

Joshua Jerome

From: Joshua Jerome
Sent: Tuesday, April 27, 2021 10:30 AM
To: 'Brendan Malley'
Subject: RE: Selectboard and Planning Commission Agenda

You are on the Planning Commission's agenda for next Tuesday (May 4) which needs to vote on the proposal in order to go to the next Selectboard meeting which is May 13.

Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
Drawer B
7 Summer Street
Randolph, VT 05060
O: 802-728-5433 x19
C: 802-431-5385

Note: Written communications, including emails, to and from Town officials regarding Town business are considered public records and, therefore, may be subject to public scrutiny.

For the latest COVID-19 Updates for Vermont Businesses:

<https://accd.vermont.gov/about-us/disaster-planning/covid-19-guidance-vermont-businesses>

From: Brendan Malley <malley@norwichtech.com>
Sent: Tuesday, April 27, 2021 10:20 AM
To: Joshua Jerome <Joshua@randolphvt.org>
Subject: Re: Selectboard and Planning Commission Agenda

Thanks Joshua - no chance for this month? It would be appreciated if possible.



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwicksolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001



Please #WearAMask to help 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>

On Tue, Apr 27, 2021 at 9:57 AM Joshua Jerome <Joshua@randolphvt.org> wrote:

Hi Brenda,

I will pass this along to our new town manager for next month's Selectboard meeting.

Thank you,

Josh

Joshua Jerome

Director of Economic Development

Zoning Administrator

Town of Randolph

Drawer B

7 Summer Street

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From: Brendan Malley <malley@norwichtech.com>

Sent: Monday, April 26, 2021 6:31 PM

To: Joshua Jerome <Joshua@randolphvt.org>
Subject: Fwd: Selectboard and Planning Commission Agenda

Joshua -

I hope this note finds you well. I am writing with a request to be added to the next Select Board agenda. The topic is preferred siting for Randolph Davis Solar. This same topic is on the schedule for the next Planning Commission meeting. I will be distributing materials shortly.

Can you assist with a spot on the agenda?

Thanks in advance for your assistance. I am always available by phone, text, or email to discuss or answer questions.

Best,

Brendan

202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001



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----- Forwarded message -----

From: Adolfo Bailon <ABailon@randolphvt.org>
Date: Tue, Apr 6, 2021 at 7:20 PM
Subject: RE: Selectboard and Planning Commission Agenda
To: Brendan Malley <malley@norwitech.com>

Hello Brendan,

Thanks for reaching out. Please do communicate directly with Joshua; he will help guide you through the zoning process.

Thanks again for the email message.

AB

From: Brendan Malley <malley@norwichtech.com>
Sent: Monday, March 29, 2021 3:44 PM
To: Adolfo Bailon <ABailon@randolphvt.org>
Subject: Selectboard and Planning Commission Agenda

Hi Adolfo -

Just a quick note to check in with you on an upcoming proposed project.

Norwich Technologies is under contract with Mr. Blaisdell on a piece of property on Davis Road in South Randolph. We are looking to start the "preferred" site process with the town.

I can email along the preliminary information. Is Joshua Jerome still working for the town and should I communicate with him?

Thanks for taking a minute to read this. Happy to follow up as necessary.

Brendan

202-550-0565



Brendan Malley | VP Project Finance

| **Norwich Solar Technologies**

| **phone:** 202-550-0565

| **email:** malley@norwitech.com

| **site:** norwichsolar.com

| **address:** 15 Railroad Row, WRJ, VT 05001



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Joshua Jerome

From: Joshua Jerome
Sent: Friday, May 14, 2021 9:35 AM
To: 'Brendan Malley'
Cc: Brendan Malley
Subject: RE: Randolph Davis Solar

Yes, lets plan on planning commission and Selectboard next month. PC meets on June 1st and Selex on June 10.

Thank you,
Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
Drawer B
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From: Brendan Malley <malley@norwitech.com>
Sent: Thursday, May 13, 2021 4:51 PM
To: Joshua Jerome <Joshua@randolphvt.org>
Cc: Brendan Malley <malley@norwitech.com>
Subject: Re: Randolph Davis Solar

Hi Josh,

Thank you for the note, I appreciate it.

Next month then? I will put it in my calendar for sure.

Best,

Brendan
202.550.0565

On May 13, 2021, at 4:18 PM, Joshua Jerome <Joshua@randolphvt.org> wrote:

Hi Brendan,

It was removed from the agenda due to the lack of the planning commissions vote. Just seeing this email as I was out of the office today.

Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
Drawer B
7 Summer Street
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From: Brendan Malley <malley@norwichtech.com>

Sent: Thursday, May 13, 2021 10:16 AM

To: Joshua Jerome <Joshua@randolphvt.org>

Subject: Randolph Davis Solar

Hi Joshua -

I hope all is well with you.

Was the Randolph Davis Solar project removed from the Selectboard agenda for tonight?

I know that the Planning Commission was not able to vote on the preferred siting, however I would be happy to at least introduce the project to the board so that when it comes before them next month it won't be the first time. I believe that the board has made a similar request in the past that proposed projects be given some discussion and attention prior to the meeting during which a vote will be taken.

Happy to chat if you like as well.

Best,

Brendan
202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
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Joshua Jerome

From: Joshua Jerome
Sent: Tuesday, June 1, 2021 12:31 PM
To: Brendan Malley
Subject: Planning Commission Meeting

Hi Brendan,

I am not sure if Sonny reached out to as a follow up for tonight's Planning Commission meeting, but thought I would reach out. The meeting tonight is in person in Randolph. It is being held outside under a covered pavilion. The location is called Grant Camp and is at the bottom of Hebard Hill Rd. just on the right just after the Baptist church. It's about an eighth of a mile up Hebard Hill from Rte. 66. We are having a public hearing beginning at 6:30 which I anticipate will take about 20 minutes and then the Planning Commission will close the hearing and go right into the normal business.

There's really only two items on the agenda which is the vote the PC needs to take to adopt the bylaw changes discussed during the public hearing and then yourself. We are going to have electricity there and will have a screen and projector. There is no internet at this location.

Please let me know if you are still able to make it.

Thank you!
Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
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Joshua Jerome

From: Joshua Jerome
Sent: Wednesday, June 9, 2021 10:20 AM
To: 'Brendan Malley'
Cc: Brendan Malley
Subject: RE: Selectboard Materials

Hi Brendan,

Just checking in on that letter that would be signed by the Planning Commission chair and then the Selectboard and TRORC.

Thank you,
Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
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7 Summer Street
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From: Brendan Malley <malley@norwitech.com>
Sent: Friday, June 4, 2021 4:39 PM
To: Joshua Jerome <Joshua@randolphvt.org>
Cc: Brendan Malley <malley@norwitech.com>
Subject: Re: Selectboard Materials

Awesome news. Thank you.

Brendan
202.550.0565

On Jun 4, 2021, at 4:35 PM, Joshua Jerome <Joshua@randolphvt.org> wrote:

I believe the meeting is going to be held via Zoom.

Thank you!

Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
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7 Summer Street
Randolph, VT 05060
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From: Brendan Malley <malley@norwitech.com>
Sent: Friday, June 4, 2021 4:31 PM
To: Joshua Jerome <Joshua@randolphvt.org>
Cc: Brendan Malley <malley@norwitech.com>
Subject: Re: Selectboard Materials

Hi Josh:

Thanks for the note. I will definitely do it.

Do you know if zoom is an option for next week?

Enjoy the weekend,

Brendan
202.550.0565

On Jun 4, 2021, at 4:19 PM, Joshua Jerome <Joshua@randolphvt.org> wrote:

Hi Brendan,

Can you send me language that I can put into our siting letter that would be signed by the Planning Commission and presented to the Selectboard? I should have asked for this earlier this week, but got away from me. I'm attaching a similar you did last year for Gifford. If you can send that to me by Monday that would be helpful.

Thank you,
Josh

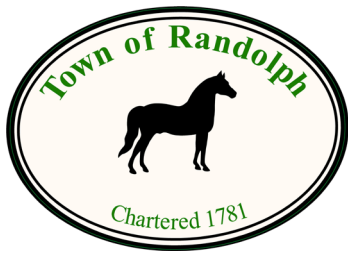
Joshua Jerome
Director of Economic Development

Zoning Administrator
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<Siting Letter.docx>



TOWN OF RANDOLPH, VERMONT

BY MAIL

June 1, 2020

Public Service Board of Vermont
112 State Street
Montpelier, VT 05620-2701
Ms. Judith Whitney, Clerk

Re: Preferred Siting Designation under Rule 5.100

Dear Ms. Whitney,

We refer to the application for a Certificate of Public Good (the "Application") to be filed by Randolph Gifford Farm Solar LLC, in respect of the 500 kW-AC solar electricity generation project (the "Project") proposed to be sited at the parcel located at 1624 VT Route 14 S, Randolph VT 05061, approximate latitude and longitude of Lat: 43.91720° N Lon: 72.55872° W (the "Location"). Having made our review, we wish to support the Project and declare our desire to have the Location designated as a "Preferred Site" under Section 5.103 of your Rule 5.100.

We note that we take no position on the Project's compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103.

Sincerely,

Town of Randolph
Planning Commission

Town of Randolph
Selectboard

Two Rivers-Ottawquechee
Regional Commission

Name:

Title:

Signature:

Joshua Jerome

From: Joshua Jerome
Sent: Thursday, June 17, 2021 2:09 PM
To: 'Brendan Malley'
Subject: RE: Checking in

Hi Brenda,

Thanks for the follow up. I've reached out to Larry to get a signature on the preferred siting letter so it can be sent to TRORC. I'll let you know when I get it.

Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
Drawer B
7 Summer Street
Randolph, VT 05060
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From: Brendan Malley <malley@norwichtech.com>
Sent: Thursday, June 17, 2021 1:11 PM
To: Joshua Jerome <Joshua@randolphvt.org>
Subject: Checking in

Hi Josh -

Just a quick note to check in on the preferred siting letter. Not a huge rush, but I just didn't want to forget to be in touch.

Hope all is well,

Brendan
202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001



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

Joshua Jerome

From: Joshua Jerome
Sent: Tuesday, July 6, 2021 4:23 PM
To: 'Brendan Malley'
Subject: RE: Preferred Siting Letter
Attachments: 20210706150343.pdf

Hi Brendan,

Attached is a scanned copy of it. I am in and out of the office this week as I broke my leg the other day, but I should be in on Friday. Just let me know and if I know I'm not going to be here I'll leave the letter with a colleague.

Thank you!
Josh

Joshua Jerome
Director of Economic Development
Zoning Administrator
Town of Randolph
Drawer B
7 Summer Street
Randolph, VT 05060
O: 802-728-5433 x19
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<https://accd.vermont.gov/about-us/disaster-planning/covid-19-guidance-vermont-businesses>

From: Brendan Malley <malley@norwichtech.com>
Sent: Tuesday, July 6, 2021 12:26 PM
To: Joshua Jerome <Joshua@randolphvt.org>
Subject: Re: Preferred Siting Letter

Hi Josh -

Thanks for the email and for getting the letter. A scanned copy would be awesome if we can get it soon. Getting the original at some point would also be good. I can pick it up at the town office to save on mail. Maybe this Friday?

Best,

Brendan
202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001



On Tue, Jul 6, 2021 at 12:13 PM Joshua Jerome <Joshua@randolphvt.org> wrote:

Hi Brendan,

I have the letter with all of the signatures from the PC, Selex and TRORC. Do you need an original or will a scanned copy suffice?

Thank you,

Josh

Joshua Jerome

Director of Economic Development

Zoning Administrator

Town of Randolph

Drawer B

7 Summer Street

Randolph, VT 05060

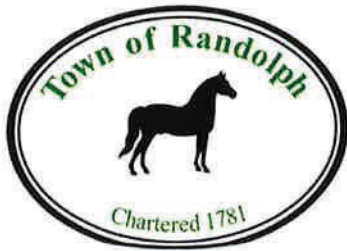
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TOWN OF RANDOLPH, VERMONT

BY MAIL

June 1, 2020

Public Service Board of Vermont
112 State Street
Montpelier, VT 05620-2701
Ms. Judith Whitney, Clerk

Re: Preferred Siting Designation under Rule 5.100

Dear Ms. Whitney,

We refer to the application for a Certificate of Public Good (the "Application") to be filed by Randolph Davis Solar LLC, in respect of the 500 kW-AC solar electricity generation project (the "Project") proposed to be sited at the parcel located at 0 Davis Road, Randolph VT 05061, approximate latitude and longitude of Lat: 43.904700° N Lon: -72.568771° W (the "Location"). Having made our review, we wish to support the Project and declare our desire to have the Location designated as a "Preferred Site" under Section 5.103 of your Rule 5.100.

We note that we take no position on the Project's compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103.

Sincerely,

Town of Randolph
Planning Commission

Town of Randolph
Selectboard

Two Rivers-Ottawaquechee
Regional Commission

Name:

Sonny Holt

Larry Satcowitz

Peter G. Gregory

Title:

Chair

Vice Chair

Executive Director

Signature

[Signature]

[Signature]

Peter G. Gregory

Joshua Jerome

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, October 21, 2021 6:38 PM
To: Joshua Jerome
Cc: Miles Hooper; Perry Armstrong; Paul Rea; Camden Walters
Subject: Fwd: Randolph Davis Solar/Norwich Technologies Preferred Sites Letter
Attachments: Letter to PC 10-21-21.pdf; Slope Percentages Randolph Davis LLC site.pdf

Hi Josh

I'm on travel and won't be available to work this.

My recommendation would be to contact Norwich Technologies to determine how far along they are in site development, to make them aware of this letter and then have them overlay the actual location of the Solar Panels on the property. There are areas on that property that are less than a 25% grade.

Sonny

The November meeting had already been cancelled. Camden Walters is aware of this issue.

Sonny

George "Sonny" Holt

----- Forwarded message -----

From: **Joan Allen** <joanbarballen@gmail.com>
Date: Thu, Oct 21, 2021, 4:46 PM
Subject: Randolph Davis Solar/Norwich Technologies Preferred Sites Letter
To: <holt7850@gmail.com>, <Joshua@randolphvt.org>, <Manager@randolphvt.org>
Cc: <Selectboard@randolphvt.org>, <pgregory@trorc.org>

Hello,

Please see the attached letter and accompanying map.

Joan Allen and Michael Binder

Joan B. Allen and Michael J. Binder
1953 Davis Road
Randolph Center, VT 05061
(802) 728-4830
joanbarballen@gmail.com
michaeljbinder@yahoo.com

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.*

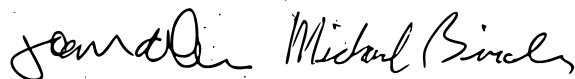
- 1. Prohibited Locations:*** *Energy facility development shall have to meet principal structure setback for the relevant area in the town zoning, and shall be prohibited in floodways, class 1 and 2 wetlands, lands within 50 feet of the top of bank of perennial streams, lands over 25% slope.*
- 2.*** *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,



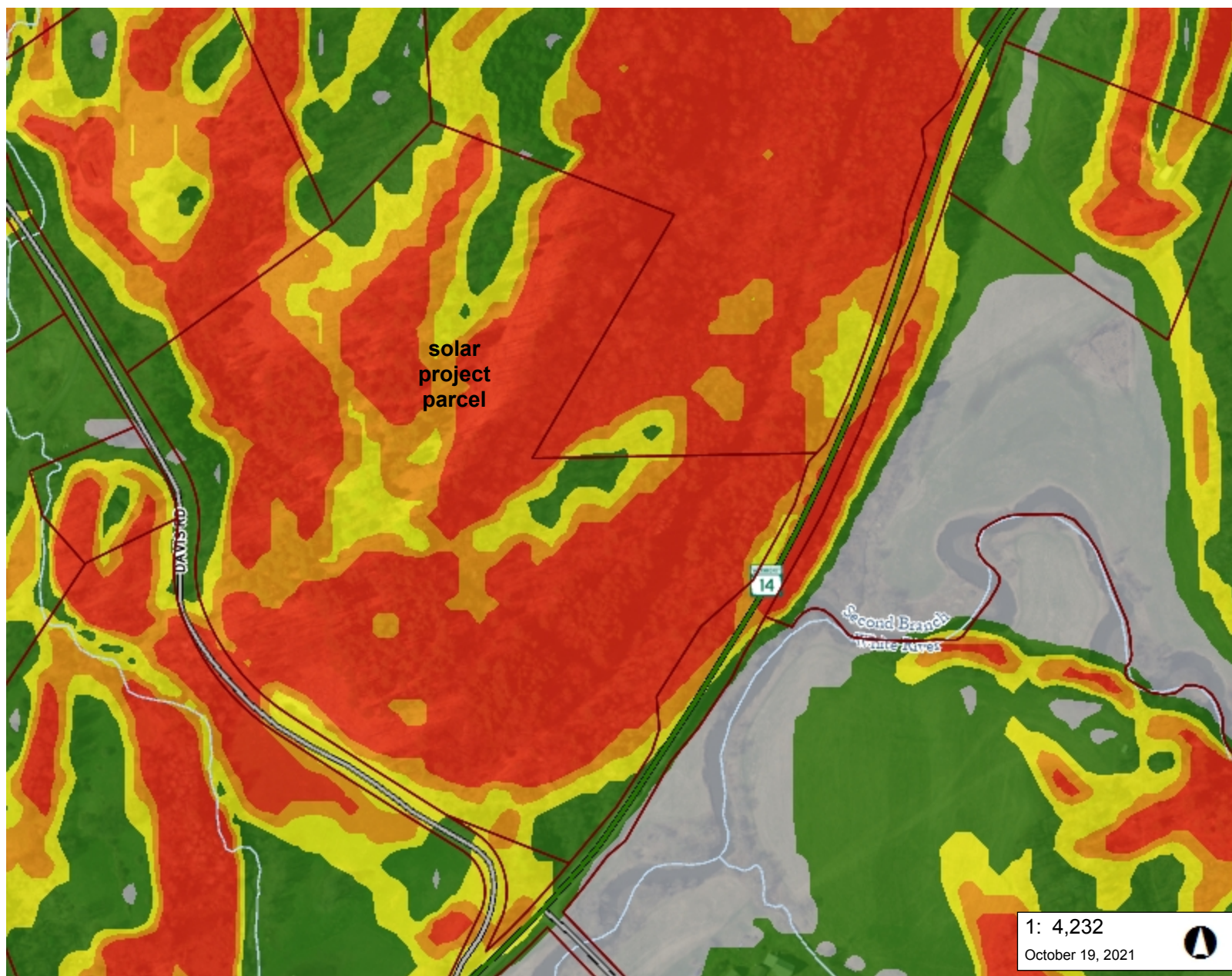
Joan Allen and Michael Binder

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



LEGEND

- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Stream/River**
 - Stream
 - Intermittent Stream
- Town Boundary
- Slope**
 - <5%
 - 5-15%
 - 15-20%
 - 20-25%
 - >25%



1: 4,232

October 19, 2021



NOTES

Map created using ANR's Natural Resources Atlas

215.0 0 108.00 215.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 353 Ft. 1cm = 42 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

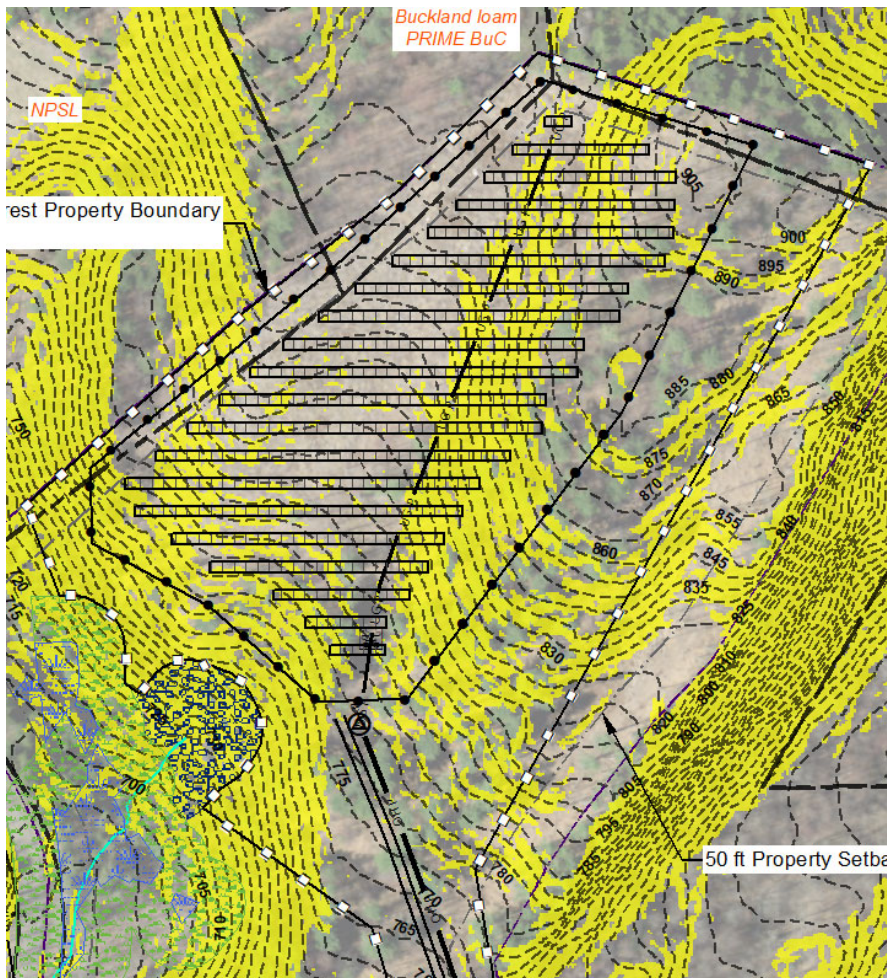
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

Joshua Jerome

From: Martha Staskus <staskus@norwichsolar.com>
Sent: Friday, October 22, 2021 2:49 PM
To: Brendan Malley; Joshua Jerome
Subject: Re: Davis Road Project

Hi Josh,

Thank you for your email. The illustration below shows the yellow areas are slopes >25% . This is based upon the State's statewide LIDAR program elevation data.



A couple of things that may help in the conversation.

First, the "preferred" site language in PUC Rule 5.103 is tied to whether a facility qualifies for a specific net meter rate. It means the site is recognized as suitable as a general matter and should be given the preferred siting compensation rate adjuster. It does not relate to the Net Metering Program applicable review criteria.

Then, as stated on Page 29 of the Town Plan, electric generation projects, renewable in this case, are regulated at the state level and are exempt from local permitting. It does not actually *have* to be owned by the utility, but rather it interconnects to the utilities' distribution system. See Pg 29 of the Town Plan, and a portion copied below:

Distributed power generation facilities, such as hydropower dams, fossil fuel plants as well as wind power or solar systems owned by utilities, are exempt from local permitting and Act 250 but subject to review and approval by the Vermont Public Utility Commission (30 VSA §248). Under this law, prior to the construction of a generation facility, the Commission must issue a Certificate of Public Good permitting the proposed project. A Section 248 review addresses environmental, economic, and social impacts associated with a particular project, similar to Act 250.

Hope that helps and feel free to send along any other questions.

Regards, Martha



Virus-free. www.avast.com

On Fri, Oct 22, 2021 at 1:23 PM Brendan Malley <malley@norwitech.com> wrote:

Brendan
202.550.0565

Begin forwarded message:

From: Joshua Jerome <Joshua@randolphvt.org>
Date: October 22, 2021 at 1:15:26 PM EDT
To: Brendan Malley <malley@norwitech.com>
Subject: Davis Road Project

Hi Brendan,

I received a letter from an abutter of the Davis Road project who is questioning the decision of the Planning Commission and Selectboard to approve of a preferred siting letter for the Davis Road project due to the site containing slopes of 25% or greater. Can you please provide me with an overlay site plan that includes slopes of 25% or more?

Thank you,

Josh

Joshua Jerome

Director of Economic Development

Zoning Administrator

Town of Randolph

Drawer B

7 Summer Street

Randolph, VT 05060

O: 802-728-5433 x13

C: 802-431-5385

Note: Written communications, including emails, to and from Town officials regarding Town business are considered public records and, therefore, may be subject to public scrutiny.

For the latest COVID-19 Updates for Vermont Businesses:

<https://accd.vermont.gov/about-us/disaster-planning/covid-19-guidance-vermont-businesses>

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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



Joshua Jerome

From: Martha Staskus <staskus@norwichsolar.com>
Sent: Thursday, November 11, 2021 11:13 AM
To: Sonny Holt; Joshua Jerome
Cc: Brendan Malley
Subject: Fwd: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
Attachments: DPS Standards for municipal energy plans.PDF

Good morning Josh and Sonny,

Norwich Solar requested review and guidance from legal counsel relating to concerns expressed by Ms. Allen & Mr. Binder, neighbors to the Randolph Davis Solar project. Please see the email below from Kim Hayden explaining further background to why we arrived at our assessments submitted to the PUC.

Additionally, perhaps take an additional look at the site plan (Exhibit RDS MS 2) and elevations (Exhibit RDS MS 3) filed with the application. The average slopes in the elevation cross sections (north-south and then east-west) are:

The average slope of the array along A-A is 15.5% (starting at elev. of +/-810' and ending at elev. of +/-870')

The average slope of the array along B-B is 10% (starting at elev of +/-820' and ending at elev. of +/-850')

We appreciate the opportunity to continue collaboration with the Town of Randolph in meeting our local and state renewable energy goals.

Regards, Martha

----- Forwarded message -----

From: Kimberly K. Hayden <KHayden@pfclaw.com>
Date: Wed, Nov 10, 2021 at 1:16 PM
Subject: RE: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
To: Brendan Malley <malley@norwichtech.com>, Martha Staskus <staskus@norwichsolar.com>

Good afternoon,

I have reviewed the neighbors' comments to the PUC and Town raising a concern that the Project site may be in a "prohibited" area due to some areas being on a steep slope.

There are multiple reasons that the steep slopes language in the Randolph Town Plan does not and should not be considered to preclude the Town from designating the project site as preferred:

- First, municipal plan provisions regarding solar generation siting are not zoning ordinances and cannot prohibit solar generation siting. In fact, the Supreme Court has held that Section 248 preempts municipal zoning. *In re Petition of Rutland Renewable Energy, LLC. for a Certificate of Public Good Pursuant to 30 V.S.A. § 248*, 2016 Vt. 50, ¶ 36. The steep

slopes language in the energy section actually looks like a municipal zoning provision, not an energy plan provision. In any event, the Town would be preempted from prohibiting siting based on this language.

- Second, Randolph's Town Plan has not received a determination of compliance under Act 174 of 2016. This is significant. Pursuant to Act 174, in siting cases before the PUC, provisions in a municipal plan may be afforded substantial deference by the PUC, but only those plans that have received an affirmative determination of energy compliance by the regional commission. See 30 V.S.A. § 248(b)(1)(C). Plans that have not received an Act 174 determination of energy compliance are afforded only "due consideration." *Id.*
- Third, the steep slopes language set forth in the energy chapter of the Randolph Town Plan is not consistent with Act 174, which calls for mapping exercises to identified "preferred", "suitable" and "unsuitable" locations, but does not speak to designations as "prohibited." Instead, the framework under Act 174 allows municipalities to identify preferred and constrained areas, based on standards developed by the Vermont Department of Public Service (DPS) pursuant to Act 174. Attached are the Standards developed by the DPS that govern municipal energy plans (also available at <https://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards> . Steep slopes are not mentioned as a possible constraint under these standards. Nothing in Act 174, the State Energy Plan, the TRORC Plan, or the DPS Standards for Energy Compliance suggest a blanket prohibition on steep slopes, but rather encourage and require identification of suitable areas to meet the GHG reduction targets of VT law.
- Finally, the steep slopes language in the Town Plan is provided in the context of protecting water resources. The Section 248 criterion that addresses soil erosion, and the Vermont Stormwater permitting program, provides protections for erosion control and stormwater protection. The project application has stated that the project will obtain a stormwater construction permit and that permit will also be a condition of the PUC CPG.

Regards,

Kim

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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



Energy Planning Standards for Municipal Plans

Instructions

Before proceeding, please review the requirements of Parts I and II below, as well as the Overview document. Submitting a Municipal Plan for review under the standards below is entirely voluntary, as enabled under [Act 174](#), the Energy Development Improvement Act of 2016. If a Municipal Plan meets the standards, it will be given an affirmative “determination of energy compliance,” and will be given “substantial deference” in the Public Service Board’s review of whether an energy project meets the orderly development criterion in the Section 248 process. Specifically, with respect to an in-state electric generation facility, the Board:

[S]hall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), “substantial deference” means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.

Municipal Plans should be submitted by the municipality’s legislative body to the Regional Planning Commission (RPC) if the Regional Plan has received an affirmative determination of energy compliance. If a Regional Plan has not received such a determination, until July 1, 2018¹, a municipality may submit its adopted and approved Municipal Plan to the Department of Public Service (DPS) for a determination of energy compliance (determination), along with the completed checklist below. After a Municipal Plan and completed checklist have been submitted to the RPC (or DPS), the RPC or DPS will schedule a public hearing noticed at least 15 days in advance by direct mail to the requesting municipal legislative body, on the RPC or DPS website, and in a newspaper of general publication in the municipality. The RPC or DPS shall issue a determination in writing within two months of the receipt of a request. If the determination is negative, the RPC or DPS shall state the reasons for the denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination following a negative determination shall receive a new determination within 45 days.

The plans that Municipalities submit must:

- Be adopted
- Be confirmed under 24 V.S.A. § 4350
- Include an energy element that has the same components as described in 24 V.S.A. § 4348a(a)(3)
- Be consistent with state energy policy (described below), in the manner described in 24 V.S.A. § 4302(f)(1)
- Meet all standards for issuing a determination of energy compliance (see below)

¹ These standards will be revised after July 1, 2018 to reflect that Municipal Plans should be submitted only to the Regional Planning Commissions – which will all have had an opportunity to seek a determination of energy compliance – from that point forward.

Municipalities are encouraged to consult with their reviewer (either their RPC or DPS) before undertaking the process of plan adoption, which may help in identifying any deficiencies or inconsistencies with the standards or other requirements that would be more difficult to remedy after a plan has gone through the formal adoption process.

The state's Comprehensive Energy Plan (CEP) is revised on a 6-year basis. When the next CEP is published in 2022, it will include a revised set of standards, as well as Recommendations that are customized to regions and municipalities. The Recommendations that accompany this initial set of Standards represent a subset of recommendations from the 2016 CEP, which were not written with regions and municipalities specifically in mind. A Guidance document – which is expected to evolve as best practices from regions and municipalities emerge – will be published shortly after the Standards are issued. It will serve as the warehouse for relevant recommendations from the 2016 CEP, links to data sources, instructions on conducting analysis and mapping, and sample language/best practices. Once issued and until the 2022 CEP is published, this Guidance document will supplant the Recommendations document.

Affirmative determinations last for the life cycle of a revision of the Municipal Plan, and Municipal Plans that are submitted after the 2022 CEP is issued will be expected to meet the Standards that are issued at that time. Municipalities are encouraged to consult with their RPC or DPS regarding interim amendments that might affect any of the standards below, to discuss whether a new review is triggered.

If you wish to submit your Municipal Plan to your RPC or to DPS for a determination, please read closely the specific instructions at the start of each section below, and attach your Municipal Plan to this checklist.

Determination requests to an RPC (and any other questions) should be submitted to your RPC's designated contact. Determination requests to DPS until July 1, 2018 – and only for municipalities whose Regions' plans have not received an affirmative determination – should be submitted to:

PSD.PlanningStandards@vermont.gov.

Part I: Applicant Information

The plan being submitted for review is a:	☐ Municipal Plan in a region whose regional plan has received an affirmative determination of energy compliance from the Commissioner of Public Service Please submit these plans to your RPC	☐ Municipal Plan in a region whose regional plan has <u>not</u> received a determination of energy compliance Until July 1, 2018, please submit these to the DPS. After July 1, 2018, this option ceases to exist.
Applicant:		
Contact person:		
Contact information:		
Received by:	Date:	

Part II: Determination Standards Checklist

The checklist below will be used to evaluate your plan's consistency with statutory requirements under Act 174, including the requirement to be adopted and approved, contain an enhanced energy element, be consistent with state energy policy, and meet a set of standards designed to ensure consistency with state energy goals and policies.

Please review and attach your plan (or adopted energy element/plan, along with supporting documentation) and self-evaluate whether it contains the following components. Use the Notes column to briefly describe how your plan is consistent with the standard, including relevant page references (you may include additional pages to expand upon Notes). If you feel a standard is not relevant or attainable, please check N/A where it is available and use the Notes column to describe the situation, explaining why the standard is not relevant or attainable, and indicate what measures your municipality is taking instead to mitigate any adverse effects of not making substantial progress toward this standard. If N/A is not made available, the standard must be met (unless the instructions for that standard indicate otherwise) and checked "Yes" in order to receive an affirmative determination. There is no penalty for checking (or limit on the number of times you may check) N/A where it is available, as long as a reasonable justification is provided in the Notes column.

Plan Adoption Requirement

[Act 174](#) requires that municipal plans be adopted and approved in order to qualify for a determination of energy compliance. In the near term, it is likely municipalities will revise and submit isolated energy plans or elements, particularly due to long planning cycles. Therefore, the plan adoption requirement can be met through an amendment to an existing plan in the form of an energy element or energy plan, as long as the amendment or plan itself is duly adopted as part of the municipal plan and incorporated by reference or appended to the underlying, full plan (i.e., is officially "in" the municipal plan), as well as approved for confirmation with the region. If this route is chosen, the municipality should also attach the planning commission report required for plan amendments under 24 V.S.A. § 4384, which should address the internal consistency of the energy plan/element with other related elements of the underlying plan (particularly Transportation and Land Use), and/or whether the energy plan/element supersedes language in those other elements. Standards 1 and 2 below must be answered in the affirmative in order for a plan to receive an affirmative determination of energy compliance.

1. Has your plan been duly adopted and approved for confirmation according to 24 V.S.A. § 4350 ?	☐ Yes. Adoption date: _____ Confirmation date: _____	☐ No	
2. Is a copy of the plan (or adopted energy element/plan, along with underlying plan and planning commission report addressing consistency of energy element/plan with other elements of underlying plan) attached to this checklist?	☐ Yes	☐ No	

Energy Element Requirement

To obtain a determination of energy compliance, Act 174 requires municipalities to include an “energy element” that contains the same components described in 24 V.S.A. § 4348a(a)(3), which was revised through Act 174 to explicitly address energy across all sectors and to identify potential and unsuitable areas for siting renewable energy resources:

An energy element, which may include an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

The standards below are generally organized to integrate each component of the enhanced energy element with related determination standards that evaluate the plan’s consistency with state goals and policies. **Energy element components are identified in bolded text.**

While municipalities may choose to primarily address energy used for heating, transportation, and electricity in the required energy element, they may also choose to address some of these components in related plan elements (e.g., Transportation and Land Use) and should indicate as much in the Notes column. To the extent an energy element is designed to comprehensively address energy, it should be complementary to and reference other relevant plan elements.

3. Does the plan contain an energy element, that contains the same components described in 24 V.S.A. § 4348a(a)(3)?

Individual components of the energy element will be evaluated through the standards below.

☐ Yes

☐ No

Page: _____

Consistency with State Goals and Policies Requirement

Act 174 states that regional and municipal plans must be consistent with the following state goals and policies:

- Greenhouse gas reduction goals under [10 V.S.A. § 578\(a\)](#) (50% from 1990 levels by 2028; 75% by 2050)
- The 25 x 25 goal for renewable energy under [10 V.S.A. § 580](#) (25% in-state renewables supply for all energy uses by 2025)
- Building efficiency goals under [10 V.S.A. § 581](#) (25% of homes – or 80,000 units – made efficient by 2020)
- State energy policy under [30 V.S.A. § 202a](#) and the recommendations for regional and municipal planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the [State energy plans](#) adopted pursuant to [30 V.S.A. §§ 202](#) and [202b](#)
- The distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under [30 V.S.A. §§ 8004](#) and [8005](#)

The standards in the checklist below will be used to determine whether a plan is consistent with these goals and policies. The standards are broken out by category. *Analysis and Targets* standards address how energy analyses are done within plans, and whether targets are established for energy conservation, efficiency, fuel switching, and use of renewable energy across sectors. *Pathways (Implementation Actions)* standards address the identification of actions to achieve the targets. *Mapping* standards address the identification of suitable and unsuitable areas for the development of renewable energy.

Municipalities may choose to incorporate the information necessary to meet the standards in their energy elements, and/or in other sections of their plans (many transportation items may fit best in the Transportation chapters of plans, for instance). However, plans must be internally consistent, and applicants should cross-reference wherever possible.

Analysis and Targets Standards

For the *Analysis & Targets* determination standards below, municipalities will be provided with analyses and targets derived from regional analyses and targets no later than April 30, 2017 (and likely much sooner). Municipalities may choose to rely on these “municipalized” analyses and targets to meet the standards in this section. Municipalities which elect to use the analysis and targets provided by a region will be presumed to have met the standards in this section. Alternatively, municipalities may develop their own custom analyses and targets or supplement the analyses and targets provided by the regions with specific local data; if this option is chosen, the analysis and targets must include all of the same components and meet the standards required of regions, as described below.

For municipalities that choose to undertake their own analysis and target-setting (and for regions), DPS is providing a guidance document to explain the expected level of detail in and data sources and methodologies available for meeting the standards (including areas where it is understood data at the municipal level is unavailable, and therefore not expected). Note that standards 5A-4E are all derived directly from requirements in Act 174 (with minor modifications to make them feasible) and must be met affirmatively in order for a municipal plan to receive an affirmative determination of energy compliance.

Targets set by regions and municipalities should be aligned with state energy policy (see the goals and policies listed above). Where targets (and efforts to reach them) depart significantly from state energy goals and policies, an explanation for how the plan otherwise achieves the intent of the state goal or policy should be provided. The guidance document also offers additional clarification on alignment with state goals and policies.

The analysis items below are intended to provide regions and municipalities with an overview of their current energy use, and with a sense of the trajectories and pace of change needed to meet targets, which can be translated into concrete actions in the *Pathways* standards below. Targets provide regions and municipalities with milestones or checkpoints along the way toward a path of meeting 90% of their total energy needs with renewable energy, and can be compared with the potential renewable energy generation from areas identified as potentially suitable in the *Mapping* standards exercise below to give regions and municipalities a sense of their ability to accommodate renewable energy that would meet their needs.

4. Does your plan’s energy element contain an analysis of resources, needs, scarcities, costs, and problems within the municipality across all energy sectors (electric, thermal, transportation)?	☐ Yes	☐ No	Page: _____
5. Does your plan contain an analysis that addresses A-E below, either as provided by your Regional Planning Commission or as developed by your municipality? <i>Municipalities may meet this standard by using the analysis and targets provided by their regions, or by developing their own analyses and targets. If using the analysis & targets provided by your region, please answer “Yes-Region” and skip ahead to #6. If</i>	☐ Yes-Region ☐ Yes-Custom	☐ No	Page: _____ Paragraph #: _____

<i>developing a custom analysis, please answer "Yes-Custom" and address 5A-5E separately, below.</i>			
A. Does the plan estimate current energy use across transportation, heating, and electric sectors?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
B. Does the plan establish 2025, 2035, and 2050 targets for thermal and electric efficiency improvements, and use of renewable energy for transportation, heating, and electricity?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
C. Does the plan evaluate the amount of thermal-sector conservation, efficiency, and conversion to alternative heating fuels needed to achieve these targets?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
D. Does the plan evaluate transportation system changes and land use strategies needed to achieve these targets?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
E. Does the plan evaluate electric-sector conservation and efficiency needed to achieve these targets?	☐ Yes	☐ No	Page: _____ Paragraph #: _____

Pathways (Implementation Actions) Standards

This section examines whether plans meet the Act 174 expectation that they include pathways and recommended actions to achieve the targets identified through the *Analysis and Targets* section of the Standards (above). Plans are expected to include or otherwise address all of the pathways (implementation actions) below; some actions may not be applicable or equally relevant to all applicants (small vs. large municipalities, for instance), in which case N/A may be checked (if available) and the justification provided in the Notes column. There is no penalty for choosing N/A one or more times, as long as a reasonable justification is provided in the Notes column, preferably including an explanation of how the plan alternatively achieves attainment of the targets should be included. If N/A is not provided as an option, the standard must be met, and "Yes" must be checked, in order for the plan to meet the requirements for a determination (unless the instructions particular to that standard indicate otherwise).

DPS will be issuing a guidance document in the near term providing potential implementation actions derived from the Comprehensive Energy Plan (relevant formal Recommendations as well as opportunities not specifically called out as Recommendations), from recent regional and municipal plans, and from other sources. The guidance document will be revised after the regions have compiled best practices from early municipalities pursuing energy planning to seek a determination of energy compliance, in the summer of 2017.

For the time being, we offer potential implementation action options for consideration as italicized text under each standard. Plans are encouraged to promote as diverse a portfolio of approaches as possible in each sector, or if not, to explain why they take a more targeted approach. Implementation actions may fit best in a holistic discussion contained within a plan's energy element, though cross-referencing to other relevant plan elements is also acceptable.

Municipalities must demonstrate a commitment to achieving each standard in both policies and implementation measures in clear, action-oriented language.

6. Does your plan's energy element contain a statement of policy on the conservation and efficient use of energy?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
A. Does the plan encourage conservation by individuals and organizations? <i>(Actions could include educational activities and events such as convening or sponsoring weatherization workshops, establishing local energy committees, encouraging the use of existing utility and other efficiency and conservation programs and funding sources, etc.)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
B. Does the plan promote efficient buildings? <i>(Actions could include promoting compliance with residential and commercial building energy standards for new construction and existing buildings, including additions, alterations, renovations and repairs; promoting the implementation of residential and commercial building efficiency ratings and labeling; considering adoption of stretch codes, etc.)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
C. Does the plan promote decreased use of fossil fuels for heating? <i>(Actions and policies could promote switching to wood, liquid biofuels, biogas, geothermal, and/or electricity. Suitable devices include advanced wood heating systems and cold-climate heat pumps, as well as use of more energy efficient heating systems; and identifying potential locations for, and barriers to, deployment of biomass district heating and/or thermal-led combined heat and power systems in the municipality)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
D. Does the plan demonstrate the municipality's leadership by example with respect to the efficiency of municipal buildings? <i>(Actions could include building audits and weatherization projects in schools and town offices, etc.)</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
E. Other (please use the notes section to describe additional approaches that your municipality is taking)	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
7. Does your plan's energy element contain a statement of policy on reducing transportation energy demand and single-occupancy vehicle use, and encouraging use of renewable or lower-emission energy sources for transportation?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
A. Does the plan encourage increased use of public transit? <i>(Actions could include participation in efforts to identify and develop new public transit routes, promote full utilization of existing routes, integrate park-and-rides with transit routes, etc.)</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
B. Does the plan promote a shift away from single-occupancy vehicle trips, through strategies appropriate to the municipality?	☐ Yes	☐ No	Page: _____ Paragraph #: _____

<i>(Actions could include rideshare, vanpool, car-sharing initiatives; efforts to develop or increase park-and-rides; enhancement of options such as rail and telecommuting; education; intergovernmental cooperation; etc.)</i>			
C. Does the plan promote a shift away from gas/diesel vehicles to electric or other non-fossil fuel transportation options through strategies appropriate to the municipality? <i>(Actions could include promoting the installation of electric vehicle charging infrastructure, providing education and outreach to potential users, supporting non-fossil fuel vehicle availability through outreach to vehicle dealers, etc.)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
D. Does the plan facilitate the development of walking and biking infrastructure through strategies appropriate to the municipality? <i>(Actions could include studying, planning for, seeking funding for, or implementing improvements that encourage safe and convenient walking and biking; adopting a "Complete Streets" policy, etc.)</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
E. Does the plan demonstrate the municipality's leadership by example with respect to the efficiency of municipal transportation? <i>(Actions could include purchasing energy efficient municipal and fleet vehicles when practicable, installing electric vehicle charging infrastructure, etc.)</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
F. Other (please use the notes section to describe additional approaches that your municipality is taking)	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
8. Does your plan's energy element contain a statement of policy on patterns and densities of land use likely to result in conservation of energy?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
A. Does the plan include land use policies (and descriptions of current and future land use categories) that demonstrate a commitment to reducing sprawl and minimizing low-density development? <i>(Actions could include adopting limited sewer service areas, maximum building sizes along highways, policies or zoning that require design features that minimize the characteristics of strip development [multiple stories, parking lot to the side or back of the store], and requirements that development in those areas be connected by means other than roads and cars; adopting a capital budget and program that furthers land use and transportation policies; etc.)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
B. Does the plan strongly prioritize development in compact, mixed-use centers when physically feasible and appropriate to the use of the development, or identify steps to make such compact development more	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____

feasible? <i>(Actions could include participating in the state designation program, such as obtaining state designated village centers, downtowns, neighborhoods, new town centers, or growth centers; exploration of water or sewage solutions that enable compact development; etc.)</i>			
C. Other (please use the notes section to describe additional approaches that your municipality is taking)	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
9. Does your plan's energy element contain a statement of policy on the development and siting of renewable energy resources?	☐ Yes	☐ No	
A. Does the plan evaluate (estimates of or actual) generation from existing renewable energy generation in the municipality? <i>Municipalities should be able to obtain this information from their regions.</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
B. Does the plan analyze generation potential, through the mapping exercise (see <i>Mapping</i> standards, below), to determine potential from preferred and potentially suitable areas in the municipality? <i>Municipalities should be able to obtain this information from their regions.</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
C. Does the plan identify sufficient land in the municipality for renewable energy development to reasonably reach 2050 targets for renewable electric generation, based on population and energy resource potential (from potential resources identified in the <i>Mapping</i> exercise, below), accounting for the fact that land may not be available due to private property constraints, site-specific constraints, or grid-related constraints? <i>If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
D. Does the plan ensure that any local constraints (locally designated resources or critical resources, from 12B and 12C under <i>Mapping</i> , below) do not prohibit or have the effect of prohibiting the provision of sufficient renewable energy to meet state, regional, or municipal targets? <i>If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
E. Does the plan include statements of policy to accompany maps (could include general siting guidelines), including statements of policy to accompany any preferred, potential, and unsuitable areas for siting generation (see 12 and 13 under <i>Mapping</i> , below)?	☐ Yes	☐ No	Page: _____ Paragraph #: _____
F. Does the plan maximize the potential for renewable generation on preferred locations (such as the categories outlined under 12E in the <i>Mapping</i> standards, below)?	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____

G. Does the plan demonstrate the municipality's leadership by example with respect to the deployment of renewable energy? (Actions could include deploying renewable energy to offset municipal electric use, etc.)	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
H. Other (please use the notes section to describe additional approaches that your municipality is taking)	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____

Mapping Standards

Act 174 requires plans to identify potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources. It furthermore requires that the standards address the potential generation from the potential siting areas.

The *Mapping* standards lay out a sequence of steps for planners to examine existing renewable resources and to identify potential (and preferred) areas for renewable energy development, and to identify likely unsuitable areas for development, by layering constraint map layers on to raw energy resource potential map layers. The maps should help municipalities visualize and calculate the potential generation from potential areas, and compare it with the 2025, 2035, and 2050 targets from the *Analysis and Targets* standards to get a sense of the scale and scope of generation that could be produced within the region to meet the municipality's needs. DPS will provide additional guidance to accompany the standards that fleshes out the steps, layers, and standards more fully.

Plans must include maps that address all of the standards below, unless N/A is provided as an option, in which case a compelling reason why the standard is not applicable or relevant should be provided in the Notes column. Regions must develop their own maps (already underway through support being provided to regions by DPS), and to then break out the maps for their municipalities, who can use their region-provided maps to meet the municipal *Mapping* standards (such "municipalization" work is being supported through a training & technical assistance contract between DPS and regions, and all regions must supply completed maps to their municipalities by April 30, 2017, though many are expected to do so much sooner).

Municipalities may choose to rely on the maps provided by the regions to meet the standards in this section. Those maps should be somewhat familiar to municipalities, who are expected to be consulted as regions develop their maps. Alternatively, municipalities may choose to undertake their own mapping, according to the same set of standards as regions. Additionally, municipalities are expected to work collaboratively with their regions and with neighboring municipalities to ensure compatibility between the final products.

The map and the text describing the policies or rules used to construct the map, as well as the text describing specific policies applicable to map features, should be complementary. That should help ensure that any "land conservation measures and specific policies" that might be given substantial deference in the context of a particular project review under 30 V.S.A. § 248 are clearly identifiable in the text, should a map lack sufficient clarity or granularity regarding the area in which a project is proposed.

10. Does your plan contain one or more maps that address 11-13 below, as provided by your Regional Planning Commission or as developed by your municipality?	☐ Yes-Region	☐ No	Page: _____ Paragraph #: _____
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<i>Municipalities may meet this standard by using the maps provided by their regions, or by developing their own maps. If using the maps provided by your region, please answer "Yes-Region" and skip ahead to #14. If developing custom maps, please answer "Yes-Custom" and address 11-13 separately, below.</i>	☐ Yes- Custom		
11. Does the plan identify and map existing electric generation sources? Maps may depict generators of all sizes or just those larger than 15 kW, as long as information on generators smaller than 15 kW is summarized and provided or referenced elsewhere. It is expected that the best available information at the time of plan creation will be used. This information is available from the DPS.	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
12. Does the plan identify potential areas for the development and siting of renewable energy resources and the potential generation from such generators in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure? Maps should include the following (available from VCGI and ANR), and the resulting Prime and Secondary Resource Maps will together comprise "potential areas":	☐ Yes	☐ No	Page: _____ Paragraph #: _____
A. Raw renewable energy potential analysis (wind and solar), using best available data layers (including LiDAR as appropriate)	☐ Yes	☐ No	Page: _____ Paragraph #: _____
B. Known constraints (signals likely, though not absolute, unsuitability for development based on statewide or local regulations or designated critical resources) to include: • Vernal Pools (confirmed and unconfirmed layers) • DEC River Corridors • FEMA Floodways • State-significant Natural Communities and Rare, Threatened, and Endangered Species • National Wilderness Areas • Class 1 and Class 2 Wetlands (VSWI and advisory layers) • Regionally or Locally Identified Critical Resources <i>If areas are constrained for the development of renewable energy due to the desire to protect a locally designated critical resource (whether a natural resource or a community-identified resource), then the land use policies applicable to other forms of development in this area must</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____

<i>be similarly restrictive; for this category, policies must prohibit all permanent development (and should be listed in the Notes column).</i> <i>These areas should be subtracted from raw renewable energy resource potential maps to form Secondary Resource Maps</i>			
C. Possible constraints (signals conditions that would likely require mitigation, and which may prove a site unsuitable after site-specific study, based on statewide or regional/local policies that are currently adopted or in effect), including but not limited to: • Agricultural Soils • FEMA Special Flood Hazard Areas • Protected Lands (State fee lands and private conservation lands) • Act 250 Agricultural Soil Mitigation areas • Deer Wintering Areas • ANR's Vermont Conservation Design Highest Priority Forest Blocks (or Habitat Blocks 9 & 10, for plans using regional maps in regions whose plans will be submitted for adoption at the regional level by March 1, 2017) • Hydric Soils • Regionally or Locally Identified Resources <i>If locations are constrained for the development of renewable energy due to the desire to protect a locally designated resource (whether a natural resource or community-identified resource, like a view), then the land use policies applicable to other forms of development must be similarly restrictive (and should be listed in the Notes column).</i> <i>These areas should be subtracted from Secondary Resource Maps to form Prime Resource Maps.</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
D. Transmission and distribution resources and constraints, as well as transportation infrastructure. <i>(Including three-phase distribution lines, known constraints from resources such as Green Mountain Power's solar map, known areas of high electric load, etc.)</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____

E. Preferred locations (specific areas or parcels) for siting a generator or a specific size or type of generator, accompanied by any specific siting criteria for these locations <i>Narrative descriptions of the types of preferred areas in accompanying plan text are acceptable, though mapping of areas and especially specific parcels (to the extent they are known) is highly encouraged, to signal preferences to developers, particularly for locally preferred areas and specific parcels that do not qualify as a statewide preferred location under i. below.</i> <i>The locations identified as preferred must not be impractical for developing a technology with regard to the presence of the renewable resource and access to transmission/distribution infrastructure.</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
i. Statewide preferred locations such as rooftops (and other structures), parking lots, previously developed sites, brownfields, gravel pits, quarries, and Superfund sites	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
ii. Other potential locally preferred locations <i>For example, customer on- or near-site generation, economic development areas, unranked and not currently farmed agricultural soils, unused land near already developed infrastructure, locations suitable for large-scale biomass district heat or thermal-led cogeneration, potential locations for biogas heating and digesters, etc.</i> <i>These are particularly important to map if possible, as “a specific location in a duly adopted municipal plan” is one way for a net metering project to qualify as being on a preferred site.</i>	☐ Yes	☐ No ☐ N/A	Page: _____ Paragraph #: _____
13. Does the plan identify areas that are unsuitable for siting renewable energy resources or particular categories or sizes of those resources? Either Yes or No (“No” if the plan chooses not to designate any areas as unsuitable) is an acceptable answer here. “Resources” is synonymous with “generators.”	☐ Yes (“Yes” for A and B must also be selected below)	☐ No	Page: _____ Paragraph #: _____
A. Are areas identified as unsuitable for particular categories or sizes of generators consistent with resource availability and/or land use policies in the regional or municipal plan applicable to other types of	☐ Yes	☐ No ☐ N/A (if no unsuita	Page: _____ Paragraph #: _____

land development (answer only required if “Yes” selected above, indicating unsuitable areas have been identified)? <i>If areas are considered unsuitable for energy generation, then the land use policies applicable to other forms of development in this area should similarly prohibit other types of development. Please note these policies in the Notes column.</i>		ble areas are identifie d)	
B. Does the plan ensure that any regional or local constraints (regionally or locally designated resources or critical resources, from 12b-12c above) identified are supported through data or studies, are consistent with the remainder of the plan, and do not include an arbitrary prohibition or interference with the intended function of any particular renewable resource size or type? <i>Please explain in the Notes column.</i>	☐ Yes	☐ No	Page: _____ Paragraph #: _____
14. Municipalities seeking a determination of energy compliance from the Department and not using their region’s maps only: Does the plan ensure that its approach, if applied regionally, would not have the effect of prohibiting any type of renewable generation technology in all locations?	☐ Yes (also check Yes if seeking determination from region, or from DPS but using region-provided maps)	☐ No	Page: _____ Paragraph #: _____

Joshua Jerome

From: Brendan Malley <malley@norwichtech.com>
Sent: Thursday, February 10, 2022 2:41 PM
To: Zoning; Trevor Lashua; Sonny Holt
Cc: Jim Merriam
Subject: Fwd: Randolph Davis Solar
Attachments: Slope Survey.pdf; 20220209 KREBS Randolph Davis Solar_Letter to Randolph Select Board.pdf; NST_Randolph Davis_C-100 Site Plan_revA (2-09-22) (1).pdf

Mr. Holt -

I am writing this public email to provide the Planning Commission with the same information that was provided to the Selectboard in advance of tonight's meeting, seeing that the Planning Commission is on the agenda to discuss the David Road project.

I am attaching a site plan here as well as letters from Horizons Engineering and Krebs and Lansing. These documents were just received by Norwich Technologies.

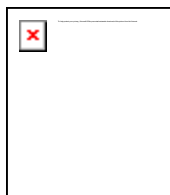
The plan demonstrates compliance and is prepared by Krebs and Lansing Consulting Engineers, Inc. (a Vermont licensed civil engineering firm very experienced in solar array designs) and is based on the topographic survey work performed since the 1/13 Selectboard meeting by Horizons Engineering (a Vermont licensed survey firm).

As we discussed in the public meetings before the Planning Commission the specific layout of solar panels *within the project area* would be refined by onsite engineering and permitting considerations throughout the project's development process following preferred siting.

The revised plan attached and submitted to the town represents the acceleration of that engineering work in response to questions raised by the Selectboard during the January 13th 2022 meeting.

Best,

Brendan
202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001



----- Forwarded message -----

From: **Trevor Lashua** <Trevor@randolphvt.org>
Date: Thu, Feb 10, 2022 at 11:28 AM

Subject: RE: Randolph Davis Solar
To: Brendan Malley <malley@norwichtech.com>
Cc: Jim Merriam <merriam@norwichtech.com>

Thanks Brendan. I have forwarded the materials to the Board.

Regards,

-T

From: Brendan Malley <malley@norwichtech.com>
Sent: Thursday, February 10, 2022 9:30 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Jim Merriam <merriam@norwichtech.com>
Subject: Randolph Davis Solar

Good morning, Trevor:

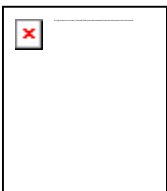
I am writing to let you know that Norwich Technologies will attend and present a site plan at the February 10th selectboard meeting that addresses concerns raised at the Selectboard January 13th 2022 meeting.

The plan demonstrates compliance and is prepared by Krebs and Lansing Consulting Engineers, Inc. (a Vermont licensed civil engineering firm very experienced in solar array designs) and is based on the topographic survey work performed since the 1/13 Selectboard meeting by Horizons Engineering (a Vermont licensed survey firm).

I am attaching the plan here as well as letters from Horizons Engineering and Krebs and Lansing. These documents were just received by Norwich Technologies.

Best,

Brendan Malley



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| **phone:** 202-550-0565
| **email:** malley@norwitech.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, WRJ, VT 05001





17 Sunset Terrace, Newport, VT 05855 • Ph 802-334-6434 • Fax 802-334-5602 • www.horizonsengineering.com

February 9, 2022

Re: Norwich Solar Technologies – Randolph, Davis Road Array Slopes

To whom it may concern,

This letter is to verify that slope measurements on the project site plan were confirmed by fieldwork performed on January 19, 2022 by Horizons Engineering, a Vermont Licensed Surveyor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan Nadeau".

Nathan P. Nadeau, LS

Horizons Engineering, Inc.

MAINE • NEW HAMPSHIRE • VERMONT

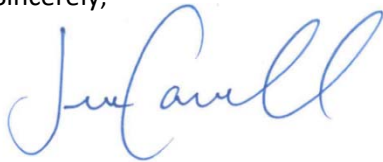
February 9, 2022

RE: Norwich Solar Technologies
 Site Plan for Randolph Davis Solar LLC
 Davis Road, Randolph

To Whom It May Concern,

This letter is to verify that the location of the solar array shown on the site plan for Randolph Davis Solar, revised 2/09/2022, is designed to be installed on slopes less than 25%, based upon a topographic survey performed by Horizons Engineering on January 19, 2022.

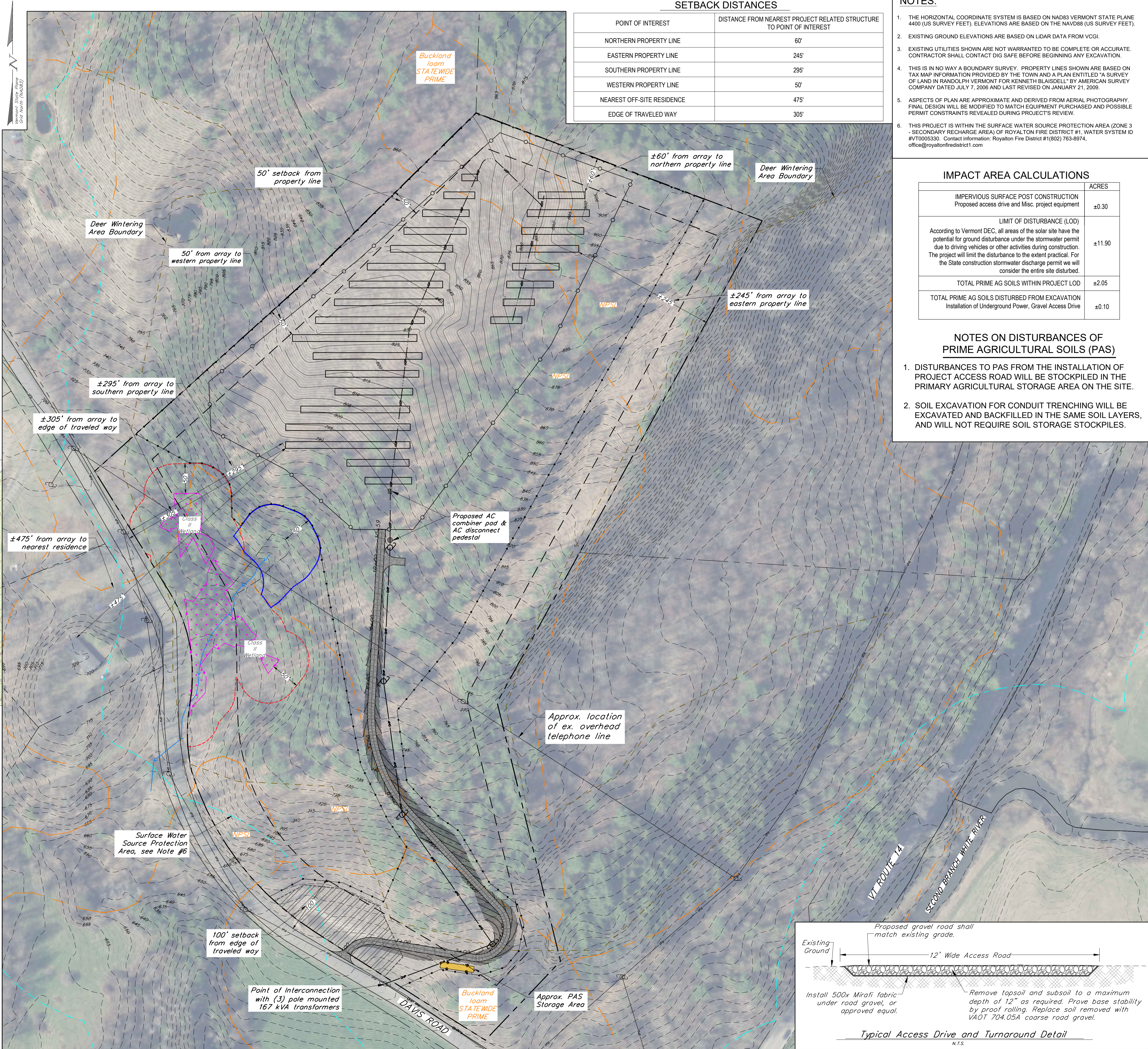
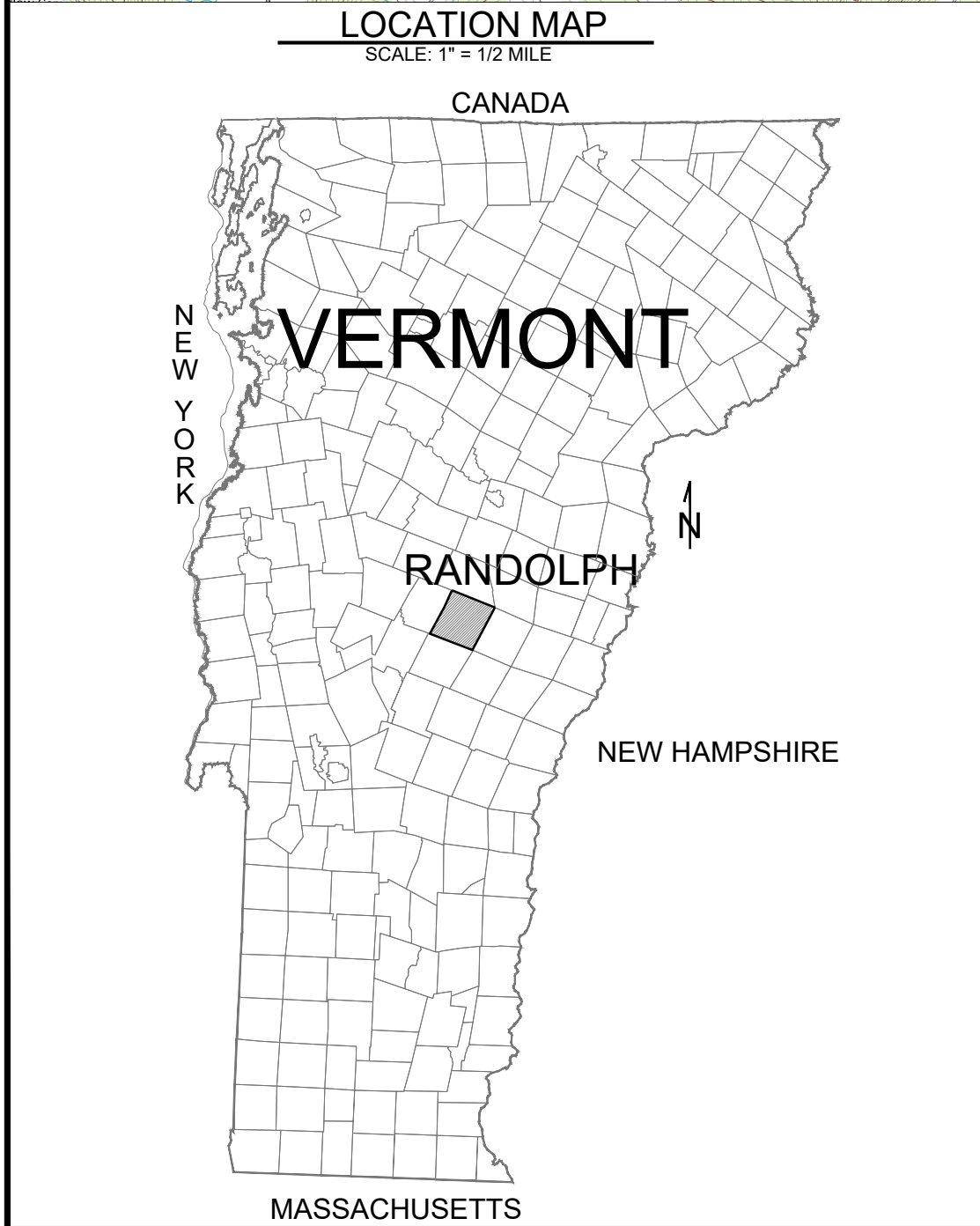
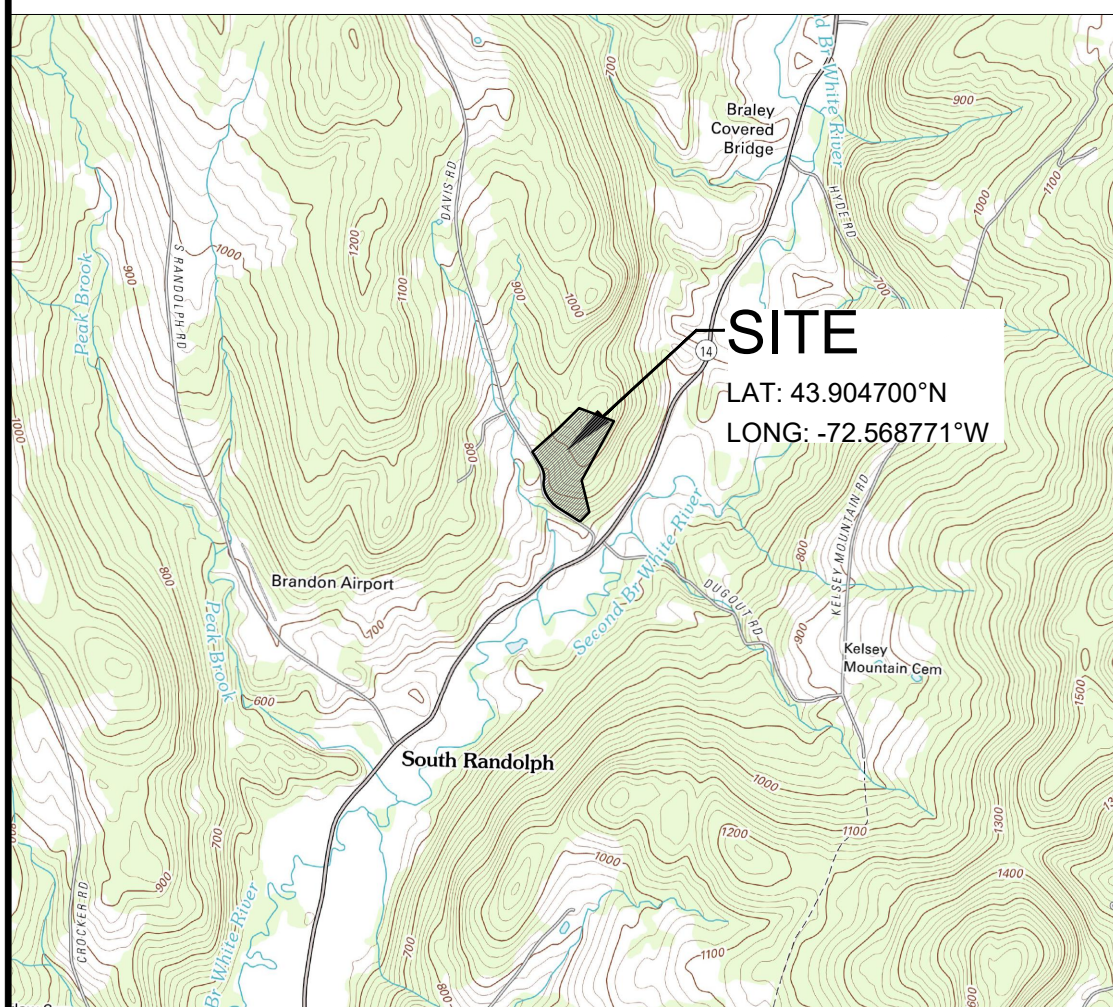
Sincerely,



Jesse Carswell, P.E.

LEGEND:

- EXISTING / PROPOSED POWER POLE
- EXISTING GRADE CONTOUR LINES (5 FOOT INTERVALS)
- EXISTING GRADE CONTOUR LINES (1 FOOT INTERVALS)
- EXISTING OVERHEAD POWER LINES
- APPROXIMATE PROPERTY LINES
- APPROXIMATE PROJECT PROPERTY LINES
- SETBACKS TO SOLAR PANEL RACKING
- WETLANDS (LOCATED BY AE)
- WETLAND BUFFER
- STREAM (LOCATED BY AE)
- STREAM TOP OF BANK (LOCATED BY AE)
- RIPARIAN BUFFER
- MAPPED SOIL BOUNDARY (VCGI)
- PROPOSED 12' GRAVEL ACCESS ROAD
- PROPOSED UNDERGROUND POWER
- PROPOSED OVERHEAD POWER
- PROPOSED UPGRADED OVERHEAD POWER
- PROPOSED PERIMETER FENCE
- PROPOSED FIXED SOLAR PANEL RACKING
- PROPOSED STAGING AREA
- PROPOSED CLEARING AND LIMIT OF DISTURBANCE (LOD)
- SURFACE WATER SOURCE PROTECTION AREA (VCGI)
- DEER WINTERING AREA (VCGI)
- PAS STORAGE AREA



Randolph Davis Solar, LLC

Davis Road
Randolph, Vermont

NORWICH SOLAR TECHNOLOGIES
15 RAILROAD ROW
WHITE RIVER JUNCTION, VERMONT 05001
802.281.3213
SALES@NORWICHTECH.COM
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KREBS & LANSING CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05446
P: (802) 878-0375
www.krebsandlansing.com

**ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION**

Proposed Solar Array

C-100