



August 1st, 2023

City of Essex Junction City Council
City of Essex Junction Planning Commission
Chittenden County Regional Planning Commission

**Re: Essex A North Lot Solar, LLC's 45-Day Notice to Persons and Entities
Entitled to Notice Pursuant to Public Utility Commission Rule 5.402(A), for a
Proposed 4.95 MW Solar Array to be located off Robinson Pkwy in Essex Junction,
VT.**

Dear Sir or Madam:

Essex A North Lot Solar, LLC (the "Applicant"), is pleased to provide you with this 45-Day notice in advance of filing a petition for a Certificate of Public Good with the Vermont Public Utility Commission ("Commission" or "PUC"), for a 4.95 MW solar electric generation facility to be known as the "Essex A North Lot Solar Project" (the "Project"). The Applicant proposes to construct the Project on GlobalFoundries property located off Robinson Parkway in Essex Junction, Vermont (the "Site"). This notice is provided in accordance with 30 VSA § 248, Vermont Statutes Annotated ("Section 248"), and Public Utility Commission Rule 5.402.

Pursuant to Commission Rule 5.402, the following letter includes information sufficient to understand the overall Project including the location of the facility, a description of the proposed Project, construction plans and equipment to be used. This letter also describes the rights of the noticed parties to comment on the Project plans and participate in the Section 248 review process.

This letter contains descriptions of the following:

- I. 30 V.S.A. § 248 Process Information;
- II. Project Description;
- III. Site Selection and Consideration of Alternatives
- IV. Construction and Transportation
- V. Preliminary Assessment of Environmental and Aesthetic Impacts;
- VI. Project Benefits;
- VII. Expected Filing Date.

Included as attachments to this letter are:

- I. Location Map / Preliminary Site Plan
- II. Preliminary Natural Resources Map

II. Representative Equipment Specifications

I. 30 V.S.A. Section 248 Petition and Notice

The state permitting process for electric generation facilities requires the Applicant to provide notice to certain entities and persons 45-days prior to a formal filing with the PUC. These include:

- The affected municipal legislative bodies;
- The affected municipal and regional planning commissions; and
- The Public Utility Commission.

The Applicant has also provided this 45-day notice to:

- The Department of Public Service
- The Agency of Natural Resources

Per Commission Rule 5.402(A), the municipal and regional planning commissions shall make recommendations, if any, at least seven (7) days prior to the intended filing date, which filing date is expected to be 45 days from the date of this notice.

Affected municipal and regional planning commissions may also provide revised recommendations within 45 days of the date on which the Applicant files its petition with the Commission, if the petition contains new or more detailed information that was not previously included in the original filing with the municipal and regional planning commissions pursuant to Section 248(f).

Recommendations made to the Commission pursuant to Section 248(f), or the lack of such recommendations, shall not preclude municipal or regional planning commissions from presenting evidence during technical hearings if granted party status.

Please send all recommendations during this 45-Day notice period to:

Vermont Public Utility Commission
c/o Clerk of the Commission
112 State Street
Montpelier, VT 05620-2701

AND

Encore Renewable Energy
Attn: Phillip D. Foy
P.O. Box 1072
Burlington, VT 05402
Tel: (802) 861-3023

phillip@encorerenewableenergy.com

For additional information regarding this process, including your commission's right to participate in the Public Utility Commission proceeding, please refer to the "Citizen's Guide to the Vermont Public Utility Commission's Section 248 Process," which can be found at <https://puc.vermont.gov/document/citizen-guide-public-utility-commission>.

II. Project Description

The Applicant is proposing a 4.95 MW solar project on property located off Robinson Parkway in Essex Junction, Vermont. The array will occupy roughly 30 acres of the greater 228-acre parcel. The electricity generated by this Project will flow to GlobalFoundries' electric grid.

The Site location, array footprint, and approximate property boundaries are shown in the preliminary site plan attached as Exhibit 1. Vermont Route 117 is to the north of the Project. In summary, the Project will consist of:

- Approximately 12,000 solar panels installed on ground-mounted racking systems across roughly 30 acres of the Site:
 - Coated with non-reflective glazing;
 - Approximately 10-15 feet off the ground at their highest point.
 - Modules are to be mounted on fixed tilt racking systems with rows running east-west.
- A network of string inverters dispersed across the array connected with underground cables installed in protective conduit;
- A 7-8 ft agricultural style perimeter fence;
- Temporary laydown area for delivery and short-term storage of materials; and
- An approximate 850-ft extension of 3-phase power to the Site for interconnection into GMP's grid, from the existing distribution service on Robinson Parkway;
- Utilizing GlobalFoundries' existing road infrastructure for access for the projects

III. Site Selection and Consideration of Alternatives

This site was selected because of the site's proximity to substation infrastructure, access to three phase transmission infrastructure, even topography, and limited environmental impacts.

The applicant worked with its consultants to configure the Project in a way that would maximize the potential energy generation benefits while minimizing environmental and aesthetic impacts. The Applicant will continue working with all stakeholders prior to filing the CPG petition and thereafter to address any concerns.

IV. Construction & Transportation

The Applicant proposes to deliver materials for the Project using trucks and state and local roads, which are accustomed to the type of traffic representative of the proposed daily delivery of materials. Deliveries will be made to a temporary construction staging area on the Site, located off the proposed access drive. Most all transportation activity will occur during the construction phase, which would last between three and five months.

The Project is not expected to require oversize or overweight deliveries. Access to and from the Site will be restricted by perimeter fencing in order to secure the Site and prevent the public from entering the facility. All equipment associated with the Project will be installed in accordance with all applicable regulations and electrical codes.

V. Preliminary Impact Assessment

i. Aesthetics

The project would be setback approximately 345 feet from Route 117, which is north of the Project. From a preliminary review by Encore Renewable Energy, it is planned that screening plantings will be planted between the Project and Route 117.

In preparation for the CPG application for the Project, the Applicant will engage T.J. Boyle Associates of Burlington, Vermont to perform a review of potential aesthetic impacts resulting from the Project.

Overall, preliminary review by Encore Renewable Energy indicates that the Project would not result in undue impacts to the aesthetic and scenic and natural beauty of the area. The Applicant will continue to work with Essex Junction, adjoining property owners, and T.J. Boyle Associates in order to address any potential aesthetic impacts. The Applicant will file the complete TJ Boyle aesthetic report, and final mitigation measures, where warranted, with the complete petition.

ii. Environmental

The Applicant has engaged VHB, Inc. to perform preliminary due diligence as well as detailed natural resource assessments and delineations, including both database and field surveys. Results of those studies will be provided in the final petition.

Given that the project is located within an existing agricultural field, parking lots, and previously disturbed mound of soil, the likelihood of impacts to most natural resources is low. VHB will conduct natural resource assessments, and impact analyses (where applicable) will be completed for criteria considered under Section 248 and as relevant to any additional necessary environmental permitting.

The Applicant will consult with state and federal agency staff as necessary pending results of detailed natural resource studies, which will inform Project design to avoid resources where possible and/or secure necessary permits, reviews, and approvals.

VI. Project Benefits

The Project is being developed in cooperation with GMP to provide locally generated renewable energy to GlobalFoundries. As its own electric utility, the Project will contribute to GlobalFoundries' achievement of the requirements under the Vermont Renewable Energy Standards by creating new, locally generated renewable energy. In addition, the Project will generate a new source of property tax revenue for the municipality.

VII. Conclusion

The Project is not expected to result in undue adverse impacts to the applicable criteria. The Applicant looks forward to submitting the full Section 248 petition package, which will contain all of the information required by the PUC to evaluate the merits of the Project for potential award of a Certificate of Public Good and inform others of the Project's impacts and value.

The Applicant intends to file a Section 248 Petition and supporting materials with the PUC soon after the expiration of this 45-day notice period, which is expected to be no sooner than October 5th, 2023.

We look forward to receiving any input or suggestions you may have as we move through the Section 248 process. If you have any questions you may direct them to the Applicant by phone at 802-861-3023 or by email at phillip@encorerenewableenergy.com.

Sincerely,



Phillip D. Foy
General Counsel
Encore Renewable Energy

Attachment 1 – Preliminary Site Plan
Attachment 2 – Preliminary Natural Resources Map
Attachment 3 – Representative Equipment Specifications

Copy to:

Vermont Public Utility Commission
112 State Street
Montpelier, Vermont 05620-2701

Department of Public Service
James Porter, Director for Public Advocacy
112 State Street - Third Floor
Montpelier, Vermont 05620-2601

Agency of Natural Resources
Secretary's Office
1 National Life Drive, Davis 2
Montpelier, Vermont 05620-3901

Green Mountain Power
163 Acorn Lane
Colchester, VT 05446

GlobalFoundries
1000 River Street
Essex Junction, VT 05452

Chittenden County Regional Planning Commission
110 W Canal St #202
Winooski, VT 05404

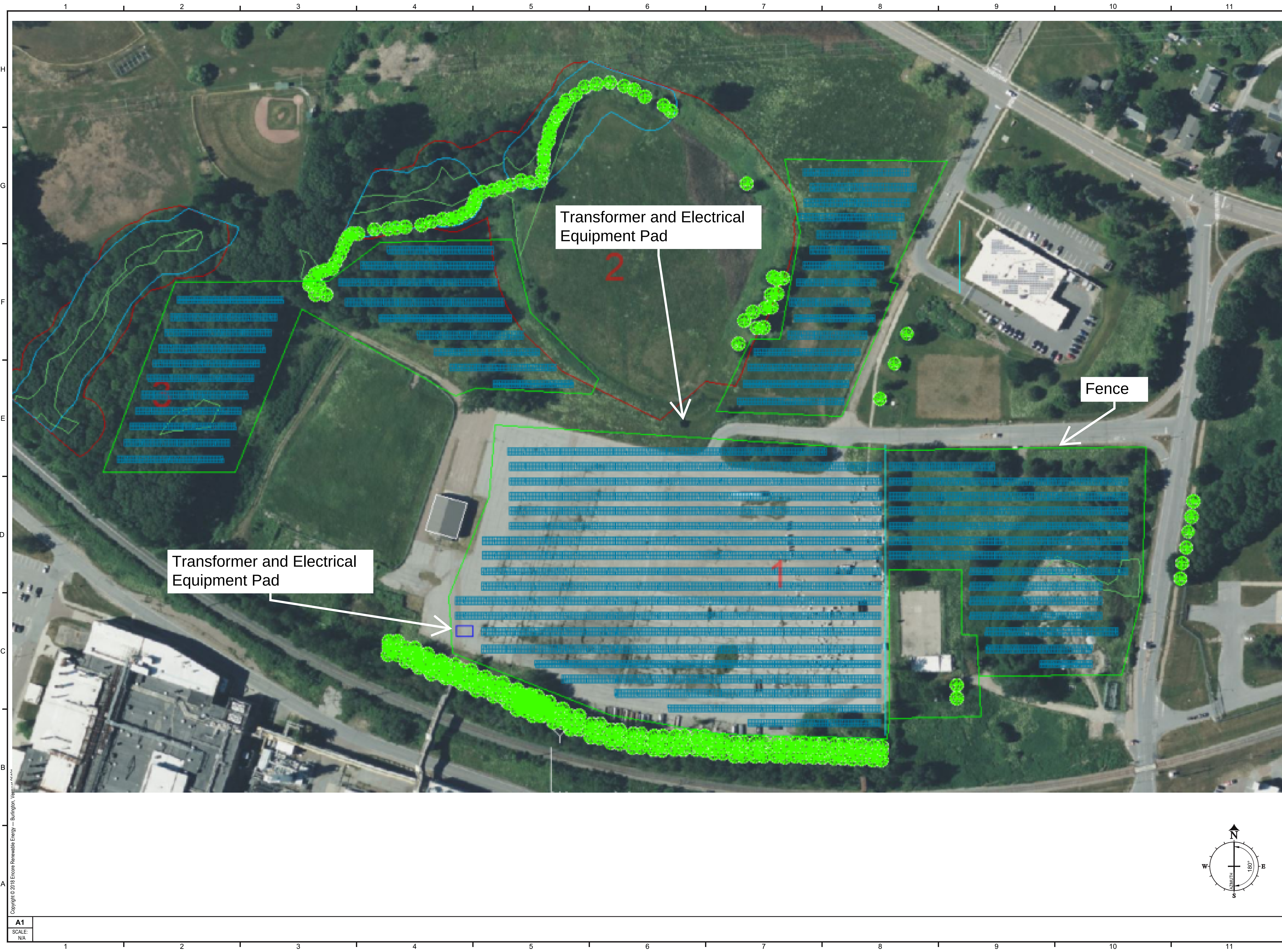
City of Essex Junction City Council
2 Lincoln St
Essex Junction, VT 05452

City of Essex Junction Planning Commission
2 Lincoln St
Essex Junction, VT 05452

Natural Resources Board
District #6 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201

Agency of Agriculture and Food Markets
Secretary Anson Tebbetts
116 State Street
Montpelier, Vt 05620-2901

Department of Historic Preservation
Laura V. Trieschmann
One National Life Drive
Deane C. Davis Building, 6th Floor
Montpelier, VT 05620-0501



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A1
SCALE:
N/A

Leaders in Distributed Energy Generation.
110 Main Street, Suite 2E
Burlington, VT 05401
802-861-3023
www.encorerenewableenergy.com

PROFESSIONAL SEAL

ENGINEER'S SEAL APPLIES TO DESIGN OF STRUCTURAL COMPONENTS ONLY

Global Foundries IX Group A

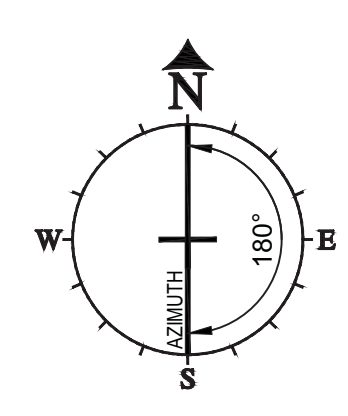
Concept Plan

Type	Fenced Area	
FT	~30 acres	
Intrawrow Spacing	Tilt	Azimuth
	25°	180°
Module Rating / Count		
540W 12,428 Modules		
DC Rating	AC Rating	
6.711 MW	4.95 MW	
Interconnection		
Existing line	Line Extension	Site Extension
x ft	y ft	z ft

RELEASE RECORD

5	08/01/2023	45 Day Notice ZB
4	03/17/2023	
3	09/14/2022	
2	09/08/2022	
1	09/06/2022	
DATE	DESCRIPTION	

PROJECT INFORMATION
TITLE & ADDRESS:
1040 Robinson Pkwy,
Essex Junction, 05452
ER PROJECT No.:
DRAWN BY: ZB
REVIEWED BY:
SHEET TITLE:
Concept Plan
SHEET No.:
P-102





LEGEND

- Mapped Vernal Pools
- Rare Threatened and Endange
- RTE Animal
- RTE Plant
- Deer Wintering Areas
- Wetland - VSWI
 - Class 1 Wetland
 - Class 2 Wetland
 - Wetland Buffer
- Parcels (standardized)
- Stream
 - Stream
 - Intermittent Stream
- Roads
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary



1: 4,127

July 21, 2023



NOTES

Map created using ANR's Natural Resources Atlas

210.0 0 105.00 210.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 344 Ft. 1cm = 41 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



PREC BIFACIAL

PV MODULE

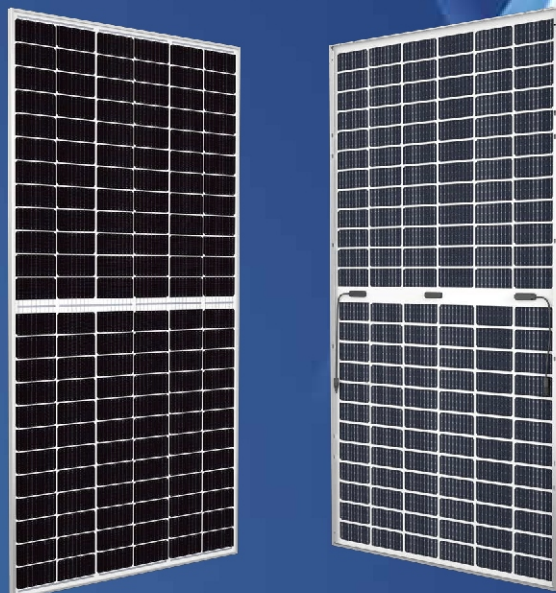
ET-M772BH525TW 530W

ET-M772BH530TW 535W

ET-M772BH535TW 540W

ET-M772BH540TW 545W

ET-M772BH545TW 550W



KEY FEATURES



Enhanced safety by excellent fire resistance



Perfect for sandy, snowy and high latitude regions



Bifacial technology enables additional energy harvesting from rear side(up to 25%)

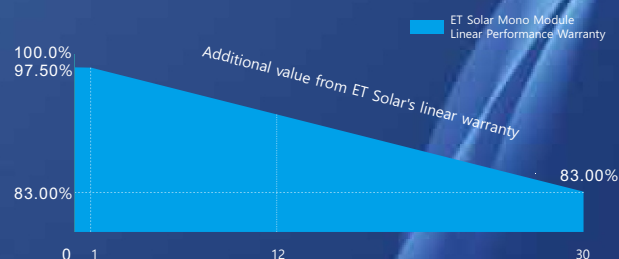


Lower operating temperature, more reliable



Cut cell, Less internal power loss, Less mismatch loss

WARRANTY



IEC61215
IEC61730
UL61215
UL61730



Guarantee on product material and workmanship



linear power output warranty

ET SOLAR
support@etsolar.hk



ELECTRICAL SPECIFICATIONS

Module Type	ET-M772BH530TW ET-M772BH530TB		ET-M772BH535TW ET-M772BH535TB		ET-M772BH540TW ET-M772BH540TB		ET-M772BH545TW ET-M772BH545TB		ET-M772BH550TW ET-M772BH550TB	
Maximum Power -P _{mp} (W)	530	398	535	401	540	405	545	409	550	349
Open Circuit Voltage -V _{oc} (V)	49.30	46.20	49.45	46.24	49.60	46.28	49.75	46.32	49.90	46.16
Short Circuit Current -I _{sc} (A)	13.72	11.29	13.79	11.38	13.86	11.46	13.93	11.54	14.00	11.20
Maximum Power Voltage -V _{mp} (V)	41.31	37.18	41.47	37.24	41.64	37.30	41.80	37.36	41.96	37.12
Maximum Power Current -I _{mp} (A)	12.83	10.69	12.90	10.77	12.97	10.86	13.04	10.94	13.11	11.03
Module Efficiency STC-η _m (%)	20.5%		20.7%		20.8%		21.0%		21.3%	
Power Tolerance (W)					(0 , +4.99)					
Pmax Temperature Coefficient					-0.350%/°C					
Voc Temperature Coefficient					-0.290 %/°C					
Isc Temperature Coefficient					+0.048 %/°C					

STC: Irradiance 1000 W/m² module temperature 25°C AM=1.5

REAR SIDE POWER GAIN (ET-M772BH535TW)

Parameter	10%	15%	20%	25%
Power Gain	10%	15%	20%	25%
Maximum Power - P_{mp} (W)	589	615	642	669
Open Circuit Voltage - V_{oc} (V)	49.06	49.06	49.06	49.06
Short Circuit Current - I_{sc} (A)	15.13	15.81	16.50	17.19
Maximum Power Voltage - V_{mp} (V)	42.67	42.67	42.67	42.67
Maximum Power Current - I_{mp} (A)	13.79	14.42	15.05	15.68

MECHANICAL SPECIFICATIONS

External Dimension	2279 x 1134 x 35mm
Weight	28kg
Solar Cells	PERC Mono crystalline 182 x 91 mm (144pcs)
Front Glass	3.2mm AR coating tempered glass
Frame	Anodized aluminium alloy
Junction Box	IP68, 3 diodes
Output Cables	4.0 mm², Portrait:350mm(+)/250mm(-) Or customized
Connector	MC4 Compatible

APPLICATION CONDITIONS

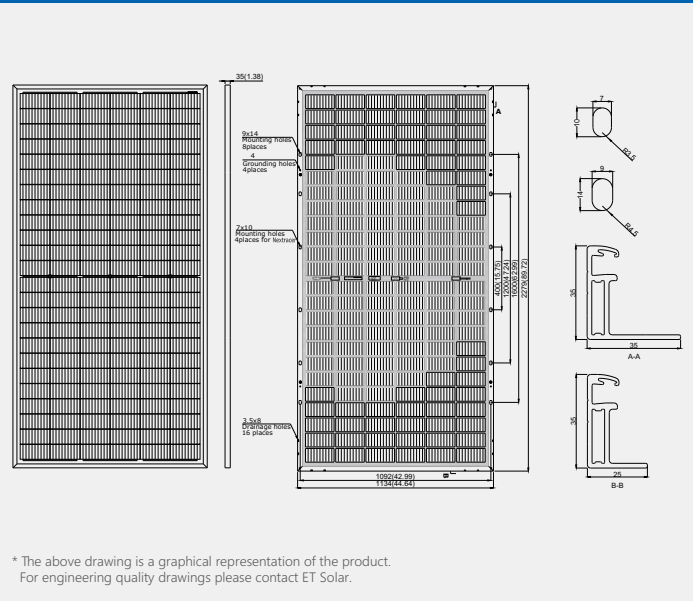
Maximum System Voltage	1500VDC
Maximum Series Fuse Rating	30A
Operating Temperature	-40~+85 °C
Nominal Operating Cell Temperature	45±2 °C

PACKING MANNER

Container	40'HQ
Pieces per Pallet	31
Pallets per Container	20
Pieces per Container	620

PHYSICAL CHARACTERISTICS Unit:mm

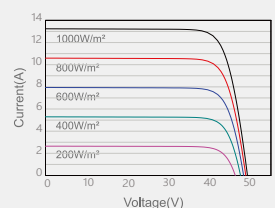
Unit:mm



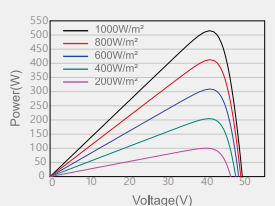
* The above drawing is a graphical representation of the product.
For engineering quality drawings please contact ET Solar.

CURVE

Current-Voltage Curve (530W)



Power-Voltage Curve (530W)



Note: the specifications are obtained under the Standard Test Conditions (STCs): 1000 W/m² solar irradiance, 1.5 Air Mass, and cell temperature of 25°C. The NOCT is obtained under the Test Conditions: 800 W/m², 20°C ambient temperature, 1m/s wind speed, AM 1.5 spectrum.

The specifications are subject to change without prior notice.

100/125kW, 1500Vdc String Inverters for North America



CPS SCH100/125KTL-DO/US-600

The 100 & 125kW high power CPS three phase string inverters are designed for ground mount applications. The units are high performance, advanced and reliable inverters designed specifically for the North American environment and grid. High efficiency at 99.1% peak and 98.5% CEC, wide operating voltages, broad temperature ranges and a NEMA Type 4X enclosure enable this inverter platform to operate at high performance across many applications. The CPS 100/125kW products ship with the Standard or Centralized Wire-box, each fully integrated and separable with AC and DC disconnect switches. The Standard Wire-box includes touch safe fusing for up to 20 strings. The CPS FlexOM Gateway enables communication, controls and remote product upgrades.

Key Features

- NFPA 70, NEC 2014 and 2017 compliant
- Touch safe DC Fuse holders adds convenience and safety
- CPS FlexOM Gateway enables remote FW upgrades
- Integrated AC & DC disconnect switches
- 1 MPPT with 20 fused inputs for maximum flexibility
- Copper and Aluminum compatible AC connections
- NEMA Type 4X outdoor rated, tough tested enclosure
- Advanced Smart-Grid features (CA Rule 21 certified)
- kVA Headroom yields 100kW @ 0.9PF and 125kW @ 0.95PF
- Generous 1.87 and 1.5 DC/AC Inverter Load Ratios
- Separable wire-box design for fast service
- Standard 5 year warranty with extensions to 20 years



100/125KTL Standard Wire-box



100/125KTL Centralized Wire-box

Model Name	CPS SCH100KTL-DO/US-600		CPS SCH125KTL-DO/US-600
DC Input			
Max. PV Power	187.5kW		
Max. DC Input Voltage	1500V		
Operating DC Input Voltage Range	860-1450Vdc		
Start-up DC Input Voltage / Power	900V / 250W		
Number of MPP Trackers	1		
MPPT Voltage Range ¹	870-1300Vdc		
Max. PV Input Current (Isc x1.25)	275A		
Number of DC Inputs	20 PV source circuits, pos. & neg. fused (Standard Wire-box) 1 PV output circuit, 1-2 terminations per pole, non-fused (Centralized Wire-box)		
DC Disconnection Type	Load-rated DC switch		
DC Surge Protection	Type II MOV (with indicator/remote signaling), Up=2.5kV, In=20kA (8/20uS)		
AC Output			
Rated AC Output Power	100kW	125kW	
Max. AC Output Power ²	100kVA (111KVA @ PF>0.9)	125kVA (132KVA @ PF>0.95)	
Rated Output Voltage	600Vac		
Output Voltage Range ³	528-660Vac		
Grid Connection Type ⁴	3Φ / PE / N (Neutral optional)		
Max. AC Output Current @600Vac	96.2/106.8A	120.3/127.0A	
Rated Output Frequency	60Hz		
Output Frequency Range ³	57-63Hz		
Power Factor	>0.99 (±0.8 adjustable)	>0.99 (±0.8 adjustable)	
Current THD	<3%		
Max. Fault Current Contribution (1-cycle RMS)	41.47A		
Max. OCPD Rating	200A		
AC Disconnection Type	Load-rated AC switch		
AC Surge Protection	Type II MOV (with indicator/remote signaling), Up=2.5kV, In=20kA (8/20uS)		
System			
Topology	Transformerless		
Max. Efficiency	99.1%		
CEC Efficiency	98.5%		
Stand-by / Night Consumption	<4W		
Environment			
Enclosure Protection Degree	NEMA Type 4X		
Cooling Method	Variable speed cooling fans		
Operating Temperature Range	-22°F to +140°F / -30°C to +60°C (derating from +113°F / +45°C)		
Non-Operating Temperature Range ⁵	-40°F to +158°F / -40°C to +70°C maximum		
Operating Humidity	0-100%		
Operating Altitude	8202ft / 2500m (no derating)		
Audible Noise	<65dBA@1m and 25°C		
Display and Communication			
User Interface and Display	LED Indicators, WiFi + APP		
Inverter Monitoring	Modbus RS485		
Site Level Monitoring	CPS FlexOM Gateway (1 per 32 inverters)		
Modbus Data Mapping	SunSpec/CPS		
Remote Diagnostics / FW Upgrade Functions	Standard / (with FlexOM Gateway)		
Mechanical			
Dimensions (WxHxD)	45.28x24.25x9.84in (1150x616x250mm) with Standard Wire-box 39.37x24.25x9.84in (1000x616x250mm) with Centralized Wire-box		
Weight	Inverter: 121lbs / 55kg; Wire-box: 55lbs / 25kg (Standard Wire-box); 33lbs / 15kg (Centralized Wire-box)		
Mounting / Installation Angle	15 - 90 degrees from horizontal (vertical or angled)		
AC Termination	M10 Stud Type Terminal [3Φ] (Wire range: 1/0AWG - 500kcmil CU/AL, Lugs not supplied) Screw Clamp Terminal Block [N] (#12 - 1/0AWG CU/AL)		
DC Termination	Screw Clamp Fuse Holder (Wire range: #12 - #6AWG CU) - Standard Wire-box Busbar, M10 Bolts (Wire range: #1AWG - 500kcmil CU/AL [1 termination per pole], #1AWG - 300kcmil CU/AL [2 terminations per pole], Lugs not supplied) - Centralized Wire-box		
Fused String Inputs	20A fuses provided (Fuse values of 15A or 20A acceptable)		
Safety			
Safety and EMC Standard	UL1741-SA-2016, CSA-C22.2 NO.107.1-01, IEEE1547a-2014; FCC PART15		
Selectable Grid Standard	IEEE 1547a-2014, CA Rule 21, ISO-NE		
Smart-Grid Features	Volt-RideThru, Freq-RideThru, Ramp-Rate, Specified-PF, Volt-VAR, Freq-Watt, Volt-Watt		
Warranty			
Standard ⁶	5 years		
Extended Terms	10, 15 and 20 years		

1) See user manual for further information regarding MPPT Voltage Range when operating at non-unity PF

2) "Max. AC Apparent Power" rating valid within MPPT voltage range and temperature range of -30°C to +40°C (-22°F to +104°F) for 100KW PF ≥0.9 and 125KW PF ≥0.95

3) The "Output Voltage Range" and "Output Frequency Range" may differ according to the specific grid standard.

4) Wye neutral-grounded, Delta may not be corner-grounded.

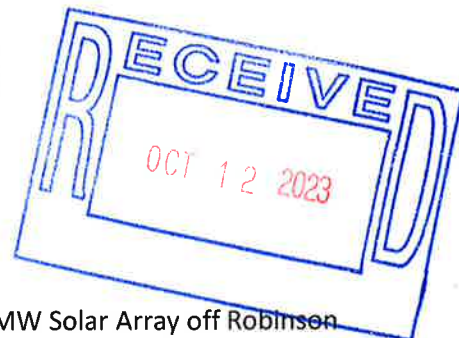
5) See user manual for further requirements regarding non-operating conditions.

6) 5 year warranty effective for units purchased after October 1st, 2019.



September 29, 2023

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



Re: Essex A North Lot Solar, LLC (GlobalFoundries) Petition for 4.95 MW Solar Array off Robinson Parkway, Essex Junction (case #23-2606-AN)

Dear Ms. Anderson,

The City of Essex Junction has received the 45-day notice of the above-named application submitted by Encore Renewable Energy to develop a 2.8 MW solar array to be located off Robinson Parkway in Essex Junction, VT on a parcel owned by GlobalFoundries, Inc.

The City's Planning Commission has reviewed this project's conformance with the Essex Community Enhanced Energy Plan, and with the Essex Junction Comprehensive Plan, both of which were adopted in 2019.

Essex Community Enhanced Energy Plan Renewable Energy Goal

The City finds that this project meets the intent of the Renewable Energy Generation Goal of the Enhanced Energy Plan, which aims to "generate between 211,386 and 353,629 Mwh of renewable energy by 2050".

The Enhanced Energy Plan recognizes the potential for a significant portion of the City's total solar generation potential to be realized on existing impervious surfaces, such as paved areas. Page 21 of the Plan states that "Because these sites are already developed, solar generation may be compatible with other land uses if developed in a way that is in harmony with existing development patterns and existing aesthetic norms". The proposed solar project is mostly sited on existing impervious surface parking lots.

Constraints Policies

The Enhanced Energy Plan states that renewable energy facility development should be located to avoid state and local known constraints, and to minimize impacts to state and local possible constraints. Our review indicates that the following constraints are located on the property:

State Possible Constraints

- **Agricultural and Hydric Soils.** Primary Agricultural Soils underlie a majority of the site, some of which may be considered previously impacted by the development of the existing parking lots. The City of Essex Junction requests that further impacts to the agricultural soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture, Food, and Markets.

Local Known Constraints

- **Slopes of 20% and steeper are NOT considered to be Local Known Constraints within the City of Essex Junction.** While the Enhanced Energy Plan generally lists the slopes of 20% and steeper to be a “local known constraint”, the City does not prohibit the siting of solar generation in these areas (unlike the Town of Essex, which does). As such, these areas are not shown within Map 2 of the Plan within the boundaries of the City of Essex Junction.

Siting Policies

The site meets the Essex Junction Enhanced Energy Plan’s siting policies, which define characteristics of sites where the City encourages renewable energy generation facilities. These relevant standards, with the most applicable components bolded for emphasis are:

- Policy 1: “The Essex Community strongly encourages development of renewable energy generation facilities on rooftops, **parking lots**, on parcels or directly adjacent parcels to a customer that has been allocated more than fifty percent of the net-metered system’s electrical output, **previously-developed sites**, brownfields, landfills, former mineral resource extraction areas, and municipally designated sites.”.
- Policy 5: “Locate energy generation **proximate to existing distribution and transmission infrastructure** with adequate capacity and **near areas with high electric load** to reduce the need for new distribution and transmission extensions.

This review is based on the information currently available. The City of Essex Junction will review and comment on materials submitted as the Section 248 review process continues.

Thank you for your time and attention.

Sincerely,



Patrick Scheld
Essex Junction Planning Commission Vice-Chair

CC: Essex Junction City Council
Chris Yuen, Essex Junction Community Development Director

Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620-2901
(Phone) 802.828.2430

September 19, 2023

Winston E Chip Alley Solar, LLC; Essex A North Lot Solar, LLC; Williston F Mountain View Solar, LLC
c/o Jake Clark, Encore Renewable Energy

by e-mail to Jake@encore.eco

Re: Case numbers 23-2608-AN, 23-2606-AN, 23-2609-AN

Dear Jake Clark

Please accept my apology for sending this after the end of the 45-day notice period. In the hope that it will nonetheless help with the design for the eventual petitions, the Agency of Agriculture, Food & Markets (AAFM) provides the following general comments for an application for a Certificate of Public Good (CPG). AAFM is authorized to provide project-specific review and bill back for its time pursuant to 30 V.S.A. chapter 1.

Section 248 requires that petitions for electric-generation facilities greater than 50 kW include information that delineates the presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed, the amount of those soils to be disturbed, and any other proposed impacts to those soils. Physical disturbance includes construction, excavation, grading, placing items on the soil, cutting or clearing trees, and areas of vehicle usage or other soil compaction.

Section 248 requires that petitioners show their proposed facilities “will not have an undue adverse effect on . . . primary agricultural soils as defined in 10 V.S.A. § 6001.” 30 V.S.A. § 248(b)(5). Primary agricultural soils as defined in 10 V.S.A. § 6001(15) include: (A) soils that the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) has mapped as having a rating of prime, statewide, or local importance; and (B) soils on the project tract that are of agricultural importance “due to their present or recent use for agricultural activities.” The petition should delineate both types of primary agricultural soils on the project tract.

In addition, the site plan filed with the petition should show the location of any proposed primary agricultural soil stockpiles.

If the project site is subject to an Act 250 permit, please include in the petition the Act 250 permit number(s) and any language in the permit pertaining to primary agricultural soils.



If there are primary agricultural soils on the Project site, please include the following conditions in the proposed CPG, as applicable:

1. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of the law, primary agricultural soils (PAS), as defined in 10 V.S.A. § 6001, located on the site of a solar electric generation facility approved under this section, shall remain classified as such soils, and the review of any change in use of the site after construction of the facility shall treat the soils as if the facility had never been constructed.
2. In areas where PAS will be excavated, the CPG Holder shall stockpile the PAS separately by soil horizon, making sure these piles are located and planted with ground cover as appropriate to prevent erosion and preserve integrity, and shall comply with AAFM's *Act 250 Procedure: Reclamation of Vermont Agricultural Soils*, https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf (rev. Oct. 30, 2014) ("AAFM Guidelines"). The CPG Holder shall stockpile the PAS within the project fence or in a similarly secure place and on slopes less than 15%. The CPG Holder shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project decommissioning. The requirements of this paragraph shall not apply to driven piles or posts to support the solar array, fence posts, and any other driven posts necessary to support infrastructure without the use of concrete or masonry.
3. If installing electric conduit or other project features using fill or other imported material of any kind in areas of PAS, the CPG Holder shall remove any PAS in a manner that separates soil horizons, stockpile the displaced layer(s) for the life of the Project, and replace the remaining soil horizons in their original sequence to fill the trench after installation of the conduit or other project feature. When decommissioning and removing electric conduit or other project features, the CPG Holder shall excavate and replace soil horizons in the same way, this time removing the conduit or other item and imported material and replacing it with the stockpiled layer(s) that the imported material previously displaced, restoring the original sequence of soil layers.
4. The Project shall not include any grading of PAS, unless required to manage stormwater associated with construction of the access road. Any soil or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier, such as geotextile fabric.
5. In areas of tree cutting within PAS, any stump removal shall occur using light equipment, such as a skid steer or small excavator, at the time of tree cutting and other construction activities. To minimize soil disturbance, grubbing in the proposed tree cutting/grubbing area shall involve only what is necessary to remove tree stumps and woody debris to construct the Project. Tree stumps shall be shaken clean over the area from which they were removed and either chipped or ground up. Chips and ground wood shall be used to fill any minor depressions in areas where trees were removed, widely dispersed so as not to form significant piles, and/or transported offsite for proper disposal. Wood in any form shall not be piled onsite after construction is complete.
6. To reduce impacts to PAS from soil compaction, the CPG Holder shall not use any vehicle or equipment with an axle load (the fraction of gross weight distributed over each axle) of over 12,000 pounds on wet soils. Wet soils exist when the site has seen higher than average rainfall for a trailing 30-day period, based on National Weather Service or similar state or federal rainfall data.



This prohibition shall not apply to the use of any onsite gravel roads that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.

7. Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10 percent.
 - a. The CPG Holder shall undertake the soil tests and mitigate any material change in soil bulk density as follows:
 - i. Before construction, for each area of direct impact such as staging areas, access roads, and any area on the Project site where axle loads (the fraction of the gross weight distributed over each axle) of construction vehicles or equipment will exceed 12,000 pounds per vehicle, the CPG Holder will collect two soil samples at least 100 feet apart and test them using the method "Bulk Density Test" described in the Natural Resources Conservation Service "Soil Quality Test Kit Guide." (Currently available online at https://efotg.sc.egov.usda.gov/references/public/WI/Soil_Quality_Test_Kit_Guide.pdf.)
 - ii. In any areas of primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped soil unit before construction and shall otherwise follow the same testing protocols.
 - iii. At the end of the decommissioning process, the CPG Holder shall repeat the testing at the same locations tested before construction. If the post-decommissioning soil bulk density for any sample shows an increase in soil bulk density from preconstruction soil bulk density that is greater than 10 percent, then the CPG Holder shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.
 - b. The CPG Holder shall serve test results upon AAFM within 60 days of the test, as follows:
 - i. By email and U.S. Mail to counsel of record in this matter, as listed in PUC records at the time of service; and
 - ii. By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service.

AAFM may provide additional comments and propose additional CPG conditions after reviewing the application.

Sincerely,

Alexander DePillis
Senior Agricultural Development Coordinator

