

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No.

Petition of Murphy Road Energy Storage, LLC
for a certificate of public good, pursuant to 30
V.S.A. § 248, for a 5 MW battery storage
facility off Murphy Road, in Bennington,
Vermont

**PREFILED TESTIMONY AND DECLARATION OF
JEREMY B. OWENS
ON BEHALF OF
MURPHY ROAD ENERGY STORAGE, LLC**
This document and supporting exhibits have been filed ePUC

Mr. Owens' testimony addresses the proposed Murphy Road Energy Storage Project's compliance with aesthetics and scenic beauty (30 V.S.A. § 248(b)(5)) and orderly development of the region, (30 V.S.A. § 248(b)(1)), as presented in the report entitled "Aesthetic & Orderly Development Analysis Report" prepared by T.J. Boyle Associates, LLC.

EXHIBITS

Exhibit MRES-JO-1

Resume

Exhibit MRES-JO-2

Aesthetic Analysis and Orderly Development Report

1 **Introduction**

2 Q1. Please state your name, current employer, business address, and position.

3 A1. My name is Jeremy B. Owens. I am a licensed landscape architect with T.J. Boyle
4 Associates, Landscape Architects and Planning Consultants, with a business address of
5 301 College Street, Burlington, Vermont.

6 Q2. What is your occupation?

7 A2. I am a Vermont licensed Landscape Architect. A copy of my resume is attached as Exhibit
8 MRES-JO-1.

10 Q3. Have you previously testified at the Vermont Public Utility Commission?

11 A3. Yes. I have testified before the Commission on several Projects, including, among others:
12 Case No. 23-1050-PET on behalf of I Love Cows Solar, Case No. 23-2420-PET on behalf
13 of Hunt Road Solar, Case No. 23-1994-PET on behalf of Lowery Road Solar, Case No.
14 22-4376-PET on behalf of Midway Ave Solar, Case No. 22-3941-PET on behalf of
15 Steinberg Road Solar, Case No. 22-2073-PET on behalf of Bullfrog Hollow Solar, Case
16 No. 21-1254-PET on behalf of Springfield BESS, Case No. 21-1042-PET on behalf of
17 Georgia Bess, and Case No. 17-3539-PET on behalf of Saint Albans Solar. I have also
18 provided testimony or exhibits before numerous local Vermont development review boards
19 and planning commissions, Act 250 district commissions, the Vermont Environmental
20 Court, and the New Hampshire Site Evaluation Committee. A selection of previous
21 projects on which I have worked are included in Exhibit MRES-JO-1.

1 Q4. What is the purpose of your testimony?

2 A4. My testimony addresses aesthetics (30 V.S.A § 248(b)(5); 10 V.S.A. § 6086(a)(8)),
3 compliance with Public Utility Commission Rule 5.800, and orderly development of the
4 region (30 V.S.A § 248(b)(1)). My testimony presents the report entitled, Murphy Road
5 Energy Storage Project – Aesthetic & Orderly Development Analysis Report (“Report”)
6 for Murphy Road Energy Storage, LLC’s (“Murphy Road Energy Storage” or “MRES”)
7 proposed installation and operation of a 5 MW (AC) battery storage facility located north
8 of Murphy Road (“Site”) in the Town of Bennington, Vermont (“the Project”), which was
9 prepared under my direction. The Report describes the visual analysis undertaken by T.J.
10 Boyle Associates that assesses visual change due to the Project and determines whether
11 these changes create adverse or unduly adverse impacts to the visual character of the
12 surrounding area. The Report also analyzes the regional and town plans to determine
13 whether the Project has given due consideration to such plans. The Report provides a
14 Project description and is included with this filing as Exhibit MRES-JO-2. Included as
15 appendices are:

16 Appendix A: Project Maps 1-3

17 Appendix B: Photographic Inventory

18 Appendix C: Photographic Simulation

19 Appendix D: Landscape Replacement Plan

20 Appendix E: Regional & Town Plan Excerpts

21 Appendix F: Cross-Sections

SECTION 248 CRITERIA

Orderly Development of the Region

(30 V.S.A. § 248(b)(1))

Q5. Will the Project unduly interfere with the orderly development of the region with due consideration given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality?

A5. No, as further discussed in Exhibit MRES-JO-2, the Project will not unduly interfere with the orderly development of the region. No specific land use measures were found in the Bennington County Regional Commission Regional Plan (“Regional Plan”), the Bennington Town Plan, or the associated Energy Chapters that would be affected by the Project. No land conservation measures were found in these documents that would be affected by the Project, and the siting of the Project as proposed does not conflict with the development goals and policies within these Plans.

Aesthetics and Scenic Beauty

(30 V.S.A. § 248(b)(5))

Q6. Please describe the work you have performed with respect to the Project.

A6. I performed a visual analysis to evaluate potential aesthetic impacts due to the proposed Project. The work is described in the Report that my firm prepared, which is attached here as Exhibit MRES-JO-2.

1 Q7. Please summarize your assessment of the Project's aesthetic (visual) impacts.

2 A7. The assessment involved analysis of geographic information system data and viewsheds,
3 field investigation, review of topographic mapping, detailed design plans, and aerial
4 photography. Our assessment concluded that the proposed Project would have an adverse
5 effect on the scenic or natural beauty or aesthetics of the area from the nearby portions of
6 Murphy Road to the south and east of the Project. However, the adverse effect would be
7 limited to the area of Murphy Road that is closest to the Project, and no other surrounding
8 publicly accessible areas are expected to have visibility of the Project, even during leaf-off
9 conditions.

10
11 A review of the Project under the second part of the Quechee Test found that the Project's
12 aesthetic impact would not be unduly adverse. Based on the review of Regional and Town
13 plans, the Project would not violate any clear written community standard intended to
14 preserve the aesthetics or scenic or natural beauty of the area. The Petitioner has
15 incorporated generally available mitigating steps, including setting the Project more than
16 500' from Murphy Road, using a green color for the battery enclosures as recommended
17 by the Town of Bennington Planning Commission (see the prefiled testimony of Taegen
18 Kopfler), and implementing a landscape replacement plan to replace existing vegetation
19 that may be removed for the proposed access drive (Appendix D). The Project would not
20 offend the sensibilities of the average person due to the limited visibility of the proposed
21 equipment, proximity to the nearby solar generation facility and sub-transmission line,
22 replacement of any vegetation that needs to be removed, and use of a green color that will
23 help the Project equipment blend with the existing conditions.

1

2 Q8. Will the Project have an undue adverse effect on aesthetics or the scenic or natural beauty?

3 A8. No, it will not. For the reasons set forth above, the Project's aesthetic impact will not
4 unduly impact the scenic beauty of the surrounding area.

5

6 Q9. Does this conclude your testimony at this time?

7 A9. Yes, it does.

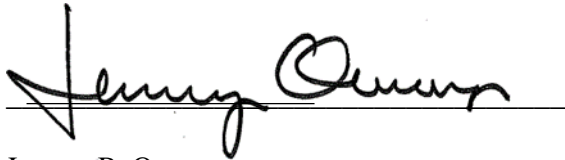
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WITNESS DECLARATION

I, Jeremy B. Owens, being over 18 years of age, and competent to testify on these matters declare that on behalf of Petitioner, I prepared my prefiled testimony and exhibits in the above captioned matter and I have the necessary expertise to testify to the same information. I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at Burlington, Vermont, this 19th day of May, 2025.

A handwritten signature in black ink, appearing to read "Jeremy Owens", is written over a horizontal line.

Jeremy B. Owens