

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition of Chelsea Solar
LLC for a certificate of
public good, pursuant to 30
V.S.A. 248, authorizing the
installation and operation
of a 2.0 MW solar electric
generation facility located
off Willow Road in
Bennington, Vermont.

Case No. 17-5024-PET

D E P O S I T I O N
of
DR. DAVID REES EVANS

Taken at Southern Vermont College, Everett Mansion, 982
Mansion Drive, Room 208, Bennington, Vermont, on
June 28, 2018, at 10:52 o'clock a.m.

APPEARANCES:

MICHAEL MELONE, ESQ.
Allco Renewable Energy Limited
14 Wall Street -- 20th Floor
New York, New York 10005
On behalf of Allco Renewable Energy Limited

JONATHAN M. COHEN, ESQ.
Law Offices of Jonathan M. Cohen
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On behalf of Southern Vermont College

Reported by Zella Mae Howard, CCR, RPR, RMR

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I N D E XWITNESS EXAMINED BY PAGE

DR. DAVID REES EVANS

Mr. Melone 4, 21

Mr. Cohen 19

EXHIBITS PAGE

Exhibit A: SVC Map 6

Exhibit B: Google Map 8

Exhibit C: SVC Fitness Trails Map 9

Exhibit D: Town of Bennington Map 12

Exhibit E: Solar Energy Resource Map 15

Exhibit F: Project Site Photograph 21

(Exhibits attached to original transcript and scanned and emailed to Attorney Melone. Copies of Exhibits attached to transcript copy of Attorney Cohen.)

REQUESTS PAGE

NONE

(Original transcript mailed to Attorney Melone.)

S T I P U L A T I O N S

It is hereby stipulated and agreed
by and between the attorneys of record for the respective
parties hereto as follows:

1): That the testimony of DR. DAVID REES
EVANS may be taken and treated as if taken pursuant to
notice and order to take depositions and that all
formalities of notice and order are waived by the parties,
and the signatures to the stipulation are in like manner
waived;

2): That all objections except as to
matters of form are reserved until the deposition or any
part thereof is offered in evidence;

3): That the deposition may be signed by
the said DR. DAVID REES EVANS before any notary public.

1 DR. DAVID REES EVANS,

2 duly sworn to tell the whole truth and
3 nothing but the truth, deposes and says as follows:
4

5 E X A M I N A T I O N

6 BY MR. MELONE:

7 Q. Okay. Can the witness please state his full name
8 for the record?

9 A. My name is David Rees, R-e-e-s, Evans, E-v-a-n-s.

10 Q. Are you aware you are being deposed in the petition
11 of Chelsea Solar, LLC for a certificate of public
12 good pursuant to 30 V.S.A. 248, Docket 17-5024
13 before the State of Vermont Public Utility
14 Commission?

15 A. Yes.

16 Q. Have you ever been deposed before?

17 A. Yes.

18 Q. In your deposition I'm going to be asking you a
19 series of questions, and you're going to be
20 answering them under oath. Do you understand?

21 A. Yes.

22 Q. There is a few differences between a deposition and
23 a typical conversation that I want to make you aware
24 of. First, the court reporter is attempting to
25 transcribe everything we say. In a normal

- 1 conversation, folks sometimes interrupt or talk over
2 each other. But here it's important that we wait
3 for each other to finish asking or answering a
4 question before the other begins talking. Do you
5 understand this?
- 6 A. Yes.
- 7 Q. There is also nothing wrong asking me to repeat a
8 question or explain a term if you don't understand
9 my question. However, if you answer my question,
10 I'm going to assume that you understood it. Do you
11 understand that?
- 12 A. Okay.
- 13 Q. In addition, I'm going to be asking you some
14 questions about the views around the college and
15 around the mansion. If you are unsure of the
16 answer, it's okay if we go off the record and take a
17 look outside to either get your bearings or refresh
18 your memory.
- 19 A. Okay.
- 20 Q. Do you understand this?
- 21 A. Yes.
- 22 Q. Okay. Great. With that, let's get started.
23 Dr. Evans, please tell me what your title is at the
24 Southern Vermont College.
- 25 A. I am the President of the college.

- 1 Q. And how long have you worked at Southern Vermont
2 College?
- 3 A. Since January, 2015.
- 4 Q. Okay. And are you a resident of Bennington,
5 Vermont?
- 6 A. I am.
- 7 Q. So you're pretty familiar with the views in and
8 around the college?
- 9 A. Yes.
- 10 Q. Okay. I'm going to introduce Exhibit A so that
11 we're all on the same page with respect to locales.
- 12 A. Okay.
- 13 Q. Exhibit A is a SVC trail map that was pulled from
14 the college website. Do you recognize this map?
- 15 A. I do.
- 16 Q. Which location on campus using this map would you
17 say offers the best views looking North?
- 18 A. The best views looking North are about 200 yards due
19 North of the mansion, overlooking the Mountaineer
20 Athletic Center.
- 21 Q. Okay. And is that a particular trail?
- 22 A. There is -- Our cross-country trail runs by there.
23 And there are the -- the trail that runs -- you can
24 see it on the map -- that runs from the mansion down
25 to the residence halls runs past that area. It's --

1 It's this one, this one here.

2 Q. Okay. And so could you just maybe circle on that
3 map that area that you said offers kind of the best
4 views of the --

5 A. Yes.

6 Q. -- looking North? Okay.

7 A. Our cross-country team trail runs down that way,
8 too.

9 Q. Okay. Perfect. And those views to the North, what
10 in particular makes those say the best views from --

11 MR. COHEN: And I'm going to object as to
12 form. I mean, this is -- this is Dr. Evans' opinion
13 regarding what the best views are. Others may have
14 different opinions regarding that.

15 But go ahead and answer the question.

16 THE WITNESS: Okay. It -- It provides a
17 long view North up the valley.

18 BY MR. MELONE:

19 Q. Uh-huh.

20 A. On a clear day, you can see all the way up to Mount
21 Equinox and probably a little bit farther. It does
22 not -- There's not much of the development of
23 downtown Bennington that's visible in that
24 direction. That's a more Westerly or Easterly view,
25 which is not so prominent from that direction. It's

1 also clear, because unlike the views from the
2 mansion here, it's not blocked by any of these
3 windrow trees or any of those kinds of things.

4 Q. Okay.

5 A. It's -- It's basically a meadow that slopes
6 downwards toward the Mountaineer Athletic Center, so
7 there's a high vantage point unobstructed by forest.

8 Q. Okay. And that, it's -- so just want to see if I
9 can find it exactly. I'm going to introduce Exhibit
10 B, which is a Google Earth screen shot of the
11 vicinity of Bennington. And I want you, if you can,
12 locate on this map the clearing that you just
13 described.

14 A. It is --

15 Q. Going to be behind the Athletic Center.

16 A. It's -- It's kind of -- It's kind of in here, where
17 the label -- where the label is.

18 Q. Okay. And that slopes upwards towards the mountain
19 behind --

20 A. Exactly, yeah.

21 Q. -- the Everett Mansion?

22 A. It's the -- It's sort of the foothill of Mount
23 Anthony.

24 (Whereupon there was a knock at the door.)

25 (Next Page, Please.)

1 BY MR. MELONE:

2 Q. Okay.

3 A. Excuse me just a second.

4 Q. Sure.

5 MR. MELONE: We can go off the record.

6 (A brief discussion was held off the
7 record.)

8 MR. MELONE: Back on the record.

9 BY MR. MELONE:

10 Q. I'm going to introduce Exhibit C, which is a map of
11 the fitness trails. And in particular I wanted to
12 draw your attention to Everett Field.

13 A. Right.

14 Q. The clearing that we've been discussing, that's kind
15 of behind Everett Field?

16 A. Right. It's in this area here.

17 Q. Okay. Perfect. Are there views of -- Well, I guess
18 my first question, Are you familiar with the Vermont
19 Welcome Center in Bennington?

20 A. Yes.

21 Q. Are there views of the Welcome Center from this
22 clearing?

23 A. I believe there are.

24 Q. Okay. And is that towards the higher part of the
25 slope, closer to the tree line as you walk up the

1 hillside?

2 A. Yes, it's up -- up higher. As you get lower, the --
3 you know, obviously, you -- you get less of a view.
4 It would be very near the top.

5 Q. Okay. And very near the top of that clearing, are
6 those views of the Vermont Welcome Center
7 particularly clear; can you see it clearly?

8 A. I believe so. I -- I have not gone out there very
9 recently. But a year or so ago, we placed a
10 memorial to a deceased alumnus out in that area.
11 And we chose that because it had the best views on
12 campus. So you may have seen it when you were doing
13 your photos.

14 Q. And that particular view of the Vermont Welcome
15 Center, understanding that your opinion is
16 subjective, would you describe that as aesthetically
17 pleasing?

18 A. Yes.

19 Q. What about the highway intersection that's -- that's
20 right there by the Vermont Welcome Center, and
21 that's the -- I'll refer to it as the Route 7, Route
22 279 --

23 A. Yes.

24 Q. -- interchange?

25 A. Yes, that's visible. And there's a little bit of

1 a --

2 MR. COHEN: Wait. Wait for the question.

3 THE WITNESS: Okay. Sorry.

4 BY MR. MELONE:

5 Q. Yeah. Is it -- Is it visible?

6 A. Yes.

7 Q. Okay. And would you describe that as aesthetically
8 pleasing?

9 MR. COHEN: Again, I'm going to object to
10 being purely subjective.

11 You can answer the question.

12 THE WITNESS: I think that the view of the
13 interchange is unfortunate.

14 BY MR. MELONE:

15 Q. Okay. Are you familiar with the Chelsea Solar
16 Project?

17 A. Yes.

18 Q. And how did you become familiar with the Chelsea
19 Solar Project?

20 A. Various local media outlets, conversations on
21 Facebook.

22 Q. Okay. Has anyone other than my company reached out
23 to you concerning the Chelsea Solar Project?

24 A. No, not until just now.

25 Q. Okay. Has anyone, students, faculty, anyone,

1 expressed any concern to the college concerning the
2 Chelsea Solar Project?

3 A. Not to me.

4 Q. Okay. Now I'm going to introduce Exhibit D, which
5 is a vicinity map of the solar project, itself.

6 A. Yes.

7 Q. It's outlined in black. It's that green, kind of
8 L-shaped --

9 A. Uh-huh.

10 Q. Are you generally familiar with that area?

11 A. Yes.

12 Q. Okay. And do you know if you can see that site from
13 anywhere on campus?

14 A. I am not sure whether the site is visible from
15 campus or not.

16 Q. Okay. I'll refer you back to what I believe is
17 Exhibit B. So on Exhibit B, which again, is a
18 Google Earth snapshot --

19 A. Right.

20 Q. -- this indicates a direct line from the college to
21 the Chelsea Solar site.

22 A. Uh-huh.

23 Q. The map indicates on the upper right that the
24 approximate distance is 4,619 meters from the
25 mansion here on campus to the site.

1 A. Okay.

2 Q. That is a bit less than three miles.

3 A. Right.

4 Q. Does that -- Does that seem accurate --

5 A. Yes.

6 Q. -- the distance? Okay.

7 On that Exhibit B, when you're looking in
8 that direction towards the Welcome Center and
9 towards the Chelsea Solar site, are there any
10 buildings or landmarks of note in between here and
11 the mansion in that area?

12 A. The golf course is there, which is not visible from
13 here, because of the downward slope of the terrain
14 there. The Bennington Monument is visible there, is
15 visible along the site line. It's a little bit to
16 the left of the site line, but it's visible. In the
17 wintertime when the trees are bare, some of the
18 buildings along the line are visible. I think you
19 can see the top of the Home Depot, but it's not --
20 not a lot.

21 Q. Okay. Does the prospect of Chels- -- the Chelsea
22 Solar facility being constructed on that site, which
23 you can see on Exhibit D --

24 A. Yes.

25 Q. -- does that raise any concerns for you or for the

1 college?

2 A. We would be concerned if it infringes on the view,
3 because the view is one of our major marketing
4 advantages. You -- You can see in our promotional
5 materials that we have various view photos
6 routinely. But if -- you know, other than that, no.
7 I mean, it's -- it's about the view.

8 Q. Uh-huh. And if the solar facility was constructed,
9 and you could see a portion of it, would you
10 consider that being harmful to your views from here?

11 A. Potentially is what I would say.

12 Q. And what would make it I guess not potentially
13 harmful?

14 A. I think it would -- it would have to be invisible or
15 extremely well concealed, visually comparable to
16 other things that are visible from -- from up here.

17 Q. And the potential view is that in your opinion more
18 likely to be from here at the mansion, or more
19 likely to be at that clearing that we --

20 A. It's -- It's much likely to be from the clearing.

21 Q. Okay. So when we're talking about the potential
22 concern of the view of -- of aesthetics from the
23 college, are we really talking about the field
24 behind the athletic fieldhouse?

25 A. Primarily I think so, yes.

- 1 Q. And I noticed earlier walking the trails that there
2 is a line of trees that buffers the -- it kind of
3 acts as a barrier between the athletic fields and
4 that cleared meadow.
- 5 A. Uh-huh.
- 6 Q. How far up do you have to walk towards the ridge
7 line to have visibility over that, that tree line;
8 is it pretty close to --
- 9 A. It's not very far up, because it's fairly steep
10 towards the bottom. So it's not a very long way,
11 maybe a third of the way up.
- 12 Q. Okay. Exhibit E now; I'm going to introduce Exhibit
13 E, which is a solar energy resource map taken from a
14 recent town plan amendment.
- 15 A. Uh-huh.
- 16 Q. Are you familiar with this map at all?
- 17 A. I have not seen this map before.
- 18 Q. Okay. Do you know the purpose of this map?
- 19 A. I believe that when the town revised its -- the town
20 plan a couple of years ago, they did a survey to
21 find favorable sites for solar fields of various
22 kinds. And I -- this must be the product of that
23 work.
- 24 Q. Okay. The -- Again, on this, on this map, there is
25 a number of highlighted plots --

1 A. Yes.

2 Q. -- or parcels that are outlined in white and have
3 acreage numbers --

4 A. Uh-huh.

5 Q. -- within the boundaries of the -- the white
6 borders.

7 A. Right.

8 Q. Do you see that?

9 A. Yes.

10 Q. And how many of these preferred solar sites are
11 there?

12 MR. COHEN: I'm going to object. I think
13 the document speaks for itself.

14 MR. MELONE: Sure.

15 BY MR. MELONE:

16 Q. How -- Let me ask this differently. Do you see
17 the -- the site for the Chelsea Solar Project on
18 this map?

19 A. I see the site, but it is not as -- as I read the
20 map, it is not surrounded by the -- it's not
21 surrounded by a white mark and is not marked either
22 in red or yellow except for maybe a very small --
23 no, that's your own writing there, it says CS on it.

24 Q. Yeah, that's correct.

25 A. Okay.

1 Q. That -- That is the site of the Chelsea Solar.

2 So there are a number of -- based on this
3 map, there are a number of preferred solar sites --

4 A. Yes.

5 Q. -- that are closer to the college --

6 A. Yes.

7 Q. -- than -- than Chelsea Solar --

8 A. Yes.

9 Q. -- is that correct?

10 A. Yes, there are.

11 Q. And just by looking at this map, it looks to be
12 close to a dozen or over a dozen, is that correct,
13 that are closer in distance than --

14 MR. COHEN: Again, I'm going to object.

15 If you think you can answer accurately, go
16 ahead and answer, but I believe the document speaks
17 for itself regarding how many locations are closer
18 to the college.

19 THE WITNESS: Yeah, I mean, there are
20 fewer than a dozen, but there are several.

21 BY MR. MELONE:

22 Q. Okay. And do any of these sites that are
23 highlighted that are closer to the college and the
24 Chelsea Solar facility, do -- do any of these sites
25 give you concern for any reason?

1 A. I would say that the ones to the East are not
2 visible from here, generally speaking. The ones out
3 by the airport are certainly not visible to the West
4 of us from here. It is not impossible that the one
5 that's marked 22.8 is visible from here. It's --
6 Some of the others that are in that kind of
7 Northeasterly line may be visible from here, but I
8 don't know.

9 Q. Okay. And that potential concern, is that the same
10 concern that you would have with respect to Chelsea
11 Solar, that being aesthetics and visual?

12 A. Yes.

13 Q. And same question as before with respect to Chelsea
14 Solar; what could be done to alleviate any concerns
15 that you might have with respect to these other
16 potential solar sites?

17 A. Once again, I think they'd have to be, you know,
18 more or less completely screened. The view changes
19 a great deal during the winter when the trees are
20 bare. And so that would be a matter of concern. I
21 think at this time of year the views are constrained
22 by the trees a lot, but much less so during the
23 winter.

24 Q. Okay. If there was a landscape mitigation plan in
25 place with respect to Chelsea Solar that nearly or

1 fully mitigated the views from the cleared field,
2 the meadow that we were discussing --

3 A. Uh-huh.

4 Q. -- that would alleviate your concerns?

5 MR. COHEN: I'm going to object for lack
6 of foundation regarding what the landscape
7 mitigation plan would call for.

8 But if you feel you can answer the
9 question, go ahead.

10 THE WITNESS: If the -- If the development
11 was not visible from campus, I would not have
12 concern.

13 BY MR. MELONE:

14 Q. What about partially visible?

15 A. It would depend on what partial means.

16 MR. MELONE: That's all the questions I
17 have.

18 MR. COHEN: I just have a couple
19 questions.

20 MR. MELONE: Sure.

21

22 E X A M I N A T I O N

23 BY MR. COHEN:

24 Q. David, regarding Exhibit A --

25 A. Yes.

1 Q. -- Attorney Melone has been asking you some
2 questions regarding views from the campus.

3 A. Yes.

4 Q. Exhibit A, as I understand it, is a trail map.

5 A. Yes.

6 Q. Have you, personally, walked on all the trails
7 identified in Exhibit A?

8 A. I have not.

9 Q. So you don't know the impact that the solar panel
10 site might have on views from all of these trails?

11 A. I do not.

12 And also, these are not the most current.
13 This is our trail map, and the one from the
14 Bennington area trail system has more trails on it
15 that are newer.

16 Q. And would you have any concern about this project
17 impacting views from the trails in Southern Vermont
18 College?

19 A. Yes.

20 Q. And why is that?

21 A. Once again, the trails are both part of our
22 marketing and one of our key kind of enterprises for
23 community relations.

24 MR. COHEN: Okay. I don't have any
25 further questions.

1 MR. MELONE: Just one follow-up question.

2
3 F U R T H E R E X A M I N A T I O N

4 BY MR. MELONE:

5 Q. Other than the meadow that we've been referring to,
6 are there any other areas within the SVC trail
7 system that have a clear cutting like the meadow?

8 A. I don't believe there's anyplace else that's
9 completely clear.

10 Q. I'm going to show you one last Exhibit, which would
11 be Exhibit F. This is a photo that was taken this
12 morning. Is that the -- What -- What is the
13 building in the foreground here?

14 A. This is the Mountaineer -- Oh, wait a second. Those
15 are the -- The building that's most visible is the
16 dining hall. And the building to the left of it is
17 residence halls A, B, and C. And the building to
18 the right of it is residence halls D, E, and F.

19 Q. Okay. And this meadow that's in the foreground --

20 A. Yes.

21 Q. -- is that -- is there a name to this meadow?

22 A. Not that I know of.

23 Q. And from the viewpoint where this photo was taken,
24 is the meadow that we've been referring to earlier,
25 is that behind that picture-taker?

1 A. Yes. It's behind, and this is part of it, but
2 it's -- but that's kind of the front edge of the
3 meadow that we're talking about.

4 Q. Okay. And from this point of view, there's an
5 indication on -- on the photograph of the location
6 of the project site.

7 A. Yes.

8 Q. Does that -- Does this change your opinion at all
9 regarding the potential impact on aesthetics?

10 A. It is -- Given this photo, you know, it's a
11 relatively small location. But it is in the prime
12 view line of that position. So I'm -- remain
13 concerned about it.

14 MR. MELONE: Okay. Okay. No further
15 questions.

16 MR. COHEN: Nothing further.

17 Thank you.

18 MR. MELONE: Thank you.

19 (The deposition was concluded at 11:20
20 o'clock a.m.)

21 (Original transcript mailed to Attorney
22 Melone.)

23 (Electronic transcript copy ordered by
24 Attorney Melone. Attorney Cohen ordered printed
25 transcript copy.)

1
2
3 I have carefully read the foregoing
4 transcript of my deposition given on June 28, 2018,
5 and the answers made by me are true and correct.

6 _____
7 DR. DAVID REES EVANS

8 STATE OF VERMONT

9 _____ SS.

10
11 At _____, in said County, this
12 _____ day of _____, 2018, personally appeared
13 before me the above-named DR. DAVID REES EVANS, and made
14 oath that the foregoing answers subscribed by him are true.

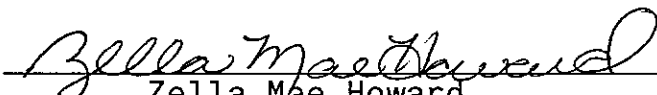
15 _____
16 Notary Public

17 My Commission expires:
18 _____
19
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25

C E R T I F I C A T E

I, Zella Mae Howard, Registered Professional Reporter, Registered Merit Reporter, and Notary Public, do hereby certify that the foregoing pages, numbered 1 through 22, inclusive, are a true and accurate transcription of my stenographic notes of the deposition of DR. DAVID REES EVANS, taken before me on June 28, 2018, for use in the matter of Petition of Chelsea Solar LLC for a certificate of public good, pursuant to 30 V.S.A. 248, State of Vermont Public Utility Commission, Docket No. 17-5024-PET.

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF SAID TRANSCRIPT BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.


Zella Mae Howard
Certified Court Reporter
Registered Professional Reporter
Registered Merit Reporter
Notary Public

My Commission expires:
February 10th, 2019

WITNESS'S ERRATA SHEET

WITNESS: DR. DAVID REES EVANS

RE: Petition of Chelsea Solar LLC for a
certificate of public good

DATE: July 5, 2018

INSTRUCTIONS:

Enclosed herewith is the original transcription of your deposition to read and sign. Please use this errata sheet to clearly identify any corrections or changes you wish to make, referring to the corresponding page and line number along with your change, and sign the next-to-last page of this transcript before a Notary Public. DO NOT WRITE DIRECTLY ON THE ORIGINAL TRANSCRIPT! Then return this errata sheet and signed original transcript to either your attorney or the attorney who conducted the deposition.

Page ____ Correction ____
Line ____ Reason ____

Page ____ Correction ____
Line ____ Reason ____

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Page ____ Correction ____
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