

From: Pat French <p_french@myfairpoint.net>
Sent: Friday, February 18, 2022 11:23 AM
To: Trevor Lashua
Subject: Fwd: letter to PC re: Norwich Technologies project

----- Forwarded Message -----

Subject: Re: letter to PC re: Norwich Technologies project
Date: Fri, 10 Dec 2021 13:14:22 -0500
From: Pat French <p_french@myfairpoint.net>
To: Joan Allen <joanbarballen@gmail.com>
CC: p_french@myfairpoint.net <p_french@myfairpoint.net>

Hi Joan and Michael,

Did you have any luck with the PC on Tuesday night ?

Pat

On 12/6/2021 3:09 PM, Pat French wrote:

Hi again Joan,

I am not recommending (or not not recommending these), but depending on what happens at the Planning Commission meeting, two other followup options for you that I see are:

- 1) You could talk with Peter Gregory at Two Rivers, explain the situation, and pick his brain,
- 2) There is a Selectboard meeting this week on Thursday. You could try to get on the agenda, or at the very beginning of each meeting there is time for public comment (for items not on the agenda). That time is not for extended comment but might give you time enough to present your issue ?

Just two thoughts.

Pat

On 12/6/2021 11:14 AM, Pat French wrote:

Hi Joan and Michael,

Thank you for calling me and sending this letter to me. I have not seen it before. Possibly I overlooked it earlier, but I do not think so. If I had seen it and read it, it would have stuck out in my mind for several reasons. I have also cc'd Larry on this letter (and talked with him briefly about the subject).

I remember distinctly that both of you were at that Select Board meeting (via ZOOM ? I think) and one or both of you spoke at that meeting. And I think that in the end I voted against designating that as a "preferred site". But I could be wrong, I may have voted for it in the end because it seemed to meet our regulations (we were told) and there seemed to be no real opposition to it, including the two of you. Not sure now without reviewing minutes etc., how I voted in the end. My big problem was with the lack of process and criteria to review a solar development for "preferred status" designation. And your letter seems to confirm the problems that can arise because of that.

I like solar and I support more solar development. However, I think that there needs to be a vigorous and public process to make sure that any future solar development in Randolph meets our regulations AND that its approval or denial has gone through a vigorous public process (official notices to abutters, a public hearing, etc.) and a listing and thorough review of the criteria for solar projects before they are approved or denied, and why. So, I was against our process (or lack there of), said that at several meetings, and I think (but not sure) that I voted against both of Norwich Solar's projects in that area for that reason. Had we had a vigorous and public process and found that those projects met all of our solar development criteria I probably would have voted for them both. With no solid criteria to review and no clearly public process, the Town risks approving solar projects as "preferred sites" that should be denied and/denying solar projects that should be approved, and no accountability.

Please keep me posted what you find out.

Pat

On 12/5/2021 5:08 PM, Joan Allen wrote:

Pat, thanks for sharing your thoughts (and refreshing my memory) about the Selectboard's discussion and approval of this project as a Preferred Site. Here's the letter Michael and I sent to the PC, with a cc to the SB and others, in October.

Joan

Trevor Lashua

From: Pat French <p_french@myfairpoint.net>
Sent: Friday, February 18, 2022 11:22 AM
To: Trevor Lashua
Subject: Fwd: letter to PC re: Norwich Technologies project

----- Forwarded Message -----

Subject:Re: letter to PC re: Norwich Technologies project
Date:Mon, 6 Dec 2021 15:09:18 -0500
From:Pat French <p_french@myfairpoint.net>
To:Joan Allen <joanbarballen@gmail.com>
CC:Larry Satcowitz <Larry@satcowitz.com>

Hi again Joan,

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- 1) You could talk with Peter Gregory at Two Rivers, explain the situation, and pick his brain,
- 2) There is a Selectboard meeting this week on Thursday. You could try to get on the agenda, or at the very beginning of each meeting there is time for public comment (for items not on the agenda). That time is not for extended comment but might give you time enough to present your issue ?

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From: Pat French <p_french@myfairpoint.net>
Sent: Friday, February 18, 2022 11:21 AM
To: Trevor Lashua
Subject: Fwd: letter to PC re: Norwich Technologies project

----- Forwarded Message -----

Subject: Re: letter to PC re: Norwich Technologies project
Date: Mon, 6 Dec 2021 11:14:15 -0500
From: Pat French <p_french@myfairpoint.net>
To: Joan Allen <joanbarballen@gmail.com>
CC: p_french@myfairpoint.net <p_french@myfairpoint.net>, Larry Satcowitz <Larry@satcowitz.com>

Hi Joan and Michael,

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Joan

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:04 PM
To: Trevor Lashua
Subject: Fwd: Randolph Selectboard Meetings

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

From: Kathy Leonard <kathyd.leonard@gmail.com>
Date: Wed, May 12, 2021 at 7:25 AM
Subject: Re: Randolph Selectboard Meetings
To: <larry@satcowitz.com>

Hi Larry,

Any chance you have more info on the Norwich Solar Technologies request?

Does this refer to the Beidlers' pasture? Their farm's development rights were sold around the time they purchased it; I don't know what would be restricted.

The agenda posted on the town's website does NOT include this Norwich Solar request as of Wednesday morning, for a **Thursday** meeting.

Thx, Kathy

"The world is too dangerous for anything but truth
And too small for anything but love." – Wm Sloane Coffin

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:03 PM
To: Trevor Lashua
Subject: Fwd: letter to PC re: Norwich Technologies project
Attachments: Letter to PC 10-21-21.pdf

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

From: Pat French <p_french@myfairpoint.net>
Date: Mon, Dec 6, 2021 at 10:04 AM
Subject: Fwd: letter to PC re: Norwich Technologies project
To: Larry Satcowitz <Larry@satcowitz.com>
Cc: p_french@myfairpoint.net <p_french@myfairpoint.net>

Hi Larry,

Here is the email to me from Joan Allen, with the attached letter to the various parties, including you (at least in terms of who was said to be cc'd). Please let me know by return email that you did get this email.

Please let me know what you think.

Pat

----- Forwarded Message -----

Subject: letter to PC re: Norwich Technologies project
Date: Sun, 5 Dec 2021 17:08:08 -0500
From: Joan Allen <joanbarballen@gmail.com>
To: Pat French <p_french@myfairpoint.net>

Pat, thanks for sharing your thoughts (and refreshing my memory) about the Selectboard's discussion and approval of this project as a Preferred Site. Here's the letter Michael and I sent to the PC, with a cc to the SB and others, in October.

Joan

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

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:02 PM
To: Trevor Lashua
Subject: Fwd: Planning Commission letter re Davis Road solar
Attachments: noname; Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project.docx

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

From: Trevor Lashua <Trevor@randolphvt.org>
Date: Mon, Dec 13, 2021 at 12:20 PM
Subject: Planning Commission letter re Davis Road solar
To: Comcast <tbrassard1@comcast.net>, Larry Satcowitz <Larry@satcowitz.com>, Perry Armstrong <Perry@rainorshinevt.com>, Tom Ayres <taselectboard@gmail.com>, Pat French (Home) <p_french@myfairpoint.net>

Hi folks,

The Planning Commission sent the attached letter to Norwich Solar regarding its proposal to build an array on Davis Road. The letter's origins lie in the PC's discussion with some of the project's abutters/opponents last Tuesday evening. The discussion centered on questions about sections of the proposed array on slopes greater than 25%, and how/whether that complied with Town Plan language seeking to prohibit solar development on slopes in excess of 25%.

A separate track is being examined with the Town Attorney, which is essentially determining whether or not a preferred siting letter could even be rescinded and what type of liability a municipality might experience as a result. That action (to rescind) was requested of the PC by the appellants; the PC opted (prudently) to explore the legal questions first. Please note, because the letter was also signed by the Selectboard and TRORC, one party (the PC) couldn't rescind on behalf of all parties.

The timelines referenced are pulled from the project appellants' deadlines for the Public Utilities Commission (which ultimately makes the decision), notably one for submittal of certain materials set for tomorrow.

Please let me know if there are any questions, and I'll do my best to run down answers.

Regards,

-T

Trevor M. Lashua
Town Manager

Town of Randolph
7 Summer Street (physical)
P.O. Drawer B (mailing)
Randolph, VT 05060
(802) 728-5433; x20
trevor@randolphvt.org<<mailto:trevor@randolphvt.org>>



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc., 15 Railroad Row, White River Junction, VT 05001
Attn: Martha Staskus

From: The Town of Randolph, Planning Commission, 7 Summer Street, Drawer B,
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

On 7 December 2021 Joan B. Allen and Michael J. Binder of 1953 Davis Road, Randolph Center, VT came before the Randolph Planning Commission requesting that the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Site located in East Randolph at LAT: 43.904700°N and LONG: -72.568771°W.

Allen and Binder claimed that Norwich Solar Technologies violated the prohibited locations clause in Randolph's Town Plan prohibiting energy facility development in lands over 25% slope. The over 25% slope prohibition is to protect soil erosion from occurring when any construction occurs in those areas. The steeper the slope the greater the erosion, especially with heavy rains.

To bolster their claim Allen and Binder presented a colored map showing, in red, slopes over 25% that covered the majority of the 10 acres allowed for the project. The Planning Commission noted that the map had a disclaimer stating that it is "for general reference only and data layers may or may not be accurate, current, or otherwise reliable."

Slope issues were not addressed at the June 1st 2021 PC meeting with Norwich Solar Technologies when they gained support for their site as being "preferred." A more detailed topographical map (Attachment A.) provided recently by Norwich Solar Technologies with an overlay of the planned placement of solar panels shows that most panels will reside on slopes less than 25%. However, the Commission agrees with Mr. Binder's contention that there are some panels on the eastern side of the array that appear to be on slopes greater than 25%. If this proves to be the case then the Town of Randolph may have to rescind our support for this site as being a "preferred" site.

We ask Norwich Solar Technologies to respond to this letter NLT 13 December 2021.

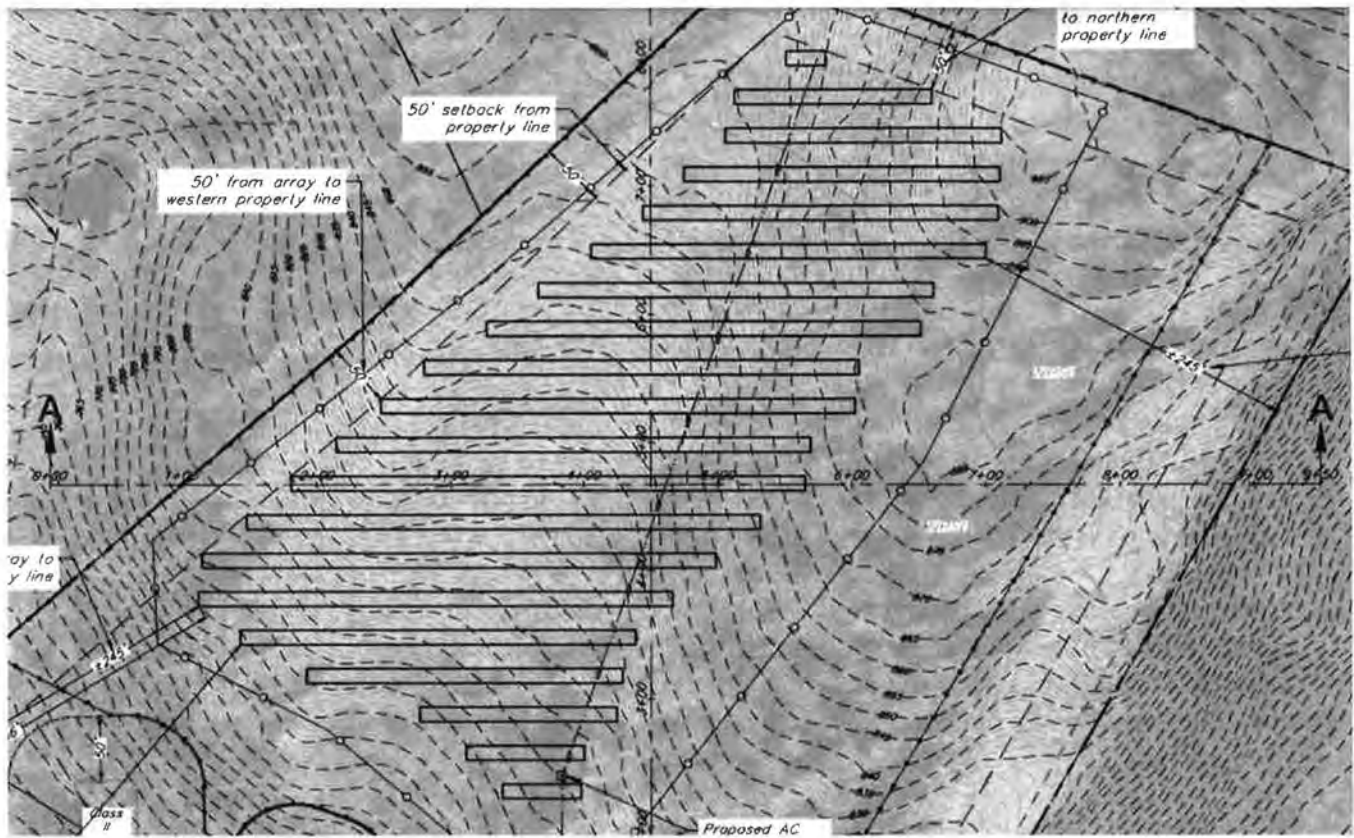
Respectfully

//original signed//

George "Sonny" Holt

Chair, Randolph Planning Commission

Attachment A.



Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:02 PM
To: Trevor Lashua
Subject: Fwd: FW: Planning Commission Actions
Attachments: noname; Email to TRORC Peter Gregory.docx

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

From: Trevor Lashua <Trevor@randolphvt.org>
Date: Tue, Dec 21, 2021 at 1:15 PM
Subject: FW: Planning Commission Actions
To: Comcast <tbrassard1@comcast.net>, Larry Satcowitz <Larry@satcowitz.com>, Perry Armstrong <Perry@rainorshinevt.com>, Tom Ayres <taselectboard@gmail.com>, Pat French (Home) <p_french@myfairpoint.net>
Cc: Kimberly Grout <KGrout@randolphvt.org>

Hi all,

Please see the attached, per Sonny's request.

Regards,
-T

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, December 21, 2021 11:58 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: Fwd: Planning Commission Actions

Trevor, can you forward this to the Selectboard?
Thanks.
George "Sonny" Holt

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

From: Sonny Holt <holt7850@gmail.com<mailto:holt7850@gmail.com>>
Date: Tue, Dec 21, 2021, 11:08 AM
Subject: Planning Commission Actions
To: Miles Hooper <miles.hooper@gmail.com<mailto:miles.hooper@gmail.com>>, Perry Armstrong <perry@rainorshinevt.com<mailto:perry@rainorshinevt.com>>, Camden Walters <camdenwalters93@gmail.com<mailto:camdenwalters93@gmail.com>>, Paul Rea <ruralvtre@comcast.net<mailto:ruralvtre@comcast.net>>, Jeff Grout <groutaz@gmail.com<mailto:groutaz@gmail.com>>, Sonny Holt <holt7850@gmail.com<mailto:holt7850@gmail.com>>, Joshua Jerome <Joshua@randolphvt.org<mailto:Joshua@randolphvt.org>>, Trevor Lashua <Trevor@randolphvt.org<mailto:Trevor@randolphvt.org>>

Just a few follow up actions related to the Allen/Binder concern over steep slopes.

TRORC COMMUNICATIONS:

I sent an Email to Peter Gregory at TRORC to bring him up to speed on actions we took since Allen/Binder requested that we withdraw our Letter of Support to designate Davis Road as a "preferred site." TRORC was the third signatory to the letter. See attached for what was in my Email.

Also, Michael Binder spoke with Kevin Griger, TRORC's Director of Planning last Friday. Kevin responded to Michael in an Email stating.

"Michael,

Good to talk with you this morning. To reiterate, TRORC has no role in deciding if a 248 application conforms to the town plan. We do our own project review based on application (or preapplication) materials and, if that is okay, rely on the town SB and PC to support preferred status before we do. As long as that support does not change, it is unlikely that our position would change.

I have noted your slope concerns, and we will be watching as this goes through the 248 process to see if any new information warrants further review.

Sincerely,

Kevin Geiger | Director of Planning,"

On Monday, Michael Binder was given a flash drive with all of the communications he had asked for.

AGENDA ITEMS FOR 4 JANUARY:

Let me know what you would like to see for Agenda topics for our next meeting. Also, this will be Jeff's first meeting.

Sonny

Hi Peter

Just wanted to bring you up to speed on an issue we're working with two abutters to the Davis Road Solar Project and Norwich Solar Technologies, Inc. These two abutters had asked the Randolph Planning Commission to withdraw our Letter of Support designating the Davis Road location as a "preferred site."

They claimed that Norwich Solar Technologies had violated Randolph Town Plan's requirements for a preferred site for, among other things, planning to mount Solar Arrays on slopes greater than 25%. On 7 Dec 2021 they presented their case to the Planning Commission.

After that meeting, we sent a Notice of Discrepancy letter to Norwich Solar Technologies. They responded saying that prior to installation of the panels -- "Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%."

We accepted Norwich Technologies' response and informed the two abutters that based on Norwich's assurance we would not be withdrawing our Letter of Support designating the Davis Road location as a "preferred site."

However the abutters have now asked the Planning Commission for all correspondence related to this issue. Our Town Manager, Trevor Lashua is acting on our behalf to comply with their request. It appears that they may now be asking the Public Utilities Commission (PUC) for an Evidentiary Hearing.

We'll keep you up to date as this progresses.

Sonny Holt

Chair

Randolph Planning Commission

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:01 PM
To: Trevor Lashua
Subject: Fwd: 13 Jan Selectboard mtg. w. Binder and Allen

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Jan 18, 2022 at 6:59 AM
Subject: 13 Jan Selectboard mtg. w. Binder and Allen
To: Larry Satcowitz <lsatcowitz@gmail.com>, Trini Brassard (tbrassard1@comcast.net) <tbrassard1@comcast.net>, Pat French <Pat@randolphvt.org>, Perry Armstrong <perry@rainorshinevt.com>, Tom Ayres <taselectboard@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>

To: Members of the Selectboard

I reviewed the 13 Jan Selectboard Video with special attention to your discussions with Binder and Allen. The Selectboard made the correct decision to withhold judgment until all facts could be addressed,

I must apologize for not being available for the meeting as Deb and I were vacationing in Maine. Also it came as a surprise to me when I found out that Binder and Allen were on the agenda. I had assumed that after their meeting with the PC their next step would be to ask for an Evidentiary Meeting with the PUC. They were informed by the PUC that they had until 14 Dec to respond with their intentions after meeting with us.

I noted that a number of facts important to the Selectboard discussion were not mentioned by either Brooke Dingledine or Binder/Allen about how the PC would proceed with their request to rescind Norwich Technologies preferred site letter.

I had asked Trevor to send you three letters important to the decision made by the PC on why we had to deny their request. Were these helpful?

Finally, Brooke Dingledine asserted that the PC might have been in violation of the open meeting law. I disagree, however this is a very serious charge and needs to be addressed. I will follow up with what was agreed to at the meeting by all concerned.

Respectfully
Sonny Holt
Chair, Planning Commission

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:01 PM
To: Trevor Lashua
Subject: Fwd: Sonny's Final Briefing for 10 Dec SB Meeting
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (10 feb).pdf

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Wed, Feb 9, 2022 at 9:49 AM
Subject: Sonny's Final Briefing for 10 Dec SB Meeting
To: Larry Satcowitz <lsatcowitz@gmail.com>, Pat French <Pat@randolphvt.org>, Perry Armstrong <perry@rainorshinevt.com>, Tom Ayres <taselectboard@gmail.com>, Trini Brassard <Trini.Brassard@vermont.gov>, Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>
Cc: Kimberly Grout <KGrout@randolphvt.org>

Here's the final briefing.
Sonny

George "Sonny" Holt
amazon.com/author/holt_books

Trevor Lashua

From: Larry Satcowitz <lsatcowitz@gmail.com>
Sent: Thursday, February 17, 2022 8:00 PM
To: Trevor Lashua
Subject: Fwd: Concern about tonight's meeting.
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (summary).pdf

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

From: Sonny Holt <holt7850@gmail.com>
Date: Thu, Feb 10, 2022 at 11:27 PM
Subject: Concern about tonight's meeting.
To: Pat French <Pat@randolphvt.org>, Larry Satcowitz <lsatcowitz@gmail.com>, Trini Brassard (tbrassard1@comcast.net) <tbrassard1@comcast.net>, Tom Ayres <taselectboard@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>

To: Members of the Selectboard

I was very disturbed at tonight's Selectboard meeting. This is the second time I've been slandered in public by Brooke Dingleline and what was so shocking was not a single member of the Selectboard intervened to tell her she was going beyond the pale.

I've had 32 years in the military, including being a wing commander responsible for 4,000 troops, 2 years in the Pentagon, 3 years in Japan as Director of Operations for US Forces Japan, and never once in my entire career was my ethics in question as it was tonight.

I was invited to the meeting for one purpose – to fill in for what was missing from the Planning Commission at last month's meeting. I had a briefing that would have cleared up many misrepresentations and exclusions of certain facts by Binder and Dingleline at the last meeting – even a full explanation of why the open meeting law was not violated.

Yet I was not offered the opportunity to present the briefing. Instead I got the impression that Brooke Dingleline was running the meeting instead of the Selectboard. She was allowed to carry on at length without interruption. No one cautioned her that she was making personal accusations in a public forum. I've seen her do this in past meetings and it appears to be a successful tactic for her.

We did a disservice to Northrup Technologies tonight by allowing this to drag on for another month. They could not have picked a better spot for a Solar Array – very well hidden from highways and roads and not in view of neighbors. I fear that now the PUC may just toss the entire project rather than put up with the indecision of the Selectboard. I have no association with Norwich nor did they help me in any way with my briefing. I was a Systems Engineer in the company I ran so I know how to investigate proposals and construction plans.

Larry presented the best option tonight and that was to do nothing. In that case the preferred site letter would have remained in effect.

As for the slander heaped on me by Brooke Dingleline, I cannot let that stand and I will go public to present my case.

By the way, did anyone take the time to read the PDF I submitted for your background package? Here's the scaled down briefing that I was hoping to present at tonight's meeting. Please read.

All that being said, this is no reflection on the Selectboard. It's one of the best I've seen in many years. And I'm proud to be a member of the Planning Commission. We have some of the best with only one goal in mind – to do the best we can for the citizens of Randolph.

Respectfully

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:47 AM
To: Trevor Lashua
Subject: Fwd: Concern about tonight's meeting.

George "Sonny" Holt
amazon.com/author/holt_books

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

From: Jeff Grout <groutaz@gmail.com>
Date: Sat, Feb 12, 2022 at 2:13 PM
Subject: Re: Concern about tonight's meeting.
To: Sonny Holt <holt7850@gmail.com>

Thank you Sonny,
Great update. Your meeting preparation and response was very professional, unlike some of the disputers.
Much appreciated,
Jeff Grout

On Fri, Feb 11, 2022 at 7:59 AM Sonny Holt <holt7850@gmail.com> wrote:

I was asked to attend the 10 Feb Selectboard meeting to give an account of what happened at our Dec 7 meeting with Binder and Allen. Before the meeting, Norwich sent a revised solar array plot plan showing no panels would be mounted on steep slopes. Everyone thought that was the done deal and there was no need to go any further with this - the preferred sighting letter could stay in place.

Then Binder and Allen brought up the issue of the access road and Brooke Dingleline started a personal attack on me. This was after I had refuted many of the false claims that Binder/Allen and Brooke had been circulating. So they delayed a decision until the March meeting.

Miles: you had also been slightly maligned by Brooke at the Jan 13 Selectboard meeting.

Also it turns out that the solar array plot plan we had approved 7 mos ago did not show arrays on steep slopes.- so we had done our due diligence back then.

It looks like they are now in the attack dog mode as it is getting very personal - a common occurrence when petitioners feel they are losing.

Take care.

Sonny

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

From: Sonny Holt <holt7850@gmail.com>
Date: Thu, Feb 10, 2022 at 11:27 PM
Subject: Concern about tonight's meeting.
To: Pat French <Pat@randolphvt.org>, Larry Satcowitz <lsatcowitz@gmail.com>, Trini Brassard <tbrassard1@comcast.net> <tbrassard1@comcast.net>, Tom Ayres <taselectboard@gmail.com>, Perry Armstrong

<perry@rainorshinevt.com>

Cc: Trevor Lashua <Trevor@randolphvt.org>

To: Members of the Selectboard

I was very disturbed at tonight's Selectboard meeting. This is the second time I've been slandered in public by Brooke Dingleline and what was so shocking was not a single member of the Selectboard intervened to tell her she was going beyond the pale.

I've had 32 years in the military, including being a wing commander responsible for 4,000 troops, 2 years in the Pentagon, 3 years in Japan as Director of Operations for US Forces Japan, and never once in my entire career was my ethics in question as it was tonight.

I was invited to the meeting for one purpose – to fill in for what was missing from the Planning Commission at last month's meeting. I had a briefing that would have cleared up many misrepresentations and exclusions of certain facts by Binder and Dingleline at the last meeting – even a full explanation of why the open meeting law was not violated.

Yet I was not offered the opportunity to present the briefing. Instead I got the impression that Brooke Dingleline was running the meeting instead of the Selectboard. She was allowed to carry on at length without interruption. No one cautioned her that she was making personal accusations in a public forum. I've seen her do this in past meetings and it appears to be a successful tactic for her.

We did a disservice to Northrup Technologies tonight by allowing this to drag on for another month. They could not have picked a better spot for a Solar Array – very well hidden from highways and roads and not in view of neighbors. I fear that now the PUC may just toss the entire project rather than put up with the indecision of the Selectboard. I have no association with Norwich nor did they help me in any way with my briefing. I was a Systems Engineer in the company I ran so I know how to investigate proposals and construction plans.

Larry presented the best option tonight and that was to do nothing. In that case the preferred site letter would have remained in effect.

As for the slander heaped on me by Brooke Dingleline, I cannot let that stand and I will go public to present my case.

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Respectfully

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:43 AM
To: Trevor Lashua
Subject: Fwd: Concern about tonight's meeting.
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (summary).pdf

George "Sonny" Holt
amazon.com/author/holt_books

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

From: Sonny Holt <holt7850@gmail.com>
Date: Fri, Feb 11, 2022 at 7:59 AM
Subject: Fwd: Concern about tonight's meeting.
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Sonny Holt <holt7850@gmail.com>

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Date: Thu, Feb 10, 2022 at 11:27 PM
Subject: Concern about tonight's meeting.
To: Pat French <Pat@randolphvt.org>, Larry Satcowitz <lsatcowitz@gmail.com>, Trini Brassard <tbrassard1@comcast.net> <tbrassard1@comcast.net>, Tom Ayres <taselectboard@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>
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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:41 AM
To: Trevor Lashua
Subject: Fwd: Concern about tonight's meeting.
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (summary).pdf

George "Sonny" Holt
[amazon.com/author/holt](https://www.amazon.com/author/holt) books

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

From: Sonny Holt <holt7850@gmail.com>
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Subject: Concern about tonight's meeting.
To: Pat French <Pat@randolphvt.org>, Larry Satcowitz <lsatcowitz@gmail.com>, Trini Brassard <tbrassard1@comcast.net> <tbrassard1@comcast.net>, Tom Ayres <taselectboard@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>
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Respectfully

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:38 AM
To: Trevor Lashua
Subject: Fwd: Summary Briefing
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (summary).pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Thu, Feb 10, 2022 at 3:50 PM
Subject: Summary Briefing
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Kimberly Grout <KGrout@randolphvt.org>

Hi Trevor

Here's my summary.
It's reduced by about 50%.
Take a look and let me know if it's still too long.
We can delete the first slide so it's not so formal.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:37 AM
To: Trevor Lashua
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

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: **Brendan Malley** <malley@norwichtech.com>
Date: Thu, Feb 10, 2022 at 2:41 PM
Subject: Fwd: Randolph Davis Solar
To: <zoning@randolphvt.org>, <trevor@randolphvt.org>, Sonny Holt <holt7850@gmail.com>
Cc: Jim Merriam <merriam@norwichtech.com>

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@norwitech.com>
Cc: Jim Merriam <merriam@norwitech.com>

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

Regards,

-T

From: Brendan Malley <malley@norwitech.com>
Sent: Thursday, February 10, 2022 9:30 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Jim Merriam <merriam@norwitech.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](tel: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 black ink, appearing to read "Nathan P. 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.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:35 AM
To: Trevor Lashua
Subject: Fwd: Sonny's Discussion thie evening
Attachments: NST_Randolph Davis_C-100 Site Plan_revA (2-09-22) (1).pdf; 20220209 KREBS Randolph Davis Solar_Letter to Randolph Select Board.pdf; Slope Survey.pdf

George "Sonny" Holt
amazon.com/author/holt_books

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

From: Kimberly Grout <KGrout@randolphvt.org>
Date: Thu, Feb 10, 2022 at 1:20 PM
Subject: RE: Sonny's Discussion thie evening
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

The Selectboard has all the materials and is familiar with your presentation.

Trevor asks that you summarize the briefing.

Let me know if you have questions.

Attached is the documentation from Norwich (just in case you don't already have it)

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 10, 2022 1:07 PM
To: Kimberly Grout <KGrout@randolphvt.org>
Subject: Sonny's Discussion thie evening

Hi Kim

I'll be attending the SB Meeting this evening on Zoom.

I'll need screen sharing to present my briefing.

Thanks

Sonny

George "Sonny" Holt

[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:32 AM
To: Trevor Lashua
Subject: Fwd: Sonny's Final Briefing for 10 Dec SB Meeting
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (10 feb).pdf

George "Sonny" Holt
amazon.com/author/holt_books

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Wed, Feb 9, 2022 at 9:49 AM
Subject: Sonny's Final Briefing for 10 Dec SB Meeting
To: Larry Satcowitz <lsatcowitz@gmail.com>, Pat French <Pat@randolphvt.org>, Perry Armstrong <perry@rainorshinevt.com>, Tom Ayres <taselectboard@gmail.com>, Trini Brassard <Trini.Brassard@vermont.gov>, Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>
Cc: Kimberly Grout <KGrout@randolphvt.org>

Here's the final briefing.
Sonny

George "Sonny" Holt
amazon.com/author/holt_books

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:31 AM
To: Trevor Lashua
Subject: Fwd: Sonny's PC Briefing 10 Dec
Attachments: Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (8 feb).pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Feb 8, 2022 at 1:45 PM
Subject: Sonny's PC Briefing 10 Dec
To: Larry Satcowitz <lsatcowitz@gmail.com>, Pat French <Pat@randolphvt.org>, Tom Ayres <taselectboard@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>, Trini Brassard <Trini.Brassard@vermont.gov>

To: SelectBoard

Attached PDF is my briefing for your background package. I realize you cannot comment on the content but please check it over for accuracy and let me know if there are questions that still need to be answered.

It appears to be quite long, but many slides take just a few seconds to run through.

If you can allow 15 minutes instead of 10, I believe it will pre-answer any questions that may come up during the following discussion period.

Thank you

Sonny Holt

802-728-3664

802-272-8516

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:30 AM
To: Trevor Lashua
Subject: Fwd: Briefing
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (7).pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, Feb 7, 2022 at 10:44 PM
Subject: Briefing
To: Trevor Lashua <Trevor@randolphvt.org>

Hi Trevor

Take a look.

Thanks

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:14 AM
To: Trevor Lashua
Subject: Fwd: I am sharing 'Letter to Allen and Binder PC Decision on their Request' with you
Attachments: Letter to Allen and Binder PC Decision on their Request.pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Thu, Jan 13, 2022 at 6:48 AM
Subject: I am sharing 'Letter to Allen and Binder PC Decision on their Request' with you
To: Trevor Lashua <Trevor@randolphvt.org>

This letter not only sums up what actions were taken by the PC it also contains the actual letters that were sent to Norwich Technologies and Norwich's response to the PC.

George "Sonny" Holt



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Joan B. Allen and Michael J. Binder

1953 Davis Road

Randolph Center, VT 05061

(802) 728-4830

joanbarballen@gmail.com

michaeljbinder@yahoo.com

From: The Town of Randolph

Planning Commission

7 Summer Street, Drawer B

Randolph, VT 05060

Subject: Response to your October 21, 2021 Letter to the Planning Commission of Randolph Vermont, requesting the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Sites approval given to Norwich Solar Technologies, Inc.

The Randolph Planning Commission reviewed your request at our 7 Nov 2021 meeting that you were a party to. As a result of that meeting, we sent a "Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array" to Norwich Solar Technologies, Inc. on 10 December 2021 (see Attachment 1.) In our letter the Planning Commission agreed with Mr. Binder's contention that there are some panels on the eastern side of the array that appear to be on slopes greater than 25%. If this proves to be the case then the Town of Randolph may have to rescind our support for this site as being a "preferred" site.

Norwich Solar Technologies, Inc. responded on 13 December stating among other things; "While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request." (see Attachment 2.)

Upon receipt and review of their letter the Planning Commission agreed not to rescind our support for this site as being a "preferred" site. We also requested from Norwich Solar Technologies, Inc. that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further requested to see their final Solar Array plot plan prior to construction. (see Attachment 3.)

The Randolph Planning Commission wishes to thank Joan B. Allen and Michael J. Binder for bringing this matter to our attention.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission

Attachment 1.



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc., 15 Railroad Row, White River Junction, VT 05001
Attn: Martha Staskus

From: The Town of Randolph, Planning Commission, 7 Summer Street, Drawer B,
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

On 7 December 2021 Joan B. Allen and Michael J. Binder of 1953 Davis Road, Randolph Center, VT came before the Randolph Planning Commission requesting that the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Site located in East Randolph at LAT: 43.904700°N and LONG: -72.568771°W.

Allen and Binder claimed that Norwich Solar Technologies violated the prohibited locations clause in Randolph's Town Plan prohibiting energy facility development in lands over 25% slope. The over 25% slope prohibition is to protect soil erosion from occurring when any construction occurs in those areas. The steeper the slope the greater the erosion, especially with heavy rains.

To bolster their claim Allen and Binder presented a colored map showing, in red, slopes over 25% that covered the majority of the 10 acres allowed for the project. The Planning Commission noted that the map had a disclaimer stating that it is "for general reference only and data layers may or may not be accurate, current, or otherwise reliable."

Slope issues were not addressed at the June 1st 2021 PC meeting with Norwich Solar Technologies when they gained support for their site as being "preferred." A more detailed topographical map (Attachment A.) provided recently by Norwich Solar Technologies with an overlay of the planned placement of solar panels shows that most panels will reside on slopes less than 25%. However, the Commission agrees with Mr. Binder's contention that there are some panels on the eastern side of the array that appear to be on slopes greater than 25%. If this proves to be the case then the Town of Randolph may have to rescind our support for this site as being a "preferred" site.

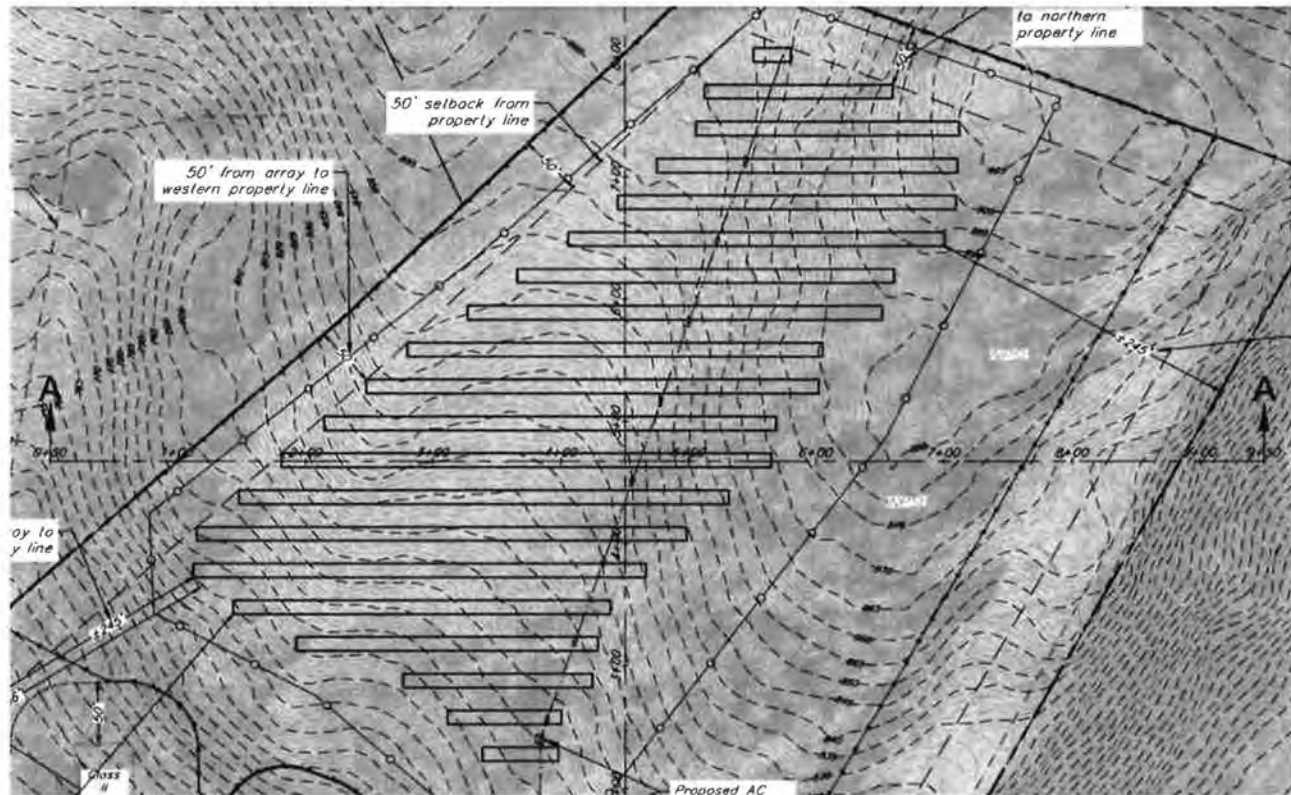
We ask Norwich Solar Technologies to respond to this letter NLT 13 December 2021.

Respectfully

//original signed//

George "Sonny" Holt
Chair, Randolph Planning Commission

Attachment A.



Attachment 2. (note: for the purpose keeping all attachments in Word this has been copied from the original which was in PDF format.)



15 Railroad Row
White River Junction, VT 05001

December 13, 2021

George "Sonny" Holt
Chair, Randolph Planning Commission
The Town of Randolph
7 Summer Street, Drawer B,
Randolph, VT 05060

RE Randolph Davis Solar array proposal

Dear Chair Holt,

Thank you for your December 10, 2021 letter requesting a response to an inquiry from residents Joan B. Allen and Michael J. Binder of 1953 Davis Road. We have made several attempts to contact and respond to Allen/Binder concerns without success. Chairman Holt's letter speaks to the Town's concern of "energy facilities developed on lands over 25% slope to protect soil erosion from occurring when any construction occurs in those areas". Below is information relevant to these concerns and as discussed in more detail below, a Vermont licensed surveyor will verify that the solar array is not installed on slopes greater than 25%.

It is Norwich Technologies' commitment to all interested parties to work in collaboration for advancing Vermont's in-state renewable energy goals safely and responsibly. This includes the deployment and installation of the Randolph Davis solar project.

As noted by the Planning Commission, a map presented by the Allen/Binders had a disclaimer stating that it is "for general reference only and data layers may or may not be accurate, current, or otherwise reliable." The Allen/Binder map Norwich Technologies is aware of is from the Agency of Natural Resources ("ANR") Natural Resource Atlas, which contains the Disclaimer

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.

The Project Elevations illustrate the ground profile in north-south and east-west orientations. 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 elevation of +/-

820' and ending at elevation of +/-850'). These profiles are based upon ground elevations sourced from LiDAR data from Vermont Center for Geographic Information.

The Site Plan, Page 2, specifically addresses Vermont Erosion Prevention and Sediment Control (EPSC) practices regulated by the ANR Department of Environmental Conservation including, among others:

- 1) Erosion prevention and sediment control (EPSC) practices shall be implemented in all areas where there is an increased risk of erosion, and where there is potential for discharge of stormwater runoff (either direct or indirect) to a water body.
- 2) EPSC measures shall be installed prior to any earth disturbing activities within a given drainage area except for land disturbance that may result from accessing the area(s) with equipment in which EPSC measures are to be installed.
- 3) EPSC measures shall be installed pursuant to the construction phase stormwater discharge permit for the project, the filed EPSC plan, the Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the Vermont Erosion Prevention and Sediment Control Field Guide and other relevant project permits.

While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request.

Thank you again for bringing this to our attention.

Regards,

//original signed//

Martha Staskus

Norwich Technologies, Inc

On behalf of Randolph Davis Solar LLC

Attachment 3.



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc.
15 Railroad Row
White River Junction, VT 05001
Attn: Martha Staskus

14 December 2021

From: The Town of Randolph
Planning Commission
7 Summer Street, Drawer B
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

In response to our Notice of Discrepancy (subject as above) the Randolph Planning Commission received your response on 13 Dec 2021 and accepts your guarantee that "prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."

We request that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further request to see your final Solar Array plot plan prior to construction.

Thank you for your attention to this matter.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 10:07 AM
To: Trevor Lashua
Subject: Fwd: Town Attorney response re preferred siting letter liability
Attachments: TMMemo-Town Attorney response to questions re preferred siting letter, Davis Road array-v.01; 12-20-21.pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Trevor Lashua <Trevor@randolphvt.org>
Date: Mon, Dec 20, 2021 at 5:56 PM
Subject: Town Attorney response re preferred siting letter liability
To: Sonny Holt <holt7850@gmail.com>, Perry Armstrong <Perry@rainorshinevt.com>, Miles Hooper <miles.hooper@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Jeff Grout <groutaz@gmail.com>
Cc: Joshua Jerome <Joshua@randolphvt.org>

Good evening all,

I've pulled the Town Attorney's advice together, and summarized his responses, in the attached memo. The bulk of Mike's advice was received late last week (there were remaining pieces being explored through Friday).

Please let me know if there are questions.

Regards,

-T

Trevor M. Lashua

Town Manager

Town of Randolph

7 Summer Street (physical)

P.O. Drawer B (mailing)

Randolph, VT 05060

(802) 728-5433; x20

trevor@randolphvt.org



TOWN OF RANDOLPH, VERMONT

Office of the Town Manager

To: The members of the Planning Commission.

Cc: Joshua Jerome; Economic Development Director/Zoning Administrator

From: Trevor M. Lashua, Town Manager

Date: December 20, 2021

Re: Preferred Siting Letters and Town Attorney Advice

Town Attorney Michael Tarrant provided his advice regarding preferred siting letters last week. The advice was received after the deadline for the Davis Road solar array project appellants to file with the Public Utilities Commission (PUC), and during the active public records request.

The advice is described in this memo.

The review, there were three main questions for the Town Attorney to consider. A summary of the responses follows each question.

1. *Can a preferred siting letter be rescinded?*

Likely yes. The State rules defining what a preferred site is, and the nine ways to designate one (including through a letter jointly signed by a Selectboard, Planning Commission, and Regional Planning Commission), do not also appear to detail how the letters work. Without that detail, there is likely the capability to rescind a letter of support.

2. *How can a preferred siting letter be rescinded, if it is possible?*

As stated in #1, there isn't a process or format already outlined. There also isn't much in the way of precedent, to help illuminate a path forward. A simple letter would likely suffice.

3. *Would rescinding a preferred siting letter open the Town up to any liability or other legal exposure?*

There isn't an obvious avenue for either to develop. That wouldn't preclude anyone from trying, just that there is no obvious basis. Again, there isn't much in the way of precedent to draw upon – including what impact, if any, local action to rescind a preferred siting letter may have with the PUC (which makes the ultimate determination).

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 9:46 AM
To: Trevor Lashua
Subject: Fwd: Planning Commission Actions
Attachments: Email to TRORC Peter Gregory.docx

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Dec 21, 2021 at 11:08 AM
Subject: Planning Commission Actions
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Sonny Holt <holt7850@gmail.com>, Joshua Jerome <joshua@randolphvt.org>, Trevor Lashua <Trevor@randolphvt.org>

Just a few follow up actions related to the Allen/Binder concern over steep slopes.

TRORC COMMUNICATIONS:

I sent an Email to Peter Gregory at TRORC to bring him up to speed on actions we took since Allen/Binder requested that we withdraw our Letter of Support to designate Davis Road as a "preferred site." TRORC was the third signatory to the letter. See attached for what was in my Email.

Also, Michael Binder spoke with Kevin Griger, TRORC's Director of Planning last Friday. Kevin responded to Michael in an Email stating.

"Michael,

Good to talk with you this morning. To reiterate, TRORC has no role in deciding if a 248 application conforms to the town plan. We do our own project review based on application (or preapplication) materials and, if that is okay, rely on the town SB and PC to support preferred status before we do. As long as that support does not change, it is unlikely that our position would change.

I have noted your slope concerns, and we will be watching as this goes through the 248 process to see if any new information warrants further review.

Sincerely,

Kevin Geiger | Director of Planning,"

On Monday, Michael Binder was given a flash drive with all of the communications he had asked for.

AGENDA ITEMS FOR 4 JANUARY:

Let me know what you would like to see for Agenda topics for our next meeting. Also, this will be Jeff's first meeting.

Sonny

Hi Peter

Just wanted to bring you up to speed on an issue we're working with two abutters to the Davis Road Solar Project and Norwich Solar Technologies, Inc. These two abutters had asked the Randolph Planning Commission to withdraw our Letter of Support designating the Davis Road location as a "preferred site."

They claimed that Norwich Solar Technologies had violated Randolph Town Plan's requirements for a preferred site for, among other things, planning to mount Solar Arrays on slopes greater than 25%. On 7 Dec 2021 they presented their case to the Planning Commission.

After that meeting, we sent a Notice of Discrepancy letter to Norwich Solar Technologies. They responded saying that prior to installation of the panels -- "Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%."

We accepted Norwich Technologies' response and informed the two abutters that based on Norwich's assurance we would not be withdrawing our Letter of Support designating the Davis Road location as a "preferred site."

However the abutters have now asked the Planning Commission for all correspondence related to this issue. Our Town Manager, Trevor Lashua is acting on our behalf to comply with their request. It appears that they may now be asking the Public Utilities Commission (PUC) for an Evidentiary Hearing.

We'll keep you up to date as this progresses.

Sonny Holt
Chair
Randolph Planning Commission.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, February 17, 2022 9:44 AM
To: Trevor Lashua
Subject: Fwd: Selectboard Info.

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Brassard, Trini <Trini.Brasnard@vermont.gov>
Date: Mon, Dec 20, 2021 at 4:27 PM
Subject: RE: Selectboard Info.
To: Sonny Holt <holt7850@gmail.com>

Send it to Trevor and he will send it along!

Trini Brassard | Assistant Director

Vermont Agency of Transportation - PPAID

219 N Main St | Barre, VT 05641

802-522-8112

Trini.Brasnard@Vermont.gov

This is our shot, Vermont! Everyone age 12 and older is now eligible for a COVID-19 vaccine. Sign up for your shot today at healthvermont.gov/MyVaccine or follow @healthvermont on [Facebook](#) and [Twitter](#) for walk-in opportunities. **#OurShotVT**

From: Sonny Holt <holt7850@gmail.com>
Sent: Monday, December 20, 2021 3:55 PM

To: Brassard, Trini <Trini.Brassard@vermont.gov>; Trini Brassard (tbrassard1@comcast.net) <tbrassard1@comcast.net>
Subject: Selectboard Info.

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Trini

Should I send info on the Davis Road Solar project to Larry for dissemination to the Selectboard?

George "Sonny" Holt

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:39 PM
To: Trevor Lashua
Subject: Fwd: steep slopes and town plan - Davis site

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Kevin Geiger <kgeiger@trorc.org>
Date: Fri, Dec 17, 2021 at 1:31 PM
Subject: RE: steep slopes and town plan - Davis site
To: michaeljbinder@yahoo.com <michaeljbinder@yahoo.com>
Cc: Sonny Holt <holt7850@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>, Peter G. Gregory <pgregory@trorc.org>, Steven Bauer <sbauer@trorc.org>

Michael,

Good to talk with you this morning. To reiterate, TRORC has no role in deciding if a 248 application conforms to the town plan. We do our own project review based on application (or preapplication) materials and, if that is okay, rely on the town SB and PC to support preferred status before we do. As long as that support does not change, it is unlikely that our position would change.

I have noted your slope concerns, and we will be watching as this goes through the 248 process to see if any new information warrants further review.

Sincerely,

Kevin Geiger | Director of Planning, AICP CFM

128 King Farm Road | Woodstock, VT 05091

802-457-3188 x3003

trorc.org | [facebook](#) | [youtube](#)

This email is not a legal opinion and is part of the public domain.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:37 PM
To: Trevor Lashua
Subject: Fwd: Davis Road Solar Project in Randolph

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Peter G. Gregory <pgregory@trorc.org>
Date: Fri, Dec 17, 2021 at 1:04 PM
Subject: Re: Davis Road Solar Project in Randolph
To: Sonny Holt <holt7850@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>, Kevin Geiger <kgeiger@trorc.org>

Thank you very much Sonny, for the update. It's appreciated.

Enjoy your upcoming weekend.

Peter

Peter G. Gregory, AICP
Executive Director

Two Rivers-Ottauquechee
Regional Commission
www.trorc.org

802-457-3188
802-558-9064 cell

On Dec 17, 2021, at 1:02 PM, Sonny Holt <holt7850@gmail.com> wrote:

Hi Peter

Just wanted to bring you up to speed on an issue we're working with two abutters to the Davis Road Solar Project and Norwich Solar Technologies, Inc. These two abutters had asked the Randolph Planning

Commission to withdraw our Letter of Support designating the Davis Road location as a "preferred site."

They claimed that Norwich Solar Technologies had violated Randolph Town Plan's requirements for a preferred site for, among other things, planning to mount Solar Arrays on slopes greater than 25%. On 7 Dec 2021 they presented their case to the Planning Commission.

After that meeting we sent a Notice of Discrepancy letter to Norwich Solar Technologies. They responded saying that prior to installation of the panels --

"Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%."

We accepted Norwich Technologies' response and informed the two abutters that based on Norwich's assurance we would not be withdrawing our Letter of Support designating the Davis Road location as a "preferred site."

However the abutters have now asked the Planning Commission for all correspondence related to this issue. Our Town Manager, Trevor Lashua is acting on our behalf to comply with their request. It appears that they may now be asking the Public Utilities Commission (PUC) for an Evidentiary Hearing.

We'll keep you up to date as this progresses.

Sonny Holt
Chair
Randolph Planning Commission.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:36 PM
To: Trevor Lashua
Subject: Fwd: Davis Road Solar Project in Randolph

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Fri, Dec 17, 2021 at 1:02 PM
Subject: Davis Road Solar Project in Randolph
To: Peter Gregory <pgregory@trorc.org>
Cc: Trevor Lashua <Trevor@randolphvt.org>

Hi Peter

Just wanted to bring you up to speed on an issue we're working with two abutters to the Davis Road Solar Project and Norwich Solar Technologies, Inc. These two abutters had asked the Randolph Planning Commission to withdraw our Letter of Support designating the Davis Road location as a "preferred site."

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We'll keep you up to date as this progresses.

Sonny Holt

Chair
Randolph Planning Commission



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.

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:16 PM
To: Trevor Lashua
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

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Joan Allen <joanbarballen@gmail.com>
Date: Thu, Oct 21, 2021 at 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

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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



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



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
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- Proposed Roads

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- Stream
- Intermittent Stream

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Slope

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1: 4,232

October 19, 2021



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
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NOTES

Map created using ANR's Natural Resources Atlas

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:08 PM
To: Trevor Lashua
Subject: Fwd: East Randolph Solar Array

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Fri, Jun 11, 2021 at 7:08 PM
Subject: Re: East Randolph Solar Array
To: L Satcowitz <larry@satcowitz.com>

You're welcome, Larry. I also walked the proposed site and it is well hidden.
Sonny

George "Sonny" Holt

On Fri, Jun 11, 2021, 4:26 PM Larry Satcowitz <lsatcowitz@gmail.com> wrote:
Sonny,

Thanks so much for sending this along. Very helpful.

Larry

On Fri, Jun 11, 2021 at 12:50 PM Sonny Holt <holt7850@gmail.com> wrote:
I apologize for not being available for the Selectboard meeting last night. Deb and I had been camping and just returned yesterday.

I understand there was an issue the Selectboard had last night with the Solar Array on Davis Road in East Randolph. Here is the criteria the Commission uses to ensure any solar development is in conformance with the Town Plan.

For all energy generation facilities, the following policies apply:

1. 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.

2. 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.
3. 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.
4. Commercial- or industrial-scale renewable energy projects shall only be permitted and approved where (a) the project will not have an adverse impact on the aesthetics, scenic and natural beauty, historic significance or natural resources of the areas, and (b) where the proposed project will be substantially screened from view from I-89, state highways, town roads and neighboring properties to prevent solar glare and mitigate any adverse impact to the aesthetics and scenic and natural beauty of the surrounding area and its viewsheds. Commercial- or industrial-scale solar projects are those sized greater than 500 kW. These requirements do not apply to solar arrays mounted on existing residential and commercial buildings' roofs and over existing parking lots for the benefit of the residential or commercial user.
5. Commercial- or industrial-scale solar and wind energy projects, as well as all other permitted and conditional uses shall not be constructed on greater than 10 acres of agricultural or forest lands with soils that are designated as being "prime agricultural soils" or of "statewide or local significance."

The Davis Road Solar Array met the above criteria.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:07 PM
To: Trevor Lashua
Subject: Fwd: East Randolph Solar Array

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Larry Satcowitz <lsatcowitz@gmail.com>
Date: Fri, Jun 11, 2021 at 4:26 PM
Subject: Re: East Randolph Solar Array
To: Sonny Holt <holt7850@gmail.com>

Sonny,

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Larry

On Fri, Jun 11, 2021 at 12:50 PM Sonny Holt <holt7850@gmail.com> wrote:

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:05 PM
To: Trevor Lashua
Subject: Fwd: East Randolph Solar Array

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Fri, Jun 11, 2021 at 12:49 PM
Subject: East Randolph Solar Array
To: Perry Armstrong <perry@rainorshinevt.com>

Perry
This is what I plan to send to the Selectboard, Josh and Trevor.
We really can't go further than this.
Let me know your thoughts.
Sonny

I apologize for not being available for the Selectboard meeting last night. Deb and I had been camping and just returned yesterday.

I understand there was an issue the Selectboard had last night with the Solar Array on Davis Road in East Randolph. Here is the criteria the Commission uses to ensure any solar development is in conformance with the Town Plan.

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the areas, and (b) where the proposed project will be substantially screened from view from I-89, state highways, town roads and neighboring properties to prevent solar glare and mitigate any adverse impact to the aesthetics and scenic and natural beauty of the surrounding area and its viewsheds. Commercial- or industrial-scale solar projects are those sized greater than 500 kW. These requirements do not apply to solar arrays mounted on existing residential and commercial buildings' roofs and over existing parking lots for the benefit of the residential or commercial user.

5. Commercial- or industrial-scale solar and wind energy projects, as well as all other permitted and conditional uses shall not be constructed on greater than 10 acres of agricultural or forest lands with soils that are designated as being "prime agricultural soils" or of "statewide or local significance."

The Davis Road Solar Array met the above criteria.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 1:01 PM
To: Trevor Lashua
Subject: Fwd: LUR Changes

George "Sonny" Holt
amazon.com/author/holt_books

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Thu, Jun 10, 2021 at 6:25 AM
Subject: LUR Changes
To: Trini Brassard <Trini.Brassard@vermont.gov>

Hi Trini

I will not be at the Selectboard this evening. Josh will inform the Board about the latest LUR changes - no action required, but 15 Day Warning will have to be made before Board can vote to approve.

I've signed the letter for Norwich Solar Technologies Preferred Siting Request at Davis Road.

Hopefully the Board will approve Re-Naming Elm Street Park as "Rosalind Park."

As for protection of Ag Lands. I've been working with TRORC and received a digital map database that contains all of the protected lands in Randolph. It's quite extensive and should contain all the info we need.

Also Trevor and I were just informed that TRORC has \$8K they can share with us for technical assistance on our bylaws to make it more housing friendly. They need an answer back today. I spoke with Josh and we can see a good fit for this tech assistance.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:59 PM
To: Trevor Lashua
Subject: Fwd: Siting Letter
Attachments: Randolph Davis Solar LLC Siting Letter.docx

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Joshua Jerome <Joshua@randolphvt.org>
Date: Wed, Jun 9, 2021 at 11:22 AM
Subject: Siting Letter
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

I've been waiting for Brandon to get me the siting letter for your signature and he has just sent it to me. It's attached. Would you be able to stop by and sign it sometime today or tomorrow? It was not included in the Selectboard package since Trevor sent it out on Friday, but he may be able to send it to them for their review in a separate email.

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

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>



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-Ottauquechee
Regional Commission

Name:

Title:

Signature:

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:57 PM
To: Trevor Lashua
Subject: Fwd: Planning Commission Agenda
Attachments: Agenda PC June 1 2021.pdf; Public Hearing Notice June 1 2021 Full Changes.docx; Report for Proposed Amendments Section 107 & 314.docx

George "Sonny" Holt
amazon.com/author/holt_books

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

From: Joshua Jerome <joshua@randolphvt.org>
Date: Tue, Jun 1, 2021 at 3:41 PM
Subject: Planning Commission Agenda
To: Camden Walters <camdenwalters93@gmail.com>, Matthew Chin <matthew.f.chin@gmail.com>, Michael Tragner <michael.tragner@fountainsland.com> <michael.tragner@fountainsland.com>, Miles Hooper <miles.hooper@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Perry Armstrong <Perry@rainorshinevt.com>, Sonny Holt <holt7850@gmail.com>

Hi All,

Attached is our agenda for this evening along with the public hearing documents. We have a public hearing scheduled for 6:30 which will be for the proposed bylaw changes. Once the public meeting is done the PC will go into their normal business which includes voting on the bylaw changes and the presentation from Brendan from Norwich Solar.

We need a quorum to move both items! Brendan was on the agenda last month, but the PC didn't have a quorum to move his project to the Selectboard.

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

C: 802-431-5385

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:56 PM
To: Trevor Lashua
Subject: Fwd: PC Agenda
Attachments: Agenda PC June 1 2021.docx

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Joshua Jerome <Joshua@randolphvt.org>
Date: Mon, May 24, 2021 at 3:12 PM
Subject: PC Agenda
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

Attached is a draft agenda for next week. Does this look good?

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

C: 802-431-5385

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:54 PM
To: Trevor Lashua
Subject: Fwd: DRAFT site plan for Initial Review
Attachments: 10-2018 Preferred Siting (1).doc; 20210430 Randolph Davis Preliminary Site Plan_11x17.pdf

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, May 3, 2021 at 5:13 PM
Subject: Fwd: DRAFT site plan for Initial Review
To: Michael Tragner (michael.tragner@fountainsland.com) <michael.tragner@fountainsland.com>, Miles Hooper <miles.hooper@gmail.com>, Matthew Chin <matthew.f.chin@gmail.com>, Perry Armstrong <rainorshinevt@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Sonny Holt <holt7850@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

FYI
For Norwich Solar presentation tomorrow night.
Sonny

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

From: **Brendan Malley** <malley@norwichtech.com>
Date: Mon, May 3, 2021 at 4:03 PM
Subject: DRAFT site plan for Initial Review
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

I am attaching a DRAFT plan of the site for initial review and discussion. If you would like to chat briefly before tomorrow night I am definitely available.

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



**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](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/i-wear-a-mask-because.html)

OVERVIEW OF PREFERRED SITING in VERMONT for SOLAR PROJECTS

CURRENT RULES

Starting in 2017, for proposed solar net metering sites in Vermont between 150 kW-AC and 500 kW-AC, the sites must be deemed "preferred" in order to participate in solar net metering. The 2017 Public Utilities Commission rules for net-meter projects are in part a response to public concerns about projects sited in opposition to town planning, so they include requirements for "preferred siting" to encourage projects that towns support, as well as solar projects on existing rooftops, parking lots, brownfields, gravel pits, and sites where 50% of the power is used onsite.

Please note that sites under 15 kW-AC (residential sized projects), the site does not need to be deemed preferred. For projects between 15 kW-AC and 150 kW-AC, projects may proceed without a preferred designation, but there is a steep financial dis-incentive (negative \$0.04/kWh). As such, any solar net metering projects between 15 kW-AC and 500 kW-AC, the site will need to be deemed "preferred" in order to participate in solar net metering.

500 kW-AC generates approximately enough energy to offset the electric bills of ~100 homes.

TOWN ROLE IN PREFERRED SITES

One category of preferred site is "A specific location designated in a duly adopted municipal plan... or identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions."

Well-sited solar projects in towns like Randolph, help the town achieve its goals for clean energy and contribute its proportionate share to statewide energy goals.

When willing landowners are ready to host such projects, with sites that work well on key factors, the Town will typically support the development.

Public Utilities Commission Rules on Preferred Sites for Net-Metered Solar Arrays

[http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-](http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf)

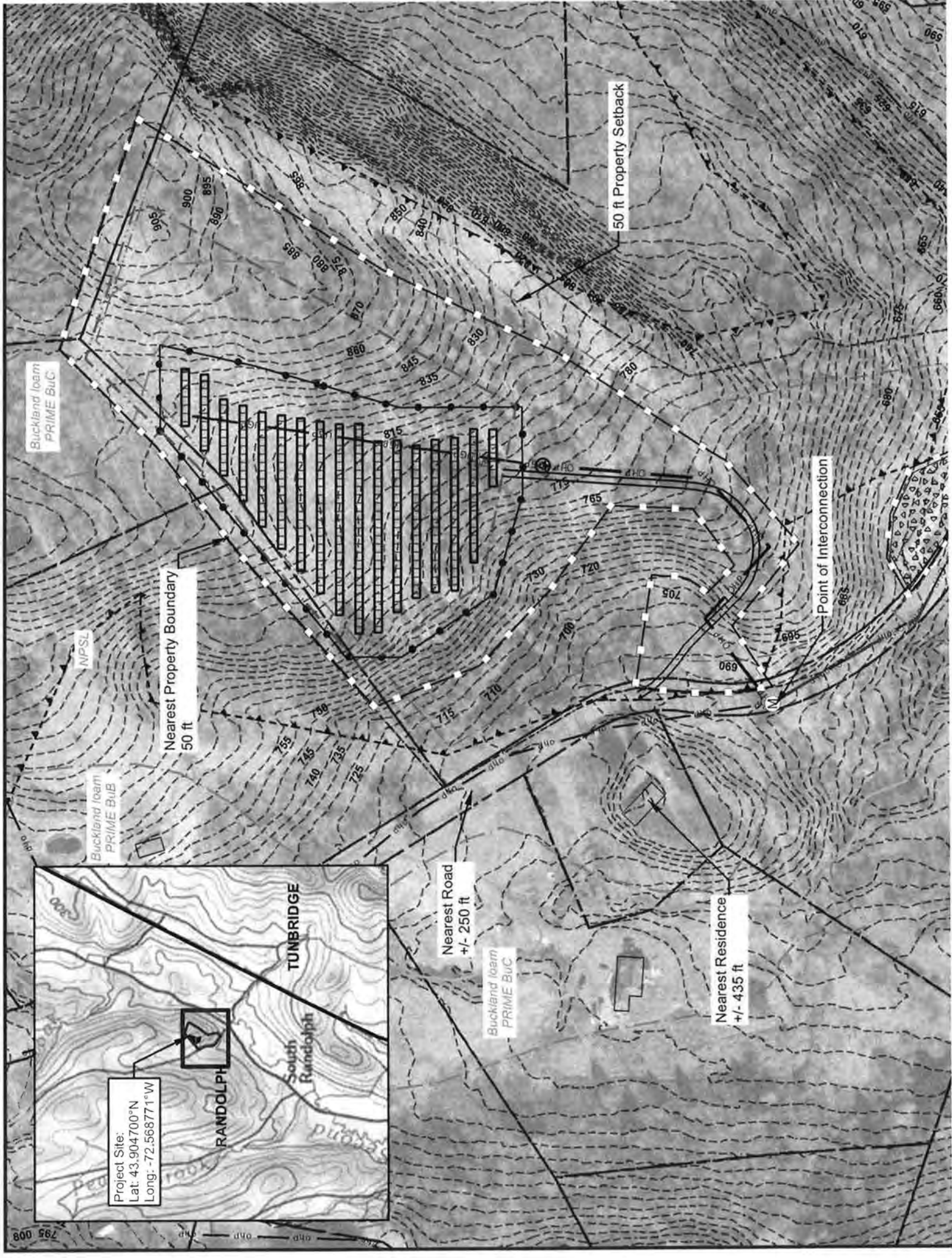
[2017_0.pdf](http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf)http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf

Rule 5.100 = Public Utilities Commission rule pertaining to construction and operation of net-metering systems

Section 5.103 = Definitions section of Rule 5.100

"Preferred Site" means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a gravel pit, quarry, or similar site for the extraction of a mineral resource that was in lawful operation on January 1, 2017, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;
- (7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. FINAL PROPOSED RULE Vermont Rule 5.100 16P-062 Public Service Board Page 10 of 58 January 20, 2017 chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following that the site is listed on the NPL;
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.



Buckland loam
PRIME BuC

50 ft Property Setback

Nearest Property Boundary
50 ft

Point of Interconnection

Buckland loam
PRIME BuC

Project Site:
Lat: 43.904700°N
Long: -72.568771°W

Nearest Road
+/- 250 ft

Buckland loam
PRIME BuC

Nearest Residence
+/- 435 ft

TUNBRIDGE

South Randolph

RANDOLPH

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:53 PM
To: Trevor Lashua
Subject: Fwd: DRAFT site plan for Initial Review
Attachments: 10-2018 Preferred Siting (1).doc; 20210430 Randolph Davis Preliminary Site Plan_11x17.pdf

George "Sonny" Holt
amazon.com/author/holt_books

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

From: **Brendan Malley** <malley@norwichtech.com>
Date: Mon, May 3, 2021 at 4:03 PM
Subject: DRAFT site plan for Initial Review
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

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Best,

Brendan
202-550-0565



Brendan Malley | VP Project Finance
| **Norwich Solar Technologies**
| phone: 202-550-0565
| email: malley@norwilech.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>

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:48 PM
To: Trevor Lashua
Subject: Fwd: Davis Rd Solar Array

George "Sonny" Holt
[amazon.com/author/holt_books](https://www.amazon.com/author/holt_books)

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

From: Sonny Holt <holt7850@gmail.com>
Date: Sat, Apr 3, 2021 at 9:30 PM
Subject: Re: Davis Rd Solar Array
To: Brassard, Trini <Trini.Brasard@vermont.gov>

Got it. Thanks, Trini. Sorry to hear about your Dad's stroke.

On Sat, Apr 3, 2021, 7:55 PM Brassard, Trini <Trini.Brasard@vermont.gov> wrote:

My Dad owns the property. Since his stroke almost 8 years ago he has lived with us. I have his full power of attorney.

Sent from my iPhone

On Apr 3, 2021, at 3:04 PM, Sonny Holt <holt7850@gmail.com> wrote:

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Trini

Brendan Malley showed me the Davis Road property this morning. It looks like a fairly isolated location for a solar array. From what I observed it appeared that it would not be seen from Rt 14, and there was only one residence I observed that might have a view of the property. However if current trees are left in place between that residence and the array field there may not be a problem.

It's a very steep climb to the property so heavy equipment may have to be called in to gain access.

I asked him to keep me informed as Norwich proceeds. If and when it goes to the Selectboard I would assume you will have to recuse yourself.

For background can you fill me in with the details about current ownership of the property and what your involvement and Brendan's involvement will be?

Thanks

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:38 PM
To: Trevor Lashua
Subject: Fwd: Early visit to a potential solar site
Attachments: image0 (5).jpeg

George "Sonny" Holt
amazon.com/author/holt_books

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

From: **Brendan Malley** <malley@norwichtech.com>
Date: Tue, Mar 30, 2021 at 1:38 PM
Subject: Re: Early visit to a potential solar site
To: Sonny Holt <holt7850@gmail.com>

Just perfect. Thanks. We can park just off the side of Davis.

Here is a survey of the property - it does not align with the tax map which is why I am providing it. I also inserted a screen shot of the property with an approximate property line relative to the nearby roads.



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



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, Mar 30, 2021 at 12:53 PM Sonny Holt <holt7850@gmail.com> wrote:

Hi Brendan

Does 9AM Thursday work for you?

George "Sonny" Holt

amazon.com/author/holt_books

On Tue, Mar 30, 2021 at 11:40 AM Brendan Malley <malley@norwitech.com> wrote:

Hi Sonny:

I hope this note finds you well. Norwich Technologies is under contract on a piece of land on Davis Rd near Rt 14 in South Randolph. The land belongs to Ken Blaidsell.

I am working with the town to get on the agendas for the Planning Commission and the Select Board to introduce the potential project. It is a solar array very similar in size and design to the one that was reviewed last year on the Gifford property.

I will be around on Thursday, Friday, and Saturday if you would like to get a look at the site. Of course you are welcome to go by there on your own as well some other time (I would coordinate with the landowner), but I will just happen to be around on those days.

Happy to chat of course - my cell phone is 202-550-0565.

Best regards,

Brendan



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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Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 16, 2022 12:28 PM
To: Trevor Lashua
Subject: Fwd: Randolph Energy Progress

George "Sonny" Holt
amazon.com/author/holt_books

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

From: Brassard, Trini <Trini.Brassard@vermont.gov>
Date: Fri, Mar 26, 2021 at 5:01 PM
Subject: RE: Randolph Energy Progress
To: Sonny Holt <holt7850@gmail.com>, Victoria Littlefield <vlittlefield@trorc.org>

There is another large solar development going through the process on the Davis Road. They are just starting but have met with GMP

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, March 26, 2021 4:52 PM
To: Victoria Littlefield <vlittlefield@trorc.org>
Cc: Brassard, Trini <Trini.Brassard@vermont.gov>
Subject: Re: Randolph Energy Progress

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thanks Tory

Good to hear from you.

Does our report card take into consideration the recent application for a Certificate of Public Good that was filed by Randolph

Gifford Farm Solar LLC, for a 500 kW-AC solar electricity generation project to be sited at a 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")?

Sonny Holt

Chair, Planning Commission

On Fri, Mar 26, 2021 at 12:12 PM Victoria Littlefield <vlittlefield@trorc.org> wrote:

Dear Randolph,

Please find an Energy Progress Report Card for Randolph attached. Vermont's 2016 Comprehensive Energy Plan (CEP) sets targets for various metrics related to energy conservation, efficiency, and renewable energy. TRORC's Regional Energy Implementation Plan defines what the TRORC region needs to achieve in order to contribute to the goals of the CEP, and in turn sets specific targets for each town within the TRORC region.

We developed report cards for each TRORC town with the intention of analyzing progress towards these town, regional, and state energy goals. By conducting a data-driven assessment of progress, our objective is to show towns where they are succeeding in the implementation of their energy plans, and where more attention is needed. We hope that the "Remaining Progress to Reach 2025 Goal" sections of the report card provide tangible, meaningful targets to strive for.

We offer some general suggestions for meeting each goal that we hope you will find useful, but recognize these suggestions will not be applicable to every town, and many may already have been implemented. We are available to provide additional suggestions or respond to any specific questions you may have about how to accelerate progress. Additionally, please let us know if you have any questions or feedback about the report card itself (e.g., data sources, how grades were assigned, etc.).

Thank you for all your efforts in achieving our energy goals!

Victoria (Tory) Littlefield | Regional Planner



128 King Farm Road | Woodstock, VT 05091

Cell: 802-356-9449 (**note new cell number**)

Trorc.org | [facebook](https://www.facebook.com/trorc) | [youtube](https://www.youtube.com/channel/UCqK8j8j8j8j8j8j8j8j8j8j)

****Due to the recent Governors order, TRORC staff are back to working at home. Email is the best way to reach us currently.****

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Saturday, April 3, 2021 9:30 PM
To: Trini Brassard
Subject: Re: Davis Rd Solar Array

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Got it. Thanks, Trini. Sorry to hear about your Dad's stroke.

On Sat, Apr 3, 2021, 7:55 PM Brassard, Trini <Trini.Brassard@vermont.gov> wrote:

My Dad owns the property. Since his stroke almost 8 years ago he has lived with us. I have his full power of attorney.

Sent from my iPhone

On Apr 3, 2021, at 3:04 PM, Sonny Holt <holt7850@gmail.com> wrote:

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Trini

Brendan Malley showed me the Davis Road property this morning. It looks like a fairly isolated location for a solar array. From what I observed it appeared that it would not be seen from Rt 14, and there was only one residence I observed that might have a view of the property. However if current trees are left in place between that residence and the array field there may not be a problem.

It's a very steep climb to the property so heavy equipment may have to be called in to gain access.

I asked him to keep me informed as Norwich proceeds. If and when it goes to the Selectboard I would assume you will have to recuse yourself.

For background can you fill me in with the details about current ownership of the property and what your involvement and Brendan's involvement will be?

Thanks

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, February 9, 2022 9:49 AM
To: Larry Satcowitz; Pat French; Perry Armstrong; Tom Ayres; Trini Brassard; Trevor Lashua; Joshua Jerome
Cc: Kimberly Grout
Subject: Sonny's Final Briefing for 10 Dec SB Meeting
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (10 feb).pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Here's the final briefing.

Sonny

George "Sonny" Holt
amazon.com/author/holt_books

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, February 8, 2022 1:45 PM
To: Larry Satcowitz; Pat French; Tom Ayres; Perry Armstrong
Cc: Trevor Lashua; Trini Brassard
Subject: Sonny's PC Briefing 10 Dec
Attachments: . Davis Road Solar - 10 Feb 2022 - Selectboard - Holt (8 feb).pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: SelectBoard

Attached PDF is my briefing for your background package. I realize you cannot comment on the content but please check it over for accuracy and let me know if there are questions that still need to be answered.

It appears to be quite long, but many slides take just a few seconds to run through.

If you can allow 15 minutes instead of 10, I believe it will pre-answer any questions that may come up during the following discussion period.

Thank you

Sonny Holt

802-728-3664

802-272-8516

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, December 15, 2021 1:00 PM
To: Camden Walters; Jeff Grout
Cc: Trini Brassard (tbrassard1@comcast.net); Trevor Lashua; Joshua Jerome; Miles Hooper; Perry Armstrong; Paul Rea
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Camden

I apologize for not responding to you sooner. I've been flat out for these past few days.

Just to clarify - when you said "Sonny described my position as putting the town in danger, which is an unsubstantiated claim."

My statement was "I do not concur with Camden's position as this could lead us to fighting a legal battle with Norwich Solar Technologies and the costs could be steep for the town." This was merely a restatement of what was discussed at length at our December 7th PC meeting of what could happen if we all had agreed to rescind the Town's Letter designating the Davis Road property as a "preferred site." Especially, if we had done this without first pointing out to Norwich Technologies of this discrepancy and affording them the opportunity to respond, I have no doubt that it would have put them in a defensive posture and they probably would have taken the position of their attorney who claimed the Town of Randolph had no right to have a steep slope provision in our Town Plan. Remember the legal fees that Bennington was encumbered with in a similar situation? Norwich's Attorney stated "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." Thank goodness, Norwich did not throw that back at us.

So believe me Camden my non concurrence was not directed personally at you. So please don't take it in that light. I and other members of the PC value what you have contributed to the town plan especially in the area of protecting our natural resources and we all are in lock step with you on that.

Respectfully
Sonny

On Tue, Dec 14, 2021 at 4:19 PM Camden Walters <camdenwalters93@gmail.com> wrote:
All,

I know Im outvoted. So we can go ahead and go through with proceeding as Sonny suggested, option 3. I raised the point about the Town's lawyer.because our primary order of business was to get his take on liability issues, which was the objection to rescinding the letter on the spot last meeting. This was supposed to happen quickly, and for some

reason hasn't. Sonny described my position as putting the town in danger, which is an unsubstantiated claim and I would like it removed as any part of official PC work.

For the people who voted yes, I would like to hear an explanation for how Norwich Solar will be made to adhere to the 25% slope provision, if and when our granting them Preferred Citing gets them their permit. Seems like we've just given them a pass and let them regulate themselves.

Camden

On Tue, Dec 14, 2021, 3:24 PM Sonny Holt <holt7850@gmail.com> wrote:

We have one member of the PC that does not agree with the other 3 members of the PC who agreed to accept Norwich Solar Technologies' response to the issue of violating our Town Plan's prohibition on mounting Solar Arrays on slopes greater than 25%. Norwich's bottom line was: **""While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."**

I considered this a big win for the town, because if we had agreed to rescinding our letter of support to Norwich which designated Davis Road as a "preferred site." it could have led us into fighting a legal battle with Norwich Solar Technologies and the costs could be steep for the town. I based my assessment on what Bennington went through fighting a large out-of-state solar developer - they were eventually successful in their fight but it reportedly cost their town \$200,000.00 in legal fees.

The one PC dissenter wants to see our Attorney's position on whether or not our town would suffer large legal fees if we chose to fight with Norwich over this issue.

Unfortunately, the position of our Attorney has not yet arrived.

I believe we have the following options:

1. Do nothing for now and wait for our Attorney to respond. This will result in us being late with our response back to Biden/Allen (the abutters) to allow them time to respond to the PUC which is due today.

2. Wait for Mike to respond. This may put us beyond our response date to Allen/Biden and may prompt them to request an Evidentiary Hearing from the PC.

3. Go forward with the PC's 3-1 majority agreement and take the actions proposed in my 14 Dec Email.

(see attached). This is low risk, because we would be accepting Norwich's bottom line and would not be pulling back our letter of support. We will not have to wait for our Attorney's response.

3. Other recommendations from the Town Manager and/or Select Board.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, December 14, 2021 8:32 PM
To: Miles Hooper; Paul Rea; Perry Armstrong; Camden Walters; Trevor Lashua; Jeff Grout; Trini Brassard (tbrassard1@comcast.net); Sonny Holt
Subject: Fwd: Acceptance of your assurance of no panels on 25% slopes
Attachments: Letter to Norwich Technologies - Acceptance of their assurance of no panels on 25% slopes.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

This is the Email I sent to Norwich Technologies.

Sonny

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 7:55 PM
Subject: Acceptance of your assurance of no panels on 25% slopes
To: Martha Staskus <staskus@norwichsolar.com>

The Randolph Planning Commission has accepted your assurance to the Town of Randolph that there will be no solar panels on slopes greater than 25%.

See our Letter attached.

Sonny Holt

Chair, Randolph Planning Commission



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc.
15 Railroad Row
White River Junction, VT 05001
Attn: Martha Staskus

14 December 2021

From: The Town of Randolph
Planning Commission
7 Summer Street, Drawer B
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

In response to our Notice of Discrepancy (subject as above) the Randolph Planning Commission received your response on 13 Dec 2021 and accepts your guarantee that "prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."

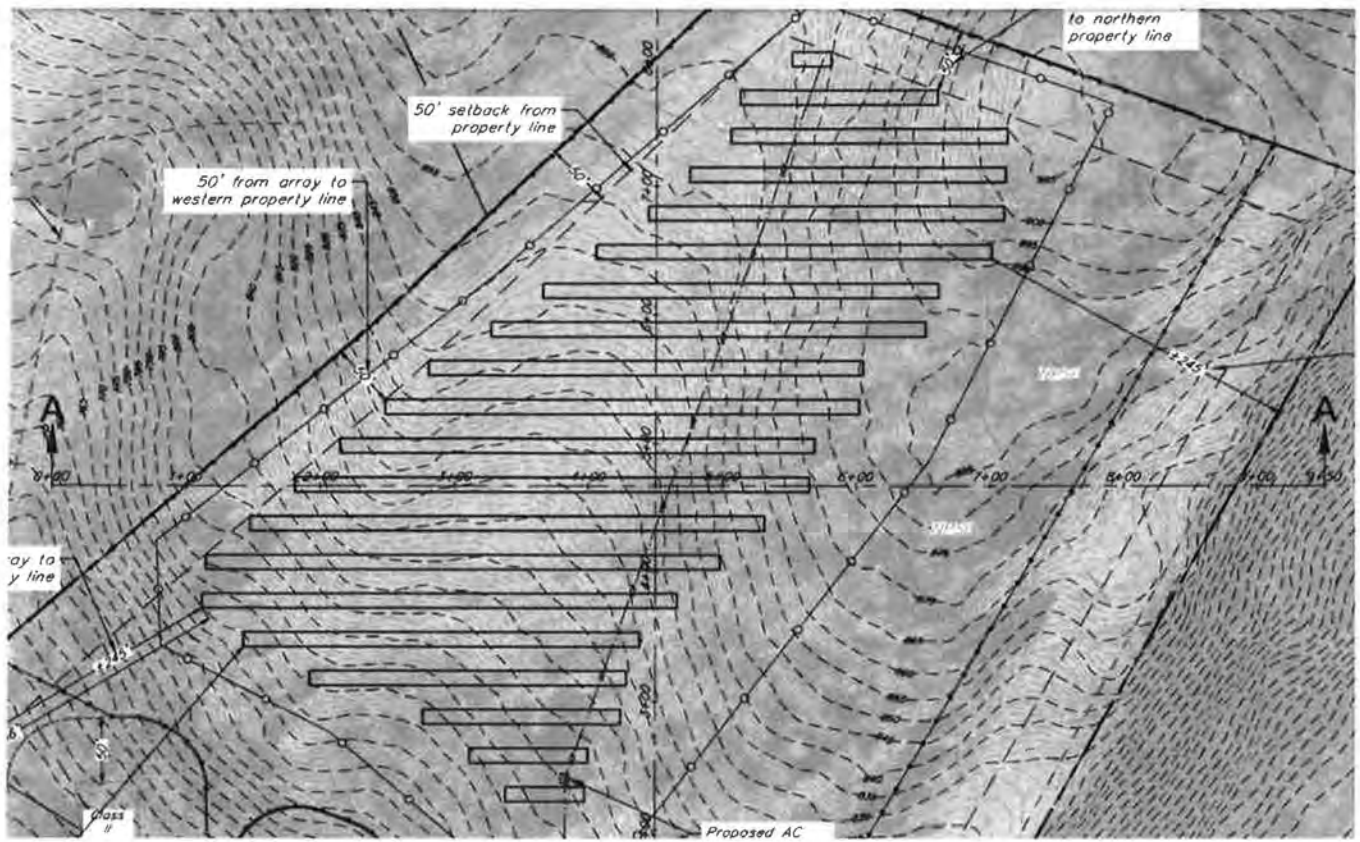
We request that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further request to see your final Solar Array plot plan prior to construction.

Thank you for your attention to this matter.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, December 14, 2021 8:29 PM
To: Miles Hooper; Camden Walters; Perry Armstrong; Trevor Lashua; Trini Brassard; Paul Rea; Sonny Holt; Jeff Grout
Subject: Fwd: Randolph Planning Commission Decision ref your October 21, 2021 Letter
Attachments: Letter to Allen and Binder PC Decision on their Request.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

This is the Email I sent to Allen and Binder.

Sonny

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 8:23 PM
Subject: Randolph Planning Commission Decision ref your October 21, 2021 Letter
To: <joanbarballen@gmail.com>, <michaeljbinder@yahoo.com>

This is in response to your October 21, 2021 Letter to the Planning Commission of Randolph Vermont, requesting the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Sites approval given to Norwich Solar Technologies, Inc.

After careful review and consideration by the Planning Commission of the requests you made in your letter, the observations you provided at the 7 Nov Planning Commission Meeting and the responses we received from Norwich Solar Technologies given us assurance that no solar panels will be installed on slopes greater than 25%, the Planning Commission agreed not to rescind our support for this site as being a "preferred" site.

See the attached letter for details.

We thank you for bringing this matter to our attention and encourage you to meet with Norwich Solar Technologies to see if there are other concerns and remedies you may both be able to come to some agreement on.

Respectfully

George "Sonny" Holt
Chair, Randolph Planning Commission



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

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

From: The Town of Randolph
Planning Commission
7 Summer Street, Drawer B
Randolph, VT 05060

Subject: Response to your October 21, 2021 Letter to the Planning Commission of Randolph Vermont, requesting the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Sites approval given to Norwich Solar Technologies, Inc.

The Randolph Planning Commission reviewed your request at our 7 Nov 2021 meeting that you were a party to. As a result of that meeting, we sent a "Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array" to Norwich Solar Technologies, Inc. on 10 December 2021 (see Attachment 1.) In our letter the Planning Commission agreed with Mr. Binder's contention that there are some panels on the eastern side of the array that appear to be on slopes greater than 25%. If this proves to be the case then the Town of Randolph may have to rescind our support for this site as being a "preferred" site.

Norwich Solar Technologies, Inc. responded on 13 December stating among other things; "While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request." (see Attachment 2.)

Upon receipt and review of their letter the Planning Commission agreed not to rescind our support for this site as being a "preferred" site. We also requested from Norwich Solar Technologies, Inc. that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further requested to see their final Solar Array plot plan prior to construction. (see Attachment 3.)

The Randolph Planning Commission wishes to thank Joan B. Allen and Michael J. Binder for bringing this matter to our attention.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission

Attachment 1.



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc., 15 Railroad Row, White River Junction, VT 05001
Attn: Martha Staskus

From: The Town of Randolph, Planning Commission, 7 Summer Street, Drawer B,
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

On 7 December 2021 Joan B. Allen and Michael J. Binder of 1953 Davis Road, Randolph Center, VT came before the Randolph Planning Commission requesting that the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Site located in East Randolph at LAT: 43.904700°N and LONG: -72.568771°W.

Allen and Binder claimed that Norwich Solar Technologies violated the prohibited locations clause in Randolph's Town Plan prohibiting energy facility development in lands over 25% slope. The over 25% slope prohibition is to protect soil erosion from occurring when any construction occurs in those areas. The steeper the slope the greater the erosion, especially with heavy rains.

To bolster their claim Allen and Binder presented a colored map showing, in red, slopes over 25% that covered the majority of the 10 acres allowed for the project. The Planning Commission noted that the map had a disclaimer stating that it is "for general reference only and data layers may or may not be accurate, current, or otherwise reliable."

Slope issues were not addressed at the June 1st 2021 PC meeting with Norwich Solar Technologies when they gained support for their site as being "preferred." A more detailed topographical map (Attachment A.) provided recently by Norwich Solar Technologies with an overlay of the planned placement of solar panels shows that most panels will reside on slopes less than 25%. However, the Commission agrees with Mr. Binder's contention that there are some panels on the eastern side of the array that appear to be on slopes greater than 25%. If this proves to be the case then the Town of Randolph may have to rescind our support for this site as being a "preferred" site.

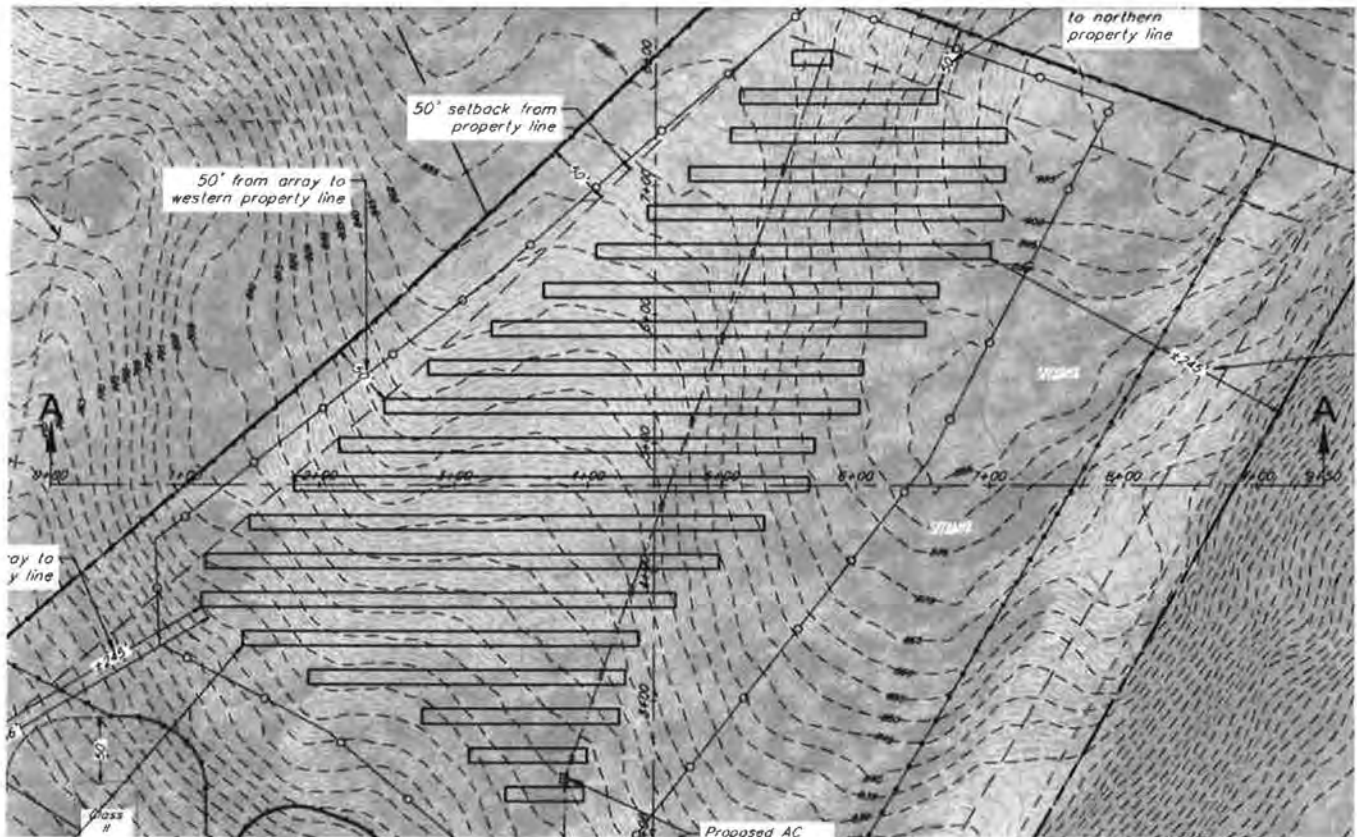
We ask Norwich Solar Technologies to respond to this letter NLT 13 December 2021.

Respectfully

//original signed//

George "Sonny" Holt
Chair, Randolph Planning Commission

Attachment A.



Attachment 2. (note: for the purpose keeping all attachments in Word this has been copied from the original which was in PDF format.)



15 Railroad Row
White River Junction, VT 05001

December 13, 2021

George "Sonny" Holt
Chair, Randolph Planning Commission
The Town of Randolph
7 Summer Street, Drawer B,
Randolph, VT 05060

RE Randolph Davis Solar array proposal

Dear Chair Holt,

Thank you for your December 10, 2021 letter requesting a response to an inquiry from residents Joan B. Allen and Michael J. Binder of 1953 Davis Road. We have made several attempts to contact and respond to Allen/Binder concerns without success. Chairman Holt's letter speaks to the Town's concern of "energy facilities developed on lands over 25% slope to protect soil erosion from occurring when any construction occurs in those areas". Below is information relevant to these concerns and as discussed in more detail below, a Vermont licensed surveyor will verify that the solar array is not installed on slopes greater than 25%.

It is Norwich Technologies' commitment to all interested parties to work in collaboration for advancing Vermont's in-state renewable energy goals safely and responsibly. This includes the deployment and installation of the Randolph Davis solar project.

As noted by the Planning Commission, a map presented by the Allen/Binders had a disclaimer stating that it is "for general reference only and data layers may or may not be accurate, current, or otherwise reliable." The Allen/Binder map Norwich Technologies is aware of is from the Agency of Natural Resources ("ANR") Natural Resource Atlas, which contains the Disclaimer

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.

The Project Elevations illustrate the ground profile in north-south and east-west orientations. 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 elevation of +/-

820' and ending at elevation of +/-850'). These profiles are based upon ground elevations sourced from LiDAR data from Vermont Center for Geographic Information.

The Site Plan, Page 2, specifically addresses Vermont Erosion Prevention and Sediment Control (EPSC) practices regulated by the ANR Department of Environmental Conservation including, among others:

- 1) Erosion prevention and sediment control (EPSC) practices shall be implemented in all areas where there is an increased risk of erosion, and where there is potential for discharge of stormwater runoff (either direct or indirect) to a water body.
- 2) EPSC measures shall be installed prior to any earth disturbing activities within a given drainage area except for land disturbance that may result from accessing the area(s) with equipment in which EPSC measures are to be installed.
- 3) EPSC measures shall be installed pursuant to the construction phase stormwater discharge permit for the project, the filed EPSC plan, the Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the Vermont Erosion Prevention and Sediment Control Field Guide and other relevant project permits.

While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request.

Thank you again for bringing this to our attention.

Regards,

//original signed//

Martha Staskus

Norwich Technologies, Inc

On behalf of Randolph Davis Solar LLC

Attachment 3.



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

To: Norwich Solar Technologies, Inc.
15 Railroad Row
White River Junction, VT 05001
Attn: Martha Staskus

14 December 2021

From: The Town of Randolph
Planning Commission
7 Summer Street, Drawer B
Randolph, VT 05060

Subject: Notice of Discrepancy in the Davis Road Preferred Site Location for a Solar Array

In response to our Notice of Discrepancy (subject as above) the Randolph Planning Commission received your response on 13 Dec 2021 and accepts your guarantee that "prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."

We request that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further request to see your final Solar Array plot plan prior to construction.

Thank you for your attention to this matter.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, December 14, 2021 3:24 PM
To: Trini Brassard (tbrassard1@comcast.net); Trevor Lashua
Cc: Camden Walters; Joshua Jerome; Miles Hooper; Perry Armstrong; Paul Rea; Sonny Holt
Subject: The Planning Commission Requests Guidance and Direction on Davis Road Solar
Attachments: 14 Dec Email - Plan of Action Davis Road.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

We have one member of the PC that does not agree with the other 3 members of the PC who agreed to accept Norwich Solar Technologies' response to the issue of violating our Town Plan's prohibition on mounting Solar Arrays on slopes greater than 25%. Norwich's bottom line was: **""While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."**

I considered this a big win for the town, because if we had agreed to rescinding our letter of support to Norwich which designated Davis Road as a "preferred site." it could have led us into fighting a legal battle with Norwich Solar Technologies and the costs could be steep for the town. I based my assessment on what Bennington went through fighting a large out-of-state solar developer - they were eventually successful in their fight but it reportedly cost their town \$200,000.00 in legal fees.

The one PC dissenter wants to see our Attorney's position on whether or not our town would suffer large legal fees if we chose to fight with Norwich over this issue.

Unfortunately, the position of our Attorney has not yet arrived.

I believe we have the following options:

1. Do nothing for now and wait for our Attorney to respond. This will result in us being late with our response back to Biden/Allen (the abutters) to allow them time to respond to the PUC which is due today.

2. Wait for Mike to respond. This may put us beyond our response date to Allen/Biden and may prompt them to request an Evidentiary Hearing from the PC.
3. Go forward with the PC's 3-1 majority agreement and take the actions proposed in my 14 Dec Email.
(see attached). This is low risk, because we would be accepting Norwich's bottom line and would not be pulling back our letter of support. We will not have to wait for our Attorney's response.
3. Other recommendations from the Town Manager and/or Select Board.

Sonny

Sonny Holt <holt7850@gmail.com>

12:53 AM
(14 hours
ago)

to Miles, Perry, Camden, me, Trevor, Paul, Jeff, Joshua

PC Members

We've been on a very fast train since Tuesday attempting to wind up this issue so we can respond to abutters Allen and Binder. They are required to respond to the PUC by Tuesday (14 Dec)

Before giving Allen and Binder a response we need to respond to Norwich Solar Technologies on their response to us stating how they intend to assure us that no solar panels will be mounted on slopes greater than 25%.

I have reviewed their response and although they still make mention of "average slopes" which we no longer agree with, I am encouraged by their bottom line which reads:

"While we all are concerned with the potential erosion from installation of solar panels on slopes greater than 25% slopes, all data presented to date is not site specific. Therefore, prior to installation of the panels, Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%. The onsite survey data can be provided to the Town and the Allen/Binders upon request."

They could have held their ground and thrown back at us their attorney's argument that **"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."**

But they did not do that, so that's telling us they have accepted the town's requirement on steep slopes, and that's a big win.

I propose that we accept their assurance as stated above and request that onsite survey data be provided to us prior to any actual installation taking place.

I also propose that we send to Binder/Allen our correspondence with Norwich Solar Technologies and also state that based on the assurance that Norwich Solar Technologies has provided to the Planning Commission, we see no need to withdraw our "Preferred Sites Letter" for the Davis Solar Project.

If all are in agreement with this approach please respond by 10:00 AM today with a "Yes I Agree" If you are not in agreement please respond with a "No I do Not agree"

If we have widespread disagreement then we should hold an in-person meeting or a Zoom meeting around Noon to air our differences and then take a vote on the matter.

Thanks for everyone's support on this fast moving train. Hopefully it will slow down as we approach the station.

Sonny

Trevor Lashua

From: Brassard, Trini <Trini.Brassard@vermont.gov>
Sent: Monday, February 14, 2022 5:04 PM
To: Zoë Newmarco
Subject: Re: Herald Inquiry: Davis Road Solar project

No clue where the discrepancy is from.

My Dad is Kenneth Blaisdell. However most didn't know he owned the property so not sure that will help with identifying it.

Sent from my iPhone

On Feb 14, 2022, at 4:50 PM, Zoë Newmarco <zoe@ourherald.com> wrote:

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Trini,

Thanks for letting me know about the acreage—do you have any sense of where that discrepancy comes from?

And regarding your father's name, without an address, there are limited ways I can refer to which property it is. His property ownership would be public record, so I can find it through town records, but I figured it would be easier to ask you directly. While the article is not about him, it certainly would be a helpful detail for me to have as I'm trying to learn more about the proposal myself.

Thanks again,
Zoë

Zoë Newmarco (she/her)
Staff Writer
The White River Valley Herald
Randolph, Vermont
Office: 802-728-3232
www.OurHerald.com

----- On Mon, 14 Feb 2022 16:44:12 -0500 **Brassard, Trini**
<Trini.Brassard@vermont.gov> wrote -----

Parcel acreage depends what you use for a reference. Town records and deed show 13.9 but survey shows 20.7. Why do you need my Dad's name?? Not sure that makes any difference so would rather not have his name in a matter that isn't positive.

Sent from my iPhone

On Feb 14, 2022, at 4:13 PM, Zoë Newmarco <zoe@ourherald.com> wrote:

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Hi Trini,

Thanks for getting back to me.

I just have a couple missing details—could you please tell me how big the parcel is, and what your father's name was?

Thanks again,
Zoë

Zoë Newmarco (she/her)
Staff Writer
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Office: 802-728-3232
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----- On Mon, 14 Feb 2022 15:25:59 -0500 **Brassard, Trini**
<Trini.Brassard@vermont.gov> wrote -----

I don't believe there is an e911 address for this site unless someone else got it....

The property was scheduled to close last Friday. I understand they had to correct a paper and will close this week. The closing is NOT contingent on this permit.

Sent from my iPhone

On Feb 14, 2022, at 2:43 PM, Zoë Newmarco
<zoe@ourherald.com> wrote:

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Hi Trini,

I hope this email finds you well. I'm reaching out with a couple questions regarding the proposed Davis Road solar project, that I hope you could help me with. I've included them in this email, but please feel free to call me at the office, if it would be easier to chat on the phone.

1. Could you please tell me the address for the Davis Road property where the solar array is proposed?

2. I understand that the property was owned by your late father; could you please tell me his name, and whether it's still part of his estate, or if it's been transferred to a new owner?

My deadline is tomorrow, so if possible for you to please get back to me this afternoon or tomorrow, that would be great.

Thanks in advance,
Zoë

Zoë Newmarco (she/her)
Staff Writer
The White River Valley Herald
Randolph, Vermont
Office: 802-728-3232
www.OurHerald.com

Trevor Lashua

From: Brassard, Trini <Trini.Brasnard@vermont.gov>
Sent: Monday, February 14, 2022 5:04 PM
To: Zoë Newmarco
Subject: Re: Herald Inquiry: Davis Road Solar project

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Zoë

Zoë Newmarco (she/her)
Staff Writer
The White River Valley Herald
Randolph, Vermont
Office: 802-728-3232
www.OurHerald.com

Trevor Lashua

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: norwichtsolar.com
| address: 15 Railroad Row, WRJ, VT 05001



Trevor Lashua

From: Trevor Lashua
Sent: Thursday, February 10, 2022 10:46 AM
To: 'Comcast'; Larry Satcowitz; 'Perry Armstrong'; 'Tom Ayres'; 'Pat French'
Cc: Kimberly Grout
Subject: FW: Randolph Davis Solar
Attachments: NST_Randolph Davis_C-100 Site Plan_revA (2-09-22) (1).pdf; 20220209 KREBS Randolph Davis Solar_Letter to Randolph Select Board.pdf; Slope Survey.pdf

Hi folks,

This arrived this morning – it's a revised site plan from Norwich showing how the slope issues will be addressed, and two letters confirming the resolution of the slope issue from the licensed surveyor and engineer involved.

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

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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](tel:202-550-0565)
| email: malley@norwitech.com
| site: norwichsolar.com
| address: 15 Railroad Row, WRJ, VT 05001



Trevor Lashua

From: Trevor Lashua
Sent: Thursday, January 13, 2022 10:32 AM
To: Comcast; Larry Satcowitz; Perry Armstrong; Tom Ayres; Pat French (Home)
Cc: Kimberly Grout
Subject: FW: I am sharing 'Letter to Allen and Binder PC Decision on their Request' with you
Attachments: Letter to Allen and Binder PC Decision on their Request.pdf

Good morning all,

Please see the attached letter from PC Chair Sonny Holt on the Davis Road/Norwich Solar matter. I'll print a few copies for tonight as well.

Regards,
-T

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, January 13, 2022 6:49 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: I am sharing 'Letter to Allen and Binder PC Decision on their Request' with you

This letter not only sums up what actions were taken by the PC it also contains the actual letters that were sent to Norwich Technologies and Norwich's response to the PC.

George "Sonny" Holt

Trevor Lashua

From: Trevor Lashua
Sent: Monday, December 20, 2021 5:58 PM
To: 'Sonny Holt'; Perry Armstrong; Miles Hooper; 'Camden Walters'; Jeff Grout
Cc: Joshua Jerome
Subject: Town Attorney response re preferred siting letter liability
Attachments: TMMemo-Town Attorney response to questions re preferred siting letter, Davis Road array-v.01; 12-20-21.pdf

Good evening all,

I've pulled the Town Attorney's advice together, and summarized his responses, in the attached memo. The bulk of Mike's advice was received late last week (there were remaining pieces being explored through Friday).

Please let me know if there are questions.

Regards,

-T

Trevor M. Lashua
Town Manager

Town of Randolph
7 Summer Street (physical)
P.O. Drawer B (mailing)
Randolph, VT 05060
(802) 728-5433; x20
trevor@randolphvt.org

Trevor Lashua

From: Peter G. Gregory <pgregory@trorc.org>
Sent: Friday, December 17, 2021 1:05 PM
To: Sonny Holt
Cc: Trevor Lashua; Kevin Geiger
Subject: Re: Davis Road Solar Project in Randolph

Thank you very much Sonny, for the update. It's appreciated.

Enjoy your upcoming weekend.

Peter

Peter G. Gregory, AICP
Executive Director

Two Rivers-Ottawaquechee
Regional Commission
www.trorc.org

802-457-3188
802-558-9064 cell

On Dec 17, 2021, at 1:02 PM, Sonny Holt <holt7850@gmail.com> wrote:

Hi Peter

Just wanted to bring you up to speed on an issue we're working with two abutters to the Davis Road Solar Project and Norwich Solar Technologies, Inc. These two abutters had asked the Randolph Planning Commission to withdraw our Letter of Support designating the Davis Road location as a "preferred site."

They claimed that Norwich Solar Technologies had violated Randolph Town Plan's requirements for a preferred site for, among other things, planning to mount Solar Arrays on slopes greater than 25%. On 7 Dec 2021 they presented their case to the Planning Commission.

After that meeting we sent a Notice of Discrepancy letter to Norwich Solar Technologies. They responded saying that prior to installation of the panels --

"Norwich Technologies will confirm the grade slopes in the area of the solar panels by having a Vermont licensed surveyor set grade stakes for the solar array rows location and document the slopes. The parties have noted specific concern to the terrain on the eastern side of the array, and again, confirmation will be secured before any panels are installed in that location. The array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%."

We accepted Norwich Technologies' response and informed the two abutters that based on Norwich's assurance we would not be withdrawing our Letter of Support designating the Davis Road location as a "preferred site."

However the abutters have now asked the Planning Commission for all correspondence related to this issue. Our Town Manager, Trevor Lashua is acting on our behalf to comply with their request, It appears that they may now be asking the Public Utilities Commission (PUC) for an Evidentiary Hearing.

We'll keep you up to date as this progresses.

Sonny Holt
Chair
Randolph Planning Commission.

Trevor Lashua

From: Pat French <p_french@myfairpoint.net>
Sent: Monday, December 13, 2021 1:24 PM
To: Trevor Lashua
Subject: Re: Planning Commission letter re Davis Road solar

Trevor,

Could you or Kim please print out the PC letter for me attached to this email and put it in the usual place.

Thank you,

Pat

On 12/13/2021 12:21 PM, Trevor Lashua wrote:

> Hi folks,
>
> The Planning Commission sent the attached letter to Norwich Solar regarding its proposal to build an array on Davis Road. The letter's origins lie in the PC's discussion with some of the project's abutters/opponents last Tuesday evening. The discussion centered on questions about sections of the proposed array on slopes greater than 25%, and how/whether that complied with Town Plan language seeking to prohibit solar development on slopes in excess of 25%.
>
> A separate track is being examined with the Town Attorney, which is essentially determining whether or not a preferred siting letter could even be rescinded and what type of liability a municipality might experience as a result. That action (to rescind) was requested of the PC by the appellants; the PC opted (prudently) to explore the legal questions first. Please note, because the letter was also signed by the Selectboard and TRORC, one party (the PC) couldn't rescind on behalf of all parties.
>
> The timelines referenced are pulled from the project appellants' deadlines for the Public Utilities Commission (which ultimately makes the decision), notably one for submittal of certain materials set for tomorrow.
>
> Please let me know if there are any questions, and I'll do my best to run down answers.
>
> Regards,
> -T
> Trevor M. Lashua
> Town Manager
>
> Town of Randolph
> 7 Summer Street (physical)
> P.O. Drawer B (mailing)
> Randolph, VT 05060
> (802) 728-5433; x20
> trevor@randolphvt.org<mailto:trevor@randolphvt.org>
>

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Monday, December 13, 2021 1:10 PM
To: Kimberly Grout; Trevor Lashua
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 Kim

Could you make these two attachments as part of the PC's Minutes for 7 Dec.

Have you had time to correct the minutes?

Thanks

Sonny

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

From: Joan Allen <joanbarballen@gmail.com>
Date: Thu, Oct 21, 2021 at 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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Monday, December 13, 2021 1:00 PM
To: Miles Hooper; Camden Walters; Perry Armstrong; Paul Rea; Jeff Grout; Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site

Norwich Solar is asking for the Allen and Binder letter to the PC be sent to them.
Unless there is some objection I see no need to withhold it from them.
They have promised to give us a response to our request by the end of today.

Sonny

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

From: Martha Staskus <staskus@norwichsolar.com>
Date: Mon, Dec 13, 2021 at 12:00 PM
Subject: Re: Notice of Discrepancy in the Davis Road Preferred Site
To: Sonny Holt <holt7850@gmail.com>

Good morning Sonny,

Thank you for sending this along and I do plan on having a reply back to you by the end of today.

The 12/7 Planning Commission meeting minutes, posted late Friday indicate a letter from Mr. Binder and Ms Allen as an attachment to the meeting minutes. Can you please send that letter ?, it is not part of the posted minutes.

Regards, Martha

On Fri, Dec 10, 2021 at 8:11 PM Sonny Holt <holt7850@gmail.com> wrote:
Attached Letter presents concerns presented to the Randolph Planning Commission by two abutters to the Davis Road Solar project.
We ask you to address those concerns and provide us with a response by 13 Dec 2021.
Thanks for your attention to this matter.

George "Sonny" Holt
Chair, Randolph Planning Commission.

| **Norwich Solar Technologies**

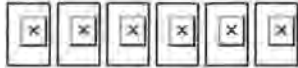
| **phone: 802-359-7416**

| **email: staskus@norwichsolar.com**

| **site: norwichsolar.com**

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Monday, December 13, 2021 9:39 AM
To: Joshua Jerome
Subject: Welcome Back
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project.docx

Hi Josh

To bring you up to speed.

The PC voted to disband the Enhanced Energy Planning sub-committee.

As a result of our meeting with the two abutters to the Davis Road Solar project I sent the attached letter to Norwich Solar Technologies and we are also having our lawyer Mike inform us of any possible liability the town may face if we withdraw our Letter of Support for the project.

Jeff Grout is now a member of the PC.

Also the SB approved the installation of both Rotary Signs.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 10, 2021 8:12 PM
To: Martha Staskus
Subject: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project.docx

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George "Sonny" Holt
Chair, Randolph Planning Commission.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 10, 2021 12:51 PM
To: Trevor Lashua
Cc: Miles Hooper; Perry Armstrong; Camden Walters; Sonny Holt
Subject: Change to Norwich Letter
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project(3).docx

Hi Trevor

The only change is in who the letter should go to.

That should be Martha Staskus. She is the one who filed the project with the Public Utilities Commission (PUC)

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 10, 2021 10:44 AM
To: Trevor Lashua
Cc: Miles Hooper; Perry Armstrong; Camden Walters; Sonny Holt
Subject: Draft of Letter to Norwich Solar Technologies
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project2.docx

Here's my draft of a proposed letter we can send to Norwich Solar.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Wednesday, December 8, 2021 7:12 AM
To: Trevor Lashua
Cc: Miles Hooper; Camden Walters; Perry Armstrong
Subject: Questioning Norwich Solar about the Steep Slope Issue
Attachments: Davis Rd Solar array Slope Problem (2).png; PC_Meeting_Minutes_June_1_2021.pdf

Trevor

Attached is the PC Meeting Minutes of June 1st 2021 when the PC voted to designate Norwich Technologies Solar Array as a preferred site. Note that no mention was made by Norwich of steep slope siting issues.

I've shown on the other attachment the general area on the east side of the array where a number of the solar panels were planned to be mounted on very steep slopes.

Also, I took another look at the 11 Nov Email from Norwich and they did in fact state that "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')

The average slope is not the issue. If any number of the panels are intended to be placed on slopes greater than 25% then that needs to be addressed by Norwich Technologies.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, November 11, 2021 4:41 PM
To: Perry Armstrong; Trevor Lashua; Joshua Jerome
Subject: Davis Road Solar Array in East Randolph
Attachments: Exh. RDS MS-3 Elevations - FINAL.PDF; Exh. RDS MS-2 - Site Plan FINAL.PDF

Joshua and I have been working this issue:

I received this from Martha Staskus | Chief Development Officer for Norwich Solar Technologies:

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

Randolph Davis Solar, LLC

Davis Road
Randolph, Vermont



ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION

SOURCE DATA/ISSUES

EXISTING RECORD, 2018, VTS 10, 100' x 100' (2018)
Topographic Survey, 2018, 100' x 100' (2018)
2018, 100' x 100' (2018)
2018, 100' x 100' (2018)

2018, 100' x 100' (2018)
2018, 100' x 100' (2018)
2018, 100' x 100' (2018)

2018, 100' x 100' (2018)
2018, 100' x 100' (2018)
2018, 100' x 100' (2018)

STANDARD GRAPHIC SCALE (1" = 20')
FIELD WHEN PLOTTED ON 24" BY 36" MEDIA

REDUCED GRAPHIC SCALE (1" = 40')
FIELD WHEN PLOTTED ON 11" BY 17" MEDIA

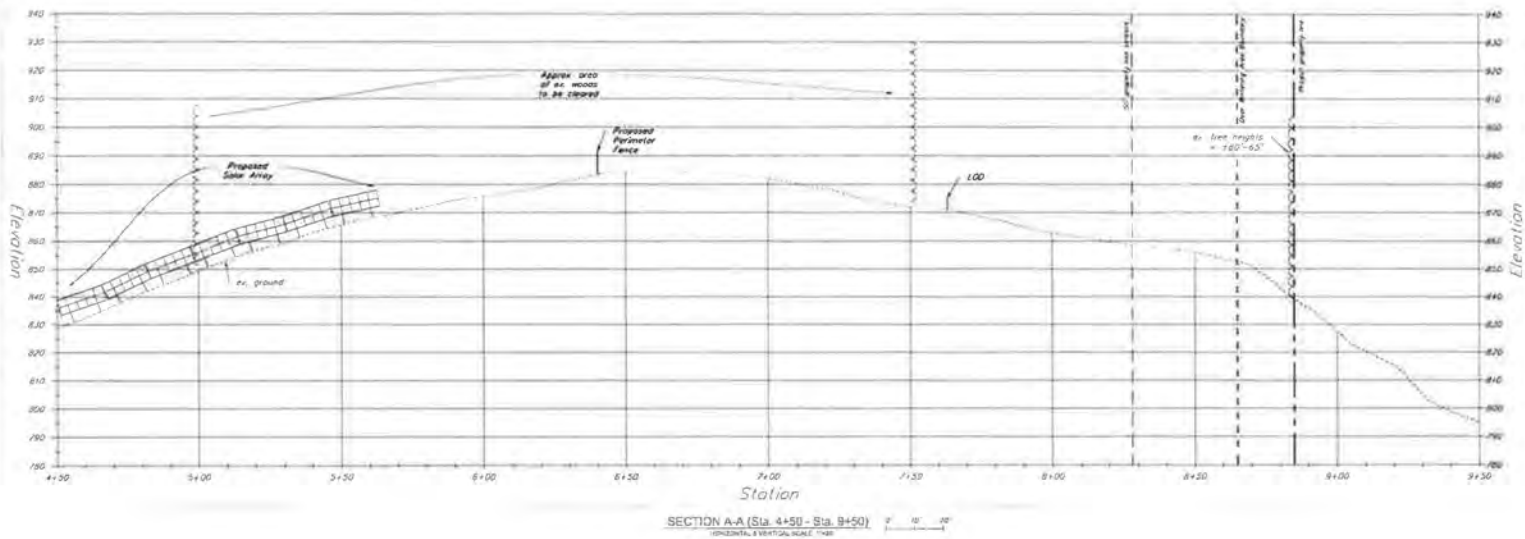
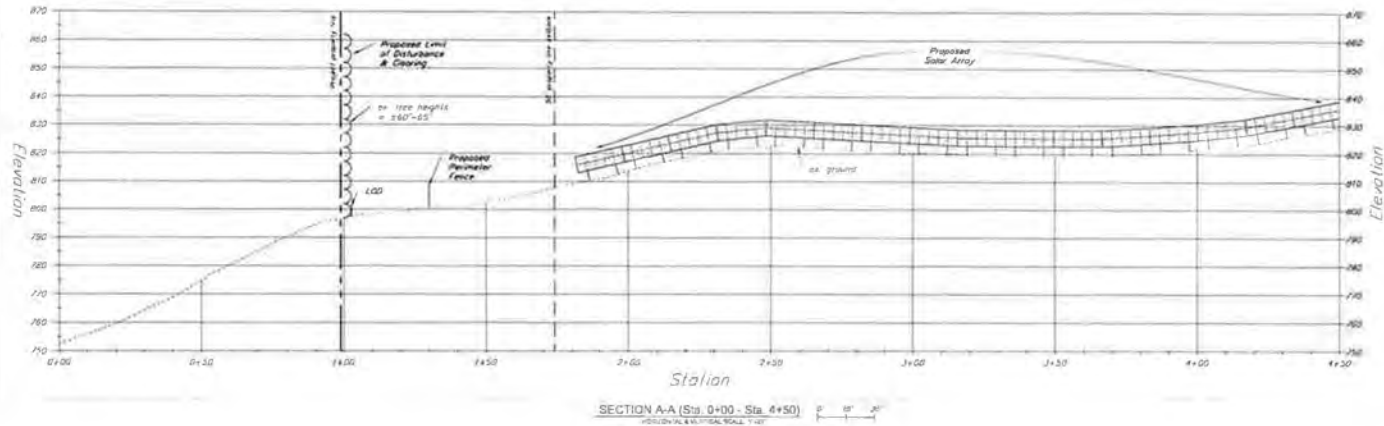
Proposed Solar Array



ELEVATION VIEWS

Sheet No.	101	Sheet No.	102
Sheet No.	103	Sheet No.	104
Sheet No.	105	Sheet No.	106

C-101



Randolph Davis Solar, LLC

Davis Road
Randolph, Vermont



ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION

SOURCE DATA LOGGING
WATERFORD, VERMONT 05470
DATE: 08/14/14
BY: [Signature]
CHECKED: [Signature]

DATE: 08/14/14
BY: [Signature]
CHECKED: [Signature]

DATE: 08/14/14
BY: [Signature]
CHECKED: [Signature]

STANDARD GRAPHIC SCALE (1" = 20')
WILL BE PLOTTED ON 24" BY 36" MEDIA

REDUCED GRAPHIC SCALE (1" = 4.00')
WILL BE PLOTTED ON 11" BY 17" MEDIA

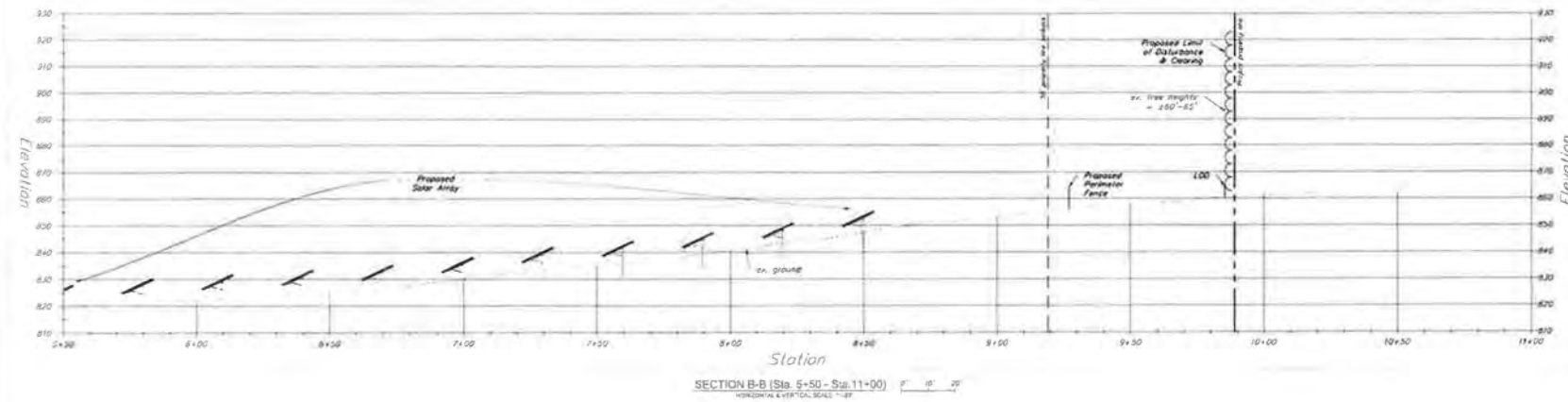
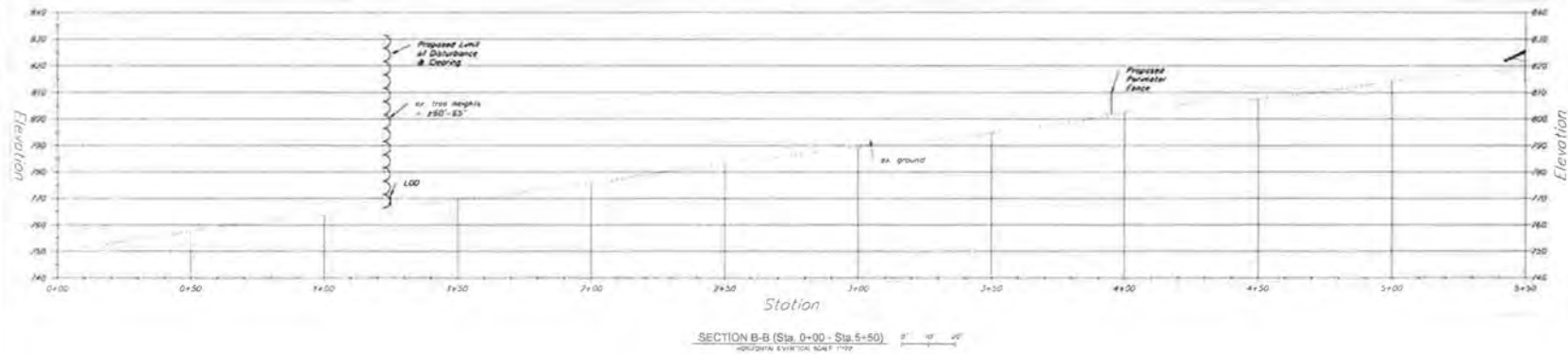
Proposed Solar Array



ELEVATION
VIEWS

DATE: 08/14/14	DESIGNED BY: [Signature]
PROJECT NO: 100	CHECKED BY: [Signature]
PROJECT NAME: 2000	DATE: 08/14/14
DRAWING NO: 100	DATE: 08/14/14

C-102



Trevor Lashua

From: Joan Allen <joanbarballen@gmail.com>
Sent: Thursday, October 21, 2021 4:46 PM
To: holt7850@gmail.com; Joshua Jerome; Trevor Lashua
Cc: SELECTBOARD (Selectboard Committee); pgregory@trorc.org
Subject: Randolph Davis Solar/Norwich Technologies Preferred Sites Letter
Attachments: Letter to PC 10-21-21.pdf; Slope Percentages Randolph Davis LLC site.pdf

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.*

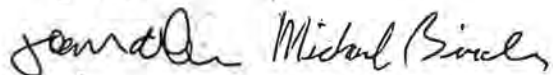
- 1. Prohibited Locations:*** *Energy facility development shall have to meet principal structure setback for the relevant area in the town zoning, and shall be prohibited in floodways, class 1 and 2 wetlands, lands within 50 feet of the top of bank of perennial streams, lands over 25% slope.*
- 2.***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

Trevor Lashua

From: Joshua Jerome
Sent: Monday, October 25, 2021 5:07 PM
To: Joan Allen
Cc: Trevor Lashua; holt7850@gmail.com
Subject: RE: Randolph Davis Solar/Norwich Technologies Preferred Sites Letter

Hi Joan and Michael,

This email is to confirm receipt of your email and letter.

As you may already be aware, 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.

The Planning Commission had already canceled their November meeting, so you can't be added on the agenda. Their next meeting will be December 7th.

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>

From: Joan Allen <joanbarballen@gmail.com>
Sent: Thursday, October 21, 2021 4:46 PM
To: holt7850@gmail.com; Joshua Jerome <Joshua@randolphvt.org>; Trevor Lashua <Trevor@randolphvt.org>
Cc: SELECTBOARD (Selectboard Committee) <SELECTBOARD@randolphvt.org>; pgregory@trorc.org
Subject: Randolph Davis Solar/Norwich Technologies Preferred Sites Letter

Hello,
Please see the attached letter and accompanying map.

Trevor Lashua

From: Joshua Jerome
Sent: Thursday, June 24, 2021 11:38 AM
To: Trevor Lashua
Subject: Advanced Notice for Norwich Technologies Davis Solar LLC Project
Attachments: Norwich Technologies Advanced Notice Davis Solar LLC Project.pdf

Hi Trevor,

Just passing along the advanced notice for the Selectboard as they are "party" to this project. I've forwarded to the PC also.

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
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>

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, June 11, 2021 12:50 PM
To: Joshua Jerome; Larry Satcowitz; Tom Ayres; Perry Armstrong; Pat French; Trevor Lashua; Trini Brassard
Cc: Camden Walters; Matthew Chin; Miles Hooper; Paul Rea
Subject: East Randolph Solar Array

I apologize for not being available for the Selectboard meeting last night. Deb and I had been camping and just returned yesterday.

I understand there was an issue the Selectboard had last night with the Solar Array on Davis Road in East Randolph. Here is the criteria the Commission uses to ensure any solar development is in conformance with the Town Plan.

For all energy generation facilities, the following policies apply:

1. 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.
2. 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.
3. 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.
4. Commercial- or industrial-scale renewable energy projects shall only be permitted and approved where (a) the project will not have an adverse impact on the aesthetics, scenic and natural beauty, historic significance or natural resources of the areas, and (b) where the proposed project will be substantially screened from view from I-89, state highways, town roads and neighboring properties to prevent solar glare and mitigate any adverse impact to the aesthetics and scenic and natural beauty of the surrounding area and its viewsheds. Commercial- or industrial-scale solar projects are those sized greater than 500 kW. These requirements do not apply to solar arrays mounted on existing residential and commercial buildings' roofs and over existing parking lots for the benefit of the residential or commercial user.
5. Commercial- or industrial-scale solar and wind energy projects, as well as all other permitted and conditional uses shall not be constructed on greater than 10 acres of agricultural or forest lands with soils that are designated as being "prime agricultural soils" or of "statewide or local significance."

The Davis Road Solar Array met the above criteria.

Sonny

