

From: [Jim Merriam](#)
To: [Trevor Lashua](#)
Subject: EXTERNALRe: EXTERNALRe: EXTERNALGuidance on meeting VT PUC request
Date: Tuesday, December 12, 2023 5:38:16 PM
Attachments: [image002.png](#)
[image003.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Trevor - greatly appreciated.

On Tue, Dec 12, 2023 at 5:32 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

The Selectboard will be meeting Thursday, with this on the agenda. They'll have all of the materials and a summary of what's being asked available. The Planning Commission will have to schedule some time separately to consider as well, if necessary.

Regards,

-T

From: Jim Merriam <merriam@norwichtech.com>
Sent: Tuesday, December 12, 2023 9:50 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALRe: EXTERNALGuidance on meeting VT PUC request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Trevor - I will try and call too, but hoping there is some guidance on how the Boards would like to approach this.

Thanks

On Thu, Dec 7, 2023 at 4:18 PM Jim Merriam <merriam@norwichtech.com> wrote:

Trevor,

Please let us know if there is anything we should do to get on to the respective Board's agenda or if we should wait to follow your lead.

Thanks

Jim

On Tue, Dec 5, 2023 at 9:19 AM Jim Merriam <merriam@norwichtech.com> wrote:

Thanks Trevor.

With respect to your TRORC question, there is nothing needed from them. This isn't a preferred letter request, simply a request for the Town to confirm that they saw the site plan demonstrating no panels are installed on slopes greater than 25%.

Here is a screenshot of the Hearing Officer's email.

Andrea Poppiti
Utilities Analyst
Vermont Public Utility Commission
Andrea.poppiti@vermont.gov

Please let me know how you would like to proceed at your convenience.

Thanks

Jim

On Fri, Dec 1, 2023 at 6:20 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

Hi Jim,

I've had a chance to read through a few of the pieces. The Selectboard and Planning Commission will each need to consider the request and take formal action (motions recorded in the minutes for each body), before signing a letter on Town letterhead (if they vote in the affirmative). What I don't see yet is how/if the folks at TRORC fit in (they signed the preferred siting letter as well, correct?).

The Selectboard meets on 12/14, and the Planning Commission can be invited to attend (we're not scheduling a joint or special meeting for that night – the agenda for the 14th is much too busy for that).

Do you happen to have contact information for the hearing officer listed (Andrea Poppiti)? I have a few items I'd like to clarify with her.

Regards,

-Trevor

From: Jim Merriam <merriam@norwichtech.com>
Sent: Tuesday, November 28, 2023 10:00 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: AdminAssist <AdminAssist@randolphvt.org>; Brendan Malley <malley@norwitech.com>
Subject: EXTERNAL Guidance on meeting VT PUC request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Trevor,

I am reaching out regarding a specific request from the Vermont Public Utilities Commission (PUC) concerning the Davis Hill Solar Project situated in Randolph.

In a recent Order, the PUC has stipulated that the Randolph Planning Commission and Select Board provide confirmation that the applicant, Norwich Technologies, has presented site plans that adhere to the requirement of not installing solar panels on slopes exceeding 25%. The PUC has mandated that this confirmation be submitted by January 11th. I have for convenience attached both the current Order from the PUC and the referenced documents in the Order which is the basis of the request. This information was a topic of discussion in previous meetings at the Selectboard and Planning Commission.

Understanding the significant impact on the municipal bodies in Randolph this project has created, I deeply appreciate the collaborative efforts extended by everyone involved to date. To alleviate any additional burden, I have prepared a **draft letter (ATTACHED)** that, once signed by the Boards, would satisfy the PUC's request.

I am seeking guidance on the most efficient and effective approach to meet the PUC's requirements and ensure compliance with the stated mandate. Your advice is greatly appreciated.

Thank you for your attention and prompt action on this matter.

SPECIFIC REQUEST

PUC Order request (ATTACHED):

ORDER request extracted : *The Commission requests a letter from the Town of Randolph Planning Commission and Selectboard that they are satisfied that the condition stated in their letter dated December 14, 2021, **Exh. RDS-MS-14, has been met.***

The "condition" referred to in letter **RDS MS 14 (ATTACHED)**:

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

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

The attached **Exhibit RDS MS-2A (ATTACHED)** is the results of the onsite survey and demonstrates that the redesigned solar panel rows layout can be installed in areas with slopes less than 25% slopes while staying within the original Limit of Disturbance. This is the same document that was previously shown and is dated Feb 22, 2022. The site plan has color coded (yellow) the slopes greater than 25% to show the array tables are not installed in those areas.

Thanks

Jim

--



Jim Merriam | CEO

he/him

Mobile: 802.881.4768

Email: merriam@norwichtech.com

Mail: 15 Railroad Row, Suite 101, White River Junction, VT 05001

Certified



This company meets high standards of social and environmental impact.

Corporation



Jim Merriam | CEO

he/him

Mobile: 802.881.4768

Email: merriam@norwichtech.com

Mail: 15 Railroad Row, Suite 101, White River Junction, VT 05001

Certified



This company meets high standards of social and environmental impact.

Corporation

From: [Jeff Grout](#)
To: [Trevor Lashua](#)
Subject: EXTERNALRe: EXTERNALRe: EXTERNALPC Special Meeting 2024-01-03 Davis Solar Project
Date: Friday, December 29, 2023 5:03:48 PM

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Awesome, thank you Trevor! I will get it posted on fpf tomorrow.
Happy New Year!
Jeff

On Fri, Dec 29, 2023, 2:37 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

Hi Jeff,

It's posted on the website and bulletin board – a Front Porch Forum post would complete the requirements at this point.

Regards,

-T

From: Jeff Grout <groutaz@gmail.com>
Sent: Thursday, December 28, 2023 3:49 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALRe: EXTERNALPC Special Meeting 2024-01-03 Davis Solar Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Trevor!

Revised agenda is attached. There is a pdf version ready to post and a Word document in case it needs further revision.

Can you have someone post this?

I cannot post it myself yet, but can come down sometime to get access.

I am available tomorrow Friday if necessary.

Happy New Year!

Jeff

On Thu, Dec 28, 2023 at 2:08 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

Hi Jeff,

I'm not sure you can use deliberative session for this. There isn't a quasi-judicial component to it, and it's not a hearing, which are the fault lines. The process isn't a regulatory one for us, but rather a clarification of past action. I think the PC will have to have its discussion as part of the agenda item, much like the SB did.

The SB, after considerable conversation, concluded that this is a fairly narrow request and review process with regards to scope. I'd encourage PC members to watch this portion of the SB meeting, since much of the process and background are covered there. Here's a link to the ORCA recording (<https://www.orcamedia.net/series/randolph-selectboard%20>); the Davis Road piece begins at 1:29:45 of the recording.

We can go fully remote for the meeting – the temporary provision enabling it is still in effect. We just provide the Zoom link, call-in info, and meeting ID (below) on the agenda. Posting this week provides plenty of time and notice to interested parties.

Randolph Planning Commission

Special Meeting

Wednesday, January 3rd at 6:00 p.m.

This meeting will be remote access only.

To participate via Zoom: <https://us06web.zoom.us/j/2271876830?omn=82045253491>

To participate via phone: (646) 931-3860 or (929) 436-2866

Meeting ID: 227 187 6830

Let me know if you have questions. I'm tied up until 5:15 on that Wednesday, but can jump on at 6 p.m. if that's useful.

Regards,

-T

From: Jeff Grout <groutaz@gmail.com>
Sent: Thursday, December 28, 2023 12:22 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Cc: Larry Satcowitz <Larry@satcowitz.com>
Subject: EXTERNALPC Special Meeting 2024-01-03 Davis Solar Project

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Hi Trevor,

A draft for a special PC meeting is attached. I believe that we can call a Deliberative session after the open meeting to discuss as a Committee in private with no distractions, but I wanted to confirm with you. So, please revise as necessary.

And a few other questions:

Can this meeting be on-line only? That might be the most convenient for everyone, but I do think most can make it in person.

If we have a hybrid meeting, does it need to be on the OWL, or can we give people a meeting ID and/or have them call in?

We should probably get the agenda posted this week since next week is a short one.

Please feel free to respond by email, but if it is easier to discuss, please feel free to give me a call 602-573-7655.

Thank you!

Jeff Grout

From: [Jeff Grout](#)
To: [Eileen London](#); [Sheila Jacobs](#); [Mathew Johnson](#); [Larry Satcowitz](#)
Cc: [Mark Rosalbo](#); [Trevor Lashua](#)
Subject: EXTERNALRe: Randolph PC Meeting Wednesday January 3, 2024
Date: Monday, January 1, 2024 2:14:30 PM
Attachments: [SB_DRAFT_Minutes - 12-14-23 \(v.01\).pdf](#)
[20220225 Exhibit RDS MS-14 Planning Commission 12 14 21 Letter to Petitioner FINAL \(1\).pdf](#)
[20231011 Order Remanding Case to Hearing Officer for Further Proceedings.pdf](#)

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And here is some background information in case you have not previously seen it.

1. SB 12-14-23 minutes para. 5.h line 85
2. Notice of Discrepancy
3. PUC Remanding notice

Best regards,
Jeff Grout

On Mon, Jan 1, 2024 at 2:00 PM Jeff Grout <groutaz@gmail.com> wrote:

Hello and Happy New Year,

I just wanted to make sure that all are aware of the PC meeting this Wednesday at 6 pm. It will be an online meeting only.

The agenda is attached and here is a link:

https://randolphvt.org/vertical/sites/%7BD7EA543D-4DEE-41D3-BD57-86E65A3C936B%7D/uploads/2024-01-03_Agenda_PCmeeting.pdf

See you there!
Jeff

From: [Trevor Lashua](#)
To: "Jeff Grout"
Subject: RE: EXTERNALRe: PC Meeting items
Date: Tuesday, January 2, 2024 10:53:00 AM
Attachments: [Letter to PUC verifying satisfaction of conditions is met \(v.01: on letterhead\).pdf](#)
[image001.png](#)

Here's the draft – the SB's guidance was to keep the letter short and to the point.
-T

From: Jeff Grout <groutaz@gmail.com>
Sent: Sunday, December 31, 2023 12:42 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALRe: PC Meeting items

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Trevor,
Oops - one more thing.
Has this letter been drafted yet?
I would like to show a reference copy to members of the PC prior to the Wednesday evening meeting if it is available.

After considerable discussion, the Board members collectively agreed that the request was narrow, and that enforcement of provisions of the permitting and regulatory process was the State's.

Tom moved that the Town draft a letter, stating that the conditions of the December 2021 letter have been satisfied, and to include all applicable references and citations in the letter. Larry seconded. The motion passed 5-0.

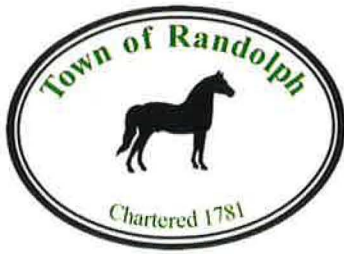
Thank you!
Jeff

On Sun, Dec 31, 2023 at 12:29 PM Jeff Grout <groutaz@gmail.com> wrote:

Hi Trevor,
A few questions when you get a chance - no hurry!!

- Michael Binder sent a request to be notified whenever a special PC meeting is scheduled. Is there a process to track these requests? The PC can track it through our PC secretary, but I wanted to make sure that I did not override an existing process.
- Also, unless you want to attend (for some spirited discussion) I will need the Zoom Meeting host email and PW for the online PC meeting by Wednesday in order to run that meeting remotely.

Apologies for the interruption and that is all for now.
Happy New Year!
Jeff



TOWN OF RANDOLPH, VERMONT

January __, 2024

Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Filed via ePUC

Dear Clerk Anderson,

The Town of Randolph writes this letter to verify that the site plan submitted to the Commission ("Exhibit RDS MS-2A Site Plan") shows that the condition of the Town's December 2021 letter ("Exhibit RDS MS-14") has been satisfied.

Both exhibits are attached; meeting minutes are available online (www.randolphvt.org).

Sincerely,

Trini Brassard, Chair
Randolph Selectboard

Matthew Johnson, Chair
Randolph Planning Commission

From: [Trevor Lashua](#)
To: martin@norwichsolar.com
Cc: [Jim Merriam](#); staskus@norwichsolar.com
Subject: RE: EXTERNALRandolph Davis Solar follow up
Date: Tuesday, January 2, 2024 3:54:00 PM
Attachments: [image001.png](#)

Geoff,

As was discussed at the meeting, we've written a letter that fits what the Selectboard stated it wanted and shared that with the Planning Commission.

Regards,
-Trevor

From: AdminAssist <AdminAssist@randolphvt.org>
Sent: Tuesday, January 2, 2024 2:57 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: FW: EXTERNALRandolph Davis Solar follow up

From: Geoff Martin <martin@norwichsolar.com>
Sent: Tuesday, January 2, 2024 2:44 PM
To: AdminAssist <AdminAssist@randolphvt.org>
Cc: Jim Merriam <merriam@norwichsolar.com>; Martha Staskus <staskus@norwichsolar.com>
Subject: EXTERNALRandolph Davis Solar follow up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Trevor,

I'm just following up on my voicemail from earlier today about the Randolph Davis Solar Project. The minutes from the December 14 Selectboard meeting state:

"Tom moved that the Town draft a letter, stating that the conditions of the December 2021 letter have been satisfied, and to include all applicable references and citations in the letter."

Has something been drafted/signed? If not, I've provided the attached sample letter for your convenience.

Jim (cc'd) and I are meeting with the Planning Commission tomorrow evening, and I have shared the same sample letter with them.

Thank you,



Geoff Martin | Development Project Manager

Phone: 802.281.3213 ext. 3034

Email: martin@norwichsolar.com

Mail: 15 Railroad Row, Suite 101

White River Junction, VT 05001



DATE

Filed via ePUC

Vermont Public Utility Commission
ATTN: Clerk Anderson

RE: Randolph Davis Solar LLC - October 11, 2023 PUC Order

Dear Clerk:

Per the PUC Order issued on October 11, 2023, the undersigned state as follows:

The Town of Randolph Planning Commission and Selectboard are satisfied that the condition stated in our letter dated December 14, 2021, Exh. RDS-MS-14, has been met.

Sincerely,

Town of Randolph
Planning Commission

Name:

Title:

Signature:

Town of Randolph
Selectboard

Name:

Title:

Signature:

From: [AdminAssist](#)
To: [Trevor Lashua](#)
Subject: FW: EXTERNALRe: Randolph Davis Order
Date: Friday, January 5, 2024 3:01:55 PM
Attachments: [20231011 Order Remanding Case to Hearing Officer for Further Proceedings.pdf](#)
[image004.png](#)
[image006.png](#)

From: Geoff Martin <martin@norwichsolar.com>
Sent: Thursday, January 4, 2024 4:03 PM
To: Jeff Grout <groutaz@gmail.com>; AdminAssist <AdminAssist@randolphvt.org>
Cc: Martha Staskus <staskus@norwichsolar.com>
Subject: EXTERNALRe: Randolph Davis Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Trevor,

I sent the email below to Jeff a couple of minutes ago, but should have included you as well.

Sincerely,



Geoff Martin | Development Project Manager

Phone: 802.281.3213 ext. 3034

Email: martin@norwichsolar.com

Mail: 15 Railroad Row, Suite 101

White River Junction, VT 05001

On Thu, Jan 4, 2024 at 3:58 PM Geoff Martin <martin@norwichsolar.com> wrote:

Hi Jeff,

The Order (attached) says that Randolph Davis Solar LLC needs to file evidence within 90 days of the Order. The Order was issued October 11, 2023, so 90 days is January 9, 2024. See page 32 of the document (35 of the PDF).

Thanks and let me know if you need anything else.

Best,



Geoff Martin | Development Project Manager

Phone: 802.281.3213 ext. 3034

Email: martin@norwichsolar.com

Mail: 15 Railroad Row, Suite 101
White River Junction, VT 05001

From: [Trevor Lashua](#)
To: [Johnson Matthew](#)
Cc: ["Jeff Grout"](#)
Subject: PUC Letter - Norwich Solar
Date: Friday, January 5, 2024 5:11:00 PM

Good evening,

The PUC letter is ready to sign; Trini signed on behalf of the Board last night.

It's on the executive assistant's desk in my office.

Thanks,
-Trevor

From: [Trevor Lashua](#)
To: ["Jeff Grout"](#)
Subject: RE: EXTERNALRe: EXTERNALFwd: Randolph Davis Order
Date: Friday, January 5, 2024 5:52:00 PM
Attachments: [image001.png](#)

Thanks. My email to him bounced back, so hopefully he got yours. It's on Kim's old desk if he happens to ask.

From: Jeff Grout <groutaz@gmail.com>
Sent: Friday, January 5, 2024 11:56 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALRe: EXTERNALFwd: Randolph Davis Order

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Sounds like too many cooks in the kitchen.

Thank you for getting it signed. I just let Mathew know it is ready for his signature. You may have already advised him.

Thank you!

Jeff

On Fri, Jan 5, 2024 at 11:29 AM Trevor Lashua <Trevor@randolphvt.org> wrote:

Trini signed last night, so it just needs Matthew's signature. Geoff can get as snarky as he wants, but Jim Merriam is the one who provided the 1/11 deadline in the initial email. If he wants a highlighted reference to that, I'll happily provide it.

From: Jeff Grout <groutaz@gmail.com>
Sent: Friday, January 5, 2024 10:07 AM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALFwd: Randolph Davis Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Trevor,

Norwich solar sent me the following email explaining why the approval is due by January 9. Feel free to contact me with any questions/comments or respond to Geoff directly.

Thank you!

Jeff

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

From: **Geoff Martin** <martin@norwichsolar.com>
Date: Thu, Jan 4, 2024, 3:58 PM

Subject: Randolph Davis Order

To: Jeff Grout <groutaz@gmail.com>

Hi Jeff,

The Order (attached) says that Randolph Davis Solar LLC needs to file evidence within 90 days of the Order. The Order was issued October 11, 2023, so 90 days is January 9, 2024. See page 32 of the document (35 of the PDF).

Thanks and let me know if you need anything else.

Best,



Geoff Martin | Development Project Manager

Phone: 802.281.3213 ext. 3034

Email: martin@norwichsolar.com

Mail: 15 Railroad Row, Suite 101

White River Junction, VT 05001



From: [Jim Merriam](#)
To: [Trevor Lashua](#)
Cc: martin@norwichsolar.com
Subject: EXTERNALRe: FW: Town of Randolph -- Letter of Verification and Compliance (21-2939-NMP)
Date: Monday, January 8, 2024 5:15:02 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Trevor.

Let's hope this is the last request on this project!

Jim

On Mon, Jan 8, 2024 at 4:59 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

FYI.

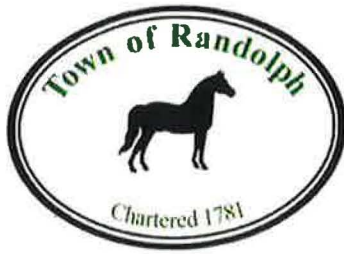
From: Trevor Lashua
Sent: Monday, January 8, 2024 5:02 PM
To: 'puc.clerk@vermont.gov' <puc.clerk@vermont.gov>
Subject: Town of Randolph -- Letter of Verification and Compliance (21-2939-NMP)

Good afternoon,

The Town of Randolph is seeking guidance on how best to submit the attached letter regarding Case No. 21-2939-NMP (Randolph Davis Solar LLC). Do we file it through the ePUC system, provide it to the applicant (as it's a condition of theirs), or some other fashion?

Thanks,

-Trevor



TOWN OF RANDOLPH, VERMONT

January 4, 2024

Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Filed via ePUC

Dear Clerk Anderson,

The Town of Randolph writes this letter to verify that the site plan submitted to the Commission ("Exhibit RDS MS-2A Site Plan") shows that the condition of the Town's December 2021 letter ("Exhibit RDS MS-14") has been satisfied.

Both exhibits are attached; meeting minutes are available online (www.randolphvt.org).

Sincerely,

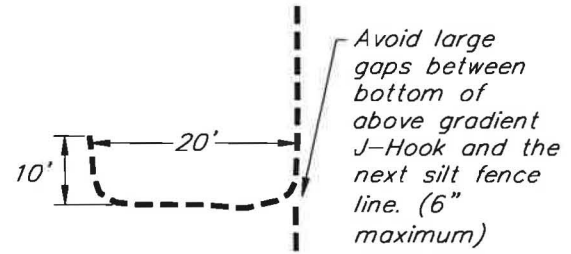
Trini Brassard, Chair
Randolph Selectboard

Matthew Johnson, Chair
Randolph Planning Commission



at completion of project per OSPC.
 ne is not sufficient, replace with orange
ction Limit Barrier
 N.T.S.

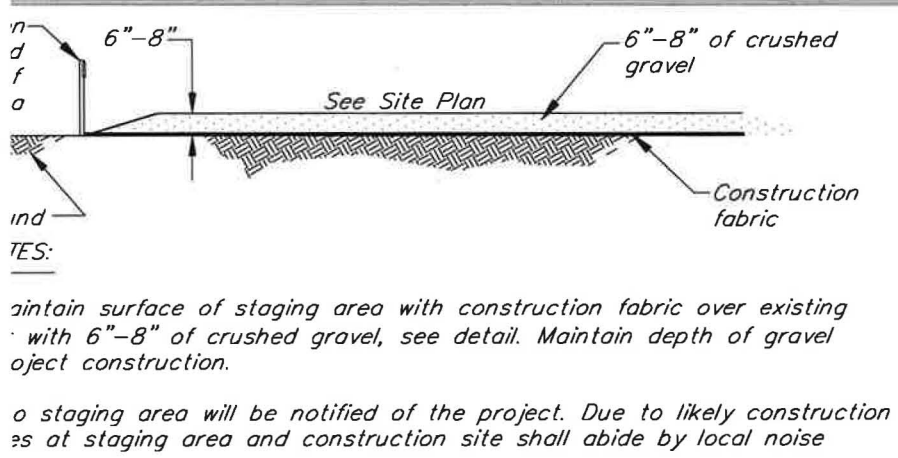
Slope Steepness	Maximum spacing between silt fence J-Hooks (ft.)
2:1 Slope (50%)	25
3:1 Slope (33%)	50
4:1 Slope (25%)	75
5:1 Slope or Flatter (50%)	100



- sand bar
- 8. Contract 940-361
- 9. Silt fence
- 10. Silt fence flow.
- 11. Drainage fence.

Typical Silt Fence "J-Hook" Construction

N.T.S.



Permanent Seed Mix shall be used as early as practicable between 5/15 and 9/15 and shall meet the following criteria:

Seed	% Weight
Red Fescue	50%
Sheep Fescue	25%
Red Top	5%
White Clover	10%
Annual Rye	10%

Temporary Seed Mix shall be used between 9/16 and 5/14 and shall meet the following criteria:

Seed	% Weight	% Germination
Winter Rye	80% Minimum	85 Min.
Red Fescue (Creeping)	4 Min.	80 Min.
Perennial Rye Grass	3 Min.	90 Min.
Red Clover	3 Min.	90 Min.
Other Crop Grass	0.5 Max.	
Noxious Weed Seed	0.5 Max.	
Inert Matter	1.0 Max.	

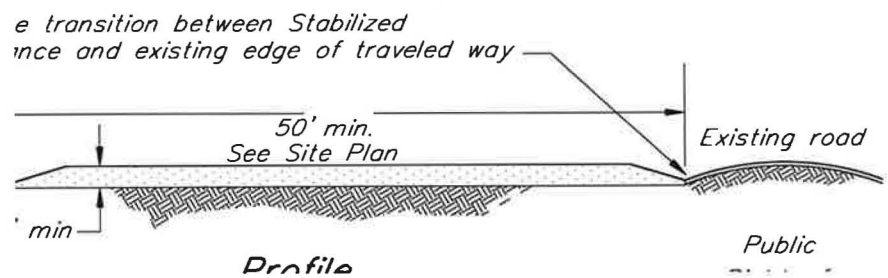
- CONSTRUCTION
1. Set spacir downstrea
 2. Extend th cutting ar
 3. Protect th erosion wi
 4. Ensure th dams are
 5. Stone Che permanen at the dir

is likely to be used for parking during construction, staging of materials, base of project operations and miscellaneous project

ect construction completion, staging area will be removed. Top layer of d and construction fabric shall be removed and properly disposed of. area covered by staging area by seeding, mulching, and erosion control 'ing, etc as necessary.

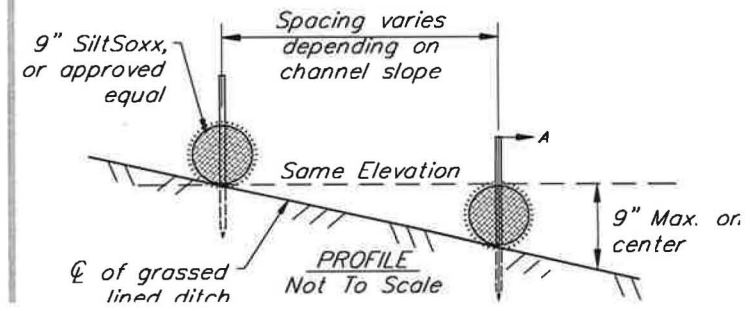
Staging Area Plan and Details

N.T.S.

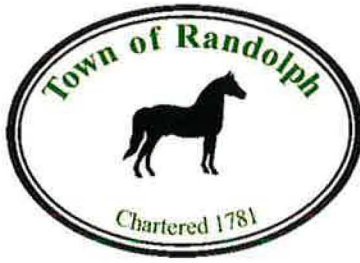


- Notes:
1. Contractor shall stabilized construction entrance as required to prevent tracking of sediment off-site.
 2. Contractor to use Mirafi 500x under stone for temporary

Seeding Specifications



Use F
 Mirafi
 approved
 substrate i.



TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x13

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

14 December 2021

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

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

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

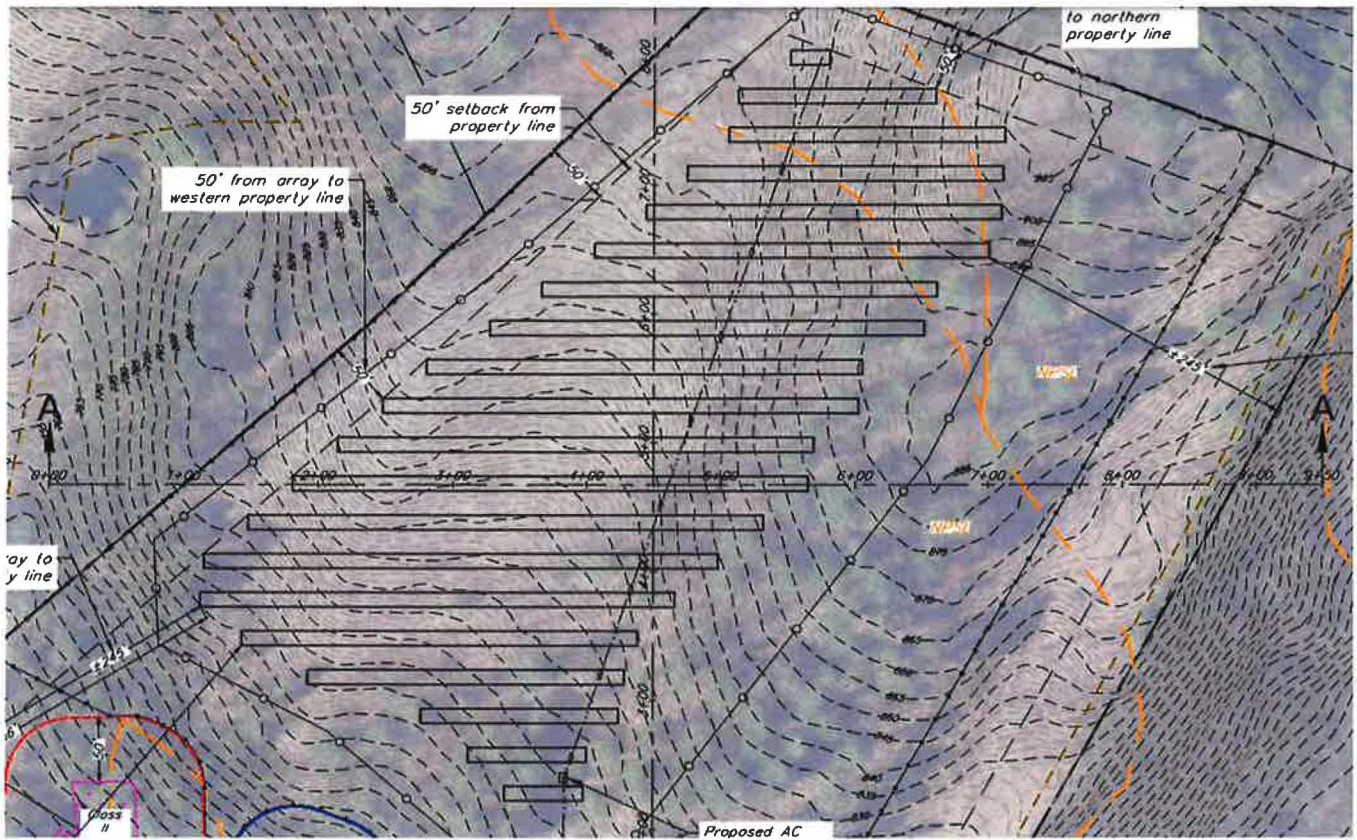
We request that the onsite survey data mentioned above be provided to both the Town of Randolph and the Allen/Binders. We further request to see your final Solar Array plot plan prior to construction.

Thank you for your attention to this matter.

Respectfully

//original signed//

George "Sonny" Holt
Chair
Randolph Planning Commission



8434051_1:12602-00071

Trevor Lashua

From: Trevor Lashua
Sent: Tuesday, January 9, 2024 5:03 PM
To: 'PUC - Clerk'
Subject: RE: EXTERNALVT Public Utility Commission RE: Town of Randolph -- Letter of Verification and Compliance (21-2939-NMP)

Thank you.

Regards,
-Trevor

From: PUC - Clerk <PUC.Clerk@vermont.gov>
Sent: Monday, January 8, 2024 11:14 PM
To: Trevor Lashua <Trevor@randolphvt.org>
Subject: EXTERNALVT Public Utility Commission RE: Town of Randolph -- Letter of Verification and Compliance (21-2939-NMP)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the Town of Randolph is not a party in the case, your filing can be filed as a public comment in the matter. Public comments can be filed directly into the case as a public comment in our ePUC system, or public comments may be mailed or emailed to the Commission for uploading into the case. Once uploaded into the public comments section of a case, notification of the filing is sent to the petitioner and all other parties in the case.

We will upload the public comment document you emailed into the case in ePUC.

Holly R. Anderson (she/her)
Clerk of the Vermont Public Utility Commission
ePUCSystem Administrator

Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701
802-828-2358
PUC.Clerk@vermont.gov
holly.anderson@vermont.gov
PUC.ePUCAdmin@vermont.gov

**** The Vermont Public Utility Commission does not provide legal advice to persons that may appear before us. This email is not legal advice. The content of this email is intended for general information purposes only. Any information provided is only general information and should not be interpreted as applying to any specific situation. Further, any such general information is based on the Commission's current interpretation of its statutes, rules, and orders, all of which could be changed at any time. Do not consider email or phone contact with the Clerk's Office or other Commission staff as a substitute for obtaining legal advice from a qualified attorney, and do not act or refrain from acting based on the information contained in this email.**

From: Trevor Lashua <Trevor@randolphvt.org>
Sent: Monday, January 8, 2024 5:02 PM
To: PUC - Clerk <PUC.Clerk@vermont.gov>
Subject: Town of Randolph -- Letter of Verification and Compliance (21-2939-NMP)

You don't often get email from trevor@randolphvt.org. [Learn why this is important](#)

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

Good afternoon,

The Town of Randolph is seeking guidance on how best to submit the attached letter regarding Case No. 21-2939-NMP (Randolph Davis Solar LLC). Do we file it through the ePUC system, provide it to the applicant (as it's a condition of theirs), or some other fashion?

Thanks,
-Trevor

Trevor Lashua

From: Stephanie Tyler <smtsbrvt@gmail.com>
Sent: Wednesday, January 10, 2024 1:21 PM
To: Trevor Lashua
Cc: Comcast; Larry Satcowitz; Tom Ayres gmail contact; Alissa Matthews
Subject: EXTERNALRe: FW: EXTERNALPublic Records Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No records

On Wed, Jan 10, 2024, 1:14 PM Trevor Lashua <Trevor@randolphvt.org> wrote:
Good afternoon all,

Please see the attached. If you have no records, please simply reply noting such (i.e. "No records").

Let me know if you have questions.

Regards,
-T

-----Original Message-----

From: Michael Binder <michaeljbinder@yahoo.com>
Sent: Wednesday, January 10, 2024 12:47 PM
To: Trevor Lashua <Trevor@randolphvt.org>; Trevor Lashua <Trevor@randolphvt.org>
Cc: Joan Allen <joanbarballen@gmail.com>
Subject: EXTERNALPublic Records Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Trevor Lashua

From: Alissa Matthews <amatthews.rsb@gmail.com>
Sent: Wednesday, January 10, 2024 1:49 PM
To: Stephanie Tyler
Cc: Trevor Lashua; Comcast; Larry Satcowitz; Tom Ayres gmail contact
Subject: EXTERNALRe: FW: EXTERNALPublic Records Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No records.

On Wed, Jan 10, 2024 at 1:21 PM Stephanie Tyler <smtsbrvt@gmail.com> wrote:
No records

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To: Trevor Lashua <Trevor@randolphvt.org>; Trevor Lashua <Trevor@randolphvt.org>
Cc: Joan Allen <joanbarballen@gmail.com>
Subject: EXTERNALPublic Records Request

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From: [Larry Satcowitz](#)
To: [Trevor Lashua](#)
Subject: EXTERNALRe: FW: EXTERNALPublic Records Request
Date: Saturday, January 13, 2024 11:05:01 AM

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Here's what I've got:

Jeff Grout Sat, Dec 23, 2023, 5:44 PM

to Sheila, Eileen, Larry, Mathew, Mark

Hello all,

Norwich Solar has asked the Planning Commission to hold a special meeting to discuss the Davis Road Solar Preferred Site letter that the Randolph PC issued before any of us were on the commission. They require our response ASAP because they are required to respond to the VT PUC by January 9th.

It would be ideal if we could have a short meeting next week, possibly on Thursday evening December 28th.

Could you please let me know if you are available on this date, and if not, when you would be available sometime prior to January 5th.

Please 'Reply All' so that you can see other responses and we can hopefully zero in on a date/time. I will send out additional information and a meeting packet once we have nailed down a date.

In order to ensure that we do not violate VT open meeting law, do not discuss the case on this thread; please just list your availability.

Thank you!

Jeff Grout

[Comments on PC Meeting 3 Jan 2024](#)

Sonny Holt Wed, Jan 3, 10:05 PM (10 days ago)

to Johnson, Jeff, me, Sheila, Eileen, Trevor, Trini, Tom

Hi Matt

There were a number of false claims presented at tonight's meeting. Here's a short rebuttal of some of those claims. There was a very comprehensive 86 page backgrounder provided to the Selectboard by the PC on 8 Dec 2022, And on 10 Dec 2022 I gave a short summary briefing to the SB that addressed some of those false claims and also provided findings and the PC's recommendation to "Keep in place the "Preferred Siting" Letter granted to Norwich Technologies for the Davis Road Solar Array."

FALSE CLAIMS AND ACCUSATIONS:

- **Claim:** The PC broke the Town Plan law when they issued a Preferred Sighting Letter to NST because solar panels would be mounted on slopes greater than 25%.

- **False:** Norwich Solar Technologies did not violate the Town Plan when they initially requested a "Preferred Siting" letter from the Planning Commission on 1 June 2021. Their solar array plot plan did not show any solar panels on slopes greater than 25%. However, for reasons unknown, Norwich Solar Technologies changed their solar array plot plan on 4 August 2021 for review by the Public Utilities Commission.

- **Claim:** At the 7 Dec 2021 meeting the Planning Commission decided to rescind the Preferred Sites Letter but they were going to make sure they wouldn't be in legal hot water first.

- **False:** There was no decision made to rescind the letter at that meeting.

- **Claim:** NST promised that if the Planning Commission did not rescind the Preferred Sites Letter they would not place solar panels on slopes greater than 25%.

- **False:** There were no promises asked for nor given by either the Planning Commission or Norwich Technologies.

- **Claim:** After the December meeting, the Planning Commission members communicated privately by email with Norwich Solar Technologies (NST). The Norwich Solar Technologies attorney told them that the town had no legal basis to prohibit their development on steep slopes.

- **False:** The assertion that somehow a deal was struck between the Planning Commission and Norwich Technologies is false. There was no communication with the NST attorney. There is no known conflict of interest between PC members

and NST.

- **Claim:** One third [33%] of panels are on slopes greater than 25%. (They earlier claimed that more than 50% were on steep slopes.)
- **False:** Only 13% of panels were shown to be on slopes greater than 25%.

FINDINGS (as presented to the Seloectboard on 10 Feb 2022)

1. Norwich Solar Technologies did not violate the Town Plan when they requested a "Preferred Siting" letter from the Planning Commission on 1 June 2021.
2. For reasons unknown, Norwich Solar Technologies changed their solar array plot plan on 4 August 2021 for review by the Public Utilities Commission.
3. At an open meeting on 7 December 2021 the Planning Commission confirmed that the 4 August plot plan violated the 25% steep slopes prohibition of the Town Plan.
4. On 10 Dec. Norwich Solar Technologies was put on notice that if they planned to put solar panels on steep slopes then the Town of Randolph may have to revoke their preferred sites letter.
5. Norwich guaranteed to both the Planning Commission and the Public Utilities Commission that "the array will be arranged so that solar panels within the current limit of disturbance are not installed on slopes greater than 25%."
6. (**Shortly after 22 Dec 2021**) The PUC ruled "Because the status of the preferred designation letter has not changed, the Adjoining Landowners' motion to stay the proceeding is denied."

Sonny

George "Sonny" Holt

On Wed, Jan 10, 2024 at 1:13 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

Good afternoon all,

Please see the attached. If you have no records, please simply reply noting such (i.e. "No records").

Let me know if you have questions.

Regards,
-T

-----Original Message-----

From: Michael Binder <michaelbinder@yahoo.com>

Sent: Wednesday, January 10, 2024 12:47 PM

To: Trevor Lashua <Trevor@randolphvt.org>; Trevor Lashua <Trevor@randolphvt.org>

Cc: Joan Allen <joanbarballen@gmail.com>

Subject: EXTERNALPublic Records Request

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Trevor Lashua

From: Sheila Jacobs <Sheila.Jacobs@MascomaBank.com>
Sent: Tuesday, January 16, 2024 3:03 PM
To: Trevor Lashua; Jeff Grout; Mathew Johnson; Eileen London
Subject: EXTERNALRE: *EXTERNAL*Davis Road/Binder - public records request

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No Records

Sheila Jacobs | VP Business & Municipal Services Manager | **Mascoma Bank**
P.O. Box 4399 | 243 Sykes Mt Avenue | White River Junction, VT 05001
Phone: (603) 442-4692 | sheila.jacobs@mascomabank.com



From: Trevor Lashua <Trevor@randolphvt.org>
Sent: Tuesday, January 16, 2024 3:04 PM
To: Jeff Grout <groutaz@gmail.com>; Mathew Johnson <mathew@sparcinsights.com>; Eileen London <eileenmlondon@gmail.com>; Sheila Jacobs <Sheila.Jacobs@MascomaBank.com>
Subject: *EXTERNAL*Davis Road/Binder - public records request

Good afternoon all,

The Town received a public records request from Michael Binder and Joan Allen in regards to the Davis Road solar project.

I have my communications with Jeff, along with the emails scheduling the PC meeting and conveying materials/links. I also believe I have all of the documents, site plans, letters, etc. referenced in the various communications.

If you can forward anything you have to me at your earliest convenience, that would be appreciated.

If you don't have any records, please reply with an email stating, simply: "No records." If you have questions, please let me know.

Thanks,
-Trevor

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or disclosure of information e-mailed in error is respectfully prohibited. If you have received this e-mail in error, please contact the sender and immediately delete the original message.

Trevor Lashua

From: Eileen London <eileenmlondon@gmail.com>
Sent: Tuesday, January 16, 2024 3:27 PM
To: Sheila Jacobs
Cc: Trevor Lashua; Jeff Grout; Mathew Johnson
Subject: EXTERNALRe: *EXTERNAL*Davis Road/Binder - public records request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No Records
Sent from my iPhone

On Jan 16, 2024, at 3:03 PM, Sheila Jacobs <Sheila.Jacobs@mascomabank.com> wrote:

No Records

Sheila Jacobs | VP Business & Municipal Services Manager | **Mascoma Bank**
P.O. Box 4399 | 243 Sykes Mt Avenue | White River Junction, VT 05001
Phone: (603) 442-4692 | sheila.jacobs@mascomabank.com

<image001.png>

From: Trevor Lashua <Trevor@randolphvt.org>
Sent: Tuesday, January 16, 2024 3:04 PM
To: Jeff Grout <groutaz@gmail.com>; Mathew Johnson <mathew@sparcinsights.com>; Eileen London <eileenmlondon@gmail.com>; Sheila Jacobs <Sheila.Jacobs@MascomaBank.com>
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-Trevor

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Trevor Lashua

From: Mathew Johnson <mathew@sparcinsights.com>
Sent: Tuesday, January 16, 2024 4:24 PM
To: Jeff Grout
Cc: Trevor Lashua; Eileen London; Sheila Jacobs
Subject: EXTERNALRe: Davis Road/Binder - public records request

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I have nothing

Mathew Johnson, Ph.D.
calendly.com/mathew-sparc

On Jan 16, 2024, at 4:07 PM, Jeff Grout <groutaz@gmail.com> wrote:

Hi Trevor,
All I have is the meeting notices, which you probably already have.
Thank you!
Jeff

On Tue, Jan 16, 2024 at 2:59 PM Trevor Lashua <Trevor@randolphvt.org> wrote:

Good afternoon all,

The Town received a public records request from Michael Binder and Joan Allen in regards to the Davis Road solar project.

I have my communications with Jeff, along with the emails scheduling the PC meeting and conveying materials/links. I also believe I have all of the documents, site plans, letters, etc. referenced in the various communications.

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If you don't have any records, please reply with an email stating, simply: "No records." If you have questions, please let me know.

Thanks,

-Trevor