

Exhibit JA-MB-10

From: Michael Binder <michaeljbinder@yahoo.com>
Sent: October 18, 2023 1:56 PM
To: mark@randolphvt.org
Subject: Davis Rd Solar
Attachment: 6-29-23 Herald.pdf

Hi Mark,

I was pleased to meet you yesterday.

The PUC recently ordered the applicant (Norwich Solar) to go back to the town to affirm (or deny) the preferred sites letter.

This was unexpected and unprecedented. The purpose of a hearing at the PUC is to determine if a project meets the section 248 criteria (orderly development, erosion, water quality, wildlife, etc).

The order states that no decisions have been made on section 248 criteria... instead the PUC has determined (after 2 years) that the application is not complete because of the problems with the preferred site letters. If the Letters are affirmed, the PUC will then consider the section 248 issues.

If the PC and SB affirm the Letters (which they should not), it is extremely likely that when the PUC considers the section 248 criteria, the PUC will find that the project violates the town plan and is not consistent with orderly development. That would be an embarrassment to the town SB and PC.

My wife and I will certainly attend all PC and SB meetings with Davis Rd Solar on the agenda.

There is quite a bit of testimony and exhibits before the PUC. My original prefiled testimony is very lengthy and concerns the town processes that resulted in preferred sites letters being issued for a prohibited site in the town plan. If you are interested I can send you a link to that testimony and exhibits. (it is also available to the public at the ePUC website).

In this email I have attached my surrebuttal testimony. The exhibits that go with it are too large for email, so here is a link to them on my google drive: [it's easier to use my link than navigate the ePUC website].

https://drive.google.com/drive/folders/1dP6j_tj3baIPv0y8oH9Q-Xyfor09XZIf?usp=share_link

Please be sure to look at exhibit MB-39 "A Slippery Slope" which may be viewed as a slideshow. It was very influential in the PUC order.

Exhibit MB-40 "Concentrated Runoff" explains why a project like Davis Rd should be denied even if a town does not have a slope prohibition.

Finally, I have also attached a letter I wrote about the project (published in the Herald about 3 months ago).

Sincerely,
Michael Binder

From: Michael Binder <binder@alum.mit.edu>
Sent: October 29, 2023 10:42 AM
To: Jeff Grout <jgrout@trorc.org>
Subject: How to contact Randolph Planning Commission

Hi Jeff,

I am writing to you because yours is the only email address I have for any member of the Randolph PC. I am writing to request that you send me the email addresses of the Randolph PC members, or at least that of the Chair, Matthew Johnson.

The only contact info for the PC on the Randolph web site is "zoning@randolphvt.org" and Mark Rosalbo does not provide PC support.

I would like to correspond with the PC so that I might learn about how and when the PC produces its meeting packets. How far in advance of a meeting are the packets available to the PC members?

If and when Norwich Solar's Davis Rd project is on a future PC agenda, we (my wife, Joan Allen and I) will want to submit some documents for the PC packet (and, of course, participate in the meeting). If and when we see Norwich Solar on a warned agenda, is it already too late to add something to the PC packet?

Some of our exhibits (all are pdf or jpeg format) have color site plans and illustrations... Are the packets printed or distributed by email? If printed, do you have color printing?

If the packet is distributed by email, some exhibits (such as annotated site plans) are large and may require a separate email for each large attachment. Some documents are best distributed as an

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email with a link to the cloud where the document may be viewed and/or downloaded.

Sincerely,
Michael Binder
1953 Davis Rd
Randolph Center, VT 05061
802 728-4830 [landline, no text]

From: Jeff Grout
Sent: October 31, 2023 3:26 PM
To: Michael Binder <binder@alum.mit.edu>
Subject: Re: How to contact Randolph Planning Commission

Hi Michael,
I copied the PC Chair Mathew Johnson on this email.
We are waiting to hear from Norwich Solar or the PUC before this item is added to a PC meeting agenda. When it is, it will be notified per the standard PC meeting process. Items for the PC packet are requested one week in advance. There could be some overlap, but this issue will probably take some time to review, so it will likely take a few meetings to address.

Thank you for the advance notice as we will be sure to review your materials before making any decisions on this matter.

Best regards,
Jeff Grout

From: Michael Binder <michaeljbinder@yahoo.com>
Sent: December 31, 2023 1:14 PM
To: groutaz@gmail.com, mathew@sparcinsights.com
Subject: Re: Request for Notification of Special Meetings
Attachment: MB-39 A Slippery Slope.pdf; binder-surrebuttal-final.pdf

Jeff,

Thanks for the notification of the meeting. I do appreciate it. Will there be a packet distributed to the PC members?

In as much as the meeting is remote only, will I be able to screen share some documents?

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One of the 3 or 4 documents I would like to share is my PUC exhibit MB 39 "A Slippery Slope". I have attached it to this email and would appreciate it if you would distribute it to the other members of the PC so they can digest it before the meeting.

The exhibit will help you understand why the PUC has sent this back to the town.

Sincerely,
Michael Binder

Quotes for the New Year:

TRORC Plan Page 241 Solar Siting:

“Sites with raw solar potential are flat to gently sloping and face east, south, or west.”

TRORC Plan Page 242 Hierarchy of Suitability:

“As mentioned earlier, only lands with good exposure and gentle slopes make sense for solar development.”

From: Michael Binder <michaeljbinder@yahoo.com>
Sent: January 1, 2024 9:39 AM
To: groutaz@gmail.com, mathew@sparcinsights.com
Subject: Re: Request for Notification of Special Meetings
Attachment: MB-53 484 points.pdf; MB-40 Concentrated Runoff.pdf

Happy New Year Jeff and Mathew,

Please also include these (attached) documents in the PC packet:

MB-53 "484 points" is a one page document that is a companion to and referred to in MB-39 "Slippery Slope".

MB-40 "Concentrated Runoff" demonstrates WHY slope prohibitions are necessary and that Randolph's 25% slope prohibition is generous and quite liberal compared to other jurisdictions. There is no reason why Randolph should bend their rules for this project.

Something I will discuss at the PC meeting is the discovery I served on Scott Homsted (the engineer who created the site plans). He admitted in discovery that a LiDAR slope layer would show greater than 25% slopes that are not shown on the slope layer (derived from a survey) in the site plans.

Sincerely,
Michael Binder