

1 STATE OF CONNECTICUT  
2 CONNECTICUT SITING COUNCIL  
3

4 Docket No. 505

5 Haddam Quarter Solar, LLC, Application for a  
6 Certificate of Environmental Compatibility and Public  
7 Need for the Construction, Maintenance, and Operation  
8 of a 2.8-Megawatt-AC Solar Photovoltaic Electric  
9 Generating Facility Located South of Haddam Quarter  
10 Road and North of Johnson Lane, Durham, Connecticut and  
11 Associated Electrical Interconnection  
12

13 Zoom Remote Council Meeting (Teleconference),  
14 on Tuesday, September 28, 2021, beginning at 2 p.m.  
15

16 H e l d B e f o r e :

17 JOHN MORISSETTE, Member and Presiding Officer  
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1   **A p p e a r a n c e s :**

2           **Council Members:**

3           **JOHN MORISSETTE, (Hearing Officer)**

4  
5           **QUAT NGUYEN,**

6           **PURA Designee**

7  
8           **ROBERT SILVESTRI**

9           **ED EDELSON**

10          **DANIEL P. LYNCH, JR.**

11  
12       **Council Staff:**

13          **MELANIE BACHMAN, ESQ.,**

14          **Executive Director and Staff Attorney**

15  
16          **ROBERT MERCIER,**

17          **Siting Analyst**

18  
19          **LISA FONTAINE,**

20          **Fiscal Administrative Officer**

1    **A p p e a r a n c e s:(cont'd)**

2    **For Haddam Quarter Solar, LLC (Applicant):**

3            **ROBINSON & COLE, LLP**

4            **280 Trumbull Street**

5            **Hartford, Connecticut 06103-3597**

6            **By: KENNETH C. BALDWIN, ESQ.**

7                    **KBaldwin@rc.com**

8                    **860.275.8200**

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1 (Begin: 2:30 p.m.)

2  
3 THE HEARING OFFICER: Good afternoon, ladies and  
4 gentlemen. Can everyone hear me okay?

5 VOICES: Yes.

6 THE HEARING OFFICER: Thank you. This remote public  
7 hearing is called to order this Tuesday, September  
8 28, 2021, at 2 p.m. My name is John Morissette,  
9 member and presiding officer of the Connecticut  
10 Siting Council. Other members of the Council are  
11 Quat Nguyen, designee for Chairman Marissa Paslick  
12 Gillett of the Public Utilities Regulatory  
13 Authority; Robert Silvestri; Ed Edelson; and  
14 Daniel P. Lynch, Jr.

15 Members of the staff are Melanie Bachman,  
16 Executive Director and Staff Attorney; Robert  
17 Mercier, siting analyst; and Lisa Fontaine, fiscal  
18 administrative officer.

19 As everyone is aware there is currently a  
20 statewide effort to prevent the spread of  
21 coronavirus. This is why the Council is holding  
22 this remote public hearing, and we ask for your  
23 patience. If you haven't done so already, I ask  
24 that everyone please mute their computer audios  
25 and/or telephones now.

1           This hearing is held pursuant to the  
2 provisions of Title 16 of the Connecticut General  
3 Statutes and of the Uniform Administrative  
4 Procedure Act upon an application from Haddam  
5 Quarter Solar, LLC, for a certificate of  
6 environmental compatibility and public need for  
7 the proposed construction, maintenance and  
8 operation of a 2.8-megawatt AC solar voltaic  
9 electric generating facility located south of  
10 Haddam Quarter Road and north of Johnson Lane,  
11 Durham, Connecticut.

12           This application was received by the Council  
13 on July 9, 2001. The Council's legal notice of  
14 the date and time of this remote public hearing  
15 was published in the Middletown Press On August 4,  
16 2001.

17           Upon this Council's request, the Applicant  
18 erected a sign at the proposed site so as to  
19 inform the public of the name of the Applicant,  
20 the type of the facility, the remote public  
21 hearing date and contact information for the  
22 Council, including the website and phone number.

23           As a reminder to all, off-the-record  
24 communications with a member of the Council or a  
25 member of the Council's staff upon the merits of

1 this application is prohibited by law.

2 The Applicants and Interveners of the  
3 proceedings are as follows. The Applicant Haddam  
4 Quarter Solar, LLC, represented by Kenneth C.  
5 Baldwin, Esquire, of Robertson & Cole, LLP.

6 We will proceed in accordance with the  
7 prepared agenda, a copy of which is available on  
8 the Council's Docket Number 505 webpage along with  
9 a record of this matter, the public hearing  
10 notice, instructions for public access to this  
11 remote public hearing, and the Council's citizen's  
12 guide to Citing Council's procedures.

13 Interested persons may join any session of  
14 this public hearing to listen, but no public  
15 comments will be received during the 2 p.m.  
16 Evidentiary session.

17 At the end of the evidentiary session we will  
18 recess until 6:30 p.m., for public comment  
19 session. Please be advised that any person may be  
20 removed from the remote evidently session or the  
21 public comment session at the discretion of the  
22 Council.

23 The 6:30 p.m. public comment session is  
24 reserved for the public to make brief statements  
25 into the record. I wish to note that the

1 Applicant, parties and Interveners, including the  
2 representatives, witnesses and members are not  
3 allowed to participate in the public comment  
4 session.

5 I also wish to note for those who are  
6 listening and for the benefit of your friends and  
7 neighbors who are unable to join us for this  
8 remote public comment session, that you or they  
9 may send written statements to the Council within  
10 30 days of the date hereof, either by mail or by  
11 e-mail, and such written statements will be given  
12 the same weight as if spoken during the remote  
13 public comment session.

14 A verbatim transcript of this remote public  
15 hearing will be posted on the Council's Docket  
16 Number 505 webpage, and deposited in the town  
17 clerk's office in Durham for the convenience of  
18 the public.

19 Please be advised that the Council does not  
20 issue permits for stormwater. If the proposed  
21 project is approved by the Council; the Department  
22 of Energy and Environmental Protection, DEEP,  
23 stormwater is independently required. DEEP will  
24 hold a public hearing on any stormwater permit  
25 application.

1           Please be advised that the Council's project  
2 evaluation criteria under the statute does not  
3 include consideration for property value. The  
4 Council will take a 10 to 15-minute break at a  
5 convenient juncture at around 3:30.

6           Administrative notice taken by the Council.  
7 I wish to call your attention to those items shown  
8 in the hearing program are marked as Roman numeral  
9 one B, items 1 through 105 that the Council has  
10 administratively noticed.

11           Does the Applicant have an objection to the  
12 items that the Council has administratively  
13 noticed? Attorney Baldwin?

14 MR. BALDWIN: All set.

15 THE HEARING OFFICER: I'm sorry. Attorney Baldwin?

16 MR. BALDWIN: No objection.

17 THE HEARING OFFICER: Thank you. Accordingly, the  
18 Council hereby administratively notices these  
19 items.

20           I'm going to move onto the appearance by the  
21 Applicant. Will the Applicant present its witness  
22 panel for the purposes of taking the oath? And  
23 Attorney Bachman will administer the oath.

24           Attorney Baldwin.

25 MR. BALDWIN: Can you hear me?



1 THE HEARING OFFICER: Yes.

2 MR. BALDWIN: Good afternoon, Mr. Morissette and  
3 members of the Council. I'm Ken Baldwin with  
4 Robinson & Cole here today on behalf of the  
5 Applicant, Haddam Quarter Solar, LLC, a wholly  
6 owned subsidiary of Louth Callan Renewables.

7 So a slight change to the hearing program  
8 today. James Saleh who was supposed to be one of  
9 our witnesses today is unavailable. We apologize  
10 for that late change, but it was unavoidable under  
11 the circumstances.

12 We have our witness panel in three different  
13 locations in this Zoom environment. First,  
14 starting with the folks at All Points Technology,  
15 they are on your screen. Dean Gustafson is a  
16 senior wetlands scientist and special soil  
17 scientist with All Points Technology involved in  
18 the project.

19 Jennifer Young Gaudet is a zoning specialist  
20 with All Points Technology.

21 Jin Tao is listed in the hearing program as a  
22 professional engineer. I should correct that.  
23 Mr. Tao is not yet a professional engineer, but  
24 has been the project engineer for All Points  
25 Technologies.

1           Sitting by himself in New York is Mr. Gerard  
2 Neely, the Director of Business Development with  
3 Madison Energy Investments. And I should point  
4 out as well that Madison Energy Investments is  
5 Louth Callan Renewable's financial partner in this  
6 project, and Mr. Neely has been very involved and  
7 will be involved going forward with this project,  
8 assuming it is approved by the Council.

9           And last, but certainly not least, here with  
10 me in Hartford are two witnesses from Louth Callan  
11 Renewables, Kyzer Gardiola who is the Director of  
12 Engineering for Louth Callan; and Graham  
13 Basecke -- not as it's spelled, but as it sounds  
14 Bez-ski [phonetic] -- the project manager for the  
15 Haddam Quarter project. And I offer them to be  
16 sworn at this time, Mr. Morissette.

17 THE HEARING OFFICER: Thank you.

18           Attorney Bachman?

19 D E A N       G U S T A F S O N ,

20 J E N N I F E R     G A U D E T ,

21 J I N       T A O ,

22 G R A H A M       B A S E C K E ,

23 K Y Z E R       G A R D I O L A ,

24 G E R A R D       N E E L Y ,

25           called as witnesses, being first duly sworn

1           by the Executive Director, were examined and  
2           testified under oath as follows:

3 **THE HEARING OFFICER:** Thank you, Attorney Bachman.

4           Attorney Baldwin, please begin by verifying  
5           all the exhibits by the appropriate sworn  
6           witnesses.

7 **MR. BALDWIN:** Mr. Morissette, in the interest of  
8           administrative efficiency we'll have our panel  
9           verify the exhibits. There are seven listed in  
10          the hearing program under Roman two, section B,  
11          Exhibits 1 through 7. And I'll start.

12          Did you prepare or assist in the preparation  
13          of those exhibits listed in the hearing program  
14          under Roman two B, items one through seven?

15          Mr. Gustafson?

16 **THE WITNESS (Gustafson):** Yes.

17 **MR. BALDWIN:** Ms. Gaudet?

18 **THE WITNESS (Gaudet):** Yes.

19 **MR. BALDWIN:** Mr. Tao?

20 **THE WITNESS (Tao):** Yes.

21 **MR. BALDWIN:** Mr. Neely?

22 **THE WITNESS (Neely):** Yes.

23 **MR. BALDWIN:** Mr. Gardiola?

24 **THE WITNESS (Gardiola):** Yes.

25 **MR. BALDWIN:** Mr. Basecke?

1 THE WITNESS (Basecke): Yes.

2 MR. BALDWIN: Do you have any corrections,  
3 modifications or amendments to offer to any of  
4 those exhibits? Mr. Gustafson?

5 THE WITNESS (Gustafson): Yes, I do. Two corrections.  
6 The first, Applicant Exhibit 1, attachment 9,  
7 which is the environmental assessment document,  
8 appendix C, U.S. Fish and Wildlife Natural  
9 Diversity Database compliance document, page 1,  
10 first paragraph.

11 Under the U.S. Fish and Wildlife service  
12 heading it reads, the federal consultation was  
13 completed in accordance with Federal  
14 Communications Rule, Commission rules. The  
15 reference to the FCC should be removed.

16 The second correction is in Applicant's  
17 response to interrogatories, which is Exhibit 5,  
18 attachment 2, page 1, item 4, reporting B, notify  
19 a regional water authority.

20 That statement should be replaced with,  
21 notify Town of Durham Building and Land Use  
22 Department at (860)349-8253. Those are the only  
23 corrections.

24 MR. BALDWIN: Ms. Gaudet, any corrections or  
25 modifications?

1 THE WITNESS (Gaudet): No corrections or modifications.  
2 MR. BALDWIN: Mr. Tao?  
3 THE WITNESS (Tao): No corrections or modifications.  
4 MR. BALDWIN: Mr. Neely?  
5 THE WITNESS (Neely): No corrections or modifications.  
6 MR. BALDWIN: Mr. Gardiola?  
7 THE WITNESS (Gardiola): No corrections or  
8 modifications.  
9 MR. BALDWIN: Mr. Basecke?  
10 THE WITNESS (Basecke): No corrections or  
11 modifications.  
12 MR. BALDWIN: And is the information contained in those  
13 exhibits with the appropriate corrections and  
14 modifications true and accurate to the best of  
15 your knowledge. Mr. Gustafson?  
16 THE WITNESS (Gustafson): Yes.  
17 MR. BALDWIN: Ms. Gaudet?  
18 THE WITNESS (Gaudet): Yes.  
19 MR. BALDWIN: Mr. Tao?  
20 THE WITNESS (Tao): Yes.  
21 MR. BALDWIN: Mr. Neely?  
22 THE WITNESS (Neely): Yes.  
23 MR. BALDWIN: Mr. Gardiola?  
24 THE WITNESS (Gardiola): Yes.  
25 MR. BALDWIN: Mr. Basecke?

1 THE WITNESS (Basecke): Yes.

2 MR. BALDWIN: And do you now take the information  
3 contained in those exhibits as your testimony in  
4 this proceeding?

5 Mr. Gustafson?

6 THE WITNESS (Gustafson): Yes.

7 MR. BALDWIN: Ms. Gaudet?

8 THE WITNESS (Gaudet): Yes.

9 MR. BALDWIN: Mr. Tao?

10 THE WITNESS (Tao): Yes.

11 MR. BALDWIN: Mr. Neely?

12 THE WITNESS (Neely): Yes.

13 MR. BALDWIN: Mr. Gardiola?

14 THE WITNESS (Gardiola): Yes.

15 MR. BALDWIN: And Mr. Basecke?

16 THE WITNESS (Basecke): Yes.

17 MR. BALDWIN: Mr. Morissette, I offer them as full  
18 exhibits.

19 THE HEARING OFFICER: Thank you, Attorney Baldwin. The  
20 exhibits are hereby admitted. We'll now begin  
21 with cross-examination of the Applicant by the  
22 Council, starting by with Mr. Mercier, followed by  
23 Mr. Edelson.

24 Mr. Mercier?

25 MR. MERCIER: Thank you. I just have a couple of

1 questions regarding the development of the  
2 project, and I'm just referring to application  
3 page 4 that had a list of some site selection  
4 criteria for the site, and the proposed site  
5 methods criteria.

6 However, were there any other alternative  
7 locations in Durham or other areas examined for a  
8 solar facility by LCR before this one was  
9 selected?

10 **THE WITNESS (Basecke):** There was none in particular to  
11 our Quarter project, but in fact we do have  
12 multiple other projects in the area.

13 But this was the one that was most suitable  
14 at the current time.

15 **MR. MERCIER:** When you say, other projects in the area,  
16 are they in an initial development phase? Or are  
17 they already constructed? Can you provide more  
18 information on that?

19 **THE WITNESS (Basecke):** Do you want to speak on utility  
20 aspects may be based on the lease area?

21 **THE WITNESS (Gardiola):** Yeah, absolutely. So the  
22 process as far as acquiring projects and selecting  
23 projects, and in regards to interconnection, it  
24 doesn't allow us to have multiple locations in  
25 terms of being able to determine which site is

1 best suited for this project.

2 The path in which we pursue projects is -- is  
3 particularly tied to the specific land area,  
4 specifically in regards to interconnection in  
5 which when we submit documents to the utility,  
6 they only review one specific area and not  
7 multiple sites at once.

8 THE HEARING OFFICER: Excuse me. Before we continue, I  
9 will ask that the witnesses please state their  
10 names before responding to questions. Thank you.

11 THE WITNESS (Gardiola): Yes, sir.

12 MR. MERCIER: Okay. Thank you. For this specific  
13 site. I saw in interrogatory five that there was  
14 a statement, something about a direct referral  
15 from the Town to LCR. Is that correct?

16 How did this site actually come about? How  
17 did you know about the property, and how was it  
18 presented to the Town?

19 THE WITNESS (Basecke): So this Graham Basecke stating  
20 this -- so with Louth Callan.

21 This project, in particular it's -- it's a  
22 direct referral from a personal -- personal  
23 relationship with someone within Louth Callan  
24 Renewables, and therefore we got directed to Laura  
25 Francis in the past.



1           Laura Francis is a first selectwoman with the  
2           Town of Durham, Connecticut.

3   MR. MERCIER:   Okay.   So I just understand that you knew  
4           someone, one of the owners of the property.   Is  
5           that what you're stating, someone at LCR, that is?

6           Maybe I'll repeat myself.   Just so I  
7           understand, so someone at LCR knew the property  
8           owner.   Is that correct?

9   THE WITNESS (Basecke):   That is correct.

10   MR. MERCIER:   Okay.   Thank you.

11           I saw some -- in the technical reports, some  
12           initial information about our virtual net metering  
13           program that this project would qualify for.   And  
14           it was anticipated that a power purchase agreement  
15           will be secured with the Town of Durham and the  
16           Regional School District 13.

17           Is that still the intent, to do a virtual net  
18           metering program with those two entities?

19   THE WITNESS (Neely):   Hello, this is Gerard Neely with  
20           Madison Energy Investment speaking.

21           And to answer your question, when this  
22           application was submitted -- since this  
23           application has been submitted, the program has  
24           slightly changed.   However, this is still  
25           anticipated to fall under the virtual net metering

1 program under the new feed-in tariff established  
2 Under Connecticut Public Act 19-35.

3 Under that program Madison Energy  
4 Investments, acting as the financier asset owner  
5 and operator of this asset would sign an agreement  
6 with the utility in this area receiving revenue  
7 from that project.

8 However, as a benefit to the ratepayer under  
9 Public Act 19-35, establishing the feed-in tariff  
10 and under the virtual net metering carveout within  
11 that feed-in tariff, the customer, in this case  
12 the school district and the Town, would receive  
13 bill credits on their bill, thus lowering the  
14 amount that they pay for energy.

15 MR. MERCIER: Thank you very much. I'm going to  
16 proceed to the site plans. This is application  
17 attachment six on the website. I'm going to go  
18 through some of the drawings. I have a couple of  
19 questions here and there regarding some of these  
20 drawings.

21 I'll start off with drawing OP-1 -- that's  
22 the aerial image, actually. I'll call it up here.

23 Towards the left side of the aerial image,  
24 there's a call-out box that says, proposed walking  
25 route -- outside sent.

1 I'm just trying to figure out, is a walking  
2 route proposed for this site? I didn't see it in  
3 the little site plans themselves. And if so, what  
4 is the purpose of the walking path?

5 THE WITNESS (Gaudet): Jennifer Gaudet.

6 Mr. Mercier, we were told at the initial  
7 public information session that the property is  
8 used routinely by people in the area. They  
9 currently pass through the property walking using  
10 it in a passive recreational way.

11 Because the project will be developed over  
12 the farm road that is currently in place, LCR  
13 asked us to -- to locate an alternate route for  
14 people to pass through the property and into the  
15 northern portion of the property.

16 MR. MERCIER: Okay. I can't see it clearly here, but  
17 is the farm road crossing into the southeast  
18 corner of the northern field area? I really can't  
19 see where it ends. It's kind of mixes in here. I  
20 wouldn't be running --

21 THE WITNESS (Gaudet): You're -- you're asking whether  
22 the northern portion of it goes to the  
23 southwest -- the northwest portion? Or are you  
24 asking where the southern portion of the road  
25 exists?

1 MR. MERCIER: I'm actually asking the walking path, It  
2 appears it goes along the west side of your site.

3 THE WITNESS (Gaudet): That's correct.

4 MR. MERCIER: And I'm just trying to determine if it  
5 goes all the way around to the eastern portion?

6 Or does it actually cut through the wetland  
7 corridor to the northern field which is not part  
8 of your development bill?

9 THE WITNESS (Gaudet): It does not go around to the  
10 eastern portion. It is intended to substitute for  
11 what would go through the, sort of, the middle of  
12 the project currently.

13 And it would extend from that location up  
14 through the wetland area and across.

15 MR. MERCIER: Okay. What is --

16 THE WITNESS (Gaudet): It -- excuse me.

17 MR. MERCIER: I understand. I was just wondering what  
18 the substrate was, and how is it going to be  
19 maintained?

20 THE WITNESS (Gaudet): That's the intent, is for it  
21 to -- to simply be seeded and, you know, kept --  
22 kept a little bit clearer than it might be  
23 otherwise just to allow people to -- to pass  
24 through on foot.

25 MR. MERCIER: Okay, so like -- a grassy lane, I'll call

1           it, something like that.

2   **THE WITNESS (Gaudet):** I think that would be a fine  
3           characterization.

4   **MR. MERCIER:** Are there any concerns about bringing  
5           people into the area and vandalizing, or getting  
6           hurt on the property? Then there's going to be a  
7           liability concern.

8   **THE WITNESS (Gaudet):** There is no significant concern  
9           with that. Certainly vandalism is -- is not going  
10          to -- not expected to be an issue. There is a  
11          security fence and access to the facility itself  
12          would be restricted.

13   **MR. MERCIER:** I guess another question I do have about  
14          this is, what if there's complaints about the  
15          path? Who's going to handle that?

16                 I mean, is there going to be some kind of  
17          phone number posted? Or how is someone going to  
18          reach LCR to complain about something going on, on  
19          the path?

20   **THE WITNESS (Basecke):** (Inaudible) -- renewables. We  
21          will have contact numbers posted at the perimeter  
22          fence and near the gate to the facility.

23   **MR. MERCIER:** Okay. Thank you. Staying with this  
24          sight plan, OP-1 here, I see that the entire  
25          parcel is under lease by LCR, and you're going to

1 be developing in the southern area.

2 What is going to occur up in the northern  
3 portion where you have that open field area? Is  
4 there any --

5 THE WITNESS (Basecke): Graham Basecke with -- go  
6 ahead.

7 MR. MERCIER: No, go ahead. Thank you.

8 THE WITNESS (Basecke): Yeah. Graham Basecke with  
9 Louth Callan Renewables. That northwest section  
10 is currently active farmland, and that will  
11 continue to be active farmland.

12 MR. MERCIER: Do you know if the farmer that is  
13 maintaining, or using it for that matter, is that  
14 the current landowner?

15 Or is it a third-party lessee.

16 THE WITNESS (Basecke): (Inaudible) -- Louth Callan.  
17 That is currently leased out and we intend to  
18 continue that relationship between the landowner  
19 and the current lessee of that property.

20 MR. MERCIER: Thank you. I'm going to move to drawing  
21 EC-4. It's the stage two sedimentation and  
22 erosion control plan.

23 Along the perimeter areas I see something  
24 marked, perimeter control area. And I don't  
25 really see a definition of what that is.

1           Can someone please explain what the intent is  
2           there, please?

3   **THE WITNESS (Tao):** This is Jin Tao with APT. I think  
4           you cut out a little -- but the perimeter control  
5           area, if you're asking about that, it is just  
6           specifying the area in which the perimeter  
7           controls which is proposed as filter sock, and  
8           calling out specifically for DEEP review that a  
9           specific area will be controlled by that filter  
10          sock based on the existing topography.

11 **MR. MERCIER:** Okay. Are you saying that erosion  
12          controls will be set up around the entire  
13          perimeter control area? For instance, a control  
14          area -- and my computer crashed -- for a number of  
15          .27, say?

16                 So it will be around the entire rectangle  
17                 shown? Or it's just along the northern edge where  
18                 it meets the wetland boundary area?

19 **THE WITNESS (Tao):** It will actually just be at the  
20          downstream edge. So in this instance, it's that  
21          northern edge where the filter sock is going to  
22          be. The -- the lighter dashed lines are  
23          signifying, kind of, the existing topology  
24          drainage breaks, that the perimeter controls will  
25          expect to experience the water flows from that

1           area itself.

2   **MR. MERCIER:**   Okay.   Thank you.   Over on the right side  
3           of this plan of EC-4 there's several areas that  
4           have construction, the limited disturbance within  
5           a hundred feet of the wetlands.   And over by the  
6           proposed detention basin in the southeast corner  
7           there's actually a part that's within about almost  
8           40 feet.

9                    So I'm just trying to figure out why the  
10           DEEP's general construction -- excuse me, general  
11           permit, the appendix I hundred-foot buffer  
12           criteria does not apply here.

13   **THE WITNESS (Tao):**   This is Jin Tao with APT again.   In  
14           terms of DEEP's appendix I, that regulation is  
15           specifically focused on permanent stormwater  
16           management features.   As this is a construction  
17           temporary settlement and EC plan, the areas that  
18           you were calling out specifically that are going  
19           into the hundred-foot buffer, that is focused on  
20           temporary erosion control measures and  
21           establishing, kind of, a barrier of a temporary  
22           settlement trap using stacked filtered socks.

23                    And this technology we chose specifically  
24           because there's limited ground disturbance and no  
25           grading required to establish these temporary



1 sediment traps.

2 Additionally, based on the existing condition  
3 of the site where specifically in that southeast  
4 corner that temporary settlement trap is to be  
5 located, it's in an area of existing farm field.  
6 So there's no clearing and little disturbance.

7 We're just using, kind of, the existing area  
8 for volumetric control of potential sediment that  
9 might be created during construction.

10 MR. MERCIER: Okay. I was under the impression that  
11 there should be -- from the limited disturbance  
12 for construction, that there should be a minimum  
13 50 foot based on vegetation type. And if that  
14 could not -- if there was a wooded area, it has to  
15 be a hundred feet. Is that correct?

16 Any limited disturbance that is -- where  
17 there's construction or permanent features.

18 THE WITNESS (Tao): That is how it's written in  
19 appendix I.

20 MR. MERCIER: That is how it's written?

21 THE WITNESS (Tao): I believe so, yes.

22 MR. MERCIER: Okay. So you must maintain a 50-foot  
23 buffer between the limit of disturbance and the  
24 adjacent wetland, at a minimum. Correct?

25 THE WITNESS (Tao): I will have to review the specific

1 requirements in appendix I and reference the plans  
2 and the development of plans to make sure that it  
3 matches.

4 MR. MERCIER: Okay. Thank you very much.

5 We're going to move to plan SP-1.

6 On the plan it shows some underground  
7 trenching along the Johnson Lane area within the  
8 site. Are there other areas of trenching required  
9 for wiring besides this one?

10 And if so, in what general areas?

11 THE WITNESS (Tao): This is Jin Tao with APT. No other  
12 areas are expected to require trenching except for  
13 the area along where you had mentioned.

14 MR. MERCIER: How does the wiring from the solar rows  
15 reach the equipment pads, I suppose?

16 THE WITNESS (Gardiola): Kyzer Gardiola with Louth  
17 Callan Renewables. At the end of each row there  
18 will be another ground trench that follows the  
19 outside edge of each row leading to where the  
20 equipment pads are going to be located.

21 MR. MERCIER: Okay. So each row would have --

22 THE WITNESS (Gardiola): Yes, typically this detail  
23 will be shown in a more detailed electrical site  
24 plan, but this is very -- this SP-1 does show how  
25 the electrical underground is going to be rammed

1           between the electrical paths.

2   **MR. MERCIER:**   Okay.   Just trying to determine also what  
3           other trenching there might be.   So you're saying  
4           along each, each row there will be at least one  
5           trench that leads to the equipment pad.

6                    Is that correct?

7   **THE WITNESS (Gardiola):**   That is correct, yes.

8   **MR. MERCIER:**   Okay.   Thank you.   So given that 7.7  
9           acres of this area was noted as prime farmland,  
10          besides the trenching what other issues, what  
11          other disturbance of the farmland would occur  
12          here?

13                   Is that the intent to tear up all the topsoil  
14          and grasses, to have bare earth when you start  
15          construction of the solar arrays and installing  
16          the racking and the trenching and so forth?   Or  
17          you're going to just put it over existing grasses  
18          and trench as needed?

19   **THE WITNESS (Tao):**   This is Jin Tao with APT.   The  
20          intent is actually to install the racking on the  
21          existing stabilized condition of the site itself.

22   **MR. MERCIER:**   Thank you.   Looking at the Johnson  
23          Road -- excuse me, Johnson Lane area right at the  
24          south edge of the site, it does show vegetation  
25          along the road here on this, on this plan.

1           Is this vegetation going to remain in place  
2           along the road? Or is that going to be removed?

3 **THE WITNESS (Gaudet):** Jennifer Young Gaudet.

4           The existing trees along Johnson Lane are  
5           partially trees that are on the town side of the  
6           property boundary, and it is not our intention to  
7           remove any of those unless the Town should request  
8           that they be removed.

9           The Town recently undertook a clearing and  
10          cleanup of much of their -- of their roadways, and  
11          they did take down some damaged and dead trees at  
12          that time.

13          LCR will be removing trees on the Newton  
14          property side of the line, and those trees will  
15          have to be identified more fully as we get -- get  
16          to the final stages of construction, should the  
17          property -- should the proposal be approved by the  
18          Council.

19 **MR. MERCIER:** Okay. So just so I understand? So the  
20          town of right away extends on -- I wouldn't say  
21          extends on, but it's partially undeveloped with  
22          the roadways.

23          And so LCR is going to clear up to that  
24          property line and leave a few trees that may be  
25          there alone, unless they're damaged?

1 THE WITNESS (Gaudet): Yes, that's essentially correct.  
2 There are places where the Town's right of way  
3 extends beyond the paved surface of Johnson Lane.

4 MR. MERCIER: Okay. I was looking at The environmental  
5 assessment. Exhibit 9, there was a landscape plan  
6 in there and some photos simulation. And unlike  
7 photo three, it didn't show any trees remaining.  
8 I wasn't sure really what's going on along the  
9 road here.

10 THE WITNESS (Gaudet): I -- can understand why, why  
11 that -- why that would be potentially confusing.  
12 There are limits to the -- to the ability to  
13 create the photo sims.

14 And not knowing which trees at this point  
15 would have to remain because they are on the town  
16 side, we felt it was best to take a conservative  
17 approach to it and show full clearing rather than  
18 trying to identify what tree might remain after  
19 the fact.

20 MR. MERCIER: Okay. Are there any concerns with the  
21 trees on the Town's side of the right away, on the  
22 town right away of creating shading issues for  
23 your project?

24 THE WITNESS (Gaudet): Mr. Gardiola may want to address  
25 it a little bit more fully, but I -- I believe we,

1           you know, we understand that there may be some  
2           shading, that that is inevitable.

3   **THE WITNESS (Gardiola):** Kyzer Gardiola here with Louth  
4           Callan.

5           I would agree with Ms. Gaudet's statement  
6           there as far as the shading goes on site. We do  
7           take into account that there are going to be  
8           existing trees within the area which we fully take  
9           into account when we do our production simulations  
10          as far as what the site will yield yearly.

11          That way we can take, you know, as a  
12          conservative and as correct of an approach to what  
13          the existing site conditions will be like.

14   **MR. MERCIER:** Okay. Staying with photo three there,  
15          the existing conditions along the roadway, there's  
16          some relatively tall trees there. Was there any  
17          concern of any kind of storm falling onto your  
18          project?

19   **MR. BALDWIN:** Mr. Mercier, could you repeat the  
20          question? I'm sorry. You got a little garbled  
21          there at one point.

22   **MR. MERCIER:** Yes, I was wondering if given the height  
23          of some of the trees along the roadway is there  
24          any concern about trees falling over during storms  
25          and damaging your equipment?

1 THE WITNESS (Gardiola): Kyzer Gardiola here with Louth  
2 Callan Renewables. Due to the nature of many of  
3 these ground-mount projects, many of them will be  
4 relatively in close proximity to large and tall  
5 trees.

6 We often do have adequate setbacks to these  
7 trees in which we do try to limit the impact of --  
8 of any storms to our system to make sure that we,  
9 you know, we protect it from -- from damage when  
10 storms do hit.

11 However, there will be certain events where,  
12 you know, we can't take into account every  
13 possible tree that might fall into the, you know,  
14 we can't predict the -- that some of the  
15 possibilities of trees falling into our site when  
16 we're relatively close to the clearing line in  
17 certain areas.

18 So that, that concern will -- might remain  
19 depending on the site conditions after it's been  
20 built.

21 MR. MERCIER: Yeah. I was wondering if there was any  
22 actual discussions with the Town regarding some of  
23 the larger trees, whether you discussed the  
24 possibility of removing them, to remove any kind  
25 of hazard.

1           Were there any discussions such as that?

2   **THE WITNESS (Gaudet):** This is Jennifer Gaudet.

3           I'm not aware of any discussions on specific  
4   trees, although a representative of LCR was in  
5   touch with the Town regularly as they were  
6   proceeding with their -- their tree cutting  
7   project.

8   **MR. MERCIER:** Thank you. The last question I have has  
9   to do with the environmental assessment appendix  
10   C. Just before the visual analysis we were just  
11   talking about there was an FAA determination of no  
12   hazard to air navigation form.

13           On page 3 of the form there was a case  
14   description that mentioned a battery storage  
15   component at the site. So my question is, is  
16   there a proposed battery storage system in the  
17   near future?

18   **THE WITNESS (Gardiola):** Kyzer Gardiola here with LCR.

19           There is no proposed battery storage here for  
20   this site.

21   **MR. MERCIER:** Is there any reason why that was put into  
22   the FAA form, just out of curiosity?

23   **THE WITNESS (Gardiola):** The FAA forms can often be  
24   standardized when it comes time to file those with  
25   the FAA. So that might have been included just



1 to -- just to include it when it came to filing  
2 it.

3 MR. MERCIER: Okay. Thank you. I have no other  
4 questions. Thank you.

5 THE HEARING OFFICER: Thank you, Mr. Mercier. We'll  
6 now continue with cross-examination of the  
7 Applicant by Mr. Edelson followed by Mr.  
8 Silvestri.

9 Mr. Edelson?

10 MR. EDELSON: Thank you, Mr. Morissette. Hope everyone  
11 can hear me okay. I'd say my first question --  
12 and unfortunately I can't find my reference on  
13 this, but when we're talking about the perimeter  
14 walk I remembered about the fence.

15 And I believe in the application you  
16 indicated that the seven-foot fence would not have  
17 spacing underneath it for small wildlife to cross  
18 over, but that you would be open to that idea.  
19 And I'm just wondering before -- and as I think  
20 you might know from our prior applications that  
21 we've reviewed, very often we do ask for such a  
22 wildlife access.

23 So before we just sort of do our standard  
24 thing of saying, we would like that, I'm wondering  
25 why you did not include a seven to nine-inch area

1           underneath the fence where small wildlife could  
2           proceed?

3           And I guess that would be for Ms. Gaudet --  
4           well, maybe not. Maybe for Mr. Gustafson.

5   MR. BALDWIN: Mr. Edelson, bear with us.

6           There he is.

7   THE WITNESS (Gustafson): Good afternoon. Dean  
8           Gustafson, All Points.

9           So the -- the design of the farm fencing  
10          Contains, you know, larger openings than a typical  
11          chain-link fence. So the openings are three to  
12          four inches in size, and that would allow for your  
13          typical smaller mammals, reptiles, amphibians to  
14          get through the fencing.

15          If -- if the Council is, you know, doesn't  
16          feel that's sufficient, I think the project  
17          Applicant would consider raising the bottom of the  
18          fence to provide a little bit better opening for  
19          any small wildlife to kind of pass through the  
20          sole facility. But as it's currently designed I  
21          don't consider it a significant impediment -- but  
22          we can certainly modify that design.

23   MR. EDELSON: Okay. That's very helpful. Thank you.

24          And I think my next question is for, I guess,  
25          Mr. Saleh. And on page 10 of the application you

1 reference attachment ten where we could see a  
2 preliminary O and M plan, and this was in  
3 reference to a spill prevention program that we  
4 were looking for.

5 But to be candid, attachment ten did not look  
6 like a preliminary O and M plan. It looked to me  
7 more like a sales brochure about the services that  
8 the company could provide.

9 I'm wondering if you have an example that  
10 would be a little more reassuring of what an O and  
11 M plan would look like. I realized you were just  
12 presenting a generic one, but as I say that was  
13 just sort of two pages that were really  
14 unspecific.

15 I'm not sure if you can do anything before  
16 the end of this hearing from a separate or a  
17 similar application that you've done where you  
18 have developed an and O and M plan that would give  
19 us a little more comfort or confidence of what we  
20 would see.

21 Can you speak to that?

22 THE WITNESS (Gardiola): Kyzer Gardiola here with Louth  
23 Callan Renewables.

24 Yes, I do see that the O and M plan that's  
25 been presented does look similar to a sales

1 brochure. However, it does show more of the high  
2 level detail of what the site will be receiving  
3 from an O and M services perspective. Since this  
4 is a site that Louth Callan will be building, we  
5 will be choosing the highest tier O and M service  
6 for this site, which does include all of the items  
7 listed on the services here.

8 And as far as getting any more detailed  
9 information on what each of the service  
10 specifically entails on site, I will -- I don't  
11 know if I have that readily available in front of  
12 me -- but Ken, is that something that we can  
13 present at a later date? Or --

14 MR. BALDWIN: Well, I would offer Mr. Edelson, that we  
15 could either -- if the hearing is continued  
16 tonight we can certainly provide that at the  
17 subsequent hearing.

18 We could offer it as a late-file exhibit. I  
19 know you don't like late-file exhibits, I  
20 understand that. Or if a more detailed O and M  
21 plan is something the Council is interested in, we  
22 can certainly provide that as a part of the  
23 development of management plan if the project is  
24 approved.

25 So we've got some options, but we understand

1           your concern for wanting something a little bit  
2           more site specific and a little bit more detailed.

3 MR. EDELSON:   If you can give your best effort -- I'd  
4           defer to Mr. Morissette if he has some other ideas  
5           of what we can work with here, but I don't want to  
6           overwork this because I think it will be in the D  
7           and M plan where we would actually be reviewing  
8           the O and M plan.

9                        But it's because you had included it in the  
10           appendix -- or the attachment, I guess I should  
11           say, it caught my interest.

12 THE HEARING OFFICER:   I would say, Mr. Edelson that as  
13           Attorney Baldwin suggested, if the hearing is  
14           continued and we have an opportunity for the  
15           Applicant to file late files, we'll include them,  
16           and have an O and M plan filed.

17                        If the hearing closes today then we will have  
18           it included in the D and M.

19 MR. EDELSON:   Okay.

20 THE HEARING OFFICER:   Thank you.

21 MR. EDELSON:   Thank you.   And I'm not exactly sure who  
22           this question should go to -- but as you're  
23           probably aware, the Department of Agriculture has  
24           been encouraging applicants to co-use the area  
25           where the solar panels are with agriculture, so

1 mixing energy and agriculture. And unless I  
2 missed it, your application does not include such  
3 co-use.

4 So I would first like to ask kind of a  
5 yes-or-no question, which is, did you consider  
6 within the 7.7 acres of land of some sort of  
7 co-use with agriculture? I realized there's  
8 agriculture on other parts on the property, but  
9 I'm focusing here on the area that is being  
10 developed with solar panels.

11 Just a yes or no. Did you consider co-use  
12 agriculture?

13 **THE WITNESS (Basecke):** Graham Basecke here with Louth  
14 Callan Renewables. No, we did not consider co-use  
15 in terms of livestock, a livestock co-use plan,  
16 but we have in terms of an agricultural co-use  
17 plan.

18 **MR. EDELSON:** You tricked me on that one. So not  
19 livestock, but you did -- right now you're not  
20 going to do any co-use. Is that correct?

21 **THE WITNESS (Basecke):** We are considering a co-use  
22 plan based on the Department of Agriculture's  
23 comments. And if you would like to hear some of  
24 those, that, I can definitely explain some of  
25 those agricultural co-use plan options that we're

1 thinking of.

2 MR. EDELSON: Sure. So they're not in the application,  
3 but you've been considering it since then?

4 THE WITNESS (Basecke): Yes, sir.

5 MR. EDELSON: Okay. So yes, I would very much like to  
6 hear what non-livestock options you're looking at.

7 THE WITNESS (Basecke): Yeah. Yeah, and so I think off  
8 the bat what we are considering is, is retaining  
9 that active farmland as we discussed in the  
10 northwest section of the current lease area.

11 Some other options that we are considering  
12 are incorporating some seed and grass mixes within  
13 the rows, and APT can attest and give some detail  
14 definitely on those types of seed and grass mixes  
15 that we're considering.

16 Some other options, too, is that we  
17 actually -- what has been presented within the  
18 landscaping plan that was a part of the  
19 application, that in fact has species that are  
20 conducive to pollinating. So that is something  
21 that we are also considering, and it in fact has  
22 been incorporated into our plan.

23 And -- and currently, you know the farmland  
24 itself has been inactive for 2 to 3 years,  
25 especially around the project area. So that's

1 something that we have also kept in mind. And you  
2 know, we are also definitely open to other  
3 considerations in -- in areas that we can help the  
4 Council come to.

5 THE WITNESS (Gustafson): And Mr. Edelson? Dean  
6 Gustafson from All Points.

7 I can expand a little bit on that discussion.  
8 We created some -- we've incorporated some native  
9 New England ecotype plants that are pollinator  
10 friendly that will provide enhanced habitat for  
11 native pollinator species. But it's also for dual  
12 purpose for agricultural use, is to develop a  
13 field or APR usage or, you know, providing an  
14 ability for a local beekeeper to bring in hives  
15 to -- to harvest honey.

16 So -- so that that dual purpose could be  
17 utilized to address some of the Department of Ag's  
18 comments for -- for incorporating that dual usage  
19 for the facility. And actually, in more than dual  
20 usage because it enhances a wide variety of native  
21 butterflies and moths that would use that habitat  
22 as well.

23 MR. EDELSON: Okay. I think that's all I need to hear  
24 on that -- well, just one other clarification, but  
25 in the application I'm pretty sure -- or maybe it



1 was the interrogatories -- indicated that none of  
2 this property is under Public Act 490. And this  
3 goes with the statement, it hasn't been used in  
4 farm production, active farming in the last couple  
5 of years.

6 When that statement was made about 490,  
7 that's for the whole -- I forget the total number  
8 of acres, but that's for the total acreage that  
9 the Applicant owns. Is that correct? Not just  
10 the 7.7 acres, but none of it is under 490?

11 THE WITNESS (Neely): (Inaudible) -- renewables. That  
12 is correct.

13 MR. EDELSON: That's interesting, because that's the  
14 main program to help farmers from a financial  
15 point of view and to lower their property tax --  
16 but it is what it is, as they say.

17 I have to ask -- and I don't want to take too  
18 much time, but the concept of the feed-in  
19 tariff -- and I know Mr. Neely tried to describe  
20 this a little bit, but I have to admit I was a  
21 little confused by what was in the application and  
22 the interrogatories.

23 Because my understanding was when you're  
24 doing virtual net metering, you're really working  
25 at the retail price. The benefit is really the

1 retail price that, let's say, in this case the  
2 town or the school district would be paying for  
3 the electricity.

4 But when I think of a purchase power  
5 agreement, I'm thinking of an agreement that's at  
6 the wholesale price, usually much less. The  
7 difference usually being the distribution costs.

8 So I'm not sure I really understand -- and  
9 this, for me, it's sort of the first time I'm  
10 seeing this feed-in tariff program. So you can  
11 speak to that and try to help me better understand  
12 what -- what's being done here, which again seems  
13 a little different than in prior projects where  
14 we're either one or the other.

15 It's either a virtual net metering or a PPA.

16 THE WITNESS (Neely): Yes, this is Gerard Neely  
17 responding for Madison Energy Investments.

18 And you are correct, Mr. Edelson, in the --  
19 in the sense that the virtual net metering aspect  
20 of this project has changed. It's changed for  
21 several reasons. So number one, the old  
22 Connecticut, L-REC/Z-REC program has sun-setted.

23 In addition to the virtual net metering  
24 program, there was a 20-megawatt cap for virtual  
25 net metering in Connecticut, and that program has

1           also sun-setted.

2           What the State has done under the direction  
3 of Governor Lamont in Executive Order Three and  
4 bringing Connecticut to 100 percent renewables,  
5 they passed several new pieces of legislation, one  
6 of which being Public Act 19-35 which creates this  
7 feed-in tariff program, which states like Rhode  
8 island have. California, in L.A., they have a  
9 feed-in tariff program.

10           So we're seeing more and more municipalities,  
11 states move towards a feed-in tariff model. It is  
12 more economically sound, to be quite frank.

13           And under Public Act 19-35, in the feed-in  
14 tariff program there is a carveout for virtual net  
15 metering. So where, you know, municipalities,  
16 school districts have load that is bigger than  
17 what they might be able to host on site, they are  
18 still able to take advantage of these programs.

19           So that's probably where the confusion is  
20 coming from, is because Connecticut is actually in  
21 between programs for renewable energy right now at  
22 the moment. But we do anticipate the commission,  
23 the State Service Commission finalizing that rule  
24 by November, and the first actual auction for the  
25 feed-in tariff will be next spring.

1 MR. EDELSON: That was very helpful. Thank you. So  
2 well, I guess I have to change all my definitions  
3 of what I thought I understood. Now I have to  
4 relearn. Hopefully I'll get that right at some  
5 point.

6 My final question is related to interrogatory  
7 23, and there was maybe just some confusion in  
8 terminology there. This was about the impact of  
9 renewable sources coming onto the network, or onto  
10 the grid and it referred to a distribution system  
11 impact study.

12 And somehow I was reading that, and maybe  
13 incorrectly, as being a systemwide study for  
14 Eversource. In other words, looking at the whole  
15 of all of the current and future impacts of  
16 renewable. But then reading it later, I said,  
17 well, no. Maybe they're only talking about for  
18 this particular site.

19 Can you clarify in your interrogatory 23?  
20 Were you looking at an Eversource-wide study, or  
21 just specific to this application?

22 THE WITNESS (Gardiola): Kyzer Gardiola here with Louth  
23 Callan Renewables.

24 The Eversource impact study addresses the  
25 site specific impacts across the existing. So

1           it's limited to the substation level and circuit  
2           level impact of which the solar array is tied to.

3           So it studies the -- any -- if there are any  
4           adverse impacts to the existing electrical  
5           infrastructure along with if there's any required  
6           upgrades to the existing electrical  
7           infrastructure, of which the impact study will  
8           address and create a plan to mitigate if there are  
9           any adverse impacts -- in which in our case was  
10          studied and approved.

11   MR. EDELSON:   So unfortunately I don't have -- I don't  
12                  know what I just did with the interrogatory, but I  
13                  think it says it was recently completed.  Is that  
14                  something that can be offered into the record?  
15                  Because that's specific again to this site, so I  
16                  think that would be helpful to have in the record.

17   MR. BALDWIN:   That we can provide to you.  We can, yes.  
18                  We can provide that to the Council, Mr. Edelson.

19   MR. EDELSON:   Okay.

20   THE HEARING OFFICER:  I will say, Mr. Edelson, that if  
21                  the hearing is continued, we'll accept that as a  
22                  late file.  However, if we're not continued,  
23                  providing that as part of the D and M plan would  
24                  not be helpful.

25                  Although if you are interested in seeing it,

1           you certainly can ask for it in that part of the  
2           process.

3   **MR. EDELSON:** Well I mean, my request, the way it was  
4           answered, I thought maybe it could be found and  
5           given to us today. Is that still a late file?

6           I thought by the end of the hearing -- you  
7           know we sometimes get questions answered during  
8           the hearing that can be addressed as long as it  
9           happens before the hearing is over.

10   **THE HEARING OFFICER:** I'll ask Attorney Baldwin if  
11           that's something he thinks he can provide. The  
12           impact study is a document. So if he can provide  
13           the document by the end of the hearing, that's  
14           fine.

15   **MR. EDELSON:** Okay. That's what I'm looking for.

16   **THE HEARING OFFICER:** Attorney Baldwin?

17   **MR. BALDWIN:** I think we certainly can, Mr. Morissette,  
18           provide that before the end of the day.

19           Mr. Gardiola has that, has access to that  
20           electronically and we can certainly file that.

21           But I think the important information and the  
22           record should reflect that the impact study has  
23           been approved as it relates to this project -- but  
24           we can e-mail that document to the Council perhaps  
25           at the 3:30 break.

1 THE HEARING OFFICER: Unfortunately, by e-mailing the  
2 document during midstream of the proceedings, it's  
3 not going to allow us time to review and then to  
4 cross-examine on the document that is therefore  
5 now in the record.

6 I do question what the validity of having the  
7 impact study into the record would allow us. I  
8 don't think it brings much to the table as far as  
9 evidence is concerned relating to this  
10 application, given that Eversource has already  
11 approved it. And they have just indicated the  
12 modifications they're going to have to make to the  
13 three-phase interconnection process.

14 So I question actually introducing another  
15 piece of evidence that's not really necessary, and  
16 not allowing for cross-examination. So  
17 Mr. Edelson, I would ask that you withdraw your  
18 request?

19 MR. EDELSON: Mr. Morissette, my reaction or my reason  
20 for asking is, the only thing we have in the  
21 record is a statement by the Applicant referring  
22 to another document. Most documents that are  
23 referred to, we either have as an appendix or  
24 somewhere else in the record.

25 So I'm saying that -- or my thinking is for a

1 complete record this is referring to a study done  
2 by somebody else or another party, and that should  
3 be part of the record. But I will defer to your  
4 judgment on this.

5 THE HEARING OFFICER: Yes, but the interconnection  
6 facilities in the distribution studies are outside  
7 the jurisdiction of the Council itself, although  
8 they did -- Eversource did review and approve the  
9 interconnection study.

10 What that tells us as a council is that they  
11 are able to interconnect to the distribution  
12 service, and that's really as far as we can go.

13 So I will say that, let's leave it at that  
14 and not create additional information that would  
15 require a cross-examination and continuation.

16 Thank you.

17 MR. EDELSON: With that, I have no further questions.

18 Thank you.

19 THE HEARING OFFICER: Great. Thank you, Mr. Edelson.

20 We are now going to continue with  
21 cross-examination by Mr. Nguyen and then we will  
22 follow by Mr. Silvestri. Mr. Nguyen?

23 MR. NGUYEN: Good afternoon, Mr. Morissette. I do not  
24 have any questions at this time. Thank you.

25 THE HEARING OFFICER: Very good. Thank you, Mr.



1           Nguyen.

2                   We will now continue with Mr. Silvestri  
3 followed by Mr. Lynch. Mr. Silvestri?

4 **MR. SILVESTRI:** Thank you. Mr. Morissette, and good  
5 afternoon, everyone. I have questions both based  
6 on the interrogatories, the original application  
7 and some followups to questions that were posed  
8 already by Mr. Mercier and Mr. Edelson.

9                   But I'd like to take a step back, first of  
10 all, to when we were swearing in the witnesses.

11                   Could someone explain the relationship  
12 between Haddam Quarter Solar, Madison Energy  
13 Investments and Louth Callan Renewables?

14 **MR. BALDWIN:** I'll start with Mr. Basecke and then have  
15 Mr. Neely jump in on the Madison side.

16 **THE WITNESS (Basecke):** Yeah. Graham Basecke with  
17 Louth Callan Renewables.

18                   Haddam Quarter Road Solar is the name of the  
19 solar project, and LCR or Louth Callan Renewables  
20 is the developer with the Madison Energy  
21 Investments being our financial partner.

22 **THE WITNESS (Neely):** Yes, and this is Gerard Neely  
23 responding for Madison Energy investments.

24                   Madison Energy Investments is a financier, owner  
25 and operator of solar distributed generation, DG

1           assets across North America.

2           In this capacity we would be working with LCR  
3           to finance the project, and then ultimately owning  
4           and being responsible for the operation and  
5           maintenance of the facility.

6   MR. SILVESTRI:   Mr. Neely, you had a lot of background  
7           noise -- but let me pose this follow-up question  
8           to you.   Who is the owner/operator of this project  
9           should it be approved?

10   THE WITNESS (Neely):   The longterm owner and operator  
11           will be Madison Energy Investments.

12   MR. SILVESTRI:   Thank you.

13           Ms. Gaudet, I want to go back to questions  
14           that were posed to you by Mr. Mercier, one of them  
15           being on the walking trail.

16           If I heard correctly, people are using the  
17           walking path right now.   Is that correct?

18   THE WITNESS (Gaudet):   Yes.   It's our understanding  
19           from the public information session that the Town  
20           of Durham held, that people routinely use  
21           primarily, as I said, the farm road that exists  
22           now to walk on and through the property.

23   MR. SILVESTRI:   Do you know if they arrive at the site  
24           by foot, or by car?

25   THE WITNESS (Gaudet):   I believe based on my

1 observations at times when I visited the site that  
2 it is primarily foot traffic. I have not observed  
3 cars parked along Johnson Lane, but there is a lot  
4 of pedestrian traffic -- recreational traffic, I  
5 would call it, along Johnson Lane and apparently  
6 onto the property.

7 MR. SILVESTRI: Thank you. And you're proposing to,  
8 how should we say, upgrade that walking route?

9 Would that be correct?

10 THE WITNESS (Gaudet): I don't know that it would --  
11 would constitute an upgrade. It is a substitute  
12 location. Residents of the area were concerned  
13 about losing the opportunity to travel through the  
14 property on the existing farm road, and the  
15 applicant wanted to make sure that there was a way  
16 to respond to the concerns that they were  
17 expressing about not having continued access.

18 MR. SILVESTRI: Okay. Thank you. And while I have  
19 you, while you were talking about trees on the  
20 property that would be removed, would those trees  
21 be removed due to shading?

22 THE WITNESS (Gaudet): Yes, they would.

23 MR. SILVESTRI: Very good. Thank you.

24 And a followup to what Mr. Edelson was asking  
25 about, agricultural co-use. Was there any

1 consideration to planting low growing crops below  
2 the panels?

3 THE WITNESS (Basecke): (Inaudible) With Louth Callan  
4 Renewables. We have not considered anything  
5 underneath. Is that what you're asking,  
6 Mr. Silvestri, in terms of underneath the panels?

7 MR. SILVESTRI: Underneath, low growing crops, squash  
8 pumpkins, any anything that would grow low, if you  
9 will.

10 THE WITNESS (Basecke): Right. Yeah, alfalfa as well.  
11 We have definitely considered that and that's an  
12 option that we are planning on maybe pursuing with  
13 MEI. MEI has a lot of experience with certain  
14 co-use plans, and they can bring a lot of great  
15 expertise to -- to a certain co-use plan of that  
16 nature.

17 MR. SILVESTRI: Then a followup to both my question and  
18 what Mr. Edelson had asked. Right now we have a  
19 lot of hypotheticals as to what might be coming  
20 through for agricultural co-use.

21 Any idea when plans might be definite for  
22 co-use should this project be approved?

23 THE WITNESS (Basecke): Yeah. Graham Basecke with  
24 Louth Callan. We can come up with a plan, I would  
25 imagine, in the next coming months. Even a week

1 or so after approval that shouldn't be something  
2 very difficult for us to come up with.

3 MR. SILVESTRI: But this is something that you're  
4 definitely going to pursue. Correct?

5 THE WITNESS (Basecke): Correct.

6 MR. SILVESTRI: Very good. Thank you.

7 And Mr. Gustafson, you had mentioned the  
8 correction on the SPCC regarding removing the  
9 regional water authority control room number and  
10 putting in the Town instead.

11 And what was the division of the Town that  
12 you had mentioned?

13 THE WITNESS (Gustafson): It was the Town of Durham.

14 MR. SILVESTRI: No particular department?

15 THE WITNESS (Gustafson): There their land use  
16 department.

17 MR. SILVESTRI: Land use? Thank you. Then a general  
18 question based on that spill response plan; that  
19 would be the only phone number that I see being  
20 included.

21 Has there been consideration for adding  
22 additional phone numbers such as -- it says,  
23 contact the disposal company, contact appropriate  
24 local, state and federal agencies, et cetera. Has  
25 there been consideration to put in the phone

1 numbers to make this more usable?

2 THE WITNESS (Gustafson): So we can certainly add in  
3 those applicable phone numbers and specific, like,  
4 the DEEP spill response phone number during the D  
5 and M phase, should the Council approve the  
6 project.

7 MR. SILVESTRI: Thank you. Then going back to the  
8 application itself, on page 10 of the application  
9 it talks about temporary fuel storage during  
10 construction. The questions I have is, how much  
11 fuel? And how would it be stored?

12 THE WITNESS (Gardiola): Kyzer Gardiola here with Louth  
13 Callan.

14 The amount of fuel will be limited to  
15 approximately, I'd say 20 gallons, which is  
16 typically found enclosed in a fuel cell tank that  
17 is installed behind, typically our site  
18 supervisor's truck bed.

19 So it's not often that this fuel is stored on  
20 site at all times. It -- we only fill this fuel  
21 cell when we are required to fill up the other  
22 existing machineries on site. So it's -- we -- we  
23 don't have a designated tank that will remain on  
24 site at all times. It's mainly used for refueling  
25 purposes.

1 MR. SILVESTRI: If I heard you correctly, this  
2 20 gallons would be stored on a truck?

3 THE WITNESS (Gardiola): Yes, it's -- it's typical.  
4 It's a typical fuel cell that has a typical pump  
5 to it that we drive to the gas station.

6 It remains on the truck itself. It doesn't  
7 remain on site, and we drive up to the existing  
8 machineries we have on site, the heavy equipment,  
9 and we fill each individual machine -- that we  
10 can't bring to the gas stations -- via the fuel  
11 cell.

12 MR. SILVESTRI: So the truck would be brought on site  
13 when needed to refill refuel equipment. Once it's  
14 refueled, then truck would leave. Correct?

15 THE WITNESS (Gardiola): That is correct, yes.

16 MR. SILVESTRI: Okay. Thank you.

17 And the fuel itself, diesel? Gasoline?

18 THE WITNESS (Gardiola): That is correct, diesel.

19 MR. SILVESTRI: Diesel? Thank you.

20 THE WITNESS (Gardiola): Yeah.

21 MR. SILVESTRI: All right. Moving to page 11 of the  
22 application, it mentions that the project would  
23 not produce significant noise during operation.

24 A couple questions. What is expected, and  
25 from what equipment?

1 THE WITNESS (Gardiola): Kyzer Gardiola with Louth  
2 Callan.

3 The majority of equipment that will be seen  
4 on site would be earth-moving equipment such as an  
5 excavator or forklifts, which do have diesel  
6 engines which do produce some noise -- but it is  
7 going to be minimized.

8 There are no particularly loud explosions or  
9 any activities that surpass general machineries  
10 just moving along the site itself.

11 MR. SILVESTRI: How about the operation of the solar  
12 farm itself?

13 THE WITNESS (Gardiola): The operation of the solar  
14 farm itself produces very, very minimal sound. If  
15 anything, it can be described as like a very  
16 subtle humming noise that you'll really only hear  
17 when you're within, I'd say, five to ten feet of  
18 the solar transformer.

19 So if you're a pedestrian walking on the --  
20 along Johnson Lane, or if you're one of the  
21 abutters, there is no noise that you'll hear  
22 whatsoever coming from the solar farm.

23 MR. SILVESTRI: And you're saying mostly from  
24 transformers, that that noise would emanate from?

25 THE WITNESS (Gardiola): That that is correct. And



1 that is -- and that's not a noise that occurs  
2 24/7. That typically only occurs when the  
3 transformer itself is producing a full load, which  
4 is typically between the hours of 10 a.m. to  
5 2 p.m., or 3 p.m.

6 And that noise again is -- you will not hear  
7 unless you're standing within five feet of that  
8 transformer.

9 MR. SILVESTRI: Would you anticipate that the  
10 transformers would emit a sound at night?

11 THE WITNESS (Gardiola): From my experience the  
12 transformers do not.

13 There they remain energized, but since the  
14 load that it carries during the nighttime is  
15 minimal, the electrical magnetic fields within  
16 that transformer will not create noises similar to  
17 what you'll experience during the day.

18 MR. SILVESTRI: Thank you for your response. And one  
19 last question on noise. Do you expect any type of  
20 noise to be emitted from the inverters?

21 THE WITNESS (Gardiola): So the inverters do have small  
22 electric fans for cooling. Those fans are similar  
23 to a noise that you would hear from, let's say,  
24 your computer when it is blowing air to cool  
25 itself.

1           If you -- so that noise is very limited to  
2           that fan that is the noisiest component of that  
3           inverter.

4   **MR. SILVESTRI:** Thank you. And actually I had one more  
5           on noise. You mentioned people walking on Johnson  
6           Lane or nearby neighbors. What about impacts to  
7           people that might be walking on that new path, or  
8           the existing walking path?

9           Do you anticipate any noise issues there?

10   **THE WITNESS (Gardiola):** Given the location of the --  
11           the walking path and its distance to where our  
12           electrical equipment are going to be located, I do  
13           not anticipate any noise issues along that path.

14   **MR. SILVESTRI:** Thank you for your response.

15           Changing gears. If you could look at photo  
16           number 13 -- that's one-three.

17           Could somebody tell me what the slope of the  
18           hill is in that photo?

19   **MR. BALDWIN:** Mr. Silvestri, just to make sure we're  
20           looking at the same thing? This is photo 13 in  
21           the environmental assessment? Or are we -- I just  
22           want to make sure that the transcript  
23           (unintelligible.)

24   **MR. SILVESTRI:** Attorney Baldwin, give me one second to  
25           pull it up on my computer, and I'll give you a

1           bona-fide answer.

2   MR. BALDWIN:   Okay.   Thank you.

3   THE HEARING OFFICER:   Mr. Silvestri, I think it's the  
4           remote field review.

5   MR. SILVESTRI:   Almost there.

6           Yes, it is the remote field review.

7           Thank you, Mr. Morissette.

8   MR. BALDWIN:   But just so we're clear, the sheet photo  
9           13 in the remote field review actually shows four  
10          photographs.   Are we looking at the same one?

11   MR. SILVESTRI:   Yeah, I'm looking more at the upper  
12          left and the upper right.

13   MR. BALDWIN:   We'll probably hope that Mr. Tao steps  
14          into the frame there -- there he is.

15   THE WITNESS (Tao):   Hello.   This is Jin Tao with APT.

16           In reference to those photos and my site walk  
17          of the site, that hill -- that hill has an average  
18          slope of about 20 to 25 percent.

19   MR. SILVESTRI:   And are there panels that would be  
20          placed on that hill?

21   THE WITNESS (Tao):   Yes, there are panels that would --  
22          that will be placed on that hill.

23   MR. SILVESTRI:   As is?   Or would grading be needed to  
24          bring that down to a lesser slope?

25   THE WITNESS (Tao):   Per the original design, it is

1           believed that the racking can accommodate that  
2           slope without the need for grading.

3 MR. SILVESTRI: All right. Thank you for your  
4           response.

5           Okay. New question. There are two proposed  
6           access ways from Johnson Lane, and they appear to  
7           T-cut. So they come in from Johnson Lane and kind  
8           of form a "T."

9           My question is, how would you access the  
10          panels for maintenance or areas for mowing from  
11          those access roads/access ways?

12 THE WITNESS (Tao): This is Jun Tao with APT.

13          While the access ways enter into the fenced  
14          facility, the fenced facility will maintain a  
15          minimum of 15 feet between the fence and any  
16          proposed panels.

17          The interrow spacing between the panels  
18          themselves is kept at 50 feet, which should allow  
19          for all the maintenance and mowing access needed  
20          throughout the field -- the fenced array.

21 MR. SILVESTRI: So do you anticipate them to access  
22          them? Would you have a small truck? A golf cart?

23          What type of means would you have to go  
24          between the panels to get to where you need to go?

25 THE WITNESS (Tao): This is Jin Tao.

1 I'm hoping that Kyzer will have more detail  
2 on the maintenance requirements for the facility.

3 THE WITNESS (Gardiola): Hi. Kyzer Gardiola with LCR.

4 Could you just repeat that question one more  
5 time, if you don't mind?

6 MR. SILVESTRI: Yeah. If you have, say, 15 feet of  
7 spacing either between the panels and the fence,  
8 or between the panels themselves, how do you go  
9 between them? Or I should say, what type of  
10 vehicle or mechanism would you use to get between  
11 the panels?

12 Would it be a small truck? A golf cart? I'm  
13 curious how you'd, say, replace a panel that's  
14 furthest away from Johnson Lane?

15 THE WITNESS (Gardiola): As far as servicing the  
16 equipment goes, the -- the panel itself, the way  
17 it's mounted on the equipment, it's relatively  
18 easy to remove from a replacement standpoint.

19 Each panel is lightweight enough where two  
20 individuals can remove a panel and carry it to the  
21 closest location of where a service vehicle is --  
22 can park.

23 If that area is the access roads, that's --  
24 then the individuals who are servicing the array  
25 will carry said panel to that, that access road.

1           Ideally, yeah, there's -- there's no really  
2 requirements for us to be driving vehicles along  
3 the -- the rows. Most of the pieces that build  
4 the array can be serviced without needing vehicles  
5 in close proximity of where we're servicing it.

6 MR. SILVESTRI: So if I understand correctly, the  
7 vehicles would be on those access ways from  
8 Johnson lane, perhaps stay there. Personnel would  
9 come out; walk to wherever they needed to go, and  
10 then come back to those vehicles.

11           Would that be a correct assessment?

12 THE WITNESS (Gardiola): That is correct.

13 MR. SILVESTRI: Thank you. Because the followup I had  
14 is, if you have vehicles moving in and out, I was  
15 going to ask you, what would happen with the  
16 pollinators and other type of material that you  
17 planted? But I'm okay with the answer that you  
18 provided. Thank you.

19           Regarding the panels themselves, the racking,  
20 would that be screwed in? Or driven-in posts?

21 THE WITNESS (Gardiola): Kyzer Gardiola here. As of  
22 now we -- we do not have a specific racking  
23 manufacturer selected for this project. During --  
24 but both screw, ground screws or piles that are  
25 driven in are both feasible options for this site.

1 MR. SILVESTRI: Do you anticipate any ledge or rock  
2 that would be encountered?

3 THE WITNESS (Gardiola): I would have to review the  
4 geotechnical report for this project and refer to  
5 that, whether or not existing ledge has been found  
6 on site.

7 MR. SILVESTRI: Thank you. And regarding the panels,  
8 do you know if the panels would pass a TCLP test?

9 THE WITNESS (Gardiola): I believe we have provided a  
10 passing TCLP test which our attachments.

11 MR. SILVESTRI: I might have overlooked it, but I'll  
12 look again. Thank you.

13 MR. BALDWIN: Mr. Silvestri, that's attachment three of  
14 the Applicant's exhibit 5, the interrogatory  
15 responses.

16 THE WITNESS (Basecke): And Graham Basecke with Louth  
17 Callan Renewables.

18 Yes, we have conducted a TCLP report with our  
19 manufacturer and they have all been below limits  
20 of the standards there.

21 MR. SILVESTRI: Thank you.

22 Let's see. Going back to, I believe, it's  
23 EC-4, but let me just pull that up on my computer.

24 Yes. If we go back to EC-4, at the very  
25 bottom right of that drawing there is that oval

1           shaped figure. I just want to verify that that's  
2           supposed to be a stockpile area. Is that correct?

3 THE WITNESS (Tao): This is Jin Tao with APT.

4           That is correct.

5 MR. SILVESTRI: And then below that is a diversion  
6           swale. Is that proposed to be new?

7           Or is that existing already?

8 THE WITNESS (Tao): Again Jin Tao with APT.

9           That is proposed to be new.

10 MR. SILVESTRI: And the location of that is -- well,  
11           let me rephrase that. Why was that chosen as the  
12           location for that diversion swale?

13 THE WITNESS (Tao): There are actually two diversion  
14           swales proposed on site. Both are designed to  
15           intercept flows from existing culverts under  
16           Johnson Lane and divert that swale from those  
17           culverts away from the project.

18 MR. SILVESTRI: Okay, because the thing I'm confused  
19           with -- if you look back at GD-1, it seems that  
20           the drainage pattern for that bottom right area is  
21           going more towards the right of the drawing, which  
22           would be the -- oh, kind of northeast direction,  
23           towards the new detention basin that you have  
24           hooked up.

25           So I'm kind of curious as to why that first



1 swale might not be located over in the northeast  
2 area, as opposed to where it's proposed to be  
3 located.

4 **THE WITNESS (Tao):** This is Jin with APT.

5 That diversion swale is designed to divert  
6 the flow coming from off site from the south of  
7 Johnson Lane.

8 Between the two proposed diversion swales  
9 servicing the existing culverts from Johnson Lane,  
10 there's about 33 acres of watershed. It's  
11 designed to actually bypass the permanent water  
12 quality basin so that the offsite flows are not  
13 going to overflow that basis.

14 **MR. SILVESTRI:** Let me make sure I heard that right.

15 So the one on the bottom, the new diversion swale  
16 that would go in right near Johnson Lane, that's  
17 to take care of water coming from Johnson Lane?

18 **THE WITNESS (Tao):** It's actually to take water coming  
19 from south of Johnson Lane. There's -- there's a  
20 watershed associated with the hill that is south  
21 of Johnson Lane. That is coming onto our site via  
22 the existing culvert under Johnson.

23 **MR. SILVESTRI:** So the water then for this particular  
24 drawing will be going from the bottom to the top  
25 across Johnson Lane to the property, would

1 intersect with that new diversion swale.

2 And then where does the water go?

3 THE WITNESS (Tao): That is correct. And then the  
4 water will continue its path to Hersig Brook.

5 MR. SILVESTRI: Gotcha. Thank you. Thank you very  
6 much for that one.

7 Let's stay with Hersig Brook for a second.

8 If we go back to -- and this is the  
9 interrogatories -- photo log in attachment six.

10 It depicts an existing farm road that seems to  
11 cross for Hersig Brook. Am I correct that that  
12 road will not be used at all by the project either  
13 for construction or post construction?

14 THE WITNESS (Tao): This is Jin Tao with APT.

15 That is correct.

16 MR. SILVESTRI: Thank you also. All right. If I can  
17 have you look at the overall site plan, which I  
18 believe is PVE-1.1. It kind of points to five  
19 poles to connect with the utility grid, but when I  
20 look at either page 6 of the application or page  
21 13 of the interrogatory responses, it talks about  
22 four poles.

23 Which one is actually correct? Is it four  
24 poles or five poles.

25 THE WITNESS (Gardiola): Kyzer Gardiola here. Let me

1 review the interconnection agreement with the  
2 utility, if I could have a second?

3 MR. SILVESTRI: Oh, absolutely.

4  
5 (Pause.)

6  
7 THE HEARING OFFICER: Mr. Silvestri, may I suggest that  
8 we take a break at this time and let them  
9 investigate your question?

10 And when we come back hopefully we will have  
11 a response and we continue from there?

12 MR. SILVESTRI: That's fine, Mr. Morissette. And I  
13 only had two other questions after that -- but  
14 yeah. That's a good idea. Thank you.

15 THE HEARING OFFICER: Okay. So we will return back  
16 here at 3:40. All right? So a twelve-minute  
17 break. Very good.

18 Thank you, everyone. See you at 3:40.

19  
20 (Pause: 3:27 p.m. to 3:40 p.m.)

21  
22 THE HEARING OFFICER: Thank you. So we are back on the  
23 record.

24 Mr. Silvestri, it's all yours.

25 MR. SILVESTRI: Thank you, Mr. Morissette.

1 I don't know if the Applicant had a chance to  
2 tell me if there's four poles or five poles that  
3 are going to be included in the project.

4 THE WITNESS (Gardiola): I have, yes. Kyzer Gardiola  
5 with LCR.

6 Upon review of our documentation of  
7 interconnection with the utility, the minimum  
8 amount of poles that would be required to connect  
9 our system to the existing electrical grid would  
10 be four poles. These are the poles that are  
11 required by Eversource.

12 Along with these four poles the customer, or  
13 the solar facility itself may have additional  
14 poles which will have the customer-owned equipment  
15 that belongs to the solar facility that is  
16 necessary to connect our electrical infrastructure  
17 to the four poles that are going to be used by the  
18 utility.

19 And these poles are necessary for relay  
20 protections and metering purposes.

21 MR. SILVESTRI: So if I understand correctly, there's  
22 four poles minimum that, I guess, Eversource would  
23 need for their purposes and the project itself  
24 might need more. Correct?

25 THE WITNESS (Gardiola): That is correct. From a

1 review of the electrical drawings submitted to the  
2 utility, it appears to be that an additional three  
3 poles will be required that is going to be owned  
4 by the facility.

5 And the four poles mentioned earlier are  
6 going to be owned by Eversource.

7 MR. SILVESTRI: So possibly seven poles total?

8 THE WITNESS (Gardiola): Correct.

9 MR. SILVESTRI: All on Johnson Lane?

10 THE WITNESS (Gardiola): The pole set, only one pole  
11 will be along Johnson Lane and the additional  
12 poles will be located within the property.

13 MR. SILVESTRI: Then has there been any discussion with  
14 Eversource or consideration by the Applicant on  
15 going underground to remove one or more of these  
16 poles?

17 THE WITNESS (Gardiola): As far as utility equipment  
18 goes, unfortunately we are required to put these  
19 up on overhead poles. However, as the facility  
20 electrical equipment, we have more of flexibility  
21 here to install these in underground pad mounted  
22 equipment.

23 MR. SILVESTRI: Okay. Thank you for your responses.

24 Okay. A few other questions that I have going  
25 back to the interrogatory on page 20, which is the

1 response to question number 42. It talks about a  
2 stormwater meeting with the Department of Energy  
3 and Environmental Protection.

4 Did that occur yet?

5 THE WITNESS (Tao): This is Jin Tao with APT.

6 We have a pre-application meeting with CTT on  
7 October 7.

8 MR. SILVESTRI: Okay. Thank you. So that's coming up.  
9 And for some reason I wrote down, SHPO response,  
10 but I don't have anything else on my notes.

11 So I'll ask you, did SHPO respond?

12 And it might be in the document but I'll just  
13 pose the question, anyhow.

14 THE WITNESS (Gaudet): We did receive a response from  
15 SHPO, and it is included in the interrogatory  
16 responses.

17 MR. SILVESTRI: Very good. Thank you. All right. So  
18 if I have everything right from my notes, a couple  
19 of things that we talked about and would be under  
20 consideration, I guess, is the agricultural co-use  
21 part of it.

22 Whether the post for racking would have to be  
23 screwed in or driven, that still needs to be  
24 determined.

25 And we just talked about the poles, that

1 there could be a potential for undergrounding.

2 One last question I have goes back to  
3 appendix F, which is the visual documentation that  
4 we have. I see a whole bunch of plantings that  
5 could be possible from dwarf river birch,  
6 nannyberry, common juniper, et cetera.

7 Well, the question I have for you -- when I  
8 look at Johnson Lane, you have the proposed  
9 western access drive. You have the area east of  
10 the existing farm road. Both of those areas along  
11 with the east of proposed eastern access drive has  
12 some pretty visible areas of the panels.

13 Is there anything proposed to be planted that  
14 might be a little bit higher, say, fence height to  
15 try to block the view of the panels along Johnson  
16 Lane?

17 **THE WITNESS (Gaudet):** Mr. Silvestri, the combination  
18 of plantings that is shown on the landscaping plan  
19 was chosen to avoid any shading from new  
20 plantings. And therefore, the plants are  
21 specifically chosen not to exceed the fence  
22 height.

23 We do have a couple of -- of the species that  
24 are taller, specifically the staghorn sumac and  
25 the nannyberry. And those are proposed for some

1 of the locations to the west and the east where  
2 there would be either a sufficient distance from  
3 the panels, or an east -- a west facing  
4 orientation so that we would be able to use some  
5 of the taller species there.

6 Along Johnson Lane, that being the southerly  
7 border, we would have to limit ourselves to the  
8 lower growing varieties.

9 MR. SILVESTRI: Thank you, Ms. Gaudet.

10 What I'm looking at, if you can look at  
11 proposed photo number two? This is Johnson Lane  
12 east of the existing farm road. There's some  
13 plantings that are there that -- I don't know.  
14 Maybe they come up a foot, maybe two, tops. You  
15 can still see the top of the fence.

16 I'm just wondering if anything could be  
17 planted a little bit higher to help with some  
18 landscaping, but again not get into the screening  
19 aspect of your panels?

20 THE WITNESS (Gaudet): Mr. Silvestri, I'm afraid that  
21 Zoom did not do well by your question, and there  
22 was a lot of breaking up in the middle of it.

23 I think what you're asking is whether it's  
24 possible to come up with something that is taller  
25 in that location.



1 MR. SILVESTRI: That is correct, without interfering  
2 with getting to the top of the fence or  
3 interfering with shading or your panels.

4 THE WITNESS (Gaudet): One of the challenges here is  
5 that there are many locations along that southern  
6 border with Johnson Lane where Johnson Lane is  
7 higher in elevation than the project area itself.

8 And that does have some adverse impact on our  
9 ability to -- to screen from that, from that  
10 vantage point.

11 We are -- we are showing here some of the --  
12 some of the varieties I think that many, in many  
13 cases as they mature they will do more to actually  
14 screen the visibility. I would also point out,  
15 however, that in response to comments at the  
16 public hearing, the public information session  
17 that the Town conducted, one of the main concerns  
18 expressed by residents of the area was that they  
19 did not like the appearance of a chain-link fence.

20 And the Applicant went to some significant  
21 effort to make sure that fence was replaced with  
22 something that was more rural in nature. And the  
23 overall effect was to maintain a somewhat  
24 un-manicured and rural appearance for the project  
25 as a whole.

1 I will -- I will comment also that at the  
2 second public information session, when the  
3 proposed design for the fence and the plantings  
4 was presented the comments from the members of the  
5 public were generally favorable, I would say.

6 MR. SILVESTRI: Thank you. Just two quick followups.  
7 The fence that's proposed, say, in the photo I  
8 mentioned -- or photo number three, right now it  
9 just looks like you have a couple of posts and  
10 there's a top rail that goes across.

11 Is there anything else that goes along with  
12 that fence that's really not depicted in the  
13 photo?

14 THE WITNESS (Tao): Hello. This is Jin Tao with APT.  
15 Yes, there's actually a series of netting that  
16 goes from that top rail all the way down to the  
17 bottom that Dean -- Dean Gustafson mentioned  
18 earlier in response to a different comment.

19 Unfortunately, that netting just isn't  
20 visible -- as visible on these depictions of these  
21 graphics.

22 MR. SILVESTRI: Yeah, that's why I asked the question.  
23 When you say netting, is it kind of like a  
24 chain-link fence? Or something different?

25 THE WITNESS (Tao): It is not intended to be chain

1 link. I do not have the specific specs of the  
2 netting. Yeah, it's like narrower wires, but  
3 that's -- that that will be designed and fully  
4 implemented in -- for the plans for D and M.

5 MR. SILVESTRI: Okay, thank you. And maybe my last  
6 question, possibly for Mr. Gaudet.

7 When you mentioned Johnson Lane is at a  
8 higher topography than the area for the panels, do  
9 you know if the area south of Johnson Lane, where  
10 we have some residences, do you know if that might  
11 be level with Johnson Lane, or lower or higher in  
12 topography?

13 THE WITNESS (Gaudet): You're asking about the  
14 residences on the south side of Johnson Lane?

15 MR. SILVESTRI: That is correct.

16 THE WITNESS (Gaudet): In general, I would say the  
17 topography rises from Johnson Lane to -- to those  
18 houses. That's a very wooded area across the  
19 street, generally.

20 MR. SILVESTRI: So from the proposed project area going  
21 south, the topography rises.

22 Did I get that correct?

23 THE WITNESS (Gaudet): That is correct.

24 MR. SILVESTRI: Very good. Thank you. Thank you very  
25 much. Mr. Morissette, that's all the questions

1           that I do have, and I thank you.

2   **THE HEARING OFFICER:** Thank you, Mr. Silvestri.

3           We now continue to cross examination by  
4           Mr. Lynch, followed by myself. Mr. Lynch?

5   **MR. LYNCH:** Can you hear me, Mr. Morissette?

6   **THE HEARING OFFICER:** Yes, I can, Mr. Lynch. Thank  
7           you.

8   **MR. LYNCH:** Before I ask any questions, I'd like to  
9           welcome back Ms. Gaudet to her appearances before  
10          the Council. We haven't seen you in a while.

11   **THE WITNESS (Gaudet):** It's good to be back, Mr. Lynch,  
12          and good to see you -- as it were.

13   **MR. LYNCH:** Just a couple of followups on questions  
14          that were asked by other council members and  
15          staff. And I'll just start off with Mr. Silvestri  
16          talking about the fences perhaps.

17                 At any of your facilities has there been any  
18          damage done to the fence by larger animals? An  
19          example, bears, they're causing a lot of problems  
20          in Western Mass and Western Connecticut. They're  
21          even going through electrified fences.

22                 Is there any concern about that?

23   **THE WITNESS (Gardiola):** (Inaudible) -- Callan  
24          Renewables. We've installed several of these  
25          fences along our projects all over the Northeast,

1 in which there are, you know, species such as  
2 bears that are prevalent in the area. And we've  
3 really not had any damages to our fences.

4 The -- the actual fence that we're using here  
5 is, you know, primarily used in many agricultural  
6 uses. So it's -- it is pretty effective at  
7 maintaining, acting as a barrier or boundary to --  
8 to objects or species, or people that we don't  
9 want entering the compound.

10 MR. LYNCH: I guess my next question would be to follow  
11 up. If a bear or a large animal got into your  
12 compound how much damage could they do to the  
13 facility?

14 A VOICE: (Inaudible) here. All of the --

15 MR. LYNCH: Before you answer, I've got an amendment to  
16 that. It's an attractive nuisance for kids. So  
17 add that as well as animals into your answer.

18 THE WITNESS (Gardiola): (Inaudible) itself is truly  
19 designed to keep anyone or anything from entering  
20 the site that's not -- that's going to produce any  
21 harm to the facility or to themselves by entering.

22 So as far as the facility itself, by -- by  
23 code and by nature we are required to enclose it  
24 by fencing due to the dangerous voltages that are  
25 found in the facility. However, these -- these

1 sites are designed to have multiple and redundant  
2 safety devices in which, for example, all of our  
3 electrical equipment have safety warning labels in  
4 them to not access it when live. That cautions  
5 any individuals that might find themselves within  
6 the facility to not, you know, touch live  
7 electrical parts.

8 Other than that, most of the equipment there  
9 are in enclosed containers or boxes that are  
10 relatively hard to access unless you have the  
11 appropriate equipment to either unlock or  
12 dismantle the access points to these equipment.

13 MR. LYNCH: But aren't the panels themselves hot 24  
14 hours a day?

15 THE WITNESS (Gardiola): They -- they are not live 24  
16 hours a day. They -- they really only see power  
17 flowing through them when the sun is -- is up.

18 MR. LYNCH: I can't testify, but I've heard just the  
19 opposite.

20 And they asked questions about liability  
21 earlier. Now is the project itself insured for  
22 damages and liability for the specific project?

23 Or is there an umbrella policy that covers  
24 the whole project?

25 THE WITNESS (Neely): Hi, this is Gerard Neely

1 representing Madison Energy Investments.

2 As a part of our due diligence process when  
3 we are owning assets such as this we do have  
4 insurance for the life of -- the lifetime of the  
5 asset's operation.

6 MR. LYNCH: And that covers both damage and liability,  
7 I'm assuming?

8 THE WITNESS (Neely): Correct.

9 MR. LYNCH: There was also questions about trees  
10 falling onto the project and causing damage, but  
11 in the past most of the damage I've seen to these  
12 solar farm arrays has not really come from the  
13 trees, but from the branches that come off the  
14 trees and act as projectiles going into the  
15 panels.

16 Now when something like that happens, a panel  
17 is damaged, does that whole project get shut down?  
18 Or just that panel? And how long does it take to  
19 repair something like that and have it up and  
20 operating again?

21 THE WITNESS (Gardiola): Kyzer Gardiola with LCR.

22 When we experience significant damage to the  
23 panels itself, it's that we do have monitoring  
24 capabilities for the site.

25 What that means is that we do have personnel

1 that is monitoring the performance of each site in  
2 which we can get alerted when events like that  
3 occur for these sites. And given that it is in  
4 our best interests to fix the site since it is a  
5 site that will, you know, that produces revenue,  
6 so we do take immediate action to repair such  
7 damages.

8 The timelines for such repairs typically vary  
9 based on severity and level of danger and  
10 immediate threat to the site. So that being said,  
11 if there is a broken panel I wouldn't be surprised  
12 if that is address -- if that's, you know,  
13 addressed within a couple of days time.

14 MR. LYNCH: Now do you have on your staff in-house  
15 repair people? Or do you subcontract that out?

16 THE WITNESS (Gardiola): We do have in-house repair  
17 capabilities. So we do have a full fledged team  
18 of technicians and electricians that do routine  
19 truck rolls on each site and fix these assets that  
20 require maintenance.

21 MR. LYNCH: Thank you. And as far as storms are  
22 concerned -- going back, last year we had a  
23 couple. We had one big storm, snow storm. We had  
24 a couple others, but I noticed that for after the  
25 storm there was some severe cold, and the solar



1 panels I saw for both solar farms and on  
2 residents, the ice did not melt right away.

3 What happens in that circumstance?

4 THE WITNESS (Gardiola): When ice does accumulate on  
5 top of these panels, there's really no effect.  
6 That shouldn't be of any concern to anybody.

7 Typically we just -- you just let the ice  
8 melt. You wait for the next sunny day, which is  
9 going to be sufficient to melt the ice that is  
10 covering the modules.

11 The same goes for snow. There, there are no  
12 snow removal that are going to be done on these  
13 sites. The -- the panels and the racking itself  
14 is going to be sufficient to support those, those  
15 ones.

16 THE WITNESS (Neely): And this is Gerard Neely from  
17 Madison Energy Investments. We also own and  
18 operate quite a bit of solar farms and facilities  
19 in the state of Minnesota, which sees its fair  
20 share of snow and cold.

21 And so I would add some of those assets are,  
22 like, very far north in Minnesota, like, near the  
23 Canadian border, and they perform quite well even  
24 in the winter.

25 MR. LYNCH: Thank you. I just had -- after seeing that

1 I noticed it. I just had a comment on it, to get  
2 a good question.

3 In the application you say that the northern  
4 property you're not going to use for the project,  
5 but is there any plans for any future use to that  
6 northern property?

7 THE WITNESS (Basecke): Graham Basecke with Louth  
8 Callan Renewables.

9 As of right now there are no future plans.  
10 We intend to keep that as vacant property and/or  
11 active farmland, like we discussed previously.

12 MR. LYNCH: Thank you. Now as far as the transformers  
13 and inverters, the inverters are controlled by  
14 yourself, your company, but who controls the  
15 transformers?

16 Is that Eversource? And is the transformer  
17 inside the property? Or is it outside?

18 THE WITNESS (Gardiola): Kyzer Gardiola with Louth  
19 Callan.

20 The transformers are going to be enclosed  
21 within the property. It's going to be located  
22 within the fence, and those will be owned by the  
23 facility in which we will operate and maintain  
24 that, those transformers.

25 MR. LYNCH: Do you have to do that in conjunction with

1 Eversource? Or can do that on your own?

2 THE WITNESS (Gardiola): Some coordination will have to  
3 be done with Eversource, but for the most part  
4 we -- we have the ability to turn our site off  
5 when it comes to any maintenance required.

6 So as far as being able to maintain and  
7 operate our own transformers, we have the  
8 capability to disconnect from the grid and, you  
9 know, perform any maintenance required.

10 MR. LYNCH: Thank you. As your facility is going to be  
11 a peaking plant, from what you say, is there any  
12 future development, development that as we get  
13 more and more into a green environment that it may  
14 become more of a baseload plant that is controlled  
15 by the ISO?

16 THE WITNESS (Gardiola): Kyzer Gardiola with Louth  
17 Callan.

18 As of now, our interconnection is -- is  
19 simply just purely exporting to the grid based on  
20 our AC capacity. There are no -- we do not have  
21 any direct, any -- we don't have anything to do  
22 with ISO other than going through the utility and  
23 their diligence with the ISO grid.

24 MR. LYNCH: Now your power is going to go to Eversource  
25 through a distribution system. What is the

1 benefit of going through a distribution system  
2 versus a transmission system?

3 THE WITNESS (Gardiola): The benefits of going through  
4 the distribution -- the distribution system is  
5 that we are producing and generating power at a  
6 level that can be easily distributed through the  
7 surrounding buildings or facilities that require  
8 power.

9 That's sort of the main purpose of  
10 distributed generation where you have smaller  
11 facilities that are interconnected on the -- on  
12 the substation or on the distribution level  
13 systems. It's -- it's more reliable and it allows  
14 for less infrastructural upgrades within the  
15 utilities' electrical systems.

16 MR. LYNCH: You were talking earlier to Mr. Silvestri  
17 about the fuel being stored on site. Now does  
18 that mean -- and I'm assuming maybe incorrectly --  
19 that all the lay-down area for this project is  
20 going to be on site?

21 THE WITNESS (Gardiola): We will have a designated  
22 lay-down area that is temporary during the time  
23 period of construction.

24 MR. LYNCH: Thank you. Could you explain a little bit  
25 more for me what you're deenergizing plan is -- or

1           what it is?

2   **THE WITNESS (Gardiola):** Is that in regards -- is that  
3           a decommissioning plan? Or a deenergization plan  
4           during --

5   **MR. LYNCH:** I'll get to decommissioning in a minute.

6   **THE WITNESS (Gardiola):** Okay. The deenergization plan  
7           will be something that is part of our operations  
8           and maintenance manual, which typically is given  
9           to the owners, such as Madison Investments, along  
10          with the team members that are going to be  
11          operating the -- the facility itself.

12                 The deenergization plan really is used when  
13                 the site was being maintained and inspected. It's  
14                 very rare that we would want to turn off or  
15                 deenergize the site unless there are significant  
16                 modifications or repairs needed within the  
17                 facility. But as far as -- would you like me to  
18                 go into the process of how the site is  
19                 deenergized? Or is it more of a, do we have a  
20                 plan for how the site is operated?

21   **MR. LYNCH:** Actually, both. I would like to get a  
22           better understanding of just what is involved.

23   **THE WITNESS (Gardiola):** Sure. Yeah. As far as  
24           deenergizing the site itself, we have one  
25           equipment, one primary equipment that shuts off

1 the whole site.

2 This is part of the interconnection with the  
3 utility, so it's -- it's going to be one of the  
4 poles that interfaces with the four poles that is  
5 owned by the utility. And in that pole is -- you  
6 can think of it as a switch. That is -- that  
7 you -- that has a lever and visible disconnect on  
8 top of the pole itself that will signify that the  
9 site is off.

10 And to operate it, it's simply a lever that  
11 you pull down. However, there again, there's a  
12 little bit of safety training or safety steps  
13 required prior to operating this switch due to the  
14 high voltage nature of the interconnection.

15 MR. LYNCH: Thank you. That leaves me into an  
16 emergency situation with first responders. You're  
17 going to offer the local first responders within  
18 the local area training or any special equipment  
19 they may need to deal with a grass fire or an  
20 electrical fire?

21 THE WITNESS (Gardiola): We will provide the necessary  
22 training to all, all the fire safety and first  
23 responder personnel that -- that might attend to  
24 our facility in case of emergency situations.

25 MR. LYNCH: Now as far as an electrical fire, what

1 would you recommend to the fire department as far  
2 as how to put out an electrical fire? Would you  
3 lean more towards putting it out with water, with  
4 foam, or CO2?

5 MR. BALDWIN: You might think about leaving that to the  
6 professionals, Mr. Lynch.

7 But if you're comfortable answering from your  
8 experience on the --

9 THE WITNESS (Gardiola): Yeah, it really depends on the  
10 nature of the fire. I can't really comment as far  
11 as what the best practice is for putting out the  
12 fire, however there are methods in which we can  
13 safely deenergize the site so that it is -- it is  
14 safe to enter the facility in case of hazards such  
15 as a fire.

16 MR. LYNCH: The only reason I asked is because I didn't  
17 know whether you had a idea with some of the other  
18 facilities how it was being handled.

19 THE WITNESS (Gardiola): Yes. So from -- we really --  
20 just we defer to the fire department with their  
21 methods of putting out fires, however that, you  
22 know, we do go over the existing.

23 We would let them know what the hazards are  
24 that they might encounter within the facility  
25 during the time of fire.

1 THE WITNESS (Basecke): And Graham Basecke here with  
2 Louth Callan Renewables. If I may interrupt? We  
3 have reached out to the fire marshal in the Town  
4 of Durham. We have yet to hear back from them,  
5 unfortunately.

6 However, there are multiple projects in the  
7 town of Durham, and they are well aware of the  
8 safety protocols for a solar facility.

9 MR. LYNCH: Thank you. Now I'm trying to get one last  
10 question here.

11 In the future if this facility, or this  
12 project, whatever you want to call it, is sold  
13 off, let's say, in ten years -- this may be more  
14 for a question for Attorney Baldwin, but do all  
15 the contracts that had been in place for the  
16 electrical output in the decommissioning stay in  
17 place?

18 MR. BALDWIN: But this is probably a question that  
19 Mr. Neely can touch on as well. Mr. Lynch, I  
20 don't want to step outside of my lane here and  
21 start testifying.

22 Mr. Neely?

23 THE WITNESS (Neely): This is Gerard Neely with Madison  
24 Energy Investments.

25 So in the event of a future asset sale the --



1 a future buyer of the asset would also acquire  
2 other associated documents and contracts, i.e.,  
3 the PPA, the lease agreements and also any other  
4 safety docs that are related to the project  
5 company.

6 MR. LYNCH: Thank you.

7 Those are all my questions, Mr. Morissette.

8 THE HEARING OFFICER: Thank you, Mr. Lynch.

9 I have a few follow-up questions, many of  
10 them are follow up associated with other  
11 Councilmembers' questions. But my first question,  
12 I'll start with the screening having to do with  
13 the fencing that was mentioned in response to  
14 Mr Silvestri's questions relating to the fence.

15 The netting that is going to be installed on  
16 the fencing, is the intent of the netting to be a  
17 visual screen? Am I understanding that correctly?

18 THE WITNESS (Gaudet): No, Mr. Morissette. The intent  
19 of the fencing is to provide the security that is  
20 required under the electrical code. It is not  
21 intended to screen visibility of -- of the solar  
22 panels, of the solar array.

23 It is intended, as I indicated earlier, to  
24 provide a contrast in comparison to a chain-link  
25 fence, and to provide a more, more fitting visual

1 effect in this particular area.

2 THE HEARING OFFICER: Thank you. It's my understanding  
3 originally when I read it, it's an agricultural  
4 style fencing. So the netting is throwing me off.

5 It's really a larger square fencing that is  
6 being provided which will allow for animals and  
7 small animals to go through.

8 Is that what you mean? Or is there  
9 additional netting on top of the fencing?

10 I'm a little confused.

11 THE WITNESS (Gaudet): No, your -- your description is  
12 correct. I think netting is -- is a little bit  
13 misleading, and there is no additional, any  
14 additional material other than the wire, which is,  
15 as we indicated, thinner than a chain-link fence  
16 wire would be, but not -- not netting in the sense  
17 of some sort of material, you know, fabric type  
18 material.

19 THE HEARING OFFICER: Great. Thank you for that  
20 clarification. Along the fence questioning,  
21 during the public comment sessions with the Town,  
22 I think you alluded to that there were two of them  
23 and that there seemed to be support for the  
24 fencing that you're proposing.

25 Was there any discussion or thought about

1 providing fencing with a more dense screening  
2 capability?

3 THE WITNESS (Gaudet): First of all, I wouldn't want to  
4 characterize the comments by any members of the --  
5 of the public as support. I don't recall whether  
6 that term was used. I -- I believe I said that I  
7 thought the response to the changes that had been  
8 made between the first session and the second were  
9 generally favorable.

10 We did not consider any additional netting  
11 or -- or screening. The fact is that given the --  
12 the relative elevation from Johnson Lane, as you  
13 can see in the photo simulations that we provided,  
14 the panels will be visible above the fence from  
15 certain vantage points no matter what is placed on  
16 the screen, even if we had a chain-link fence  
17 with -- with full netting behind it.

18 THE HEARING OFFICER: Thank you for that clarification.  
19 That's helpful. So even having a solid fence, for  
20 example, because of the elevation being lower than  
21 Johnson Lane, you would still have visibility of  
22 the array. Correct?

23 THE WITNESS (Gaudet): That's correct. And I think you  
24 would have a solid surface rather than the -- the  
25 generally rural appearance of the fence

1           supplemented by the plantings.

2   **THE HEARING OFFICER:** Thank you. I did see a comment  
3           from -- oh, I forget where. I think it was one of  
4           the abutters relating to possible glare on Johnson  
5           Lane. Does anybody on the panel have a comment  
6           relating to that?

7   **THE WITNESS (Gaudet):** In general, as we indicate in  
8           the environmental assessment -- which I believe is  
9           Exhibit 9, or attachment nine to Exhibit 1 -- the  
10          glare from the panels given the -- the orientation  
11          at which they are placed is similar to what might  
12          come off of a water surface, for example.

13                 We do not anticipate that the glare from the  
14                 panels would have any adverse visual effect on the  
15                 surroundings.

16   **THE HEARING OFFICER:** Thank you. I would like to go to  
17          the site utility plan, sheet number SP-1. My  
18          first question is relating to the west entrance of  
19          the site. If you go north to the other side of  
20          the array, you see where the fence line is. And  
21          there's a kick-out of the line of disturbance.

22                 Why is that kick-out of line of disturbance  
23                 there? To create that open gap?

24   **THE WITNESS (Tao):** This is Jin Tao with APT.

25                 Again, zoom has failed to fully capture the

1 question, but I'm assuming that you are just  
2 wondering why there's a kick-out between the fence  
3 and the LOD in that area?

4 THE HEARING OFFICER: Correct. Thank you.

5 THE WITNESS (Tao): In referencing EC sheet 4, there is  
6 a proposed temporary filter sock associated with a  
7 temporary sediment trap in that location,  
8 principally because the existing grades really  
9 allow for the use of the existing topography and  
10 just minimal modification by the installation of  
11 perimeter controls and filter sock to manage any  
12 runoff during the construction period for the  
13 site.

14 And in keeping with that, showing the LOD  
15 with the maximum extent of disturbance is why  
16 there's that kick-out on that sheet.

17 THE HEARING OFFICER: And so really there's no  
18 disturbance. It's the sediment and erosion  
19 control that you're putting in that area that  
20 you're identifying?

21 THE WITNESS (Tao): That is correct.

22 THE HEARING OFFICER: Okay. Great. Thank you. That's  
23 very helpful. Okay. Mr. Neely, I've got to come  
24 back to you because I didn't fully understand -- I  
25 thank Mr. Edelson for bringing up the feed-in

1 tariff program, but I want to probe that a little  
2 bit further.

3 Now based on what I heard so far, is that the  
4 L-REC and Z-REC program is no longer available,  
5 and neither is the virtual net metering program.  
6 It's no longer available and it's going to be  
7 replaced with the feed-in tariff. Right? So far  
8 so good?

9 THE WITNESS (Neely): I would say that on the Z-REC and  
10 L-REC you are correct. That has now gone away.

11 The virtual net metering as we know it in a  
12 previous iteration has gone away, and there is a  
13 feed-in tariff that is coming into play starting  
14 next year under Public Act 19-35.

15 That is correct.

16 THE HEARING OFFICER: Okay. So the virtual net  
17 metering aspect is tied into the feed-in tariff.

18 THE WITNESS (Neely): Correct. So Under Public Act  
19 19-35, which creates the feed-in tariff, a lot of  
20 the feed-in tariff deals with behind-the-meter  
21 projects. They actually divide it into three  
22 buckets.

23 There's like a small project bucket, like 200  
24 kW and less. There's a medium bucket of 201, I  
25 think, 599 kw, and then 600 Kw and up. And that's

1 most likely the bulk of the feed-in tariff  
2 program.

3           However, if you look at the last iteration  
4 from the utilities commission, there is some  
5 concern and as that concern is being addressed for  
6 front-of-the-meter projects -- because in order  
7 for Connecticut to reach its climate goals while  
8 behind-the-meter projects will be incredibly  
9 useful in addition to, you know, utility scale  
10 projects and getting, you know, to the -- to the  
11 goal set by the Legislature, there also will need  
12 to be front-of-the-meter projects that need to be  
13 allowed.

14           And in the feed-in tariff program, most of  
15 that project work actually happens behind the  
16 meter, but in order to incentivise and make sure  
17 that front-of-the-meter projects happen, there is  
18 a carveout that will be allowed for virtual net  
19 metering under, like, the same rules of the  
20 feed-in tariff program. There'll just be a  
21 carveout for virtual net metering projects.

22           So the virtual net meeting kind of program  
23 that existed has gone away, but it's basically  
24 being revived under new management, basically. It  
25 just falls under a larger program and they've

1 taken a lot of the same rules from the old virtual  
2 net meeting program and they just migrated that  
3 now to this new feed-in tariff program that  
4 there's, like, a little carveout of virtual net  
5 metering.

6 **THE HEARING OFFICER:** Okay. Thank you. So this  
7 project will be under the little carveout aspect  
8 of it being that -- is going to be administered  
9 through an RFP process? Or is that still being  
10 worked out? Or do you sign up first come first  
11 serve? Or how is that?

12 **THE WITNESS (Neely):** Per the Public Act 19-35, all  
13 procurement under the feed-in tariff and virtual  
14 net metering has to be competitive in order to  
15 achieve, you know, savings for ratepayers. So  
16 this will be bid in competitively, and there will  
17 be an auction that is issued for February of 2022.

18 And then this decision will roll out, I  
19 believe, April 2022. But the years 2023 to 2026  
20 there are two options. Next year is just a  
21 special case. It's just one, but for the next  
22 couple of years after that it's actually two  
23 options.

24 **THE HEARING OFFICER:** Interesting. Great. Thank you.  
25 I don't want to waste any more time on that, but



1 very good discussion. I appreciate the  
2 information you provided.

3 Okay. Now I'd like to switch gears. I'd  
4 like to go back to the site and utility plan SP-1.  
5 And my questions are relating to the  
6 interconnection and transformer pads.

7 Now there are two, two equipment pads called  
8 out on the drawing, one at each of the entrances.

9 Is there a transformer pad at each of the  
10 entrances that are tied together through the  
11 electrical line that is a displayed on the  
12 drawing?

13 **THE WITNESS (Gardiola):** Kyzer Gardiola here with Louth  
14 Callan.

15 Yes, that is correct. There are going to be  
16 two transformers on site which are going to be  
17 looped back together and connected through the  
18 same interconnection points located in the west  
19 portion of the property.

20 **THE HEARING OFFICER:** Thank you. So the  
21 interconnection point -- you've got the equipment  
22 pad, then you've got four poles that are depicted  
23 on the drawing. But as you testified to, you  
24 will -- you may have three additional poles owned  
25 by the customer.

1           So the full poles that you have depicted in  
2           the drawing, are those your poles? Or are they  
3           Eversource's poles?

4 **THE WITNESS (Gardiola):** Those are Eversource's poles,  
5           however I'm not particularly sure these are -- if  
6           these depictions shown on SP-1 are the most  
7           accurate locations based on the utility plan found  
8           in -- during the interconnection process.

9 **THE HEARING OFFICER:** I see. Okay. You indicated that  
10          you would have -- okay. Four Eversource poles and  
11          then three customer poles approximately in that  
12          same area by that equipment pad.

13                I would strongly recommend that you take a  
14                look at the customer poles where you have your  
15                relays and metering associated with the customer  
16                side, and design it to go pad mount. And the  
17                reason I say that is you will basically have seven  
18                40 to 50-foot tall distribution poles located in  
19                that general area, and it's not going to look very  
20                pretty.

21                So I strongly recommend that you reduce the  
22                amount of poles in that area, and the way to do  
23                that I think would be go to a pad mount.

24 **THE WITNESS (Gardiola):** Yes. Given the flexible  
25          nature of our electrical equipment that is going

1 to be owned by the facility, that is something  
2 that we can strongly consider and implement to the  
3 site.

4 THE HEARING OFFICER: Very good. Thank you. Okay. So  
5 the point of interconnection is actually across  
6 Johnson Lane. Is that right? Or is it at the  
7 pole before it goes across Johnson Lane?

8 THE WITNESS (Gardiola): Kaiser Gardiola with Louth  
9 Callan.

10 Yes, the existing overhead utility primary  
11 lines are located across Johnson Lane.

12 THE HEARING OFFICER: Okay. So there are three-phase  
13 primary already there?

14 THE WITNESS (Gardiola): Those existing utility lines  
15 will have to be upgraded to three phase.

16 THE HEARING OFFICER: Okay. How far back do you have  
17 to go?

18 THE WITNESS (Gardiola): Roughly 2300 feet.

19 THE HEARING OFFICER: What's that about? About five  
20 poles?

21 THE WITNESS (Gardiola): There will be no -- all the  
22 poles will remain intact. All that will be done,  
23 we'll be adding two more wires to the existing  
24 overhead and adding of cross arms to support those  
25 overhead wires.

1 THE HEARING OFFICER: Okay. Is that going west? Or is  
2 it going east?

3 THE WITNESS (Gardiola): That would be going west.

4 THE HEARING OFFICER: West? Okay. So away from the  
5 property owners across from Johnson Lane. Very  
6 good. Okay.

7 I had a question related to your response to  
8 question 23 in your interrogatories. And I'm just  
9 curious, at the bottom of the response to 23, you  
10 say, the interconnecting utility has indicated the  
11 project will manage reactive power and power  
12 factors under a set voltage schedule, which  
13 schedule has not yet been provided.

14 So is that not part of your interconnection  
15 agreement?

16 Well, first of all, before I get there, maybe  
17 you could explain to the Council what that means  
18 and what you'll be doing to control reactive power  
19 on the distribution system.

20 THE WITNESS (Gardiola): Kyzer Gardiola with Louth  
21 Callan.

22 So under new ISO ride-through settings, in  
23 events of faults or any voltage flickers to the  
24 existing utility lines, there's been some studies  
25 amongst sort of governing bodies that -- that rely

1 on distributed generation, generating facilities  
2 to help mitigate some of those, those events in  
3 which our facility is allowed to continue to  
4 generate a certain level of power to sort of  
5 offset those, those nuisance events and in hopes  
6 to, you know, to mitigate and level off normal  
7 operating procedures.

8 Now if -- if those operating procedures don't  
9 revert to normal operating conditions, then our  
10 facility will essentially turn off and deenergize.  
11 But -- but these, these settings are governed by  
12 utility requirements.

13 **THE HEARING OFFICER:** Okay. So to make sure I  
14 understand, so essentially you're operating at  
15 unity power factor, and if there's a large voltage  
16 swing or power factor gets out of whack, they're  
17 going to ask you to shut off. That's your way to  
18 manage power factors?

19 **THE WITNESS (Gardiola):** Yes, correct. Yeah. We're --  
20 during the study period with the utility they  
21 present to the generating facility, which is the  
22 solar facility, what these adverse impacts might  
23 be and the different, like, worst-case scenario  
24 conditions in which a little bit of coordination  
25 does occur between our engineering team and the

1 Eversource engineering team in which we try to  
2 coordinate all the protection settings within our  
3 facility.

4 So that you can think of it as if our  
5 facility and the utility sort of working  
6 harmoniously so that if one of it falls out of  
7 whack, we're helping each other operate and in  
8 normal operating conditions.

9 And we, you know, we're required to protect  
10 our facility so that we don't damage any of our  
11 equipment, and we do that through a redundant  
12 relay re-closer that's -- in our case could be  
13 solar pad mounted.

14 **THE HEARING OFFICER:** Okay. So when the utility finds  
15 itself in that situation, when the EDC finds  
16 itself in that situation, are they using a  
17 transfer trip? Or are they calling you up and  
18 saying, hey. We got a voltage problem. You've  
19 got to shut down?

20 **THE WITNESS (Gardiola):** There's no transfer trip  
21 capabilities due to the system size that we have  
22 and the -- there's really no requirement to be  
23 found based on the impact study conducted by the  
24 utility.

25 So the re-closer device that we have on site

1 does have sort of voltage and current sensors,  
2 that it's almost like a micro controller that  
3 detects any faults and continuously monitors to a  
4 millisecond what the existing conditions are of  
5 these power lines, in which case it can interrupt  
6 or shut down our system within, like, a fraction  
7 of a second.

8 THE HEARING OFFICER: Okay. So you're getting alarms  
9 and it will shut down if it's out of --

10 THE WITNESS (Gardiola): Yeah, correct. And all of  
11 these operating conditions are presented to the  
12 utility and is coordinated out of that.

13 THE HEARING OFFICER: Great. Well, thank you for that.  
14 That was a good discussion. It's very helpful.

15 I'd like to go back to the transformers in  
16 the noise study. I just want to make sure. So we  
17 have two transformers, one at each entrance. And  
18 the environmental report on page 29 and the  
19 conclusion -- no, I'm sorry -- on page 26, noise.

20 Let me know when you're there.

21 So we have two transformers, one at each  
22 entrance. They're going to hit most of the sound  
23 and they're going to be at 61 dB at about 1 foot.  
24 But then you go on to say that the closest  
25 property line of either transformer is

1 approximately 109 feet to the south, a residential  
2 property south of -- now so we're saying that, and  
3 I think it's the east transformer is going to be  
4 at the property line. That's 109 feet from the  
5 transformer to the property line.

6 Am I reading that? And that's Mr. Conway's  
7 property.

8 MR. BALDWIN: Mr. Morissette, are we back to SP-1?

9 THE HEARING OFFICER: Actually I'm looking at OP-1. It  
10 has the property owners. This property 19-32,  
11 according to the report, is 109 feet to the  
12 property line. You with me so far?

13 MR. BALDWIN: I think we have some APT folks moving  
14 into position.

15 THE HEARING OFFICER: Okay. All right. So we have a  
16 transformer on the east entrance, and it's 109  
17 feet away, but we don't really -- you don't really  
18 say what the noise level would be at that point.  
19 So 109 feet, over 109 feet 61 dBA, it would -- 61  
20 would drop to a certain level of noise.

21 Any idea what that would be?

22 THE WITNESS (Gaudet): We could perhaps do that  
23 calculation for you, Mr. Morissette. It's --  
24 it's -- the 61 dBA measurement is at one foot  
25 away.



1 THE HEARING OFFICER: Correct.

2 THE WITNESS (Gaudet): And there is a drastic drop in  
3 volume as you move away from that point. So that  
4 109 feet is -- is a very significant difference in  
5 the measurement.

6 THE HEARING OFFICER: Yes, I would agree that it is a  
7 significant distance, and it should be a  
8 significant drop. And 61 dBA is, given it's 109  
9 feet, will be below acceptable limits, the  
10 required limits.

11 If we could jump to the west side, the  
12 property that's listed as parcel ID 29-25-6. Do  
13 you happen to have a distance of that property  
14 from the transformer? It looks a little closer.

15 THE WITNESS (Gaudet): Mr. Morissette, 29-25-6 appears  
16 to be a flag lot. Are you asking for the distance  
17 to the -- to the nearest point on Johnson Lane?  
18 Or are you perhaps looking at a different lot?

19 THE HEARING OFFICER: Let's see. I'm on OP-4 -- it's a  
20 little hard to read -- 29-25-6, a family, Lucio  
21 family.

22 THE WITNESS (Gaudet): We seem to have two.

23 I see where you are now. Thank you.

24 THE HEARING OFFICER: Okay. Thank you.

25 THE WITNESS (Gaudet): We are working on getting that

1 measurement for you.

2 THE HEARING OFFICER: Okay. Great. Thank you. It  
3 appears after closer review that it should be much  
4 greater than 109 of the first plot I was  
5 reviewing.

6 So if you could have that shortly, that would  
7 be excellent?

8 THE WITNESS (Gaudet): We do have that number.

9 It would be approximately 320 feet.

10 THE HEARING OFFICER: Well, I guess it is a lot. Okay.

11 Very good. At that distance the noise should  
12 dissipate quite well to very low levels.

13 THE WITNESS (Gaudet): Excuse me. We also have run a  
14 calculation which indicates that at 109 feet it  
15 would drop to about 21 dBA.

16 THE HEARING OFFICER: Very good. That's very helpful.

17 Okay. Thank you. That concludes my questioning.

18 MR. BALDWIN: Mr. Morissette, excuse me for  
19 interrupting. I know that Mr. Tao wanted to  
20 circle back to a question he didn't finish  
21 answering for Mr. Mercier. If we could do that  
22 very quickly we'd appreciate that.

23 THE HEARING OFFICER: Yes, absolutely. And I  
24 understand Mr. Mercier has some follow-up  
25 questions. So Mr. Tao?

1 THE WITNESS (Tao): This is Jin Tao with APT. Thank  
2 you for answering -- or asking those questions  
3 earlier, Mr. Mercier. And I just wanted to follow  
4 up.

5 In terms of the appendix I regulations for  
6 solar design, there are definitely -- there is  
7 definitely a 100-foot buffer requirement.  
8 However, in the design requirements Section 2AI,  
9 'II, and 'III, that 100-foot buffer requirement  
10 from the solar development as well as any  
11 construction activities can be reduced upwards to  
12 both 50 feet from a wetland buffer, and even as  
13 close to 25 feet of a wetland buffer provided that  
14 as part of your design you're providing additional  
15 treatment if you are pushing into those separate  
16 and closer buffers to the wetland.

17 MR. MERCIER: Great. Thank you for that clarification.

18 I do have an additional question on site plan  
19 GD-1. And earlier there was some discussion  
20 regarding slopes and a photograph. I forgot which  
21 one, but basically the discussion was there was 20  
22 to 25 percent slopes on a hill.

23 I'm just -- I'm assuming that the hill is on  
24 the right side of this diagram, up like a small  
25 knoll. Is that where the steepest slopes are?

1 THE WITNESS (Tao): This is Jin Tao with APT.

2 That is correct.

3 MR. MERCIER: Okay. And I'm looking at the knoll, and  
4 on it says, see note one. So it basically states,  
5 grade and shape area to maintain existing drainage  
6 patterns.

7 Given the steep slopes in this area and the  
8 construction that's going to occur on them, do you  
9 anticipate quite a bit of grading to reshape this,  
10 this knoll?

11 THE WITNESS (Tao): This is Jin Tao with APT.

12 From my site visit actually on site back on  
13 September 16, 2021, I paid special attention to  
14 this knoll principally because it is shown as  
15 relatively steep on the plans and the topography.

16 However, when visiting the site the existing  
17 knoll is actually very stable. And in my opinion  
18 during construction I don't expect any grading to  
19 be needed for the installation of the racking.

20 MR. MERCIER: Okay. Yeah, it just looks steep on the  
21 site plan.

22 And I guess my follow-up question to that is,  
23 why wouldn't a temporary sediment trap or even a  
24 stormwater basin be required along the northwest  
25 side, the steepest side of the knoll where it

1 flows down towards that existing cart path?

2 THE WITNESS (Tao): Jin Tao with APT.

3 That is a great question. And in looking at  
4 the drainage area, the reason why a temporary  
5 sediment trap wasn't required is that the small  
6 drainage area from the top of the knoll going to  
7 kind of the perimeter of our proposed project  
8 limits is actually less than an acre, which per  
9 the 2002 Connecticut Soil and Erosion Control  
10 Manual can be handled with just perimeter control  
11 in the form of either silt fence or a compost  
12 filter sock.

13 MR. MERCIER: Okay. Thank you.

14 Now staying with plan GD-1, on the southeast  
15 side there was discussion earlier about a culvert  
16 that runs under Johnson Road and discharges onto  
17 the southeast portion of the property along the  
18 road.

19 And I see a swale is going to be built there,  
20 and it's a grass line diversion swale. So my  
21 question is, during construction or even right  
22 after it before it stabilised, if there's a large  
23 storm event that occurs, there's a lot of runoff  
24 coming down the road and the hillside across the  
25 road discharging, collected in the culvert

1 discharge into the swale.

2 How would the swale be stabilised so it  
3 doesn't erode away.

4 **THE WITNESS (Tao):** This is Jin Tao with APT.

5 The intent of building the -- the phasing of  
6 the construction for this site, the intent is to  
7 actually install these diversionary swales first.

8 And depending on storm events, we will, the  
9 construction team and site -- site inspections  
10 will make sure that additional sediment controls  
11 might be needed to help the swale stabilize in  
12 storm events.

13 The swale will be lined and there is going to  
14 be a riprap level spreader at the end of the  
15 swale, which is intended to kind of manage the  
16 flows coming off of the southern portion of the  
17 offsite property.

18 **MR. MERCIER:** I understand that. How long do you think  
19 it would take to stabilize this grass line swale  
20 once it's constructed? What are you using? A  
21 mat? Are you using seeding? What's the  
22 stabilization method?

23 **THE WITNESS (Tao):** That depends on the time of the  
24 year, but if multiple storm events hit, we will  
25 definitely look into adding any stabilization

1 features needed to help maintain the stabilization  
2 of the swale, whether it be matting or riprap as  
3 needed.

4 MR. MERCIER: Okay. Thank you. I have no other  
5 questions.

6 THE HEARING OFFICER: Thank you, Mr. Mercier.

7 We'll now go back to the councilmembers to  
8 see if they have any additional followup  
9 questions.

10 Mr. Edelson?

11 MR. EDELSON: I just I was very interested in a  
12 discussion about the interconnection between the  
13 Applicant and Eversource that you had,  
14 Mr. Morissette, in terms of conditions under which  
15 they're trying to protect each other.

16 So my question to the Applicant is, is that  
17 what would be discussed and clarified in a  
18 distribution impact study that was referenced in  
19 the application? Would that be covered as far as  
20 who and how, and what is protected as far as the  
21 overall quality of the electrical signal?

22 THE WITNESS (Gardiola): Kyzer Gardiola of Louth  
23 Callan.

24 The impact study, it goes over -- as it's  
25 called, it's the impact of our system array

1 allowing the existing distribution level circuits.

2 As far as the protection coordination goes,  
3 there are some level of coordination that is  
4 presented in this impact study which we do take  
5 into consideration when we design and implement  
6 our electrical protections for the system.

7 MR. EDELSON: Okay. Thank you. No further questions.

8 THE HEARING OFFICER: Thank you, Mr. Edelson.

9 We'll continue with Mr. Silvestri.

10 Any further questions?

11 MR. SILVESTRI: Yes. Thank you, Mr. Morissette.

12 Mr. Neely, when you were speaking with  
13 Mr. Lynch, it kind of jogged something in my  
14 memory that I wanted to ask you.

15 You mentioned other installations that you  
16 have. Have you noticed a negative impact on solar  
17 production from the wildfires out in California  
18 and Oregon?

19 THE WITNESS (Neely): Not on the East Coast, but for  
20 some of our assets in California there was a bit  
21 of a negative impact. We -- we have some assets  
22 in the Bay Area, so it's actually quite close to  
23 some of the fires.

24 With that said, we were able to get those  
25 clean, wind safe, and they're producing right as



1 forecasted right now.

2 MR. SILVESTRI: Now the reason I bring that up, I have  
3 panels up on my house. I happened to have my dogs  
4 out at midnight one night and looked at the moon  
5 that was full overhead, and it was orange.

6 And I looked at my production through the  
7 course of the month, which I believe was July. I  
8 was down about 25 percent. Some of that I could  
9 relate to precipitation, but I think a lot of it,  
10 I was relating to smoke as to why it was down,  
11 hence my question to you.

12 THE WITNESS (Neely): Yeah, it's -- it's a fair  
13 question and it's just something that as the world  
14 changes, we have to keep, kind of, seeing what  
15 Mother Nature keeps throwing at our assets.

16 MR. SILVESTRI: No. Thank you very much. I'm all set,  
17 Mr. Morissette. Thank you.

18 THE HEARING OFFICER: Thank you, Mr. Silvestri.

19 Mr. Lynch, do you have any follow up  
20 questions?

21 MR. LYNCH: No more questions, Mr. Morissette.

22 THE HEARING OFFICER: Very good. Well, thank you  
23 everyone. The Council will recess until 6:30. At  
24 which time we will commence the public comment  
25 session of this remote public area.

1                   **Thank you, everyone, and have a pleasant**  
2 **dinner.**

3                                   **(End: 4:49 p.m.)**

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CERTIFICATE

I hereby certify that the foregoing 114 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting in Re:

HADDAM QUARTER SOLAR, LLC APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 2.8-MEGAWATT-AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY LOCATED SOUTH OF HADDAM QUARTER ROAD AND NORTH OF JOHNSON LANE, DURHAM, CONNECTICUT AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on September 28, 2021.



---

Robert G. Dixon, CVR-M 857  
Notary Public  
BCT Reporting, LLC  
55 Whiting Street, Suite 1A  
Plainville, CT 06062  
My Commission Expires: 6/30/2025

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