

MEMORANDUM

To: Peck Electric
From: Michael J. Buscher
Date: February 5, 2016
Re: Berry Solar Farm – Aesthetic Review

Per the request of Peck Electric, T. J. Boyle Associates has performed a review of potential aesthetic impacts for the Berry Solar Farm, a proposed 144.9 kW interconnected group net-metered photovoltaic electric power system in Charlotte, Vermont (the “Project” or “Berry Solar Farm”). The Vermont Public Service Board (the “PSB”) requested that Peck Electric, the applicant, respond to comments filed by the Town of Charlotte, the Vermont Agency of Natural Resources (“ANR”), and The Vermont Department of Public Service (“DPS”). The Project will consist of six rows of solar panels attached to a fixed-tilt racking system and will occupy less than one acre. The Project will be located within a small open field along the east side of US Route 7. At the closest point, the panels will be setback from the edge of pavement approximately 240 feet.

Specifically, T. J. Boyle Associates reviewed potential views of the Project from US Route 7 and from Mt. Philo State Park. Views of the Project will be unobstructed for vehicles traveling along Route 7 for a short stretch of approximately 650 feet. US Route 7 is part of the Champlain Scenic Byway at this location. Views will also be possible from certain lookout points at or near the summit of Mt. Philo. As a result of visibility from Route 7 and to a lesser degree from Mt. Philo, the Project would likely be considered to result in adverse impacts to the aesthetics and scenic and natural beauty of the area. However, further evaluation determined that impacts would not be undue. The remainder of this memo evaluates the potential aesthetic impacts of the Project under the second part of the Quechee Analysis.

Community Standards

Although Section 248 does not require local permitting of projects seeking a Certificate of Public Good, local plans and regulations are reviewed under the second prong of the *Quechee* analysis where it has been determined that a project may have a potential adverse visual impact. Under *Quechee*, this involves an assessment as to whether or not a project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area. The PSB has noted that “[i]n order for a provision to be considered a clear, written community standard, it must be “intended to preserve the aesthetics or scenic beauty of the area” where the proposed project is located and must apply to specific resources in the proposed project area.” *Petition of Georgia Mountain Community Wind, LLC, Docket No. 7508, Order of Vt. Pub. Serv. Bd. (Jun. 11, 2010) at 52.* There, the PSB clarified that generalized statements and general scenic resource policies that are not focused on a particular scenic resource or that fail to offer specific guidance or measures to protect the resource cannot be considered “clear written community standards.” *Id. at 53.* More recently the Board has further clarified that any such standard must expressly “designate the [project] parcel as a scenic resource worthy of protection.” *Petition of Rutland Renewable Energy, LLC, Docket No. 8188, Order of 3/11/15 at 85-86.*

For the Berry Solar Farm, the 2013 Chittenden County ECOS (Regional) Plan, adopted June 19, 2013 (the “Regional Plan”), the Charlotte Town Plan, adopted March 4, 2008 and readopted March 5, 2013 (the “Town Plan”), and the Chittenden County – Lake Champlain Byways Corridor Management Plan (the “Byways Management Plan”) were reviewed.

REGIONAL PLAN

The Chittenden County ECOS Plan covers a wide range of topics land use, housing, economics, cultural resources and other community issues. As is often true of Regional Plans, encouragement is offered for the constituent towns to review their own needs and desires, and there are rarely any specific guidelines for scenic quality control. Although the Regional Plan includes section 2.2.2 Scenic, Recreational and Historic Resources, specific scenic resources are not identified. This section recognizes scenic beauty as an important attribute for the region, but notes “(t)here is low compatibility between municipal plan recommendations for natural and scenic resources and the implementation of those recommendations through zoning bylaws and subdivision regulations.” (Regional Plan, p. 22) The Regional Plan does not include any guideline, policy or goal, that identifies the Project location as a scenic resource.

TOWN PLAN

The Charlotte Town Plan does not identify the Project site as a scenic resource. It does identify Route 7 as the Chaplain Scenic Byway (a State designation). While “the Route 7 corridor shall be protected as a scenic travel corridor” (Town Plan, p. 112), there are no specific guidelines or standards for this protection. The project is set back approximately 240 feet from Route 7, which significantly reduces the Project’s visual presence. There are a number of scenic viewpoints identified in the Town Plan on the Roads with High Scenic or Conservation Values and Cultural and Recreational Resources” maps (i.e., V1, V2, V6 and V7), but in all cases the designated views appear to be away from the project. In any case, there are no specific protections indicated for these viewpoints.

BYWAYS MANAGEMENT PLAN

The Byways Management Plan does not note the Project site as a scenic resource. It does note Mt. Philo State Park as a Natural, Historic, Scenic, Recreational and Archeological resource, but does not provide any guidelines, policies or goals for the protection of scenic quality.

Based on this review of the Regional Plan, Town Plan and Byways Management Plan, the proposed Project would not violate any clearly written community standard intended to preserve the aesthetics or scenic beauty of the area. Both the Regional and Town plans encourage the development of renewable energy sources and do not clearly specify areas or methods for scenic protection. The Town Plan does not call out the Project site or area for specific protection.

Mitigating Elements

The Project employs generally available mitigation measures to help improve the harmony of the Project within its surroundings. Mitigating elements include:

- The selection of the Project site, which in itself is a mitigating element. In general, the selected site has limited visibility, generally from a short stretch along Route 7 and from isolated points on Mt. Philo. Furthermore, the location of the Project within the selected parcel is setback a considerable

distance from the edge of Route 7. The 240 feet setback will lessen the prominence of the array as viewed from Route 7.

- The Project does not proposed any significant vegetation removal and would retain surrounding vegetation that screens the site from other surrounding areas.
- Landscape mitigation plantings are proposed to screen and soften views from US Route 7 and surrounding properties. A proposed landscape mitigation planting plan is attached to this memo and includes a combination of Hazelnut, Cedar and Apple trees.
- Project wiring, including the interconnection with Green Mountain Powers existing distribution network will be installed underground.
- Overall, Project components are low in profile, reducing its prominence within the landscape.

In review, the combination of the low Project profile, the setback from Route 7, and proposed landscape screening will successfully mitigate visibility of the Project from Route 7. These measures will avoid the Project from being a dominant element within views from Route 7.

Shocking and Offensive

When evaluating whether a project would offend the sensibilities of the average person, the criteria to make this assessment is related back to the first part of the Quechee Test; how the project ‘fits’ within its surroundings. An ‘average person’ is considered a disinterested or neutral party, not an affected neighbor. The threshold for a project to be shocking or offensive is high and a project would need to be entirely inconsistent with the surrounding land uses or exceptionally out of scale with the surroundings.

As previously noted, the Project will be visible from a short stretch along US Route 7 and from isolated viewpoints on top of Mt. Philo. To help better understand the context in which the Project will be visible, a combination of panoramic images and single frame photos are attached with this memo.

From US Route 7, the Project will be visible for a stretch approximately 650 feet long to both north bound and south bound travelers. From Route 7, travelers experience a variety of development along Route 7 within a mile of the Project, including residential, commercial and industrial development, agricultural uses, and open and wooded areas. Views of the Project from Route 7 are shown from Viewpoints 1 and 2. Even though the Project would be considered adverse in views from Route 7, impacts will not be undue. Visibility will be visible for a short duration for travelers on Route 7. The Project setback of 240 feet from the edge of the road will locate the array outside of the main cone of vision of travelers. The setback in combination with the low profile of Project components and proposed landscape screening will successfully mitigation views from the road. The Project will not be a dominant element of the landscape within views from Route 7 and could not be considered to result in unduly adverse impacts to the aesthetics and scenic and natural beauty of this area.

Mt. Philo State Park was the first Vermont State Park. It consists of 237 acres and includes a limited number of campsites, hiking trails, picnic facilities and a summit lodge. From the summit of Mt. Philo, lookouts allow panoramic views, mostly to the south and west. Views are possible to the Green Mountains, Lake Champlain, the Adirondacks and the working landscape within the Champlain Valley. This includes

significant residential development, agricultural uses and farm complexes, villages, commercial and industrial development. The Project will be visible from 3 of the main lookouts on Mt. Philo. However, the Project will consist of a very small component of the working landscape as viewed from Mt. Philo. The Project will be compatible with the built environment of the Champlain Valley. Even if it were to be considered adverse, given the low visual magnitude of the Project within possible views and surrounding context, it could not be considered undue.

Findings and Conclusions

In review, the Project would likely result in adverse impacts to the aesthetics and the scenic and natural beauty of the area, mostly as a result of views from US Route 7. However, the Project does not violate any of the three criteria of the second part of the Quechee Test.

In conclusion, the Berry Solar Farm meets the Quechee Test insofar as its impact on aesthetics would NOT be UNDULY ADVERSE.