

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Reservoir Road Solar, LLC, for a	)	
Certificate of Public Good, pursuant to 30	)	
V.S.A. § 248, to construct, own, and operate	)	Case No. 24-____-PET
a 2.375 MW ground-mounted solar electric	)	
generation facility in Berkshire, Vermont	)	
	)	

PREFILED TESTIMONY OF MICHAEL J. BUSCHER

December 4, 2024

Summary: Mr. Buscher's testimony evaluates the Project for compliance with orderly development of the region (30 V.S.A. § 248(b)(1)), aesthetics and scenic beauty (30 V.S.A. § 248(b)(5)), and above-ground historic sites (30 V.S.A. § 248(b)(5)).

EXHIBIT LIST

Exhibit RRS-MB-1	Resume
Exhibit RRS-MB-2	Aesthetic Analysis and Orderly Development Report and Appendices
Exhibit RRS-MB-3	Historic Structures Review Memorandum

Introduction

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

A1. My name is Michael J. Buscher. I am a Vermont licensed landscape architect and owner of T.J. Boyle Associates, LLC, Landscape Architecture and Planning, 301 College Street, Burlington, Vermont 05401.

Q2. What is your occupation?

A2. I am a Vermont-licensed Landscape Architect. A copy of my resume is attached as **Exhibit (Exh.) RRS-MB-1.**

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

A3. Yes. Within Vermont, I have testified before local development review boards and planning commissions, Act 250 district environmental commissions, the Vermont Environmental Court, and the Public Utility Commission in many cases. I have also provided testimony before the New Hampshire Site Evaluation Committee, the New York State Department of Public Service, and the New York State Department of Environmental Conservation.

Q4. What is the purpose of your testimony?

A4. My testimony presents the report entitled: “*Reservoir Road Solar, LLC: Aesthetic & Orderly Development Analysis Report*” (“Report”) for Petitioner Reservoir Road Solar, LLC’s (“Petitioner” or “RRS”) proposed installation and operation of a 2.375 MW ground-mounted solar electric generation facility located off Reservoir Road in the Town

1 of Berkshire, Vermont (“the Project”), which was prepared under my direction. The
2 Report describes the visual analysis undertaken by T.J. Boyle Associates that assesses the
3 potential impact of visual changes due to the Project under 30 V.S.A. § 248(b)(5). The
4 Report also evaluates the proposed Project’s compliance with the orderly development of
5 the region under 30 V.S.A. § 248(b)(1). The Report provides a detailed Project
6 description and is included with this filing as *Exh. RRS-MB-2*. Included as appendices
7 to the Report are Project maps, a photographic inventory, cross-sections, as well as
8 relevant excerpts from the Town and Regional Plans.

9 In addition to the aesthetics and orderly development analysis, I have prepared a
10 memorandum assessing the Project’s potential for visual impacts on above-ground
11 historic resources in the area of the Project, which is included as *Exh. RRS-MB-3*.

13 SECTION 248 CRITERIA

14 Orderly Development of the Region 15 (30 V.S.A. § 248(b)(1))

16 **Q5. Has the Town of Berkshire adopted a solar screening bylaw or ordinance? If so, will**
17 **the Project comply with any such bylaw or ordinance?**

18 A5. No. To my knowledge, the Town of Berkshire has not adopted any solar screening
19 requirements in a bylaw or ordinance.

1 **Q6. Have either the Town of Berkshire or the Northwest Regional Planning Commission**
2 **(“NWRPC”) adopted land conservation measures and specific policies contained in**
3 **a duly adopted regional and municipal plan that has received an affirmative**
4 **determination of energy compliance under 24 V.S.A. § 4352?**

5 A6. Yes. Both the Town of Berkshire’s Municipal Plan and the NWRPC Regional Plan
6 (amended and adopted on August 30, 2023) include an enhanced energy plan. As
7 explained below and in the attached report (*Exh. RRS-MB-2*), the Project complies with
8 both plans.

10 **Q7. Will the Project interfere with the orderly development of the region, giving due**
11 **consideration to recommendations from municipal legislative bodies, and the**
12 **regional planning commission, and giving substantial deference to land conservation**
13 **measures and specific policies in the Town and Regional Energy plans?**

14 A7. No. As described in full in *Exh. RRS-MB-2*, the Project is not inconsistent with and
15 would not violate any land conversation measures or specific policies applicable to the
16 Project in Berkshire Municipal Plan and the NWRPC Regional Plan, and therefore will
17 not unduly interfere with orderly development of the region. The Project is being
18 developed in response to a request from the Village of Enosburg Falls’ electric utility and
19 will directly benefit that town, which is also the landowner for part of the Project site.

20 With respect to the Regional Plan, the Plan contains no clearly written land
21 conservation measures or specific policies for the Project parcel. The Project is shown on
22 Map 10 – Conserved Land as being “municipal land,” but is shown on Map 14 –
23 Proposed Land Use as being within the “agricultural resource planning area” rather than

1 within the “conservation & forest resource planning area.” The Project does not appear to
2 be located within an area categorized as either Prime Solar or Base Solar per the Solar
3 Generation Map. The map does not specify why the Project site is not noted as a prime or
4 base solar location. However, as discussed under the Town Plan review, it is likely the
5 result of the Project being noted as the Water Supply Source Protection Area for the
6 Village of Enosburg Fall. The Petitioner has performed all necessary studies to conclude
7 that the site does not include any ‘Known Constraints’. A ‘Possible Constraint’ may be
8 related to prime agricultural soils. The Project will have limited impact to prime
9 agricultural soils, but these impacts will not be unduly adverse. For further details on
10 primary agricultural soils, please refer to Stephanie Wyman’s prefiled testimony. As
11 described further in my report, the Project complies with the Regional Plan’s general
12 goals and policies. **Exh. RRS-MB-2**. As a result, the Project will not interfere with
13 orderly development of the region taking into consideration the Regional Plan and
14 Regional Energy Plan.

15 The Project is also consistent with the goals of the Town Plan, as described
16 further in my report (**Exh. RRS-MB-2**). Based on my review of the solar potential
17 mapping in the Town Plan, it appears that the Project site is not shown as either Prime or
18 Base Solar area. The Project site is identified on Map 4.10 as located within a Water
19 Supply Source Protection Area, specifically the area with wells for Enosburg Falls.
20 However, I understand that the Project has been developed in coordination with the
21 Village of Enosburg Falls, which owns one of the Project parcels, to support their
22 municipal electric utility and will not have an adverse impact on the water source
23 protection area as addressed in more detail in the testimony and exhibits of Stephanie

1 Wyman. Additionally, while the Project is located within a parcel identified as conserved
2 land in the Town Plan as the “Enosburg Village Forest,” it is being developed to support
3 Enosburg Falls, which owns the parcel and conserves it for purposes of its drinking water
4 source. The Project is also not located within forest areas of this parcel. Thus, to the
5 extent that this land is designated as conserved for Enosburg Falls, that town is thus
6 actively assisting with development of the Project and will directly benefit from it.

7 Overall, the Project supports the Town Plan by developing well sited renewable
8 energy. The Town Plan does not include a specific conservation district, and although the
9 Project is located within the Enosburg Village Forest, it is being developed to support
10 Enosburg Falls and is not located within any forested portion of that parcel. The Project
11 also meets the recommendations to develop solar projects noted in the Enhanced Energy
12 Plan.

13 For these reasons, the Project will not unduly interfere with the orderly
14 development of the town or region.

15
16 **Aesthetics and Scenic Beauty**
17 **(30 V.S.A. § 248(b)(5))**

18 **Q8. Please summarize your assessment of the Project’s aesthetic (visual) impacts.**

19 A8. Overall, the Project is well-sited and takes advantage of the surrounding landform and
20 vegetation so that the proposed Project would not be visible from the surrounding area.
21 While a portion of the Project is proposed on land that could be considered open space,
22 public access is minimal, recreation is not a significant component of the public property
23 on which the Project is proposed, and the Project will not be visible to the general public.
24 The Project is setback over 700 feet from the nearest roadway, and existing vegetation

1 and/or landform would entirely screen the Project in all directions. Based on these
2 findings, it is my conclusion that under the first prong of the *Quechee Test*, the Project
3 would not result in an adverse impact on the aesthetics or scenic or natural beauty of the
4 surrounding area. See *Exh. RRS-MB-2*.

5
6 **Q9. Will the Project have an undue adverse effect on aesthetics or the scenic or natural**
7 **beauty of the area?**

8 A9. No, even if the Commission were to conclude that the aesthetic impacts of the Project
9 were adverse, which I don't believe they would be, the impacts would not be unduly
10 adverse. As explained in detail in my Report, *Exh. RRS-MB-2*, the Project will not
11 result in an undue adverse impact under the second prong of the *Quechee Test* because:

- 12 • The Project would not violate any clear written community standards in the Town
13 or Regional Plans intended to preserve the aesthetics or scenic beauty of the area.
14 Neither plan designates the specific Project site as a scenic resource or provides
15 specific language that would be considered a clear written community standard
16 applicable to the Project.
 - 17 • The Project incorporates generally available mitigation by incorporating setbacks
18 and taking advantage of surrounding landform and vegetation to significantly
19 limit visibility.
 - 20 • The Project would not be so out of character with its surroundings or diminish the
21 scenic qualities of the area where it would be considered shocking or offensive.
22 Solar projects are readily visible components within the Vermont landscape. The
23 Project has limited to no visibility and incorporates strategies that would
24 significantly reduce the prominence of the array.
- 25

1 **Q10. Is any mitigation planting being proposed for this Project?**

2 A10. No. Given that desktop review and field visits have confirmed that the Project will not be
3 readily visible from any public roads or areas or from any nearby residences, there is no
4 need to mitigate views with landscaping. As a result, no landscaping is necessary or
5 proposed.

6
7 **Historical and Archeological Sites**
8 (30 V.S.A. § 248(b)(5))

9 **Q11. Will this Project have an undue adverse effect on above-ground historic sites?**

10 A11. No, the Project will not have an undue adverse impact on above-ground historic sites. As
11 described in my Historic Structures Review Memorandum, *Exh. RRS-MB-3*, although
12 there are several above-ground historic resources that are listed or may be eligible to be
13 listed on the State Historical Register that are located in relative proximity to the Project,
14 the Project is sited to take advantage of the existing landform and vegetation such that the
15 Project site will not be readily visible from any of these properties. As a result, the
16 Project will not adversely impact any of these historical residences.

17
18 **Q12. Does this conclude your testimony at this time?**

19 A12. Yes, it does.