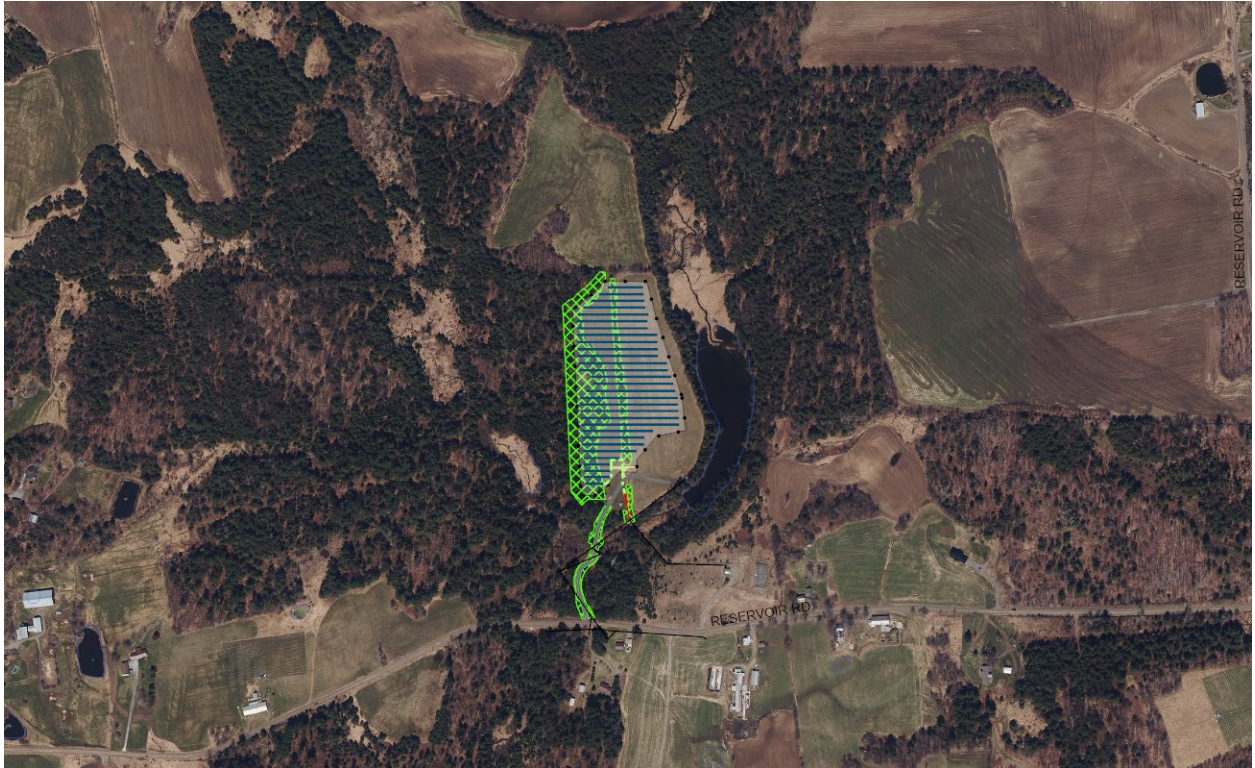


Reservoir Road Solar, LLC

Berkshire, Vermont



Aesthetic & Orderly Development Analysis Report

December 3, 2024

Prepared by:



T.J. BOYLE ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING

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I. Project Description

The Reservoir Road Solar Project (or the “Project”) is being developed by Reservoir Road Solar, LLC (the “Petitioner”), in Berkshire, Vermont. The Project is a proposed 2.375 MW (AC) photovoltaic electric generation facility. The fenced portion of the Project will occupy approximately 10.5 acres of two greater parcels, one with a total of approximately 88 acres and another with a total of approximately 113 acres.

The Project site is located partially within existing agricultural fields and partially within wooded areas. Clearing of an existing hedgerow roughly along the center of the array, and a wooded area towards the western side of the fenced area will be necessary to accommodate the proposed Project.

The array will consist of approximately 5,472 non-reflective photovoltaic panel modules mounted on ± 30 rows of fixed, ground-mounted racking systems. Rows of panels will run east-west, oriented towards the south at a fixed angle between 20-30 degrees. Racking systems will be roughly 3 feet on the low side and 10-15 feet on the high side and mounted on pile driven posts should geotechnical conditions allow. Figure 1 illustrates the proposed racking system.



Figure 1: Example of fixed-tilt racking units with dual portrait panels.

Electricity will run from the panels in direct current (DC) to a network of string inverters dispersed among the array, before being converted to alternating current (AC). Cabling will then run in protective conduit to a switchgear, which will include the data acquisition system and other auxiliary equipment. Electricity will then run underground to a single 2,500 kVA pad-mounted transformer with secondary oil containment, located near the southern edge of the array. From the transformer, electric lines will continue in an underground configuration to a proposed wooden riser pole structure located approximately 147 feet south of the transformer before transitioning to an overhead configuration. Power will then continue south in an overhead configuration across three new power poles for approximately 162 feet before interconnecting with the Village of Enosburg Falls Water and Light Department’s existing distribution network.

The Project site will be accessed from Reservoir Road by an existing gravel road that extends north from Reservoir Road to the Project site. For construction, the access road will be temporarily widened in some locations, including widening of the ingress/egress along Reservoir Road, and one portion of the road will be redeveloped where the road crosses Trout Brook. Portions of the access road will require vegetation clearing to accommodate grading and culvert replacement, and a roughly 110-foot diameter turn-around area will be added to the south of the Project site. For deliveries and storage of equipment during construction, the Petitioner is proposing a temporary staging area along the southern and southeastern edge of the proposed Project area. The array will be enclosed by a 7-8-foot-high agricultural style fence and will have a gated and lockable entrance. See Figure 2 for a general layout of the Project, and see the Project Site Plan, Exhibit RRS-SC-2, for further information.

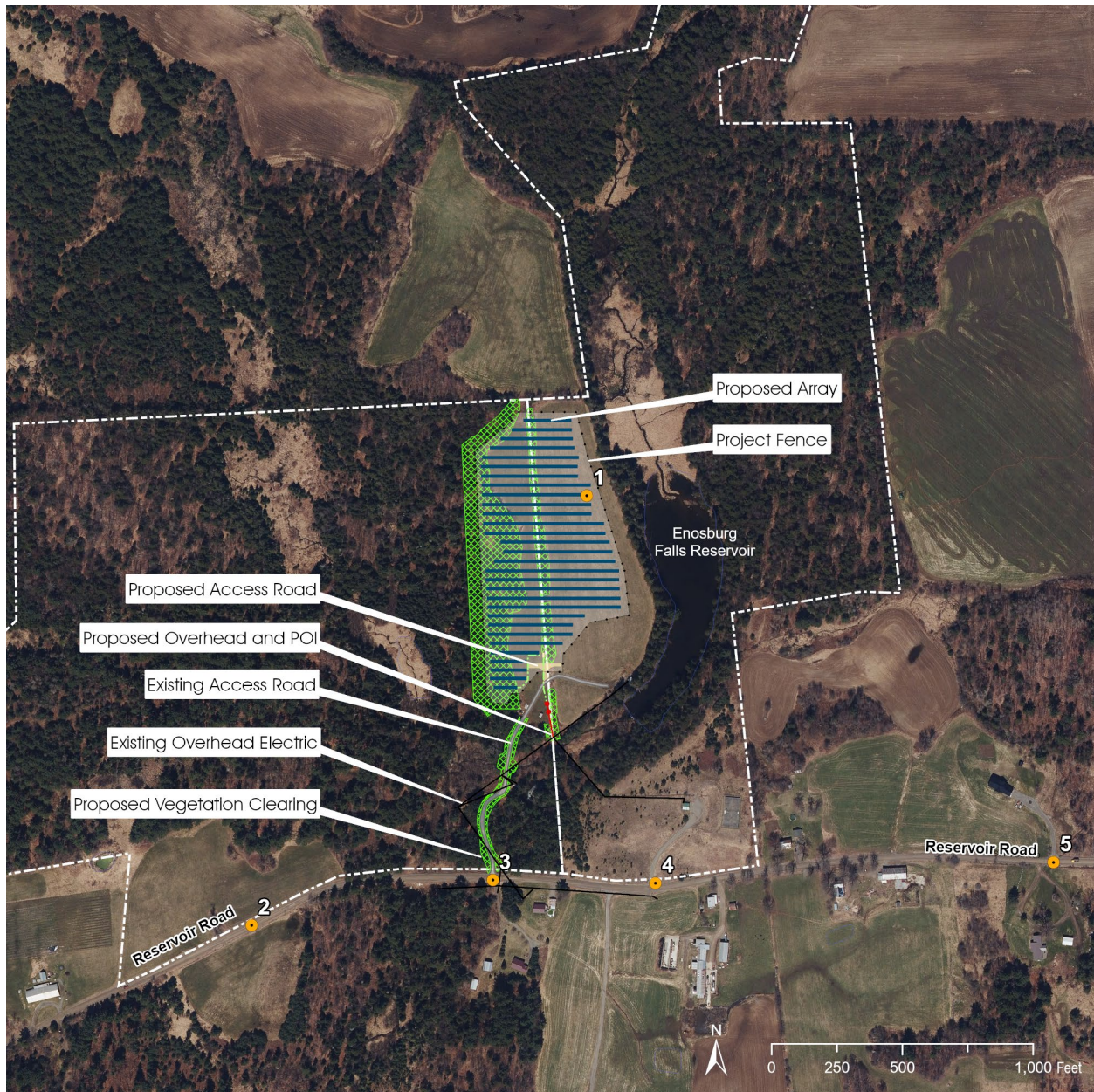


Figure 2: Proposed Project layout

II. Aesthetic Analysis

A. Methodology – Quechee Test

Section 248(b)(5) of Title 30, Vermont Statutes Annotated requires the Commission to make a finding that a proposed electrical generation project would not have an undue adverse effect on aesthetics, as outlined in the so-called “Quechee Lakes Decision.”¹ As explained in the Commission’s order in Docket No. 6860, the Commission applies the Quechee Test in Section 248 proceedings, as follows:

The [Commission] has adopted the Environmental Board’s Quechee analysis for guidance in assessing the aesthetic impacts of proposed projects under Section 248. We have previously explained the components of the Quechee analysis as follows:

In order to reach a determination as to whether the project would have an undue adverse effect on the aesthetics of the area, the [Commission] employs the two-part test first outlined by the Vermont Environmental Board in Quechee, and further defined in numerous other decisions.

Pursuant to this procedure, first a determination must be made as to whether a project would have an adverse impact on aesthetics and the scenic and natural beauty. In order to find that it would have an adverse impact, a project must be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.

The next step in the two-part test, once a conclusion as to the adverse effect of the project has been reached, is to determine whether the adverse effect of the project is “undue.” The adverse effect is considered undue when a positive finding is reached regarding any one of the following factors:

1. Does the project violate a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area?
2. Have the applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings?
3. Does the project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?

Our analysis, however, does not end with the results of the Quechee test. Instead, our assessment of whether a particular project would have an “undue” adverse effect on aesthetics and scenic or natural beauty is “significantly informed by overall societal benefits of the project.” (*In re Petition of Tom Halton*, CPG NM-25, Order of 3/15/01 at 10-11).

¹ [Quechee Lakes Corporation, Applications #3W0411-EB and #3W0439-EB at pgs. 18-20](#)

Petitions of Vermont Electric Power Company, Inc. (VELCO), Vermont Transco, Docket No. 6860, Vt. Pub. Serv. Bd. (Jan. 28, 2005) at 79-80.

T.J. Boyle Associates (“TJB”) interprets the first prong of the Quechee Test to initially require an assessment of a project’s visibility. Although the Quechee Test lists visibility of a project as a “specific factor” for evaluation, visibility establishes the underlying method for which all visual aesthetics are evaluated. For instance, a project’s design, materials and colors may be completely out of character with its surroundings, but if such project is not visible to the general public (or “average person”), then there would be no adverse visual effect. Likewise, when a project is determined to be out of character with its surroundings, one solution is to visually obscure the project with landscape mitigation or other screening, which itself is a simple reduction or occlusion of visibility. In this way, TJB interprets the first prong of the Quechee Test to be asking, “What is the project’s visibility, and is that visibility out of character with its surroundings?” In our experience, if the Quechee Test were not interpreted in this way then a given project could be considered adverse even if it was completely invisible to surrounding areas, which would be an unreasonable interpretation and inconsistent with the purpose of the test.

Our study area for visibility of solar generation facilities tends to extend approximately two miles from a project location. This distance tells us whether a given project is, or is not, visible from prominent or protected locations in the study area, or, perhaps more importantly, if a project itself is in a prominent or highly visible location. We may find that a project has an adverse effect on a particular viewpoint, but that the project does not have an adverse impact on the surrounding area as a whole.

In conducting the Quechee Analysis and preparing this report, three distinct methods have been used: (1) background data collection, (2) GIS viewshed analysis mapping, and (3) field investigation. The GIS viewshed mapping and field investigation are used to identify areas with potential visibility of the Project. The background data and field investigation are used to characterize the study area. All three methods are used to evaluate whether there are in fact ‘adverse’ impacts and if so, whether those impacts could be considered ‘undue.’

- (1) **Background Data Collection.** Standard data that can help describe the landscape of the Project site, the surrounding area, and the Project are assembled. These data include available Project plans and details, aerial photography, topographical maps, Geographical Information System (“GIS”) data including digital elevation model data, water and land cover information, transportation data and primary building data (public, commercial, residential), and applicable regulations such as the town plan and the regional plan.
- (2) **GIS Viewshed Analysis.** Following the background data collection, ESRI ArcGIS software is used to calculate a GIS viewshed or visibility analysis of potential visibility of the Project. Viewshed analysis can identify areas that have potential views of a project, and when mapped it shows the Project viewshed. The analysis applies a line-of-sight method from a prescribed point or points representing the Project (such as the top of an upright solar array, substation equipment, or power line structure), to all other locations within a designated study area. Figure 3 illustrates how line-of-sight is determined visibility. The analysis results (portrayed as two viewshed maps), and background data review form the basis for organizing the field investigation.

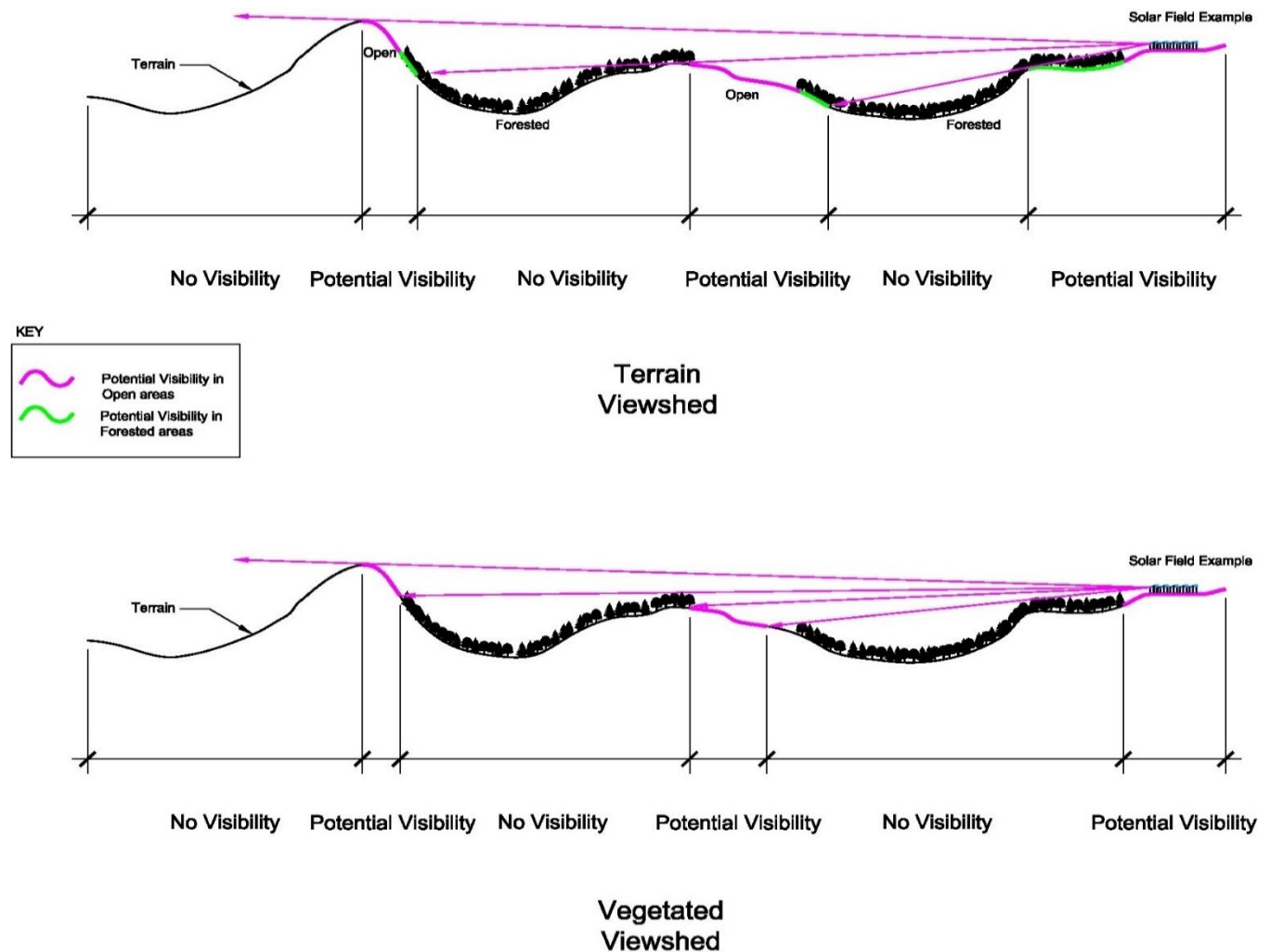


Figure 3: Terrain Viewshed and Vegetated Viewshed Diagrams. (Please note this diagram is for illustrative purposes only to portray the results of a GIS Viewshed analysis and is not representative of the proposed Project.)

- a. A “Terrain Viewshed” map (see Appendix A, Map 2) represents how landform may block views of Project upgrades. This analysis only accounts for intervening landform and does not incorporate how vegetation, buildings, hedgerows, street trees or any other vegetation or buildings would screen visibility of the Project. However, to facilitate interpretation of the results, the map differentiates between areas with and without forest cover, since there would be no distant views if one is standing in the forest. This map represents the maximum area from which the Project could be visible, and in almost every case overstates the probable visibility.
- b. A “Vegetated Viewshed” Map (see Appendix A, Map 3) represents a “Vegetated Viewshed.” This map shows how vegetation, buildings and other obstructions in the landscape may act in addition to landform, to block views of the Project. The data used to identify obstructions is derived from LiDAR data, the national elevation dataset, and the national land cover database. This map is a more realistic representation of the area from which the Project is potentially visible.

When properly taken into consideration, these maps indicate areas most likely to have views, emphasizing areas vulnerable to the greatest impacts. The viewshed maps also identify areas that are unlikely to have views. The assumptions used to calculate these maps are conservative and tend to over-estimate Project visibility. Rather than serving as a final result, these maps are primarily used in preparation of the field investigation, which more fully evaluates the landscape context, views, and potential impacts based on the visibility indicated on the maps. Therefore, it is inappropriate to use these maps as the only basis to evaluate visual extent and impacts.

- (3) **Field Investigation.** The viewshed maps are used to focus the field investigation on areas most likely to have views of the Project. The purpose of the field investigation is to:
- Verify potential visibility as indicated on the viewshed maps
 - Photograph views toward the Project from these and any other sensitive areas (parks, public facilities, etc.)
 - Photographically document the landscape's visual character within the study area.
 - Record notes concerning each viewpoint where photographs are taken
 - Identify location of photograph viewpoints using a global positioning system ("GPS") unit

On completion of the field investigation, the GPS data is transferred to a GIS database and synchronization of the data and photograph locations are verified. Photo locations and the actual photos are coordinated through indexed viewpoint numbers. Documentation of the field investigation is then prepared, which includes: (1) mapping of the routes traveled and locations of photograph viewpoints, displayed on mapping within Appendix A, and (2) a catalog of photography included as Appendix B - Photographic Inventory. Appendix B includes a series of panoramic views to provide context of the surrounding conditions, and single-frame photographs to represent views towards the Project site. Unless otherwise noted, single-frame photos utilize a focal length approximately equivalent to 50mm on a 35mm film or FX digital single lens reflex camera, which is considered a 'normal lens'. A normal lens reproduces a field of view that generally looks "natural" to a human observer. Panoramic views result in significant spatial distortion but are beneficial by providing a very wide field of view to illustrate the existing surroundings.

TJB evaluates data from the steps above and compares existing conditions with plans for the proposed Project. The following sections of this report describe in detail the collection and evaluation of data and the resulting conclusions.

B. Quechee Test Part I – Evaluation of Adversity

1. Overview

The Project is located within the Champlain Valley or Vermont Lowlands physiographic region, which can be characterized as relatively flat with gently rolling hills. Berkshire is a rural community, and the landscape consists of a patchwork of wooded areas and open fields. The Project area is located within a combination of existing agricultural fields and wooded areas, approximately 707 feet north of Reservoir Road. The proposed array is sited partially on two separate parcels, the western parcel is privately owned, and the eastern parcel is owned by the Village of Enosburg Falls and contains the Village well water system. The location of the proposed array is enclosed by mature vegetation in all directions of the Project.

Viewpoints 1a and 1b, illustrated on pages one and two of Appendix B - Photographic Inventory, is taken from within the proposed array area, midway along the eastern side of the array. Two 180-degree panoramic images are provided, one at the top of each page, that together provide a 360-degree view from the Project site. Viewpoint 1a illustrates views to the north, panning from west to east, and Viewpoint 1b illustrates views to the south, panning east to west. To the south, or towards Reservoir Road, there is 300 to over 500 feet of mature woods, much of which consists of mature evergreen vegetation. To the west of the Project area are mature woods that extend over 2,000 feet from the edge of proposed clearing along the west side of the array. To the north is a mature hedgerow, followed by open fields and mature woods beyond. The Enosburg Falls Reservoir and Trout Brook are located east and southeast of the site, respectively, with additional forested areas located east and northeast of the reservoir.

The Project is well sited to take advantage of the surrounding woods to substantially limit visibility from locations off the Project parcels. As previously noted, GIS viewshed mapping (Appendix A, Maps 2 and 3) was utilized as a preliminary evaluation method to determine potential visibility of the Project. Field investigation found that the GIS viewsheds were mostly accurate, although limitations in available GIS data can overestimate potential visibility. The attached photographic inventory (Appendix B) includes views that were documented during field investigation and represent locations with the highest potential for visibility of the Project. Images include a series of 180-degree panoramic images to provide context and character of the surrounding area and single-frame photos, captured with a 50mm equivalent focal length to illustrate views towards the Project.

2. Visibility

Viewshed analyses indicated the greatest potential for visibility would be from Reservoir Road, directly south of the Project. While the Terrain Viewshed shows potential visibility from other surroundings areas, the vegetated viewshed indicates that other offsite visibility would be limited to a few isolated nearby locations, not near roads or other publicly accessible lands. Field review confirmed that the Project site is almost entirely screened from view and no viewpoints of the Project from public roads or residences were identified.

Reservoir Road

Reservoir Road is a gravel surface, class 3 town roadway with its closest point approximately 707 feet south of the Project or the closest solar panels. It begins west of the Project site at Water Tower Road, continues in an east-west configuration, passing south of the Project, eventually turning north and passing roughly 3,000 feet east of the proposed array area, ultimately reconnecting with Water Tower Road approximately 2 miles northeast of the Project.

Based on field review, it is unlikely that the proposed array will be visible from Reservoir Road. Viewpoint 2 shows views while approaching the Project site from the southwest and how dense, mature woods, much of which consists of white pine and other evergreen vegetation, screen all views to the proposed array area. Viewpoint 3 is taken from near the intersection with the existing access road. To accommodate construction and delivery vehicles, temporary widening of the access road would require some clearing at this location, as well as along the access road. It is not anticipated that clearing and widening of the access road would result in any significant visibility of the array area. Viewpoint 4 is from further east on Reservoir Road and taken from the one isolated location identified by the Vegetated Viewshed Analysis as having potential visibility from surrounding roads. However, based on field investigation during leaf-off conditions, any substantial visibility from this location appears to be unlikely. Visibility would be screened by intervening vegetation, much of which is evergreen, that is not fully represented in GIS data used to calculate the viewsheds.

Overall, the proposed array was found to be heavily screened by a combination of landform, vegetation or both, and no points of potential visibility of the array structures were identified from Reservoir Road.

Water Tower Road

Water Tower Road is a paved town road that extends in a roughly north-south orientation, with its closest point approximately 3,200 feet west of the Project. Similar to Reservoir Road, the area along Water Tower Road is characterized by a mix of land uses, including low-density residential, agricultural lands, limited commercial uses, and views of low forested rolling hills.

Based on field review, the proposed array will not be visible from Water Tower Road, particularly from the area northwest of the Project where views of the greater landscape to the southeast are possible (see Appendix B, Viewpoint 7). The proposed array was found to be heavily screened by intervening vegetation, and no points of potential visibility of the array structures or interconnection line were identified from Water Tower Road.

Other Surrounding Roads and Public Areas

Other surrounding roads are not expected to have potential views of the Project, including Stagecoach Road southeast of the Project site, Vermont Route 105 south of the site, Vermont Route 108 west of the site, or Vermont Route 118 east of the site. Due to the vegetation and landform surrounding the Project, offsite visibility of the Project elements will not be possible from these roadways, even during leaf-off conditions.

3. Private Residences

The nearest residence is located approximately 809 feet south of the array, with a few other residences located further to the southeast along Reservoir Road. Several additional residences are located to the west and northwest on Water Tower Road, and others located east along the portion of Reservoir Road that leads north. Based on field investigation and the overall review of visibility, the Proposed array will not be visible from private residences due to the surrounding landform and vegetation that will substantially screen the Project.

4. Suitability of Colors and Materials for the Project

The Project materials and colors will include the dark non-reflective photovoltaic panels, galvanized metal array racking systems, metal or black agricultural-style fence mesh with wooden posts, wooden utility poles, and pad mounted transformers and associated electrical equipment. Comparable elements exist in the nearby landscape, including large barns with metal roofs to the southwest and northeast of the Project, and existing electric distribution lines along Reservoir Road and other surrounding roads that include wooden pole structures and metal conductors similar to those proposed for the Project. Based on the existing conditions in the larger landscape around the proposed array, the Project's colors and materials are considered similar to those in the surrounding area.

5. Impact on Open Space

Previous Act 250 and Section 248 decisions do not clearly define what is meant by the term “open space,” and some regional plans and town plans have differing definitions of open space, if any at all. The Plan for the Northwest Regional Plan 2023-2031 adopted August 30, 2023, (“Regional Plan”)², and the Berkshire,

² https://www.nrpcvt.com/wp-content/uploads/2024/09/ADOPTED_RegionalPlan_2023_Updated.pdf

Vermont Municipal Plan, adopted October 5, 2020 (“Town Plan”)³ both mention the term open space within these plans, but neither plan clearly defines what open space is, where it is located, or how impacts to open space should be evaluated.

The eastern portion of the Project is located on a parcel owned by the Village of Enosburg Falls. This parcel is identified as the “Enosburg Village Forest” in the Berkshire Town Maps,⁴ though it is not identified as a town forest or as a forest resource in the Enosburgh Town Plan.⁵ This eastern parcel hosts a water reservoir and is part of a wellhead protection area, though a forest does exist on the northern portion of the property, as well as around the perimeter of the reservoir. This parcel is generally described in the Enosburg Falls Village Source Protection Plan,⁶ which states that “[t]he Enosburg Village Forest was purchased from the Town of Berkshire in 1925 in order to protect the municipal water supply, which was the surface water reservoir at that time. In the 1930’s, a plantation of softwood was planted along the reservoir shores.” The array structures are proposed on an area of the Enosburg Village Forest property that is west of the reservoir and currently used as a hay field; there are no obvious public uses or recreational facilities associated with the property.

The western parcel on which the Project is proposed is currently posted with no trespassing signs, and is not considered publicly accessible. Though this western parcel is mostly wooded, the array is proposed largely on a portion of the property that is use as a hay field, and which is similar in appearance to the eastern parcel. A portion of the array is also located in the wooded portion and will require clearing as previously described.

Due to the Project’s location (at least in part) on undeveloped land specifically set aside for water resource protection, and because the Project is located on a parcel depicted on Map 9.2 - Conserved Land in the Town Plan (see p. 119), the site is considered open space for the purposes of this review. However, the public has limited physical access to the property, neither of the two parcels are currently used for recreational purposes, and the portion of each parcel where the Project is proposed is not visible to the general public. Based on these findings, the Project’s impact on open space is considered limited.

6. Summary

The findings of this analysis conclude that the proposed Project would NOT have an adverse effect on the scenic or natural beauty or aesthetics of the area. The site and field review found that the proposed Project would not be visible from the surrounding area. While a portion of the Project is proposed on land that could be considered open space, public access is minimal, recreation is not a significant component of the public property on which the Project is proposed, and the Project will not be visible to the general public. The Project would be reasonably setback from nearby roadways, and existing vegetation and/or landform would entirely screen the Project in all directions. Based on these findings, the Reservoir Road Solar Project meets the Quechee test insofar as its impact on aesthetics will NOT be UNDULY ADVERSE.

However, in the interest of completeness, if the Project *were* to be considered adverse by the Commission, an analysis under the second part of the *Quechee* test is provided below.

³ https://6eade072-06b3-4cb0-b552-9093f98282cd.filesusr.com/ugd/cf375c_ecfa826316da4ed2b6141ea1b5a1e26e.pdf

⁴ https://6eade072-06b3-4cb0-b552-9093f98282cd.filesusr.com/ugd/cf375c_c0be0f3f78bd459eae080b244938043e.pdf

⁵ https://www.enosburghvt.org/files/ugd/5ad4b5_a350fe9bcf3f46188c1cb3cfe3911a00.pdf. Enosburgh maintains a separate town forest within the town, and identifies the subject parcel only for its wellhead protection purpose. See Town Plan at 30, 34-35.

⁶ https://villageofenosburgfalls.org/wp-content/uploads/2019/04/Source-Protection-Plan_Enosburg_5116_draft_2018.pdf

C. Quechee Test Part II – Evaluation of Undue Adversity

1. Community Standards

Although Section 248 projects are exempt from municipal zoning and related permits, local plans and regulations are reviewed under the second prong of the Quechee test where it has been determined that a project may have a potential adverse visual impact. Under Quechee, this involves an assessment as to whether or not a project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area. In Docket No. 7508, the Public Utility Commission held that “[i]n order for a provision to be considered a clear, written community standard, it must be ‘intended to preserve the aesthetics or scenic beauty of the area’ where the proposed project is located and must apply to specific resources in the proposed project area.”⁷ The Commission clarified that generalized statements and general scenic resource policies that are not focused on a particular scenic resource or that fail to offer specific guidance or measures to protect the resource cannot be considered “clear written community standards.”⁸ The Commission has further clarified that any such standard must expressly “designate the [project] parcel as a scenic resource worthy of protection.”⁹

For the Reservoir Road Solar Project, available local and regional planning documents were reviewed to determine if the Project would violate a clear written community standard. These include the Regional Plan (which includes the Northwest Regional Energy Plan 2024-2032 adopted September 25, 2024 (the “Enhanced Regional Energy Plan”)¹⁰ as an appendix) and the Town Plan; the relevant pages from these plans are included in Appendix D – Regional and Town Plan Excerpts. A review of these plans pertaining to aesthetics and the Project site are as follows:

i. Regional Plan

Economic Region - Energy

Goals and Policies

Goal 7 - Increase the renewable energy generation capacity in the Northwest region with new solar, wind, and hydro generation capacity by 2050.

- g. Development and siting of energy generation facilities shall be in conformance with the goals, strategies, standards, mapping, and other information contained in the entire regional plan. Standards of review for known and possible constraints (see Appendix B of the regional energy plan) will be used in evaluation of conformance.

(Regional Plan at 42-43)

Physical Region – Natural & Cultural Resources

Scenic Resources: The region’s scenic resources are plentiful and include both natural and human-influenced elements. Undeveloped ridgelines are among the region’s highly valued natural scenic resources, serving both as vantage points (the areas we enjoy views from) and as terminal views (and create the scene we are enjoying through our observation). Because impacts on scenic

⁷ *Petition of Georgia Mountain Community Wind, LLC*, Docket No. 7508, Order of 6/11/2010 at p. 52

⁸ *Id.* at 53.

⁹ *Petition of Rutland Renewable Energy, LLC*, Docket No. 8188, Order of 3/11/15 at 85-86.

¹⁰ https://www.nrpcvt.com/wp-content/uploads/2024/09/FinalEnergyPlan_9.25.2024.pdf

resources are assessed as part of the Act 250 development review process, communities in the Region may wish to incorporate a scenic resource assessment as part of their planning processes.

Goals and Policies

Goal 1 - Protect significant natural resources, including air, wetlands, wildlife, lakes, ponds, woodlands, earth resources, open spaces, groundwater resources and wildlife habitat.

- c. Plan, construct and manage mineral and earth resource extraction and processing facilities to ensure that negative impacts are limited and rehabilitation is certain. Minimize noise and adverse impacts on existing or planned uses within the vicinity of the project, fish and wildlife habitat, water quality, prime agricultural soils and scenic resources. Ensure projects do not interfere with the function and safety of all modes within the transportation system.

Goal 2 - Protect and conserve historically significant buildings and locations, archaeological resources, and important scenic and aesthetic resources identified in local and regional plans.

- b. Ensure that land development along prominent ridgelines and hilltops is designed to fit within the landscape and avoid undue adverse visual impacts.
- d. Encourage energy generation and distribution facilities to minimize their visual impact on ridgelines, slopes and open areas.

(Regional Plan at 96-97)

Physical Region – Land Use

Land Use Planning Areas:

Agricultural Resource Planning Areas: Agricultural Resource Planning Areas represent the best farmland in the region and shall be given the highest level of support for their continued use as active agricultural lands. Nearly 39% of the region is included in this category, reflecting the significant acreage of prime agricultural soils, the large number of farms in the Northwest and the importance of agriculture in the region's economy. Strategies that support the long-term protection of these lands from conversion to non- agricultural use are supported by NRPC. Where development does occur, it shall be located to minimize impact to primary agricultural soils. Recognizing the importance of farming to the region's character and economy, and also recognizing that existing farms may occupy some good farming lands that would otherwise be categorized as Forest and Conservation Planning Area, Agricultural Resource Planning Areas were given precedence over the Forest and Conservation designation. For example, if a particular area has characteristics of both an Agricultural Resource Planning Area and a Forest and Conservation Planning Area, the area would be characterized as the former.

(Regional Plan at 104)

Goals and Policies

Goal 1 - Ensure the region continues to be characterized by compact villages and growth centers separated by rural countryside and the working landscape.

- e. Ensure that the scale, siting, design and management of new development respect the existing landscape and the character of the area's built environment.

Goal 2 - Maintain healthy and diverse forest and conservation areas as well as a strong working landscape, including agriculture and forestry.

- a. Ensure that development respects the physical limitations of the site and avoids negative impacts on the natural and cultural features of the landscape.
(Regional Plan at 108)

ii. Enhanced Regional Energy Plan

Section II – Introduction

B. Purpose of the Plan

While reading this document, it is also important to keep in mind what the Regional Energy Plan will not do. Much like the Vermont Comprehensive Energy Plan, the Regional Energy Plan does not intend to directly address every specific energy-related issue within the region, and it does not discuss or provide recommendations regarding specific renewable energy generation projects that have been proposed in the region. Although it provides a prospective vision of the mix of renewables that may be developed in the region to attain state goals, the Regional Energy Plan does not specify the mix of renewable energy generation facilities that will actually be built or contracted by utilities serving the Northwest region. In addition, the plan does not provide specific information about the costs of implementing the plan or the costs of failing to implement the plan.

The energy landscape in Vermont has rapidly changed over the past 10 years. This has been driven by climate change, policy changes, materials cost reductions, and quickly evolving technologies. The NRPC anticipates that methods of generating, distributing, and conserving energy will continue to evolve over the next 30 to 40 years.

(Regional Energy Plan at 9-10)

Section VI. Feasibility, Challenges and Conclusions

B. Implementation Challenges

- **Lack of site-specific guidelines for solar and wind generation facilities** – The energy generation maps in the plan address which conservation resources should be protected from development of renewables and which conservation resources should be subject to mitigation if impacted by development of renewables. This plan does not provide site-specific guidelines for how solar or wind should be placed on a site if it is deemed appropriate for development. The issues of screening, stormwater management, fall distance, sound levels, and aesthetics have not been addressed in this plan. The NRPC did not address these issues directly in this plan primarily due to the unique challenges that each particular site poses to renewable development. but these factors are considered by the Project Review Committee.

The legislature has developed setback requirements for solar facilities and has enabled municipalities to develop solar facility screening ordinances, but concerns persist about whether enough has been done to protect the state's working landscape. Sentiment is even stronger in the state regarding the need for siting standards for wind generation facilities. Of particular concern to the NRPC are the possible economic inequities that can result through the siting of large generation facilities in the region. The NRPC advocates for changes to the Section 248 process ensuring that the economic benefits provided by a developer are distributed equally to all municipalities that are impacted by a proposed facility.

(Regional Energy Plan at 56)

iii. Town Plan

Similar to the Regional Plan, the Town of Berkshire also recognizes the value of scenic quality within its town. In the introduction chapter, Berkshire Municipal Plan: “At a Glance”, it notes that the town has previously set an implementation action to “[c]onduct a Scenic Resource Inventory to identify important viewsheds in Town”, (Town Plan at 9) however the Town Plan later notes that the inventory has not yet been conducted.

A SNAPSHOT OF THE COMMUNITY

B) Relationship to the Northwest Region

The Missisquoi River furnishes the Town and the Region with an important natural asset. The Regional Plan calls for protection of the river and adjacent lands to protect water quality and to preserve its scenic character.

(Town Plan at 15)

THE SENSE OF PLACE

Topography

Elevation

Elevations in Berkshire range from around 415 feet above mean sea level (m.s.l.) along the Missisquoi River southwest of East Berkshire, to 1,326 feet atop Ayers Hill near the northern border (Map 4.4). Most development in the Town is located between 450 feet and 750 feet. Areas of high elevation, including ridge and hill tops, are often visible and contribute much to the scenic beauty of the area. The hills in north central Berkshire, including Ayers Hill, have also been identified as probable bedrock aquifer recharge areas. Consequently, ridge and hill tops, and areas over 800 feet in elevation, should be protected from unsightly and potentially harmful development.

(Town Plan at 30)

Water Resources

Surface Water

Additionally, after a three year study, the Missisquoi and Trout were officially designated by Congress as National Wild and Scenic Rivers in 2015. This places these two rivers among the Nation’s most valued and beautiful rivers that remain in their natural state. Designation as a Wild and Scenic River ensures that about 70 miles of the Missisquoi and Trout Rivers will continue to be protected as natural assets in the area and provides access to grants to support efforts to increase recreational access to these rivers by fisherman, hunters and paddlers.

(Town Plan at 39)

Critical Areas

Critical areas, for the purposes of this plan, are defined as natural areas requiring special protection from development. They include areas that have environmental, ecological, educational, and/or scenic value, such as wetlands, shorelands, flood hazard areas, important wildlife, and endangered or threatened species habitats, and other areas of biological, hydrological, or geological significance.

(Town Plan at 44)

Unique and Fragile Areas

Unique or fragile areas are landscape features other than those already defined that have scientific and/or educational value. In Berkshire, these include three unique geologic features described as follows:

Ayers Hill

This is a singularly unique area of 400 acres on Ayers Hill where the volcanic lava flows and volcanic bombs of the Tibbit Hill formation are readily apparent. Currently, it is in private ownership and is in need of protection. This site is considered to be of state significance for its educational, scientific, and scenic value.

...The Town has not officially identified specific viewsheds as scenic resources. The Planning Commission recognizes that conducting a scenic resource inventory is a future action that can inform the next plan update. This inventory can inform opportunities such as road pull-offs to enjoy these resources and ways to protect them.

(Town Plan at 50)

Goals and Policies: The Sense of Place

Policies

9) Streams, rivers, ponds, and wetlands shall be maintained in their natural state, and be protected from pollution through appropriate health and land use regulations. Local regulations shall provide buffer areas to maintain the environmental, recreational, and scenic value of water courses, water bodies, and shorelines.

21) Maintain the identified historic, cultural, and scenic resources, including the historic sites, landscape features, and archaeological sensitive areas.

(Town Plan at 53-55)

ENHANCED ENERGY PLANNING

Solar and Wind

Berkshire has a strong preference for solar facilities that have less than 5 MW in generation capacity. This preference is a reflection of the community's dedication to preserving the aesthetic and rural qualities of Berkshire by restricting the geographic size of solar facilities. In addition, Berkshire prefers that solar facilities greater than 149 kW in generation capacity to be sufficiently separated from other similarly sized solar facilities to "break up" the visual impact of two or more solar facilities located next to each other and to preserve Berkshire's rural character. All solar facilities to be sited in Berkshire shall include proper screening.

(Town Plan at 99-100)

Summary Analysis of Clear, Written Community Standards in Regional Plan, Regional Energy Plan, and Town Plan

In general, the Regional Plan, Town Plan, and associated documents cover a wide range of topics for the region including land use, housing, economics, cultural resources, energy generation and consumption, as well as other community issues.

As quoted above, the Regional Energy Plan notes the lack of screening requirements for energy projects is a challenge, and that each particular site poses unique challenges to energy development. No clearly written standards or recommendations were found in the Regional Plan or Regional Energy Plan that regulate or guide aesthetics or scenic protection at the Project site. The Project site itself is located in the Agricultural Resource Planning Area, between the Conservation & Forest Resource Planning Area and the Rural Planning Area (see Regional Plan Map 14 – Proposed Land Use, p. 104). However, it is clear that supporting a diversified energy portfolio and renewable energy generation resources are desired, and impacts to scenic character should be considered. Lastly, a review of the Regional Plan and Regional Energy Plan maps did not identify any specific scenic resources at or around the site.

Regarding the Town Plan, the Missisquoi River is identified as an important natural and scenic resource. It also notes that both, the Missisquoi and Trout River (not to be confused with Trout Brook) have been ‘officially designated by Congress as National Wild and Scenic Rivers in 2015’. Neither are proximate or have visibility to the Project site. And although the Town has plans to conduct an inventory of scenic resources, it has not yet been completed.

Based on this review of the Regional Plan, Regional Energy Plan and Town Plan, the proposed Project will not violate any clearly written community standard intended to preserve the aesthetics or scenic beauty of the area. These plans generally encourage the development of renewable energy sources and do not clearly specify areas or methods for scenic protection. As the Project will increase electricity generation infrastructure without compromising any specific standards related to the aesthetics of the area, it is determined that the Project as proposed is compatible with the Regional Plan and Enhanced Regional Energy Plan.

2. Mitigating Elements

Reasonable mitigation measures have been incorporated. In particular, the Project has been located to take advantage of landform and vegetation that completely limits visibility from the surrounding area. Proper siting of a Project to avoid potential aesthetic impacts is the most successful form of mitigation. Other mitigating elements incorporated into the Project design include:

- The Project is setback approximately 707’ at the closest location to Reservoir Road.
- The Project would be located within an existing field surrounded by forest.
- The Project would use non-reflective panels to reduce the potential for glare.
- Project components are low in profile and rows of panels would contour with the existing topography. The Project’s low profile would help the Project not be an overly prominent element within the landscape.
- All of the Project’s internal wiring would be installed underground between array racks and the transformer location.

Based on the above, the Project incorporates all generally available mitigating steps that a reasonable person would take to improve the harmony of the Project with its surroundings.

3. Shocking and Offensive

When evaluating whether a project would offend the sensibilities of the average person, the criteria to make this assessment is related back to the first part of the Quechee Test: how the project ‘fits’ within its surroundings. As the PUC has previously described the Quechee Test in the context of Rule 5.100, pertaining to net-metered solar projects, “a project will be found to offend the sensibilities of the average person if the project would be so out of character with its surroundings or so significantly diminish the scenic qualities of the area as to be offensive or shocking to the average person. In determining whether a project would offend the sensibilities of an average person, the Commission will consider the perspective of an average person viewing the project from both adjoining residences and from public vantage points.” PUC Rule 5.112.

The evaluation of impacts found that the Project would not be considered adverse from surrounding locations, and the Project would not be shocking or offensive to the average person. The Project incorporates several features that reduce its prominence, such as the low profile of the panels and racking units. As such, the Project would not be a prominent feature within the surrounding visual landscape and could not be found to be so out of character with its surroundings to significantly diminish the scenic qualities of the area. For these reasons, the Project would not be considered shocking or offensive to the average person.

D. Findings and Conclusions

The findings of this analysis conclude that the proposed Project would NOT have an adverse effect on the scenic or natural beauty or aesthetics of the area. However, if the Project were considered to result in an adverse effect, it would not violate any of the three criteria of the second part of the Quechee Test.

- The Project would not violate any clear written community standard intended to preserve the aesthetics or scenic beauty of the area. Our review found that both the Regional and Town Plans recognize the importance of scenic quality within the area. However, neither plan designates the specific Project site as a scenic resource or provides specific language that would be considered a clear written community standard applicable to the Project.
- The Project incorporates generally available mitigation. The array is sited to incorporate setbacks and take advantage of surrounding landform and vegetation to significantly limit visibility.
- The Project would not be so out of character with its surroundings or diminish the scenic qualities of the area where it would be considered shocking or offensive. Solar projects are readily visible components within the Vermont landscape. The Project has limited to no visibility and incorporates strategies that would significantly reduce the prominence of the array.

In conclusion, the Reservoir Road Solar Project satisfies the Quechee Test and therefore its impact on aesthetics would NOT be UNDULY ADVERSE.

III. Orderly Development

Section 248(b)(1) of Title 30 of the Vermont Statutes Annotated requires that the Vermont Public Utility Commission find that a proposed project will not unduly interfere with the orderly development of the region, with due consideration having been 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. For generation projects, Section 248(b)(1)(C) states that “the Commission shall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), ‘substantial deference’ means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.”

For the Project, the Regional Plan, Regional Energy Plan, and the Town Plan set forth the standards for orderly development of the region at the Project location. The Town Plan includes an Enhanced Energy Plan, and has received an affirmative determination of energy planning compliance pursuant to 24 V.S.A. §4352 by the Northwest Regional Planning Commission. The following discusses the standards, land conservation measures, and specific policies as detailed in these planning documents; relevant pages, with pertinent sections highlighted, are included in Appendix D – Regional and Town Plan Excerpts.

A. Regional Plan

Regional plans help guide many issues within the region, including development, mostly in the form of recommendations and support to its member towns. The Regional Plan includes chapters which cover economics, energy, infrastructure, housing, transportation, natural and cultural resources, and land use. Topics in the Regional Plan most pertinent to orderly development of the region in relation to the Project included overall regional goals, land use and conservation goals and recommendations, and the regions approach to renewable energy, including the Regional Energy Plan.

The Regional Plan uses conservation as one of the approaches for the preservation and protection of natural and cultural resources within the region. Map 10: Conserved Land (Regional Plan at p. 93) illustrates conserved land in the region, including public (federal, state, and municipal) land, private land, and land that is currently enrolled in Vermont’s Use Value Appraisal (Current Use) program. Though not defined elsewhere, Map 10 appears to lump all of these ownership categories into “conserved land.” The Project is located on lands that are labeled on Map 10 as within the Municipal Land category.

Map 11: Wildlife Habitat (Regional Plan at p. 95) outlines large areas within the region categorized as “Vermont Conservation Design Highest Priority Forest Blocks”. The Project is not within one of these areas.

The chapter on **Land Use** lists three primary land use goals.

1. The region is characterized by compact villages and growth centers separated by rural countryside and the working landscape.
2. Maintain healthy and diverse forest and conservation areas as well as a strong working landscape, including agriculture and forestry.
3. Target future economic growth primarily in the region’s existing and planned growth areas.

(Regional Plan at 98).

The Project area is not within a designated growth center and would not disrupt the pattern of compact village centers and the rural / working landscape, the Project is not within a forest but is listed as a “Municipal Land” on Map 10 – Conserved Land in the Regional Plan, and the Project will support economic growth in the region. Within the Proposed Land Use section of the Land Use chapter, the region is categorized into Land Use Planning Areas, as illustrated in Map 14: Proposed Land Use (Regional Plan at p. 104). The Project is within an Agricultural Resource Planning Area, rather than the Conservation & Forest Resource Planning Area, which constitutes the largest of the planning area type in the region and is oriented towards protection of agricultural soils and use, but do not prohibit development. The Project will not result in undue adverse impacts to agricultural soils on the site given the Petitioner’s proposed agricultural soil mitigation measures set forth in the testimony and exhibits of Stephanie Wyman.

The Regional Plan also provides guidance for energy planning in the region, including renewable energy generation. The Energy Chapter provides an overview of the regions’ energy strategies and introduces the Enhanced Regional Energy Plan, discussed below.

B. Enhanced Regional Energy Plan

Section I, Executive Summary states:

The Northwest Regional Energy Plan began as a pilot project funded by the Vermont Department of Public Service in 2017. The intent of the project was to complete in-depth energy planning at the regional level while achieving state and regional energy goals—most notably, the goal to have renewable energy sources meet 90% of the state’s total energy needs by 2050 (CAP Mitigation Scenario.)

(Regional Energy Plan at 5).

Section V, Targets for Energy Conservation, Energy Use, and Electricity Generation provides goals for renewable energy generation within the region. Renewable energy generation targets primarily focus on the development of new solar sources, including 15MW of new solar by the year 2025, 65 MW by 2035, and a total of 140.1 MW by the year 2050.

Section VI, Strategies to Achieve Regional Targets outlines the approach to encourage the development of renewable energy generation. Section B, Generation begins with Electricity Generation and notes,

The NRPC finds it to be essential that all decisions regarding new renewable energy generation facilities take into consideration concerns about health and safety. The noise, vibration, glare, or other impacts from generation facilities shall be mitigated by developers to ensure that such impacts do not have an undue adverse impact upon neighboring properties. This includes any impacts that pertain from electric or magnetic fields, or from construction activities associated with the facility.

(Regional Energy Plan at 44)

The Project proposes to use non-reflective solar panels to avoid glare to the surrounding area and will not result in significant sound levels at nearby residences, as described further in the testimony of Sam Carlson.

Goal 8 of this section is to “Increase the renewable energy generation capacity in the Northwest region through a mix of generation types including solar, wind, hydro, and biodigesters.” (Regional Energy Plan at 44). One of the strategies listed for Goal 8 is to “Support the creation of incentives for locating new renewable energy generation facilities within a half-mile of three-phase distribution line or electric transmission line infrastructure. Ensure new transmission lines and three-phase power lines associated with

renewable energy projects do not create forest fragmentation or have an undue adverse impact on necessary wildlife habitats, ecological systems, and water and/or air quality” (Regional Energy Plan at 47). Upgrades necessary for the Project’s interconnection to the electric grid will improve existing local utility distribution lines and will not result in forest fragmentation or have an undue adverse impact on necessary wildlife habits, ecological systems, and water and/or air quality as demonstrated in Adam Crary’s and Sam Carlson’s prefiled testimony and associated exhibits.

Under the subsection entitled, “Energy Resource Maps and the Public Service Board,” the Regional Energy Plan states

In recent Certificate of Public Good proceedings, the Public Service Board has frequently found that municipalities and regional planning commissions have not had language, or maps, that have provided for “land conservation measures” that are specific and/or well-reasoned enough to have a real impact on the siting of renewable generation facilities through the Certificate of Public Good process. Through the creation of the following regional energy generation maps, the NRPC is planning for the development of additional renewable generation facilities in the region (using the LEAP model targets as a basis of conversation) and providing for clarity regarding regional land conservation measures and specific policies.

The NRPC has developed renewable energy generation maps for four renewable energy resources: solar, wind, hydro, and biomass. The following subsection provides a basic explanation of how the maps were created and how they are intended to be used and/or integrated into the Northwest Regional Plan. This is followed by subsections explaining the intent behind the maps of each renewable energy resource.

(Regional Energy Plan at 46)

The NRPC used GIS data to identify conservation resources to protect from development. These resources were categorized as ‘Known’ and ‘Possible’ constraints.

Known constraints are conservation resources that shall be protected from all future development of renewable generation facilities. Possible constraints are conservation resources that the NRPC intends to protect, to some extent, from the development of renewable generation facilities. The presence of possible constraints on a parcel does not necessarily preclude the siting of renewable generation facilities on a site. Siting in these locations could occur if impacts to the affected possible constraints are mitigated, preferably on-site.

(Regional Energy Plan at 47)

The same section continues to state that:

It should be noted that the energy generation maps are based on the best available geographic data. They are macro-scale maps meant to guide the development of renewable generation facilities. The NRPC expects that some applicants or parties will be able to provide on-site information that is more accurate regarding the presence of known and/or possible constraints. This information will need to be taken into account by the NRPC and the Public Service Board when reviewing applications for renewable generation facilities to ensure that known constraints are not impacted and to ensure that impacts to possible constraint areas are mitigated. The energy generation maps are not intended to be used without the accompanying goals and policies of the NRPC contained in this plan.

(Regional Energy Plan at 47)

A detailed explanation of these constraints is provided in the Regional Energy Plan's Appendix B, Energy Resource Mapping, which includes a detailed break-down of constraints used for each of the maps. For the Solar Generation Maps, this includes State Known Constraints, Regionally Identified Critical Resources (Regional Known Constraints), State Possible Constraints, and Regionally Identified Resources (Regional Possible Constraints). Section F of Appendix B also explains that "The NRPC conducted an analysis of municipal conservation land use area... The intent of the analysis was to see if the conservation land use areas contained language that restricted future development (including the development of renewables)" (Regional Energy Plan at pg. 75). Municipal conservation areas were divided into four categories, 'Strongly Deters', 'Deters', 'Neutral', and 'Development May Occur'. Within Berkshire, no areas were categorized as either 'Deters' or 'Strongly Deters,' and the Conservation District is considered "neutral." Neutral areas are described as, 'conservation land use areas may be identified in municipal plans as being geographically or topologically unsuitable for development, yet contain language that allows for some types of development. These areas have not been included on the Regional Energy Generation maps.' (Regional Energy Plan at pgs. 75-76).

Utilizing information identified as known and/or possible constraints, the NRPC created maps that identify locations for the potential development of renewable energy generation. The Solar Generation Map, provided in the Regional Energy Plan's Appendix C, identifies preferred locations for siting solar generation facilities, categorized as either Prime Solar/No Known Constraints or Base Solar/Possible Constraints. Based on the Solar Generation Map, the Project does not appear to be located in a location categorized as either Prime Solar and Base Solar. The Solar Generation Map does not specify why the Project site is not noted as a prime or base solar location. However, as discussed below under the Town Plan review, it is likely the result of the Project being noted as the Water Supply Source Protection Area for the Village of Enosburg Fall. The applicant has performed all necessary studies to conclude that the site does not include any 'Known Constraints'. A possible constraint may be related to prime agricultural soils. The Project will have limited impact to prime agricultural soils, but these impacts will not be unduly adverse. For further details on primary agricultural soils, please refer to Stephanie Wyman's prefiled testimony.

In sum, the Regional Plan contains no clearly written land conservation measures or specific policies for the Project parcel; the Project is shown on Map 10 – Conserved Land as being "municipal land," but is shown on Map 14 – Proposed Land Use as being within the "agricultural resource planning area" rather than within the "conservation & forest resource planning area." Based on this review, the Project complies with the Regional Plan's general goals and policies identified above. The Project also gives substantial deference to the duly adopted regional plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352.

C. Town Plan

In the third chapter, "Getting From There to Here: Plan Implementation", in discussing previous implementation actions the Town Plan notes, "[t]he Town conducted an analysis of the current zoning districts to identify the effectiveness of the defined density per district for managing growth. The Town considered implementing a conservation district, but ultimately determined that this district was not necessary to protect the natural landscape of Berkshire due to the rural nature of the Town. (Town Plan at 8). A current implementation action is to "Promote a working landscape outside of designated growth and residential areas, e.g. by working with land trusts and landowners of farm and forest tracts to conserve key parcels of land." (Town Plan at 12)

The Town Plan adds emphasis for the conservation of water resources. In particular, the Project site is identified on Map 4.10 as located within a Water Supply Source Protection Area, specifically the area with wells for Enosburg Falls. The Project however is in coordination with the Village of Enosburg Falls, which owns the Project parcel, to support their municipal electric utility and will not have an adverse impact on

the water source protection area as addressed in more detail in the testimony and exhibits of Stephanie Wyman.

THE SENSE OF PLACE

Water Resources

Local conservation efforts are taking Place around Berkshire's waterways to improve water quality. The Missisquoi River Basin Association (MRBA), a local volunteer organization has formed partnerships with the Federal Fish and Wildlife Agency and the Natural Resources Conservation Service to carry out various projects to protect water quality and recreational opportunities throughout the Missisquoi Watershed.

(Town Plan at 41)

There are four Water Supply Source Protection Areas in Berkshire (See Map 4.10), two of which are protected through local zoning...

...The water supplies protected in zoning include the one located on the north side of Reservoir Road associated with two gravel wells that supply the Enosburg Falls Water System...

(Town Plan at 43)

Goals And Policies: The Sense of Place

15) The public acquisition of land, development rights, or conservation easements shall be considered where appropriate to ensure long-term protection of particularly important critical areas and maintain open space.

25) Promote the Current Use Program to better manage and conserve agricultural lands.

(Town Plan at 54-55)

The Town Plan includes Berkshire's Enhanced Energy Plan, which as previously noted has received an affirmative determination of energy planning compliance from the Northwest Regional Planning Commission.

ENHANCED ENERGY PLANNING

B) Energy Resources, Needs, Scarcities, Costs and Problems

Electricity Generation

There is currently .68 MW of electricity generation capacity from renewable generation facilities located in Berkshire...

...Berkshire has relatively good access to electric transmission and three-phase distribution lines. These types of lines are used to transmit large quantities of electricity and are needed to serve large industrial users and commercial centers. The relatively good access to this type of infrastructure in Berkshire may make development of renewable energy facilities easier and more cost-effective than in other surrounding communities with more existing grid infrastructure.

(Town Plan at 94-95)

C) Targets for Use and Generation

Table 8.9 shows the electricity generation targets for new electricity generation in Berkshire in 2025, 2035, and 2050. All new wind, solar, hydro, and biomass electricity generation sites will

further progress towards achieving the generation targets (in MWh). Given the difficulty of developing additional hydro generation, and the constraints upon wind development, it is likely that solar generation will need to be a substantial component of meeting these generation targets. Meeting the generation targets will take considerable effort over the next 30 to 35 years. The 2050 generation target (26,685.43 MWh) is about 10 times more than the current generation capacity (2569 MWh) within the Town of Berkshire.

(Town Plan at 97)

D) Targets for Use and Generation

Berkshire has incorporated maps provided by NRPC...

... The intent of the maps is to generally show those areas that may be good locations, or may be inappropriate locations, for future renewable electricity generation facilities. However, it is important to note that the maps are a planning tool and do not precisely indicate locations where siting a facility is necessarily acceptable. When an electricity generation facility is proposed, the presence of all natural resources constraints on site shall be verified as a part of the application.

Mapping Methodology

Spatial data showing the location of energy resources formed the basis of the maps developed by NRPC. This is the data that shows where there is solar, wind, hydro, and biomass “potential” in Berkshire based on information provided by the Vermont Sustainable Jobs Fund. “Known” and “possible” constraints were subsequently identified on the maps. Known constraints are conservation resources that shall be protected from all future development of renewable electricity generation facilities. Possible constraints are conservation resources that shall be protected, to some extent, from the development of renewable generation facilities. The presence of possible constraints on land does not necessarily impede the siting of renewable generation facilities on a site. Siting in these locations could occur if impacts to the affected possible constraints are mitigated, preferably on-site.

(Town Plan at 98-99)

Based on review of the mapping, it appears that the Project site is not shown as either Prime or Base Solar area in the Town Plan maps. It appears that the area of the Water Supply Source Protection Area was identified as a constraint and therefore removed from these categories. However, the Project is specifically to support Enosburg Falls, for which the source protection area is designated to benefit and who controls the site. Furthermore, the Project does not result in adverse impacts to other environmental constraints as discussed in the prefiled testimony and exhibits of Adam Crary.

Goals and Policies: Enhance Energy Plan

Policies:

4) Berkshire supports the development and siting of renewable electricity generation resources in the Town that are in conformance with the goals, strategies, and mapping outlined in this plan. Development of electricity generation in identified preferred locations shall be favored over the development of other sites.

(Town Plan at 101)

A list of Mapping Constraints is provided in Table 8.11, which is provided in Appendix D, Regional and Town Plan Excerpts along with the Enhance Energy Plan maps.

In the Town Plan's land use chapter, "Keeping it Rural in the Future," Map 9.2, the eastern parcel on which the Project is located is identified as Conserved Land, as the "Enosburg Village Forest" (see Appendix D). As previously discussed, this Project is in support of Enosburg Falls who owns the parcel and conserves it for the purposes of protecting its drinking water source. Additionally, within this parcel, the Project site is largely open field and is not forested.

KEEPING IT RURAL IN THE FUTURE

Forest Land

Large, unfragmented stretches of forest are especially important for preserving wildlife habitat and maintaining a working landscape for the forest industry...

... The forest areas which the state has identified as a priority for conservation are included in Map 9.3.

(Town Plan at 120)

B) Wellhead Protection Overlay District

The Wellhead Protection Overlay District encompasses the Source Protection Areas for the East Berkshire Water Cooperative and the Enosburg Falls Water System (Map 9.4). The purpose of the District is to maintain or improve the quality of these water resources, including surface and ground waters, and to ensure that surface water bodies and corridors are protected and well-managed. Limited residential development should be allowed only as a conditional use.

(Town Plan at 123)

The Project supports the Town Plan by developing well-site renewable energy. The Town Plan does not include a specific conservation district, and although the Project is located within the Enosburg Village Forest, it is being developed to support Enosburg Falls, is not on the forested portion of the property, and as explained above and in more detail in the prefiled testimony of Stephanie Wyman, will not adversely impact the Source Protection Areas. The Project meets the recommendations to develop solar projects noted in the Enhances Energy Plan.

D. Summary of Orderly Development Analysis

In review of the Regional Plan and Town Plan, the Reservoir Road Solar Project WOULD NOT unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. With respect to the Northwest Vermont Regional Energy Plan and the Enhanced Energy Plan chapter of the Town Plan, the Project gives substantial deference to the Regional and Town Plan's terms. It is not inconsistent with or violates any land conversation measures or specific policies applicable to the Project.