

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Petition No. 1443

5 SR North Stonington, LLC, Petition for a
6 Declaratory Ruling, Pursuant to Connecticut General
7 Statutes §4-176 and §16-50k, for the Proposed
8 Construction, Maintenance and Operation of a
9 9.9-megawatt AC Solar Photovoltaic Electric Generating
10 Facility on Five Parcels Located North and South of
11 Providence-New London Turnpike (State Route 184), West
12 of Boombridge Road and North of Interstate 95 in North
13 Stonington, Connecticut

14
15 Zoom Remote Council Meeting (Teleconference),
16 on Thursday, July 8, 2021, beginning at 2 p.m.

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

19 JOHN MORISSETTE, Member and Presiding Officer
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 **ROBERT SILVESTRI**

12 **ED EDELSON**

13 **DANIEL P. LYNCH, JR.**

14 **LOUANNE COOLEY**

15
16 **Council Staff:**

17 **MELANIE BACHMAN, ESQ.,**

18 **Executive Director and Staff Attorney**

19
20 **LISA FONTAINE,**

21 **Fiscal Administrative Officer**

22
23 **AARON DeMAREST,**

24 **Sound Engineer**

25

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

2 **For SR North Stonington, LLC (Petitioner):**

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**

9 **And: JONATHAN H. SCHAEFER, ESQ.**

10 **JSchaefer@rc.com**

11 **860.275.8349**

12

13 **For the Town of North Stonington (Intervener):**

14 **SUISMAN SHAPIRO**

15 **2 Union Plaza**

16 **P.O. Box 1591**

17 **New London, Connecticut 06320**

18 **By: ROBERT A. AVENA, ESQ.**

19 **RAvena@sswbgg.com**

20

21

22

23

24

25

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

3 Very good. Thank you.

4 This continued remote evidentiary hearing is
5 called to order this Thursday July 8, 2020, at
6 2 p.m.

7 My name is John Morissette, member and
8 presiding officer of the Connecticut Siting
9 Council.

10 As everyone is aware, there currently is a
11 statewide effort to prevent the spread of the
12 coronavirus. This is why the Council is holding
13 this remote hearing, and we ask for your patience.
14 If you haven't done so already, I ask that
15 everyone please mute their computer audio and/or
16 telephones now.

17 A copy of the prepared agenda is available on
18 the Council's Petition Number 1443 webpage along
19 with the record of this matter and the public
20 hearing notice, instructions for public access to
21 this remote public hearing and the Council's
22 citizens' guide to Siting Council procedures.

23 Other members of the Council with us today
24 are Mr. Ed Edelson; Mr. Silvestri; Mr. Hannon,
25 designee for Commissioner Katie Dykes of the

1 Department of Energy and Environmental Protection;
2 Mr. Nguyen, designee for Chairman Marissa Paslick
3 Gillett of the Public Utility Regulatory
4 Authority; Mr. Lynch; Ms. Cooley; Executive
5 Director Melanie Bachman; Siting Analyst Michael
6 Perrone; and Fiscal Administrative officer Lisa
7 Fontaine.

8 This evidentiary session is a continuation of
9 the remote public hearing held on June 8, 2021.
10 It is held pursuant to the provisions of Title 16
11 of the Connecticut General Statutes and of the
12 Uniform Administrative Procedure Act upon a
13 petition from SR North Stonington LLC for a
14 declaratory ruling, pursuant to Connecticut
15 General Statutes 4-176 and Section 16-50k, for the
16 proposed construction, maintenance and operation
17 of a 9.9-megawatt AC solar photovoltaic electric
18 generation facility on 5 parcels located north and
19 south of Providence-New London Turnpike, also
20 known as State Route 184, west of Boombridge Road
21 and north of Interstate 95 in North Stonington,
22 Connecticut.

23 Please be advised that Council does not issue
24 permits for stormwater management. If the
25 proposed project is approved by the Council -- the

1 Department of Energy and Environmental Protection,
2 DEEP, a stormwater permit is independently
3 required. DEEP will hold a public hearing on any
4 stormwater -- could hold a public hearing on any
5 stormwater permit application.

6 Please also be advised that the Council's
7 project evaluation criteria under the statute does
8 not include consideration of property value.

9 A verbatim transcript will be made available
10 of this hearing and deposited at the North
11 Stonington Town Clerk's office for the convenience
12 of the public.

13 We'll have the continuation of the appearance
14 by the Petitioner, SR North Stonington, LLC. We
15 will continue with the appearance of the
16 Petitioner to verify the new exhibits that have
17 been submitted marked as Roman numeral two, items
18 B5 and '6.

19 Attorney Baldwin, please begin by identifying
20 the new exhibits you have filed in this matter,
21 and verifying the exhibits by the appropriate
22 sworn witnesses.

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

24 Good afternoon, Councilmembers, staff.

25 Again, Ken Baldwin with Robinson & Cole, joined

1 today by Jonathan Schaefer on behalf of the
2 Petitioner, SR North Stonington LLC.

3 Mr. Morissette, our witness panel is the same
4 as it was last time. We have five, five of our
5 panelists here in Hartford. And Vince Ginter
6 remains on video as our sixth witness.

7 I would just remind our witness panel that
8 you remain sworn in this proceeding.

9 P E T E R C A N D E L A R I A ,

10 A L I W E A V E R ,

11 D E A N G U S T A F S O N ,

12 D E N N I S Q U I N N ,

13 M A T T B R A W L E Y ,

14 V I N C E N T G I N T E R ,

15 recalled as witnesses, having been previously
16 duly sworn, were examined and testified under
17 oath as follows:

18
19 MR. BALDWIN: As stated, Mr. Morissette, we have two
20 additional exhibits that we'd like to offer. They
21 included in the hearing program Petitioner's
22 Exhibit Number 5, which are Petitioner's responses
23 to interrogatories issued by the Town of North
24 Stonington. Those were filed by the Petitioner on
25 July 1st.

1 Also filed on July 1st were the Petitioner's
2 responses to the Council late-file exhibits which
3 were issued after the initial evidentiary session
4 back on June 8th.

5 And for the purposes of verification I'll ask
6 our witness panel, did you prepare or assist in
7 the preparation of the new exhibits labeled
8 numbers five and six in the hearing program under
9 Roman two, section B? Mr. Gustafson?

10 THE WITNESS (Gustafson): Dean Gustafson, yes.

11 THE WITNESS (Quinn): Dennis Quinn, yes.

12 THE WITNESS (Candelaria): Pete Candelaria, yes.

13 THE WITNESS (Weaver): Ali Weaver, yes.

14 THE WITNESS (Brawley): Matt Brawley, yes.

15 MR. BALDWIN: Mr. Ginter? You're muted.

16 There you go.

17 THE WITNESS (Ginter): Can you hear me now?

18 MR. BALDWIN: Yes.

19 THE WITNESS (Ginter): Okay. Yes, Vince Ginter. Yes,
20 I do.

21 MR. BALDWIN: And do you have corrections,
22 modifications or clarifications that you want to
23 offer to any of those exhibits, or the responses
24 contained in those exhibits at this time?

25 Mr. Gustafson?

1 THE WITNESS (Gustafson): Dean Gustafson, no.

2 MR. BALDWIN: Mr. Quinn?

3 THE WITNESS (Quinn): Dennis Quinn, no.

4 MR. BALDWIN: Mr. Candelaria?

5 THE WITNESS (Candelaria): Pete Candelaria, yes.

6 Petitioner's Exhibit 6, item M, the
7 modification to the Petitioner's on-site fuel
8 storage plan.

9 After further review of the considerations
10 from and comments from the Council, we've opted to
11 move in the direction as requested by the Council
12 to maintain mobile fuel support in lieu of the
13 on-site fuel storage tanks, and we'll work with
14 our contractor to develop -- develop temporary
15 containment to facilitate this safely.

16 MR. BALDWIN: Thank you.

17 Ms. weaver?

18 THE WITNESS (Weaver): Ali Weaver, no.

19 MR. BALDWIN: Mr. Brawley?

20 THE WITNESS (Brawley): Matt Brawley, no.

21 MR. BALDWIN: Mr. Ginter?

22 THE WITNESS (Ginter): Vince Ginter, no.

23 MR. BALDWIN: And with those corrections and
24 modifications or clarifications, is the
25 information contained in those exhibits true and

1 accurate to the best of your knowledge?

2 Mr Gustafson?

3 THE WITNESS (Gustafson): Dean Gustafson, yes.

4 MR. BALDWIN: Mr. Quinn?

5 THE WITNESS (Quinn): Dennis Quinn, yes.

6 MR. BALDWIN: Mr. Candelaria?

7 THE WITNESS (Candelaria): Pete Candelaria, yes.

8 MR. BALDWIN: Ms. Weaver?

9 THE WITNESS (Weaver): Ali Weaver, yes.

10 MR. BALDWIN: Mr. Brawley.

11 THE WITNESS (Brawley): Matt Brawley, yes.

12 MR. BALDWIN: Mr. Ginter?

13 THE WITNESS (Ginter): Vince Ginter, yes.

14 MR. BALDWIN: And do you adopt the information

15 contained in those exhibits as your testimony in

16 this proceeding? Mr. Gustafson?

17 THE WITNESS (Gustafson): Dean Gustafson, yes.

18 THE WITNESS (Quinn): Dennis Quinn, yes.

19 MR. BALDWIN: Mr. Candelaria?

20 THE WITNESS (Candelaria): Pete Candelaria, yes.

21 MR. BALDWIN: Ms. Weaver?

22 THE WITNESS (Weaver): Ali Weaver, yes.

23 MR. BALDWIN: Mr. Brawley?

24 THE WITNESS (Brawley): Matt Brawley, yes.

25 MR. BALDWIN: Mr. Ginter?

1 THE WITNESS (Ginter): Vince Ginter, yes.

2 MR. BALDWIN: Mr. Morissette, we offer them as full
3 exhibits.

4 THE HEARING OFFICER: Thank you, Attorney Baldwin.

5 Does any party object to the admission of the
6 Petitioner's new exhibits? Attorney Avena?

7 MR. AVENA: No objection, Mr. Chairman.

8 THE HEARING OFFICER: Thank you. The exhibits are
9 hereby admitted.

10 We will continue with cross-examination of
11 the Petitioner by the Council starting with
12 Mr. Perrone.

13 Mr. Perrone?

14 MR. PERRONE: Thank you, Mr. Morissette.

15 I'd like to begin with the cost topic.
16 Referencing the Late-File Exhibit A, I understand
17 the total cost is between 15 and 25 million. Do
18 you have a closer estimate at this time? Or is it
19 still basically within that range?

20 THE WITNESS (Weaver): Mr. Perrone, this is Ali Weaver.

21 That's -- that's the best estimate we have at this
22 time. I'm happy to offer the Council any update
23 as we continue through this process.

24 MR. PERRONE: Are the initial then revised project's
25 costs roughly comparable? Regarding the revised

1 project from -- versus the originally proposed
2 project, are they comparable in cost?

3 THE WITNESS (Weaver): Yes, they are comparable in
4 cost. The reason being is we've continued through
5 this process in places where we've had cost
6 increases. There has been other cost savings, and
7 so they've balanced each other out -- is why
8 they're comparable.

9 MR. PERRONE: Did the use of the bifacial solar panels
10 or increasing the panel wattage materially affect
11 your total costs?

12 THE WITNESS (Weaver): Ali Weaver. That was a
13 significant cost increase for us, yes.

14 MR. PERRONE: Is that mostly due to the wattage
15 increase?

16 THE WITNESS (Candelaria): So this is Pete Candelaria.
17 No, it's -- it's due to, you know, the type and --
18 and density of module, yes. It's driven by both
19 the fact that it's a bifacial module and the
20 higher density.

21 MR. PERRONE: And with the 475-watt proposed panels,
22 what would be your proposed aisle width, the
23 row-to-row spacing?

24 THE WITNESS (Weaver): Ali Weaver. We are at
25 8.81 feet, which is identified on attachment 4.

1 MR. PERRONE: And with the revised aisle width and the
2 revised panel size would you expect your capacity
3 factor to decrease due to the inter-row shading?

4 THE WITNESS (Candelaria): No. This is Pete
5 Candelaria. We do not expect our overall capacity
6 factor to decrease. It's our DC/AC ratio that
7 bumps up a bit. So we'll have a bit more DC, but
8 the overall AC capacity factor will remain the
9 same.

10 MR. PERRONE: In the late-file exhibits, attachment 15,
11 there's the emergency action plan. And looking at
12 section 5 of that plan, 5C there's a section on
13 the response to a fire.

14 In the event of a fire are there provisions
15 in this plan to shut down the facility, and how
16 would that happen? Would it be remote, or
17 emergency responders would shut it down before
18 entry?

19 MR. SCHAEFER: For clarification, Mr. Perrone, I
20 believe you meant attachment 14?

21 MR. PERRONE: Yes, I'm sorry.

22 THE WITNESS (Candelaria): So this is Pete Candelaria
23 with Silicon Ranch. We are able to remotely open
24 our breakers with our -- our system and our
25 switchgear. So we can isolate the facility

1 remotely.

2 **MR. PERRONE:** Referencing the town exhibits, there is
3 the letter from CLA Engineers dated April 26,
4 2021. And on the second page of that letter there
5 are five points related to vernal pools,
6 specifically vernal pool 1.

7 Would the Petitioner be able to respond to
8 those items one through five in the context of the
9 revised project?

10 **THE WITNESS (Gustafson):** Yes, yeah. This is Dean
11 Gustafson. We provided responses in both
12 Applicant Exhibits 5 and 6 -- so in 5, in our
13 response to question 37. And then Exhibit 6, the
14 late file that was associated with the critical
15 terrestrial habitat impacts, that was a response
16 to item D.

17 We've effectively revised the project to --
18 for vernal pool 1, specifically. We've eliminated
19 all of the impacts within the vernal pool
20 envelope, and we have increased the buffer to
21 project activities at VP1. Originally it was
22 76 feet, so we were within the vernal pool
23 envelope. We expanded that to 396 feet.

24 So -- and we've also analyzed the amount of
25 activities within the critical terrestrial habitat

1 for vernal pool 1. Originally it was at
2 43.3 percent in the developed condition with the
3 original design. And the -- the revised design,
4 that's been reduced by almost 7 acres of activity,
5 so that we're down to 26 percent of the developed
6 condition.

7 If you look at just the fence line of the
8 facility we're down to 23 percent of the critical
9 terrestrial habitat within vernal pool 1.

10 So with -- with those detailed responses we
11 feel that we've adequately addressed all five of
12 those points from CLA Engineers' letter.

13 MR. PERRONE: And one last question on that topic. At
14 the end of the CLA letter, CLA believes VP-1 is a
15 high-quality vernal pool.

16 Does the Petitioner agree with that?

17 THE WITNESS (Gustafson): Yes. Yeah, it's the most
18 productive vernal pool within the project limits,
19 and so we don't disagree with that qualification.

20 MR. PERRONE: In the transcript there was mention of
21 two kennels adjacent to the site.

22 Do you know where those are?

23 THE WITNESS (Weaver): This is Ali Weaver. One kennel
24 is located at 454 Providence-New London. The
25 second kennel is located at 202 Boombridge Road.

1 There's -- and Mr. Perrone, I apologize.

2 There's one more at 476 Providence-New London that
3 is -- the woman is breeding dogs. It's not
4 necessarily a kennel, but wanted you to know.

5 MR. PERRONE: And how would the location of those
6 kennels impact the hosting of sheep, if any?

7 THE WITNESS (Weaver): We don't expect any impact.

8 MR. PERRONE: Next, I'd like to turn to consultations
9 with the DEEP. On page 32 of the transcript there
10 was mention of a pre-application meeting with DEEP
11 stormwater scheduled for June 9th.

12 My question is, what was the outcome of the
13 meeting with DEEP stormwater, and did DEEP
14 stormwater give you any recommendations regarding
15 the revised project?

16 THE WITNESS (Weaver): This is Ali Weaver. The -- the
17 pre-application meeting discussed the -- the
18 project, I would say more in a broad-stroke
19 manner. We were reviewing another project that
20 the Commissioner had simultaneously. I mean, the
21 conversations were directing towards the other
22 project.

23 There weren't any follow-up comments or
24 questions that -- action items, I should say, that
25 came from that meeting in particular to this

1 project.

2 MR. PERRONE: Did you have any discussions with DEEP
3 dam safety regarding a potential need for a dam
4 permit or registration?

5 THE WITNESS (Brawley): This is Matt Brawley. We
6 discussed with them, and their limits for storage
7 and embankment heights we are well under. So at
8 this time they didn't think that they would need
9 any, but they would look at it when we actually
10 apply to DEEP.

11 MR. PERRONE: Thank you. That's all I have.

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

13 We'll now continue with cross-examination by
14 Mr. Edelson, and we will follow up with
15 Mr. Silvestri.

16 Mr. Edelson?

17 MR. EDELSON: Thank you, Mr. Morissette.

18 I really only have just one, I think it's
19 sort of a correction or clarification. And that's
20 in the Intervener's question number 14. And you
21 reference for them to look at your late file,
22 subsection N. And I believe you mean M.

23 So you have "N" as an Nancy, but I think it
24 should be "M" as in Mary. Could you clarify that
25 first?

1 MR. BALDWIN: Mr. Edelson, which question was that
2 again? I'm sorry.

3 MR. EDELSON: I'll look at it again -- I think it's 14.

4 THE WITNESS (Weaver): This is Ali Weaver. Yes, that's
5 correct, Mr. Edelson. Thank you for correcting
6 that. The response should refer to, "M" as in
7 Mary.

8 MR. EDELSON: And so looking at section M -- and
9 unfortunately I don't think I could hear
10 Mr. Candelaria's explanation of the change, but
11 could we look at that text? And can you explain
12 to me what are you saying is different there now
13 than what's in front of us?

14 THE WITNESS (Candelaria): Sure. This is Pete
15 Candelaria. So what we have proposed in the
16 language was a use of an on-site storage tank,
17 double walled. And you know, we have an alarm
18 system in between the walls that help alert us if
19 there is indeed a leak within the primary storage
20 tank.

21 We are opting to move towards the mobile fuel
22 source versus the on-site stored fuel tank. It's
23 what -- so our proposal now, what's different from
24 what's currently drafted is that we will use a
25 mobile storage as recommended -- or requested by

1 the Council in the previous hearing.

2 MR. EDELSON: So again, just looking at the text
3 there -- so I don't know how to identify this, but
4 I guess it's sort of the top of page 10, where it
5 says, utilizing a central on-site fixed fuel
6 storage?

7 THE WITNESS (Candelaria): That's right.

8 MR. EDELSON: You would replace that with basically
9 saying you would be using a mobile fixed -- I'm
10 sorry. A mobile fuel storage?

11 THE WITNESS (Candelaria): Mobile fuel trucks. That's
12 right.

13 MR. EDELSON: Okay. And so they would just come
14 on-site, fuel, and then leave?

15 THE WITNESS (Candelaria): That's right.

16 MR. EDELSON: I guess I'm being a little dense. I
17 mean, you've got to fuel something up. There's
18 still some sort of tankage. That has secondary --
19 where that fuel is being delivered to is a tank of
20 some sort. Right?

21 That's got to store fuel for the next, either
22 test, or in light of an emergency you want to have
23 enough fuel.

24 That is -- you're indicating that tank is
25 different than a storage tank. You're calling

1 that something different?

2 **THE WITNESS (Candelaria):** And so the storage tank
3 is -- this is for a very temporary duration during
4 when -- when we're doing the civil side work.
5 Right?

6 And so you would use on-site fuel storage to
7 fuel the vehicles that are performing the site
8 civil work.

9 **MR. EDELSON:** Right.

10 **THE WITNESS (Candelaria):** And so in lieu of using an
11 on-site storage tank, we're going to have a mobile
12 tank come in and fuel those vehicles over night,
13 or you know, after shift. And then they're ready
14 to go for the next shift.

15 **MR. EDELSON:** Okay. I think I was being a little
16 dense. I appreciate your patience.

17 **THE WITNESS (Candelaria):** No, no problem.

18 **MR. EDELSON:** And with that, Mr. Morissette, that's all
19 I have at this point. Thank you.

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

21 We will now continue with Mr. Silvestri
22 followed by Mr. Hannon.

23 Mr. Silvestri?

24 **MR. SILVESTRI:** Thank you, Mr. Morissette.

25 Just to be clear to follow up with

1 Mr. Edelson, you're not proposing any aboveground
2 storage tanks for fuel storage. Is that correct?

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

4 MR. SILVESTRI: Thank you, do you have any indication
5 of how much fuel would be expected to be used each
6 day to refuel equipment?

7 THE WITNESS (Candelaria): We can certainly follow up.

8 MR. SILVESTRI: I missed the beginning part of that.

9 I'm sorry?

10 THE WITNESS (Candelaria): I do not have those figures.

11 We can follow up as soon as we can pull that
12 information together.

13 MR. SILVESTRI: Yeah, if there's something you can put
14 together before the end of today, that would be
15 appreciated. Again, I'm just trying to get a
16 sense of how much fuel you need per day.

17 Actually, I had a lot of questions about the
18 aboveground tanks, and with the change a lot of
19 them become moot -- but I am curious. During the
20 hearing we had, again I had posed the question if
21 fuel storage was discussed with Connecticut DEEP.

22 And the response I got basically said, you
23 folks are going to meet the next day, the
24 following day with DEEP. And I don't know where
25 we stood. So I'm kind of curious. Did you bring

1 up aboveground fuel storage with DEEP when you did
2 meet with them?

3 THE WITNESS (Candelaria): Sir, I was not -- I did not
4 attend that meeting. And I'm not sure, but we can
5 certainly follow up with that today as well.

6 MR. SILVESTRI: Yeah. Again, going back to the first
7 hearing that we had a couple weeks ago it was
8 mentioned to us that you were going to follow up
9 with DEEP with some type of meeting the following
10 day.

11 So I'm curious if that transpired, if
12 anything was discussed about aboveground storage
13 tanks? And also I'm curious if there was any
14 discussion with DEEP at that time regarding sheep?

15 THE WITNESS (Candelaria): Okay.

16 MR. SILVESTRI: And on the topic of sheep I have two
17 follow-up questions. One of them, are there any
18 plans for the emergency evacuation of sheep should
19 something happen, should a severe thunderstorm
20 come through, should a fire break out, et cetera?

21 Are there any plans on how to mobilize the
22 sheep and get them out of there?

23 THE WITNESS (Weaver): Mr. Silvestri, this is Ali
24 Weaver. If you look at attachment 14, which is
25 the emergency action plan, we've detailed there

1 under 5C some brief comments about livestock,
2 which generally state that if there are livestock
3 on site that the first person to deploy, if it was
4 safe to do so, would help remove them from the
5 location, and the rancher would simultaneously be
6 called on site as well.

7 MR. SILVESTRI: So whoever takes care of the sheep
8 would have to be called in to facilitate that.

9 Is that correct?

10 THE WITNESS (Weaver): The first point actually would
11 be the first -- the first contractor or employee
12 on site. If it was safe for that person to be
13 able to facilitate moving them, that person would,
14 if that was the first person.

15 If the rancher was the first person and that
16 person could do it, then the rancher would be as
17 well. It would be the first one that could come
18 to action between the two.

19 MR. SILVESTRI: Okay. Thank you. With the late-file
20 exhibit, attachment number 2, where were the sheep
21 grazing photos taken?

22 THE WITNESS (Weaver): Mr. Silvestri, this is Ali
23 Weaver. Let me confirm and we'll get back to you,
24 please?

25 MR. SILVESTRI: Okay. So I'm just marking the

1 followups that you owe me at this point.

2 A different type of question at this point
3 regarding Miller Brothers. Is Miller Brothers a
4 Connecticut DEEP permitted spill response
5 contractor and transporter?

6 THE WITNESS (Weaver): Mr. Silvestri, this is Ali
7 Weaver. We will confirm that as well.

8 I know that they have done several projects
9 in the state. So we believe so, but let us
10 confirm.

11 MR. SILVESTRI: Okay. Thank you.

12 A different topic for you. In the redesign
13 was any attempt made to increase the fence setback
14 and perhaps the access road on the north side of
15 area four?

16 Right now what I saw was the 0.5-foot setback
17 with the fence. I'm curious if that was changed
18 at all?

19 THE WITNESS (Weaver): This is Ali Weaver. That
20 distance has remained the same predominantly
21 because of the wetlands that are nearby. It kept
22 us that close.

23 MR. SILVESTRI: All right. And with that same area on
24 the north side of area four has there been further
25 discussions for landscaping or screening with the

1 abutting landowner? And if there is, could you
2 detail what might happen if the project is
3 approved?

4 THE WITNESS (Weaver): This is Ali Weaver. Do you mind
5 clarifying for me, Mr. Silvestri, was that
6 specific landowner at 476 Providence?

7 MR. SILVESTRI: I think so. A little hard to see on a
8 small-scale map -- but in the area where you have
9 the 0.5-foot fence clearance from the property
10 line, that's the one I'm looking at.

11 I believe they had a dog kennel or two set up
12 in that area.

13 THE WITNESS (Weaver): Correct.

14 Okay. Mr. Silvestri, this is Ali Weaver.
15 Exhibit 6, the PURA late-file exhibit, if you turn
16 to our response under "P" as in Peter, we detailed
17 the update to our -- to the surrounding abutters,
18 our conversations. We are in ongoing
19 conversations with that abutter about visual
20 screening.

21 MR. SILVESTRI: But nothing concrete at this point?

22 THE WITNESS (Weaver): No, sir. It's still in process.

23 MR. SILVESTRI: Okay. Thank you.

24 And Mr. Morissette, I believe that's all the
25 questions I do have, again pending the responses

1 of the questions that they couldn't answer at this
2 point.

3 Thank you.

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

5 We'll now continue with cross-examination
6 with Mr. Hannon, followed by Mr. Nguyen.

7 Mr. Hannon?

8 **MR. HANNON:** Thank you, Mr. Morissette. I just have
9 one follow-up question regarding fuel and fueling
10 vehicles on the site. Will there be a
11 specifically designated spot on the site in which
12 to refuel vehicles? Or will the mobile vehicles
13 be wandering over the entire site?

14 **THE WITNESS (Candelaria):** Hello, Mr. Hannon. This is
15 Pete Candelaria. We will be designating areas for
16 fuel. They will not be wandering all over the
17 site.

18 **MR. HANNON:** Okay. And then to sort of follow up on
19 that, are you proposing -- or at least hopefully
20 proposing to put in some type of impervious mat,
21 or something like that?

22 I know Mr. Silvestri likes to make sure that
23 the emergency spill kits are available, things of
24 that nature. So I'm just wondering if all of that
25 will end up being coordinated?

1 THE WITNESS (Candelaria): Coordinated with our
2 contractor; we'll have emergency spill kits and
3 we'll have -- we'll work with them to come up with
4 some temporary containment, well, whether it be
5 berms or such to make sure we do not have an
6 issue, an environmental related issue.

7 MR. HANNON: Okay. Thank you. I mean, that pretty
8 much does it for me, Mr. Morissette. Thank you.

9 THE HEARING OFFICER: Thank you, Mr. Hannon.

10 We will now continue with Mr. Nguyen followed
11 by Mr. Lynch. Mr. Nguyen?

12 MR. NGUYEN: Thank you, Mr. Morissette, and good
13 afternoon.

14 Based on the latest revision is it fair to
15 say that the total fencing would be reduced as
16 well? Is that a fair assessment?

17 THE WITNESS (Brawley): This is Matt Brawley. If you
18 go to the late-filed exhibit, Exhibit 6? In
19 question number 20, the response stated, the
20 fencing, we removed 407 linear feet from area one;
21 690 linear feet from area two; and 1,680 linear
22 feet from area four.

23 And all of those were along the respective
24 access roadways, and we brought the fencing back
25 closer to the array.

1 MR. NGUYEN: And with respect to the tree clearing do
2 you know the trees, how much of the tree clearing
3 is reduced for each of the array? I'm wondering
4 if you have that information?

5 THE WITNESS (Weaver): My. Nguyen, this is Ali Weaver.
6 We can put that information together and get it to
7 you quickly.

8 THE WITNESS (Brawley): And Mr. Nguyen, this is Matt
9 Brawley. I just want to clarify the last response
10 was to the Town's interrogatories in Exhibit 5.

11 MR. BALDWIN: Related to the fencing?

12 THE WITNESS (Brawley): Uh-huh.

13 MR. NGUYEN: And then while we're at it, do you have
14 that total tree clearing number as well?

15 THE WITNESS (Weaver): Mr. Nguyen, this is Ali Weaver.
16 The tree clearing is going to follow the line of
17 disturbance, which is 44.61 acres, and that can be
18 found on attachment 4.

19 MR. NGUYEN: And another question regarding the
20 emergency action plans, which is attachment 14.

21 And I'm looking at the front page and I see,
22 emergency action plan North Stonington solar, and
23 then there's an "XXX" Route 184.

24 And I also see an attachment appendix A, I
25 see a lot of, to be determined, and I'm just

1 curious as to when will these be finalized?

2 **THE WITNESS (Weaver):** Ali Weaver. The on the first
3 page the "XXX" Route 184 is because we haven't yet
4 been assigned an address for this project, which
5 we expect will happen during the building permit
6 phase after we've completed the Siting Council
7 process.

8 We're happy to follow up with the project
9 address once it has been assigned.

10 **MR. NGUYEN:** Okay.

11 **THE WITNESS (Weaver):** On Exhibit A the contacts who
12 will be each prospective manager will also be
13 finalized likely later this fall, and we're happy
14 to provide an updated emergency response plan to
15 the Council -- if it's been updated.

16 **MR. BALDWIN:** Mr. Nguyen, those are typically items
17 that would included as a part of a development and
18 management plan following the Council's approval.

19 **MR. NGUYEN:** Okay. That's all I have, Mr. Morissette.
20 Thank you very much.

21 **THE HEARING OFFICER:** Thank you, Mr. Nguyen.

22 We'll now follow up with Mr. Lynch.

23 Mr. Lynch, are you with us?

24 **MR. LYNCH:** (Inaudible.)

25 **THE HEARING OFFICER:** Thank you.

1 We'll now continue with Ms. Cooley with
2 cross-examination. Ms. Cooley?

3 MS. COOLEY: Yes. Thank you. Just a few question.

4 To go back to the sheep, on other sites that
5 you have used sheep you had a single area where --
6 on the site where the sheep have grazed? Or have
7 you had sites with multiple areas like this one?

8 THE WITNESS (Weaver): This is Ali Weaver. Yes, on all
9 of our sites where we have sheep that are grazing
10 typically the entire project area, meaning inside
11 the fence.

12 MS. COOLEY: Yes, but on the site there are four
13 separate fenced areas. Do you have any sites that
14 are like that? Or are they a single fenced area
15 with the panels?

16 THE WITNESS (Weaver): My apologies. Yes, we do have
17 projects like this that have separate fenced areas
18 where we run sheep.

19 MS. COOLEY: Okay. And how are the sheep moved from
20 site to site -- oh, sorry. Area to area within
21 the site? Will they be herded down Providence-New
22 London Turnpike? Will they be trucked and carried
23 to the various sites?

24 THE WITNESS (Candelaria): Hello, Mrs. Cooley. This is
25 Pete Candelaria. They would be trucked just like

1 they would from one site to the next site.

2 They'll be --

3 MS. COOLEY: Okay.

4 THE WITNESS (Candelaria): They'll be managed the same
5 way.

6 MS. COOLEY: Okay. So they will never have access
7 outside of the fenced areas. They won't be herded
8 across the Woodlands, for example?

9 THE WITNESS (Candelaria): Absolutely not.

10 MS. COOLEY: Okay. All right. And then another
11 question I had was -- I think it was to question
12 three on page 9. My question was, you had
13 mentioned briefly that you consulted with abutters
14 who wished to have their stone wall height
15 increased.

16 And my question is, it says these stone walls
17 are on the property line. Are they on the site
18 property, on the abutter's property? And have
19 they been evaluated by SHPO for any historic
20 reasons? And how high would the property owners
21 want their wall? How high are the walls now, and
22 how high are they asking them to be raised?

23 THE WITNESS (Weaver): Ms. Cooley, this is Ali Weaver.

24 I know you asked a couple of questions so I'll try
25 to answer, and if I forget please let me know.

1 MS. COOLEY: Sure.

2 THE WITNESS (Weaver): Yes, all of -- well first, the
3 stone walls are on the property lines that we've
4 been in discussions with the abutters about these
5 particular walls. The entire property including
6 those walls have been evaluated under the -- the
7 archaeological surveys that have been included as
8 a part of this filing.

9 And the height of those walls varied
10 depending upon where they are, and sometimes it's
11 along, you know, a property line or the -- the
12 size of the walls vary, the height. And I would
13 say that the range is somewhere between three feet
14 and four feet for most of those walls.

15 Part of the ongoing conversation is, you
16 know, all of the things that you just mentioned
17 which is that we can't just raise the height of
18 those walls. So those are the discussions that
19 we're having at the moment with the abutters, and
20 looking into exactly what would need to happen for
21 us to be able to -- to do something like that.

22 MS. COOLEY: Okay. My last question is referring back
23 to the spadefoot toad survey. Was there ever a
24 final report on that survey? We'd heard some
25 preliminary evaluations I think last time.

1 THE WITNESS (Quinn): Yes. This is Dennis Quinn. We
2 are still continuing our survey efforts out there.
3 We have now done a total of twelve nocturnal
4 surveys. We have three more nocturnal surveys
5 still to go.

6 Once those total of 15 nocturnal surveys are
7 complete we will be compiling a final report from
8 our investigations and the results of those
9 investigations. To date no spadefoots have been
10 found on the property.

11 MS. COOLEY: Okay. Thank you. I think that's the
12 conclusion of my questions.

13 THE HEARING OFFICER: Thank you, Ms. Cooley.

14 I have a few follow-up questions. I would
15 like to follow up on Mr. Silvestri's questioning
16 relating to the access road on area four.

17 My understanding is that there's a half a
18 foot between the road and the fencing, and then
19 the road, for a total setback of about 23 feet.

20 Am I understanding that correctly?

21 THE WITNESS (Weaver): Mr. Morissette, this is Ali
22 Weaver. The fence is a about a half of a foot
23 from the property line. The road is 16 feet in
24 width, so the distance from the property line to
25 the first panel is about 16 and a half feet.

1 THE HEARING OFFICER: Okay. I thought your late file
2 said the panels were at 23 feet.

3 So you're saying the panels would be 16 and a
4 half feet from the property lines?

5 THE WITNESS (Brawley): Mr. Morissette, this is Matt
6 Brawley. There's a fence, and then we have a
7 clear space before the road that's 16 feet, and
8 then we have another setback between the road and
9 the panels. So it's at 23 feet.

10 THE HEARING OFFICER: Okay. So you have the fence.
11 You have a gap. Then you've got the road. And
12 there's another gap, and the panels are at
13 23 feet?

14 THE WITNESS (Brawley): Correct.

15 THE HEARING OFFICER: Okay. Is that an existing access
16 road? Is it there now?

17 THE WITNESS (Brawley): This is Matt Brawley. Yes, the
18 existing road does come in off Boombridge already,
19 and does cross B/1B and A/1A wetlands to get to
20 that area.

21 THE HEARING OFFICER: So from the wetlands west that is
22 a new access road coming off the property line?

23 THE WITNESS (Brawley): This is Matt Brawley. Let me
24 take a look at that and I will let you know.

25 THE HEARING OFFICER: Okay. While you're looking at

1 that, I have a question on the crossing at wetland
2 A/1A. My understanding is that you're going to
3 bridge that now.

4 Is that where the bridge is going, or is it
5 the other one, B/1B?

6 THE WITNESS (Brawley): Oh.

7 This is Matt Brawley again. It's not going
8 to a bridge. It's going to be an arch culvert --
9 but yes, it will completely span that wetland
10 area.

11 Wetland B/1B has impacts. It's a larger
12 wetland area that we cannot span completely.

13 THE HEARING OFFICER: Okay. So the large culvert will
14 be at A/1A?

15 THE WITNESS (Brawley): Both areas will have arch
16 culvert. Just the one of A/1A will be able to
17 bridge the entire wetland.

18 THE HEARING OFFICER: Great. Thank you.

19 In response to Mr. Silvestri's question, the
20 response was you couldn't move that access road to
21 the south because of wetland impacts.

22 What wetland impacts are you referring to?
23 Is it associated with the crossings?

24 THE WITNESS (Gustafson): Mr. Morissette, could you
25 clarify your question? I'm just want to make sure

1 I'm clear on what area you're talking about.

2 THE HEARING OFFICER: Okay. I'm talking about area
3 four, the access road that parallels the property
4 line. Mr. Silvestri had inquired about the
5 possibility of moving that access road further
6 south away from the property line. And the
7 response that was given was, no, we can't because
8 it impacts on wetlands.

9 What impacts on wetlands are you referring
10 to?

11 THE WITNESS (Gustafson): Yeah. Thank you for the
12 clarification. That helps. So the -- we have two
13 existing wetland crossings following an existing
14 farm road off of Boombridge Road that first
15 crosses wetland A/1A. And the -- the frontage of
16 the property is fairly narrow. You know, you
17 could conceivably shift it a little bit further
18 south of the location, but you would be impacting
19 an area of A/1A that is currently not impacted.

20 For the second crossing at B/1B it's a
21 similar story. Although the wetland width is
22 somewhat similar to the existing crossing, we're
23 dealing with an existing wetland impact area and
24 existing crossing.

25 Both of them have existing culverts with

1 fill, and so you would be shifting it further to
2 the south to essentially an unaltered portion of
3 that wetland system. And so I would deem both of
4 those alternatives as not feasible and prudent
5 because it would result in significantly greater
6 wetland impact for those locations.

7 **THE HEARING OFFICER:** Thank you, Mr. Gustafson.

8 I understand that that area of the access
9 drive is, based on what you've testified to, is
10 pretty much a given because if you continue
11 further west, however, away from the wetland area,
12 couldn't that access road be moved some?

13 **THE WITNESS (Gustafson):** Okay. I understand what
14 you're getting at. So conceivably it could, but
15 it would require a shift of that area four further
16 to the south, and that would impinge upon those
17 wetland systems, B/1B, C/1C in particular, and
18 would be encroaching closer to those wetland
19 buffers.

20 Currently we're providing essentially a
21 hundred-foot buffer off those wetland areas. That
22 would create some impingement on those currently
23 provided buffer zones, and it may end up being
24 noncompliant with appendix A in the -- in the
25 Connecticut DEEP general stormwater permit for

1 construction activities.

2 And I would -- I would just look to
3 Mr. Brawley to maybe expand upon that discussion.

4 THE WITNESS (Brawley): This is Matt Brawley. You
5 know, one thing we looked at originally with
6 bringing that road in and turning it down the
7 eastern side, and that was getting -- that's an
8 area of fairly high slope and that was putting our
9 LOD within the hundred-foot creek setback, and
10 into the hundred-foot wetland buffers.

11 THE HEARING OFFICER: Thank you. That was my follow-up
12 question as to why, why you didn't go down the
13 eastern side.

14 Do you know what North Stonington's setback
15 rule requirements are under their zoning regs?

16 MR. BALDWIN: Mr. Morissette, are you talking about
17 setbacks for structures -- just to clarify?

18 THE HEARING OFFICER: Yes. Yes, and I'm curious as to
19 whether roads are included in there, in the
20 setback provision, but I'm not sure on whether it
21 is or not.

22 But we'll start with structures.

23 THE WITNESS (Weaver): Mr. Morissette, this is Ali
24 Weaver. I don't believe that we've answered that
25 in any of our filings, no, but we can't get that.

1 THE HEARING OFFICER: Thank you. I believe it's
2 25 feet from it.

3 Okay. I'd like to move on to questions
4 relating to the interconnection, and I know we
5 talked a bit about it at the June 8th hearing, but
6 I thought I'd -- I wasn't totally clear on it.
7 And my questions are relating to the internal
8 connection, not the interconnection to the
9 distribution company. And let's start off with
10 area one and two.

11 How are those facilities connected or routed
12 to the point of interconnection? Is it along the
13 road, or is it underground? If you could please
14 describe that?

15 THE WITNESS (Weaver): Mr. Morissette, this is Ali
16 Weaver. If we're looking at attachment four,
17 which is the latest preliminary exhibit here, the
18 medium voltage cable is identified in a light
19 blue -- which obviously makes it hard to see, but
20 starting in area one in the northwest.

21 THE HEARING OFFICER: Okay. Hang on one second. Let
22 me get there.

23 THE WITNESS (Weaver): Okay.

24 THE HEARING OFFICER: Okay. Just so we're -- we're
25 looking at PV-100. Is that correct?

1 THE WITNESS (Weaver): Yes.

2 THE HEARING OFFICER: Okay. All right. I'm with you
3 so far.

4 THE WITNESS (Weaver): And truthfully -- actually, if
5 you looked at PV-101, that second page, it
6 actually gives us a zoom-in there. It's a little
7 bit easier to see.

8 THE HEARING OFFICER: Okay. All right. I'm there.

9 THE WITNESS (Weaver): Okay. Great. So the
10 (unintelligible) medium voltage cable is
11 identified in a light blue. It goes from the
12 inverter and it follows along the eastern side of
13 the access road.

14 THE HEARING OFFICER: Okay. I see it.

15 THE WITNESS (Weaver): Do you see that?

16 THE HEARING OFFICER: Yeah, I see it.

17 THE WITNESS (Weaver): Okay. It's hard to see.
18 There's so much detail.

19 As you had, you know, as you get to
20 Providence-New London the medium voltage cable
21 will head east. And then you'll see that it looks
22 like it's continuing to run along, but what that
23 is is the medium voltage cable for area two.

24 Those two cables will meet at the same point
25 to cross Providence-New London in the same place.

1 THE HEARING OFFICER: Okay. And that's all
2 underground?

3 THE WITNESS (Weaver): Yes.

4 THE HEARING OFFICER: Okay.

5 THE WITNESS (Weaver): That's going to be underground,
6 and of course the crossing of Providence-New
7 London, we've aligned it to try to be directly
8 across the point of interconnection. So that's
9 how that location was established.

10 THE HEARING OFFICER: Okay. And that's also under the
11 road?

12 THE WITNESS (Weaver): Correct.

13 THE HEARING OFFICER: You're going to cross under the
14 road?

15 THE WITNESS (Weaver): Yes, sir.

16 THE HEARING OFFICER: Okay. So how is area four
17 getting to area three? You're going through a
18 wetland. Is that right?

19 THE WITNESS (Weaver): Mr. Morissette, this is Ali
20 Weaver. So for area four there's kind of two
21 options, is we can bore under the wetland to not
22 impact, or we can go overhead and span the entire
23 wetland.

24 THE HEARING OFFICER: Okay. At this point you haven't
25 decided?

1 THE WITNESS (Weaver): No, sir.

2 THE HEARING OFFICER: Okay.

3 THE WITNESS (Weaver): Either one would be for no
4 impact to the wetland.

5 THE HEARING OFFICER: Okay. Great. Thank you. That
6 was very helpful.

7 Any update on your discussions with
8 Eversource about moving the distribution poles?

9 THE WITNESS (Candelaria): Yes. Mr. Morissette, this
10 is Pete Candelaria. We did meet with Eversource.
11 So this is a new request. They -- they've never
12 done an interconnection with PC gear this way.
13 Their standard is to use a three-pole lineup.

14 You know, we have made the request. Getting
15 the utility to change a standard is not an easy
16 ask. So I -- I'll be honest with you. I don't
17 know what our chances of success are going to be
18 at this point to actually get them to make the
19 adjustment.

20 Considering this would be their first venture
21 into that type of interconnection, you know, our
22 expectation is it's likely going to be a fairly
23 expensive path for -- for them to -- to work
24 through. But, you know, we're still in the
25 discussion phases. They're not to eager to make

1 that change at this point in time.

2 **THE HEARING OFFICER:** Thank you. This is not a new
3 issue for us, and we've been pushing back on
4 Eversource on several projects relating to the
5 visual impact of the distribution poles along the
6 interconnection. So don't give up.

7 Okay. Moving on -- thank you for that
8 update. It sounds like nothing has changed since
9 your responses to the late file.

10 I would like to switch gears now to the
11 changes in your panel size. You've gone to a
12 475-kilowatt panel. You're still at
13 9.9 megawatts.

14 Is that right, based on those panel sizes?

15 **THE WITNESS (Candelaria):** Mr. Morissette, that's
16 correct. Our AC capacity is the same.

17 **THE HEARING OFFICER:** Okay. Is that a function of your
18 inverters being the same?

19 **THE WITNESS (Candelaria):** Mr. Morissette, that is
20 correct.

21 **THE HEARING OFFICER:** Okay. Thank you. Now if you
22 were able to increase the size of your inverters,
23 you increase the AC output.

24 First of all, is that a possibility that you
25 could possibly reduce some of the panels to the

1 board and maintain the same AC output as your
2 contract requires?

3 THE WITNESS (Candelaria): Mr. Morissette, this is Pete
4 Candelaria. Unfortunately with the way the
5 shading has come together, we're -- I wish that
6 were the case. I really wish that were the case.
7 That would have helped us save some development
8 costs as well.

9 Unfortunately, in order for us to maintain
10 compliance with our PBAs, and to hit the
11 production numbers we need to hit to stay in
12 compliance. We're -- we're effectively at that
13 threshold now.

14 THE HEARING OFFICER: But if you were not at all --
15 when I find another question -- let's start there,
16 as, can the inverters be switched out for
17 inverters that have higher AC output?

18 THE WITNESS (Candelaria): Oh, so -- so one --
19 unfortunately, no. So it's contracted to that
20 limit. Both our PBA and our inner -- and our
21 interconnection agreements are contracted to
22 specific inverter models and -- and size.

23 So the interconnection agreement dictates
24 what type of inverter you can use and what size,
25 and then -- then the PBA agreement is -- dictates

1 the overall size of the facility on an AC basis.

2 So even if we could, though -- and in an
3 answer to a question from a technical perspective,
4 if we could increase our AC size, we're still
5 limited by the DC production. That's effectively
6 the -- what's catching all the fuel, and because
7 of the shading and things, that the way that's
8 impacted it's not as efficient of a design as it
9 would have been under the prior layout that we had
10 where -- where we had a bit more tree clearing and
11 spacing involved.

12 So we, we've had to condense that down to --
13 to accommodate those adjustments. And as a result
14 it's not -- not as an efficient plant, but it
15 meets all the requirements.

16 THE HEARING OFFICER: Very good. Thank you for that
17 response. I would like to move on to questions
18 relating to wetland M, and Mr. Gustafson would be
19 responding to these.

20 My understanding is that wetland M -- there's
21 no vernal pool in it, but wetland N, there is a
22 vernal pool labeled vernal pool N.

23 Is that correct so far?

24 THE WITNESS (Gustafson): Yes, Dean Gustafson. Yes,
25 that's correct.

1 THE HEARING OFFICER: Thank you. Now there's been some
2 correspondence that has basically said that these
3 two, these two wetlands are very low functioning
4 areas and at minimum they decrease the buffer area
5 to 25 feet. If you could discuss that a little
6 bit for me and tell me why that's not a good idea?

7 THE WITNESS (Gustafson): The area, the site that
8 you're discussing is within the limits of the
9 former quarry activities. And so my response
10 needs to kind of take into context the -- the
11 landscape setting of those two wetland features
12 which, you know, for all apparent purposes, either
13 they were existing wetlands that were disturbed or
14 there they're now, you know, created wetlands from
15 the historic gravel operations.

16 That area is -- has been, you know, turning
17 into a successional road, successional habitat for
18 quite a number of years. And those, although
19 those wetlands unto themselves based on their
20 characteristics and their small size aren't
21 providing, you know, significant wetland function
22 and values; in the context of the landscape that
23 is an important habitat because it's currently
24 supporting some listed species that were
25 documented during previous investigations of the

1 site, and it is in a context of some of the
2 surrounding terrestrial habitat.

3 There's some xeric habitat that is, you know,
4 supporting, you know, sand-bearing type habitat,
5 which is a DEP designated critical habitat. And
6 there's also the potential that it could be
7 supporting, you know, some additional sand variant
8 type species.

9 So from a standpoint of trying to expand the
10 facility into that area, we feel in the context of
11 those notations that, you know, that area provides
12 some unique and important ecological habitat to
13 this property and to the region, and the reason
14 why we're recommending that the facility, you
15 know, not be pushed further to the south here,
16 irregardless of the findings of Dennis Quinn's
17 spadefoot, eastern spadefoot survey results.

18 THE HEARING OFFICER: Thank you. That was very, very
19 helpful.

20 THE WITNESS (Gustafson): You're welcome.

21 THE HEARING OFFICER: That concludes my questioning.
22 Thank you all for your responses.

23 We will now continue with cross-examination
24 of the Petitioner by the Town of North Stonington.
25 Attorney Avena?

1 MR. AVENA: Good afternoon, everyone. Attorney Rob
2 Avena on behalf of the Town of North Stonington
3 (unintelligible) to this matter, and I appreciated
4 everyone's help in letting us present to you.

5 My first question, probably regarding the
6 wetlands, is that the Town continues to focus its
7 attention primarily on the residential and natural
8 resource impacts resulting from this proposed
9 construction activity on the parcels north of
10 Route 184.

11 The Town in its questions will refer to the
12 reissued plan for the site construction, Number
13 C-600, Site Plan 1, and C-601, Site Plan 2. These
14 have been modified up until, I guess, a week or so
15 ago now.

16 Please explain and justify the presence of
17 the 50-foot buffers along portions of wetland A2,
18 especially the intermittent stream belt which
19 provides moisture and protection of vernal pool 1?

20 Dennis, if you could go back through your
21 thing here on the 50-foot buffers, rather than a
22 larger buffer there?

23 THE WITNESS (Gustafson): Yeah, I can. I can start the
24 response. Dean Gustafson. So we did look at the
25 quality of wetland B2, and in particular vernal

1 pool 1. And we've, in regards to vernal pool 1
2 we've expanded our project's buffer significantly.
3 You know now we have -- our closest activity to
4 the edge of vernal pool 1 is 396 feet.

5 With respect to the edge of vernal pool -- I
6 mean, of wetland A2 and in the northwestern
7 portion, you know, we feel that providing a
8 50-foot buffer, a non-service buffer along that
9 wetland adequately protects the principal function
10 of values currently supported by that wetland.

11 We've also taken a look at the -- the changes
12 in any drainage patterns that may occur with
13 respect to the proposed development north of 184
14 and how it may affect those wetland features in
15 vernal pool 1. And we've concluded that there
16 will be no adverse effect to that hydrology.

17 And I would just ask that Mr. Brawley provide
18 some additional details as far as his analysis of
19 the -- the drainage, how the drainage patterns may
20 or may not change when we expect our development
21 in that area?

22 **THE WITNESS (Brawley):** Yes, this is Matt Brawley.

23 In our response in appendix I, attachment
24 four, we have delineated the drainage area that
25 goes to vernal pool 1 existing at 49.4 acres.

1 With the changes to the site and adding of a
2 diversion berm to keep offsite water coming
3 through the panel area, our proposed area that
4 would feed into vernal pool 1 would be 53.9 acres.

5 MR. AVENA: And then turning both of your attentions to
6 wetland B2, which is up in the corner of the
7 proposed panels on numbers two -- given on the
8 drainage on the property, isn't wetland B2 part of
9 the vernal pool process here where the B2 wetland
10 is emptying and intermittently draining probably
11 in the springtime down into vernal pool 1?

12 THE WITNESS (Gustafson): So yeah, I would agree that,
13 you know, the way the drainage patterns currently
14 work on site -- I mean, wetland B2 does drain into
15 the -- the wetland B2 quarter of which vernal pool
16 1 is part of. But the, you know, we've -- we've
17 eliminated the crossing of wetland B2 and
18 eliminated the previous design's development
19 located north of wetland B2. And the current
20 layout of the facility located in the southeastern
21 corner just south of B2 will not have any adverse
22 effect on B2.

23 And I would just again ask Mr. Brawley to
24 maybe expand on how the drainage will work with
25 the proposed development in that particular

1 location?

2 THE WITNESS (Brawley): Oh, yes. This is Matt Brawley.

3 We have pulled back along B2 to almost -- in
4 the array portion to almost a hundred feet to
5 where the diversion ditch will be catching the
6 water that would be coming off the panel area.
7 The place that we get the closest to Wetland B2 is
8 down at the tie-in slopes of the stormwater basin
9 and the outlet structure.

10 So what we're doing is we're catching the
11 required water quality and treating it in
12 stormwater basin one, and outletting the current
13 post development flow rates equal to the
14 preconstruction flow rates back into wetland --
15 well, the intermittent stream between wetland B2
16 and wetland A2.

17 MR. AVENA: So in looking at that and following the
18 Council on Environmental Quality and our wetlands
19 experts' recommendation, if you were a hundred
20 feet from the statutorily regulated intermittent
21 stream it would necessitate -- right? The
22 stormwater basin would be pulled back and the area
23 that's now solar panels would be restricted in
24 that area -- I mean, for another 50 feet.

25 Is that correct?

1 MR. BALDWIN: Could I just get a clarification,
2 Attorney Avena? You said a 100-foot statutory --

3 MR. AVENA: No, I'm sorry. What I said was the Council
4 on Environmental Quality has a submission in the
5 in the record. So their recommendation was for a
6 hundred feet from any of the -- certainly, vernal
7 pools we can discuss, but from any of the
8 statutorily protected assets. It was the
9 Council's recommendation that you adhere to the
10 hundred-foot buffer for those assets.

11 We've heard a lot about vernal pools, but I
12 just wanted to bring to the Petitioner's attention
13 that the intermittent stream is a statutorily
14 critical asset in and of itself.

15 MR. BALDWIN: And again, when you say, Council, you're
16 referring to the Council on Environmental Quality.

17 Correct?

18 MR. AVENA: Correct.

19 MR. BALDWIN: Thank you.

20 MR. AVENA: Yeah, thanks.

21 THE WITNESS (Gustafson): So again, Dean Gustafson. In
22 the Applicant's Exhibit 5, which again are
23 interrogatory responses to question 26 where we
24 address the Council on Environmental Quality's
25 comments, we do provide a detailed assessment of

1 the -- the, you know, buffer zones that are
2 being -- currently being provided by the proposed
3 redesign that adequately protect the resources in
4 question.

5 With respect to the intermittent stream, you
6 know, the -- the DEP fisheries division, there
7 their buffer guidance is to try to maintain a
8 50-foot non-disturb zone for intermittent streams,
9 and effectively we're doing that with this design.

10 So again, I'll state that, you know, the
11 proposed development in that location on the site
12 is adequately protecting the functions and values
13 of that intermittent stream. We're not altering
14 the hydrology that's affecting either that stream
15 or any of the downstream resources.

16 MR. AVENA: I just again wanted to bring it to the
17 Petitioner's attention, and we'll discuss it a
18 little bit later on about the southern parcels,
19 but there seemed to be a great deal of effort on
20 the southern parcel to regulate a 100-foot buffer
21 line or setback.

22 Whereas there seems to be justifications
23 coming up on the north parcel not to do that. And
24 I was just wondering why there wasn't a consistent
25 application both to the north and south parcels.

1 THE WITNESS (Gustafson): I can start the discussion
2 and the rest of the panel can weigh in.

3 You know, we are working with the -- the
4 various environmental constraints on this
5 property, including topographic constraints, you
6 know, critical resource, critical resource
7 constraints, rare species habitat constraints.

8 So overall, what we try to do with these type
9 of developments is try to balance all of those.
10 So it -- if may be perceived that, you know,
11 we're -- we're not able to provide a 100-foot
12 buffer zone for all of the proposed facility, but
13 it is a result of the power purchase agreement
14 requirements for the facility, and then trying to
15 balance all of the various resource constraints.

16 MR. AVENA: And I appreciate that. And I want to get
17 to that space issue in a moment, because we just
18 want to highlight what your reports have shown,
19 that there's a core forest on the north parcel.
20 It's substantially wetlands. I guess you could
21 tell me the percentage of wetlands on the north
22 parcel.

23 It has a robust, and in our opinion and in
24 experts' opinion, a substantial and important
25 vernal pool, natural. It's not man made down in

1 the sand and gravel pit. And it has all these
2 features, and it's nestled within our residential
3 zone.

4 Some of the hardest zoning I do is whenever
5 you're trying to take industrial projects and put
6 them in the middle of a residential zone,
7 nevermind the aquifer. So our position has
8 been -- and would have told you earlier if the
9 meetings had occurred with the Town -- but the
10 north parcel is a very, you know, challenging
11 parcel for you to be in.

12 That that's our concern.

13 MR. BALDWIN: Is there a question, Attorney Avena?

14 MR. AVENA: Yeah, I'm going to follow up -- but the
15 question is, if we are able to establish that
16 there is other room in the southern parcel, is
17 there any particular financial reason or otherwise
18 that you are looking to develop?

19 What I understand in my calculation, less
20 than 15 percent of the project is now left in the
21 north parcel. So is there still some other reason
22 I'm not getting to be in the north parcel?

23 THE WITNESS (Candelaria): 15 percent of the facility
24 is -- is a significant impact to the project. I
25 mean, we cannot lose 15 percent of our capacity.

1 And from my understanding and, you know,
2 working -- and rest of the panel speak to this --
3 Pete Candelaria, by the way.

4 We -- we've exhausted all of our options on
5 the south. We've -- without -- without impacting
6 something else from an environmental perspective,
7 we will -- well, we've -- we've done all we can do
8 in the south.

9 MR. AVENA: Yeah, I appreciate that.

10 And what we're suggesting is that we know
11 it's the percentage of the project, and we are
12 trying to determine whether it's locatable to the
13 south. And obviously depending on the next
14 report -- which no one has, which is the
15 endangered species report -- we would perhaps know
16 how many resources to the south need a greater
17 deal of protection than what we just listed as
18 resources to the north.

19 So it's a balancing. You know, there's many,
20 many resources here.

21 THE WITNESS (Quinn): This is Dennis Quinn. I just
22 would like to say I understand that, you know, the
23 resources that we're referring to in the northern
24 parcel are species that do not have any state
25 listing. The ones that's primarily in vernal

1 pools, dependent or obligate species, spotted
2 salamanders and -- and wood frogs. The species
3 that we have of concern in the southern parcel are
4 all state listed species.

5 We have not documented any spadefoot toads or
6 guarded state species listed as endangered here in
7 the State of Connecticut, but we have documented
8 multiple individuals of amphibian and reptile,
9 which are state listed as special concern.

10 So when you're talking about listing status
11 of the species, the complexity of the southern
12 parcel, the mosaic of habitats, the xeric
13 habitats, the early successional, late
14 successional and wetland complexes; they form a
15 beautiful mosaic which supports a wide diversity
16 and a great assemblage of amphibians and --
17 amphibians and reptiles in that southern portion.

18 Therefore, you have a large number of species
19 using that portion of the site relative to this
20 fewer number of species that are using the
21 northern portion of this site, not to mention that
22 the ones that are using the southern portion are
23 state listed special concern.

24 And I think it's very important to recognize
25 that this early successional habitat is a very

1 rare habitat within the state. I know that
2 oftentimes these abandoned sand and gravel pits
3 are looked at as wastelands. They absolutely are
4 not wastelands.

5 They're one of the most important resources
6 that we have in the state, especially as they
7 begin to revert to a successional process, and
8 that they go back over.

9 What we're looking at in this project in
10 evaluating this site for spadefoot toads in this
11 year, 2021. This does not mean that 10, 20, 15
12 and 50 years down the line spadefoot toads will
13 not move into that parcel and recolonize that,
14 recolonize that parcel.

15 Right now they are not there, but we have to
16 look and shift our thinking from the now to the
17 future. We need to look down the line and make
18 our conservation decisions an informed decision
19 now to how they might be applied in 50 to a
20 hundred years from now.

21 This site with management may support
22 spadefoot toads in 20, 30, 40, 50 years down the
23 line.

24 MR. AVENA: So it would be -- then it's your job then
25 to propose a robust management plan for the

1 southern areas because of the location of these
2 particular endangered listings that you have
3 discovered up to the spaded toad? So that your --

4 THE WITNESS (Quinn): That is correct. I have not
5 identified any endangered species. I've
6 identified some species that are protected as
7 special concern in the State of Connecticut, or
8 listed as special concern.

9 But yes, I will be providing a management
10 plan for the southern parcel, which will not only
11 include -- you know, it's going to include
12 primarily the maintenance of invasive vegetation.
13 That's -- that's primarily what you need to do to
14 keep these early successional habitats in their
15 early successional state.

16 If we do encounter other issues with
17 spadefoot toads, there might be additional
18 recommendations being made at this time, but we
19 will continue in our monitoring efforts on that
20 site.

21 And if we do end up encountering spadefoots
22 at some point in the future, yes, there might be
23 some other actions that may take place, and those
24 actions probably would not be -- I work a lot. A
25 lot of these issues I work out with the State of

1 Connecticut. We do a lot of monitoring through
2 the Connecticut Department of Energy and
3 Environmental Protection, and we manage these
4 sites throughout the region, through the State of
5 Connecticut.

6 MR. AVENA: And so is that something that the
7 Petitioner is committed to, as Attorney Baldwin
8 referred to, to a subsequent plan that gets drawn
9 up after these hearings?

10 MR. BALDWIN: I was referring to a standard requirement
11 of the Siting Council for what's called a
12 Development and Management Plan -- which yes,
13 frankly, would include that type of study, but
14 there are other requirements that are part of that
15 development and management plan.

16 MR. AVENA: Again, we obviously are highly concerned,
17 not just because of the natural resources in the
18 north, but the impact, direct impacts to the
19 neighbors up there -- and we'll get to that in a
20 second also.

21 Going down to the southern parcel; a couple
22 of questions I had in reviewing. And I believe --
23 again, I apologize if I'm not quite up to date.
24 The plans are moving quickly here, but on C-601,
25 Site Plan 2, just to the south of 184 above the

1 channels, number three.

2 Can someone review with me that entire
3 rectangle area to the left of the stormwater
4 basin, and to the north of the projected panels?

5 I see a lay-down area, and then there looks
6 to be something next to that. What are those?
7 What are those plans?

8 THE WITNESS (Brawley): This is Matt Brawley. That
9 area is for the lay-down area and construction
10 parking, and other related construction items that
11 need to be located on the site for the
12 construction to take place.

13 MR. AVENA: Thank you. And in the future, if I were to
14 look at that, given the disturbances you're going
15 to already make in a temporary manner, is that
16 lay-down area available, or a portion of it
17 available for a further extension of panels in
18 that area?

19 THE WITNESS (Weaver): This is Ali Weaver. Technically
20 yes, however we don't foresee -- that would have
21 to be a separate project that would be granted,
22 you know, by Eversource or a separate counterparty
23 for a PBA. That's highly unlikely in a space that
24 small.

25 THE WITNESS (Candelaria): This is Pete Candelaria with

1 Silicon Ridge.

2 We typically will maintain that lay-down area
3 space for spare parts and storage for our
4 operations and maintenance team. It also gives us
5 a room to deal with whatever might come up with
6 our grazing process and such. We've -- we've got
7 an area that -- for -- to facilitate that type of
8 operation.

9 MR. AVENA: And subsequent to completion, though, at
10 least of the other plans I've reviewed as town
11 attorney, the ultimate amount of parking you would
12 need -- correct? Is quite limited. Don't you
13 just have a couple of folks come in to bring the
14 sheep in, and to inspect the panels?

15 So I've counted it up -- and again it's very
16 hard to read these, but it was over 80 parking
17 spaces and the parking channel through the center
18 of them.

19 Again we're trying to help, I think, to find
20 any space we can to limit the number of panels to
21 the north, and again strengthen that buffer, widen
22 that buffer. And of course, we'll get to a little
23 bit to protect some of the areas to the north of
24 the neighbors.

25 But is that possible? I don't know what I'm

1 counting here, but I would probably say -- it's
2 kind of hard to read these panels, but are the
3 panels so many feet wide, and then they can be
4 located in a part of that area? Or am I
5 stretching too much?

6 **THE WITNESS (Candelaria):** This is Pete Candelaria.

7 No, it's not too much of a stretch. I mean, each
8 panel is about the size of a sheet of plywood, you
9 know, roughly.

10 So I think what you're asking is if we can
11 just paint our way out of the room, kind of
12 exercise. And you know, we can take a look at it.
13 We've just got to give ourselves enough room.
14 Like I said, we -- for our spare parts storage, we
15 typically are using something along the size of a
16 Conex -- if you're familiar with those, like a sea
17 container type scale to maintain, you know, part
18 storage and things.

19 And we just need to be able to have our parts
20 locked up and -- and maintained on site, you know,
21 for maintenance and such, so.

22 **THE WITNESS (Weaver):** If I can? This is Ali Weaver to
23 add, I think the important part here is that we
24 have to have a lay-down yard for construction.
25 Even though it is temporary, we have to identify a

1 space that allows people that are going to be
2 there on a daily basis to park.

3 We absolutely encourage people to carpool as
4 best as possible, given it's such a limited space,
5 but there will be a construction trailer that's
6 there on site. We have to have room for a safety
7 muster point, and we'll have deliveries taken at
8 this location.

9 So as we've looked at that spot with all of
10 our contractors throughout this process, we really
11 do feel like we have gotten that space to be as
12 small as possible and still be operating in a safe
13 and efficient manner.

14 Once the project is in, it's really hard for
15 us to be able to come back and add panels to that
16 location.

17 MR. AVENA: Appreciate it. Again, painting the way out
18 of the room was exactly my analogy.

19 The second issue, just to quickly say to you
20 folks that there, there is -- I just wanted to
21 mention, if that's helpful, that there's a truck
22 stop about 2 miles away that's a 24-hour truck
23 stop. And it has both, obviously diesel and
24 regular fuel.

25 Is that the type of thing that you would need

1 to go back and forth and then use the -- is that
2 the area you would use to be refueling up in that
3 area?

4 **THE WITNESS (Candelaria):** This is Pete Candelaria.

5 More than likely we're going to be trucking in a
6 fuel truck specifically for fueling heavy
7 equipment. We -- the duration of the civil work
8 will -- won't be that long. We're talking a
9 duration of a few weeks, but during that time
10 we're using, you know, heavy, heavy equipment
11 type, you know, caterpillar type equipment.

12 You're not necessarily going to drive those
13 up and down the road to fuel at a truck stop, so
14 we'll have a separate fueling vehicle come in to
15 facilitate that work.

16 **MR. AVENA:** I appreciate that.

17 Again, turning attention to the southern --
18 and I know I may be going over some old ground,
19 but it is obviously very important to the Town to
20 continue to seek places for that, for that 15
21 percent remaining in the north.

22 Drawing your attention to the southeast
23 section of Panel Field Number Three, there's been
24 some discussion -- and I'm sort of drawing it back
25 again that there's an area southeast of that panel

1 section, which would still be well without --
2 outside the 100-foot vernal pool envelope
3 identified there, vernal pool N.

4 There's a very small -- and I couldn't find a
5 whole lot of information on it on, on wetland M
6 last night. And so you, you'll end up with sort
7 of a rectangular area. I think I measured it a
8 hundred or so feet wide, and maybe 200 or 250 feet
9 long extending off the southeastern fence of the
10 existing proposal.

11 Is there a topographical challenge there as
12 well as the argument to keep that entire area
13 without panels?

14 **THE WITNESS (Brawley):** This is Matt Brawley. That
15 area, there is no real topographic impacts, you
16 know. But to move into that area, again we would
17 also have to have ancillary structures with
18 stormwater basins, conveyance ditches and anything
19 else to fit in that area also to collect any of
20 the runoff to meet the current standards for, you
21 know, one inch of water quality across our
22 impervious areas and to get in sediment and
23 erosion control measures.

24 **MR. AVENA:** And I think I was just looking at that, and
25 the fact that to the southwest of my designated

1 area, before you get to wetland 2E you have some
2 greater location there that would still be outside
3 the vernal pool.

4 And again, we have so many wetlands, so many
5 vernal pools; we're just trying to make sure that
6 they get a bit classified, as the report did,
7 showing which ones are more vital. So we thought
8 there might be some room there for some
9 improvements.

10 Again, we're getting closer to the highway,
11 which is not residential. So that's another
12 concern we have.

13 Further down south, closer to I-95 is better
14 than the residential neighborhoods. The question
15 on that, I guess, was that the reason we're so
16 concerned is that the Town, again from all earlier
17 indications from the State it was the Romanella
18 sand and gravel operation that was originally
19 designated.

20 So it's been a bit of a shock that you have
21 identified and located so much more outside the
22 original area that was in the information sent to
23 the Town.

24 All right. Getting to the tree removal, is
25 there a breakdown between the amount of trees to

1 be removed in the north versus the south in terms
2 of numbers?

3 THE WITNESS (Brawley): This is Matt Brawley. Yes, we
4 have those numbers. The area one, which would be
5 the northwest, would have 6.48 acres; and area
6 two, which is the northeast, would have 3.18
7 acres.

8 And area -- I'll go ahead and finish. Area
9 three, which is the southwest, would have 22.75
10 acres; and area four, which is the southeast,
11 would have 11.85 acres; for a total of 44.3.

12 MR. AVENA: And translating it into my understandable
13 terms, is there a number you've given? I believe
14 it's -- is it over 3,000 trees that would be
15 removed under that acreage?

16 THE WITNESS (Brawley): Yes. In response to -- in
17 response to the interrogatories question 25 on the
18 previous, there would be approximately 3,344 trees
19 removed.

20 MR. AVENA: And about, if I'm calculating correctly,
21 about 20, 25 percent or so would be in the north
22 parcel?

23 THE WITNESS (Quinn): This is Matt Brawley. It would
24 be somewhere around 20 percent.

25 MR. AVENA: So that would be a little lower than a

1 thousand trees?

2 **THE WITNESS (Brawley):** Correct.

3 **MR. AVENA:** And if you could, if someone is able to
4 walk us through -- skipping back to my north site,
5 kind of visualize or explain to me where that
6 cluster minus 800 to a thousand trees, what that
7 would look like? Or what kind of impacts?

8 Would our naturalists on the panel there
9 explain to me what the impact of that removal
10 would be? Is there anything of concern there?

11 **MR. BALDWIN:** Could you be more specific, Attorney
12 Avena? I'm not sure -- what impacts are you
13 talking about in particular? The actual tree
14 removal?

15 **MR. AVENA:** Yeah -- well, I'm saying that right now,
16 even though we have a lot of drawings, it's
17 perfectly preserved in that area. There are no
18 structures that I'm aware of, other than the stone
19 walls -- and they're quite old -- that it's
20 basically an undisturbed area.

21 When you go in and take out that number of
22 trees, is there any discussion about how that
23 might impact the other natural resources on the
24 parcel and result in any negative effects,
25 including drainage?

1 THE WITNESS (Gustafson): Dean Gustafson. I'll start
2 the discussion and the rest of the panel can feel
3 free to weigh in.

4 I mean, from a wetland impact perspective we
5 were maintaining appropriate buffers to the
6 clearing zones there, and the -- my understanding
7 of the design for both the soil erosion and
8 sedimentation controls during construction as well
9 as the temporary and permanent stormwater controls
10 is that the construction activities will be
11 properly buffered by those, those various measures
12 to avoid any type of incidental impacts of those
13 wetland areas.

14 You know, once the facility is constructed,
15 it -- it essentially generates no traffic. So
16 there aren't any incidental impacts to wetlands
17 due to, you know, high volume of traffic or, you
18 know, high level of human activity. So we're not
19 concerned about those type of, you know, impacts
20 that would be, you know, typically associated with
21 a residential development or commercial
22 development.

23 In addition, the -- underneath the panels
24 will be, you know, meadow type habitat that will
25 promote, you know, the sheep grazing and then

1 around the perimeter of the fencing it will be a
2 meadow mix of native species that will be
3 beneficial to pollinators. And those, the ground
4 cover will help attenuate any runoff before it
5 reaches any of the control features there.

6 There, there wouldn't be in any type of
7 impact for thermal impacts for stormwater
8 discharge based on the underlying ground cover
9 that will be used for the facility.

10 And there the change in cover type from
11 forest to essentially meadow will change the CN
12 values slightly so that there we anticipate that
13 there will be a slight increase in total volume of
14 discharge with those wetlands, but we don't --
15 that won't have any adverse effects to the
16 hydrology of those wetlands, receiving wetlands or
17 vernal pool 1.

18 **THE WITNESS (Brawley):** This is Matt Brawley. And just
19 to expand a little bit upon that, in the hydrology
20 and hydraulics design of the project we followed
21 the DEEP regulations which is, you know, we
22 changed a half step for all the soil conditions
23 from -- from pre to post-construction along with,
24 you know, we did the changes to the CN number and
25 changes to time of concentrations and everything

1 else, which allowed for our discharge points to be
2 sized accordingly where our post-development
3 discharge was less than or equal to our
4 pre-development.

5 MR. AVENA: Thank you. And a followup on the
6 stormwater. Is there a plan or a way that the
7 basins do not end up trying basically to end up
8 being traps for the species seeking or trying to
9 seek out the vernal pools?

10 I've heard that could be quite an issue if
11 stormwater basins are within proximity to vernal
12 pools. Is there a way to prevent that?

13 THE WITNESS (Gustafson): Yes. Dean Gustafson. The
14 way that the design is currently laid out where,
15 you know, we do have a significant buffer. You
16 know, we're still talking about the north side of
17 the facility.

18 The vernal pool 1 -- so that we don't feel
19 that the two basins, one to the east, one to the
20 west, will likely serve as what's coined as a
21 decoy pool, but we will also just as an additional
22 conservation protection measure during the
23 development management phase of the project,
24 should the council approve this, we will recommend
25 and propose restrictive fencing, wildlife

1 restrictive fencing so that any reptiles and
2 amphibians could not get into those basin areas.

3 MR. AVENA: Thank you.

4 THE HEARING OFFICER: Excuse me, Attorney Avena.

5 It's time for us to take a break. We can
6 continue if your questioning is going to be short,
7 but if not, we'll take a ten-minute break.

8 MR. AVENA: Ten minutes sounds great. Thank you,
9 Mr. Chair.

10 THE HEARING OFFICER: Thank you. We will adjourn until
11 3:45.

12 Thank you everyone.

13
14 (Pause: 3:35 p.m. to 3:45 p.m.)

15
16 THE HEARING OFFICER: We'll now go back on the record.

17 Is the Court Reporter logged in?

18 THE REPORTER: I am standing by, ready to go.

19 THE HEARING OFFICER: Very good. Thank you.

20 Please continue, Attorney Avena.

21 MR. AVENA: Thank you, Mr. Chairman.

22 Going back --

23 MR. BALDWIN: Excuse me for the interruption. We did
24 spend a lot of our spare time in the last ten
25 minutes discussing your suggestion related to some

1 additional lands to the south of the larger solar
2 array around the south of 184.

3 If we could -- if you wouldn't mind, can we
4 go back and talk through that just a little bit?
5 Because I think we looked at that and want to talk
6 through some of the issues that might present some
7 limitations in that area.

8 So maybe we can start with Mr. Brawley just
9 to further respond to your prior question.

10 MR. AVENA: If I could just interject for one moment?

11 And that's fine. I was going to also mention --
12 if you're going to discuss it, directly south of
13 the stormwater basin which would be along the
14 eastern side of that rectangle, to the northeast
15 of it, there's quite a corridor there that would
16 still be 100 feet from that stream bed.

17 So yes, if you could also include that, that
18 particular area. The fence ends quite a ways from
19 the buffer to the stream bed. So go ahead. Thank
20 you.

21 THE WITNESS (Brawley): This is Matt Brawley. With the
22 layouts of the panels being, you know, each one of
23 them being approximately, as Mr. Candelaria said,
24 the size of a piece of plywood, you know, in areas
25 that are a hundred feet wide by a couple hundred

1 feet long, you know, to get an amount of panels in
2 there along with -- since these are down gradient
3 of existing basins, another basin in each of the
4 areas on both sides of the vernal pools, there
5 would not be any room left to bring in any number
6 of panels that would move the needle of moving
7 anything from the north.

8 MR. AVENA: Yeah, again. And it's hard. It's hard to
9 look at these tiny plans and come up with that. I
10 appreciate your comments on that.

11 Again, we are looking -- and I began with the
12 idea of the hypothesis that we're somewhat, 15
13 percent of where we need to be, in my humble
14 opinion and in the Town's opinion. So I am asking
15 questions.

16 I'm actually trying to seek out where those
17 areas are and what concerns are in those areas,
18 versus going into the north -- which I really
19 believe is a undisturbed natural resource of the
20 Town of North Stonington at the moment.

21 Also, if you could point out to me on the
22 array -- which is number four, are there similar
23 issues with going to the west of that array, the
24 entire length of the array?

25 And there's a stream belt, but if we come

1 within a hundred feet of the stream belt it looks
2 like we might pick up at least one stretch of
3 plywood panel's size all the way down the fence.

4 And I wasn't sure again what's your comments
5 on that might be?

6 **THE WITNESS (Brawley):** This is Matt Brawley again. As
7 you go to the west side of area four, the
8 topography drops off fairly quickly going down to
9 those streams and creeks. So to do anything in
10 that area there would have to be grading, which
11 would start pushing our limits of disturbance into
12 those buffers.

13 And the way these panels run on fixed racking
14 systems is in the east/west direction. So what
15 you try to do is get a certain number of them on
16 each racking. So one or two panels wide is really
17 not constructable.

18 **MR. AVENA:** So in terms of what I was conceiving of is
19 sort of adding on. So you know, it's sort of like
20 the array just keeps going. So you haven't built
21 it yet.

22 So it would just be one more or two more
23 rows. Correct?

24 **THE WITNESS (Brawley):** This is Matt Brawley again.

25 The way these are laid out is you have to have so

1 many modules that feed an inverter. And if you
2 have more modules than what an inverter can
3 handle, you either have to take that wiring and
4 move it to another area to a different inverter,
5 or you have to change your DC/AC ratio in that
6 area of, which again would be a net zero gain.

7 MR. AVENA: All right. This may become a little bit
8 superfluous then if your argument is that those
9 areas are simply not available to you, because I
10 was going to ask again over to -- I believe it's
11 Dean -- reading the report done by George Logan.

12 Did he in fact kind of rate the vernal pools?
13 There are so many of them that when I read it, it
14 seemed to me there was a ranking of vernal pools
15 in terms of the ones that were more productive.

16 How would you term that?

17 THE WITNESS (Gustafson): Yeah. So George did a fairly
18 exhaustive vernal pool survey over a few seasons
19 and noted both the species quantity and diversity
20 for each pool, as far as egg mass counts.

21 So he was able to quantify, and if you looked
22 at the tabulation that he provided in his report,
23 there is some variation from season to season, but
24 there are some general trends that you could take
25 away from that data.

1 And the -- and he did provide a qualitative
2 assessment, you know, comparatively of the various
3 vernal pools and noted that, you know, vernal pool
4 1 and vernal pool E. Comparatively are the
5 highest, highest value vernal pools.

6 That doesn't mean to say that some of the
7 other vernal pools to the south that have lower
8 productivity are not valuable resources. It's
9 just providing a comparative analysis.

10 **MR. AVENA:** No, I understand. And again, we're just
11 looking at that ranking as we try to, I believe in
12 some ways, put ten pounds of potatoes in a
13 five-pound bag. So we're just trying to make sure
14 we are aware of what resources to be specifically
15 protected in a ranking.

16 And again it's the topographical that you
17 just testified to on the west side of the solar
18 panels 4. For instance vernal pool, I guess, is
19 that "I?" I think it's "I," and then just above
20 it, wetland H.

21 **THE WITNESS (Quinn):** Yes. So those would be ranked
22 lower, but then if they are down a cliff, I guess
23 I'm in the wrong territory.

24 **THE WITNESS (Gustafson):** Yeah. Again, Dean Gustafson.
25 I think as you heard from Mr. Brawley, you know,

1 that we do have a topographic constraint on the
2 west side there that is really the driving force.
3 From a vernal pool and wetland protection
4 standpoint, certainly we could support moving the
5 facility a little bit further -- a little bit
6 closer to those resources, but the overriding
7 constraint, design constraint is topographic
8 driven in that area.

9 MR. AVENA: All right. Moving on, to get a little bit
10 more into the -- and I believe some of your
11 supplemental filings might have done this. Please
12 explain what efforts were made to identify all
13 private residential wells located on abutting
14 properties used for domestic purposes and
15 consumption, and what steps are proposed to
16 protect these drinking water sites?

17 And I think from prior testimony, I just
18 wanted to note as the Town Attorney that there's
19 no public water in the area whatsoever. You will
20 be in a position of having to bring it some 10 or
21 20 miles if any of those wells are affected by
22 industrial or these commercial activities.

23 So has that work been done at this point?

24 THE WITNESS (Weaver): Attorney Avena, this is Ali
25 Weaver. We've included all the -- the information

1 on the private wells in question 33, the response
2 to 33 in the interrogatories.

3 MR. AVENA: And in doing so is there any concern about
4 the number of wells, private wells that surround
5 your development?

6 THE WITNESS (Weaver): This is Ali Weaver. Based on
7 our statements in our response to question 33, you
8 know, we -- we don't expect any activities to
9 affect the surrounding wells or the water quality.

10 MR. AVENA: And I know you're also aware that you're
11 building within an aquifer protection zone.

12 Do you have any experience in your 140
13 projects in which you were involved in building on
14 top of an aquifer protection zone?

15 THE WITNESS (Weaver): I'd have to go back to confirm
16 if there's something that's exactly the same, or
17 could be qualified exactly the same as an aquifer
18 protection zone.

19 But I will say that we have worked on many
20 projects that surround protected waters, wetlands,
21 river streams, et cetera, and are very practiced
22 on maintaining the best management practices.

23 THE WITNESS (Candelaria): Now this is Pete Candelaria.
24 We've also worked over aquifers as well, but this
25 protection zone language is specific to this

1 region. We -- we'd need to look to see if there's
2 an equivalent.

3 MR. AVENA: No, I appreciate it. Again, we don't have
4 a lot of options there, and that is why in effect
5 it was zoned for residential. There are concerns;
6 obviously there are no sewers, there are no public
7 water systems. So the purposes behind the zoning
8 in each town in Connecticut is well planned out,
9 so it makes these projects quite challenging.

10 Lead in the drinking water is a serious and
11 dangerous concern. The leachable lead level
12 analyzed through the EPA toxic characteristics
13 leachability procedure from four different panel
14 samples -- am I correct in the record that it
15 ranged from 1 to 2 milligrams per liter.

16 Is there a lead person on the panel? Is
17 there any lead leaching issues?

18 MR. BALDWIN: Put us to the exhibit that you're
19 referring to, or the response? I just want to
20 make sure we have it in front of the panel before
21 we respond.

22 MR. AVENA: It's from 18, toxicity characteristic
23 leaching procedure report.

24 THE WITNESS (Candelaria): Yeah. So this is Pete
25 Candelaria with Silicon Ranch. Section three,

1 you're referencing the laminate material which is
2 less than .1 percent. Is that what you're
3 referring to?

4 **MR. AVENA:** According to our notes, there was a testing
5 procedure on four different panel samples. I know
6 you're using different panels at the moment --
7 that indicated that there was a leachable lead
8 level.

9 And I know in the previous hearing -- I
10 thought there was discussion that there was no
11 lead in your choice of panel now, but I'm not sure
12 whether that's the case.

13 Is there an actual lead content to the
14 panels?

15 **THE WITNESS (Candelaria):** So we provided a product
16 data sheet with -- with that information. So
17 on -- on that section it's -- it's noted as less
18 than .1 percent.

19 **MR. AVENA:** Okay. I guess what we're asking is that if
20 there is such contaminants within the panels --
21 and I agree with the plan as to basically leave
22 them out there, and not a whole lot of maintenance
23 to do as we approach another, you know, one to
24 two-inch rainstorm tonight.

25 What happens in our aquifer protection area

1 when the rainfall starts to leach out these
2 chemicals or materials and puts them on the
3 ground?

4 Is that something that you have looked at in
5 past projects? Is there any concern there?

6 THE WITNESS (Candelaria): Leachable lead, this is part
7 of the material makeup. We will provide some
8 additional clarity for that for the -- for the
9 materials and -- and further address your
10 questions.

11 MR. AVENA: Yeah, it's just again important because we
12 have a double-edged sword here. We've got both
13 private wells and we have our aquifer protection
14 for the Town.

15 So we are so far considering that this is
16 benign material, but some of the reports we saw
17 concerned us and we would appreciate any followup
18 on that.

19 THE HEARING OFFICER: Excuse me. Mr. Candelaria, is
20 that something that you can provide before the end
21 of the hearing today?

22 THE WITNESS (Candelaria): Mr. Morissette, I'm working
23 on it right now.

24 THE HEARING OFFICER: Very good. Thank you.

25 MR. AVENA: One another notation, I guess, between the

1 last time we met and today was that I've been
2 driving around noticing the fencing around these
3 projects, and I would agree with the description
4 of the particular type of fence you're using.

5 But what I did not notice was any barbed wire
6 around any of the projects that I saw, and I think
7 I saw about half a dozen. And I was concerned
8 about that on sort of a safety side, too as to
9 whether that makes sense to put it up.

10 Is that part of sort of the sheep issue, that
11 we don't want them to -- I don't know if they're
12 like goats, but can they climb out of the
13 enclosures?

14 **THE WITNESS (Candelaria):** This is Pete Candelaria.

15 No, it's not for the sheep. It's actually to keep
16 people out of the facility, not to keep folks or
17 sheep in.

18 So yeah, that that -- so it's really for
19 public safety. The barbed wire is intended to
20 keep, you know, frankly curious children out of
21 the facility.

22 **MR. AVENA:** As someone who got hung up on one of those
23 as a child, I'll tell you that they're going to
24 learn a hard lesson. And I would just suggest
25 that if the fences are high enough, that perhaps

1 you could look at that feature. It's a
2 residential neighborhood for sure -- a residential
3 area, but not quite a neighborhood. Thank you.

4 Going back again in history a bit, under the
5 PURA amendment can you describe the process to
6 amend a particular project location and layout?
7 Does this require notice to the municipality? And
8 does the DEP weigh in whenever these departures
9 are requested from the original selection?

10 I don't know if that's for the -- if Attorney
11 Baldwin was involved when the original amendment
12 was made to PURA.

13 MR. BALDWIN: Yeah. I'll chime in because I think it
14 relates to a legal question, Mr. Morissette, so if
15 you'll allow me the process -- I'm sorry.

16 THE HEARING OFFICER: Please continue.

17 MR. BALDWIN: The process at the point of the amendment
18 requires notification and approval from DEEP,
19 because they were the ones who initially issued
20 the RFP.

21 And then the modification that had to be made
22 to the power purchase agreement was improved by
23 the public utility authority as we described, I
24 think, in the interrogatory response to the
25 Council.

1 So it's a two-part process. Does it require
2 notification to the Town? No, it does not.

3 But I would point out that, you know, the
4 issues that the Town is raising with respect to
5 the project is not an issue that would be raised
6 as a part of a power purchase agreement amendment
7 process, if they are matters and issues that are
8 raised as a part of this process, the Siting
9 Council process.

10 Because ultimately the Siting Council is the
11 one who decides on the environmental effects side
12 of that equation. The public benefit I think is
13 addressed as a part of the DEEP RFP process. And
14 now this Siting Council evaluates the
15 environmental effects side of the process.

16 Thank you, Mr. Morissette.

17 **THE HEARING OFFICER:** Thank you, Attorney Baldwin.

18 The power purchase agreement is outside the
19 approval of the power purchase agreements outside
20 this building -- so please continue.

21 **MR. AVENA:** Yes. Regarding a geotechnical engineering
22 report -- I thought this was brought up last time,
23 but we wanted to ask whether the work on the
24 geotechnical was also done on the north parcel.
25 We can't seem to find any analysis of the results

1 for the north parcel.

2 **THE WITNESS (Weaver):** This is Ali. Yes, the
3 geotechnical report was done on all of the
4 parcels, and that's included as attachment 15.

5 **MR. AVENA:** Yeah, because we -- we had difficulty. We
6 didn't know if there were test holes done on the
7 north parcel. Is that part of that report?

8 **THE WITNESS (Weaver):** Yes. All these -- yes, all the
9 information is contained within that report.
10 We're happy to have a conversation with you
11 outside of this hearing and walk you through the
12 report for further clarification, if that's
13 helpful.

14 **MR. AVENA:** I appreciate it.

15 Again, bringing up a couple of follow-up
16 questions to the Council's questions regarding the
17 distinction between your project and the
18 residential areas around it.

19 Obviously, we have concerns about the wells
20 and we also have concerns about the noise, which
21 we received answers from you in the
22 interrogatories. The third thing is about the
23 buffering for the neighbors.

24 I'm starting to have the understanding it's
25 kind of an ongoing process, and you're not really

1 amending your plans to indicate, you know,
2 arborvitae or other ways to -- on your property
3 side. Even if you have 20 feet I would think an
4 arborvitae would begin to protect some of the
5 views and activities from the abutting residential
6 neighbors.

7 Is that what you're trying to accomplish at
8 this point?

9 **THE WITNESS (Weaver):** We're having very specific and
10 detailed conversations with our abutters, because
11 each abutter has a different viewshed than the
12 other with different distances between. So we
13 think it's appropriate to have those very, you
14 know, specific and specialized conversations which
15 is, you know, what we're in the process of doing
16 now.

17 Those are ongoing, but we are very committed,
18 I think as the abutters are, to reaching a
19 solution that works for both parties. And we
20 expect to detail these solutions that we come to
21 in the D and M plan.

22 **MR. AVENA:** So in terms of where we would come from
23 conventionally in the town, the visual screening
24 that you often see whenever you have that dramatic
25 difference between residential use and commercial

1 or industrial use, they would normally be on your
2 side of the property.

3 Are you waiting to see what the neighbors are
4 looking for before designing those features? Do
5 you have enough room to put such a screening
6 feature in?

7 THE WITNESS (Weaver): I think the answer is, it
8 depends on which neighbor we're talking about.
9 And thankfully we have -- truthfully have had very
10 productive and cordial conversations with our
11 abutters that we're looking at solutions that may
12 not necessarily be on our property, that would
13 be -- provide actually a better screening
14 solution.

15 So we're trying to look at all options right
16 now and make sure that we're working with those
17 abutters to identify the best one.

18 MR. AVENA: Yeah, you've got a bunch of them. You've
19 got the one to the northeast of panels three;
20 directly north of panels four, which was mentioned
21 by the councilmembers regarding the access road;
22 the parties to panels two to the east; and then
23 the parties to the north of panels one.

24 So we certainly are concerned from the Town's
25 perspective, and I think under the comfortable

1 criteria, neighborhood impacts as well as the
2 natural resource impacts.

3 And again, I think I was asking questions
4 before -- but we just wanted to know is there any
5 difference? We realized you went upgrade on the
6 panels and on their power output. Is there any
7 other differences that we should be aware of in
8 the Town as to those characteristics of those
9 panels, how they're made, or anything that would
10 be different from the original submission?

11 THE WITNESS (Candelaria): Attorney Avena, this is Pete
12 Candelaria.

13 So they're both using the same type of
14 fundamental technology. They're both using
15 crystalline modules -- cells for voltaics.

16 MR. AVENA: All right. That's all the questions I have
17 at the moment, Mr. Chairman.

18 THE HEARING OFFICER: Thank you, Attorney Avena.

19 It's my understanding that Councilman
20 Silvestri has some additional questions.

21 Mr. Silvestri?

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

23 Attorney Avena's questions kind of sparked
24 more questions in my head. The question I have
25 first to start this, how many panels are there in

1 area one?

2 THE WITNESS (Brawley): This is Matt Brawley. Area one
3 has approximately 2,780 panels.

4 MR. SILVESTRI: 2,780. Thank you.

5 Now the original project started out with
6 28,971 panels at 455 watts. The redesign, if I
7 have it right, is looking at 475-watt panels at
8 29,625 -- and it's still not clear in my head why
9 that went up as far as the number of panels -- but
10 let me continue on my thought.

11 From a back-of-the-envelope calculation, if
12 it were possible to go from 475 to 550-watt
13 panels, which are commercially available, I'm
14 calculating that you would need approximately
15 25,585 panels, or about 4,000 less.

16 Is that feasible to go with a higher watt
17 panel and totally get off of area one because you
18 don't need the panels anymore?

19 THE WITNESS (Candelaria): Mr. Silvestri, this is Pete
20 Candelaria with Silicon Ranch. We -- we -- so in
21 order to make these schedules work, you've got to
22 make commitments to these supplies well in
23 advance.

24 550-watt modules aren't necessarily readily
25 commercially available modules to begin with.

1 Number two, we don't necessarily just buy
2 from any manufacturer. We have a very select
3 group of vendors that we work with, that we very
4 thoroughly vet, that we need to make sure that
5 they're bankable projects, that they're quality
6 projects, that we don't have hazardous material
7 concerns, that we mitigate a lot of the risks, and
8 some of the other issues and challenges that some
9 of the other folks have raised. And so that
10 really narrows down the list of options that you
11 have available to you.

12 I will say in 2023 we'll see that wattage
13 density be a lot more prevalent and see that be an
14 option that will roll out more frequently. For --
15 for this particular project it's not a realistic
16 solution for us to try to get something that --
17 that works and meets schedule, meets all the
18 obligations, this and that. No, it's not an
19 option.

20 There's -- the form factor of that module is
21 also much larger and it just doesn't lay out well.
22 So what happens is the way the solar industry
23 works is you'll have advances in the model
24 technology and that road map gets laid out. And
25 then the racking vendors, and all of the tracking

1 vendors and all that need to catch up and they've
2 got to marry up equipment to it -- being an early
3 adopter doesn't necessarily make you a winner on
4 these products.

5 And again, you know, having -- you still want
6 to be able to vet, make sure everything works.
7 Being an early adopter of a new form factor or
8 module has risks in itself.

9 You know, will the module break down under
10 hail? Will it break down under heavy wind? You
11 know there's risk that you take as an owner being
12 an early adopter of any new module product out
13 there, or -- or any product, inverter product,
14 whatever.

15 But taking those kinds of flyers, it's not
16 the way we operate. We're -- we're sticking with
17 a very tried-and-true product, tried-and-true form
18 factor, and we're very comfortable with this
19 solution.

20 MR. SILVESTRI: I appreciate your response, but I bring
21 it up because we have been approached by at least
22 one applicant that I could recall that did have
23 panels in the 500-plus wattage range -- which is
24 why I bring it up.

25 Because to me it becomes economics. I hear

1 your concern about electrical compatibility, you
2 know, how you do that and how you rack it. I'm
3 also looking at if you avoid that whole area, your
4 economics go way down because you don't have to
5 disturb the ground, put in everything, et cetera,
6 et cetera.

7 So that's why I brought it up. I was hoping
8 that would be a balance that would ultimately get
9 you off of area one.

10 **THE WITNESS (Candelaria):** Yeah, I'm with you. We --
11 we worked really hard to optimize these sites to
12 do our best to minimize our impact and our costs.
13 And it's -- I can assure you if there was an
14 option we would -- we would exercise it.

15 **MR. SILVESTRI:** All right. Then let me pose the
16 follow-up questions. Were you able to find the
17 answers to the questions I posed earlier?

18 **THE WITNESS (Weaver):** Mr. Silvestri, This is Ali
19 Weaver. If I could offer? The location of the
20 sheep photos is in Chattanooga, Tennessee.

21 I know there was a question about whether
22 Miller Brothers was the Connecticut licensed spill
23 responder. And after speaking with them, they are
24 not a licensed spill clean-up contractor, but will
25 be exploring becoming one. And we can confirm

1 whether that has occurred by the time that we
2 submit the D and M plan.

3 MR. SILVESTRI: Okay. Stop. Stop there.

4 On the Miller thing, I had an answer to the
5 question before I posed it, because I always like
6 to see what an applicant might respond to.

7 If you check the Connecticut DEEP website;
8 they are permitted for spill response. They're
9 also permitted for transport. So somebody should
10 get that straight before you go forward with
11 Miller Brothers.

12 But going back to the photo with the sheep, I
13 didn't hear your response.

14 THE WITNESS (Weaver): The photos are in Chattanooga,
15 Tennessee.

16 MR. SILVESTRI: Is that a facility of yours?

17 THE WITNESS (Weaver): Yes. It's in partnership with
18 Volkswagen.

19 MR. SILVESTRI: And out of curiosity, how big is that
20 facility?

21 THE WITNESS (Candelaria): Mr. Silvestri, this is Pete
22 Candelaria. It's very similar in size. We're at
23 10 megawatts AC for that project.

24 MR. SILVESTRI: Very good. Thank you.

25 Okay. How about the other responses to the

1 questions?

2 **THE WITNESS (Weaver):** I believe another one of the
3 questions was what the zoning district was for the
4 southerly parcels -- which we found is medium
5 density residential.

6 The setbacks there are 20 feet for side and
7 rear yard, and 40 feet for the front yard.

8 **MR. SILVESTRI:** Yeah. That wasn't actually my
9 question, but whoever had it -- that's okay.

10 The followup I had was on fuels. How much
11 fuel might be expected to be used each day?

12 **THE WITNESS (Weaver):** Yes, sir. We're looking into
13 that still, and if we can, we'd like to provide
14 that as a part of the D and M plan as well.

15 **MR. SILVESTRI:** And was there any other followup that
16 people could remember about speaking with
17 Connecticut DEEP regarding sheep and/or regarding
18 fuel storage?

19 **THE WITNESS (Weaver):** Yes. Those conversations we
20 don't believe occurred with DEEP during the
21 pre-application.

22 **MR. SILVESTRI:** I'm sorry. Do not believe occurred.
23 Is that right?

24 **THE WITNESS (Weaver):** Right, not in this first
25 pre-application meeting, but we expect that they

1 will come up as we move along. It was just our
2 first meeting.

3 MR. SILVESTRI: Very good. And a followup, anything
4 with the fire marshal? Any discussions with him
5 or her.

6 THE WITNESS (Weaver): We did we reach out to the fire
7 marshal, you know, to touch base again. Our
8 expectation is that we will try to coordinate any
9 trainings closer to the time of construction.

10 MR. SILVESTRI: Okay. Thank you, Mr. Morissette. I
11 believe that's all the followups that I had.

12 Thank you again.

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

14 That pretty much clears up my laundry list of
15 items that were open as well.

16 MR. EDELSON: Mr. Morissette, I did have one question.
17 A followup?

18 THE HEARING OFFICER: Yes, Mr. Edelson. Please
19 continue.

20 MR. EDELSON: Okay. If I understood the Intervener's
21 question regarding the north parcel, I think they
22 indicated that this represented a significant
23 environmental resource for the Town.

24 My question to the Petitioner is, are you
25 aware of anything in the deed for this property or

1 any other document that provides a specific
2 designation or restriction because of this being a
3 significant environmental resource to the Town of
4 North Stonington?

5 THE WITNESS (Weaver): This is Ali Weaver. No, we're
6 not.

7 MR. EDELSON: And this is a quick followup. Has the
8 Town ever approached you to purchase any of these
9 properties because of their significance to the
10 Town?

11 Somehow I think you went on mute. I didn't
12 hear that.

13 THE WITNESS (Weaver): To my knowledge, no, they have
14 not.

15 MR. EDELSON: Okay, thank you.

16 That's it, Mr. Morissette.

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

18 We'll now continue with the appearance of the
19 party, the Town of North Stonington.

20 Will the party present its witness panel for
21 the purpose of taking the oath, and Attorney
22 Bachman will administer the oath.

23 MR. AVENA: Thank you, Mr. Chairman.

24 Attorney Robert Avena for the Town of North
25 Stonington.

1 With me today is Juliet Hodge, the Town
2 Planner of the Town of North Stonington. And also
3 with me today is Robert Russo, wetlands expert
4 from CLA Engineers of Norwich.

5 Attorney Bachman?

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

7 J U L I E T H O D G E ,

8 R O B E R T R U S S O ,

9 called as witnesses, being first duly sworn
10 by the Executive Director, were examined and
11 testified under oath as follows:

12
13 THE HEARING OFFICER: Thank you, Attorney Bachman.

14 Attorney Avena, please begin by verifying all
15 the exhibits by the appropriate sworn-in
16 witnesses.

17 MR. AVENA: Thank you. Ms. Hodge and Mr. Russo, did
18 you personally prepare the submitted exhibits on
19 behalf of the Town in North Stonington that are
20 part of the record today?

21 THE WITNESS (Hodge): I did.

22 THE WITNESS (Russo): I did.

23 MR. AVENA: And is the information contained in those
24 exhibits true and accurate to the best of your
25 knowledge and belief?

1 THE WITNESS (Hodge): It is.

2 THE WITNESS (Russo): Yes, it is.

3 MR. AVENA: Do you have any changes to that information
4 which you would like to inform to the Council
5 today?

6 THE WITNESS (Hodge): I do not.

7 THE WITNESS (Russo): I do not.

8 MR. AVENA: Thank you, Mr. Chairman.

9 THE HEARING OFFICER: Thank you, Attorney Avena.

10 Does the Applicant object to the admission of
11 the Town of North Stonington's exhibits, Attorney
12 Baldwin?

13 MR. BALDWIN: No objection, Mr. Morissette.

14 THE HEARING OFFICER: Thank you, Attorney Baldwin. The
15 exhibits are hereby admitted.

16 We'll now begin with cross examination of the
17 Town of North Stonington by the Council starting
18 with Mr. Perrone, followed by Mr. Edelson.

19 Mr. Perrone?

20 MR. PERRONE: Thank you, Mr. Morissette.

21 Does the Town have any additional comments or
22 concerns related to the revised project at this
23 time?

24 THE WITNESS (Hodge): This is Juliet Hodge, Town
25 Planner. I'm still a little bit concerned about

1 the geotechnical report. The map I'm looking at
2 just simply does not indicate any -- any
3 exploration done on the parcel that's north of
4 184. So I'm confused about that.

5 And if we have any idea if that site is
6 suitable for panels, you know, my overall concern
7 is just for the health and safety and welfare
8 of -- of the Town, its natural resources, this
9 neighborhood.

10 Had I known that this was going to be located
11 on these parcels, I would have had some major
12 concerns early on. So we're -- we're still -- we
13 appreciate all the -- the effort to relocate as
14 many of the panels down to the south.

15 We're just hoping that we can find a spot,
16 you know, in the old gravel bank where it was
17 designed to be that we can get them down there
18 somehow, because the geotechnical report does
19 indicate that it's usable.

20 MR. PERRONE: Turning to the March 25, 2020, letter
21 from P and Z, on page 2 there's mention of an
22 animal boarding and grooming facility. And my
23 question is, how close is that roughly to the
24 parcel to the north?

25 THE WITNESS (Hodge): Across the street, directly --

1 just right on the other side of 184. It's -- it's
2 right up on the -- on the road, so.

3 I mean, the building it set back, but the
4 property line is -- it's probably 150 feet or so
5 from the road.

6 MR. PERRONE: And turning to the April 26, 2021, letter
7 from the land use department, on page 2 there's
8 mention of a microgrid that was included by the
9 original bidder.

10 Do you have any information on that
11 microgrid, any details?

12 THE WITNESS (Hodge): Of what -- what it was proposed
13 to be?

14 MR. PERRONE: Yes.

15 THE WITNESS (Hodge): All right. Well, my
16 understanding of the original DEEP solicitation --
17 I'm sorry. I don't know what it was called but --
18 that the original project included energy storage.
19 It wasn't just an energy production facility.
20 It was supposed to have energy storage and a park,
21 and you know, all these great things.

22 So other than what was included in -- in
23 their original submittal of -- not by this
24 company, but by CES, I believe it was, that was
25 part of the original project and part of the

1 original program, to reuse brownfields and provide
2 for energy storage.

3 MR. PERRONE: Thank you. That's all I have.

4 THE WITNESS (Hodge): We're going to let the wetlands
5 person move in. Sorry.

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

7 We'll continue with cross examination by
8 Mr. Edelson, followed by Mr. Silvestri.

9 Mr. Edelson?

10 MR. EDELSON: I don't have any questions at this time.

11 Thank you, Mr. Morissette.

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

13 We'll continue with Mr. Silvestri, followed
14 by Mr. Hannon.

15 Mr. Silvestri.

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

17 Looking at a little bit of history that I'm
18 hoping you could provide, the old Providence-New
19 London Road, the old roadbed I guess dates back to
20 the 1800s or so.

21 Could you maybe give me a little bit of
22 history on that and where it stands today?

23 THE WITNESS (Hodge): It's to connect with Stillman
24 Road. I believe it is on the western side of the
25 northern parcel there. So it was the old cut

1 through from Route 184 to Stillman Road. There
2 was a tavern on the corner where I think it's
3 430 -- 447 Providence-New London Turnpike. That
4 house used to be an old tavern. So that's just
5 sort of the thoroughfare.

6 It's a beautiful, beautiful stone wall that
7 lines the old bed that's, you know, still very
8 visible through the entire parcel.

9 North Stonington, they love their roads,
10 that's for sure. And they love their stonewall
11 lined roads, and I wish we had been offered it to
12 buy. We would have.

13 MR. SILVESTRI: Is it safe to say that that goes back
14 to the, quote, unquote, horse-and-buggy days?

15 THE WITNESS (Hodge): Absolutely.

16 MR. SILVESTRI: Thank you. Is that house that you
17 mentioned, was that the tollhouse that was on that
18 road?

19 THE WITNESS (Hodge): I know it was a tavern. It could
20 have been a tollhouse, I suppose. I -- I don't
21 know for sure. I know it was the tavern, but --

22 MR. SILVESTRI: And that house, that house is no longer
23 there. Is that correct?

24 THE WITNESS (Hodge): No, it's there.

25 MR. SILVESTRI: Oh, it's still there. Okay. Great.

1 Intervener. Thanks.

2 THE HEARING OFFICER: Thank you, Ms. Cooley. I have a
3 follow-up question.

4 The Applicant followed up with a question on
5 the setback, and just testified that it's a
6 residential area. It's 20 feet for the side yards
7 and 40 feet for the front yards.

8 Well, first of all, do you agree with the
9 20 feet?

10 THE WITNESS (Hodge): They are the -- the setbacks to
11 structures, yes. There are additional setback
12 requirements for buffering if there's a
13 nonresidential use next-door to a residential use.

14 That buffer would increase to effectively
15 25 feet rather than the 20, landscaped buffering,
16 not just space. It would have to be landscaped.

17 THE HEARING OFFICER: So 25 feet of landscaped space?

18 THE WITNESS (Hodge): Yeah, providing year-round, you
19 know, screening.

20 THE HEARING OFFICER: And having a road in that 25 feet
21 space is not permissible?

22 THE WITNESS (Hodge): No, that would have -- you would
23 still have to provide some sort of a landscape
24 buffer. It would -- yeah, I mean, the road we --
25 we expect ten feet on either side of the road,

1 24-foot width. So they would have to try to
2 buffer it, yeah.

3 **THE HEARING OFFICER:** So they would be --

4 **THE WITNESS (Hodge):** It would make it hard to put it
5 there.

6 **THE HEARING OFFICER:** So the road is considered a
7 structure. Am I interpreting that correctly?

8 **THE WITNESS (Hodge):** We have -- we have -- our
9 buffering regulations are slightly complicated,
10 but for any access way they're supposed to line
11 both sides of that. If it's a commercial
12 development or nonresidential development you
13 would line both sides of the road with -- with
14 some sort of landscaping.

15 Once you got to the point of the structure,
16 in this case, I would call that the solar panels.
17 Then you would jump to the 25-foot fully screening
18 type landscaping buffer.

19 So you would have to try to fit in
20 landscaping on either side of the road to sort of
21 buffer the impact of light and noise, and dust and
22 whatnot. But once you got to the structure, the
23 panels in this case, it would have to be a 25-foot
24 length.

25 **THE HEARING OFFICER:** Let me make sure I understand

1 correctly.

2 So the road itself requires a ten-foot buffer
3 on each side for landscaping, and then an
4 additional 25 on the panel side for setback to the
5 panels?

6 **THE WITNESS (Hodge):** Correct.

7 **THE HEARING OFFICER:** For a total of 35 feet from the
8 road -- okay. Well, that's helpful.

9 So that's 25, 35 -- 45 plus the width of the
10 road is -- how many feet?

11 **THE WITNESS (Hodge):** Depending on two-way traffic or
12 whatnot, it would be a 24-foot roadbed for two-way
13 traffic, and probably around 14 for one-way.

14 **THE HEARING OFFICER:** Fourteen? They're proposing 16.
15 So this is an access drive. It's not really a
16 road. Does that still apply?

17 **THE WITNESS (Hodge):** For a commercial development it
18 would. We would -- we would not consider this
19 residential development, so the commercial
20 regulations would, you know, be in effect.

21 **THE HEARING OFFICER:** Thank you. Anything else you
22 want to add associated with the access road?

23 **THE WITNESS (Hodge):** No, and I'm not sure what the
24 surface was, but there was -- there's requirements
25 for, you know, all-weather surface and firetruck,

1 you know, accessibility and whatnot, but -- and
2 snow stacking would be another concern, so. But
3 I'm not sure how often they would be plowing this
4 one, so.

5 **THE HEARING OFFICER:** Very good. Thank you. That was
6 a very helpful discussion.

7 That concludes my cross-examination. We will
8 now continue with the cross-examination of North
9 Stonington by the Petitioner.

10 Attorney Baldwin?

11 Attorney Baldwin?

12 **MR. BALDWIN:** Sorry, technical difficulties here. I
13 was on mute. I wanted to follow up on this, the
14 road issue, because I think we've got an
15 apples-to-oranges comparison here.

16 First of all, Ms. Hodge, you're aware that
17 the local zoning regulations are only advisory as
18 it relates to the Siting Council's jurisdiction
19 which supersedes local zoning authority?

20 Is that your understanding?

21 **THE WITNESS (Hodge):** Yes, it is.

22 **MR. BALDWIN:** You mentioned a 24-foot wide commercial
23 road. You understand that what we're talking
24 about here are simply gravel access driveways that
25 would be used infrequently by site technicians

1 when they would visit the site for maintenance
2 purposes, and that this is not a use of a
3 commercial road of any kind?

4 THE WITNESS (Hodge): I believe I was being in asked in
5 the context of North Stonington if I had to label
6 a use for this it wouldn't be residential. And
7 therefore, if I did have jurisdiction I would
8 apply the commercial standards.

9 I do understand that it's not under our
10 jurisdiction, but if it were that's what the
11 standards would be.

12 MR. BALDWIN: Two and three in the Council's hearing
13 program are identified as comments of the Chairman
14 of the PZC and the Inland Wetlands Commission.

15 Can you tell us for the purposes of the
16 record what planning zoning commission meeting and
17 what inland wetlands commission meeting, those
18 comments were discussed and voted on by the
19 respective commissions? We took a look and we
20 couldn't find them in the minutes.

21 THE WITNESS (Hodge): I don't know that off the top of
22 my head. I don't have my unit book in front of
23 me -- but I'm trying to think.

24 It was the meetings in -- when were they
25 first due? March? Within the first or second

1 Tuesday -- or first or second Thursday in March,
2 and wetlands meets the Wednesday in between
3 typically.

4 Plus, you know, we just -- there were members
5 of that, those commissions on the sidewalk that
6 day, you know, we've had discussions.

7 MR. BALDWIN: Did they take a formal vote on the final
8 product?

9 THE WITNESS (Hodge): That isn't -- they wouldn't for
10 this. There wouldn't be a vote. Neither
11 commission voted on any of it, but they don't have
12 to.

13 So it's not under their jurisdiction, so it's
14 not -- it wasn't an application before them, or an
15 action that they had to take. It was me saying,
16 do you want to respond to this project? And if
17 so, provide your comments and I will summarize
18 them into a document.

19 MR. BALDWIN: Okay. I have nothing further.

20 Thank you, Mr. Morissette.

21 THE HEARING OFFICER: Thank you, Attorney Baldwin.

22 Well, that pretty much wraps it up. So
23 before closing the evidentiary record in this
24 matter the Connecticut Siting Council announces
25 that briefs and proposed findings of fact may be

1 filed with the Council by any party or intervener
2 no later than August 7, 2021.

3 The submission of briefs or proposed findings
4 of fact are not required by this Council. Rather,
5 we leave it to the choice of the parties and the
6 intervenors. Anyone who has not become a party or
7 intervener but desires to make his or her views
8 known to the Council may file statements with the
9 Council within 30 days of the date hereof.

10 The Council will issue draft findings of
11 fact, and thereafter parties and intervenors may
12 identify errors or inconsistencies between the
13 Council's draft findings of fact and the record,
14 however no new information, no new evidence, no
15 argument and no reply briefs without our
16 permission will be considered by the Council.

17 Copies of the transcript of this hearing will
18 be filed at the North Stonington Town clerk's
19 office.

20 I hereby declare this hearing adjourned. And
21 thank you, everyone, for your participation.

22
23 (End: 4:35 p.m.)
24
25

CERTIFICATE

I hereby certify that the foregoing 112 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. 1443, SR NORTH STONINGTON, 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 9.9-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY ON FIVE PARCELS LOCATED NORTH AND SOUTH OF PROVIDENCE NEW LONDON TURNPIKE (STATE ROUTE 184), WEST OF BOOMBRIDGE ROAD AND NORTH OF INTERSTATE 95 IN NORTH STONINGTON, CONNECTICUT, which was held before JOHN MORISSETTE, Member and Presiding Officer, on July 8, 2020.



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

WITNESSES PAGE

Peter Candelaria
Ali Weaver
Dean Gustafson
Dennis Quinn
Matt Brawley
Vincent Ginter 7

EXAMINERS

By Mr. Baldwin 8
By Mr. Perrone 11
By Mr. Edelson 17, 97
By Mr. Silvestri 20, 90
By Mr. Hannon 26
By Mr. Nguyen 27
By Ms. Cooley 30
By Hearing Officer (Morissette) 33
By Mr. Avena 48

WITNESSES PAGE

Juliet Hodge
Robert Russo 99

EXAMINERS

By Mr. Avena 99
By Mr. Perrone 100
By Mr. Silvestri 103
By Hearing Officer (Morissette) 106
By Mr. Baldwin 109