

Town of Farmington Planning Board
1000 County Rd. 8
Farmington, NY 14425

January 29, 2020

RE: Project Status Log – 1-29-2020

Dear Town of Farmington Planning Board,

Delaware River Solar (“DRS”) is pleased to have the opportunity to bring the benefits of Community Solar to the Town of Farmington. This letter provides the following information and updated materials in response to comments received by the Planning Board at the January 15, 2020 meeting, for discussion at the February 7, PRC meeting:

1. **Site Plan Revision – January 28, 2020**. The following changes were made based on comments received:
 - a. **Sheet P1**: Added note "Lot not approved for Residential Construction"
 - b. **Sheet S1**: Added permanent topsoil stockpile sizes and dimensions
 - c. **Sheet S2**: Revised Construction Note #12 and removed references to side swale in Limited Use Pervious Access Road Section
 - d. **Sheet L1**: no changes were made to landscape plan
2. **Decommissioning Plan revision** – updated with Decommissioning Cost Estimates for the current January 28, 2020 Site Plan, and in response to Planning Board comments.
3. **Operations and Maintenance Plan – January 2020** This plan describes the site operations and inspection, and landscape maintenance work conducted during the lifetime of the solar energy projects.
4. **In-line responses to Town Code - revised** pertinent to Special Use Permit criteria for “Large Scale Ground-Mounted Solar PV Systems”, annotated to Application Materials.
5. **Comment responses to the January 15, 2020 Planning Board meeting**
6. **Environmental Monitor – Agricultural Soils Inspection Report template**. This template describes inspection work the EM will perform and criteria that will be reported to the Town of Farmington during construction and post-construction activities.
7. **Statement from Bergmann Associates** on:
 - a. 1) Useful Life of System, and

b. 2) Restoring Natural Underground Drainage

We thank the Town of Farmington for the thorough review of these projects and look forward to the continued review of the Site Plan, Subdivision, and Special Permit applications.

Sincerely,

Daniel Compitello
Project Developer





January 29, 2020

Daniel Compitello
Delaware River Solar
130 North Winton Road #415
Rochester, NY 14610

**Re: Review of Town of Farmington Planning Board Comments
Delaware River Solar LLC Solar Energy Facility Project – Yellow Mills Road
Town of Farmington, Ontario County, New York**

Dear Mr. Compitello:

The following is in response to a few comments raised Town of Farmington Planning Board meeting held on January 15, 2020:

Useful Life of System

The majority of the photovoltaic (PV) developments similar to what is being proposed for this project have an estimated useful life of 30-35 years. A majority of PV manufacturers offer a 25-year standard solar panel warranty which means that the power output should not be less than 80% of rated power after 25 years. In addition other electrical equipment have typical warranties. The racking and post system are made of galvanized steel and therefore have an extended life extended well past 30-35 years. The National Renewable Energy Laboratory (NREL) estimates a useful life for photovoltaics of 25 to 40 years. The Solar Energy Industries Association estimates a lifespan of 30 years noting that many panels installed in the early 1930s are still performing at effective levels. Based on all of this information, an estimated useful life of 30-35 years for this development is an accurate assumption.

Restoring Natural Underground Drainage

The geotechnical report completed by Foundation Design, P.C. dated July 9, 2019 recommended that the electric trenches be backfilled with imported soil due to the variable thermal resistivity values of the on-site soil conditions. There is concern that this may disrupt the underground drainage or create a conduit for surface runoff to be conveyed. Per the Town Code and the New York State Department of Agriculture and Market Guidelines, cables should be buried to a minimum of 48 inches. Due to the fact that little change will occur with the runoff patterns for this site and the fact that the trenches are relatively shallow and minimal width, we do not feel that the small utility trench will cause a change to the surface or underground drainage patterns. Groundwater is not shallow in this area so these trenches will not become conduits for groundwater flow.



Please do not hesitate to contact me at 607-333-3120, or via email at rswitala@bergmannpc.com, should you have any questions regarding this response.

Sincerely,

BERGMANN ASSOCIATES

A handwritten signature in black ink that reads "Robert Switala".

Robert Switala, P.E., CPESC, CPSWQ
Principal

ENVIRONMENTAL MONITOR – AGRICULTURAL SOILS INSPECTION REPORT

**PROJECT SITE –
YELLOW MILLS COMMUNITY SOLAR PROJECT
TOWN OF FARMINGTON
ONTARIO COUNTY, NEW YORK**

Inspections/reports must be completed whenever work is being completed on areas of the project site possessing Class 1 through 4 soils as documented on the Soil Group Worksheets prepared by the Ontario County Soil & Water Conservation District, pursuant to §165-65.3(F)(1)(b)[3][a] of the Farmington Town Code

Inspection Type: <input type="checkbox"/> Construction <input type="checkbox"/> Post-Construction
--

Date: _____

Time: _____

Weather Information:

Weather Conditions at Time of Inspection: _____

Weather Conditions for Twenty-Four (24) Hours Prior to Inception

Approximate Amount of Rainfall (inches) Previous 24 hours: _____

Based on the results of the inspection, necessary modifications shall be implemented within seven (7) calendar days. These reports shall be kept on file by the Environmental Monitor, and submitted, where required, to entities identified in the Farmington Town Code.

Practices in need of adjustment:

Item not corrected from previous inspection:

Name of EM: _____ **Title of EM:** _____

EM's Signature: _____

PROJECT DURATION INSPECTIONS

Directions:

Inspection Forms will be filled out during the entire construction phase and restoration phase of the project. As required by Farmington Town Code, the frequency of on-site inspection work is to be coordinated with the Ontario County Soil & Water Conservation District and/or the New York State Department of Agriculture and Markets, where required.

Monitored Elements:

1. On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 21-day period;
2. Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
3. Indicate all disturbed site areas that have not undergone active site work during the previous 21-day period;
4. Inspect subsurface and surface drainage structures to ensure they are at or restored to preconstruction conditions, and determine restoration/mitigation measures, if needed;
5. Conduct soil penetrometer testing in project areas to ensure soil compaction is no more than 250 pounds per square inch (PSI), where practicable;
6. If required as a result of soil compaction testing, ensure soil decompaction is completed prior to replacement of topsoil, unless such activity would be in conflict with SWPPP or MS4 requirements of the Town of Farmington;
7. Where practicable, ensure rocks four (4) inches in size or greater have been removed from the surface of subsoil prior to replacement of topsoil;
8. At post-construction, ensure topsoil has been replaced to pre-construction depth and contours where practicable;

- 9. Where practicable, ensure rocks four (4) inches in size or greater have been removed from the surface of topsoil once replaced.**
- 10. At post-construction, ensure access roads have been regraded to allow for farm equipment crossing and that original (or Town-approved) road drainage patterns have been restored.**
- 11. Ensure restored agricultural areas have been reseeded with the seed mix approved by the landowner and/or the Town of Farmington.**
- 12. Ensure construction debris has been removed from the site following restoration.**
- 13. Immediately report to DRS any deficiencies that are identified with the implementation of this plan.**



SITE PLAN/SKETCH

Environmental Monitor (print name)

Environmental Monitor Signature

Date of Inspection

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete

ENVIRONMENTAL MONITOR INSPECTIONS

General Site Conditions

Yes No NA

Is construction site litter and debris appropriately managed?

Drainage Structures

Yes No NA

Surface drainage structures are functioning properly

Subsurface drainage structures are functioning properly

Restoration/mitigation of structure damage has been completed

Soil Compaction

Yes No NA

Has soil compaction testing been completed (if necessary)? (See Table 1)

Has plasticity testing (Atterberg limits) been completed (if necessary)? (See Table 1)

Is soil decompaction needed? Where?

Have rocks >4" in diameter been removed from the subsoil where practicable?

Topsoil

Yes No NA

Top soil has been replaced to measured preconstruction thickness, where practicable (See Table 1)

Top soil contours/elevations have been restored to preconstruction/approved thickness

Have rocks >4" in diameter been removed from the topsoil where practicable?

Seeding and mulch have been applied to idle/restoration areas.

Access Roads

Yes No NA

Agricultural access roads have been restored and regraded

Agricultural access road drainage patterns have been restored



Miscellaneous

Yes No NA

Site photos have been included with the report that depict restoration areas and identified deficiencies needing corrective action. Add notes as applicable below.

Yes No NA

Was any trench settling observed?

If trench settling observed, was topsoil consistent with existing topsoil, free of rocks imported?

Have crops been replanted? Type: _____

Have agricultural fences been replaced/repared/need repair?

Type: _____

Included herein are in-line responses to the following sections of
Town Code:

1. Section 10. §165.65.3.8. Abandonment and decommissioning,
and;
 - (6) Special use permit conditions.

Section 10. §165.65.3.8. Abandonment and decommissioning.

- (1) Applicability and purpose. This section governing abandonment and decommissioning shall apply to large-scale ground-mounted solar PV systems with a rated capacity of 25 kW or more, hereinafter referred to as large scale solar PV systems. It is the purpose of this section to provide for the safety, health, protection and general welfare of persons and property in the Town of Farmington by requiring abandoned large scale solar PV systems to be removed pursuant to a decommissioning plan. The anticipated useful life of such systems, as well as the volatility of the recently emerging solar industry where multiple solar companies have filed for bankruptcy closed or been acquired creates an environment for systems to be abandoned, thereby creating a negative visual impact upon the Town. Abandoned large scale systems may become unsafe by reason of their energy-producing capabilities and serve as an attract nuisance.

DRS Response:

Noted and acknowledged. Please refer to:

1. The Project Memorandum prepared for Planning Board meeting September 5, 2018, Abstract # 148.
 - a. Line 871, page 43 – Section 4.1.11 Decommissioning Plan, and;
 2. February 2020 Decommissioning Plan. Page 2, paragraph 2, last sentence.
-
- (2) Abandonment. A large scale solar PV system shall be deemed abandoned if the system fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a continuous period of one year. A commercial solar PV system also shall be deemed abandoned if following site plan approval initial construction of the system has commenced and is not completed within 18 months of issuance of the first building permit for the project.

DRS Response:

Noted and acknowledged. Please refer to:

1. The Project Memorandum prepared for Planning Board meeting September 5, 2018, Abstract # 148.
 - a. Line 877, page 43 – Section 4.1.11 Decommissioning Plan;
 - b. Please note, to act as a comparison of project changes, the Project Memorandum contents are not updated. Final approvals for application materials for Site Plan, Special Permit and Subdivision replace any details mentioned in the Project Memorandum earlier in the project review.
 2. February 2020 Decommissioning Plan. See 2. Conditions to the Issuance of a Special Use Permit, note 11 – Abandonment.
- (3) Extension of time. The time at which a commercial solar PV system shall be deemed abandoned may be extended by the Planning Board for one additional period of one year, provided the system owner presents to the Board a viable plan outlining the steps and schedules for placing the system in service or back in service, within the time period of the extension. An application for an extension of time shall be made to the Planning Board by the commercial solar PV system owner prior to abandonment as defined herein. Extenuating circumstances as to why the commercial solar PV system has not been operating or why construction has not been completed may be considered by the Board in determining whether to gain an extension.

DRS Response:

Noted and acknowledged. Please refer to:

1. February 2020 Decommissioning Plan. See 2. Conditions to the Issuance of a Special Use Permit, note 12 – Extension of Time.
- (4) Removal required. A commercial solar PV system which has been abandoned shall be decommissioned and removed. The commercial solar PV system owner and/or owner of the land upon which the system is located shall be held responsible to physically remove all components of the system within one year of abandonment. Removal of the commercial solar PV system shall be in accordance with decommissioning plan approved by the Planning Board.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan in its entirety.

(5) Decommissioning and removal.

[a] Decommissioning and removal of a commercial solar PV system shall consist of:

(1) Physical removal of all aboveground and below-ground equipment, structures and foundations, including but not limited to all solar arrays, buildings, security barriers, fences, electric transmission lines and components, roadways and other physical improvements to the site.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan in its entirety.

(2) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan, Section 4.4 Managing Materials and Waste, 1st paragraph, last sentence.

(3) Restoration of the ground surface and soil.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan, Section 4.3 Site Restoration.

(4) Stabilization and revegetation of the site with native seed mixes and/or plant species (excluding invasive species) to minimize erosion.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan, Section 4.3 Site Restoration.

[b] Upon petition to the Planning Board, the Board may permit the system owner to leave certain

underground or aboveground improvements in place, provided the owner can show that such improvements are part of a plan to redevelop the site, are not detrimental to such redevelopment and to not adversely affect community character or the environment.

DRS Response:

Noted and acknowledged. Please see February 2020 Decommissioning Plan, Section 4.3 Site Restoration.

- [c] Decommissioning plan. All applications for a commercial solar PV system shall be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the system. The decommissioning plan shall address those items listed in §165.65.3.(5) above and include:

DRS Response:

Noted. Please see Decommissioning Plan in its entirety.

- (6) Special use permit conditions. The following conditions shall apply to all special use permits issued for a Large Scale Ground-Mounted Solar PV Systems. No special use permit shall be issued unless the Planning Board finds that the conditions have been or will be met.

- [a] A licensed engineer's estimate of the anticipated operational life of the system.

DRS Response:

Noted. Please refer to:

1. The Project Memorandum prepared for Planning Board meeting September 5, 2018, Abstract # 148.
 - a. Line 180, Page 12;
 - b. Line 781, page 39;
 - c. Line 816, page 40
 - d. Line 819, page 41
2. February 2020 Decommissioning Plan.
 - a. Page 1, paragraph 3, line 1
3. Bergmann Associates January 29, 2020 letter

- [b] Identification of the party responsible for decommissioning.

DRS Response:

Noted. See Decommissioning Plan, Section 2.2 – Conditions to the Issuance of a Special Use Permit:

- [c] Description of any agreement regarding decommissioning between the responsible party and the landowner.

DRS Response:

Noted. The Lease Agreement between DRS and the landowners can be provided to the Town Attorney for review, which states terms for removal of system and restoration of premises associated with decommissioning. The acceptance of the Decommissioning Plan by the Planning Board will incorporate the plan as part of the Special Use Permit associated with the Projects, and will constitute the plan for decommissioning and site restoration referenced in the lease agreement.

- [d] A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work.

DRS Response:

Noted. See Decommissioning Plan, Section 2.4 – Conditions to the Issuance of a Special Use Permit.

- [e] A cost estimate prepared by a licensed professional engineer estimating the full cost of decommissioning and removal of the solar PV system.

DRS Response:

See Decommissioning Plan, Section 5 – Cost of Decommissioning.

- [f] A financial plan to ensure that financial resources will be available to fully decommission the site.

DRS Response:

Provided in Decommissioning Plan. See Decommissioning Plan, Section 5 – Cost of Decommissioning.

[g] A acceptable form of surety is to be approved by the Planning Board and accepted by the Town Board and filed with the Town Clerk in an amount specified in the above referenced financial plan. Said acceptable form of surety is to remain in effect for the above referenced anticipated operational life of the system. In the event the anticipated operational life of the system is amended, then a revised acceptable form of surety is to be approved by the Planning Board, accepted by the Town Board and filed with the Town Clerk.

DRS Response:

See Decommissioning Plan Section 6, and sample Decommissioning Agreement. To obtain such financial surety, DRS requires the Town state in writing what form of surety is acceptable – i.e. a bond, deposit, or other financial instrument.

[h] Financial surety. Prior to the issuance of a building permit and every three (3) years thereafter, the commercial solar PV system owner and/or landowner shall file with the Town Clerk evidence of financial surety to provide for the full cost of decommissioning and removal of the solar PV system in the event the system is not removed by the system owner and/or landowner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable acceptable form of surety or other form of surety acceptable to the Planning Board and approved by the Town Board. The irrevocable acceptable form of surety shall include an auto extension provision to be issued by an A-rated institution solely for the benefit of the Town. The Town shall be entitled to draw upon the acceptable form of surety in the event that the commercial solar PV system owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner shall have the ability to demand payment under the letter of credit. Upon completion of decommissioning, the owner and/or landowner may petition the Town Board to terminate the acceptable form of surety. In the event ownership of the system is transferred to another

party, the new owner (transferee) shall file evidence of financial surety with the Town Board at the time of transfer, and every three (3) years thereafter, as provided herein.

DRS Response:

Noted. See Decommissioning Plan, Section 2.8 – Conditions to the Issuance of a Special Use Permit:

- [i] Amount. The amount of the surety shall be determined by the Town Engineer based upon a current estimate of decommissioning and removal costs as provided in the decommissioning plan and subsequent annual reports. The amount of the surety may be adjusted by the Town Board, upon receipt of a favorable recommendation from the Planning Board of an annual report containing an updated cost estimate for decommissioning and removal. Any revised surety is to be filed with the Town Clerk's Office.

DRS Response:

Noted. See Cost Estimate provided in Decommissioning Plan.

- [j] Annual report. The commercial solar PV system owner shall on a yearly basis from the Certificate of Compliance issued by the Code Enforcement Officer provide the Town Code Enforcement Officer a written report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve month period. The report shall also identify any change of ownership of the solar PV system and/or the land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The actual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of financial surety, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large scale solar PV system. The Town Board may require an adjustment in the amount of the surety to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties in Article X of this chapter.

DRS Response:

Noted. See Decommissioning Plan, Section 2.10 – Conditions to the

Issuance of a Special Use Permit.

Regarding Annual Reporting of rated capacity and energy generation, this is required by NYSERDA as well. Under the NY Sun program DRS is obligated to provide NYSERDA this data in hourly real-time increments, and NYSERDA is obligated to make this data publicly available on a website showing all Community Solar distributed generation resources in operation in New York State. Data is searchable and downloadable in any time format for the life of the system in database and map formats.

Visit: this website for more information:

<https://der.nyserda.ny.gov/data/>

- [k] Decommissioning and removal by Town. If the commercial solar PV system owner and/or landowner fails to decommission and remove an abandoned facility in accordance with the requirements of this section, the Town may enter upon the property to decommission and remove the system.

DRS Response:

Noted. See Decommissioning Plan, Section 2.13 – Conditions to the Issuance of a Special Use Permit.

The comment responses below summarize discussion and questions raised at the January 15, 2020 Planning Board meeting. Many of the topics below were discussed or answered at the meeting, and others are being answered in more depth below.

Public Comments:

Linda Herberle – 531 Yellow Mills Road

- Asked for clarification on the need for 3 lots if New York State allows 5 MW per system.
 - **DRS Response:** As described in earlier meetings in 2018 and 2019, RGE restricted each project to 2.338MWac per system, which is lower than the NY State allowed 5MW per system per parcel. RGE also allowed three such systems to be sited at this interconnection location, and under State regulations, each project is required to be on a separate tax parcel.

Ed Hemminger (Board Chair) comments:

- Decommission Plan, Section 6 should mention the order of responsibility: 1st Equipment Owner, 2nd Land Owner, 3rd Town using the Decommissioning Funds. Add landowner to list of parties responsible.
 - **DRS Response:** See Section 2.13 for order of parties responsible, as per Town Code. Section 6 pertains to the Town's preferred method for Decommissioning surety.
- Landscaping removal to be added in the Decommissioning Plan and Cost Estimate.
 - **DRS Response:** Noted and added to Plan and Cost Estimate.
- Funds for permitting and SWPPP cost to be added to the Decommissioning Plan
 - **DRS Response:** Noted and added to Plan and Cost Estimate.
- Add that the annual reporting requirement to the town is to be in paper in addition to the data on the NYSERDA website.
 - **DRS Response:** Noted and added to Plan.
- DRS and the landowner will need to sign the Decommissioning Plan.
 - **DRS Response:** Noted. See Decommissioning Plan, Section 4.7 – Approvals.
- Add that Town Engineer and Planning Board must approve Decommissioning Plan prior to decommissioning work commencing, as part of permitting process.
 - **DRS Response:** Noted and added to Plan and Cost Estimate.
- An Operations and Maintenance Plan will need to be submitted.
 - **DRS Response:** Please refer to the January 2020 Operations and Maintenance Plan.

Shauncy Malloy Comments:

- Include engineering, SWPPP and permitting costs into decommissioning. List permits required and costs.
 - **DRS Response:** Noted and added to the Cost Estimate.

- Question on why the subdivision creates flag shaped lots.
 - **DRS Response:** The lots were drawn to avoid bisecting the farm homestead parcel from the rest of the main parcel to give the homestead parcel the most area, and to create the smallest possible parcels the Projects can be built upon.

- Landscaping removal needs to be in the decommissioning plan.
 - **DRS Response:** Noted and added to the Plan Section 4.1.8 and Cost Estimate.

- Make the Decommissioning Plan more specific as opposed to generic. Name the town, design engineer, etc. (Sec. 4.6)
 - **DRS Response:** Noted. The Cost Estimate has been made more detailed, and the Town is named in Section 4.6.

- How is the town energy production reporting requirement enforced?
 - **DRS Response:** The Special Use Permit is the method of enforcement – non-compliance of the Special Use Permit can revoke the permit, and annual reporting is a condition of the Special Use Permit criteria. The Town Code Enforcement Officer also stated they will put a process in place for annual report monitoring after final approvals of the Project are made.

Adrian Bellis Comments:

- Asked where cattle path is located on the subdivision plat.
 - **DRS Response:** The cattle path is located on south edge of Lot 3, above Lot 4, and was not impacted by subdivision change. Other cattle paths remain on the south and north sides of the main parcel, and were also not impacted.

- Suggested to make the Special Use Permit specific to DRS so that another company can't purchase the systems, and alter site plan without going through the Planning process.
 - **DRS Response:** The Special Use Permit and Final Site Plan approvals the Town may grant will be applicable to the Project Companies, as applicants, and the approvals are specific to the applicant. Any deviation from a Special Use Permit or Site Plan requires Planning Board approval, by the nature of such approvals as explicit in the Town Code, regardless of who owns the systems.

- Suggested that landscaping removal needs to be in the decommissioning plan.
 - **DRS Response:** Noted and added to the Plan Section 4.1.8 and Cost Estimate.

Doug Veits Comments:

- Suggested to label the lots as non-buildable lots, to restrict future development from being built on the lots after decommissioning.
 - **DRS Response:** Noted and added to the Plat.

- The decommissioning plan should be more site specific, replace \$/MW costs with specific numbers. The decommissioning plan items need to be broken down into LF, SF, CY, Each Item, instead of per MW.
 - **DRS Response:** Noted and added to the Plan and Cost Estimate.

- Decompaction of soils should be an item in the Decommissioning Plan.
 - **DRS Response:** Noted and added to the Plan and Cost Estimate.

- The Meadow seed mixture should be a line item in the Decommissioning Plan.
 - **DRS Response:** Noted and added to the Plan and Cost Estimate.

- Access road detail shows a swale, which would be cut, which we are saying there is none.
 - **DRS Response:** The standard detail “Limited Use Pervious Access Road Section” has been revised by removing the swale portion of the detail.

- Requested to see topsoil pile volumes, height of pile from road stripping, replacement areas, process of protecting topsoil in auger spoil piles.
 - **DRS Response:** The access roads will require approximately 46,250 cf of topsoil (assumed average depth of 18”) to be stripped and permanently stockpiled until decommissioning. At the west end of the east west access road, a permanent topsoil stockpile is shown with dimensions of 50’x250’x3.7’. This existing high point was selected to not alter the drainage flows of the site. The temporary stockpile areas located throughout the site will be used to replace the topsoil stripped from the material lay-down area, temporary parking and material storage areas. Under Construction Note #12, all topsoil is required to be stripped from work areas, including auger spoil piles.

- Any topsoil imports (stated in the geotech report) will need to be equal to the quality of onsite topsoil.
 - **DRS Response:** There should be no need to import topsoil. There will be excess topsoil stockpiled onsite for replacement use upon decommissioning.

- How will you restore natural drainage when the buried cables are set in non-native sand bedding?
 - **DRS Response:** Please refer to the January 28, 2020 letter from Bergmann Associates.

- Requested the Environmental Monitors credentials be more clearly defined, with a sample EM report provided for review.
 - **DRS Response:** Please refer to the Environmental Monitor Inspection Form provided by Bergmann Associates.

Tim DeLucia Comments:

- Noted overhead wires are supposed to be along field edges, not above pasture. Poles are not “along edge”.
 - **DRS Response:** The Point of Interconnection poles and north end of the access road are located along the edge of an existing embankment which forms a natural border within the parcel. See Site Plan Sheet S1 contour lines. The steep incline of the embankment, and the wooded area to the west of it, creates natural a field edge. The existing cattle pathway that crosses this area to the north of the POI is still sighted in this location, along with a four-way gate system to allow for cattle and farm equipment passage, and site egress. The slope of the embankment edge is not suitable for pasture, and thus, was the most beneficial area to co-locate the POI, access road, and cattle path.
- What poles shown in the Right Of Way?
 - **DRS Response:** The existing RGE poles are located in the ROW at the road edge. DRS poles are located inside the parcel, out of the ROW, and all poles are sited as per RGE Good Utility Practice guidelines, which DRS must abide by.
- Questioned why the Decommissioning Plan has an Option A & Option B
 - **DRS Response:** This is to satisfy the options of decommissioning surety in Town Code, which the Board will need to choose between, or offer a different interpretation. Both options allow for a surety deposit and 3-year updates to the surety amount based on engineer cost estimates.

Ron Brand Comments

- Noted that there was no cross access easement between the lots, but there is one shown over the main access.
 - **DRS Response:** There is a Cross Access and Utility Easement shown on the Plat. It is located over the main access road and allows for access between the 3 parcels and the cable from the inverters to cross each parcel to the right-of-way.
- We should label the lots along the lines of non-buildable lots.
 - **DRS Response:** The lots are now labeled as “not approved for residential construction” on the Plat. General Note #12 directs that after decommissioning the parcel shall be re-subdivided back into a single parcel.
- How does the Decom deal with the value of equipment if new technology may be Installed.
 - **DRS Response:** Noted. See Decommissioning Plan, Section 4.7 – Approvals.

- Town Attorney will need to comment on the Decom and Special Use Permit.
 - **DRS Response:** Noted.
- Town needs the Who, How, What Process, the duties of the Environmental Manager.
 - **DRS Response:** Please refer to the Environmental Monitor Inspection Form provided by Bergmann Associates.

Dan Delpriore – CEO, comments:

- Reminded the Board to pay attention to subdivision and lot sizes, as lot coverage will be important for Site Plan review.
- Was made aware the CEO was designated as the Town’s Environmental Monitor in previous meetings. The Town EM will be able to verify and cross-check EM reports during site inspections.

Lance Brabant, MRB Group comments:

- Lot coverage for Subdivisions: MRB did a cursory review of lots and lot coverage, and agree with Schultz figures – all are under 25%. MRB will perform their own review of site plan and plat plans to verify.
 - **DRS Response:** If needed MRB can be provided with the CAD file in order to more accurately calculate the Lot Coverage.
- Gravel does not need to be included in Lot Coverage Calculations.
 - **DRS Response:** The current Lot Coverage calculation on the site plan includes the gravel areas as part of the impervious surfaces. Removing the gravel surfaces would reduce the total Lot Coverage to approximately 22.0%.

-----END OF COMMENTS-----