

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 522

Stafford Solar One, LLC, Application for a  
Certificate of Environmental Compatibility and  
Public Need for the Construction, Maintenance, and  
Operation of a 4.0-megawatt-AC Solar Photovoltaic  
Electric Generating Facility and Associated  
Equipment Located at 92 Upper Road, Stafford,  
Connecticut and Associated Electrical  
Interconnection.

Zoom Remote Council Meeting (Teleconference),  
on Thursday, August 22, 2024, beginning at 2 p.m.

H e l d   B e f o r e:

JOHN MORISSETTE, Member and Presiding Officer

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

**Councilmembers:**

**JOHN MORISSETTE, (Hearing Officer)**

**BRIAN GOLEMBIEWSKI,**

**DEEP Designee**

**QUAT NGUYEN,**

**PURA Designee**

**CHANCE CARTER**

**KHRISTINE HALL**

**BILL SYME**

**Council Staff:**

**MELANIE BACHMAN, ESQ.,**

**Executive Director and Staff Attorney**

**ROBERT MERCIER,**

**Siting Analyst**

**LISA FONTAINE,**

**Fiscal Administrative Officer**

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

2   **For STAFFORD SOLAR ONE, LLC:**

3       **PULLMAN & COMLEY, LLC**

4       **850 Main Street**

5       **Bridgeport, Connecticut 06601-7006**

6           **By:     LEE D. HOFFMAN, ESQ.**

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9  
10   **For DEPARTMENT OF AGRICULTURE:**

11       **DOAG, OFFICE OF THE COMMISSIONER**

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(Begin: 2:00 p.m.)

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

This public hearing is called to order this Thursday, August 22, 2024, at 2 p.m.

My name is John Morissette, member and Presiding Officer of the Connecticut Siting Council. Other members of the Council are Brian Golembiewski, designee for Commissioner Katie Dykes of the Department of Energy Environmental Protection; Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority; Chance Carter; Khristine Hall; and Bill Syme.

Members of the staff are Executive Director Melanie Bachman, Siting Analyst Robert Mercier, and Administrative Support Lisa Fontaine.

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

This hearing is held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon an application from Stafford

1 Solar One, LLC, for a certificate of environmental  
2 compatibility and public need for the  
3 construction, maintenance, and operation of a  
4 four-megawatt AC solar photovoltaic electric  
5 generating facility and the associated equipment  
6 located at 92 Upper Road in Stafford, Connecticut,  
7 and the associated electrical interconnection.

8 This application was received by the Council  
9 on May 24th, 2024. The Council's legal notice of  
10 the date and time of this public hearing was  
11 published in the Journal Inquirer on June 25th,  
12 2024.

13 Upon this Council's request, the Applicant  
14 erected a sign in the vicinity of the proposed  
15 site so as to inform the public of the name of the  
16 Applicant, the type of the facility, the hearing  
17 date, and contact information for the Council,  
18 including the website and phone number.

19 As a reminder to all, off-the-record  
20 communication with a member of the Council or a  
21 member of the Council's staff upon the merits of  
22 this application is prohibited by law.

23 The parties and interveners of the proceeding  
24 are as follows. Stafford Solar One, LLC,  
25 represented by Lee Hoffman, Esquire, of Pullman &

1 Comley, LLC; and the party is the Department of  
2 Agriculture represented by Carole W. Briggs,  
3 Esquire.

4 We will proceed in accordance with the  
5 prepared agenda, a copy of which is available on  
6 the Council's Docket Number 522 webpage, along  
7 with a record of this matter, the public hearing  
8 notice, instructions for public access to this  
9 public hearing, and the Council's citizens guide  
10 to Siting Council procedures.

11 Interested persons may join any session of  
12 this public hearing to listen, but no public  
13 comments will be received during the 2 p.m.  
14 Evidentiary session. At the end of the  
15 evidentiary session, we will recess until 6:30  
16 p.m. for the public comment session.

17 Please be advised that any person may be  
18 removed from the evidentiary session or the public  
19 comment session at the discretion of the Council.  
20 The 6:30 p.m. public comment session is reserved  
21 for members of the public who have signed up in  
22 advance to make brief statements into the record.

23 I wish to note that the Applicant, parties,  
24 and interveners, including their representatives,  
25 witnesses, and members, are not allowed to

1 participate in the public comment session.

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

10 A verbatim transcript of this public hearing  
11 will be posted on the Council's Docket Number 522  
12 webpage and deposited with the Stafford Town  
13 Clerk's office for the convenience of the public.

14 The Council will take a 10 to 15-minute break  
15 at a convenient juncture at around 3:30 p.m.

16 We will now move on to administrative notices  
17 taken by the Council. I wish to call your  
18 attention to those items shown on the hearing  
19 program marked as Roman numeral 1B, items 1  
20 through 106.

21 Does any party or intervener have an  
22 objection to the items that the Council has  
23 administratively noticed?

24 Attorney Hoffman, good afternoon.

25 ATTORNEY HOFFMAN: Good afternoon, Mr. Morissette.

1 Can you see and hear me okay?

2 THE HEARING OFFICER: We can't see you too well.

3 We can hear you just fine.

4 ATTORNEY HOFFMAN: Okay.

5 THE HEARING OFFICER: It looks like it's quite dark, so  
6 we can't make out who's talking.

7 ATTORNEY HOFFMAN: Well, it's me now, and the only  
8 other person in the room is Bryan Fitzgerald.

9 I'll have to, during the break, do something  
10 to fix the camera issue because I don't know why  
11 it's dark. We are fully lit here.

12 THE HEARING OFFICER: Attorney Hoffman, I put it to  
13 full screen and it's much clearer. Just make sure  
14 everybody introduces their names before  
15 responding, and I think we can get through this.

16 ATTORNEY HOFFMAN: Understood. Thank you, sir.

17 We have no objections to the administrative  
18 notice.

19 THE HEARING OFFICER: Thank you, Attorney Hoffman.

20 Attorney Briggs, good afternoon.

21 Do you have any objection?

22 ATTORNEY BRIGGS: Good afternoon. No.

23 And with me also is Jaime Smith, the Bureau  
24 Director for Ag Development.

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



1 Briggs.

2 Accordingly, the Council hereby  
3 administratively notices these existing documents.

4 We now move on to the appearance by the  
5 Applicant, Stafford Solar One, LLC. Will the  
6 Applicant present its witness panel for purposes  
7 of taking the oath, and then we'll have Attorney  
8 Bachman administer the oath?

9 Attorney Hoffman?

10 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.

11 With me in this room is Bryan Fitzgerald. We  
12 are also joined -- of Verogy. We are also joined  
13 by James Cerkanowicz of Verogy and Brad Parsons of  
14 Verogy, who are on separate Zoom screens, as well  
15 as Melinda Costello of Weston & Sampson.

16 That is our witness panel.

17 THE HEARING OFFICER: Thank you, Attorney Hoffman.

18 Attorney Bachman, please administer the oath.

19 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

20 Could the Witnesses please raise their right  
21 hand?

1 J A M E S C E R K A N O W I C Z,  
2 B R Y A N F I T Z G E R A L D,  
3 B R A D L E Y P A R S O N S,  
4 M E L I N D A C O S T E L L O,

5 called as witnesses, being sworn by  
6 THE EXECUTIVE DIRECTOR, were examined and  
7 testified under oath as follows:

8  
9 ATTORNEY BACHMAN: Thank you.

10 THE HEARING OFFICER: Thank you, everyone.

11 Attorney Hoffman, please begin by verifying  
12 all the exhibits by the appropriate sworn  
13 witnesses.

14 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.

15 I would like to note that we put four items  
16 in for administrative notice in the hearing  
17 program, enumerated at Roman numeral 2A, one  
18 through four. I don't know if you want to do that  
19 before we do the exhibits or after, but I just  
20 wanted to make note of it.

21 THE HEARING OFFICER: Thank you.

22 We will do it after the exhibits, please.

23 ATTORNEY HOFFMAN: Very good, sir. Thank you.

24 The exhibits for identification are found in  
25 the hearing program in item Roman numeral 2B; one

1 is the application, along with all bulk filed  
2 exhibits; two is the responses to the Council's  
3 interrogatories; and three is the signposting  
4 affidavit for the Applicant.

5 What I would do is, Mr. Parsons, did you  
6 prepare or assist in the preparation of these  
7 exhibits that I just listed in Roman numeral 2B?

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

9 ATTORNEY HOFFMAN: And do you have any changes to any  
10 of those exhibits at this time?

11 THE WITNESS (Parsons): Yes, I have one change to the  
12 interrogatory responses, number 61, page 16. It's  
13 the second sentence of the second paragraph that  
14 should read as follows.

15 Additionally, the fence facility is greater  
16 than 100 feet from any wetlands, leaving a  
17 significant riparian buffer to help filter  
18 stormwater runoff, period.

19 ATTORNEY HOFFMAN: So the sentence should end after the  
20 word "runoff?"

21 THE WITNESS (Parsons): Correct.

22 ATTORNEY HOFFMAN: And with that change, do you have  
23 any others?

24 THE WITNESS (Parsons): No.

25 ATTORNEY HOFFMAN: And are those exhibits accurate to

1           the best of your knowledge and belief?

2   THE WITNESS (Parsons):   Yes.

3   ATTORNEY HOFFMAN:   And do you adopt them as your sworn  
4           testimony here today?

5   THE WITNESS (Parsons):   I do.

6   ATTORNEY HOFFMAN:   Mr. Cerkanowicz, I'll ask you the  
7           same questions. Did you prepare or cause to be  
8           prepared the exhibits that are listed in Roman  
9           numeral 2B?

10   THE WITNESS (Cerkanowicz):   Yes, I did.

11   ATTORNEY HOFFMAN:   And with Mr. Parsons' change, are  
12           they accurate to the best of your knowledge and  
13           belief?

14   THE WITNESS (Cerkanowicz):   Yes, they are.

15   ATTORNEY HOFFMAN:   And do you have any further changes  
16           to those exhibits at this time?

17   THE WITNESS (Cerkanowicz):   No, I do not.

18   ATTORNEY HOFFMAN:   And do you adopt them as your sworn  
19           testimony here today?

20   THE WITNESS (Cerkanowicz):   I do.

21   ATTORNEY HOFFMAN:   Mr. Fitzgerald, I'll ask you the  
22           same questions. Did you prepare or cause to be  
23           prepared the exhibits that are listed in the  
24           hearing program in Roman numeral 2B?

25   THE WITNESS (Fitzgerald):   Yes.

1 ATTORNEY HOFFMAN: And with the change provided by  
2 Mr. Parsons, are they accurate to the best of your  
3 knowledge and belief?

4 THE WITNESS (Fitzgerald): Yes.

5 ATTORNEY HOFFMAN: And do you have any changes to those  
6 exhibits other than the change by Mr. Parsons?

7 THE WITNESS (Fitzgerald): No.

8 ATTORNEY HOFFMAN: And do you adopt them as your sworn  
9 testimony here today?

10 THE WITNESS (Fitzgerald): Yes.

11 ATTORNEY HOFFMAN: And Ms. Costello, did you prepare or  
12 cause to be prepared the exhibits that are found  
13 in Roman numeral 2B?

14 THE WITNESS (Costello): Yes.

15 ATTORNEY HOFFMAN: And do you have any changes to those  
16 exhibits other than the one enumerated by  
17 Mr. Parsons?

18 THE WITNESS (Costello): No.

19 ATTORNEY HOFFMAN: And with that change, are those  
20 exhibits accurate to the best of your knowledge  
21 and belief?

22 THE WITNESS (Costello): Yes.

23 ATTORNEY HOFFMAN: And do you adopt those as your sworn  
24 testimony here today?

25 THE WITNESS (Costello): Yes.

1 ATTORNEY HOFFMAN: Mr. Morissette, with that, I would  
2 ask that these exhibits be admitted as full  
3 exhibits for evidentiary purposes today.

4 THE HEARING OFFICER: Thank you, Attorney Hoffman.

5 Does any party or any intervener object to  
6 the admission of the Applicant's exhibits?

7 Attorney Briggs?

8 ATTORNEY BRIGGS: No objection.

9 THE HEARING OFFICER: Thank you.

10 The exhibits are hereby admitted.

11 Attorney Bachman, how should we handle the  
12 information filed for administrative notice by the  
13 Applicant?

14 ATTORNEY BACHMAN: Mr. Morissette, I think we should  
15 just simply ask if Attorney Briggs objects to  
16 those items.

17 THE HEARING OFFICER: Very good. Thank you.

18 Attorney Briggs, do you have any objection  
19 for admitting Exhibits 2A, one through four as  
20 part of the administrative notices?

21 ATTORNEY BRIGGS: No objection.

22 THE HEARING OFFICER: Thank you, very good. The  
23 administrative notices are admitted.

24 We'll now begin with cross-examination of the  
25 Applicant by the Council starting with

1 Mr. Mercier, followed by Mr. Nguyen.

2 Mr. Mercier, good afternoon.

3 MR. MERCIER: Good afternoon, thank you. I'm going to  
4 begin with a couple of erosion and sediment  
5 control and stormwater questions. And I'm going  
6 to refer immediately to application page 9.

7 On the bottom of that it states, upon  
8 completion of the test pit information a final  
9 erosion control plan will be developed to meet the  
10 requirement of the general permit.

11 So have any test pits been conducted?

12 THE WITNESS (Costello): Yes, they have.

13 MR. MERCIER: And when did that activity occur?

14 THE WITNESS (Costello): I'm just finding the date.

15 They occurred on March 21st and March 22nd of  
16 2024.

17 MR. MERCIER: Okay. Were there any changes to the  
18 erosion control measures on the site plans that  
19 are presented in the application? You know, were  
20 there any changes made after that, after these  
21 site plans were submitted to the Council?

22 THE WITNESS (Costello): No.

23 MR. MERCIER: And I understand the site plans were  
24 provided to the DEEP stormwater division for an  
25 application for a stormwater permit on June 14th

1           this year. Is that correct?

2   THE WITNESS (Costello): Yes.

3   MR. MERCIER: And again, there were no changes to that  
4           permit filing based on the soil testing recently  
5           done?

6   THE WITNESS (Costello): No.

7   MR. MERCIER: I'm going to refer to interrogatory  
8           response 72, and this had to do with peak runoff  
9           attenuation.

10           There was a discussion in there talking about  
11           how the 24-hour pre-development peak flow rate has  
12           not been achieved at the site, however the project  
13           is going to -- I believe a waiver will be  
14           implemented where no stormwater basins are  
15           required. Did the DEEP stormwater program have  
16           any comment on that?

17           I don't know if you met with them prior to  
18           filing with the general permit to discuss that  
19           particular aspect, and if so, did they have any  
20           comment?

21   THE WITNESS (Costello): We haven't received comments  
22           back yet on our application. And they haven't  
23           made comments to that, prior to that.

24   MR. MERCIER: Okay. So there was -- was there a  
25           pre-application meeting with DEEP stormwater



1           division?

2       THE WITNESS (Costello): Yes, we did have that.

3       MR. MERCIER: Was that waiver in place, or were there  
4           basins proposed during that pre-meeting?

5       THE WITNESS (Costello): Do you recall what we  
6           submitted, or what we had at the pre-application  
7           meeting?

8       THE WITNESS (Parsons): One second. Let me just check  
9           the dates.

10  
11                               (Pause.)

12  
13       THE WITNESS (Parsons): I do not have that date handy,  
14           but I can follow up on whether or not that was --  
15           whether those basins were there or not.

16           We had changed the design slightly after  
17           speaking with and meeting with the Town, and  
18           re-looking at our drainage analysis. So I will  
19           look to see and follow up on that, whether or not  
20           those basins were originally present there.

21           But currently, the stormwater quality manual  
22           changed in March 30th of 2024, so that's where  
23           this request for waiver would have come into  
24           place.

25       MR. MERCIER: Okay. Thank you.

1 Referring to the application site plan  
2 C-102 -- that is webpage PDF number 78, if you're  
3 following along on the Council's website. And  
4 this is the overall site plan of the project.

5 And looking at the access road, there's a  
6 question here. Say, to the left of the access  
7 road there is a four-foot infiltration trench  
8 along the side of the road. And I understand it's  
9 essentially crushed stone looking at the detail.

10 You know, after the site's constructed and,  
11 you know, its operation for a number of years,  
12 what kind of maintenance does that trench need to  
13 ensure it's effectiveness over a long period of  
14 time?

15 THE WITNESS (Parsons): This is Brad Parsons. So it  
16 would be inspected as part of our operation and  
17 maintenance plan. However, there's -- due to the  
18 limited amount of traffic and the fact that the  
19 site will not need any sanding or salting like a  
20 normal parking lot, there's not expected to be  
21 much, if any, significant maintenance that would  
22 be required for that infiltration trench.

23 MR. MERCIER: Okay. I understand there's a gravel road  
24 proposed there. So, you know, if a large rain  
25 event such as we just had, if it did get clogged

1 with, let's say, sand, you know, some of the base  
2 material of the road, how would you clean that?

3 Do you have to dig up that portion of the  
4 trench, or is there another way to clean it, if  
5 necessary?

6 THE WITNESS (Parsons): No, you would have to excavate  
7 that portion of the trench to clean that out. The  
8 only other thing you could potentially do is  
9 use -- try and use a vacuum truck that could also  
10 potentially relieve and remove any sand from that  
11 as well, if required.

12 MR. MERCIER: Thank you.

13 Staying with the site plan, I'm going to just  
14 move up a little bit to the array area. And it  
15 shows two concrete pads with inverters, you know,  
16 in that pad area.

17 Now, I understand in the council  
18 interrogatory response 48, it had to do with  
19 noise. The nearest property line was 122 feet to  
20 the south. I believe that's at 100 Upper Road  
21 that I can see on the jut out here.

22 Looking at the plan, is it possible to shift  
23 the four or three -- three or four bottom rows  
24 here to the right where the concrete washout basin  
25 is specified, and then to move the inverters up to

1 the open space on the left after you move those  
2 short panel rows just to get it away from the  
3 inverters, get the inverters away from the nearest  
4 property line?

5 Is that something that could be examined?

6 THE WITNESS (Parsons): This is Brad Parsons.

7 Mr. Mercier, yeah, I think -- exactly, I  
8 think that could be examined here. And we can  
9 look at that in some more detail and possibly even  
10 turn the inverters 90 degrees so they're on the  
11 north side of the actual pad. That will put them  
12 even a little bit further away.

13 MR. MERCIER: Okay. Thank you.

14 What's the reason the inverters are placed in  
15 one central area rather than being dispersed  
16 throughout the array?

17 THE WITNESS (Parsons): It's more effective on the  
18 electrical engineering piece of the project. So  
19 when the panels produce in DC and that voltage  
20 from these panels is 1500 volts, so the voltage  
21 drop due to the length of the cable runs when  
22 you're at that higher voltage is less than when  
23 you drop down to the AC voltage, which would be  
24 600 volts.

25 So the size of the wire and cable inside the

1       array area, if we were to disperse the inverters,  
2       would have to be significantly larger.

3   MR. MERCIER:   Is that a significant cost?

4   THE WITNESS (Parsons):   Yeah, it can be, especially due  
5       to the -- it just will depend, obviously, on the  
6       location of those inverters where they're -- where  
7       they're placed.   And then their other concern  
8       always is, you know, being able to maintain and  
9       get access to them in the -- in the future.

10               So by centrally locating them near the -- the  
11       access road also, it makes it easier for -- for  
12       long-term maintenance.

13   MR. MERCIER:   Okay.   In our administrative notice list,  
14       there was an item, Petition 1558.   That was a  
15       four-megawatt facility and they used dispersed  
16       inverters.   So I'm trying to figure out the  
17       feasibility here of that.

18               But I understand your concern.   Thank you.

19   THE WITNESS (Parsons):   I guess I'll also add,  
20       Mr. Mercier -- sorry, just to follow up.   One  
21       other thing we could look at is keeping the  
22       inverters down closer to the facility, but try --  
23       to the transformers, but trying to maybe put them  
24       behind the panels in a couple of cases as well,  
25       which would provide a little bit extra shielding

1 from the properties to the south with regards to  
2 any noise.

3 MR. MERCIER: Just so I understand, you meant that just  
4 reconfigures the pad itself?

5 THE WITNESS (Parsons): Yeah, basically to take the  
6 inverters and they can, instead of turning the pad  
7 90 degrees and -- and keeping the inverters there,  
8 I can turn -- we can maybe put the transformers up  
9 near, north of that, the driveway aisle.

10 And then put -- instead of lining the  
11 inverters together there, we can try and line them  
12 along the panels behind the -- right next to that  
13 where we would potentially be able to move the  
14 transformer pads to.

15 MR. MERCIER: Understood. Thank you.

16 On application page 33, it talks about the  
17 visibility of the project. You made a statement  
18 on that page. It said, seasonally, when the  
19 leaves are off the deciduous trees, views of the  
20 project from the south may open up from adjacent  
21 residential properties at 100, 108, and 112 Upper  
22 Road.

23 I didn't see any landscape plan. Is there  
24 one in the record, or is that something you could  
25 develop if requested?

1 THE WITNESS (Parsons): If requested, we could possibly  
2 develop one. We just -- based off of the distance  
3 away, the topography, and the existing vegetation,  
4 we thought that the minimal visibility during --  
5 the seasonal visibility would still be fairly  
6 minimal in the wintertime with leaves off.

7 MR. MERCIER: If landscaping was implemented, you know,  
8 to shield the views, potential views from those  
9 properties, what's the typical shrub or item of  
10 choice to plant along the fence line?

11 THE WITNESS (Parsons): In this specific scenario, if  
12 we were looking for more of a visibility piece and  
13 to try and minimize that visibility there,  
14 evergreens of -- of kind of a dwarf nature would  
15 be the best scenario, because most of those views  
16 would be from the southern properties.

17 And so we would want to have an evergreen  
18 that kind of gets that maximum growth of about 15  
19 feet.

20 MR. MERCIER: Yeah, thank you.

21 Jumping to application appendix I, basically  
22 this is the DEEP Natural Diversity Database letter  
23 of February 29th this year. I think that's  
24 website page 288.

25 Obviously, as you stated in the application,

1 the whippoorwill was documented in or near the  
2 project area. And looking at the bird nesting  
3 requirements in the letter, will any whippoorwill  
4 habitat be affected by this project? I guess,  
5 nesting requirements, that is, not foraging.

6 THE WITNESS (Costello): I'm sorry.

7 Can you repeat the question?

8 MR. MERCIER: Yes. With development of the project,  
9 you know, any kind of a clearing of grass or any  
10 kind of woods, would that affect any habitat  
11 potentially that could be used by the  
12 whippoorwill?

13 THE WITNESS (Costello): Based on our correspondence  
14 with NDDB, we don't believe so.

15 MR. MERCIER: Okay. Thank you.

16 Are there any whippoorwill protective  
17 measures proposed for this project?

18 THE WITNESS (Parsons): I think, Mr. Mercier -- this is  
19 Brad Parsons. I think the intent is to follow the  
20 best -- the best management practices that were  
21 provided by NDDB in there, in their letter.

22 MR. MERCIER: Okay. Thank you.

23 Would you know -- I understand livestock  
24 grazing might be implemented at this site, and if  
25 so, would that have any impact on the



1           whippoorwill?

2   THE WITNESS (Parsons):   (Inaudible.)

3   THE HEARING OFFICER:   Mr. Parsons, you're on mute.

4   THE WITNESS (Parsons):   Thank you, Mr. Morissette.

5           I don't think so in this situation.   The  
6           whippoorwill birds nest in the forest habitat with  
7           an open under stair -- story there.   They may be  
8           adjacent to our project, but I will -- the sheep  
9           will be grazing the farmland that is current --  
10          and hay area that is currently mowed for hay  
11          production.

12  MR. MERCIER:   Okay.   Thank you.

13          I am going to move to the interrogatory  
14          responses, and I'm going to start with number six,  
15          and this had to do with bidding into the SCEF  
16          program.

17          When you bid a certain project into the SCEF  
18          program, such as this one, are alternates included  
19          in the bid, or are any alternate sites separate  
20          bid?   You know, I'll just relate it to a cell  
21          tower.   Sometimes a cell tower application will  
22          come in with two sites to consider, but are  
23          alternative sites a function of the SCEF program  
24          bid process?

25  THE WITNESS (Fitzgerald):   Mr. Mercier, this is Bryan

1           Fitzgerald.

2           So, you know, typically when we develop these  
3 projects, we are looking at a lot of different  
4 parcels that could potentially be suitable for  
5 solar. Now, when it comes to a SCEF bid  
6 specifically, I can tell you that in year four,  
7 which this was bid in, in 2023, we bid a number of  
8 sites; five of which were selected, two of which  
9 were not selected.

10          So there, you know, sometimes you bid sites  
11 that don't get selected for various reasons. They  
12 weren't cost competitive. Right? There's more  
13 competitive projects in the auction, but, you  
14 know, our response to this question, whenever  
15 we're pursuing sites for development we look at  
16 and evaluate a lot of properties across -- across  
17 a lot of different towns. And really what comes  
18 down to it is, again, those environmental  
19 features, whether or not it can be suitable with  
20 core forest habitat or not, slopes, et cetera.

21          So when we bid a project in SCEF, our intent  
22 is to try and win that contract and eventually  
23 develop it and take it to the Siting Council  
24 process, but you know there are years where we're  
25 not successful bidding certain projects for

1 different reasons.

2 MR. MERCIER: Okay. Thank you.

3 Moving to response number 15 of the council  
4 interrogatories. You know, it states sheep  
5 grazing will, you know, most likely occur at the  
6 site.

7 From a vegetation control point of view, what  
8 are the benefits of the livestock grazing over  
9 mechanical control?

10 THE WITNESS (Fitzgerald): Mr. Mercier, this is Bryan  
11 Fitzgerald.

12 I would state that, you know, the prime  
13 benefit for the project, and in this case, for us  
14 developing this project, is to ensure the  
15 continuation of active agriculture across that  
16 site. Right? And this could be an over --  
17 oversimplification of it, but, you know, we look  
18 at the property today and it's cut for hay. The  
19 hay is taken and fed to the livestock. Our  
20 proposal is to put solar on it and then bring  
21 livestock in to eat that hay as it grows. Right?

22 So the prime benefit for us is there -- is to  
23 retain the agricultural component across, across  
24 the parcel and for the project.

25 There's also a benefit that goes to the

1 farmer who's going to participate in the grazing.  
2 They get compensated by the project for bringing  
3 their livestock to graze the site.

4 MR. MERCIER: What about the cost aspect? Is it, you  
5 know, cheaper to do it mechanically inside the  
6 array, or to do the sheep grazing?

7 THE WITNESS (Fitzgerald): Mr. Mercier, this is Bryan  
8 Fitzgerald.

9 And based on some recent quotes, we've  
10 gotten, you know, layering in different  
11 frequencies and -- and how often you want to, you  
12 know, mow the vegetation with traditional  
13 landscaping, we've seen the cost be fairly  
14 similar, you know, apples to apples, for lack of a  
15 better term, when it comes to grazing versus  
16 traditional mowing or landscaping.

17 And again, I think it goes back to those, to  
18 those benefits that I mentioned previously whereas  
19 the goal is to keep agriculture across the land  
20 and, you know, we can do that effectively with the  
21 grazing program.

22 MR. MERCIER: Okay. Thank you.

23 You talked about the hay crop, you know, the  
24 sheep just will eat the hay crop -- but, you know,  
25 I was looking at the site plan, D-001. It had a

1 feeding and revegetation plan note in there. To  
2 me, it looked like it was just turf grass that you  
3 were planting post construction. It was a  
4 Kentucky bluegrass, creeping red fescue, and some  
5 rye grass.

6 Is that suitable forage for livestock, or is  
7 it usually the Ernst Fuzz & Buzz Mix?

8 THE WITNESS (Fitzgerald): Mr. Mercier, this is Bryan  
9 Fitzgerald.

10 And -- and our typical is the Ernst Fuzz &  
11 Buzz Mix. And maybe I'll ask Brad here if, you  
12 know, there was some reason that the prior grass  
13 mix was proposed, but, you know, our standard  
14 detail for seeding of any disturbed areas in these  
15 type of sites is that Fuzz & Buzz Mix.

16 THE WITNESS (Parsons): Yeah, this is Brad Parsons.

17 That's probably an oversight on our part. It  
18 should have been a Fuzz & Buzz Mix. And we'll --  
19 obviously, one of the things we do is make sure  
20 that the -- the grazer is involved in the project  
21 as well and in reviewing everything, and making  
22 sure that the site requirements meet -- meet what  
23 they need, including the forage.

24 MR. MERCIER: Okay. Thank you.

25 But for the solar panels, you know, once

1       they're mounted on the racking system, what's the  
2       height above the ground level that they reach at  
3       the maximum?

4       THE WITNESS (Parsons): Mr. Morris -- Mr. Mercier, this  
5       is Brad Parsons.

6               It's going to be around nine to ten feet. In  
7       this case, you've got, you know, changing  
8       topography. So, you know, the ground elevation  
9       behind the panels can change at times, but in  
10      general, on a flat ground at the tilt that they're  
11      at, it would be around nine to ten feet.

12      MR. MERCIER: Thank you.

13              Moving to number 40, this had to do with a  
14      discussion about pad-mounted equipment. I think  
15      at the bottom it states, Eversource indicated they  
16      do not install pole-mounted re-closers.

17              Is that supposed to be pad-mounted, or is  
18      that the right statement?

19      THE WITNESS (Cerkanowicz): Yes, this is James  
20      Cerkanowicz.

21              That, that was a mistake. That should have  
22      said they do not install pad-mounted re-closers.

23      MR. MERCIER: Okay. Moving on to number 77.

24              Almost there.

25              Yes, this question now dealt with some

1 information put out by New York State research,  
2 Energy Research and Development Authority, and we  
3 provided some language in there so Stafford Solar  
4 could respond to it. And for the non-financial  
5 mechanism section of the response, basically it  
6 talks about local government regulatory structure  
7 for decommissioning.

8 Since the Council has exclusive jurisdiction  
9 over the siting of solar facilities, are there any  
10 non-financial enforcement mechanisms that could be  
11 considered in the state regulatory environment  
12 rather than the local?

13 Not sure if you thought about that.

14 THE WITNESS (Parsons): Mr. Mercier, can you repeat,  
15 kind of, the question? I'm just trying to process  
16 it a little bit here as well.

17 MR. MERCIER: Sure, the response to the non-financial  
18 mechanism portion of the question was mostly a  
19 discussion about local regulatory  
20 decommissioning --

21 THE WITNESS (Parsons): Oh, yeah.

22 MR. MERCIER: -- rather than state level.

23 So I wasn't sure if you had any thoughts on  
24 any type of state level decommissioning?

25 THE WITNESS (Parsons): I think that the reference to

1 the local is there was just -- not all solar is  
2 regulated by the CSC, so anything under a  
3 megawatt, which would -- would remain local.

4 And that I think what we're -- we're also  
5 saying there is, that the Siting Council does have  
6 exclusive jurisdiction over any projects over --  
7 over that one-megawatt scenario, and therefore has  
8 the ability to issue enforcement action under the  
9 non-financial mechanisms portion as well.

10 MR. MERCIER: Okay. So enforcement actions of a  
11 decommissioning plan is the response?

12 THE WITNESS (Parsons): Yes, sir.

13 ATTORNEY HOFFMAN: Mr. Mercier, we keep getting bumped  
14 off. Mr. Fitzgerald was trying to add on to  
15 Mr. Parsons' answer, but we keep getting muted.  
16 I'm not sure why.

17 THE WITNESS (Fitzgerald): Yeah. Mr. Mercier, sorry  
18 about that, our apologies.

19 But I think to -- to kind of round out Brad  
20 Parsons' response there, I guess it could be  
21 something that the Siting Council could make a  
22 condition of the approval. Right? They're  
23 effectively stepping up, you know, from a local  
24 authority reference to the Siting Council's  
25 jurisdiction.



1 MR. MERCIER: Okay. Thank you. I have no other  
2 questions at this time. Thank you.

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

4 We now continue with cross-examination of the  
5 Applicant by Mr. Nguyen followed by  
6 Mr. Golembiewski.

7 Mr. Nguyen, good afternoon.

8 MR. NGUYEN: Good afternoon, Mr. Mercier, and good  
9 afternoon, all. Let me ask just a few questions.

10 Referencing the Applicant response to number  
11 nine, the response indicated that the Applicant  
12 originally reached out to DOAG, and has intended  
13 to file this application as a petition for a  
14 declaratory ruling. We have now this, this  
15 certificate letter. So just a few questions  
16 surrounding that.

17 First of all, what was your rationale for  
18 that, for that change of action, if you will?

19 THE WITNESS (Parsons): Yeah, so this is -- this is  
20 Brad Parsons.

21 So this project was one of five SCEF projects  
22 that we were awarded in 2023. And we started to  
23 begin the development process associated with  
24 them, including filing interconnection  
25 applications, getting feedback on interconnection

1 applications, and then subsequently moving the  
2 project development forward.

3 So we had received -- we had submitted  
4 letters for -- for some of the other projects  
5 prior to December of 2023, and had received  
6 letters of no material impact with regards to  
7 those projects. But in December of 2023, prior to  
8 Stafford Solar One being able to submit, the  
9 Department of Agriculture ended up changing their  
10 rules and process associated with solar projects  
11 sited on prime farmland and prime farmland soils.

12 So with that, we reviewed this. We looked at  
13 our project here as having the same co-use process  
14 that we had had on the other four -- or three  
15 applications that had impacts to prime farmland.  
16 One application did not have any impacts to prime  
17 farmland soils, and we submitted that to the  
18 Department of Agriculture.

19 They then did respond that their rules had  
20 changed in December of 2023, starting in 2024.  
21 However, when we looked at this, there's really no  
22 statutory requirement in the timeframe that the  
23 Department of Agriculture is required to respond  
24 to such items. And additionally, there was time  
25 that was going to be required to prepare the

1 additional material that they were requesting.

2 And because this, these projects are required  
3 to be online within three years, as part of our  
4 SCEF contract, we decided to move forward with the  
5 certificate process, utilizing the same dual-use  
6 agricultural that we had proposed with the other  
7 projects.

8 So really it just -- it came down to a timing  
9 issue on our side, and looking to continue to move  
10 the development of these projects forward.

11 MR. NGUYEN: You indicated that it's just simply timing  
12 issues. And just by comparison, with the  
13 company's plan for agricultural co-use of the  
14 property, as part of its sheep grazing plan -- by  
15 comparison, how is that? Would that fully comply  
16 for the purpose of December, 2023, DOAG  
17 guidelines? Would it fully comply, anyway?

18 THE WITNESS (Parsons): Right now, I don't --  
19 technically, per the revised guidelines that the  
20 Department of Agriculture did in -- and instituted  
21 in January, 2024, we would not comply with those  
22 guidelines right now basically because they  
23 required additional soil testing and a farm plan  
24 to be developed and produced for the project.

25 So there, again, there was additional work

1 and time that needed to be taken to develop those  
2 items, as well as the time that we would have  
3 needed to get the Department of Agriculture to  
4 review and process those items.

5 In addition, the concern, too, on our side  
6 was this would have been one of the -- in our mind  
7 would have been one of the first projects that  
8 would have had to move forward with this, and we  
9 were concerned with understanding the timeframe  
10 that it would take in -- that it would take to  
11 review and comment and respond to any, any of  
12 those items, which is why we chose to continue  
13 with our dual-agricultural use plan as we had on  
14 the other SCEF projects.

15 MR. NGUYEN: So what changes in the recent guidelines?

16 Is it you're saying the soil testing, and  
17 what else?

18 THE WITNESS (Parsons): I don't know if I have all of  
19 those items in front of me here, but they have  
20 revised guidelines that include the preparation of  
21 a farm -- agrivoltaic farm plan, a vegetation soil  
22 management, soil health assessment, I believe --  
23 I'm actually looking while I was talking here --  
24 and other items that are part of these new  
25 requirements that were developed and issued on --

1           in January of 2024.

2   MR. NGUYEN: I do see the 2023 guidelines, but I have  
3           nothing to compare with them.

4           That's why I'm asking that question.

5   THE WITNESS (Parsons): Yeah, there were no -- they  
6           didn't have any specific guidelines that I was  
7           aware of before, other than having the -- the  
8           requirements for sheep grazing that were -- that  
9           were instituted, and those were the ones that we  
10          were aware of prior to the December of twenty --  
11          2023 or early 2024 change.

12   MR. NGUYEN: Now moving on to interrogatory number 21,  
13           as part of cooperation with the Town, the -- west  
14           of the access road has been shifted further west.

15           Is that right?

16   THE WITNESS (Costello): Yes, that is correct.

17   MR. NGUYEN: And this increased the buffer to the  
18           wetlands.

19           The question is what is the increased buffer  
20           there? Is it from 20 to 50? Am I right?

21   THE WITNESS (Costello): Let me just confirm real  
22           quick. I'm sorry.

23   THE WITNESS (Parsons): And while Melinda confirms the,  
24           like, the minimum buffer, I think there there was  
25           a greater buffer on the northern portion of that

1 road.

2 That the road itself was almost -- as it  
3 headed south, parallel to the wetlands, that road  
4 was originally shifted all the way over and kind  
5 of followed along the -- the 25-foot -- or 50-foot  
6 buffer associated with that wetland. So it's  
7 really the entire road shifted over significantly.

8 And I believe the northern portion where it  
9 makes the turn towards the solar array is where we  
10 might have been a little bit tighter on the  
11 wetland buffer.

12 And Melinda, that might have been the one  
13 that we were able to push out a little bit, too.

14 MR. NGUYEN: So Ms. Costello, do you have a number?

15 THE WITNESS (Costello): Yeah, so we were able to stay  
16 a minimum of 50 feet away.

17 The increase, shifting the road over to the  
18 west from the wetland line, it -- it varies, but  
19 to the limit of where it gets -- ranges 150,  
20 closer to Upper Road, and it's about 115 as it --  
21 as it makes the turn up into the array area.

22 THE WITNESS (Parsons): And additionally --

23 THE WITNESS (Costello): Was that the question?

24 I'm sorry.

25 THE WITNESS (Parsons): No, that's good.

1           And additionally, that road now follows the  
2           existing farm road that is there as -- as well.  
3           So there's existing farm road that comes in.

4           You can see on the site plan, potentially on  
5           site plan C-102, as you head from the street north  
6           along the -- the access road, there's a lighter  
7           colored gravel around elevation 640 that turns off  
8           towards the west, and then ours turns to the  
9           northeast. And so where -- where we turn to the  
10          northeast is where we meet the existing farm road  
11          as well.

12   MR. NGUYEN: Thank you.

13          Now with respect to the interconnection and  
14          the number of poles needed -- and the record  
15          indicates that five utility poles will be  
16          installed. Is that correct?

17   THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

18          Yes, that's correct.

19   MR. NGUYEN: And the pole is, I believe, a 30-foot  
20          pole?

21   THE WITNESS (Cerkanowicz): I believe it's -- it can be  
22          closer to 40 to 45 feet.

23   MR. NGUYEN: Okay. So even 40 or 45 feet, you still  
24          need five poles?

25   THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

1           Yes, that is correct. Two of the poles are  
2           for -- or will be installed by Eversource for  
3           their required equipment, and then the remaining  
4           three poles are for equipment that is both  
5           required by Eversource and by Stafford Solar One  
6           for the operation of the array.

7   MR. NGUYEN: Your interrogatory number 38 indicated  
8           that -- actually 39 indicated that the length of  
9           the overhead span between each pole is about 30  
10          feet.

11           And a 45-foot pole, essentially, that that's  
12          pretty much the maximum that you can extend  
13          horizontally and can comply with the vertical  
14          clearance?

15   THE WITNESS (Cerkanowicz): I'm sorry. What is it?

16           I'm not sure what the question is, sir.

17   MR. NGUYEN: Yes, number 39 indicated the length is 30  
18          feet. You were talking about the --

19   THE WITNESS (Cerkanowicz): Between poles, correct.

20   MR. NGUYEN: Yeah.

21   THE WITNESS (Cerkanowicz): Yes.

22   MR. NGUYEN: Now increasing the -- well, you are  
23          proposing that the pole will be between a 40 or  
24          45-foot pole?

25   THE WITNESS (Cerkanowicz): In height, above the grade,



1 correct.

2 MR. NGUYEN: And that's the span that you can achieve,  
3 which is 30 feet only?

4 THE WITNESS (Cerkanowicz): There the 30-foot spacing  
5 between poles is what Eversource dictates as the  
6 minimum that is possible that the -- the span  
7 could be reduced between our poles, but we just  
8 maintain the same 30-foot spacing that Eversource  
9 does for theirs.

10 MR. NGUYEN: Now referencing interrogatory number 49,  
11 it talks about the, you know, monitoring the leak  
12 from the transformer and that the company  
13 indicated that it will add monitoring, remote  
14 monitoring leak detection. Is that right?

15 THE WITNESS (Parsons): Yes.

16 THE WITNESS (Cerkanowicz): Yeah.

17 MR. NGUYEN: Please explain how do you plan to do that,  
18 and who would monitor it?

19 THE WITNESS (Parsons): Yeah, so -- so all of these  
20 systems, we install what they call a DAS system,  
21 which are -- which is our remote monitoring system  
22 which gives us the power generation output, how  
23 the inverters are performing.

24 These items are -- are done usually through a  
25 third party. We use a company called AlsoEnergy

1 currently right now, and they provide different  
2 monitoring platforms and contacts.

3 So it is as simple as getting the -- the  
4 contacts added and the monitor, the low-level  
5 monitoring added to the transformer and then  
6 taking that, that and bring it back to the DAS  
7 system, which will then -- our operation and  
8 maintenance team has 24-hour access to, and they  
9 would be able to get any type of alarms associated  
10 with any leak detection from the transformer.

11 MR. NGUYEN: Give me a second or two, Mr. Morissette.  
12 I'm looking to see what I had for other  
13 questioning.

14 I believe that's all I have, Mr. Morissette.

15 Thank you, gentlemen and lady.

16 THE WITNESS (Parsons): Thank you.

17 THE HEARING OFFICER: Cross-examination by  
18 Mr. Golembiewski followed by Mr. Carter.

19 Mr. Golembiewski, good afternoon.

20 MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette.

21 Good afternoon, everyone.

22 I will like -- I want to say that Mr. Mercier  
23 did an excellent job, and I'm going to touch a few  
24 of the same issues. I know that in response to  
25 the whippoorwill, I guess, proposed BMPs from the

1        NDDDB review -- I guess the answer I got was that  
2        you would comply with such recommendations?

3        THE WITNESS (Parsons): This is Brad Parsons.

4                Yes, that is -- that is correct.

5        MR. GOLEMBIEWSKI: Okay. So this is how I interpret  
6        what they're saying is, one, you would retain an  
7        ornithologist that would go out prior to  
8        construction and identify any whippoorwill nests.

9                Is that your understanding?

10       THE WITNESS (Parsons): I think our understanding here  
11       would be that we would stay with inside the -- the  
12       limits of work in the sense of do not begin to  
13       cut, clear, remove trees or shrubs, or disturb  
14       forest between May 1st or July 30th. And --

15       MR. GOLEMBIEWSKI: Okay.

16       THE WITNESS (Parsons): -- that's so the idea would be  
17       that we would have a seasonal restriction on  
18       our -- on our clearing requirements,  
19       Mr. Golembiewski.

20       MR. GOLEMBIEWSKI: Okay. So basically you would  
21       basically schedule your clearing to be outside of  
22       that area, is what you're saying?

23       THE WITNESS (Parsons): That's correct.

24       MR. GOLEMBIEWSKI: Okay. All right. Yeah, that's  
25       another -- I just wanted to be clear.

1           So you're going -- so you would not have an  
2           objection that the certificate would be  
3           conditioned so that those activities would be  
4           prohibited unless you got -- unless you did the  
5           alternative and had an ornithologist go out and  
6           identify nests?

7   THE WITNESS (Parsons):   Correct.   That's correct, yeah.

8   MR. GOLEMBIEWSKI:   All right.   Great.   All right.

9           Well, that takes care of that one.

10           So I am going to refer to the site plans for  
11           my next few questions.   And the one that I'm going  
12           to start with is C-101, which essentially shows  
13           existing topography.

14           And my question to you -- and this is really  
15           just for my edification, is as I look at the  
16           topography, it looks like we go from about  
17           elevation 780 at the north to about 700 at the  
18           southern end of where the arrays would be with  
19           sort of a slope to the south and southwest.

20           My question to you is, I look on this sheet  
21           and then I scroll down to the next sheet, which  
22           is, I guess, 102, and I look at sort of how the  
23           arrays are laid out there and they have no  
24           relation to the contours.

25           So I guess my question to you is, how are

1       they constructed so that -- I guess, is it true  
2       that they're going to be all in a line like that?  
3       And how do you do that based on the change in  
4       slope, the aspect of the slope, and then just the  
5       overall, I guess, you know, orientation of the  
6       landscape?

7       THE WITNESS (Parsons): Got it, yeah. No, I can answer  
8       that.

9               So one is -- I think I'll talk a little bit,  
10       like, this is a south-facing slope.

11       Unfortunately, in some regards the DEEP stormwater  
12       appendix I regulations limit us to what we can do  
13       in -- in situations like this. There the  
14       regulations state that in order to not have to  
15       maintain and manage water quality volumes from  
16       stormwater runoff, the panels themselves need to  
17       have the equal or greater inner-row spacing as the  
18       panels themselves.

19               So if we didn't have to deal with that, you  
20       know, make sure that we were complying with that  
21       requirement, in -- in this specific case we might  
22       even be able -- have been able to reduce the  
23       overall footprint of the project, because these  
24       south-facing slopes, you're able to tighten up the  
25       inner-row spacing and take advantage of the fact

1       that the panel behind the one in front of you  
2       actually is going to step up and have less shading  
3       in those winter -- in those winter months.

4               You would still want to keep around 8 feet  
5       typically as a minimum, just from a maintenance  
6       standpoint, but I believe these are around 14 feet  
7       inner-row spacing, as shown on the plans.

8               And then with regards to other, you know,  
9       pieces, the north, that north-face -- or  
10      south-facing slope helps us with that, that  
11      shading. And so you don't necessarily see the  
12      difference or the changes in varying panel widths,  
13      as you might see in other applications, because  
14      we're at that 14-foot inner-row spacing.

15              So from a standard shading standpoint, which  
16      is how our -- our programs would run, there's  
17      going to be no shading in those winter months for  
18      us at that 14 feet.

19              Now, if I was able to -- for instance, if we  
20      were able to reduce the south-facing slopes to  
21      that eight feet, there may be certain locations  
22      specifically in the, I'll say, the north, the  
23      middle on the west side in that north area when  
24      you're looking at C-102, where the 720 contour and  
25      the 710 contour basically almost turn and go west.

1           If you're able to -- that would be an area  
2       where you might start to see some different -- if  
3       we had -- if we were able to do eight feet  
4       elsewhere, you might see a uptick in, you know,  
5       dimensions or distances between the panels.

6           And then the other piece of it is the -- the  
7       racking systems now really tend to follow the  
8       topography of the -- the contours as well. So  
9       when you have that slope and south-facing slope by  
10      them following, you really limit that shade in  
11      between them as well.

12   MR. GOLEMBIEWSKI: Okay.

13   THE WITNESS (Parsons): Hopefully that answered your  
14      question.

15   MR. GOLEMBIEWSKI: Yeah -- no. Thank you. That was an  
16      excellent answer. All right.

17           So then my next question is, I guess it kind  
18      of sticks with sort of the slope of the property.  
19      There, so for the installation of the arrays,  
20      there's no grading proposed. Is that correct?

21   THE WITNESS (Parsons): That's correct.

22   MR. GOLEMBIEWSKI: Okay. And that's because the  
23      racking systems, essentially you can punch them in  
24      the ground without any other sort of preparation.

25   THE WITNESS (Parsons): Correct. Likely, this site

1           will be a ground screw site.

2   MR. GOLEMBIEWSKI:   Okay.   Yeah.

3   THE WITNESS (Parsons):   And it will be -- you could  
4           kind of consider them then tables, but they --

5   MR. GOLEMBIEWSKI:   Yeah?

6   THE WITNESS (Parsons):   The tables even kind of connect  
7           to each other.   And as a result, you can kind  
8           of -- the purlins that the modules end up sitting  
9           on will roll with the -- the contours of the land.

10                So you'll have basically four legs of the --  
11           a table with the modules based off a certain  
12           distance done as part of the structural  
13           calculations.   And then it says, as I mentioned,  
14           they -- they kind of roll with the -- the contours  
15           of the land as well.

16   MR. GOLEMBIEWSKI:   Okay.   Yeah, that makes sense.

17                Thank you.

18   THE WITNESS (Parsons):   Yeah.

19   MR. GOLEMBIEWSKI:   So I guess then my understanding is  
20           then the only areas that there will be, I guess,  
21           some grading or ground preparation would really  
22           just be for the stormwater structure and any of  
23           the gravel areas or pads associated with the  
24           access road.

25   THE WITNESS (Parsons):   That that's correct.   I mean,



1       it's basically the trench that we need to dig for  
2       the -- the infiltration trench. And then the --  
3       mainly top dressing the access road or excavating  
4       anything out.

5               But the intent is really, while we show some  
6       grading there, I mean, really where the intent is  
7       to follow the existing grade, too, as much as --  
8       as much as possible.

9       MR. GOLEMBIEWSKI: Okay. And if there's any, say,  
10      like, topsoil, like the top foot or so of the  
11      ground surface, if that needs to be removed and  
12      replaced with, you know, a gravel or a subbase, or  
13      something, that material will be maintained on  
14      site somewhere?

15      THE WITNESS (Parsons): Yeah, usually we like to spread  
16      it in, you know, in areas inside the array that  
17      might have seen some disturbance and then seed  
18      that. Or, you know, we could obviously work with  
19      the -- the existing landowner.

20              But our intent is always to not remove soil  
21      from the site. A, it's an added cost, and it just  
22      means that trucks are running for no apparent  
23      reason.

24      MR. GOLEMBIEWSKI: Okay. All right. I did notice in  
25      the archeology reports there was a recommendation

1       that, you know, if you could avoid stone walls.  
2       So I do see on 102, one, I guess at the -- I  
3       guess, if you call it the southeastern end of the  
4       solar arrays, there's one wall that kind of  
5       extends out beyond the edge, forest edge. And it  
6       says here, stone walls within limit of disturbance  
7       shall be removed.

8               And is that -- does that mean that all the  
9       stone walls within -- from the new edge of the  
10      forest? As I look at that plan, there's a darker,  
11      you know, sort of cloud edge, but that's tree  
12      edge. Everything internal of that is going to be  
13      removed, that stone wall?

14   THE WITNESS (Parsons): As it's currently shown?

15               Yes, that is the case.

16   MR. GOLEMBIEWSKI: Okay. And then it says, removed.

17               So is that removed from the site, or just sort of  
18      relocated and reconstructed, say, somewhere along  
19      the forest edge?

20   THE WITNESS (Parsons): Yeah, these -- I'm not sure if  
21      our site photo log really got a good look at  
22      these, as I wouldn't -- while it's labeled and  
23      shown as a stone wall, it's not your -- your  
24      standard stone wall that was nicely built and  
25      stacked.

1           This is more of, maybe we had some extra  
2 boulders that have come out of the farmland as --  
3 as we've, like, worked it over the years. And so  
4 those are sitting there.

5           And I believe the landowner has said if there  
6 is any stones that need to be removed, that he  
7 has -- there's always some stone wall guys looking  
8 for -- looking for stones to use.

9           But again, I think even if we had to remove  
10 it and nobody was looking for it at the time, we  
11 would probably likely, you know, replace them or  
12 put them even in that area where the stumps were  
13 to be cleared, again, trying to minimize any  
14 removal from site.

15           I think the only other --

16 MR. GOLEMBIEWSKI: Sure.

17 THE WITNESS (Parsons): -- that they could be used for  
18 is, depending on the size and quantity, they could  
19 be used and crushed on site and used to actually  
20 make the gravel access road as well, if that's a  
21 viable option for the contractor.

22 MR. GOLEMBIEWSKI: Okay. Thank you.

23           I wanted to just sort of reinforce, I think,  
24 the questioning that Mr. Mercier followed in  
25 regards to moving the inverter pads further away

1 from 100 on the, I guess, property line of 100  
2 Upper Road. So it sounded like that's something  
3 that can -- that could be done.

4 The one question I would have is, the designs  
5 that we've seen in several instances is they'll  
6 actually put the inverters sort of in the core,  
7 like, split the project in half and put them in  
8 the middle. And based on -- my understanding is  
9 there's some disadvantages to that, and then  
10 there's, I guess, some offsets with the different  
11 types of underground wiring that that would  
12 require.

13 I guess just an overall -- is that a feasible  
14 alternative to put the inverter pad in the middle  
15 of this project?

16 THE WITNESS (Parsons): In this site specifically, I  
17 don't think moving them to the middle of the  
18 project is -- is a feasible alternative.

19 MR. GOLEMBIEWSKI: Okay.

20 THE WITNESS (Parsons): Just because we were really  
21 contain -- constrained by -- by slopes in a lot of  
22 cases.

23 And so while there's maybe extra areas on  
24 site that we could have used, the requirements of  
25 the SCEF program limit the amount of disturbance

1 and other items that can happen on those slopes  
2 greater than 15 percent. And so really, we've  
3 tried to compact this as -- as much as possible.

4 And by -- by putting an access road up the  
5 middle, now we've got clearance requirements for  
6 that and getting that in. And we -- we would tend  
7 to lose a significant amount of -- of DC panels in  
8 order to achieve that. But as, you know, we do  
9 try and look at that on -- as much as we can on a  
10 site-by-site basis to move them as far away as --  
11 as possible. It's just trying to work with every  
12 little bit of constraint that we have.

13 But as mentioned, too, you know, in  
14 Mr. Mercier's comment -- comments, I think we --  
15 we can definitely look at ways to relocate them  
16 and move them up and further away.

17 I'm kind of maybe envisioning -- right now,  
18 if you're looking at plan C-102, if you look at  
19 that, where the access road comes -- right? Comes  
20 up next to those, you've got one, two, three, four  
21 rows of panels up. One --

22 MR. GOLEMBIEWSKI: Yeah?

23 THE WITNESS (Parsons): -- that we look at is taking  
24 one of those banks of inverters and putting them  
25 behind that fourth row of panels that are on

1           the -- the north side.

2           And then the other one, we can look at  
3           putting on the -- go up one more row. I'd  
4           probably want to adjust my fence line a little bit  
5           to make sure that I can have -- and take that  
6           corner out, but then we could potentially put the  
7           inverters on the -- the fifth row up on the end as  
8           well and line them in there, and then just keep  
9           the transformers and the AC panel board equipment,  
10          switchgear equipment in that area.

11          But like I said, in order to do that you  
12          would probably just want to clip that corner of  
13          the fence so we would have, if need be, have  
14          access to get in with a small truck at times.

15          The inverters are rather heavy.

16       MR. GOLEMBIEWSKI: Okay. So that looks like -- and I'm  
17          just looking at the plans -- that would maybe  
18          double the distance, at least from that corner of  
19          that property at 100?

20       THE WITNESS (Parsons): I believe so, yes.

21       MR. GOLEMBIEWSKI: Okay. Yeah, all right.

22          All right. I think that's all my questions.  
23          Let me make sure. I'll go through one more time  
24          here.

25          Yeah, that's it, Mr. Morissette. And I

1 appreciate the panel's answers. Thank you.

2 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

3 We'll now continue with cross-examination of  
4 the Applicant by Mr. Carter followed by Ms. Hall.

5 Mr. Carter, good afternoon.

6 MR. CARTER: Good afternoon, Mr. Morissette, and good  
7 afternoon to the panel, my fellow councilmembers,  
8 staff, and everyone else on the call.

9 I'm not going to take a lot of time because,  
10 as per the usual, the people that go before me get  
11 a lot of things answered that I already had on my  
12 list. So I'm just going to dive right in.

13 The first thing I do want to know is, I do  
14 want to appreciate -- or at least publicly  
15 appreciate the evidence that's been demonstrated  
16 by the panel with their communication with the  
17 Town. And seeing that they're agreeable to  
18 changes that the Town and residents within the  
19 town wanted was nice to see.

20 The only thing that I have question-wise is  
21 about the SHPO. Has there been any update on the  
22 response to the phase 1B survey that was mentioned  
23 in page 31 of the application?

24 THE WITNESS (Parsons): This is Brad Parsons.

25 Yes, on May 31, 2024, the SHPO issued us a

1 letter stating that there would be no historic  
2 properties affected by the proposed solar facility  
3 and no additional archaeological investigations  
4 are warranted.

5 And we could submit that letter, that as --  
6 to the Council, should you wish.

7 MR. CARTER: That would be great to get that just for  
8 my personal feelings.

9 But that's all that I have, Mr. Morissette.

10 So I will yield my time back.

11 THE HEARING OFFICER: Thank you, Mr. Carter.

12 We'll now continue with class examination by  
13 Ms. Hall, followed by Mr. Syme.

14 Ms. Hall, good afternoon.

15 MS. HALL: Good afternoon. I want to thank my  
16 colleagues for the thorough questioning.

17 I have no voice, and no questions.

18 THE HEARING OFFICER: Thank you, Ms. Hall. You sound  
19 like you're catching the cold that's been going  
20 around here. I'm starting to feel it come on  
21 myself. Sorry to hear it. I hope you get better.

22 We'll now continue with Mr. Syme, followed by  
23 myself.

24 Mr. Syme, good afternoon.

25 MR. SYME: Good afternoon. I reviewed everything and



1       some of the concerns I've had have already been  
2       addressed. So I will yield my time, and with no  
3       questions. Thank you.

4       THE HEARING OFFICER: Very good. Thank you, Mr. Syme.

5               Okay. I would like to start off with  
6       interrogatory number 18. Now, it references a  
7       hundred feet from the perimeter fence from 100  
8       Upper Road. If I use C-102 as a reference, is 100  
9       Upper Road 28, property 28-1? Is that correct?

10       THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

11               Yes, that's correct.

12       THE HEARING OFFICER: Okay. Great. Thank you. Okay.

13       Now, I'd like to use the sight line exhibits,  
14       figure one and two -- and I'll give you a second  
15       to get there.

16               What I'm trying to determine is, which one of  
17       these plots is from property 100 or 28-1. I think  
18       it's the bottom one, if I'm right.

19       THE WITNESS (Costello): This is Melinda Costello.

20               That's correct. It's figure two, sight  
21       alignment -- sight line alignment three.

22       THE HEARING OFFICER: Sight alignment three? Okay. So  
23       looking up from property 28-1 or 100 Upper Road,  
24       so there's two, two sets of tree lines between the  
25       property and the solar array. Is that correct?

1 Or am I -- is that second -- you know, that's  
2 right aligned.

3 So there's two rows of trees that will impede  
4 the visual impact?

5 THE WITNESS (Costello): The sight line number three  
6 shown on this figure we took from the -- the back  
7 of the parcel, from their backyard, not at the  
8 street line.

9 THE HEARING OFFICER: Okay. But there's two rows of  
10 trees up in front of the array?

11 THE WITNESS (Costello): There's -- there's one single  
12 row of trees, and what we've represented was just  
13 multiple trees along that row. It's that wing  
14 wall of trees before the -- the access road  
15 turnaround.

16 THE HEARING OFFICER: Okay. Very good. Thank you.

17 Okay. Going back to site plan C-102, Alden  
18 Brook is to the left. It doesn't really show the  
19 path of Alden Brook. Does it go all the way from  
20 north all the way to the end, to the south? Or  
21 does it branch off to the west?

22 THE WITNESS (Parsons): It pretty much goes right down,  
23 down to the -- the south there and starts to kind  
24 of fall -- almost follows that.

25 If you're looking at C-102, Mr. Morissette,

1           it kind of follows that dashed line, or between  
2           the dashed lines where you can see it says, FEMA  
3           flood zone A and flood zone C.

4   THE HEARING OFFICER:   Okay.   I got you.

5   THE WITNESS (Cerkanowicz):   If I can make a  
6           recommendation?   This is James Cerkanowicz.

7           Figure three within the materials shows the  
8           Alden Brook line, where it extends to, and then  
9           adjacent to the access road for the adjacent  
10          landfill property, continuing below Upper Road.

11   THE HEARING OFFICER:   Okay.   Well, the chances of Alden  
12          Brook impacting the facility are very slim given  
13          that it's outside of the FEMA flood zone and that  
14          the slope to the facility increases at quite a  
15          significant rate.

16          So the bottom line is there's no impact from  
17          Alden Brook to the facility?

18   THE WITNESS (Parsons):   That's correct.

19          And if there is, we should all be scared.

20   THE HEARING OFFICER:   Yeah.   Thank you.

21          Okay.   I'd like to go to response to item 48.

22          Well, before we get to item -- interrogatory  
23          48, I do support the moving of the inverters to  
24          the north as well.   In the response of item 48, it  
25          says that the project could -- dBA for the project

1           could be as high as 91 dBA. And can you explain  
2           that a little bit more? That seems awfully high  
3           at one meter.

4   **THE WITNESS (Parsons):** Yeah, Mr. Morissette, this is  
5           Brad Parsons. Sorry, just -- I think without  
6           having a specific report with that, with that in  
7           there, what we were referencing was the potential  
8           for the perception change in regards to multiple  
9           items.

10                 So I think it, it's probably not that high,  
11           but the reference to that perception change by the  
12           addition of the transformers could result in an  
13           increase in sound level of that additional three  
14           dBA associated with that.

15                 However, if we were to take those inverters  
16           and do what I was mentioning, and able to do what  
17           I was mentioning to Mr. Golembiewski, that would  
18           then separate those inverters from those  
19           transformers as well. And thus, that, you know,  
20           compounding or, you know, additional perception of  
21           sound increase would, in that vicinity, would --  
22           basically, the transformers wouldn't meet with the  
23           inverters in that case.

24   **THE HEARING OFFICER:** Okay. So the 91 is  
25           representing -- because you're introducing that

1       the transformer is a cumulative effect of the  
2       transformers and the inverters?

3   THE WITNESS (Parsons):   Correct.   We were adding that  
4       to that.   If you reference interrogatory number  
5       47, it references the town study that was  
6       previously done under the -- another project with  
7       the same general footprint here, and that's where  
8       that 85 dBA came from.

9               And then we added the three dBA for each  
10       transformer as a perception.   Again, probably, you  
11       know, maybe a little overestimated there, but it  
12       obviously still shows that the -- would be below  
13       the 61 dBA.   But again, as mentioned, I think  
14       we -- we have a path forward to potentially move  
15       the -- and shift those inverters further away as  
16       well.

17   THE HEARING OFFICER:   Great.   Now, we talked about  
18       moving the inverters, but we haven't talked about  
19       moving the transformers as well.

20   THE WITNESS (Parsons):   I think I would move the  
21       transformers as well, sir.

22   THE HEARING OFFICER:   Good.

23   THE WITNESS (Parsons):   Yes.

24   THE HEARING OFFICER:   I would support that as well,  
25       because the transformers are actually producing

1 more noise than the inverters. Is that correct?

2 THE WITNESS (Parsons): No, they're actually -- the  
3 inverters have a slightly higher dBA than the  
4 transformers. They're close, though.

5 THE HEARING OFFICER: Okay. Well, I would support  
6 that, moving those as well.

7 Okay. All right. Interrogatory number 63.  
8 Now, it says that the prime farmland soil is 4.7  
9 acres, and if I look at the exhibit that was put  
10 together relating to prime farmland soil area and  
11 statewide soil of importance, which is the site  
12 layout, but indicating what's prime farmland and  
13 what's statewide soil of importance.

14 Now, it looks to me the entire site is 18.8  
15 acres. Is that correct?

16 THE WITNESS (Costello): That's correct.

17 THE HEARING OFFICER: Okay. So 4.7 of prime farmland  
18 and the remainder of it is all statewide soil of  
19 importance. Am I understanding that correctly?

20 THE WITNESS (Costello): I'm sorry.

21 Can you repeat those numbers again?

22 THE HEARING OFFICER: Sure. So based on the response  
23 of 63, 4.7 acres are prime farmland. And you have  
24 18.8 acres in total. So the difference between  
25 the 4.7 and the 18.8 is statewide soil of

1 importance. Am I missing something?

2 THE WITNESS (Parsons): (Unintelligible) --

3 THE WITNESS (Costello): There's a small -- sorry.

4 THE WITNESS (Parsons): Go ahead, Melinda.

5 THE WITNESS (Costello): If -- if you can refer to page  
6 34 of our application, there's a figure called  
7 figure six. You can see in the -- the northwest  
8 corner of the site there's a small portion of the  
9 site that does not have any farmland  
10 classification associated with it.

11 THE HEARING OFFICER: Okay. How many acres is that?  
12 Do you know offhand?

13 THE WITNESS (Costello): I can do a calculation for  
14 you. I don't know off -- offhand.

15 THE HEARING OFFICER: Okay. So between the three  
16 components, that equals 18.8 acres?

17 THE WITNESS (Costello): Yes.

18 THE HEARING OFFICER: Okay. And the statewide soil of  
19 importance also includes prime farmland and some  
20 other types of soils that are of importance.

21 Is that correct?

22 THE WITNESS (Costello): Can you repeat that question  
23 again?

24 THE HEARING OFFICER: Okay. The statewide soil of  
25 importance also includes three or four categories

1 of soil, one of them being prime, prime farmland,  
2 the other being important farmland -- and I forget  
3 all three categories -- but so they're all  
4 important categories of farmland.

5 THE WITNESS (Costello): I believe what we have shown  
6 is the prime farmland is -- is just the light, the  
7 lighter orange portion of it. It's not included  
8 in that dark, darker orange.

9 THE HEARING OFFICER: Right. Okay. If you could get  
10 me what the acreage of that is during the break,  
11 that would be helpful.

12 THE WITNESS (Costello): Yes.

13 THE HEARING OFFICER: Okay. If we could go back to  
14 C-102? And in reference to -- well, one of my  
15 questions. To the west, there is actually a solar  
16 facility. Are you folks associated with that  
17 project at all?

18 THE WITNESS (Parsons): No, we are not.

19 THE HEARING OFFICER: Okay. I was just curious. I saw  
20 it on one of the maps.

21 Concerning the interconnection, of course,  
22 you haven't talked to Eversource about reducing  
23 the number of poles. You're basing it on the  
24 discussion you had with them relating to  
25 Glastonbury.



1           How long ago was the discussion about in  
2           Glastonbury? Was that about a year or two?

3   THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

4           I had that conversation with Eversource via  
5           e-mail within the last few months.

6   THE HEARING OFFICER: The last few months?

7   THE WITNESS (Cerkanowicz): That's correct. And that,  
8           that will be submitted in response to those  
9           conditions over that project.

10   THE HEARING OFFICER: Okay. So they're basically  
11           saying they don't do pad-mount equipment, but do  
12           they also indicate that they won't allow you to do  
13           pad-mount equipment for your side of the meter?

14   THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

15           Eversource is indicating that they do not do  
16           pad-mounted re-closers, and their preference for  
17           metering is as well to do pole-mounted. They  
18           leave the decision on pole versus pad-mounting for  
19           customer equipment to the discretion of the  
20           customers.

21   THE HEARING OFFICER: Okay. So on the customer side,  
22           you could move forward on a pad-mount equipment?

23   THE WITNESS (Cerkanowicz): That is a possible option,  
24           yeah.

25   THE HEARING OFFICER: Okay. All right. Well, this

1 particular situation is -- Upper Road, is that a  
2 very busy street? It doesn't appear to be.

3 It seems to be a back country road.

4 THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

5 Yes, that is a back country road. It is, you  
6 know, I think if there's any traffic, it's for the  
7 length of the west -- when you asked about the  
8 adjacent array, that is actually the town landfill  
9 and transfer station.

10 So the array that you see to the west there  
11 is on the capped landfill. And I think there is  
12 an adjacent -- adjacent to the transfer facility  
13 is, I believe, the town dog pound, essentially.  
14 But other than that, this is very much a back road  
15 out of normal travels.

16 THE HEARING OFFICER: Okay. Well, as you know, and  
17 we've stated it many times, is that we would  
18 prefer to see pad-mount equipment both on the  
19 utility side and on the customer side. Going  
20 forward, we would like to get there someday to  
21 have all projects come in and be able to not have  
22 discussion, this discussion every time.

23 Now, given the situation here, is it possible  
24 to move the five poles back maybe 30 to 50 feet so  
25 you have that just tucked away in the back so that

1       you won't even see them even if you were on that  
2       road?

3       THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

4               I can tell you that Eversource prefers to  
5       keep their poles as close to the public right of  
6       way as possible as they seek to minimize the  
7       extent to which they would need an easement and  
8       need to drive to maintain and, as well, need to  
9       install longer stretches of, you know, overhead  
10      cable in order to get to the two poles that they  
11      require for the reclose of the primary meter.

12      THE HEARING OFFICER: Okay. I think --

13      THE WITNESS (Parsons): I think --

14      THE HEARING OFFICER: Go ahead.

15      THE WITNESS (Parsons): Mr. Morissette, I think that's  
16      something that we could obviously evaluate and  
17      look to try, and request from them.

18      THE HEARING OFFICER: Uh-huh.

19      THE WITNESS (Parsons): But to echo James's comments  
20      there, we have gotten pushback from them over time  
21      about where -- where our poles are located,  
22      especially if they don't have an existing easement  
23      on site.

24      THE HEARING OFFICER: Okay. But they could be moved  
25      back, even if it's slightly.

1           Now, going up the access road, I noticed  
2           there there are a lot of trees to the east  
3           shielding the view from 100 Upper Road.

4           Is that correct?

5   THE WITNESS (Parsons): Yes, that's correct. They're  
6           right along the property line there.

7   THE HEARING OFFICER: Okay. So the abutting property  
8           owners will be shielded from the access road and  
9           the distribution poles that will be installed. So  
10          that is helpful.

11          But moving it, if we could move that slightly  
12          up the road, I think that would also be helpful,  
13          as well.

14   THE WITNESS (Parsons): I don't think that's a problem  
15          at all.

16   THE HEARING OFFICER: Okay. Thank you.

17          Interrogatory number 45 talked about there's  
18          no water, no fire hydrants close to the facility.  
19          I know Ms. Hall has been concerned about this  
20          issue in the past. Have you had discussions with  
21          the local fire department?

22          Is it a volunteer in this area?

23   THE WITNESS (Cerkanowicz): This is James Cerkanowicz.

24          We have not had any direct conversations with  
25          the volunteer fire department, but similar to

1 other projects, we are retaining a qualified  
2 individual for an emergency response plan that has  
3 the ability to coordinate more specific details  
4 with the fire department, if need be.

5 THE HEARING OFFICER: Great. Thank you.

6 So having the ability to truck water to the  
7 site is going to be one of our concerns, as  
8 Ms. Hall has indicated on previous petitions. So  
9 I just wanted to give you the heads-up on that.

10 Well, that concludes my questioning for this  
11 afternoon, and thank you, everybody.

12 Let's take a quick break. And before we do  
13 that, Mr. Parsons, do you have a followup to  
14 Mr. Mercier's question? I think you had one open  
15 question.

16 THE WITNESS (Parsons): Yes -- no. Thank you,  
17 Mr. Morissette. I believe at the time when we had  
18 presented the plans to CT DEEP we had the  
19 potential for some proposed stormwater basins  
20 shown.

21 However, I think during some of the  
22 discussions with them, you know, we indicated that  
23 we still needed to complete the test pits and  
24 finalize our -- our stormwater analysis. And then  
25 that would all be finalized as part of our -- our

1 submission to them, which we did.

2 And so at one point in time, yes, I think  
3 there were some basins shown, but DEEP also  
4 mentioned in that call that the regulations were  
5 changing to those March 30th; I believe at that  
6 time provided us with the draft, and -- and we  
7 continued to review the site and provide the  
8 updated stormwater calcs that were included in  
9 the -- in the proposal, as well as, you know,  
10 looking at reducing any of that, those basins that  
11 as the Town had requested.

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

13 Mr. Mercier, are you satisfied with the  
14 response?

15 MR. MERCIER: Yes, thank you. That was very -- the  
16 explanation was very good. Thank you.

17 THE HEARING OFFICER: Thank you. Very good. So we  
18 will take a break, and we will return at 3:45, at  
19 which time Attorney Briggs will cross-examine the  
20 Applicant.

21 Thank you, everyone. We'll see you at 3:45.

22  
23 (Pause: 3:34 p.m. to 3:45 p.m.)

24  
25 THE HEARING OFFICER: Okay. Thank you, everyone.

1           Is the Court Reporter back with us?

2   **THE REPORTER:** I am, and we are on the record.

3   **THE HEARING OFFICER:** Very good, thank you.

4           I would like to go back; I have a follow-up  
5   question. Using Exhibit Number C-102, actually,  
6   the exhibit associated with the prime farmland  
7   that we were discussing earlier.

8           Using the farmland soil area and statewide  
9   soil of importance exhibit, can you please  
10   identify where the whippoorwill habitat is in the  
11   agricultural area?

12   **THE WITNESS (Parsons):** So Mr. Morissette, this is --  
13   this is Brad Parsons.

14           So the whippoorwill benefit, or habitat in  
15   the agricultural area is maybe a little bit hard  
16   to -- to define. They -- there it's stated in  
17   the -- at the, kind of, bottom of the NDDB best  
18   management practices in that letter.

19   **THE HEARING OFFICER:** Uh-huh?

20   **THE WITNESS (Parsons):** They are specifically often  
21   found in areas with -- within 60 square feet of  
22   the trees, trees per acre of -- of forest. Right?  
23   So you're -- those tend to be a little more spread  
24   out in diverse forest as -- forested forests in  
25   that regard.

1           So I think, you know, potentially they may  
2           like the windrow of trees, which we're going to be  
3           removing, which if you're looking at that figure,  
4           that prime farmland soils figure map -- right? It  
5           almost follows the demarcation line between the  
6           prime farmland and the statewide of importance  
7           farmland soils.

8   THE HEARING OFFICER:   Very good.   Thank you.

9   THE WITNESS (Parsons):   Not a problem.

10   THE HEARING OFFICER:   All right.   With that, we'll  
11           continue across examination of the Applicant by  
12           the Department of Agriculture.

13           Attorney Briggs, good afternoon.

14   ATTORNEY BRIGGS:   Good afternoon.

15           We don't have any questions for  
16           cross-examination.

17   THE HEARING OFFICER:   Very good.   Thank you.

18           Okay.   With that, we will continue with the  
19           appearance of the Department of Agriculture.

20           Excuse me for one second here.

21  
22                           (Pause.)

23  
24   THE HEARING OFFICER:   Okay.   Will the party present its  
25           witness panel for purposes of taking the oath?



1 And we will have Attorney Bachman who will  
2 administer the oath.

3 Attorney Briggs?

4 ATTORNEY BRIGGS: Thank you. We have Jaime Smith.

5 THE HEARING OFFICER: Thank you.

6 Attorney Bachman?

7 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

8 Could you please raise your right hand?

9 J A I M E S M I T H,

10 called as a witness, being sworn by

11 THE EXECUTIVE DIRECTOR, was examined and

12 testified under oath as follows:

13  
14 ATTORNEY BACHMAN: Thank you.

15 THE HEARING OFFICER: Thank you.

16 Attorney Briggs, please begin by verifying  
17 all the exhibits by the appropriate sworn witness.

18 ATTORNEY BRIGGS: Yes. With reference to the hearing  
19 program package, it's Roman 3-D2. It's a July  
20 12th letter from the agency to the Council. And I  
21 would ask Ms. Smith to confirm that document on  
22 behalf of the agency?

23 THE WITNESS (Smith): I can confirm that document on  
24 behalf of the agency.

25 THE HEARING OFFICER: Attorney Briggs, referencing to

1 exhibit 3B1 and '3?

2 ATTORNEY BRIGGS: My apologies. I'm newer to the  
3 procedure --

4 THE HEARING OFFICER: That's Okay. We'll walk you  
5 through it.

6 ATTORNEY BRIGGS: -- with regard to our request and our  
7 appearance and our interrogatory responses.

8 Yes, we would like those included as full  
9 exhibits.

10 THE HEARING OFFICER: Thank you.

11 Jaime Smith, did you prepare or assist in the  
12 preparations of the Exhibits 3B, 1 through 3?

13 THE WITNESS (Smith): Yes, I did.

14 THE HEARING OFFICER: Very good. Do you have any  
15 additions, clarifications, deletions, or  
16 modifications to these documents?

17 THE WITNESS (Smith): No, we do not.

18 THE HEARING OFFICER: Are these exhibits true and  
19 accurate to the best of your knowledge?

20 THE WITNESS (Smith): Yes, they are.

21 THE HEARING OFFICER: Thank you. And you offer these  
22 exhibits as your testimony today?

23 THE WITNESS (Smith): That's correct. I do.

24 THE HEARING OFFICER: Thank you. Does any party or an  
25 intervener object to the admission of the

1 Department of Agriculture's exhibits?

2 Attorney Hoffman?

3 ATTORNEY HOFFMAN: No objection, Mr. Morissette.

4 THE HEARING OFFICER: Thank you, Attorney Hoffman.

5 The exhibits are hereby admitted.

6 We'll now continue with cross-examination of  
7 the Department of Agriculture by the Council,  
8 starting with Mr. Mercier, followed by Mr. Nguyen.

9 Mr. Mercier?

10 MR. MERCIER: Thank you. I just have a few questions.

11 My first question pertains to Connecticut General  
12 Statute Section 22-4c. It lists the powers of the  
13 Commissioner of Agriculture to include entering  
14 into contracts with any person, providing advisory  
15 opinions upon request, and requiring the posting  
16 of sufficient performance bond or other security  
17 to assure compliance with any permit or order.

18 How could the Department of Agriculture  
19 achieve its siting solar on agricultural land  
20 objectives by employing these statutory powers?

21 THE WITNESS (Smith): Our agency could certainly work  
22 with the USDA Natural Resources Conservation  
23 Service to support us in the no-material-effect  
24 decisions.

25 MR. MERCIER: I'm sorry. You said you would work with

1           solar developers? I didn't hear the first part.

2   THE WITNESS (Smith): Oh, I'm sorry.

3   MR. MERCIER: I apologize.

4   THE WITNESS (Smith): No, the USDA Natural Resources  
5       Conservation Service. And they -- they would be  
6       an entity that we would work with to take a look  
7       at the no-material-effect letters.

8           I do want to point out that a  
9       no-material-effect letter is not, in fact, a  
10      permit, so.

11   MR. MERCIER: Okay. Thank you.

12           Does the Department of Agriculture have the  
13      authority to reimburse costs to farmers to restore  
14      agricultural land?

15   THE WITNESS (Smith): No, we do not.

16   MR. MERCIER: I'm going to move on to the responses to  
17      the Council interrogatories. I just have a couple  
18      clarification questions on some of the items.

19           For response 17 that had to do with a shared  
20      clean energy facility program, and there was a  
21      link provided in the response that brought you to  
22      a website, which was the shared clean energy  
23      facility website, SCEF.

24   THE WITNESS (Smith): Uh-huh.

25   MR. MERCIER: In that link, there was three documents.

1 One was the agrivoltaics requirements, the other  
2 was the farm plan, and the other one is for  
3 requirements for solar grazing. So I have a few  
4 questions on each of those documents, beginning  
5 with the agrivoltaics requirements document.

6 Just on page 1 it states, a complete  
7 application to the Department of Agriculture shall  
8 include the following, and there's a number of  
9 items, and it continues on page 2 to number five.

10 Number five states that if the site has been  
11 used for production of agriculture in the past  
12 five years, document -- provide documentation that  
13 demonstrates how production of agriculture could  
14 continue on a site that contains prime farmland  
15 soils after project is decommissioned.

16 What's the purpose of this requirement?

17 THE WITNESS (Smith): (Unintelligible) --

18 MR. MERCIER: The project is decommissioned -- yeah, go  
19 ahead.

20 THE WITNESS (Smith): It provides the developer with  
21 the opportunity to explain how even once it has  
22 been decommissioned, it has the potential to go  
23 back into production agriculture. So that would  
24 be our primary reason for -- for requesting this  
25 information.

1 MR. MERCIER: Okay. But wouldn't that be up to the  
2 actual landowner? You know, say, you know, a  
3 project -- so a project extends for 30 years and  
4 is decommissioned, but wouldn't that be up to the  
5 landowner at that time?

6 How would the solar developer know what the  
7 landowner intends to do after the project is  
8 decommissioned?

9 THE WITNESS (Smith): That would be certainly between  
10 the landowner and the developer to work out and --  
11 and understand.

12 But to -- for the developer to articulate  
13 what the land is currently being used for and what  
14 it has the potential to be used for in the future,  
15 is what we're looking to understand here.

16 MR. MERCIER: Okay. So it's just the potential?

17 THE WITNESS (Smith): Uh-huh.

18 MR. MERCIER: Thank you. I'm.

19 Going to go to the next document on the  
20 website. It's called the agrivoltaics farm plan.  
21 And under the property management section, there's  
22 page 1, and there's a number of things there.  
23 Then it continues on the number 3C on page 2, and  
24 it talks about planting vegetative cover or crops  
25 in each of the following areas with some other

1 details, and it has array, border area, and storm  
2 detention area planting.

3 Is the intent -- when you say, vegetative  
4 cover, are you talking about potentially crops on  
5 all three areas, or do you mean grass or other  
6 items? Or what's the intent with this, this item?

7 THE WITNESS (Smith): It could be inclusive of whether  
8 it be cover cropping, forage, or livestock, or row  
9 cropping.

10 So we do not give the developers any sort of,  
11 you know, requirements as to whether or not they  
12 have to limit their co-use. And so therefore,  
13 we're asking them to explain to what extent the  
14 co-use would be incorporated in these three areas.

15 MR. MERCIER: Okay. For the B and C areas, that's  
16 border area and stormwater detention. If the sole  
17 developer explained that there's other values that  
18 are more important than agricultural planting, are  
19 those explanations sufficient, you know, such as  
20 stormwater detention, they probably just want to  
21 keep that for water control or border area? That  
22 might be wildlife enhancement plants or  
23 landscaping to screen views.

24 I mean, are those sufficient arguments to not  
25 plant crops in these areas?

1 THE WITNESS (Smith): It would -- it would depend on  
2 the project, but most important for consideration  
3 of the agency would be the classification of the  
4 soil. And if it is prime farmland soil, then that  
5 would be something we would be looking to discuss.

6 MR. MERCIER: Okay. Proceeding on to number three,  
7 section D, 3D, and it talks about grazing animals  
8 are proposed and there's a solar grazing -- a plan  
9 required. And it says it should include the  
10 following information, the type and number of  
11 animals to be used.

12 Now, if the -- I'll just say sheep -- sheep  
13 farmer helped develop the plan and said there will  
14 be ten sheep out at the site, setting them up  
15 among paddocks. But you know, it comes to find  
16 out that there isn't -- ten sheep are not  
17 available for the site. There's only two grazing  
18 for a year. Is that any type of issue with the  
19 Department of Agriculture?

20 THE WITNESS (Smith): We would -- we would be looking  
21 to ensure that there is livestock grazing on the  
22 property. And so that's -- that would be the  
23 ultimate goal.

24 MR. MERCIER: Okay. So it's not a, you know, there  
25 might have been an intent to graze a certain



1           number of animals, but if it's less or more, the  
2           Department of Agriculture is satisfied that  
3           there's at least some type of grazing going on.

4           Is that correct?

5   **THE WITNESS (Smith):** That's what we would look to see  
6           enforced, yeah.

7   **MR. MERCIER:** Thank you.

8           So I'm going to move on to the last document  
9           on the SCEF page, webpage, and that's the  
10          requirements for solar grazing properties.

11          On page 1, it lists some site requirements.  
12          Number two, it says, proper soil preparation must  
13          take place, including preliminary soil testing,  
14          followed by repeated testing every two to three  
15          years, and then the incorporation of soil  
16          amendments as needed.

17          For solar grazing, why would solar -- excuse  
18          me, why would soil testing be required before you  
19          start livestock grazing?

20   **THE WITNESS (Smith):** So livestock do need a certain  
21          type of forage, and that forage thrives in  
22          well-managed soils. And so the -- we would be  
23          looking to have the developers explain how they  
24          are going to ensure the integrity of that soil  
25          while that livestock grazing is taking place.

1 MR. MERCIER: And when it says, preparation, what type  
2 of preparation might be necessary before solar  
3 grazing occurs?

4 THE WITNESS (Smith): If the soil wasn't, or if the  
5 land wasn't currently being used for livestock  
6 grazing, it may be necessary to add some soil  
7 amendments to the soil to ensure that it would be  
8 suitable for forage production for livestock.

9 MR. MERCIER: And when you say, soil amendments,  
10 what -- can you please define that?

11 THE WITNESS (Smith): I'm not a soil scientist, sir.  
12 So with all due respect, I'm not going to get into  
13 what could be added to the soil. But, you know,  
14 it could vary, anything from lime to compost.

15 MR. MERCIER: Okay. So some type of product, whether  
16 natural or chemical.

17 Now, why would soil testing be necessary  
18 every two to three years following -- every two to  
19 three years once grazing begins followed by the  
20 potential for soil amendment?

21 THE WITNESS (Smith): So --

22 MR. MERCIER: What's the purpose of -- yeah?

23 THE WITNESS (Smith): That's really -- that really  
24 speaks to best management practices. Livestock  
25 grazing in -- is often done on a rotational basis,

1 and it's important to, you know, ensure that in  
2 the absence of really being able to do rotational  
3 grazing within an array, that the soil integrity  
4 remains appropriate and to the extent necessary to  
5 sufficiently feed livestock.

6 MR. MERCIER: Does the Department of Agriculture  
7 require soil testing amendments for, like, just  
8 general livestock farms in Connecticut?

9 Or is that just specific to solar?

10 THE WITNESS (Smith): That's not something that is  
11 regulated by our agency.

12 MR. MERCIER: Okay. Thank you.

13 Now, for livestock grazing at the site,  
14 though, the Applicant submitted some information  
15 that shows a sign on the fence. You know,  
16 basically it says the farmer and the contact  
17 number. Now, does the Department of Agriculture  
18 also have a phone number that someone could reach  
19 to call about potential livestock issues at a  
20 site?

21 You know, they're concerned about some  
22 livestock or whether they're mistreated or  
23 something. Does the Department of Agriculture  
24 have a phone number so someone can call?

25 THE WITNESS (Smith): Absolutely. Our agency receives

1       livestock and animal welfare complaints -- I don't  
2       want to say regularly, but it is something that  
3       the agency does manage and oversee, and could be  
4       included on any signage.

5       MR. MERCIER:   Okay.   Thank you.   That was my second  
6       question, whether we could include that on the  
7       sign if necessary.

8       THE WITNESS (Smith):   Sure.   Uh-huh.

9       MR. MERCIER:   Thank you.   I have no other questions.  
10       Thank you very much.

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

12       We'll continue cross-examination of the  
13       Department of Agriculture by Mr. Nguyen, followed  
14       by Mr. Golembiewski.

15       Mr. Nguyen, good afternoon.

16       MR. NGUYEN:   Good afternoon again, Mr. Morissette.  
17       Thank you.

18       Good afternoon, Ms. Smith, and thank you for  
19       your participation.   Allow me asking you a few  
20       clarification questions.

21       Just to follow up with Mr. Mercier's  
22       question, when I click on the link, I see three  
23       requirements for three different projects, if you  
24       will.

25       Now, for this particular application, which

1           one would it be suitable for?

2           Is it the solar grazing?

3   THE WITNESS (Smith): Yes, solar grazing would be  
4           required for any project over 2 megawatts on prime  
5           farmland soils.

6   MR. NGUYEN: Now, looking at this as of December of  
7           2023, what and when was the last version of this  
8           requirement?

9   THE WITNESS (Smith): So the requirements for solar  
10          grazing have always been something that we have  
11          worked with our developers on. In cooperation  
12          with the Department of Energy and Environmental  
13          Protection and through engagement with the shared  
14          clean energy fund program, we have formally  
15          established these documents.

16          Previously, we worked with developers on a  
17          case-by-case basis. And it wasn't until our  
18          partnership with DEEP on the SCEF program did we  
19          formalize these documents and standardize them for  
20          all developers coming to ask for an NMA letter.

21   MR. NGUYEN: When you talk about DEEP, which division  
22          of DEEP is that?

23   THE WITNESS (Smith): If you give me two seconds to  
24          search my e-mail, I could articulate that answer,  
25          but --

1 MR. NGUYEN: That's okay. Comparing with the prior  
2 version, what are the -- added or modification in  
3 this 2023 requirement?

4 THE WITNESS (Smith): Specifically for solar grazing?  
5 I would say that the requirements articulated in  
6 the guidance or the plan posted online are not any  
7 different than what we have always requested.

8 It talks about animal health, access to  
9 water, fencing. Those are all requirements that  
10 we've always had, however this document formally  
11 articulates consistently what we're expecting from  
12 anyone requesting a no-material-effect letter.

13 MR. NGUYEN: Now, with respect to the application  
14 before us, and in comparing with the 2023  
15 requirements, what do they need?

16 What are they missing?

17 THE WITNESS (Smith): We have not received any of these  
18 documents from the Applicant for consideration of  
19 a no-material-effect letter.

20 So in this case, they would be required to  
21 submit a farm plan, a solar grazing plan, and a  
22 vegetative and soil management plan.

23 MR. NGUYEN: That is my understanding that they  
24 withdrew, because they changed their call of  
25 action dealing with -- I think it's reflected in

1 the record. But have you had a chance to review  
2 their grazing plan, sheep grazing plan in this  
3 record?

4 THE WITNESS (Smith): They have not provided one for  
5 this record.

6 MR. NGUYEN: I'm sorry. You have or you have not?

7 THE WITNESS (Smith): We have not reviewed anything  
8 because we have not formally received a solar  
9 grazing plan.

10 MR. NGUYEN: And this is the December 23 guidelines.  
11 So any solar developer comes to Department of  
12 Agriculture for over two-meg project.

13 This is the requirement that DOAG would  
14 request from any developer?

15 THE WITNESS (Smith): That's correct, any developer.

16 MR. NGUYEN: Yeah. And is there a certain timeframe  
17 that it can be grandfathered, if you will? You  
18 know, that because of a certain timeframe they  
19 don't have to comply with this particular new  
20 requirement?

21 THE WITNESS (Smith): There was no discussion of a  
22 grandfathering timeframe when these documents were  
23 posted.

24 MR. NGUYEN: So there's a grandfather provision there?

25 THE WITNESS (Smith): I'm not aware of a grandfathering

1           provision, no, sir.

2   MR. NGUYEN:   Okay.   Thank you very much.

3           And that's all I have, Mr. Morissette.

4   THE HEARING OFFICER:   I'll continue cross-examination  
5           by Mr. Golembiewski, followed by Mr. Carter.

6           Mr. Golembiewski?

7   MR. GOLEMBIEWSKI:   Thank you, Mr. Morissette.   I guess  
8           I just have one basic question as, would you  
9           recommend any conditions of our approval at this  
10          point?

11   THE WITNESS (Smith):   Yes.   Yes, we would.

12   MR. GOLEMBIEWSKI:   All right.   And what are those?

13   THE WITNESS (Smith):   We -- we would be looking to have  
14          the developer submit the necessary documentation  
15          so it is on the record as being a requirement to  
16          continue solar grazing and co-use within the site.

17   MR. GOLEMBIEWSKI:   Okay.   That's it.

18           And I know you talk about soil assessment and  
19          soil health -- that that's not something you would  
20          want as a condition of our approval?

21   THE WITNESS (Smith):   Well, thank you for clarifying.  
22          We would be looking for the developer to submit  
23          all the required documentations in order to  
24          receive a no-material-effect letter.

25   MR. GOLEMBIEWSKI:   Okay.   Thank you.



1           Mr. Morissette, that's all I have.

2   THE HEARING OFFICER: Thank you, Mr. Golembiewski.

3           We'll now continue cross-examination by  
4           Mr. Carter, followed by Mr. Hall. Mr. Carter?

5   MR. CARTER: Thank you, Mr. Morissette. I don't have  
6           any questions for the panel. I just would like to  
7           thank them for their time, and thank my fellow  
8           councilmembers and staff for their due diligence  
9           in the questions that have already been asked.

10          Thank you.

11   THE HEARING OFFICER: Thank you, Mr. Carter.

12          We'll now continue cross-examination by  
13          Ms. Hall, followed by Mr. Syme. Ms. Hall?

14   MS. HALL: Just to be clear, the regulations, when you  
15          promulgated them, were immediately effective.

16          Is that correct?

17   THE WITNESS (Smith): To be technical, they are not  
18          regulations. They are requirements to obtain a  
19          no-material-effect letter. And they did go into  
20          effect upon posting online.

21   MS. HALL: And you have had any discussions with the  
22          Applicants about that, about the three elements  
23          prior at all?

24   THE WITNESS (Smith): We discussed with DEEP these  
25          requirements, and they were also brought forward

1           during the staff public hearing portion for  
2           feedback at that time.

3   MS. HALL:   Thank you.   No further questions.

4   THE HEARING OFFICER:   Thank you, Ms. Hall.

5           We'll now continue cross-examination by  
6           Mr. Syme.   Mr. Syme?

7   MR. SYME:   I have no questions at this time for the  
8           Department of Agriculture.   Thank you.

9   THE HEARING OFFICER:   Thank you.

10           Ms. Smith, I just have a clarifying question  
11           for you relating to your interrogatories.   You  
12           indicated that the Applicant hadn't submitted  
13           their grazing plan, however our January 30, 2024,  
14           letter to the Department of Agriculture is  
15           actually attached to your interrogatories.

16           Can you explain the discrepancy?

17   THE WITNESS (Smith):   Sure, the attached -- or the  
18           attachment to the interrogatories -- excuse me,  
19           not the interrogatories.   I'm looking at the  
20           original letter we submitted -- did not provide us  
21           with the requested information.

22           If you give me one moment, I can get you  
23           them.

24   THE HEARING OFFICER:   Well, the August 8, 2024,  
25           submission response to the interrogatories

1 includes a draft sheep grazing plan.

2 THE WITNESS (Smith): My understanding is that that  
3 grazing plan was an incomplete grazing plan. And  
4 of course, it was also an incomplete application  
5 as it is absent the soil -- excuse me, vegetative  
6 and soil management plan, and the farm plan as  
7 well.

8 THE HEARING OFFICER: Okay. So did the Department of  
9 Agriculture respond to the Applicant?

10 THE WITNESS (Smith): Yes, we did.

11 THE HEARING OFFICER: Okay.

12 THE WITNESS (Smith): And that was included in our  
13 original letter submitted on July 12th.

14 THE HEARING OFFICER: Okay. Great. Thank you for that  
15 clarification. That concludes my  
16 cross-examination of the Department of  
17 Agriculture, and thank you for your responses.

18 We'll now continue with cross-examination of  
19 the Department of Agriculture by the Applicant.

20 Attorney Hoffman --

21 MR. GOLEMBIEWSKI: Mr. Morissette, could I have one  
22 follow-up question?

23 THE HEARING OFFICER: Certainly.

24 MR. GOLEMBIEWSKI: I apologize.

25 THE HEARING OFFICER: Certainly, go right ahead.

1 MR. GOLEMBIEWSKI: So let me make sure I understand.

2 So a no-material-effect letter from Ag is what the  
3 Applicant would need to be able to go through the  
4 petition process. Is that correct?

5 THE WITNESS (Smith): (No response.)

6 THE HEARING OFFICER: Ms. Smith, that question is for  
7 you.

8 THE WITNESS (Smith): Thank you for clarifying.

9 Yes, that that would be correct.

10 MR. GOLEMBIEWSKI: Okay. So we are in a docket right  
11 now. Right? So where this is a docket for a  
12 certificate. So then why would -- I guess my  
13 question is, why would we need this letter now?

14 THE WITNESS (Smith): The agency is looking to have put  
15 on the record that the developer is following the  
16 requirements to obtain a no-material-effect letter  
17 just as they do for, say, DEEP, for example.

18 And so in the absence of us providing a  
19 no-material-effect letter, it really does not  
20 enable sustained co-use throughout the lifespan of  
21 the project.

22 MR. GOLEMBIEWSKI: Okay. So what you're saying is  
23 because they didn't go through that process, sort  
24 of bypassed it, you're not confident that they  
25 will meet the spirit of your guidance?

1 THE WITNESS (Smith): That's correct.

2 MR. GOLEMBIEWSKI: Okay. And so through your  
3 participation here, you're trying to sort of make  
4 sure that even though they bypass this process,  
5 they still -- you still want them to meet the  
6 standards that you feel are appropriate?

7 THE WITNESS (Smith): That's correct.

8 MR. GOLEMBIEWSKI: Okay. All right. Thank you.

9 THE HEARING OFFICER: Thank you, Mr. Golembiewski.  
10 Attorney Hoffman?

11 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.  
12 Can you hear me okay?

13 THE HEARING OFFICER: Yes, I can hear you fine.  
14 Thank you.

15 ATTORNEY HOFFMAN: Okay. Thank you.

16 So building on what Mr. Golembiewski just  
17 said, did you review appendix N of the application  
18 in this docket, which is on page 416 of the  
19 application, which is a solar grazing plan?

20 THE WITNESS (Smith): No, I did not. Our agency, if  
21 one were provided to us as it pertains to a  
22 no-material-effect letter, we certainly would  
23 have. But as the standalone application to the  
24 Siting Council? No, we did not.

25 ATTORNEY HOFFMAN: So you don't know as you sit here

1           whether that draft grazing plan is deficient or  
2           not.   Correct?

3   THE WITNESS (Smith):  It was not provided to us in  
4           consideration for a no-material-effect letter.

5   ATTORNEY HOFFMAN:  Well, is the Department a party to  
6           this docket?

7   THE WITNESS (Smith):  Yes, we are.

8   ATTORNEY HOFFMAN:  Okay.  Do you have access to the  
9           application?

10   THE WITNESS (Smith):  Yes, I do, sir.

11   ATTORNEY HOFFMAN:  Okay.  So I want to clear up some of  
12           the conversation you had with Mr. Mercier and  
13           Mr. Nguyen surrounding the three documents that  
14           you referenced in your response to interrogatory  
15           17.  And I think that the answer to a lot of this  
16           can be found in your -- I also want to build on  
17           what Ms. Hall said, too.

18           You have a document in that that's labeled  
19           DOAG agrivoltaics requirements.  You're familiar  
20           with that document?

21   THE WITNESS (Smith):  Yes, I am.

22   ATTORNEY HOFFMAN:  Okay.  Now, as I understand it,  
23           these -- none of these three documents are  
24           regulations.  Correct?

25   THE WITNESS (Smith):  No, they are not.  They are our

1 response in the -- they are our response to  
2 enforcing the statute.

3 ATTORNEY HOFFMAN: Right, and more specifically, I  
4 think -- but I want to make sure I get this  
5 right -- they're the requirements that a developer  
6 needs in order to be able to get the Department of  
7 Agriculture's permission to file a petition.

8 Correct?

9 THE WITNESS (Smith): I'm sorry.

10 Could you please repeat the question?

11 ATTORNEY HOFFMAN: Sure, sure. If -- I'll try to put  
12 it in English rather than in lawyer-ese.

13 I apologize.

14 So if a developer wants to file a petition  
15 with the Siting Council rather than an application  
16 like we're doing here today, if the developer  
17 wants to file a petition, then the developer must  
18 meet these requirements that are in these  
19 documents for the Department of Agriculture to  
20 issue its letter. Do I have that right?

21 THE WITNESS (Smith): That is correct, yes.

22 ATTORNEY HOFFMAN: Okay. And when I look at the  
23 agrivoltaics requirements document -- I'm reading  
24 the first paragraph here. It says, projects that  
25 impact prime farmland in whole or part and that

1 are two megawatts AC or more in size, or are  
2 otherwise required to comply with this requirement  
3 require submission to the Siting Council as an  
4 application for a certificate of environmental  
5 compatibility and public need pursuant to Public  
6 Act 17-218, amending Connecticut General Statute  
7 16-50k(a). Do I have that correct?

8 THE WITNESS (Smith): That is what the document says.

9 ATTORNEY HOFFMAN: Okay. And then it goes on to say  
10 that a petition for declaratory ruling may be  
11 pursued if, among other requirements, the  
12 following document is included in the application  
13 package submitted to the Siting Council; a letter  
14 from DOAG stating that the project will, quote,  
15 not materially affect the status of such land as  
16 prime farmland, close quote.

17 I have that correct?

18 THE WITNESS (Smith): That is what the document says,  
19 yes.

20 ATTORNEY HOFFMAN: Okay. So is it a fair reading of  
21 that to say that the developer either files an  
22 application for a certificate, as SSO has done  
23 here today, or goes through these requirements and  
24 files a petition?

25 Is that a fair summary of that paragraph?



1 THE WITNESS (Smith): I don't -- that is not what the  
2 document said. It does not reference any  
3 alternatives.

4 ATTORNEY HOFFMAN: Well, either you're filing a  
5 certificate or a petition. Correct?

6 THE WITNESS (Smith): That is -- those are the options  
7 that the developers have, yes.

8 ATTORNEY HOFFMAN: Okay. So I guess then I just have  
9 one last question. You were talking about DEEP  
10 consultation with various parts of DEEP, including  
11 the stormwater permitting team. Correct?

12 THE WITNESS (Smith): The stormwater permitting team  
13 has been involved in some of the meetings that we  
14 have participated in together, yes.

15 ATTORNEY HOFFMAN: Okay. So what were your  
16 discussions, if any, with the DEEP stormwater  
17 permitting team to ascertain how stormwater  
18 calculations and stormwater permitting should be  
19 handled if in the areas where there are row crops  
20 or other crops that are being grown rather than  
21 grazing in solar projects?

22 THE WITNESS (Smith): I can't say that those  
23 conversations specifically took place.

24 ATTORNEY HOFFMAN: Okay. Would somebody else at the  
25 Department of Agriculture have done that instead

1           of you?

2       THE WITNESS (Smith):   No.

3       ATTORNEY HOFFMAN:   Okay.   So did those conversations  
4           take place in your presence?

5       THE WITNESS (Smith):   Not that -- not that I can  
6           recall, no.

7       ATTORNEY HOFFMAN:   Okay.   Thank you.

8           I've got nothing further, Mr. Morissette.

9       THE HEARING OFFICER:   Thank you, Attorney Hoffman.

10           Okay.   That concludes our hearing for this  
11           afternoon.   The Council will recess until 6:30  
12           p.m., at which time we will commence with the  
13           public comment session of this public hearing.

14           Thank you, everyone, and we will see you at  
15           6:30.

16  
17                               (End:   4:23 p.m.)

CERTIFICATE

I hereby certify that the foregoing 98 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of The Connecticut Siting Council in Re: DOCKET NO. 522, STAFFORD SOLAR ONE, LLC, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 4.0-MEGAWATT-AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT 92 UPPER ROAD, STAFFORD, CONNECTICUT AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on August 22, 2024.



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Robert G. Dixon, CVR-M 857  
Notary Public  
My Commission Expires: 6/30/2025

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