

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL
3

4 Petition No. 1425

5 Gaylord Mountain Solar Project 2019, LLC, Petition
6 for a Declaratory Ruling, Pursuant to Connecticut
7 General Statutes §4-176 and §16-50k, for the Proposed
8 Construction, Maintenance and Operation of a
9 1.9-Megawatt AC Solar Photovoltaic Electric Generating
10 Facility Located at 360 Gaylord Mountain Road in
11 Hamden, Connecticut, and Associated Electrical
12 Interconnection
13

14 Zoom Remote Council Meeting (Teleconference),
15 on Thursday, January 7, 2021, beginning at 2 p.m.
16

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

18 JOHN MORISSETTE, Member and Presiding Officer
19
20
21
22
23
24
25

1 **A p p e a r a n c e s :**

2 **Council Members:**

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

4
5 **ROBERT HANNON,**

6 **DEEP Designee**

7
8 **QUAT NGUYEN,**

9 **PURA Designee**

10
11 **ED EDELSON**

12 **MICHAEL HARDER**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.,**

16 **Executive Director and Staff Attorney**

17
18 **FRED CUNLIFFE,**

19 **Siting Analyst**

20
21 **LISA FONTAINE,**

22 **Fiscal Administrative Officer**

23
24 **AARON DeMAREST,**

25 **Sound Engineer**

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

2 For Gaylord Mountain Solar Project 2019, LLC

3 (Petitioner):

4 ROBINSON & COLE, LLP

5 280 Trumbull Street

6 Hartford, Connecticut 06103-3597

7 By: KENNETH C. BALDWIN, ESQ.

8 KBaldwin@rc.com

9 860.275.8200

10
11 INTERVENER PARTY:

12 SHAWN O'SULLIVAN (pro se)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE HEARING OFFICER: This continued remote evidentiary
2 hearing is called to order this Thursday,
3 January 7, 2021, at 2 p.m. My name is John
4 Morissette, member and presiding officer of the
5 Connecticut Siting Council.

6 As everyone is aware, there is currently a
7 statewide effort to prevent the spread of the
8 coronavirus. This is why the Council is holding
9 this remote hearing and we ask for your patience.

10 If you haven't done so already, I ask that
11 everyone please mute their computer audio and/or
12 telephones now.

13 A copy of the prepared agenda is available on
14 the Council's Petition Number 1425 webpage along
15 with the record of this matter, the public hearing
16 notice, instructions for public access to this
17 remote public hearing, and the Council's citizen's
18 guide to Siting Council procedures.

19 I will ask other members of the Council to
20 acknowledge that they are present when introduced
21 for the benefit of those who are only on audio.

22 Mr. Harder?

23 MR. HARDER: Present.

24 THE HEARING OFFICER: Thank you.

25 Mr. Hannon?

1 MR. HANNON: I am present.

2 THE HEARING OFFICER: Thank you. Mr. Nguyen?

3 MR. NGUYEN: Present. Thank you, Mr. Morissette.

4 THE HEARING OFFICER: Thank you.

5 Mr. Edelson.

6 MR. EDELSON: Present. Thank you.

7 THE HEARING OFFICER: Thank you.

8 Executive Director Melanie Bachman.

9 MS. BACHMAN: Present, thank you.

10 THE HEARING OFFICER: Thank you.

11 Supervising Siting Analyst Fred Cunliffe.

12 MR. CUNLIFFE: Present.

13 THE HEARING OFFICER: Thank you.

14 Fiscal Administrative Officer Lisa Fontaine.

15 MS. FONTAINE: Present.

16 THE HEARING OFFICER: Thank you.

17 This evidentiary session is a continuation of
18 the remote public hearing held on November 17,
19 2020, and December 15, 2020. It is held pursuant
20 to the provisions of Title 16 of the Connecticut
21 General Statutes and of the Uniform Administrative
22 Procedure Act upon a petition from Gaylord
23 Mountain Solar Project 2019, LLC, for a
24 declaratory ruling pursuant to General Statutes
25 Section 4-176 and 16-50k for the proposed

1 construction, maintenance and operation of a
2 1.9-megawatt AC photovoltaic electric generation
3 facility located at 360 Gaylord Mountain Road in
4 Hamden, Connecticut.

5 Please be advised that the Council does not
6 issue permits for stormwater management. If the
7 proposed project is approved by the Council; the
8 Department of Energy and Environmental Protection,
9 the stormwater permit is independently required.
10 DEEP could hold a public hearing on a stormwater
11 permit applications.

12 Please be advised that the Council for the
13 South Central Regional Water Authority submitted
14 correspondence into the record dated January 6,
15 2021, indicating that it will not be conducting
16 cross-examination and has no objection to the
17 admission of late-filed exhibits.

18 A verbatim transcript will be made of this
19 hearing and deposited it the Hamden and Bethany
20 Town Clerk's office for the convenience of the
21 public.

22 We will now proceed with the appearance of
23 the Intervener Sean O'Sullivan.

24 Attorney Bachman, can you please begin by
25 swearing in the Intervener's witnesses?

1 MS. BACHMAN: Thank you, Mr. Morissette.

2 Is Mr. O'Sullivan and Ms. Gadwa available?

3 SHAWN O'SULLIVAN: She said she was going to be
4 joining. She doesn't look like she's on right
5 now. Is that correct?

6 MS. BACHMAN: We have someone -- Suki. I'm not sure if
7 that's her.

8 SIGRUN N. GADWA: That actually is me.

9 SHAWN O'SULLIVAN: Oh, good.

10 SIGRUN N. GADWA: That's my nickname.

11 MS. BACHMAN: Okay. Well, we'll definitely get you
12 renamed there, Ms. Godwa.

13 S I G R U N N. G A D W A,

14 S H A W N O ' S U L L I V A N,

15 called as witnesses, being first duly sworn
16 by the Executive Director, were examined and
17 testified under oath as follows:

18
19 THE HEARING OFFICER: Mr. O'Sullivan and Ms. Gadwa, you
20 have offered the exhibits listed under the hearing
21 program as Roman numeral 4B, one through five, for
22 identification purposes.

23 Is there any objection to making these
24 exhibits for identification purposes only at this
25 time? Attorney Baldwin?

1 MR. BALDWIN: No objection at this time,

2 Mr. Morissette. Thank you.

3 THE HEARING OFFICER: Thank you.

4 Mr. O'Sullivan and Ms. Gadwa, did you prepare
5 or assist in the preparation of these documents?

6 THE WITNESS (Gadwa): Yes.

7 THE WITNESS (O'Sullivan): Yes.

8 THE HEARING OFFICER: Do you have any additions,
9 clarifications, deletions or modifications to
10 those documents?

11 THE WITNESS (Gadwa): No.

12 THE WITNESS (O'Sullivan): I do not.

13 THE HEARING OFFICER: Thank you. Are these exhibits
14 true and accurate to the best of your knowledge?

15 THE WITNESS (Gadwa): They are.

16 THE WITNESS (O'Sullivan): They are. Yes.

17 THE HEARING OFFICER: Thank you. And do you offer
18 these exhibits as your testimony here today?

19 THE WITNESS (Gadwa): I do.

20 THE WITNESS (O'Sullivan): Yes.

21 THE HEARING OFFICER: And do you offer these as full
22 exhibits?

23 THE WITNESS (O'Sullivan): Yes.

24 THE WITNESS (Gadwa): Yes.

25 THE HEARING OFFICER: Does the Petitioner object to the

1 admission of Shawn O'Sullivan's exhibits?

2 Attorney Baldwin?

3 MR. BALDWIN: Mr. Morissette, I don't object to the
4 exhibits. I will for the record state an
5 objection as it relates to at least the third
6 video that Mr. O'Sullivan seeks to admit into the
7 record, not for the video itself, but for the
8 commentary associated with the video.

9 Mr. O'Sullivan makes a number of comments and
10 statements that are not supported by the video in
11 our view and cannot be taken as the truth. So
12 with that objection, I presume the Siting Council
13 can take in the video for what it's worth, but I
14 would love to see the video is admitted without
15 the commentary.

16 THE HEARING OFFICER: Thank you, Attorney Baldwin.

17 Attorney Bachman, would you like to comment
18 on procedurally whether we take it for what it's
19 worth, or have it resubmitted?

20 MS. BACHMAN: Thank you, Mr. Morissette.

21 Considering Mr. O'Sullivan actually took
22 those videos on his own, and he is in here and
23 available for cross-examination, certainly
24 Attorney Baldwin could inquire as to any of the
25 commentary or the accuracy of the commentary. And

1 we could take the exhibit in for what it's worth
2 so that he could ask those questions.

3 Thank you.

4 **THE HEARING OFFICER:** Thank you, Attorney Bachman. We
5 will take the exhibit in for what it's worth.
6 Thank you.

7 We will now begin with cross-examination of
8 Shawn O'Sullivan by the Council starting with
9 Mr. Cunliffe.

10 **MR. CUNLIFFE:** Thank you, Mr. Morissette. I'll start
11 with Ms. Gadwa.

12 Ms. Gadwa, in your professional capacity have
13 you prepared a wetland delineation and/or acted as
14 an environmental monitor for a development
15 project?

16 **THE WITNESS (Gadwa):** I've -- I've done that for many
17 development projects.

18 **MR. CUNLIFFE:** In these projects that you've overseen,
19 did they involve tree clearing?

20 **THE WITNESS (Gadwa):** Usually they involve tree
21 clearing, yes.

22 **MR. CUNLIFFE:** Could you describe the extent of the
23 tree clearing for a project in acres potentially?

24 **THE WITNESS (Gadwa):** It -- it varied greatly and the
25 quality of the forests vary greatly. And -- and

1 my role was usually as -- as a subcontractor, so I
2 really wasn't responsible for the layout of the
3 plan. I was aiding the wetlands and supervising
4 the forests, and provided information to the
5 wetland commissions as to the -- the impacts on
6 function, the adverse impacts, but I didn't
7 design/determine the extent of clearing.

8 MR. CUNLIFFE: Understood. Did the projects also
9 require wetland protection measures?

10 THE WITNESS (Gadwa): Of course they did, yes.

11 MR. CUNLIFFE: And could you describe some of the
12 measures that you recommended?

13 THE WITNESS (Gadwa): Well, in -- in particular we
14 recommended -- I -- I would always recommend
15 vegetated upland buffers adjacent to the wetlands
16 allowing for filtration by -- by leaf litter and
17 impervious -- of runoff and -- at the clearing
18 limits of course, sediment barriers, silt fences.

19 And oftentimes I would recommend depressions
20 on the up side, too, because sediments are --
21 have a mesh which is porous and allows so that
22 water will pass through and the -- and the fence
23 won't be knocked down.

24 And this mesh is always larger than the fine
25 sediment particle sizes, the silt and the clay

1 fraction. So if you -- if sediment silt fences
2 don't have an area, capacity for ponding behind
3 them there's always a release of -- of fine
4 sediment in the runoff that goes through the silt
5 fence even if there's not a real breach and large
6 amounts of sand going through.

7 And also I -- I take part in the design of
8 stormwater management systems, and we really
9 prefer infiltration basins to plug-type basins
10 because the -- the phosphorus and the fine
11 sediment is much more effectively filtered by soil
12 than it is by simple sedimentation, which can take
13 out -- which removes the larger but not the fine
14 fraction of -- of the -- and the fine fraction has
15 a high proportion of the phosphorus content.

16 So -- and of course LID, you know, multiple
17 rain gardens is -- is a very good option for
18 wetland protection. And again, that relies on
19 infiltration rather than simple settling followed
20 by release of -- of stormwater with the fines
21 still suspended.

22 MR. CUNLIFFE: And the example of using infiltration,
23 that would normally require probably more land
24 space?

25 THE WITNESS (Gadwa): Well, it's -- the suitability,

1 it's depth to water table and the type of soils
2 really determines whether -- is it possible.

3 MR. CUNLIFFE: Thank you.

4 THE WITNESS (Gadwa): And here we have this, this
5 massive dense till with very poor permeability
6 over pretty shallow bedrock and it's -- and the
7 soils are just not suitable for infiltration best
8 management practices.

9 MR. CUNLIFFE: Is most of the watershed already
10 developed with housing?

11 THE WITNESS (Gadwa): What? This watershed?

12 MR. CUNLIFFE: This, this watershed that the project is
13 located within, would you characterize it is?

14 THE WITNESS (Gadwa): Well, the land-use? I mean,
15 actually you should -- you should refer to the
16 maps that were attached to my testimony. There
17 there's extensive forests to the west, and
18 actually unbroken forest.

19 And there's also -- there's old farmhouses in
20 the immediate vicinity, though they're -- and a
21 chunk of a wood lot of mostly sugar maples, just a
22 sugar maple bush just down the other side of
23 Gaylord Mountain Road, which is actually connected
24 by this property to the extensive forest to the
25 west.

1 There, there is an interruption, but -- but
2 it's by the Eversource right-of-way which runs --
3 runs along the top of the hill. And there are new
4 subdivisions down to the -- to the south on both
5 sides of the -- of Gaylord Mountain Road, but --
6 but not to the -- not to the north, the northwest,
7 the northeast.

8 MR. CUNLIFFE: What would be your opinion on how you
9 would differentiate reviewing a housing project
10 development versus a solar project within said
11 watershed?

12 THE WITNESS (Gadwa): Well, I think the --
13 (unintelligible).

14 THE REPORTER: I've lost audio there. This is the
15 Court Reporter.

16 THE WITNESS (Gadwa): It's pretty much this material, I
17 think. These, the type of very steep slopes and
18 highly erosible soils, the -- the Wilbraham soils
19 are with -- with a high K factor, a high, high
20 proportion of fine particles, which means that
21 they're much more readily suspended by runoff
22 and -- and settled more slowly.

23 That's not a good idea, not a good site for
24 residential development, or for solar arrays.
25 Basically the steep sided ridges, traprock ridges

1 or combined traprock -- traprock, or those ridges
2 are better left as forestland.

3 And it's not -- not very often that -- that a
4 hillside of this, of this steepness and rockiness
5 is proposed for -- for development. This has
6 been --

7 MR. CUNLIFFE: You do recognize the Hunting Ridge Road
8 is just south of that that was recently developed,
9 or, so. So --

10 THE WITNESS (Gadwa): Yeah, I'm -- I don't know the
11 exact topography. I think the topography may --
12 may have been less, less steep in the area, but I
13 don't know anything about the pre-existing
14 conditions there. But I'm not happy at all when I
15 see residential -- (unintelligible).

16 THE REPORTER: I'm having a little difficulty hearing
17 the witness. Her audio is going in and out. This
18 is the Court Reporter.

19 THE HEARING OFFICER: Thank you.

20 Could you speak clearer, or get closer to the
21 mic, please?

22 THE WITNESS (Gadwa): I think it's pretty close. Okay.
23 The serious issues with development of steep
24 forested ridges, especially when the bedrock is --
25 is traprock -- traprock, or traprock are those,

1 which means that there's much higher potential for
2 plant biodiversity and associated insect
3 biodiversity. But these are natural resources
4 that are of a higher order than some other types
5 of hillsides in -- in the state, many other types
6 of hillsides.

7 So whether or not it's a solar array or -- or
8 a residential subdivision, it's very problematic
9 to -- to build on that type of topography with
10 that type of bedrock geology, especially if
11 it's in -- if it has a history of being an
12 undisturbed forest as -- as this one does.

13 MR. CUNLIFFE: So any development that affects a forest
14 and/or a field would also affect the watershed
15 generally?

16 THE WITNESS (Gadwa): During construction and -- and
17 also post construction for -- especially for the
18 subdivisions, they, of course they'll affect the
19 watershed longterm. Yeah, the water -- the runoff
20 off of a forest is much cleaner, and the
21 groundwater discharge from a forest is much
22 cleaner than from a developed area.

23 MR. CUNLIFFE: Thank you. In your testimony on page 6
24 it states, quote, depth to maximum groundwater
25 should have been measured at the site of the

1 proposed infiltration basin in the spring. This
2 is the season when erosion risk is highest when
3 protective vegetative cover is not well developed,
4 unquote.

5 Are you aware that the geotechnical
6 engineering report provided as a response to
7 Council Interrogatory 44 indicates that bore
8 drilling occurred in April of 2020, and that bore
9 number five is located within the infiltration
10 basin which determined a water level of two feet
11 below grade?

12 THE WITNESS (Gadwa): I actually -- at the time I wrote
13 my report I had the stormwater report and the --
14 and the geotechnical report hadn't been submitted
15 yet, so I wasn't aware of that at the time.

16 I am aware now, and I -- I just went over
17 that geotechnical report and all the logs for the
18 borings and the -- and the water, and the water
19 level testing for this meeting.

20 So that is correct. The -- the borings were
21 done in April for the geotechnical report, which
22 is the correct time. And there was -- was one
23 boring from the basin. I think it was -- I'm not
24 sure which one, which number it was, but I think
25 that -- I think that the -- the groundwater was in

1 most of the basin -- was -- there was one log that
2 had a one and a half-foot depth to groundwater.
3 Most of them were three feet, but we don't know --
4 didn't see antecedent rainfall information, but
5 that with the dense till and -- and the low
6 permeability that there's apt to be a temporary
7 perched water table in many instances, which can
8 interfere with the function of the basin in -- if
9 there's, especially if they're back-to-back rate
10 events.

11 MR. CUNLIFFE: The Petitioner proposes to establish
12 vegetative cover prior to installing the solar
13 panels, the supports and panels. Other measures
14 include swales, the sediment basin, the riprap
15 level spreaders, the erosion control blankets, the
16 core logs hydro-seeded with tackifier.

17 Would you agree that these measures minimize
18 erosion and sedimentation to the extent feasible?

19 THE WITNESS (Gadwa): They certainly reduce it. Well,
20 depending with the highly erosives they are --
21 it's more difficult and they're less effective.
22 And post -- post construction the shade over
23 the -- cast by the solar arrays is going to
24 interfere with the density of the grass cover and
25 the steepness of the soils, also of the slopes --

1 will also interfere.

2 The most, the highest risk of significant
3 sediment loss occurs during the grading period
4 for -- for the -- the road on the -- the entry
5 road off Gaylord Mountain Road, which has got
6 quite a wide swath of where there's going to be
7 grading and -- and significant soil disturbance.
8 And you know, severe rain events during that
9 period are -- present a risk, a substantial risk
10 given the types of soil we have here and the
11 steepness.

12 And just you can do the universal soil loss
13 equations and -- and calculate the higher risk
14 from a situation like this, than from a less, less
15 erodible soil like a Charlton and -- and moderate
16 slopes.

17 MR. CUNLIFFE: Would you opine that if there were some
18 proper soils, or amended proper soils would
19 facilitate stabilization?

20 THE WITNESS (Gadwa): If the soil -- if a different
21 site with different soils can have a much greater,
22 more -- more effect -- more effective
23 stabilization and -- and less risk of nutrient
24 export, sediment export.

25 But this site, the soils are what they are.

1 You can't -- you can't grade. It's the grading of
2 the -- of the existing soils that is the --
3 presents the risk, and it's that time period when
4 they're -- have just been graded and if other
5 soils were put on top that's wouldn't -- that it's
6 not -- not a practical solution.

7 MR. CUNLIFFE: Just that the project proposes to cut
8 trees at ground level and leave the root systems
9 in place. How do you view this strategy to
10 minimize soil erosion?

11 THE WITNESS (Gadwa): Actually there is -- there's a
12 real problem with when you cut trees or cut
13 invasives, for that matter, there, all the roots
14 are -- are left in the ground and then they die
15 and they gradually decompose, and they export
16 dissolved phosphorus, soluble nitrogen.

17 There's actually -- I remember looking at a
18 USGS book on -- it was -- it was water quality
19 data for thousands of forested sites throughout
20 the -- the Eastern U.S. And there occasionally
21 were ones which had spiked much higher dissolved
22 phosphorus levels. And the commentary pointed out
23 that all of these areas were areas where there was
24 recent logging, because the root systems were in
25 the ground from the dead trees and they were --

1 their nutrients were going into the groundwater
2 and being exported.

3 So that what happens is if you -- if you
4 leave the roots in the ground they do hold the
5 soil for a while but they soon die and decompose,
6 and their nutrients go get into the groundwater
7 seepage, and get discharged into the streams that
8 feed Eaton Brook and Whitney, Lake Whitney.

9 MR. CUNLIFFE: I understand that the tree roots will
10 eventually die and decompose --

11 THE WITNESS (Gadwa): Yeah, that's right.

12 MR. CUNLIFFE: -- with these nutrients, but in the
13 meantime there would also be a stabilization of
14 grasses and other forms that would be planted on
15 the ground in place of the disturbance areas.
16 There would be least a lag time there, probably I
17 would guess -- and we're talking probably years by
18 the time the roots are decomposed enough that you
19 would already be substituting it with new ground
20 cover. So there would be --

21 THE WITNESS (Gadwa): Well I mean, the roots are -- are
22 not -- there's all sorts of soils between and
23 around the roots. If you -- if you ever -- if you
24 pull out a weed, you'll see lots of soil, and
25 that's still potentially erosible.

1 And all of the -- it's the, you know, I mean,
2 it -- you know, certainly the presence of the
3 roots lessens it unless there's some sort of, you
4 know, massive landslide or something that, you
5 know, it does -- does hold the ground.

6 But the -- it's a very different type of soil
7 that you -- that a living, living root complex in
8 forest topsoil is, and the -- the quality of the
9 groundwater that is discharged from that into the
10 downslope and into the headwater streams is just
11 far superior from that that you would find on, you
12 know, under solar arrays and in the grass between
13 the strips.

14 MR. CUNLIFFE: On the sediment basin this would
15 probably capture most of that runoff.

16 That would be right?

17 THE WITNESS (Gadwa): The sediment basin is -- is going
18 to delay the runoff, but there's -- there's going
19 to be just slightly less runoff than there is.
20 There's -- currently there's a lot of runoff from
21 site and that was observed and photographed by
22 Mr. O'Sullivan, and -- and there will continue to
23 be a lot of runoff from the site.

24 And -- and Gaylord Mountain Road does not
25 have formal drainage, and when the -- the

1 sediment -- right now the sediment is -- the
2 runoff is very clean and it goes into wetlands
3 across the street, the surface runoff, but that
4 won't be the case at least during the construction
5 period for the solar, for after, after development
6 of the solar array, so.

7 MR. CUNLIFFE: All right. Thank you. I'm going to
8 direct my questions to Mr. O'Sullivan.

9 THE WITNESS (O'Sullivan): Yes, sir.

10 MR. CUNLIFFE: Your videos show the water flows out to
11 Gaylord Mountain Road. How many years have you
12 observed these events?

13 THE WITNESS (O'Sullivan): Twenty-seven.

14 MR. CUNLIFFE: And how often would the water fill the
15 wetland east of Gaylord Mountain Road and flow
16 over the road?

17 THE WITNESS (O'Sullivan): Almost every time it rains I
18 would -- I would say it goes over there. Even
19 on -- if it's a good day of rain it goes over the
20 road. And I will attest --

21 MR. CUNLIFFE: (Unintelligible) -- you can continue?

22 THE WITNESS (O'Sullivan): Oh. I will attest that the
23 water runoff is a little bit worse now than it's
24 ever been. I don't know if you're aware that in
25 May of 2018 the area -- and I believe it was an E1

1 tornado that hit the area on the southern part of
2 360 Gaylord Mountain Road.

3 So it changed the water pattern then, and the
4 water runoff, because there are literally hundreds
5 of trees that are already down.

6 MR. BALDWIN: Excuse me, Mr. O'Sullivan?

7 Mr. Morissette, Mr. O'Sullivan is not
8 qualified to talk about water patterns and
9 stormwater flows. I think he's outside of his
10 comfort zone here, and I'm going to ask that he
11 answer the question more directly.

12 THE HEARING OFFICER: Yes. If you could,
13 Mr. O'Sullivan, please answer the question
14 directly? Thank you.

15 THE WITNESS (O'Sullivan): The question was, how
16 long -- can you read that question again?

17 MR. CUNLIFFE: Yes. Yeah, how often would the water
18 flow into the wetland east of Gaylord Mountain
19 Road and flow over the road?

20 THE WITNESS (O'Sullivan): Every time it rains.

21 MR. CUNLIFFE: And have you had discussions with the
22 Town about the drainage? And what was the Town's
23 response?

24 THE WITNESS (O'Sullivan): I haven't talked to the Town
25 in years about it -- so I have not, but I'm

1 currently talking with them now.

2 MR. CUNLIFFE: Thank you. And do you think that it's
3 possible that the Petitioner's stormwater control
4 measures could mitigate or minimize the existing
5 drainage issues on Gaylord Mountain Road?

6 THE WITNESS (O'Sullivan): In my opinion? No.

7 MR. CUNLIFFE: Thank you. Those are my questions.

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

9 We will now continue with cross-examination
10 by Mr. Harder.

11 MR. HARDER: I have no further comments. Thank you.

12 THE HEARING OFFICER: Thank you, Mr. Harder.

13 Now we will continue with Mr. Hannon.

14 Mr. Hannon?

15 MR. HANNON: I have nothing additional to add. Thank
16 you.

17 THE HEARING OFFICER: Thank you. We will now continue
18 with Mr. Nguyen.

19 MR. NGUYEN: No questions, Mr. Morissette. Thank you.

20 THE HEARING OFFICER: Thank you.

21 We will now continue with Mr. Edelson.

22 MR. EDELSON: Thank you, Mr. Chairman. I think my
23 questions for Mr. O'Sullivan were answered, so I'd
24 address these to Ms. Gadwa.

25 And I think you basically said you have now

1 had a chance to review Exhibit H, the stormwater
2 management. Do you take any exception to any of
3 the calculations or assumptions, or methodology
4 used by the Applicant in preparing that report?

5 THE WITNESS (Gadwa): Well, I would have done an
6 analysis of -- gluten loading analysis and
7 included some narrative discussion of retention
8 time and proportion of settling.

9 You know, it's -- it's a plug-flow system
10 and -- but I didn't see any, any issues with the
11 delineation of the drainage areas, or the --
12 everything seemed to be, you know, following the
13 usual, usual procedures.

14 I do -- I did note in the -- in the borings
15 for the geotechnical report that there was --

16 MR. EDELSON: I really want to stay with the
17 stormwater.

18 THE WITNESS (Gadwa): Yeah, so this relates to that,
19 because there was wide variation in the -- in the
20 texture of the topsoil, of the top two feet of
21 soil. Some borings were -- were described as silt
22 with a little sand, and some were described
23 with -- as -- as mostly sand with a little silt.
24 So it was a very heterogeneous drainage area in
25 terms of soil texture, and soil texture is -- is

1 so important when it comes to -- to erosion
2 potential.

3 And the -- just the fact that there's a lot
4 of silt, that there -- I think it was four out
5 of -- borings have the top two feet were
6 predominantly silt, and then -- and I know there
7 was one subanalysis for two borings. That was for
8 structural purposes and that was at -- at a depth
9 of three feet. So it's the -- the top two feet
10 are much finer than the massive subsoil.

11 But when you -- when you have so much very
12 fine material you -- just the use of basin design
13 with -- with an outlet that has -- has a
14 hydrograph. That releases most of the -- most of
15 the water in, you know, a ten to 14-hour slot.
16 That's not long enough by any means to get to --
17 to clean that water.

18 MR. EDELSON: Well, I'm not sure why you're bringing
19 this up. Are you saying this would affect the
20 conclusion of the Applicant as far as from a
21 stormwater perspective?

22 THE WITNESS (Gadwa): I'm thinking the applicant's
23 conclusion pertains to -- to flooding, and -- but
24 it doesn't -- the stormwater report, some
25 stormwater reports go into stormwater quality to a

1 larger extent. This one doesn't. This one is
2 correct --

3 MR. EDELSON: Well, the reason I'm trying to keep it
4 to --

5 THE WITNESS (Gadwa): -- as far as the runoff volume,
6 that there's no issues with that, but -- but there
7 are issues with the retention time.

8 Because if you -- if you hold, hold the water
9 for multiple days, you know, three days
10 or more then -- or have an infiltration system,
11 you will eliminate most of the -- of the fines,
12 but not with this system, not with the current
13 design.

14 MR. EDELSON: I did want to stay with stormwater
15 because I understand Mr. O'Sullivan's major
16 concern is the flooding across the road, and that
17 this flooding, which as he has attested, has been
18 ongoing for quite some time. The Applicant made
19 it clear they were aware of it.

20 THE WITNESS (Gadwa): Uh-huh?

21 MR. EDELSON: And that without the stormwater
22 management techniques their development would
23 actually exacerbate it, but their conclusion is
24 that with what they've put in place and what's
25 documented in Appendix H -- or Exhibit H indicates

1 that the situation after development would be
2 better. There would be lower flow.

3 And I would like to just clarify, lower flow
4 in total -- and I believe a lower rate, and the
5 slower the water is moving the more likely the
6 sediments will fall out before they get into the
7 wetlands across the street.

8 THE WITNESS (Gadwa): Well, the -- the basin is -- is
9 right close to the street and there's certainly,
10 you know, fine sediments take many, many hours to
11 settle out.

12 The quantity will be -- and the -- and the
13 rate of flow will be improved by the basin, but
14 the quality will not be improved. The quality
15 will be worse, and the quality will affect the
16 wetlands, because there is so much runoff, surface
17 runoff into the wetlands across the street and
18 then further into the tributaries of Eaton
19 Brook -- and Eaton Brook.

20 And the -- these fine particles, you --
21 you've seen turbid water and -- and then a mile
22 down downstream, you know, there's another
23 crossing of the stream under the road and it's
24 still turbid. The -- the really fine particles
25 stay in suspension for long periods and that is

1 one of the reasons why we really shouldn't be
2 building on any steep slopes with Wilbraham with
3 these kind of silty soils, or any of the trap
4 slopes.

5 MR. EDELSON: Well, okay. That's your professional
6 opinion, but it's not the law that we work within.
7 So just to clarify --

8 THE WITNESS (Gadwa): Well, we didn't really consider
9 the --

10 MR. EDELSON: -- for me that you take no exception to
11 the conclusion by the Applicant that -- I think
12 the words are, as a result the proposed solar
13 array will not result in any adverse conditions to
14 the -- I'm sorry, I'm reading from the wrong part.

15 So it's that the post-development peak
16 discharges are less than the pre-development peak
17 discharges. Do you agree with that?

18 THE WITNESS (Gadwa): Yes, I agree with -- with their
19 statements with regard to volume and discharge
20 are -- are correct, but -- but I -- there are
21 serious questions with the quality of the
22 stormwater, and the adverse effects to the
23 downgrading wetland resources for that reason.

24 MR. EDELSON: Okay. So in your report on page 2 you
25 refer to, you know, the mature forest, or mature

1 trees, and we've heard testimony about the average
2 age of these trees.

3 THE WITNESS (Gadwa): Uh-huh?

4 MR. EDELSON: I find myself that -- I believe I've read
5 this before. Mature trees as far as carbon
6 capture do not capture as much carbon as immature
7 trees.

8 So that from a climate change point of view
9 these trees have really absorbed as much carbon as
10 they're going to absorb and hold. Would you agree
11 with that versus a younger forest?

12 THE WITNESS (Gadwa): No, that -- actually, that's not
13 true. It's -- it's the tree which has -- a tall
14 tree has a large a volume of foliage and -- and
15 takes in a lot of carbon dioxide to -- to produce
16 that foliage. So that -- and so long as it's
17 continuing to grow and produce a lot of leaves
18 there's -- there's a significant carbon
19 sequestration benefit.

20 And by the way this isn't like, you know,
21 it's -- this it's a multiage forest. It has a lot
22 of immature trees as well as mature trees, and it
23 has a good substratum as well.

24 MR. EDELSON: Other people I feel have told us
25 something different, but that's interesting that

1 you've seen more of a mix.

2 **THE WITNESS (Gadwa):** There, there is -- there's -- a
3 forest that is senescing can reach a point
4 where -- where it's -- where the tree growth slows
5 and -- and the -- the addition of wood, it slows
6 down, that they don't -- they're slowing in
7 diameter. So that, I've read that, too.

8 But a mature tree, you know, what is a mature
9 tree? A tree, you know, a tree of 16 inches in
10 diameter or better is highly effective carbon at
11 carbon sequestration. It's maybe a five-foot
12 diameter tree, or a four-foot diameter tree
13 that's -- a second tailing is enough.

14 **MR. EDELSON:** Okay. I had a little trouble with the
15 Governor's task force when I looked at their final
16 report, which I think came out in November.

17 **THE WITNESS (Gadwa):** Uh-huh?

18 **MR. EDELSON:** I could not find the reference that you
19 had which I think was in the draft report. Are
20 you aware that are changes that were made between
21 the draft report by the task force on climate
22 change regarding the forest subgroup, between the
23 draft, their draft report and final report?

24 **THE WITNESS (Gadwa):** Yeah. I am and I -- I haven't
25 read the entire final report yet. I -- I read

1 through, you know, the summary of the things that
2 were changed and it -- it didn't --

3 So what -- what were -- I think that the --
4 all the -- and I've read these, the final
5 recommendations and they all seem to be the same.
6 I -- I don't -- I just --

7 **MR. EDELSON:** Well, what you quoted, or what you
8 referred to is that their report says that they do
9 not recommend using mature forested sites for
10 solar facilities, and I was unable to find that
11 reference in the final report.

12 I'm not saying it wasn't there in the draft
13 report. I'm just saying in the final report it
14 was not that clear about mature forested sites,
15 and recommending against that. I mean, I don't
16 want you to try and look it up right now.

17 **THE WITNESS (Gadwa):** Yeah. I think that you should
18 look at the -- also the final recommendations,
19 that there was a final forest subgroup report and
20 then there's the integrated final recommendations.
21 And -- and I did read about they're not
22 recommending putting solar arrays in -- in
23 forested habitats in that synthesized version,
24 that actually comments just went out yesterday on
25 that one.

1 MR. EDELSON: Finally, can I just go back to a question
2 Mr. Cunliffe had -- or proposed regarding the
3 roots, because you got me confused on that?

4 THE WITNESS (Gadwa): Uh-huh.

5 MR. EDELSON: If you were advising someone who was
6 doing a solar project like this --

7 THE WITNESS (Gadwa): Yeah?

8 MR. EDELSON: -- and you had to remove trees.

9 THE WITNESS (Gadwa): Yeah?

10 MR. EDELSON: Then it's better to keep the roots in the
11 ground as a stabilizer, or remove the roots prior
12 to putting in the solar array?

13 THE WITNESS (Gadwa): Well, in response to that I would
14 say it would depend what kind of resource is down
15 gradient. If you have a bog or low-nutrient
16 headwater stream just down the hill from your
17 solar array, you really don't want to be loading a
18 bunch of nutrients from rotting roots into it.

19 MR. EDELSON: Okay. But I'm really referring to this
20 site.

21 THE WITNESS (Gadwa): But if you're in a level area
22 where there's not that much groundwater movement
23 it, you know, it doesn't -- it wouldn't matter
24 that much. And -- and I think that the benefit of
25 the stability, soil stability and the -- and the

1 reduced disturbance, you know, basically you
2 shouldn't be putting -- shouldn't be building up
3 gradient of that sensitive low-nutrient seepage
4 wetland in the first place.

5 It should have a wide enough buffer to -- to
6 take up those nutrients, because if there's a
7 buffer of remaining forest of 80 to a hundred feet
8 the trees in that buffer will scavenge whatever
9 nutrients seep out from the roots of the dying
10 trees, the dead roots. Is that clear?

11 MR. EDELSON: No. I want one or the other. I feel I
12 have an alternative to -- at a site like this I
13 can either say I'm going to remove roots, or I'm
14 not going to remove roots.

15 From your expertise what would you recommend?

16 THE WITNESS (Gadwa): I think -- I think removing
17 roots, the process of removing tree roots would
18 be -- result in a tremendous amount of soil
19 disturbance, and the -- the nutrients that would
20 come off, off the soil particles, all the
21 phosphorus, and it would -- that would outweigh
22 the -- any reduced nutrients from rotting tree
23 roots.

24 MR. EDELSON: Thank you.

25 I think that's all my questions,

1 Mr. Chairman. Thank you.

2 THE HEARING OFFICER: Thank you, Mr. Edelson. I have a
3 couple of follow-up questions myself starting with
4 Mr. O'Sullivan.

5 The storm event that you recorded, that was
6 on December 25th. Correct?

7 THE WITNESS (O'Sullivan): That's correct.

8 THE HEARING OFFICER: Okay. And that was forecasted to
9 be a pretty significant storm event, but it ended
10 up being not as bad as they had forecasted.

11 Do you happen to know how many inches of rain
12 that Hamden got in your area?

13 THE WITNESS (O'Sullivan): I do not at that day.

14 THE HEARING OFFICER: Ms. Gadwa, do you?

15 THE WITNESS (Gadwa): I should have looked it up. I --
16 I haven't looked it up.

17 THE HEARING OFFICER: Okay.

18 THE WITNESS (Gadwa): We could. We could -- you could
19 look it up, actually.

20 THE HEARING OFFICER: Well, I'm trying to put the event
21 in relation to other, I'll call them, normal rain
22 events. It wasn't as significant as they
23 forecasted it, but it was a pretty good rain
24 event. I know my backyard flooded.

25 In relation to other storm events and the

1 runoff that you were seeing coming off the hill,
2 would you say it was greater than normal?

3 THE WITNESS (O'Sullivan): No, it wasn't any greater
4 than normal. It's -- it's often like that. In
5 fact, the water is running right now down my
6 backyard in those same spots.

7 THE HEARING OFFICER: Okay. So we don't know at this
8 point what, you know, whether that was a one-year
9 event, a five-year event, or ten -- or I don't
10 think it got into anything above that.

11 Do you know that?

12 THE WITNESS (O'Sullivan): I don't -- that that
13 particular day, I don't think it was more than --
14 more than -- it was less than two inches, because
15 I know it was forecasted for substantial rain, but
16 it didn't rain that much.

17 THE HEARING OFFICER: Okay. Thank you.

18 Now Ms. Gadwa, I want to look at your map
19 that you provided in your testimony. And you had
20 testified earlier that on the northwest side of
21 the Eversource right-of-way, that that area is
22 also cleared and sloped.

23 So I take it that -- my question is, where's
24 all the water coming from? Can you help me using
25 this as a guide to point me in the right direction

1 as to where you think the runoff is coming from?

2 THE WITNESS (Gadwa): Well, I mean this is -- you know
3 that you can look at the -- at the maps in the --
4 in the stormwater report that -- that show the, I
5 guess, it's about -- it's a 37 -- 37.6-acre
6 drainage area that --

7 MR. EDELSON: Uh-huh.

8 THE WITNESS (Gadwa): I mean, this is -- this is the
9 side of a ridge, and that the ridge continues
10 upslope and the kind of plateau on the -- on the
11 top, that the Eversource right-of-way is also
12 still sloping up.

13 So -- so we're basically at the bottom of a
14 mountain here. And that there's some -- some
15 concavity so that there -- so that -- that there,
16 there's water from a fairly large swathe of the --
17 of the hillside which is coming down into this
18 area. I mean, you can see the -- you're driving
19 along Gaylord Mountain Road. It's -- there's a
20 little valley there just adjacent to the proposed
21 site.

22 So it's -- it's not surprising. I mean,
23 most -- most of the traprock mountains and ridges
24 have wetlands adjacent to them and many of them
25 have reservoirs and, you know, significant streams

1 that it's -- there this, the core of the mountain
2 is solid rock. And you know, then it -- it's
3 plastered with very, very massive dense stuff.

4 So there's -- there's not the infiltration
5 that you have into your typical forest that -- and
6 there's more. There's more natural runoff.

7 MR. EDELSON: Thank you.

8 THE WITNESS (Gadwa): But it's clean runoff. It is
9 filtered by the -- by the forest topsoil and --
10 and all of the leaves, the roots and all the
11 forest vegetation.

12 And it's -- it's a one -- these ridges are
13 actually a wonderful water source for the -- for
14 the town and the -- and the state. Just think how
15 many traprock ridges have public water supply
16 reservoirs immediately adjacent.

17 THE HEARING OFFICER: Very good. Thank you for your
18 response. It was very helpful.

19 We will now continue with cross-examination
20 of Shaw O'Sullivan by the Petitioner Attorney
21 Baldwin. Thank you.

22 MR. BALDWIN: Thank you, Mr. Morissette.

23 Mr. O'Sullivan, just to follow up on one of
24 the last questions for Mr. Morissette. In
25 addition to the rainfall on Christmas Day weren't

1 we also dealing with a significant amount of snow
2 melt a couple days prior and during that Christmas
3 Day storm?

4 THE WITNESS (O'Sullivan): There was some snow, yes.

5 MR. BALDWIN: Thank you. And just to be clear, what do
6 you do for a living, Mr. O'Sullivan?

7 THE WITNESS (O'Sullivan): I'm a salesman.

8 MR. BALDWIN: Okay. So you're not a professional
9 engineer? Not a hydrologist?

10 THE WITNESS (O'Sullivan): No, but I have a homeowner.

11 MR. BALDWIN: Okay.

12 THE WITNESS (O'Sullivan): And I've lived there for 27
13 years.

14 MR. BALDWIN: No, understood. And your observations
15 are in the record.

16 It's fair to assume that you've read the
17 petition and the materials in the petition for the
18 Gaylord Mountain Solar project?

19 THE WITNESS (O'Sullivan): Yes.

20 MR. BALDWIN: Did you know from reading the petition
21 that the size of the footprint of the developed
22 area of the project is 12.3 acres? Correct?

23 THE WITNESS (O'Sullivan): Yes.

24 MR. BALDWIN: And you heard Ms. Gadwa say just now --
25 and I'm not saying that she's accurate, but she

1 did say is the drainage area, the watershed area
2 was at least 37.6 acres in size.

3 So if I do the math correctly, that means the
4 project area is about a third of the drainage area
5 for this part of Hamden. Does that sound about
6 right to you?

7 THE WITNESS (O'Sullivan): I'd say, yes.

8 MR. BALDWIN: Okay. So some of your comments during
9 the filming on that video, one in particular you
10 said something to the effect, all of this water,
11 and you were referring to the water coming across
12 Gaylord Mountain Road, all of this water is coming
13 from 360 Gaylord Mountain Road. That's not true.

14 Is it?

15 THE WITNESS (O'Sullivan): In my opinion it is.

16 MR. BALDWIN: Let's go back. We've got a 37.6-acre
17 watershed that feeds into this area, as Ms. Gadwa
18 stated, and a 12-acre site. One third of this, of
19 the drainage area comes from this site. Two
20 thirds come from other portions of the area
21 including probably your street.

22 So again, all of the water is not coming from
23 this, from the property at 360 Gaylord Mountain
24 Road. Is it?

25 THE WITNESS (O'Sullivan): I'm going to -- I say it is.

1 If you look at where --

2 MR. BALDWIN: That's fine. That's your opinion.

3 That's fine.

4 Ms. Gadwa, you're not a professional
5 engineer. Are you?

6 THE WITNESS (Gadwa): I'm a professional wetland
7 scientist and a registered soil scientist, but not
8 an engineer.

9 MR. BALDWIN: I'll take that as a no.

10 THE WITNESS (Gadwa): So I've --

11 MR. BALDWIN: I'll ask -- you know, Ms. Gadwa, I'll ask
12 very straightforward questions.

13 THE WITNESS (Gadwa): Uh-huh.

14 MR. BALDWIN: If you can answer them yes or no that
15 would be fantastic.

16 THE WITNESS (Gadwa): Yeah.

17 MR. BALDWIN: You recently appeared before the Siting
18 Council in another petition on behalf of the solar
19 developer down in Madison, Connecticut. Correct?

20 THE WITNESS (Gadwa): Madison? No.

21 MR. BALDWIN: Petition Number 1354. Where was that
22 project?

23 THE WITNESS (Gadwa): Oh, there -- there was a project
24 in Killingworth.

25 MR. BALDWIN: Oh, Killingworth. I'm sorry you're

1 right. But that's petition 1354, you appeared on
2 behalf of the petitioner?

3 THE WITNESS (Gadwa): Yes.

4 MR. BALDWIN: And that project -- again yes or no, that
5 project calls for the development of a 25-acre
6 wooded parcel. I took that from the petition
7 itself. Is that correct?

8 THE WITNESS (Gadwa): I can't remember the acreage.

9 MR. BALDWIN: Okay. That's fine. You mentioned that
10 in your report that you walked the property. Did
11 you try to reach the Petitioner or the property
12 owner before you stepped onto the property without
13 permission?

14 THE WITNESS (Gadwa): I -- I, what I do is I, if I see
15 no-trespassing signs --

16 MR. BALDWIN: I understand what your report says,
17 Ms. Gadwa. Did you reach out to the property
18 owner --

19 THE WITNESS (Gadwa): No.

20 MR. BALDWIN: Did you reach out to the property owner
21 or the Petitioner before you went on the property?

22 THE WITNESS (Gadwa): No, I didn't. I didn't. It
23 seemed to be hiked and used by the neighborhood
24 generally, so.

25 MR. BALDWIN: Okay. That's fine. You make a lot of

1 general statements in your testimony, and you made
2 a bunch of general statements in your testimony
3 this afternoon --

4 **THE WITNESS (Gadwa):** Uh-huh?

5 **MS. BACHMAN:** -- where you talk about it's much more
6 likely that certain conditions exist, and there's
7 more apt to be certain conditions, kind of these
8 general statements. You haven't performed any
9 detailed assessments or analyses of wildlife or
10 species, groundwater hydrology, stormwater runoff
11 from the subject parcel. Have you?

12 **THE WITNESS (Gadwa):** I've made observations, but they
13 were constrained by the season. I was not there
14 during the growing season, or the bird breeding
15 season.

16 **MR. BALDWIN:** So you haven't performed any of those
17 detailed analyses?

18 **THE WITNESS (Gadwa):** I have. I've done many detailed
19 surveys on other ridges with very similar bedrock
20 geology and hydrology, and similar -- similar tree
21 communities. So that one can generalize from --

22 **MR. BALDWIN:** But not here --

23 **THE WITNESS (Gadwa):** -- about communities --

24 **MR. BALDWIN:** I understand.

25 **THE WITNESS (Gadwa):** -- based on conditions.

1 MR. BALDWIN: Please just answer my question. But not
2 here?

3 THE WITNESS (Gadwa): Just the tree -- just the -- just
4 the tree composition and the surface topography,
5 but not the herb stratum.

6 MR. BALDWIN: Thank you, that's all.

7 Thank you Mr. Morissette.

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

9 Okay. We will now proceed with the continued
10 appearance of the Petitioner to verify the
11 December 20th late-filed exhibits and the
12 January 5, 2021, supplemental late-filed exhibits
13 that have been submitted marked as Roman numeral
14 2B, items eleven and twelve.

15 Attorney Baldwin, please begin by identifying
16 the new exhibits you have filed in this matter and
17 verifying exhibits by the appropriate sworn
18 witnesses.

19 B R A D L E Y J. P A R S O N S,
20 M I C H A E L L I B E R T I N E,
21 M A T T H E W G U S T A F S O N,

22 recalled as witnesses, having been previously
23 duly sworn by the Executive Director, were
24 examined and testified under oath as
25 follows:

1 MR. BALDWIN: I will. Thank you, Mr. Morissette.

2 Again, they're listed in the hearing program.
3 These, if the Council recalls at the last hearing
4 there was a request for some additional
5 information regarding the depth of existing
6 residential wells in the area around the project
7 site as well as the request for some additional
8 mapping information kind of following up on the
9 original late-file exhibit responses and adding
10 additional information to those maps. And those
11 are, the essence of those two new exhibits -- and
12 I think for these purposes we'll just need
13 Mr. Parsons and Mr. Libertine to verify these
14 exhibits.

15 And so I'll ask them, did you prepare or
16 assist in the preparation, or did you assist with
17 the assemblage of the information contained in
18 what is listed as exhibits eleven and twelve under
19 Roman 2, section B of the hearing program on
20 behalf of the Petitioner? Mr. Parsons?

21 THE WITNESS (Parsons): Yes, I did.

22 MR. BALDWIN: Mr. Libertine?

23 THE WITNESS (Libertine): Yes.

24 MR. BALDWIN: Do you have any corrections,
25 modifications or amendments to offer to those

1 exhibits? Mr. Parsons?

2 THE WITNESS (Parsons): No.

3 MR. BALDWIN: And Mr. Libertine?

4 THE WITNESS (Libertine): No.

5 MR. BALDWIN: Is the information in those two exhibits
6 true and accurate to the best of your knowledge?

7 Mr. Parsons?

8 THE WITNESS (Parsons): Yes.

9 MR. BALDWIN: And Mr. Libertine?

10 THE WITNESS (Libertine): Yes.

11 MR. BALDWIN: And do you adopt that information as your
12 testimony in this proceeding? Mr. Parsons?

13 THE WITNESS (Parsons): Yes.

14 MR. BALDWIN: And Mr. Libertine?

15 THE WITNESS (Libertine): Yes.

16 MR. BALDWIN: Thank you, Mr. Morissette. I offer them
17 as full exhibits.

18 THE HEARING OFFICER: Thank you, Attorney Baldwin.

19 Does any intervener object to the admission
20 of the Petitioner's new exhibits?

21 Mr. O'Sullivan?

22 MR. O'SULLIVAN: No.

23 THE HEARING OFFICER: Thank you. The exhibits are
24 hereby admitted.

25 We will continue with cross-examination of

1 the petitioner on the December 30, 2020; and
2 January 5, 2020, late-filed exhibits by the
3 Council. The questions are limited to the
4 late-filed exhibits, and those exhibits only.
5 Thank you.

6 Mr. Cunliffe?

7 MR. CUNLIFFE: Thank you Mr. Morissette. I'm going to
8 step a little bit outside that box you just
9 described, Mr. Morissette.

10 I just wanted to have clarification by the
11 Petitioner to comment on Ms. Gadwa's testimony
12 that critiqued the erosion and
13 sedimentation controls, particularly to the core
14 log with water flowing overtopping it.

15 Could the core log be installed on top of one
16 another as a strategy, or installed in closer
17 intervals to control water runoff?

18 THE WITNESS (Parsons): This is Mr. Parsons. It's my
19 opinion that the compost filter socks, slash, core
20 logs are installed at -- at a very shallow
21 interval already. You know, they are -- they will
22 overtop at times during -- during heavier events,
23 but they are installed at a very tighter interval
24 than would normally be done.

25 MR. CUNLIFFE: And could the perimeter erosion sediment

1 control fences be doubled up to slow the movement
2 of sediment?

3 THE WITNESS (Parsons): In -- in this case I feel that
4 the perimeter erosion controls are really
5 consistent of the stormwater swale, slash,
6 temporary diversion that runs along the eastern
7 side of the project limits and eastern side of the
8 disturbed limits, and then funnels down to the
9 south to the stormwater management basin, slash,
10 temporary sediment basin. And those are really
11 serving as our perimeter controls on this site.

12 While there may be silt fence installed in
13 the interim while those two items are -- are being
14 constructed, once those are -- those items are
15 constructed they will serve as the majority of the
16 erosion control function on site.

17 MR. CUNLIFFE: Thank you. That's my question,
18 Mr. Morissette.

19 THE HEARING OFFICER: Thank you, Mr. Cunliffe.

20 We'll now continue with cross-examination by
21 Mr. Harder.

22 MR. HARDER: I have no other questions. Thank you.

23 THE HEARING OFFICER: Thank you. Mr. Hannon?

24 MR. HANNON: I have no questions. Thank you.

25 THE HEARING OFFICER: Mr. Nguyen?

1 MR. NGUYEN: I have no questions, Mr. Morissette.

2 Thank you.

3 THE HEARING OFFICER: Thank you. And Mr. Edelson?

4 MR. EDELSON: Thank you, Mr. Chairman.

5 I guess I was a little -- feeling a little
6 dense with regard to the diagram, to show the late
7 file diagram -- or exhibit. There are many, many
8 instances where we've got a red line surrounding a
9 yellow area. And I just -- I could not picture
10 what you were trying to convey there.

11 The red I assume is the steep part, but I'm
12 trying to understand what's -- because it would
13 look almost very difficult to put the solar arrays
14 where there is, you know, some sort of a shape,
15 you know, almost like a rectangle with the solar
16 arrays going right over these red lines.

17 So I'm just having a little trouble
18 interpreting that, and if either Mr. Parsons or
19 Mr. Libertine could help, that would be
20 appreciated.

21 THE WITNESS (Parsons): Not a problem, sir. This is
22 Mr. Parsons.

23 The -- the red lines on I believe where we're
24 referring to -- let's look at the first exhibit of
25 that Exhibit 1A, labeled 1A. Those red lines

1 around the -- the colored yellow areas are the
2 areas of solar, it was the way we were able to
3 identify the area is solar panels that are on
4 grades greater than 15 percent. So it was really
5 just to identify.

6 And I believe one of the questions at one
7 point in time during the proceedings was what
8 area -- how many -- what's the total area of solar
9 panels that is on grades greater than 15 percent?
10 And that's -- that's really what that is defining.

11 MR. EDELSON: Okay. But it's not indicating -- because
12 the key at the bottom got me nervous because red
13 is associated with slopes of greater than
14 30 percent.

15 THE WITNESS (Parsons): Correct, yeah.

16 MR. EDELSON: But that's not what you're trying to do
17 with the red line?

18 THE WITNESS (Parsons): No, if you -- if you look at
19 the -- on that same exhibit the top callout on the
20 right-hand side of the plan points to that red
21 line around the -- around the yellow area.

22 And -- and that's what we were trying to call
23 it with -- with that callout where's it's says a
24 ray area with slopes above 15 percent plus or
25 minus .34 acres, which is plus or minus 4 percent

1 of the fenced-in area.

2 MR. EDELSON: I missed that. Thank you.

3 THE WITNESS (Parsons): No problem.

4 MR. EDELSON: And so I had a question, though --

5 hopefully, Mr. Chairman, it's okay to ask about
6 the other late submission which was a letter from
7 Senator Looney, which once again referred to
8 concerns about woodchips.

9 And if memory serves me well, when we last
10 spoke at the last hearing it indicated there was a
11 misunderstanding about the amount of material that
12 would be woodchipped. And I would be interested
13 in your observation about Senator Looney and
14 whether his concern about -- it seems to be
15 related to taking all of the trees and leaving --
16 or creating woodchips from them and then just
17 leaving them to decompose.

18 Do you feel like he's misunderstood what your
19 plan is based on -- and again, this is to clarify.
20 I forgot who was submitting the concern. I think
21 it was the Hamden Tree Commission that all of this
22 woodchipping was going to go on. Could you
23 clarify what do you think is going on here?

24 THE WITNESS (Parsons): Just give me one minute. I'm
25 just reviewing the correspondence again.

1 MR. EDELSON: Okay. Thank you.

2 MR. BALDWIN: I believe also, Mr. Edelson, that
3 Mr. Gustafson also participated in the discussion
4 of the woodchipping issue. And it was discussed
5 as a part of the Hamden Tree Commission letter and
6 comments reiterated by Senator Looney.

7 THE WITNESS (Parsons): Yeah, and I believe in our --
8 in our piece here our intent was not to leave
9 the -- the woodchips behind in -- in this case.

10 And Matt, if you want to jump in here, too?

11 THE WITNESS (Gustafson): Sure. This is -- for the
12 record, this is Matthew Gustafson. Per the
13 testimony of the previous hearing, the intent is
14 for any wood material that can be used or -- or
15 sold off as timber likely where feasible would be.

16 It's certainly not the intent of the
17 Applicant to whole-tree, which is everything on
18 site. And anything that does fall into the
19 category of being chipped is not intended to be
20 left on site. That material would be removed
21 primarily.

22 THE WITNESS (Parsons): I would just -- I would add
23 that any woodchips could possibly be used for
24 temporary stabilization, however in order to gain
25 permanent stabilization on site the woodchips

1 would need to be removed to achieve that, that
2 permanent stabilization.

3 MR. EDELSON: Okay. I mean, the topic comes up -- and
4 I apologize that I wasn't able to clarify this.
5 You know we see so many different applications,
6 but I don't think in this petition you did a
7 particular carbon offset analysis. Is that
8 correct? Or is that there and I just couldn't
9 find that exhibit?

10 THE WITNESS (Gustafson): The -- a carbon study had
11 been performed, and it's been provided. As I
12 believe question 50 in the inter -- first
13 interrogatory set, which is -- and maybe Ken can
14 help me on the exhibit number for that?

15 MR. BALDWIN: Exhibit Number 2.

16 THE WITNESS (Gustafson): Thank you.

17 MR. BALDWIN: That's one of our interrogatory
18 responses, response number 50, Mr. Edelson.

19 MR. EDELSON: Okay. And so that analysis is consistent
20 with what Mr. Gustafson is saying about woodchips,
21 you know, that most of the trees or most of the
22 woody biomass that has economic potential would be
23 removed from the site and not left to decompose?

24 THE WITNESS (Gustafson): That is correct.

25 MR. EDELSON: Okay. Thank you, Mr. Chairman. I think

1 that's all the questions I have right now.

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

3 I have no further questions, so at this time
4 we will continue with cross-examination of the
5 Petitioner on the December 30, 2020; and
6 January 5, 2021, late-file exhibits by Shawn
7 O'Sullivan.

8 Mr. O'Sullivan?

9 **MR. O'SULLIVAN:** Yes. So on those, is this where I get
10 to ask questions? I have to ask you a point of --

11 **THE HEARING OFFICER:** Yes, please proceed.

12 **MR. O'SULLIVAN:** Okay. So at the last evidentiary
13 hearing the Petitioner had said that they were not
14 aware of any water runoff. I believe it was the
15 Parsons that had said that.

16 Have you seen the videos, Mr. Parsons?

17 **MR. BALDWIN:** Mr. Morissette, I'm going to object to
18 the question again. I believe the questions are
19 limited to the two new exhibits that were
20 submitted. Those two exhibits are the two maps
21 showing the steepness of the grades on the site as
22 it relates to the solar panels and the well depth
23 information.

24 **THE HEARING OFFICER:** Yes. Thank you, Mr. Baldwin,
25 however the Council itself and staff had breached

1 the requirement. So I'll allow some questioning,
2 but Mr. O'Sullivan, if you could keep it limited I
3 would appreciate it. Thank you.

4 MR. O'SULLIVAN: Yes, sir.

5 MR. BALDWIN: Just so we're clear, Mr. Morissette, the
6 question relates to Mr. Parson's review and
7 feedback on the videos that Mr. O'Sullivan
8 submitted. Thank you.

9 THE HEARING OFFICER: Please proceed, Mr. O'Sullivan.

10 MR. O'SULLIVAN: Okay. So I would like to ask the
11 Petitioner, in your plans on Exhibit H was that
12 amount of water runoff in your plans?

13 THE WITNESS (Parsons): Can -- can you explain the
14 question? Was it -- was it accounted for?

15 MR. O'SULLIVAN: Was it accounted for and expected,
16 that much water runoff?

17 THE WITNESS (Parsons): The -- the stormwater design
18 was -- was done in accordance with the 2004
19 stormwater quality manual, and we went through
20 the -- the storm events all the way up to the --
21 the hundred-year storm event.

22 I can refer to my drainage report to find out
23 what the amount of precipitation that is, if you
24 would -- if you would like. But yes, I mean,
25 the -- the water runoff on site was considered.

1 The drainage area getting to the analysis point as
2 it leaves the site, as Ms. Gadwa had referenced,
3 is approximately 37.6 acres.

4 I can't say that the -- I did -- after
5 reviewing your, the videos there that were
6 submitted I went; I looked at what was the -- the
7 drainage area, approximate drainage area reaching
8 the east side of Gaylord Mountain Road.

9 And while the -- the calculation was very
10 quick in -- in desktop the drainage area reaching
11 the west side of Gaylord Mountain Road immediate
12 from the site where you were standing there, sir,
13 was approximately 50 acres.

14 So there's an additional, you know, 15 to --
15 15 acres or so that is not coming through what was
16 put through our stormwater analysis.

17 MR. O'SULLIVAN: So one last question. I have lived
18 there now 27 years. I don't care what Mr. Baldwin
19 says. I will attest that the water runoff is much
20 worse now with only a few trees being knocked down
21 from the hurricane. So since I heard -- I'm
22 sorry, tornado.

23 Since the tornado came through it's changed
24 the pattern. It used to just run through my
25 backyard through the trench. Now it comes across

1 my yard into my neighbor's yard.

2 Do you really think that you can make this
3 water runoff less and control it?

4 THE WITNESS (Parsons): Well, what -- what are we --
5 what are we referring to, Mr. O'Sullivan,
6 specifically? Is it referring -- are we referring
7 to your rut, to your yard? Or are we referring to
8 the site -- the runoff then and the tornado that
9 you were --

10 MR. O'SULLIVAN: I'm talking about the site runoff.

11 Since you, when you cut those trees down -- with
12 the future of the trees that are down now it's
13 made it worse. When you cut all those trees down
14 it's going to get worse.

15 How are you going to control that?

16 THE WITNESS (Parsons): Well, what I -- what I can say
17 is that -- that there are trees down now and there
18 is no stormwater controls that were put in place
19 to -- to manage those trees potentially going
20 down.

21 Whether that has an exact effect on -- on the
22 drainage, I -- I don't have a good and a well
23 answer for that. However, I can say that we are,
24 for the trees that we are removing, we are
25 installing stormwater management systems to

1 control that runoff and -- and account for that,
2 and that's clearly documented in our -- our
3 stormwater report.

4 Furthermore, with regards to the -- the
5 runoff on your property specifically, if you were
6 to truly look at our stormwater report, it would
7 be the topography on site. There is a -- the
8 drainage line actually runs right along the
9 property line.

10 In reviewing the topography in that area and
11 the video from the 15th that you showed there, you
12 know, it does highlight the existing stone trench
13 that is -- is on your property. That stone trench
14 is visible from the aerial photography obviously.

15 It also does, not only extend along the south
16 side of your property, but actually -- or sorry,
17 the north side of your grass, but as it -- it
18 heads to the west along the north side of your --
19 your grass, it actually turns south and -- and
20 runs south for another 40 feet mainly catching
21 water runoff from your neighbor's property to the
22 north.

23 And furthermore, if you actually review the
24 topography on a micro topography detail it does
25 appear that your neighbor installed a shed at some

1 point in time. And in a portion -- installing
2 that shed it does actually appear like he may have
3 built up some of the topography on the west side
4 of his shed. That is actually possibly collecting
5 upland runoff from the wetland four, which is just
6 about a hundred feet from your property line. So
7 it's -- and on his property in some cases.

8 So it's -- it really does not appear in all
9 the analyses that I've done on this project that
10 any runoff from our site is leaving our property
11 and -- and heading onto your property, from what I
12 can tell.

13 MR. O'SULLIVAN: I'm going to disagree with that. I
14 don't know if I would be allowed to send another
15 video in? I have a video that shows the water is
16 coming from -- it starts off at the wetland that's
17 on the south end of the property, runs down, turns
18 into my property and then turns back, back around
19 out to my neighbor's yard.

20 THE HEARING OFFICER: Unfortunately, Mr. O'Sullivan,
21 we're not accepting any more late files.

22 MR. O'SULLIVAN: All right. Well, I will disagree with
23 that. The water is not coming from my neighbor's
24 property.

25 And it's too -- it's actually dangerous to

1 walk back there now with the trees that are
2 leaning, but I did take the video of that, so.
3 And that was, I just had one question -- and that
4 would be my last question.

5 THE HEARING OFFICER: Thank you, Mr. O'Sullivan.

6 Okay. Before closing the evidentiary record
7 in this matter the Connecticut Siting Council
8 announces that briefs and proposed findings of
9 facts may be filed with the Council by any
10 party or intervener no later than February 6,
11 2021. The submission of briefs or proposed
12 findings of fact are not required by this Council.
13 Rather, we leave it to the choice of the parties
14 and interveners.

15 Anyone who has not become a party or
16 intervener, but who desires to make his or her
17 views known to the Council may file written
18 statements with the Council within 30 days of the
19 date hereof.

20 The Council will issue draft finding of facts
21 and thereafter parties and interveners may
22 identify errors or inconsistencies between the
23 Council's draft finding of facts and the record,
24 however no new information, no new evidence, no
25 argument and no reply briefs without permission

1 will be considered by the Council.

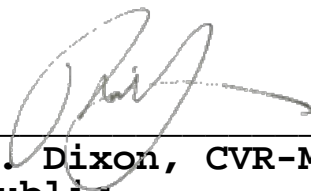
2 I hereby declare this hearing adjourned.

3 Thank you everyone for your participation.

4
5 (End: 3:19 p.m.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I hereby certify that the foregoing 62 Pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Zoom Remote Siting Council Meeting (Teleconference) in Re: CONNECTICUT SITING COUNCIL PETITION NO. 1425, GAYLORD MOUNTAIN SOLAR PROJECT 2019, 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 1.9-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY LOCATED AT 360 GAYLORD MOUNTAIN ROAD IN HAMDEN, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on January 7, 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

I N D E X

1		
2	WITNESSES	PAGE
3	Sigrun N. Gadwa	
3	Shawn O'Sullivan	7
4	EXAMINERS	
5	By (Hearing Officer) Morissette	8, 36
5	By Mr. Cunliffe	10
6	By Mr. Edelson	25
6	By Mr. Baldwin	39
7		
8	WITNESSES	PAGE
9	Bradley J. Parsons	
9	Michael Libertine	
10	Matthew Gustafson	45
11	EXAMINERS	
11	By Mr. Baldwin	46
12	By Mr. Cunliffe	48
12	By Mr. Edelson	50
13	By Mr. O'Sullivan	55
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		