

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant to)
30 V.S.A. § 248, for a certificate of public)
good authorizing the installation and)
operation of the “Chelsea Solar Project,” a)
2.0 MW solar electric generation facility)
located off Willow Road in Bennington,)
Vermont)

Case No. 17-5024-PET

**APPLE HILL HOMEOWNERS ASSOCIATION AND MOUNT ANTHONY
COUNTRY CLUB MOTION FOR LEAVE TO FILE ADDITIONAL EVIDENCE**

NOW COME Intervenors Apple Hill Homeowners Association (AHHA)
represented by Lora Block, *pro se*, and Mount Anthony Country Club (MACC)
represented by Maru Leon, *pro se*, and respectfully request that the Hearing Officer grant
leave to submit further evidence in this matter. Such request is being made in good faith
and for the purpose of providing a complete and accurate context by which the
commission can weigh the evidence under consideration, which is fundamental to a full
and fair hearing of this matter.

ADDITIONAL EVIDENCE SUBMITTAL REQUEST

It has recently come to intervenors' attention that the same developer here has, in
the case of Sudbury Solar LLC Docket No. 8225, on information and belief, failed to
comply with the mandated aesthetic mitigation.

In Subury Solar LLC, a robust planting plan was ordered. See Exhibits MACC-
AHHA-AE-2 and MACC-AHHA-AE-3. Also in that case, the Department of Public
Service had requested that Petitioner be required to engage a landscape architect, and that
said landscape architect report back at 1 year to confirm planting, and at 3 years to

confirm maintenance. This Commission denied that request.

Intervenors have learned that Petitioner has failed to install the mandated landscape planting. Intervenors are in receipt of photographs taken by the Sudbury Town Counsel, Exhibit MACC-AHHA-AE-1, which clearly demonstrate that as of last week, no plantings had been installed, and the area in which plantings were ordered is being mowed.

It is intervenors' understanding that a petition for investigation of this failure to install the mandated aesthetic mitigation in Sudbury Solar LLC is imminent.

With substantial reason to believe that the Petitioner here has, in another solar development case of similar size in a rural setting, failed to install the required aesthetic mitigation in a timely fashion, additional evidence is relevant to the Commission's consideration of this case.

DISCUSSION

MACC and AHHA are concerned that Petitioner has failed to comply with Conditions to mitigate aesthetic impacts of its only constructed project in Vermont. The PUC has recently issued CPGs for Petitioner's Apple Hill Solar and Battle Creek 1 projects in Bennington, both of which require implementation of plantings to mitigate visual impacts. In addition to this current case, Chelsea Solar 2, Petitioner has received standard-offer contracts for two more 2.2 MW projects in Bennington (Stark and Warner).

Until Petitioner complies with CPG Conditions requiring aesthetic mitigation of Sudbury Solar, MACC and AHHA move the PUC to stay Petitioner's site work and construction of all of Petitioner's already-permitted projects in the Town of Bennington,

and stay processing future Petitions until the PUC investigates failure to comply with the the mandated aesthetic mitigation in Sudbury Solar's Case No. 8225.

CONCLUSION

For all the reasons stated, Harris and AHHA respectfully request that photographs, PUC Order and Lanscaping Plan be admitted into evidence for consideration by the Commission.

Dated at Bennington, Vermont this 19th day of October, 2018.

Respectfully submitted,



Lora K. Block
Apple Hill Homeowners Association
34 McIntosh Lane
Bennington, VT 05201
(802) 447-0776
lblock@sover.net



Maru Leon
Mt. Anthony Country Club
1 Bank Street
Bennington, VT 05201
(802) 442-2617
maru@mtanthonycc.com