

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-2939-NMP

Petition of Randolph Davis Road Solar LLC for a Certificate of public good, pursuant to 30 V.S.A. §§ 248 and 8010, authorizing the Installation and operation of a 500kW group Net-metered solar electric generation system in Randolph, Vermont	
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MOTION TO DISMISS
Or, in the alternative
MOTION TO STAY

Now come Michael Binder and Joan Allen, *pro se*, and move to dismiss the application of Case No. 21-2939-NMP because it does not fully comply with the filing requirements.

Rule 5.107 (C)(5)(e) requires “Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure”.

The revised site plan (RDS MS-2A) shows cross sections of stone dams, silt soxx, and water bars, but does not indicate where on the site these excavated structures are to be located. There are no culverts or specifications for culverts shown on the site plan.

In order to evaluate the mitigation of stormwater runoff, and in order to evaluate the project’s conformance with the Randolph Town Plan, the location and underlying slopes of these structures should have been included in the site plan.

Rule 5.107 (B)(4) states that the “If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the project that FULLY COMPLIES with the filing requirements of this Rule, the submission will be treated as withdrawn without further action required by the Commission.”

We note the language “fully complies” in Rule 5.107 (B)(4). The revised site plan filed on 2/25/22 does not fully comply with the requirement for detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation, and is the basis of our motion to treat the applicant's submission as withdrawn.

MOTION TO STAY

If the Hearing Officer decides for any reason not to dismiss the Petition due to the above referenced failure, we move for a stay of all proceedings in Case No. 21-2939-NMP until such time as the applicant satisfies the request of the hearing officer (at the scheduling conference) to put a 25% and greater slopes layer on the site plan.

The site plan (RDS MS-2A), as currently submitted (2/25/22), only shows the 25% layer in a small region of the disturbed area near the solar panels. Much more of the disturbed area is over 25% slope, based on examination of the contours in the submitted site plan, and as easily seen in the slopes layer in the ANR Atlas.

In the original site plan RDS MS-2 and in the revised version RDS MS-2 (2/16/22), the major and minor contour lines are 5 ft and 1 ft respectively. In the site plan revision of 2/25/22 (RDS MS-2A) the major and minor contour lines are 10 ft and 2 ft respectively. Intervenors Binder and Allen respectfully request that the hearing officer instruct Petitioner to add the remainder of the 25% slopes layer to the site plan and to restore the higher resolution contour lines.

Rule 5.107 (C)(5)(e) requires "Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure".

The revised site plan shows cross sections of stone dams, silt soxx, and water bars, but does not indicate where on the site these structures are to be located. Intervenors respectfully request that the hearing officer instruct the Petitioner to provide the location, on the site plan, of all excavated structures for the management of surface and/or sub-surface water.

Intervenors' request will make it easier for all parties to assess the project for compliance with the Randolph Town Plan's prohibition of energy facility development on slopes greater than 25%.

If stay is granted, we also request that all dates agreed to at the scheduling conference be delayed accordingly.

We thank you for your attention to this matter.

/s/ Joan Allen

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