

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:17 AM
To: Trevor Lashua
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

ALLEN/BINDER NORWICH COM 1

Trevor: This and subsequent Emails will be numerically labeled as above for Communication between me and Norwich Tech.

For Communication between me and individual PC members about Norwich Tech. and steep slopes they will be labeled ALLEN/BINDER PC COM

----- 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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:22 AM
To: Trevor Lashua
Subject: Fwd: Norwich Attorney's position on our town plan

ALLEN/BINDER PC COM 1

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 12:48 PM
Subject: Norwich Attorney's position on our town plan
To: Camden Walters <camdenwalters93@gmail.com>

The essence of her position was in your packet at our PC meeting on the 7th.

The following was sent to me by Martha Staskus

----- 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 [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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:46 AM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar
Attachments: Letter to Allen and Binder PC Decision on their Request.docx

ALLEN/BINDER PC COM 10

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

From: Comcast <tbrassard1@comcast.net>
Date: Tue, Dec 14, 2021 at 7:39 PM
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Sonny Holt <holt7850@gmail.com>

I am fine with this but can't be the one to approve sending!

Sent from my iPhone

On Dec 14, 2021, at 7:12 PM, Sonny Holt <holt7850@gmail.com> wrote:

Without objection I will send this out to Allen and Binder this evening.

Sonny

On Tue, Dec 14, 2021 at 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: Friday, December 17, 2021 7:15 AM
To: Trevor Lashua
Subject: Fwd: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
Attachments: DPS Standards for municipal energy plans.PDF

ALLEN/BINDER NORWICH COM 11

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

From: **Martha Staskus** <staskus@norwichsolar.com>
Date: Thu, Nov 11, 2021 at 11:12 AM
Subject: Fwd: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
To: Sonny Holt <holt7850@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>
Cc: Brendan Malley <malley@norwichsolar.com>

Good morning Josh and Sonny,

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

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

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

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

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

Regards, Martha

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

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

Good afternoon,

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

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

- First, municipal plan provisions regarding solar generation siting are not zoning ordinances and cannot prohibit solar generation siting. In fact, the Supreme Court has held that Section 248 preempts municipal zoning. *In re Petition of Rutland Renewable Energy, LLC. for a Certificate of Public Good Pursuant to 30 V.S.A. § 248*, 2016 Vt. 50, ¶ 36. The steep slopes language in the energy section actually looks like a municipal zoning provision, not an energy plan provision. In any event, the Town would be preempted from prohibiting siting based on this language.
- Second, Randolph's Town Plan has not received a determination of compliance under Act 174 of 2016. This is significant. Pursuant to Act 174, in siting cases before the PUC, provisions in a municipal plan may be afforded substantial deference by the PUC, but only those plans that have received an affirmative determination of energy compliance by the regional commission. See 30 V.S.A. § 248(b)(1)(C). Plans that have not received an Act 174 determination of energy compliance are afforded only "due consideration." *Id.*
- Third, the steep slopes language set forth in the energy chapter of the Randolph Town Plan is not consistent with Act 174, which calls for mapping exercises to identified "preferred", "suitable" and "unsuitable" locations, but does not speak to designations as "prohibited." Instead, the framework under Act 174 allows municipalities to identify preferred and constrained areas, based on standards developed by the Vermont Department of Public Service (DPS) pursuant to Act 174. Attached are the Standards developed by the DPS that govern municipal energy plans (also available at [available at https://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards](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

--

Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| **phone: 802-359-7416**
| **email:** staskus@norwichsolar.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:01 AM
To: Trevor Lashua
Subject: Fwd: Decision Still Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 11

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 12:08 PM
Subject: Decision Still Needed on Davis Road Solar Array Issue
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Sonny Holt <holt7850@gmail.com>, Camden Walters <camdenwalters93@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>

Three of the four PC members in attendance at our 7 Dec PC meeting with Allen and Binder (the two abutters to the Solar Array project) have agreed with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" Perry noted in his trespone, "I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue."

One member did not agree. Camden Walters' stated, "No. They are using the letter to get through the process, and when done, i dont think have any legal reason to address our concerns somewhere down the road. They should have this information up front, before we give them a pass. This all seems pretty cart before the horse."

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. If you re-read Norwich's bottom line position they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right.

We respect Camden's response, but we still have to move forward or we'll be doing a disservice to Allen and Binder who have a responsibility to respond to the PUC today.

Norwich's concluding statement:

"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." This concession is a big win for the town.

I suggest that we move forward with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" and for full transparency, include the statement that " 3 of the 4 PC members were in agreement with the decision not to withdraw the Letter of Support to Norwich Solar Technologies designating Davis Road as a preferred site.

Please respond as soon as possible.

Trevor: This proposed action should go to the Select Board. Can you send it to them along with the 14 Dec Email "Decision Needed on Davis Road Solar Array Issue"

Thanks

Sonny

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Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:18 AM
To: Trevor Lashua
Subject: Fwd: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]

ALLEN/BINDER NORWICH COM 12

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Thu, Nov 11, 2021 at 1:26 PM
Subject: Re: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
To: Martha Staskus <staskus@norwichsolar.com>

Thank you, Martha. That was very helpful. Can you send me (Exhibit RDS MS 2) and elevations (Exhibit RDS MS 3) ? Also what is the length of the array from top to bottom?

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

On Thu, Nov 11, 2021 at 11:12 AM Martha Staskus <staskus@norwichsolar.com> wrote:
Good morning Josh and Sonny,

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

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

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

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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@norwichtsolar.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.
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Regards,

Kim

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Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| **phone:** 802-359-7416
| **email:** staskus@norwichsolar.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:03 AM
To: Trevor Lashua
Subject: Fwd: Decision Still Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 12

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

From: Camden Walters <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021 at 12:28 PM
Subject: Re: Decision Still Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>

Sonny,

Please forward me the response from the Town's attorney that supports your assertion about my position potentially leaving the town open to litigation. I missed that email.

Camden

On Tue, Dec 14, 2021, 12:08 PM Sonny Holt <holt7850@gmail.com> wrote:

Three of the four PC members in attendance at our 7 Dec PC meeting with Allen and Binder (the two abutters to the Solar Array project) have agreed with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" Perry noted in his response, "I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue."

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Thanks

Sonny

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Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:20 AM
To: Trevor Lashua
Subject: Fwd: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
Attachments: Exh. RDS MS-3 Elevations - FINAL.PDF; Exh. RDS MS-2 - Site Plan FINAL.PDF

ALLEN/BINDER NORWICH COM 13

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

From: Martha Staskus <staskus@norwichsolar.com>
Date: Thu, Nov 11, 2021 at 2:27 PM
Subject: Re: Randolph Davis Solar Project - [PFC-CLIENTS.FID539672]
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

Here are the two exhibits. I'm not sure exactly from where to where you're looking for a length. Let me know if the Exhibits help answer your question. If not, let's have a phone call !

Best, Martha

On Thu, Nov 11, 2021 at 1:26 PM Sonny Holt <holt7850@gmail.com> wrote:

Thank you, Martha. That was very helpful. Can you send me (Exhibit RDS MS 2) and elevations (Exhibit RDS MS 3) ? Also what is the length of the array from top to bottom?

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

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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@norwichtsolar.com>

Good afternoon,

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pursuant to Act 174. Attached are the Standards developed by the DPS that govern municipal energy plans (also available at [available at](#)

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Regards,

Kim

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Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| **phone: 802-359-7416**
| **email:** staskus@norwichsolar.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



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Martha Staskus | Chief Development Officer

| **Norwich Solar Technologies**

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

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

| **site: norwichsolar.com**

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:05 AM
To: Trevor Lashua
Subject: Fwd: Decision Still Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 13

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

From: **Camden Walters** <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021 at 12:45 PM
Subject: Re: Decision Still Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>

All,

I dont understand Sonny's statement that implies we have gained anything by Norwich Solar's attorney saying "they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right." That was never a "right" that was up to their attorney to grant. The attorney, from my recollection of the last meeting, said that our language in the Plan was not enough to give it substantial deference, which we had never intended it tyo, since we didnt do Enhanced Energy planning. This is a red herring. The language is still important and has weight as it is.

Norwich solar has to abide by that language because it is in the Plan, not because their lawyers got together and conceded to it to make us feel better about this boondoggle.

We should have gone over it in the first place, but as we didnt, due to the PCs failure to bring up slopes, and Norwich's failure to mention the same, it seems absurd to grant Norwich the benefits of the Preferred sites designation in exchange for a gentleman's agreement that they will get a surveyor out to make sure they are not building where the Plan says they may not , all in the future when they have their permit and are not accountable to us.

Camden

On Tue, Dec 14, 2021, 12:28 PM Camden Walters <camdenwalters93@gmail.com> wrote:
Sonny,

Please forward me the response from the Town's attorney that supports your assertion about my position potentially leaving the town open to litigation. I missed that email.

Camden

On Tue, Dec 14, 2021, 12:08 PM Sonny Holt <holt7850@gmail.com> wrote:

Three of the four PC members in attendance at our 7 Dec PC meeting with Allen and Binder (the two abutters to the Solar Array project) have agreed with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" Perry noted in his response, "I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue."

One member did not agree. Camden Walters' stated, "No. They are using the letter to get through the process, and when done, i dont think have any legal reason to address our concerns somewhere down the road. They should have this information up front, before we give them a pass. This all seems pretty cart before the horse."

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. If you re-read Norwich's bottom line position they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right.

We respect Camden's response, but we still have to move forward or we'll be doing a disservice to Allen and Binder who have a responsibility to respond to the PUC today.

Norwich's concluding statement:

"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." This concession is a big win for the town.

I suggest that we move forward with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" and for full transparency, include the statement that " 3 of the 4 PC members were in agreement with the decision not to withdraw the Letter of Support to Norwich Solar Technologies designating Davis Road as a preferred site.

Please respond as soon as possible.

Trevor: This proposed action should go to the Select Board. Can you send it to them along with the 14 Dec Email "Decision Needed on Davis Road Solar Array Issue"

Thanks

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:05 AM
To: Trevor Lashua
Subject: Fwd: Decision Still Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 14

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

From: Camden Walters <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021 at 12:47 PM
Subject: Re: Decision Still Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>

Sonny,

Please send me the email from the Town's attorney that supports your assertion about my position, as represented in your latest email.

Camden

On Tue, Dec 14, 2021, 12:45 PM Camden Walters <camdenwalters93@gmail.com> wrote:
All,

I dont understand Sonny's statement that implies we have gained anything by Norwich Solar's attorney saying "they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right." That was never a "right" that was up to their attorney to grant. The attorney, from my recollection of the last meeting, said that our language in the Plan was not enough to give it substantial deference, which we had never intended it tyo, since we didnt do Enhanced Energy planning. This is a red herring. The language is still important and has weight as it is.

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Trevor: This proposed action should go to the Select Board. Can you send it to them along with the 14 Dec Email "Decision Needed on Davis Road Solar Array Issue"

Thanks

Sonny

'
'

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:09 AM
To: Trevor Lashua
Subject: Fwd: Mikes Position on the Davis Road project

ALLEN/BINDER PC COM 15

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 1:31 PM
Subject: Mikes Position on the Davis Road project
To: Trevor Lashua <Trevor@randolphvt.org>

PC member Camden Walters wants to see Mike's assessment on what kind of litigation and costs the town may have if we pull our letter of support to Norwich.

Can we get Mike's assessment? Right now Camden is the only one who disagrees with my assessment that the town could be open to steep legal fees if we pull our letter of support. He's looking for proof of that assessment from our attorney..

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:10 AM
To: Trevor Lashua
Subject: Fwd: Mikes Position on the Davis Road project

ALLEN/BINDER PC COM 16

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

From: Trevor Lashua <Trevor@randolphvt.org>
Date: Tue, Dec 14, 2021 at 4:10 PM
Subject: RE: Mikes Position on the Davis Road project
To: Sonny Holt <holt7850@gmail.com>

Nothing yet – though I did send a check-in reminder note recently. I worry we're getting caught up in the timelines established for the array appellants; with the SB and TRORC on the siting letter there are other parties that would need to be involved but won't be due to the timing.

-T

From: Sonny Holt <holt7850@gmail.com>
Sent: Tuesday, December 14, 2021 1:32 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: Mikes Position on the Davis Road project

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Can we get Mike's assessment? Right now Camden is the only one who disagrees with my assessment that the town could be open to steep legal fees if we pull our letter of support. He's looking for proof of that assessment from our attorney..

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:13 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 16

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 12:53 AM
Subject: Decision Needed on Davis Road Solar Array Issue
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

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: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:24 AM
To: Trevor Lashua
Subject: Fwd: Call me

ALLEN/BINDER PC COM 17

(note: Camden returned my phone call and said he had sent his response to me but he mistakenly sent it to Miles.)

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 9:55 AM
Subject: Call me
To: Camden Walters <camdenwalters93@gmail.com>

Hi Camden
Please call me 802-728-3664
I need your decision on the Davis Road Solar project.
Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:27 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 18

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

From: **Perry Armstrong** <perry@rainorshinevt.com>
Date: Tue, Dec 14, 2021 at 6:13 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>
Cc: Miles Hooper <miles.hooper@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue.

Perry Armstrong
Rain or Shine Tent And Events Co.
www.rainorshinevt.com
cell 802 249 9696

On Dec 14, 2021, at 12:53 AM, Sonny Holt <holt7850@gmail.com> wrote:

PC Members

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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:

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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: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:26 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project.docx

ALLEN/BINDER NORWICH COM 2

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

From: Sonny Holt <holt7850@gmail.com>
Date: Fri, Dec 10, 2021 at 8:11 PM
Subject: Notice of Discrepancy in the Davis Road Preferred Site
To: Martha Staskus <staskus@norwichsolar.com>

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.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:35 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site

ALLEN/BINDER PC COM 2

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, Dec 13, 2021 at 1:00 PM
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
To: Miles Hooper <miles.hooper@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>

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:

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We ask you to address those concerns and provide us with a response by 13 Dec 2021.

Thanks for your attention to this matter.

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Chair, Randolph Planning Commission.

--

Martha Staskus | Chief Development Officer

| **Norwich Solar Technologies**

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

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

| **site:** norwichsolar.com

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:29 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

GALLEN/BINDER PC CO 19

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 9:35 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Perry Armstrong <perry@rainorshinevt.com>

Thanks Perry.

You and I are the only ones in agreement with this so far. Do you have phone numbers for Miles or Camden?

George "Sonny" Holt

On Tue, Dec 14, 2021, 6:13 AM Perry Armstrong <perry@rainorshinevt.com> wrote:

I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue.

Perry Armstrong
Rain or Shine Tent And Events Co.
www.rainorshinevt.com
cell 802 249 9696

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PC Members

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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:

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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.

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:31 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 20

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 9:55 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

Yes, I agree.
Sonny

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From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:33 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 21

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

From: **Miles Hooper** <miles.hooper@gmail.com>
Date: Tue, Dec 14, 2021 at 10:18 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>
Cc: Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

Yes I Agree. Thanks, Miles

Sent from my iPhone

On Dec 14, 2021, at 12:53 AM, Sonny Holt <holt7850@gmail.com> wrote:

PC Members

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

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:33 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 22

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

From: **Camden Walters** <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021 at 11:08 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>
Cc: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

No. They are using the letter to get through the process, and when done, i dont think have any legal reason to address our concerns somewhere down the road. They should have this information up front, before we give them a pass. This all seems pretty cart before the horse.

Camden

On Tue, Dec 14, 2021, 12:53 AM Sonny Holt <holt7850@gmail.com> wrote:

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.

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:41 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 23

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

From: **Jeff Grout** <groutaz@gmail.com>
Date: Tue, Dec 14, 2021 at 12:54 PM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>

Hi Sonny,

Wow, this committee moves fast and it is nice to see that decisions can be made quickly when required. My apologies that my day job has not given me a chance to keep up with these emails.

I am abstaining from this vote as I was not officially on the committee for the last meeting, so I am not even sure if my vote is valid, but I am in agreement with your decision. Norwich solar has shown that they are aware of the slope issue and that panels will not be installed on a slope 25% or higher.

Another issue that was brought up by the abutters at the meeting was that the slope is also not to be disturbed during the construction and panel installation on the site by access roads or other temporary disturbances. We should be prepared to address this as it may be the next item brought up. I do believe that Norwich solar does address this issue in their response letter when they state that all construction will be performed iaw Vermont Erosion Prevention and Sediment Control (EPSC) practices regulated by the ANR Department of Environmental Conservation.

Very best regards,
Jeff Grout

On Tue, Dec 14, 2021 at 12:53 AM Sonny Holt <holt7850@gmail.com> wrote:

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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."

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:42 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 24

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 1:03 PM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Jeff Grout <groutaz@gmail.com>

Thanks for weighing in, Jeff. Although those other issues were not addressed, Norwich appears to have covered that problem in their Permit request to the PUC. For example the road going up to the solar sight will be dug 12 inches deep and filled with crushed rock. I believe they also intend to bury electrical cables in a trench and covering them with the same earth that was dug up.

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

On Tue, Dec 14, 2021 at 12:54 PM Jeff Grout <groutaz@gmail.com> wrote:

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Another issue that was brought up by the abutters at the meeting was that the slope is also not to be disturbed during the construction and panel installation on the site by access roads or other temporary disturbances. We should be prepared to address this as it may be the next item brought up. I do believe that Norwich solar does address this issue in their response letter when they state that all construction will be performed iaw Vermont Erosion Prevention and Sediment Control (EPSC) practices regulated by the ANR Department of Environmental Conservation.

Very best regards,
Jeff Grout

On Tue, Dec 14, 2021 at 12:53 AM Sonny Holt <holt7850@gmail.com> wrote:

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:43 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 25

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

From: **Jeff Grout** <groutaz@gmail.com>
Date: Tue, Dec 14, 2021 at 1:17 PM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>

Sounds good. Thank you for the info!
Best regards,
Jeff

On Tue, Dec 14, 2021 at 1:04 PM Sonny Holt <holt7850@gmail.com> wrote:

Thanks for weighing in, Jeff. Although those other issues were not addressed, Norwich appears to have covered that problem in their Permit request to the PUC. For example the road going up to the solar sight will be dug 12 inches deep and filled with crushed rock. I believe they also intend to bury electrical cables in a trench and covering them with the same earth that was dug up.

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 8:53 AM
To: Trevor Lashua
Subject: Fwd: Call me.

ALLEN/BINDER PC COM 25

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 9:51 AM
Subject: Call me.
To: Miles Hooper <miles.hooper@gmail.com>

Hi Miles
Please call me 802 728 3664
Need your decision on the Davis Road Solar project.
Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 9:02 AM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

ALLEN/BINDER PC COM 26

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

From: **Miles Hooper** <miles.hooper@gmail.com>
Date: Tue, Dec 14, 2021 at 10:18 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>
Cc: Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

Yes I Agree. Thanks, Miles

Sent from my iPhone

On Dec 14, 2021, at 12:53 AM, Sonny Holt <holt7850@gmail.com> wrote:

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)

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Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 9:19 AM
To: Trevor Lashua
Subject: Fwd: Planning Commision Agenda Items for 7 Dec Meeting
Attachments: Davis Road Background.docx

ALLEN/BINDER PC COM 27

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Sat, Nov 20, 2021 at 11:19 AM
Subject: Planning Commision Agenda Items for 7 Dec Meeting
To: Miles Hooper <miles.hooper@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>
Cc: Trevor Lashua <Trevor@randolphvt.org>

I'm tentatively looking at the Following:

1. Discussion on slope issues related to the Solar Array project on Davis Road in East Randolph.
2. Discussion on whether the town needs an Enhanced Energy Plan IAW Act 174.
3. Discussion on the viability of the Planning Commission's 7-member Enhanced Energy Planning (EEP) Subcommittee.
4. Other recommendations for the agenda and also recommendations to fill the two vacancies on the Planning Commission.
5. See the attached document for backup information on the 1st and 2nd agenda items.
6. Let me know if you want to add any other agenda items.

Sonny

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:32 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site

ALLEN/BINDER NORWICH COM 3

----- 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.

--

Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| **phone:** 802-359-7416
| **email:** staskus@norwichsolar.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 6:09 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Response to Town December 13.pdf

ALLEN/BINDER PC COM 3

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, Dec 13, 2021 at 5:19 PM
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>
Cc: Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>

This is Norwich Solar Technologies Letter response to our request to address concerns about the Davis Road Solar project.

We still owe a response to Allen and Binder. They have a response back to the PUC.

We do not yet have a response from Mike the Town's Attorney.

Please comment on your recommendations as soon as possible.

Thanks

Sonny

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

From: **Martha Staskus** <staskus@norwichsolar.com>
Date: Mon, Dec 13, 2021 at 4:57 PM
Subject: Re: Notice of Discrepancy in the Davis Road Preferred Site
To: Sonny Holt <holt7850@gmail.com>

Chairman Holt,

Norwich Technologies, on behalf of Randolph Davis Solar LLC, appreciates the opportunity to provide more information on the project. Please let me know if this response addresses the Town's concerns.

We look forward to continuing to work with the Town and surrounding community.

Regards, Martha

On Fri, Dec 10, 2021 at 8:11 PM Sonny Holt <holt7850@gmail.com> wrote:

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We ask you to address those concerns and provide us with a response by 13 Dec 2021.

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George "Sonny" Holt
Chair, Randolph Planning Commission.

--

Martha Staskus | Chief Development Officer

| **Norwich Solar Technologies**

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

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

| **site:** norwichsolar.com

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 9:25 AM
To: Trevor Lashua
Subject: Fwd: Davis Solar Project

ALLEN/BINDER PC COM 28

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

From: **Joshua Jerome** <Joshua@randolphvt.org>
Date: Thu, Nov 11, 2021 at 2:59 PM
Subject: Davis Solar Project
To: Sonny Holt <holt7850@gmail.com>, Perry Armstrong <Perry@rainorshinevt.com>, Miles Hooper <miles.hooper@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Paul Rea <ruralvtre@comcast.net>

Good Afternoon,

Just wanted to close the loop with everyone about the Davis Rd. solar project with Norwich. As you know, two abutters asked the Town to reconsider their preferred siting letter and citing language in the Town Plan that prohibits siting of solar installations on property with slopes of greater than 25%. There are slopes of 25% or greater present at the site location of the proposed array, but it does not make up the entire site. What I have learned is:

1. Municipalities cannot regulate solar arrays through zoning or bylaws.
2. Act 174 – Enhanced Energy Planning allows towns to come up with a plan for their renewable energy development, but it requires approval from the Regional Planning Commission. The Town of Randolph does not have an EEP that has been approved by the RPC. This means the Public Utility Commission does not have to give the Town substantial deference in their review of the solar project.

In essence, just because our Town Plan says it prohibits solar on slopes of 25% or greater, does not carry any regulatory authority and is purely aspirational, at best.

The abutters are aware of the next meeting and I would anticipate that they will want to participate to discuss the matter.

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>

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 9:32 AM
To: Trevor Lashua
Subject: Fwd: Advanced Notice of Norwich Technologies Davis Solar Project
Attachments: Norwich Technologies Advanced Notice Davis Solar LLC Project.pdf

ALLEN/BINDER PC COM 29

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

From: **Joshua Jerome** <Joshua@randolphvt.org>
Date: Thu, Jun 24, 2021 at 11:36 AM
Subject: Advanced Notice of Norwich Technologies Davis Solar Project
To: Camden Walters <camdenwalters93@gmail.com>, Matthew Chin <matthew.f.chin@gmail.com>, Miles Hooper <miles.hooper@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Perry Armstrong <Perry@rainorshinevt.com>, Sonny Holt <holt7850@gmail.com>

Just passing this along as it is part of the Public Utility Commission's process to warn "parties" of this project. The PC and the Selectboard are parties to the project and can participate further if they choose. No action is necessary otherwise.

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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Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 9:52 AM
To: Trevor Lashua
Subject: Fwd: Questioning Norwich Solar about the Steep Slope Issue
Attachments: Davis Rd Solar array Slope Problem (2).png; PC_Meeting_Minutes_June_1_2021.pdf

ALLEN/BINDER PC COM 30

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Wed, Dec 8, 2021 at 7:12 AM
Subject: Questioning Norwich Solar about the Steep Slope Issue
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Miles Hooper <miles.hooper@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>

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: Friday, December 17, 2021 11:17 AM
To: Trevor Lashua
Subject: Fwd: Timelines for our Email to Norwich Technologies

ALLEN/BINDER PC COM 31

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Thu, Dec 9, 2021 at 11:04 AM
Subject: Timelines for our Email to Norwich Technologies
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Sonny Holt <holt7850@gmail.com>, Camden Walters <camdenwalters93@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>

It looks like we'll be on a fairly fast track to complete our action of giving notice to Norwich Technologies that they may be in violation of the Town plan in regard to the 25% slope requirement.

14 Dec is the deadline for Joan Allen and Michael Binder to respond to the PUC with additional information stemming from their meeting with us on 7 Dec.

13 Dec should be our deadline to respond to them with a letter that contains what we have sent to Norwich.

12 Dec should be our deadline to approve of our Lawyer's Email as well as the contents of the letter that we will send to Allen and Binder.

11 Dec should be the lawyer's deadline for us to review for approval the Email to be sent to Norwich.

Is everyone in agreement with these deadlines?

Most of this can be done by Email, but we should probably meet in person or by Zoom on the 12th.

Please respond with your thoughts.

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 11:23 AM
To: Trevor Lashua
Subject: Fwd: Draft of Letter to Norwich Solar Technologies
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project2.docx

ALLEN/BINDER PC COM 32

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Fri, Dec 10, 2021 at 10:43 AM
Subject: Draft of Letter to Norwich Solar Technologies
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>

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

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 5:57 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Letter to PC 10-21-21.pdf; Slope Percentages Randolph Davis LLC site.pdf

ALLEN/BINDER NORWICH COM 4

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, Dec 13, 2021 at 1:48 PM
Subject: Re: Notice of Discrepancy in the Davis Road Preferred Site
To: Martha Staskus <staskus@norwicksolar.com>

Mr. Binder and Ms Allen letter to the Planning Commission is attached.
Be aware that Meeting Minutes are first posted as a draft.
After review they are then reposted. Attachments are then made available on the Web Site.
I look forward to seeing your return letter today.
Thank you
Sonny

On Mon, Dec 13, 2021 at 12:00 PM Martha Staskus <staskus@norwicksolar.com> wrote:
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.

Martha Staskus | Chief Development Officer
| **Norwich Solar Technologies**
| **phone: 802-359-7416**
| **email:** staskus@norwichsolar.com
| **site:** norwichsolar.com
| **address:** 15 Railroad Row, Suite 101 WRJ, VT 05001
2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 6:19 AM
To: Trevor Lashua
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

ALLEN/BINDER PC COM 4

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 8:32 PM
Subject: Fwd: Acceptance of your assurance of no panels on 25% slopes
To: Miles Hooper <miles.hooper@gmail.com>, Paul Rea <ruralvtre@comcast.net>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>, Jeff Grout <groutaz@gmail.com>, Trini Brassard (<tbrassard1@comcast.net> <tbrassard1@comcast.net>), Sonny Holt <holt7850@gmail.com>

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 6:00 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Response to Town December 13.pdf

ALLEN/BINDER NORWICH COM

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

From: **Martha Staskus** <staskus@norwichsolar.com>
Date: Mon, Dec 13, 2021 at 4:57 PM
Subject: Re: Notice of Discrepancy in the Davis Road Preferred Site
To: Sonny Holt <holt7850@gmail.com>

Chairman Holt,

Norwich Technologies, on behalf of Randolph Davis Solar LLC, appreciates the opportunity to provide more information on the project. Please let me know if this response addresses the Town's concerns.

We look forward to continuing to work with the Town and surrounding community.

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.

--

| **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: Friday, December 17, 2021 7:10 AM
To: Trevor Lashua
Subject: Fwd: Davis Road Solar Array in East Randolph
Attachments: Exh. RDS MS-3 Elevations - FINAL.PDF; Exh. RDS MS-2 - Site Plan FINAL.PDF

ALLEN/BINDER PC COM 5

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Thu, Nov 11, 2021 at 4:41 PM
Subject: Davis Road Solar Array in East Randolph
To: Perry Armstrong <perry@rainorshinevt.com>, Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>

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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 6:17 AM
To: Trevor Lashua
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

ALLEN/BINDER NORWICH COM 6

----- 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

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:31 AM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar
Attachments: 14 Dec Email - Plan of Action Davis Road.docx

ALLEN/BINDER PC COM 6

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 3:24 PM
Subject: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Trini Brassard (<tbrassard1@comcast.net> <tbrassard1@comcast.net>), Trevor Lashua <Trevor@randolphvt.org>
Cc: Camden Walters <camdenwalters93@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>, Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Paul Rea <ruralvtre@comcast.net>, Sonny Holt <holt7850@gmail.com>

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: Friday, December 17, 2021 6:25 AM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Letter to Norwich Technologies - Notice of Concern - Davis Road Solar Project.docx

ALLEN/BINDER NORWICH COM 7

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Fri, Dec 10, 2021 at 8:11 PM
Subject: Notice of Discrepancy in the Davis Road Preferred Site
To: Martha Staskus <staskus@norwichsolar.com>

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.

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:37 AM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar

ALLEN/BINDER PC COM 7

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

From: Camden Walters <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021 at 4:19 PM
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Sonny Holt <holt7850@gmail.com>
Cc: Trini Brassard (<tbrassard1@comcast.net> <tbrassard1@comcast.net>), Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>, Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Paul Rea <ruralvtre@comcast.net>

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 hasnt. 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 weve 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.

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(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: Friday, December 17, 2021 6:56 AM
To: Trevor Lashua
Subject: Fwd: Status of Davis Road Project

ALLEN/BINDER NORWICH COM 8

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, Dec 6, 2021 at 9:54 AM
Subject: Status of Davis Road Project
To: Martha Staskus <staskus@norwichsolar.com>

Hi Martha

Can you give me the current status?

Has the project gone out for public comment and if so has Norwich Solar received any comments? Is the project still on track for PUC approval?

Thanks

Sonny

Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:39 AM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar
Attachments: Letter to Norwich Technologies - Acceptance of their assurance of no panels on 25% slopes.docx

ALLEN/BINDER PC COM 8

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Tue, Dec 14, 2021 at 5:15 PM
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Camden Walters <camdenwalters93@gmail.com>
Cc: Trini Brassard (<tbrassard1@comcast.net> <tbrassard1@comcast.net>), Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>, Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Paul Rea <ruralvtre@comcast.net>

This is what I propose to send to Norwich Technologies.
I will also send our letters between Norwich and the PC to Biden and Allen.
Without objection, that will be done this evening.

And no reflection on Mike. In retrospect we probably gave him too short of a suspense.
I will also draft a letter to TRORC explaining our actions on this matter.

Thanks to all.
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 hasnt. 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

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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.

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I believe we have the following options:

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(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: Friday, December 17, 2021 6:58 AM
To: Trevor Lashua
Subject: Fwd: Status of Davis Road Project
Attachments: 20211020 ANR Comments.pdf; 20211025 AAFM Comments.PDF; 20211130 PUC request for more information from Allen and Project.pdf; 20211021 VDHP Comments (1).pdf

ALLEN/BINDER NORWICH COM 9

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

From: Martha Staskus <staskus@norwichsolar.com>
Date: Mon, Dec 6, 2021 at 10:46 AM
Subject: Re: Status of Davis Road Project
To: Sonny Holt <holt7850@gmail.com>

PUC CAsE # 21-2939

Good morning Sonny.
The process is not quite that fast unfortunately.

The public comments were due by October 25th.

Last week the Hearing Officer issued the attached procedural order requesting more information from the Allen/Binders and then the Project (us) will respond to all comments filed (attached are agency comments for your convenience). There were numerous documents filed by the Allen/Binders. I'll send those next.

If the Allen/Binders request a hearing this will be a much slower process as they will need to file testimony and there are a number of legal back and forths at the PUC that would then occur.

I'll try to keep you up to date as much as possible.
Best, Martha



Virus-free. www.avast.com

On Mon, Dec 6, 2021 at 9:54 AM Sonny Holt <holt7850@gmail.com> wrote:

Hi Martha

Can you give me the current status?

Has the project gone out for public comment and if so has Norwich Solar received any comments? Is the project still on track for PUC approval?

Thanks

Sonny

Martha Staskus | Chief Development Officer

| **Norwich Solar Technologies**

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

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

| **site:** norwichsolar.com

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 17, 2021 7:41 AM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar
Attachments: Letter to Norwich Technologies - Acceptance of their assurance of no panels on 25% slopes.docx

ALLEN/BINDER PC COM 9

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

From: **Perry Armstrong** <perry@rainorshinevt.com>
Date: Tue, Dec 14, 2021 at 5:18 PM
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Sonny Holt <holt7850@gmail.com>

Seems fine to me!

Perry Armstrong
Rain or Shine Tent and Events

On Dec 14, 2021, at 5:15 PM, Sonny Holt <holt7850@gmail.com> wrote:

This is what I propose to send to Norwich Technologies.
I will also send our letters between Norwich and the PC to Biden and Allen.
Without objection, that will be done this evening.

And no reflection on Mike. In retrospect we probably gave him too short of a suspense.
I will also draft a letter to TRORC explaining our actions on this matter.

Thanks to all.
Sonny

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

I know I'm 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: Camden Walters <camdenwalters93@gmail.com>
Sent: Thursday, December 16, 2021 7:41 PM
To: Trevor Lashua
Subject: Fwd: Decision Still Needed on Davis Road Solar Array Issue

I think this is another thread I have not given to you.

Camden

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

From: Sonny Holt <holt7850@gmail.com>
Date: Tue, Dec 14, 2021, 1:18 PM
Subject: Re: Decision Still Needed on Davis Road Solar Array Issue
To: Camden Walters <camdenwalters93@gmail.com>

Sorry Camden. I thought you had wanted Norwich's Attorney's position.
I'll check with Trevor to see if Mike's position has come in yet.

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

On Tue, Dec 14, 2021 at 12:47 PM Camden Walters <camdenwalters93@gmail.com> wrote:
Sonny,

Please send me the email from the Town's attorney that supports your assertion about my position, as represented in your latest email.

Camden

On Tue, Dec 14, 2021, 12:45 PM Camden Walters <camdenwalters93@gmail.com> wrote:
All,

I don't understand Sonny's statement that implies we have gained anything by Norwich Solar's attorney saying "they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right." That was never a "right" that was up to their attorney to grant. The attorney, from my recollection of the last meeting, said that our language in the Plan was not enough to give it substantial deference, which we had never intended it to, since we didn't do Enhanced Energy planning. This is a red herring. The language is still important and has weight as it is.

Norwich solar has to abide by that language because it is in the Plan, not because their lawyers got together and conceded to it to make us feel better about this boondoggle.

We should have gone over it in the first place, but as we didn't, due to the PCs failure to bring up slopes, and Norwich's failure to mention the same, it seems absurd to grant Norwich the benefits of the Preferred sites

designation in exchange for a gentleman's agreement that they will get a surveyor out to make sure they are not building where the Plan says they may not , all in the future when they have their permit and are not accountable to us.

Camden

On Tue, Dec 14, 2021, 12:28 PM Camden Walters <camdenwalters93@gmail.com> wrote:

Sonny,

Please forward me the response from the Town's attorney that supports your assertion about my position potentially leaving the town open to litigation. I missed that email.

Camden

On Tue, Dec 14, 2021, 12:08 PM Sonny Holt <holt7850@gmail.com> wrote:

Three of the four PC members in attendance at our 7 Dec PC meeting with Allen and Binder (the two abutters to the Solar Array project) have agreed with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" Perry noted in his response, "I agree. Norwich solar has now stated that they understand the steep slope issue and have expressed how they intend to hire a surveyor to address the issue."

One member did not agree. Camden Walters' stated, "No. They are using the letter to get through the process, and when done, i dont think have any legal reason to address our concerns somewhere down the road. They should have this information up front, before we give them a pass. This all seems pretty cart before the horse."

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. If you re-read Norwich's bottom line position they now recognize our right to have a steep slope prohibition in our town plan as opposed to their attorney saying we did not have that right.

We respect Camden's response, but we still have to move forward or we'll be doing a disservice to Allen and Binder who have a responsibility to respond to the PUC today.

Norwich's concluding statement:

"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." This concession is a big win for the town.

I suggest that we move forward with the actions proposed in my 14 Dec Email "Decision Needed on Davis Road Solar Array Issue" and for full transparency, include the statement that " 3 of the 4 PC members were in agreement with the decision not to withdraw the Letter of Support to Norwich Solar Technologies designating Davis Road as a preferred site.

Please respond as soon as possible.

Trevor: This proposed action should go to the Select Board. Can you send it to them along with the 14 Dec Email "Decision Needed on Davis Road Solar Array Issue"

Thanks

Sonny

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Trevor Lashua

From: Camden Walters <camdenwalters93@gmail.com>
Sent: Thursday, December 16, 2021 3:00 PM
To: Trevor Lashua
Subject: Fwd: The Planning Commision Requests Guidance and Direction on Davis Road Solar

Hi Trevor,

Here is a thread involving me and Sonny. Ill forward you the other one I have.

Camden

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Wed, Dec 15, 2021, 12:59 PM
Subject: Re: The Planning Commision Requests Guidance and Direction on Davis Road Solar
To: Camden Walters <camdenwalters93@gmail.com>, Jeff Grout <groutaz@gmail.com>
Cc: Trini Brassard (tbrassard1@comcast.net) <tbrassard1@comcast.net>, Trevor Lashua <Trevor@randolphvt.org>, Joshua Jerome <Joshua@randolphvt.org>, Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Paul Rea <ruralvtre@comcast.net>

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 hasnt. 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.

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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: Camden Walters <camdenwalters93@gmail.com>
Sent: Thursday, December 16, 2021 3:01 PM
To: Trevor Lashua
Subject: Fwd: Decision Needed on Davis Road Solar Array Issue

Sorry if this is redundant. I imagine you have several copies of this already.

Camden

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

From: Camden Walters <camdenwalters93@gmail.com>
Date: Tue, Dec 14, 2021, 11:08 AM
Subject: Re: Decision Needed on Davis Road Solar Array Issue
To: Sonny Holt <holt7850@gmail.com>
Cc: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Trevor Lashua <Trevor@randolphvt.org>, Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Joshua Jerome <Joshua@randolphvt.org>

No. They are using the letter to get through the process, and when done, i dont think have any legal reason to address our concerns somewhere down the road. They should have this information up front, before we give them a pass. This all seems pretty cart before the horse.

Camden

On Tue, Dec 14, 2021, 12:53 AM Sonny Holt <holt7850@gmail.com> wrote:

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: Camden Walters <camdenwalters93@gmail.com>
Sent: Thursday, December 16, 2021 3:02 PM
To: Trevor Lashua
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
Attachments: Response to Town December 13.pdf

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

From: **Sonny Holt** <holt7850@gmail.com>
Date: Mon, Dec 13, 2021, 5:19 PM
Subject: Fwd: Notice of Discrepancy in the Davis Road Preferred Site
To: Miles Hooper <miles.hooper@gmail.com>, Perry Armstrong <perry@rainorshinevt.com>, Camden Walters <camdenwalters93@gmail.com>, Sonny Holt <holt7850@gmail.com>
Cc: Paul Rea <ruralvtre@comcast.net>, Jeff Grout <groutaz@gmail.com>, Trevor Lashua <Trevor@randolphvt.org>

This is Norwich Solar Technologies Letter response to our request to address concerns about the Davis Road Solar project.

We still owe a response to Allen and Binder. They have a response back to the PUC.

We do not yet have a response from Mike the Town's Attorney.

Please comment on your recommendations as soon as possible.

Thanks

Sonny

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

From: **Martha Staskus** <staskus@norwichsolar.com>
Date: Mon, Dec 13, 2021 at 4:57 PM
Subject: Re: Notice of Discrepancy in the Davis Road Preferred Site
To: Sonny Holt <holt7850@gmail.com>

Chairman Holt,

Norwich Technologies, on behalf of Randolph Davis Solar LLC, appreciates the opportunity to provide more information on the project. Please let me know if this response addresses the Town's concerns.

We look forward to continuing to work with the Town and surrounding community.

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 Commision 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.

Martha Staskus | Chief Development Officer

| **Norwich Solar Technologies**

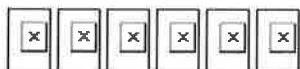
| **phone: 802-359-7416**

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

| **site: norwichsolar.com**

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

2019 REV Renewable Energy Champion Awardee



Trevor Lashua

From: Trevor Lashua
Sent: Friday, December 10, 2021 4:41 PM
To: 'Sonny Holt'
Cc: Miles Hooper; Perry Armstrong; Camden Walters
Subject: RE: Letter to Norwich - Send today?

Thanks Sonny. If you send a copy over, when complete, I'll make sure the Board gets a copy.

Regards,
-T

From: Sonny Holt <holt7850@gmail.com>
Sent: Friday, December 10, 2021 3:50 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Miles Hooper <miles.hooper@gmail.com>; Perry Armstrong <Perry@rainorshinevt.com>; Camden Walters <camdenwalters93@gmail.com>; Sonny Holt <holt7850@gmail.com>
Subject: Letter to Norwich - Send today?

Trevor

I have only two other changes to make on the letter. One is the reason the 25% slope provision is in the town plan and the other is a brief statement saying that slope issues were not addressed on June 1st 2021. It appears that the rest of the PC has no recommended changes.

I should send off to Norwich by close of business today to give them adequate time to respond. Do you agree?

We also need to provide the Select Board with an Info copy so they won't be blind sided. Would you like me to do that or would you prefer to do that.

Sonny

Trevor Lashua

From: Trevor Lashua
Sent: Thursday, December 9, 2021 12:58 PM
To: 'Sonny Holt'; Miles Hooper; Perry Armstrong; Camden Walters
Cc: Joshua Jerome
Subject: RE: Timelines for our Email to Norwich Technologies

Hi all,

Mike Tarrant was contacted yesterday with the questions, but I had understood his review to focus on, essentially: whether or not the Town can rescind its siting letter; if so, how; and what, if any, "liability" rescinding brings to the Town.

Any letter to Norwich would have to follow and be based on the attorney's feedback, but it isn't something Mike would draft.

Regards,
-T

From: Sonny Holt <holt7850@gmail.com>
Sent: Thursday, December 9, 2021 11:04 AM
To: Miles Hooper <miles.hooper@gmail.com>; Perry Armstrong <Perry@rainorshinevt.com>; Sonny Holt <holt7850@gmail.com>; Camden Walters <camdenwalters93@gmail.com>; Trevor Lashua <Trevor@randolphvt.org>
Subject: Timelines for our Email to Norwich Technologies

It looks like we'll be on a fairly fast track to complete our action of giving notice to Norwich Technologies that they may be in violation of the Town plan in regard to the 25% slope requirement.

14 Dec is the deadline for Joan Allen and Michael Binder to respond to the PUC with additional information stemming from their meeting with us on 7 Dec.

13 Dec should be our deadline to respond to them with a letter that contains what we have sent to Norwich.

12 Dec should be our deadline to approve of our Lawyer's Email as well as the contents of the letter that we will send to Allen and Binder.

11 Dec should be the lawyer's deadline for us to review for approval the Email to be sent to Norwich.

Is everyone in agreement with these deadlines?

Most of this can be done by Email, but we should probably meet in person or by Zoom on the 12th.

Please respond with your thoughts.

Sonny

Trevor Lashua

From: Miles Hooper <miles.hooper@gmail.com>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Sonny Holt
Cc: Perry Armstrong; Camden Walters; Trevor Lashua; Paul Rea; Jeff Grout; Joshua Jerome
Subject: Re: Decision Needed on Davis Road Solar Array Issue

Yes I Agree. Thanks, Miles

Sent from my iPhone

On Dec 14, 2021, at 12:53 AM, Sonny Holt <holt7850@gmail.com> wrote:

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: Paul <ruralvtre@comcast.net>
Sent: Monday, December 13, 2021 11:28 AM
To: 'Sonny Holt'; 'Miles Hooper'; Perry Armstrong; 'Camden Walters'; 'Jeff Grout'
Cc: Trevor Lashua; Joshua Jerome
Subject: RE: PC Submission to the Town Report

The property Norwich is looking to Purchase is actually 20.7 acres and is located in South Randolph.

Thanks!

Paul H. Rea
Rural Vermont Real Estate
22 N. Main Street
Randolph, VT 05060
Phone: 802-728-6200
Fax: 802-728-4600
www.ruralvtrealestate.com
email: ruralvtre@comcast.net

From: Sonny Holt <holt7850@gmail.com>
Sent: Monday, December 13, 2021 10:56 AM
To: Miles Hooper <miles.hooper@gmail.com>; Perry Armstrong <perry@rainorshinevt.com>; Paul Rea <ruralvtre@comcast.net>; Camden Walters <camdenwalters93@gmail.com>; Jeff Grout <groutaz@gmail.com>; Sonny Holt <holt7850@gmail.com>
Cc: Trevor Lashua <Trevor@randolphvt.org>; Joshua Jerome <Joshua@randolphvt.org>
Subject: PC Submission to the Town Report

Kim has asked for our submission NLT 17 Dec.
We are limited to a half page
Here's my first draft
Feel free to add or change.
The Norwich issue may change before we go to press.

Sonny