

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition of Chelsea Solar LLC, pursuant to)
30 V.S.A. § 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)

Docket No. 17-5024-PET

PREFILED TESTIMONY OF LORA BLOCK

June 22, 2018

Exhibits:

Exhibit LB-AHHA1: AHHA Orchard Parcel Deed Restrictions

Summary of Testimony:

Lora Block is Secretary of the Apple Hill Homeowners Association (AHHA). Ms. Block testifies about the concerns raised by AHHA in discussions with Chelsea Solar that have not been adequately addressed regarding aesthetics, traffic noise, increased wind, air pollution from vehicle emissions, and the potential for the project to cause numerous undue adverse affects for the residences on Apple Hill. Ms. Block explains the current situation with PFOA contamination of AHHA wells and how Chelsea Solar is adding to the Association members’ concerns about their property values as they relate to the Town of Bennington’s grand list.

PREFILED TESTIMONY OF LORA BLOCK

1 Q1. Please state your name, occupation and address.

2 A1. Lora Block

3

4 Q2. Please describe your professional experience.

5 A2. I am an educator and college planning consultant. I have been Secretary of the
6 AHHA since March 2018.

7

8 Q3. Have you previously testified before the Public Utility Commission or in other
9 judicial or administrative proceedings?

10 A3. No.

11

12 Q4. What is the purpose of your testimony?

13 A4. The purpose of my testimony is to make the Public Utilities Commission clear on
14 what the effects of clearcutting 8.6 acres surrounding Apple Hill will do to the orderly
15 development of the region and to the town of Bennington and to make it clear that the
16 petitioner's submissions in this case so far on aesthetics, air and water pollution are
17 inadequate for the Public Utility Commission to make an informed decision.

18

19 Q5. What documents have you reviewed in preparation of your testimony?

20 A5. I have reviewed all the testimony filed by the petitioners and the respondents in this
21 case and also in the twin case of Apple Hill Solar filed by the same petitioners. I have

1 also read the information on the Vermont ANR website about the importance and value
2 of forests and trees in the built environment.^{1 2}

3

4 Q6. How long have you lived on Apple Hill?

5 A6. 40 years

6

7 Q7. How long have you been a member of the Apple Hill Homeowners Association?

8 A7. 40 years.

9

10 Q8. Have you participated in AHHA meetings with representatives of Chelsea Solar?

11 A8. Yes

12

13 Q9. In the years you have lived in Apple Hill has there been any change in traffic noise?

14 A9. Absolutely. Once the interchange for Route 279 was constructed there has been a
15 vast increase in traffic noise, particularly truck traffic. Route 279 was constructed with
16 the specific purpose of diverting trucks away from downtown Bennington and onto this
17 route.

18

19 Q10. As a resident of Apple Hill who has experienced an increase in traffic noise after
20 the construction of Route 279, and having read the prefiled testimony in this case, what is
21 your opinion of the noise study commissioned by the petitioner?

¹ <https://www.vlt.org/wp-content/uploads/2018/05/PDF-Vermont-Forest-Carbon-Feasibility-Study.pdf>

² <http://www.providencejournal.com/opinion/20180529/my-turn-scott-wolf-ris-wild-west-of-renewable-energy>

1 A10. The study shows that noise in Apple Hill will increase if the forest is cut, but the
2 claim is that it will not be by very much. We believe that study is inadequate. The Route
3 279 interchange has already increased our traffic noise, especially from trucks, and it will
4 be made worse by clearcutting for the solar project, which is not acceptable. Our
5 neighborhood should not be required to deal with yet more traffic noise.

6

7 Q11. Has Chelsea Solar satisfied the concerns of the Apple Hill Homeowners
8 Association? If yes, please explain what issues have been addressed. If no, please
9 explain what issues remain unresolved?

10 A11. No. We still have many concerns that haven't been addressed. We are concerned
11 that clearcutting the trees for this project, especially when combined with clearcutting for
12 the adjacent Apple Hill Solar project, will increase the wind noise and wind damage to
13 many neighborhood homes; their expert testimony is partial and faulty about that. The
14 petitioner's own wind study showed wind will increase, but the expert did not bother to
15 consider any winds over 25 miles an hour although we routinely experience wind gusts
16 much higher than that. Their expert studied winds at the airport to find baselines,
17 although our neighborhood is higher than the airport and several miles from the airport so
18 the study is faulty and inadequate.

19

20 Q12. Do you and AHHA have any other concerns?

21 A12. We are concerned that clearcutting that acreage will remove the benefit the trees
22 provide to reduce highway pollution. Their expert testimony has not addressed how the
23 trees are providing benefit to our community by absorbing air pollutants.

1 Q13. Are there any other issues of concern to you and AHHA?

2 A13. We are concerned the petitioners have done no research into the benefit the trees are
3 providing in reducing the contamination to our wells from PFOA. We understand the
4 developers haven't caused that contamination, but we also wanted them to assure us and
5 the PUC that clearcutting wouldn't make that worse. Our neighborhood has suffered
6 through years of drinking water contaminated by PFOA and we cannot afford to have it
7 made worse. The studies done on the site show that the groundwater flows from above
8 AHHA down through our neighborhood to the solar sites. It is common knowledge that
9 trees hold water, so I believe there is the potential that clear-cutting so much forest may
10 draw the contamination downhill through our wells and possibly increase the PFOA
11 levels in our wells on which we rely for drinking water. Given the ongoing legal fight
12 between the State of Vermont and the polluters, it seems clear our neighborhood will not
13 get a permanent solution to getting clean water for many years, so the possible benefit the
14 tree cover is providing is important to our health and resale value of homes.

15

16 Q14. What other concerns do you and AHHA have about this project?

17 A14. We are concerned about the negative visual impacts this project will have, both
18 directly to our neighbors and indirectly to the rest of the town, including the Mt. Anthony
19 Country Club and Southern Vermont College. Planting a huge box wrapped in plastic or
20 poly sheeting in the Rural Conservation District on a prominent hillside will be an
21 astonishing negative sight, out of character for the town and District. That contravenes
22 our Town Plan, which relates to the gateway area where the solar site is planned. The
23 Town Plan emphasizes the importance of maintaining the natural beauty by minimizing

1 the clearing of vegetation on prominent hillsides. The PUC has already decided this case
2 once and denied a CPG for those reasons, finding that the proposed 2 MW solar project
3 violates Bennington's Town Plan. That issue has been decided already. The Chelsea
4 Solar project resubmission does not change any of the conditions that led to that denial.

5

6 Q15. Do you and AHHA have any other concerns?

7 A15. The mitigation plan of tree and shrub planting cannot camouflage the development;
8 the simulations alleging this are not adequate and are only simulations, not based on
9 actual photographs. The aesthetic review only looks at the project from nearby views and
10 completely ignores the long distance views across the valley from which the project
11 would be visible. There are numerous vantage points where the project will be visible
12 that the petitioner has not evaluated. The information about visual and noise impacts of
13 the plastic sheeting is inadequate in showing the effects.

14

15 Q16. Are there any other issues of concern to AHHA?

16 A16. We are concerned about the habitat of the Indiana Bat, which is an identified Rare,
17 Threatened or Endangered species located in the area of this project. As well, we are
18 concerned about the other rare, threatened or endangered species that use this forest as a
19 necessary wildlife habitat. We are concerned that displacing this wildlife by destroying
20 their necessary habitat will displace them. In the opinion of our neighbors, many of
21 whom have hiked and snowshoed in these woods for years, the animals displaced when
22 the highway interchange was built have come to rely more on the woods on Apple Hill.
23 We are concerned the clearcutting will further displace these species into our property to

1 damage it or onto the highway corridor where they may cause accidents or be killed. The
2 construction of the highway and interchange have caused the wildlife to use these woods
3 as a necessary wildlife corridor and habitat.

4

5 Q17. Do you believe that Chelsea Solar has met its burden of proof to show that there
6 will not be an undue adverse effect on aesthetics, including visual impacts, wind and
7 noise, wildlife, and air and water pollution?

8 A17. No, not at all, for all the reasons given above. The petitioners have not met the
9 burden of proof that they will not increase noise problems and wind damage to our
10 homes. They have not met the burden of proof that the project will not ruin the views
11 from several of our homes and from public vantage points and scenic gateways in town
12 and on local roads. They have not met the burden of proof that they are meeting the
13 criteria for development required in our town plan for commercial projects in the Rural
14 Conservation District. They have not met the burden of proof that they are not damaging
15 the necessary habitat for rare, threatened or endangered species and wildlife. They have
16 not met the burden of proof that the clearcutting of our trees will not increase the
17 contamination of our wells and further degrade our property values. They have not met
18 the burden of proof that the clearcutting of trees will not increase air pollution into our
19 neighborhood from the vehicles on the nearby highway.

20

21 Q18. Is there anything else you think the Public Utility Commission should know?

22 A18. AHHA initially attempted to intervene in the first Chelsea Solar because the
23 project proposed to use Apple Hill Road and the separate parcel containing an apple

1 orchard owned by a company owned by petitioners, PLH LLC, to access the site. The
2 apple orchard parcel is part of Apple Hill Homeowners Association. AHHA deeds
3 contain a clear restriction against commercial development. [Exhibit LB-AHHA1]
4 AHHA was denied intervention on that issue, which the PUC said is not within their
5 jurisdiction. If the PUC issues a CPG for the use of any properties on Apple Hill for
6 accessing a commercial project, AHHA may have to bring suit in Superior Court to
7 protect the integrity of our deeds.

8

9 Q19. Does this conclude your testimony?

10 A19. Yes.