

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30)
and 209 into whether the petitioner-)
initiated site preparation at Apple Hill in)
Bennington, Vermont, for electric)
generation in violation of 30 V.S.A. §)
248(a)(2))

Case No. 20-1611-INV

**PREFILED DIRECT TESTIMONY
OF ROBERT KOBELIA
ON BEHALF OF PETITIONER**

December 2, 2020

EXHIBITS

Exhibit AH-RK-1

Clearing Plan

Exhibit AH-RK-2

Map of Site Work Performed

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

2 A1. My name is Robert Kobelia. I am the owner of Forester Extraordinaire, LLC a Vermont
3 limited liability company (“FE”). My business address is 3015 West Road, Bennington, VT 05201.

4
5 **Q2. Have you previously testified before the Public Utility Commission or in other judicial**
6 **or administrative proceedings?**

7 A2. I have previously testified before the Vermont Agency of Natural Resources.

8
9 **Q3. What is the purpose of your testimony?**

10 A3. FE was retained by PLH Vineyard Sky LLC (the “Landowner”) to perform certain work,
11 involving, among other work, clearing approximately twenty-seven and 20/100 (27.20) acres of
12 land (“Clearing Area”) on two parcels in Bennington (the “Parcels”). The clearing plan is set
13 forth in the attached **Exhibit AH-RK-1** (the “Clearing Plan”). The purpose of this testimony is
14 to address the questions posed by the Vermont Agency for Natural Resources (“ANR”) in the ANR
15 Comments filed in these proceedings on June 25, 2020, relating “all activities which have occurred
16 on the Willow Road Parcel after the issuance of the Commission’s June 26 TRO in this case.”

17
18 **Q4. Can you describe the activities that were performed by FE on the Parcels as of the date**
19 **of this testimony after the issuance of the Commission’s June 26 TRO in this case?**

20 A4. FE did not perform any activities after receiving a copy of the order from the Bennington
21 sheriff’s officer.

1
2 **Q5. Prior to receiving a copy of the order from the Bennington sheriff's officer can you**
3 **describe the activities that were performed by FE on the Parcels?**
4

5 A5. Prior to receiving a copy of the order from the Bennington sheriff's officer, FE performed
6 tree, vegetation and stump removal activities ("Clearing Activities") in the areas shown on the
7 attached map marked **Exhibit AH-RK-2**. The Clearing Activities that occurred around the
8 perimeter of the Clearing Area were done to accommodate the installation of silt fence for
9 stormwater control measures. In addition to the Clearing Activities, I also installed approximately
10 3525 lineal feet of silt fence.
11

12 **Q6. Prior to receiving a copy of the order from the Bennington sheriff's officer, can you**
13 **describe the activities that were performed by FE on the Parcels on Saturday, June 27, 2020?**
14

15 A6. On Saturday, June 27, 2020, prior to receiving a copy of the order from the Bennington
16 sheriff's officer, FE removed brush and small trees from an area approximately 100' x 250' at the
17 end of Willow Road. The biomass was pushed to the west side of the clearing for future chipping
18 and use as berm material. Any hole created was immediately back bladed to eliminate a hazard
19 and leave a general smooth appearance.
20

1 **Q7. Prior to receiving a copy of the order from the Bennington sheriff's officer what**
2 **equipment was used by FE while performing the Clearing Activities and installation of the**
3 **silt fence?**

4 A7. A bulldozer was used for all Clearing Activities. Sledge hammers and shovels were used to
5 install the silt fence and a small ATV with a utility trailer was used to shuttle silt fence material
6 around the site.

7
8 **Q8. Can you please identify the personnel that performed work on the site on behalf of FE**
9 **or may have been present while work was being performed on the site?**

10 A8. I was on the site at all times any work was being performed. I was the sole operator of the
11 bulldozer that performed the Clearing Activities. The silt fence installation crew included my
12 brother-in-law, Brent Tiller and Nephew, Tate Tiller. I also had some help from my grandchildren.

13
14 **Q9. Can you identify all people not present who knew that the activities were (or would**
15 **be) taking place?**

16 A9. I cannot identify all people not present that knew or may have known that activities were
17 taking place. The residents in the neighboring area appear to have known, but I do not know who
18 they are. I assume that other people may have known as well. I also assume that people connected
19 with PLH knew that I would be conducting activities from time to time because PLH hired me to
20 do so. My wife, Kristena Kobelia knew I was going to the Willow Road project to bulldoze. She
21 is my life line should any kind of emergency assistance be needed.

1 **Q10. Does this conclude your testimony?**

2 A10. Yes.

3

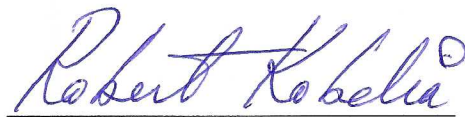
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5

6 I, Robert Kobelia, affirm under penalties of perjury that the foregoing testimony is true and correct
7 to the best of my knowledge and belief.

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Robert Kobelia

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