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October 20, 2017

HAND-DELIVERED

Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street, Drawer 20
Montpelier, VT 05620-2701

RE: **CPG #16-0042-NMP** – Application of Orchard Road Solar I, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, for a 500 KW interconnected group net-metered solar electric generation system in Middletown Springs, Vermont

Dear Ms. Whitney:

Enclosed for filing in the above-referenced matter please find an original and six copies of Neighbors' Reply Brief along with a Certificate of Service evidencing service of same.

Thank you for your kind assistance in this matter.

Very truly yours,

L. Brooke Dingledine

L. Brooke Dingledine, Esq.

LBD/klc
Enclosures
cc: Service List

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #16-0042-NMP

Application of Orchard Road Solar I, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, for a 500 kW interconnected group net-metered solar electric Generation system in Middletown Springs, Vermont

CERTIFICATE OF SERVICE

NOW COMES L. Brooke Dingledine, Esquire, of the law firm of Valsangiacomo, Detora & McQuesten, P.C., and certifies that on October 20, 2017, I forwarded by electronic mail as noted on the attached Service List the following: Neighbors' Reply Brief.

DATED at Barre, County of Washington and State of Vermont this 20th day of October, 2017.

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STATE OF VERMONT
PUBLIC SERVICE COMMISSION

CPG #16-0042-NMP

Application of Orchard Road Solar I, LLC for a	)
certificate of public good, pursuant to	)
30 V.S.A. §§ 219a and 248, for a 500 kW	)
interconnected group net-metered solar electric	)
Generation system in Middletown Springs, Vermont	)

NEIGHBORS' REPLY BRIEF

NOW COME Richard Spitalny, Robert & Karen Galloway, Daniel McKeen, and Neil & Thomas Russell [the "Neighbors"], by and through their attorney L. Brooke Dingledine, Esq. of the firm Valsangiacomo, Detora & McQuesten, P.C. and hereby respectfully submit the following Reply Brief:

I. INTRODUCTION

The Proposed Project Site is located in the highly scenic area in Middletown Springs[1] known as Burnham Hollow on the original historic farm established in 1796 by John Burnham.[2] The Orchard was planted in 1917 and was

[1] Exhibit NN-41 – (45 day Notice of the Applicant) which contains the Applicants admission that Middletown Springs has exceptional beauty and aesthetic value, stating: "...we realize that this is very important due to the exceptional beauty of Middletown Springs, something invaluable to its residents and visitors."
[2] Exh. NN-2 (Burnham Hollow Orchards history (1796-1990).

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operated for 90 years until the present owner acquired the property.[3] The Proposed 500 kW Solar Array Project contains some 2,250 panels that will completely fill a 5 acre area and will be situated on a steep hillside smack dab in the dead center of the Coy Mountain viewshed.[4] The solar array will appear as a monolithic 5 acre mass of metal and steel rising up the hillside 250 to 300 feet above the valley floor and marring the highly scenic landscape. NN-ML-2 (Mike Lawrence pf Report) at p.10. The essential question that must be determined by the Commission with regard to aesthetics is: Is the Proposed Project's adverse impact on the aesthetics and the scenic and natural beauty of the area "undue?"

II. AESTHETICS: UNDUE ADVERSE IMPACT

This contested case has conflicting opinions regarding whether the adverse impact on aesthetics and the scenic and natural beauty of the area is undue. Those opinions include:

1. The Applicant's expert who claims there is no undue adverse impact (Kane);

2. The Department's expert who opines that the project as proposed creates an undue adverse impact because it is shocking and offensive and offends the sensibilities of the average person. The expert believes the same about Applicant's revised landscaping plan. However, the expert created his own landscape mitigation for the project and claims that if the project is altered and changed from the project that

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[3] Exh. NN-2 (Burnham Hollow Orchards history (1796-1990).
[4] Spitalny pf Testimony at p.3.

is proposed to the different landscaping plan that he created, there would be no undue adverse impact (Owens);

3. The Neighbors' two (2) experts who clearly support the conclusion that the adverse impact is undue (Thomas and Lawrence);

4. All 18 of the Neighbors who testified believe the project will cause an undue adverse impact on public and private views in the area because it violates clear written community standards in the town and regional plan, will be shocking and offensive to the average person, and because the Applicant has failed to take reasonable mitigation measures (Richard Spitalny, Elizabeth Cooper, Roy Cooper, Douglas Freilich, Julie Sperling, Ted Fitzpatrick, Dina Fitzpatrick, Karen Galloway, Robert Galloway, Karen Gutmann, Larry Springsteen, Daniel McKeen, Neil Russell, Thomas Russell, Peter Stevenson, and Aileen Stevenson)[5]; and,

5. One-hundred-twelve (112) other Middletown Springs townspeople signed a petition opposing the project because they believe that the project will adversely affect the aesthetics and the scenic and natural beauty of the area, will unduly impact orderly development and negatively affect the character of Middletown Springs.[6]

Thus, it is incumbent on the fact finder to evaluate that conflicting testimony and to access the reliability and credibility of the witnesses to determine how much weight to give their testimony, if any.

The Vermont Bar Association Civil Jury Instructions provides guidance for factfinders (juries) in our state court system which is equally applicable to the

[5] See pf Testimony of Richard Spitalny, Elizabeth Cooper, Roy Cooper, Douglas Freilich, Julie Sperling, Ted Fitzpatrick, Dina Fitzpatrick, Karen Galloway, Robert Galloway, Karen Gutmann, Larry Springsteen, Daniel McKeen, Neil Russell, Thomas Russell, Peter Stevenson, and Aileen Stevenson.
[6] Exhibit NN-7 (Petition).

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PUC Administrative hearing process where Hearing Officers and Commission Members must assess the credibility of witnesses, including so-called battling experts. The Vermont Civil Jury Instructions provide:

> **F. Credibility of Witnesses**
>
> You must consider all of the evidence. This does not mean that you must believe all of the evidence. It is up to you, and only you, to decide whether the testimony of a witness was reliable, as well as how much weight to give the testimony.
>
> The following factors may help you to evaluate the testimony of witnesses:
>
> - did the witness have an interest in the outcome of the case?
> - how did the witness behave while testifying?
> - did the witness seem candid?
> - did the witness seem to have a bias?
> - does the other believable evidence in the case fits with the witness's testimony, or is it inconsistent with it?
> - how well could the witness see or hear the facts about which he or she testified?
> - did the witness seem to have an accurate memory?
>
> You may believe as much or as little of each witness's testimony as you think appropriate. Keep in mind that people sometimes forget things, and sometimes they make honest mistakes. You must decide whether an omission or a mistake is innocent or minor, or whether it is something more serious that affects the rest of their testimony.
>
> **G. Expert Witnesses**
>
> Some witnesses testify as experts. This means that they have special knowledge, training, or experience that qualifies them to give an opinion on a certain matter. You should evaluate the opinion of an expert witness the same way you would consider any other testimony. Then, you should evaluate whether the opinion is based on the facts proved at trial and supported by their knowledge, training, or experience.

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Vermont Civil Jury Instruction Committee, Plain English Jury Instructions, General Jury Instructions[7]

A. Applicant's expert – Mark Kane

1. Mr. Kane has a BS degree in Environmental Studies but has no degree in land use planning and is not a certified land planner. He has worked primarily as a developer's expert for 25 years and has worked as an aesthetics' expert for this particular Applicant for at least a dozen projects over the past 5 years.[8] He expects to earn $10,000 in fees on this case.[9]

2. His resume lists 42 cases in which he has testified on aesthetics and the Quechee analysis, concluding in each and every case without exception, that there was no undue adverse impact to aesthetics and scenic and natural beauty from any of those projects.[10] In other words, Mr. Kane has never met a project that he didn't like – from an aesthetics perspective. [11]

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[7] See http://www.vtbar.org/UserFiles/Files/WebPages/Attorney%20Resources/juryinstructions/civiljuryinstructions/generaljury.htm

[8] Transcript, August 28, 207 at 264 (Kane).

[9] Transcript, August 28, 2017 at 264 (Kane).

[10] Id.

[11] Exhibit DPS-JO-1 (Owens' resume).

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3. Mr. Kane testified that he has reviewed at least 20 town plans in Vermont and found a clear written community standard in only one of them.[12]

4. However, his recent testimony in the Chelsea Solar, LLC case,[13] that there was no undue adverse impact to aesthetics or to the scenic and natural beauty of the area, was rejected by the Public Service Board who found that the project violated three of the four specific requirements in the Town Plan for development in the Rural Conservation District.[14] Thus, the PSB denied the Chelsea Solar, LLC project a Certificate of Public Good because it failed the first prong of the Quechee Analysis, contrary to the opinion of Mr. Kane.[15]

5. The Vermont Public Service Board also disagreed with Mr. Kane regarding his opinion that the Chelsea Solar project does not unduly interfere with Orderly Development of the region. Upon a specific review of Mr. Kane's testimony, the PSB ruled that "Upon review, we find this testimony to be an inaccurate description of the Town Plan."[16]

6. Mr. Kane has also reviewed a number of regional plans in Vermont and is unaware of any regional plan in Vermont that expresses a clear

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12 Transcript, August 28, 2017 at 261 (Kane).
13 Petition of Chelsea Solar LLC, Docket No. 8302, Final Order dated 2/16/2016.
14 Petition of Chelsea Solar LLC, Docket No. 8302, Final Order dated 2/16/2016 at p. 57.
15 Petition of Chelsea Solar LLC, Docket No. 8302, Final Order dated 2/16/2016 at p. 55-60.
16 Petition of Chelsea Solar LLC, Docket No. 8302, Final Order dated 2/16/2016 at p. 53-54.

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written community standard including the following Regional Plans: Chittenden, Two Rivers, Rutland, Northeast Kingdom, Lamoille Count, Franklin County, and there may be more.[17]

7. Furthermore, the notion that the adverse impact of the Orchard Road Proposed Solar Array, which soars up the hillside for 60 feet in elevation[18], can somehow be mitigated by planting trees on the northern side (at a lower elevation) of the array is absurd and strains all credulity. According to Kane's hearing testimony, the trees would be planted at 10 or 12 feet in height and would grow about one foot per year; thus, in 35 years, he believes that the trees might grow tall enough to screen maybe 30% to 40% of the array.[19] However, Mr. Kane admitted on cross examination that even at the end of the life of the project, the majority of the array will never be able to be screened by trees.[20]

8. Looking at the Applicant's "Revised Mitigation Planting Plan"[21] one can observe that the solar array is located at elevations between 945 ft. and 1005 ft. Because the trees that are proposed for the northern side of the array are planted at ground elevations between 935 ft. and 965 ft.,

17 Transcript, August 28, 2017 at 264-265 (Kane).
18 Exhibit ORS-MK-4 and Transcript, August 28, 2017 at 224 (Kane).
19 Transcript, August 28, 2017 at 222-225 (Kane).
20 Transcript, August 28, 2017 at 225 (Kane).
21 Exhibit ORS-MK-4 (Revised Landscaping Plan).

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there will be no screening whatsoever of the array when the trees are planted.[22]

9. Mr. Viens testified that the solar panels will sit approximately nine feet above the ground.[23] Thus, the top of the panels will reach to elevations of between 954 and 1014 feet. If 12 foot trees are planted, the treetops will be at elevations of between 947' (935' + 12' = 947') and 977' (965' + 12' = 977') at the time of planting.[24] Thus, calculating the simple arithmetic based upon Mr. Kane's testimony that the trees would grow one foot in height per year, yields the following results:

   - For the first 12 years of the project, the trees will not be tall enough or at a high enough elevation to provide any screening at all.

   - For the first twenty years of the project, the trees may grow to the height of the very few lowest-elevation panels in the northeast corner of the site.

10. The mathematical calculations of the elevations of the treetops as the trees grow one foot in height annually over the 35 years of the project as compared to the elevations of the array panels are as follows:[25]

22 Transcript, August 28, 2017 at 224 (Kane).
23 Viens pf Testimony at p.3.
24 Exhibit ORS-MK-4; Transcript, August 28, 2017 at 224 (Kane).
25 Based upon the elevations depicted in Exhibit ORS-MK-4 and the testimony of Mr. Kane.

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Year	Array Elev.	Treetop Elev.	Amt. screened
1	954' - 1014'	935' - 965'	0
2	954' - 1014'	936' - 966'	0
3	954' - 1014'	937' - 967'	0
4	954' - 1014'	938' - 968'	0
5	954' - 1014'	939' - 969'	0
6	954' - 1014'	940' - 970'	0
7	954' - 1014'	941' - 971'	0
8	954' - 1014'	942' - 972'	0
9	954' - 1014'	943' - 973'	0
10	954' - 1014'	944' - 974'	0
11	954' - 1014'	945' - 975'	0
12	954' - 1014'	946' - 976'	1' of lowest panel
13	954' - 1014'	947' - 977'	2' of lowest panel
14	954' - 1014'	948' - 978'	3' of lowest panel
15	954' - 1014'	949' - 979'	4' of lowest panel
16	954' - 1014'	950' - 980'	5' of lowest panel
17	954' - 1014'	951' - 981'	6' of lowest panel
18	954' - 1014'	952' - 982'	7' of lowest panel
19	954' - 1014'	953' - 983'	8' of lowest panel
20	**954'** - 1014'	**954'** - 984'	9' of lowest panel
21	954' - 1014'	955' - 985'	
22	954' - 1014'	956' - 986'	
23	954' - 1014'	957' - 987'	
24	954' - 1014'	958' - 988'	
25	954' - 1014'	959' - 989'	
26	954' - 1014'	960' - 990'	
27	954' - 1014'	961' - 991'	
28	954' - 1014'	962' - 992'	
29	954' - 1014'	963' - 993'	
30	954' - 1014'	964' - 994'	
31	954' - 1014'	965' - 995'	
32	954' - 1014'	966' - 996'	
33	954' - 1014'	967' - 997'	
34	954' - 1014'	968' - 998'	
35	954' - 1014'	969' - 999'	30%-40% ???

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11. Mr. Kane's testimony, that perhaps 30% to 40% of the array might be screened in 35 years at the end of the life of the project, does not describe reasonable mitigation or any mitigation at all. It is irrational and frankly ridiculous to conclude that such an ineffective and meaningless planting effort could even be represented as reasonable mitigation since the evidence demonstrates that it would take 20 years before the treetops would actually equal the elevation of the top of the very few lowest-elevation panels.[26] That is the insurmountable problem with this steep hillside location, it is simply a terrible site for this type of project because the massive array is 400 feet wide and is being sited on a hillside, which creates a 60 foot tall metal and steel monolith that simply cannot be screened or reasonably mitigated in any meaningful way.

12. Turning to an analysis of the expert's reliability, Mr. Kane suffers from the credibility gap of the "hired gun." He has never provided an opinion in his career, that any project did not pass muster on the Quechee Analysis despite his opinions being specifically rejected by the PSB in Chelsea Solar.

13. Moreover, Mr. Kane has a strong business and financial interest in the outcome of the case, and evidences a bias in favor of his

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[26] Transcript, August 28, 2017 at 224-225 (Kane).

employers. In order to be repeatedly hired by developers, one must win these cases at all costs so that one is repeatedly hired as a consultant, making $10,000 in fees per case in this instance.

14. Lastly, the other believable evidence in this case is inconsistent with Mr. Kane's testimony. Mr. Kane's testimony is at odds with all of the other experts: Todd Thomas, Michael Lawrence, and DPS's expert Mr. Owens who believes that the original proposal and the revised landscaping plan both result in a finding of undue adverse impacts to aesthetics and to the scenic and natural beauty of the area.[27]

15. Consequently, for all of the reasons stated, the opinion of Mr. Kane should be rejected by the Commission.

B. <u>DPS's expert – Jeremy Owens</u>

16. Mr. Owens' expert opinion is that the Project, as proposed, has an adverse aesthetic impact, meaning that the project does not fit within the context or character of its surroundings.[28]

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27 See Section B, immediately infra.
28 Transcript, August 29, 2017 at 125 (Owens).

17. In addition, the DPS expert opined that as originally proposed, the project is unduly adverse because it is aesthetically shocking and offensive.[29]

18. The expert was also asked about the Applicant's revised landscaping plan and the expert testified that the revised plan may offend the sensibilities of the average person, though the expert indicated that having not reviewed the revised mitigation plan in the field, it's hard to say with certainty whether or not it would be shocking or offensive.[30]

19. Lastly, the DPS expert created his own landscape mitigation plan for the Project and testified that if the project were not changed and altered from the Project that is currently proposed to the Project that DPS proposes with DPS/Owens' landscape mitigation plan, the Project will be shocking and offensive.[31]

20. Mr. Owens' testimony in this regard raises alarming concerns as to the role of DPS in this proceeding. It is the Neighbors' understanding that the Department of Public Service is charged with representing the public interest in these proceedings, offering comment and testimony on

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29 Transcript, August 29, 2017 at 126 (Owens).
30 Transcript, August 29, 2017 at 128 (Owens).
31 Transcript, August 29, 2017 at 131 (Owens).

Proposed Projects. Unfortunately, this case reveals that DPS has chosen the Applicant side to advocate for. Instead of discharging their obligation to act as a public advocate and offer opinions about the actual project that is proposed, the DPS expert has instead tried to revise the Applicant's proposal to try to help the applicant find a way past the Quechee Analysis.

21. The Neighbors contend that the submission of a revised landscaping plan by DPS's expert is an inappropriate exercise of the position, power and resources the state's public advocate. It is improper for the DPS to step out of the role of reviewer and commenter on a proposed project and instead, take on the role of Applicant's advisor, consultant or advocate. Such unfair actions evidence a bias in favor of the applicant which irretrievably damages Mr. Owen's credibility.

22. Mr. Owens's assessment focused on and ultimately considered only public views in his opinion on the shocking and offensive prong of the Quechee Analysis. He testified that he takes no position with regard to undue adverse impact relating to any private property and would not consider private views in his analysis.[32]

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[32] Transcript, August 29, 2017 at 153-154 (Owens).

23. Mr. Owens is not yet familiar with the Vermont Supreme Court precedent contained in *In re Petition of Rutland Renewable Energy, LLC*, 2016 VT 50 (2015) which states:

> "In determining whether there has been an undue adverse impact, considering the sensibilities of the average person, the Board can and should consider all vantage points, including from private property. Here, the Board did consider neighbors' perspective and required extensive screening to mitigate that impact. Under our standard of review, we affirm the decision. We acknowledge that, in addition to considering neighbors' interest, the Board ruled that the test definition of an average person meant "the average member of the viewing public who would see a particular project from the vantage point of the public;" that is, while the Board must consider all vantage points, it does so from an objective, as opposed to subjective and neighborly, perspective.[33]

24. While he did initially identify "the series of private properties approximately 0.6 to 1.4 miles north/northeast of the Project." Regarding those properties, Mr. Owens stated the following:

> "much of the private land north of Route 140 will have visibility of the Project because the proposed Project arrays would ascend the hill on which the Project is located. The existing intervening vegetation on and around the site, which is typically less than 40 feet tall, would not be sufficient to screen the proposed array from these property to the north."[34]

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33 *Id.* (emphasis supplied); Transcript, August 29, 2017 at p. 151.
34 *In re Petition of Rutland Renewable Energy, LLC*, 2016 VT 50, par. 20 (2015)

25. Mr. Owens then completely ignored the private views in his actual Quechee Analysis and basically dismissed them in his testimony with a meaningless sentence which reads: "With regard to private views, a more effective landscaping plan would utilize taller and more closely spaced evergreen across the north and northwest portions of the Project."[35] However, he never testified as to how tall the trees should be or what he meant by denser spacing. Nor did he indicate what duration of time would be required for these trees of unspecified height and density to actually grow to the height where they would actually begin to provide screening of the array for the properties to the north.[36]

26. Owens also testified as follows:

> "Considering that the site is somewhat elevated above both public and private locations from which it is visible (Wescott Road, Orchard Road, Route 140 and private property further north), and considering that the existing vegetation to remain is somewhat sparse, a denser spacing between the proposed plants would be more appropriate and effective at screening views from these **public** locations. Additionally, the private residential properties would have visibility on the north side of the arrays as they ascend the hill to the south. Based on the analysis of the private property elevation, in some cases trees would need to be approximately **58 feet tall** in order to screen the upper arrays at the high end of the Project. While the use of serviceberry along the north side of the Project may be somewhat effective for screening views from Wescott Road, the proposed spacing, deciduous nature and mature height of serviceberry **would not**

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35 Owens' pf Testimony at p. 2.
36 Owens' pf Testimony.

> **be effective at screening the proposed arrays from residential properties to the north**. A more effective landscaping plan would utilize taller and more closely spaced evergreens across the north and northwest portions of the Project."[37]

27. 58 foot tall trees, if planted according to the Applicant revised landscaping plan which calls for trees 12 feet high and that grow one foot per year, would take 46 years to grow to a height of 58 feet, 11 years longer than the longest duration of the project (35 years).

28. Mr. Owens' report did not provide any further factual information, detail, or recommendations regarding the location, height or density of the plantings that would effectively mitigate the views to the north, because there simply is no way to screen the array at this site from the views to the north.

29. Mr. Owens also has no experience assessing alternative sites as a means of mitigation and has never suggested that a reasonable mitigation of adverse aesthetic impacts would be to choose an alternative site.[38]

30. Mr. Owens concludes his report by saying that "with adjustments to the landscape mitigation plan, the Orchard Road Solar Project would meet the Quechee Test insofar as its impact on aesthetics would NOT be

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[37] Exhibit DPA-JO-2 (Owens' Report) at p. 10.
[38] Transcript, August 29, 2017 at 121 (Owens).

UNDULY ADVERSE."[39] However, other than taller evergreens planted closer together, there is no indication as to what these "adjustments" are and how and when they would magically transform a blight on the centerpiece of the Coy Mountain viewshed, into an adequately screened and reasonably mitigated project.

31. In terms of his credibility, Mr. Owens appears to suffer from the erroneous notion that his job is to figure out how a project can be mitigated to pass the reasonable mitigation prong of the Quechee Analysis instead of providing an expert opinion that evaluates the proposed project. His independence and reliability as a witness suffers as a result of his bias in this regard. Moreover, his unfamiliarity with the *Rutland Renewables* Supreme Court precedent, shed doubt on his background, knowledge and judgment in this matter. However, in the end, he believes that the original project and the Applicant's revised mitigation plan are not adequate, reasonable mitigation. Therefore, he does agree that the project does have an unduly adverse impact on aesthetics and the scenic and natural beauty of the area.

C. Other objections/responses to the Applicant's Brief:

32. Applicant's Brief, pg. 8, A.17 and page 32, # 120: Mr. Spitalny objects to the reference to 'offsite residential' in describing his property

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39 Owens' pf Testimony at p. 11.

as he assumes the Applicant is referring to the fact that Mr. Spitalny is not currently a full-time resident of Middletown Springs. First, it is not appropriate to try to suggest to the PUC that Mr. Spitalny has lesser rights or impact from this project by trying to portray his property as "off-site residential". Second, Mr. Spitalny used to be a full-time resident and may very well move back full-time in the near future.

33. Applicant's Brief, Pg. 23; 91: The use of the word 'may' in the first sentence is ridiculous and erroneous. The Applicant knows as a matter of undisputed fact, that many residential properties in the vicinity of the project DO have views of the project! Also, in the 3rd to last line from the bottom of the page they refer to Mr. Spitalny's house as a 'seasonal cabin'. The Applicant knows, from Mr. Spitalny's response to Discovery questions that the Spitalny house is a year round dwelling, NOT season. Mr. Spitalny testified, under oath, that his family stays there THROUGH OUT THE YEAR. In EVERY season! To somehow imply that they are not at the property during leaf off conditions is false and the Applicant knows it to be false.

34. Applicant Brief, Pg. 20; 75: This constitutes an admission by the Applicant's that the closest mapped Class 2 wetland to the Project is 750 feet northeast. The Alternative Site #1 is not even mentioned as a wetland. The Applicant also states there are no mapped hydric soils on

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or in the vicinity of the project site. This further supports the case that the horse pasture (Alternative Site #1) is a satisfactory alternative site.

35. Applicant Brief, Pg. 24; 91: The last sentence is a totally dismissive reference to the Fitzpatricks' land and site of their future retirement home which the Fitzpatricks paid, because of the view, the highest price per acre of any property in Middletown Springs which will now be rendered worthless if this project is permitted in its proposed location.[40]

36. Applicant Brief, Pg. 30, middle of the page: To equate the few solar panels one or two neighbors have with a commercial solar farm of 2,000 or more panels is preposterous.

CONCLUSION

I recommend that the Commission conclude that the evidence in this case demonstrates that the Project would violate 30 V.S.A. §248(b)(1)(orderly development) and 30 V.S.A. §248(b)(5)(aesthetics).

[40] Transcript, August 28, 2017 at 140-147 (Aileen Stevenson).

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DATED at City of Barre, County of Washington and State of Vermont this 20th day of October, 2017.

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