

QUESTION How did the discussion at the January 13, 2022 Selectboard meeting unfold?

ANSWER I read the letter [exhibit MB-7] we (my wife & I) wrote to the Selectboard and commented on the attached map.

QUESTION What happened next at the January 13, 2022 Selectboard meeting?

ANSWER Chair Brassard asked: [exhibit MB-22 at 0:51:09]

“Do we have anyone on from the planning commission to talk about the process from their perspective?

Selectboard member ??? responded: [exhibit MB-22 at 0:51:23]

“Sonny’s out of town so I don’t think he’ll be on. Josh, want to talk about the process a little bit? Perry would have been there as well.”

Selectboard member Perry Armstrong replied: [exhibit MB-22 at 0:51:43]

“I’m going to defer to Josh cause I think that’s probably his role here”

Zoning Administrator Joshua Jerome, pointing out that the June 2021 Planning Commission meeting was 7 months earlier, said that he could not remember a discussion of slopes.

QUESTION What did Norwich Solar Technologies bring to the discussion? [exhibit MB-22 at 0:54:34]

ANSWER Jim Merriam described how his company had filed a letter accepting as a condition of their permit that they will not place solar panels on slopes greater than 25%. He emphasized repeatedly that the Public Utilities Commission will enforce that condition.

QUESTION Who spoke next at the January 13, 2022 Selectboard meeting?

ANSWER Attendee Brooke Dingleline spoke for almost 9 minutes [exhibit MB-22 at 0:56:40] about how the Planning Commission violated the Open Meeting Law, how Kim Hayden’s Letter [exhibit MB-29] is not relevant, how Norwich Solar Technologies misrepresented their project by omission, and why the Selectboard must defend the town plan by rescinding the Preferred Sites Letter.

QUESTION Who spoke next at the January 13, 2022 Selectboard meeting?

ANSWER Chair Brassard said: [exhibit MB-22 at 1:05:26]

“Does anybody know what, is anybody here who can testify about or talk to us about what the Planning commission actually went through and any legal guidance they got or” [interrupted]

Attendee Dingleline: [interrupting at exhibit MB-22 at 1:05:40] “Trini, could I interrupt?” She spoke about the need for a new site plan, and said: [exhibit MB-22 at 1:06:06]

“I have never heard of having a plan and then saying well even though I have a plan that has all these arrays sited on 25% slopes we’re not going to put them there.”

QUESTION Where did the discussion at the January 13, 2022 Selectboard meeting go from there?

ANSWER I indicated that a new accurate site plan was needed, and Jim Merriam indicated that his assurance, not to put the arrays on steep slopes, was sufficient. Town Manager Trevor Lashua asked: [exhibit MB-22 at 1:08:41]

“I have a question maybe for both Norwich and for Michael and Joan, where are we at in the PUC timeline what’s next?”

Joan Allen answered that we were awaiting a Scheduling Conference and that we didn’t know about the timeline after that. I reiterated my position that the Preferred Sites Letter should be rescinded and the applicant should reapply with a new site plan. There was a discussion of how TRORC would not review compliance with the town plan. [see question 25 in May 6, 2022 Prefiled Testimony]

QUESTION Did Chair Brassard repeat, for the third time, her earlier request for information?

ANSWER Yes, she asked: [exhibit MB-22 at 1:13:53]

“We don’t have anyone on tonight that can help the board understand what took place from the perspective of the planning commission and what helped them? What we’ve got is other peoples interpretation of what made them come to that conclusion but if I understand correctly we have nobody with us tonight that can help from their perspective or can tell us what they sought for a legal opinion and what those were. Is that correct?”

Trevor Lashua then related the Town Attorney’s opinion [exhibit MB-17 page 87]

Attendee Dingleline said: [exhibit MB-22 at 1:17:36]

“I think Perry’s on the line and he was on the planning commission and was there and was privy to all these emails perhaps he could speak to what happened”

Planning Commission and Selectboard member Armstrong **declined to comment on the Planning Commission’s actions.**

QUESTION Was an alternative suggested to accepting the applicant’s assurance not to put solar panels on slopes over 25%?

ANSWER Jim Merriam suggested the Town could file a supplemental letter to their Preferred Sites Letter with stipulations. [exhibit MB-22 at 1:16:27] Later, Vice Chair Satcowitz said: [exhibit MB-22 at 1:28:12]

“What we could do at this point is make an amendment to our letter simply stating that you know that any panels must be on slopes of less than 25% in order for it to be a preferred site.”

QUESTION Did Jim Merriam admit that Norwich Solar Technologies would at some point have to produce an accurate site plan?

ANSWER Yes. Selectboard member French asked Jim Merriam: [exhibit MB-22 at 1:18:18]

“Will the public utilities board, or whatever, require that you do a map showing exactly where the panels are?”

It took 7 minutes of back and forth between Selectboard member French, Trevor Lashua, Jim Merriam, and Brendan Mallay, but Jim Merriam did admit that Norwich Solar Technologies would at some point have to produce an accurate site plan. He did not feel he should have to produce it at this time to demonstrate compliance with the Town Plan.

QUESTION Was there any discussion of the access road at the January 13, 2022 Selectboard meeting?

ANSWER Attendee Dingleline asked: [exhibit MB-22 at 1:06:42]

“and what about the access road that’s on much more than 25% slopes?”

Later in the meeting she spoke again about the access road being development in a prohibited location. [exhibit MB-22 at 1:30:35]

Selectboard member Ayers then said: [exhibit MB-22 at 1:34:10]

“Brooke has just asked the question that I was going to ask... and its relative to the access road. **We’ve been focused on the siting of the solar arrays**, but we haven't really addressed the question of the access roads and I'm wondering if in communications with the PUC if Norwich intends to commit to not putting the access road on a slope of 25% or more?”

Brendan Malley then spent over 4 minutes not answering the question. Referring to the PUC’s permitting process he said: [exhibit MB-22 at 1:36:32]

“speaking based on my personal experience with other solar projects, there is a preference for using existing access rather as opposed to putting in new access. This particular property has several existing access ways”

He explained that the road is a water management issue and the state would regulate that.

QUESTION How did the discussion end up?

ANSWER Attendee Dingleline spoke about the Open Meeting Law violations and requested the Town look into it. [exhibit MB-22 at 1:41:50]. Selectboard Chair Brassard, for the fourth time,

wanted more information and said: [exhibit MB-22 at 1:42:54]

“before we go down that rabbit hole too far I think we’re at a disadvantage, cause we haven’t seen any of this, I haven’t unless somebody else has, I’m a little nervous that we have a lot of things at play and we have nobody here, again I’ll say it, from the Planning Commission, from the perspective of Sonny or whoever led that whole process **to give us their side of what took place and what happened**” [pauses, inaudible, interrupted]

Attendee Dingleline: tries to interrupt

Selectboard Chair Brassard: [exhibit MB-22 at 1:43:34]

“Just a second, I think its up to board members how you want to proceed with this, if you feel like you have the information you need, or **do you feel like you need the other side of the story**”

Selectboard member Ayers: [exhibit MB-22 at 1:43:47]

“the concern seems to be that the horse is already out of the barn and this is moving toward the PUC “

There was a discussion of PUC timeline and whether the Selectboard could wait a month to resolve the various issues. The discussion was tabled until the next regular Selectboard meeting in February 2022.