

Joan B. Allen and Michael J. Binder
1953 Davis Road
Randolph Center, VT 05061
(802) 728-4830
joanbarballen@gmail.com. / michaeljbinder@yahoo.com

October 25, 2021

VT Public Utility Commission
112 State St.
Montpelier, VT 05620-2701

Re: Case No. 21-2939-NMP
Randolph Davis Solar LLC

To the members of the Public Utility Commission:

We are adjoining landowners to the proposed solar development referenced above, and are filing a motion to intervene. We're writing to advise you of our objections and comments, which are as follows:

Omissions & Errors

1. The Randolph Town Plan's Energy section (Exhibit RDS MS-6, p. 23) prohibits energy facility development "on lands over 25% slope. The map from the Agency of Natural Resources Atlas shows the areas over 25% slope on this parcel (in red), which make up more than 50% of the property. (Exhibit JA-MB-2.1) Approximately half of the proposed site of the solar array is over 25% slope, as well as the access road.

The "Aesthetics, Orderly Development and Above-Ground Historic Sites Assessment Report" (Exhibit RDS-MS-6, p. 23) by Martha Staskus discusses the Randolph Town Plan on pp. 7-8 and concludes, "...the Project does not violate any clear, written community standard..." However, the full chapter of the Randolph Town Plan's Energy section is included in Staskus' Report that contains the clear written community standard prohibiting energy facility development "on lands over 25% slope", which characterizes the proposed solar site.

The only reference to the site's topography is in the Natural Resource Assessment prepared by Dori Barton of Arrowwood Environmental: IV. Criterion 1(A) Headwaters, which states that "The project is located in a headwater as it is located within a watershed with a drainage area of less than 20 square miles and is characterized by steep slopes." (Exhibit RDS DB-2, p. 5)

We question why this experienced applicant omitted the clear language in the town plan that prohibits energy development on a site with the characteristics of this specific solar proposal. Failure to reference this section of the town plan by Brendan Malley of Norwich Solar Technologies in his discussions with the Randolph planning commission

on June 1, 2021 (Minutes, Exhibit JA-MB-1) and in the narrative of Staskus' and Barton's Reports, appear to us to be more than oversights.

We have sent a letter to the Randolph Planning Commission advising them that their approval of this property as a Preferred Site violates the Town Plan, and requests them to reconsider and rescind their approval. We have also asked for this issue to be on the agenda for their next meeting, on November 2. (Exhibit JA-MB-2)

The most appropriate action at this stage in the process would be for Norwich Solar Technologies to withdraw its application with the PUC prior to the Randolph Planning Commission's Nov. 2 meeting, so they do not waste any more time on this poorly-conceived proposal.

2. Petitioner's materials contain two references to Springfield.

In the APPLICATION FOR A CERTIFICATE OF PUBLIC GOOD PURSUANT TO V.S.A. §§ 248 AND 8010 AND PUBLIC UTILITY COMMISSION RULES 5.107 AND 5.111(B), it says:

Rule 5.107(C)(3): Adjoining Landowners The Adjoining Landowners, whose names were obtained from the most recent grand list for the Town of **Springfield**, are listed in the Rule 5.107(E) Certification that accompanies this Application.
Emphasis added

In the PREFILED TESTIMONY OF DORI BARTON ON BEHALF OF RANDOLPH DAVIS SOLAR LLC, it says:

Q3. What is the purpose of your testimony?
A3. My testimony is in connection with the application of **Springfield Craigie Hill Solar LLC (the "Applicant")** for Section 8010 and Section 248 approval to construct and operate a 500 kW (AC) ground-mounted solar electric generation project (the "Project") in Randolph, Vermont. *Emphasis added*

These errors and omissions cause us to question the integrity of the applicant and whether the same sloppiness we are seeing in the application materials may transfer to the actual project development on the parcel adjoining our property.

Comments

3. We question the appropriateness of this site given the amount of clearing that appears to be required. We find it difficult to determine the actual acreage of potential clearing, and need to know whether the term "area of disturbance" used in the applicant's testimony is the same as the total amount of clearing. How many acres of trees are proposed to be cut?

4. Net-metering projects, as we understand the program, are to serve customers. We do not see any customer identified in any of the application materials. The proposed area is

rural and does not have a lot of electrical load to serve. We question the appropriateness of approving such a large solar array without first identifying to whom the power is being sold. The high rates for net-metering projects should not be allowed if projects are simply going to feed power into the grid.

5. We take exception to the findings of the Natural Resources Assessment prepared by Dori Barton of Arrowwood Environmental. The parcel is in a wildlife corridor. We have seen bobcats and coyote crossing here, and frequently, deer. (Exhibit JA-MB-3). The neighborhood, including this property, has a resident population of black bears, including mothers with cubs, which are frequently seen. We have observed many stumps in the clear cut area where the proposed array would be located, that were ripped apart by bears seeking ants in the spring. The photos (Exhibit JA-MB-4) were taken this fall (the stump damage will not look fresh). Other wildlife seen, and their sign and tracks observed in winter, include fisher, mink, weasels, fox, coyote, songbirds, and birds of prey.

6. The clear cut done in 2016 has since recovered to early successional habitat. This habitat type is known to be declining in Vermont, and entities including the Green Mountain National Forest and VT Dept. of Fish and Wildlife are working to maintain and reestablish it. Recent research has established the value of young forests in sequestering carbon. (See Exhibit JA-MB-5, "Young Forests Capture Carbon Quicker than Previously Thought " for one example).

Chapter 5 (Natural Resources) of the Randolph Town Plan includes this *Goal: Forest Blocks and Habitat Connectors: maintain or enhance the natural diversity, population, and migratory routes of wildlife, including natural predators, in proper balance. Actions to implement this Goal include A.3. encouraging landowners to maintain or improve natural diversity, populations, and migratory routes of wildlife habitat areas and A.4. Encourage the protection of upland forests to reduce erosion and increase flood resilience.* (Exhibit JA-MB-6)

7. On June 20, 2021 we attended (by Zoom) a Randolph Selectboard meeting when this project was discussed. Brendan Malley, representing Norwich Technologies, was present, to request the Selectboard's approval to designate the property as a Preferred Site. We asked if blasting be needed to install the panels. The reply was no, the posts will be drilled. However, we have seen no evidence that a geotechnical survey has been done to verify that no blasting will be needed.

8. We have read that other states are investigating the possibility that PFAS chemicals have been found to leach from the panels at solar installations, and would like to know whether Vermont is monitoring this because the project is in a drinking water source protection area. (Exhibit JA-MB-7)

9. We believe that this application should be withdrawn or denied on the basis of item #1 of this letter. In the event it is allowed to move forward, our other comments and concerns are as follows:

- We have a vernal pool on our property that is 134 ft. from the property line.
- The application states that a fence may be installed around the array. We strongly oppose a fence, which is both unnecessary and harmful to wildlife movement.
- The staging area should be restored to native vegetation when construction is finished.
- Herbicide use should not be permitted on the property. Mr. Malley stated that vegetation would be managed by mowing only. Non-native grasses should not be used on the property, and instead, native pollinator plants. The Vermont-based group Bee the Change facilitates pollinator plantings in solar fields.

Thank you for your attention to our comments and concerns.

Sincerely,

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michaeljbinder@yahoo.com

Exhibits:

1 Randolph PC Meeting Minutes

2 Letter to Randolph PC

2.1 Slopes Map

3 Mammal Crossing Map

4 Photos

5 Young Forests Carbon

6 Randolph Town Plan Natural Resources Section

7 EPA PFAS Article