

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Apple Hill Solar LLC for a certificate)
of public good, pursuant to 30 V.S.A. § 248,) Docket No. 8454
authorizing the installation and operation of a 2.0)
MW solar electric generation facility at 1133)
Willow Road in Bennington, Vermont)

Petition of Chelsea Solar LLC, pursuant to 30) Case No. 17-5024-PET
V.S.A. § 248, for a certificate of public good)
authorizing the installation and operation of the)
“Willow Road Project,” a 2.0 MW solar electric)
generation facility on Willow Road in)
Bennington, Vermont)

AFFIDAVIT OF PATRICK LOWKES

I, Patrick Lowkes, hereby state that the following is true and accurate to the best of my knowledge, information and belief.

1. My name is Patrick Lowkes. I am an Environmental Enforcement Officer with the Department of Environmental Conservation (“Department”), Agency of Natural Resources (“Agency”). I am stationed in Rutland and am part of the Department’s Environmental Compliance Division.
2. On June 16, 2020, I visited the 27-acre parcel located at the end of Willow Road (Address: 1033 Willow Road; SPAN: 05101565401), in Bennington, Vermont (“Willow Road Parcel” or “Parcel”) to investigate a complaint of site clearing.
3. While at the Willow Road Parcel, I spoke with Robert Kobelia, who informed me that he was conducting site clearing activities on behalf of the landowners

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who he said were now undertaking an agricultural project on the Parcel after having their solar project denied.

4. I raised the issue of the existence of rare plants at the Parcel. Mr. Kobelia did not acknowledge their presence or indicate to me that he was taking any measures to avoid them. He told me that the Parcel was to be clear cut and that he would be clear cutting it in 5-acre sections. I was not able to ascertain where the rare plants were in relation to the clearing activity I observed.
5. I made the following observations while at the Willow Road Parcel on June 16, 2020. I observed an initial cleared area at the height of land beyond the end of Willow Road. This area had the appearance of a log landing. I then observed an approximately 10' to 15' wide swath of cleared land which appeared to follow along the property boundary area. I observed that silt fence was being installed along the edge of the cleared swath. There was a bulldozer and pick-up truck on site. The clearing activity appeared to be consistent with what would be performed for a logging job.
6. I took several photos while at the Willow Road Parcel on June 16, 2020, including the four photos attached to this Affidavit as **Exhibits A through D**.

Dated: June 24, 2020

Affiant: Patrick Lowkes
Patrick Lowkes

[Note: Pursuant to Public Utility Commission Case No. 20-0789-INV, Order dated 03/26/2020, this affidavit is not required to be notarized.]