

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No.

Petition of Essex A North Lot Solar, LLC for a
certificate of public good, pursuant to 30 V.S.A. § 248
for a 3.50 MW ground-mounted solar array off
Robinson Parkway in Essex Junction, Vermont

**PREFILED TESTIMONY AND DECLARATION OF
JEREMY B. OWENS
ON BEHALF OF
ESSEX A NORTH LOT SOLAR, LLC**
This document and supporting exhibits have been filed ePUC

Mr. Owens' testimony addresses the proposed Essex A North Lot Solar Project's compliance with aesthetics and scenic beauty (30 V.S.A. § 248(b)(5)) and orderly development of the region, (30 V.S.A. § 248(b)(1)), including municipal screening requirements, as presented in the report entitled "Aesthetic & Orderly Development Analysis Report" prepared by T.J. Boyle Associates, LLC.

1 **Introduction**

2 Q1. Please state your name, current employer, business address, and position.

3 A1. My name is Jeremy B. Owens. I am a licensed landscape architect with T.J. Boyle
4 Associates, Landscape Architects and Planning Consultants, with a business address of
5 301 College Street, Burlington, Vermont.

6 Q2. What is your occupation?

7 A2. I am a Vermont licensed Landscape Architect. A copy of my resume is attached as Exhibit
8 EANL-JO-1.

10 Q3. Have you previously testified at the Vermont Public Utility Commission?

11 A3. Yes. I have testified before the Commission on several Projects, including, among others: Case
12 No. 23-1050-PET on behalf of I Love Cows Solar, Case No. 23-2420-PET on behalf of Hunt Road
13 Solar, Case No. 23-1994-PET on behalf of Lowery Road Solar, Case No. 22-4376-PET on behalf
14 of Midway Ave Solar, Case No. 22-3941-PET on behalf of Steinberg Road Solar, Case No. 22-
15 2073-PET on behalf of Bullfrog Hollow Solar, Case No. 21-1254-PET on behalf of Springfield
16 BESS, Case No. 21-1042-PET on behalf of Georgia Bess, and Case No. 17-3539-PET on behalf of
17 Saint Albans Solar. I have also provided testimony or exhibits before numerous local Vermont
18 development review boards and planning commissions, Act 250 district commissions, the Vermont
19 Environmental Court, and the New Hampshire Site Evaluation Committee. A selection of previous
20 projects on which I have worked are included in Exhibit EANL-JO-1.

1 Q4. What is the purpose of your testimony?

2 A4. My testimony addresses aesthetics (30 V.S.A § 248(b)(5); 10 V.S.A. § 6086(a)(8)),
3 compliance with Public Utility Commission Rule 5.800, and orderly development of the
4 region (30 V.S.A § 248(b)(1)), including municipal screening requirements. My testimony
5 presents the report entitled, Essex A North Lot Solar – Aesthetic & Orderly Development
6 Analysis Report (Report) for Essex A North Lot Solar, LLC’s (“Essex A North Lot View
7 Solar” or “EANL”) proposed installation and operation of a 3.50 MW (AC) ground-
8 mounted solar electric generation facility located off Robinson Parkway (Site) in Essex
9 Junction, Vermont (the Project), which was prepared under my direction. The Report
10 describes the visual analysis undertaken by T.J. Boyle Associates that assesses visual
11 change due to the Project and determines whether these changes create adverse or unduly
12 adverse impacts to the visual character of the areas and viewsheds through which they pass.
13 The Report provides a detailed Project description and is included with this filing as Exhibit
14 EANL-JO-2. Included as appendices are:

15 Appendix A: Project Maps

16 Appendix B: Photographic Inventory

17 Appendix C: Project Cross-Sections

18 Appendix D: Landscape Mitigation Plan

19 Appendix E: Regional & Town Plan Excerpts

20 I also prepared a memo regarding above-ground historic structures in the vicinity of the
21 Project, included with this filing as Exhibit EANL-JO-3.

SECTION 248 CRITERIA

Orderly Development of the Region
(30 V.S.A. § 248(b)(1))

Q5. Will the Project unduly interfere with the orderly development of the region with due consideration given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality and with substantial deference given to the land conservation measures and specific policies contained in the duly adopted regional plan?

A5. No, the Project will not unduly interfere with orderly development of the region. As described in the Aesthetics & Orderly Development Analysis Report, which is attached here as Exhibit EANL-JO-2, the Project site is not under conservation easements or restrictions and the Project will not violate conservation measures in the municipal or regional plans as there are no such measures applicable to the Project site. Furthermore, the Project supports regional and municipal goals for the development of well sited renewable energy projects. The prefiled testimony of Jake Clark addresses the Project's due consideration to the recommendations of the municipal and regional planning commissions.

Q6. Has any portion of the 2018 ECOS Plan Regional Plan (Regional Plan) received an affirmative determination of energy compliance under 24 V.S.A. § 4352?

1 A6. Yes, as set forth in Exhibit EANL-JO-2, the Regional Energy Plan, included as Supplement
2 6 with the Regional Plan, received an affirmative determination of energy compliance
3 under 24 V.S.A. § 4352 from the Department of Public Service.

4
5 Q7. Are there any land conservation measures or specific policies in the approved portion of
6 the Regional Energy Plan or Village of Essex Junction Comprehensive Plan 2019-2027
7 (Town Plan) to which the Project must give substantial deference?

8 A7. No. Section 248(b)(1)(C), states that the “Commission shall give substantial deference to
9 the land conservation measures and specific polices contained in a duly adopted regional
10 and municipal plan that has received an affirmative determination of energy compliance...”
11 This section explains that “substantial deference” means that a “land conservation measure
12 or specific policy shall be applied in accordance with its terms . . .”

13
14 With respect to the Regional Plan and approved energy portion of the Regional Plan
15 (Supplement 6), Exhibit EANL-JO-2 addresses the terms contained therein, and applies
16 those provisions to the Project. I conclude based on this analysis that the Project complies
17 with the Regional Plan and Regional Energy Plan because there are no clearly applicable
18 land conservation measures or specific policies contained in these Plans that apply to the
19 Project site. The Project does, however, support the Region’s energy goals to have
20 renewable energy sources meet 90% of the state’s total energy needs by 2050.

1 With respect to the Town Plan and Town Energy Plan, Exhibit EANL-JO-2 addresses the
2 terms contained therein, and applies those provisions to the Project. Based on my analysis,
3 I conclude that the Project complies with the Town Plan and Town Energy Plan because
4 there are no clearly applicable land conservation measures or specific policies contained in
5 these Plans that apply to the Project site.

6
7 Q8. Has the Town of Essex Junction adopted applicable screening requirements under Title 24
8 as permitted under 30 V.S.A. § 248(b)?

9 A8. No, Essex Junction does not have specific landscape screening requirements for solar
10 installations.

11
12 **Aesthetics and Scenic Beauty**
13 (30 V.S.A. § 248(b)(5))

14 Q9. Please describe the work you have performed with respect to the Project.

15 A9. I performed a visual analysis to evaluate potential aesthetic impacts due to the proposed
16 solar electric generation facility. The work is described in the Report that my firm prepared,
17 which is attached here as Exhibit EANL-JO-2. I also assessed the Project's potential impact
18 on nearby above ground historic structures and discuss my findings and conclusions in
19 Exhibit EANL-JO-3.

20
21 Q10. Please summarize your assessment of the Project's aesthetic (visual) impacts.

22 A10. The assessment involved analysis of geographic information system data and viewsheds,
23 field investigation, review of topographic mapping, detailed design plans, and aerial

1 photography. Our assessment concluded that the proposed Project would have an adverse
2 effect on the scenic or natural beauty or aesthetics of the area from the adjacent portion of
3 Maple Street (Vermont Route 117) and the south end of Rivendell Drive. However, the
4 adverse effect would be limited to the areas of these roads that are closest to the Project.

5
6 A review of the Project under the second part of the Quechee Test found that the Project's
7 aesthetic impact would not be unduly adverse. Based on the review of regional and town
8 plans, the Project would not violate any clear written community standard intended to
9 preserve the aesthetics or scenic or natural beauty of the area. The Petitioner has
10 incorporated generally available mitigating steps, including setting the Project more than
11 453' south of Maple Street, and undergrounding electrical connections within the Project
12 where feasible. The Project would not offend the sensibilities of the average person due to
13 the low profile and limited visibility of the proposed array, proposed landscape screening,
14 and similarity to the nearby industrial buildings currently visible from Maple Street and
15 Rivendell Drive.

16
17 Q11. Will the Project have an undue adverse effect on aesthetics or the scenic or natural beauty?

18 A11. No, it will not. For the reasons set forth above, the Project's aesthetic impact will not
19 unduly impact the scenic beauty of the surrounding area.

20

1 Q12. Based on your review of available data and aesthetic impacts, will the Project have an
2 adverse effect on nearby properties of historical significance?

3 A12. No. No nearby buildings of potential historical significance were found, and my analysis
4 contained in Exhibit EANL-JO-3 indicates that a 2013 review of the adjacent Essex
5 Police Station also found no nearby buildings of potential historical significance.

6
7 Q13. Does this conclude your testimony at this time?

8 A13. Yes, it does.

9

10

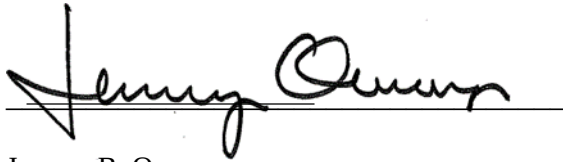
EXHIBITS

Exhibit EANL-JO-1	Resume
Exhibit EANL-JO-2	Aesthetic Analysis and Orderly Development Report
Exhibit EANL-JO-3	Historic Structures Review

WITNESS DECLARATION

I, Jeremy B. Owens, being over 18 years of age, and competent to testify on these matters declare that on behalf of Petitioner, I prepared my prefiled testimony and exhibits in the above captioned matter and I have the necessary expertise to testify to the same information. I declare that the testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under my direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at Burlington, Vermont, this 19th day of June, 2024.

A handwritten signature in black ink, appearing to read "Jeremy Owens", is written over a horizontal line.

Jeremy B. Owens