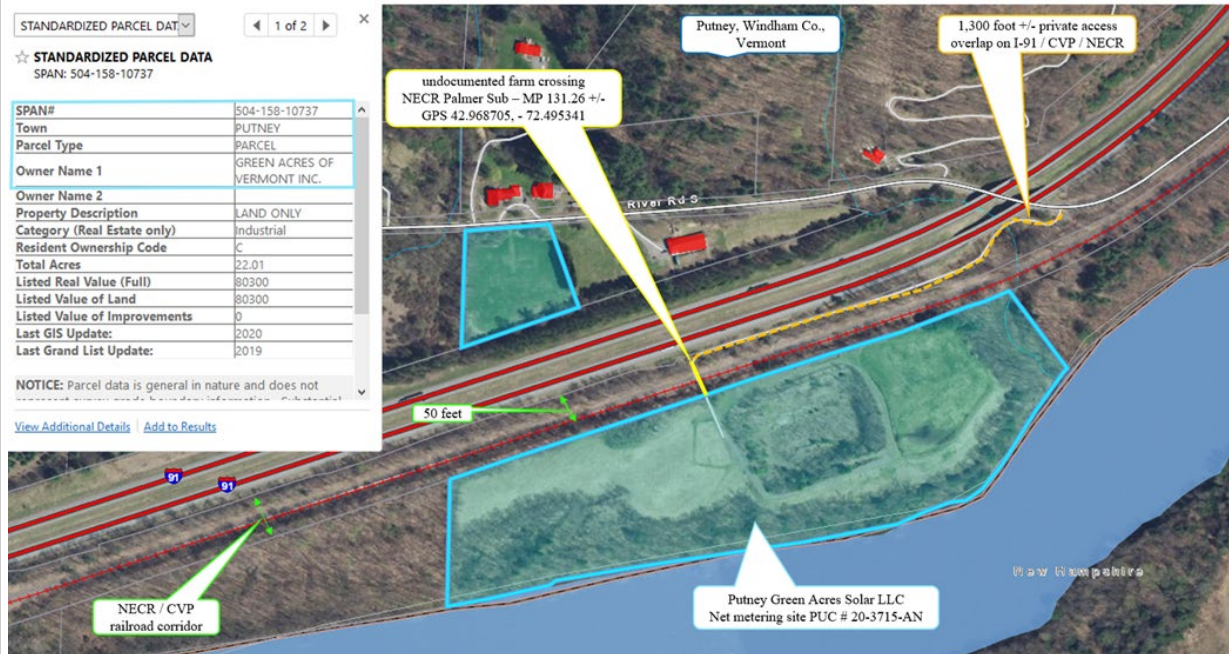
Vermont Agency of Transportation

Ludwig.Pulaski@vermont.gov

Judith Whitney

Clerk, Vermont Public Utility Commission

judith.whitney@vermont.gov



From: Steve Hannan
Sent: Thursday, September 3, 2020 10:43 AM
To: Martha Staskus <staskus@norwichsolar.com>
Subject: NECR - Palmer Sub - MP 131.29 +/- Putney Green Acres solar

Hi Martha –

I presume you have confirmed that Putney Paper is providing you with good legal access over New England Central Railroad (NECR) operating tracks at location shown below (red arrow).

Green Mountain Power will know the process to submit an application for a utility line crossing, which you can find on our web site – https://gwrr.com/real_estate/utility_occupancies

Steve Hannan
Manager – Real Estate
Genesee & Wyoming Railroad Services, Inc.
13901 Sutton Park Drive – Suite 270

Jacksonville, FL 32224
Phone – (904) 900-6307
steve.hannan@gwrr.com



From: Martha Staskus <staskus@norwichsolar.com>
Sent: Thursday, September 3, 2020 10:04 AM
To: Steve Hannan <steve.hannan@gwrr.com>
Subject: Putney Green Acres solar

Hi Steve,

Thanks for the return call.

The owners of the Putney Paper landfill are looking to sell their property. We are under contract to purchase the property, with a couple of contingencies, including getting electric to the site. There is currently only road access to the site via a crossing of the railroad as illustrated on the attached site plan. We are looking to install solar on the parcel which will require Green Mountain Power, the local utility, to run a line extension from River Road, along the existing access to the Putney Paper parcel.

What does the railroad need for GMP to do this?

Thanks, Martha

Martha Staskus | VP Development
| **Norwich Solar Technologies**
| phone: 802-359-7416
| email: staskus@norwichsolar.com
| site: norwichsolar.com
| address: 15 Railroad Row, Suite 101 WRJ, VT
05001
**2019 REV Renewable Energy Champion
Awardee**



Martha Staskus | Chief Development Officer

| Norwich Solar Technologies

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| email: staskus@norwichsolar.com

| site: norwichsolar.com

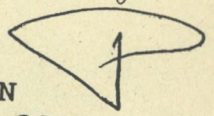
| address: 15 Railroad Row, Suite 101 WRJ, VT 05001

2019 REV Renewable Energy Champion Awardee



Please #WearAMask. Keep our community safe from the spread of COVID-19.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/i-wear-a-mask-because.html>

gener


NOTICE IS HEREBY GIVEN THAT ON MAY 19, 1994 APPLICATION #2W0436-7 WAS FILED BY PUTNEY PAPER COMPANY, INC. P. O. BOX 226, PUTNEY, VT 05346 FOR A PROJECT TO UTILIZE SOIL MATERIAL AS DAILY COVER FOR ADJACENT LANDFILL OWNED AND OPERATED BY THE PUTNEY PAPER CO. THIS PROJECT IS LOCATED OFF RIVER ROAD IN PUTNEY.

PURSUANT TO ITS JURISDICTION AND AUTHORITY UNDER 10 V.S.A., SECTIONS 6001(3) AND 6085, THE DISTRICT ENVIRONMENTAL COMMISSION WILL CONVENE A PUBLIC HEARING ON JUNE 14, 1994 TO BE HELD AT THE PUTNEY TOWN OFFICES. THE HEARING WILL IMMEDIATELY FOLLOW THE SITE VISIT WHICH IS SCHEDULED FOR 1:30 P.M.

ANYONE WISHING TO ATTEND THE SITE VISIT CAN GET THERE BY TAKING EXIT 4 FROM I-91 AT EXIT 4 AND TAKE ROUTE 5 NORTH AND GO 1± MILES. THERE WILL BE A LARGE SIGN FOR LANDMARK COLLEGE ON THE RIGHT. TAKE THAT ROAD WHICH IS RIVER ROAD. GO 2 MILES AND JUST AFTER THE INTERSTATE UNDERPASS TAKE THE NEXT DIRT ROAD ON THE RIGHT TO THE PROJECT.

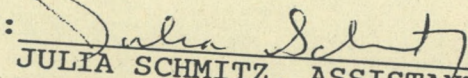
THE FOLLOWING PEOPLE OR ORGANIZATIONS MAY PARTICIPATE IN THIS HEARING:

1. STATUTORY PARTIES: THE MUNICIPALITY, THE MUNICIPAL PLANNING COMMISSION, THE REGIONAL PLANNING COMMISSION, ANY ADJACENT MUNICIPALITY, MUNICIPAL PLANNING COMMISSION OR REGIONAL PLANNING COMMISSION IF THE PROJECT LANDS ARE LOCATED ON A TOWN BOUNDARY, AND AFFECTED STATE AGENCIES.
2. ADJOINING PROPERTY OWNERS: MAY PARTICIPATE TO THE EXTENT THE PROPOSALS WILL HAVE A DIRECT EFFECT ON THEIR PROPERTIES UNDER THE TEN CRITERIA.
3. OTHER PERSONS OR ORGANIZATIONS: MAY PARTICIPATE PURSUANT TO ENVIRONMENTAL BOARD RULE 14(B) AT THE DISCRETION OF THE DISTRICT ENVIRONMENTAL COMMISSION.

IF YOU WISH FURTHER INFORMATION REGARDING PARTICIPATION IN THIS HEARING, PLEASE CONTACT THE COORDINATOR AT THE ADDRESS BELOW BEFORE THE FIRST HEARING DATE. IF YOU HAVE A DISABILITY FOR WHICH YOU ARE GOING TO NEED ACCOMMODATION, PLEASE NOTIFY US BY JUNE 3, 1994.

PLANS FOR THIS PROJECT ARE AVAILABLE FOR REVIEW AT THE MUNICIPAL OFFICE, THE REGIONAL PLANNING & DEVELOPMENT COMMISSION OFFICE AND THE DISTRICT II REGIONAL OFFICE IN NORTH SPRINGFIELD. PRIOR TO ISSUANCE OF A LAND USE PERMIT FOR THIS PROJECT THE DISTRICT ENVIRONMENTAL COMMISSION MUST FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE TEN CRITERIA OF 10 V.S.A., SECTION 6086(A) AND THAT IT IS NOT DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

DATED AT NORTH SPRINGFIELD, VERMONT, ON MAY 23, 1994.

BY: 
JULIA SCHMITZ, ASSISTANT DISTRICT COORDINATOR
RR 1, BOX 33, NO. SPRINGFIELD, VT 05150
TEL: 886-2215



STATE OF VERMONT

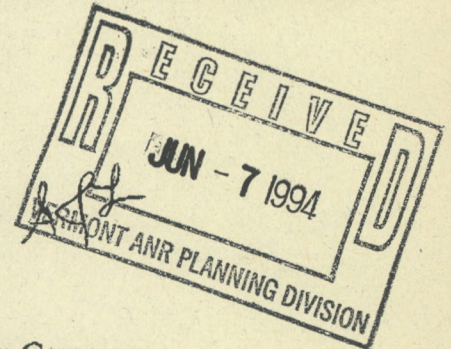
Exhibit PGAS MS-10
PAGES 1 DATE 6/7 FAX # 244-1114
TO Sandy Lee
FROM A JL
CO. Ag Dept.

DEPARTMENT OF AGRICULTURE, FOOD & MARKETS

OFFICE OF THE COMMISSIONER
DIVISION OF AGRICULTURAL DEVELOPMENT
DIVISION OF ANIMAL & DAIRY INDUSTRIES
DIVISION OF PLANT INDUSTRY, LABORATORIES & CONSUMER ASSURANCE

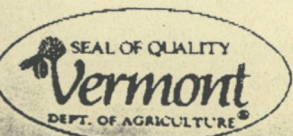
MEMORANDUM

TO: Sandy Lee, Planning Intern
FROM: Amy Jestes Llewellyn, Agricultural Land Use Planner
DATE: June 7, 1994
SUBJECT: Land Use Permit Application #2W0436-7, Putney Paper Company



Putney Paper's seven-acre tract contains approximately five acres of primary agricultural soils. The excavation of this land for landfill soil cover will temporarily remove the land from agricultural production. After excavation is finished, the sideslopes will be too steep for cultivation, and therefore that acreage will be permanently removed from cultivation. The floor of the pit will be level and tillable. If it is properly reclaimed, the soils' agricultural potential can be returned to close to their undisturbed state.

Proper reclamation will require topsoil respreading, liming, fertilizing and seeding. As a condition of the permit, the Department recommends that the Applicant be required to stockpile all of the topsoil on-site and respread it after final grading is accomplished. Lime and fertilizer should be applied at rates determined by a soil test, and then the land should be reseeded, preferably to an agronomic crop.



116 STATE STREET
DRAWER 20
MONTPELIER, VT 05620-2901
(802) 828-2500 FAX: (802) 828-2361

This pond will hold rain water until it evaporates or permeates down through the natural soils. There will be no direct discharge to any body of water. A stormwater discharge permit will not be required.

No oils, fuels, chemicals or any hazardous materials will be stored at the project site.

C: WATER CONSERVATION

This project does not require a water supply nor will water be used in the daily process.

D: FLOODWAYS

The project is not in the floodway of the Connecticut River. The flood elevation is 245 feet MSL and the project is located at or above 260 feet MSL.

E: STREAMS

The project is approximately 170 feet from the Connecticut River as shown on the attached site map. (see attachment 1B).

F: SHORELINES

The project will not be visible from the shoreline of the Connecticut River.

G: WETLANDS

The project will not be in or near a wetlands environment.

CRITERION 2 and 3: WATER SUPPLY

The project does not require a supply of water for the process. The nearest water supply to the project site is approximately 1100 feet north and upgradient of the project.

CRITERION 4: SOIL EROSION

a) The project site consists of approximately seven acres. The site slopes toward the Connecticut River.

- b) A twenty foot buffer strip would be left at present grade between the proposed site and the wooded steep grade to the Connecticut River.
- c) Once an area has been excavated to a point that no disturbance will take effect for a period to exceed four (4) months, that area will be graded, seeded and mulched.
- d) No exterior site work will take place between October 1 and April 15.
- e) Putney Paper Personnel will weekly inspect the site. If any repairs or maintenance is necessary, Putney Paper Company will perform the necessary repairs.
- f) There are no buildings, roadways, parking areas, or other areas impervious to water on this site.
- g) There will be no increase in stormwater runoff associated with this project.
- h) There is no dam associated with this project.

CRITERION 5: HIGHWAYS AND OTHER MEANS OF TRANSPORTATION

- a) Please refer to the site map and location map for access to the site. (see attachment 1B).
- b) Please refer to the site map and locaton map for a description of the access road to the site.
- c) There is no permit required from the Utilities Division of the Agency of Transportation. (see attachment 5A from the original 250 permit in regard to the adjacent landfill).
- d) There are no municipal permits required for access on a town or city highway.
- e) There is no new roadway involved in this project.
- f) There is no subdivision roadway involved in this project.
- g) Turning radii are noted on the site plan.
- h) There is no parking required for this project.
- i) Permitting of this project will not increase the present traffic entering the access road. The adjacent landfill is running out of fill materail. Traffic onto

the access road would increase if this project is not approved as off site fill would have to be utilized.

k) There are no airport issues involved with this project. There is a private railroad crossing the company uses to access the project site. The crossing is properly signed with rail crossing warning signs and there have been no problems associated with the use of this crossing in the past ten years.

CRITERION 6: EDUCATIONAL SERVICES

There are no additional pupils that will result from this project.

CRITERION 7: MUNICIPAL SERVICES

There are no municipal services required for this project. (see attachment 7A).

CRITERION 8A: SCENIC BEAUTY, HISTORIC SITES, AND NATURAL AREAS

a) The project is located in a setting that uses interstate 91 as a visual buffer from private dwellings located to the west of the proposed project. Between the interstate and the proposed project is a railbed and an area of natural trees and vegetation. This natural buffer zone will be left untouched. The topsoil stockpile will also be between the proposed site and the railbed. This project will not be visible from Interstate 91.

The project is not visible from the Connecticut River because of the higher (50 feet) elevation of the site from the waterline of the river. The site is also screened from the river and New Hampshire by natural trees and vegetation. This area will also be left undisturbed to protect the surrounding areas from the project.

b) The project will not be visible from any of the surrounding property owners. The only activity or impact relating to this project will be the occasional truck entering or exiting the project.

bi) The only noise generated by this project will be a truck hauling fill from this site to the adjacent disposal facility. A wheel loader will also be used to load the truck with the fill from the proposed project. Both of these activities are normal ongoing activities

at the adjacent disposal facility. This project is consistent with the related land use occurring in the area.

bii) There is no building involved in this project.

biii) There is no building involved in this project.

biv) There are no parking areas required for this project.

bv) There are no project signs associated with this project.

bvi) There is no lighting required for this project.

bvii) There are no utilities required for this project.

bviii) There is no additional landscaping required to minimize the visual impact from this project.

bix) There is no tree cutting or additional land disturbance outside of the 7 acres related to this project.

c) The site does not contain any Historically significant Resources, (see attachment 8A).

CRITERION 8B: WILDLIFE and ENDANGERED SPECIES

The site is half of a 14+/- acre lot. Seven (7) acres have been previously disturbed by excavation for a sludge disposal facility. The proposed project site is directly adjacent to this facility and does not contain any wildlife or endangered species.

CRITERION 9A: IMPACT OF GROWTH

This project will not have an effect on the increase of population in the area.

CRITERION 9B: PRIMARY AGRICULTURAL SOILS

a) This site does contain primary agricultural soils. Excavation of the area will be done in sections, only 1.5 acres out of the total 7.3 will be used at a given time. Once an area has been excavated to completeness, the area will be recovered with topsoil and seeded with vegetation.

b) i) Due to the landlock nature of the property, the