

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

21-3587-NMP

Petition of Norwich Upper Loveland Road Solar LLC For a certificate of public good pursuant to 30 V.S.A. §§ 248 and 810, authorizing installation And operation of a 500 kW (AC) photovoltaic Group net-metering system in Norwich, Vermont	
---	--

PREFILED TESTIMONY OF JOY KENSETH

ON BEHALF OF JAY & HEATHER BENSON, STEPHEN GORMAN; JENNIFER &
DANIEL GOULET; JOY KENSETH; SAMIN KIM, & JAYOUNG JOO; LARRY UFFORD.

December 1, 2022

Exhibits:

NN-JK-1 – Joy Kenseth CV
NN-JK-2 – Aesthetic Impact Assessment
NN-JK-3 – Drone Video of Solar Site
NN-JK-4 – Ridgeline District Map
NN-JK-5 – Norwich Zoning Regulations
NN-JK-6 – Norwich Town Plan
NN-JK-7 – Video of Solar Site from Town Forest
NN-JK-8 – Transcript Norwich Planning Commission 7/13/21
NN-JK-9 – Transcript Norwich Selectboard 8/11/21
NN-JK-10 – TRORC Regional Plan
NN-JK-11 – Cell Tower Act 250 permit
NN-JK-12 – Administrative Amendment to Act 250 permit
NN-JK-13 – Subdivision Plot Plan
NN-JK-14 – Neighbor Letter
NN-JK-15 – Planning Commission Packet
NN-JK-16 – Norwich Planning Commission Meeting Minutes 7/13/21
NN-JK-17 – 45 Day Advance Notice
NN-JK-18 – Norwich Selectboard Meeting Minutes 8/11/21
NN-JK-19 – Application to TRORC for Preferred Site Letter
NN-JK-20 – Norwich Select Board Packet
NN-JK-21 – Preferred Site Letter Report
NN-JK-22 – Orderly Development Report

Summary of Testimony:

Joy Kenseth presents testimony about Aesthetics and Orderly Development associated with the proposed 500 kW Solar Array on Upper Loveland Road in Norwich, addressing the criteria 30 V.S.A. § 248(b)(5) (aesthetics, historic sites, air & water purity, the natural environment, the use of natural resources, and public health and safety).

1 **PREFILED TESTIMONY OF JOY KENSETH**

2 Q1. Please state your name, address, and occupation.

3 A1. My name is Joy Kenseth. My address is 133 Upper Loveland Road, Norwich VT 05055.

4 I am Professor of Art History Emeritus, having taught the history of art at Dartmouth College
5 from 1975 to 2018. Prior to my employment at Dartmouth, I taught for two years at the City
6 College of New York, and one year at Boston University's School of General Education. Since
7 my retirement, I returned to teaching at Dartmouth for the winter term 2019. I will be teaching at
8 Dartmouth again this coming winter term, January through March 2023.

9
10 Q2. Have you previously testified before the Public Utility Commission or other judicial or
11 administrative?

12 A2. No

13
14 Q3. What is the purpose of your testimony?

15 A3. The purpose of my testimony is to assess and provide expert opinion on the aesthetic impact
16 of a solar project proposed for an area off Upper Loveland Road in Norwich VT.

17
18 Q4. How long you have been working in the area of aesthetics?

19 A4. Aesthetics has been a central aspect of my teaching and scholarship for my entire
20 professional life, from 1971 to the present day.

21
22 Q5. When did you first learn about this proposal to construct a commercial solar array on a
23 forested parcel in Norwich?

1 A5. I first learned of the solar array proposal in May 2021 in a letter from Norwich Solar, dated
2 May 6 and addressed “Dear Neighbor.”

3

4 Q6. How has your work as an art historian informed your testimony?

5 A6. Aesthetics has always been an essential and integral part of my teaching and scholarship. It
6 informs the content of my class lectures and publications and, in my estimation, has critical
7 importance in understanding and recognizing the value of visual and material culture. My area of
8 specialty is the art of early modern Europe, including the study of landscape gardens and garden
9 parks. I have given courses on the history of such gardens multiple times over the years and, as
10 director of Dartmouth’s Art History Foreign study Program in Italy, I have conducted field trips
11 to the vast garden parks in the provinces of Tuscany and Lazio. Every year for the eleven years I
12 conducted these trips I encouraged my students to look at the gardens with a critical eye and to
13 assess their value in terms of their function, physical structure and, above, all their aesthetic
14 impact.

15

16 Q7. What information have you reviewed to inform your testimony and Report on Aesthetics
17 and Orderly Development?

18 A7. I have reviewed the entire packet of materials sent by NST to me in December 2021. In
19 addition I have reviewed the minutes, video tapes, and transcripts of meetings of the Norwich
20 Planning Commission (July 13, 2021) and Norwich Selectboard (August 11, 2021) in which
21 plans for the solar project were considered. Over the past months I have researched numerous
22 scholarly publications on the subject of forest clearcuts and windthrow and their consequences.
23 More recently I have consulted local foresters on these same issues. I have read in depth the

1 Norwich Town Plan and Zoning Regulations as well as the published policies and goals of the
2 TRORC Regional Plan.

3

4 Q8. Have you determined whether the project will have an Undue Adverse Aesthetic Impact?

5 Please explain.

6 A8. Yes, I have so determined. In my opinion as an expert in the area of aesthetics, the project
7 is incompatible and out of character with its surroundings, it adversely impacts and diminishes
8 the scenic and natural beauty of a designated Resource and Ridgeline protection area, and it is
9 visually offensive, even shocking, to the sensibilities of average people who make use of nearby
10 public spaces and travel public roads on the east side of the town.

11

12 Q9. Have you determined whether the project will interfere with the Orderly Development of
13 the Region? Please explain.

14 A9. Yes, I have so determined. The project does not comply with municipal and regional
15 policies and goals regarding aesthetics, especially in relation to site selection, land use and
16 patterns of development. An industrial construction, it has no place in a forested area that is a
17 source of aesthetic pleasure for neighbors and visitors alike. As articulated in the published
18 statements by the Norwich Town Plan and TRORC Regional Plan, the preservation of an areas'
19 scenic beauty is of paramount importance in contributing to the health and well-being of
20 communities.

21

22 Q10. Are there any other issues that you have identified that the PUC should know about in
23 consideration of the decision on this proposal?

1 A10. On a previous occasion, I submitted testimony in Act 250 with respect to the installation of
2 a mobile cell phone tower on the same parcel of land where the solar project aims to be installed.
3 From my point of view as someone with long experience in aesthetics, I argued that trees
4 screening the cell tower must not be cut down and that additional trees be planted to ensure that
5 the tower was not visible to neighbors living in the area. The screening trees are recognized to
6 be important in the Permit. Exhibit NN-JK-11. An amendment was issued in 2021 with a site
7 plan showing an easement. Exhibit NN-JK-12. Exhibit NN-JK-13. It is critically important that
8 the trees that screen the cell tower be preserved as permitted by Act 250.

9

10 Q11. Does this conclude your testimony?

11 A11. Yes.