

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Application of Orchard Road Solar I, LLC for a )  
certificate of public good, pursuant to 30 V.S.A. )  
§§ 219a and 248, to install and operate a 500 kW ) NMP-\_\_\_\_  
group net metered solar electric generation facility )  
located on Orchard Road in Middletown Springs, )  
Vermont, to be known as the "Orchard Road )  
Solar Project" )

**CERTIFICATE OF SERVICE**

I, Richard M. Spitalny, certify that on July 28, 2016, I mailed copies of the enclosed letter to the below Service List.

Ms. Judith Whitney, Clerk  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, VT 05620-2701

Middletown Springs Selectboard  
PO Box 1232  
Middletown Springs, VT 05757

Vermont Agency of Natural Resources  
Secretary's Office  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901

Fitzpatrick, Ted & Dina  
12525 Jot Em Down Lane  
Odessa, FL 33556

Vermont Public Service Department  
Director of Public Advocacy  
112 State Street, 3rd Floor  
Montpelier, VT 05620-2601

Bartlett, Steven & Debra  
120 Orchard Road  
Middletown Springs, VT 05757

Rutland Regional Planning Commission  
PO Box 965  
Rutland, VT 05702

Lattuca, Russell A  
623 Marlbury Lane  
Longboard Key, FL 34228

Middletown Springs Planning Commission  
PO Box 1232  
Middletown Springs, VT 05757

Gaeckle, Robert & Claire  
45 Beekman Rd.  
Summit, NJ 07901

Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446

Parker, Gerald & Janet  
PO Box 627  
Poultney, VT 05741

Wilder, Frank A & Janice A  
260 West St.  
Middletown Springs, VT 05757

Freilich, Douglas & Sperling, Julie  
PO Box 65  
Pawlet, VT 05761

Gutmann, Karen L  
290 West St.  
Middletown Springs, VT 05757

Russell, Thomas  
300 West St.  
Middletown Springs, VT 05757

Rocks & Trees, Inc  
c/o Ellen Secord  
320 West St.  
Middletown Springs, VT 05757

Lamson, Brian & Connie  
334 West St.  
Middletown Springs, VT 05757  
Cooper, Roy

327 West St.  
Middletown Springs, VT 05757

Marcy, Marilyn & Labate, Maureen  
21 North St.  
Middletown Springs, VT 05757

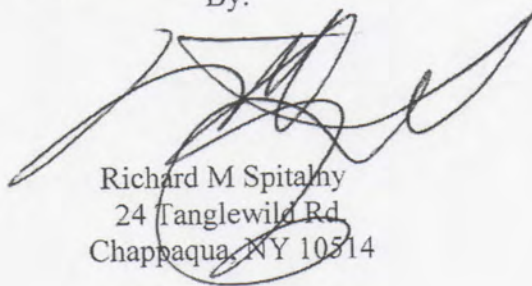
Labate, Maureen  
1537 Finel Hollow Road  
Poultney, VT 05764

Parker, Jerry  
425 East Road  
Poultney, VT 05764

Russell, Neil & Elizabeth  
PO Box 279  
West Rutland, VT 05777

Dated at Chappaqua, NY this 28th day of July, 2016.

By:



Richard M Spitalny  
24 Tanglewild Rd  
Chappaqua, NY 10514

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July 28, 2016

Dear Public Service Board,

The purpose of this letter is three-fold: i) to enumerate some, though not all, of the deficiencies and omissions in the Orchard Road Solar I, LLC application; ii) request that the Public Service Board require the Applicant to resubmit the application and address the deficiencies and omissions; and, iii) to request a two-week extension beyond August 5, 2016 to August 19, 2016.

As preliminary comments, let me enumerate the following **Deficiencies and Omissions**:

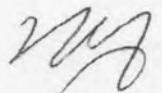
**The Quechee Analysis is incomplete:**

There are not any simulations of what the proposed solar array and site would look like if installed. (From any vantage points.)

In **Part II: Quechee Analysis**, Section A: Viewshed Determination (of the SE Group's report) it is stated that their work "involved reviewing the project site plan and conducting a photographic reconnaissance of the area". However either they did not do that as they should have; or, they decided not to include certain pictures because they would clearly show an unduly adverse effect on aesthetics and scenic and natural beauty.

For example:

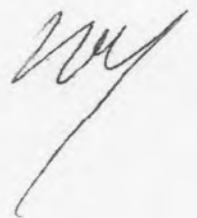
- Though there are numerous neighbors north of the proposed site who look directly at the site, the SE Group did not include any pictures looking south from those numerous locations.
- They did not include any pictures of the adjoining property that would be just 50 feet from the proposed site's border.
- They did not include any pictures from my residence which, contrary to the application's assertion that it is approximately 400 feet to the west of the proposed site, is actually 300 +/- feet from the proposed site.
- They failed to discuss the view of the proposed site from our deck in the south east corner of my residence.
- They failed to discuss the view of the proposed project from the large window in our bedroom on the second floor.



**Other Deficiencies, Inaccuracies, Omissions and Concerns:**

- The house at 300 West Street, Middletown Springs, VT is LESS than 3,000 feet away despite SE Group's report to the contrary. (Near top of page 3 of 20.)
- We note the application was filed by "Orchard Road Solar I, LLC"; and, in both **Context/Viewshed Plan**|**Figure 1** and **Site Plan** |**Figure 2**, both created on July 1, 2016; as well as on Exhibit ORS-RV-2, dated July 13, 2016, the Project Parcel and Project Property Line encompasses what we estimate to be about 30 acres +/- . However, the Application otherwise indicates the project will be (only) 5 acres. The reference to 'Solar I', implies the possibility of 'Solar 2'; that, and the 30 acre +/- project parcel leads us to wonder whether the Applicant's real plans, in the very near future, aren't for a project larger than 500 kW and that perhaps they are simply trying to avoid the more rigorous requirements of a larger installation.
- They have failed to address specific concerns raised during the first and second 45-day Comment periods. For example, requests that the soil in the proposed site be tested for arsenic, pesticides and insecticides since the solar array; fence and new gravel road, etc. would be located in a portion of an 100+ year old apple orchard, which happens to be 200 feet +/- uphill of the Poultney River only about 1,400 +/- away.
- They do not address Woodcock sitings and the large number of deer that winter in that portion of the orchard.
- They make the assumption that the contiguous property to the west, now a meadow, will remain a meadow even after the owners have indicated to the Applicant the property owner's intention to soon build a home there.
- They refer to our residence, located at 67 Wescott Road, Middletown Springs, as seasonal. How would they know such a thing? Though we currently do not live there 365 days a year, we are usually there every few weeks, year-round. Thus for the majority of our time there, there is not any foliage to even partially block our view of the proposed solar array of 2,250 panels each 9 feet tall; the proposed fence (7 to 8 feet tall); new, 12 foot wide gravel road and extremely tall poles.

I therefore request that the Public Service Board find the application is deficient and require the applicant to re-submit a complete application and re-start the 21 day comment period.



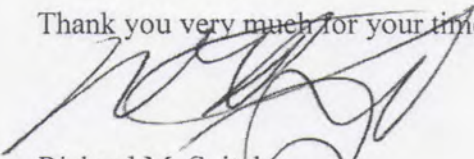
**Regarding this request for an Extension:**

We contacted Applicant's lawyers Mr. Hand, Esq. and Ms. Victoria Westgate, Esq. on July 22, 2016 requesting a two-week extension and received their denial for an extension on July 25, 2016. This formal, written request of the Vermont Public Service Board for a two-week extension is justified because without it the many effected parties will not have sufficient time to review the voluminous Application, which is highly technical, and now, for the first time, includes the report from the SE Group, pertaining to the Quechee Analysis.

Many interested parties were not contacted by the Applicant in either their first or second 45-day review and comment periods and are only now, for the first time, getting to review this voluminous Application, which unfortunately, though apparently received by the Middletown Springs Planning Commission on or about July 18, 2016 has still not, I don't believe, been made available at the Town Office as promised by the Middletown Springs Selectboard and Planning Commission in meetings with Town residents and landowners.

Further, it is summer time which makes it even more difficult to find experts who are available and who can visit the proposed site in a timely manner and view it from numerous vantage points; and, prepare the necessary document required to raise the substantive issues under the criteria that would require a technical hearing by the Public Service Board within the current, very brief, 21-day period.

Thank you very much for your time and consideration,



Richard M. Spitalny  
24 Tanglewild Road  
Chappaqua, NY 10514