

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of VT Real Estate Holdings 2 LLC for a	)	
Certificate of Public Good, pursuant to 30 V.S.A. §	)	
248, authorizing the installation and operation of a 20	)	Case No. 24-2945-PET
MW solar electric generation facility off Airport Road	)	
in Fair Haven, Vermont to be known as the “Fair	)	
Haven Solar Project”	)	

PETITIONER VT REAL ESTATE HOLDINGS 2 LLC’S
PROPOSED FINDINGS OF FACT AND ORDER

September 5, 2025

List of Materials in Evidence (all parties)

The following items were admitted into evidence and make up the record in this matter.

VT Real Estate Holdings 2 LLC
Direct Testimony of Reed Wills (9/17/24)
Supplemental Testimony of Reed Wills (1/2/25)
Supplemental Testimony of Andrew Day (8/8/25)
FHS-AD-1: Project Design Comparison Plan
FHS-RW-1: Resume of Reed Wills
FHS-RW-2: Contextual Site Plans
FHS-RW-3: Illustrative Project Equipment Specifications
FHS-RW-4: Decommissioning Plan
FHS-RW-5: GMP Trans. Line Uprate Plans
FHS-RW-6: Fair Haven Solar Project Town Road Setback Agreement
Direct Testimony of Stephanie Wyman (9/17/24)
Supplemental Testimony of Stephanie Wyman (8/8/25)
FHS-SW-1: Resume of Stephanie Wyman
FHS-SW-2a (Rev.): Site Plans
FHS-SW-2b (Rev.): Site Plans
FHS-SW-2c (Rev.): Site Plan Details and Cross Sections
FHS-SW-3: Waste Disposal and Soil Erosion Assessment
FHS-SW-4: Primary Agricultural Soils Assessment
Direct Testimony of Adam Crary (9/17/24)
(Rev.) Supplemental Testimony of Adam Crary (8/11/25)
FHS-AC-1: Resume of Adam Crary
FHS-AC-2: Natural Resources Assessment Memo
FHS-AC-2 (Rev. Attach. 1): Revised Natural Resources Map
FHS-AC-3 (Rev.): Vegetation Management Plan
FHS-AC-4 (Rev.): Snake Management Practices Memorandum
FHS-AC-5: Grassland Bird Habitat Memorandum
FHS-AC-6: Natural Resources Memo for GMP Trans. Line Uprate
Direct Testimony of Britta Tonn (9/17/24)
Supplemental Testimony of Britta Tonn (1/2/25)
FHS-BT-1: Resume
FHS-BT-2: Historic Resources Report
FHS-BT-3: Archaeological Investigation Reports
FHS-BT-4: Fair Haven Solar-VDHP MOU

Direct Testimony of Michael Willard (9/17/24)
Affidavit of Michael Willard (8/8/25)
FHS-MW-1: Resume
FHS-MW-2: Aesthetics and Orderly Development Analysis Report
Direct Testimony of Devi Glick (9/17/24)
FHS-DG-1: Resume
FHS-DG-2: Report on Economics, Need, Energy Planning, and Regional Grid Effects
Direct Testimony of Lisa Potter (9/17/24)
FHS-LP-1: Resume
FHS-LP-2: One Line Diagram and Project Interconnection Facility Plans
Direct Testimony of Eddie Duncan (9/17/24)
Affidavit of Eddie Duncan (8/8/25)
FHS-ED-1: Resume
FHS-ED-2: Sound Assessment
FHS-ANR-1: Memorandum of Understanding between Fair Haven Solar and ANR
FHS-AAFM-1: Memorandum of Understanding between Fair Haven Solar and AAFM
FHS-AAFM-1a: Amendment to FHS-AAFM MOU

I. Introduction

This case concerns a petition filed by VT Real Estate Holdings 2 LLC (“Fair Haven Solar” or “Petitioner”), pursuant to 30 V.S.A. § 248 and Rule 5.400 of the Public Utility Commission (“Commission” or “PUC”), requesting the Commission to issue a Certificate of Public Good (“CPG”) for the installation and operation of a 20 megawatt (“MW”) solar electric generation facility to be located off Airport Road in Fair Haven, Vermont and known as the Fair Haven Solar Project (the “Project”). The Commission has reviewed the materials filed by the Petitioner and approves the petition as follows.

II. Procedural History

On September 17, 2024, the Petitioner filed a petition with supporting testimony and exhibits (the “Petition”) requesting a CPG to install and operate a 20 MW solar electric

generation facility in Fair Haven, Vermont. Petitioner filed additional supplemental testimony on January 2, 2025.

On January 9, 2025, the Commission issued a memorandum finding the Petition administratively complete.

On February 13, 2025, a scheduling conference was held, and the Commission set a schedule for the proceeding.

On February 12, 2025, adjoining landowner William Bischoff filed a Notice of Intervention. On February 19, 2025, the Vermont Agency of Agriculture, Food & Markets ("AAFM") filed a Notice of Intervention.

On March 10, 2025, the Commission issued a scheduling order setting a schedule for the proceeding and granting intervention to Mr. Bischoff on the interests identified in his notice of intervention pursuant to Commission Rule 2.209(C).

A public hearing and information session was held on March 20, 2025.

On March 24, 2025, the Agency of Natural Resources ("ANR"), AAFM and the Department of Public Service ("DPS" or "Department") filed first round discovery requests.

On April 11, 2025, Fair Haven Solar responded to the first round of discovery requests.

On May 1, 2025, Fair Haven Solar filed a Motion for Protective Order, which the Commission granted in a procedural order on May 29, 2025.

On May 16, 2025, ANR, AAFM and DPS filed a second round of discovery requests, which Fair Haven Solar responded to on June 13, 2025.

A site visit was held on June 3, 2025.

On July 11, 2025, Petitioner filed a motion to change the schedule, which the Commission granted on July 28, 2025.

On July 22, 2025, the Commission filed information requests which Fair Haven Solar responded to on August 1, 2025.

On July 29, 2025, the Department filed a request to extend the deadline for comments, or testimony by other parties and stipulations, which the Commission granted on July 30, 2025.

On August 8, 2025, Petitioner filed testimony from Andrew Day adopting the testimony and exhibits of Reed Wills. Petitioner further filed a MOU between Fair Haven Solar and ANR, a MOU between Fair Haven Solar and AAFM, certain revised exhibits, and supplemental testimony and/or affidavits from Adam Crary, Stephanie Wyman, Michael Willard, and Eddie Duncan. Also on this date, the Department filed comments on the Project stating that it found the Project satisfies the applicable Section 248(b) criteria within the scope of the Department's review and recommended that the Commission issue an order granting a CPG subject to inclusion of a condition requiring that Petitioner comply with Dig Safe. On August 18, 2025, the Department filed a Section 202(f) Determination letter confirming that it determined the Project is consistent with the Vermont Electric Plan.

No other comments on the petition were received by the Commission. No party requested an evidentiary hearing or objected to the prefiled testimony and exhibits.

On September 5, 2025, Petitioner filed its Proposed Findings of Fact and Order, and a Proposed CPG. Petitioner also corrected the previously filed version of Exh. FHS-SW-2a (Rev.) and filed an amendment to the MOU with AAFM.

On ____, 2025, the Commission entered the prefiled testimony and exhibits into the evidentiary record.

III. Public Comments

No public comments were submitted to the Commission regarding the Project. A public hearing was held on March 20, 2025 in Fair Haven, Vermont, which no members of the public attended.

IV. Proposed Findings of Fact

Based on the Petition and the associated prefiled testimony and exhibits and the absence of any factual disputes, this matter is ready for decision. Based on the substantial evidence of record, the Hearing Officer hereby reports the following findings to the Commission in accordance with 30 V.S.A. § 8(c):

A. General Findings

Project Description

1. Fair Haven Solar proposes to install and operate a 20 MW AC ground-mounted solar electric generation facility known as the Fair Haven Solar Project (the "Project") on approximately 119 acres on portions of five adjoining parcels off of Airport Road and Route 4 in Fair Haven, VT (the "Property"). The Project will be sited primarily on existing open fields. Fair Haven Solar has an option to lease the Property from the landowners. Wills pf. at 3; Exh. FHS-RW-2.
2. The Project consists of approximately 43,000 non-reflective photovoltaic modules installed on single axis trackers, ground-mounted racking units. Wills pf. at 4; Exh. FHS-RW-2.
3. Other Project equipment includes eight equipment pads spread throughout the site, each holding an inverter and generator step-up ("GSU") transformer with a rating of 3,060 kVA each; and underground collector lines from the equipment pads to the

interconnection facility where the power will be stepped up from 34 kV to 46 kV utilizing a three-phase transformer, with a maximum rating of 27 MVA. Wills pf. at 4; Exhs. FHS-RW-2; FHS RW-3.

4. The Project will be enclosed with a fixed knot, game or agricultural style fence that will be a minimum of seven feet high in order to meet the National Electric Safety Code. Wills pf. at 5.
5. The fencing will be secured and kept relatively close to ground level to avoid access by large wildlife, while allowing for small mammal passage by installing larger mesh at ground level. In addition, a separate perimeter fence will be erected around the Project substation that meets both Green Mountain Power ("GMP") design standards and the National Electric Code. Wills pf. at 5
6. The Project will interconnect to the grid via a new GMP substation sited approximately 3,300 feet to the south of the Project with an approximately 0.3 acre fence footprint on an adjacent parcel of land, also owned by GMP. The GMP substation will replace the existing GMP Fair Haven Substation. The interconnection facility and GMP substation will be accessed via a new 909-foot long, 26-foot-wide gravel road off of Airport Road. Wills pf. at 4; Exhs. FHS-SW-2a-2b (Rev.).
7. Access to the Project site will be via Airport Road. Portions of Munger Road and an existing farm road will be upgraded and a new portion of gravel road will be constructed to reach the eastern portion of the solar arrays. Wills pf. at 10.
8. The Project will require approximately 3.1 acres of vegetative clearing. Wills pf. at 3; Exh. FHS-SW-2a (Rev.).

9. Construction activities will be limited to the hours of 7:00 A.M. to 7:00 P.M., Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturdays. Construction will not occur on state or federal holidays or on Sundays unless authorized by the Commission upon request. Duncan pf. at 3.

B. Review of Project under Section 248 Criteria

Orderly Development of the Region – 30 V.S.A. § 248(b)(1)

10. The Project will not unduly interfere with the orderly development of the region. This finding is supported by the additional findings below.
11. The Project would not violate any specific land conservation measures in or specific policies applicable to the Project in the Fair Haven Municipal Plan or the Rutland Regional Planning Commission (“RRPC”) Regional Plan and therefore will not unduly interfere with orderly development of the region. Willard pf. at 7-9; Exh. FHS-MW-2.
12. The Rutland Regional Plan contains an Energy Plan that has received an affirmative determination of energy compliance under 24 V.S.A § 4352. Willard pf. at 7; Exh. FHS-MW-2.
13. The Rutland Regional Plan does not contain land conservation measures or provisions regarding the Orderly Development of the region that are specific to the Project site or surrounding area. There are no other identified or anticipated permanent impacts to any current or proposed regional conservation measures that would impact the orderly development of the region, and the Project is otherwise consistent with the provisions of the Regional Plan. Willard pf. at 7; Exh. FHS-MW-2.
14. The RRPC filed comments with the Commission in response to the 45-day notice letter on July 2, 2024, confirming that “the RRPC Board of Commissioners determined that the

project, as presented, does not have a significant regional impact and is in conformance with the Rutland Regional Plan, adopted June 19, 2018.” Willard pf. at 7-8.

15. The Fair Haven Town Plan does not contain any land conservation measures specific to the Project site or surrounding area. The Project is consistent with the general land use goals outlined in the Plan. Willard pf. at 8; Exh. FHS-MW-2.
16. The Fair Haven Town Plan does not contain an Energy Plan that has received an affirmative determination of energy compliance. Willard pf. at 8.
17. The Project is consistent with land use provisions of both the Regional Plan and Town Plan in terms of Orderly Development. There is no anticipated impact on any current or proposed local or regional conservation measures and no interference with any specific local or regional recommendations regarding the proposed land use for this site. Willard pf. at 8-9; Exh. FHS-MW-2.
18. The Department concluded that the Project would not unduly interfere with the orderly development of the Region. Department Comments (8/8/25) at 3.

Municipal Screening Recommendations – 30 V.S.A. § 248(b)(1)(B)

19. The Town of Fair Haven has not adopted any solar screening requirements in a bylaw or ordinance and as a result, there are no municipal solar screening requirements that apply to the Project. Willard pf. at 8-9.

Need for the Project – 30 V.S.A. § 248(b)(2)

20. The Project is required to meet the need for present and future demand for service. This finding is supported by the additional findings below.
21. The Project will help meet clearly demonstrated needs for energy and renewable generation—both in Vermont and the region as a whole. Glick pf. at 6; Exh. FHS-DG-2.

22. There is a need for energy and renewable generation, both in Vermont and New England-wide. Regional demand for energy in New England is increasing at a faster rate than demand in Vermont. The reliance of the New England bulk power system on natural gas-fired capacity makes the regional energy market administered by ISO New England particularly susceptible to natural gas fuel supply chain volatility. Glick pf. at 6; Exh. FHS-DG-2.
23. ISO New England forecasts net energy load will increase on average 1.7 percent in Vermont and 1.4 percent annually in New England between 2024 and 2033. Glick pf. at 4.
24. Diversifying the regional generating mix with megawatt-scale solar PV generation such as the Project provides a hedge against natural gas fuel supply chain volatility influence on wholesale electricity market prices. And because Vermont is part of the regional power grid, reliance by New England at large on gas directly impacts power supply costs in Vermont. Glick pf. at 6; Exh. FHS-DG-2.
25. The Renewable Energy Credits ("RECs") generated by the Project can be used for compliance with Tiers 1, 4 or 5 of the Vermont Renewable Energy Standard or for compliance with the Renewable Portfolio Standards in other New England states. Thus, the Project can help meet an ever-increasing need for renewable energy resources to comply with legislated requirements. Glick pf. at 5; Exh. FHS-DG-2.
26. The Department concluded that the Project would provide a significant contribution to the renewable generation of the regional electric system and provide economic benefits to Vermont and its residents, noting that by increasing the regional renewable supply and applying downward pressure on the cost of electricity, the Project would either directly,

or indirectly help meet Vermont's anticipated increase in the demand for electricity as well as State policy goals. Department Comments (8/8/25) at 4.

System Stability and Reliability – 30 V.S.A. § 248(b)(3)

27. The Project will not adversely affect system stability and reliability. This finding is supported by the additional findings below.
28. Energy from the Project will be fed from transformers to the Project interconnection facility via an electrical collection line along a route as depicted on the Site Plans. The Project interconnection facility will include a pad-mounted three-phase transformer to step up the voltage from medium voltage to 46 kV. The Project interconnection facility will also have a control room, lightning protection, and breakers to allow disconnection from the bulk power system. The 46 kV power from the Project interconnection facility will run to an adjacent new GMP substation. Potter pf. at 4-5; Exh. FHS-LP-2.
29. ISO New England reviewed this project after receiving a Schedule 23 Standard Small Generator Interconnection request application. The ISO-NE SIS Report was issued on February 28, 2019, documented as Siemens PTI Project number 62OT- 001512. Potter pf. at 7.
30. The SIS analyzed any potential impacts on the system regarding the following calculations: steady state analysis, short circuit analysis, transient stability analysis, and PSCAD modeling. The PSCAD study evaluated different utility system failures that could occur and identified any interconnection upgrades and an associated cost estimate. Potter pf. at 7.
31. The SIS concluded that "The Project does not have any significant adverse impact on the ISO-NE transmission system." Potter pf. at 7.

32. The ISO-NE SIS did not identify any system upgrades required to interconnect the Project. Potter pf. at 7.
33. GMP conducted an uprate study of its transmission lines that could be affected by interconnection of the Project and determined that minor upgrades will be required to replace seven electrical poles with slightly taller ones along the existing GMP Transmission Lines 44 and 45, in the towns of Fair Haven, Castleton, and West Rutland. Potter pf. at 7; Exh. FHS-RW-5.
34. Fair Haven Solar will be responsible for the costs related to any system upgrades that are necessary for interconnecting the Project. Potter pf. at 7; Exhs. FHS-RW-5; FHS-LP-2.
35. The Department concluded that the Project would not unduly impact the electric distribution or transmission systems. Department Comments (8/8/25) at 4.

Economic Benefit to the State – 30 V.S.A. § 248(b)(4)

36. The Project will provide an economic benefit to the State. This finding is supported by the additional findings below.
37. During the development and construction phases, Fair Haven Solar will retain (directly or through contractors) numerous Vermont-based firms and individuals to work on engineering, environmental, aesthetic, legal/permitting, and construction-related tasks when commercially feasible. During the operations phase, several individuals employed by Fair Haven Solar and its contractors will be involved in operating, maintaining, and monitoring the Project. Wills pf. at 19-20.
38. Fair Haven Solar conducted economic modeling using the IMPLAN model showing that the Project will lead to substantial macroeconomic benefits for the state totaling 236 new job-years, \$13.5 million in new income, and \$19.5 million in new GDP within Vermont.

These results reflect both the initial capital investments totaling about \$41 million and ongoing O&M totaling \$618,000 annually over a 30-year modeled lifespan. Exh. FHS-DG-2.

39. From a temporal standpoint, the macroeconomic benefits of the Project are largely realized during the early years. The benefits from capital expenditures are anticipated to occur in 2025 and 2026, while the O&M benefits are expected to occur over 30 years. It is anticipated that about half of the benefits will occur as a result of capital expenditures in the Project, while the remaining half will be realized over the 30-year lifetime of the Project. This amounts to about 109 short-term job-years from capital expenditures and 128 O&M job-years over the 30-year lifespan, or an average of 8 jobs annually. This represents the direct, indirect, and induced job impacts, excluding tax impacts, from the investment in the Project. Exh. FHS-DG-2.
40. In addition to these benefits, the Project will pay state and municipal taxes. Using a conservative 30 year lifespan, the Project is anticipated to pay \$7.3 million in lifetime cumulative (discounted) Vermont taxes from the Vermont Uniform Capacity Tax, municipal tax on the Project, and municipal tax on the land utilized by the Project. Exh. FHS-DG-2; FHS Response to PUC Info Request 1 (8/1/25).
41. Increased tax flow and job creation are economic benefits of the Project because they reflect revenues and job benefits for Vermont that would not exist *but for* the Project. FHS Response to PUC Info Request 1 (8/1/25).
42. The Project will provide other key benefits to ratepayers in Vermont. First, it will act as a hedge against wholesale market volatility by generating electricity without exposure to fuel supply chain price volatility affecting regional fossil fuel-fired generators. Second,

by displacing more expensive fossil fuel-fired generation, it should lower electricity costs. Finally, the Project provides social benefits in the form of avoided carbon dioxide ("CO₂") emissions. Glick pf. at 9.

43. The Department concluded that the Project would provide economic benefits to the State and its residents by providing jobs and an increased tax base. Department Comments (8/8/25) at 4.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, and Public Health and Safety – 30 V.S.A. § 248(b)(5)

44. The Project, subject to conditions set forth below, will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts. This finding is supported by the additional findings below.

Use of Natural Resources – 30 V.S.A. § 248(b)(5)

45. The Project will not have an undue adverse impact on the natural environment or use of natural resources based on the findings below.
46. The Project will not have an undue adverse impact on headwaters, floodways, streams, shorelines, wetlands, rare and irreplaceable natural areas, rare threatened and endangered species, and necessary wildlife habitat, or outstanding resource waters. Crary pf. at 17; Exh. FHS-AC-2.
47. Petitioner evaluated the Project for potential impacts to other elements of the natural environment, including significant natural communities, habitat connectivity and forest fragmentation, and non-native invasive ("NNIS") plants. The Project design has avoided nearly all the proposed significant natural communities that Petitioner identified as being

present onsite and is proposing a planting enhancement and vegetation management plan to offset the minimal impact that is unavoidable. Crary pf. at 17; Exh. FHS-AC-2; Exh. FHS-AC-3 (Rev.).

48. There will not be undue adverse impacts related to habitat connectivity or forest fragmentation. Crary pf. at 17; Exh. FHS-AC-2.

49. In the MOU between Petitioner and ANR (hereafter "FHS-ANR MOU"), ANR agreed that the Project will avoid an undue adverse effect on the natural environment and use of natural resources under Section 248(b)(5) subject to the proposed CPG conditions agreed to in the FHS-ANR MOU. Exh. FHS-ANR-1 at Section III.

Outstanding Resource Waters – 10 V.S.A. § 1424a(d)

50. None of the Project components are located at, or in the vicinity, of waters that have been designated as outstanding resource waters. Crary pf. at 17; Exhs. FHS-AC-2, FHS-AC-6.

Air Pollution – 10 V.S.A. § 6086(a)(1)

51. The Project will not result in undue air pollution or greenhouse gas emissions. This finding is supported by the additional findings below.

52. The proposed Project will help reduce the need for carbon-based sources of electric energy, contributing to improved air quality. Glick pf. at 10.

53. Construction of the Project would result in the temporary emission of minimal levels of air pollutants. These emissions would primarily be generated by typical construction equipment and would not result in any permanent increase in hydrocarbon emissions from those generated during a typical construction project or be out of character with the surrounding area. Wyman pf. at 3.

54. The associated sound from construction activities will be of limited duration, comparable to the sound generated by light construction equipment, and will not occur in the evenings. Duncan pf. at 3.
55. The estimated daytime and nighttime Project-related sound levels at the nearest residences are estimated to be approximately 32 dBA (daytime), 27 dBA (nighttime). These projections are conservative in that they assume that all equipment is operating continuously at full load during the day, including the main power transformer with cooling fans operating. Because the inverters do not operate at night, nighttime sound levels were predicted based on simultaneous operation of all transformers on the site, including the main power transformer with cooling fans not operating. Duncan pf. at 3; Duncan aff. at 1; Exhs. FHS-ED-2; FHS-SW-2 (a-c)(Rev.).
56. The estimated sound levels are well below community noise guidelines and are comparable to or less than other solar projects previously approved by the PUC. Duncan pf. at 4; Exh. FHS-ED-2.

Greenhouse Gas Emissions – 30 V.S.A. § 248(b)(5)

57. The Project will have a net greenhouse gas reduction benefit over its expected 30-year operation. The Project will produce significantly lower greenhouse gas (“GHG”) emissions per kilowatt hour than fossil electricity generation such as natural gas-fired combined cycle generating units. By reducing GHGs, the Project will promote air quality in the New England region (including Vermont) by displacing fossil fuel-fired generation—which is known to discharge pollutants when operating—from the New England power system and will therefore contribute to improvements in regional air quality and reductions in global climate change. Glick pf. at 10; Exh. FHS-DG-2.

58. In each year of the Project's operation, it is expected to displace CO2 emissions from fossil-fired generating resources on the New England power system, or some adjacent power systems, since fossil-fired generating resources are expected to continue to be the marginal resource on the system and the source of generation next to be dispatched by ISO New England or most adjacent power systems under normal operating conditions during many hours each year going forward. Glick pf. at 10; Exh. FHS-DG-2.
59. The Project will help further decarbonize the Vermont and the regional electric power sector over its 30-year operating life by generating approximately 35,950 megawatt hours in its first complete year of operation, without any associated power system emissions of criteria pollutants or GHGs. Glick pf. at 9; Exh. FHS-DG-2.
60. Over the expected 30-year operating life of the Project, net avoided CO2 emissions are between 268,638 and 509,636 short tons of CO2. Glick pf. at 12; Exh. FHS-DG-2.

Water Pollution – 10 V.S.A. § 6086(a)(1)

61. The Project will not result in undue water pollution. This finding is supported by the additional findings below and by the findings under the criteria of headwaters through soils, below.

Headwaters – 10 V.S.A. § 6086(a)(1)(A)

62. The Project is located in a headwaters area of Mud Brook and Sucker Creek. Crary pf. at 5; Exh. FHS-AC-2.
63. The Project will meet the headwaters criterion. The Project will not result in a reduction in quality of ground or surface waters in the area, as it will manage the stormwater discharges to surface waters. Crary pf. at 5.

64. The Project will upgrade an existing road crossing of Mud Brook that will result in an improvement to the Mud Brook system. Crary pf. at 5.

65. The Project will also comply with the applicable health and environmental water quality regulations, including construction and operational stormwater management permitting requirements, riparian buffers, flood hazard and river corridors, and spill prevention, protection, and control ("SPCC") plan requirements. For these reasons, the Project will have no undue adverse impact on headwater areas. Crary pf. at 5; Exh. FHS-AC-2.

Waste Disposal – 10 V.S.A. § 6086(a)(1)(B)

66. The Project as designed will meet applicable regulations and current guidance regarding the disposal of waste and does not involve the injection of waste materials or toxic substances into ground or surface waters. Wyman pf. at 4.

67. The pad-mounted transformers will be housed within secondary oil containment, sized to contain 110 percent of the largest anticipated volume of a potential release of transformer dielectric fluid, plus five inches of freeboard. Secondary containment will also be provided for the Project substation transformer. Wyman pf. at 4; FHS-SW-2c (Rev.).

68. No on-site wastewater disposal system is required for the Project and thus a Wastewater System and Potable Water Supply Permit is not required. Wyman pf. at 5.

69. Any metal or cardboard generated from the Project construction will be recycled. All construction waste that cannot be recycled will be disposed of in an approved sanitary landfill in accordance with Vermont Solid Waste Management Rules. During construction, portable toilets will be brought on site as needed and managed by a licensed contractor. Wyman pf. at 5.

70. Project operations will not generate solid wastes, will not involve the injection of waste materials into groundwater or wells, and will not generate sanitary waste that would require treatment pursuant to a Vermont Department of Environmental Conservation ("DEC") permit. Wyman pf. at 5.
71. Any tree trunks and limbs from vegetative clearing will be removed from the site and either utilized for firewood or properly disposed of by the contractor. All stumps that are removed from the site will be disposed of in an approved stump dump facility. Wyman pf. at 5.

**Water Conservation, Sufficiency of Water Supply, and
Burden on Existing Water Supply – 10 V.S.A. §§ (a)(1)(C), (a)(2), (a)(3)**

72. The Project may use a small amount of water during the construction phase, if required for dust control and for establishing vegetation for final stabilization and occasional cleaning of panels during the operational phase. In both instances, any small amount of water needed will be brought to the site. Otherwise, the Project will not utilize any water supplies (on-site or off-site) during construction or operations and will not require connection to a well or municipal water supply. Wyman pf. at 6.
73. There are no surface water or groundwater protection areas within the vicinity of the Project and no ANR-mapped water supply wells are located within 500 feet of the Project area. Wyman pf. at 6.

Floodways – 10 V.S.A. § 6086(a)(1)(D)

74. The Project substation is entirely outside floodway areas, but components of the solar generation portion of the Project are located within floodway areas. The GMP transmission line upgrades are within floodway areas. Crary pf. at 6; Exhs. FHS-AC-2; FHS-AC-6.

75. The solar generation component has been designed so that the arrays and related project activities avoid mapped floodway fringe and river corridors, except for the upgraded road crossing of Mud Brook which is necessary to provide safe and reliable construction and operational access to the northern and eastern arrays. This crossing will require upgrade work within floodway fringe and river corridors as it involves replacing the existing culvert/ford crossing with a bridge. In addition, the underground electric generation tie-in line will cross the Mud Brook system, but will be installed via horizontal directional drill ("HDD") below the extent of the established river corridor in this area, so as to avoid any potential impact from installation of this line. The electric line will also cross under one other VHB-mapped river corridor associated with unnamed perennial stream 2022-SC-9, which will be avoided by the planned use of jack and bore installation methods. Crary pf. at 6; Exhs. FHS-AC-2; FHS-SW-2a(Rev.); FHS-SW-2b(Rev.).
76. The Project design has been completed following detailed engineering assessments and coordination with multiple regulatory stakeholders, including ANR's Rivers Program to ensure the design will minimize impact to the Mud Brook riparian system and be permissible under the state's Flood Hazard and River Corridor ("FHARC") protection rules. Crary pf. at 6-7; Exh. FHS-AC-2.
77. The Project intends to apply for a FHARC permit for activities associated with the Mud Brook access crossing as well as the underground electric line crossings, if necessary. With receipt and adherence to any specific conditions in a subsequent FHARC permit, the Project will not have any undue, adverse impacts on floodways, floodway fringes, or river corridors, nor will it endanger the health, safety, and welfare of the public or riparian owners as it relates to flood events or fluvial erosion. Crary pf. at 6-7.

78. The FHS-ANR MOU includes a proposed CPG condition requiring Petitioner to obtain a FHARC permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions. Petitioner and ANR agree that this condition should be included in the CPG and that with this condition there will be no undue adverse impact on floodways. Exh. FHS-ANR-1 at Section II(5).

Streams – 10 V.S.A. § 6086(a)(1)(E)

79. Portions of the Project are located on or adjacent to the bank of a stream. The solar generation component avoids delineated streams as well as riparian buffers via design or construction technique (e.g. HDD or jack and bore installation methods for the underground electric generation tie-in line), with exception of the Mud Brook access crossing upgrades that will require in-stream work as well as work in the riparian buffer necessary to improve the crossing. Crary pf. at 7; Exh. FHS-AC-2.

80. The Project anticipates being required to obtain a state Stream Alteration Permit for the construction of the crossing upgrades. The Project substation does not involve any instream work or activities within riparian buffers. Crary pf. at 8; Exh. FHS-AC-2.

81. Upgrades to the existing access road will require work in Mud Brook at the existing culverted/ford crossing. This upgrade is expected to improve instream conditions by improving flow and organism passage through the replacement of the undersized/damaged culvert and in-stream ford crossing with a bridged span that will restore fluvial processes and instream habitat conditions in this area. Crary pf. at 7-8; Exh. FHS-AC-2.

82. The GMP transmission upgrades do not involve any in-stream work or access crossings, but there will be some construction activity within riparian buffers. Crary pf. at 8; Exhs. FHS-AC-6; FHS-RW-5.
83. With receipt and adherence to any specific conditions in a subsequent Stream Alteration Permit the construction or operation of the Project will not affect the natural condition of delineated streams and will therefore not endanger the health, safety, or welfare of the public or of adjoining landowners. Crary pf. at 8.
84. The FHS-ANR MOU includes a proposed CPG condition requiring Petitioner to obtain either a General or Individual Stream Alteration Permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions. Petitioner and ANR agree that this condition should be included in the CPG and that with this condition there will be no undue adverse impact on streams. Exh. FHS-ANR-1 at Section II(6).

Shorelines – 10 V.S.A. § 6086(a)(1)(F)

85. The Project's solar arrays and substation are remote from any area that would be considered shorelines. The GMP transmission line upgrades will require activity adjacent to the shorelines of the Castleton River, however the nature of the activity will not result in any change in the character, condition, or accessibility to the river. Crary pf. at 9; Exhs. FHS-AC-2; FHS-AC-6.

Wetlands – 10 V.S.A. § 6086(a)(1)(G)

86. The Project will not have an undue adverse effect on wetlands. This finding is supported by the additional findings below.

87. Petitioner conducted a wetland delineation of the Project area. There are both Class II and Class III wetlands delineated throughout the Study Area for the solar generation and Project substation components. The Petitioner's delineation has been reviewed with the ANR's Wetlands Program. Crary pf. at 9; Exh. FHS-AC-2.
88. There are a few small Class III wetlands (not subject to the Vermont Wetland Rules ("VWR")) within farm fields that will be within the solar array area, but those activities will be limited to driven array racking support posts. Crary pf. at 9; Exhs. FHS-AC-2.
89. With respect to the delineated Class II wetlands, several are part of larger complexes providing multiple functions, including the high function/value Mud Brook riparian wetland system and contributing wetland drainages. The solar arrays and Project substation have been designed to avoid infrastructure within Class II wetlands or buffers. Crary pf. at 9; Exh. FHS-AC-2.
90. Although many avoidance measures have been taken, the Project cannot feasibly avoid all impacts to wetlands and buffers. The impacts that are unavoidable are associated with Project access roads, including the proposed Mud Brook bridge crossing, which will replace an existing culvert/ford crossing used for access by the landowner for agricultural purposes. Access road impacts would occur in Class II Wetlands 2022-1 and 2022-6 and their buffers, and Class III Wetland 2022-402 for the purposes of side-slope cut/fill for improving this existing access road so that it meets the Project's safety, access, and design specifications. Additionally, impacts to Class II Wetland 2022-301 and its buffer are necessary for the redevelopment and improvement of a portion of Airport Road. Exhs. FHS-AC-2; FHS-AC-2 (Rev. Attach. 1).

91. The impacts to wetlands and buffers have been minimized during design including narrowing the proposed road to no wider than what is necessary for equipment and emergency access, proposed access road construction work to occur from the existing road surface to the extent feasible and using erosion prevention and sediment control (“EPSC”) measures and Best Management Practices (“BMPs”) to stabilize and revegetate areas of temporary construction activity to prevent runoff. Exh. FHS-AC-2.
92. As the Project activities in wetland and buffers are minimal or will result in no net reduction in wetland function, no specific further compensatory mitigation is proposed, subject to further review by the DEC Wetlands Program and U.S. Army Corps of Engineers (“USACE”). Crary pf. at 10; Exh. FHS-AC-2.
93. The GMP transmission line upgrades will require activity within wetlands and buffers mostly from on-ROW access to existing poles to be replaced. This work will utilize BMPs, including construction mats where necessary for access, and should qualify as a VWR Section 6.08 Allowed Use because the pole replacements are akin to repair and maintenance of overhead utilities. Crary pf. at 10-11; Exh. FHS-AC-2.
94. The FHS-ANR MOU includes proposed CPG conditions requiring Petitioner to obtain a Vermont Wetland Permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions, and, if an Individual Section 404 Permit from the USACE is required for the Project, to obtain from ANR either an Individual Section 401 Water Quality Certification or a final determination that it has waived the Section 401 Water Quality Certification and to perform all Project work in accordance with Certification conditions. Petitioner and ANR agree that these

conditions should be included in the CPG and that with this condition there will be no undue adverse impact on wetlands. Exh. FHS-ANR-1 at Section(II)(7-8).

95. With receipt and adherence to any specific conditions in a subsequent Vermont Wetland Permit (or USACE permit) authorization, the Project will conform to the Vermont Wetlands Rules and will not have an undue adverse impact on wetlands. Crary pf. at 11.

Soil Erosion – 10 V.S.A. § 6086(a)(4)

96. The Project will not cause unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.
97. Site preparation for the Project will involve tree clearing/grubbing, installation of erosion and sediment control features such as , silt fence, reinforced silt fence, check dams, straw wattles, and work associated with the temporary staging areas, followed by grading of access roads and drainage conveyance, excavation for the equipment pads, trenching for utility installation, and limited site grading for the construction and installation of the Project substation. Wyman pf. at 9; Exhs. FHS-SW-2a (Rev.); FHS-SW-2b(Rev.).
98. The Project will require an ANR Individual Construction Stormwater Permit (“INDC”) as Fair Haven Solar intends to conduct construction activities such that more than five acres of concurrent earth (soil) disturbance will be occurring at any one time. Wyman pf. at 7; Exhs. FHS-SW-2c (Rev.); FHS-SW-3.
99. Following the completion of construction, final site stabilization will be achieved in accordance with ANR standards, in the form of revegetation of pervious areas, and graveling of site access roads. Implementation of these measures will prevent undue soil erosion and protect water quality. Wyman pf. at 8; Exh. FHS-SW-3.

100. The implementation of EPSC measures during construction and consistent with the EPSC Plan will minimize erosion risk and potential for sediment transport off the site during construction. The Project will be constructed in accordance with the Vermont Standards & Specifications for Erosion Prevention and Sediment Control, February 2020. The Project will also be subject to the Post Construction Soil Depth and Quality Standard as outlined in the VSMM. Compliance with this standard provides improved on-site management of stormwater flow and water quality where soils have been disturbed. Wyman pf. at 9; Exh. FHS-SW-3.
101. The Project will create ± 2.7 acres of impervious surfaces due to the pad-mounted transformers, concrete equipment pads, control house and access roads and will redevelop approximately 1.5 acres of impervious surface of existing gravel roads. Following construction, the total impervious area within the Project's limits of work will be approximately 4.1 acres, as shown on the site plan. As the total resulting impervious surface is above one acre, an operational stormwater permit will be required, and the Project will be seeking authorization from DEC under General Permit 3-9050. Wyman pf. at 8; Exhs. FHS-SW-3; FHS-SW-2a (Rev.).
102. For all of these reasons, the Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition could result. Wyman pf. at 9.
103. The FHS-ANR MOU includes proposed CPG conditions requiring Petitioner to obtain a Construction General Stormwater Discharge Permit 3-9020 or an Individual Construction Stormwater Permit, as well as an Operational Stormwater Permit 3-9050, prior to beginning site preparation and construction, and to perform all Project work in

accordance with permit conditions. Petitioner and ANR agree that these conditions should be included in the CPG and that with these conditions there will be no undue adverse impact on soil erosion. Exh. FHS-ANR-1 at Section II(3-4).

Transportation Systems – 10 V.S.A. § 6086(a)(5)

104. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. This finding is supported by the additional findings below.
105. Vehicles, including those used for construction, will access the site via Airport Road. Vehicles will also utilize Munger Road—portions of which will be upgraded—which is a Class 4 road that currently has very limited traffic. Any overweight loads will obtain the necessary local and/or state oversized load permits. Fair Haven Solar and its contractors will be responsible for repairing any damage to local roads should it occur due to construction. Wills pf. at 20.
106. During operation of the Project, access to the site will be limited to landscape management and equipment maintenance and repairs, and thus there will be only occasional Project-related traffic that will not cause unreasonable traffic or unsafe conditions. Wills pf. at 21.

Educational Services – 10 V.S.A. § 6086(a)(6)

107. The Project will not have an adverse impact on educational services. The Project will not create any full-time, permanent jobs, and thus no new school-aged children would enter the system in the town. Wills pf. at 21.

Municipal Services – 10 V.S.A. § 6086(a)(7)

108. The Project will not require any municipal water or sewer services, new roadway acceptance or maintenance by the Town, nor require any fire or police services beyond those typically required of other businesses. Willard pf. at 21.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas – 10 V.S.A. § 6086(a)(8)

109. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by the additional findings below.

Aesthetics

110. The Project is in a large area characterized by past and present agricultural practice. Limited residential buildings are located near the Project. The closest private residence to the Project's substation is about 534-feet west of the substation. The closest private residence to the Project's solar arrays is about 0.34 miles east of the solar arrays on Scotch Hill Road. Willard pf. at 3; Exh. FHS-MW-2.
111. Potential visibility of the Project would be localized within an approximate one-mile buffer area of the Project. Potential visibility from surrounding roads and nearby residences is largely blocked by existing vegetation or topography, with the potential for views of the Project limited primarily to areas of Scotch Hill Road, U.S. Route 4, and the Town Park. Willard pf. at 4; Exh. FHS-MW-2.
112. The Project will result in an adverse impact under the *Quechee Test* but the impact will not be unduly adverse. Willard pf. at 5-6; Exh. FHS-MW-2.

113. A Landscape Mitigation Plan was prepared in order to reduce and/or soften the visibility of the Project from public areas that were identified through field investigation efforts, so that the Project does not cause undue adverse visual impacts. The landscape mitigation plan utilizes proposed landscape plantings consisting of 59 deciduous trees, 232 evergreen trees, and 179 shrubs to further reduce offsite visibility of the Project. In order to harmonize the supplemental landscaping with the existing surroundings, Vermont native or adaptive plant material has been proposed. Willard pf. at 4; Exh. FHS-MW-2.
114. The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan, Regional Energy Plan and Town Plan. The Regional and Town Plans provide encouragement to protect scenic resources and recognize their value, but do not specifically address the Project site or provide a clear standard for the proposed Project site. Willard pf. at 6.
115. The Project incorporates reasonable mitigation steps to mitigate the visual impact of the Project through development of a landscape mitigation plan, and siting of Project components to take advantage of topography, and natural screening from existing, mature dense vegetation on the site. Additionally, the Project has been sited in very close proximity to an existing transmission line and the proposed GMP substation, thereby minimizing the need for new transmission line infrastructure or additional tree clearing that would likely be associated with new transmission line infrastructure. Willard pf. at 6; Exh. FHS-MW-2.

116. The Project would not be considered shocking or offensive to the average person because it is not sited in a prominent location, lessening potential visual impact from surrounding areas. The limited potential visibility from surrounding roads, residences, and the lack of any effect on identified scenic resources, public lands, or recreation resources limits the potential impacts to the average person. Willard pf. at 6; Exh. FHS-MW-2.

117. As a result, the Project would not result in an undue adverse impact on the aesthetic or scenic or natural beauty of the area. Willard pf. at 6-7; Exh. FHS-MW-2.

118. The Department also concluded that the Project would not have an undue adverse impact on aesthetics. Department Comments (8/8/25) at 3-4.

Historic Sites

119. The Project will not have an undue adverse effect on historic properties. This finding is supported by the additional findings below.

120. There are no above-ground historic resources on the Project site. There are several buildings on the Project parcels, although most are located on Sheldon Road, outside of the APE. There is a property on the northeast parcel, an early-nineteenth century barn that is eligible for the State Register. However, this barn is not directly adjacent to the Project site and the barn will not be physically impacted by the Project. Proposed vegetation plantings adjacent to the barn will not physically impact the barn. There is also a historic, former slate quarry site on Scotch Hill Road east of the Project which is likewise removed from the Project site and will not be physically impacted by the Project. Therefore, the Project will not cause any direct impacts to such resources, let alone undue adverse impacts. Tonn pf. at 5; Exh. FHS-BT-2.

121. It is the Vermont Division for Historic Preservation's ("VDHP") opinion that the Project will cause no adverse effects to above-ground historic resources with the installation of planned landscape mitigation components. Exh. FHS-BT-4.
122. With respect to below-ground historic resources, Petitioner is conducting, archaeological investigations in coordination with VDHP. Tonn supp. pf. at 1-2.
123. To address potential adverse effects, if any, on archaeological resources, Fair Haven Solar and VDHP entered into an MOU which covers the performance of other investigations and/or mitigation, if any is required. Tonn supp. pf. at 2; Exh. FHS-BT-4.
124. Under the MOU, Fair Haven Solar and VDHP have agreed upon a number of proposed conditions to be included in the CPG. These conditions require that Fair Haven Solar complete any required archeological studies and mitigate, if necessary, impacts to archaeological sites within the Project area. Any changes to the Project that arise via compliance with the MOU and/or resulting from mitigation measures approved by VDHP are subject to approval by the Commission. Exh. FHS-BT-4.
125. Provided that the Petitioner complies with those provisions, VDHP agrees under the MOU that the Project will not cause undue adverse effects to archaeological resources. Tonn supp. pf. at 3; Exh. FHS-BT-4.

Rare and Irreplaceable Natural Areas

126. The Project will not have an undue adverse impact on any Rare and Irreplaceable Natural Areas ("RINA"). This Finding is supported by the additional findings below.
127. There is one natural community type within the Project's Study Area that could constitute a RINA: the state rare (S2) wet/mesic clayplain forest type mapped in a couple of locations. The Project has been designed to avoid activities within this rare forest type

or its buffers. At the request of the FWD Natural Heritage Program, the Project's Vegetation Management Plan prescribes measures to avoid new introductions of non-native invasive plants to areas of existing farmland within 100-foot buffers from natural communities that would no longer be farmed during the Project's operation. Crary pf. at 11; Exhs. FHS-AC-2; FHS-AC-2 (Rev. Attach 1); FHS-AC-3 (Rev.).

128. There are no areas that are identified as RINA within the GMP transmission line upgrade area. Crary pf. at 11; Exh. FHS-AC-6.

Necessary Wildlife Habitat and Endangered Species – 10 V.S.A. § 6086(a)(8)(A)

129. The Project will not destroy or significantly imperil necessary wildlife habitat ("NWH") or any endangered species. This Finding is supported by the additional findings below.
130. Based on database and field reviews, there is necessary wildlife habitat associated with the solar generation project component. Onsite grassland bird breeding surveys documented use by grassland birds in nearly all suitable habitat areas surveyed. Crary pf. at 13.
131. The Project's interconnection facility and the GMP transmission line upgrades do not involve any areas that are NWH. Crary pf. at 13; Exhs. FHS-AC-2; FHS-AC-5.
132. The Project will mitigate for impacts to grassland bird habitat in accordance with the Fish & Wildlife Department ("FWD") guidance through a contribution to the Bobolink Project which follows the same approach as used in past projects. Crary pf. at 13; Exh. FHS-AC-2.
133. Under the FHS-ANR MOU, Petitioner and ANR have agreed that a condition should be included in the CPG requiring Petitioner to mitigate for every grassland bird

breeding season (i.e., May 1 – July 31), including for any portion of a breeding season, during the life of the Project. Fair Haven Solar will be required to make a payment (or annual payments) totaling \$247,200 to the Bobolink Project to mitigate impacts to grassland bird habitat for the first 20 years of the Project. Starting on the 21st year of the Project operation, the condition requires that the Project make annual payments to the Bobolink Project or other similar fund for 247.2 acres of mitigation at the dollar-per-acre rate in effect at the time of the payment, or implement appropriate grassland bird habitat impact mitigation measures negotiated and agreed to by the Parties for the remainder of the Project's operational life, inclusive of the decommissioning process and re-establishment of grassland vegetation. Exh. FHS-ANR-1 at Section (II)(16).

134. Based on database and field reviews, there are rare, threatened, or endangered ("RTE") species previously documented and found or confirmed by Petitioner's onsite field surveys. There are rare plants, rare birds, rare reptiles, and rare bats documented within the solar generation project component and adjacent lands to the Project site. There are no RTE species documented within the area of the GMP transmission line upgrades. Cray pf. at 14; Exhs. FHS-AC-2; FHS-AC-4 (Rev.), FHS-AC-5; FHS-AC-6.
135. With respect to rare plants, both rare and state protected plants have been identified and mapped within the onsite Study Area. Twenty-five foot buffers have been incorporated into Project designs to avoid any direct impacts from construction. Cray pf. at 15; Exh. FHS-AC-2.
136. In addition to the buffers, under the FHS-ANR MOU, the parties have proposed a CPG condition regarding mitigation measures for RTE plant impacts to be included in the CPG. Under this condition, Petitioner will perform a baseline survey on NNIS

occurrences within RTE populations, demarcate the buffer around each RTE plant population, install signage, instruct workers not to enter buffer areas, inspect flagging and signage periodically, rinse all vehicles and construction equipment thoroughly prior to entering the Project site, and shall not engage in seeding, planting, or active revegetation activities within the RTE plant buffers. During operation and maintenance, Petitioner will monitor RTE plant populations and take measures to eradicate NNIS if necessary. At the point of Project decommissioning, a RTE plant survey will be conducted and a proposed plan to avoid, minimize and mitigate any impacts to RTE plant species will be provided to ANR for approval prior to commencing decommissioning activities. Exh. FHS-ANR-1 at Section II(18)(a)-(c).

137. With respect to rare birds, there are two state-protected birds documented from habitats within the overall Study Area. The Project will avoid potential breeding season impacts to the eastern whip-poor-will, a forest-nesting/field foraging bird, by avoiding tree cutting during the bird breeding/nesting season. The Project will not be able to avoid the grassland habitat utilized by the state-protected eastern meadowlark bird and thus will apply for a state Takings Permit to cover breeding season construction activity within this birds grassland habitat. Crary pf. at 15; Exhs. FHS-AC-2; FHS-AC-5.

138. Under the FHS-ANR MOU, the parties have proposed CPG conditions requiring Petitioner to obtain a Takings Permit for the Eastern meadowlark prior to beginning site preparation or construction of the Project, and prohibiting tree cutting or removal during the eastern-whip-poor-will breeding season between May 1 and August 31. Exh. FHS-ANR-1 at Section II (9),(17).

139. With respect to rare reptile species (the protected Eastern ratsnake and another protected reptile species) that are known to utilize onsite habitats, potential impacts during construction are the primary concern. The Project will implement BMPs during construction intended to minimize the potential for an incidental take of a state-protected snake species. These recommended practices have been developed with some review and input by FWD. The Project will submit an application for a state Takings Permit that will include proposed measures to mitigate undue incidental takings during construction. Crary pf. at 16; Exh. FHS-AC-4(Rev.).
140. In order to avoid potential harm to these species during operations, Petitioner will utilize a specific composition of permanent seed mix for the Project site that will require limited or no mowing during the season when these species are active. Petitioner will also restrict all tree clearing between April 15 and October 31 to avoid potential impacts to RTE snake species that may be in the trees. Crary supp. pf. at 2; Exhs. FHS-AC-3(Rev.); FHS-AC-4(Rev.).
141. Under the FHS-ANR MOU, Petitioner and ANR have agreed to a number of CPG conditions regarding RTE reptile species, including requiring Petitioner to obtain a Takings Permit for the Eastern ratsnake and the protected reptile species, limit any tree clearing to the period between November 1 and April 14, and restrict seeding and mowing practices to minimize potential impacts during construction and operation of the Project. Under these conditions, Petitioner will also take certain steps to avoid, minimize, and mitigate impacts to these RTE species during decommissioning, including submitting a decommissioning plan to ANR for approval prior to commencing

decommissioning and obtaining a Takings Permit, if necessary. Exh. FHS-ANR-1 at Section II (10)-(14).

142. With respect to bats, Petitioner's database reviews and onsite acoustic monitoring surveys document the probable presence of multiple state-protected or rare bats. Given the early detection of multiple bats of conservation concern using the area, particularly those that are forest dwelling and could be affected by Project tree clearing activities, the Project has committed to seasonally restricting tree cutting to the winter's dormant season. The Project has also responded to ANR's Wildlife Department's request to preserve an east to west row of trees in the center of the solar array component of the Project that could provide important connectivity for travel habitat. Crary pf. at 16; Exh. FHS-AC-2.

143. In order to avoid potential impact to listed bat species, including the Indiana bat, under the FHS-ANR MOU, Petitioner and ANR have agreed that a condition should be included in the CPG that will limit all tree cutting of potential roost trees ("PRT") and all trees within 100 feet of a PRT to the period between November 1 and March 31. Exh. FHS-ANR-1 at Section II(15).

144. Based upon the Project's design and construction schedule, and by obtaining the required state Takings Permit authorizations and adherence to the planned BMPs and other management measures, the Project will not have an undue adverse impact on any known RTE plant or animal species. Crary pf. at 16; Exh. FHS-AC-2.

145. Under the FHS-ANR MOU, ANR agrees that subject to compliance with the CPG conditions regarding RTE species and necessary wildlife habitat, that the Project will not have an undue adverse impact on these resources. Exh. FHS-ANR-1.

Development Affecting Public Investments – 10 V.S.A. § 6086(a)(9)(K)

146. The public investments adjacent to the Project site include: (i) Airport/Munger Road; and (ii) the Marsh Pond Wildlife Management Area, whose boundary is roughly 500' to the northwest of the Project site. Wills pf. at 22.
147. The Project will not impact or create any adverse burdens on these public investments, given that the design avoids direct and indirect impacts to the state lands, the limited and temporary use of the roads during construction and operation, and Fair Haven Solar's will pay for any necessary improvements or repairs to the roads that are Project-related. For these reasons, the Project will not endanger or interfere with the public's use or enjoyment of these public investments. Wills pf. at 16; 22.

Public Health and Safety – 30 V.S.A. § 248(b)(5)

148. The Project will not have an undue adverse effect on public health and safety. This Finding is supported by the additional findings below.
149. The Project will be installed to meet the applicable safety standards of the National Electrical Code and National Electrical Safety Code, and utility interconnection standards for safe and reliable operation of solar electric plants. Potter pf. at 8.
150. All switchgear equipment will be inside a locked, UL-listed, code-approved electrical enclosure. Potter pf. at 8.
151. The Project will utilize the latest silicon-based bi-facial panels which are glass-on-glass. These panels are encapsulated in glass which further reduces the already low fire risk as compared to some older generations of panels. The solar system will conform to applicable electrical and safety codes. Wills pf. at 23-24.
152. Perimeter fences around the solar arrays and a separate fence around the Project substation will prevent unauthorized persons from accessing the Project array and

potentially causing damage to the Project or harm to themselves. The fencing will be posted with appropriate electrical warning signs and will otherwise be designed to meet or exceed National Electrical Code standards. Potter pf. at 8.

153. The solar panels are designed to absorb rather than reflect the sun's energy, which will prevent undue glare. Potter pf. at 8.

154. A lock box at the gate and a labelled site plan will provide the local fire department access and appropriate information in case of a fire. Potter pf. at 9.

155. The Department concluded that the Project will not have an undue adverse impact on public health and safety, and recommends that the Commission include a Dig Safe requirement as a condition of issuing a CPG. The Department notes that Petitioner agreed to comply with a Dig Safe requirement for the life of the Project in discovery. Department Comments (8/8/25) at 4-5.

Primary Agricultural Soils – 30 V.S.A. § (b)(5)

156. The Project will not have an undue adverse impact on Primary Agricultural Soils ("PAS"). This Finding is supported by the additional findings below.

157. There are approximately ±503 acres of mapped PAS located on the Project's five parcels. Of these soils, ± 147.2 acres are located within the limits of Project disturbance and subject to the construction stormwater permit. Wyman pf. at 10; Exh. FHS-SW-2a(Rev.).

158. For installation of the underground electrical conduit, the soil horizons will be separated during construction and re-laid in the order they were removed. If sand bedding is required for the electrical conduit installation, then the PAS will be removed and stored on site in a PAS stockpile area. Installation of the access drives, the pad-

mounted transformers, secondary containment, substation and stormwater treatment will also result in disturbance of PAS. PAS are being stockpiled and will be seeded, mulched with straw, stabilized, and preserved in a manner that allows for complete restoration during project decommissioning in accordance with AAFM guidelines. Wyman pf. at 10-11; Exh. FHS-SW-4.

159. During construction, up to ± 147.2 acres of PAS may be temporarily disturbed during the installation of Project equipment, fencing, and due to construction traffic. When the Project is decommissioned, the electrical conduit, access drive, pad-mounted transformers, secondary containment, substation and stormwater treatment practices will be removed and the PAS will be restored and maintained in accordance with AAFM guidelines. Wyman pf. at 11; Exhs. FHS-SW-4; FHS-SW-2a (Rev.).

160. The exception would be the access road and stormwater treatment practices associated with the co-located GMP Substation. Should the Project be decommissioned prior to the GMP Substation, then shared infrastructure such as the gravel access road and associated stormwater treatment practices would remain in place until such time that the GMP substation is decommissioned. Wyman pf. at 11; Exhs. FHS-SW-4; FHS-SW-2a (Rev.).

161. Under the MOU between Petitioner and AAFM ("FHS-AAFM MOU"), Petitioner will submit an off-site mitigation payment for the PAS soils impacted by Project substation construction (up to 4.97 acres) prior to construction. Because these soils will be permanently mitigated, they will not be stockpiled. Exhs. FHS-AAFM-1 FHS-AAFM-1a; Wyman supp. pf. at 3.

162. Under the FHS-AAFM MOU, Petitioner and AAFM have agreed to a number of proposed conditions that should be included in the CPG. Subject to compliance with these conditions, AAFM agrees that the Project will not have an undue adverse effect on PAS soils.

Least-Cost Integrated Resource Planning – 30 V.S.A. § 248(b)(6)

163. The Petitioner is not a utility and therefore does not have a least-cost integrated resource plan. This criterion is inapplicable. Wills pf. at 24.

Comprehensive Energy Plan – 30 V.S.A. § 248(b)(7)

164. The latest Comprehensive Energy Plan (2022) sets out a goal for the electric sector to meet 100 percent of energy needs from carbon-free resources by 2032. The 2022 CEP is structured to meet the greenhouse gas requirements of the *Global Warming Solutions Act*, and to be consistent with the *Climate Action Plan* required by 10 V.S.A. §592. Exh. FHS-DG-2.
165. The CEP embraces broad and aggressive GHG reduction goals for Vermont while anticipating benefits that will flow from the milestones needed to achieve these targets. In discussion of the electric sector recommendations of consideration of a low-carbon or carbon-free standard, in addition to a 100 percent renewable energy standard, the 2022 CEP notes, “the same carbon reduction benefits as those procured via net-metered solar and other small-scale resources are being achieved at significantly lower cost through the development of larger-scale projects.” Glick pf. at 14.
166. As a large, 20 MW utility-scale solar PV facility with a direct interconnection to a higher voltage GMP transmission line which is part of the regional ISO-NE system, the Project is responding to the need recognized in the 2022 CEP for greater size and

geographic diversity in the deployment of additional regional renewable resources into a renewable capacity mix presently dominated by smaller distributed scale solar PV generators. Glick pf. at 14.

167. The larger Project size provides certain advantages of diversifying the in-state resource mix with a larger project that avoids further eroding distribution-level hosting capacity. And to avoid potential post-contingency overloads to GMP's 46 kV transmission line in the Rutland Regional Planning Commission area, the Project will fund the upgrade of seven GMP line structures. Glick pf. at 14-15.

168. On August 18, 2025, DPS issued a determination under 30 V.S.A. § 202(f) stating that the petition is consistent with the Vermont Electric Plan, provided that the actions of VT Real Estate Holdings 2 LLC are consistent with the evidence filed in the proceeding.

Waste-to-Energy Facility – 30 V.S.A. § 248(b)(9)

169. The Project does not involve a waste to energy facility; therefore this criterion is not applicable.

Transmission Facilities – 30 V.S.A. § 248(b)(10)

170. The Project can be served economically by existing or planned transmission facilities without an undue adverse effect on Vermont utilities or customers. Potter pf. at 9.

171. The Project will interconnect with GMP's proposed substation, and seven electrical poles along GMP's transmission line will be upgraded to accommodate the Project. The costs of any electrical system modifications required to interconnect the Project to the GMP substation will be borne by Fair Haven Solar. Potter pf. at 9; Exhs. FHS-LP-2; FHS-RW-5.

Setbacks – 30 V.S.A. § 248(s)

172. Fair Haven Solar and the Town of Fair Haven entered into a setback agreement which includes a site plan showing the limited portion of Airport Road (approximately linear 190 feet) where the proposed setback is less than 100 feet. This reduced setback will have no impact on use of the road or any other landowner interests. Wills supp. pf. at 2; Exh. FHS-RW-6.
173. The Project complies with all other minimum setback requirements from property lines and highways. Wills pf. at 9; Exh. FHS-SW-2a (Rev.).

Decommissioning – PUC Rule 5.900

174. At the end of the Project's useful life, a determination will be made as to whether the Project can be re-powered (after any necessary regulatory approval), or whether it will be decommissioned and the site restored. If decommissioned, the financial security for the Project's decommissioning fund will cover the cost of dismantling equipment and removing it from the site, and the costs of site restoration. This equipment will either be sold, re-used, recycled, and/or disposed of in accordance with applicable waste laws and regulations in existence at that time, and the site will be restored to its condition prior to the installation of the facility to the greatest extent practicable in accordance with the Decommissioning Plan and cost estimate. Wills pf. at 14-15; Exh. FHS-RW-4.
175. Consistent with PUC Rule 5.904(B), the Petitioner has proposed a funding mechanism based upon an estimate of the Project's decommissioning costs that does not account for equipment salvage. The decommissioning cost estimate is in present-day dollars and addresses the elements in that rule. Wills pf. at 14-15; Exh. FHS-RW-4.
176. The Department reviewed Petitioner's decommissioning plan, cost estimate, and draft surety bond letter in the Decommissioning plan and concluded that these materials

include a reasonable estimate of decommissioning costs and satisfy Commission Rule

5.900. Department Comments (8/8/25) at 5.

Conclusions

Based upon all the above evidence, and with the proposed conditions referenced in the findings above, that the Commission should include as part of its approval of the Project, the Project meets the following section 248(b) criteria, to the extent they apply:

- a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;
- b) complies with the screening requirements of applicable municipal bylaws or ordinances and recommendations of a municipality applying such a bylaw or ordinance;
- c) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and land management measures;
- d) will not adversely affect system stability and reliability;
- e) will result in an economic benefit to the state and its residents;
- f) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts;
- g) is a non-utility project and criterion 30 V.S.A. § 248(b)(6) is therefore not applicable;
- h) is consistent with the principles of least-cost integrated resource planning;

- i) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Secretary of Natural Resources;
- j) does not involve a waste-to-energy facility;
- k) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers;
- l) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;
- m) does not involve an in-state generation facility that produces electric energy using woody biomass; and
- n) is consistent with statutory minimum setback requirements and/or has obtained appropriate agreement to a reduced setback.

Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Utility Commission
("Commission") of the State of Vermont that:

1. The findings and recommendations of the Hearing Officer are adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and are not adopted.
2. In accordance with the evidence and plans submitted in this proceeding, the 20 MW solar electric generation facility (the "Project") proposed for construction and operation by VT Real Estate Holdings 2 LLC (the "CPG Holder") off Airport Road in Fair Haven, Vermont, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good ("CPG") to that effect shall be issued in this matter.
3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this _____ day of _____, 2025.

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_____]

PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____
Clerk of the Commission