

VT Real Estate Holdings 2 LLC
58 Commerce Road
Stamford, CT 06902

March 14, 2024

Via First-Class Mail and ePUC

**RE: VT Real Estate Holdings 2 LLC's Proposed 20 MW Solar Project in Fair Haven, VT
45-Day Notice of Petition to be filed with Vermont Public Utility Commission**

Dear Persons and Entities Entitled to Notice,

Pursuant to 30 V.S.A. § 248 and Vermont Public Utility Commission ("PUC") Rule 5.402, VT Real Estate Holdings 2 LLC (hereafter referred to as "Fair Haven Solar") is pleased to submit the following pre-petition notice concerning its proposed 20 megawatt (MW) solar project ("the Project"), to be sited on land owned in part by the Sheldon family, located off Airport Road in Fair Haven, Vermont. Fair Haven Solar previously submitted a pre-petition notice for the Project on February 22, 2023, which has been updated here to reflect changes to the Project design and PUC Rule 5.400. As described further herein, this filing follows considerable outreach by the Project team to local and regional officials.

Fair Haven Solar engaged in outreach efforts with the Town of Fair Haven and Rutland Regional Planning Commission ("RRPC") during the summer and fall of 2022 to introduce the Project. Those discussions included the Town Selectboard Chair, the Town Manager, the RRPC Executive Director and Energy Planner, and other interested members of the public. Following submittal of the previous pre-petition notice, Fair Haven Solar expanded this outreach to include discussions with key state agencies and a presentation and discussion with the Board of the RRPC. Through these efforts, we have received further feedback on the Project design that has enabled us to modify our design in a manner that meets many of the objectives of these interested parties.

I. Introduction

Fair Haven Solar is preparing to file an application for a Certificate of Public Good ("CPG") with the Vermont Public Utility Commission ("PUC"), requesting approval to install and operate a 20 MW alternating current ("AC") solar electric generation facility in Fair Haven. The Project is designed to provide an estimated 37,500 MW hours (+/-) of renewable energy each year to the New England electric grid, thereby helping to meet the region's electric demand in a cost-effective manner and achieve its carbon reduction goals.

The remainder of this letter describes: (1) Fair Haven Solar's plans for construction and operation of the Project, including how equipment and materials will be transported to the site; (2) the expected Project benefits; (3) the preliminary assessment of potential impacts; (4) an assessment of on-site alternatives; (5) the expected date a petition will be filed with the PUC; and (6) the rights of entities receiving this notice to comment on the Project in accordance with PUC Rule 5.402.

II. Project Description and Construction Plans

The proposed 20 MW AC solar electric generation facility will be located within an approximately 125-acre ($\pm$) fenced footprint¹ located on land owned by the Sheldon and Roberts families that totals approximately 520 acres. The solar array will connect to the Project's interconnection facility, which will be located approximately 2,500 feet to the south within an approximately 0.3 acre ($\pm$) fenced footprint¹ on an adjacent parcel of land that will be subdivided. The Project plans to interconnect to the transmission grid through Green Mountain Power ("GMP") facilities. *See* Location Map/Site Plan – *Attachment A*. GMP has filed notice of its intent to build a new substation on the same parcel and will be seeking separate Section 248 approval from the PUC. As part of its project, GMP will also relocate its distribution assets from the existing Fair Haven substation to consolidate them at this location. Fair Haven Solar is coordinating with GMP on the location and design of their respective facilities, including some pole replacements to GMP Transmission Lines 44 and 45 (limited to an increase in height of five feet) that are required to allow increased flow on that circuit.

The Project's equipment will consist of solar modules mounted on a series of single-axis racking. The solar energy generated will be routed to eight central inverters with pad mounted three-phase transformers. Other Project components include electrical collector system components consisting of underground conduit, wire, combiner boxes, and the separately fenced-in interconnection facility. The interconnection equipment will include circuit breakers, a control house, and a pad-mounted three-phase transformer to step up the voltage from medium voltage to 46 kV in order to interconnect to the to-be-relocated GMP substation. Additional standard equipment to support operations will also be installed.

The Project is anticipated to require limited tree clearing for array construction, and may require some clearing to reduce shade impacts and for installation of the substation and access road. Only minor grading for the Project is anticipated. A full grading plan will be included with the full petition materials.

A preliminary Site Plan is included in *Attachment A*. It illustrates the anticipated location of the Project's components in relation to the surrounding area. Fair Haven Solar chose the proposed location and the current design for this solar array based upon its solar exposure, accessibility to

¹ A total of approximately 151 ($\pm$) acres would be involved during construction activities, including interconnection facilities.

existing roads and transmission lines, constructability, its limited visibility, the character of the area, and to avoid/minimize impacts on natural resources.

While the attached Site Plan represents the current preferred layout, the layout that will be contained in Fair Haven Solar's CPG petition may vary somewhat based upon further engineering, environmental, aesthetic, or other siting considerations. The final layout is expected to be within the overall site area where environmental and other impacts have been evaluated for the purposes of this 45-day notice. The basic parameters of the Site Plan include the following working assumptions:

- Fair Haven Solar anticipates accessing both the solar array and the interconnection facility from Airport Road. This will require redevelopment and upgrades of an abandoned section of Munger Road from the Fair Haven Community Dog Park to the existing road where it is currently used for access to farmland. To reach the solar arrays, new or upgraded graveled roads, approximately 16-feet wide, will be constructed. The interconnection facility will be accessed via a new 26-foot-wide graveled access road off Airport Road, which will be shared with the planned relocated GMP Fair Haven Substation.
- Construction will be performed in accordance with the Vermont Standards & Specifications for Erosion Prevention and Sediment Control (February 2020).
- Stormwater runoff from Project impervious surfaces at both the solar and interconnection facilities (graveled access roads, equipment pads, etc.) will be managed through treatment practices to be included in the final design.
- Following construction, Fair Haven Solar anticipates less than 25 visits to the site per year over the first five years, and 15 site visits per year thereafter. No on-site septic or water supply systems will be constructed. The Project's energy production will be monitored remotely and, if any abnormal conditions are detected, technicians will be dispatched as required.
- The Project's solar array and interconnection facility will each be enclosed by perimeter fences that will meet applicable electric safety code standards.

Site Access & Equipment Delivery

Industry-standard trucking methods will be used to transport the panels and other project components to the site. Typical tractor-trailer and box truck vehicles will be used to transport materials to the site where they will be staged in an approved laydown area for construction. The location of laydown area(s) will be identified in the CPG petition. Any overweight loads, e.g., the transformer, will obtain the necessary local and/or state oversized load permits.

Large construction trailers and equipment will enter and exit the site via a direct access route from Airport Road. The existing access road coming off Airport Road will be used for bringing in all other construction-related equipment and machinery. Construction equipment will likely include a light-duty crane or similar equipment to lift the transformer in place, trucks to move racking around the site, and a small trencher to install underground electrical wiring.

Solar Panels and Electrical Collection System

The Project will utilize Tier 1 bi-facial solar panels mounted on single-axis racking. The bottom of the solar panels will be approximately three feet above existing grade and the top at approximately 12 feet above grade.

The panels will be arranged in rows running north-south and set out in sections of “arrays” designed to avoid and/or minimize natural resources impacts, soil disturbance, and tree cutting. The rows will be connected via a combination of underground and above-ground electrical cable to central inverters, which convert the electricity from DC to AC and then to pad-mounted transformers which step up the power to medium voltage (34 kV). The Project’s electrical collection line from the medium voltage transformers to the three-phase 46 kV transformer at the interconnection facility will run underground along Airport Road.

The final selection of all equipment will be made after a CPG is issued and contractors and vendors are selected.

III. Project Benefits

The Project will provide economic benefits including: (i) payment of state educational and municipal property taxes; (ii) purchasing Project equipment from Vermont businesses, when commercially feasible; (iii) employing Vermont businesses for pre-application, construction, and operation and maintenance work, when commercially feasible, and (iv) helping to reduce electricity costs in the New England region. The Project will also support local agriculture and environmental systems through our encouragement of native, pollinator-friendly ground cover under and near the solar array.

In addition to these economic benefits, the proposed solar electric facility will also result in important environmental benefits. The solar energy produced by this Project will result in less electricity needed in the New England region from older power plants, many of which currently operate on fossil fuels. The Project will emit no air pollutants (including CO₂) in its day-to-day operation generating electricity, and thus will help in a measurable way to address climate change. The Project thus also aligns with Chapter 16 (Energy) of the Rutland County Regional Energy Plan (June 19, 2018), which seeks to develop additional renewable energy resources in the region.

IV. Preliminary Impact Assessment

Based upon the initial review performed by Fair Haven Solar and its consultants, including review of the state's environmental databases and various detailed field assessments, the siting of the Project will not cause undue adverse impacts to environmental resources that cannot otherwise be avoided, minimized, or mitigated, nor will it create public health or safety concerns. Key elements of our assessment include the following:

- Detailed natural resources assessments and mapping completed by the Project's environmental consultant (VHB, South Burlington) have been taken into account in designing the Project, including maintaining resource buffers (streams, wetlands, natural communities, wildlife, and plants) in accordance with state rules and guidelines. Likewise, wildlife resources and significant or important habitats have been identified and will be protected in the Project design and operation. VHB has presented its initial findings to the Vermont Agency of Natural Resources ("ANR") and intends to engage in further consultation as detailed design and mitigation planning progresses.
- The Project array and interconnection facilities will largely utilize existing non-forested areas and have been sited to avoid significant forest or tree clearing, impacts to Class II wetlands, streams, and their respective buffers. Notably, the low-gradient Mud Brook stream and wetland riparian system that bisects the western and eastern array fields will be avoided to protect riparian/wetland buffers and the river corridor. Access to the Project will involve upgrading an existing agricultural crossing of the Mud Brook riparian system and Fair Haven Solar has been coordinating with ANR to develop the appropriate crossing design necessary to permit and improve the crossing.
- VHB's onsite and desktop reviews have identified certain significant natural habitats around portions of the site, e.g., grassland bird breeding habitat and other state-protected bird species. ANR has been consulted to review onsite wildlife habitat conditions, Project design, and operational approaches in order to develop construction and habitat management plans as necessary to ensure that these species are not unduly impacted during Project construction or operation. The siting of the interconnection facilities will not involve activities within rare species or critical wildlife habitat.
- The Project site will be constructed to avoid undue adverse impacts to any above-ground historic sites. Below-ground archaeological resources constraints that have not already been studied are also being investigated, and if avoidance is not practicable, mitigation will be implemented in consultation with the Vermont Division for Historic Preservation ("DHP").
- Primary agricultural soils that are temporarily impacted by the Project construction will be restored, and other measures will be taken during construction and decommissioning

(including reclamation of certain excavated soils) to avoid compaction or other indirect impacts to such soils, all in accordance with guidelines of the Agency of Agriculture Food & Markets (“AAFM”).

- The Project will be designed to meet electric safety and utility interconnection standards for safe and reliable operation of solar electric facilities.
- The Project will require no new municipal services and will not pose undue burdens on town fire, police, or water/sewer services. The Project will not impact the ability of the town to provide educational services.
- The preliminary aesthetic review (*Attachment B*) indicates the Project site visibility will be limited. The Project will utilize supplemental landscape plantings for visual mitigation within a few areas to augment the natural screening (See *Attachment A*). Overall, the visual consultant’s preliminary finding is that the Project will not result in undue adverse visual impacts.

V. Assessment of On-site Alternatives

Fair Haven Solar and its consultants reviewed various configurations within the parcels in order to avoid and/or minimize environmental, aesthetic, or other impacts while maximizing energy output. The result of that process is the proposed array configuration that utilizes a low impact mounting system, and incorporates a modified array footprint to minimize tree clearing and avoid sensitive environmental resources. More specifically, Fair Haven Solar has added lands north of the original siting location in order to further avoid sensitive natural resources.

VI. Expected Petition Filing Date with Vermont Public Utility Commission

Fair Haven Solar intends to file a Section 248 petition with the PUC soon after the 45-day notice period expires, which would be no earlier than late-April 2024.

VII. Comments of the Municipal Bodies to the Public Utility Commission

Under 30 V.S.A. § 248(f)(1)(C), the municipal or regional planning commission may make recommendations to the petitioner within 40 days of the petitioner’s submittal to the planning commission. In addition, under 30 V.S.A. § 248(f)(1)(A), the municipal and regional planning commissions may convene a public hearing on the proposed petition. The petitioner’s application to the Commission must address any written comments provided to the petitioner in response to the 45-day advance submission that are related to the Section 248(b) criteria and any oral comments related to those criteria made at a public hearing conducted pursuant to 30 V.S.A. § 248(f)(1)(A). Under 30 V.S.A. § 248(f)(1)(D), each planning commission has the right to make recommendations to the PUC after a petition is filed.

For additional information regarding this process, please refer to the PUC’s “Public Participation and Intervention in Proceedings Before the Vermont Public Utility Commission” document, available on the website at <https://puc.vermont.gov/document/public-participation-and-intervention-proceedings-public-utility-commission>. Information regarding the PUC’s procedures for Section 248 proceedings can also be found on the PUC’s website at <https://puc.vermont.gov/document/section-248-procedures>.

We here at Fair Haven Solar hope that you will support this Project given the benefits it will provide and its limited impacts. In the meantime, we invite you to contact us with any questions or comments you have at the contact information below, as we welcome your input and suggestions to make this a successful project.

Sincerely,

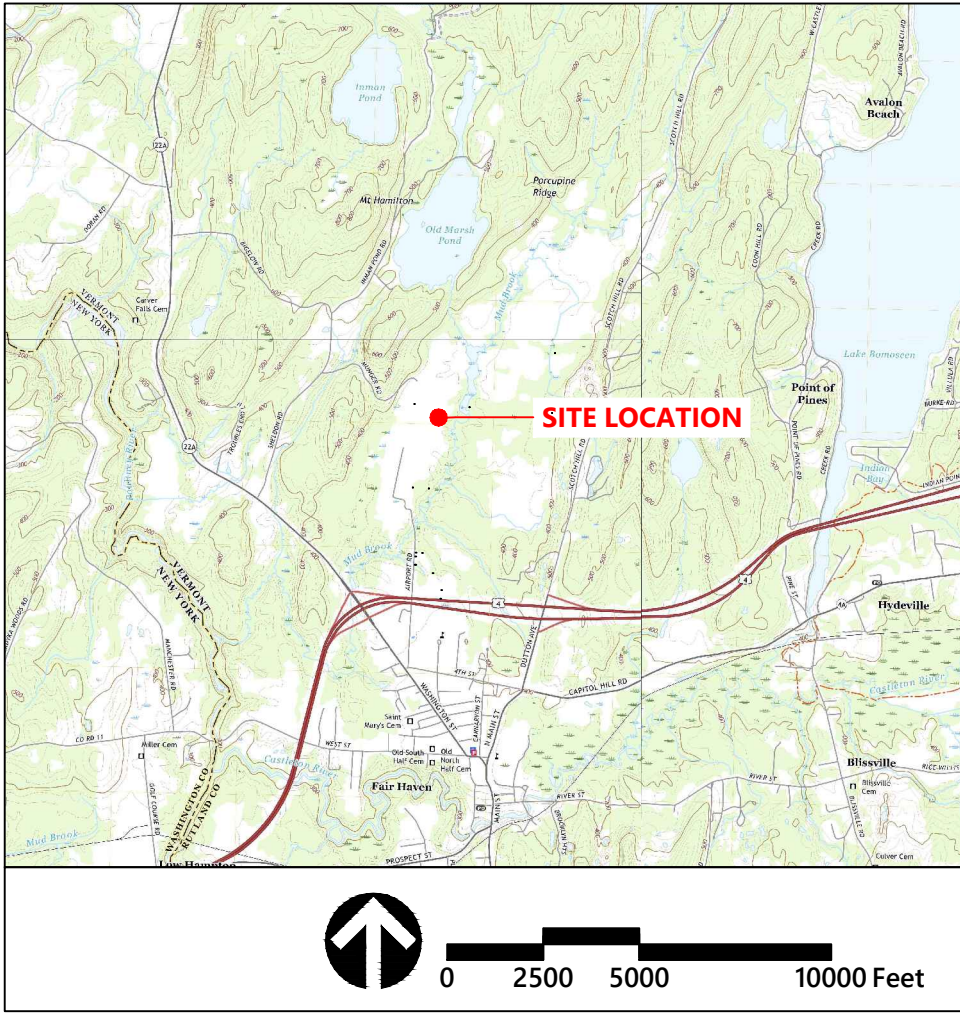


Peter Ford

VT Real Estate Holdings 2 LLC
(aka “Fair Haven Solar”)
info@freepointsolar.com
Phone: (610) 984-4755

Enclosures:

Attachment A – Location Map and Preliminary Site Plan (with Aesthetic Mitigation Plan)
Attachment B – Preliminary Aesthetic Review Memo
Certificate of Service
Statement of Compliance with Advance Notice Requirements



Legend

EXISTING NATURAL RESOURCE STUDY AREA

APPROXIMATE EXISTING PROPERTY LINE

EXISTING TAX MAP PROPERTY LINE

EXISTING 50 FT WETLAND BUFFER

EXISTING STREAM

APPROXIMATE EXISTING STREAM

EXISTING VHB RIVER CORRIDOR

EXISTING GRASSLAND BIRD SURVEY AREAS

EXISTING SIGNIFICANT NATURAL COMMUNITIES

EXISTING TREELINE

EXISTING POTENTIAL ROOST TREE

EXISTING SETBACK LINE

EXISTING MINOR CONTOUR

EXISTING MAJOR CONTOUR

EXISTING EDGE OF PAVEMENT

EXISTING WETLAND

APPROXIMATE EXISTING WETLAND

EXISTING ANR RIVER CORRIDOR

EXISTING NHI ELEMENT OCCURRENCE

EXISTING 50 FT RIPARIAN BUFFER

EXISTING FEMA FLOOD ZONE

EXISTING OVERHEAD ELECTRIC

PROPOSED OVERHEAD ELECTRIC

PROPOSED EDGE OF GRAVEL

PROPOSED UNDERGROUND ELECTRIC

PROPOSED LIMIT OF DISTURBANCE

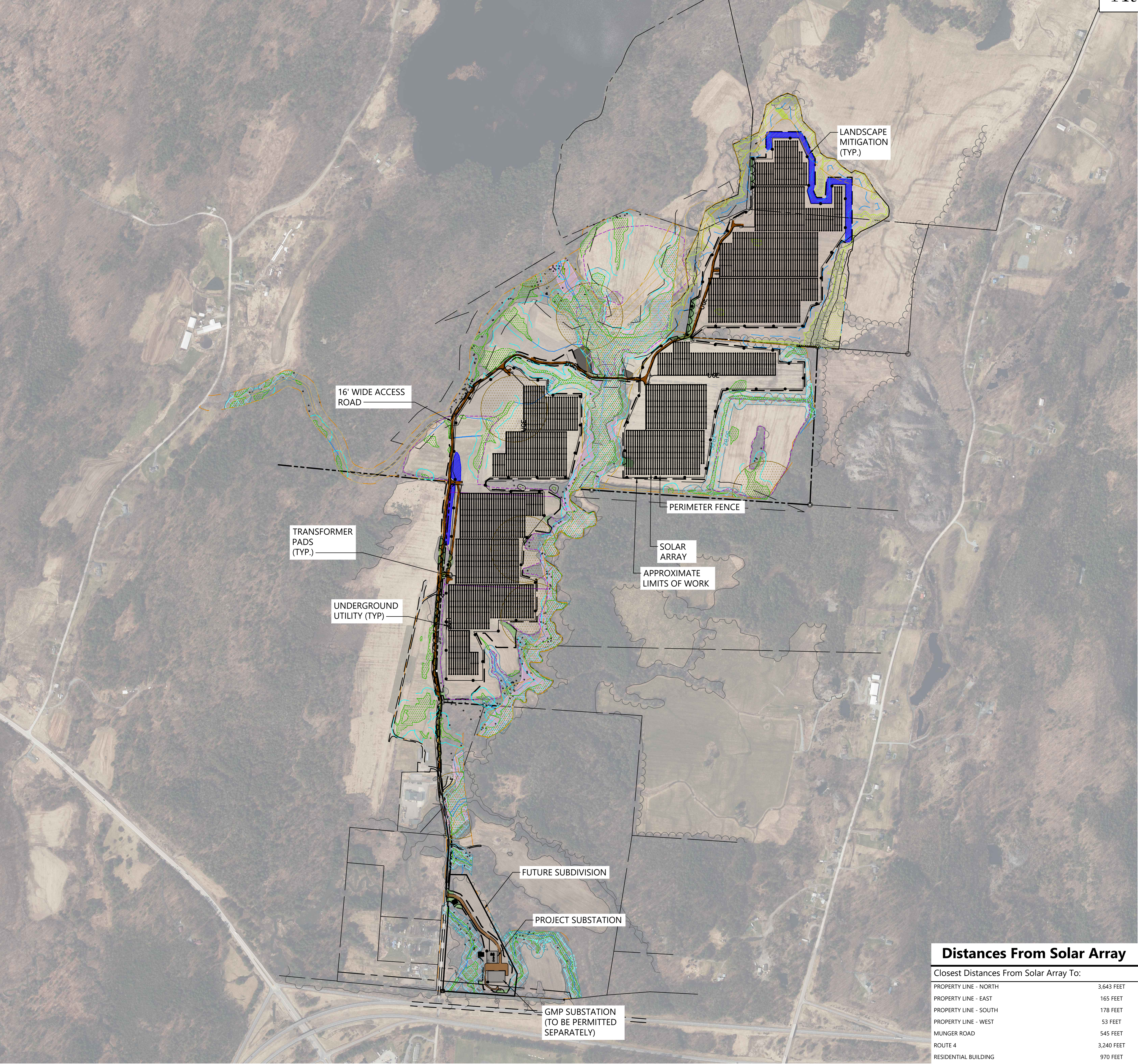
PROPOSED PERIMETER FENCE

PROPOSED TREELINE

PROPOSED GRAVEL ACCESS ROAD/TURN AROUND

PROPOSED LANDSCAPE MITIGATION PLANTINGS

PROPOSED LIMITS OF TREE CLEARING



Distances From Solar Array	
Closest Distances From Solar Array To:	
PROPERTY LINE - NORTH	3,643 FEET
PROPERTY LINE - EAST	165 FEET
PROPERTY LINE - SOUTH	178 FEET
PROPERTY LINE - WEST	53 FEET
MUNGER ROAD	545 FEET
ROUTE 4	3,240 FEET
RESIDENTIAL BUILDING	970 FEET

40 IDX Dr
Building 100 Suite 200
South Burlington, VT 05403
802.497.6100



Fair Haven Solar
VT Real Estate
Holdings 2 LLC

1020 Sheldon Rd.
Fair Haven, VT 05262

No.	Revision	Date	Appvd.

Designed by	ZJD	Checked by	SMW
Issued for		Date	

Review Mar. 6, 2024

Not Approved for Construction

Drawing Title

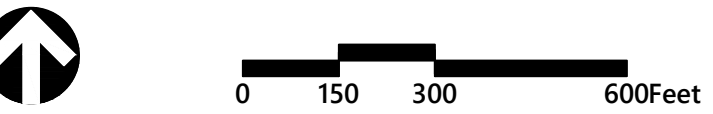
45 Day Notice Overall Site Plan

Drawing Number

C3.00

Sheet 1 of 3

Project Number 58071.02



**Fair Haven Solar
VT Real Estate
Holdings 2 LLC**

020 Sheldon Rd.
Fair Haven, VT 05262

[illegible]Designed by **ZJD** Checked by **SMW**

Review Mar. 6, 2024

Not Approved for Construction

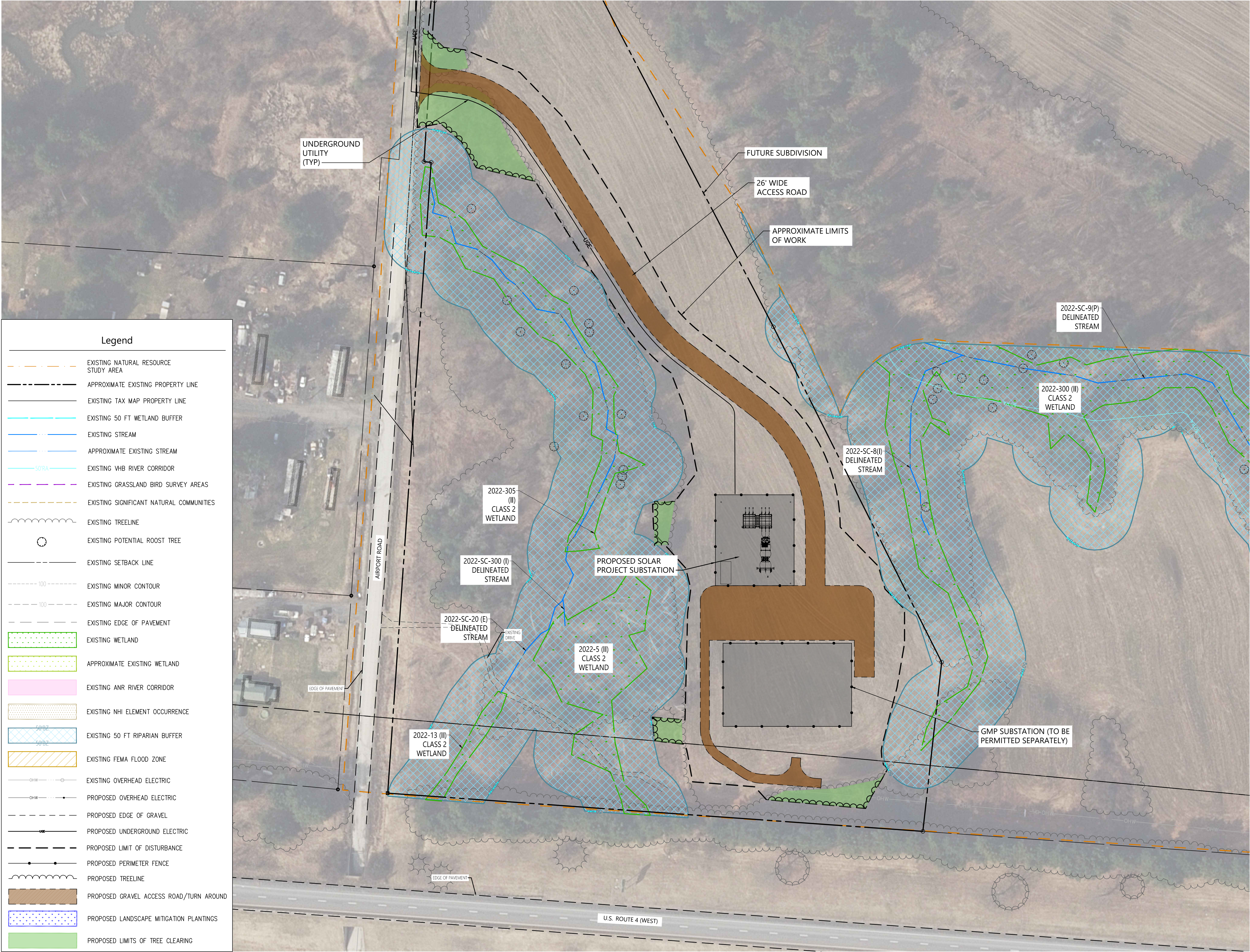
45 Day Notice Site Plan

Drawing Number

C3.01

2 of 3

Project Number
8071.02



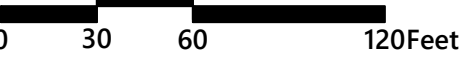


vhb.com

vhb

40 IDX Dr
Building 100 Suite 200
South Burlington, VT 05403
802.497.6100





**Fair Haven Solar
VT Real Estate
Holdings 2 LLC**
1020 Sheldon Rd.
Fair Haven, VT 05262

No.	Revision	Date	Appvd.

Designed by
ZJD

Checked by
SMW

Issued for
Review

Date
Mar. 6, 2024

Not Approved for Construction

Drawing Title

45 Day Notice Site Plan

Drawing Number

C3.02

Sheet

3

of

3

Project Number

58071.02



To: VT Real Estate Holdings 2 LLC

Date: March 11, 2024

Memorandum

Project #: 58071.02

From: Michael Willard – PLA, LEED AP

Re: Preliminary Aesthetic Review for Fair Haven Solar

Project Description

This Memo summarizes the preliminary aesthetic review conducted by VHB for the proposed 20 MW AC Fair Haven Solar electric generation facility (the "Project"), to be located within an approximately 125-acre ($\pm$) fenced footprint located on land owned by the Sheldon and Roberts families in Fair Haven, Vermont. The Project plans to interconnect to the transmission grid through Green Mountain Power's ("GMP") facilities at a new substation that GMP has proposed in a July 2023 45-day letter, which would be constructed by GMP on the same parcel. The Project design and proposed equipment are more fully described in the accompanying letter from Petitioner VT Real Estate Holdings 2 LLC and are depicted on the preliminary site plan in *Attachment A*.

Project Surroundings

The Project surroundings are rural and largely characterized by rolling hills, dense forested areas, and agricultural lands. The Project is proposed within existing open agricultural fields and adjacent to Mud Brook, which runs in a north-south direction through the Project site. North of the Project includes other open agricultural fields, hedge rows and heavily forested areas. East of the Project is a remnant tailings pile from a slate extraction operation, Scotch Hill Road, rolling hills, and dense forested areas. Immediately west of the Project is an open meadow associated with the previous airport parcel, and further west of the Project site includes a mixture of agricultural fields, wooded areas and Route 22A. South of the Project includes other open agricultural fields, US Route 4, and rural residential development.

Potential Project Visibility

A preliminary visual impact assessment was completed by VHB for the Project. The assessment included site visits, a desktop review of existing conditions, review of the proposed Project layout, and use of a computer-based visibility tool to assess the Project's potential for visibility. Due to natural topography and existing dense vegetation surrounding the site, our preliminary findings from the viewshed analysis indicate that the Project's potential for visibility is limited and specific, with the greatest potential visibility occurring within a 1-mile radius of the Project site. Intermittent views were identified along portions of Scotch Hill Road, south and east of the Project site. However, because the Project site is lower in elevation than Scotch Hill Road, this natural change in topography along with existing dense vegetation will screen most of the Project from these areas. Additional potential visibility was identified northeast of the Project site along an approximate 0.39-mile portion of Scotch Hill Road. Visibility of the Project was also identified in the open fields west of the Project site that are associated with the former airport.

With respect to the interconnection facility portion of the Project, the preliminary visual assessment identified potential intermittent views along portions of Route 4, east and southwest of the Project site.

Given the potential visibility in the areas noted above, we have recommended landscape mitigation be incorporated into the Project design at the northeastern tip of the Project and along a portion of the western edge to reduce views from these directions. The plantings will include a mixture of evergreen and deciduous trees and understory shrubs. The proposed location of these supplemental landscape plantings are shown on the preliminary site plan in Attachment A.

Summary

Based on our initial view, potential visibility of the Project is limited and specific. Potential views of the Project that have been identified along Scotch Hill Road and from fields to the west of the Project will be mitigated with landscape plantings that will augment existing natural screening. As a result, and given our initial review of local and regional planning documents, VHB has preliminarily concluded that the Project will not result in undue adverse impacts to the aesthetics, scenic, and natural beauty of the area, and will not violate any town or regional standards pertaining to scenic or open space resources.

VHB will complete a full aesthetic analysis, including an evaluation of the Project under the so-called Quechee Analysis, to be included with the Project's Section 248 Petition for a Certificate of Public Good. That analysis will further examine the scenic resources, any comments received during the 45-day notice period, and the Fair Haven Town Plan and the Rutland County Regional Plan for criteria that address Scenic Resources. The full aesthetic analysis will also include a more thorough and detailed Landscape Mitigation Plan.