

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant to 30)	
V.S.A. § 248, for a certificate of public good)	Case No. 17-5024-PET
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)	

**PETITIONER’S RESPONSES TO
TOWN OF BENNINGTON’S
FIRST SET OF INFORMATION REQUESTS**

Q.Town:CS.1-1. What measures, if any, shall be taken to ensure that screening of the proposed site will provide a year-round visual screen of the location.

Response: Details regarding the visual mitigation measures proposed for the Project have already been provided in this case; please review the full content of the November 27, 2017 prefiled testimony of Mark Kane, as well as ***Exhibit CS-MK-2*** and ***Exhibit CS-MK-3***. These documents describe the implementation and effectiveness of the visual mitigation measures that have been proposed, which include:

- Minimization of module tilt angle and module height
- Minimization of project footprint area
- Utilization of dark colored solar modules
- Utilization of vegetated ground cover
- 10-foot high perimeter fence with partially-opaque mesh screening material
- Supplemental landscaping plantings in multiple locations
- Retained existing vegetation buffers in multiple locations
- Significant distance to offsite viewpoints
- Existing topography

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 13, 2018

Q.Town:CS.1-2. What materials will be used to create screening around the proposed site? (List and describe all).

Response: Chelsea objects to this request on several grounds: The question is vague and confusing.

Without waiving the objections, the retained vegetation provides sufficient screening of the Project. The buffers of retained existing onsite vegetation in multiple locations was witnessed in person by the Town's representative during the public site visit on April 17, 2018, and multiple photos of that vegetation can be found in **Exhibit CS-MK-3**. Notwithstanding the existence of adequate existing vegetation, Petitioner has voluntarily opted to supplement the natural screening from existing hedgerows.

Materials specific to additional screening between the Project and offsite viewpoints include:

- A 10-foot high chain-link perimeter fence with a partially-opaque mesh screening material. The use of this screening material is described in Exhibit CS-MK-2, and the visual simulations of the Project included in CS-MK-3 include a representation of the fence/screen. For reference, an example spec sheet for this type of mesh screening material is included as **Exhibit CS-INFO-TOWN-1**.
- Supplemental landscaping plantings to be installed following completion of Project construction. The specifics of these plantings are detailed on sheet CS-03 of **Exhibit CS-MK-3**.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-3. What other methodologies that will be used to create screening around the proposed site? (List and describe all).

Response: Chelsea objects to this request on several grounds: The question is vague and confusing; the request is not likely to lead to the discovery of any relevant information; the information is not relevant to the issues.

Without waiving the objections, please refer to response to Q.Town:CS.1-1 and 1-2 above.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-4. Will screening plantings be monitored?

Response: Chelsea objects to this request on the ground that the question is vague and confusing as to "monitored".

Without waiving the objection, the Project will satisfy the requirements of PUC Rule 5.800.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-5. Describe the process that will be implemented for monitoring screening plantings, including: (1) name of person tasked with monitoring plantings; (2) person responsible for making determination as to whether plantings are diseased; (3) person responsible for making determination as to whether plantings are dead; (4) credentials of person named in (1) – (3); (5) frequency of monitoring.

Response: Chelsea objects to this request on the ground that the question is vague and confusing as to "monitored". The request is not likely to lead to the discovery of any relevant information; the information is not relevant to the issues; the request is overly broad; the request is unduly burdensome (given the likely benefit and considering the needs of the case).

Without waiving the objections, the Project will satisfy the requirements of PUC Rule 5.800.

Beyond the first three annual inspections required by PUC Rule 5.800, the condition of the visual mitigation measures for the Project would continue to be inspected by the Project's O&M provider on an annual basis and repaired whenever necessary, as the visual mitigation measures are to be maintained in an effective condition for the life of the Project. The Petitioner cannot respond to the requests regarding specific personnel, as contractors have not been selected at this point in a project's development process.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-6. Please admit that certain planned equipment and/or system upgrades are designated for common use by both the proposed Chelsea Solar Project and the proposed, adjacent Apple Hill Solar Project.

Response: Chelsea objects to this request on several grounds: Vague and confusing as to what is meant by "planned equipment", "system upgrades", "common use"; the request is not likely to lead to the discovery of any relevant information; the information is not relevant to the issues in a 248 proceeding.

Without waiving the objections, Denied.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-7. Please describe which equipment and/or upgrades are designated for common use by both the Chelsea Solar and Apple Hill Solar Projects.

Response: Chelsea objects to this request on several grounds: Vague and confusing as to what is meant by "common use" and "upgrades"; the request is not likely to lead to the discovery of any relevant information; the information is not relevant to the issues in a 248 proceeding.

Without waiving the objections, see response to Question 6, above.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-8. Please admit that, referring to the Town Plan in effect in 2014, the Public Utility Commission (as the Public Service Board) found, in connection with the previous application by Chelsea Solar LLC (Docket No. Docket [sic] 8302) that: “[W]e find that the Town Plan language is specific in nature, is specifically applicable to the Project site, and seeks to conserve scenic resources by identifying specific actionable requirements and thus constitutes a clear, written community standard.”

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving objections, Petitioner admits that the Public Service Board issued an order in docket 8302 on February 16, 2016 containing that language, which speaks for itself, prefaced by the words “In this case,”. Otherwise deny.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-9. Please admit that the language that the Public Service Board found to constitute a “clear, written, community standard” was the following language:

Specific design standards shall apply to new development in the Rural Conservation Districts in recognition of the existence of a concentration of agricultural and forest lands and to protect the extraordinary scenic resources such lands and uses provide. Any use in the Rural Conservation District, including single family dwellings, shall

require approval under those regulatory guidelines. Development in this area cannot be sited in prominently visible locations on hillsides or ridgelines, shall utilize earth tone colors and non-reflective materials on exterior surfaces of all structures, and must minimize clearing of natural vegetation.

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving objection, Petitioner admits that the Public Service Board issued an order in docket 8302 on February 16, 2016, which speaks for itself. Otherwise deny.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 13, 2018

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 13, 2018

Q.Town:CS.1-10. Please admit that, referring to the Town Plan in effect in 2014, the Public Service Board found, in connection with the previous application by Chelsea Solar LLC (Docket No. 8302) that: "The Town Plan's language limiting development in the Rural Conservation District represents a clear, written community standard appropriately considered in a review under Section 248(b)(5) and the first prong of the second part of the Quechee test."

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving objection, Petitioner admits that the Public Service Board issued an order in docket 8302 on February 16, 2016 containing that language, which speaks for itself. Otherwise deny.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 13, 2018

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 13, 2018

Q.Town:CS.1-11. Please admit that the findings referenced in Q.Town:CS.1-8, 1-9, and 1-10 are contained in an order dated February 16, 2016 in Docket 8302.

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving objection, Petitioner admits that the Public Service Board issued an order in docket 8302 on February 16, 2016, which speaks for itself. Otherwise deny.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-12. Please admit that no appellate body has reversed the findings referenced in Q.Town:CS.1-8, or Q.Town:CS.1-10, above.

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving objections, Petitioner admits that the Public Service Board issued an order in docket 8302 on February 16, 2016, which speaks for itself. Petitioner also admits that subsequent to that order, the Public Service Board issued an order in Docket No. 16-0049-NMP concluding that the Paper Mill solar project located in the RCON zone does not violate a clear written community standard intended to preserve the aesthetics or scenic beauty of the area in the Town or Regional Plan. Otherwise deny.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-13. Please admit that Chelsea has argued in its Scheduling Brief dated March 9, 2018, that “re-litigation of issues already decided that are not affected or altered by the changes to the project of the changed circumstances are precluded.”

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving the objection, Petitioner admits that the its filing on March 9, 2018 contained that language preceded by the words “The 2017 Order’s promise of a prompt review recognizes that”, which speaks for itself. Otherwise deny.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018

Q.Town:CS.1-14. Refer to Chelsea’s response to Q.ANR:Chelsea.1-2. In that response, Chelsea states that “If use of the alternative gate is required by the PUC, then access to that gate would be obtained by traveling over the adjacent property in its current condition. Construction of an access drive over the adjacent property is not proposed. There would be no specific designated path.” Please respond to the following:

- a. Please provide any photographs or any other depiction of the adjacent property within the area over which travel would be made to reach the alternative gate.

Response: The property boundaries of the adjacent parcel are highlighted on the aerial photograph attached as *Exhibit CS-INFO-TOWN-2*.

- b. Please describe the existing vegetation on the adjacent property within the area over which travel would be made in order to travel to the alternative gate.

Response: The existing vegetation on the adjacent parcel consists of grass/meadow type ground cover that is periodically mowed and old apple trees from an apple orchard that was abandoned years ago.

- c. Admit that the closest distance from the proposed alternative gate depicted on Exhibit CS-BW-28 to Apple Hill Road exceeds 800 feet. If denied, please explain how the distance was measured and/or calculated, by whom, and when.

Response: Admitted that the closest distance from the proposed alternative gate depicted on Exhibit CS-BW-28 to Apple Hill Road exceeds 800 feet.

The response to Q.ANR:Chelsea.1-4 in Petitioner's Responses to ANR's First Set of Information Requests, dated May 11, 2018, states that, "...the linear distance between the proposed gate and Apple Hill Road appears to be approximately 800 feet." This statement incorrectly referenced Apple Hill Road. The response was meant to provide a measurement between the proposed gate to the end of the existing gravel driveway rather than to Apple Hill Road, as ANR's question was in reference to the length of an O&M access driveway that ANR (presumably) thought would need to be constructed. Since the access driveway would not have to be constructed all the way to Apple Hill Road, the measurement was given to the end of the existing gravel driveway.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 13, 2018

Q.Town:CS.1-15. Please refer to the Prefiled Testimony of Brad Wilson at page 6, lines 18-19. Please explain how Mr. Wilson arrived at the conclusion that "the slope of the solar array portion of the Project site gently to the southwest at an average slope around 8%." Please provide an explanation that includes both the equation used as well as the manner in which the variables in that equation were determined.

Response: An aerial photograph of the site showing the equation and variables used is included as *Exhibit CS-INFO-TOWN-3*.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 13, 2018

Q.Town:CS.1-16. Please Admit that the Bennington Town Plan includes the following criteria applicable to new development in the Rural Conservation Districts: (1) development in this area cannot be sited in prominently visible locations on hillsides or ridgelines; (2) development in this area shall utilize earth tone colors and non-reflective

materials on exterior surfaces of all structures; and (3) development in this area must minimize clearing of natural vegetation.

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Without waiving the objection, admit that the Bennington Town Plan applicable to this proceeding is Exhibit CS-BW-81 (2010 version) which has language related to the RCON district which speaks for itself. Otherwise deny.

Person Responsible for Response: Brad Wilson

Title: Project Developer, Ecos Energy

Date: June 13, 2018

Person Responsible for Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 13, 2018