

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

CASE NUMBER 17-5024-PET

PETITION OF CHELSEA SOLAR, LLC, PURSUANT TO
30 V.S.A. SECTION 248, FOR A CERTIFICATE OF
PUBLIC GOOD AUTHORIZING THE INSTALLATION AND
OPERATION OF THE "CHELSEA SOLAR PROJECT",
A 2.0 MW SOLAR ELECTRIC GENERATION FACILITY
LOCATED OFF WILLOW ROAD IN BENNINGTON, VERMONT

April 17, 2018
7:00 p.m.

51 Hannaford Square
Bennington, Vermont

Public Hearing held before the Vermont Public
Utility Commission at the Bennington Hampton Inn
Conference Room, First Floor, 51 Hannaford Square,
Bennington, Vermont on April 17, 2018, beginning at
7:00 p.m.

P R E S E N T

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1 HEARING OFFICER TOUSLEY: Well, folks, we're
2 going to go ahead and get started if we could. Good
3 evening. This is a Public Hearing in Case Number
4 17-5024-PET, which is the Petition of Chelsea Solar,
5 LLC, pursuant to 30 V.S.A. Section 248 for a
6 certificate of public good authorizing the installation
7 and operation of the "Chelsea Solar Project", a 2.0 MW
8 solar electric generation facility on Willow Road in
9 Bennington, Vermont.

10 Again, my name is Mike Tousley. I'm a staff
11 attorney with the Public Utility Commission, and I've
12 been assigned as the hearing officer in this case.
13 There are, there's also a representative here from
14 Chelsea Solar, who you heard from earlier, as well as
15 from, there's a representative of the Department of
16 Public Service. As many of you were here earlier, they
17 conducted an information session just prior to this
18 public hearing and are available afterwards for
19 questions if you didn't get all of your questions
20 answered in the information session.

21 The purpose of today's hearing is for the
22 Commission to hear comments from you, the members of
23 the public, about Chelsea Solar's proposed project on
24 Willow Road. Although public comments do not become
25 part of the formal evidence in this case, your comments

1 are helpful in raising new issues or perspectives that
2 the Commission should consider, so the Commission looks
3 forward to hearing your input.

4 This hearing is being transcribed by a court
5 reporter. The transcript of this public hearing will
6 be available on ePUC, which is the Commission's
7 electronic case management system. I see we have nine
8 people who have signed up to speak. Is there anybody
9 who wishes to speak who did not sign the sign-up list?
10 Okay, great.

11 Today's hearing is not your only opportunity to
12 submit comments. You can also provide written comments
13 using the ePUC system which is accessible directly
14 online at <http://epuc.vermont.gov/> or from links on the
15 Commission's website which is <http://puc.vermont.gov> or
16 by email or mail. The contact information is provided
17 also, and I talked a little bit earlier about the
18 handouts that are out here. It, it shows what the
19 contact information is and how to get to the website
20 and how to get to ePUC. If you do send an email or
21 otherwise want to contact, to ensure that it gets
22 reflected in this case, you'll want to put the case
23 number, which is 17-5024-PET.

24 The procedural schedule for this investigation is
25 also available. I have some copies up here. There are

1 some immediate changes to the schedule that I want to
2 announce here that are reflective of the fact that we
3 did our site visit earlier today and the fact that the
4 public hearing was delayed.

5 We are going to -- basically, the deadline, I'm
6 delaying the deadline for any additional motions to
7 intervene to one week from today, or April 24th. So,
8 if there are additional motions to intervene, they
9 should be made by that date. Responses to any new
10 intervention motions will be due on Friday, April 27th.
11 The schedule otherwise remains the same.

12 Any new intervenors will have to take the schedule
13 as it now exists and may not seek changes to the
14 schedule based only on their intervention. If there
15 are other reasons why the schedule may be needed to
16 change in the future, you can request those, but you
17 can't ask to change the schedule just because you're
18 newly intervening because there's been a schedule for a
19 while in this case.

20 Over the course of this proceeding, the Commission
21 may direct Chelsea Solar to respond to the issues that
22 you raise at this hearing. It won't necessarily be
23 tonight, but it may be that I'll issue a directive or
24 there will be a question asked of Chelsea's witnesses
25 at an evidentiary hearing. The Commission will also

1 ask the company questions that may be based on your
2 comments.

3 After the evidentiary hearing in this proceeding,
4 which is currently scheduled to occur potentially the
5 week of July 2nd, if the case is uncontested and the
6 week, at some point the week of September 13th if the
7 case is contested, and that, and whether it's contested
8 or not will be determined on June 22nd.

9 So that's kind of the broad schedule. After the
10 evidentiary hearing, I issue what's called a proposal
11 for decision, which basically are my recommendations to
12 the Commission, and then those go back to the parties
13 to comment on if they choose to, and then, and the
14 parties, at that time, can also ask the Commission to
15 make a site visit or to make oral argument in front of
16 the Commission.

17 What oral argument is is it's not the presentation
18 of evidence. It's the opportunity to highlight
19 elements of your case that you think I missed in my
20 proposal for decision or weren't highlighted
21 effectively in the proposal for decision that you want
22 the Commission to consider. So you can ask for oral
23 argument as well after the proposal, after I issue the
24 proposal for decision, which would happen at some point
25 after an evidentiary hearing.

1 MR. CARROLL: I have a question.

2 HEARING OFFICER TOUSLEY: Sure.

3 MR. CARROLL: My name is Jim Carroll. I'm a
4 Selectman for the Town of Bennington, but I am not here
5 to speak for the Town of Bennington. It's not clear to
6 me what the primary role of the PUC is, and I wonder if
7 you could just give us a broad overview. Are you a
8 finder of fact?

9 HEARING OFFICER TOUSLEY: Yes, yeah. The
10 purpose of the PUC is to assess the petition filed by
11 Chelsea Solar to determine whether or not it meets
12 certain criteria that are articulated in 30 V.S.A.
13 Section 248, which is our guidance from the legislature
14 for determining whether or not utility projects are in
15 the public good. So it's a, it's a fact-finding
16 determination based on evidence provided by the
17 petitioner, who has the burden of proof and the burden
18 of persuasion at, for which other parties can, can
19 challenge that evidence or provide opposing evidence
20 that will be considered by the finder of fact.

21 Generally speaking, though, I'm glad you asked a
22 question because it gives me a chance to tell you this
23 isn't a question-and-answer session. That was an hour
24 ago. This is, this is an opportunity -- but, if you
25 have other questions procedurally, I'm more than happy

1 to answer those but after the public comments are
2 completed. So, right now, I think what we'll do is
3 we'll open the floor up to public comment. Our first
4 commenter is Jim Carroll, and I think, as long as the
5 court reporter can hear you, you can just stay at your
6 chair. If she has a hard time hearing you, I'll
7 probably ask you to go up here and sit in one of the
8 front chairs.

9 MR. CARROLL: I've already spoken.

10 HEARING OFFICER TOUSLEY: You have. Thank
11 you, Mr. Carroll. That was your only question?

12 MR. CARROLL: So far.

13 HEARING OFFICER TOUSLEY: So far? Okay.

14 Roberta --

15 MS. CASLIN: It's Bobby Caslin.

16 HEARING OFFICER TOUSLEY: Bobby Caslin,
17 C-A-S-L-I-N.

18 MS. CASLIN: I'm concerned about all of it.
19 I'm concerned I live close to it. The access where all
20 the machines will be brought in and all the equipment
21 is kind of going to be devastating to our little area.
22 It's a small community there. I mean, on the one road
23 they're going to come down, it's all wetlands. There's
24 two childcare places on the road. I mean, it's,
25 there's just not many people there. It's not

1 well-traveled, and, you know, I don't know how the
2 damage would be to the roads with all these
3 construction vehicles in and out all the time, and this
4 could take up to a year.

5 And, if they do both -- I mean, there was no
6 answer given to me whether they would be done
7 back-to-back if approved or, you know, simultaneously
8 or together. It's, it's really going to affect the
9 area and, and people's livelihood there. I mean, it's
10 a quiet street, not to mention, you know, living in
11 Bennington all my life and being a -- I mean, just
12 driving in from Route 9 is, you know, No covered
13 bridges here; you know? I mean, what are you going to
14 see? There's not going to be any cover there. You
15 know, it's just way up too high. Those solar panels
16 need the sun, not shade, so they will be open.

17 And, most importantly, I just knew about this from
18 a resident at Apple Hill who leaves a note on my door
19 because no one notified us of this. We had no idea
20 that this was being brought up again, and we're going
21 to be the most affected by it for, like, the first year
22 of setting this all up.

23 HEARING OFFICER TOUSLEY: Do you live on
24 Willow Road?

25 MS. CASLIN: Yeah, yeah. I mean, I called

1 some neighbors today that were totally unaware of it
2 too. There's been a couple that have been aware of it,
3 but, for the most part, we haven't been.

4 HEARING OFFICER TOUSLEY: Okay. If, again,
5 if you want to have greater knowledge and have -- you
6 can either participate as an intervenor, or you can
7 also just log into the ePUC, and it will give you the
8 schedule and the updates and the filings and stuff that
9 are going on in the case so you can keep up with it.

10 MS. CASLIN: Can I ask a question, or do I
11 have to wait?

12 HEARING OFFICER TOUSLEY: Sure.

13 MS. CASLIN: Okay. The utilities of public
14 good, they have to get a certificate for this. It has
15 to be approved. What public good? Is there a criteria
16 of public good it has to meet?

17 HEARING OFFICER TOUSLEY: Yes, yes, and
18 that's articulated in -- it's stated in the, by the
19 legislature for us in 30 V.S.A. Section 248. So there
20 are a series of -- well, again, it's, like, 20 pages of
21 legislation that that provides us with very specific
22 guidelines, some of which come from Act 250 directly,
23 some of which were specifically generated for utility
24 projects that that state the evidentiary bases that a
25 petitioner has to fulfill for the Commission to use to

1 make its public good determination.

2 MS. CASLIN: And I just wonder what public
3 good it will do for us. We're the public, you know? I
4 don't, I don't foresee anything, so --

5 HEARING OFFICER TOUSLEY: Okay. Did you have
6 other comments, ma'am?

7 MS. CASLIN: No, I'm good.

8 HEARING OFFICER TOUSLEY: Yeah. Yes, sir.

9 MR. CARROLL: Just curious, are there any red
10 lines or red flags that would really prick up your ears
11 as a body that would disqualify a particular project?

12 HEARING OFFICER TOUSLEY: Um, lack of
13 evidence is probably the only answer I can give you.
14 If the, if the petitioner for a project fails to
15 provide sufficient evidence to make a conclusion as to
16 public good, then the project will not be approved.
17 There are factors that are important that, that many of
18 which will be discussed here.

19 Probably, the two key ones that, that led to, that
20 were addressed at the second technical hearing, the
21 second evidentiary hearing were orderly development is
22 a feature that has very specific criteria and a long
23 kind of legal precedent associated with it, and then
24 there's also aesthetics, and then there's a variety of
25 environmental factors that can also derail a project.

1 But, in terms of the Commission, when it first
2 reviews a project, is, Did they give us enough to make
3 a decision? Is it complete? Did they meet their
4 burden, and then is that burden, does that evidence
5 weigh in favor of a public good determination?

6 MR. CARROLL: What, if any, role does a Town
7 Plan and/or an existing ordinance play in your
8 decision?

9 HEARING OFFICER TOUSLEY: They're factors
10 that are considered as part of both the orderly
11 development and aesthetics determinations. So what
12 those things say are evidence in both of those, under
13 both of those criteria. Well, I really don't want to
14 do a question-and-answer session, but I suppose we'll
15 throw it open now since I have.

16 MS. HARRIS: Libby Harris. I was wondering
17 if you -- you said you can become an intervenor, but I
18 don't think that most of the public here tonight even
19 understand what that is. I'm wondering if you might
20 explain how they may join in.

21 HEARING OFFICER TOUSLEY: I'm going to let
22 you do that, Ms. Harris, since you've done it.

23 MS. HARRIS: Well, yes, I'm, I'm an
24 intervenor in both Chelsea and Apple Hill Solar.

25 MR. CARROLL: What's an intervenor, Libby?

1 MS. HARRIS: So an intervenor is you apply to
2 the PUC to be accepted as a party and, once you get
3 accepted -- and there's an application process, I
4 believe. You and the Apple Hill Association became
5 intervenors recently. So, once you get that status by
6 applying for it, then you get all of the information
7 sent to you, any filings, any, any decisions made
8 through every step of the schedule so you're informed,
9 so you're an educated, informed person much more than,
10 you know, not just commenting on the site. You know,
11 you are a participant now in the process, and there's a
12 great advantage because your voice is heard in a much
13 more meaningful way.

14 MR. CARROLL: How does the role of proximity
15 to a project, what kind of impact does that have as a
16 resident?

17 MS. HARRIS: I think that anyone can
18 intervene at any time.

19 HEARING OFFICER TOUSLEY: You have to be able
20 to show a substantial interest in the outcome of the
21 project. Being a neighbor generally is one of the ways
22 that you can show that you have a substantial interest.
23 And I'll also mention, the handouts that I've got over
24 here that, they talk to both of these things, both how
25 to intervene and what intervenor status means, and I

1 think Ms. Harris gave a really good summary, but I
2 would encourage you to look at that because it also,
3 like, shows you where to go if you want to do it. But,
4 effectively, you have to show that you have a
5 substantial interest in the project that won't
6 otherwise be represented by any other party.

7 MS. BLOCK: Can I add to that? Lora Block,
8 B-L-O-C K. I'm the intervenor for Apple Hill
9 Association. I would just add to what Libby, Ms.
10 Harris, said is that, if you're an intervenor, you not
11 only get all that information, but if you have, it
12 means you have standing to state your case officially
13 at the PUC, which gives you much more leverage, I would
14 say, than otherwise. That's the benefit of being an
15 intervenor.

16 HEARING OFFICER TOUSLEY: But I'd also
17 indicate that the ePUC, if, you can participate in a
18 case as a nonparty, and you can get the ePUC notice as
19 a nonparty so that they can keep you, so that --
20 everything that the parties file is, goes into ePUC,
21 and they know about what each other are doing, and, if
22 you, if you seek to participate as a nonparty, you will
23 get the same notice.

24 But, but Ms. Harris and Ms. Block are right. If
25 you're not a party, you don't get to participate at the

1 hearing. It doesn't mean you can't write comments as a
2 member of the public that won't get reviewed and
3 considered. It just means you don't get the
4 opportunity, for example, to cross-examine the
5 developer's witnesses on what their facts might be or
6 what their statements might be.

7 So, so you're, you have, but, but there is a,
8 there is sort of a responsibility that goes along with
9 being an intervenor, and that is, as a party, you have
10 to observe the Commission's rules, and you, and you
11 have to play by those rules. So is that good?

12 MS. HARRIS: Thank you.

13 HEARING OFFICER TOUSLEY: Okay. Let's get
14 back to the public comments. I want to say Mr. Leon.
15 Ms. Leon. I'm sorry.

16 MS. LEON: Ms. Leon.

17 HEARING OFFICER TOUSLEY: I'm sorry. If you
18 could say your name again, please.

19 MS. LEON: Sure. It's Maru Leon, M-A-R-U,
20 and L-E-O-N.

21 HEARING OFFICER TOUSLEY: Thank you, ma'am.

22 MS. LEON: And I am here on a personal and
23 professional level. My husband and I are the owners of
24 Mt. Anthony Country Club, and I am, really, just
25 recently I heard about this project and about this

1 meeting, and I was in shock over the fact that no one
2 had contacted us, and when I saw in look for the
3 information and I saw the area that was being proposed,
4 I was in shock that, that this has not been made more
5 clearly known to everybody in the community and
6 everybody that is not just on Willow Road and in Apple
7 Hill but all over the Bank Street area, the Monument
8 Avenue area and the country club, especially.

9 I mean, the country club has been around since
10 1897. It's a major asset in the community, and I think
11 I'm very concerned about the fact that now you are
12 going to be looking at this eyesore, this -- I mean, I
13 see it as an eyesore. It's a disco ball on the right
14 side of the highway. I mean, Bennington, I mean, that
15 whole area, it's a gateway to -- there's a reason why
16 Bennington, in 1968, banned billboards, because we want
17 to appreciate the natural beauty of the state.

18 The number one area -- I mean, tourism is our
19 number one income, and we in Mt. Anthony Country Club
20 hear this constantly when we have people from all over
21 the country, all over the world visiting, looking at
22 the stunning views and the natural beauty and natural
23 surroundings, and now that's going to be completely
24 spoiled by this sequined carpet on the right side of
25 the highway, and I, I can say that I'm just extremely

1 disappointed and concerned that --

2 I mean, I know the Town is looking for development
3 and ways to -- and I think we all agree in that we
4 should develop and, you know, increase the businesses
5 in this area, but I just need to be -- we need to be
6 very careful and cautious to the way we do it and with
7 who we do it and how we propose these expansions, and
8 because it, this is not going to be -- I mean, there's
9 so much area, so many other areas to put the solar
10 power and not right as you enter this beautiful area,
11 and the views from the Monument, the views from so many
12 parts of this town will be ruined because of this. So
13 I am extremely concerned.

14 HEARING OFFICER TOUSLEY: Thank you, ma'am.
15 David Griffin?

16 MR. GRIFFIN: My name is David Griffin. I'm
17 married to Maru, and we're the owners of the country
18 club. The project in general is concerning and to us,
19 especially, as Maru has mentioned, just the visual
20 sights from Bank Street, from the Monument, from our
21 country club. We're sitting up high and looking down
22 and looking north, and what an impact clearcutting this
23 area, you know, presents.

24 So, in general, it's very concerning, but beyond,
25 you know, the next step from there is we have, we have

1 -- they're suggesting clearing 9.4 acres, installing
2 7.1 acres of equipment, and it is, if we get to that
3 point, it is the restoration of that site. If I
4 understand it correctly, we're going to clearcut, we're
5 going to chip all of the trees and just broadcast them
6 over 9 acres and come in and hydromulch some
7 vegetation, some ground cover, and, again, looking from
8 up above, at least having the restoration of that area
9 done correctly would make a tremendous difference.

10 My, my questions are: What is the monthly
11 maintenance? What is the seasonal maintenance? You
12 know, broad or hydromulching into a chipped area, you
13 know, what is, what is, you know, what is the
14 germination rate? You know, it's, I think you're,
15 you're going to be very challenged there. And so we
16 get a bunch of annual weeds that come up and everyone
17 says, Oh, it's green, but those annual weeds die in
18 November, and now we're back to 9 acres of wood chips
19 and 9, and 7.1 acres of solar paneling, and this, this
20 9 acres are going to turn into 20 acres. So now you're
21 looking at 20, 22 acres of clearcut, wood-chipped solar
22 panels.

23 So just thinking through it and, and making sure
24 that the finished product, if it gets to that point,
25 is, you know, where's the forethought? Where's the

1 thinking? Let's just chip all the trees and hydromulch
2 ground vegetation in, I think, is overly optimistic,
3 overly optimistic, and I just, I have some -- that's
4 my, one of my concerns, but, again, the maintenance.
5 What are you doing every month in there? What are you
6 doing once a season? Are you going to hydromulch it
7 every year? And those are my questions and concerns.
8 Thank you.

9 HEARING OFFICER TOUSLEY: Thank you, sir. I
10 would note for both of you that this is the second of
11 two proceedings. There are two projects that are
12 proposed for that area, both this project in this case,
13 17-5024-PET, but there is a second case which is the
14 Apple Hill Solar case which is next door which is
15 further along in the process, and that is Case Number
16 8454, and if you want your concerns addressed in that
17 case, you'll want to submit them to the Commission in
18 that regard.

19 That case procedurally has already had two
20 evidentiary hearings, and the parties have submitted
21 briefs and a proposal, a draft proposal for what I
22 should write, and I'm waiting for reply briefs in that
23 regard, and then there will be a proposal for decision,
24 but your comments now would be useful or at any time in
25 terms of the Commission being aware of your concerns.

1 Okay. David Johnson?

2 MR. JOHNSON: Yes, my name is David Johnson.
3 Basically, what's been said already is a lot of my
4 concerns. I am a homeowner on Willow Road. I will
5 probably be impacted on the actual machinery and that
6 that's going to be coming up and down the road more
7 than anybody else. To me, it's more of an aesthetic
8 thing. We are the gateway to Bennington. We're the
9 gateway to Vermont. Coming in on 279, the first thing
10 you're going to see, you're going to see these, and
11 there's no getting around it.

12 We already have a few solar panels out on Route 9,
13 the eyesore of Route 9 coming into Bennington. Now
14 you're going to have it coming in from the west.
15 Basically, we're destroying our town by just people
16 aren't going to want to stop. They're just going to
17 see this, and it's an eyesore. I'm more concerned
18 about the aesthetics end of it than the traffic.

19 HEARING OFFICER TOUSLEY: Thank you, sir.
20 Did you have other comments?

21 MR. JOHNSON: No, I'm all set.

22 HEARING OFFICER TOUSLEY: Great. Ms. Block?

23 MS. BLOCK: I, would like to just add my
24 concerns, the same concerns I have about Apple Hill.
25 As you've mentioned, there's the other project that's

1 underway now. I think the aesthetic concerns, the Town
2 has, the Town Plan does not put, allow or recommend, I
3 should say -- I guess that's the word -- either one of
4 these projects, Chelsea or Apple Hill, as a preferred
5 site.

6 So both of these are in non-preferred sites
7 according to the Town Plan, and they're non-preferred
8 sites for good reasons which are that they are in the
9 wrong district. They're in the rural conservation
10 district of town which require very minimal vegetative
11 clearcutting for any kind of development that goes in a
12 rural conservation zone as well as a whole number of
13 other criteria that these projects do not meet for
14 being in rural conservation districts.

15 These projects also are not, do ruin the gateway
16 into town, as other people have said. So, from the
17 aesthetic point of view, from the fact that they're in
18 the wrong district, they're in the rural conservation
19 district, and the fact that, despite the simulations
20 that the, the developer puts up showing how basically
21 invisible these projects will be, they're only
22 simulations.

23 We got a few of them during the presentation
24 earlier from the Welcome Center, and, I think, from Ms.
25 Harris's house, and those simulations are really not

1 accurate. Because, you know, when you, if you see what
2 -- they are simulations that do not accurately portray
3 what you would see.

4 There are no simulations showing what black boxes
5 would look like, which is what we're going to be left
6 with, black plastic fencing around what will ultimately
7 be almost 15 acres instead of woods. We see no
8 simulations of what that's going to look like in the
9 winter when everything else is going to be white,
10 except we're going to have black boxes.

11 And I'm not satisfied with the simulations that
12 I've seen which, showing the plantings because they
13 are, really don't mitigate the view very well because
14 they're, they're sort of spread out. These trees that
15 they're going to put in, be put in do not really screen
16 the project. So I have many objections to this project
17 for all of those reasons.

18 HEARING OFFICER TOUSLEY: Thank you, ma'am.
19 Bill Knight?

20 MR. KNIGHT: Yes, I'm Bill Knight, and Lora
21 covered a lot of what I was going to say, but I, just
22 hearing some of the comments today from this lady, the
23 lady that's in on the Willow Road, and I had mentioned
24 to Brad earlier that I think perhaps the solar company
25 should have some sort of an informational meeting to

1 the people along Willow Road to let them know what
2 actually is going to take place because I don't think a
3 lot of those people really understand the ramifications
4 of what this might be as far as their, the use of the
5 roads and the noise.

6 They need to understand the, maybe get some
7 stipulations, the time of day that these trucks can, if
8 the project goes through, and, you know, they can never
9 really be an intervenor if, if they don't have some
10 information and get together, and I just feel like the
11 people need to be a little more informed on the Willow
12 Road because I know there's -- sorry. I don't know
13 your name. This lady was saying she'd actually talked
14 to some of her neighbors who today didn't even really
15 understand much about what the project is. So I think,
16 maybe, if they understand now, they can bring some of
17 these concerns forward before it's too late or never.

18 So that's basically what I'd like to say. Yeah,
19 that's just some of the items, like, Who's going to
20 take care of repairing the town roads? Obviously, it
21 must be the Town, but who's going to clean up? I mean,
22 is there going to be a time of day established when the
23 work will be done? And is there going to be -- I know
24 in our case, we have Brad's or someone's number who to
25 call if we do have concerns or complaints, and I think

1 they just need to be more informed and maybe get a
2 little bit organized or understand what is going to
3 take place.

4 HEARING OFFICER TOUSLEY: Thank you, sir.
5 Ms. Harris?

6 MS. HARRIS: Did you want --

7 HEARING OFFICER TOUSLEY: You have a
8 question?

9 MS. LEON: Yes, well, I just wanted to make
10 an additional comment. Again, my name is Maru Leon.
11 When speaking about simulations, there has not been a
12 simulation made from our point of view and not only,
13 again, in taking into account the views from the
14 country club, but the whole part of the historic Old
15 Bennington and Monument Avenue, Bank Street, Upper Bank
16 Street and the Monument, and I'm concerned about that.

17 I'm very concerned that, you know, given the
18 little amount of time that's left, because there's
19 another meeting by the 24th that all comments have to
20 be submitted, without seeing a really true simulation,
21 I mean, I know that I can just take a picture and bring
22 it in right here and show you exactly what our point of
23 view is, but from the developer I think it would be
24 very important to see what they're showing as how it
25 would be described and also how that six-, ten-foot

1 fence will be seen from that whole area.

2 HEARING OFFICER TOUSLEY: Thank you. Ms.
3 Harris?

4 MS. HARRIS: You, you had said that the, the
5 deadline for intervening on this project is April 24th?
6 I think you just announced that.

7 HEARING OFFICER TOUSLEY: Yes. Previously,
8 it was April 16th.

9 MS. HARRIS: Yeah, which has passed.

10 HEARING OFFICER TOUSLEY: That's correct.

11 MS. HARRIS: So I can't impress upon you how
12 important it is for you to apply to intervene because
13 the difference between your voice being heard, your
14 participating in the process is so extraordinarily more
15 powerful than not. So this is the 17th, and April 24th
16 is the deadline to intervene. So you could intervene.
17 You could apply to intervene tomorrow. It's not a
18 difficult process. But I, you know, I -- is it too
19 late to intervene on Apple Hill?

20 HEARING OFFICER TOUSLEY: It's beyond the
21 intervention deadline. That doesn't mean an
22 intervention wouldn't be entertained, but it might be
23 denied because there is not much process left.

24 MS. HARRIS: Yeah, so --

25 HEARING OFFICER TOUSLEY: It doesn't mean

1 people couldn't comment on it publicly and that those
2 comments would be considered, and we're required to
3 consider those comments.

4 MS. HARRIS: Okay. So that, too, I think, is
5 essential for you people who are coming in this,
6 especially Apple Hill. It's almost done. The decision
7 is, you know, somewhere in the next month or two, I
8 think, will come down. So the comments, you should
9 file those comments and let them know how you feel
10 about this because, as Mr. Tousley is saying, the
11 comments are taken into consideration.

12 MR. CARROLL: Sir?

13 HEARING OFFICER TOUSLEY: Yes.

14 MR. CARROLL: Just one comment. I think it
15 bears -- at least in my opinion, I think it's important
16 for me to emphasize the importance of our Town Plan and
17 the ordinance that we developed. I was on both of
18 those committees and along with two other fellow Select
19 Board members as well as a state representative in
20 formulating them, and they're very important to, for
21 you to, in my opinion, for you to consider. We've put
22 a great deal of thought. It was well over two years
23 that we devoted to the development of both those
24 documents. That's it. Thank you.

25 HEARING OFFICER TOUSLEY: Thank you.

1 Mr. Schoenig?

2 MR. SCHOENIG: My name is Joseph Schoenig.
3 My concerns are numerous. I suspect, as some other
4 people alluded, that who's going to take care of costs
5 generated by this project such as road repairs,
6 drainage, air quality, wind, all of those things?
7 They, the, the solar developer has, has given us and
8 you examples of how they're not creating the emissions
9 coming out of the cars; they're not responsible for
10 that at all.

11 Well, yeah, they are when they take the trees down
12 that absorb that, and they are responsible for the
13 noise that, that travels through because they took the
14 trees down. No, they didn't, they didn't create the
15 emissions, but they, they certainly are responsible for
16 it passing through. So I have concerns with that.

17 I have concerns that what effect clearing that
18 area will have on the, on the watershed. We've got,
19 the Walloomsac River flows down through there, and
20 there's a substantial flood zone that's noted on maps,
21 and if we clearcut that and put bark chips down,
22 there's a good chance that we're going to have further
23 runoff on that.

24 When you think about the solar panels themselves,
25 it's like, it's like a roof on a house. If you had

1 gutters, you can direct the water off, but what's going
2 to happen with 9 acres or 17 acres is you're going to
3 have every single row of panels is going to have this
4 drip line that's going to be much more substantial than
5 the rain just fell over the entire surface of the
6 thing. So it's going to degradate that area much more
7 so.

8 As everyone has said, the site will clearly be
9 visible from Route 279, both coming in from the west
10 and from the east. They're at much higher elevations.
11 They will be looking down in the valley, and you are
12 going to see those panels. Probably 60 percent or more
13 of those panels will be visible. And when, you know,
14 when they talk about the fencing, the ten-foot-high
15 fencing, that's just the final step of protection
16 there.

17 They're talking about leaving the existing
18 vegetation that surrounds it. Well, this, this
19 vegetation that's there was, there was a comment made,
20 unfortunately, by one of the members of the Select
21 Board that that's a useless forest, that it's just
22 garbage wood.

23 MR. CARROLL: I didn't say that.

24 MR. SCHOENIG: No, no, he did not say it, but
25 that, that quote has been so used by the developers,

1 solar developers, over and over again, and it, you
2 know, we've qualified what was said there, but that's
3 not any different than what you see driving up the
4 highways. There are always trees that are down in the
5 forest. But, if that's what they're depending on for a
6 major part of their blockage, it's not going to, it's
7 not going to work very well.

8 Last, well, two last things: One, if you happen
9 to know this area or noticed it as you were coming in,
10 the Chili's next door has two trees on either side of
11 it that are about 200 years old, and that was brought
12 to the attention at the time that Chili's was building
13 that, and I mistakenly thought that the Town had said,
14 you know, You've got to save those trees. They shrink
15 your property. But they, out of concern, left the
16 trees there.

17 If you took the walk today, I showed you a tree, a
18 beautiful oak tree up there that is about 300 years old
19 and probably existed before the time of the Town of
20 Bennington being settled, and that's going to be just
21 cut down. It's in the solar array, and, you know, the
22 Monument out here is only, you know, what, 100 years
23 old at best? And here we are, we're going to take
24 something down that is so beautiful and has lasted so
25 long.

1 The last thing is people are always accused of
2 NIMB, "Not in my Backyard", type of thing. So, of
3 course, we citizens that are complaining about things
4 that will have effects on us are trying to point out
5 that it also affects the Town, and the Town has, has
6 mentioned in different meetings that they're concerned
7 about the hillside views and the gateway views that we
8 have in there, and I think that has to be really
9 emphasized over and over and over again. That's it for
10 me.

11 HEARING OFFICER TOUSLEY: Thank you, sir.
12 Sir, you came in late. Did you have an interest in
13 making a comment about the project?

14 MR. BLOCK: I really do.

15 HEARING OFFICER TOUSLEY: What's your name,
16 sir?

17 MR. BLOCK: Robert Block, B-L-O-C K. We have
18 been accused of being a NIMB organization up there in
19 Apple Hill. When we first arrived here, the first
20 thing we did is put solar panels on our house. We
21 built it as a, a solar-seeking home with a, a giant
22 Trombe wall. We, we rely on solar. We don't have
23 anything against solar, but the siting here is most,
24 most unfortunate.

25 I don't want to duplicate what everybody else is

1 saying. I'm not sure what -- I just had to come back
2 from a meeting now. But the, we have a beautiful herd
3 of deer in there that go back and forth. We see them.
4 They go behind our house. We see the footprints,
5 hoofprints all, all winter while we're doing our skiing
6 and snowshoeing out there. This is not an area which
7 is, as some people have said, it's a dead area, you can
8 just, you know, take these trees down and there's
9 nothing there. It's not true. There are foxes, red
10 foxes in there, and we really would like to keep that
11 habitat.

12 HEARING OFFICER TOUSLEY: Thank you, sir.

13 Does anyone want to make an additional comment?

14 MR. CARROLL: One.

15 HEARING OFFICER TOUSLEY: Mr. Carroll?

16 MR. CARROLL: With respect to the
17 clearcutting of the parcel, Brad has told us tonight
18 that the, the wood will be chipped and spread over, I
19 guess, the entire parcel. Now, my concern that I
20 voiced to Brad was that, with the chipping of these
21 trees, there will be a resultant release of CO2 into
22 the atmosphere, so, effectively, a negative impact on
23 the environment overall.

24 HEARING OFFICER TOUSLEY: So other comments?

25 Yes, Mr. Johnson?

1 MR. JOHNSON: I also wanted to add that, when
2 I purchased my house, I ended up buying another piece
3 of land right on the side of me, and it was stated to
4 me from the Town that I could not develop on that land
5 because it's wetlands. The aesthetic end that I was
6 kind of mentioning is, Mr. Tousley, have you ever been
7 up to Mt. Antony Country Club?

8 HEARING OFFICER TOUSLEY: I was there this
9 afternoon.

10 MR. JOHNSON: Did you stand on the 13th hole?

11 HEARING OFFICER TOUSLEY: I did.

12 MR. JOHNSON: What did you see?

13 HEARING OFFICER TOUSLEY: The whole valley.

14 MR. JOHNSON: Yes, but what are you going to
15 be looking right at? They can put a dome over it.
16 That's the only thing that's going to block that. It's
17 one of the most beautiful views in our state, and
18 you're going to be putting solar panels on it.

19 HEARING OFFICER TOUSLEY: Other comments?
20 Ms. Block?

21 MS. BLOCK: I'd just like to reiterate
22 something about the road, Willow Road, and the Town
23 Attorney is here, but I guess this is just a comment
24 for the Town, really, because it sounds like there's
25 going to be a lot of potential damage to this road, and

1 I wonder if they have, the developers, have gotten
2 approval from the Town, if there's some kind of
3 contract that they have to get, enter into to assure
4 that they will repair Willow Road and other roads that
5 they go on that they damage with all these trucks going
6 in with 6,000 panels, and, I guess it's, when we think
7 of both of those projects, it's likely to be at least
8 12,000, if not more, panels that are going to be
9 dragged in by truck, and I wonder what, what will
10 protect our town roads from this damage, if there's
11 going to be any kind of requirement that they do that.

12 HEARING OFFICER TOUSLEY: Other comments?

13 Ms. Harris?

14 MS. HARRIS: Yeah. My intervenor comment
15 wasn't really my comment, but I'm glad I made it. My
16 comment: Very recently, a local solar developer named
17 Bhima Nitta presented to the Select Board a proposal
18 for a solar project which would be on the rooftops of
19 the town waste plant, and all of the solar power it
20 would produce would be for the benefit of all of the
21 nonprofits in Bennington. So all of the power will
22 stay locally, and it will benefit the nonprofits.

23 And, in my mind, taking down trees to put up solar
24 panels when there are so many landfills and gravel pits
25 and rooftops which would be so appropriate for solar

1 panels, which are wonderful if they're appropriately
2 sited, would make such a difference to what this
3 developer is doing, and none of the power that they get
4 from these projects will stay in the State of Vermont,
5 and they have been offered huge, huge rebates.

6 They will make a fortune by being able to go
7 forward with these projects, and I think, when you
8 juxtapose what these two projects mean and what Bhima
9 Nitta's project means, it's like looking at night and
10 day, and, as far as I can see, Bhima's project is a
11 breath of fresh air for all of us, literally and
12 figuratively.

13 HEARING OFFICER TOUSLEY: Thank you. Are
14 there other comments? Very well, then. Thank you all
15 for your comments. This hearing is adjourned.

16

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19 (Whereupon at 8:01 p.m. the hearing was adjourned.)

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1 C E R T I F I C A T E

2 I, Sunnie Donath, RPR, do hereby certify that
3 I recorded by stenographic means the Public Hearing re:
4 Petition of Chelsea Solar, LLC, Pursuant to 30 V.S.A.
5 Section 248, for a certificate of public good
6 authorizing the installation and operation of the
7 "Chelsea Solar Project", a 2.0 MW solar electric
8 generation facility located off Willow Road in
9 Bennington, Vermont, at the Bennington Hampton Inn
10 Conference Room, First Floor, 51 Hannaford Square,
11 Bennington, Vermont, on April 17, 2018, beginning at
12 7:00 p.m.

13 I further certify that the foregoing testimony was
14 taken by me stenographically and thereafter reduced to
15 typewriting and the foregoing 34 pages are a transcript
16 of the stenographic notes taken by me of the evidence
17 and the proceedings to the best of my ability.

18 I further certify that I am not related to any of
19 the parties thereto or their counsel, and I am in no
20 way interested in the outcome of said cause.

21 Dated at Westminster, Vermont, this 24th day of
22 April, 2018.

23

24 //Sunnie Donath, RPR

25