

Sept. 6, 2016

Judith Whitney, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: CPG #16-0042-NMP

Dear Ms. Whitney,

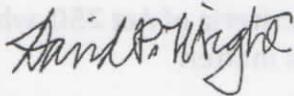
Please find Motion to Intervene, Authorization by Middletown Springs Historical Society, Inc., Notice of Appearance, and Certificate of Service.

Two hard copies are being hand delivered to the PSB today.

Hard copies are being mailed to the Service List, as noted on the Certificate of Service.

Thank you.

On behalf of MIDDLETOWN SPRINGS HISTORICAL SOCIETY, INC.



David P. Wright, President, duly authorized agent
Middletown Springs Historical Society, Inc.
10 Park Avenue
PO Box 1121
Middletown Springs, VT 05757
802-235-2376
montvert@vermontel.net

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Application of Orchard Road Solar I, LLC for a)
certificate of public good, pursuant to 30 V.S.A.)
§§ 219a and 248, to install and operate a 500 kW) CPG #16-0042-NMP
group net metered solar electric generation facility)
located on Orchard Road in Middletown Springs,)
Vermont, to be known as the "Orchard Road)
Solar Project I")

**MOTION TO INTERVENE OF
Middletown Springs Historical Society, Inc.**

Now comes Middletown Springs Historical Society, Inc. and moves to intervene in the matter referenced above pursuant to Public Service Board Rule 2.209(B).

1. Middletown Springs Historical Society, Inc.(MSHS) is a 501(c)(3) educational organization in Middletown Springs, Vt. which has substantial, particularized interests protected by Section 248 and the incorporated criteria of Act 250, which may be affected by the outcome of the proceedings in this matter.

2. Movant, located at 10 Park Ave., Middletown Springs, Vt., is a non-profit membership organization, established in 1969 for the purpose of preserving local history and historic material. Its Bylaws state: "The Society, cooperating with the Vermont Historical Society and other preservation agencies when appropriate . . . will undertake the preservation of historic buildings, monuments and markers in Middletown Springs".

The Mission Statement of the MSHS reads in part: "The mission of the Middletown Springs Historical Society is to engage the community in understanding and appreciating the changing history of Middletown Springs, and to encourage local historic preservation."

3. Laura V. Trieschmann, State Historic Preservation Officer stated in a letter of July 13, 2016 on behalf of the Vermont Division for Historic Preservation (VDHP):

"The VDHP has reviewed the Proposed Solar Array Site Plan dated 6/29/16. While there will be no direct effects to any above ground historic sites, there will be possible indirect visual effects for the properties closest to the project site.. . The farm complex at 30 Orchard Road was listed on the State Register of Historic Places on May 7, 1980 as #1111-16 Spitalny House. However, due to the distance, terrain, and the existing intervening vegetation it is VDHP's opinion that there will

be limited visual effects on the historic property at 30 Orchard Road and other standing historic sites with views of the sloping hillside location of the solar facility. Therefore, VDHP concludes that the facility will have no adverse effect on the historic character of any standing historic structures, districts, or landscapes.

Based on the above considerations, the VDHP concludes that the Orchard Road Solar Project will have **No Adverse Effect** on any historic sites listed in or eligible for inclusion in the State Register of Historic Places."

4. The VDHP letter considers specifically only the Spitalny house among the State Register of Historic Places listed or eligible structures with views of the proposed site. At least a dozen such structures are located on Rte. 140 to the north of the proposed project in a neighborhood known historically as Burnham Hollow. Other historic structures with views of the proposed site are located on Coy Hill Rd.

The MSHS Board of Trustees received a request for assistance from Thomas Russell, owner of what is believed to be the home of John Burnam, 300 West St., Rte. 140, built in about 1791, #2 on the map of sites and listed in *The Historic Architecture of Rutland County*, p. 159-60 as "2. (Farm) House, c. 1800/c.1830", with several outbuildings.

John Burnam (1742-1829), according to Barnes Frisbie's *History of Middletown, Vt.*, 1867, pp 39- 43, was "a man of uncommon ability, and of great business capacity", and a lawyer, who famously gained a temporary reprieve and retrial for the New York Grantee and Loyalist David Redding. Burnam was also a millwright, merchant and representative to the legislature (1788, 1795, 1796-99, 1804, 1807,1810), and was "strongly identified with the growth and prosperity of the town, at that early day". In about 1791 he "made large purchases of real estate in the west part of town. He commenced at once to put up a dwelling house . . . then went extensively into building mills, also in farming, and built several dwelling houses. He built a forge, foundry, grist and saw mills, an oil mill, carding machine mill and clothing works, and a distillery. All of these he put into successful and active operation and carried on here an extensive business until 1811, when his mills were all washed away by the freshet of that year. He afterward rebuilt his forge and saw mill, but he did not do a large amount of business after the disaster in 1811". On the Beer's Atlas map (1869) the area is labeled "Burnham Hollow" in a typeface larger than that of the village of "Middletown". Frisbie says (p.43) "John Burnam had a village of his own in "Burnham Hollow"..."

Many structures currently standing in Burnham Hollow date from at least the late 19th Century, and, like the Burnam house, may be much older than they appear, due to later renovation and alteration. These include the Wilder house, 260 West St.; the Farrell/Gutman house, 290 West St.; the Cooper house, 327 West St.; the Burnham Hollow Orchard tenant house, 307 West St. ; the Kimble/Lamson house, 334 West St.; the Spitalny/Querrey house and barn, 30 Orchard Rd.; as well several other barns and other outbuildings, including the Fenton Potato barn, 333 West St. All of

these structures are either listed or eligible for listing on the State Historic Register. It could be argued that Burnham Hollow is itself eligible as a Historic District.

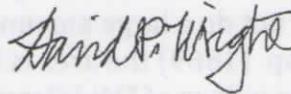
Mr. Russell disagrees with the opinion of VDHP concerning the visual effect on his property, and other Burnham Hollow residents reportedly concur concerning theirs. An August 2016 Aesthetic Analysis by Michael Lawrence, Landscape Architect, commissioned by Burnham Hollow residents and others, agrees with the developer's aesthetics consultant's first conclusion that "the Project does create an adverse aesthetic impact on the visual resources" but disagrees with their second conclusion, "that the Project's visual impact will *not* be unduly adverse".

5. The proposal is a major change to the aesthetics of the area and does not comply with 30 V.S.A. § 248(b)(5) Aesthetics, Historic Sites and Rare and Irreplaceable Natural Areas 10 V.S.A. § 6086(a)(8). The proposed solar site is south of and visible from several historic properties on Rte. 140. As the solar panels would be situated on a north-facing slope with panels facing uphill to the south, the framing and infrastructure would be visible from the Rte. 140 properties. The Project proposal does not consider views to the north of the site and offers no plans to provide screening, which from these properties would be difficult to mitigate. The solar project would be a disruption and not in keeping with the surrounding historic landscape which contains few structures built within the last century. No other party will adequately protect these interests of the Movant and there are no alternative means by which these interests may be protected. Intervention is timely and will not unduly delay these proceedings or prejudice the interests of existing parties or of the public.

Wherefore, Movant prays that they be permitted to participate in this Docket CPG #16-0042-NMP as a party in accordance with PSB Rule 2.209(B).

Dated this 6th day of September, 2016 in Middletown Springs, Vermont.

MIDDLETOWN SPRINGS HISTORICAL SOCIETY, INC.



By: _____

David P. Wright, President, duly authorized agent
Middletown Springs Historical Society, Inc.
10 Park Avenue
PO Box 1121
Middletown Springs, VT 05757
802-235-2376
montvert@vermontel.net



Middletown Springs Historical Society



On the Green, P.O. Box 1121
Middletown Springs, Vermont 05757

Website: www.middletownspringshistoricalsociety.org

In Re: Application of Orchard Road Solar I, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, to install and operate a 500 kW group net metered solar electric generation facility located on Orchard Road in Middletown Springs, Vermont, to be known as the "Orchard Road Solar Project I"

[Vermont Public Service Board Docket No: CPG #16-0042-NMP]

Subsequent to the Board of Trustees' discussion at its monthly Board meeting of August 4, 2016 on the proposed Orchard Road solar project in Middletown Springs, and via email communications of the Board of Trustees, the following motions of action were made, seconded, and have been approved by a majority of the Board of Trustees of Middletown Springs Historical Society, Inc.:

August 15th, 2016 Motion:

"The Historical Society shall file for intervenor status and submit comments on the proposed Orchard Solar 1 project proposed for Middletown Springs"

August 20th, 2016 Motion:

"We, the Board of Trustees of the Middletown Springs Historical Society, hereby authorize David Wright to represent interests of the Middletown Springs Historical Society, Inc. in the solar project proceeding."

Linda Hurcomb,
Secretary & Trustee
Middletown Springs Historical Society, Inc.

August 23, 2016
Date

Trustees:

David P. Wright, President ♦ Jon Mathewson, Vice President ♦ Linda Hurcomb, Secretary ♦ Pat Hemerway, Treasurer
Alice Hoisington ♦ Theron Krouse ♦ Karen Svenningsen

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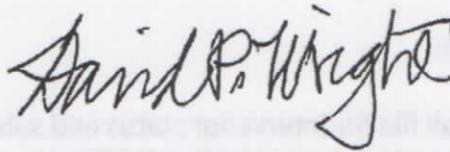
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Vermont, to be known as the "Orchard Road)
Solar Project")

NOTICE OF APPEARANCE

Please enter the appearance of David P. Wright, *pro se*, in the above referenced matter.

Dated Middletown Springs, Vermont this 6th day of September, 2016.

By:



David P. Wright, President
Middletown Springs Historical Society, Inc.
10 Park Avenue
PO Box 1121
Middletown Springs, VT 05757
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Solar Project")

CERTIFICATE OF SERVICE

I, David Wright, on behalf of Middletown Springs Historical Society, certify this on date, I mailed copies of the enclosed documents to the below Service List.

Ms. Judith Whitney, Clerk
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620-2701

Middletown Springs Selectboard
PO Box 1232
Middletown Springs, VT 05757

Vermont Agency of Natural Resources
Secretary's Office
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Fitzpatrick, Ted & Dina
12525 Jot Em Down Lane
Odessa, FL 33556

Vermont Public Service Department
Director of Public Advocacy
112 State Street, 3rd Floor
Montpelier, VT 05620-2601

Bartlett, Steven & Debra
120 Orchard Road
Middletown Springs, VT 05757

Rutland Regional Planning Commission
PO Box 965
Rutland, VT 05702

Lattuca, Russell A
623 Marlbury Lane
Longboard Key, FL 34228

Middletown Springs Planning Commission
PO Box 1232
Middletown Springs, VT 05757

Gaeckle, Robert & Claire
45 Beekman Rd.
Summit, NJ 07901

Green Mountain Power Corporation
163 Acorn Lane
Colchester, VT 05446

Parker, Gerald & Janet
PO Box 627
Poultney, VT 05741

Wilder, Frank A & Janice A
260 West St.
Middletown Springs, VT 05757

Freilich, Douglas & Sperling, Julie
PO Box 65
Pawlet, VT 05761

Cooper, Roy
327 West St.
Middletown Springs, VT 05757

Gutmann, Karen L
290 West St.
Middletown Springs, VT 05757

Marcy, Marilyn & Labate, Maureen
21 North St.
Middletown Springs, VT 05757

Russell, Thomas
300 West St.
Middletown Springs, VT 05757

Labate, Maureen
1537 Finel Hollow Road
Poultney, VT 05764

Rocks & Trees, Inc
c/o Ellen Secord
320 West St.
Middletown Springs, VT 05757

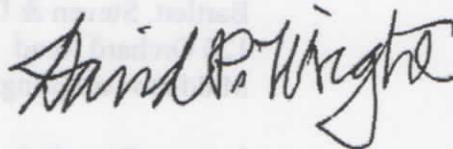
Parker, Jerry
425 East Road
Poultney, VT 05764

Lamson, Brian & Connie
334 West St.
Middletown Springs, VT 05757

Russell, Neil & Elizabeth
PO Box 279
West Rutland, VT 05777

Dated Middletown Springs, Vermont this 6th day of September, 2016.

By:



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Middletown Springs, VT 05757
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