

TOWN OF RANDOLPH, VERMONT

Zoning and Planning Office

zoning@randolphvt.org

802.728.5433 x19 or x20

PLANNING COMMISSION

DRAFT MEETING MINUTES

This draft was amended on December 13, 2021

Tuesday, December 7, 2021

Randolph Town Hall

Present: Members: Miles Hooper, Sonny Holt, Perry Armstrong, Camden Walters (Paul Rae absent).

Municipal Staff: Trevor Lashua (arrived after the meeting began)

Other Attendees: Jeff Grout, Michael Binder, Joan Allen, Brooke Dingleline, Kathy Leonard

Mr. Holt called the Regular Meeting to order at 6:35 pm.

1. **Public Comment** – there was no one from the public with general comments.
2. **Agenda Approved** – Camden motioned to approve the agenda. Miles seconded; the proposed agenda was approved 4-0.
3. **Approval of Minutes** – Miles motioned to approve the October 5, 2021 minutes. Perry seconded. Motion was approved 3-0-1. Camden Abstained.
4. **New Business**
 - a. **Discussion on Slope Issues Related to the Solar Array Project on Davis Road in East Randolph.**

Sonny introduced the letter from Michael Binder and Joan Allen by reading their letter as found in attachment 1. Sonny then described some of the Town Plan with regard to solar projects (Chapter 2. Page 10, Policies, letter g). He then read Chapter 6 Page 29, Section 248). He went on to say Randolph's Planning Commission and Selectboard have designated 2 locations as preferred sites. One is the Davis Road Project to be constructed by Norwich Solar Technologies and that both of those sites met the policy guidance contained in the Town Plan. However, subsequent discussion about solar array panels being mounted on steep slopes raised a question on whether Norwich Solar Technologies had met Randolph's policy guidance prohibiting installation of solar panels on slopes greater than 25%. Brooke Dingleline spoke about the PUC processes and the recent solar proposals in Bennington. There was a discussion on whether or not to rescind the letter to Norwich solar. Perry commented that he would like to leave

the letter as is and leave it up to Norwich to prove the slope is not a problem. The conversation ended with Perry suggesting they consult town's legal counsel to see what their position is. Members all agreed.

b. Discussion on Whether the Town Needs and Enhanced Energy Plan IAW Act 174.

Members discussed whether or not an enhanced energy plan was needed now and prior discussions on such energy planning.

c. Discussion on the viability of the Planning Commission's 7-member Enhanced Energy Planning (EEP) Subcommittee.

Members discussed whether the EEP was still needed. Given the presence of other town committees and the completion of original task members agreed that the EEP was not still needed. Miles moved to formally disband the EEP subcommittee. Camden seconded. Motion passed 4-0.

d. Recommendations to Fill the Two Vacancies on the Planning Commission.

Members discussed candidates, including Jeff Grout, who was in attendance.

5. Other business: None

6. Adjournment: The Planning Commission adjourned.

Respectfully submitted: Kimberly Grout

Approved:

Davis Road Solar Project

Joan Allen and Michael Binder's Letter to the Planning Commission.

(As Read by Sonny Holt see attached Letter from Allen and Binder)

(What the Town Plan says about Solar Arrays as Read by Sonny Holt)

Randolph's Town Plan provides Policy Guidance to prevent Solar Arrays from Impacting Randolph's Bucolic Nature.

Under Chapter 2, Land Use, Policy G, It states that;

“Commercial- and industrial-scale solar and wind projects are not compatible with the bucolic rural areas that typify Randolph. As such, renewable energy facilities shall be sized to meet local and state demand and shall not be built exclusively for export of power or Renewable Energy Credits to other states and shall go towards meeting the State's 2050 energy goal. All renewable energy facilities shall be sited and substantially screened to prevent solar glare and to minimize viewing from I-89, state highways, town roads and neighboring properties and to mitigate any adverse impact to the aesthetic and scenic and natural beauty of the surrounding area and its viewsheds.”

Under Chapter 6, Energy, It states that;

For all energy generation facilities, the following policies apply:

Preferred Locations: The Town supports the placement of new generation and transmission facilities on top of existing buildings, on landfills, on brownfields outside of the village center, on reclaimed quarries or gravel pits, on a site that was previously covered by a structure or impervious cover in compliance with setbacks. Additionally, the Town, by joint letter of the Planning Commission and Selectboard, may designate a site as preferred if the total project area of panels encompasses 10 acres or less and if the project, as designed, will not be visible in the growing season from town or state highways.

Prohibited Locations: Energy facility development shall have to meet principal structure setback for the relevant area in the town zoning, and shall be prohibited in floodways, class 1 and 2 wetlands, lands within 50 feet of the top of bank of perennial streams, lands over 25% slope.

Thus far Randolph's Planning Commission and Select Board have designated by joint letter, two locations as preferred sites. One of those sites is the Davis Road Project to be constructed by Norwich Solar Technologies.

Both of those sites met the policy guidance contained in the Town Plan.

1. They were both sized to meet local and state demand and were not built exclusively for export of power or Renewable Energy Credits to other States.
2. The power generated will go towards meeting the State's 2050 energy goal.
3. They were sited and substantially screened to prevent solar glare and to minimize viewing from I-89, state highways, town roads and neighboring properties and to mitigate any adverse impact to the aesthetic, scenic and natural beauty of the surrounding area and its viewsheds.
4. The total project area of panels encompasses 10 acres or less and as designed, will not be visible from town or state highways.
5. The solar panels alone for the Davis Road project will be placed in an old pasture that did not appear to have ground slopes greater than 25%. The average slope of the array north-south is 15.5% and the array east-west slope is 10%.

It should be noted that the Town of Randolph has no authority to approve or disapprove Solar Projects. We can only show support by designating preferred sites as they come to our attention. The State's Public Utilities Commission has the power to regulate. The Davis Road Solar project is currently undergoing review by this commission and I don't believe they consider steep slopes as a disqualifier for solar projects.

Joan B. Allen and Michael J. Binder
1953 Davis Road
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michaeljbinder@yahoo.com

October 21, 2021

VIA: Electronic mail to Randolph Town ZA at Joshua@randolphvt.org,
and Randolph Town Manager at Manager@randolphvt.org
and Sonny Holt, Planning Commission Chair at holt7850@gmail.com

Town of Randolph
Planning Commission
Attn: Sonny Holt, Chair
7 Summer Street
Drawer B
Randolph, VT 05060

Re: Randolph Davis Solar LLC Project/Norwich Solar Technologies, Inc.
Preferred Sites Letter from the Town of Randolph

Dear Mr. Holt and Planning Commission Members,

We are writing as abutting property owners to the proposed Randolph Davis Solar LLC Project, submitted by Norwich Solar Technologies, Inc. After reviewing the PUC application materials sent to us and the Energy Chapter of the current Town Plan, we have discovered an omission of material fact concerning the project presented by Norwich Technologies to the Randolph Planning Commission on June 1, 2021, regarding compliance with the Town Plan for purposes of obtaining a Preferred Sites Letter.

Norwich Solar Technologies, neglected to mention the critically important fact that the majority of the proposed site resides on steep slopes over 25%, a topographical location that is explicitly prohibited by the Town Plan. Thus, the developer's representation that the project does not violate the Town Plan is clearly erroneous and misleading. Furthermore, because the project location is explicitly prohibited by the Town Plan, we do not believe that the developer is entitled to a Preferred Sites Letter from the Town Planning Commission, Selectboard, or from the Regional Planning Commission, since the proposed site is in direct conflict with an explicitly prohibited location contained in our Town Plan.

Specifically, Chapter 6, page 29, the Randolph Town Plan states:

Section 248 - Certificates of Public Good

For all energy generation facilities, the following policies apply:

3. Preferred Locations: *The Town supports the placement of new generation and transmission facilities on top of existing buildings, on landfills, on brownfields outside of the village center, on reclaimed quarries or gravel pits, on a site that was previously covered by a structure or impervious cover in compliance with setbacks. Additionally, the Town, by joint letter of the Planning Commission and Selectboard, may designate a site as preferred if the total project area of panels encompasses 10 acres or less and if the project, as designed, will not be visible in the growing season from town or state highways.*

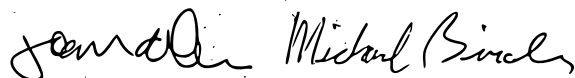
- 1. Prohibited Locations:*** *Energy facility development shall have to meet principal structure setback for the relevant area in the town zoning, and shall be prohibited in floodways, class 1 and 2 wetlands, lands within 50 feet of the top of bank of perennial streams, lands over 25% slope.*
- 2. All energy projects will be required to meet lot coverage and screening requirements found under site plan and conditional use approval processes in the respective zoning district, except solar arrays shall not be counted as lot coverage in the Industrial District.***

(**Bold** emphasis in the original, underlined emphasis supplied).

While we are very familiar with the steep topography here, I have attached the VT ANR Atlas map with the steep slopes layer to demonstrate to the PC, that the majority of the parcel contains slopes in excess of 25% - shown in red on the map - including the proposed project site and the access road. It is troubling to discover that Norwich Technologies, a highly sophisticated solar developer in Vermont, New Hampshire and Maine, would omit such fundamentally critical information and misrepresent their project's compliance with the law.

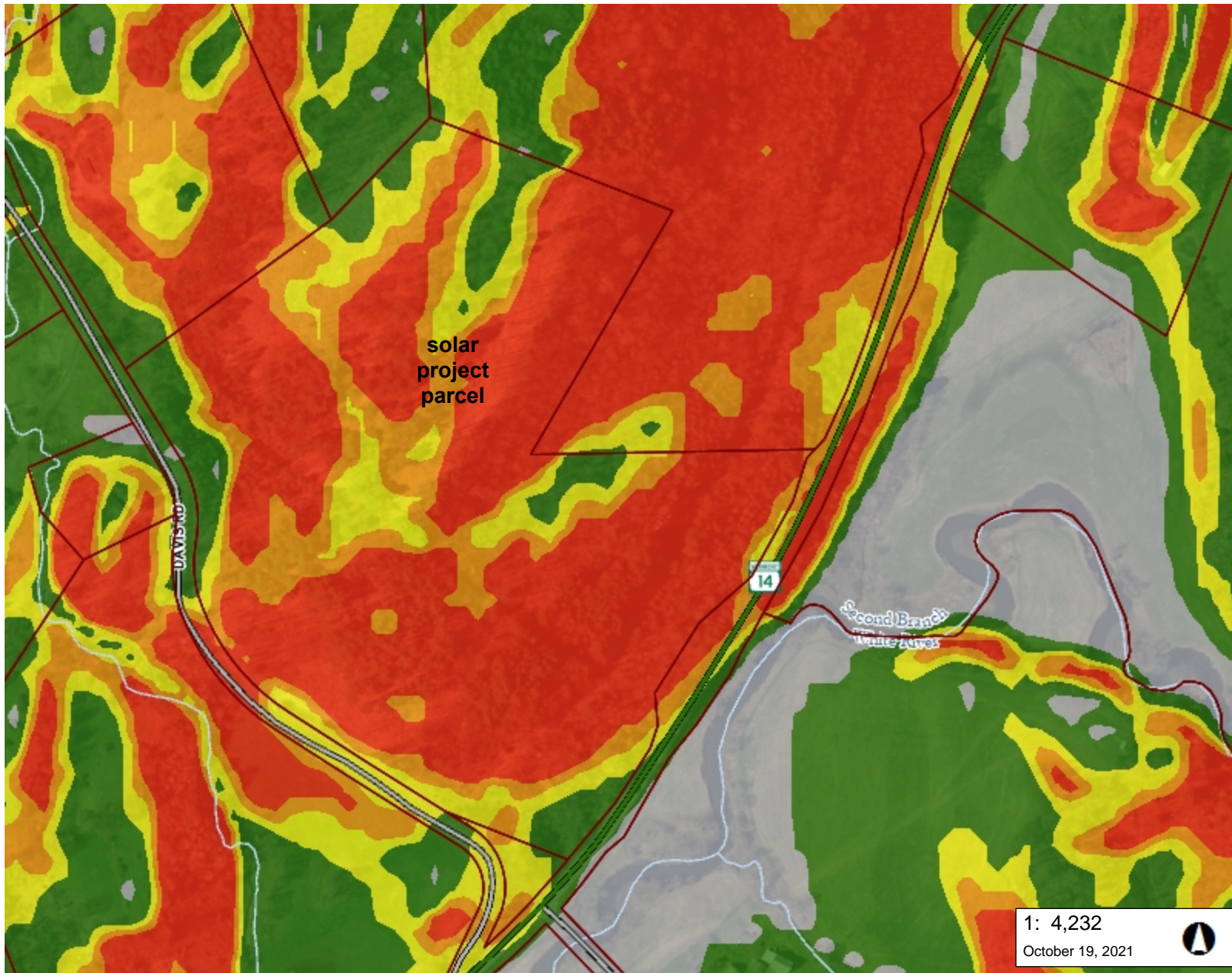
Because this proposed project clearly violates the Town's steep slope prohibition for the siting of energy generation facilities, we request that the Planning Commission reconsider and rescind the Town Planning Commission's Preferred Sites approval, which was granted at your June 1, 2021 meeting, due to the material misrepresentation by omission of the project's compliance with the Town Plan by the applicant developer Norwich Technologies, Inc. We request that this issue be placed on the November 2, 2021 meeting agenda so the Planning Commission can take action on the matter during that meeting, which we plan to attend.

Sincerely,



Joan Allen and Michael Binder

Cc: Larry Satkowitz, Randolph Select Board Acting Chair: Selectboard@randolphvt.org
Peter Gregory, Two Rivers Ottauquechee RPC: pgregory@trorc.org



LEGEND

- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Stream/River**
 - Stream
 - Intermittent Stream
- Town Boundary
- Slope**
 - <5%
 - 5-15%
 - 15-20%
 - 20-25%
 - >25%

1: 4,232
October 19, 2021

215.0 0 108.00 215.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 353 Ft. 1cm = 42 Meters
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

Map created using ANR's Natural Resources Atlas