

**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

REBUTTAL TESTIMONY OF MICHAEL BUSCHER
ON BEHALF OF PETITIONER

August 10, 2018

Exhibit CS-MB-1	Résumé of Michael J. Buscher
Exhibit CS-MB-2	Aesthetic and Orderly Development Analysis Report
Exhibit CS-MB-3	Appendix A: Project Maps 1-3
Exhibit CS-MB-4	Appendix B: Photographic Inventory
Exhibit CS-MB-5	Appendix C: Simulations 1-3
Exhibit CS-MB-6	Appendix D: Cross Sections 1-3
Exhibit CS-MB-7	Appendix E: Forest Stewardship Report Excerpts

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

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

8

9 **Q2. What is the purpose of your testimony?**

10 A2. This supplemental testimony provides information in response to certain claims that have
11 been made in the recent testimony filed by David Raphael (“Raphael”), Dan Monks (“Monks”),
12 Maru Leon (“Leon”), Libby Harris (“Harris”) and Lora Block (“Block”) in this docket.

13

14 **Q3. On Page 1 of Raphael’s prefiled testimony he quotes the Environmental Board**
15 **regarding “overall perception” and “sense of place” and “quality of life” as typically used**
16 **to guide aesthetics analysis in Act 250 or Section 248 proceedings. Do you agree that these**
17 **considerations are part of the standard practice with regards to applying the Quechee**
18 **Test?**

19 A3. No. While these terms and phrases are sometimes used in the description of a setting or
20 context, they do not have any specific or universally-understood meaning and are highly
21 subjective. From my perspective, it is only in the consideration of “context” under the 1st prong
22 of the Quechee Test where I believe that the use of such terms are relevant and only in so much

1 as they attempt to communicate that an environment might have a sensitivity towards changes to
2 the scenic environment.

3 In addition, the quote that Raphael cites related to “sense of place” is from a 1999
4 Environmental Board decision that involved review of impacts from the proposed significant
5 increase of large truck traffic through Brandon Village associated with a nearby mining
6 operation - the increase of 170, 18-wheel, 22 or 24-ton truck trips per day, six days per week,
7 beginning at 6:00 in the morning. In that case, the Environmental Board concluded that this
8 dramatic increase in heavy truck traffic would “significantly diminish the scenic qualities of
9 Brandon Village.” (See Re: Omya Inc. and Foster Brothers Inc. #9A0107-2B (Vt. Env’t Bd.
10 1999) at 22, finding 108). The situation described in that case is not in any way comparable to
11 the proposed passive solar project being reviewed here.

12
13 **Q4. On page 7 of Raphael’s prefiled testimony he first mentions of the topic of “gateway**
14 **area,” and he revisits this topic several times later and in his report. Is the Project Site**
15 **located in a gateway area as Raphael claims? If not, why not?**

16 A4. No. The term “gateway” as articulated in the 2004 Scenic Resource Inventory (SRI)
17 (*Exhibit CS-BW-24*) for the Town of Bennington, as well as in the Town Plan (*Exhibit CS-BW-*
18 *81*), is not described as an “area”, but rather a “point”. The SRI, which was included by reference
19 into the Town Plan, defines gateways as “as a point along a public highway where it becomes
20 evident that the traveler is arriving at a unique place. Very often gateways are located at a point
21 of transition between the rural countryside and a more developed historic town or village center.
22 In other places they are found where a view that includes locally significant visual elements first

1 appears. Gateways offer an important first visual impression to a town.” (Page 20). Two
2 “gateway” locations are identified in the SRI and have been discussed previously in my prefiled
3 testimony; a point along the southbound lane of Route 7 and north of the Project site, and a point
4 along Route 279 heading east to the west of the Project site. As characterized in the SRI, the
5 primary visual foci from both gateways are regional terrain features such as Mount Anthony and
6 the Green Mountains. The SRI acknowledges that from the Route 7 southbound gateway the
7 “commercial buildings adjacent to the intersection at the bottom of the hill are not particularly
8 attractive, although they do create an abrupt change from the rural to the developed landscape of
9 Town.” (Page 21). I would assert that the Project does nothing to change this visual context from
10 this gateway, owing to its orientation on the Project site, the buffering towards the Route 7 corridor
11 and preservation of intervening terrain. The Project does not impede or intercede in any
12 observation of the Green Mountains, Mount Anthony or other regional terrain features.

13 I also disagree that the Project is in a “gateway”. A simple text search of the SRI document
14 indicated no mention or reference to Apple Hill. Furthermore, even if the Project is in or near a
15 “gateway” such proximity does not, in and of itself, establish a clearly-written standard intending
16 to preserve the scenic beauty of the area.

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1 **Q5. On Pages 7-8 within Raphael’s testimony, he introduces a concept that the Project**
2 **Site functions as a buffer or boundary or “bright line” between the area south/west of the**
3 **Project Site and the residential area to the north and east. He comes back to this concept**
4 **couple other times in his testimony and report. Does this concept have any relevance in**
5 **regard to visual impacts?**

6 A5. Not particularly. The fact that the Project Site separates the existing Apple Hill
7 neighborhood and locations to the south/west is nothing more than a recognition of the context and
8 spatial relationships between these areas. Raphael’s use of the term “buffer” attempts to introduce
9 language into the analysis that is unclear and confusing and implies that the land use function of
10 the Project should be as a boundary to adjacent properties; i.e. wetland buffers, riparian buffers.
11 That is simply not accurate or appropriate.

12
13 **Q6. On Page 8 of his prefiled testimony, Raphael elaborates on the importance of the**
14 **Project Site to the Apple Hill neighborhood, claiming it “could aesthetically be considered a**
15 **part of the neighborhood” and that the Project site provides “open space qualities” and**
16 **“visual buffering” to the neighborhood. Do you agree with this assertion?**

17 A6. No. The Project site is not a part of the Apple Hill subdivision or the neighborhood
18 association. Had the Association or the Town wished to conserve the land, they certainly could
19 have done so prior to the Petitioner’s acquisition of the land. They clearly chose not to take that
20 action. While (see my response to Q35), the Project site is adjacent to the existing Apple Hill
21 neighborhood, portions of the Project footprint area would only be partially visible from perhaps
22 5 of the approximately 35 residences within it. My analysis concludes that the Project footprint

1 area is not visible from any of the public roads within the Apple Hill Neighborhood. Thus, the vast
2 majority of the parcels that make up Apple Hill neighborhood are visually disconnected from the
3 Project Site by a combination of significant distance, intervening terrain and vegetation and would
4 not be aesthetically impacted by the proposed changes to the Project Site. I would also add that the
5 measures undertaken to reduce the footprint of the Chelsea Solar Project by over 40%, would only
6 further lessen potential for any aesthetic impacts. For those neighbors in closest proximity where
7 partial visibility has been analyzed, the Project has included landscape mitigation measures,
8 screening materials and greater physical separation to lessen and ameliorate the limited aesthetic
9 impacts.

10
11 **Q7. On page 14 of his report, Raphael states the Project will be “directly visible” from**
12 **nearby residences. He refers to the two homes directly north of the Project as well as the**
13 **home of Libby Harris. Do you agree that the Project would be “directly” visible?**

14 A7. No. Using the phrase “directly visible” greatly overstates the potential visibility of the
15 Project from offsite views, particularly from nearby residential neighbors. As described in detail
16 in my prefiled testimony, the design of the Project includes multiple layers of mitigation
17 (landscaping, maintained vegetated buffers, screening fencing and use of darker modules), many
18 of which were proposed specifically to address potential impacts from these residences.

1 **Q8. On page 16 of his report, Raphael discusses his concerns about how the proposed**
2 **Green Mountain Power (GMP) overhead line along Hewitt Drive and Willow Road will**
3 **look and also the appearance of Willow Road. Did you address these issues in your report**
4 **and testimony?**

5 A8. Yes. As described in my report and prefiled testimony (*Exhibit CS-MK-2*, Pages 13-15),
6 the proposed access road will be gravel surfaced, and Willow Road will continue to be gravel
7 surfaced, just as it is today. My testimony also addressed the proposed overhead line which will
8 be a standard three-phase line on wooden poles which are commonly observed in the landscape
9 including the existing roadside line on the eastern leg of Willow Road and throughout the
10 Bennington area. I would add that this overhead line along Willow Road will not be highly visible,
11 is within an area that is not highly travelled and cannot be seen from the Apple Hill neighborhood.

12
13 **Q9. On page 25 of his report, Raphael states that while some of the neighbors would find**
14 **the Project offensive, they aren't considered an "average person" under the second prong of**
15 **the Quechee Test. He goes on to conclude the Project would not be shocking or offensive to**
16 **an average person. Do you agree?**

17 A9. Yes. As discussed in my report and prefiled testimony, while my analysis has considered
18 potential impacts to both the broader public and from neighbors, I agree with Raphael that such
19 private interests are not recognized as "average persons" and, even if they were, the Project does
20 not shock or offend an average person.

21

1 **Q10. On page 24 of his report, Raphael states that “while many aspects of the Regional**
2 **and Town Plans indicate an intent to preserve rural character, scenic views and important**
3 **landscapes through broad goals and policies, there are not specific standards that explicitly**
4 **protect identified resources, or that specify the Project area is a scenic resource.” Raphael**
5 **goes on to conclude that the Project does not violate a clearly-written community standard.**
6 **Do you concur with this analysis?**

7 A10. Yes, I agree with Raphael on his conclusion. The Regional and Town Plan (singular) lack
8 specificity with regards to scenic resources in this area. As noted in my response to Q4, Apple
9 Hill is not referenced in the Town’s Scenic Resource Inventory.

10
11 **Q11. Regarding his conclusions on the orderly development of the region un 30 V.S.A.**
12 **Section 248(b)(1), Raphael concludes that the Project will “unduly interfere with the**
13 **Orderly Development of the Region” (Page 36). In so concluding, Raphael asserts that the**
14 **Project is “incompatible with rural character”, “is inconsistent with land use goals of the**
15 **community as set forth in the Town Plan and as articulated by town officials and residents**
16 **who live in the vicinity of the project”, “does not reflect the existing and desired land use**
17 **patterns” and “has to significantly alter the site to make it amenable for the proposed**
18 **development”. How do you respond to these comments?**

19 A11. Firstly, I disagree with his conclusion. I will address his four main points specifically:

20 “Incompatible with rural character” – As previously discussed and concurred by Raphael,
21 the Town and Regional plans do not provide a clearly-written standard to protect the scenic
22 beauty of the area. The Town Plan does not identify Apple Hill specifically as a scenic resource.

1 The Town Plan does not identify this area as a conservation zone, whereby any development is
2 precluded. Raphael admits that the RCON district does not “preclude development” but states
3 that “any large-scale residential development must be in a PUD which typically requires
4 conserved lands to be set aside.” Raphael fails to consider that the Project has “set aside”
5 significant portions of the overall property to maintain natural woodlands and improve its fit.
6 The Town Plan language calls for a balance between development and important natural, rural
7 and scenic resources. The Project has been designed with this balance in mind. I would also add
8 that, unlike most other forms of development that might be proposed for this site, the solar
9 project is proposed with a decommissioning fund and can be removed, and the site restored to
10 other, appropriate uses. Raphael also acknowledges that the Town has supported other solar
11 projects in the RCON district but doesn’t appear to recognize this as other examples of finding
12 balance between this form of development and the intent of this district. If the inherent purpose
13 of the RCON district makes it wholly inappropriate for a larger solar project, then it seems
14 inconsistent as to why the Town has supported at least two other commercial-scale ground
15 mounted solar projects in the RCON district.

16 “Inconsistent with land use goals” - This statement is comingled with the “rural
17 character” discussion above. In his analysis Raphael seems to imply that the perspective of
18 “residents who live in the area” should be part of the analysis under Orderly Development. I
19 completely disagree. If the PUC is to give due consideration to the community for the orderly
20 development of the region, it must be done absent the unique and particularized interests of
21 adjacent residential neighbors. If neighbors had sought a change in zoning for the project site to
22 make it conservation land or had engaged a land trust to secure it for open space, then the

1 interests of those neighbors would have been considered more broadly by the community and
2 could then influence the intention for orderly development. To accept that the intended
3 development patterns be guided by the particular interests of neighbors or town officials, and not
4 by an examination of the community's plans, promotes disorder.

5 “Does not reflect the existing and desired land use pattern” – Raphael implies, through
6 his presentation of figure-ground plans (See report, Figure 2 and 3) that how conditions exist
7 today are what the community desires for tomorrow. I disagree that this is clear in the Town or
8 Regional Plans. Firstly, the language of the Town Plan as it relates to the RCON district does
9 not suggest that development is not anticipated or not allowed. The presence of the existing
10 Apple Hill neighborhood, in this area and upgradient of the Project site is a testament. Secondly,
11 the idea that a “bright line” exists (See Raphael report, page 36) belies what the community has
12 said about development within the RCON district. Raphael appears to suggest that just because
13 what is proposed is “different” from what exists that the order development of the region is
14 compromised. This point fails to consider the fact that any new development (which is allowed)
15 would be different than what exists now and that in considering the orderly development of the
16 region, other provisions of the Regional and Town Plans which promote the need for new
17 renewable energy resources, also be considered. The “desired land use pattern” should not
18 simply be a continuation of the current pattern nor ignorant of the comprehensive goals for a
19 community set forth in the Town Plan.

20

21

1 **Q12. Do the landscaping plantings shown in the Route 7 right-of-way, south of the**
2 **Project Site, contribute meaningfully to the visual mitigation of the current Project design?**

3 A12. No. Raphael criticizes the location of these plantings on page 27 of his Report, stating
4 that they could be removed at any time because they are located on lands not under control of the
5 Petitioner. Please see the August 10, 2018 rebuttal testimony of Brad Wilson in this docket for a
6 discussion of why those plantings were proposed in this location (page 23, question 28). These
7 plantings are a vestigial element of the original Project design. Because the current revised
8 Project design greatly increased the size of the southern retained vegetation buffer on the Project
9 Site, these plantings essentially serve little to no purpose, and their removal would have no effect
10 whatsoever on offsite Project visibility or my conclusions regarding the aesthetics of the Project.

11
12 **Q13. In several places within Monks' testimony, he claims that the Project is in a gateway**
13 **area. Is the Project in a gateway area? Are there any clear standards applicable to a**
14 **project within a gateway area?**

15 A13. As noted in my rebuttal response to Raphael above, the "gateways" are not areas but
16 rather "points of transition". Like many existing commercial and industrial development in the
17 Town, the Project is near the general vicinity of two defined "gateways"; one on Route 7 heading
18 south and north of the Project site and one on VT 279 heading east and west of the site. The
19 Scenic Resource Inventory (2005) as prepared by the Town and as incorporated into its Town
20 Plan, does not specifically prohibit or regulate development at gateways and the Project site does
21 not undermine or diminish the visual focal points that are described from these gateways,
22 including Mount Anthony, Green Mountains, the Taconics.

1 **Q14. Beginning on page 5, line 12 in his testimony, Monks makes a number of claims**
2 **about the undue adverse impacts the Project will create. But none of these claims are**
3 **supported in any way with any type of evidence or analysis; instead relying on his**
4 **interpretation of the position of the Bennington Select Board, i.e the “Select Board’s view”.**
5 **Is this methodology an appropriate one for evaluating a project under the Quechee Test?**

6 A14. No. Under the second prong of the Quechee Test, a project, which has been deemed
7 adverse with respect to the scenic resources, is then evaluated using three questions to ascertain
8 whether these adverse impacts are undue. These questions reflect three important dimensions of
9 understanding; a test of whether the community has developed a standard to protect the scenic
10 resource that might be impacted by the project, a test of whether an average person would be
11 shocked or offended by the project as it is proposed and a test of whether the applicant has taken
12 reasonably available steps to mitigate anticipated impacts. These three tests give equal weight to
13 the community, average persons and the applicant, in shaping the outcome of the analysis and
14 ultimately the conclusion for undue adversity. Monks appears to suggest that the Bennington
15 Select Board in this matter is analogous to the community and their perspective essentially
16 defines the applicable community standard. This is not the approach that I believe was intended
17 for the Quechee Test. A duly adopted community plan (town plan), that has undergone the
18 rigorous work of being crafted, has been publicly communicated and vetted through the actions
19 of the Planning Commission and the Select Board in accordance with 24 V.S.A. Section 117, is
20 the most appropriate basis for a community standard. Such plans can and often are
21 supplemented by scenic resource inventories or supportive scenic resource protection plans, that
22 when referenced by the duly-adopted town plan, can become part of the basis for determining a

1 community standard. To suggest that a Select Board can, of its own volition, decide what the
2 standard is, undermines the clarity of any potential standard. It cannot be clear if it is applied
3 unequally. Towns are afforded considerable rights to define standards in town plans and some
4 chose to do so. Bennington's Town Plan, as I have concluded and ultimately was concluded by
5 the Department's witness Raphael, does not establish a clearly-written standard applicable under
6 the second prong of the Quechee Test.

7
8 **Q15. Starting on page 5, line 17 of his testimony, Monks makes more claims here without**
9 **any supporting information. Monks notes that while you claim the Project will be**
10 **mitigated from certain views, you don't guarantee the Project won't be rendered invisible.**
11 **Is this "reasonable" and consistent with the Quechee process?**

12 A15. No. Monks suggests that "screening" is only achieved through the siting and landscape
13 treatment a project whereby the project is no longer visible. This is not reasonable for two
14 reasons. Firstly, the treatment of screening for any Project must consider what is being
15 proposed. For a commercial project, would the screening requirements demand that 100% of a
16 parking lot be screened? I would conclude no, as such a requirement would make it
17 unreasonable to the intended use of the facility. Similarly, it is not reasonable for a solar project
18 to be hidden from every possible direction and still function as a solar facility. Secondly, the
19 purpose of mitigation under Quechee Test is to improve the harmony of the Project with respect
20 to its surroundings, not to render a project invisible to its surroundings. For the Project, the
21 applicant has retained vegetation along its entire periphery of varying widths. The applicant has
22 proposed the installation of new landscaping along portions of its periphery where, through the

1 examination of existing conditions, it appears that natural vegetation could be enhanced to better
2 screen the Project. The applicant has added dark screening material along fencing to lessen the
3 appearance of the arrays through filtered views (through existing and/or proposed trees). These
4 measures are reasonable, they improve the harmony of the Project with its setting and they do
5 not diminish or preclude the function of the Project to generate energy.

6 I would also add that, based on a recent visit to the Bennington area (July 2, 2018), I
7 observed two solar projects (perhaps 500kW each), that were in very close proximity to a public
8 travel way (Route 7) and where no screening was proposed, and the components of the Project
9 could be observed in stark contrast to the surroundings. Accompanying this testimony are some
10 figures I have had prepared based on my field review (included as *Exhibit CS-MK-4*). These are
11 described below in more detail.

12 Figure 1: This context plan documents the location of the Proposed Chelsea Solar project
13 in relationship to its surroundings. This plan extends from an area north of the Project site
14 southwards past the Southern Vermont College Campus and beyond. This figure also documents
15 a series of photographs I took (using a Canon Rebel T6 with 52mm focal length lens) on July 2,
16 2018. A table on the upper right of the figure documents the location from where the photograph
17 was taken (i.e. viewpoint), the direction of view, the approximate elevation of the viewpoint
18 (from Google Earth Pro) and the approximately relative elevation change between the viewpoint
19 and the Chelsea Solar Project. Viewpoint E, taken along Route 7 is proximate to the two solar
20 projects noted above.

21 Figures 2-7: These plans document viewpoints A-K as shown on Figure 1. These
22 photographs include panoramas and single-frame shots reflective of the view from these

1 locations. Figure 4 documents the view from Route 7 near the southern boundary of the Town of
2 Bennington (and directly within a defined gateway). From this location two solar projects were
3 observed; one uphill and adjacent to the county sheriff's offices and a second array downhill of
4 Route 7 (to the east). Both sets of arrays were clearly visible from the road with no obvious
5 screening or mitigation. These projects were constructed since 2015.

6 Figures 8-10: These plans document cross-sections from three locations (Southern
7 Vermont College, Mount Anthony Country Club) towards the Project site to document the
8 distances involved and intervening land uses.

9
10 **Q16. In the prefiled testimony of Ms. Maru Leon, she claims that the Project Site is**
11 **visible at various locations around the golf course and that development of the Project will**
12 **harm the scenic views from those locations and harm their business. Can you describe the**
13 **potential visibility of the Project from this vantage point? Does it create an unduly adverse**
14 **condition?**

15 A16. My original prefiled testimony and report focused, primarily on areas in closest proximity
16 to the Project site. I had also visited the Bennington Battle Monument site and documented and
17 described the potential view from that location. At that point, I had not visited the Mount
18 Anthony Country Club, but was aware of its location as being over 1 mile away from the Project.
19 On July 2, 2018 I revisited the area and made a special trip to the Mount Anthony Country Club
20 (with the approval of the property's owner) as well as to the historic "mansion" on the Southern
21 Vermont College campus. I will describe my observations from both these areas.

1 Mount Anthony Country Club – My observations from this location are captured in
2 photographs taken at the Club House terrace (Viewpoint F, See Figure 1 and Figure 5), along the
3 fifth fairway (Viewpoint G, See Figure 1 and Figure 5), along the sixth fairway (Viewpoint H,
4 See Figure 1 and Figure 6), along the seventh fairway (Viewpoints L and K, Figure 1 and
5 Figures 6 and 7) and the eighth green (Viewpoint J, Figure 1 and Figure 7). The Club House was
6 chosen as an obvious point of gathering. The fifth, sixth, seventh and eighth holes were chosen
7 as they were the highest in elevation within the property and where the longer-range views
8 towards the Project site were most likely. Each area will be briefly summarized below:

9 Club House (1st tee) – The view north from the Club House location (and 1st tee) is
10 dominated by an open golf course condition in the immediate foreground with a substantially
11 wooded midground beyond. Mature pines and deciduous trees limit longer range views from
12 this location towards the Project Site. Based on Google Earth Pro data, the elevation at this
13 viewpoint is about 655 feet, placing it within 10 feet of the lowest elevation of the Project site.
14 The viewpoint is over 5,600 feet south of the Project site and has views to the east towards the
15 Green Mountains which define the background. Site Section C (Figure 11) documents the
16 terrain and land use characteristics in a straight-line between this location and the Project Site.
17 This section shows the relative elevation and how intervening pockets of vegetation, including
18 those on the lower portions of the Project site, will intervene between an observer and the array.
19 The Project will not be visible from the Club House or the adjacent Restaurant.

20 Fairways (5, 6, 7, 8) - the views from the 5th-8th fairways (which are at the highest
21 elevation points in the Country Club property) document the potential for long-range views of
22 the Project Site. From the sixth fairway (See Viewpoint H, Figure 6), an opening in foreground

1 vegetation allows a narrow window of visibility of the Project site. The site would be on the
2 lower portions of Apple Hill, with many of the existing residences visible upgradient. The Route
3 7 corridor heading south west of the Project site is also visible. Nearest the tee box on the
4 seventh fairway, the view towards the Project site is somewhat impeded by foreground trees.
5 Portions of the “cliff” along Route 7 south of the Project site is visible. As you move uphill
6 along the seventh fairway the elevation increases and the orientation allows views northward
7 (See Viewpoint K, Figure 7). From this location portions of the Project site are visible, as is the
8 Route 7 corridor and development located along Route 7 in the valley (including the Walmart
9 parking lot). The Project sits low with respect to the terrain beyond and larger, regional features
10 of important scenic qualities (Green Mountains, Taconics) are not directly impacted. Site-
11 Section B (See Figure 10) reflects the terrain and vegetation features between the high-point on
12 the seventh fairway and the Project Site. It also affirms the land use patterns seen in the site
13 photograph. The final image See Viewpoint J, Figure 7) documents the view from near the 8th
14 tee box and again highlights the potential long-range view and existing land use patterns.

15 Overall, while it is likely that some views of the Project are possible from the Mount
16 Anthony Country Club, the impact of these views needs to be taken into context. Firstly, these
17 views are at substantial distance from the property – upwards of 1.2 miles. From these distances
18 (and as the photographs and cross-section highlight) other elements of the built environment are
19 clearly visible including commercial and industrial uses, highways and residential properties
20 (including those in the Apple Hill neighborhood). The views are not persistent. While portions
21 of the course might have some visibility of the Project site, it is not ubiquitous and is influenced
22 by the local vegetation patterns. The broader landscape characteristics that help support an

1 appealing view from the location are not unduly undermined by the Project. The views to the
2 west, north and east which terminate in the backdrop of larger mountains and support a layered
3 sense of depth, are not impeded. The retained vegetation on the southern and western periphery
4 of the Project will lessen its impact even from this distance and, most greatly in summer when
5 the use of the course is expected to the highest, help the array blend into the broader natural
6 pattern of vegetation. My conclusion based on this review is that the Project will not result in
7 adverse impacts to views from the Mount. Anthony Country Club.

8 Finally, I would note that the Mount Anthony Country Club itself is a commercial use
9 that covers substantially more acreage than the Project, and obviously required more extensive
10 clearing than the Project requires in order to open up land for fairways, greens and tees.

11 Southern Vermont College – On the same day as my visit to the Mount Anthony Country
12 Club, I also was invited and took photographs from the campus of Southern Vermont College.
13 While not specifically addressing a question posed by Ms. Leon, the College is mentioned in
14 Block’s testimony, and the broader question of potential “other views” of the Project has been
15 mentioned in testimony, and I felt it appropriate to identify my perspective. As shown on Figure
16 1, I documented the view from four potential viewpoints within and near the “Mansion” on the
17 campus of Southern Vermont College (See Viewpoints A-D, Figures 2-3). From the views
18 nearest the actual mansion structure, a long-range view of the Project site is possible. This view
19 is somewhat limited and partially screened by midground vegetation which rises up slightly.
20 Longer-range views and the dominant focal points of the Green Mountains, Taconics and Mount
21 Anthony (including the Bennington Battle Monument) are not directly impacted. All of these
22 viewpoints are in excess of 13,850 feet away (2.6 miles) away from the site. A site section

(Section A, See Figure 8-9) documents the distances and terrain/vegetation relationships. Because of the elevated position of the Mansion on the campus, much of the valley in Bennington is visible, including commercial and residential uses. Transmission line infrastructure, substations and other features were also observed from this location. While it is possible that portions of the Project site are visible from some of the areas near the mansion, the impact of such visibility is minimal. The Project site represents a very small fraction of the broader landscape and its position and form does not impede or compromise the overall scenic qualities. The Project will not result in an adverse impact to the vies from Southern Vermont College.

Q17. Does this conclude your testimony?

A17. Yes.