

Aesthetic and Orderly Development Analysis Report

Novus Buck Solar Project

PREPARED FOR

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PREPARED BY



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Table of Contents

1	Introduction.....	1
1.1	Project Description	1
2	Methodology	2
2.1	Criterion 8 Requirements.....	2
2.2	Aesthetic Assessment.....	3
2.2.1	Visibility Analysis	3
2.2.2	Document Review & Resource Identification	4
2.2.3	Field Investigation.....	4
2.3	Impact Analysis.....	4
3	First Step of the Quechee Analysis.....	7
3.1	Project surroundings	7
3.2	Private Residences.....	7
3.3	Project Visibility	8
3.3.1	VT Route 100 South	8
3.3.2	VT Route 14.....	9
3.3.3	VT Route 100 West.....	9
3.3.4	Eastern Avenue	10
3.3.5	Searles Road.....	11
3.3.6	Cross Road.....	11
3.3.7	Niles Road.....	11
3.3.8	Buck Road	12
3.3.9	Other Publicly Accessible Areas	12
3.4	Suitability of Project Colors and Materials	12
3.5	Impact on Open Space	13
3.6	Summary of Potential Adverse Impacts.....	13
4	Second Step of the Quechee Analysis	15
4.1	Clear Written Community Standards.....	15
4.2	Shocking or Offensive to the Average Person	16
4.3	Generally Available Mitigation Steps a Reasonable Person Would Take	17
4.4	Closing Statement	18
5	Orderly Development.....	20

5.1 Regional Plan.....20

5.2 Regional Energy Plan21

5.3 Town Plan22

5.4 Conclusion:.....25

Appendices:

- Appendix A – Project Maps
- Appendix B – Photographic Inventory of Existing Conditions
- Appendix C – Landscape Mitigation Plans
- Appendix D – Regional and Town Plan Excerpts

1

Introduction

At the request of the Petitioner Novus Buck Solar LLC (to be referred to as “Buck Solar” or “Petitioner”), VHB has prepared this technical memorandum concerning the Novus Buck Solar LLC Project (“Project”), a proposed solar electric generation facility to be located off Buck Road in the town of Newport, Vermont. The Project is located on a portion of an approximate 58-acre parcel of land, with the Project utilizing approximately 20 acres for the solar arrays and associated equipment; access roads; stormwater features; and landscape planting areas. The content of this technical memorandum presents the results of an assessment of the Project as it relates to the following criteria under 30 V.S.A. § 248(b)(5) and the Act 250 criteria referenced therein:

- Aesthetics (30 V.S.A § 248(b)(5), 10 V.S.A. § 6086(a)(8))
- Orderly Development of the Region (30 V.S.A. § 248(b)(1))

The Vermont Public Utility Commission (“PUC”) will apply these criteria in its review of Novus Buck Solar LLC’s request for a Section 248 Certificate of Public Good (“CPG”).

1.1 Project Description

The proposed Buck Solar Project is further described in the pre-filed testimony of Alex Bravakis. In summary, the Project is a proposed 4.999 MW (AC) solar electric generation facility and related infrastructure on the site of a former gravel extraction operation. The parcel is located off Buck Road, in Newport, Vermont (Refer to Exhibit NBS-AB-2).

The Project consists of fixed-tilt ground-mounted solar modules mounted on metal racks arranged in rows extending east to west within the former gravel extraction area of the site. The arrays will be enclosed by perimeter fencing encompassing approximately 17.63 acres. The Project will be accessed from an existing gravel access drive for the gravel extraction operation off Buck Road that will be extended into the middle of the Project site.

Power generated from the arrays will run underground along the access drive and transition overhead across approximately five new poles to the point of interconnection at the existing utility pole located on Buck Road where the Project will interconnect to the Vermont Electric Cooperative (“VEC”) system.

The Project arrays and other elements have been sited to make the most use of disturbed areas from the previous gravel extraction operation. No tree clearing will be necessary. The Project will involve minimal earth disturbance, primarily from grading for construction of certain Project elements (such as installation of access road and associated stormwater conveyance and treatment, and Project equipment pads).

2

Methodology

2.1 Criterion 8 Requirements

Under Section 248(b)(5), the PUC must find that the Project will not have an undue adverse effect on aesthetics, giving due consideration to Criterion 8 of Act 250. Act 250's Criterion 8 addresses aesthetic impacts within the parameters of the "Quechee Analysis," which was established to provide a consistent and defensible method for evaluating the aesthetic impacts of commercial projects undergoing Act 250 review. The Quechee Analysis is a two-step process, which begins with assessing the nature of the project, its context, and whether it will lead to adverse aesthetic impacts. This first step asks whether the project is in harmony with its surroundings, which is determined based upon:

1. The nature of the project's surroundings;
2. The compatibility of the project's design with those surroundings;
3. The suitability for the project's context of the colors and materials selected for the project;
4. The locations from which the project can be viewed; and
5. The potential impact of the project on open space.

If it is determined that the project "fits" its context, it will not have an adverse effect. If it is concluded that the project has an adverse effect under Criterion 8, the second step of the Quechee Analysis is triggered which requires determining whether the adverse effect is "undue." The second step asks three questions to determine if an adverse effect is undue:

6. Does the project violate any clear, written community standards intended to protect the scenic beauty of the area?
7. Does the project appear shocking or offensive to the average person?
8. Has the applicant failed to take all generally available steps which a reasonable person would take to improve the harmony of the project with its surroundings?

The Commission will conclude that an adverse effect is undue if it reaches a positive finding with respect to any one of the preceding factors. The Commission has clarified that a clear, written community standard 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"*.¹

This analysis also recognizes that the Commission weighs societal benefits when considering the aesthetic impacts of projects within its purview². In order to more accurately describe visibility of the Project's components, the analyses have been divided into areas in which

¹ Petition of Georgia Mountain Community Wind, LLC for a Certificate of Public Good, Docket No. 7508, PUC Order of June 11, 2010, at p. 52.

² In Re: Vermont Elec. Power Co., Docket No. 6792, PUC Order of July 17, 2003.

project components will be visible on a segment-by-segment basis. The discussion of the visual impact of these components, in accordance with the Quechee Analysis process described above, are included within the Visual Impact section.

2.2 Aesthetic Assessment

The methodology for the aesthetic assessment of this Project includes visibility analysis, field study, and document research and review. Our analysis focuses on the potential for visual and aesthetic impacts from publicly accessible vantage points from major federal, state or local roads; nearby public lands and areas of public interest; and areas with high scenic value or official designation as a cultural, open space, or scenic resource. Residences in close proximity to the proposed Project are also considered, although review of aesthetics under Section 248 using the Quechee Analysis does not specifically guarantee that views from individual private homes and properties will never change.

2.2.1 Visibility Analysis

The visibility analysis calculates the potential for a clear, unobstructed line of sight between an observer and a target. The area from which the Project will be visible is referred to as the “viewshed.”

The visibility analysis was performed using the GlobalMapper software viewshed tool in conjunction with ESRI ArcGIS software for pre- and post-processing of data and map preparation. The viewshed tool utilizes Digital Elevation Models (“DEMs”) of the terrain and surface and a point shapefile with structure height information to determine where visibility of the structure will occur from a specified search radius. The algorithm incorporates two DEMs, a Digital Terrain Model (“DTM”), the bare terrain, and a Digital Surface Model (“DSM”), which includes terrain and obstructions such as vegetation and buildings to incorporate the screening effects of land cover and other large objects into the terrain-based results. The DSM and DTM are derived from publicly available lidar data. The obstructed viewshed is a more realistic representation of visibility compared to a terrain-based viewshed. An observer height of 1.676 meters (~5.50 feet) is assigned to the terrain layer to assess where visibility would occur for an average person.

Topographic and Vegetation Viewshed mapping represents how vegetation, buildings and other obstructions in the landscape, in addition to landform, contribute to screening views of the Project. Lidar data includes specific structure and vegetation elevation information.

For this specific study, a three-mile radius was used for the study area because at three miles views from this distance would be considered “middle ground” where a viewer can perceive individual structures and trees but not in great detail. At this distance, individual landscape components begin to join together (hillsides become a range, trees become a forest).

The visibility analysis is primarily used to inform field investigation and often over-estimates Project visibility due to the resolution of the terrain and obstruction data. Additionally, the visual impact at a given vantage point depends upon not only visibility, but also factors

including landscape context, distance from the Project, and viewing angle, which need to be assessed and documented through field work.

The results of the visibility analysis are presented in Appendix A which include references to the viewpoint locations depicted in Appendix B.

The visibility analysis is used as a starting point to inform field investigation where potential Project visibility may occur, as shown in Appendix B - Photographic Inventory of Existing Conditions.

2.2.2 Document Review & Resource Identification

In order to understand the local perceptions of landscape character, designated scenic, open space, or aesthetically significant resources, and goals and objectives regarding aesthetics and visual character, the following local and regional planning documents were reviewed:

- › The *Comprehensive Plan Town of Newport*, Adopted March 5, 2020
- › The *Regional Plan for the Northeast Kingdom*, Amended April 26, 2018 (Readopted 2023)

2.2.3 Field Investigation

VHB staff conducted field investigations on April 8th, 2026. Weather conditions during the field visit were generally sunny and clear, and approximate the “worst case” in terms of potential visibility to the greatest extent possible during leaf-off conditions. During these site investigations, VHB staff members drove public roads and visited public vantage points within the study area to observe the locations from which the proposed Project would be visible, partially screened, or fully screened. Viewpoint locations were captured using GPS units, and photographs were taken using a digital SLR camera utilizing a fixed focal length equal to 50mm on a 35mm camera in order to reproduce a field of view that appears natural to a human observer. Documentation of the field investigation is included within a photographic inventory of existing conditions, which includes representative photographs and panoramic views, and the viewshed map, with each viewpoint location.

Appendix A includes Visibility Maps with references to the viewpoint locations depicted in Appendix B.

Appendix B includes representative photographs and panoramic views of existing conditions of the surrounding area.

2.3 Impact Analysis

To evaluate visual changes associated with the Project, the following well-established factors in describing visual characteristics were considered³:

³ Methodology based in part upon Chapter 2 of Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands, U.S. Department of Interior, March 2013.

Landscape Composition: is the arrangement of objects and voids in the landscape categorized based upon spatial arrangement. Major compositional elements that define visual character include:

- **Form:** the mass or shape of an object or of objects that appear to be unified (e.g., mountains, large masses of vegetation, lakes, buildings, etc.)
- **Line:** the path, real or imagined, that the eye follows when perceiving abrupt differences in form, color, or texture (e.g., edge of shapes or masses in the landscape, silhouette of a mountain against the sky)
- **Color:** the property of reflecting light of a particular intensity, which can vary in hue, value, and chroma.
- **Texture:** the aggregation of small forms or color mixtures into a surface pattern. The perception of texture is highly dependent on distance.

Visibility Factors: are factors that impact the apparent visual characteristics from a view based upon the observer, the observed object, and various factors that affect perception.

- **Viewer Characteristics:** characteristics of the viewer that affect perception of contrast and ability to discern objects in the landscape, such as whether the viewer will typically be in motion when observing the landscape.
- **Duration of View:** longer duration views of a project will have a greater potential for visual impact than quick glimpses.
- **Distance:** the distance of the viewer will affect both the apparent size of an object and the perceived degree of contrast. When other visibility factors are held constant, the greater the distance, the less detail is observable and the more difficult it will be for an observer to distinguish individual features. The distance zones referenced in this report are:
 - *Foreground:* 0 to approximately 0.5 miles. The viewer is able to perceive details of an object with clarity.
 - *Middle ground:* approximately 0.5 to 4.0 miles. The viewer can perceive individual structures and trees but not in great detail. In this zone, the individual landscape components begin to join together (hillsides become a range, trees become a forest).
 - *Background:* over 4.0 miles: The viewer is only able to discern broad landforms and patterns. The background contributes to scenic quality by providing a softened backdrop for foreground and middle ground features.

- **Viewing Geometry:** the spatial relationship of the viewer to the viewed object, including the observer position and the bearing of the view.
- **Background/Backdrop:** Objects that stand out against the visual backdrop typically draw more attention. *"As contrast between an object and its background is reduced, the ability to distinguish the object from the background diminishes. When the contrast becomes too small, the object will no longer be visible as separate from its background."*⁴ For example, when transmission structures are located on a ridgeline and are silhouetted against a bright sky (skylining), the structures are more visible than they would be against a darker and more varied backdrop such as a forest.

⁴ Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands, U.S. Department of Interior, March 2013.

3

First Step of the Quechee Analysis

3.1 Project surroundings

The proposed Project is located on the west side of Newport Town. The Project is located approximately 3.80 miles west of the City of Newport's downtown, approximately 0.35 miles north of VT Route 100, approximately 2.22 miles south of Newport Center, and east of and immediately adjacent to VT Route 105.

The Project area is predominantly defined by a mixture of rural residential and commercial development, and marked by rolling hills, agricultural fields, open meadows, and dense forests. The surrounding area is characterized by primarily flat or gently undulating terrain. The Project is proposed within an existing open gravel extraction operation immediately adjacent to VT Route 105, with limited intervening vegetation and generally open views from the road. North of the Project includes open agricultural fields, hedge rows and heavily forested areas. East of the Project is an existing gravel extraction operation, rolling hills, and dense forested areas. West of the Project includes the Newport Center Cemetery, VT Route 105, a mixture of agricultural fields, and dense forested areas. South of the Project includes VT Route 100, rolling hills, and a large tract of dense forested areas.

3.2 Private Residences

There are private residences north of the Project off VT Route 105 and M and M Road, with the closest residence being off VT Route 105 approximately 229-feet from the northern side of the arrays. There are private residences east of the Project off Petit Road, with the closest residence being approximately 0.67 miles from the eastern side of the arrays. There are private residences west of the Project off VT Route 105 and Niles Road, with the closest residence being off VT Route 105 approximately 650-feet from the western side of the arrays. There are private residences south of the Project off VT Route 100/ VT Route 14 and Markus Lane, with the closest residence being off Markus Lane, approximately 0.20 miles from the southern side of the arrays.

Regarding the private residences, it should be noted that any residence with a view of the Project site already overlooks an active gravel extraction operation, and therefore the proposed Project would not introduce a new type of visual or land use impact for those homeowners, but would instead occur within an already heavily disturbed and industrially active viewshed.

3.3 Project Visibility

3.3.1 VT Route 100 South

VT Route 100S is a two-lane state highway with a posted speed limit of 50 miles per hour (MPH) and generally runs in an east-west direction and terminates at the intersection of VT Route 100W. VT Route 100S approaches the Project site from the west and is approximately 0.24 miles southwest of the proposed Project arrays at its closest point. Areas identified along VT Route 100S as having potential visibility on the visibility map are noted in detail below.

Potential visibility along VT Route 100S was identified along an approximate 620-foot segment, varying from approximately 0.53 to 0.43 miles west of the Project. Field investigations revealed potential visibility of the Project would be limited due to distance, topography, and intervening existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoints 1 and 2.

Potential visibility of the Project site along a second segment of VT Route 100S was identified along an approximate 0.22-mile mostly continuous segment, varying from approximately 0.37 to 0.24 miles west of the Project location. Field investigations confirmed potential intermittent glimpses of the Project would be possible during leaf-on and leaf-off conditions. The glimpses of the Project would be broken up along this segment due to a combination of intervening topography, existing vegetation, and structures. Along the entire 0.22-mile portion of VT Route 100S the intermittent views would occur over a duration of just a few seconds while traveling at 50 mph. Additionally, viewing geometry from this location would require eastbound travelers to look away from the direction of travel. As seen from this general area, the Project components would be backgrounded by existing vegetation and landform, and appear low on the horizon. To mitigate these views for both travelers along VT Route 100S and the private residences, Petitioner proposes to install a mixture of deciduous and evergreen landscape screening along the western and southern edge of the Project site that will harmonize with the surrounding native plant material. This proposed landscaping will help provide year-around visual mitigation. Refer to the Landscape Mitigation Plan(s) in Appendix C for further details. For visual references see Appendix B, Photographic Inventory, Viewpoints 3, 4 and 5.

Potential visibility of the Project site along a third segment of VT Route 100S at the intersection with VT Route 105 was identified along an approximate 360-foot continuous segment, approximately 0.24-miles southwest of the Project. Field investigations confirmed potential glimpses of the Project would be possible. Along the entire 360-foot portion of VT Route 100S, intermittent views would occur over a duration of 4.9 seconds while traveling at 50 mph. Additionally, viewing geometry from this location would require eastbound and westbound travelers to look away from and perpendicular to the direction of travel. As seen from this general area, the Project components would be backgrounded by existing vegetation and landform, and appear low on the horizon. To mitigate these views for travelers along VT Route 100S, Petitioner proposes to install a mixture of deciduous and evergreen landscape screening along the western and southern edge of the Project site that will harmonize with the surrounding native plant material. This proposed landscaping will help provide year-around visual mitigation. To mitigate these views for both travelers along Airport Road and the private

residence, Petitioner also proposes to install evergreen landscape screening along the northern edge of the Project site that will harmonize with the surrounding native plant material and help provide year-round visual mitigation. Refer to the Landscape Mitigation Plan(s) in Appendix C for further details. For visual references see Appendix B, Photographic Inventory, Viewpoint 6.

3.3.2 VT Route 14

VT Route 14 is a two-lane state highway with a posted speed limit of 50 MPH and generally runs in an east-west direction and terminates at the intersection of VT Route 100 West. VT Route 14 approaches the Project from the east and is approximately 0.25 miles south of the Project arrays at its closest point. Areas identified along VT Route 14 as having potential visibility on the visibility map are noted in detail below.

Potential visibility along VT Route 14 was identified along an approximate 605-foot mostly fragmented segment, varying from approximately 0.28 to 0.36 miles south of the Project. Field investigations revealed potential visibility of the Project site is limited due to a combination of topography, and intervening existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoint 7.

3.3.3 VT Route 100 West

VT Route 100W is a two-lane state highway with a posted speed limit of 50 MPH and generally runs in a north-south direction. VT Route 100W approaches the Project site from the north and the south and is approximately 320 feet west of the proposed Project arrays at its closest point. Areas identified along VT Route 100W as having potential visibility on the visibility map are noted in detail below.

Potential visibility of the Project site was identified along an approximate 0.48-mile continuous segment, varying from approximately 0.11 to 0.24 miles west and southwest of the Project location, included in these views is a private residence at 553 VT Route 100W. Field investigations confirmed visibility of the Project would be possible from this segment of the road and from the residence. For the private residence, the closest Project array is approximately 229 feet south. The private residence is oriented with the back of the house facing west towards Route 100W and the side of the house facing south towards the Project site. There is existing vegetation immediately south of the residence that will provide natural visual screening of proposed Project components. To further mitigate potential views from the residence, Petitioner proposes to install a mixture of deciduous and evergreen landscape screening along the northern and western edge of the Project site that will harmonize with the surrounding native plant material. This proposed landscaping will help provide year-around visual mitigation. Refer to the Landscape Mitigation Plan(s) in Appendix C for further details. For VT Route 100W, of the identified 0.48-mile continuous segment, a 0.14-mile portion of this segment starting from the intersection of VT Route 100S to Buck Road approaches the Project from the south. This 0.14-mile segment would have glimpses of the Project for northbound travelers only. Project views from this portion would be partially screened due to intervening existing vegetation and structures. The remaining 0.34-mile portion of the continuous segment would have mostly unobstructed views of the Project. Along the 0.34-

mile portion of VT Route 100W the views would occur over a duration of 24 seconds while traveling at 50 mph. Additionally, viewing geometry from this location would require northbound and southbound travelers to look away from and at times perpendicular to the direction of travel. As seen from this general area, the Project components would be backgrounded by existing vegetation and landform, and appear low on the horizon. To mitigate these views for travelers along VT Route 100W and the private residence at 553 VT Route 100W, Petitioner proposes to install a mixture of deciduous and evergreen landscape screening along the northern, southern, and western edge of the Project site that will harmonize with the surrounding native plant material. This proposed landscaping will help provide year-around visual mitigation. Refer to the Landscape Mitigation Plan(s) in Appendix C for further details. For visual references see Appendix B, Photographic Inventory, Viewpoints 8, 10, 11, and 12.

Potential visibility of the Project site along a second segment of VT Route 100W was identified along an approximate 0.32-mile fragmented segment varying from approximately 0.94 to 1.25 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to distance, and a combination of intervening topography and existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoints 13 and 14.

Potential visibility of the Project site along a third segment of VT Route 100W was identified along an approximate 218-foot continuous segment from approximately 1.51 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to distance, and a combination of intervening topography and existing vegetation.

Potential visibility of the Project site along a fourth segment of VT Route 100W near the intersection of Eastern Avenue was identified along an approximate 0.15-mile continuous segment varying from approximately 1.71 to 1.89 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to distance, and a combination of intervening topography, existing vegetation, and structures. For visual references see Appendix B, Photographic Inventory, Viewpoint 15.

Potential visibility of the Project site along a fifth segment of VT Route 100W near the intersection of Buzzell Road was identified along an approximate 0.22-mile continuous segment varying approximately 2.66 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to distance, and a combination of intervening topography, existing vegetation, and structures. For visual references see Appendix B, Photographic Inventory, Viewpoint 16.

3.3.4 Eastern Avenue

Eastern Avenue is a narrow two-lane local paved road with no observable posted speed limit. Eastern Avenue generally runs in a north-south direction and is approximately 1.84 miles northwest of the Project. Areas identified along Eastern Avenue as having potential visibility on the visibility map are noted in detail below.

Potential visibility of the Project site along Eastern Avenue was identified along an approximate 189-foot continuous segment, varying from approximately 1.84 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due

to a combination of intervening topography, existing vegetation, and structures. For visual references see Appendix B, Photographic Inventory, Viewpoint 15.

3.3.5 Searles Road

Searles Road is a two-lane local paved road with no observable posted speed limit. Searles Road generally runs in an east-west direction, terminating on the east end at the intersection of Cross Road, approximately 2.05-miles northwest of the Project site. Areas identified along Searles Road as having potential visibility on the visibility map are noted in detail below.

Potential visibility of the Project site along Searles Road was identified along an approximate 655-foot continuous segment, approximately 2.75 miles northwest of the Project location. Field investigations revealed visibility of the Project would not be possible due to a combination of intervening topography, existing vegetation, and structures. For visual references see Appendix B, Photographic Inventory, Viewpoint 17.

3.3.6 Cross Road

Cross Road is a two-lane local paved road with a posted speed limit of 35 MPH. Cross Road generally runs in a north-south direction, approximately 1.73-miles northwest of the Project site. Areas identified along Cross Road as having potential visibility on the visibility map are noted in detail below.

Potential visibility of the Project site along Cross Road was identified along an approximate 0.40-mile mostly continuous segment, approximately 2.75 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to a combination of intervening topography, existing vegetation, and structures. For visual references see Appendix B, Photographic Inventory, Viewpoint 18.

3.3.7 Niles Road

Niles Road is a two-lane local gravel road with no observable posted speed limit. Niles Road generally runs in a north-south terminating at the VT Route 100S and Cross Road intersections. Niles road varies approximately 0.76 to 1.81-miles west and northwest of the Project site. Areas identified along Niles Road as having potential visibility on the visibility map are noted in detail below.

Potential visibility of the Project site was identified along an approximate 0.21-mile fragment segment, varying from approximately 1.42 to 1.25 miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to a combination of intervening topography and existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoint 19.

Potential visibility of the Project site along a second segment of Niles Road was identified along an approximate 550-foot continuous segment, approximately 1.12-miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to a combination of intervening topography and existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoint 20.

Potential visibility of the Project along a third segment of Niles Road was identified along an approximate 0.25-mile continuous segment, varying approximately 0.74 to 0.93-miles northwest of the Project. Field investigations revealed visibility of the Project for most of this identified segment would not be possible due to a combination of intervening topography and existing vegetation. A small area in the southern part of this segment may experience intermittent views, however potential views are limited due to distance, and a combination of intervening topography and existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoints 21 and 22.

Potential visibility of the Project along a fourth segment of Niles Road was identified along an approximate 340-foot continuous segment, approximately 0.71-miles northwest of the Project. Field investigations revealed visibility of the Project would not be possible due to a combination of intervening topography and existing vegetation. For visual references see Appendix B, Photographic Inventory, Viewpoint 23.

3.3.8 Buck Road

Buck Road is a two-lane dead-end local gravel road with no observable posted speed limit. Buck Road generally runs in an east-west direction, intersection with VT Route 100W and is south and immediately adjacent to the Project. The Project's access will utilize an existing gravel drive off Buck Road. Areas identified along Buck Road as having potential visibility on the visibility map are noted in detail below.

Potential visibility along Buck Road was identified along an approximate 0.21-mile continuous segment, varying approximately 555 and 390 feet south of the Project. Field investigations confirmed unobstructed visibility of the Project will be possible. Buck Road is a dead-end road with low traffic use other than the commercial and light industrial business located off Buck Road and has been used for access to the Project site for the existing gravel pit operation. As seen from this general area, the Project components would be backgrounded by existing vegetation and landform, and appear low on the horizon. To mitigate these views for travelers along VT Route 100W, Petitioner proposes to install a mixture of deciduous and evergreen landscape screening along the southern edge of the Project site that will harmonize with the surrounding native plant material. This proposed landscaping will help provide year-around visual mitigation. Refer to the Landscape Mitigation Plan(s) in Appendix C for further details. For visual references see Appendix B, Photographic Inventory, Viewpoints 9 and 24.

3.3.9 Other Publicly Accessible Areas

VHB has not identified any other public or conserved lands that will have potential visibility of the Project.

3.4 Suitability of Project Colors and Materials

The Project materials and colors for the Project arrays would primarily consist of dark black photovoltaic panels, metal array frames, wooden fence posts, and metal agricultural fencing. The Project materials and colors for the Project interconnection components will consist of

wooden utility poles, galvanized or green steel equipment, galvanized steel mesh fence and gates, and wooden poles. The materials proposed for this Project are consistent with those used on the adjacent commercial and industrial buildings immediately surrounding the Project site, as well as commonly used materials used in similar solar generation projects throughout Vermont, these materials are not in themselves unsuitable or incompatible in the context of a rural landscape.

3.5 Impact on Open Space

A definition for the term “Open Space” is not provided or clearly defined within Act 250 or Section 248. Similarly, the term “Open Space” is not clearly defined within the Town Plan.

In the “*Statement of Planning Goals*” the Town Plan encourages the preservation of open space:

“Encourage residential, agricultural and business growth that preserves open space, scenic qualities, and the rural nature of the town.”⁵

Under the *Agriculture* chapter the Town Plan statement/objectives notes that it is essential to preserve open space:

“Farming is essential to the overall objective of preserving open space and the rural character of the Town.”⁶

However, the Town Plan does not clearly identify the Project Area as having specific scenic qualities, nor is it identified as open space to be preserved.

In the Regional Plan, “Open Space”⁷ is defined as the region’s combined landscape of rolling hills, farms, forests, waters, rural roads, and village centers that together create a scenic, largely undeveloped setting. This open space is valued not only for its visual character and wildlife habitat, but also as essential land that supports outdoor recreation and sustains the region’s agricultural and forestry traditions, on both public and privately accessible lands.

The Project is proposed to be constructed on a privately owned parcel and is not within any identified conserved lands, recreation lands, scenic lands, or open space identified within the Town Plan or Regional Plan and is generally not accessible to the public. The Project parcel has been the site of an industrial gravel extraction operation with varying terrain and soil piling and is not the type of open space contemplated in either plans. Therefore, the Project will have no impact on identified or protected open space.

3.6 Summary of Potential Adverse Impacts

This review of potential aesthetic impacts under Step One of the Quechee Analysis found that the potential visibility of the Project would be localized within an approximate one-mile buffer area of the Project. The visibility analysis is primarily used to inform field investigation and

⁵ Comprehensive Plan Town of Newport, Adopted March 5, 2020. Statement of Planning Goals, Page 6

⁶ Comprehensive Plan Town of Newport, Adopted March 5, 2020. Agriculture, Page 17

⁷ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 187

often over-estimates Project visibility due to the resolution of the terrain and obstruction data. Refer to Appendix A - Project Maps. While potential visibility was identified in several areas, field investigation confirmed that visibility of the Project site in several areas would be limited or not possible. Potential visibility from surrounding roads and nearby residences is limited, with the exception of specific views from segments of VT Route 100S, VT Route 100W, Niles Road, and a private residence at 553 VT Route 100W. Of these views, there are identified unobstructed views from VT Route 100W and Buck Road. Other identified views are limited by intervening topography, existing vegetation, structures, distance, viewing geometry, and duration of view. In addition, certain identified views are being mitigated with the introduction of the proposed landscape mitigation. There would be no impact to open space resources as identified within the town or regional plans, and the colors and materials are not incompatible with the Projects surroundings. However, the introduction of a solar generation facility of this size that is visible from VT Route 100S, VT Route 100W, Niles Road, and a private residence at 553 VT Route 100W does pose a change in the landscape from existing conditions. Due to this fact and given how the Quechee Analysis has been applied in other cases, the Project would result in an "adverse" impact to the aesthetics of the area. Therefore, we have provided an analysis of the Project under the three factors of the second part of the Quechee Analysis, as follows.

4

Second Step of the Quechee Analysis

4.1 Clear Written Community Standards

The Project is located in the Town of Newport, which is within the region covered by the Northeastern Vermont Development Association ("NVDA").

Local and regional planning documents were reviewed in order to determine if there are any relevant clear written community standards pertaining to scenic resources that might apply to the Project, and if so, whether the Project complies with those standards. The following is a summary of potentially relevant provisions in those plans:

Regional Plan

The Regional Plan discusses the importance of preserving historic, archeological, and scenic resources in the Historic and Scenic Resources section:

*"Preserving historic, archeological, and scenic resources enables communities to retain links to their past, maintain their traditions (including quality of life), and can bring economic benefits through increased property values and tourism."*⁸

Protection of historic, cultural and scenic resources is identified as a goal within the Historic, Cultural and Scenic Resources section:

"Future development should follow traditional development patterns, while providing for economic development opportunities and livable communities."

*"Significant historic, cultural, and scenic resources within the region should be identified and preserved."*⁹

The Plan highlights siting policies for solar projects in the Energy chapter, referencing preferred locations that should be considered and prioritized:

*"NVDA has determined that the following types of locations in the region should be prioritized for future solar generation. Even though these locations are not shown on the regional solar maps due to a lack of GIS data, these sites should be considered "preferred locations" for siting solar: Earth extraction sites (e.g. gravel pits, quarries), active or abandoned"*¹⁰

⁸ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 124

⁹ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 129

¹⁰ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Pages 60-61

As is common within Regional Plans, encouragement and support is provided for towns to identify natural resources to be preserved, scenic or otherwise. The Regional Plan prioritizes preferred solar siting on active or abandoned earth extraction sites, as proposed by the Project. Additionally, the Regional Plan does not identify the proposed Project site or its immediate surroundings as a scenic area designated for special protection.

Town Plan

The Town Plan provides limited guidance regarding preserving scenic, cultural or historic resources in the town. Under the plan's statement of planning goals it notes:

*"Encourage residential, agricultural and business growth that preserves open space, scenic qualities, and the rural nature of the town."*¹¹

The Town Plan speaks only generally to the scenic quality of the landscape and does not identify specific areas, viewsheds or vantage points to be preserved. Additionally, the Town Plan does not identify the proposed Project site or its immediate surroundings as a scenic area designated for special protection.

Summary

Upon review, the Regional and Town Plans encourage the protection of scenic resources and acknowledge their importance. However, they do not establish any clear, written community standards specifically aimed at preserving the scenic qualities of the Project site, and the Project does not conflict with any such standards. Moreover, the Project aligns with the Regional Plan by siting a proposed solar generation facility on an existing earth extraction site.

4.2 Shocking or Offensive to the Average Person

This prong of the Quechee test asks whether the Project is shocking or offensive to an average person. For purposes of this analysis the average person is considered to be a neutral party viewing the project. In order to rise to this level, the Project would need to be entirely inconsistent with its surroundings or the surrounding land use, or exceptionally out of scale with its surroundings.

Our evaluation of impacts under the first step of the Quechee Analysis determined that the Project's visibility would cause an adverse impact, specifically due to the Project's visibility from segments of VT Route 100S, VT Route 100W, Niles Road, and a private residence at 553 VT Route 100W. While the Project is considered to have an adverse impact, the Project would not be shocking or offensive. There are several mitigating factors which lessen the degree of its potential visual impact.

¹¹ Comprehensive Plan Town of Newport, Page 6

The existing site has a gravel extraction operation, and therefore the proposed Project would not introduce a new type of visual or land use impact that would be considered shocking or offensive, but would instead occur within an already heavily disturbed and industrially active viewshed.

The intermittent glimpses of the Project identified along segments of VT Route 100S would be at distance, appear low on the horizon, and be backgrounded by existing vegetation and landform. The intermittent glimpses along these segments would occur over a duration of no more than 4.9 seconds while traveling at 50 mph. The proposed landscape mitigation will further screen the project from these viewpoints. These proposed plantings will provide year-round visual screening, including during both leaf-on and leaf-off conditions.

The views of the Project identified along the approximate 0.34-mile continuous segment along VT Route 100W and the private residence located at 553 VT Route 100W would appear low on the horizon and be backgrounded by existing vegetation and landform. Along the 0.34-mile portion of VT Route 100W these views would occur over a duration of 24 seconds while traveling at 50 mph. To address these views the Project is introducing landscape mitigation that will partially screen the Project, which will interrupt the views of the Project during both leaf-on and leaf-off conditions.

The intermittent visibility of the Project identified along a small portion of the approximate 0.25-mile segment of Niles Road is limited due to distance, intervening topography, and existing vegetation. The proposed landscape mitigation plantings will further screen the Project from these viewpoints during both leaf-on and leaf-off conditions.

The views of the Project identified along the approximate 0.21-mile continuous segment along Buck Road would appear low on the horizon and be backgrounded by existing vegetation and landform. The proposed landscape mitigation plantings will further screen the Project from this area during both leaf-on and leaf-off conditions.

The Petitioner has taken steps to reduce the potential visibility of the Project from surrounding roads and nearby residences through site selection and design that retains existing vegetative buffers to the north, and dense vegetative buffers to the east, takes advantage of surrounding topography, and the introduction of extensive landscape mitigation.

These measures have resulted in a project with limited visibility. As reflected in our supporting documents and analysis, the limited potential visibility from surrounding roads, residences, and the lack of any effect on identified scenic resources, public lands, or recreation resources limits the potential impacts from the viewpoint of an average person.

Thus, we conclude that the Project will not be considered shocking or offensive to the average person.

4.3 Generally Available Mitigation Steps a Reasonable Person Would Take

This final prong of the second part of the Quechee Analysis evaluates whether the Project has taken generally available mitigation measures a reasonable person would take to improve the

harmony of the project with its surroundings. We conclude the Project has done so. The Project mitigation efforts to harmonize the Project with its surroundings include the following:

1. Site selection that utilizes a former industrial gravel extraction operation and disturbed site that generally minimizes potential visibility where possible from surrounding roads, nearby residences, and public lands, due to existing topography, natural screening, and in some cases, distance.
2. Siting the Project in close proximity to an existing VEC transmission line thereby minimizing the need for new transmission line infrastructure or additional tree clearing that would likely be associated with new transmission line infrastructure.
3. A landscape mitigation plan was prepared to reduce and soften the visual impacts of the Project from public areas identified through field investigation efforts. This mitigation plan utilizes approximately 107 proposed evergreen trees, and 28 proposed deciduous trees to further reduce offsite visibility of the Project as detailed below:
 - a. Mitigation plant material is proposed in targeted locations north of the Project's solar arrays. These proposed mitigation plantings will partially screen views from the north, particularly views from VT Route 100W southbound travelers, and the private residence located at 553 VT Route 100W.
 - b. Mitigation plant material is proposed in targeted locations west and south of the Project's solar arrays. These proposed mitigation plantings will partially screen views from the west and south, particularly views from VT Route 100S eastbound travelers, VT Route 100W southbound and northbound travelers, and Buck Road.
4. Designing the Project to avoid, minimize, and/or mitigate potential adverse impacts to natural resources on the Project parcel by locating it on a previously disturbed site of a gravel extraction operation.

With these measures, the Project has taken generally available mitigation steps a reasonable person would take to harmonize the Project with its surroundings.

4.4 Closing Statement

In review, the findings of this assessment conclude that the overall visual impact of the Project is limited and would not be unduly adverse for the following reasons:

- The Project does not violate any clearly written community standard intended to preserve the aesthetics or scenic beauty of the specific area at and around the Project site.
- The Project would not be considered shocking or offensive to the average person because it is not sited in a prominent location, lessening potential visual impact from surrounding areas.
- The Petitioner has taken reasonable steps to mitigate the visual impact of the Project through development of a landscape mitigation plan, and siting of Project

components to take advantage of topography, and natural screening from existing mature dense vegetation on the site.

- The Project is sited within a working rural landscape that already accommodates land uses such as the former gravel extraction operation, and commercial and light industrial facilities. Within this context, this proposed solar array is visually consistent with the ongoing evolution of Vermont's working lands and does not materially change the fundamental character of the immediate area.

5

Orderly Development

Section 248(b)(1) of Title 30 of the Vermont Statutes Annotated requires that the PUC 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 municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. Substantial deference is given to land conservation measures and specific policies contained in a duly adopted regional or municipal plan in accordance with Section 248(b)(1)(C) if the plans have been certified as energy compliant.

The following discusses the standards and land conservation measures as detailed in the Regional Plan for the Northeast Kingdom (the "Regional Plan"), and the Comprehensive Plan Town of Newport (the "Town Plan").

5.1 Regional Plan

Land Use – The Regional Plan identifies Future Land Use and Development Use Goals:¹²

"Avoid the development of agricultural lands with auto-dependent residential subdivisions by encouraging towns with land use regulations to lower the permitted residential density in agricultural zones, coupled with planned unit development or clustering provisions to ensure efficient and well-designed developments."

"Protect against the fragmentation of rural lands by the piecemeal development of residential lots by providing financial incentives for the development of attractive work-force and upper-income housing in and adjacent to village centers and downtowns."

The Project is proposed in an open gravel extraction operation, which would reduce any potential fragmentation of rural lands, or have any impact to identified agricultural lands in the region.

Historic, Cultural and Scenic Resources – The Regional Plan identifies historic, cultural and scenic goals:

"Significant historic, cultural, and scenic resources within the region should be identified and preserved."

The Regional Plan notes that several communities have identified specific historic districts for protection. While the City of Newport has an identified historic district, Newport Town does

¹² Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 9

not have any identified historic districts. Refer to NVDA Region: Historic Districts¹³. The Regional Plan does not specifically identify the Project site as being a historic or archeologically sensitive site.

Natural Resources – The Regional Plan identifies the Northeast Kingdom is recognized for diverse wildlife, undeveloped areas and large woodlands. The plan identifies the natural resources of the region *“have intrinsic scenic and economic values that require careful consideration when making planning decisions.”*¹⁴ The plan provides a *“NVDA Region: Natural Resources Constraints”* map¹⁵, while it is difficult to determine based on the graphic quality of the map, it appears the Project site is not within any identified natural resource constraints. As further discussed in the Prefiled Testimony of Dori Barton, and her supporting Natural Resources Report (Exhibit NBS-DB-2), the Project site was previously disturbed as a gravel extraction operation, and the proposed Project will not have an undue adverse impact on any natural resources.

5.2 Regional Energy Plan

The NVDA Regional Energy Plan discusses energy and energy planning, environmental protection, economic needs and opportunities as well as regional energy supply and demand. The Regional Plan has developed an enhanced energy plan and has previously received an affirmative determination of energy compliance under 24 V.S.A. § 4352, 30 V.S.A. § 248(b)(1).

The Regional Energy Plan reference a “Strategy Outline” to guide the regions’ energy development to support the Vermont 2015 Comprehensive Energy Plan (CEP) which contains the following goals:

- *Reduce total energy consumption per capita by 15% by 2025, and by more than one third by 2050.*
- *Meet 25% of the remaining energy need from renewable sources by 2025, 40% by 2035, and 90% by 2050.*
- *Achieve three renewable end-use sector goals for 2025: 10% transportation, 30% buildings, and 67% electric power.”*¹⁶

This Project is consistent with the goals, strategies, and standards within the Regional Plan and is an addition to the Region’s renewable energy portfolio, thereby helping to meet the renewable generation targets.

Under *“Siting Policies for Solar”* the Regional Plan identifies the importance of prioritizing certain locations for future solar generation. These locations are referenced as *“preferred locations”*, which includes *“Earth extraction sites (e.g. gravel pits, quarries), active or*

¹³ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 125

¹⁴ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 172

¹⁵ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 173

¹⁶ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 29

*abandoned*¹⁷ The Project is proposed to be installed on the site of an industrial gravel extraction operation, which would align with the Regional Plans preferred siting policy for solar.

In further support of the Regional Plan's preferred solar siting locations, a review of the Regional Plan's *"NVDA Energy Map – Prime Ground-Mounted Solar Energy Areas"* indicates that the Project site lies within Prime Ground Mounted Solar areas designated on the map as having either *"Possible Constraints"* or *"No Constraints."*

5.3 Town Plan

Current Land Use Chapter – The Town Plan identifies recommendations/strategies and goals:

- "1. Consider use of local and state road policies as they affect the amount and type of development in each part of Town.*
- 2. Consider establishing zoning districts to reflect different character and uses in different parts of Town. May want to vary setbacks and minimum lot sizes.*
- 3. Reference the Acceptable Management Practices for Forestry and Agriculture in the Town Plan and zoning ordinances.*
- 4. Consider existing and historical land use patterns in adjacent towns when revisiting Zoning Bylaws.*
- 5. Maintaining options for future village growth, re-visiting the 2004 Village Vision document determining what is still pertinent or what needs revision.*
- 6. Preservation of land should not inhibit the future growth of the Town.*
- 7. All development and structures should be designed to minimize flood damage.*
- 8. It is important to review historical land use and neighborhood land uses in planning for economic growth in the Town.*
- 9. To allow further growth in town, economically, changes are needed in zoning, infrastructure use and land use."*

The Town Plan also includes Map 11E "Newport Conserved Lands/Current Use" map (06/19/2015) that identifies conserved lands in the Town. The Project site is not identified as conserved lands.

In review of the recommendations and objectives outlined in the Current Land Use chapter, the Project would not have an impact to the Town's vision of current or future land use in the town.

Wildlife Habitat and Significant Natural Resources Chapter – The Town Plan highlights there are several acres of wild and uncultivated land within the town boundaries. The Town

¹⁷ Regional Plan for the Northeast Kingdom 2015-2023, Amended April 26, 2018, Page 61

Plan references "Habitat Blocks" and the importance of the lack of fragmentation of these identified features due to their support plants and animals:

*"Habitat Blocks" are areas of contiguous forest and other natural habitats that are unfragmented by roads, development, or agriculture. Vermont's habitat blocks are primarily forests, but also include wetlands, rivers and streams, lakes and ponds, cliffs, and rock outcrops. Forests included in habitat blocks may be young, early-successional stands, actively managed forests, or mature forests with little or no recent logging activity. The defining factor is that there is little or no permanent habitat fragmentation from roads, agricultural lands and other forms of development within a habitat block. Habitat blocks support the biological requirements of many native plants and animals."*¹⁸

The Newport Town Conservation Priorities Map (01/27/2020) identifies the habitat blocks and their priority ranking for significance. The Project site is a cleared, disturbed area and does not appear to have any habitat blocks identified, thus aligning with the Town Plan.

The Town Plan identifies the important role wetlands play for storing and attenuation downstream during flood events, along with their role in managing sediment, nutrients and pollutants from surface waters:

*"Wetlands" are vegetated ecosystems characterized by abundant water. Wetlands include the vegetated, shallow-water margins of lakes and ponds and the seasonally flooded borders of rivers and streams. They occur in an amazing diversity of topographic settings across the landscape, including basins, seepage slopes, and wet flats. All wetlands have three characteristics in common. First, all are inundated by or saturated with water during varying periods of the growing season. Second, they contain wetland or hydric soils, which develop in saturated conditions and include peat, muck, and mineral soil types. Finally, wetlands are dominated by plants that are adapted to life in saturated or inundated soils. Wetlands store large volumes of water and attenuate downstream flooding, a function that is likely to increase in importance in Vermont as climate change brings more frequent and larger storm events. Wetlands help maintain surface water quality by trapping sediments and removing nutrients and pollutants from surface waters before that water reaches streams or lakes."*¹⁹

The Project is proposing to only impact a small portion of an identified Class III wetland on the site, which is an isolated depression and has been evaluated as lacking any significant wetland function or value. See NBS-DB-2. The Project will not impact any significant Class II wetlands or wetland buffers.

The Town Plan also references "rare species" and the threats they face from development of their habitats. The plan identifies animal and plant species that should be protected:²⁰

- *The Upland Sand Piper nests along the Number 12 Road*
- *There is a Great Blue Heron rookery located in Newport Town*
- *There is a rare species called the Silver Minnow found here*

¹⁸ Comprehensive Plan Town of Newport, Page 12

¹⁹ Comprehensive Plan Town of Newport, Page 13

²⁰ Comprehensive Plan Town of Newport, Page 13

- *There is a rare species of Water Milfoil found in the Lake, not to be confused with the abundance of Eurasian Milfoil found in Lake Memphremagog*

The Town Plan also references two recognized “state significant grasslands”²¹ by the Agency of Natural Resources (ANR), of which the Town of Newport is home to two of three of these identified grasslands in the state.

The Project is proposed to be installed on the site of an already disturbed industrial gravel extraction operation and will have no impact to any identified rare species or grasslands, thus aligning with the Town Plan. See Exh. NBS-DB-2.

Energy Chapter – Identified in the Town Plan’s statements and objectives, the plan states:

*“The town shall continue to look into renewable energy resources with the addition of the solar garden. Act 92 (State law, February 2008) established goals for Vermont in renewable energy generation and efficiency measures.”*²² The plan further identifies recommendations, strategies and goals to: *“Study access to use of renewable energy, such as solar, wind, and water.”* and *“Encourage greater use of renewable energy. Encourage development of local options for renewable energy production.”*²³

The Town of Newport has not yet developed an enhanced energy plan or received an affirmative determination of energy compliance under 24 V.S.A. § 4352, 30 V.S.A. § 248(b)(1). As a result, due consideration be given to the land conservation measures contained in the Newport Town Plan with respect to the orderly development of the region. Nevertheless, as described above, the Project complies with related provisions of the Town Plan.

Recreation Chapter – The Town Plan identifies a host of outdoor recreational activities available to area residents including: *“hunting, fishing, snowmobiling, skiing (downhill & X-Country), swimming, hiking, ATV trails, etc.”*²⁴ The plan further identifies a large 400 acre recreational tract of land on Poginy Hill for additional outdoor recreation opportunities. Other organized sport locations are mentioned for baseball, softball, soccer, basketball, and football. The plan notes that the Vermont Association of Snowmobile Travelers (VAST) *“maintains approximately 25 miles of trails for winter recreation.”*²⁵ Additionally the Vermont All-Terrain Vehicles Sportsman’s Association (VASA) is actively developing a trail system throughout Newport Town for ATVs.

The Project is proposed on a private parcel of land and the Project site is not actively used for outdoor recreation today, nor is the site identified in the Town Plan for future recreation uses, thus aligning with the Town Plan.

²¹ Comprehensive Plan Town of Newport, Page 14

²² Comprehensive Plan Town of Newport, Page 29

²³ Comprehensive Plan Town of Newport, Page 29

²⁴ Comprehensive Plan Town of Newport, Page 31

²⁵ Comprehensive Plan Town of Newport, Page 31

5.4 Conclusion:

In conclusion, the Project will not unduly interfere with orderly development of the region, after consideration of any specific provisions of the regional and town plans that would apply to a Section 248 renewable energy solar project. There are no specific local or regional land conservation measures that would apply to the Project, and the Project will not interfere with any specific local or regional recommendations regarding the proposed land use for this site. The Project avoids any undue adverse impacts on natural resources. Moreover, the Project aligns with the Regional Plan by being located on a previously-disturbed industrial earth extraction site. The plans also include statements supporting the use of renewable energy.