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October 21, 2021

VIA: Electronic mail to Randolph Town ZA at Joshua@randolphvt.org,
and Randolph Town Manager at Manager@randolphvt.org
and Sonny Holt, Planning Commission Chair at holt7850@gmail.com

Town of Randolph
Planning Commission
Attn: Sonny Holt, Chair
7 Summer Street
Drawer B
Randolph, VT 05060

Re: Randolph Davis Solar LLC Project/Norwich Solar Technologies, Inc.
Preferred Sites Letter from the Town of Randolph

Dear Mr. Holt and Planning Commission Members,

We are writing as abutting property owners to the proposed Randolph Davis Solar LLC Project, submitted by Norwich Solar Technologies, Inc. After reviewing the PUC application materials sent to us and the Energy Chapter of the current Town Plan, we have discovered an omission of material fact concerning the project presented by Norwich Technologies to the Randolph Planning Commission on June 1, 2021, regarding compliance with the Town Plan for purposes of obtaining a Preferred Sites Letter.

Norwich Solar Technologies, neglected to mention the critically important fact that the majority of the proposed site resides on steep slopes over 25%, a topographical location that is explicitly prohibited by the Town Plan. Thus, the developer's representation that the project does not violate the Town Plan is clearly erroneous and misleading. Furthermore, because the project location is explicitly prohibited by the Town Plan, we do not believe that the developer is entitled to a Preferred Sites Letter from the Town Planning Commission, Selectboard, or from the Regional Planning Commission, since the proposed site is in direct conflict with an explicitly prohibited location contained in our Town Plan.

Specifically, Chapter 6, page 29, the Randolph Town Plan states:

Section 248 - Certificates of Public Good

For all energy generation facilities, the following policies apply:

3. Preferred Locations: *The Town supports the placement of new generation and transmission facilities on top of existing buildings, on landfills, on brownfields outside of the village center, on reclaimed quarries or gravel pits, on a site that was previously covered by a structure or impervious cover in compliance with setbacks. Additionally, the Town, by joint letter of the Planning Commission and Selectboard, may designate a site as preferred if the total project area of panels encompasses 10 acres or less and if the project, as designed, will not be visible in the growing season from town or state highways.*

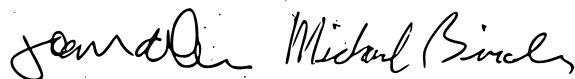
- 1. Prohibited Locations:*** *Energy facility development shall have to meet principal structure setback for the relevant area in the town zoning, and shall be prohibited in floodways, class 1 and 2 wetlands, lands within 50 feet of the top of bank of perennial streams, lands over 25% slope.*
- 2.*** *All energy projects will be required to meet lot coverage and screening requirements found under site plan and conditional use approval processes in the respective zoning district, except solar arrays shall not be counted as lot coverage in the Industrial District.*

(**Bold** emphasis in the original, underlined emphasis supplied).

While we are very familiar with the steep topography here, I have attached the VT ANR Atlas map with the steep slopes layer to demonstrate to the PC, that the majority of the parcel contains slopes in excess of 25% - shown in red on the map - including the proposed project site and the access road. It is troubling to discover that Norwich Technologies, a highly sophisticated solar developer in Vermont, New Hampshire and Maine, would omit such fundamentally critical information and misrepresent their project's compliance with the law.

Because this proposed project clearly violates the Town's steep slope prohibition for the siting of energy generation facilities, we request that the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Sites approval, which was granted at your June 1, 2021 meeting, due to the material misrepresentation by omission of the project's compliance with the Town Plan by the applicant developer Norwich Technologies, Inc. We request that this issue be placed on the November 2, 2021 meeting agenda so the Planning Commission can take action on the matter during that meeting, which we plan to attend.

Sincerely,



Joan Allen and Michael Binder

Cc: Larry Satkowitz, Randolph Select Board Acting Chair: Selectboard@randolphvt.org
Peter Gregory, Two Rivers Ottauquechee RPC: pgregory@trorc.org