T.J. BOYLE ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING

MEMORANDUM

To: Taegen Knopfler, Murphy Road Energy Storage, LLC

From: Jeremy B. Owens

Date: May 19, 2025

Re: Murphy Road Energy Storage Project – Aesthetic Analysis and Orderly Development Review

I. Project Description

The Murphy Road Energy Storage Project (the "Project") is being developed by Murphy Road Energy Storage, LLC on a private property located off Murphy Road in Bennington, Vermont. The Project is a proposed 5 MW battery storage facility with 32 battery storage units (or "blocks"), with each battery block being approximately 7.5' wide by 7' deep by 10' high mounted on a 6" concrete slab. The battery blocks will be approximately 10' tall. The thirty-two blocks will be arranged in two sections, with sixteen blocks per section arranged in two rows of eight blocks. Each section will be approximately 16' wide by 60' long, and approximately 10' tall. Four additional blocks are proposed to be installed in approximately ten years, and these would be installed immediately east of the two larger sections within the Project fence.

Figure 1 – Proposed Project Layout and Viewpoint Locations

Smaller equipment will include two (2) pad-mount transformers, each with two (2) inverters and secondary oil containment, as well as a smaller auxiliary transformer and three pole-mounted transformers. Each of the proposed battery enclosures will be painted green.

The Project will be surrounded by an 8' agricultural-style perimeter fence, and the southern fence line will have a tan sound absorption blanket (or other earth-tone color) installed across the entire length of the southern fence segment.

The Project will be accessed by widening, re-aligning, and improving approximately 250' of an existing access driveway, part of which will be temporarily widened, as well as extending the existing road approximately 435', with varying widths from 16- to 20-feet.

From the Project transformers, electricity travels underground to a new utility pole with a utility meter, connecting overhead to a pole-mounted utility recloser (one new pole). The new line continues overhead to a pole with three 167 kVA pole-mounted transformers, and then the electricity continues overhead to a new riser pole. The new line then goes underground to cross the existing GMP transmission corridor before reaching a new riser pole, where a new overhead electric line continues south along the next two new poles before connecting with the existing utility pole along the south side of Murphy Road (the proposed point of interconnection). There are a total of seven new wooden above ground poles that are approximately 35-45 feet above ground. The total amount of line extension is approximately 655 feet long, with 429 feet overhead and 226 feet underground.

GMP will also be upgrading approximately 2,600 feet of existing three-phase service extending to the east to accommodate the interconnection. This reconductoring work involves replacing fourteen existing poles, removing one pole, and adding two new poles within the existing corridor.

Refer to the prefiled testimony of Taegen Kopfler for more information. The general arrangement of the Project is illustrated in Figure 1.

II. Methodology – Quechee Test

Section 248(b)(5) of Title 30, of the Vermont Statutes Annotated requires the Commission to make a finding that a proposed electrical generation Project would not have an undue adverse effect on aesthetics, as outlined in the so-called "Quechee Lakes Decision."[1] As explained in the Commission's order in Docket No. 6860, the Commission applies the so-called *Quechee* test in Section 248 proceedings:

> "The Commission has adopted the Environmental Board's Quechee analysis for guidance in assessing the aesthetic impacts of proposed projects under Section 248. We have previously explained the components of the Quechee analysis as follows:
>
> > In order to reach a determination as to whether the project would have an undue adverse effect on the aesthetics of the area, the Commission employs the two-part test first outlined by the Vermont Environmental Board in Quechee, and further defined in numerous other decisions.
> >
> > Pursuant to this procedure, first a determination must be made as to whether a project would have an adverse impact on aesthetics and the scenic and natural beauty. In order to find that it would have an adverse impact, a project must be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.
> >
> > The next step in the two-part test, once a conclusion as to the adverse effect of the project has been reached, is to determine whether the adverse effect of the project is "undue." The adverse effect is considered undue when a positive finding is reached regarding any one of the following factors:

[1] *Quechee Lakes Corporation*, Applications #3W0411-EB and #3W0439-EB at pgs. 18-20

> 1. Does the project violate a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area?
>
> 2. Have the applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings?
>
> 3. Does the project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?
>
> Our analysis, however, does not end with the results of the *Quechee* test. Instead, our assessment of whether a particular project would have an "undue" adverse effect on aesthetics and scenic or natural beauty is "significantly informed by overall societal benefits of the project."[2]

T.J. Boyle Associates interprets the first part of the *Quechee* test to initially require an assessment of a project's visibility. Although the *Quechee* test lists visibility of a project as a "specific factor" for evaluation, visibility establishes the underlying method for which all visual aesthetics are evaluated. For instance, a project's design, materials, and colors may be completely out of character with its surroundings, but if such project is not visible to the general public (or "average person"), then there would be no adverse visual effect. Likewise, when a project is determined to be out of character with its surroundings, one solution is to visually obscure the project with landscape mitigation or other screening, which itself is a simple reduction or occlusion of visibility. In this way, T.J. Boyle Associates interprets the first part of the *Quechee* test to be asking, "What is the project's visibility, and is that visibility out of character with its surroundings?" In our experience, if the *Quechee* test were not interpreted in this way then a given project could be considered adverse even if it was completely invisible to surrounding areas, which would be an unreasonable interpretation and inconsistent with the purpose of the test. Per the original Vermont Environmental Board decision, a given project first must have an adverse impact under the first part of the *Quechee* test before then moving on to answering the second part of the test, which is whether the adverse impact is "undue."

Our study area for visibility of BESS facilities tends to extend up to two miles from a project location. This distance tells us whether a given project is, or is not, visible from prominent or protected locations in the study area, or, perhaps more importantly, if a project itself is in a prominent or highly visible location.

In conducting this *Quechee* test and preparing this memo, three distinct methods have been used: (1) background data collection, (2) GIS viewshed analysis mapping, and (3) field investigation. The GIS viewshed mapping and field investigation are used to identify areas with potential visibility of the Project. The background data and field investigation are used to determine the character of the study area. All three methods are used to evaluate whether there are in fact 'adverse' impacts and if so, whether those impacts could be considered 'undue.'

Attached to this memo are three maps: an aerial context map, topographic viewshed map and a vegetated viewshed map (Appendix A, Maps 1-3). It should be noted that GIS viewshed mapping is a preliminary means of visual analysis. While beneficial for preliminary orientation and investigation, because of data assumptions and omissions, viewshed maps tend to overestimate visibility and are not a definitive indication of actual visibility. Potential visibility needs to be confirmed through field investigation and/or other visualization techniques. Also attached to this memo is a photographic inventory of locations investigated during field work

[2] *Petitions of Vermont Electric Power Company, Inc. (VELCO), Vermont Transco,* Docket No. 6860, Vt. Pub. Serv. Bd., Final Order of 01/28/2005 at 80 (citing *In Re: Northern Loop Project*, Docket 6792, Order of 7/17/03 at 28).

(see Appendix B). Photograph viewpoint locations are indicated on the mapping in Appendix A and in Figure 1. A photographic simulation created at the request of the Town of Bennington is included as Appendix C.

III. Quechee Test Part I – Evaluation of Adversity

A. Overview

The Project is proposed immediately north of an existing solar generation facility within an existing field north of Murphy Road (see Figure 1). The field where the Project is proposed generally slopes downward to the north and east, and the proposed equipment is setback approximately 507' from the edge of the road. Mature vegetation located immediately northeast, north, and west of the Project will remain, providing natural screening in those directions. South of the Project, an existing sub-transmission line corridor crosses the existing field, and the existing solar facility located south of the electric line. To the immediate east of the Project, two existing fields divided by two hedgerows provide some natural screening to the east and southeast.

As noted above, GIS viewshed mapping was utilized as a preliminary evaluation method to determine potential visibility of the Project. Field investigation found that the GIS viewsheds were somewhat accurate, and slightly overestimated visibility to the north of the Project. The following provides a description of the anticipated visibility of the Project and evaluates aesthetic impact under the first part of the Quechee Test. The attached photographic inventory (Appendix B) includes views that were documented during field investigation and represents locations with the highest potential for visibility of the Project. A view from the Project site is provided in Appendix B, Viewpoint 1, and a view from the access drive is provided in Viewpoint 2. Viewpoint locations are indicated on the Project mapping in Appendix A.

B. Murphy Road

Near the Project, Murphy Road is a paved town road approximately 1.5 miles in length that connects River Road to the west with Vermont Route 67A to the east. Field investigation noted potential visibility of the proposed equipment from Murphy Road in the area south, southeast, and east of the Project.

For travelers headed eastbound on Murphy Hill Road, brief visibility of the proposed BESS equipment may be possible at breaks in roadside vegetation beginning approximately 680' southwest of the Project (see Viewpoints 3, 4 and 5). These breaks in the roadside vegetation cover a distance of approximately 620' as travelers proceed east, after which the road turns due north and the Project will be intermittently visible behind intervening hedgerows for another 1,000' (see Viewpoints 6 through 10). Where visible through this area, the Project is located at approximately 90 degrees from the direction of travel, and will be located either below or slightly above the road elevation. At a posted speed limit of 35 miles per hour (mph), the total distance of intermittent visibility equates to approximately 32 seconds of potential Project visibility when heading east, most of which will be screened, at 90 degrees from the direction of travel, and in the context of the existing solar facility.

For travelers heading westbound on Murphy Road, views into the Project will be intermittently possible starting approximately 720' east of the Project (see Viewpoint 10), continuing south and then west for approximately 1,300' until travelers are beyond the Project (see Appendix B, Viewpoints 4 through 9 in reverse order). Like the eastbound views, the site is situated approximately 90 degrees from the direction of travel, and will be located either slightly above or below the road elevation. Existing roadside and intervening vegetation will partially screen the proposed Project as travelers proceed along the road. At a speed of 35 mph, this equates to approximately 21 seconds of potential Project visibility when heading west, most of which will be screened, at 90 degrees from the direction of travel, and in the context of the existing solar facility.

The proposed interconnection structures will be installed along the proposed access drive. The new poles and associated pole-mounted equipment will also be visible for travelers in both directions as they pass near the Project

from the same viewpoints discussed above. Where visible, the proposed wooden structures will appear similar to the existing distribution lines and poles that currently are visible along Murphy Road, as well as the sub-transmission poles south of the Project that are also within the view.

C. Other Surrounding Roads and Public Areas

Potential views of the Project are very limited, and no significant visibility is expected from other roadways and publicly accessible locations in the area, including from the Paper Mill Village or the Paper Mill Village Bridge to the northeast, Edith Road to the northeast, Vermont Route 67A (North Bennington Road) to the northeast and north, Hinsdillville Green Mountain Park to the northeast (see Viewpoint 11), from the Bennington College parking area to the north (see Viewpoint 12), or from Vermont Route 279. Based on field investigation and viewshed mapping, the surrounding vegetation and landform will significantly screen views of the Project from these and other publicly accessible locations in the area (see Appendix A, Map 3).

D. Residential Properties

The closest private residence is approximately 677' southwest of the Project, and is along the south side of Murphy Road. Approximately six other residences are located to the south, southeast, and east of the Project at a similar distance. The existing intervening vegetation along the road or in the intervening landscape will substantially screen the Project from these residences. However, some visibility of the Project will be possible through the intervening vegetation, particularly from elevated residences to the south.

There are several additional residences to the northeast, the nearest of which is approximately 680' from the Project. These residences are not expected to have significant visibility of the Project due to intervening vegetation and/or landform.

A few residential properties are located due east and southeast of the Project, the nearest of which is approximately 800' from the Project. These properties may have a view of the proposed Project elements where it extends above the intervening vegetation (see Viewpoints 6 through 10).

E. Suitability of Colors and Materials for the Project

The Project materials and colors will be green battery enclosures, gray transformer enclosures, a surrounding galvanized metal fence, tan or earth-color sound absorption blankets, a gravel access drive, and wooden poles with metal pole-mounted equipment. Other similar materials currently exist in the nearby area, including the existing electrical distribution infrastructure visible alongside Murphy Road and the existing sub-transmission line south of the Project, as well as various nearby buildings with colors that stand out from the environment. Additionally, an existing solar array is located immediately south of the Project. For these reasons, the Project's colors and materials are considered similar to other colors and materials that currently exist in the surrounding area.

F. Impact on Open Space

Previous Act 250 and Section 248 decisions do not clearly define the term "open space." The *Bennington Regional Plan* adopted November 21, 2024 ("Regional Plan", see Appendix E – Regional and Town Plan Excerpts)[3] also does not clearly define open space. The *Bennington Town Plan* adopted October 6, 2015 and amended June 24, 2024 ("Town Plan", see Appendix E)[4] includes a description for a Public Open Space District, which is generally described as public parks, properties, and wetlands within the town:

> The purpose of the district is to recognize the existence of the major community open spaces and to provide for their continuation. (Town Plan at 30)

[3] http://www.bcrcvt.org/uploads/1/1/1/8/111899771/bcrc_regional_plan_november_21_2024_final_adopted.pdf
[4] https://cms5.revize.com/revize/bennington/Document%20Center/Government/Planning%20Documents/2018%20Town%20Plan-Amended%20and%20Adopted-web.pdf

The Town Plan also references the *Bennington Park and Open Space Plan (2009)* ("Open Space Plan", see Appendix E)[5] in which parks, recreation facilities, and open space resources were inventoried. The Open Space Plan broadly refers to various types of land such as forests, rivers, streams, ponds, recreational resources, natural corridors, protected land, open fields, and wooded hillsides (Open Space Plan at 1). In the section on types of park and open space areas, the Open Space Plan describes community parks, neighborhood parks, school recreational facilities, special use parks, trails and greenways, water resources, and conserved open space (Open Space Plan at 2-4). Additionally, the Bennington Park and Open Space Inventory Map 1 (Open Space Plan at 11) does not identify the Project parcel as within a park or open space area.

Given that the Project site is near an existing solar generation facility and a sub-transmission corridor, is not identified as open space in the Regional Plan, Town Plan or Open Space Plan, is located in an area that is not readily accessible to the general public, and visibility of the Project elements will be substantially screened by vegetation, the Project will not impact open space in the area.

G. Summary

This review of potential aesthetic impacts finds that the proposed Project is located in a somewhat rural setting on an existing agricultural field and immediately north of an existing solar array. The Project will be potentially visible from limited locations in the study area, most notably nearby portions of Murphy Road, with minor to no visibility expected from other locations. The Project's colors and materials are compatible with existing structures and vegetation at and near the site, and the Project will not impact open space. However, the proposed BESS equipment and interconnection structure will be visible to the general public traveling along Murphy Road southeast and east of the Project, on a site that has a somewhat agricultural visual character, and will potentially be visible from nearby residences, particularly during leaf-off conditions. For this reason, the Project represents a change to the existing setting and would thus be considered **adverse** to the aesthetics and scenic and natural beauty of the area under the first part of the *Quechee* test. Therefore, a review of the Project under the second part of the *Quechee* test is provided below.

IV. Quechee Test Part II

A. Clear, Written Community Standards Intended to Preserve the Aesthetics or Scenic Beauty of the Area

Although Section 248 projects are exempt from municipal zoning and related permits, local plans and regulations are reviewed under the second prong of the Quechee test where it has been determined that a project may have a potential adverse visual impact. Under Quechee, this involves an assessment as to whether a project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area. In Docket No. 7508, the Public Utility Commission held 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."[6] The Commission 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."[7] The Commission has further clarified that any such standard must expressly "designate the [project] parcel as a scenic resource worthy of protection."[8]

[5] https://www.benningtonvt.org/Document%20Center/Government/Planning%20Documents/Park-and-Open-Space-Plan.pdf
[6] *Petition of Georgia Mountain Community Wind*, LLC, Docket No. 7508, Order of 6/11/2010 at p. 52
[7] *Id.* at 53.
[8] *Petition of Rutland Renewable Energy, LLC*, Docket No. 8188, Order of 3/11/15 at 85-86.

For the Murphy Road Energy Storage Project, available local and regional planning documents were reviewed to determine if the Project would violate a clear written community standard. These plans and documents include the Regional Plan (which also includes the "Regional Energy Plan" as Chapter 13); the Town Plan, which includes the Town Plan Energy chapter; the Open Space Plan; and the Town of Bennington Scenic Resource Inventory dated December, 2004 ("SRI 2004").[9] The relevant pages from these documents are included in Appendix E – Regional and Town Plan Excerpts, and language from these documents pertaining to aesthetics and the Project is included below:

i. Regional Plan

1. INTRODUCTION

This Plan is organized under three main categories covering the **People, Landscape, and Infrastructure** that together shape and define the region. The section on **People** includes separate chapters dealing with the region's history, economy, education and child care, and housing. Chapters on land use, flood resilience, and natural, scenic, and historic resources comprise the **Landscape** section of the plan. The **Infrastructure** section considers the region's transportation systems, utilities, facilities, and energy resources. The unique "Shires" aspect of the region is present as a unifying theme throughout, and there is, of course, some overlap between the various chapters because of the many interrelationships present.
(Regional Plan at 3)

2. VISION AND GOALS

2.1 Vision Statement

The regional plan is intended to provide direction for the region as a whole and for its seventeen unique communities. For that process to be effective, it is important to present a clearly articulated vision. The following statement is based on aspirations and values that are common to the entire region:

> The Bennington County Region will be a place where all residents have an opportunity to enjoy an outstanding quality of life through an emphasis on its distinctive sense of place. The essential elements of that place include its natural, scenic, cultural, and historic resources…
> (Regional Plan at 5)

2.2 Goals

A. Planned development that reinforces the historic settlement pattern of well-defined urban and village centers surrounded by rural countryside.
… Development in rural areas should respect the need to protect important natural resources and scenic landscapes…

F. Protection of natural, scenic, and historic resources that contribute to the unique character of the region and support environmental, recreational, public health, and economic development objectives.
Public investments, regulation, and creative development techniques should be employed, as appropriate, to protect valuable open spaces, air quality, water resources, wildlife habitat, fragile natural areas and critical ecosystems, scenic views, and historic sites, structures, and districts. Utilization of local natural resources should support regional economic and renewable energy development while ensuring that such development, including any resource extraction, is accomplished in an environmentally sensitive manner…
(Regional Plan at 5 to 7)

8. LAND USE - Landscape of the Shires

8.1 Overview

… All of the land use policies and strategies discussed in this chapter, therefore, should be considered in light of the central goal of encouraging new mixed-use development in compact village and town centers and protecting the natural and scenic quality of the rural landscape.
(Regional Plan at 75)

8.3 Villages

The region's villages are historic centers of community life that are key to properly focusing growth and development outside of urban centers. Villages provide rural communities with a unique sense of place and contribute to the historic and scenic quality of the entire region.
(Regional Plan at 79)

[9] https://www.benningtonvt.org/Document%20Center/Government/Planning%20Documents/ScenicResourcesInventory.pdf

8.5 Rural Areas

Most new development should be directed to established urban centers and villages, but some development has occurred, and will continue to occur, in rural areas outside of villages and urban centers. Such growth must be planned to avoid impacts on the region's rural character and environmental quality and must not result in excessive costs to municipalities.
(Regional Plan at 82-83)

8.7 Land Use Policies and Actions

4. Rural Areas.
In rural areas, emphasis should be placed on the conservation and use of natural resources, and the avoidance of costly scattered development that is disruptive of the region's rural character. Low-density residential, small-scale commercial, and compatible recreational uses are appropriate in rural areas. Development should reflect historic settlement patterns and preserve important resources, including productive agricultural soils. Creative land use techniques, including clustered development with open space protections, should be used to retain the integrity of special natural resources.

9. Commercial Development. The following policies apply to new commercial development:

- Commercial development should be concentrated in urban areas and villages and density should be maximized in areas served by water and sewer infrastructure.
- Outside of urban centers and villages, the intensity of commercial development must be consistent with the character of the surrounding area, the capacity of adjacent infrastructure, and capability of the land to support it.
- Commercial developments should include an architectural and landscape design plan that complements the surrounding environment.
- The amount of noise, glare, and lighting observable from off-site locations must be minimized.

(Regional Plan at 88-91)

9. NATURAL RESOURCES

9.9 Scenic and Recreational Resources

Scenic Resources

The scenic quality of the landscape is one of the region's most important assets. The visual appearance of the natural and built environment of our towns and villages, and the quality of life that it represents, is important to residents, tourists, businesses, and to future economic development.
The region is characterized by its expansive valleys that have been able to support a rich variety of rural and urban development. That development has occurred in close proximity to distinctive upland features which have themselves limited and channeled the direction of such growth. The varied nature of the valley landforms and built environment juxtaposed with natural green mountainsides gives the Bennington Region its unique sense of place.
Many individual factors come together to create these special visual landscapes. Particular scenic elements reflect both characteristics that are unique to the region and individual communities as well as certain features that are widely recognized as adding visual interest to a landscape. Bennington, Manchester Village, and Peru have completed scenic resource inventories and assessments that discuss each of these elements in detail: open fields, mountains, water, distant views, gateways, scenic roads and public places, historical sites and districts, and other unique local features. The scenic resource studies also discuss how those features are organized in the landscape to create pleasing views. The visual qualities of landscape contrast, order and harmony, focal points, spatial quality, and intactness that make a particular view special and unique to the community must be protected to retain the integrity of the resource.
The scenic quality of a landscape can be affected, positively or negatively, by change. A number of landscape features are particularly sensitive to change, among them: views across open fields, prominent ridgelines or hillsides, historical buildings and districts and gateways to those districts, and scenes that include important contrasting elements such as water.
Municipal land use plans and regulations can reinforce the scenic quality of the landscape by focusing development in historical village centers and by preserving the rural character of the outlying countryside. Several local communities have adopted special regulations that preserve scenic resources by requiring aesthetically sensitive design of subdivisions and commercial buildings. In addition, zoning regulations can establish very specific standards and review procedures for new and altered buildings in designated historic design review districts.
Nonregulatory tools also can be used to protect identified scenic resources. Towns and villages should work with conservation organizations such as the Vermont Land Trust to acquire properties, or conservation or scenic easements to properties, that have particular scenic significance to the community. Local and state designated scenic roads, including the region's three state designated byways, can help provide support for preserving and promoting scenic roadway corridors.

Special attention should be given to visual gateways: points of transition along a public highway where it is evident that the traveler is arriving at a unique place. Gateways are located at entry points to historical downtowns and village centers and at places along rural highways where significant visual elements of the landscape first appear. These features can be improved through effective planning of adjacent land uses and integration of site features such as landscaping and careful placement of historic district signs.

Recent interest in development of renewable energy resources raises a number of important issues. Commercial-scale wind turbines will be highly visible and should be located only in locations approved by local communities. Commercial-scale solar energy facilities occupy large open areas and should not be sited at important gateway locations or in the foreground of viewsheds that have been identified by communities as being of particular value. Biomass (wood) heating and electric generation involve significant tree harvesting and may include plants with smokestacks and visible plumes of steam. The environmental and scenic impacts of those operations must be considered. Finally, small-scale hydroelectric generation can impact stream water quality, fish habitat, and aesthetics; restricting development to existing dam sites will greatly minimize any such concerns.

(Regional Plan at 117 to 119)

9.10 Natural Resource Policies and Actions

15. New building construction on visually prominent shorelines, hillsides, mountains, and ridgelines should include provisions for siting and screening structures to protect important scenic values. Municipalities are encouraged to adopt appropriate ordinances to ensure that locally significant scenic resources are protected.
(Regional Plan at 121-122)

11. TRANSPORTATION – Infrastructure of the Shires

11.2 Highway System

Scenic Roads and Historic Bridges

The region's landscape is most often viewed from its public places, and the most visited public places in a community are its roads. As such, public highways are extremely important to the region's overall scenic character. Key points along principal highway corridors serve as important visual gateways to villages and other historic areas. Roadways also provide visual access to near and distant scenic views. Of course, roads can be scenic features in and of themselves: a winding country lane lined by a stone wall and a village street passing under a canopy of mature trees are distinctive scenic resources.

While many, or most, of the roads in the region can be considered scenic, several characteristics clearly contribute to the aesthetic appeal of a roadway. In general, narrow local roads that blend harmoniously with the surrounding countryside are more scenic than wide roads that don't follow natural or historic elements of the landscape. Landscape features adjacent to a roadway become part of the road corridor: without stone walls, fence lines, trees, and similar elements, the overall scenic value of a roadway can be greatly diminished. Some scenic roads also draw the traveler's eye along the centerline of the road to a unique view or distinctive landscape feature in the distance.

These roadside views are often as important as the scenic character of the road. Some local roads offer delightful forays into deep forests while others bring motorists, bicyclists, and other travelers to views of fields, farms, mountains, or historic buildings. In these instances, scenic viewpoints are open to the principal view and are not blocked or disrupted by incompatible structures or other objects in the foreground. At the same time, an attractive foreground can greatly enhance roadside views.

Municipalities can formally designate local scenic roads and adopt ordinances to protect their character by requiring special consideration before the roadway dimensions, surface, or roadside vegetation located within the public right-of-way are changed. New developments in areas served by scenic roads should be planned to minimize heavy use of those roads that would lead to subsequent demands for widening or other changes to the roads. In addition to any locally established scenic roadways, the region's three state-designated scenic byways are important economic assets for local communities. Continued cooperation between the BCRC, local governments, and state agencies will ensure that these scenic state highway corridors will continue to be important regional resources.

Historic bridges are particularly important components of the region's transportation system. There are five historic covered bridges in the region. The Silk, Paper Mill, and Henry bridges cross the Walloomsac River in Bennington, the Chiselville bridge in Sunderland sits high above the Roaring Branch, and the West Arlington covered bridge spans the Batten Kill in a particularly scenic setting just off Route 313.

(Regional Plan at 158-159)

13. ENERGY

13.3 Renewable Energy Generation in the Region

13.3.7 Other Renewable Energy Technologies

C. Energy Storage

Electricity storage is technology that has the potential to dramatically improve access to electricity produced by intermittent renewable energy sources, such as wind and solar, by making it available for use when it is most needed. The American Council for an Energy-Efficient Economy (ACEEE) provides a technical brief exploring energy

storage systems as an emerging opportunity for increasing the energy efficiency of residential and commercial buildings.
Energy storage is rapidly expanding in Vermont and the Bennington region. According to data from the Department of Public Service, at the end of 2023, Vermont had 55 MW of installed storage with an additional 30 MW in development. The Bennington region had 2.2 MW of installed storage. Furthermore, storing energy, often in the form of a battery, can play an important role in emergency preparedness and resiliency, as it can provide a source of energy in the event of a power outage. Green Mountain Power has developed home energy storage programs to help reduce the amount of power needed during times of peak demand. EV to grid, in which energy is stored in the battery of an electric vehicle and then fed back into the grid during times of peak demand, is another method of energy storage that can improve grid resilience.
(Regional Plan at 234)

13.5 Energy Actions
The following list of goals and actions will guide the region's energy policy.
GOAL – Reduced regional energy burden and fossil fuel pollution in support of Vermont's climate and energy goals.
(Regional Plan at 237)

GOAL – Support the development of new, community-scale renewable energy generation that is affordable, equitable, and respects the natural environment.

ACTIONS:

1. Support the development and siting of renewable energy, storage, transmission, and distribution resources on state and regionally preferred (and potential) locations, as identified by BCRC's Act 174 Energy Maps.

3. Encourage municipal land use regulations that promote co-development of renewable energy generation with storage and flexible load management strategies.

4. Support in-place upgrades of existing facilities, including existing renewable energy generation, storage, transmission lines, distribution lines and substations as needed to reliably serve municipalities and the region.

b. Coordinate regional energy planning with Green Mountain Power, ensuring that areas planned for new renewable energy generation projects are consistent with the capacity of the grid infrastructure and that any upgrades needed are implemented.

(Regional Plan at 241-242)

ii. Town Plan

1.2 Town Goals

Goal 2. Development in rural areas shall respect the need to protect the town's natural resources and scenic landscapes.

Goal 3. **Recognize the importance of significant natural, scenic, and historic resources**. Make use of public investment, regulation, and creative development techniques to protect open spaces, natural and fragile areas, scenic views, and historic sites, structures, and districts that are significant to the community.

Goal 7. **Promote the safe and efficient use of energy and utilization of renewable energy resources**. Support efforts to develop renewable energy facilities, a smart grid, and other technologies that will help the area meet a significant share of its energy needs.
(Town Plan at 2 to 3)

3.2 Land Use Plan

Land Use Districts

Rural Conservation District (RC)
Rural Conservation Districts are located in valley areas outside the Urban Growth Area which have retained their rural and open space character. Considerable acreages of agricultural land exist in these areas, along with extensive woodlands and low density residential development. The purpose of the Rural Conservation Districts is to preserve this distinctive rural character and working landscape while accommodating very low density residential development in a manner that avoids the need for public water supply and public sewer systems.

Agriculture, forestry, very low density single-family residential development, and certain limited uses that are suitable in rural areas are permitted in the district. Zoning regulations shall maintain large blocks of working agriculture land and productive forest lands. Additional standards apply to college buildings, cultural institutions, and the adaptive reuse of historic structures as bed and breakfasts. Subdivisions must protect important agricultural land, natural, and scenic resources; major subdivisions must meet the standards for residential Planned Unit Development.

Connections of any building to the municipal wastewater treatment system may only be approved if the Development Review Board finds a compelling public health threat, and such connection cannot be used to expand the use.

Specific design standards shall apply to new development in the Rural Conservation Districts in recognition of the existence of a concentration of agricultural and forest lands and to protect the extraordinary scenic resources such lands and uses provide. Any use in the Rural Conservation District, including single-family dwellings, shall require approval under those regulatory guidelines. Development in this area cannot be sited in prominently visible locations on hillsides or ridgelines, shall utilize earth tone colors and non-reflective materials on exterior surfaces of all structures, and must minimize clearing of natural vegetation.
(Town Plan at 28)

3.3 Land Use Policies and Recommendations

1. The overall land use policy of the Town Plan is to reinforce the existing pattern of compact development within the Urban Growth Area surrounded by rural countryside. To support this policy, the town should retain the designated growth center status for the urban area. Moreover, the historic character and central importance of the downtown must be preserved. The Municipal Land Use Regulations shall reflect the purposes of the individual land use districts as stated in this Plan and all development activity shall conform to the requirements and restrictions on uses, densities, and dimensional, design, and special standards as indicated in those Regulations.
(Town Plan at 30)

17. Rural Conservation Districts shall continue to support traditional low density rural and agricultural uses. Extension of municipal water supply and wastewater disposal lines to these areas shall be prohibited. New residential development in the area shall be carefully planned to protect agricultural land, forest land and other natural and scenic resources. Subdivisions shall meet the standards of a Residential Planned Unit Development (PUD) to protect Bennington's traditional rural and agrarian landscape.
(Town Plan at 32)

4.3 Scenic Resources

The scenic quality of the landscape is one of Bennington's most important assets…

Many individual factors come together to create Bennington's special visual landscapes. These "scenic elements" reflect both characteristics that are unique to Bennington and certain features that are widely recognized as adding visual interest to a landscape. The town's Scenic Resource Inventory (December 2004) discusses each of these elements in detail: open fields, mountains, water, distant views, gateways, scenic roads and public places, historical sites and districts, and the Bennington Battle Monument.

The Scenic Resource Inventory also discusses how those features are organized in the landscape to create pleasing views. The "visual qualities" of landscape contrast, order and harmony, focal points, spatial quality, and intactness that make a particular view special and unique to the community must be protected to retain the integrity of the resource.

The scenic quality of a landscape can be affected, positively or negatively, by change. A number of landscape features are particularly sensitive to change, among them: views across open fields, prominent ridgelines or hillsides, historical buildings and districts and gateways to those districts, and scenes that include important contrasting elements such as water.

The town's land use plan and regulations are designed to reinforce the scenic quality of the landscape by focusing development in historical village centers and preserving the rural character of the outlying countryside. Special regulations also have been adopted that preserve scenic resources by requiring aesthetically sensitive design of subdivisions and commercial buildings…
Special attention should be given to visual gateways: points of transition along a public highway where it is evident that the traveler is arriving at a unique place. Gateways are located at entry points to the historical downtown and at places along rural highways where significant visual elements of the town's landscape first appear. These features can be improved through effective planning of adjacent land uses and integration of site features such as landscaping and careful placement of historic district signs.

Recent interest in development of renewable energy resources raises a number of important issues… the scenic impacts of commercial scale solar energy generation facilities must be considered.
(Town Plan at 45-46)

4.5 Policies and Recommendations for Natural, Scenic, and Historical Resources

11. Development of renewable energy resources should consider both the need for locally produced energy and the need to protect natural and scenic resources.

12. New development shall be sensitive to scenic resources and shall be planned in a manner that preserves the visual integrity of critical scenic elements and visual qualities.

20. The town should develop an inventory of irreplaceable natural, scenic, and historical resources - "Landmarks" - that must be protected. These landmarks include, but are not limited to, features such as the Bennington Battle Monument, the covered bridges, the Hotel Putnam, Mount Anthony, and similar features that are of fundamental importance in establishing Bennington's unique character.
(Town Plan at 48-50)

7.13 Recreation and Open Space

Open Space Recreational Resources

Bennington's undeveloped open space—forests, fields, and parkland—are important natural and scenic assets and also support a wide range of recreational activities. Developed parks and other facilities add to the recreational opportunities available to residents and visitors. It is important that these open lands and facilities be maintained, expanded where appropriate, and properly managed. The Town's Park and Open Space Plan, an inventory and assessment of parks, recreation facilities, and open space resources, should be consulted when considering improvements to existing facilities, development of new facilities, and acquisition or preservation of open lands.
(Town Plan at 89-90)

iii. Scenic Resource Inventory (SRI 2004)

The Town of Bennington's SRI 2004 document provides an overview of the landscape context of Bennington and describes different elements that create scenic landscapes, or what it refers to as "Critical Scenic Elements". Critical Scenic Elements include several categories such as open fields, mountains, water, distant views, gateways, historic sites and districts, scenic roads, and the Bennington Battle Monument. The description of these categories is generalized and does not include specific lists of resources, although several scenic resources are mentioned throughout the text. The SRI 2004 also discusses 'Visual Qualities' or "…the particular qualities that make a view more attractive, and more important," including descriptions of landscape contrast, order and harmony, focal points, spatial quality, and intactness (SRI 2004 at 33).

Methods for protecting scenic resources are also described, as well as how the comprehensive plan and zoning regulations emphasize growth and development towards the center of town. Also discussed, in general terms, is how to guide development outside of the town center. Recommendations are included for purchasing lands or scenic easements to protect scenic resources, as well as how local designation of scenic roads can prevent altercations "that would damage their scenic character without a significant level of public review" (SRI 2004 at 40).

Of most importance, the SRI 2004 includes the Overview Map of Scenic Resources (SRI 2004 at 42) that identifies 16 Scenic Views, 11 Gateway Locations, 4 Scenic Roads, 3 Covered Bridges, the Molly Stark Trail Scenic Byway, and the Bennington Battle Monument. This map provides the clearest definition of designated scenic resources within Bennington, including the primary direction of scenic views.

Based on the analysis of Project location and visibility, the proposed Project is not expected to be significantly visible from locations with a scenic view, and the Project is not located on a scenic road or gateway location. Any visibility of the Project would be distant and in the context of a nearby solar facility. Notably, the Project site is not specifically identified as a scenic resource nor is there guidance in protecting scenic quality of the Project site or Murphy Road within the SRI 2004 document.

Summary Analysis of Clear, Written Community Standards in Regional and Town Plans

In general, the Regional Plan, Town Plan, and associated documents cover a wide range of topics for the region including land use, housing, economics, cultural resources, energy generation and consumption, as well as other community issues. The Regional Plan includes two sections that directly address scenic resources, including Chapter 9, Section 9.9 Scenic and Recreational Resources, and Chapter 11 Transportation, Section 11.2 Highway System – Scenic Roads and Historic Bridges. While the Regional Plan states that "the scenic quality of the landscape is one of Bennington County's most important assets" (Regional Plan at 117), the Scenic Resources section does not list specific scenic resources and instead discusses how some towns have completed scenic resource inventories and reviews the types of elements included in those inventories.

In the Scenic Roads and Historic Bridges section, the Regional Plan states that "(t)he region's landscape is most often viewed from its public places, and the most visited public places in a community are its roads" (Regional Plan at 158). This section describes how roads can provide access to scenic views and how roads can become part of the scenic resource, but other than noting that there are state-designated scenic byways in the region and that municipalities can formally designate scenic roads, the Regional Plan does not provide an inventory of scenic roads in the region.

The Town Plan includes goals that inform development within the Town of Bennington, including avoidance of impacts to the rural character of the town. It also contains goals and policies that support energy development and that only loosely provide protections for scenic resources. The Map 7-3 – Public Parks, Open Space, and Conserved Lands (Town Plan at 96) does not depict the Project site within any public park, open space or conserved land. A review of the various Town Plan maps did not reveal any protections or significant scenic resources on or adjacent to the proposed Project location. As described in the Evaluation of Potential Adverse Impacts above, the Project will not be highly visible from the surrounding area, including "gateways" to Bennington and nearby roadways.

Based on this review, the Regional Plan, Regional Energy Plan, Town Plan and Town Plan Energy Element do not provide clear written standards for the protection of scenic resources at the Project site or the surrounding area. The Project is sited within an existing field near a solar generation facility, and will be significantly screened from the surrounding uses, and is not part of a scenic resource or gateway as indicated within the SRI 2004 document. Additionally, the Project would not conflict with the goals of the land use patterns surrounding the Project, and would not unnecessarily impact any highly scenic landscapes or viewsheds within the region.

B. Has the Applicant Taken Generally Available Mitigating Steps which a Reasonable Person would Take to Improve the Harmony of the Project with its Surroundings?

The Project includes a number of mitigating elements that help to reduce potential adverse aesthetic impacts from both public and private properties. Mitigation for the Project includes:

1. The site selected for the Project helps to mitigate potential adverse impacts to surrounding areas, including locating the Project near an existing solar array with limited visibility from surrounding areas.
2. Project components are limited in height, and the BESS battery blocks and sound absorption blankets will utilize earth-tone colors such as green and tan.
3. A landscape plan has been developed to help replace existing vegetation that may be removed for installation of the access drive (see Appendix D, Landscape Replacement Plan).

C. Does The Project Offend The Sensibilities Of The Average Person? Is It Offensive Or Shocking Because It Is Out Of Character With Its Surroundings Or Significantly Diminishes The Scenic Qualities Of The Area?

When evaluating whether a project would offend the sensibilities of the average person, the criteria to make this assessment relates back to the first part of the *Quechee* Test; how the project 'fits' within its surroundings. The threshold for a project to be shocking or offensive is relatively high, and a given project would need to be entirely inconsistent with the surrounding land uses or exceptionally out of scale with the surroundings.

The assessment of impacts found the Project will result in an adverse impact to the aesthetics and scenic and natural beauty of the area along Murphy Road immediately southeast and east of the Project. However, the Project could not be reasonably considered to be shocking or offensive for the following reasons:

1. Visibility of the Project as a whole is highly limited, and typically the proposed Project equipment will be significantly screened by vegetation and/or landform that exists around the site, and in the context of nearby electrical infrastructure and an existing solar array.
2. The Project will be screened by the existing landscape vegetation surrounding the site, and the Project will replace any plantings that may be removed for construction of the access drive (see Appendix D – Landscape Replacement Plan).

For the reasons above, the Project would not offend the sensibilities of the average person, and would not be offensive or shocking because it would not appear significantly out of character with its surroundings or significantly diminish the scenic qualities of the area in which it is proposed.

V. Conclusions of Aesthetic Analysis

The findings of this analysis conclude that the proposed Project would have an adverse effect on the scenic or natural beauty or aesthetics of the area, particularly the area of Murphy Road southeast of the Project. The majority of the surrounding areas would not have a view of the Project due to intervening vegetation and/or landform.

However, the Project **would not** result in an undue adverse impact because:

- The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan and Town Plan.
- The Project incorporates reasonable siting and other mitigation efforts such as using earth-tone colors for the BESS equipment and landscape replacement plantings as needed for the access drive construction.
- The Project would not be considered shocking or offensive to the average person due to the lack of extensive public views, similar materials to existing electrical and solar array infrastructure in the immediate area, and because the Project will not significantly intrude into existing scenic views.

Based on these findings, the Murphy Road Battery Project meets the *Quechee* test insofar as its impact on aesthetics would NOT be UNDULY ADVERSE.

VI. Orderly Development Within the Region

Section 248(b)(1) of Title 30 of the Vermont Statutes Annotated requires that the Vermont Public Utility Commission find that a proposed project will not unduly interfere with the orderly development of the region,

with due consideration having been given to the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

Even when a town plan has received a determination of energy compliance, provisions of a town plan must only be considered "to the extent they qualify as land conservation measures or where there are screening requirements of a municipal ordinance or bylaw."[10] The Vermont Supreme Court has ruled that "broad and general statements in Town and Regional Plans are not sufficiently specific to constitute a basis for denying a permit under § 248."[11] Instead, for purposes of Section 248(b)(1), provisions of a regional or municipal plan will only be given due consideration if they qualify as "land conservation measures" that apply clearly and specifically to a defined area or areas.[12] As such, the particular language used within Town and Regional Plans is important to determining whether a standard is clearly written and specifically applies to a given Project to constitute a land conservation measure.

For the Murphy Road Energy Storage Project, the Bennington County Regional Plan and the Bennington Town Plan set forth the standards for orderly development of the region. The following review discusses land conservation measures, if any, that are applicable to the Project site, and whether the Project will unduly interfere with the stated goals and policies in these documents. No municipal screening requirements were found that apply specifically to the proposed Project. Excerpts from the various plans are included in Appendix E – Regional and Town Plan Excerpts.

The Regional Plan received its Certificate of Energy Compliance on January 22, 2025.[13] The Town of Bennington has received an affirmative determination of energy planning compliance from the Bennington Country Regional Commission.

A. <u>Regional Plan</u>

Regional plans help guide many issues within the region including development, mostly in the form of recommendations and support to its member towns. The Bennington County Regional Plan includes chapters which cover economic development, land use, natural resources, transportation, utilities, and energy. Topics included in the Regional Plan which pertain to orderly development of the region and are applicable to the Project, included overall regional goals, land conservation policies, and recommendations for the regions approach to renewable energy.

Chapter 1, the introduction of the Regional Plan states, "Regional planning commissions are statutory parties to state land use (Act 250) regulatory proceedings and participate in many public utility (Section 248) hearings as well. An effective regional plan ensures that projects subject to those reviews support regional development and conservation objectives" (Regional Plan at 3). Chapter 2, Vision and Goals, includes goals for reinforcing historic settlement patterns, protecting the regions natural, scenic and historic resources, and promoting energy conservation, among other overall goals (Regional Plan at 5-8).

Chapter 8, Land Use, directs the location of development in the region and organizes land use into four main land use districts. The Regional Plan encourages development within villages and urban centers, and the Project is located within the Rural future land use district (Regional Plan Map 8-2 at 95). The section on Rural Areas states that "growth must be planned to avoid impacts on the region's rural character and environmental quality and must not result in excessive costs to municipalities" (Regional Plan at 83).

[10] *Application of Emancipation Energy, LLC for A Certificate of Pub. Good, Pursuant to 30 V.S.A. Ss 248 & 8010, for A 150 Kw (Ac) Solar Net-Metering Sys. in Middlesex, Vermont.*, No. 20-1848-NMP (Order of June 21, 2022).
[11] *In re Petition of Apple Hill Solar LLC*, 2021 VT 69 at ¶ 36.
[12] *Id.* at ¶¶ 36, 43.
[13] http://www.bcrcvt.org/uploads/1/1/1/8/111899771/2025.01.22_-_bcrc_certificate.pdf

Chapter 9, Natural Resources, outlines the principal resources noted for preservation and conservation, including, water resources, clean air, agricultural land, forest resources, earth resources, fish and wildlife, unique natural features, and scenic and recreational resources. Section 9.4 – Agricultural Lands, the Regional Plan states "The working agricultural landscape maintains the region's rural character, contributes an essential element to its scenic quality, and is an important component of the regional economy" (Regional Plan at 109). Chapter 9 also discusses Scenic Resources, which are reviewed in the Aesthetic Analysis above. The Regional Plan provides guidance to its member municipalities and notes, "[n]onregulatory tools also can be used to protect identified scenic resources. Towns and villages should work with conservation organizations such as the Vermont Land Trust to acquire properties, or conservation or scenic easements to properties, that have particular scenic significance to the community. Local and state designated scenic roads, including the region's three state designated byways, can help provide support for preserving and promoting scenic roadway corridors" (Regional Plan at 118).

The Regional Plan includes Chapter 13, Energy, which provides a general overview of the regions energy goals, policies, and recommendations, while referencing the Regional Energy Plan as having more extensive information. The Regional Plan states that "(e)lectricity storage is technology that has the potential to dramatically improve access to electricity produced by intermittent renewable energy sources, such as wind and solar, by making it available for use when it is most needed." (Regional Plan at 234).

Overall, throughout the Regional Plan, there is an emphasis to concentrate development within villages and urban centers. Otherwise, the Regional Plan typically offers general guidance, recommendations, and resources to its member municipalities, as well as conservation groups and organizations to implement conservation measures within the region. As can be seen on Map 9-3 Conserved Lands in the Bennington Region, no conserved lands occur at the Project site (Regional Plan at 125), and no specific conservation measures were otherwise found in the Regional Plan that apply to the Project site.

B. <u>Town Plan</u>

The Chapter 3, Section 3.2 Land Use plan "seeks to direct growth and development in a way that reinforces the existing settlement pattern of a concentration of mixed uses within the Urban Growth Area surrounded by open rural countryside" (Town Plan at 17). The objectives of the land use plan include:

- Encourage relatively dense and diverse development within the Urban Growth Area and ensure that there is a clear demarcation between urban and rural areas at the Urban Growth Boundary.
- Require new development to strengthen and support the town's existing land use pattern and historic and scenic qualities.
- Maintain the rural character of the outlying countryside and support agriculture, forestry, and recreational uses in these areas as well as carefully planned low-density residential uses.
- Plan development in a manner that avoids commercial or residential sprawl and which is consistent with the efficient provision of municipal services and the protection of important natural, scenic, and historic resources.
- Maintain the integrity and quality of established residential neighborhoods.

(Town Plan at 18)

The Project site is located within the Rural Conservation District (Town Plan at 28, 33 and 35), with Route 279 to the south, and limited forest to the west, north and northeast. There are low-density residential areas to the northeast, east, and south. The purpose of the Rural Conservation District is described as "to preserve this distinctive rural character and working landscape while accommodating very low density residential development in a manner that avoids the need for public water supply and public sewer systems" (Town Plan at 28). The Town Plan includes a Rural Conservation District Policy to "continue to support traditional low density rural and agricultural uses. Extension of municipal water supply and wastewater disposal lines to these areas shall be prohibited. New residential development in the area shall be carefully planned to protect agricultural land, forest land and other natural and scenic resources. Subdivisions shall meet the standards of a Residential Planned Unit Development (PUD) to protect Bennington's traditional rural and agrarian landscape" (Town Plan at 32).

Chapter 4 Natural, Scenic, and Historical Resources seeks to encourage the "wise use and conservation of these [natural resources] resources [to] ensure that future generations will benefit from them" (Town Plan at 38). The Project site is not identified as important for its:

- Forest land (not mapped, see description in Town Plan at 39 to 40)
- Water resources (Town Plan at 51, Map 4-2)
- Fluvial erosion hazard (Town Plan at 52, Map 4-2(A))
- Air quality (not mapped, not included in the description in Town Plan at 43)
- Fish and wildlife (Town Plan at 53, Map 4-3)
- Unique natural areas (not among specific listed areas in Town Plan at 44 or 53, Map 4-3)
- Scenic resources (not mapped in the Town Plan, not depicted as a scenic resource on the Overview Map of Scenic Resources, SRI 2004 at 44)
- Historical resources (not mapped, not among specific listed areas in Town Plan at 46-48)

In Chapter 7 Community Facilities and Services, the site is not within or adjacent to a mapped public park, open space or conserved land (Town Plan at 96, Map 7-3).

The Town Plan Energy Chapter 8 includes limited information about energy storage siting, though it does state a General Electricity Conservation and Efficiency Measure to "[s]upport integration of advanced energy storage in the area through cooperation with utilities and review of town plan policies and land use standards" (Town Plan at 116).

The Town of Bennington has prepared several studies and plans that consider specific resources in greater detail than presented in the Town Plan. The SRI 2004 does not identify any scenic resources associated with the Project site (SRI 2004 at 45, Overview Map of Scenic Resources). The Bennington Open Space Plan also does not identify any open space or recreation resources associated with the Project site (Open Space Plan at 11, Map 1). The Project is not sited in a location that adversely impacts scenic views, roads or other areas in the Scenic Resources Inventory document, and there are no land conservation measures that apply to the Project site within the Town Plan or associated maps. Therefore, the Project complies with the Bennington Town Plan, and is compatible with energy siting measures and land conservation measures and specific policies contained therein.

C. Summary of Orderly Development Analysis

Overall, the Regional and Town Plans do not identify the Project site as having specific limitations, planned conservation measures, or being unsuitable for further energy development. No land conservation measures were found in these documents that would be affected by the Project. Based on this review, the Murphy Road Energy Storage Project **will not** unduly interfere with the orderly development of the region.