

TOWN OF
EAST MONTPELIER, VERMONT
PLANNING COMMISSION

Jean Vissering, Chair
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February 5, 2016

Vermont Public Service Board
Judith Whitney, Acting Clerk of the Board
112 State Street
Montpelier, VT 05620-2701

Re: CPG #16-0001-NMP
BDE East Montpelier Lazar Solar, LLC PSB CPG Proceedings

Dear Ms. Whitney:

On January 25, 2016 the Town of East Montpelier Planning Commission filed a Motion to Intervene with the Vermont Public Service Board (PSB) in the proceedings of the BDE East Montpelier Lazar Solar, LLC project. The Planning Commission identified several areas of concern. On February 4, the Planning Commission met with Andrew Thomas, Managing Director of the project (Petitioner). This letter summarizes these discussions, identifying areas in which the Planning Commission feels reasonable mitigating measures have been taken by the Petitioner. The following notes are based solely on verbal discussions with the Petitioner and shall not replace our previous identification of issues. We request that the PSB address these concerns with specific conditions of the pending petition for a Certificate of Public Good (CPG). The Planning Commission did not vote either in favor or in opposition to the Project.

248(b)(1) Orderly Development

The East Montpelier Planning Commission believes that the proposed Project will result in adverse and potential undue impacts with respect to this criterion as discussed in our letter of January 25. We note that the petitioner expressed a willingness to provide access to any undeveloped portions of the site for potential wastewater access. However, we see no means to ensure that any agreement could be honored at some point in the future, especially if the project comes under different ownership. We request that the PSB examine this issue, including the loss of approved building sites, and specifically address the Town of East Montpelier's concerns.

248(b)(5) Aesthetics

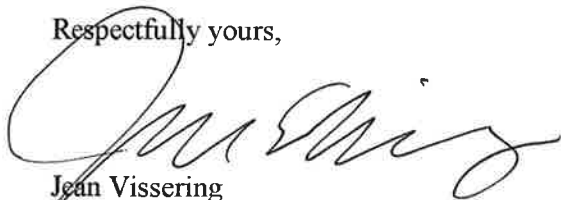
The Planning Commission requested several specific items it would like addressed. The Petitioner has agreed to address a number of these issues as discussed below. The Planning Commission feels that these concerns should be specifically identified as conditions of the CPG.

- The Planning Commission had requested that all electrical lines for the Project be undergrounded. After discussions with the petitioner, we are not wholly convinced that underground connections would reduce aesthetic impacts. According to the petitioner, the existing power pole on the south/east side of U.S. Route 2 would require directional boring under the road, which would be a very expensive. Alternatively lines could be

buried beginning from a new pole located along the north side of U.S. Route 2. This pole would carry considerable equipment to transition to underground, giving it a more visually prominent profile, and would be located in the most publically visible location on the property. The Petitioner also noted that excavation for a buried transformer box at the location of the proposed third pole, could compromise the existing pine tree. With aboveground connections as currently proposed, the roadside pole would be a somewhat less intrusive distribution pole about 32-35' in height. The pole located near the top of the site carrying transformer equipment is located behind an existing pine tree, which should offer some degree of screening.

- The Petitioner has agreed to increase sizes of all shrubs to at least 3-4 feet. We feel the plantings will adequately screen the project, provided all vegetation along the property line is protected during construction and that a long term maintenance plan is part of the conditions of the CPG (see below).
- The petitioner has agreed to a long-term plant maintenance agreement including the following:
 - The petitioner's landscape architect should certify that plants have been installed according to the agreed upon plan and comply with the numbers, sizes, species and varieties approved, and the planting specifications.
 - After 3 years, a landscape professional must certify that all plants are in good health and condition.
 - Plants must be maintained and any dead or dying plants replaced within 3 months during the life of the project.
- The area noted for removal of trees over 30' was identified on the plans. We continue to feel it is important to protect all remaining trees within this area during construction.
- The Petitioner agreed to using a dark gray color for all associated equipment (transformer and inverter equipment, metering equipment, etc.) and that this equipment will be screened from neighbors' and public views. The Petitioner agreed to provide a color sample chip for the Planning Commission's approval.
- The Petitioner agreed to a condition addressing decommissioning with a statement as follows: "At the end of the Project's useful life the Petitioner will decommission the Project. Decommissioning activities shall include demolition and off-site removal of all project elements from the property including solar modules, support structures, underground electrical lines, conduits, inverters electrical combiner panels, fencing and fence posts." The Planning Commission believes the decommissioning plan must additionally include the removal of all electrical equipment servicing the project such as poles, equipment on the poles, and above ground or underground electrical wiring or cables. It should be the responsibility of the solar company to ensure the electrical utility company (GMP) removes this equipment after the Project's useful life.

Respectfully yours,



Jean Vissering
Chair, East Montpelier Planning Commission

cc: Certificate of Service

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #16-0001-NMP

Application of BDE East Montpelier Lazar Solar,)
LLC for a certificate of public good for a 500 kW)
interconnected group net-metered photovoltaic)
electric power system in East Montpelier, Vermont)

CERTIFICATE OF SERVICE

On behalf of the Town of East Montpelier's Planning Commission, I hereby certify that I have this day served one copy of the foregoing February 5, 2016 East Montpelier Planning Commission Comments, by first class U.S. mail, on the following persons or entities:

Judith Whitney, Acting Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Bonnie Waninger, Executive Director
Central VT Regional Planning Commission
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Billy Coster
Planning Center, Agency of Natural Resources
Center Building-Third Floor
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Geoffrey Commons, Esq.
Department of Public Service
Director of Public Advocacy
112 State Street - Third Floor
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BDE East Montpelier Lazar Solar, LLC
Joslyn L. Wilschek, Esq.
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100 East State St., PO Box 1309
Montpelier, VT 05602

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And by hand delivery to:

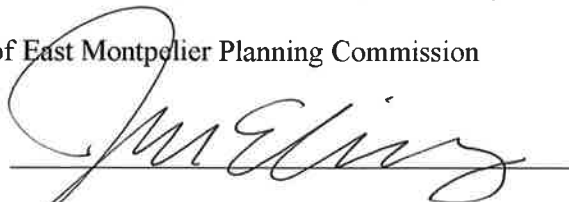
East Montpelier Selectboard
Bruce Johnson, Town Administrator
40 Kelton Road, PO Box 157
East Montpelier, VT 05651

Commissioner Christopher Recchia
Department of Public Service
112 State Street-Third Floor
Montpelier, VT 05620-2601

DATED at East Montpelier, Vermont, this 5th day of February, 2016

Town of East Montpelier Planning Commission

By:



Jean Vissering
Chair, East Montpelier Planning Commission
40 Kelton Road, PO Box 157
East Montpelier, VT 05651