
From: Joseph McLean <jmclean@firmspf.com>
Sent: Monday, July 17, 2023 12:44 PM
To: Kimberly K. Hayden <KHayden@pfclaw.com>; Brooke Dingledine <lbrooke@vdmLaw.com>
Subject: FW: Preferred siting meeting request for potential solar project

Your attachments have been security checked by Mimecast Attachment Protection. Details of potentially unsafe files have been attached.

Kim/Brooke: On Friday morning, in follow-up to a request, the Norwich Assistant Town Manager (formerly, the Assistant to the Town Manager), Miranda Bergmeier, searched for and located the email below, with accompanying attachments, in her inbox (having been forwarded to her by former Town Manager Herb Durfee). I am providing the same to you now given the recent dispute regarding whether Norwich Solar had sent its June 29, 2021 email/letter/plan to the Town.

Although within the scope of Mary Gorman's March 2, 2022, PRA request (attached), and non-exempt, the June 29, 2021 correspondence from Norwich Solar was not produced in response to that request. At this time, I cannot explain with any reasonable degree of certainty how or why that occurred. Perhaps it was simply overlooked. However, all of these materials were published in the August 11, 2021 Selectboard packet and, hence, were already publicly available at the time of Ms. Gorman's request.

If you have any questions, please feel free to contact me.

Thank you,
Joe

Joseph S. McLean, Esq.
Stitzel, Page & Fletcher, P.C.
PO Box 1507
171 Battery Street
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From: Herb Durfee <HDurfee@norwich.vt.us>
Sent: Wednesday, June 30, 2021 2:41 PM
To: Roger Arnold <rogerarnoldvt@gmail.com>; Mary Layton <marydlayton@gmail.com>
Cc: Miranda Bergmeier <MBergmeier@norwich.vt.us>; Pam Mullen <PMullen@norwich.vt.us>; Rod Francis <norwichvtplanner@gmail.com>
Subject: FW: Preferred siting meeting request for potential solar project

Roger/Mary,

Agenda item

Herb
Herbert A. Durfee, III
Town Manager
Town of Norwich
PO Box 376
Norwich, VT 05055
802-649-1419 ext. 102
802-698-3000 (cell)
802-649-0123 (fax)

From: Troy McBride [<mailto:mcbride@norwichtech.com>]
Sent: Tuesday, June 29, 2021 4:24 PM
To: Rod Francis
Cc: Herb Durfee; Martha Staskus; Ryan Darlow; Hannah Boudreau
Subject: Preferred siting meeting request for potential solar project

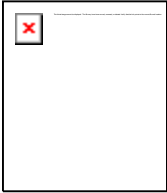
Hello Rod, Herb,

Norwich Solar Technologies is assessing a site for the installation of a ground mounted community solar project off Upper Loveland Rd under the Vermont Net Metering program. We would like to discuss this project with you and, at an upcoming meeting, present the project to the Planning Commission and Selectboard. This potential project is near the cell tower and transmission lines above Upper Loveland Road. The proposed site is in the Ridgeline Protection Overlay. Our analysis shows that we would not have an impact on the Ridgeline viewshed from all public roads and Norwich homes. We are requesting a "preferred siting" letter from Norwich Planning Commission and Selectboard. More information on the proposed project is attached.

We have sent letters to neighbors to the proposed parcel (also attached). We did not receive much feedback on this potential project, however, the feedback we did receive was positive about the potential solar project and continued land use.

I look forward to discussing with you at your convenience.

Best,
Troy



Troy McBride

| **Norwich Solar Technologies**

| **cell:** [802-738-8059](tel:802-738-8059)

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

| **site:** norwichsolar.com

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



June 29, 2021

Norwich Planning Commission
Norwich Selectboard

Dear members of the Norwich Selectboard and Planning Commission,

Norwich Solar Technologies proposes the permitting and installation of a new net metered 500 kW-AC community solar array within the Town of Norwich. The net metering array is proposed to be located on the 34-acre parcel behind the cell tower (shown conceptually on the next pages) at 201 Upper Loveland Rd. This potential project is near the cell tower and transmission lines above Upper Loveland Road. The proposed site is in the Ridgeline Protection Overlay. Our analysis shows that we would not have an impact on the Ridgeline viewshed from all public roads and Norwich homes. We are currently in the early permitting phase of the installation. The focus of the permitting is an application for a Certificate of Public Good (CPG) from the Vermont Public Utilities Commission (PUC). The CPG establishes the process and requirements for meeting environmental, historic, aesthetic, public safety and interconnection requirements. Part of the application requires the designation of the site as "preferred." As summarized in the attached "Guidance on Preferred Siting Designation," one of the preferred categories is locations that a Town and a Regional Planning Commission have so designated. To facilitate the most efficient and quickest review of the CPG by the PUC, Norwich Solar Technologies is seeking a letter for preferred site designation from the Town and Regional Planning Commission.

An example of such a letter is attached for convenience and to facilitate your review. Also provided are additional viewshed analysis and background information including a letter sent to the property neighbors. If appropriate, we would like to attend a meeting in the near future at your convenience to present information on the site and the project, to answer any questions and, to hopefully, confirm your agreement and memorialize your support for the preferred site designation.

I look forward to discussions on the project and your process.

Sincerely,



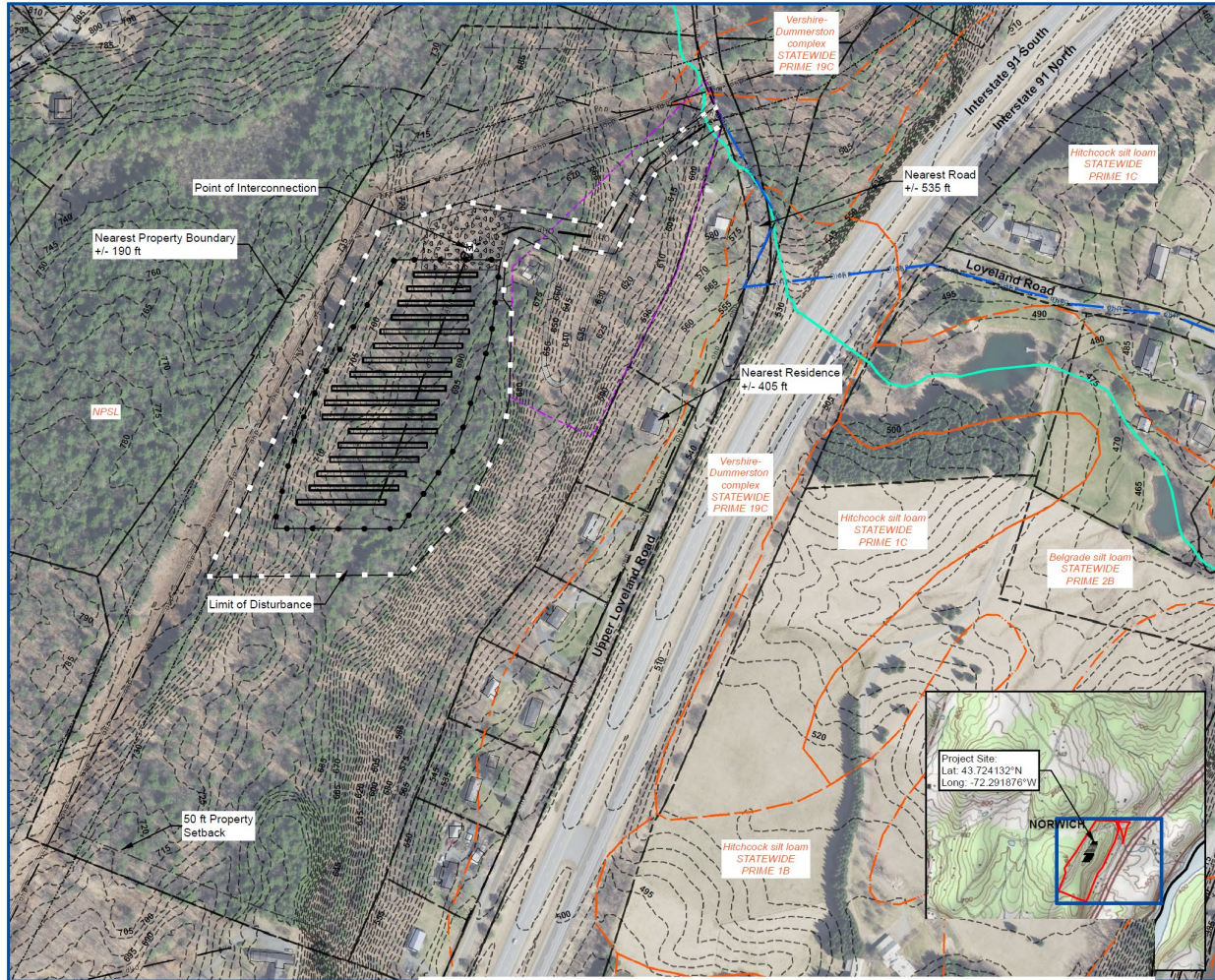
Troy McBride
Norwich Solar Technologies
Cell: (802) 738-8059
Email: mcbride@norwichsolar.com

General Location of Property and Proposed Solar Project:

The 500 kW (AC) Norwich Upper Loveland Solar array will occupy approximately two to three acres and be a low-profile installation typical of solar electric generation installations of its type and size. The panels will be mounted on fixed-tilt, supporting racks. The racks are designed to support the bottom of the solar panels approximately 3 feet above existing grade to the top of the panels at approximately 10 feet. The array will be arranged in multiple rows running generally east-west with sufficient distance between the rows to minimize self-shading. The panels will be adjacent to the existing transmission line corridor and include some tree clearing to reduce shading. Much of the parcel will remain undisturbed and open to the public for walking and biking. By our analysis, the solar panels would be screened from view by existing trees and vegetation from any public roads or existing homes. Additionally, our analysis indicates the project will not impact the natural environment and the project will be installed in compliance with all local and state regulations.



Draft Site Plan for proposed solar project:





Norwich Solar
15 Railroad Row - Suite 101
White River Junction, VT 05001
(802)281-3213

May ___, 2021

[Salutation]

Dear Neighbor

Norwich Solar is assessing a site for the installation of a ground mounted community solar project off Upper Loveland Rd under the Vermont Net Metering program. In particular, we are looking at a potential installation on the 34-acre parcel behind the cell tower (shown conceptually on the next page). We are reaching out to you to let you know of the potential project, share information, answer any questions you may have, and receive your feedback. Please call or email me with any questions, concerns, potential interest in solar credits from the project, or other discouragements/encouragements at your convenience.

Norwich Solar is a local business with offices in White River Junction and warehouse/laboratory in Windsor, Vermont. Our mission includes the seamless integration of local, affordable, and renewable solar power into our communities. We serve customers such as schools, health care facilities, affordable housing communities, churches, farms, small businesses, and community solar members. Please feel free to reach us using the contact information provided at the end of this letter if you are interested in learning more or have comments or suggestions for the proposal.

The "Norwich Upper Loveland Solar" project is a quiet neighbor and will create a number of benefits with local and statewide significance. For example, the Project supports numerous clean energy economy jobs from design and development phases through installation and operation. Importantly, the Project is an in-state new renewable energy generation resource that will help reduce our dependence on out-of-state electricity sources. The solar project will power local customers and Vermont's economy with clean energy from local resources and strengthen the growth of a resilient electrical system.

The 500 kW (AC) Norwich Upper Loveland Solar array will occupy approximately two to three acres and be a low-profile installation typical of solar electric generation installations of its type and size. The panels will be mounted on fixed-tilt, supporting racks. The racks are designed to support the bottom of the solar panels approximately 3 feet above existing grade to the top of the panels at approximately 10 feet. The array will be arranged in multiple rows running generally east-west with sufficient distance between the rows to minimize self-shading. The panels will be adjacent to the existing transmission line corridor and include some tree clearing to reduce shading. Much of the parcel will remain undisturbed and open to

the public for walking and biking. By our analysis, the solar panels would be screened from view by existing trees and vegetation from any public roads or existing homes. Additionally, our analysis indicates the project will not impact the natural environment and the project will be installed in compliance with all local and state regulations.

A sketch of the location is provided below to orient you to the location of the potential project.



Again, we welcome the opportunity to further share information about the Project, and to learn of comments you may have. Please feel free to contact me at (802)281-3213 (ask for Troy or enter extension for McBride) or email me at mcbride@norwichsolar.com.

We appreciate your feedback and time.

Best regards,

Troy McBride

OVERVIEW OF PREFERRED SITING in VERMONT for SOLAR PROJECTS

CURRENT RULES

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

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

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

TOWN ROLE IN PREFERRED SITES

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

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

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

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

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

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

Section 5.103 = Definitions section of Rule 5.100

“Preferred Site” means one of the following:

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