



MEMORANDUM

To: Thomas Hand, Savage Solar Energy LLC

From: Jeremy B. Owens

Date: March 19, 2026

Re: Savage Solar Project – Aesthetic Analysis and Orderly Development Review

I. Project Description

The Savage Solar Project (the “Project”) is being developed by Savage Solar Energy LLC in the town of Chester, Vermont. The Project is a 2.75 MW photovoltaic electric generation facility proposed on a former corn field, and will include solar modules mounted on fixed tilt racking systems. The Project site is located approximately 162’ east of Vermont Route 103, which is in the southeast portion of the town. The fenced Project area will occupy approximately 14.18 acres of the greater ~26-acre parcel.

The proposed solar panels will be oriented due south and grouped in rows running east-west that will be approximately 13’ tall on the high side. The panels will be surrounded by a fence that utilizes wooden posts and is a minimum of 7’ in height. Inside the Project area there will be a smaller 8’ fenced area surrounding the inverter racks with sound attenuating blankets attached. The Green Mountain Railroad is located immediately northeast of the Project, and the Williams River flows around the east and south side of the site.

The Project will be accessed from Route 103 by a proposed 12’ wide gravel access drive that will extend approximately 250’ into the western side of the Project, where it will access proposed equipment, including a transformer, switchgear and inverter racks. A system of underground wiring will convey electrical output from this equipment to a new utility riser pole south of the proposed access road. From this location overhead power will convey electrical output west via three new poles, and interconnect to Green Mountain Power’s existing distribution system at a new in-line distribution pole located on the east side of Route 103. The general arrangement of the Project is illustrated in Figure 1.

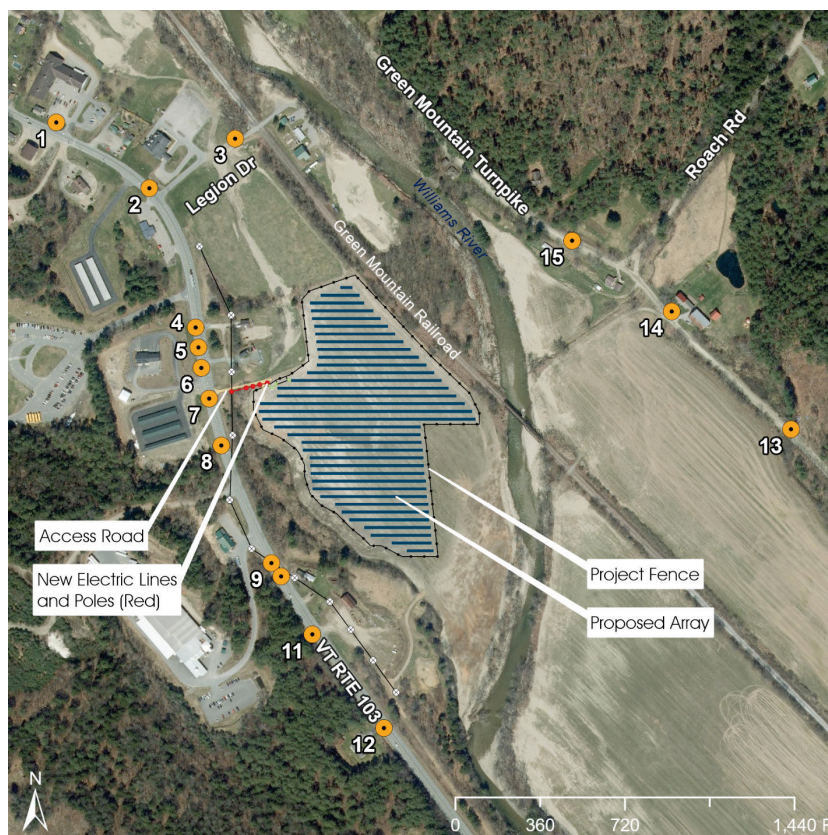


Figure 1 – Proposed Array Layout

II. 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 Halnon, CPG NM-25, Order of 3/15/01 at 10-11).²

T.J. Boyle Associates interprets the first part 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

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

² Petitions of Vermont Electric Power Company, Inc. (VELCO), Vermont Transco, Docket No. 6860, Vt. Pub. Serv. Bd. (Jan. 28, 2005) at 79-80.

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, T.J. Boyle Associates interprets the first part 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. Per the original Vermont Environmental Board decision, a given project first must have an adverse impact under the first part of the Quechee Test before then moving on to answering the second part of the test, which is whether the adverse impact is “undue.”

Our study area for visibility of solar generation facilities tends to extend up to 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.

In conducting this Quechee Test and preparing this memo, 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 determine the character of 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.’

Attached to this memo are three maps: an aerial context map, topographic viewshed map and a vegetated viewshed map (Appendix A, Maps 1-3). It should be noted that GIS viewshed mapping is a preliminary means of visual analysis. While beneficial for preliminary orientation and investigation, because of data assumptions and omissions, viewshed maps tend to overestimate visibility and are not a definitive indication of actual visibility. Potential visibility needs to be confirmed through field investigation and/or other visualization techniques.

Also attached to this memo is a photographic inventory of locations investigated during field work (see Appendix B). Photograph viewpoint locations are indicated on the mapping in Appendix A and in Figure 1.

III. Quechee Test Part I – Evaluation of Adversity

A. Overview

During the field review, it was observed that the potential visibility indicated on the Vegetated Viewshed Map (see Appendix A, Map 3) is generally accurate, and potential visibility is typically limited to areas immediately around the Project, most of which is filtered by the existing mixed evergreen and deciduous vegetation present in the adjacent landscape. Visibility from the vast majority of the study area is either highly limited or not possible due to the prevalence of intervening landforms that exist to the southwest and northeast, as well as vegetation and buildings present along the nearby roadways.

B. Vermont Route 103

Vermont Route 103 is a paved state highway that connects Rutland to the northwest with Bellows Falls to the southeast. Just southeast of the Chester Village, the road curves to the south and passes the west side of the Project site before paralleling the Williams River as it meanders southeast through a narrow valley and merges with the Connecticut River. Route 103 passes approximately 162’ west of the proposed array in a northwest/southeast direction, where the road ranges between about 15’ to 30’ above the Project’s elevation. This nearby portion of Route 103 is characterized by a vegetated roadside and adjacent electrical distribution infrastructure, various commercial developments, low-density residential uses to either side of the road, and views of surrounding background wooded hillsides. Field review revealed that for both northbound and southbound travelers, the

proposed array will be only somewhat visible as travelers pass the area of the Project due to the existing mixed evergreen and deciduous vegetation that borders the site.

For travelers heading southeast on Route 103, potential visibility begins approximately 1,300' northwest of the Project, in a commercial area near the southeastern extent of the Chester Village. From this location, a view of the array will be possible as travelers leave the Chester Village and begin to navigate a curve in the road (see Appendix B, Viewpoint 1). The northern extent of the array will remain visible to the southeast as travelers continue around the curve to the south and pass the intersection with Legion Drive (see Viewpoint 2) for a distance of approximately 900'.

South of the curve in the road, pockets of filtered visibility to other areas of the proposed array will be possible for approximately 800', and these views will occur at breaks in the roadside vegetation and occasionally between buildings, particularly during leaf-off conditions (see Viewpoints 4 through 7). Some tree clearing will occur for the proposed access drive, which will allow for an increased view of the Project area near Viewpoint 5, though this will also increase views of the background forested ridgelines. Continuing south, additional filtered visibility through roadside vegetation will continue to be possible for another 900', though this will likely only occur during leaf-off conditions (see Viewpoints 7 through 11). Through these areas of potential visibility, the proposed array is set back 162' or more from the roadway, and the array will be set low in the landscape and highly screened during leaf-on conditions. During leaf-off conditions, visibility of the proposed array through the existing vegetation will be possible, though the Project's elevation will remain low in the landscape.

For travelers heading northwest on Route 103, potential visibility will start approximately 750' south of the proposed array, where a view of the Project site is highly limited by roadside vegetation and an intervening hedgerow, particularly during leaf-on conditions (see Viewpoint 12). As travelers continue northwest, visibility will be screened similar to southbound views for approximately 1,900', particularly during leaf-on conditions (see Viewpoints 4 through 11 in reverse order). During leaf-off conditions, visibility of the proposed array through the existing vegetation will be possible, though the Project's elevation will remain low in the landscape.

The proposed interconnection structures, which are located just south of the proposed access drive, will be briefly visible for travelers heading in both directions (see Viewpoints 5 through 7). These proposed overhead lines and wooden structures will appear similar to the existing distribution lines and poles that are currently visible along Route 103.

To help screen the Project from Vermont Route 103, a landscape mitigation plan has been prepared (see Appendix C – Landscape Mitigation Plan).

C. Legion Drive (Treatment Plant Road/Sewer Plant Road)

North of the Project, Legion Drive is a short partially paved town road that connects Route 103 to the west with a sewage treatment plant that is located between the railroad and the Williams River. Legion Drive is located approximately 735' northwest of the proposed array and is oriented in a northeast/southwest direction. Legion Drive is characterized by adjacent fields and resulting open views to the surrounding hillsides, the existing commercial area to the northwest and west, roadside electrical distribution infrastructure, and mid-ground mature vegetation along the railroad/river corridor to the east. Legion Drive also provides access to the adjacent American Legion Post #67, as well as secondary access to nearby softball fields to the north.

Field review revealed that for both eastbound and westbound travelers, a view of the northernmost portion of the array will be possible to the southeast (see Appendix B, Viewpoint 3). Through the area of potential visibility, which is a total distance of approximately 500' between Route 103 and the railroad, the proposed array will be set low in the landscape and partially screened, particularly during leaf-on conditions. During leaf-off conditions, additional visibility of the proposed array through the existing vegetation will be possible, though the Project's elevation will remain low in the landscape.

The proposed interconnection structures will not likely be noticeable from Legion Drive due to intervening vegetation and buildings. Any view of the proposed overhead lines and wooden structures will appear similar to the existing distribution lines and poles that are currently visible along Legion Drive and Route 103.

To help screen the Project from Legion Drive, a landscape mitigation plan has been prepared (see Appendix C – Landscape Mitigation Plan).

D. Green Mountain Turnpike

East and north of the Project, Green Mountain Turnpike is an unpaved town road on the east side of the Williams River that connects Chester's Stone Village to the northwest with the Village of Bartonsville to the southeast. This roadway is a vestige of a former toll road that connected Bellows Falls to Clarendon,³ much of which has since been replaced or repurposed by Vermont Route 103. At its closest point, Green Mountain Turnpike is located approximately 680' northeast of the proposed array, and this section of the road is oriented in a northwest/southeast direction. The nearby portion of the Green Mountain Turnpike is characterized by vegetated roadsides broken by adjacent fields, resulting open occasional views to the surrounding hillsides. The roadway is also dotted with Low density residential buildings as well as large farm structures further south.

Field review revealed that for both northbound and southbound travelers, a potential view of the array may be possible to the west, but most of the view of landform west of the Williams River is obscured by the intervening railroad track, which is built upon a berm that crosses the valley (see Appendix B, Viewpoints 13 through 15). Though the tops of the array structures may be visible just above the railroad, these will be very low in the landscape and mostly screened, particularly during leaf-on conditions. During leaf-off conditions, additional visibility of the proposed array through the existing vegetation will be possible, but the railroad berm will still obscure most of the Project.

The proposed interconnection structures will not likely be noticeable from the Green Mountain Turnpike due to intervening vegetation. Any view of the proposed overhead lines and wooden structures will appear similar to the existing distribution lines and poles that are currently visible along the Green Mountain Turnpike and other roads in the area.

E. Other Surrounding Roads and Public Areas

Other areas in the study area are not expected to have significant visibility of the Project due to intervening landform and vegetation, including the Green Mountain Union High School and associated trail system, the Chester Village area (northwest of Viewpoint 1), and Roach Road. These and other roadways in the area will not have substantial visibility of the proposed Project due to intervening landform and vegetation.

Travelers on the Green Mountain Railroad will likely have visibility of the Project due to the immediate proximity of the railroad track. Because the Project is sited near the Chester Village, any visibility will occur as trains are entering or exiting the Chester Village area. Travelers on the Williams River will also have some visibility from the water, though this is expected to be limited due to the screening effects of the riverbank and associated vegetation. Importantly, the Project will be set back at least 100' from the top of the riverbank, reducing the potential for substantial Project visibility from the Williams River.

There is also likely to be visibility from the Green Mountain Softball League field property (Mackenzie Field), which contains two ball fields, the closest of which is located approximately 1,300' northwest of the Project site. Vegetation, buildings and a parking lot that exist north of the Project will partially screen visibility from the Mackenzie Field area, and any visibility from this area will be from a distance of 1,300' or more. The proposed landscape mitigation plan includes plantings that will screen the Project from the Mackenzie Field area (see Appendix C).

³ <https://bennington.pastperfectonline.com/archive/C9C097D8-2D2A-452F-A6F3-022635245737>

No other publicly accessible areas are expected to have substantial visibility of the proposed Project within the 2-mile study area.

F. Private Properties

Northwest of the Project, visibility of the northern extent of the proposed array will be possible from several commercial properties, all of which are located at the southeastern extent of the Chester Village. These include a bakery, an American Legion outpost, and several retail businesses at distances ranging from approximately 715' to 1,430' away. Visibility from this area will be similar to the description of visibility from Route 103 above at Viewpoints 1 and 2, and the majority of the Project will be screened by intervening vegetation and/or buildings. Closer to the Project, limited visibility may also be possible from three commercial properties on the west side of Route 103, which include a car wash, long-term storage facility and a retail store at distances ranging from approximately 320' to 440' away. Visibility from this area will be similar to the description of visibility from Route 103 above at Viewpoints 4 through 9, where the Project is set below the elevation of the road and the majority of the Project will be screened by intervening roadside vegetation, landform and/or buildings.

Two residential properties are located northwest of the proposed array, just north of the proposed access drive. One of these properties is visible in Viewpoint 4, and the second is visible in Viewpoints 5 and 6. The property at Viewpoint 4 has been partially demolished, and currently only includes a garage that is situated approximately 260' away from the array. The property at Viewpoint 5 appears to consist of two separate garages, one of which may have a small apartment on the second floor, and the closest of which is approximately 188' away from the proposed array. Visibility is likely possible from both of these properties due to proximity and limited vegetation on the east side of each property.

To the southwest of the Project, a multi-unit residential property, which includes a house, a large barn, machinery and equipment, and sand and/or gravel stockpiles, is located approximately 275' from the proposed array. This property, which is visible in Viewpoints 10 and 11, is located approximately 30' above the proposed array, and has visibility of the Project site through an existing clearing in the wooded hillside. Because of the clearing, visibility of the proposed Project will be possible from the northeast side of the house.

Other residential structures in the area, including one located approximately 830' south of the Project (Viewpoint 12). A few residences are located along the Green Mountain Turnpike east of Williams River (Viewpoints 14 and 15) at 600' or farther away are not expected to have substantial visibility of the Project site due to the intervening railroad corridor and/or vegetation.

To help screen the Project from the two properties located northwest of the proposed array, a landscape mitigation plan has been prepared (see Appendix C – Landscape Mitigation Plan).

G. Suitability of Colors and Materials for the Project

The Project materials and colors will be dark blue or black photovoltaic panels, galvanized metal array frames, a surrounding galvanized metal fence with wooden posts, a new gravel access drive, a dark green transformer, white or gray inverter equipment, and wooden poles and associated required pole-mounted equipment for the short overhead electric line. Other similar materials currently exist in the nearby areas, including the existing metal conductors and wooden poles of the existing roadside distribution line along Route 103, as well as other buildings in the nearby landscape that currently stand out from the environment, including solar infrastructure on a nearby car wash, existing metal roofs on a nearby barns to the south and east, metal roofs on a nearby long-term storage facility, and gravel and other earth resource stockpiles that exist south of the site, all of which are visible from Route 103. For these reasons, the Project's colors and materials are considered similar to the existing conditions near the Project site.

H. Impact on Open Space

Previous Act 250 and Section 248 decisions do not clearly define the term “open space.” Similarly, regional plans and town plans have differing definitions of open space, if they are defined at all. The Mount Ascutney Regional Commission Regional Plan, effective November 18, 2022 (the “Regional Plan”)⁴ defines open space as follows:

“Open Space” may be defined as land which is not developed and is of some benefit to the public for many of the reasons described throughout this chapter and the Natural Resources chapter.

(Regional Plan at p. 156).

Based on this definition, which is vague and non-specific regarding what constitutes public benefit, the Project site potentially qualifies as open space since it is not developed. Notably, the site itself is not accessible to the public, and no specific “benefit” to the public is described in the Regional Plan for the Project parcel.

The Chester Town Plan, adopted May 6, 2020 (“Town Plan”)⁵ does not define “open space” or otherwise describe where it is located within the town. The plan does include limited language regarding open areas coinciding with existing land uses, in particular:

There are only a few active farms in Chester now, but there are many other properties with hayfields or other open space that contribute to the land use patterns and aesthetic qualities that make the Town a desirable place to live, work, and visit.

(Town Plan at p. 12)

Farms provide open space and contribute to the rural qualities that people enjoy about Chester.

(Town Plan at p. 41)

Other than depicting “farmlands” on the Future Land Use Map, the Town Plan does not otherwise specifically discuss where “open space” is located or how impacts to open space should be described or evaluated. Based on the Town’s Future Land Use Map, the Project site is located within a “farmlands” area (see Appendix D, Regional and Town Plan Excerpts).

Although portions of the proposed array will have limited visibility from Vermont Route 103, the Project site is in a visible but screened location, and is not located on land that has been set aside from development or otherwise designated to remain in its natural state. The Project also will not obstruct any existing views from nearby roadways or other properties, is not a major component of existing views from nearby publicly accessible locations, and the site itself is not publicly accessible. As such, while the Project site may be considered as “open space” due to its location within “farmland” as indicated in the Town Plan, but the Project’s impact to “open space” is considered limited.

I. Summary

This review of potential aesthetic impacts finds that the proposed Project will have visibility from two public roads in the study area (Route 103 and Legion Drive), including from the commercial district at the southeast corner of the Chester Village. Minor to no visibility is expected from other publicly accessible locations. The proposed colors and materials are similar to existing infrastructure near the site, and the impact on open space is limited. However, portions of the proposed array will be visible from areas of Route 103 and Legion Drive to the northwest, where a view of the Project field is partially unobstructed. Based on this visibility, the Project is expected to have an adverse impact on the aesthetics and scenic and natural beauty of the area. Therefore, an analysis of the Project under the second part of the *Quechee* test is provided below. As previously noted and discussed below, a landscape mitigation plan has been prepared to help screen the Project from surrounding areas.

⁴ <https://www.marcvt.org/2022-regional-plan.html>

⁵ <https://www.marcvt.org/chester-town-plan-2020.html>

IV. *Quechee Test Part II*

i. Clear, Written Community Standards Intended to Preserve the Aesthetics or Scenic Beauty of the Area

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.”⁶ 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.”⁷ The Commission has further clarified that any such standard must expressly “designate the [project] parcel as a scenic resource worthy of protection.”⁸

Available local and regional planning documents were reviewed to determine if the Project will violate a clear written community standard. The Mount Ascutney Regional Plan, which includes the Regional Plan’s Volume 3: Energy, effective November 18, 2022 (“Energy Plan”)⁹ and Energy Plan maps,¹⁰ and the Chester Town Plan (which includes the Chester Energy Plan as Chapter 6) set forth community standards at the Project location. The following sections discuss the community scenic quality standards as detailed in the Regional Plan and Town Plans; the relevant pages from the plans are included in Appendix D – Regional and Town Plan Excerpts.

A. Regional Plan

Chapter 1 – Introduction

E. Goals, Policies, and Recommendations Defined

Regional Goals

7. To preserve the historical settlement patterns and rural character of the Region and to maintain the integrity of its villages.

Regional Policies

2. Natural resource use that ensures the protection of sufficient renewable resources for future generations and provides for reasonable economic return should be supported.
3. Irreplaceable natural and fragile areas, outstanding water resources, rare and endangered species and their habitats, and significant scenic features should be protected and preserved.
8. Energy efficiency and conservation, the development of renewable resources, and the use of alternative energy sources are encouraged.

(Regional Plan at pgs. 16-17)

Chapter 3 – Land Use

Land Use Goals

To maintain the historic settlement pattern of compact centers surrounded by a rural countryside.
(Regional Plan at p. 33)

Chapter 7 – Cultural & Aesthetic Resources

B. Aesthetics: Scenic Lands and Open Space

Scenic Lands and Open Space Goals

Achieve a balance between scenic or open land uses and other land uses in the best interest of the environment and the Region's residents through:

⁶ Petition of Georgia Mountain Community Wind, LLC, Docket No. 7508 at p. 52

⁷ *Id.* at 53.

⁸ Petition of Rutland Renewable Energy, LLC, Docket No. 8188, Order of 3/11/15 at 85-86.

⁹ <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:30757157-a005-4fde-bb88-deffb4c1f2ff>

¹⁰ <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8faca00f-dfea-4f29-b7f1-7907c6704aeb>

1. Maintaining and/or enhancing the diversity of ecosystems throughout the Region by promoting connectivity between significant habitat wherever possible;
2. Protecting the environmental character and integrity of significant natural and scenic resources as identified by member towns.

(Regional Plan at p. 152)

Scenic Resources

Chester Reservoir
Smokeshire Valley
Stone Village
The Green

(Scenic Resources are as listed for the Town of Chester in the Regional Plan at p. 155)

Policies

B. Scenic Lands and Open Space Policies (See Also Natural Resources Chapter)

5. The sites highlighted in the Scenic Resources section of this chapter are inherently and especially sensitive. Development around the Region must not result in undue adverse impacts on these scenic resources.

(Regional Plan at p. 158)

B. Regional Energy Plan

Section I: Introduction

D. Energy Goals

Below is a list of some of the methods outlined in this plan to further energy conservation and efficiency efforts within our region:

- ❖ Create a diverse mix of energy sources to reduce the impact of supply restriction.
- ❖ Utilize local, renewable sources of energy to decrease reliance on out-of-region, and out-of-state forms of fuel.
- ❖ Strive for both an adequate supply of electricity, as well as a distribution network to meet the region's needs.
- ❖ Support adaption and lifestyle changes that contribute to meeting the State's goals for future energy use and generation.

(Regional Energy Plan, pg. 4)

Section III: Regional Energy Targets

Preferred Sites

The MARC reached out to our towns as part of the process to develop this plan. Local planning commissions and energy committees found it very challenging to identify specific preferred sites on a map. No specific preferred sites were located on a map for this Regional Energy Plan.

(Regional Energy Plan at p. 32)

Section IV: Energy Strategies

D. Renewable Energy Generation

General Renewable Energy Generation Strategies

The following tactics focus on implementing strategies for increasing renewable energy production, which will contribute to achieving the 90/50 goals for all previous sectors (Electricity, Transportation, and Thermal Efficiency).

- 1) Show support for renewable energy generation facilities that conform to our statements of policy on the development and siting of renewable energy resources.

Solar Generation

The following statements of policy apply to the development of solar energy generation projects in the Mount Ascutney region:

- 4) Encourage the location of solar projects on preferred sites, as identified in this Plan, as long as they are appropriately designed and scaled for the character of the area in which they are located.
- 6) Ground-mounted solar projects of 150kW and greater must demonstrate that the proposed project siting is appropriate in scale as it relates to the character of the area in which it is to be located, and that all reasonable options have been considered in siting the facility.
- 8) All ground-mounted solar projects of 150 kW or greater that are within view of major roadways (i.e. interstate highways, state highways, US routes, and Class 1 and Class 2 town highways) must provide adequate landscaping in order to appropriately screen the project from the view of the traveling public.

- a) This landscaping must consist of a mix of native plants that provide adequate screening during all months of the year (i.e. conifers or a mix of deciduous and conifers).
- b) All landscaping materials will be planted at a size that provides adequate screening within 5 years of being planted.

(Regional Energy Plan at pgs. 41-42)

C. Town Plan

Introduction

Goal 1: To encourage development so as to maintain the existing settlement pattern of compact village centers separated by rural countryside.

Recommendations:

- 5. Business and industrial growth should occur in areas adjacent to where business and industry now exist...

Goal 5: To identify and protect important natural and historical features of the Vermont landscape, including woodland, wetlands, scenic and significant archeological sites, significant architecture, villages, wildlife habitats and agricultural land.

Goal 6: To maintain or improve the quality of air, water, wildlife and land resources.

Recommendations:

- 1. Discourage development in areas of natural, cultural and scenic significance

Goal 7: to encourage the efficient use of energy through conservation and the use of renewable energy resources.

(Town Plan at pgs. 6-8)

Chapter 1 – Land Use

Current Land Use

Open fields and agricultural lands are important assets to the Town and define its rural character.

Future Land Use

The most intensive development (commercial, industrial and higher-density residential) should occur in and around the village area.

The Future Land Use Map includes the following categories:

Farmlands

Farms have historically been important to the Town's economy, food supply, and cultural heritage. There are only a few active farms in Chester now, but there are many other properties with hayfields or other open space that contribute to the land use patterns and aesthetic qualities that make the Town a desirable place to live, work, and visit. In addition, large, contiguous areas of prime agricultural soils (as defined by the USDA Natural Resources Conservation Service) might be valuable for future farming. The potential for agricultural use and production should not be impaired in designated agricultural areas. Cluster development could be considered in these areas for the preservation of open lands. (Town Plan at pgs. 10-12)

Special Considerations

There are several important considerations within any of the land use categories above that merit special attention. These special considerations include:

Important Natural Resources - They include: ...scenic resources. Development should be planned as to minimize negative impacts to these resources, while ensuring the economic benefit to the owner of the land.

Land Use Goals

- 1. To preserve the historical development pattern or mixed-use village areas surrounded by open land, agriculture, forest, and low-density residential use.

Land Use Policies

- 9. Development adjacent to significant natural resources (waterways, large forested areas, wildlife habitat, etc) should be compatible with the value of those resources and negative impacts on the natural resource should be mitigated with buffer strips or visual screening, where this will be effective mitigation and where possible.

- 14. Preserve the historical development pattern of mixed-use village areas surrounded by open land, agriculture, mining, forest, and low-density residential use.

(Town Plan at pgs. 10-15)

Chapter 2 – Transportation

Roadway Inventory

State Highways

VT Route 103 runs southeast to northwest from I-91 in Rockingham to Route 7 just south of Rutland. It has been part of the National Highway System (NHS) since 1997 and prior to becoming a part of the NHS this Route has served large

trucks and oversized loads for years. The NHS roads are intended to be part of an “interconnected system of principal arterial routes” and “serve interstate and interregional travel.” This Route is also designated as part of the Vermont Truck Network and this designation allows trucks that are 72 feet in overall length to travel on the Network without a permit from the Department of Motor Vehicles. Trucks of this length traveling on highways off of the Network are required to get a permit, which encourages more trucks to use VT 103. Truck traffic averages about 10 percent of the total traffic volume along VT Route 103 in southern Windsor County.

(Town Plan at p. 17)

Chapter 3 – Utilities and Facilities

Electric Utilities

Electric power for the Town of Chester is provided by Green Mountain Power. Electric transmission service is provided by the Vermont Electric Power Company (VELCO). Underground utilities are encouraged to preserve the historic look of the village and the beauty of scenic areas.

(Town Plan at p. 34)

Public Utilities

21. Consider aesthetic and natural resource impacts when placing utility lines.

22. Promote underground electric lines where possible and practical.

(Town Plan at p. 40)

Chapter 4 – Natural and Cultural Resources

Farmlands

The number of working farms in Chester has been decreasing over the years. Farms provide open space and contribute to the rural qualities that people enjoy about Chester. Forest and farmland provide habitat requirements for a variety of mammals, reptiles, amphibians, and birds. This patchwork of fields, forests, and the viewsheds among them constitute an aesthetic resource that deserves recognition and protection. The farms along the Williams River are considered especially scenic for residents and visitors traveling on VT Route 103 before entering the village of Chester...

(Town Plan at pgs. 41-42)

Water Resources

Water bodies and watercourses serve a variety of important functions, including scenic beauty, recreation, wildlife habitat, food supply, commercial and industrial uses, and drinking water supplies...

Wetlands and Vernal Pools

A number of wetlands are also located throughout Chester... They also provide open space and contribute to Chester's scenic landscape.

Water Resources Policies

1. Continuous areas of undisturbed vegetation along rivers and streams should be encouraged, thereby protecting shorelines, wildlife habitat and scenic quality.

(Town Plan at pgs. 44-46)

Ridgelines and Scenic Views

Several areas in Chester are known regionally for their scenic views and landscape. In the 2008 Town Planning Survey, a high percentage of respondents answered that scenic views, rural character, ridgelines, wildlife habitat, important farmlands and water resources should be preserved. The following specific resources were identified as “scenic” at the 2008 Community Values Workshop:

- Wyman's Falls
- Wyman's Falls Road
- The Pinnacle
- Town Forest
- Williams River
- Farms along the Williams River

Prominent hills and ridgelines are valued by Chester residents. Chester has several hills or ridges that rise above 1,500 feet in elevation, including Steadman Hill (2,309 feet), Ingraham Hill (1,948 feet) and Butternut Hill (1,715). These areas are not only fragile due to high elevation and steep slopes, but are also valued for their scenic attributes, wildlife habitat and forestry. Development in these areas should be discouraged, but if allowed should take precautions to minimize negative impacts, including establishing no-cut zones or requiring landscaping.

Ridgeline and Scenic View Goal:

1. Preserve the scenic views and ridgelines that most contribute to Chester's rural character.

Ridgeline and Scenic View Policies:

1. Development is discouraged in identified scenic areas and ridgelines. Any development in these areas should minimize negative visual and environmental impacts.

Cultural Resources

Chester Village Historic District

Stone Village Historic District

Other important historic resources...include cemeteries, the Academy building, Yosemite Fire House and historic school houses. Important cultural resources include the town center and “village charm,” Village Green, railroad and train station, Player’s Guild, Ellsworth medical clinic, public transportation services, community events sponsored by local businesses, and a sense of community.

Future development...should be sited so as to preserve these historic and cultural resources for future generations.

Cultural Resources Goals

1. Protect and preserve the structures recorded in the state and national registers of historic places.
2. Protect and preserve the cultural resources as they are identified by the residents of Chester.
3. Protect and preserve the physical setting and aesthetics of the area within which the historic villages are set. (Town Plan at pgs. 50-52)

4.4.5 Statements of Policy to Accompany Maps

Chester hereby promotes the development of renewable energy generation in order to achieve the energy goals and targets as established in this plan. The following statements of policy apply to renewable energy projects:

- e) All ground-mounted solar projects must meet or exceed the setback standards in 30 V.S.A. §248(s).
- f) ...[A]ll ground-mounted solar projects of 150 kW or greater that are within view of public roadways (i.e. state highways, US routes, and Class 1, 2 and 3 town highways) must provide plantings that blends the project with its surroundings. This shall consist of naturalistic plantings using a mix of native plants and avoid introducing invasive species.
- i) Proposed renewable energy facilities must not have undue adverse impacts on significant wetlands, significant wildlife habitat, wildlife travel corridors/habitat connectivity, stormwater, water quality, flood resiliency, important recreational facilities or uses, scenic resources identified in this plan, or inventoried historic or cultural resources.

4.4.6 Maximize the Potential for Renewable Generation on Preferred Locations

Preferred sites for Chester include:

- a) Rooftops;
- b) Parking lots;
- c) Brownfield sites; and,
- d) Disturbed portions of extraction sites (i.e. gravel pit, quarry).

(Town Plan at pgs. 68-73)

D. Summary of Clear, Written Community Standards Analysis

In general, the Regional and Regional Energy Plans 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. The Regional Plan recognizes the importance of scenic resources within the region, but does not specifically call out the Project site itself for scenic protection. A review of the various Regional Plan and Regional Energy Plan maps did not reveal any specific scenic protections or scenic resources at the proposed Project location. As described in the evaluation of adversity above, the Project is screened from adjacent roadways, but there will be some filtered visibility of the proposed array, particularly during leaf-off conditions. The Regional Energy Plan includes language that all ground-mounted solar projects over 150 kW “must provide adequate landscaping in order to appropriately screen the project from the view of the traveling public,” including that the landscaping “must consist of a mix of native plants that provide adequate screening during all months of the year (i.e. conifers or a mix of deciduous and conifers,” and that the landscaping will be provided at a size that provides adequate screening within 5 years of being planted” (Regional Energy Plan at p. 42). As described further in the next section, the Project has proposed appropriate landscape screening of mixed deciduous and conifers to screen the Project from view of the traveling public. See also Appendix C.

The Town Plan and accompanying Energy Chapter notes the importance of the town’s scenic quality, commonly in reference to the rural, agricultural and forested character of the town outside of the Chester Village. There are

several specific and general areas called out within the Town Plan for scenic protection, such as Wyman's Falls, the Williams River, and far more generally, "farms along the Williams River." The Town Plan goes on to state that "any development in [identified scenic areas] should minimize negative visual and environmental impacts." Notably, the Project site itself is not specifically identified or clearly listed as a scenic resource, and a review of the accompanying maps does not reveal any additional scenic resources or protections at the Project site. Due to intervening roadside vegetation as well as the difference in elevation between the Route 103 and the array, the Project site is also not highly visible for travelers approaching the Chester Village from the south. Additionally, the Project is not located within or adjacent to a historic district.¹¹ Furthermore, the Project has taken steps to minimize visual impacts from public viewpoints through proposed landscape screening that help blend the Project with its surroundings, as envisioned in the Town Plan and discussed below. See also Appendix C.

Based on this review of the Regional Plan, Town Plan, as well as their respective Energy Plan and Chapter, the proposed Project will not violate any clearly written community standard intended to preserve the aesthetics or scenic beauty of the area that specifically pertains to the Project site. The Project has proposed landscape mitigation plantings responsive to the Regional and Town Plan policies regarding screening from public roadways and does not conflict with the Town and Regional Plans.

ii. Generally Available Mitigating Steps which a Reasonable Person would Take to Improve the Harmony of the Project with its Surroundings

The Project includes a number of mitigating elements responsive to the Regional Plan and Town Plan that help to reduce potential adverse aesthetic impacts from both public and private properties. Mitigation for the Project includes:

- Locating the Project on a site that takes advantage of existing vegetation and landform to reduce visibility of the array from surrounding publicly accessible locations, including from Route 103 and Legion Drive. Project components are limited in height and will have a low profile, and the Project is set 15' to 30' below portions of Route 103 to the southwest and west. The Project is also adjacent to a railroad corridor and set back at least 100' from top of bank of the Williams River.
- A landscape mitigation plan with a mix of evergreen plantings is proposed to help augment existing vegetative screening, including new plantings along the northern Project extent and near the proposed access drive (see Appendix C, Landscape Plan). These plantings will increase the existing vegetative screening from areas along Route 103, Legion Drive, and residential properties northeast of the site to further mitigate views of the proposed array, and are therefore responsive to the language in the Town and Regional Plans pertaining to landscape screening.
- The sound attenuation blankets proposed for the equipment racks will be tan or other earth tone color.

iii. 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?

When evaluating whether a project will 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. The threshold for a project to be shocking or offensive is relatively high, and a given project would need to be entirely inconsistent with the surrounding land uses or exceptionally out of scale with the surroundings.

¹¹<https://sov-vcgi.opendata.arcgis.com/datasets/accd::vt-state-register-historic-districts/explore?location=43.263745%2C-72.587630%2C14>

The assessment of impacts found that the Project will result in an adverse impact due to the Project's visibility from portions of Route 103 and Legion Drive to the northwest. However, the Project could not be reasonably considered to be shocking or offensive for the following reasons:

- Evergreen and deciduous landscape mitigation is proposed to augment the existing vegetated buffer that screens views from the nearby roadways. With the inclusion of landscape mitigation, visibility of the Project will be limited, and where visible the Project will only be briefly so. Visibility from private residences will be screened by existing and proposed intervening vegetation where feasible.
- The Project is located low in the landscape relative to surrounding areas, including Route 103, and a view of the entire Project is not possible from nearby locations due to intervening vegetation and landform.
- Overhead conductors, poles and equipment required for the interconnection are similar to distribution infrastructure currently visible in the landscape, including along nearby portions of Route 103 and Legion Drive.
- Other solar generation facilities are visible from Route 103, including a town-owned facility further north in Chester that is located on the east bank of the Williams River.

For these reasons, the Project will not offend the sensibilities of the average person, and will not be offensive or shocking because it will not be highly visible due to intervening existing and proposed vegetation, and will not appear substantially out of character with its surroundings or significantly diminish the scenic qualities of the area in which it is proposed.

V. Conclusions of Aesthetic Analysis

The findings of this analysis conclude that the proposed Project will have an adverse effect on the scenic or natural beauty or aesthetics of the area. The analysis also found that the majority of surrounding areas will not have a view of the Project, and within views where Project visibility will occur most of the Project will be well screened by existing mature vegetation.

The findings further conclude that the Project *will not* result in an undue adverse impact because:

- The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan or Town Plan, as well as the associated Energy Plan/Chapter.
- The Project incorporates reasonable siting and landscape mitigation efforts to reduce visibility and harmonize the Project with its surroundings.
- The Project will not be considered shocking or offensive to the average person due to the lack of extensive public views, similarity of Project materials to nearby infrastructure, limited visibility of the overall Project, and incorporation of additional landscape mitigation measures to further screen visibility of the Project components from nearby roadways and help the Project blend with its surroundings.

Based on these findings, the Savage Solar Project will meet the *Quechee* test insofar as its impact on aesthetics will NOT be UNDULY ADVERSE.

VI. Orderly Development Within the Region

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 legislative bodies, and the land

conservation measures contained in the plan of any affected municipality. For generation projects, Section 248(b)(1)(C) further 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.”

Even when a town plan has received a determination of energy compliance, provisions of a town plan must only be considered “to the extent they qualify as land conservation measures or where there are screening requirements of a municipal ordinance or bylaw.”¹² The Vermont Supreme Court has ruled that “broad and general statements in Town and Regional Plans are not sufficiently specific to constitute a basis for denying a permit under § 248.”¹³ Instead, for purposes of Section 248(b)(1), provisions of a regional or municipal plan will only be given due consideration or substantial deference if they qualify as “land conservation measures” that apply clearly and specifically to a defined area or areas.¹⁴ As such, the particular language used within Town and Regional Plans is important to determining whether a standard is clearly written and specifically applies to a given Project to constitute a land conservation measure.

For the Savage Solar Project, the Regional Plan and the Town Plan and accompanying Energy Plans set forth the standards for orderly development of the region at the Project location. The following review discusses land conservation measures, if any, that are applicable to the Project site, and whether the Project will unduly interfere with the stated goals and policies in these documents. Language regarding screening of renewable generation Projects was found in both the Regional Energy Plan (Regional Plan Volume 3) and Town Energy Chapter, which is discussed in the aesthetic review above. Excerpts from the various plans are included in Appendix D – Regional and Town Plan Excerpts.

The Mount Ascutney Regional Plan received its original Certificate of Energy Compliance on September 14, 2018, and was readopted in 2022. The Town of Chester has received an affirmative determination of energy planning compliance pursuant to 24 V.S.A. §4352 by the Mount Ascutney Regional Commission.

A. Regional Plan and Regional Energy 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 future land use, housing, economics, historic and cultural resources, natural resources, energy, and transportation. Topics included in the Regional Plan which pertain to orderly development of the region relevant to the Project include overall regional goals, land conservation goals and recommendations, and the region’s approach to renewable energy.

The various Regional Plan Maps are helpful in visualizing areas intended for conservation within the region, and relevant maps are included in Appendix D – Regional and Town Plan Excerpts. The Regional Plan’s Map 5 – Recreation does not depict the Project within any federal or state conserved land, and the Project is not clearly located within any priority forest blocks, habitat connectors or wildlife crossing areas as depicted on Map 6 – Forest Blocks (the Project site is mostly within an existing cornfield, see the prefiled testimonies of Thomas Hand and Michael Lew-Smith for more information). The site is located within the “agricultural” land cover type as depicted on Map 8 – Current Land Use, and is shown within the “working lands” and “riparian overlay” areas as shown on Map 9 - Future Land Use. As described in the Land Use chapter, the working lands area “includes rural lands used

¹² *Application of Emancipation Energy, LLC for A Certificate of Pub. Good, Pursuant to 30 V.S.A. Ss 248 & 8010, for A 150 Kw (Ac) Solar Net-Metering Sys. in Middlesex, Vermont*, No. 20-1848-NMP (Order of June 21, 2022).

¹³ *In re Petition of Apple Hill Solar LLC*, 2021 VT 69 at ¶ 36.

¹⁴ *Id.* at ¶¶ 36, 43.

for farming, forestry, resource extraction, renewable energy generation, and other resource-dependent land use activities.” (Regional Plan at p. 36).

The Regional Energy Plan includes several general statements, including the statements of policy about furthering energy goals, including a statement that “[i]n order to meet the 90/50 goal outlined in Vermont’s Comprehensive Energy Plan, major increases in renewable electricity production for both the state and the region will be needed” (Regional Energy Plan at p. 16). Additionally, the Regional Energy Plan states that “[i]n order to meet 90% of Vermont’s energy need from renewable sources by 2050 a significant amount of new renewable energy generation will be necessary” (Regional Plan at p. 29). Importantly, the Regional Energy Plan also states that “solar projects of 150 kW or greater that are within view of major roadways” must provide landscape screening, as well as avoid known constraints and undue adverse impacts on significant wildlife habitat, wildlife travel corridors, stormwater, water quality, flood resiliency, important recreational facilities or uses, scenic resources identified in this plan, or inventoried historic or cultural resources. Project proposals must consider placement of such facilities in locations where impacts are minimal or employ reasonable measures to mitigate undue adverse impacts on the applicable resources” (Regional Energy Plan at pgs. 42-43). The Project complies with this policy.

Notably, the Project site is not within any “protected lands” based on a review of available online data,¹⁵ and the Project site appears to be shown on the Regional Energy Plan’s Map 3B - Solar Potential as having “secondary solar potential” with possible constraints (see Appendix D, Regional Energy Plan, Map 3B - Solar Potential). The Regional Energy Plan also conveys review and planning of “preferred sites” for energy generation to constituent towns, but acknowledges the difficulties in doing so:

The MARC reached out to our towns as part of the process to develop this plan. Local planning commissions and energy committees found it very challenging to identify specific preferred sites on a map. No specific preferred sites were located on a map for this Regional Energy Plan. The MARC will work with developers and municipal boards to consider proposed preferred sites under PUC Rule 5.100 for any specific sites not clearly within the above categories. (Regional Energy Plan at p. 36)

B. Town Plan and Energy Chapter

The Chester Town Plan contains general land goals and policies for protecting important natural and historical landscape features, including forests, wetlands, scenic sites, archeological sites, significant architecture, villages, wildlife habitats and agricultural land (Town Plan at pgs. 7-8, 13 and 72). Like the Regional Energy Plan, the Town Energy Chapter also contains statements that encourage renewable energy resources (Town Plan at p. 8) and embracing state energy goals to meet remaining energy needs from renewable sources, including developing new local renewable energy generation (Town Plan at p. 58 and 61-62).

The Project site falls within the “Farmlands” and “Forest/Rural” future land use categories, and is located just east of a “Gateway/Transition” location (see Appendix D, Town of Chester Future Land Use Map). For Farmlands, the Town Plan includes the following description:

Farmlands

Farms have historically been important to the Town’s economy, food supply, and cultural heritage. There are only a few active farms in Chester now, but there are many other properties with hayfields or other open space that contribute to the land use patterns and aesthetic qualities that make the Town a desirable place to live, work, and visit. In addition, large, contiguous areas of prime agricultural soils (as defined by the USDA Natural Resources Conservation Service) might be valuable for future farming. The potential for agricultural use and production should not be impaired in designated agricultural areas. Cluster development could be considered in these areas for the preservation of open lands.

(Town Plan at p. 12)

¹⁵ <https://geodata.vermont.gov/datasets/VCGI:vt-data-vermont-protected-lands-database/explore?location=43.251585%2C-72.572773%2C16>

Forest and Rural areas are described separately in the Town Plan, though the Forest description is predominantly for “large parcels or tracts” (see Town Plan at pgs. 11-12). As noted in the evaluation of aesthetic adversity above, forested areas at the Project site are on the steep slopes on the east side of Route 103, and other than a limited amount of tree clearing for the site access drive, forests are not present within the proposed array area. For Rural areas, the Town Plan includes the following description:

Rural

Rural areas can support a number of different uses, including low density residential, forest, agricultural (including tree farms and other horticultural uses), open, and transitional (scrub/shrub). The densities of existing development vary throughout the rural areas, ranging from no development to a cluster of homes surrounding the intersection of two roads (e.g. the intersections of Flamstead Road and Cummings Road, and Cavendish Road and Dean Brook Road). The primary concern in rural areas shall be to discourage sprawl and strip development, and to maintain existing, low-density settlement patterns. Growth is encouraged to follow the traditional patterns by concentrating in higher densities at these historic crossroad areas. Cluster development is encouraged wherever possible, as long as the overall density remains low. Open space and recreational resources should be preserved wherever possible. (Town Plan at p. 12)

The Project site is not located within public or privately conserved land (see Appendix D, Chester Current Land Use, Facilities and Utilities Maps). Additionally, the Project site is also not located within any areas indicated as having natural resource concerns for wildlife or forest (see Appendix D, Chester Natural Resources Map).

As described on pages 68-73, the Town Plan’s Energy Chapter states that “[n]ew local renewable energy generation is also needed in order to achieve the ambitious “90 by 50” energy 23 goal.” The Town further states that “there is significant potential to generate power from renewable sources in Chester, primarily through ground-mounted solar,” and that the Town “hereby promotes the development of renewable energy generation in order to achieve the energy goals and targets as established in this plan.” The Town Plan’s Energy Chapter also lists several statements of policy for renewable energy projects, including the following restrictions:

1. Renewable energy projects, including ground-mounted solar projects of 15 KW and bigger, must not be located in:
 - a. Vernal pools with a surrounding 50 foot buffer
 - b. Commercial scale projects in the river corridors as most recently mapped by the Vermont Department of Environmental Conservation (“DEC”)
 - c. FEMA floodways
 - d. State significant natural communities and rare, threatened and endangered species
 - e. National wilderness areas
 - f. Class 1 and Class 2 wetlands
 - g. Within 50 feet of all streams and Class 1 and 2 wetlands

The Project, as designed, complies with these siting guidelines in that it avoids impacts on “known constraints”. The Project is not located within a vernal pool or a vernal pool buffer (See prefiled testimonies of Michael Lew-Smith and Seth Goddard). Similarly, the Project avoids the Class I and Class II wetlands, the DEC River Corridor and FEMA Floodway (See prefiled testimony of Seth Goddard). No significant natural communities or rare threatened and endangered species are present at the Project Site (See prefiled testimony of Michael Lew-Smith), and the Project is not located within a national wilderness area (there are no national wilderness areas in Chester¹⁶). The Project is not located within any Class I or II wetland buffers, though the proposed access road and vegetative management associated with the interconnection route will create 0.03 acres of impact within the Class II wetland buffer (See Exhibit SSE-TH-2). However, the array, fence, utility poles, transformers, and inverters all avoid the wetland buffer,

¹⁶ <https://geodata.vermont.gov/datasets/VCGI:vt-wilderness-areas/explore?location=43.268647%2C-72.682099%2C12>

and the Project will involve restoration to previously disturbed areas of wetland and riparian buffer area on the eastern side of the wetland to improve the existing conditions of these areas (See prefiled testimonies of Michael Lew-Smith and Seth Goddard, see also Exhibit SSE-TH-2).

The Town Plan's Energy Chapter also discusses potentially unsuitable sites with "possible constraints", providing site-specific studies to avoid or mitigate impacts to such constraints, while also stating that "[w]ithout ground-mounted solar...there is not adequate generation potential...to meet the '90 by 50' goal" (Town Plan at p. 69). Based on the above language and statements of policy in the Town Plan's Energy Chapter, the Town clearly desires new local renewable energy generation to meet the state's renewable energy generation targets while accounting for site constraints. The Project has mitigated appropriately for the possible constraints on the site by obtaining a Special Flood Hazard Area River Corridor permit from the State and proposing mitigation for primary agricultural soils (as discussed in the testimony of Seth Goddard), is supported by a decommissioning plan and proposed decommissioning funding, includes appropriate landscape mitigation plantings, and avoids undue adverse impacts to other resources referenced in the Town Plan policy statements (see testimony of Michael Lew Smith).

Lastly, the Town Plan includes a policy statement that "all ground-mounted solar projects of 150 kW or greater that are within view of public roadways (i.e. state highways, US routes, and Class 1, 2 and 3 town highways) must provide plantings that blends the project with its surroundings. This shall consist of naturalistic plantings using a mix of native plants and avoid introducing invasive species." The Project complies with this policy.

C. Summary of Orderly Development Analysis

Based on this review, the Project supports policies within the Regional Plan, Regional Energy Plan, Town Plan and the Town Plan's Energy Chapter by helping advance development of renewable energy generation to meet production targets, while avoiding undue adverse impacts on wildlife, stormwater, flood resiliency, recreational uses, and scenic or other inventoried resources. The Regional and Town Plans and associated Energy Plans include information describing areas within the town and region that have specific limitations and policies as described above. Notably, the Project site is located in an area depicted as secondary solar resource areas (see Appendix D - Regional and Town Plan Excerpts, Chester Solar Resources Map), and the Project does not violate any land conservation measures found within the Regional or Town Plans. The Project proposes mitigation measures such as landscape screening to augment the surrounding existing natural screening and reduce visibility of the proposed array from nearby roadways and any historic or cultural resources, as envisioned in these plans. To the extent that the Project is located on a site with known constraints, the Project incorporates mitigation measures as appropriate, including preserving agricultural soils on site and stockpiling excavated soils for the life of the Project, siting the Project to avoid the FEMA floodway, and obtaining a State Flood Hazard Area and River Corridor (FHARC) Permit to authorize the location of the Project in the 100-year flood fringe such that the Project will not result in any undue adverse impacts on flood resiliency (see prefiled testimony of Seth Goddard). Lastly, the Project will not have an undue impact on natural resources (see prefiled testimony of Michael Lew-Smith).

In summary, no land conservation measures or policies were found in these documents that will be unduly affected by the Project. The siting of the proposed array will not impact areas specifically prioritized for conservation or protection, and the Project incorporates appropriate mitigation measures to avoid undue adverse impacts. Based on the foregoing review, giving substantial deference to the specific land conservation measures and applicable policies in the Town and Regional Enhanced Energy plans, the Savage Solar Project **will not** unduly interfere with the orderly development of the region.