Whitney, Judith

From: Richard Spitalny <rspitalny@hotmail.com>
Sent: Wednesday, August 03, 2016 8:57 AM
To: PSB - Clerk
Subject: Missing Historic Preservation Analysis re: GroSolar - Orchard Road Solar I, LLC Application: August 3, 2016

Dear Ms. Whitney,

Thank you very much for your email last evening.

I have been told by someone who was directly in touch with her, that Ms Peebles at the VDHP said that there was no historic preservation consultant's report commissioned by groSolar. This is what I was asking about.

In any event, groSolar has failed to inform the PSB that the site for the proposed solar array is visible from 300 West Street, Middletown Springs, approximately 1500 feet from the project site.

That house is currently the residence of the Russells and is described in "The Historic Architecture of Rutland County, Veremont State Register of Historic Places" as follows:
#2 (Farm)
a. House c. 1800, 1850
Vernacular Greek Revival Style,sidehall plan, 2 1/2 stories.
Features: sidelights, paneled entry pilasters, entry entablature, reveals, gable fan.
b. Barn, c. 1870
c. Garage, c.1910
d. Barn, c. 1910
e. chicken coop , c. 1890.

I would assert that this is yet another significant omission by the Applicant.

Further, since we just received the PDF of Ms. Trieschmann's July 26, 2016 letter on behalf of the VDHP which you so kindly provided last evening, we need more time to adequately research and document historic concerns.

I hope that the PSB will take this into consideration, along with everything else we've discussed in prior emails, when making its decision later today regarding our request for a two-week extension; or, requiring the Applicant to prepare a complete Application for refiling.

Thank you very much indeed,

Richard

Richard M. Spitalny
67 Wescott Road
Middletown Springs, VT 05757
and
24 Tanglewild Road
Chappaqua, NY 10514

From: PSB - Clerk <PSB.Clerk@vermont.gov>
Sent: Tuesday, August 2, 2016 5:37 PM
To: Richard Spitalny
Subject: RE: Request For Historic Preservation Analysis re: GroSolar - Orchard Road Solar I, LLC Application: August 2, 2016

Dear Mr. Spitalny: It is unclear what document you are referring to. However, a draft VDHP letter was included in the petition for this project as Exhibit ORS-RV-7, attached to Mr. Viens's testimony. A copy of a final letter from the VDHP dated July 26, 2016, was sent to the Middletown Springs Selectboard and the Rutland Regional Planning Commission on July 26, 2016. That letter is attached to this email. Please be advised that although a 45-day notice of a proposed project must be sent to adjoining landowners of record, parties to the proceeding, such as VDHP, are required to send filings only to statutory parties and intervenors.

Please also be advised that the Public Service Board will be making a decision tomorrow on the request for extension of the comment period. We will be in touch as soon as possible on that.

Thank you.

-Judy Whitney, PSB

Judith C. Whitney
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From: Richard Spitalny [mailto:rspitalny@hotmail.com]
Sent: Tuesday, August 02, 2016 9:54 AM
To: PSB - Clerk <PSB.Clerk@vermont.gov>
Subject: Request For Historic Preservation Analysis re: GroSolar - Orchard Road Solar I, LLC Application: August 2, 2016

Dear Ms. Whitney,

Good morning!

I'm sorry to bother you again; but, while a Middletown Springs Historic Preservation person has spoken with someone at Vermont Division of Historic Preservation; and, while there is a letter from VDHP, the document groSolar submitted (or should have submitted) does not appear to be in the file at the Middletown Springs Town Office nor was it made available by the Applicant to the people on the Service List.

Therefore, this request of the PSB that it please provide groSolar's Historic Preservation analysis that was submitted as part of the Application as quickly as possible. Thank you very much!

If there is a missing document that should have been submitted to the Service List but wasn't, that is yet another reason why the PSB should, please, grant our request for a two-week extension.

Given all the issues we are learning about, the historic nature of the area, the many many areas where the proposed project site is visible, the need to do testing of soils and better understand what type of expert is needed (let alone hire them) and get the information about the historic chemical usage at the site, there is a clear need for groSolar to either refile (if the PSB determines the Application is deficient and/or incomplete); or, for the PSB to please grant a two week extension.

Clearly, with the current August 5th deadline just days away, we're hoping very much for the PSB's decision not later than close of business tomorrow (Wednesday, August 3rd) regarding the request for a determination of incompleteness; or, the granting of a two week extension.

Thank you very much indeed,

Richard

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and
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From: Richard Spitalny <rspitalny@hotmail.com>
Sent: Monday, August 1, 2016 10:27 AM
To: PSB - Clerk
Subject: Status Request For Refiling re: GroSolar - Orchard Road Solar I, LLC Application: August 1, 2016

Dear Ms. Whitney,

With this email I'm inquiring to ask if there is any information you can provide regarding the PSB's determination of completeness of groSolar's application in light of the deficiencies and omission enumerated in my July 28, 2016 letter to the PSB and entire Service List. Thank you!

Numerous issues have already been identified and more are being found as we work our way through the voluminous documents which is why we feel the request for and extension and re submission is fully warranted. Since I last wrote many others who are reading the application all confirm there are no simulations of the project as built and no views from numerous areas.

It is the applicant's job to make their case; however, they are putting potential Intervenors in the position of having to do a lot of the work that the applicant should have done.

Thank you for your help and kind consideration,

Richard

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and
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From: Richard Spitalny <rspitalny@hotmail.com>
Sent: Monday, August 1, 2016 10:06 AM
To: PSB - Clerk
Subject: Request For NMP Number re: GroSolar - Orchard Road Solar I, LLC Application: August 1, 2016

Dear Ms. Whitney,

A number of us are scrambling to intervene by the current deadline this Friday, August 5th, as pertains to the above referenced application for groSolar's proposed project in Middletown Springs.

Apparently, we all need to reference a NMP number and I was hoping that you could please let us know what number has been assigned to this project/docket. Thank you!

Also, we have requested a two-week extension, both by email as well as by letter on July 28, 2016 to the PSB and the entire Service List. When can we expect a decision on this request?

Let me take this opportunity to mention that though receive on July 18, 2016, the Middletown Springs Selectboard only notified Town residents that the application had been filed and that it was posted on the Town's website and available for review in the Town Hall on July 29, 2016. Thus what should have been a 21 day period was reduced to a 7 day period due to the failure of the Town's Selectboard and Planning Commission to notify residents in a timely manner as they had promised they would.

As always, thank you very much for your help,

Richard

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and
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From: PSB - Clerk <PSB.Clerk@vermont.gov>
Sent: Wednesday, July 27, 2016 2:13 PM
To: Richard Spitalny
Subject: RE: Request For Extension re: GroSolar - Orchard Road Solar I, LLC Application: July 25, 2016

Dear Spitalny: If you already know of a number of deficiencies, etc., you can (and should) file them, even if you want to indicate that they are preliminary comments. You can also request an extension by filing a written request with justification. You would need to do so in hard copy, and send copies to the service list.

Thank you. I hope this is helpful.

Sincerely,

Judith C. Whitney
Clerk of the Board
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psb.clerk@vermont.gov

From: Richard Spitalny [mailto:rspitalny@hotmail.com]
Sent: Monday, July 25, 2016 2:54 PM
To: PSB - Clerk <PSB.Clerk@vermont.gov>
Subject: Request For Extension re: GroSolar - Orchard Road Solar I, LLC Application:July 25, 2016

Dear Ms. Whitney,

Thank you very much for your email early today in response to concerns pertaining to deficiencies and omissions in the Orchard Road Solar I, LLC application and request that the Public Service Board please consider requiring the Applicant to resubmit once deficiencies and omissions had been addressed.

I am writing you today on another matter.

As you can see from the emails between me and the Applicant's lawyer (**below**) I asked them for a two-week extension. But, they denied that request.

In the event that the Public Service Board does not require that the Applicant address the deficiencies & omissions and resubmit; I would like to formerly request, from the Public Service Board, a two-week extension giving the many effected parties 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.

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, etc.

Please let me know if I need to send this request for an extension in hard copy and copy the service list; or, if my email to the Applicant's lawyers and their response is sufficient. Thank you very much.

Thank you, again, for your time and thoughtful consideration on both of these matters, it is greatly appreciated,

Richard

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67 Wescott Road
Middletown Springs, VT 05757

From: Geoff Hand <ghand@dunkielsaunders.com>
Sent: Monday, July 25, 2016 11:29 AM
To: Richard Spitalny
Cc: Victoria Westgate
Subject: RE: Extension Request re: Orchard Road Solar I, LLC Application Filed July 15, 2016: 7.22.16

Mr. Spitalny –

Thanks very much for your e-mail. We have discussed your request with our client. The 21-day comment period is set by Board rule, and we are not prepared to agree to an extension in the comment period at this time.

Looking back in our records, you were provided a copy of the original project plan almost 4 months ago, at the end of March. You e-mailed us about the Project on April 5, and we reissued the 45 day notice in May, in part because of you request to add your house location to the package, but very little in the design and layout of the facility changed from the notice sent at the end of March. In addition, we did not file the actual application until almost two months after the second 45-day notice. As a result, we believe there has been ample time to review and evaluate the proposal.

If you have any specific questions regarding the proposed facility we would be happy to discuss those questions.

Best,

Geoff

From: Richard Spitalny [mailto:rspitalny@hotmail.com]
Sent: Friday, July 22, 2016 2:03 PM
To: ghand@dunkielsaunders.com; vwestgate@dunkielsaunders.com
Subject: Extension Request re: Orchard Road Solar I, LLC Application Filed July 15, 2016: 7.22.16

Dear Mr. Hand, Esq. and Ms. Victoria Westgate, Esq.,

I'm writing to request a two week extension regarding groSolar's pending application with the Vermont Public Service Board for the solar project under consideration in Middletown Springs.

The application is voluminous and technical in nature and was only just downloaded by many of the adjoining and neighboring property owners because it is summer and people are on vacation. Also, I think you would agree that 21 days, even under normal circumstances, is a very short amount of time to review an application of this size and complexity. (I would add that we were surprised that the Application wasn't filed at the end of the 45-day comment period.)

In light of the above, I hope you will consider a two week extension.

I look forward to your reply.

Thank you very much; and, enjoy the weekend,

Richard

Richard M. Spitalny
67 Wescott Road
Middletown Springs, VT 05757

From: PSB - Clerk <PSB.Clerk@vermont.gov>
Sent: Monday, July 25, 2016 8:26 AM
To: Richard Spitalny
Subject: RE: Your Docket: PSB GroSolar - Orchard Road Solar I, LLC:July 22, 2016

Thank you for your e-mail, Richard. We'll be in touch on this...
-Judy Whitney, PSB

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From: Richard Spitalny [mailto:rspitalny@hotmail.com]
Sent: Friday, July 22, 2016 1:38 PM
To: PSB - Clerk <PSB.Clerk@vermont.gov>
Subject: Your Docket: PSB GroSolar - Orchard Road Solar I, LLC:July 22, 2016

Dear Ms. Whitney,

This morning I spoke on the phone with Susan, in your office. She mentioned you were out today; that you would be in on Monday (July 25th); and, she suggested that I follow up this morning's call with an email.

I originally called to ask your advice on what to do; and, how to bring to the Public Service Board's attention deficiencies and omissions in the Orchard Road Solar I, LLC application pertaining to groSolar's proposed project in Middletown Spring; and, to ask if the Applicant should be required to resubmit once deficiencies and omissions had been addressed.

At Susan's suggestion, I have summarized below just some of the things that are deficient or missing or of concern, hoping that after your review, you would please advise me on what I should do next.

If you felt photographs of views of the proposed project site from neighbors and adjoining properties would be helpful. Please let me know and I will provide them as the Board considers whether the Applicant should be required to resubmit. (Otherwise, I gather, they can be used when intervening.)

Thank you in advance for your kind assistance,

Richard
==========
Richard M. Spitalny
67 Wescott Road
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Cellphone:1-914-329-9690

The Quechee Analysis is incomplete:

- There are not any simulations of what the proposed solar array and site would look like if installed. (From various vantage points.)
- In **Part II: Quechee Analysis**, Section A: Viewshed Determination (of the SE Groups report) it is stated that they did not use Geographical Information Systems analysis; but, rather 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 included 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 proposes project from the large window in our bedroom on the second floor.

Other Deficiencies, Omissions, Concerns:

- We note the application was filed by"Orchard Road Solar **I**, LLC"; and, that Exhibit ORS-RV-2, dated July 13, 2016 still indicates the 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 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 2,2500 panels each 9 feet tall; the proposed fence (7 to 8 feet tall); new, 12 foot wide gravel road and extremely tall poles.