Tyler Mullican
132 Cheney Rd.
Lowell, VT 05847
tylermullican@gmail.com
(615) 947-5034

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Clerk of the Commission
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620
puc.clerk@vermont.gov

Re: Public Comment in Opposition, PUC Case No. 25-2346-PET

Petition of Northland Solar LLC for a Certificate of Public Good for a 4.999 MW solar electric generation facility in Lowell, Vermont

Dear Members of the Commission:

I am a resident of Lowell, Vermont, writing to oppose the issuance of a Certificate of Public Good for the Northland Solar LLC project (the "Project") proposed for the 44-acre Raboin family hayfield directly across from Lowell Graded School. I respectfully ask the Commission to deny the petition.

The Project fails to satisfy several substantive criteria of 30 V.S.A. § 248(b), and granting a CPG here would not serve the long-term public good of the State of Vermont. My objections, organized by statutory criterion, follow.

1. The Project will unduly interfere with the orderly development of the region. (§ 248(b)(1))

The Town of Lowell adopted its current Town Plan in August 2023. That Plan prioritizes the protection of active agricultural land and the preservation of Lowell's rural character. The proposed site is a flat, V-shaped hayfield in continuous agricultural use for over a century, sitting at the visual and geographic center of the village near the "Four Corners" intersection of Route 100 and Route 58. It lies within a rural-agricultural district. The Plan

does not list industrial-scale solar generation as a permitted or conditional use in that district.

The Lowell Selectboard has unanimously opposed the Project. The Northeastern Vermont Development Association, the regional planning body, has filed a public comment in opposition, finding the Project inconsistent with the regional plan. The town plans of adjoining municipalities (Westfield and Eden) likewise do not support large-scale solar development of this character.

I recognize that under *City of South Burlington v. Vermont Electric Power Co.*, 133 Vt. 438, 344 A.2d 19 (1975), municipal recommendations under § 248(b)(1) are advisory rather than controlling. But "due consideration" is not the same as deference to a developer over an entire town. In *In re Petition of Rutland Renewable Energy, LLC*, 2016 VT 50, the Vermont Supreme Court divided 3 to 2 on whether the Public Service Board had given the Town of Rutland's recommendations sufficient weight. The dissent expressed substantial concern that the Board's treatment of the Town's siting standards was perfunctory rather than substantive. The same concerns apply here, with even greater force. Every level of local and regional planning authority that has spoken on the Project has opposed it. That convergence is significant and should weigh heavily against approval.

2. The Project is not needed to meet present or future demand. (§ 248(b)(2))

Vermont Electric Cooperative, the off-taker for the Project's output, already reports a power supply that is approximately 83% renewable and 100% carbon-free, comfortably exceeding the current Renewable Energy Standard requirements under 30 V.S.A. § 8005. The 2026 Vermont Annual Energy Report, citing technical analysis from the Department of Public Service, projects significant monthly energy surplus periods in coming years and notes ongoing concerns about curtailment of renewable generation due to congestion in the region.

The Project is being driven not by demonstrated necessity but by the developer's stated need to begin construction by July 2026 to capture expiring federal tax credits. A timeline driven by a tax-credit deadline is not a substitute for a finding of public need under §

248(b)(2). The Commission should not allow a private developer's tax-equity calendar to override the substantive review the statute requires.

3. The Project will impose disproportionate cumulative burdens on Lowell and provide minimal economic benefit to the State. (§ 248(b)(4))

Lowell, with a population of approximately 887 and roughly 400 housing units, already hosts the Kingdom Community Wind project. That facility comprises 21 turbines across four miles of ridgeline and produces enough electricity to power more than 24,000 homes. Its generation capacity alone exceeds the entire housing stock of Orleans County (approximately 16,400 units). By any measure, this small Northeast Kingdom town has already contributed far more than its proportional share to Vermont's renewable energy portfolio.

The economic comparison between the wind project and the proposed solar project is stark. Green Mountain Power's wind facility provides Lowell with approximately $600,000 annually in payments that meaningfully offset the town's tax burden. By contrast, the Northland Solar Project would generate far less revenue for the town. The Project is exempt from education property tax. The uniform capacity tax, assessed at $4 per kilowatt under 32 V.S.A. § 8701, would yield approximately $20,000 annually for the Education Fund — not for Lowell. The town's direct revenue would be limited to municipal property tax on the facility and property tax on the underlying land, assessed at its pre-solar value without regard to the panels. The energy generated would not produce a discount or any direct benefit for Lowell residents. It would be sold wholesale to VEC, with the renewable energy credits retired against compliance obligations the utility is already on track to exceed.

The Commission's review under § 248(b)(4) should weigh not only direct revenue to the State and host town, but also the opportunity costs imposed on the community. It is my understanding, based on statements made at the November 2025 informational meeting, that a neighboring farmer, Mike Tetreault, offered the seller a substantial premium over the field's appraised value to keep the land in agricultural production and was outbid by the developer at a significantly higher price. The Project does not merely fail to provide meaningful economic benefit to Lowell. It actively forecloses an active, locally-valued agricultural use that another Lowell farmer was willing to pay a premium to preserve.

The Commission should also consider the Environmental Justice Act (Act 154 of 2022) and its requirement to evaluate cumulative environmental burdens. Lowell already hosts an industrial-scale wind facility and a defunct asbestos mine. Concentrating an additional industrial energy facility in the village center compounds those burdens.

4. The Project will have undue adverse effects on aesthetics, the natural environment, and the use of natural resources. (§ 248(b)(5))

Aesthetics. Under the Quechee test as applied in the Section 248 context, the Commission must consider the sensibilities of the average person from all reasonable vantage points, including private property. Approximately 15,000 ground-mounted solar panels covering roughly 33 acres of a 44-acre parcel, sited at the geographic center of a small rural village, will be shocking and offensive to the average Vermonter familiar with the character of this community. The location is directly across the road from the elementary school, immediately adjacent to Route 100 (a heavily-traveled tourist and foliage corridor and one of the most photographed roads in Vermont), and visible from numerous private residences in the surrounding hills, as the developer's own viewshed analysis confirms. The proposed mitigation (perimeter fencing and tree plantings) cannot meaningfully screen an installation of this scale, particularly given that the site sits in a valley with elevated vantage points on multiple sides.

I respectfully draw the Commission's attention to its own Order Denying Certificate of Public Good of September 17, 2021, in *In re MHG Solar, LLC / 500 kW Manchester*, Case No. 20-1261-NMP. That order denied a CPG to a 500 kW project solely on aesthetic grounds. In Manchester, the Selectboard, the planning commission, and a State-hired independent aesthetics consultant all found no undue adverse aesthetic effect. The Commission denied the CPG anyway. Notably, the developer in that case was Tom Hand of MHG Solar, the same individual now before the Commission as the principal of Northland Solar LLC. If a 500 kW project on a flat field outside Manchester warranted denial on aesthetic grounds in 2021, a 4.999 MW project with roughly ten times the capacity, sited in the center of a smaller and more rural town, opposed by every level of local and regional government, warrants the same outcome here.

Natural environment and wildlife. The proposed site is documented habitat for bobolinks, listed by the Vermont Fish & Wildlife Department as a Species of Greatest Conservation Need. According to the Vermont Center for Ecostudies, approximately half of the entire bobolink population has been lost since 1970, and declines continue today. Bobolinks are an area-sensitive grassland species that prefer large contiguous open fields and exhibit documented avoidance behavior near vertical structures and woodland edges. Vermont Fish & Wildlife biologists have specifically identified an approximate 20-acre contiguous-grassland threshold for productive bobolink habitat in the context of solar siting decisions. The placement of approximately 15,000 panels across this field will eliminate this habitat entirely. As State wildlife biologists have repeatedly observed, the cumulative loss of grassland bird habitat through piecemeal development of fields like this one, "the next road over, the next town over," represents one of Vermont's most significant ongoing wildlife habitat challenges.

The site has also been identified as a deer wintering area and is reported to lie within the watershed source for Lowell Graded School's drinking water. A Class II wetland is reportedly present on or adjacent to the parcel. Each of these resources warrants careful, independent evaluation, and the cumulative effect across all of them tips the § 248(b)(5) analysis decisively against approval.

Soil and primary agricultural resources. The field has been in continuous agricultural use for over a century. While 30 V.S.A. § 248(t) preserves the legal classification of primary agricultural soils after solar development, that statutory protection is a paper preservation. The construction of a ground-mounted solar facility requires removal and stockpiling of topsoil, disrupts the soil microbiome, and materially compromises the land's near- and medium-term agricultural productivity. The General Assembly is currently considering H.677 and S.323, both of which reflect significant legislative concern about siting industrial solar on productive agricultural soils. The Commission should give weight to the legislative direction these bills represent and to recent testimony before the Senate and House Agriculture Committees. American Farmland Trust data presented to the House Committee on Agriculture, Food Resiliency, and Forestry documents the ongoing loss of thousands of acres of Vermont farmland annually, with projections covering 2016 through 2040 estimating total losses of 41,000 to 61,800 acres statewide.

5. The procedural record reflects a process that has not allowed Lowell a meaningful opportunity to be heard.

I would add a procedural observation. The Town of Lowell's participation in this proceeding has been hindered by a combination of an administrative error (a 45-day notice letter that sat unopened in the town office), unfamiliarity with a complex litigated process designed for utility lawyers, and the practical reality that many Lowell residents, including members of the Selectboard, lack the broadband connectivity needed to participate in virtual hearings. The Commission's own scheduling has placed an evidentiary hearing on this matter within months of a developer-imposed July 2026 construction deadline tied to expiring tax credits. None of this constitutes a defect in the Commission's authority. But I respectfully ask the Commission to keep these procedural realities in mind when evaluating the weight of the local record before it. A small town doing its best to participate against the resources of an experienced developer should not be penalized in the substantive analysis for the inevitable rough edges of pro se participation.

Conclusion

Lowell is not opposed to renewable energy. Lowell hosts the largest wind installation in Vermont. Lowell residents understand the climate stakes and have already made significant contributions to the State's renewable energy goals.

What this community is opposed to is the conversion of a century-old hayfield in the center of our village, across from our school, in documented bobolink habitat, against the unanimous opposition of our Selectboard and our regional planning commission, into an industrial-scale generation facility whose primary public-interest justification is a developer's tax-credit deadline rather than a demonstrated need under § 248(b)(2).

The Project does not serve the long-term public good of the State of Vermont. I respectfully ask the Commission to deny the petition.

Thank you for your consideration of this comment and for the work you do.

Respectfully submitted,

Tyler Mullican

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Resident, Town of Lowell