

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. _____

Petition of Addison Solar Farm, LLC, pursuant to)
30 V.S.A. § 248, for a certificate of public good)
authorizing the installation and operation of a one)
MW solar electric generation facility located at)
Route 7 and Monkton Road, Ferrisburgh, Vermont,)
known as the “Ferrisburgh Solar Farm Project”)

PREFILED DIRECT TESTIMONY OF MARK KANE

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

2 Response: My name is Mark Kane. I am a principal with the firm SE Group located
3 at 131 Church Street in Burlington, Vermont.

4

5 **Q. Please describe your background and qualifications.**

6 Response: I have attached my current resume (*Exhibit ASF-MK-1*). During my
7 professional career I have performed numerous studies and provided testimony on
8 aesthetics and land use for clients in Vermont, New Hampshire and Colorado.

9 Recent projects include assisting the Town of Telluride, Colorado in the
10 condemnation of 700 acres for scenic open space and preparation of a study of the
11 impact of power distribution lines on aesthetic, land use and environmental
12 resources for the Vermont Department of Public Service. I also provided testimony
13 on behalf of the Department of Public Service under four recent major wind
14 dockets. I have provided aesthetic and land use consulting and testimony for many
15 Act 250 projects as well.

16

1 **Q. Have you previously testified before the Public Service Board or in other**
2 **judicial or administrative proceedings?**

3 Response: Yes. In addition to providing testimony to the Board through my work
4 on the analysis of utility line location issues under PSB Docket 5496, I also provided
5 aesthetic consulting services and expert witness testimony on a four-turbine wind
6 turbine project in East Haven (PSB Docket 6911) and the Sheffield Wind project
7 (PSB Docket 7156). I've also provided similar services for Docket 7250 (Deerfield
8 Wind). I am also presently under contract with the Department of Public Service to
9 provide visual and land resource analysis services for Docket 7526 (Vermont
10 Community Wind). In addition, I have prepared visual resource analyses for recent
11 net-metered wind projects including Heritage Aviation (NM-721) and Bolton Valley
12 (NM-676).

13
14 **Q. What is the purpose of your testimony?**

15 Response: The purpose of my testimony is to describe the work that I have
16 conducted regarding the Ferrisburgh Solar Farm Project ("Project"), introduce the
17 report that I prepared, and provide my opinion regarding the Project's compliance
18 with the section 248 criteria pertaining to town and regional plans, aesthetics, and
19 historic sites.

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1 **Q. Please describe the work you have performed with respect to the Project.**

2 Response: We have prepared an assessment report that summarizes our research,
3 field reconnaissance and analysis of the aesthetics, historic context and land use of
4 the area.

5

6 **Q. What exhibits have you prepared?**

7 Response: We have prepared a report entitled “Ferrisburgh Solar Farm Aesthetics,
8 Historic Sites and Town/Regional Plans Assessment Report” dated February 2010.
9 This exhibit contains a series of figures identifying the viewshed of the project and
10 simulations of the proposed improvements from a variety of vantage points. It also
11 analyzes the potential impacts from the Project using the Quechee Analysis method.

12 ***See Exhibit ASF-MK-2.***

13

14 **Q. Please summarize your assessment of the Project’s impacts, if any, to historic**
15 **structures that are listed or eligible for listing on the Vermont or National Register of**
16 **Historic Places.**

17 Response: I have reviewed the available resource information related to historic sites
18 and structures within the vicinity of the project and have consulted with the
19 Vermont Division for Historic Preservation on the potential impact to such
20 resources. The City of Vergennes has a designated historic district that is listed on
21 the National and State of Vermont Registers of Historic Places. There are two
22 historic structures listed on the National and State Registers of Historic Places within

1 the Town of Ferrisburgh (Rokeby Museum and Field Farm). Neither the Vergennes
2 district nor the Ferrisburgh sites are adjacent to or affected by the proposed project.
3 While there are potentially several structures along Monkton Road that might qualify
4 for listing based on age, the Project is set nearly 250 feet from the roadway and
5 would not directly or indirectly impact their historic value or their potential for being
6 state or federally listed. The existing barn on the project site property (circa late
7 1880's), will not be disturbed by the Project.

8 A site visit was made by Scott Dillon, state archaeologist for the Division for
9 Historic Preservation on December 3, 2009. His assessment was that no
10 archaeologically sensitive areas were identified at the project area. See *Exhibit ASF-*
11 *MK-3*.

12

13 **Q. Will the Project have an undue adverse effect on historic sites?**

14 Response: No. Based on my review of the area and given the isolation of the project
15 related to any potentially listed structures, I do not believe the Project would have an
16 undue adverse effect on historic sites. My opinion is corroborated by the Division
17 for Historic Preservation, which concurs that the Project will not impact historic
18 sites or structures and has provided a letter outlining its position on the matter. See
19 *Exhibit ASF-MK-3*.

20

21 **Q. Please summarize your assessment of the Project's visual impacts.**

22 Response: The primary finding from our assessment is that, partially because of the
23 nature of the terrain and the existing pattern of vegetation, the viewshed of the

1 Project is very small and variable. Views of the Project from the south are more
2 likely, while views to the north, east and west are limited by distance, vegetation and
3 existing structures. The Project is nearly always viewed in context with the
4 surrounding developed commercial, institutional and residential uses along Monkton
5 Road. The extent of the viewshed is presented in Figure 2 of this report

6 While visible from portions of Route 7, the Project is not a dominant
7 element in the landscape, but rather, would be seen as a land use consistent with the
8 transition between the agricultural uses that dominate the region and the developed
9 uses that define the northern and western edges of the subject property.

10 The low profile of the Project with respect to the land allows existing hedgerows and
11 trees within the property to function well for screening. Significant buffers between
12 neighboring properties and public rights-of-way are provided that put the actual solar
13 field hundreds of feet away from potential viewers. We have prepared a number of
14 photo-simulation from areas within the defined viewshed. These simulations are
15 depicted on Figures 3 through 7 of the report.

16 The Petitioner has taken a variety of steps to minimize and mitigate potential
17 visual impacts, including the screening and setbacks noted above, preservation of the
18 existing farmstead and barn on the Monkton Road frontage, use of a rack system
19 that requires minimal ground disturbance, the use of a neutral color for the inverter
20 shed and the addition of a public kiosk for the Project to engage the public on the
21 function of the Project and the local historic and cultural context.

22

1 **Q. Will the Project have an undue adverse effect on aesthetics or the scenic or**
2 **natural beauty of the area?**

3 Response: No. As discussed in detail in my report, I believe that the Project would
4 not create an adverse impact in relation to aesthetics or the natural beauty of the
5 area. Even if one were to conclude that the impacts would be adverse, my report
6 assesses the Project under the second part of the Quechee test and concludes that
7 the impacts would not be unduly adverse.

8
9 **Q. Please summarize your assessment of any specific land conservation**
10 **measures contained in the Ferrisburgh Town Plan that would pertain to the Project,**
11 **and any provisions of the Addison County Regional Plan that would pertain to the**
12 **Project.**

13 Response: The Ferrisburgh Town Plan outlines broad policies for land conservation
14 and protection of scenic views, including policies related to protection of views from
15 the Route 7 corridor. See *Exhibit ASF-MK-4 pp. 60, 67-72*. While these policies
16 provide guidance, their provisions have not been enabled through specific
17 ordinances or bylaws. Instead, the policies identify mechanism (overlay districts,
18 varied development densities, etc.) that could be enforced to promote conservation
19 goals and resource protection. As such, these policies are not specific to any
20 particular segment of Route 7 and must be considered in light of existing town
21 zoning and plan language that identifies areas adjacent to the specific segment of
22 Route 7 near the Project as a dense, highway-oriented commercial use district.

1 In any event, because I conclude that the Project would not have an adverse
2 impact on aesthetics and the scenic beauty of the area (let alone an undue adverse
3 effect), it would likewise not interfere with any scenic protection to be afforded the
4 Route 7 corridor under the Town Plan.

5

6 **Q. Is the Project consistent with the Addison County Regional Plan?**

7 Response: Yes. While the plan identifies a number of recommendations, goals and
8 objectives related to the siting of energy and utility facilities, most of them center on
9 the need for designing such facilities sensitively and with regards to visual and
10 aesthetic impacts. The plan does stipulate that power from “large scale” energy
11 generation facilities be primarily targeted for consumption within Addison County.
12 The plan is vague in its definition of “large scale” generator. Furthermore, the
13 power to be produced by this Project would, by virtue of the Standard Offer
14 Program, be sold to all Vermont utilities, including those that supply power within
15 Addison County. See *Exhibit ASF-MK-5 pp. 7-27,28, 7-45, and 8-1*, full plan
16 available at http://www.acrpc.org/pages/publications/reg_plan.htm.

17 Clearly, as documented in my report and in other testimony of the applicant,
18 the chosen location is well suited to provide good solar resource potential and
19 limited visual and aesthetic impact.

20

21 **Q. Does this conclude your testimony at this time?**

22 Response: Yes.