

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Airport RD1 VT Solar, LLC,)
pursuant to 30 V.S.A. § 248, requesting a)
certificate of public good for a 4.975 MW)
(AC) electric generation facility in Fair)
Haven, Vermont)

Case No. 26-0736-PET

**Stipulation between Airport RD1 VT Solar, LLC and
the Vermont Agency of Agriculture, Food and Markets**

Petitioner Airport RD1 VT Solar, LLC (“Petitioner”) and the Vermont Agency of Agriculture, Food and Markets (“AAFM”) (collectively “the Stipulating Parties”) stipulate and agree as follows:

WHEREAS, on April 16, 2026, Petitioner filed with the Public Utility Commission, pursuant to 30 V.S.A. § 248, a Petition for Certificate of Public Good (“CPG”) for the installation and operation of a solar electric generation facility in Fair Haven, Vermont (“the Project”); and

WHEREAS, the Stipulating Parties have reviewed the Petition, engaged in discovery, and resolved all outstanding issues between them related to the Project;

NOW THEREFORE, in consideration of the above and the undertakings and covenants set forth herein, the Stipulating Parties agree as follows:

1. The Commission make findings consistent with the following:
 - (a) The Project will be located on approximately 22.35 acres of an approximately 105.21-acre parcel of land located off Airport Road in Fair Haven, Vermont. Prefiled testimony of Geoff Martin at 3.
 - (b) Approximately 22.35 acres of primary agricultural soils (“PAS”), as defined in 10 V.S.A. § 6001(15), are located within the Project’s limits of disturbance. Exhibit PET-SDG-2 at Drawing number C-101, “Site Plan,” table “Impact Area Calculations”.
 - (c) Petitioner proposes to disturb approximately 5.37 acres of PAS to install the access road, underground power, and equipment pads, and to clear trees. Together with all other construction activities, the petitioner proposes to potentially impact a total of approximately 22.35 acres of PAS. Exhibit PET-SDG-2 at Drawing number C-101, “Site Plan,” table “Impact Area Calculations”.

2. The Stipulating Parties agree that the following conditions shall be included in any CPG issued by the Commission in this matter to address the Project's impacts on PAS:
 - (a) As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. § 6001 located on the site of a solar electric generation facility approved under Section 248 shall remain classified as such soils, and the review of any change in use of the site subsequent to the construction of the facility shall treat the soils as if the facility had never been constructed.
 - (b) In areas where PAS will be excavated, the CPG Holder shall stockpile the PAS separately by soil horizon, making sure these piles are located and planted with ground cover as appropriate to prevent erosion and preserve integrity, and shall comply with AAFM's Act 250 Procedure: Reclamation of Vermont Agricultural Soils, https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf (rev. Oct. 30, 2014) ("AAFM Guidelines").
 - (c) The CPG Holder shall stockpile the PAS within the project fence or in a similarly secure place and on slopes less than 15%. The CPG Holder shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project decommissioning. The requirements of this paragraph shall not apply to driven piles or posts, fence posts, and any other driven posts necessary to support infrastructure without the use of concrete or masonry.
 - (d) The Project shall not include any grading of PAS, unless required to manage stormwater associated with construction of the access road. Any soil or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier, such as geotextile fabric.
 - (e) In areas of tree cutting within PAS, any stump removal shall occur using light equipment, such as a skid steer or small excavator, at the time of tree cutting and other construction activities. To minimize soil disturbance, grubbing in the proposed tree cutting/grubbing area shall involve only what is necessary to remove tree stumps and woody debris to construct the Project. Tree stumps shall be shaken clean

over the area from which they were removed and either chipped or ground up. Chips and ground wood shall be used to fill any minor depressions in areas where trees were removed, widely dispersed so as not to form significant piles, and/or transported offsite for proper disposal. Wood in any form shall not be piled onsite after construction is complete.

- (f) If installing electric conduit or other project features using fill or other imported material of any kind in areas of PAS, the CPG Holder shall remove any PAS in a manner that separates soil horizons, stockpile the displaced layer(s) for the life of the Project, and replace the remaining soil horizons in their original sequence to fill the trench after installation of the conduit or other project feature. When decommissioning and removing electric conduit or other project features, the CPG Holder shall excavate and replace soil horizons in the same way, this time removing the conduit or other item and imported material and replacing it with the stockpiled layer(s) that the imported material previously displaced, restoring the original sequence of soil layers. If no imported material is used, no stockpiling shall be required for the associated excavation, so long as the CPG holder ensures that any PAS removed during construction and again during decommissioning is replaced in a manner that retains the integrity of the PAS and the proper sequencing of soil horizons consistent with AAFM Guidelines.
- (g) To reduce impacts to PAS from soil compaction, the CPG Holder shall not use any vehicle or equipment with an axle load (the fraction of gross weight distributed over each axle) of over 12,000 pounds on wet soils. Wet soils exist when the site has seen higher than average rainfall for a trailing 30-day period, based on National Weather Service or similar state or federal rainfall data. This prohibition shall not apply to the use of any onsite gravel roads that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.
- (h) Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10 percent. The CPG Holder shall

undertake the soil tests, mitigate any material change in soil bulk density, and disclose the results as follows:

- 1) Before construction, for each area of direct impact such as staging areas, access roads, and any area on the Project site where axle loads (the fraction of the gross weight distributed over each axle) of construction vehicles or equipment will exceed 12,000 pounds per vehicle, the CPG Holder will collect two soil samples at least 100 feet apart and test them using the method “Bulk Density Test” described in the Natural Resources Conservation Service “Soil Quality Test Kit Guide.” (Currently available online at https://efotg.sc.egov.usda.gov/references/public/WI/Soil_Quality_Test_Kit_Guide.pdf.)
 - 2) In any areas of primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped soil unit before construction and shall otherwise follow the same testing protocols.
 - 3) At the end of the decommissioning process, the CPG Holder shall repeat the testing at the same locations tested before construction. If the post-decommissioning soil bulk density for any sample shows an increase in soil bulk density from preconstruction soil bulk density that is greater than 10 percent, then the CPG Holder shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.
 - 4) The CPG Holder shall serve test results upon AAFM within 60 days of the test, as follows:
 - i) By email and US Mail to counsel of record in this matter, as listed in PUC records at the time of service; and
 - ii) By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service.
3. Subject to compliance with the above conditions, the Project, as described in

the plans and specifications submitted with the Petition shall not have an undue adverse effect on PAS under 30 V.S.A. § 248(b)(5).

4. To the extent any testimony or evidence submitted in this proceeding differs from the provisions of this Stipulation, the provisions of the Stipulation control.
5. This Stipulation may be modified only upon mutual written agreement by the Stipulating Parties and is subject to any necessary Commission approvals.
6. This Stipulation shall not be construed by any party or tribunal as having precedential impact in any future proceeding involving the Stipulating Parties, except as necessary to implement this Stipulation or to enforce an order of the Commission resulting from this Stipulation.
7. Should the Commission fail to approve this Stipulation in all material respects, this agreement shall terminate and the Stipulating Parties shall have the right to submit filings in this matter. The Stipulating Parties' agreements herein shall not be construed by any party or tribunal as having precedential impact on any testimony or positions that may be advanced in these proceedings.
8. Any disputes arising under this Stipulation shall be resolved by the Commission under Vermont law.
9. The Stipulating Parties hereby waive their rights under 3 V.S.A. § 811 to review and comment on any portions of a Proposal for Decision concerning PAS and to present oral argument thereon, provided that the Proposal for Decision is consistent in all material respects with the Stipulation.

See next page

Dated at Montpelier, Vermont this ___ day of ___ 2026.

STATE OF VERMONT
AGENCY OF AGRICULTURE, FOOD
AND MARKETS

By: _____
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Dated at Castleton, Vermont this 27th day of July 2026.

AIRPORT RD1 VT SOLAR, LLC

By:  _____
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