



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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Hearing Program

Docket No. 497

Tuesday, March 23, 2021

2:00/6:30 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Motions

1. Applicant's Motion to Install Eastern Box Turtle Exclusion Fencing Around the Perimeter of the Project Area, dated March 5, 2021

C. Administrative Notice taken by Council

**FEDERAL**

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at [http://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_70\\_7460-1L\\_.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf)
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5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
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12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
13. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at [https://www.epa.gov/sites/production/files/2015-04/documents/handbook\\_siting\\_repowering\\_projects.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf)
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## **REGIONAL**

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## **STATE**

### **Connecticut Siting Council**

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47. **DOCKET NO. 470B** - NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at [https://portal.ct.gov/CSC/1\\_Applications-and-Other-PendingMatters/Applications/3\\_DocketNos400s/Docket-No-470B-NTEKillingly](https://portal.ct.gov/CSC/1_Applications-and-Other-PendingMatters/Applications/3_DocketNos400s/Docket-No-470B-NTEKillingly)
48. **PETITION NO. 1310A** - Quinebaug Solar, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1301-1310/Petition-No-1310A-CanterburyBrooklyn](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1301-1310/Petition-No-1310A-CanterburyBrooklyn)

49. **PETITION NO. 1313** - DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1311-1320/Petition-No-1313-Simsbury](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1311-1320/Petition-No-1313-Simsbury)
50. **PETITION NO. 1437** - Burlington Solar One, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility and associated electrical interconnection located at Lot 33, Prospect Street, Burlington, Connecticut. Record, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1431-1440/Petition-No-1437-Burlington-Solar](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1431-1440/Petition-No-1437-Burlington-Solar)

**Department of Energy and Environmental Protection**

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**Department of Public Health**

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**Department of Transportation**

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**Other State Agencies**

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## **MAPS**

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D. State Agency comments

1. Council on Environmental Quality Comments, dated February 24, 2021
2. Department of Transportation Comments, received March 8, 2021

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II. Appearance by Applicant

Applicant: Burlington Solar One, LLC (BSO)

Representative: Lee D. Hoffman, Esq.  
Pullman & Comley LLC

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Burlington Solar One, LLC, received January 22, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Burlington Planning and Zoning Regulations
  - b. Town of Burlington 2020 Plan of Conservation and Development
  - c. Town of Burlington Inland Wetlands and Watercourses Regulations
2. Applicant's Response to Council's Incomplete Letter, dated January 27, 2021
  3. Applicant's Affidavit of Publication, dated February 11, 2021

4. Applicant's Responses to Council Interrogatories, Set One, dated March 16, 2021
5. Applicant's Amended Responses to Council Set One Interrogatory Nos. 2, 13, 30 and 45, dated March 23, 2021
6. Applicant's Sign Posting Affidavit, received March 23, 2021

C. Swear Witnesses

1. William Herchel, Chief Executive Officer, Verogy
2. Steven DeNino, Chief Operating Officer, Verogy
3. Bryan Fitzgerald, Director of Development, Verogy
4. Kyle Perry, Engineering Manager, Verogy
5. Robert Hiltbrand, Principal Engineer, R.R. Hiltbrand Engineers & Surveyors
6. Eric Davison, Wildlife Biologist/Owner, Davison Environmental

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council

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III. Continuation by Connecticut Siting Council.