

Exhibit CS-BW-62

*Docket 8302
First Supplemental Testimony
of Mark Kane*

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Chelsea Solar LLC for a	)	
certificate of public good, pursuant to	)	
30 V.S.A. § 248, authorizing the	)	Docket No. 8302
installation and operation of the	)	
“Chelsea Solar Project” consisting of a	)	
2.0 MW solar electric generation	)	
facility to be located at 1033 Willow	)	
Road in Bennington, Vermont	)	

**SUPPLEMENTAL PREFILED TESTIMONY OF
MARK KANE
ON BEHALF OF
PETITIONER**

September 26, 2014

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EXHIBITS

Exhibit Petitioner CS-MK-7

Supplemental Aesthetic Assessment

Mr. Kane’s supplemental testimony addresses the potential effect of the Project under 30 V.S.A. § 248(b)(5) & 10 V.S.A. § 6086(a)(8) and the criteria pertaining to aesthetics, visual impacts, and town and regional plans.

1 **1. Introduction**

2 **Q1.** Please state your name, occupation and business address.

3 **A1.** My name is Mark Kane. I am a land use planner and the Director of Community
4 Planning and Design at SE Group, which is a multi-disciplinary consulting firm
5 specializing in the planning, entitlement and design of public facilities, mountain and
6 resort communities and other complex projects on challenging sites. SE Group has four
7 offices across the United States, and the Vermont office is located at 131 Church Street,
8 Burlington, Vermont 05401.

9
10 **Q2.** Have you previously provided testimony on this Docket before the Public Service Board

11 **A2.** Yes. I provided pre-filed testimony including an aesthetics analysis report and
12 supporting exhibits regarding the Chelsea Solar Project on June 18, 2014.

13
14 **Q3.** What is the purpose of your testimony?

15 **A3.** I am providing this supplemental testimony to address additional analysis related to
16 potential aesthetic impacts from the Project. This testimony presents and summarizes our
17 Supplemental Aesthetic Assessment Report (“Report”) for Chelsea Solar LLC’s “Chelsea
18 Solar” project and associated attachments, which were prepared under my direction. This
19 Report describes the additional analysis undertaken by SE Group to assess visual change
20 due to the planned Project, and reaffirms that the Project will not create any unduly
21 adverse impacts to the visual character of the area and viewshed around the Project. This
22 Report is included with this filing as Exhibit CS-MK-7.

2. **Visual Assessment [30 V.S.A § 248(b)(5) & 10 V.S.A. §6086(a)(8)]**

Q4. Please describe what the additional assessment analysis was intended to address that was not included in your original report.

A4. The original analysis report that I prepared addressed all elements of the Project as they existed at the timing of the filing. That report considered both broader public impacts from the adjacent public roadways as well as potential impacts to adjacent neighbors. Subsequent to this filing, the Petitioner had several interactions with neighbors within the adjacent Apple Hill area who expressed concern about the Project and the lack of consideration of potential impacts to them in my report. At my recommendation, the Petitioner authorized me to undertake additional field work to more fully evaluate the areas of the Project site that are in closest proximity to residential properties. In addition, I updated and expanded our technical analysis of the Project to provide further evidence in support of my previous assertions related to impacts to neighboring properties.

Q5. Please summarize your findings and conclusions regarding the Project's potential visual impacts on adjacent residential areas.

A5. First it's important to recognize that the number of adjacent residential properties potentially impacted by the Project is very low. The Project site abuts commercial/highway uses to the south and west and undeveloped lands to the east. We identified three residential properties to the north and east of the Project where views of the Project site might be possible. During the additional field review we limited our assessment to areas under the control of the Petitioner or from public locations. The

1 location of these nearby residential properties is shown on my Supplemental Site Plan
2 (See Exhibit CS-MK-7, Figure 1). Photographs from within the property highlighting
3 existing conditions are also provided on my Supplemental Site Photographs figure (See
4 Exhibit CS-MK-7, Figure 3).

5 From this additional field review we felt that, following the clearing of the
6 property to accommodate the array, it may be possible for visibility from some areas of
7 these adjacent properties to see the “back” side of the northern-most panels. That being
8 said, we have prepared a Supplemental Cross Section 1 figure (See SUP-MK-1, Figure 5)
9 drawn from residence #1 to help evaluate the potential extent of this visibility. Within
10 this area the array is about 290 feet away from the residential structure and set well below
11 in grade. Existing vegetation intervenes between the structure and the project. This is
12 described in more detail in my report. While the extent of visibility is highly limited, our
13 additional assessment did recommend some changes to further enhance overall project
14 mitigation.

15
16 **Q6.** Are you recommending any changes to the overall landscape mitigation strategies
17 identified in your earlier report?

18 **A6.** Yes. Along the northern property boundary for the Project, we proposed to adjust the
19 project fence line to step back (south) somewhat, reducing clearing as well as the
20 installation of supplemental mitigation plantings consisting of native trees (deciduous,
21 evergreen) and shrubs. These supplemental mitigation plantings are shown on my
22 Supplemental Mitigation Plan (See Exhibit CS-MK-7, Figure 2). We have not provided a

1 specific quantity for this planting as it is our suggestion that its final layout be done after
2 clearing of the site is completed. Given the presently wooded nature of the property, we
3 expect that adjustments in the layout of plant material will be needed to respond to the
4 condition of the remaining woodlands. If, for example, areas of significant understory
5 can remain, then additional plantings might be curtailed. On the other hand, if the shared
6 property boundary has more open areas following clearing, plantings may need to be
7 reorganized to address that condition. This zone for potential supplemental mitigation
8 plantings would extend along the entire northern edge of the property, including areas
9 uphill of the access road from the Apple Hill neighborhood to the north and east.

10 We have also indicated a supplemental landscape mitigation zone along the
11 eastern edge of the property. This would extend from where the access road enters the
12 property at the northeast corner of the parcel southward to where the parcel then heads
13 further east. The pattern and density of landscaping in this zone would again respond to
14 the post-clearing condition.

15 Overall we believe that the combination of prescribed landscape mitigation
16 plantings in and around the southwest edge of the Project coupled with supplemental
17 landscaping along the northern and eastern edges (as necessary) will be reasonably
18 ameliorate offsite impacts to both the general public and to those residential properties in
19 closest proximity. These recommended changes have been adopted by the Petitioner.

20
21 **Q7.** Did you conduct any additional analyses related to the potential offsite impact of the
22 Project on the surrounding area?

1 **A7.** Yes. Recognizing that the offsite visibility of the Project is largely directed to the south
2 and would impact the existing Vermont Welcome Center, I have prepared a visual
3 simulation of the currently proposed design to address these impacts. While my
4 conclusions remain the same, I have included such simulation with this testimony as
5 Supplemental 3D Perspective (See Exhibit CS-MK-7, Figure 6) in order to further
6 illustrate the expected visual character of the area following the development of the
7 Project. As suggested in my earlier testimony, and as supported by this visual simulation,
8 the retention of vegetation along the southern portion of the property effectively screens
9 views of the Project from the Welcome Center.

10
11 **Q8.** Has your ultimate conclusions on whether or not the Project creates an unduly adverse
12 impact with respect to the scenic beauty of the area changed?

13 **A8.** No. As more fully elaborated in my supplemental report (See Exhibit CS-MK-7), the
14 Project fundamentals have not been altered and, in fact, with the additional steps
15 undertaken to address offsite impacts, I am even more strongly convinced that the Project
16 does not create an unduly adverse impact with respect to the visual and aesthetic
17 resources of the area.

18
19 **3. Conclusion**

20 **Q9.** Does this conclude your testimony at this time?

21 **A9.** Yes, it does.