

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Northland Solar, LLC for a)	
Certificate of Public Good, pursuant to 30)	
V.S.A. § 248a, for approval to install and)	Case No. 25-2346-PET
operate a 4.999 MW solar generation)	
facility in Lowell, Vermont)	

PREFILED REBUTTAL TESTIMONY OF JEREMY OWENS

May 20, 2026

Summary: Mr. Owens’s rebuttal testimony responds to the testimony and exhibits submitted by Intervenor, the Town of Lowell, and the Department of Public Service regarding the Project’s compliance with the Section 248 criteria on Orderly Development and Aesthetics, and addresses additional aesthetic mitigation measures that are being proposed by Petitioner.

Exhibits

- NS-JO-2 Appendix A (Rev.) – Revised Project Maps
- NS-JO-2 Appendix B (Rev.) – Revised Photographic Inventory
- NS-JO-2 Appendix C (Rev.) – Revised Landscape Mitigation Plan
- NS-JO-3a – Simulation 1 – TJBA Viewpoint 10 (Cemetery Leaf-On)
- NS-JO-3b – Simulation 2 – EDR Viewpoint 18 (Cemetery Leaf-Off)
- NS-JO-3c – Simulation 3 – EDR Viewpoint 25 (Manning Residence)
- NS-JO-4 Existing Utilities & Energy Infrastructure Map
- NS-JO-5 Discovery Response of Byron Dolan
- NS-JO-6 Discovery Response of Gordon Perkins
- NS-JO-7 Lowell Zoning Map Project Site Overlay
- NS-JO-8 NVDA Comment Letter in Case No. 24-0039-PET

1 **Q1. Please state your name, occupation, and business address.**

2 A1. My name is Jeremy B. Owens. I am a licensed Senior Landscape Architect with T.J. Boyle
3 Associates Landscape Architecture and Planning located at 301 College Street in Burlington,
4 Vermont.

5
6 **Q2. Have you previously submitted testimony in this proceeding?**

7 A2. Yes, I submitted prefiled direct testimony on behalf of Petitioner Northland Solar LLC (“NS” or
8 “Northland Solar”) on October 1, 2025.

9
10 **Q3. What is the purpose of your rebuttal testimony?**

11 A3. The purpose of my testimony is to respond to the testimony and exhibits submitted by
12 Intervenors, the Town of Lowell (“Town”), and the Department of Public Service
13 (“Department”) with respect to Orderly Development and Aesthetics. I also address additional
14 mitigation measures that are being proposed by Petitioner in response to Intervenors, the Town,
15 and the Department and describe the effect of these measures in terms of reducing the aesthetic
16 impacts of the Project.

17
18 **Q4. What materials have you reviewed in preparation for your testimony today?**

19 A4. I have reviewed the testimony and exhibits filed by the Department’s witness, Gordon Perkins,
20 as well as the testimony and exhibits of Intervenor witnesses Madonna Sullivan, Byron Dolan,
21 and Doug and Deborah Manning, and Town witnesses Gordon Spencer, Jennifer Blay, and

1 Walter Cudnohufsky. I also reviewed narrative responses and documents provided by these
2 parties in response to Petitioner’s discovery requests.

3
4 **Q5. How is your testimony organized?**

5 A5. My testimony is organized into three sections. In Section I, I address the testimony and exhibits
6 of other parties regarding the Project’s compliance with the Quechee Test and describe the
7 additional mitigation measures that Petitioner is proposing in response. In Section II, I respond to
8 the testimony and exhibits of the Department and the Town with regard to the Project’s
9 compliance with Orderly Development under Section 248(b)(1). In Section III, I address minor
10 corrections to my previous testimony and exhibits.

11
12 **Q6. Are you submitting any revised exhibits to your previous testimony?**

13 A6. Yes, I have updated several attachments to my aesthetics and orderly development report *Exhibit*
14 *NS-JO-2*. Specifically, I am submitting revised versions of the following attachments to reflect
15 changes to the Project viewshed: Appendix A (Project Maps), Appendix B (Photographic
16 Inventory), and Appendix C (Landscape Mitigation Plan). I have not updated the report itself as
17 my testimony below updates my descriptions of particular viewsheds. All other conclusions in
18 my report remain unchanged. In addition to revised attachments, I also submit several new
19 exhibits, including simulations of the revised Project design from the Cemetery and Manning
20 Residence (*Exhibit NS-JO-3a – NS-JO-3c*), an Existing Utilities & Energy Infrastructure
21 Context Map (*Exhibit NS-JO-4*), several discovery responses from other parties (*Exhibit NS-*
22 *JO-5 and NS-JO-6*), a comment letter from the Northeastern Vermont Development

1 Association (“NVDA”) in another solar case (*Exhibit NS-JO-7*), and the Town of Lowell
2 Zoning Map (*Exhibit NS-JO-8*).

3
4 **I. AESTHETICS (SECTION 248(b)(5))**

5 **Q7. Please summarize the testimony and exhibits of the Department, Intervenors, and the**
6 **Town regarding the Project’s aesthetic impacts.**

7 A7. The Department and the Town each submitted a separate aesthetics analysis concluding that the
8 Project as initially designed would have an undue adverse aesthetic impact. The Intervenors also
9 submitted testimony expressing concerns regarding the aesthetic impact of the Project.

10
11 **Q8. What is your general response to these witnesses?**

12 A8. I disagree with the analyses submitted by Mr. Perkins for the Department and by Mr.
13 Cudnohufsky for the Town, for the reasons explained in more detail below. In general, in my
14 opinion, these witnesses have not adequately considered the existing utility and electric
15 infrastructure in the immediate area or the lack of extensive public views, and instead overly
16 focus on private and lesser seen viewsheds. More specifically, these assessments do not appear to
17 adequately acknowledge the presence, proximity and clear visibility of existing utility and
18 electric generation infrastructure near the Project and in the viewsheds of neighboring properties
19 in the assessment of scenic qualities of the study area, as well as other infrastructure in the
20 nearby area such as metal buildings, roadways and associated vehicular traffic. Similarly, they do
21 not appear to take into account the fact that solar generation facilities are commonly seen in the
22 Vermont landscape, and Vermont’s citizens are increasingly used to seeing them and understand

1 that solar facilities are integral to meeting the state’s renewable energy generation and
2 greenhouse gas emission reduction requirements.

3 Nonetheless, while I disagree with the other aesthetics witnesses that the Project as
4 initially proposed would have an undue adverse aesthetic impact, the Petitioner is proposing
5 substantial additional mitigation measures to reduce the Project’s impacts from the adjoining
6 residences and the Mountain View Cemetery (the “Cemetery”). See Revised Site Plan, *Exhibit*
7 *NS-TH-2 (Rev.)*. These measures are directly responsive to the conclusions of Mr. Perkins and
8 Mr. Cudnohufsky, and the aesthetic concerns raised by the Intervenors. The additional
9 mitigation includes:

- 10 • Reducing the overall Project footprint by more than 5 acres, which represents an
11 approximately 19% reduction in acreage from the original design;
- 12 • Removing panels from the section of the Project closest to the Cemetery and the
13 Sullivan and Manning residences, and increasing the distance between these
14 properties and the nearest panels; and
- 15 • Updating the landscape mitigation to increase proposed planting sizes, revise the
16 proposed locations, and diversify the proposed plant species, including utilizing
17 plants with varying sizes for a more varied natural appearance. Larger sizes for
18 evergreen species (at the time of installation) have been incorporated to help further
19 screen the Project from the Cemetery, the Sullivan residence, and the Manning
20 residence.

21 I am also submitting simulations of the revised Project viewshed from the Manning
22 Residence and the Cemetery using the same images that were previously simulated and provided

1 by the Department's aesthetic witness in *Exh. DPS-GP-2.2*. See ***Exhibit NS-JO-3b-NS-JO-3c***.
2 An additional simulation from the Cemetery during leaf-on conditions is also being submitted.
3 See ***Exhibit NS-JO-3a***. These simulations demonstrate the substantial reduction in Project
4 visibility from these locations given the proposed changes to the Project reflected in ***Exhibit NS-***
5 ***TH-2 (Rev.)*** and described in the supplemental testimony of Thomas Hand, and the updates to
6 the proposed aesthetic mitigation plantings.

7
8 **Q9. Before we turn to your response to individual witnesses, will you please summarize in more**
9 **detail the additional aesthetic mitigation measures that Petitioner is proposing?**

10 A9. As noted above, Petitioner is responding to the specific visual concerns raised by Intervenors, the
11 Town, and the Department by proposing to substantially reduce the size of the Project footprint
12 by almost 20% (over 5 acres) and remove rows of panels from the southern end of the Project.
13 This will materially reduce visibility of the Project from the Cemetery and the Manning
14 residence and increase the distance between the Project and the Sullivan residence, the Manning
15 residence, and the Cemetery. In order to accommodate the reduction in footprint as efficiently as
16 possible, the arrays will be fixed tilt instead of trackers and will be oriented in rows running east
17 to west. See Revised Site Plan, ***Exhibit NS-TH-2 (Rev.)*** and rebuttal testimony of Thomas Hand
18 for further details. Additionally, the landscape mitigation plan has been updated to accommodate
19 the reduced and relocated Project extent as well as diversify the proposed plant species,
20 including utilizing plants with varying sizes for a more varied natural appearance. This includes
21 sixty-three (63) evergreens that were increased from 5' tall at the time of installation to 7' or 9'.
22 Additionally, twelve (12) new large deciduous trees and seven (7) new birch trees have been

1 incorporated into the landscape screening to help naturalize views of the proposed array and
2 associated landscape mitigation from the Cemetery and private properties, as well as to provide
3 additional screening during leaf-on conditions. See *Exhibit NS-JO-2 Appendix C (Revised)*.

4 The Project size reduction and proposed landscape mitigation changes will materially reduce the
5 visual impact of the Project from the Manning residence, the Cemetery, and the Sullivan
6 residence.

7
8 **Q10. Will these changes impact aspects of the Project relied on by Mr. Perkins and Mr.
9 Cudnohufsky in their aesthetics analyses?**

10 A10. The mitigation measures address many of the concerns raised by Mr. Perkins and Mr.
11 Cudnohusky. In particular, the removal of panels from the southern area of the Project and the
12 revised landscape mitigation design will address many of the elements of the Project views from
13 the Cemetery and the Manning residence that Mr. Perkins focused on.

14
15 **Q11. Can you please describe in more detail the simulations you are submitting?**

16 A11. I have produced three simulations to depict the difference in how the revised Project design will
17 look from the original site plan. To visualize the scope and impact of the design change and the
18 additional mitigation proposed, I have created simulations from the Manning residence and the
19 Cemetery using the same photography and viewpoint location data Mr. Perkins used in his
20 simulations in *Exh. DPS-GP-2.2*. I have also created a third simulation of the same general view
21 from the Cemetery during leaf-on conditions to provide context for the difference in the Project
22 visibility during leaf-on conditions when the Cemetery is more accessible to the public. These

1 photographic simulations were prepared using methods very similar to those used by Mr.
2 Perkins, as described in *Exh. DPS-GP-2.3* at pgs. 3-4. The proposed mitigation plantings have
3 been prepared based on the installation size for each plant as well as using the expected growth
4 rate for each plant at seven years after installation. See *Exhibit NS-JO-3(a-c)*.

5
6 **Q12. Turning to the analysis submitted by Mr. Perkins on behalf of the Department, what is**
7 **your general reaction Mr. Perkins' analysis of the Quechee Test?**

8 A12. Mr. Perkins and I both agree that the Project would have an adverse aesthetic impact and that
9 there are no clear, written community standards in the Regional Plan or Town Plan that the
10 Project would violate. However, Mr. Perkins concludes that the impact would be unduly adverse
11 because, in his view, the Petitioner did not take all available mitigation measures and the view
12 from the Manning Residence and Cemetery would be shocking or offensive. I disagree with Mr.
13 Perkins' conclusions regarding these elements of the second prong of the Quechee Test for the
14 reasons that I explain below. However, as I also explain below, I believe many of these concerns
15 are being addressed through the proposed additional mitigation measures.

16
17 **Q13. Please explain why you disagree with Mr. Perkins' conclusions regarding the reasonably**
18 **available mitigation measures taken by the Project.**

19 A13. Mr. Perkins suggests that the Project did not consider but could potentially incorporate
20 undergrounding of the interconnection line between the array and the substation (the "gen-tie"
21 line), a different panel configuration, and additional evergreen mitigation plantings between the
22 Project and the Cemetery. As explained by Mr. Hand in his rebuttal testimony, the Petitioner

1 considered common panel layouts and determined that single-axis trackers would be the best fit
2 for the site for efficient energy production. Mr. Hand explains that while Petitioner is now
3 proposing a layout change, doing so is in an effort to be responsive to the Department and other
4 parties, and there is diminished Project efficiency as a result of this change, the extent of which
5 goes beyond reasonable mitigation for the purposes of Quechee Test analysis. Petitioner also
6 considered re-routing or undergrounding of the gen-tie line. However, given the number of
7 existing overhead transmission and distribution lines and associated poles located on Route 100,
8 as well as on the Project site itself, undergrounding the gen-tie line would have limited effect for
9 improving the aesthetics of the area and would result in substantial added expense. See, e.g.,
10 viewpoints 3, 4, and 5 in the photolog submitted by Mr. Perkins as *Exh. DPS-GP-2.1*, which
11 show some of the existing distribution lines and transmission lines that are adjacent to and/or
12 presently visible from the nearby portion of Route 100. In terms of re-routing the gen-tie line,
13 the Petitioner must provide vehicle access to the line for the utility, which is why the line is
14 proposed along the existing and new access road. Reconfiguration of the alignment would not
15 substantially change the elements that will be visible from Route 100 and could require more
16 access road to be built, as well as additional guy wires. Based on these considerations,
17 undergrounding or rerouting the gen-tie line is not reasonably available mitigation without
18 substantially impacting Project costs, nor would it materially improve the harmony of the Project
19 with its surroundings given the existing character of the area.

20 Additionally, as previously discussed herein, Petitioner has revised the proposed
21 landscape mitigation plantings to further reduce visibility of the Project, including moving
22 evergreen trees to supplement the existing hedgerow between the Cemetery and the Project, and

1 along the edges of the Project between the Sullivan and Manning residences. With these changes,
2 the Project has incorporated all reasonably available measures to address the Department's
3 concerns.

4
5 **Q14. Please explain why you disagree with Mr. Perkins' conclusions regarding whether the**
6 **Project would be shocking or offensive to the average person.**

7 A14. I disagree with Mr. Perkins' analysis on this element of the Quechee Test, with respect to the
8 context of the Project with existing infrastructure in the surrounding area and because the
9 seasonal conditions that the views in his simulations reflect substantially impact how often and
10 for what duration these specific views would be experienced by the average person. Mr. Perkins
11 notes that based on his viewshed analysis, the Project will only be visible from a small portion of
12 the surrounding area—approximately 1.4% of the surrounding 2-mile radius. *Exh. DPS-GP-2* at
13 6, 8. This also means that he estimates the Project will *not* be visible in approximately 98.6% of
14 the 2 mile area around the Project, which is the vast majority of the area.

15 Within the area of visibility, Mr. Perkins's analysis focuses on the impact to views that
16 are in close proximity to the Project, which will only be experienced by two private residences
17 and visitors to the Cemetery. Primarily on the basis of these views, his report concludes the
18 Project would be shocking or offensive to the average person. I disagree with this conclusion
19 based on the impact to a few private viewpoints. While the Quechee Test requires consideration
20 of private views, the private nature of these locations ultimately results in a lower number of
21 impacted persons compared to public views. Furthermore, in my opinion, the existing impact of
22 the surrounding electric transmission and distribution infrastructure on the nearby character and

1 scenic quality of existing views in the immediate area must be more clearly considered. A map
2 of the surrounding electric transmission and distribution infrastructure demonstrating their
3 proximity to the Project site is provided in an Electric Infrastructure Context Map, *Exhibit NS-*
4 *JO-4*.

5 First, with respect to the assessment of the nature of the views from the Manning
6 residence, although the Department's report acknowledges the view of the two existing
7 substations from the rear of the Manning residence, it does not directly mention the large electric
8 transmission line crossing the site when considering whether the Project would be so out of
9 character with the surroundings as to be shocking or offensive. It should also be pointed out that
10 this transmission line is part of a 200' wide transmission corridor, only half of which is currently
11 developed. As such, the site has both existing and potential for expanded electrical transmission
12 infrastructure. Looking at the screenshot of Viewpoint 7 below from Mr. Perkins' *Exh. DPS-*
13 *GP-2.1* showing the Manning Residence in the background, it is clear that existing infrastructure
14 is visible to this residence, particularly in leaf-off conditions:



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Two cell/communications towers are also visible from the Manning residence and are not mentioned in the analysis. See also Viewpoint 25 from Mr. Perkins' *Exh. DPS-GP-2.2* at Sheet 11, which shows one cell/communications tower is prominently visible from the Manning Residence, and another is visible to the southwest. These various utility infrastructure elements currently exist and are visible within the viewshed of the mountains from the Manning residence. Similarly, it should be acknowledged that the Manning residence has rooftop solar panels, which are also visible from the Cemetery. See *Exh. DPS-GP-2.2* at sheet 7. Although Mr. Perkins may not have been able to observe this, which may explain why it was not included in his analysis, Mr. Cudnohufsky's photos show that these panels are visible from inside the residence. See screenshot of *Exh. TL-WC-3, View M* at p. 7:



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2 It is also important to recognize that the Manning residence is a private location not
3 accessible to the public, so the number of viewers is limited to the residents and their guests. Mr.
4 Perkins' leaf-off simulation is from an exterior, uncovered deck, not inside the residence, which
5 is likely being less used in the winter. During the leaf-on season, when viewers are more likely
6 to be outside on the deck of the Manning Residence, the existing vegetation would significantly
7 change the views of the Project as simulated by the Department. For example, the photograph
8 below of the Manning residence was taken from the Project site during the summer months
9 (screenshot of Viewpoint 1b in *Exhibit NS-JO-2 Appendix B (Rev.)*) and shows the existing
10 leaf-on vegetation between the Manning residence and the Project site. Petitioner is proposing
11 additional mitigation plantings near this intervening vegetation that will further screen the
12 Project from the Manning residence.



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Finally, with respect to the Manning residence, it is worth noting that while the house has been situated to look across a separately owned parcel, no scenic easement or other protections for this private view have been procured by the Mannings. As a result, any change to the Project parcel, whether for the Project or any other development, could similarly impact their view of the Project area.

Turning to Mr. Perkins' analysis of the Project view from the Cemetery, I believe elements of the existing surrounding infrastructure that impact the scenic quality of the area are downplayed, as is the distance from the proposed array, which is set back approximately 497 feet from the Cemetery parcel in the revised design (previously +/-375 feet). First, the metal commercial building on the adjacent lot is visible from the Cemetery. At the time of my visit to the site, this adjacent parcel also had several cars in various states of disrepair parked next to the commercial building and visible from much of the Cemetery. Second, the Cemetery directly abuts Vermont Route 58 E, and vehicle and truck traffic on the state highway is visible and

1 audible from the Cemetery. See Discovery Response from the Cemetery, *Exhibit NS-JO-5*.
2 Third, I believe this analysis understates the visual impact of the existing distribution line that
3 extends directly above the Cemetery, which is not visible in the simulation prepared for
4 Viewpoint 18 in *Exh. DPS-GP-2.2*, but is seen in other photos submitted by the Department. In
5 my opinion, the existing commercial building and distribution poles are dominant focal features
6 within views from the Cemetery. See, e.g., screenshots of Viewpoints 21 and 24 of photolog,
7 *Exh. DGP-GP-2.1*:

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2 While the distribution line and transmission line that are visible from the Cemetery are
3 noted in the report, the Cemetery is also described as being “enclosed by large, mature trees” that
4 give the view a high scenic quality. The only large, mature trees in the view toward the Project
5 are in the intervening hedgerow or behind the Project. Furthermore, the distribution line, the
6 commercial metal building, and active highway to the side of this view are elements that do not
7 contribute to the scenic quality or serenity of the area. This is important context that should be
8 accounted for when considering the scenic value of the existing viewshed as these elements
9 directly impact how shocking or offensive additional infrastructure at a distance of almost 500
10 feet away would be to a viewer.

11 Like the view from the Manning residence, it is also important to consider how often the
12 leaf-off view from the Cemetery would be experienced by the average person. Mr. Perkins notes
13 that the views in his simulations “represent conditions when the leaves are bare and the greatest
14 extent of Project visibility is possible” (*Exh. DPS-GP-2* at 19). It is also important to consider

1 how often or by how many viewers these views would be experienced. For this location, public
2 access to the Cemetery in the winter months is limited. The Cemetery does not plow or clear
3 access to the graves in the winter months, so there is no guaranteed on-site parking or pathways
4 for visitors. For example, Mr. Perkins confirmed in discovery that representatives from EDR
5 had to park in Lowell, walk down the highway to the Cemetery, and then use snowshoes to
6 access the site to take photos, which is reflected in the photo above. See *Exhibit NB-JO-6*. Thus,
7 the likelihood that visitors will regularly experience the leaf-off view in Mr. Perkins' simulations
8 is limited, and visitors are more likely to freely access the site during leaf-on months when the
9 Cemetery is more accessible, during which the intervening hedgerow will offer much more
10 robust screening. See, e.g., Viewpoint 10, *Exhibit NB-JO-2, Appendix B (Rev.)*.

11 In summary, there are transmission facilities, distribution facilities, and electrical
12 substations that are currently visible from the Manning residence, and a distribution line, a
13 highway, and a large metal building that are visible from the Cemetery that should be taken into
14 account when considering the shocking or offensive nature of the Project views. The leaf-off
15 views of the Project are not as likely to be experienced by as many people in the winter as in
16 leaf-on months and the fact that the Manning residence is a private location will also limit the
17 number of viewers. For these reasons, it is my opinion that the visual impact caused by the
18 introduction of the proposed Project (even prior to Petitioner's proposed additional Project
19 changes) is overstated, and I do not believe the views of the Project from the Manning Residence
20 and Cemetery will be so out of character with the existing elements within these views to be
21 shocking or offensive to the average person.

1 **Q15. Can you summarize how the proposed mitigation measures address concerns raised by Mr.**
2 **Perkins?**

3 A15. Yes. Although I disagree with Mr. Perkins' analysis of the Project as originally proposed, views
4 of the Project elements as seen from the Cemetery and Manning Residence will be considerably
5 reduced by the removal of the southernmost portion of the Project, including the area closest to
6 the Cemetery and visible from the Manning Residence. As reflected in the Simulations in
7 *Exhibit NS-JO-3(a-c)*, the revised Project will take up far less of the views from these locations,
8 and the additional mitigation plantings will further reduce views during leaf-off conditions. As a
9 result, the Project will be less visible in the view from these properties, and in the case of the
10 Cemetery, much farther removed. These proposed changes will further reduce the likelihood
11 that the Project will be shocking or offensive to the average person.

12
13 **Q16. Moving to the testimony and exhibits of the Town's witness, Mr. Cudnohufsky, what is**
14 **your general response to his analysis of the Project's aesthetic impact?**

15 A16. I disagree with a number of Mr. Cudnohufsky's conclusions, as well as the methodology he uses.
16 With respect to Mr. Cudnohufsky's specific conclusions under the Quechee Test, he also
17 concludes that the Project will not violate any clear written community standards in the Town or
18 Regional plans. However, I disagree with his conclusions regarding the mitigation and shocking
19 or offensive elements of the Quechee Test for many of the same reasons stated above with
20 respect to Mr. Perkins' analysis. Additionally, I understand from Mr. Cudnohufsky's discovery
21 responses that he has never conducted an analysis under the Quechee Test or of a solar
22 generation facility, and his methodology is not consistent with the standards that I would expect

1 from an expert reviewing a solar project under the Quechee Test. This particularly applies to his
2 assessment of a “Perceived” Village Center” that is not based on Town or Regional planning
3 documents, the photography incorporated in his exhibits, and his use of sketches to illustrate the
4 Project’s appearance. In my opinion, these are not accurate or reliable methods to assess a
5 Project’s aesthetic impacts under the Quechee Test for the reasons described further below.

6
7 **Q17. Please explain your concern with Mr. Cudnohufsky’s assessment of the “Perceived Village**
8 **Center.”**

9 A17. Mr. Cudnohufsky’s assertion and depiction of a “Perceived Village Center” in his *Exh. TL-WC-*
10 *4b* does not appear to be based on Town or Regional planning and mapping documents derived
11 from established procedures that are based on public and municipal efforts, and instead are
12 apparently based on Mr. Cudnohufsky’s own personal interpretation and individualized sense for
13 what a village’s boundaries are. Simply put, Mr. Cudnohufsky created his own village boundary
14 map that is not based on any pre-existing municipal planning document and then based his
15 analysis on this self-established boundary. This is not a reliable or objective way to assess
16 aesthetic impacts.

17 Regardless of Mr. Cudnohufsky’s personal feelings about how villages are or should be
18 perceived by the public, using a personal sense for context to convey a village boundary is not an
19 established or reliable method for determining village character extents, zoning boundaries, or
20 answering any of the questions considered within the Quechee Test. Village boundaries are
21 publicly discussed and approved by public bodies to provide a clearly delineated area. The

1 purpose of this is to establish consensus for clear boundaries that will result in fair and uniform
2 regulatory management.

3 Furthermore, even if it were a regular occurrence to include a “Perceived Village Center”
4 within a visual analysis under the Quechee Test, which it is not, the boundaries shown on *Exh.*
5 *TL-WC-4b* appear to have arbitrary and non-sensical extents. For example, Mr. Cudnohufsky’s
6 “village” conveniently includes northern portions of the Project area that are not readily visible,
7 while not including the immediately adjacent forested area, yet conversely he chose to include
8 forested areas to the southwest that are not readily visible or accessible. Some forests and
9 hedgerows are arbitrarily considered to be within the “Perceived Village Center” and some
10 forests and hedgerows instead act as a limiting boundary. Likewise, some houses are
11 inexplicably within the boundary, while some houses are not. Perhaps most significantly, this
12 map and the “Perceived Village Center” boundary do not include areas further west of the
13 Lowell Graded School and Town Hall that are clearly zoned as “Village” on Lowell’s own
14 zoning map (*Exhibit NS-JO-7*), and ignores other nearby open fields to the south such as those
15 near the aptly named Lower Village Road.

16 When one stands in the center of the Project field, one does *not* get the sense that they are
17 within a village center perceptually, legally, or otherwise (see *Exh. NS-JO-2, Appendix B*
18 *(Rev.)*, Viewpoints 1 through 4). Mr. Cudnohufsky’s use of his own boundary to develop his
19 own definition of a village center is therefore erroneous, misleading and subjective. As a result,
20 I do not believe that *Exh. TL-WC-4b* or Mr. Cudnohufsky’s conclusions on the basis of this
21 boundary are appropriate for including in a Quechee Test analysis.

22

1 **Q18. What are your concerns with Mr. Cudnohufsky’s diagrammatic sketches and the**
2 **photographs he has submitted?**

3 A18. I do not believe that these visuals are an accurate or reliable reflection of the Project or its
4 surrounding area. In discovery, Mr. Cudnohufsky confirmed that the so-called diagrammatic
5 sketches submitted with his review of the Project are based on his own estimate of scale rather
6 than digital modeling or other visual software. Mr. Cudnohufsky’s methodology for creating,
7 assessing and ascribing importance to the accuracy and results of these “diagrammatic sketches”
8 is unclear, including how and why he chooses the focal parameters of the underlying images, or
9 how he accurately scales the intervening existing and proposed vegetative screening. He also
10 provides no guidance as to how these exhibits should be viewed (e.g., how far to hold these
11 exhibits from the eye, or what the context is outside of each photograph).

12 With respect to the photographs in *Exh. TL-WC-3b* and those that form the basis of his
13 sketches in *Exh. TL-WC-5a* through *5d*, these appear to be captured with smartphones and
14 portray different fields of view. A review of the metadata of all of the viewpoint photos in *Exh.*
15 *TL-WC-3b* indicates that these photographs were taken with both an iPhone 15 Pro and a
16 Samsung Galaxy S23 FE, and that zoom settings were used that varied by location. These
17 settings were equivalent to both 48mm and 23-24mm focal lengths as taken on a traditional
18 35mm film camera. For context, a “normal” focal length taken on a 35mm film camera is
19 considered 50mm (or reasonably close to 50mm). Only three of the thirteen photographs
20 provided in *Exh. TL-WC-3b* were taken with focal lengths that equate closely to a 50mm
21 equivalent (Views A, C, and H); the remainder of the photographs in *Exh. TL-WC-3b* equate to
22 roughly 23-24mm focal lengths. This means that the majority of the photographs in *Exh. TL-WC-*

1 3b depict a field of view that is roughly twice as wide as the accepted focal length for
2 representing a “normal” view. Mr. Cudnohufsky doesn't describe the fields of view in any these
3 photos or how each photograph should be viewed, nor does he provide information that some of
4 these photos have been cropped from their original dimensions. He also includes a photo, View
5 K, which he acknowledges he did not take, and which has clearly been substantially cropped
6 from its original version prior to inclusion in his exhibit.

7 In short, Mr. Cudnohufsky’s sketches and photographs do not meet established standards
8 for a clear and objective analysis under the Quechee Test and therefore cannot be relied upon as
9 an accurate representation of views of the existing site or the proposed Project. Mr.
10 Cudnohufsky has not provided sufficient information about the views and sketches being
11 represented or directions for viewing and interpreting what is presented, and his method for
12 estimating scale and using images that have been cropped, enlarged or wide-angle is not an
13 accepted method for assessing or presenting potential visual impact of the Project. For these
14 reasons, it is my opinion that these visuals do not accurately assess or convey the potential visual
15 impacts of the proposed Project elements.

16
17 **Q19. Do you agree with Mr. Cudnohufsky’s assessment of the Project’s potential impacts on**
18 **public views?**

19 A19. No, I do not. Mr. Cudnohufsky’s assessment of the impacts from public views does not take into
20 account objective facts, such as the substantial distance (more than 1,000 feet) from the Project
21 to Town buildings, and instead is based on subjective assessments of how he believes individual
22 residents would feel about the view. Mr. Cudnohufsky does not objectively assess the potential

1 for the Project to be shocking or offensive from the perspective of an average person, and instead
2 has interjected his interpretation of someone “familiar” (*Exh. TL-WC-2* at pgs. 3, 36) with the
3 view. He refers to views as “comforting” (p. 16), “stimulating” (p. 16), “cherished” (p. 32), and
4 focuses on “the ‘sense of place and quality of life that place affords’ ” (p. 32) in his assessment
5 of view impacts, which is highly personalized and decidedly non-objective language. It indicates
6 that his analysis is highly subjective, perhaps informed by the citizen interviews referenced in his
7 report (p. 2), which according to his response to discovery request (Q.NS.TL.1-26), only
8 included discussions with Jennifer Blay, Byron Dolan and Douglas and Deborah Manning, all of
9 whom are Lowell citizens with a particular interest in this case as Intervenors or representatives
10 of the Town.

11 This is not the correct standard or methodology to assess whether a project would be so
12 out of character with the surrounding area as to be shocking or offensive to the average person.
13 Under the Quechee Test, it has been established that the nature of the visual change is to be
14 assessed from the vantage of the “average person” who is a member of the public not affected
15 personally by a project in question. Even the limited visibility of the Project from public
16 vantages such as Route 100 and the Lowell Graded School will be at substantial distances. The
17 Project is more than 500 feet from Route 100 *at its closest*, and more than 1,000 feet from the
18 entrance to the Lowell Graded School. This distance is observable in Mr. Cudnohufsky’s own
19 photograph (screenshot of *Exh. TL-WC-3b*, Viewpoint B):



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Existing views from the school in the direction of the Project include a parking lot (mostly empty on the day of this photo but presumably full when the school is open) and related drive aisles, transmission and distribution line infrastructure, filtered views of the nearby electrical substation, and traffic associated with the intervening state highway. Furthermore, despite these distances, Petitioner has proposed landscape screening to further reduce views of the proposed Project from these public areas. Based on these considerations, the Project will not appear so out of character or visually prominent from these public locations as to be shocking or offensive, and Mr. Cudnohufsky has reached his particular conclusion after assessing these impacts from a subjective, rather than objective, perspective.

1 **Q20. Are there other concerns that you have with Mr. Cudnohufsky's assessment? If so, please**
2 **explain.**

3 A20. Yes. With respect to Mr. Cudnohufsky's map of the community context of the Project site (*Exh.*
4 *TL-WC-4a*), I find it significant that Mr. Cudnohufsky does not include the presence of the
5 existing transmission or distribution lines that provide energy to the region and within the Town
6 of Lowell. Although the substations are marked on the map, Mr. Cudnohufsky omits the major
7 transmission line that runs directly through the Project site and through other portions of the
8 view. The transmission and distribution lines are prevalent and highly visible within and outside
9 the Lowell village and on the Project site, and are therefore important context. The omission of
10 these elements indicates that his review lacks objectivity and does not consider *all* the context of
11 these views. To show the substantial amount of electric infrastructure in the area, including the
12 existing distribution and transmission lines, the two substations, cell/communications towers in
13 the Town Village area, and existing solar panels around the Project site, I have submitted a
14 separate electric infrastructure context map in *Exhibit NS-JO-4*.

15
16 **Q21. Are the mitigation measures proposed by Petitioner responsive to Mr. Cudnohufsky's**
17 **review of the Project impacts?**

18 A21. Yes. Although I strongly disagree that Mr. Cudnohufsky's analysis of the Project viewshed is
19 fair and objective or based on standard methodology, the proposed additional mitigation
20 measures that Petitioner is incorporating in the revised Project design are responsive to many of
21 Mr. Cudnohufsky's comments, including materially reducing the size and scale of the Project
22 and adjusting the landscape mitigation plan to increase evergreen sizes as well as adding large

1 deciduous trees to further mitigate Project views during both leaf-on and leaf-off conditions.

2 These changes will reduce proximity and help reduce visibility of the Project from the Cemetery
3 and nearby private residences.

4
5 **Q22. Mr. Cudnohufsky included specific comments about your aesthetic analysis in his report.**

6 **Do you have any response to these comments?**

7 A22. Yes, I do not believe these “select concerns” are accurate or relevant. Mr. Cudnohufsky’s
8 comment about not providing photographs during leaf-off conditions is an understandable
9 criticism, and in an ideal scenario photographs are taken during both leaf-on and leaf-off
10 conditions. However, as is often the case with aesthetic reviews submitted to the Public Utility
11 Commission, an opportunity to visit the site or Project area during leaf-off conditions prior to
12 submission of materials was not possible in this case due to the timing of the petition.
13 Nonetheless, it is incorrect to suggest that I did not consider the impacts of the Project in winter
14 months. I did take leaf-off visibility into consideration, and evergreens were incorporated in the
15 landscape screening plan for this very reason.

16 Similarly, Mr. Cudnohufsky criticizes the analysis for focusing on public, rather than
17 private views and not submitting photographic evidence from individual residences. I did in fact
18 submit photos of the views of private residences from the Project parcel, as is appropriate.
19 Private residences are not accessible to the general public and aesthetic consultants have no right
20 to enter private land, and this is not required when performing an analysis under the Quechee
21 Test.

1 I also find Mr. Cudnohufsky’s comment about cone of vision and street views shown at
2 180 degrees to be largely irrelevant. The panoramic images I submitted are intended to provide
3 context of the viewpoint and the single-frame photo’s location within that context, and the
4 single-frame image is intended to provide a “normal” view directly toward the Project, or from
5 the Project site looking outward, depending on the viewpoint location. This is an established
6 practice for viewpoint representation in visual assessments in Vermont and elsewhere, and is
7 unrelated to typical human cone of vision within a fixed perspective view, or an analysis thereof.

8 In regard to the proposed landscaping itself being responsible for removing a “cherished
9 view” from Route 100, the view in question and the Project site itself are not described or
10 discussed in any municipal documents available to the Petitioner. There are existing large pine
11 trees along Route 100 that help screen the view of the adjacent substations, and the proposed
12 plantings by Petitioner will not be inconsistent with this existing vegetation, and likewise will
13 help mitigate Project views from Route 100. With respect to the soil stockpiles, they are
14 proposed within the array area, far into the site more than 1,100 feet from Route 100 and inside
15 the Project fenceline.

16
17 **Q23. With respect to the testimony and exhibits of Mr. Dolan on behalf of the Cemetery, what is**
18 **your response to his concerns about the Project’s visibility?**

19 A23. While I appreciate Mr. Dolan’s perspective on the Cemetery’s importance to him and his family,
20 I disagree with his suggestion that the hedgerow between the Cemetery and the intervening
21 agricultural field is sparse and made up of only a few trees, and that the intervening field

1 between the Project and the Cemetery and the commercial building to the east are not important
2 context for analysis of Project visibility.

3 Regarding the hedgerow, as shown in Viewpoint 10 in *Exhibit NS-JO-2 Appendix B*
4 *(Rev.)*, the hedgerow contains a robust mixture of trees and shrubs that form a strong visual
5 barrier between the back of the Cemetery and the Project site during leaf-on conditions. For
6 leaf-off conditions, as noted above, the Cemetery does not plow the parking area or otherwise
7 maintain access to the graves. As a result, the area of the Cemetery closest to the Project parcel
8 is not maintained for safe and dedicated visitor access during the winter months.

9 Additionally, the fact that there is an intervening property between the Project and the
10 Cemetery is important both in terms of describing the context of land use between the properties,
11 but also because the visibility of the Project is naturally subject to any changes on the intervening
12 property. As noted above, the distance between the nearest point of the array and the Cemetery
13 property line was previously 375 feet and is now more than 100 feet farther away with the
14 revisions to the design.

15 The visual context at and around the Cemetery is important to recognize, as the Cemetery
16 is currently bordered by a busy highway from which traffic is visible and audible to visitors, a
17 distribution line extends over the Cemetery, and there is a large metal commercial building
18 directly adjoining the cemetery with no visual barrier from gravesites. This metal building and
19 the distribution line are visible when looking at the Project area (see, e.g., Viewpoints 20 and 21
20 of *Exh. DPS-GP-2.1*). Given that these other elements are clearly visible from the Cemetery and
21 no screening or other efforts have previously been installed to reduce their visibility, the Project
22 will not appear out of place with these existing visual elements.

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Q24. Is the additional mitigation proposed by Petitioner responsive to Mr. Dolan’s concerns?

A24. Yes. Petitioner is responding to the concerns Mr. Dolan raises regarding the leaf-off conditions of the visual buffer between the Project site and the Cemetery by adding substantial evergreen mitigation plantings between the Project and the Cemetery, which will improve the effectiveness of this visual buffer in both leaf-on and leaf-off months. Additionally, Petitioner has substantially revised the Project size and extent, removing panels at the southern end of the Project, closest to the Cemetery property, which will significantly reduce the amount of the Project that is visible from the Cemetery. Simulations of the view from the Cemetery of the revised Project design in both leaf-off and leaf-on conditions are provided in *Exhibits NS-JO-3a and NS-JO-3b*. Petitioner has therefore directly responded to Mr. Dolan’s concerns and reduced the visual impact of the Project from the Cemetery.

Q25. How do you respond to the testimony and exhibits of the Mannings and Ms. Sullivan?

A25. I understand that both residences have views of the Project field and that these Intervenors would prefer for the field to remain unchanged. However, as it does not appear that either residence has a scenic easement over the field, this should not prevent the Project from moving forward. I also note that the Mannings have solar panels on their roof that, as noted above, appear to be visible from at least one view inside their residence. Solar panels are increasingly prevalent in the visual landscape and that is true in the immediate area of the Project. I also note that, to the extent the Mannings are concerned about plantings interrupting their views of the Mountains, there are already existing tall trees between the Project site and their residence. See, e.g. *Exh.*

1 *NS-JO-2, Appendix B (Rev.)* – Photographic Inventory at Viewpoints 1b, 2a-b, 4b; *Exh. DPS-*
2 *GP-2.1* at Viewpoint 25; *Exh. TL-WC-3b* at View L. The proposed mitigation plantings for the
3 Project will not be as tall as the existing white pine tree visible in these views and will help
4 address the Mannings’ general concern of visibility of the array.

5 Finally, I again point to the additional mitigation measures that Petitioner is proposing,
6 which significantly change the Project’s proximity and appearance from these residences. For
7 Ms. Sullivan, the nearest proposed array structure is now over 340 feet from her residence,
8 increasing that set back from 191 feet for the previous layout, and additional large deciduous and
9 evergreen mitigation plantings have been added between the two properties. The Project has
10 also been moved slightly farther back from the Manning residence (295 feet versus 240 feet as
11 originally designed). More significant is that the removal of approximately 5 acres of the
12 southernmost section of the Project significantly changes the sight lines to the Project and
13 thereby reduces the amount of Project that is visible from their back deck. This will particularly
14 reduce Project visibility to the southwest where existing intervening mature vegetation is less
15 prevalent. See *Exhibit NS-JO-3c*. The addition of more and larger plants along the southern
16 and eastern extents of the proposed array will also help filter views of the Project during both
17 leaf-on and leaf-off conditions.

18

1 **Q26. Taking into account the testimony and exhibits of Intervenors, the Town, and the**
2 **Department, have your opinions regarding the Project’s compliance with the Quechee Test**
3 **changed? If so, how?**

4 A26. No, my conclusion that the Project complies with the Quechee Test and will not have an undue
5 adverse aesthetic impact has not changed. However, the additional mitigation measures that
6 have been proposed by Petitioner further improve the Project’s harmony with its surroundings
7 and are evidence of Petitioner’s incorporation of available mitigation measures, including
8 reductions in Project size that Petitioner considers beyond reasonable. As a result, it is my
9 opinion that the aesthetic impact of the Project has been materially reduced for the Cemetery, the
10 Manning residence, and the Sullivan residence, and that aspects of the Project that Mr. Perkins
11 and Mr. Cudnohufsky found to be unduly adverse have been altered to substantially reduce
12 aesthetic impacts from these locations.

13
14 **II. ORDERLY DEVELOPMENT (SECTION 248(b)(1))**

15 **Q27. Please summarize the conclusions of the Department and the Town’s witnesses regarding**
16 **the Project’s compliance with Section 248(b)(1) regarding orderly development of the**
17 **region.**

18 A27. The Department’s witness, Mr. Perkins, concurs that the Project will not interfere with the
19 orderly development of the region. See Perkins pf. at 3. More specifically, Mr. Perkins
20 concludes that the overarching goals in the Lowell Town Plan (“Town Plan”) are too general in
21 nature to qualify as land conservation measures. With respect to NVDA Regional Plan, Mr.
22 Perkins agrees that the Project appears to be within a “preferred ground-mounted solar energy

1 site” and does not interfere with the policy initiatives in the Plan. The Town’s witness, Mr.
2 Spencer, also addresses the orderly development criterion and disagrees that the Project complies
3 with the Town and Regional Plans. However, Mr. Spencer focuses on general policy goals and
4 not on land conservation measures in the Town and Regional Plans, as well as on documents
5 outside of the Section 248 review. Mr. Spencer also incorrectly asserts that the Project is part of
6 the designated “Village” area of Lowell. I address these issues in more detail below.

7
8 **Q28. Let’s begin with the Department. What is your general response to the Department’s**
9 **conclusions regarding the Project’s compliance with the orderly development criterion?**

10 A28. Mr. Perkins’ analysis regarding orderly development is generally consistent with my own, as set
11 forth in *Exhibit NS-JO-2*. I agree with Mr. Perkins that the Project is not located within any
12 conserved or protected lands under the Town or Regional Plan and that the Project site is private
13 land that is not identified as public or semi-public. I also agree with Mr. Perkins that although
14 the Town Plan contains some development preferences and goals regarding its vision for the
15 future, “there is no mention of design principles and preferences that can accomplish these
16 goals” and that the goals in the Town Plan “are too general in nature to qualify as land
17 conservation measures” (*Exh. DPS-GP-2* at 24). With respect to the Regional Energy Plan, I
18 agree that the Project appears to be located within an area designated on the Plan’s Energy Maps
19 as a “preferred ground-mounted solar energy site” (*Exh. DPS-GP-2* at 24; see also *Exhibit NS-*
20 *JO-2, Appendix D at 82*) and that the Project site does not violate any specific land conservation
21 measures in the Regional Plan.

1 I would note that although Mr. Perkins states that his review included two documents that
2 “may carry substantial deference” under Section 248(b)(1), I do not agree that the Town Plan or
3 general sections of the Regional Plan are entitled to substantial deference. Only the Regional
4 Energy plan has received a Certificate of Energy Compliance and is entitled to substantial
5 deference. However, as noted above and in *Exh. NS-JO-2* at pgs. 13-15, the Project does not
6 contradict any land conservation measures in the Town or Regional Plans and is consistent with
7 the energy goals and siting maps contained in the Regional Plan and Regional Energy Plan.

8
9 **Q29. What is your response to the conclusions of Mr. Spencer regarding the Project’s**
10 **compliance with the orderly development criterion?**

11 A29. I do not agree with Mr. Spencer’s analysis of the Town and Regional Plans with respect to the
12 Orderly Development criteria. Mr. Spencer acknowledges that his analysis is based on his
13 perceived incompatibility of the Project with the “rural character of the Village” and with “the
14 land goals established in the Town Plan.” Spencer pf. at 4. However, under the statutory
15 language of Section 248(b)(1), the orderly development criterion is focused on land conservation
16 measures, and in the case of approved energy plans, the specific policies therein, and not on
17 general goals and priorities.

18 It is consistently misrepresented across Mr. Spencer’s materials that the Project site is
19 located within the designated “Village” or “Village Center” area in Lowell. Based on the
20 Town’s zoning map, while the Project parcel is located adjacent to the “Village” district, the
21 Project area is within the “Rural Residential-Agricultural” area. The “Village” area is focused
22 on the “Four Corners” intersection and on the lands on the western side of Route 100, opposite

1 from the Project parcel. See *Exhibit NS-JO-7*. Notably, the Village area does appear to include
2 at least one of the substations as well as the cell tower. Accordingly, while Mr. Spencer focuses
3 on the provisions of the Town Plan that apply to plans for the “Village,” this is not applicable to
4 the Project site, there is existing utility infrastructure in the Village, and these provisions are
5 general goals and not specific land conservation measures that pertain to the Project site.

6 It is also telling that Mr. Spencer does not acknowledge the provision in the Town Plan
7 recognizing that future land use associated with farming is changing, which states:

8 With the aging population, and technology advances leading youth into different career
9 path, we feel there will be no real recovery for the farming industry. The future of
10 farming in Lowell will be strictly a few remaining family farms staying in production and
11 the rest will be for hobby/leisure and not on a full production size scale. *Although Lowell*
12 *will not turn its back on its farmers and will continue to do everything it can to support*
13 *and encourage the industry, it will not attempt to promote this area as huge growth*
14 *potential for the town. The Town will need to focus on other areas moving into the future.*
15 *Exh. NS-JO-2 Attachment D* at 22 (pdf p. 70) (Emphasis added).
16

17 This provision in the Town plan belies Mr. Spencer’s emphasis on the importance of the Project
18 site for future agriculture use.

19 Finally, I do not agree that Act 181 Future Land Use mapping is relevant to or should be
20 considered in the Commission’s review of a project under the Orderly Development criteria.

21 This mapping is a draft prepared after the petition was filed with the PUC and is part of a
22 separate legislative effort that is not part of Section 248. Therefore, it is not appropriate for the
23 Commission to review or consider this mapping as part of the orderly development criterion.

24 With respect to my issues with Mr. Spencer’s analysis of the Regional Plan, I address the
25 same provisions in my response to the comments filed by the NVDA below and explain why I
26 disagree that the Project is inconsistent with the Regional Plan.

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Q30. What is your response to the testimony of Ms. Blay regarding the Project’s compliance with the orderly development criterion?

A30. I disagree with Ms. Blay’s conclusion that the Project is incompatible with the land conservation measures in the Lowell Town Plan and with her assessment of the Project’s potential impacts with respect to the Town Plan. Like Mr. Spencer, Ms. Blay cites to a number of “goals” and general “objectives” in the Town Plan that are not land conservation measures and that do not apply directly to the Project area. I also note there is an inherent conflict between Ms. Blay’s suggestion that the Project should be denied because the Town wants to preserve the field for agricultural and natural resource considerations (further addressed in the rebuttal testimony of Mr. Lew-Smith) and with her repeated statements that the Town would like to develop this parcel in the future for housing. In my professional opinion, it is the role of the Lowell Town Plan to clearly indicate what the Town’s priorities are for certain areas and to identify with specificity limitations on development where appropriate. There are no such limitations in the Lowell Town Plan that apply to the Project site, and the Project is a privately-owned parcel where the owner has no obligation to continue agricultural activities on the land.

Ms. Blay also asserts that there is not any “offset” of the Project offered by Petitioner such as “securing of open space elsewhere in the town for public use,”(Blay pf. at 13) but it is my understanding that the Petitioner specifically offered to transfer several acres of the parcel land closest to the Village area for the Town’s future use. See *Exhibit NS-TH-8* and further discussion in the rebuttal testimony of Thomas Hand. Thus, Petitioner has offered to offset some

1 of the Project impacts in this way and the Town has rejected this offer, and therefore Ms. Blay's
2 assertion is not accurate.

3
4 **Q31. Ms. Blay's exhibits include public comments filed by the Regional Planning Commission,**
5 **NVDA. What is your response to these comments?**

6 A31. I have several concerns with the comments submitted by the NVDA to the Commission and
7 submitted by Ms. Blay as Exhibits TL-JB-4 and TL-JB-10, which I do not believe fairly assess
8 the Project's compliance with the provisions of the Regional Plan.

9 The NVDA's Energy Maps indicate the Project is within a "prime solar" location with a
10 "possible state constraint." *NB-JO-2 Appendix D* at 82. In the Regional Plan, the NVDA states
11 that areas of "possible constraint" refer to areas that likely require mitigation, including Primary
12 Agricultural Soil ("PAS"), and are different from areas of "known constraint" or "regional
13 constraint." *Id.* at 52. As discussed in the testimony of Seth Goddard, the Project will mitigate
14 PAS impacts by stockpiling soils on the site and restoring them at decommissioning. See, e.g.,
15 Goddard Rebuttal pf. at 1-2. Furthermore, while the Regional Plan prioritizes locating solar
16 projects on "preferred locations," it does not state that only projects on preferred locations are
17 compliant with the Plan. Therefore, the NVDA's suggestion that the Project does not comply
18 with the plan because it is not located on a preferred site does not fairly reflect the Regional Plan
19 language in my opinion, nor does it reflect NVDA's contrary position in other cases heard by the
20 Commission.

21 For example, *Exhibit NS-JO-8* contains comments submitted to the Commission by Mr.
22 Snedeker of NVDA for another 4.93 MW solar project proposed in the Northeast Kingdom on an

1 open former corn field in Barton, Vermont in Case No. 24-0039-PET (the “Kearsarge Project”).
2 In this letter, Mr. Snedeker comes to markedly different conclusions about a similarly situated
3 project. He raises none of the same concerns about compliance with the Regional Plan that he
4 raises about the Northland Solar Project, despite the fact that both projects are proposed on open
5 fields previously used for agricultural purposes, both projects are proposed in a town that has not
6 received an affirmative determination of energy planning compliance, and both projects are not
7 on “preferred locations” under the Plan. In fact, the Kearsarge Project appears to fall completely
8 outside any preferred ground-mounted solar energy sites areas as shown on NVDA’s preferred
9 sites Energy Map, unlike the Northland Solar Project (*Exh. NS-JO-2, Appendix D* at p. 58).
10 Rather, in regard to the Kearsarge Project, Mr. Snedeker expressly states that “[t]he location of
11 this project is consistent with our Regional Plan for the Northeast Kingdom,” which is the same
12 plan that applies to the Northland Solar Project. *Exhibit NS-JO-8*. There is no clear explanation
13 for why Mr. Snedeker and the NVDA is taking such a different position on the application of the
14 siting provision of the Regional Plan in this case as it did for the Kearsarge Project.

15 Likewise, with respect to the NVDA’s concerns over the Northeast Kingdom being a net
16 exporter of energy, it is clear from provisions of the Regional Plan that NVDA supports
17 additional development of renewable energy generation. Additionally, this concern about being
18 a net exporter of energy is based only on renewable energy and doesn’t account for the overall
19 energy consumption or other imports into the region such as fossil fuels for heating (see NVDA
20 table in *Exh. NS-JO-2, Appendix D* at PDF p. 45). In fact, the Plan recognizes that Vermont’s
21 “90X2050 projections – which will nearly eliminate the use of fossil fuels – will require
22 transferring many of our uses to electricity. Therefore, even while electrical systems, appliances,

1 and vehicles will likely continue to increase in efficiency, more electricity will need to be
2 produced to meet our total regional energy demand.” *Id.* at p.49. Additionally, it is a stated goal
3 to “promote a diversified energy portfolio,” and that “[a]ffordable energy alternatives will be
4 available for the region’s users that decrease the region’s reliance on fossil fuel.” *Exh. NS-JO-2*
5 *Appendix D* at PDF p.19. This is also the position NVDA expressed in its comments on the
6 Kearsarge Project, where Mr. Snedeker observed that the utility “will benefit from diversifying
7 energy supply” and “receiving lower cost fixed energy for 20 years,” which will “lower costs and
8 decrease stress on the local grid.” *Exhibit NS-JO-8*. As discussed in Mr. Hand’s rebuttal
9 testimony, these facts are also true about the Northland Solar Project, and yet Mr. Snedeker only
10 raised concerns about regional exporting of energy in his comments on this Project.

11 It is also important to recognize that the Kearsarge Project, like this Project, is located
12 within the Sheffield-Highgate Export Interface (“SHEI”), and it is my understanding that both
13 projects entered into Memorandums of Understanding with the affected utilities under which the
14 projects will pay a grid adjustor mitigation payment to offset any financial impacts from
15 curtailment. See *Exhibit NS-TH-6*; SHEI MOU, Case No. 24-0039-PET. As the Regional Plan
16 states that “NVDA supports energy development that will not exacerbate curtailment at issue
17 within the SHEI,” *Exhibit NS-JO-2, Appendix D* at PDF p.15, the fact that the Project is in the
18 SHEI is not a conflict with the Plan because the Project is mitigating any impacts.

19 Finally, with respect to the Environmental Justice concerns raised by Mr. Snedeker, I
20 again point to the NVDA’s response to the Kearsarge Project, which is located in Barton,
21 Vermont—a town that the NVDA has determined has a larger energy burden than Lowell under
22 its Energy Burden Map (*Exhibit NS-JO-2, Appendix D* at PDF p.39). Nonetheless, Mr.

1 Snedeker raises no concerns with the Kearsarge Project, instead observing that it would provide
2 “a range of economic benefits including employment opportunities for local contractors,
3 engineers, and consultants for the planning phase and local, small-scale economic activity
4 including fuel purchases, lodging, and meals during construction.” *Exhibit NS-JO-8*. The same
5 potential benefits are true of the Northland Solar Project, and yet Mr. Snedeker makes no
6 mention of them. Furthermore, as discussed in more detail by Mr. Hand (see Rebuttal testimony
7 at 2), the reason that VEC is interested in purchasing the output from this Project is to obtain a
8 long-term cost-effective resource for stably-priced, locally-generated power. This in turn will
9 help maintain affordability of energy costs for VEC customers, which includes the residents of
10 Lowell. The Project thus *helps address* the energy burden on Lowell rather than exacerbating it.

11 For these reasons, I do not think the NVDA reasonably or correctly assessed this Project
12 against the Regional Plan, and the difference between its comments in the Kearsarge case and
13 this case raises questions of fairness and uniformity in how they are approaching individual solar
14 projects. The Project is consistent with the Regional Plan for the same reasons that the NVDA
15 concluded that the Kearsarge Project was consistent. Giving due consideration to the NVDA
16 comments in this case compared with NVDA comments in the Kearsarge case, as well as the
17 language within the NVDA Regional Plan itself, it is my opinion that the NVDA’s comments in
18 this case are clearly contradictory to the position they have taken in other similar projects and
19 their conclusions on this Project are incorrect.

20
21

1 **Q32. Have your conclusions regarding the Project’s compliance with the orderly development**
2 **criterion changed?**

3 A32. No. Giving due consideration to recommendations in the Town’s testimony and exhibits and to
4 the Town Plan, as well as substantial deference to the recommendations in the Regional Plan, I
5 conclude that the Project will not interfere with the orderly development of the region. Mr.
6 Perkins from the Department also concurs that the Project complies with this criterion.
7 With respect to the testimony and exhibits submitted by the Town, the context in which the
8 Project is proposed is important and is not fairly recognized in these materials. The Project site
9 and the surrounding area includes visibility of a variety of industrial and commercial utility
10 infrastructure, including transmission lines, distribution lines, two separate utility substations,
11 radio and cell phone towers, and a large wind project. Most importantly, the Project site is not
12 within any area designated for land conservation or scenic protection, and does not directly
13 conflict with any specific measures or policies in the Town and Regional Plans.

14
15 **III. UPDATES TO TESTIMONY/EXHIBITS**

16 **Q33. Do you have any updates to make to your direct testimony or exhibits? If so, what are**
17 **they?**

18 A33. Yes. As I noted above, several of my exhibits have been updated to match the recent Project
19 revisions, including the following changes and minor corrections:

- 20 • Exh. NS-JO-2 Appendix A Maps – The Project extent has been updated on all maps, and
21 the viewsheds have been updated to reflect the Project revisions.

- 1 • Exh. NS-JO-2 Appendix B Photographic Inventory – The descriptions and arrows on
2 several of the site photographs have been updated to reflect the Project revisions, and
3 photos with these edits are enclosed in a red rectangle. Additionally, values for several
4 focal lengths were slightly incorrect in the previous version; actual values have been
5 corrected in the updated version.
- 6 • Exh. NS-JO-2 Appendix C Landscape Mitigation Plan - The proposed landscape
7 mitigation plan has been updated to reflect the Project revisions, diversify the proposed
8 species, introduce more evergreens of varied and increased sizes, and incorporate larger
9 deciduous trees for a more naturalized appearance and additional screening.

10 In addition, the following are minor corrections to my report, *Exhibit NS-JO-2*:

- 11 • Page 4, 6th full paragraph (Mountain View Cemetery), third sentence should read, “In
12 contrast, views of the proposed array structures will be possible to the **northeast...**”
- 13 • Page 6, footnote number 5 includes the wrong town plan link. The correct link is below:
14 <https://www.nvda.net/files/LowelPlan82023.pdf>
15

16 **Q34. Do these corrections change any conclusions you have made about the Project’s compliance**
17 **with the orderly development or aesthetics criteria under Section 248?**

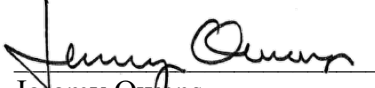
18 A34. No.

20 **Q35. Does this conclude your testimony at this time?**

21 A35. Yes, it does.

I, Jeremy Owens, declare that the testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under my direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at Burlington, Vermont on the 20th day of May, 2026.


Jeremy Owens