

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Northland Solar LLC for a)
certificate of public good, pursuant to 30)
V.S.A. § 248, authorizing the installation)
and operation of a 4.999 MW solar)
electric generation facility in Lowell,)
Vermont)

Case No. 25-2346-PET

NORTHLAND SOLAR LLC’S RESPONSE TO REQUESTS FOR INTERVENTION

Petitioner Northland Solar LLC (“NS”) hereby responds to the requests for intervention in this case filed to date. Notices of Intervention were filed by the Town of Lowell Selectboard on November 5, 2025¹ and by Michael Tetreault on November 7, 2025. Motions to Intervene were filed by: (1) Douglas Manning on November 6, 2025²; (2) Lowell Cemetery Association on November 6, 2025; (3) Madonna Sullivan on November 7 2025³; and (4) Lowell Graded School on November 7, 2025. We address each filing in turn and provide a summary of NS’s outreach to community members to date.

Summary of Law

Intervention in Section 248 proceedings is governed by Commission Rules 2.209 and 5.409. Under Rule 5.409, certain entities and persons, including the municipal legislative body where a project is located and adjoining landowners, may obtain party status by filing a notice of

¹ Jennifer Blay, on behalf of the “Town of Lowell,” filed two nearly identical notices of intervention on November 5, 2025. As Ms. Blay is a member of the Select Board, NS presumes the second notice was filed to clarify that the intervening party is the “Host Municipal Legislative Body” as opposed to a “Regional Planning Commission, Municipal Planning Commission, or Municipal Government for a town wholly or partially within 10 miles of a proposed wind turbine.” To the extent that the Commission interprets this notice of intervention as filed by the “Host Municipal Planning Commission,” NS notes that Ms. Blay is not a member of the Town of Lowell Planning Commission. See <http://www.townoflowell.org/town-officers-.html>.

² Doug Charles Manning submitted two motions to intervene on November 6, 2025. NS responds to the second, more detailed filing.

³ Madonna Sullivan filed two motions to intervene, one on November 6, 2025, and another on November 7, 2025. NS Responds to the second, more detailed filing.

intervention. That notice “must include a list of specific issues on which the intervenor is seeking to participate and an explanation of how the intervenor’s interests will be affected by a decision on the petition.”⁴ For these persons/entities, Rule 5.409 also incorporates by reference Rule 2.209(C), which allows the Commission to restrict a party’s participation as appropriate. Parties that are not included in the list of persons/entities in Rule 5.409 must file a motion for intervention pursuant to Rule 2.209(A) or (B). Intervention for any party must be limited to issues within the Commission’s scope of review under Section 248. The Commission has clearly ruled that some interests, including impacts on property values, are outside the scope of Section 248 review and has not allowed intervention on such issues.⁵

Intervention Responses

Town of Lowell Selectboard

Selectboard Chair Jennifer Blay filed a notice of intervention on behalf of the Selectboard as the “Host Municipal Legislative Body.” The specific issues on which the Town seeks to participate include: consistency with the Town Plan, aesthetics, and impacts on wildlife and the public water system. NS does not object to the Commission granting party status to the Town of Lowell Selectboard with respect to Section 248 criteria on orderly development (Section 248 (b)(1)), visual aesthetics (Section 248(b)(5)), or development affecting public investments (10 V.S.A. Section 6086(9)(K)). To the extent that the Town is raising concerns with deer wintering and grassland bird

⁴ See also, *In re Rutland Renewable Energy, LLC*, Case No. 8188, Order of 3/3/14 (“As a general rule, persons seeking to intervene in Section 248 proceedings must demonstrate a substantial interest that will be affected by the outcome of the proceeding.”).

⁵ See, e.g., *Petition of ER Danyow Rd. Solar, LLC*, No. 22-3427-PET, Order of 10/3/22 (“[T]he Commission has long held that concerns over individual property values are not within the scope of a Section 248 proceeding.”); *Vermont Electric Power Co. v. Bandel*, 135 Vt. 141, 145 (1977) (Recognizing that Section 248 proceedings “relate only to the issue of public good, not the interests of private landowners who are or may be involved.”).

habitat, NS submits that these concerns are within the purview of the Agency of Natural Resources (“ANR”) and will be adequately represented by ANR.

Michael Tetreault

Michael Tetreault owns the property with an Emergency 911 address of 2419 Vermont Route 100 in Lowell, Vermont and is an adjoining landowner to the Project. Mr. Tetreault’s intervention notice includes a general reference to all Section 248(b)(5) criteria and raises a specific concern about his property value, the Project’s location within the Town, and visual impacts from their home and in everyday travel.⁶ NS has no objection to the Commission granting Mr. Tetreault intervention on Section 248 criteria (b)(5) with respect to aesthetic impacts on his property. As noted above, impacts on individual property values are not within the scope of Section 248 review. Additionally, the Project’s location within the Town and aesthetic impacts from everyday travel around Lowell are not specific to Mr. Tetreault’s interests and will be adequately represented by the Town of Lowell.

Douglas Manning

Douglas Manning resides at 411 Vermont Route 58E in Lowell, Vermont and is an adjoining landowner to the Project. Mr. Manning’s Motion to Intervene includes a general reference to all Section 248(b)(5) criteria and states that his property overlooks the Project site, which would impact his property value. NS has no objection to the Commission granting Mr. Manning intervention on Section 248 criteria (b)(5) with respect to aesthetic impacts on his property. As noted above, impacts on individual property values are not within the scope of Section 248 review.

⁶ Mr. Tetreault also requests a site visit and public hearing. As previously stated in NS’s November 10, 2025 filing, NS has no objection to the Commission scheduling a site visit and public hearing in this proceeding.

Lowell Cemetery Association

Byron Dolan filed a Motion to Intervene on behalf of the Lowell Cemetery Association (“LCA”), which owns and operates the Mountain View Cemetery. In its Motion, the Lowell Cemetery Association claims both “Intervention as a Right by Statute or Commission Rule” and “Permissive Intervention without Statute or Commission Rule.” However, the Mountain View Cemetery is not an adjoining landowner to the Project parcel and is not otherwise a person or entity entitled to participate under Rule 5.409 or Section 248 as a statutory party. Therefore, the Commission should apply the standards for permissive intervention under Rule 2.209(B) to the LCA motion.

Under Rule 2.209(B), the Commission must consider whether granting permissive intervention will unduly delay the proceeding or prejudice the interests of existing parties in this proceeding. The interests identified by the LCA are the view of the Project from the cemetery and potential impacts on future lot sales. NS does not object to LCA’s participation on Section 248 criteria (b)(5) with respect to aesthetic impacts to the cemetery property. However, impacts on individual future business sales and profits, like individual property value impacts, are not within the scope of Section 248 review.

Madonna Sullivan

Madonna Sullivan resides at 267 Vermont Route 58E in Lowell, Vermont and is an adjoining landowner to the Project. Ms. Sullivan’s Motion to Intervene includes a general reference to all Section 248(b)(5) criteria but does not specify any specific interest in this proceeding. A general recitation of Section 248 does not meet the requirement in Rule 5.409 to list specific issues on which the intervenor is seeking to participate and explain how the intervenor’s interests will be affected by

a decision on the petition. As Ms. Sullivan’s filing does not include any explanation of how her specific interests will be impacted by a decision in this proceeding, NS does not believe Ms. Sullivan has met the standards for intervention.

Lowell Graded School

The Lowell Graded School (“LGS”) is located at 52 Gelo Park Rd. in Lowell, Vermont and is an adjoining landowner to the Project. LGS’s Motion includes a general reference to all Section 248(b)(5) criteria and raises a specific concern regarding the Project’s location within its drinking water source watershed.⁷ NS has no objection to the Commission granting LGS intervention on Section 248 criteria (b)(5) with respect to impacts on the school drinking water supply.

NS Community Outreach

Various public comments have been filed with the Commission, in addition to the aforementioned intervention requests. NS would be happy to respond more formally to public comments received but would note that as it relates to public awareness of the Project and the ability of townspeople to provide feedback on this Project, NS has been engaging with members of the community about the Project for several months.

Representatives from NS have been in communication with several adjoining landowners as far back as July 2025, responding to individual requests, providing digital copies of plans, and answering questions about the Project and potential impacts on adjoining properties. As part of these discussions, NS has made substantial efforts to accommodate individual requests for use of the property around the solar facility, including (1) allowing access to tap maple trees and mow grass along property lines, (2)

⁷ LGS also requests a site visit and public hearing. As previously stated in NS’s November 10, 2025 filing, NS has no objection to the Commission scheduling a site visit and public hearing in this proceeding.

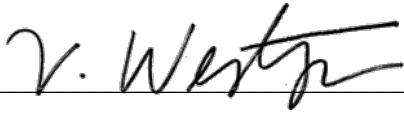
providing maintenance of the shared access road, (3) allowing the school to use the site for sledding, and (4) continuing the presence of the VAST trail across the property all in addition to a site plan that already includes (5) a substantial amount of planned vegetative screening in the limited areas where viewpoints from public locations are possible. To date NS has agreed to every individual request related to use of property (sledding, sugaring, VAST access, farming) and NS has not received any specific requests for additional aesthetic mitigation.

With respect to the broader public, NS received a written request from the Town of Lowell Selectboard requesting information about the timeline to provide comments. NS promptly responded clarifying that comments can be filed at any time and offered to speak with both the Selectboard and the Planning Commission. Representatives from NS and from the Vermont Electric Cooperative then attended a Selectboard meeting on October 14, 2025, where NS answered community questions, offered (1) additional aesthetic mitigation planting to both neighbors and the Town, and (2) offered a community garden space if desired. NS has attended every public meeting to which it has been noticed and invited by the Town and will continue to do so in the continuation of this process.

Petitioner NS therefore wishes to assure the Town and the Commission that it has and will continue to make good faith efforts to communicate about the Project and work with the local community to address concerns about the Project to the extent it can reasonably do so. To this end, NS reiterates that it has no objection to the Commission scheduling a site visit and public meeting where NS can further present the Project to the community.

Dated this 14th day of November, 2025 in Burlington, Vermont.

BY:

By: 

Victoria Westgate, Esq.
Zachary Berger, Esq.
SRH Law PLLC
91 College Street
Burlington, VT 05401
802-860-1003
vwestgate@srhlaw.com
zberger@srhlaw.com
Counsel for Northland Solar LLC