

100 EAST STATE STREET | P.O. BOX 1309 | MONTPELIER, VT 05601-1309

March 24, 2016

**HAND DELIVERED**

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

Re: **Application of BDE East Montpelier Lazar Solar, LLC** pursuant to 30 V.S.A. §§ 219a and Board Rule 5.100 authorizing the installation and operation of a 500 kW ground mounted solar array to be located off Route 2 in East Montpelier, Vermont

Dear Ms. Whitney:

The Applicant hereby responds to the Town of East Montpelier's comment letter filed on March 17, 2016.

1. As stated in BDE East Montpelier Lazar Solar, LLC's letter dated March 9<sup>th</sup> in question response 2 (a), the Applicant has committed to having a landscape professional certify that the plants have been installed in accordance with Exhibit BDE-AT-7 Sheet L-1 (Landscape Mitigation Plan). The Town of East Montpelier has now requested that the Applicant send a copy of that certification report to all parties. The Town has cited no rule requiring a certification to be sent to all parties, but in order to avoid a hearing under the aesthetic criterion, the Applicant has no objection to this request if the Board believes that such condition is necessary to satisfy the aesthetic criterion.
2. As stated in BDE East Montpelier Lazar Solar, LLC's letter dated March 9<sup>th</sup> in question response 2 (b), the Applicant has committed that after three years from installing the plantings having a landscape professional certify that the plants are in good health and condition. The Town of East Montpelier has now requested that the Applicant send a copy of that certification report to all parties and that the report document any corrective actions necessary if the plants are not in good health. The Town has cited no rule requiring the certification report to be sent to all parties or that such report must document any corrective actions necessary if the plants are not in good health, but in order to avoid a hearing under the aesthetic criterion, the Applicant has no objection to this request if the Board believes that such condition is necessary to satisfy the aesthetic criterion.

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The Applicant, however, cannot agree to the Town's request that the same landscape professional be used for both certifications since there is no way the Applicant can control whether that individual is able, willing, or available to perform the work three years later.

3. As stated in BDE East Montpelier Lazar Solar, LLC's letter dated March 9<sup>th</sup> in question response 2 (c), the Applicant has committed to maintaining the plantings for the Project's life and replacing dead plants within 3 months. The Town of East Montpelier has now requested that the Applicant replace dead or dying plant material found in annual inspections within 30 days. The Applicant cannot agree to this request because if a plant dies in the winter, planting conditions will not allow for replacing such plant within 30 days. The Town has cited no rule requiring a 30-day replanting deadline. In order to avoid a hearing under the aesthetic criterion, the Applicant has no objection to replacing dead plants within two months unless weather conditions would prevent planting within that time period if the Board believes that such condition is necessary to satisfy the aesthetic criterion.

Thank you for your attention to this matter. As always, please contact me should you have any questions.

Yours truly,

  
Joslyn Wilschek  
cc: Certificate of Service

STATE OF VERMONT  
PUBLIC SERVICE BOARD

CPG # NMP-\_\_\_\_\_

Application of BDE East Montpelier Lazar Solar, LLC )  
Pursuant to 30 V.S.A. § 219a and Board Rule 5.100 )  
authorizing the installation and operation of a 500 kW )  
solar group net-metered electric generation facility )  
located off of Route 2 in East Montpelier, Vermont )

**CERTIFICATE OF SERVICE**

On behalf of BDE East Montpelier Lazar Solar, LLC, I hereby certify that I have this day served one copy of the foregoing BDE East Montpelier Lazar Solar, LLC's Response to the Comments Made by the East Montpelier Planning Commission, by first class U.S. mail, on the following persons or entities:

Evan Meenan, Esq.  
Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05601

Jeannie Oliver, Esq.  
Department of Public Service  
112 State Street - Third Floor  
Montpelier, VT 05620-2601


Jean Vissering  
East Montpelier Planning Commission Chair  
P.O. Box 157  
East Montpelier, VT 05651

Zachary A. Sances  
P.O. Box 141  
East Montpelier, VT 05651

DATED at Montpelier, Vermont, this 24<sup>th</sup> day of March, 2016.

BDE East Montpelier Lazar Solar, LLC

By:

  
\_\_\_\_\_  
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