

Q1. Was there any discussion at the June 2021 Planning Commission meeting of a process or criteria for issuing a Preferred Sites Letter?

A1. I did not know about or attend the meeting, and no video or audio recording of the meeting is available. According to the June 2021 Planning Commission Minutes, someone did ask that question: [exhibit MB-4]

“Someone asked what criteria is used to determine this. Mr. Rea suggested it is Act 248 that governs this and that the work on the Town Plan went through the two avenues the municipality could take, either identifying the preferred sites at that time, or have the PC review sites as they come up. The Town at the time chose to review projects as they come up.”

I do not understand how Planning Commission member Rae’s response is an answer to that question. The Process and Criteria of the June 2021 Planning Commission meeting did become a revealing topic of discussion nine days later at the June 2021 Selectboard meeting. *vide infra* Much more was said at the March 2022 Planning Committee [exhibit MB-25]

Q 2. Did the Planning Commission consider anything other than Aesthetics at their June 2021 meeting?

A 2. They **heard** about some natural resource issues, but they did not **consider** these issues because there was no mention or discussion of any Town Plan criteria to consider these issues against. From the Minutes of the June 2021 Planning Commission meeting: [exhibit MB-4]

“Someone asked if there is deer habitat in the area, Mr. Malley said yes, and that is typically the focus of ANR during the permitting stage. Aerial photographs as far back as 1947 show it as being a deer yard, but recent logging has reduced the functionality of this parcel.

No bear habitat is mapped according to Mr. Malley”.

Jenny Carter, a Randolph resident attending the June 2021 Selectboard meeting by Zoom, indicated in the Zoom Chat that it was she who had asked about wildlife and ag soils at the June 2021 Planning Commission meeting.

Selectboard member Armstrong (who also sits on the Planning Commission) then stated: [exhibit MB-21 at 0:38:22]

“I just saw Jenny’s Chat, actually that is true, those are things we looked at, also prime ag soils”.

Vice Chair Satcowitz: “and wildlife corridors?”

Selectboard member Armstrong: “and wildlife, yes.”

Jenny Carter then joined the Zoom audio and said: [exhibit MB-21 at 0:40:40]

“I would just say from a legal point of view making a decision without, [pause] Generally speaking making a decision without having any criteria for which you make it, and you’re gonna have different projects come before you, I would think would open you up to more liability for your decision being arbitrary. So the planning commission, it sounds like you guys had some things that you had in mind so maybe its just a matter of sharing them with the selectboard...”

Q3. What did the Planning Commission find when they heard about wildlife and prime ag soils?

A3. At the June 2021 Selectboard meeting, Vice Chair Satcowitz asked much the same question: [exhibit MB-21 at 0:41:45]

“We’ve heard about very clearly that the siting visually seems to be acceptable, doesn’t seem like, [pause] this seems like the kind of best case scenario in a lot of ways its hard to picture it being too much better than what we have here and it sounds like ag soils were considered as well as effects on wildlife **so maybe we could hear a little more about what the Planning Commission found** when discussing those items”.

Joshua Jerome [Randolph Zoning Administrator, who had attended the June 2021 Planning Commission meeting] answered: [exhibit MB-21 at 0:42:20]

“I mean, I think this process, the meetings that they had, was very similar to last year’s process with Norwich [Solar Technology] where you know the siting that was proposed looked at the impact on the aesthetics and the scenic and natural beauty, and historic sig and nat resources of the area and looked at if it from whether or not it could be viewed from I-89 state highways you know any town roads and neighboring properties and looked at how it would effect in a holistic way and I think they found when looking at it in an holistic way that the project itself did not have an adverse effect, adverse impact on any of those sort of criteria so that’s we talked about in at least the two solar projects [Gifford and Davis Rd] that they’ve been involved in over the past year and **those are the criteria that are listed or things to consider in Policy G in the town plan underneath Land Use section**”.

Vice Chair Satcowitz then replied: [exhibit MB-21 at 43:47] “**I’m not familiar with that particular section**” and asked:

“When the Planning Commission meets, **is it actually sitting there with those criteria in that section in front of them, and are kind of going through them on a point by point basis and discussing their impact for each?**”

Joshua Jerome answered: [exhibit MB-21 at 0:44:07]

“**Well we didn’t have a checklist.** We went through this process last year, last March with another solar array site [Gifford] and everyone became more familiar with what

they were supposed to be looking at and certainly, you know, that was coming to the Planning Commission twice last year too. So they're really familiar with the project and so they were familiar with the criteria also. **Brendan did a really good job explaining the project so they felt comfortable and confident that it did meet the sort of the goals that were laid out".**

Q4. What is Policy G that Joshua Jerome referred to, and Vice Chair Satcowitz expressed his unfamiliarity with? *vide supra*

A4. **Randolph Town Plan, Chapter 2 Land Use Policy G** is primarily about Aesthetics and states:

"Commercial- and industrial-scale solar and wind projects are not compatible with the bucolic rural areas that typify Randolph. As such, renewable energy facilities shall be sized to meet local and state demand and shall not be built exclusively for export of power or renewable energy attributes (REC's) to other states and shall go towards meeting the State's 2050 energy goal. All renewable energy facilities shall be sited and substantially screened to prevent solar glare and to minimize viewed from I-89, state highways, town roads and neighboring properties and to mitigate any adverse impact to the aesthetic and scenic and natural beauty of the surround area and its viewsheds."

Q5. Did the Selectboard, in June 2021, discuss the Planning Commission's Preferred Sites Letter and what Process or Criteria had been used to issue that Letter?

A5. Vice Chair Satcowitz asked Selectboard member Perry Armstrong (who also sits on the Planning Commission): [exhibit MB-21 at 0:33:25]

"Perry, when this was in front of the Planning Commission what kind of process does that look like?"

Selectboard member Armstrong replied: [exhibit MB-21 at 0:33:38]

"so we looked at like, so OK so who's it gonna be visible to, where can it be seen from, and so that seems to be the key piece of a lot of these projects, is you know, what's it visible to, you know could panels be reflecting, you know, reflecting light back against other properties you know down the road away from the panels somebody 5 miles away or 3 miles away on the other side of the hill see something here. So those are all the things that are taken into consideration and that's how the Gifford project was put together too. So you know these are the most recent projects, this one here and the Gifford project and we just, you know, we just all looked at the map and kind of you know figured out who was around it and felt that OK if we think it's an OK site we'll give it our blessing..."

Vice Chair Satcowitz responded: [exhibit MB-21 at 0:34:43]

“so the thing, the aspect of this that you focused most on was really the visibility of the site?”

Selectboard member Armstrong continued: [exhibit MB-21 at 0:34:50]

“that seems to be the priority, that was what the conversations were, you know, every time we had these conversations in the Planning Commission we were trying to come out with whether we do preferred sites or no preferred sites, it was always who’s gonna see it and where are they gonna see it from. You know, is it gonna be visible on the roadside, is it gonna be visible or is it gonna be glaring in some neighbor’s eyes you know is it gonna deter their or take away from their view shed, those are a lot of considerations that were talked about for that 2.5 years. And it seemed like visibility of a project was the most prevalent problem. And, you know, were they gonna cut trees and make it more visible for somebody else’s project so, [correcting himself] or somebody else’s property. So I mean we’ve been very conscious from the Planning Commission standpoint to try to, you know if somebody comes with a project, you know, so far they’ve all taken all those things into consideration and I think that they’ve, you know, they’ve [pause] everybody who’s come so far has done a good job of taking into consideration the surrounding you know scenic vistas, neighbors, those kind of things.”

Q6. Did the Selectboard, at its June 2021 meeting, reach any consensus on whether the Planning Commission had any criteria for issuing a Preferred Sites Letter?

A6. Vice Chair Satcowitz, (referring to Policy G in Chapter 2 Land Use of the Town Plan), said: [exhibit MB-21 at 0:56:40]

“it sounds to me like the Planning Commission did go through a list of criteria that they considered in terms of this site”

Chair Brassard interjected: [exhibit MB-21 at 0:56:49]

“it’s what’s in the Town Plan Larry”

Jenny Carter spoke next and said: [exhibit MB-21 at 0:57:38]

“Perry, it sounded like you did say that the planning commission had some specific criteria it did look at, and if the planning commission would just share that with the Selectboard it sounds like that might be what you need.”

A bit later Jenny Carter continued: [exhibit MB-21 at 0:58:22]

“I know when I was there [June 2021 Planning Commission] you guys asked about, er I asked about prime ag soils and oh, I’m drawing a blank on his name from Norwich

Sol... Brendan, I'm sorry, Brendan. **Brendan sort of showed how there weren't any prime ag soils**, its on a slope. Brendan did say that he had looked at the wildlife corridors and maps and while they're not always complete, cause we heard [earlier in the Selectboard meeting] from the neighbors [Joan Allen] that there's deer, **I believe Brendan said that wildlife weren't an issue.**"

Continuing on, she said: [exhibit MB-21 at 0:59:20]

"So it does seem like the Planning Commission did use some criteria and **I just think you need to elucidate those**"

Selectboard member Armstrong, in responding said: [exhibit MB-21 at 1:00:14]

"**Brendan's, you know, presentation to us addressed all that criteria** so I don't think, you know, it's like yeah, no, we didn't sit there with a check list and say yup, yup, yup, yup, it was all in that [Brendan's presentation] so when we, you know, felt that we'd seen what we need to see here, you know, its in an area that can't be seen, **its not near any streams, there's no wetlands in the area. You're absolutely right** [speaking to Jenny Carter] **doesn't seem to be there's any prime ag soils to deal with.**"

Q7. Other than the above mentioned **Town Plan Chapter 2 Land Use Policy G**, were any other provisions of the Town Plan mentioned at the June 2021 Selectboard meeting?

A7. None that I recall. I have reviewed the ORCA recording of the meeting to confirm my recollection and did not find that any other sections of the Town Plan were mentioned or considered.