

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 524

Greenskies Clean Energy, LLC, Application for a
Certificate of Environmental Compatibility and
Public Need for the Construction, Maintenance, and
Operation of a 4.625-Megawatt-AC Solar Photovoltaic
Electric Generating Facility and Associated
Equipment Located at Fawn Meadow Lane (Parcel No.
029-018D), Woodbury, Connecticut, and Associated
Electrical Interconnection.

Zoom Remote Council Meeting (Teleconference),
on Thursday, October 3, 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)

**ERIC HAMMERLING and BRIAN GOLEMBIEWSKI,
DEEP Designees**

**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 and DAKOTA LaFOUNTAIN
Administrative Support**

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

For GREENSKIES CLEAN ENERGY, LLC:

PULLMAN & COMLEY, LLC

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Hartford, Connecticut 06103-3702

By: LEE D. HOFFMAN, ESQ.

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(Begin: 2:00 p.m.)

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

Very good. Thank you.

Ladies and gentlemen, this public hearing is called to order this Thursday, October 3, 2024, at 2 p.m. My name is John Morissette, Member and Presiding Officer of the Council.

Other members of the Council are Eric Hammerling, designee for Commissioner Katie Dykes of the Department of Energy and Environmental Protection; Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority; and we have Christine Hall; Bill Syme; and Chance Carter.

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

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

1 Statutes and of the Uniform Administrative
2 Procedure Act upon an application from Greenskies
3 Clean Energy, LLC, for a certificate of
4 environmental compatibility and public need for
5 the construction, maintenance, and operation of a
6 4.625-megawatt AC solar photovoltaic electric
7 generating facility and associated equipment
8 located on Fawn Meadow Lane, Parcel Number
9 029-018D in Woodbury, Connecticut, and the
10 associated electrical interconnection.

11 This application was received by the Council
12 on July 11, 2024. The Council's legal notice of
13 the date and time of this public hearing was
14 published in the Voices on April 7, 2024.

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

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

1 The parties and interveners of this
2 proceeding are as follows; Greenskies Clean
3 Energy, LLC, represented by Lee D. Hoffman,
4 Esquire, of Pullman & Comley, LLC.

5 We will proceed in accordance with the
6 prepared agenda, a copy of which is available on
7 the Council's Docket Number 524 webpage, along
8 with a record of this matter, the public hearing
9 notice, instructions for public access to this
10 public hearing, and the Council's citizen's guide
11 to Siting Council's procedures.

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

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

21 The 6:30 p.m. public comment session is
22 reserved for the members of the public who have
23 signed up in advance to make brief statements into
24 the record.

25 I wish to note that the Applicant, parties,

1 and interveners, including their representatives,
2 witnesses, and members, are not allowed to
3 participate in the public comment session.

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

12 A verbatim transcript of this public hearing
13 will be posted on the Council's Docket Number 524
14 webpage and deposited in the Woodbury Town Clerk's
15 office for the convenience of the public.

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

18 We have a motion on the agenda, the
19 Applicant's motion for protective order, responses
20 to Council Interrogatory Number 91, the lease
21 agreement and financial terms dated September 24,
22 2024. Attorney Bachman may wish to comment.

23 Attorney Bachman, good afternoon.

24 ATTORNEY BACHMAN: Good afternoon, Mr. Morissette.

25 Thank you.

1 Under General Statute Sections 16-50o,
2 applicants are required to submit the full text in
3 terms of any agreement into the record of a Siting
4 Council application proceeding. However, the
5 financial terms are exempt from the Freedom of
6 Information Act and are allowed to be submitted
7 under protective order.

8 Therefore, staff recommends approval.

9 Thank you.

10 THE HEARING OFFICER: Thank you, Attorney Bachman.

11 Is there a motion?

12 MR. CARTER: Good afternoon, Mr. Morissette.

13 I move that the Council approve the
14 Applicant's request for protective order.

15 THE HEARING OFFICER: Thank you, Mr. Carter, and good
16 afternoon. Is there a second?

17 MS. HALL: I'll second.

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

19 We have a motion by Mr. Carter to approve the
20 motion for protective order, and we have a second
21 by Ms. Hall. We'll now move to discussion.

22 Mr. Nguyen, any discussion?

23 MR. NGUYEN: No discussion. Thank you.

24 THE HEARING OFFICER: Thank you.

25 Mr. Hammerling, any discussion?

1 MR. HAMMERLING: No discussion here. Thank you.

2 THE HEARING OFFICER: Thank you.

3 Mr. Carter?

4 MR. CARTER: No discussion. Thank you.

5 THE HEARING OFFICER: Thank you.

6 Ms. Hall?

7 MS. HALL: No discussion. Thank you.

8 THE HEARING OFFICER: Thank you.

9 Mr. Syme?

10 MR. SYME: No discussion. Thank you.

11 THE HEARING OFFICER: Thank you. And I have no

12 discussion.

13 We'll now move to the vote.

14 Mr. Nguyen, how do you vote?

15 MR. NGUYEN: Vote to approve. Thank you.

16 THE HEARING OFFICER: Thank you.

17 Mr. Hammerling?

18 MR. HAMMERLING: Vote to approve. Thank you.

19 THE HEARING OFFICER: Thank you.

20 Mr. Carter?

21 MR. CARTER: Vote to approve. Thank you.

22 THE HEARING OFFICER: Thank you.

23 Ms. Hall?

24 MS. HALL: Vote to approve. Thank you.

25 THE HEARING OFFICER: Thank you.

1 Mr. Syme?

2 MR. SYME: Vote for approval. Thank you.

3 THE HEARING OFFICER: Thank you. And I also vote for
4 approval. We have a unanimous decision. The
5 motion for protective order is granted.

6 Moving on to the agenda item administrative
7 notices taken by the Council, I wish to call your
8 attention to those items shown on the hearing
9 program marked as Roman numerals 1C, items 1
10 through 107.

11 Does any party or intervener have an
12 objection to the items that the Council has
13 administrative notice?

14 Attorney Hoffman, good afternoon.

15 ATTORNEY HOFFMAN: Good afternoon, Mr. Morissette.

16 The Applicant has no objections to the items
17 that were made for administrative notice.

18 THE HEARING OFFICER: Thank you, Attorney Hoffman.

19 Accordingly, the Council hereby
20 administratively notices these existing documents.

21 Now we'll move on to the appearance by the
22 Applicant. Will the Applicant present its witness
23 panel for purposes of taking the oath? And we'll
24 have Attorney Bachman administer the oath.

25 Attorney Hoffman?

1 ATTORNEY HOFFMAN: Thank you again, Mr. Morissette.

2 So, we have as our witness panel Gabe Rusk
3 from Greenskies Clean Energy, LLC, and Jean-Paul
4 La Marche also from Greenskies Clean Energy, LLC.
5 And then from Vanasse Hangen and Brustlin, VHB, we
6 have Steve Kochis, Sara Berryman and Seth Taylor.

7 THE HEARING OFFICER: Attorney Bachman?

8 ATTORNEY BACHMAN: Thank you. Could the witnesses,
9 please raise your right hand?

10 G A B R I E L R U S K,
11 J E A N - P A U L L A M A R C H E,
12 S T E V E N K O C H I S,
13 S A R A B E R R Y M A N,
14 S E T H T A Y L O R,

15 called as witnesses, being sworn by
16 THE EXECUTIVE DIRECTOR, were examined and
17 testified under oath as follows:

18
19 THE HEARING OFFICER: Thank you, Attorney Bachman.

20 Attorney Hoffman, please begin by verifying
21 all the exhibits by the appropriate sworn witness.

22 ATTORNEY HOFFMAN: Mr. Morissette, if I may? I'd just
23 like to list the exhibits for identification so we
24 all know what we're talking about first.

25 THE HEARING OFFICER: Certainly. Go right ahead.

1 ATTORNEY HOFFMAN: So, they are in the hearing program
2 under Roman numeral two, letter B. They're
3 exhibits for identification purposes at this point
4 only. That would be the application for the
5 certificate including the bulk-file exhibits which
6 consist of the Town of Woodbury zoning
7 regulations, the Town of Woodbury's inland
8 wetlands and watercourses regulations, the Town of
9 Woodbury's plan of conservation and development,
10 and the technical report that was attached
11 thereto.

12 In addition, there are two sets of responses
13 to interrogatories filed by the Applicant; set one
14 dated September 5, 2024; and set two dated
15 September 26, 2024.

16 And then finally, item number 2B4, the
17 Applicant's signposting affidavit dated September
18 26, 2024.

19 With that, what I'd like to do is I'd like to
20 take them out of order of the witness list,
21 because Mr. Kochis signed the signposting
22 affidavit and he's the only one that was connected
23 with that.

24 So, Mr. Kochis, I am going to start with you.
25 Did you prepare or cause to be prepared the

1 exhibits listed in Roman numeral two, items B1
2 through 4 in this docket?

3 THE WITNESS (Kochis): Yes.

4 ATTORNEY HOFFMAN: And are those accurate and correct
5 to the best of your knowledge?

6 THE WITNESS (Kochis): Yes.

7 ATTORNEY HOFFMAN: And do you have any changes to those
8 exhibits today?

9 THE WITNESS (Kochis): No.

10 ATTORNEY HOFFMAN: And do you adopt them as your sworn
11 testimony here today?

12 THE WITNESS (Kochis): Yes, I do.

13 ATTORNEY HOFFMAN: Thank you.

14 And then Mr. La Marche, turning to you, are
15 you familiar with the items listed in Roman
16 numeral 2B, 1 through 3, the application and the
17 responses to the interrogatories?

18 THE WITNESS (La Marche): Yes.

19 ATTORNEY HOFFMAN: And are they accurate to the best of
20 your knowledge and belief?

21 THE WITNESS (La Marche): Yes.

22 ATTORNEY HOFFMAN: And do you have any changes to them
23 here today?

24 THE WITNESS (La Marche): No.

25 ATTORNEY HOFFMAN: And do you adopt them as your sworn

1 testimony?

2 THE WITNESS (La Marche): Yes.

3 ATTORNEY HOFFMAN: Mr. Rusk, turning to you, are you
4 familiar with the items listed in Roman numeral
5 2B, 1 through 3?

6 THE WITNESS (Rusk): Yes.

7 ATTORNEY HOFFMAN: And are they accurate to the best of
8 your knowledge and belief?

9 THE WITNESS (Rusk): Yes.

10 ATTORNEY HOFFMAN: And do you have any changes to them?

11 THE WITNESS (Rusk): No.

12 ATTORNEY HOFFMAN: And do you adopt them as your sworn
13 testimony here today?

14 THE WITNESS (Rusk): Yes, I do.

15 ATTORNEY HOFFMAN: And Ms. Berryman, I'll ask the same
16 questions of you. Are you familiar with the items
17 listed in Roman numeral 2B, 1 through 3, the
18 application and the two sets of responses to
19 interrogatories?

20 THE WITNESS (Berryman): Yes, I am.

21 ATTORNEY HOFFMAN: And are they accurate to the best of
22 your knowledge and belief?

23 THE WITNESS (Berryman): Yes.

24 ATTORNEY HOFFMAN: And do you have any changes to them?

25 THE WITNESS (Berryman): No.

1 ATTORNEY HOFFMAN: And do you adopt them as your sworn
2 testimony today?

3 THE WITNESS (Berryman): Yes, I do.

4 ATTORNEY HOFFMAN: And then finally, Mr. Taylor,
5 turning to you, are you familiar with the items
6 listed in Roman numeral 2B, 1 through 3?

7 THE WITNESS (Taylor): Yes, sir. I am.

8 ATTORNEY HOFFMAN: And are they accurate to the best of
9 your knowledge and belief?

10 THE WITNESS (Taylor): Yes, sir. They are.

11 ATTORNEY HOFFMAN: And do you have any changes to them
12 today?

13 THE WITNESS (Taylor): I do not.

14 ATTORNEY HOFFMAN: And do you adopt them as your sworn
15 testimony here today?

16 THE WITNESS (Taylor): I do.

17 ATTORNEY HOFFMAN: Mr. Morissette, with that, I would
18 ask that all four exhibits that were marked for
19 identification in Roman numeral 2B, 1 through 4,
20 be admitted as full exhibits in this matter.

21 THE HEARING OFFICER: Without objection, Attorney
22 Hoffman, the exhibits are hereby admitted.

23 ATTORNEY HOFFMAN: And with that, I believe the
24 witnesses are available for cross-examination.

25 THE HEARING OFFICER: Very good. Thank you.

1 We will begin with cross-examination of the
2 Applicant by the Council, starting with
3 Mr. Mercier, followed by Mr. Nguyen.

4 Mr. Mercier, good afternoon.

5 MR. MERCIER: Good afternoon. Thank you.

6 I'm going to begin with several questions
7 regarding the project access drive and the
8 adjacent wetlands. And I think the best visual
9 aid for this will be in the interrogatory
10 responses, Exhibit G.

11 There's a photo log. I'm referring to
12 number -- photo two in that photo log. If you're
13 following along on the website, the photo log is
14 about two thirds of the way down the website page.

15 ATTORNEY HOFFMAN: Mr. Mercier, is that the photo
16 that's labeled, drainage basins begin new access
17 road?

18 MR. MERCIER: That's correct. Photo number two, yeah.

19 ATTORNEY HOFFMAN: Thank you, sir.

20 MR. MERCIER: Thank you.

21 Okay. Now, looking at the photo, obviously,
22 you see some pavement ending at the two catch
23 basins and some gravel extending slightly up a
24 hill past those basins, catch basin.

25 Is the gravel pavement interface -- is that

1 actually the property line of the host parcel?

2 THE WITNESS (Rusk): I think Steve Kochis might be best
3 able to answer that question.

4 THE WITNESS (Kochis): Yeah. This is Steve Kochis.

5 I'm just following up the site plan real quick.

6 Bear with me, sorry.

7 Okay. So, Mr. Mercier, this is Steve Kochis.

8 The property line, the -- the catch basins that
9 you see in that photo are probably about 15 or 20
10 feet into the host parcel of the project.

11 MR. MERCIER: Okay. Thank you.

12 Looking at the photograph, photo two, that is
13 on the left that shows a wetland area, and that
14 was noted as wetland one in the wetland report
15 accompanying this application.

16 The wetland report indicated, you know,
17 during the survey -- I think it occurred in
18 August -- there were some tadpoles in that
19 wetland, however, there was no identifying related
20 amphibian species. What amphibian species may
21 actually use this small wetland given that there
22 was some tadpoles in it?

23 THE WITNESS (Berryman): This is Sara Berryman with
24 VHB. I conducted the vernal pool study and the
25 wetland delineation.

1 The tadpoles that we saw were bullfrog
2 tadpoles, which are not a vernal pool species
3 within Connecticut's regulations.

4 MR. MERCIER: I'm sorry. You said wood frog?

5 Is that correct?

6 THE WITNESS (Berryman): No, bullfrog.

7 MR. MERCIER: Okay. Bullfrog. Got it. Thank you.

8 THE WITNESS (Berryman): Yeah.

9 MR. MERCIER: In review of some of the comments, there
10 was some from the Council on Environmental Quality
11 that came in on July 24th. Now, in their
12 comments -- I think it was section 3, it basically
13 said that, you know, the erosion and control plan
14 showed the proposed access road going through
15 wetland one.

16 However, just to clarify, as the photo shows,
17 this road is already there. Correct? There's no
18 other? You're not going to be extending the road
19 into the wetland at all. I mean, it's basically
20 running along it. Is that correct?

21 THE WITNESS (Kochis): Yeah, this is Steve Kochis.
22 I'll field that question.

23 So, I mean, it's -- it's anticipated that
24 that wetland was created by the construction
25 and -- the halting of the construction of the

1 access road. So, you can see from the picture
2 that there just seemed to be an excavation that
3 got left over time as they extended the gravel
4 base up the hill.

5 And so, the Applicant, the petitioner right
6 now is not proposing to change the alignment of
7 the road from what was approved. Basically, we
8 just want to go in and install -- finish
9 installing the road as it was approved as part of
10 the subdivision. And that would probably include
11 filling the wetland, which would probably coincide
12 with the curb, the southern curb line of Fawn
13 Meadow Lane.

14 MR. MERCIER: Okay. So, the intent is to fill the
15 wetland. I did not hear the reason for that.

16 Can you explain?

17 THE WITNESS (Kochis): Yeah, because the -- the wetland
18 is -- it lies right about in where the proposed
19 curb for Fawn Meadow Lane wants to be. So, if we
20 extend that, the curb line of the south edge of
21 Fawn Meadow Lane as was originally anticipated to
22 be constructed, it would go right through the
23 wetland.

24 MR. MERCIER: Okay. However, that -- this paved
25 portion you're going to construct with the curb,

1 it's actually on the host parcel and not really a
2 town road. Is that correct?

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

4 But Gabe, do you want to add some color about
5 if we intend to own the road, or -- or have an
6 easement to the Town, or something like that?

7 THE WITNESS (Rusk): Um --

8 MR. MERCIER: I'm just trying to -- oops, sorry.

9 Go ahead.

10 THE WITNESS (Rusk): Oh, no. I have to -- I mean, we
11 are, you know, we've heard concerns about, you
12 know, the terminus on the -- the road itself.

13 After the initial development was terminated
14 and expired the -- there was a temporary
15 turnaround installed earlier on Fawn Meadow Lane.
16 We are a little concerned, you know, about putting
17 a full turnaround in that area where the -- the
18 road on the parcel meets the public road, you
19 know, mostly because of grading and potential
20 impacts to, you know, the environment.

21 But we are willing to, you know, work with
22 the Town, and that is why we put in the --
23 proposed the paved turnaround on the -- further
24 down the paved part of the road.

25 MR. MERCIER: Okay. Just looking at the road, you

1 know, there's gravel there now. It looks like
2 it's been used for some vehicles. Why not just
3 leave it as gravel as it is? What's the reason
4 for paving it? I'm not clear on that either.

5 THE WITNESS (Kochis): I'll take that one.

6 This is Steve Kochis.

7 The idea there, Mr. Mercier, was to complete
8 the paved installation of the road to a terminus
9 and a turnaround as was originally anticipated as
10 part of the subdivision.

11 So essentially, members of the public who are
12 driving down Fawn Meadow Lane don't hit the end of
13 the road and then have to turn around on a portion
14 of gravel access drive. They would have full
15 pavement to drive into the hammerhead or
16 roundabout, whatever it ends up -- or, I'm sorry,
17 a cul-de-sac, whatever it ends up being, as if it
18 was a traditional town road. So, just to fully
19 complete the -- the paved portion of the road to
20 allow members of the public to not have to drive
21 on gravel to turn around.

22 MR. MERCIER: Okay. The two drainage catch basins
23 there, where do they discharge to? Is there a
24 town sewer system? Or do they go off, you know,
25 in a pipe and just flow out across, overland on

1 the host property somewhere?

2 **THE WITNESS (Kochis):** This is Steve Kochis again.

3 I'll field that one.

4 Those catch basins, they capture the water
5 that would -- that was ultimately going to be
6 coming down Fawn Meadow Lane on the host parcel.
7 And they convey stormwater to the east and to the
8 northeast along Fawn Meadow Lane, and ultimately
9 discharge at the north side of Fawn Meadow Lane
10 off of the host parcel into the wooded area and
11 ultimately towards the conservation easement area,
12 and ultimately get through a culvert that drains
13 from north to south across Fawn Meadow Lane.

14 **MR. MERCIER:** With your new paved section, or even the
15 gravel section further north, are you installing
16 any additional catch basins for this project?

17 **THE WITNESS (Kochis):** This is Steve Kochis.

18 It's not proposed to install any additional
19 catch basins right now. The idea was that this,
20 that portion of pavement was always going to
21 collect and discharge down the hill towards those
22 two catch basins. So we're not proposing any new
23 catch basins higher up the hill.

24 **MR. MERCIER:** Okay. Going back to the photo there with
25 the wetland on the -- showing the wetland, so it's

1 not possible to somehow pave the road and just
2 leave that small wetland alone? I mean, what's
3 its biological value?

4 I understand you found some amphibian species
5 using it, and that also -- I'm assuming that will
6 attract other life such as bird life or small
7 mammals, or other creatures trying to utilize that
8 small wetland.

9 What's its actual biological value and why do
10 you have to fill it in, rather than try to reline
11 that road to leave it alone?

12 THE WITNESS (Berryman): This is Sara Berryman with
13 VHB.

14 When we were looking at the wetland, it's --
15 it's a very small wetland that was formed, we
16 think, by the creation of that access drive to
17 begin with. And I -- I honestly don't think it
18 has a lot of biological value. I think it's
19 just -- it's essentially a ditch that was left
20 long enough for vegetation to start growing.

21 There are a lot of better habitat areas over
22 the hill. There's a -- there's a berm that runs
23 behind that wetland, that small wetland two that I
24 just -- I don't think that it really -- it's a
25 wetland because it exhibits the features, but I

1 don't think it's really supplying any major
2 functions or values.

3 THE WITNESS (Kochis): Yeah, and this is Steve Kochis.

4 I'll just add some color there.

5 It's an isolated wetland that's only
6 approximately 300 square feet in size as well.
7 And so it's not directly connected to the -- what
8 I -- what I would consider the significant wetland
9 corridor on the eastern side of the site.

10 MR. MERCIER: Okay. I just wasn't sure if there was
11 any standing water when you observed it.

12 If so, how deep was it?

13 THE WITNESS (Berryman): There -- this is Sara Berryman
14 again.

15 There was some standing water when we
16 delineated it, maybe -- maybe six inches of water,
17 but again, I think that's mostly just because
18 it's -- it was a ditched out area, and then it
19 just -- it just collects water.

20 I don't -- I don't think it really provides
21 any major habitat or value to it.

22 MR. MERCIER: Okay. And just to clarify another thing
23 in the Council on Environmental Quality letter;
24 they basically kept referring to it as a potential
25 vernal pool, but there was a vernal pool survey

1 done. Correct? And that was included in the
2 application.

3 THE WITNESS (Berryman): Yes.

4 MR. MERCIER: Is that correct?

5 THE WITNESS (Berryman): Yes.

6 MR. MERCIER: And there was no vernal pool species
7 whatsoever?

8 THE WITNESS (Berryman): Correct, correct. Yes, we
9 did -- we did a vernal pool species -- or a vernal
10 pool assessment during the vernal pool breeding
11 season, and we did not find any obligate vernal
12 pool species.

13 MR. MERCIER: Thank you. Now, going back to the
14 pavement of the access drive, the proposed
15 pavement -- I think it was, like, 240 feet or
16 something, linear feet, that would be constructed
17 to town specifications. Is that correct?

18 THE WITNESS (Kochis): Yeah. Gabe, do you want to
19 field that one?

20 THE WITNESS (Rusk): Yeah. If we were going to build
21 it, it was a proposed turnaround for emergency
22 vehicles primarily when we initially proposed it.
23 It would be constructed to town specifications.

24 But I think there are some -- actually, to
25 restate that, I think -- I believe there are some

1 questions of, like, the grading that we would
2 probably pursue a variance for. But if -- if
3 that -- if we were to -- if we were to move
4 forward with that paved turnaround, then if -- as
5 long as, like, the Town found that suitable, I
6 think we would work with the Town to find out an
7 acceptable way to design it.

8 MR. MERCIER: Okay. Thank you. Just a couple more
9 questions on this, the paved portion.

10 You know, once you complete it, you know,
11 it's constructed -- that's if this project was
12 approved -- who would maintain it past the
13 property line? I'll just call it the property
14 line around the catch basins, for that matter.

15 You know, going up the hill, would that be
16 Greenskies' responsibility for snow plowing? Or
17 is that the Town intends to do that onto the -- up
18 to the turnaround when and if it snows and they
19 have to remove, you know, get it ready?

20 THE WITNESS (Rusk): That hasn't really been discussed,
21 but I believe that would be outside of our, you
22 know, purview at the moment.

23 MR. MERCIER: Thank you.

24 THE WITNESS (La Marche): And sorry, this is --

25 MR. MERCIER: Right around this --

1 THE WITNESS (La Marche): This is John-Paul. I just
2 wanted to clarify one thing.

3 From a big-picture perspective -- and Gabe,
4 please correct me if I have a misunderstanding on
5 this, but I don't believe I do. The entire
6 section of paving that's being discussed right now
7 is included in our proposed project because of a
8 request from the Town to add it.

9 It is -- it is strictly for their benefit and
10 for the community's benefit that would use that
11 road. It is not for the benefit of the project
12 itself. So if there are, you know, changes that
13 the Town would request or changes that the Siting
14 Council would request that the Town would agree
15 to, we are happy to work with both entities to
16 make those changes.

17 MR. MERCIER: Okay. Thank you. I'm going to move on
18 to the interrogatory responses themselves. While
19 we're talking about the hammerhead turnaround -- I
20 think that was response number 26. They had some
21 discussion there about it.

22 I'm also going to look at the application
23 site plan, appendix A, site plan three. I know
24 that's the grading and drainage plan.

25 Of course, I can't call it up.

1 In that plan, you know, I could see the
2 turnaround that you're going to build, you know,
3 kind of excavate a little bit of the hillside. I
4 see the property line kind of near the catch
5 basins as we discussed. But going right where the
6 dashed line is along Fawn Meadow Lane, which
7 demarcates the property line and, you know, the
8 paved portion of Fawn Meadow; off to the right it
9 says wooded, but there's a kind of a flat area
10 there.

11 Was any turnaround considered in that
12 particular location? That would just be to the
13 right of the catch basin.

14 THE WITNESS (Kochis): This is Steve Kochis.

15 We -- we had not considered a turnaround
16 right there. The grids do fall off pretty sharply
17 to the east in that location. So, that that's
18 just why it wasn't a desired location from our
19 perspective.

20 But I think to Gabe and John-Paul's point, we
21 would be happy to work with the Town to find, you
22 know, the -- the best spot that would be the most
23 environment -- environmentally friendly and make
24 the most sense as a terminus of Fawn Meadow Lane.

25 MR. MERCIER: Okay. And just going eastward down the

1 road and where it says the actual word "Fawn,"
2 right to the left of that you could see, I guess
3 that's an existing turnaround. There's, like, a
4 small little jut out.

5 There's, like, a little depression or an
6 knoll. I can't tell from this thing, but it looks
7 like it's next -- also to a catch basin. Is that
8 the existing turnaround that's on the road now?

9 THE WITNESS (Kochis): This is Steve Kochis.

10 I'm just pulling that map back up.

11 I closed it by accident.

12 So off of map GDC 4.0, the existing
13 hammerhead turnaround for Fawn Meadow Lane is just
14 to the west of the 'F' in Fawn Meadow Lane off --
15 that's on the north side of Fawn Meadow Lane.

16 MR. MERCIER: Yes, thank you. Why can't that

17 turnaround just continue to be used? Why do you
18 have to, you know, construct an entirely new one?
19 Is there any reason given from the Town, just out
20 of curiosity?

21 THE WITNESS (Rusk): This is Gabe Rusk.

22 That is a fair question. We weren't, I don't
23 believe, given a -- unless Steve, please correct
24 me if you remember otherwise -- but I don't
25 believe we were ever given a reason from the Town,

1 aside from wanting to make sure emergency vehicles
2 had enough room to turn around.

3 But I think if we were to develop it without,
4 you know, if -- if that wasn't a concern, we would
5 probably pursue a stone road and probably just use
6 the existing turnaround, or perhaps expand it.

7 MR. MERCIER: Okay. Thank you.

8 I'm going to stay with the site plan you have
9 open. I think you just said you had C4.0, erosion
10 control plan. We talked about the wetland. We
11 talked about the proposed hammerhead.

12 And then as you follow the road upwards,
13 uphill to the north, you know, it bends and goes
14 to the north. It comes to a proposed fence line,
15 and then the road kind of levels out around some
16 panel. The panel area begins on the right.

17 Off to the left there's -- you can see the
18 property line, the dashed black. It says, you
19 know, something about the J-hook silt fence as
20 needed. But off to the left, there's, like -- it
21 looks like a gully. And, you know, it's kind of
22 that the wooded area extends up the gully towards
23 the property line. Now, does that gully contain
24 an intermittent stream, or a stream?

25 THE WITNESS (Berryman): This is Sara Berryman.

1 We, when we went out to do the wetland
2 delineation, we stayed within the limits that we
3 were given by Greenskies.

4 So, I can't say for sure if there is or is
5 not an intermittent stream in that area, because
6 we did not go outside of the boundary.

7 **MR. MERCIER:** Okay. The reason I'm asking is because
8 on the interrogatory responses there was the
9 initial Fawn Meadow Estates subdivision map,
10 Exhibit C -- but it shows a stream there.

11 So, I guess my question is going to be, you
12 know, once you develop this site, if there is a
13 stream there or some type of a gully that collects
14 water and discharges it, you know, further
15 downstream, how would construction of the site
16 affect a water flow that's going down towards
17 that -- I'll just say it's a gully based on the
18 subdivision map that was provided?

19 How would water be controlled so it doesn't
20 cause any kind of flooding concern?

21 **THE WITNESS (Kochis):** This is Steve Kochis.

22 That, that watershed is considered in our
23 stormwater management plan, our -- our stormwater
24 report. So, no -- no different than any other
25 portion that's draining off of the site.

1 It's been considered from a water quality
2 perspective. It's been considered from a pre and
3 post-peak rate of runoff perspective. And it's
4 been looked at as -- as you've noted on, as from
5 an erosion control perspective, by J-hooking the
6 silt fence.

7 And it just doesn't have a large watershed on
8 the site. I believe it's -- the size of that
9 watershed is about a half an acre or so, as that
10 is -- that is a tributary watershed that's
11 generated from our host parcel.

12 MR. MERCIER: Would water up near the sediment trap --
13 you know it's a kind of divide there. Would water
14 actually flow down the access drive, the gravel
15 access drive there, then discharge into that water
16 course, I'll call it?

17 Or how does the access road play into
18 drainage for that particular little small
19 watershed we just talked about?

20 THE WITNESS (Kochis): So, this is Steve Kochis again.

21 The idea with the gravel access drive as --
22 as it extends past the paved hammerhead and comes
23 into our facility is that stormwater will go right
24 across it. So, it won't -- it won't be captured
25 within the gravel access drive, but it will cross

1 right over it.

2 MR. MERCIER: Okay. Thank you.

3 And just following up on that site plan
4 towards the north, at the very northern end
5 there's an access road running along the perimeter
6 fence. Given that the inverter pads are kind of,
7 you know, upper middle, I'll call it, served by
8 another access road hammerhead, what's the purpose
9 of the northernmost access road?

10 It doesn't really go anywhere or serve any
11 kind of electrical equipment, or a stormwater
12 basin. It's just kind of dead ends.

13 THE WITNESS (Kochis): This is Steve Kochis. I'll
14 field that question as well.

15 The northern access road is just to provide a
16 more comprehensive perimeter access around the
17 facility. And while there's no transformer or
18 inverter pads, as you've noted up in that
19 location, there will be other equipment such as
20 combiner boxes and any sort of other electrical
21 conduit routing at the ends of the tracking panel
22 arrays. So, there will be equipment up there
23 that -- that may or may not need to be accessed.

24 And that the layout of the roads can
25 certainly be considered and revised, but there,

1 there is equipment up there, that that may need to
2 be serviced throughout the operational maintenance
3 lifespan of the project.

4 MR. MERCIER: Okay. You know, I was just looking at,
5 you have a grass aisle kind of like in the lower
6 third of the facility, and I assume that's there
7 to also service the combiner boxes and equipment
8 at the end of the trackers. Is that correct?

9 THE WITNESS (Kochis): That's correct.

10 MR. MERCIER: Okay. So, potentially the northernmost
11 access road can just be eliminated and just use,
12 like, a grass aisle? Or is there some kind of a
13 water issue up there you're concerned about that
14 needs to cover up at a firmer pace?

15 THE WITNESS (Kochis): This is Steve Kochis again.

16 There's no -- there's no special stormwater
17 reason for the road up there as opposed to the
18 grass style that you've noted.

19 And I think I'll -- I'll defer to Gabe and
20 John-Paul, but as far as being amenable to, you
21 know, revising that access road -- but I'll defer
22 to them for that.

23 THE WITNESS (La Marche): Yeah. I think we're open to
24 discussing that if there was a reason to change.

25 MR. MERCIER: Okay. Thank you.

1 I'm going to move on to interagency response
2 number 59. This had to do with the Natural
3 Diversity Database determination, and according to
4 the determination, there the hognose snake was
5 identified in the area of the site.

6 Is there any habitat within the solar array
7 footprint area? Was there sandy areas or any kind
8 of shrubs that would be impacted? Is the whole,
9 you know, the whole thing ideal for hognose snake,
10 or do they have very specific requirements?

11 ATTORNEY HOFFMAN: (Unintelligible.)

12 THE WITNESS (Taylor): Yeah. This is Seth Taylor.

13 ATTORNEY HOFFMAN: Speak up a little bit.

14 THE WITNESS (Taylor): Yeah. This is Seth Taylor. I'm
15 a natural ecologist with VHB.

16 No, that the site is generally -- in this
17 area it's generally relatively sandy. And so,
18 hognose snakes are looking for sand within the
19 breeding season to lay the eggs. And so, they
20 move around in, you know, general areas so that
21 they go in for breeding habitat, they go in for
22 foraging habitat, and then they -- they come back
23 to sandy areas to lay eggs.

24 And so, there isn't any specific area at the
25 site that would be more conducive to laying eggs

1 than any other.

2 MR. MERCIER: Okay. You know, I was looking at some of
3 those photos. As we discussed earlier, photo two,
4 and then the photo three, it showed some, you
5 know, obviously sandy-looking areas.

6 Would the area around the access road also
7 provide similar habitat? Or is that better
8 habitat? Or do you have no opinion on that?

9 THE WITNESS (Taylor): No, I -- no, I don't have an
10 opinion on it, necessarily. I mean, like I said,
11 the whole area is -- is -- has sandy inclusions.

12 And so, there they're not going to be, you
13 know, refined or contained to one specific area.

14 MR. MERCIER: You know, reading the information in the
15 letter, it essentially said that the hognose snake
16 does not like to -- the paved roads are barriers
17 to their dispersal, but do you know if gravel
18 roads serve as the same barrier?

19 I'm not sure why they just put paved as
20 opposed to gravel and paved.

21 THE WITNESS (Taylor): Well, that -- the roads that
22 can -- that can be barriers to them are where
23 they're high curbs.

24 And so, they're about a three-foot-long
25 snake. And so, as long as, I mean, even on paved

1 roads, as long as that the road isn't contained
2 within fences, Jersey barriers, and the like, they
3 should be able to move in and out.

4 So, gravel roads really aren't a barrier
5 whatsoever to the species.

6 MR. MERCIER: I note you just mentioned the curbs. You
7 know, if the paved road is constructed, if the
8 site was approved, even though it's a short
9 section, would Cape Cod curbing, you know, the
10 slight-slope curbing be feasible to install just
11 in case something like, either an amphibian or a
12 snake or something doesn't have to deal with a
13 vertical curb?

14 THE WITNESS (Taylor): I mean, Cape Cod curbing is
15 preferable in general, but the -- these snakes are
16 large enough that they can get over a hard curb,
17 regardless. I mean, like I said, they're, you
18 know, they're three-foot on average long snakes.
19 So, they can get over an average curb easily.
20 Easily.

21 MR. MERCIER: Okay. Maybe I did not understand why
22 they have paved roads. I thought you said the
23 curb was a barrier. Can you clarify that?

24 THE WITNESS (Taylor): Yeah. I mean, I think that
25 curbs can be, and I suppose, to the young of the

1 species, but as for the species in general, no,
2 it's -- it's not a hindrance.

3 Cape Cod curbs could be better, but either
4 way, they can -- they can, you know, transverse,
5 you know, gravel roads, paved roads, hard curbs
6 without a problem.

7 MR. MERCIER: Okay. I was just trying to determine why
8 paved roads. That's all. I wasn't sure if you
9 had some insight on it. Thank you.

10 I'm going to go back to interrogatory
11 response number ten, and this had to do with the
12 SCEF and NRES bid process. And your response
13 basically said that those programs require
14 specific detailed information about a specific
15 site -- and I just have a quick little list here.

16 Is the detailed information required for
17 those bids, would that include site control such
18 as lease and ownership?

19 THE WITNESS (Taylor): Yes, we have site control at the
20 time of the bids.

21 MR. MERCIER: Would it also include, like, a
22 preliminary facility design?

23 THE WITNESS (Taylor): I don't exactly know what the
24 program themselves require in terms of a design,
25 how much detail is needed.

1 But for our purposes, in order to properly
2 understand what we are submitting and provide
3 everything else that we -- is required, we do need
4 to do preliminary designs.

5 MR. MERCIER: Okay. And would that also include any
6 kind of preliminary discussion with the local
7 utility or not? And how would you know that the
8 site could have taken a solar facility?

9 THE WITNESS (Taylor): It's not required. It's not
10 required per the rules, however we choose to get
11 as much information on the interconnection
12 potential as we can so as not to submit projects
13 that are nonviable.

14 So ideally, we have already submitted the
15 projects to the application queue, and we have an
16 idea of what studies will be required and the
17 timing of them.

18 MR. MERCIER: Thank you.

19 I want to move on to response number 61, and
20 this had to do with agricultural co-use at the
21 site. And this discussion had to do with some
22 maybe modifications made to accommodate, in this
23 case here, some plants that you may decide to have
24 grow in the solar field.

25 Now reading the response, it says, you know,

1 normally without co-use involving, in this case,
2 dye plants and smaller plants. Without that
3 co-use, the panels off the ground would be about
4 18 to 24 inches, but with a plant co-use, you have
5 to raise it up.

6 So for this project, since you have a plant
7 co-use, what would be the lowest panel edge you
8 would require to accommodate growth of the plants?

9 THE WITNESS (Taylor): You know, I don't think we have
10 that a hundred percent defined of what the exact
11 minimum would be. Increasing the height of the
12 modules adds benefit to agrivoltaics from two
13 perspectives; one is it allows more sunlight and
14 allows the plants to grow taller prior to needing
15 to cut them to prevent shading; and two, it
16 allows -- allows more access to people working in
17 that area.

18 From a project-specific level, when
19 considering the types of plants and use that we
20 had written in appendix L, the target height for
21 modules is three feet above the ground.

22 MR. MERCIER: Okay. So potentially an extra foot up
23 from what you're proposing, which would need
24 additional cost or equipment, as you stated.

25 THE WITNESS (Taylor): Yeah, it would be an

1 additional -- additional foot of the foundation
2 posts.

3 MR. MERCIER: Given that, you know, some additional
4 cost to the project, is it -- why wasn't, say,
5 like, co-use involving livestock grazing such as
6 sheep considered? Or why? Why do co-use at all,
7 really, if there's additional costs?

8 THE WITNESS (Taylor): Well, I guess that's -- I think
9 there's a lot to that behind not just the height
10 of the posts and the height of the modules.

11 So, Gabe, if you would like to answer that
12 question, you can. Otherwise, I'm happy to, you
13 know, explain our overall strategy there.

14 THE WITNESS (Rusk): Yeah, Gabe Rusk.

15 I'd be happy to speak on it.

16 And, JP, if you want to weigh in on anything
17 I don't cover here, please feel free.

18 You know, I think when we put together that
19 agricultural co-use proposal, which was just a
20 proposal, it was to get a letter of no impact from
21 the Connecticut Department of Agriculture.

22 And so we -- we built -- we designed a
23 proposal that allowed us to commit to planting
24 plants in the array area that would have a deep
25 root structure and would work well to fully

1 protect the soil from erosion.

2 You know, we wanted to contribute to
3 maintaining the topsoils, increasing nutrients in
4 the soil, reducing soil compaction. And so
5 really, you know, for -- from our standpoint, that
6 proposal was built around committing to keeping
7 the value of the soil and protecting the soil for
8 future use.

9 So, you know, why weren't sheep considered?
10 Our proposal does include grazing as -- as an
11 option, or did include grazing as an option, but,
12 you know, I think from our standpoint we wanted to
13 pause at an obligation to create an active form --
14 a much more active farm than what is currently
15 being -- what it's currently being used for. It's
16 a hay farm right now.

17 And when I say, hay farm, I mean, it is -- it
18 is a hay field that is -- now, the grass is cut a
19 couple times a year. And so I think we would
20 probably prefer not to make a new farm part of the
21 project.

22 But if we were going to make a new farm part
23 of the project -- (inaudible) -- of prioritizing
24 the protection of that soil.

25 THE HEARING OFFICER: Sorry, Mr. Rusk, but you froze

1 there for a moment. I hope we didn't miss
2 anything that was of importance.

3 THE WITNESS (Rusk): Oh, I apologize.

4 THE HEARING OFFICER: Right at the end.

5 THE WITNESS (Rusk): I was just saying that, you know,
6 when -- the reason we didn't choose -- or that
7 grazing was included in our proposal, but for us
8 the priority really was, you know, preserving and
9 protecting those, you know, those soils. And we
10 didn't want to create a farming use that was, you
11 know, more active than it already is. And it's a
12 hay farm that is cut, you know, once or twice a
13 year, really more like a hay field.

14 And so, you know, I think from our
15 standpoint, we prefer not to make a new farm on
16 this project, but if we were going to, it would be
17 within the ideals that I referenced earlier.

18 MR. MERCIER: Okay. Thank you.

19 THE WITNESS (Taylor): And I just want to, I guess, add
20 one other point of information clarity. That,
21 that appendix L that we put together that had the
22 perennial plants as a primary use and sheep as a
23 secondary use was submitted to Department of Ag.

24 They -- we did not move forward with
25 Department of Ag. They said that our application

1 was not fully complete because we didn't do all of
2 the specific items that they are now requiring.
3 So we did not continue on that, with that process
4 with them.

5 And, you know, at this point, as Gabe was
6 saying, our -- our primary plan and most important
7 aspect of this is to protect the prime farmland
8 soils. And we will commit to doing that and, you
9 know, commit that at the end of the project when
10 it was -- when it is decommissioned there are
11 still prime farmland soils on this site.

12 MR. MERCIER: Right. And just to clarify, the prime
13 farmland soils on the site are just located at the
14 very northern edge of the property?

15 THE WITNESS (Taylor): Correct.

16 It is a small portion, yeah.

17 MR. MERCIER: An acre. Correct?

18 THE WITNESS (Taylor): I don't know the exact amount,
19 but I know it is a smaller portion of the site.

20 MR. MERCIER: That's out of curiosity. I know, you
21 know, you might not do the plant farming, but if
22 livestock grazing was implemented, do you find --
23 based on some other sites you have, is that a
24 cheaper way to maintain vegetation within the
25 array as opposed to mechanical methods?

1 Or is it the same?

2 THE WITNESS (Taylor): I think it depends on scale and
3 location. I don't think it's automatically one
4 way or the other. And as time goes on and there
5 are a bigger -- there's a bigger industry around
6 using livestock or sheep to graze on sites, that
7 cost will continue to go down.

8 MR. MERCIER: Okay. Thank you.

9 I'm going to move on to interrogatory
10 response number 73. This has to do with the DEEP
11 designated cold-water habitat area question. And
12 the response stated it was not within a cold-water
13 habitat area. I just want to know what tools you
14 used to make that determination.

15 THE WITNESS (Berryman): Hi. This is Sara Berryman.

16 I believe Connecticut DEEP has a mapping
17 system that will show what streams are considered
18 cold-water habitat, so we reviewed that.

19 MR. MERCIER: Okay. In our intermittent shade notice
20 items, there's an item, the 61 that actually goes
21 to the habitat map. When you looked at the tool,
22 was it in a blue shaded area, or non-shaded?

23 THE WITNESS (Berryman): I'm going to pull -- I can't
24 remember exactly. I'm going to pull up the map
25 right now, really quick.

1 MR. MERCIER: Okay. It just said they just had two
2 separate tools. I just want to make sure you use
3 the correct one.

4 THE WITNESS (Berryman): Sorry. Bear with me. I'm
5 just trying to get the -- get the right location.

6 MR. MERCIER: Okay. I can come back to you if need be.

7 A VOICE: (Unintelligible) -- I'm back.

8 THE HEARING OFFICER: If you could please continue.

9 MR. MERCIER: No problem. Interrogatory response
10 number 74 I'm going to move to, and that had to do
11 with a meeting with the DEEP stormwater division.
12 I think it said September 12th when it was
13 scheduled. Did the meeting take place?

14 THE WITNESS (Rusk): This is Gabe Rusk.

15 Yes, it did.

16 MR. MERCIER: Did they review your -- give you any
17 preliminary response on your stormwater report?

18 And if so, what was it?

19 THE WITNESS (Rusk): Yeah.

20 Steve, do you want to field this one?

21 THE WITNESS (Kochis): I do. I'm just going to pull
22 their e-mail to us -- their summary e-mail up to
23 us real quick. Just give me 20 seconds.

24
25 (Pause.)

1 THE WITNESS (Kochis): Okay. That, that meeting for
2 the Fawn Meadow site took place on September 19,
3 2024.

4 Regarding the stormwater, there was no
5 specific comments outside of the need to file a
6 stormwater general permit.

7 Regarding -- from the land and water
8 resources division, we got asked to reach out to
9 the US Army Corps of Engineers to confirm if the
10 370 square feet of wetland, that wetland one that
11 was discussed at the top of this hearing would be
12 classified as waters of the United States, and if
13 a self-verification would be required. And LWRD
14 got asked if we could -- if -- if they could be
15 notified of the Army Corps' decision.

16 The wildlife division had no specific
17 comments, as we already have the final
18 determination from them. That includes the
19 eastern hognose -- hognose snake.

20 The dam safety division had said that because
21 the sediment traps were going to be temporary,
22 there would be no dam safety permits or
23 registrations needed.

24 And the Office of Environmental Review and
25 Strategic Initiatives noted at the time that they

1 were still reviewing the project, but noted that
2 the noise impacts would likely not be a factor due
3 to the distance from the inverters to the
4 residences. The site would have no material
5 effect to core forest, and that any impacts to the
6 wetlands that are not under federal jurisdiction
7 will be permitted with the Siting Council.

8 That was the sum of the comments we received
9 from the concierge meeting with CTB on September
10 19, 2024.

11 MR. MERCIER: Okay. Thank you.

12 For the temporary sediment traps you just
13 mentioned, are any of them within -- with tree
14 clearing, and you have to do some tree clearing to
15 install them, according to the information --
16 would any of that tree clearing occur within a
17 hundred feet of a wetland on site with all those
18 traps?

19 THE WITNESS (Kochis): No. We are not proposing -- we
20 are not proposing tree clearing within a hundred
21 feet of a known wetland on the site.

22 MR. MERCIER: Okay. Thank you.

23 If the project was approved by the Council,
24 would additional fieldwork be necessary to repair
25 a development management plan? Or is all

1 fieldwork complete?

2 THE WITNESS (Kochis): This is Steve Kochis.

3 Can I ask you to clarify what -- what
4 additional fieldwork you might be considering in
5 that?

6 MR. MERCIER: Sometimes there's additional borings, you
7 know, just to figure out the soil at the site,
8 whether it could support, you know, certain
9 aspects of the project.

10 Any other type of, you know, I guess,
11 subsurface investigation, essentially?

12 THE WITNESS (Kochis): Yeah. This is Steve Kochis, and
13 I'll ask Gabe and John-Paul to correct me if I'm
14 wrong here.

15 But I think typically, if -- if the project
16 is approved, the petition is approved by the
17 Siting Council, once that's done and an EPC is
18 brought on board, we'll typically do structural
19 pull testing to finalize the racking design.

20 MR. MERCIER: Okay. And associated with that, do you
21 anticipate any type of a ledge here that might
22 require blasting to install the posts or an
23 equipment pad, or a temporary trap?

24 Anything like that?

25 THE WITNESS (Kochis): This is Steve Kochis again.

1 We're not anticipating any shallow ledge that
2 would require blasting. We -- we're -- we're
3 not -- we're not anticipating any blasting to
4 construct the project.

5 And typically if -- if shallow ledge is
6 encountered in -- in any or all of the pile or
7 post locations for the racking we'll probably
8 employ a ground screw system and employ a rock
9 drill.

10 MR. MERCIER: Thank you.

11 During the construction aspect -- during
12 construction, can you just elaborate on what type
13 of traffic, construction traffic, and what type of
14 vehicles will be coming and going?

15 THE WITNESS (Kochis): Yeah, this is Steve Kochis
16 again.

17 I can give a generalization of the -- the
18 construction equipment that will -- will come into
19 and out of the site. Obviously, it can't be fully
20 known until a contractor is brought on board who
21 is going to determine how the project is going to
22 be constructed, but generally you'll have a couple
23 dump trucks bringing road-based material early in
24 the project.

25 You will have tree-clearing equipment being

1 delivered to the site, too, to get rid of the few
2 trees that we need to get rid of to get the
3 sediment trap in. At the onset of the project,
4 equipment such as excavators or bulldozers will
5 have to be brought on site.

6 And then later, regularly throughout the
7 project you'll have vehicular traffic for
8 construction workers that -- and electricians that
9 will be coming into and out of the site. And
10 then, near the end of the project, which we
11 anticipate will have something up to a six-month
12 construction window, will be flatbed trucks that
13 will deliver the steel and the panels that will be
14 needed to construct the racking and install the
15 panels.

16 MR. MERCIER: And those are just periodic deliveries.

17 It's not like every day for weeks.

18 Is that correct?

19 THE WITNESS (Kochis): This is Steve Kochis again.

20 It's a tough question to answer, because it's
21 really going to depend on the supply of those
22 materials and when they can get deliveries
23 coordinated. So I certainly can't say the
24 frequency or -- or the duration of those
25 deliveries, but I think typically, you would see a

1 period of probably a couple weeks where you'd see
2 more heavy traffic bringing that equipment in, but
3 I'd say that would be a very small portion of the
4 project.

5 And -- and outside of the mobilization of the
6 equipment, getting onto the site, and the delivery
7 towards the middle to end of the construction,
8 there won't be heavy construction equipment coming
9 into and out of the site on a regular basis.

10 MR. MERCIER: Thank you.

11 I'm going to move on to talk about visibility
12 of the project for a moment, and to do that I'm
13 going to use, actually, application figure nine on
14 the website near the top. It's actually the core
15 forest map. It just has a clear image so people
16 can follow along.

17 Now looking at this image, you know, it shows
18 a development of -- it shows several residences to
19 the right. That would be the east -- it's looks
20 like maybe off Fawn Meadow. It might be a small
21 road leading to those residences. What would the
22 visibility be from those particular properties?

23 I guess, really, the one that's the closest
24 to the wood line -- we'll just -- we'll talk about
25 that one. There's a small wood line there, and

1 then you can see the project fence line.

2 What was the expected visibility from that
3 residential property?

4 THE WITNESS (Rusk): This is Gabe Rusk.

5 I can speak to that.

6 We -- the -- the project is pretty heavily
7 surrounded by woods. So we expected the visual
8 impact of the project to be pretty negligible.
9 However, in speaking with some of the neighbors,
10 as mentioned in the interrogatories, you know,
11 some of them voiced some concerns about the
12 visibility.

13 And so Greenskies has agreed to do a
14 simulation to see what the impact would be on
15 that, the parcel that you mentioned, as well as
16 two others east of the site. And you know,
17 Greenskies offered to do these later in the year.
18 They wanted to do them now, so we actually should
19 be getting the results to some of them today.

20 But -- and Steve, correct me if I'm wrong
21 here, but we do believe that the visibility will
22 be negligible.

23 THE WITNESS (Taylor): And I just want to add one thing
24 and clarify. The reason that we wanted to do
25 these studies later is because we felt that it was

1 a more valuable study to do when the leaves were
2 off.

3 Right now when the leaves are on, you know,
4 taking pictures from the house, we can tell that
5 they cannot see the field, and there's not going
6 to be a visual impact at all when the leaves are
7 there. But in the wintertime, there is a higher
8 likelihood of a visual impact without the leaves.

9 So we've proposed doing these studies for
10 them once the leaves fell, but they did not want
11 that. They wanted them done now, so we did them
12 now.

13 MR. MERCIER: Okay. In referring to application page
14 18, there was some mention of, you know, the
15 Applicant intends to incorporate mitigation
16 screening into the site development plan. I
17 assume you mean development and management plan
18 when you say site development plan?

19 THE WITNESS (Taylor): Correct. We would do it, you
20 know, in direct negotiation with the neighbors;
21 provide them the visual studies we've done, go to
22 their house locations and come to an agreement on
23 landscaping; where they want it, how they want it,
24 so that it would be a mutually agreeable solution.

25 MR. MERCIER: Okay. And for mitigation, would it be

1 maybe some fence screening or landscaping, or in a
2 certain area? Is that what you're going to do?

3 THE WITNESS (Taylor): Yeah, I think -- I think the
4 most likely outcome would be vegetative screening.

5 MR. MERCIER: Okay. Thank you.

6 I think -- oh, that outstanding cold-water
7 habitat map question, and then that's it for my
8 questions.

9 THE WITNESS (Berryman): Hi. This is Sara Berryman
10 again.

11 So yes, we used the -- there's a cold-water
12 habitat mapper that Connecticut DEEP has on
13 their -- they have a specific page about
14 cold-water stream habitat, and that's the mapper
15 that we used.

16 The site is within a supporting drainage
17 basin of cold-water sites, but none of the streams
18 that were delineated as a part of the work for
19 this project were -- are -- show up on that map as
20 cold-water habitat. And they're all -- they were
21 all intermittent streams, also.

22 So, that should not -- should not contribute
23 to being a cold-water stream.

24 MR. MERCIER: Okay. Thank you.

25 I have no other questions.

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

2 We're now continuing with cross-examination
3 of the Applicant by Mr. Nguyen followed by
4 Mr. Golembiewski.

5 Mr. Nguyen, good afternoon.

6 MR. NGUYEN: Good afternoon, Mr. Morissette, and good
7 afternoon, all.

8 Well, thank you, Mr. Mercier, for many of
9 these questions, so -- in ask and answer. So just
10 a few followups.

11 By referencing appendix L, which the company
12 indicated that it's communicated with the
13 Department of Agriculture -- and I just want to
14 get a status. Has the company received any other
15 comment or any communication?

16 THE WITNESS (La Marche): We have not received any
17 other comment from the Department of Agriculture
18 on this project.

19 MR. NGUYEN: And it's my understanding from reading the
20 piece of e-mail that was sent to the company from
21 the Department of Ag, they talk about
22 requirements, their requirements that were
23 effective in December of 2023, and they're
24 referencing the farm energy resource on its
25 website.

1 So I'm curious as to with respect to those
2 requirements, are there any other requirements
3 that the company cannot accommodate regarding the
4 use, agriculture use of this farmland?

5 THE WITNESS (La Marche): So let me -- let me provide
6 some information, and hopefully that answers your
7 question.

8 So those requirements that the Department of
9 Ag are referencing were specifically created as
10 part of the SCEF program. And under the SCEF
11 regulations, there is a specific type of land use
12 and type of project that is an agrivoltaic
13 project.

14 And in order to qualify for that type of
15 project, you have to have the project on prime
16 farmland and meet all of these requirements that
17 were created by Department of Ag in terms of
18 reporting and soil testing, and soil testing
19 afterwards and, you know, there's -- there's a
20 long list of specific requirements.

21 As this project was not through that SCEF
22 program and not awarded as that type of project,
23 we feel that it is not a realistic expectation to
24 expect us to go through those bureaucratic steps
25 when we did not submit under those rules and were

1 not awarded this project under those rules.

2 But in order for Department of Ag to have
3 reviewed the actual appendix L in our proposed
4 farmland, they were telling us we had to go
5 through all of those rules. Thus, we decided not
6 to proceed down that path and do the project as a
7 certificate with the Siting Council instead.

8 You know, there are many things that we are
9 willing to do, but there are definitely things
10 that we are not willing to do and that are just
11 not feasible. So I -- I'm not sure how to
12 specifically say, are there things that we cannot
13 do? Like, yes, there are some things that are not
14 possible to do with solar, but there are things
15 that we are willing to do.

16 So does that help provide some background to
17 answer your question?

18 MR. NGUYEN: Well, you talk about your program; the
19 requirement doesn't apply to the program that you
20 are seeking or have applied. So would the
21 Department of Agriculture understand that, you
22 know, their requirement is applied to a program
23 that you are not seeking here?

24 THE WITNESS (La Marche): I can't answer that question
25 for them. I would think so. That was my opinion,

1 but that's not how they saw it.

2 MR. NGUYEN: And then essentially they have refused to
3 issue a letter of impact --

4 THE WITNESS (La Marche): You know, I don't want to say
5 something that is untrue and I don't have all of
6 the communication right in front of me, but my --
7 my recollection is when we provided them the
8 appendix L, their response was that it was an
9 incomplete application because it did not include
10 all of those different aspects.

11 Therefore, in order for them to review it
12 they would have to -- we would have to include all
13 of those different things. So I -- we did not get
14 specific feedback from them on our appendix L for
15 this project.

16 But for two other projects that we previously
17 brought through the Siting Council and were
18 approved through the Siting Council, we submitted
19 a virtually identical appendix L-type plan to the
20 Department of Agriculture, and they did approve
21 that from a protection of prime farmland
22 perspective.

23 MR. NGUYEN: In referencing those two -- I just
24 chimed -- what specific agriculture uses that were
25 used in those particular petitions?

1 THE WITNESS (La Marche): You're asking what was our
2 proposed use for those?

3 MR. NGUYEN: Yes.

4 THE WITNESS (La Marche): Basically, to summarize --

5 MR. NGUYEN: That were agreed by the Department of
6 Agriculture.

7 THE WITNESS (La Marche): We had proposed a primary use
8 of perennial plants mixed with perennial grasses
9 so that it would be no-till. It would have, you
10 know, long roots. It would help restore the soil.
11 You know, it would protect the soil, protect from
12 erosion, all of those types of things.

13 And then the perennial plants would be a
14 mixture of different types of herbs and botanical
15 type plants that would be harvested and have
16 agricultural value.

17 And then the secondary plan, if for whatever
18 reason the primary plan did not work, was to have
19 sheep on site.

20 MR. NGUYEN: No -- and thank you for that answer.

21 That's what you are proposing in this
22 particular site?

23 THE WITNESS (La Marche): That's what we've proposed on
24 the others, too.

25 MR. NGUYEN: Oh, I see. And none of the sheep grazing

1 were implemented in those prior to approval of
2 this?

3 THE WITNESS (La Marche): Those are not built yet.

4 MR. NGUYEN: But then there's no sheep grazing
5 provision on those?

6 THE WITNESS (La Marche): There is. There is a sheep
7 grazing provision on those two as well.

8 MR. NGUYEN: Now, with respect to the natural dairy
9 farming option and the sheep grazing option -- and
10 we just talked about Department of Agriculture,
11 but I'm curious as to have you received any
12 comments from the Town or the public concerning
13 which option they would prefer?

14 THE WITNESS (La Marche): Yeah, I would defer to Gabe
15 on that, as he's been in contact with the Town and
16 I have not.

17 THE WITNESS (Rusk): The Town in our meeting didn't
18 seem to have a preference one way or the other on
19 whether or not Greenskies farmed. At least that
20 was my -- that was my impression during our
21 meeting.

22 Later we did receive feedback from one
23 neighbor who expressed an interest in farming.
24 And I think we have, you know, letters have been
25 subsequently sent from the planning and -- I

1 believe the planning and zoning commission
2 essentially endorsing the Council on Environmental
3 Quality's letter.

4 But that is the extent to my correct -- to my
5 recollection of feedback that we've gotten.

6 MR. NGUYEN: Now when I looked at the record and I saw
7 specifically on interrogatory number 16 there was
8 a provision of tenant farmer -- could you explain
9 what is that, and how does that work?

10 THE WITNESS (Rusk): Sure. This is Gabe Rusk.

11 I can handle that one.

12 There is a nonverbal agreement between the
13 landowner and someone in the neighborhood, a third
14 party in the neighborhood, to cut the hay or cut
15 the grass a few times a year. And that is the --
16 the person who farms it, the person who cuts it
17 gets to keep what they -- what they cut, and that
18 is the extent of the agreement to my knowledge.

19 THE WITNESS (La Marche): And sorry, I just want to
20 add -- Gabe, you said nonverbal.

21 Do you mean it is a written, or is it --

22 THE WITNESS (Rusk): Oh, I'm sorry. A verbal.

23 It is a verbal. Yes, thank you.

24 MR. NGUYEN: Mr. Mercier asked a question regarding the
25 Town's issues. And I understand that there's a

1 driveway turnaround which has been discussed, but
2 what I'm looking at, the June 24 letter from the
3 company to Selectman Perkinson, and the company
4 had listed out a number of items that the company
5 wanted to accommodate the Town's concerns.

6 So in terms of the timing, the letter was
7 sent in June, and recently we, you know, in the
8 record we received comments from the Town dated
9 September and October. So I'm curious as to, are
10 there any other issues that are pending, if you
11 will, that the company are still working with the
12 Town? And if so, what are those issues?

13 THE WITNESS (Rusk): So this is Gabe Rusk.

14 So until -- the only outstanding issue that
15 we were aware of, that Greenskies was aware of,
16 was the issue of would -- whether or not the
17 project would have an underground interconnection
18 point. And we provided in writing for a section
19 of our impact study outlining that it would be to
20 the Town.

21 Since then -- or before then, since this
22 meeting and since that letter has been sent, we
23 have received no correspondence from the Town
24 raising any concerns I -- outside of, you know,
25 the notification of those letters being sent in.

1 So I don't know of any other issues except
2 for, you know, the question of the terminus
3 itself. But aside from the question of the
4 terminus, which it remains kind of unsolved --
5 except for, you know, how we proposed with this
6 paved turnaround, which we're open to working with
7 the Town with, and perhaps even doing some other
8 method, or addressing this in some other way.

9 But outside of those things, I -- I don't --
10 I -- I was not aware of any outstanding issues.

11 MR. NGUYEN: Thank you. And thank you, gentlemen.

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

13 THE HEARING OFFICER: We will now take a break, and we
14 will return at 3:40 to continue with
15 cross-examination by Mr. Golembiewski, followed by
16 Mr. Carter.

17 Thank you, everyone, and we'll see you at
18 3:40.

19
20 (Pause: 3:25 p.m. to 3:40 p.m.)

21
22 THE HEARING OFFICER: Okay. We're back.

23 Is the Court Reporter with us?

24 THE REPORTER: I am back here, Hearing Officer
25 Morissette, and we are on the record.

1 THE HEARING OFFICER: Very good. Thank you.

2 And thank you, everyone.

3 We'll now continue with cross-examination of
4 the Applicant by Mr. Golembiewski, followed by
5 Mr. Carter.

6 Good afternoon, Mr. Golembiewski.

7 MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette, and
8 good afternoon, everyone.

9 I believe Mr. Mercier did an excellent job in
10 his questioning, but I do have a few followups.
11 I'll take on the issue of noise first. And I'm
12 going to refer to the (inaudible) --

13 THE REPORTER: This is the Reporter. I believe I've
14 lost Mr. Golembiewski's audio.

15 He's on mute, I think.

16 MR. GOLEMBIEWSKI: Can you hear me now?

17 THE REPORTER: I can hear you now.

18 MR. GOLEMBIEWSKI: Okay. Sorry. I was saying that I
19 would like to take on the issue first of noise,
20 and I'm referring to the diagram in the noise
21 report that shows the receptors, and specifically
22 the closest property line is PL1.

23 And my question is that parcel, which on the
24 tax assessor's map is designated as, I guess, lot
25 18, is that under the control of the host

1 property? Or is that another property owner?

2
3 (Pause.)

4
5 MR. GOLEMBIEWSKI: Hello?

6 THE WITNESS (Kochis): This is -- this is Steve Kochis.

7 MR. GOLEMBIEWSKI: Oh, yes.

8 THE WITNESS (Kochis): Gabe, I was going to say if you
9 wanted to take this one?

10 But that, that lot is not -- I -- I don't
11 believe it is under the same ownership as the
12 development parcel.

13 MR. GOLEMBIEWSKI: Okay. So in that case, if it is
14 another property owner, my question to you is,
15 what would it take to move the equipment pad with
16 the inverters further away from that property line
17 to decrease the noise levels at that line to
18 below, say, A-to-A receptor nighttime value?

19 THE WITNESS (Rusk): Excuse me. I'm -- I apologize. I
20 was pulling up the map.

21 This was in reference to PL1. Right?

22 MR. GOLEMBIEWSKI: Correct.

23 THE WITNESS (Rusk): Yeah, there's no -- I believe that
24 it's owned by the, like, the homeowner's
25 associate -- I think it's like open space.

1 I believe it is owned by the landowner who
2 owns the parcel that we're developing under a
3 different LLC, but we can check on that and
4 confirm.

5 MR. GOLEMBIEWSKI: Okay. And so let's -- so I guess
6 just my question is, what would it take to move
7 the equipment pad further to the east and/or north
8 to move it an additional distance from that
9 property line to reduce the noise level at that
10 receptor?

11 THE WITNESS (La Marche): Gabe? Gabe, would you like
12 me to answer this one?

13 THE WITNESS (Rusk): Yeah, I think that would be best.

14 THE WITNESS (La Marche): So while I believe it is
15 possible, it would impact project design. And I
16 can't say every way it would impact project
17 design, you know, sitting here without actually,
18 you know, going through the design and making sure
19 that that -- what -- what the impacts are.

20 My -- my initial thought is that the smaller
21 block of solar panels that you see to the east
22 of -- of that location could move down a little
23 bit and the pad could move over a little bit. And
24 we could find a way to adjust it there, but we'd
25 have to look at the -- the contour lines and the

1 impact of moving that.

2 So, there, there would be ramifications. We
3 would have to look into it to know exactly what it
4 is. I think the other set of ramifications could
5 cause a loss in capacity if there's not room for
6 the solar panels to be shifted a little.

7 MR. GOLEMBIEWSKI: Okay. I appreciate that.

8 My other question is I needed -- there was
9 some previous testimony as to there are some
10 ongoing discussions regarding, I guess, if you
11 want to call it leaf-off visibility from some
12 residential properties.

13 Are those located to the west and south of
14 the arrays? Are those the property owners that
15 are currently being --

16 THE WITNESS (La Marche): To the east.

17 MR. GOLEMBIEWSKI: To the east? Okay. And there are
18 no property owners to the south or west that are
19 part of these discussions?

20 THE WITNESS (La Marche): Gabe, do you -- are you --
21 can you confirm that?

22 THE WITNESS (Rusk): We had discussions with a property
23 owner on Churchill Road, which is to the south.
24 And the -- but most of our discussions with the --
25 with the neighbors of the project have been on

1 Fawn Meadow Lane and Orchard Road.

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

3 My next question is, I guess I'm a little
4 more confused after hearing the testimony today
5 about the co-use, an agricultural co-use.

6 Is my understanding of the testimony -- is
7 that there may not be, or there's not a planned
8 agricultural co-use, but there is a plan to
9 vegetate the area, if you want to say, roughly one
10 acre area of prime farmland soils so as to
11 maintain the integrity of those for the duration
12 of the project? Is that -- yeah.

13 THE WITNESS (La Marche): Yes, essentially your
14 understanding is generally correct. The appendix
15 L that was included in our application was
16 submitted to Department of Ag as a proposed co-use
17 to Department of Ag. They did not accept it.

18 And in the documentation and interrogatory
19 responses and responses today that we have given
20 to the Council we have not said definitively that
21 we are going to perform the plans under appendix
22 L.

23 MR. GOLEMBIEWSKI: Okay.

24 THE WITNESS (La Marche): What we have -- what we are
25 saying definitively is we will protect the prime

1 farmland soils.

2 MR. GOLEMBIEWSKI: Okay.

3 THE WITNESS (La Marche): And our primary method for
4 protecting the prime farmland soils is to have
5 perennial plants that are valuable to the
6 environment that you know have some pollinator
7 benefit -- that's secondary, but it does exist --
8 that will have longer roots that will, you know,
9 improve the microbiome of the soils.

10 That will improve the insects that live
11 there. That will fix nitrogen in the soil. That
12 will generally improve soil health and prevent
13 erosion of topsoil so that they will protect
14 the -- the prime farmland soils.

15 MR. GOLEMBIEWSKI: Okay.

16 THE WITNESS (La Marche): We are willing to -- we are
17 willing to have a co-use similar to appendix L in
18 that prime farmland area. So, if that is -- if
19 that is, you know, a critical matter where we're
20 willing to -- to discuss that and implement that
21 as part of the project, but as of right now it is
22 not proposed.

23 MR. GOLEMBIEWSKI: Okay. So, my next question is there
24 are some activities associated with, I guess, if
25 you want to say temporary sediment basins and some

1 access roads -- it sounds, based on my reading,
2 there will be a net cut at the site of soils.

3 Are those soils going to be maintained on
4 site so that if, you know, at the end of the
5 project those would be used to restore areas? And
6 I understand those would not be in the prime
7 farmland soils. Is that the decommissioning plan?

8 THE WITNESS (La Marche): Steve, can you confirm that
9 there would be a net cut?

10 THE WITNESS (Kochis): There would likely be a net cut,
11 because the temporary sediment traps would be dug.
12 The soil excavated from those would be kept on
13 site, and at the satisfactory completion of
14 construction those would be filled back in with
15 the same soil.

16 The cut would likely be generated in part by
17 the trenching where it may need to be refilled
18 with bedding sand and in part by any access roads
19 that we construct where we would be hogging
20 material out and putting in gravel subgrade
21 material.

22 So I -- I think that the standard answer to
23 that, Mr. Golembiewski, would be that every effort
24 would be made to keep it on site, spreading it
25 across -- across the site, any excess material we

1 might have.

2 However, typically as -- as a petitioner and
3 as part of this project team we always look to
4 have the flexibility to haul material off site if
5 it's beneficial. If it ends up being beneficial,
6 if it ends up being determined by the people
7 constructing the project, et cetera.

8 So, and to your point, the areas of
9 excavation are largely not prime farmland.

10 MR. GOLEMBIEWSKI: Okay. So, the soils at the site I
11 saw were predominantly Paxton/Montauk, which are
12 soils known to have hardpans. Does that have any
13 effect on how the foundations for the solar arrays
14 would be installed, or that's not really a factor?

15 THE WITNESS (Kochis): I'll take that.

16 This is Steve Kochis.

17 That will likely -- I would say, in general,
18 that does not have a large effect on the
19 installation of the foundation systems. You --
20 you would likely -- we likely will be able to
21 drive piles through it if -- if we wanted to do a
22 pile system, as opposed to ground screws. But we
23 would appreciate the opportunity to do those
24 structural pull tests and which would involve, of
25 course, installing test piles to start.

1 So, during that geotechnical investigation is
2 when it would really be considered as to what the
3 best foundation method would be and -- and
4 which -- what, if any, issues the soil -- the
5 soils present on the site might present to that.

6 MR. GOLEMBIEWSKI: Okay. My last question, and it's
7 probably just a simple yes or no. The hognose
8 snake protection plan, or the notes that I saw,
9 you guys would construct the project essentially
10 within that, that time, the time -- I guess, it
11 was non-wintering months. I believe it's maybe
12 April through October.

13 So, that that would be the plan, is to
14 construct it during the -- and then follow the
15 BMPs as NDDB detailed?

16 THE WITNESS (Kochis): Yes, that's correct.

17 MR. GOLEMBIEWSKI: Okay. Mr. Morissette, that's all I
18 have. Thank you.

19 THE WITNESS (Rusk): And I just wanted to make a
20 correction to what I said earlier. The -- the
21 parcel to the south is not owned by the same
22 landowner that we're leasing from. The parcel to
23 the south is owned by Fawn Meadow -- Fawn Meadow
24 Estate homeowners.

25 MR. GOLEMBIEWSKI: Thank you very much.

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

2 We'll now continue the cross-examination by
3 Mr. Carter followed by Ms. Hall.

4 Mr. Carter, good afternoon.

5 MR. CARTER: Good afternoon, Mr. Morissette.

6 And I would be remiss to forget to wish folks
7 that are celebrating the new year of Shana Tova.

8 I only have one question because, of course,
9 the diligent work of my fellow councilors and our
10 lovely staff, and it's about grading and about the
11 proposed access road.

12 I do want to also note I appreciate the
13 willingness of the Applicant to work with the Town
14 just based off of the correspondence that we have
15 been able to review.

16 I do want to point out that there was
17 something noted by the zoning commission in
18 Woodbury regarding grading, generally how they
19 look at grading requirements where generally they
20 only allow a maximum grade of 15 percent, and if
21 the road or driveway is over 10 percent grade then
22 there's a requirement to pave.

23 I do know based on how testimony has been
24 going so far that the Applicant does seem very
25 agreeable to working with the Town on various

1 things when it comes to the access road, but I
2 just would like to get clarification if the
3 Applicant would be willing to work with the Town
4 on grading to see if we can meet the maximum, if
5 possible.

6 THE WITNESS (Rusk): This is Gabe Rusk.

7 I -- I think we're -- I -- I would like to
8 say yes, but I -- you know, to be honest, we
9 hadn't heard that particular concern until very,
10 very recently.

11 And so I -- JP, feel free to, you know, weigh
12 in.

13 THE WITNESS (La Marche): Can you hear me?

14 THE WITNESS (Rusk): Yes.

15 THE WITNESS (La Marche): Okay. I turned off my video
16 because my bandwidth was low. I tried to speak
17 earlier, but got cut off.

18 We -- yeah. Yes, Gabe, you're right. We are
19 willing to work with the Town. As we have made it
20 clear, we're willing to work with the Town.

21 And I think as Gabe mentioned, you know, they
22 hadn't expressed that to us prior to being in --
23 having it in that letter. So, we did not see that
24 before it was in the letter, either.

25 And they did notice that the code that they

1 referenced was for residential development, and
2 our project is not a residential development. So,
3 I would just want to understand the nuance behind,
4 you know, what their code is that would apply to a
5 solar project rather than residential development,
6 but we're willing to have that discussion.

7 MR. CARTER: Thank you. And I know I'm probably going
8 to steal some of Ms. Hall's thunder, because I
9 just have concerns when it comes to emergency
10 vehicle access to the site if the grade is
11 extreme.

12 But thank you, and I look forward to seeing
13 any progress with that discussion between y'all
14 and the Town.

15 And with that, I'm good. Thank you.

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

17 We'll now continue with cross-examination by
18 Ms. Hall followed by Mr. Syme.

19 Ms. Hall, good afternoon.

20 MS. HALL: Good afternoon. Yeah, most of my questions
21 have been answered, but I do have a few. We've
22 gone through the vernal pool issue, the wetlands
23 issue, the ag use thing.

24 And I actually do like your plan to preserve
25 the soils. I think that's very important. I

1 think it's very important to have the kind of
2 ground cover that encourages pollinators. So, I,
3 you know, wherever you end up on the agricultural
4 thing with the Department of Agriculture is -- I
5 mean, I hope something fruitful happens there, but
6 I'm happy to see that you're willing to do what
7 you're proposing.

8 I'm going to take the emergency response
9 issue just a little bit further. Woodbury, as I
10 understand it, is a town of about 9,000 people.
11 I'm pretty sure they have a volunteer fire
12 department. I want to -- and as a former
13 selectman in a town of 14,000 people, I understand
14 how stretched fire resources, emergency resources
15 can become especially for incidents that last more
16 than a day. And if the practice is, as I
17 understand it, if a fire starts, to let it burn,
18 and I understand with solar panels that's a low
19 probability; you could be looking at something
20 that goes on for more than one day.

21 So my question is, have you worked with the
22 local, I assume, volunteer fire department to
23 define what they're going to need and how they get
24 there should a fire break out at this facility?

25 THE WITNESS (Rusk): This is Gabe Rusk.

1 So, during our meeting with the Town the fire
2 department was represented and the fire marshal
3 requested that we include an Ox Box.

4 But we have -- while we haven't had
5 conversations with the fire department as of yet,
6 we are more than willing and happy to train and
7 work with first responders.

8 MS. HALL: It's not just training and working with
9 first responders. It's also making sure they have
10 the appropriate equipment.

11 THE WITNESS (Rusk): Yeah, I believe -- I believe
12 without energy storage they will have the
13 appropriate equipment. I -- I don't -- but I
14 think we'd be willing to work with them on that.

15 MS. HALL: Yeah, I mean, there was something, one
16 sentence in -- and I can't even remember where it
17 was, that said that a tank truck would be
18 necessary.

19 I just want to make sure that there are
20 adequate resources should there be an emergency.

21 THE WITNESS (Rusk): Yeah, I think we can. I think we
22 can work with the fire department on that.

23 MS. HALL: Okay. Thank you.

24 I had flagged the 16 percent grade as well
25 because I know, again, in New Fairfield it is a 15

1 percent grade. So, and I'm happy to hear that
2 you'll be working with them on that.

3 Woodbury, I believe, was in the corridor that
4 six weeks ago or so got historic rains. I
5 think -- and I went back and looked at all of the
6 rainfall tables and everything that you had done,
7 and they all presumed a 24-hour event.

8 If Woodbury, as I think is the case, was in
9 the area that really got inundated five to six
10 weeks ago, that was like six to eight inches
11 within ten hours -- less than that.

12 Did you see -- did anybody notice any impact
13 from that event on this property?

14 Sorry. I'm going to mute for a moment.

15 THE WITNESS (Rusk): I haven't heard anything about any
16 impact to this property.

17 THE WITNESS (La Marche): I'm not aware of any impact
18 either.

19 MS. HALL: I would -- and I understand that what you do
20 is you take accepted practices and map to them,
21 and et cetera, et cetera. I'm not sure a 24-hour
22 event is -- well, it might be sort of what's been
23 normal in the past. I'm not sure in that, in that
24 kind of environment these days.

25 And if it's possible to look at something

1 that is a little bit more torrential, because I
2 think that's going to be where we are. And I
3 appreciate what you're doing, because I think
4 you're helping get us out of that, but I think it
5 might be a good idea to look at something more
6 torrential.

7 **THE WITNESS (Kochis):** This is Steve Kochis. I'm the
8 professional engineer on the team here, so I'll
9 just speak to that a little bit.

10 I certainly -- we're aware of the storm that
11 rolled through that, the southwestern part of the
12 state, you know, a month or two ago. We've
13 certainly seen these kind of -- I think the term
14 we're calling them is "microbursts," something in
15 the six to eight hour range with -- with a
16 significant amount of water.

17 At the end of the day, though, we're -- we're
18 bound by the policy that -- that the State is
19 putting in front of us. And the stormwater
20 quality manual, for example, that, that just got
21 updated within the last year is asking engineers
22 to look at the 20 -- it's still looking, asking
23 engineers to look at the 24-hour rainfall event,
24 not those shorter rainfall events. So, then
25 that's what we're doing.

1 So, I do understand that point and I -- I
2 probably don't even disagree with it, but we're
3 bound by the policy of the State.

4 MS. HALL: Okay. I'm uncomfortable with that, but I
5 understand what you're saying.

6 That's it for me. Thank you very much.

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

8 We'll now continue with cross-examination by
9 Mr. Syme. Mr. Syme, good afternoon.

10 MR. SYME: Good afternoon, everybody. I'm going to
11 make this short and sweet, because a lot of the
12 topics I picked on were already discussed. So, I
13 have no questions at this time. Thank you.

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

15 Okay. I have a few questions. I'm going to
16 start with some softballs. The first being, in
17 the introduction of the application Greenskies
18 mentions that they develop solar farms and they
19 also develop batteries.

20 Is there any thought about installing
21 batteries at this site in the future?

22 THE WITNESS (Rusk): Greenskies isn't looking at
23 installing batteries to this site right now, or in
24 the future. We're not having conversations to
25 install batteries.

1 THE HEARING OFFICER: Okay. Thank you.

2 Okay. I'd like to go to interrogatory number
3 48, please? And that has to do with the oil
4 levels, and I just wanted to make sure it's clear.

5 Number 48 indicates that leak detection is
6 available on the transformers that will measure
7 oil levels. Is that monitored and alarmed?

8 THE WITNESS (La Marche): So we have not specified
9 specific transformers for this project.
10 Typically, when transformers are purchased, you
11 know, you specify the requirements and they're
12 semi-custom made. Right? And since this project
13 is not at that point we have not done that work
14 yet.

15 So, I cannot say they are monitored because
16 they aren't there. The answer that we gave is
17 what we typically do. If, you know, we are -- we
18 are open to looking into what that monitoring
19 would be, but I cannot speak firsthand and
20 directly of exactly how we would do it because we
21 have not done it in the past.

22 THE HEARING OFFICER: I'm a little surprised at that,
23 because that's been typically an issue that's been
24 brought up for past solar projects in our area.

25 Okay.

1 THE WITNESS (La Marche): I feel like in the last -- I
2 don't know. A little bit we have seen that, and
3 in the most recent project we had approved it was
4 a condition of that project, but that project is
5 not yet built, so.

6 THE HEARING OFFICER: Gotcha. Okay. All right. Well,
7 we'll have to consider whether we want to make
8 that a condition here or not. Okay. Thank you.

9 I'm going to move -- I'm going to continue
10 with the noise discussion. In the introduction of
11 the application on page 17; 6.5, it indicates that
12 the maximum noise levels are 55 dBA and 45 dBA,
13 but when I look at the noise analysis you're using
14 61 and 51, 61 and 51 as the standard.

15 Can you explain what the difference is and
16 why? Why the difference?

17 THE WITNESS (Rusk): Steve, you want to handle this
18 one?

19 THE WITNESS (Kochis): Yeah. So that, those different
20 CT DEEP noise standards I believe are tied to the
21 receptors that they're going to. So, there are
22 higher -- there are higher thresholds for
23 different receptor uses.

24 I believe residential is going to have --
25 residential uses are going to have the most

1 stringent guidelines/standards, but it's going to
2 vary based off of the -- the emitter which is --
3 which is consistent for our property, and then the
4 receiving uses of the abutting parcels.

5 THE HEARING OFFICER: Yeah. I'm not so sure about
6 that, Mr. Kochis, because you're using 61/51 which
7 is the higher level. So, it's opposite of what
8 you're saying.

9 THE WITNESS (Kochis): We can -- we can certainly go
10 check that. I -- I guess I should say I'm not --
11 well, I'd have to go back and check that.

12 THE HEARING OFFICER: Okay. You have a discrepancy
13 between your introduction and your analysis.

14 THE WITNESS (Kochis): Understood.

15 THE HEARING OFFICER: Okay. Concerning
16 Mr. Golembiewski's suggestion of moving the
17 equipment pad, I want to make sure I understand.

18 I'm using layout and materials plan C-2.0.
19 Now you have two equipment pads. You have one on
20 the south and then you have one in the northeast.
21 Now, I take it that the one in the northeast is
22 only going to have inverters.

23 Is that correct? No transformers?

24 THE WITNESS (La Marche): Give me -- give me one second
25 to pull up the electrical drawings that has that

1 specificity.

2 There would be a grounding transformer on the
3 northeast pad. Actually, there would be -- there
4 would be two transformers. A grounding
5 transformer and a solar transformer is how it is
6 currently transformed.

7 THE HEARING OFFICER: All right. So you'll have ten
8 inverters on that pad? You'll have both?

9 THE WITNESS (La Marche): Uh-huh.

10 THE HEARING OFFICER: Okay. And then on the southwest
11 pad you'll have transformers and inverters?

12 THE WITNESS (La Marche): Correct.

13 THE HEARING OFFICER: Okay. Now when you did your
14 noise study, did you incorporate noise from both
15 pads?

16 THE WITNESS (La Marche): We provided that design to
17 VHB and their noise engineer. So, I can only
18 assume that they used that information, but I did
19 not go into their noise model and verify it.

20 THE HEARING OFFICER: Yeah, it's not really clear in
21 their analysis whether they did or not, but --
22 okay.

23 To get to the point, though, is it seems to
24 me that the southwest pad could be moved to the
25 other side of the panels in that open space

1 without really an issue, because there's space
2 available and you've got an underground cable
3 going through there, anyways.

4 So, I don't see that that would -- should be
5 an issue.

6 THE WITNESS (La Marche): I think the issue with --
7 well, first of all, I do want to say we're open to
8 having this conversation and looking into
9 relocating. But speaking promptly now, the issue
10 that would come to my head of that is road access
11 to that point for maintenance purposes.

12 THE HEARING OFFICER: Yes, that's true.

13 THE WITNESS (La Marche): Access road. Right?

14 THE HEARING OFFICER: Yeah, true. Good point. So,
15 you'd need an access road to get to it as well.

16 THE WITNESS (Kochis): Yeah, can I? This is Steve
17 Kochis. Can I -- I'll add some -- some further
18 color to that question, too, and I'll echo
19 John-Paul.

20 Of course, we're amenable to -- to moving
21 equipment around, but moving it to the east would
22 move it closer to the closest residential
23 neighbors as well.

24 THE HEARING OFFICER: Oh, okay. I can see that now
25 that that would be a problem. Okay. Well, I

1 agree with Mr. Golembiewski that moving it away
2 from that, the southwest property line would be
3 beneficial to lower that, the noise levels at the
4 property line as well.

5 I do have a question --

6 THE WITNESS (La Marche): Can I ask you a question?

7 THE HEARING OFFICER: Sure.

8 THE WITNESS (La Marche): And you don't have to answer
9 specifically if you don't feel comfortable with
10 it. What type of distance are you thinking?

11 THE HEARING OFFICER: Well, we have -- there's been
12 discussions about a hundred feet from property
13 lines.

14 THE WITNESS (La Marche): Yeah.

15 THE HEARING OFFICER: And that's been tossed around in
16 other arenas as well.

17 THE WITNESS (La Marche): Okay.

18 THE HEARING OFFICER: Concerning the June 24, 2024,
19 letter from Selectman Barbara Perkinson and
20 Mr. William Agresta, in bullet two it talks about
21 conduct a noise study. I just want to make sure
22 that this is a post-construction -- or
23 post-construction and operation noise study that
24 you're committing to here?

25 THE WITNESS (Rusk): At the time of our discussion we

1 were talking about the noise study, the noise
2 study that we were just discussing.

3 THE HEARING OFFICER: Oh, so you were talking about the
4 pre-discussion -- the pre-construction, not post?

5 THE WITNESS (Rusk): Correct.

6 THE HEARING OFFICER: Okay.

7 THE WITNESS (La Marche): And Gabe, feel free to tell
8 me that I'm off base.

9 But the letter that's in discussion right now
10 from the municipality, they -- we did not see this
11 letter before it was sent out. So, exactly what
12 they were thinking and what they put into that
13 letter we don't have insight into.

14 THE HEARING OFFICER: Okay. So, if the Council is
15 concerned about noise, are you willing to do a
16 post or an operational noise study?

17 THE WITNESS (La Marche): Like an empirical study on
18 site?

19 THE HEARING OFFICER: Yes.

20 THE WITNESS (La Marche): Yeah.

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

22 Okay. Going back to drawing C-2.0, I'd like
23 to talk about the interconnection a little bit.
24 Now, my understanding that it's all going to be
25 underground -- which, to my delight, I was happy

1 to see.

2 THE WITNESS (La Marche): Correct.

3 THE HEARING OFFICER: The vault that is the proposed
4 vault that is below the southernmost array, is
5 that where the customer side equipment will be and
6 Eversource's equipment will be?

7 THE WITNESS (La Marche): So the -- in short, yes, but
8 there will be near -- near that vault location
9 there will be pad-mounted utility meter and
10 re-closer, and the customer meter would be
11 slightly, I guess, northeast -- northwest of that
12 location.

13 THE HEARING OFFICER: Okay.

14 THE WITNESS (La Marche): And by slightly, I mean, very
15 slightly. Right? Like, just a little farther up
16 the road.

17 THE HEARING OFFICER: Okay. So what you have here is
18 you're not reflecting where the -- you have two
19 additional pads that will be there to install that
20 type of equipment?

21 THE WITNESS (La Marche): Yeah, and since that
22 information was put together, you know, we have
23 continued our work with Eversource and we have the
24 impact study. They've started their facility
25 study that's nearly complete, and we have an

1 updated electrical design that shows all of those
2 details.

3 So, that that work has been done in the -- in
4 the background.

5 THE HEARING OFFICER: Very good. Great to hear.

6 Now the proposed vault, and I take it that
7 that's just a pulling vault and to get things up
8 to the pad, to get the cables up to the pad for
9 the meters and the closures and so forth?

10 THE WITNESS (La Marche): That is my understanding.

11 There is nothing on our current electrical design
12 that shows, you know, any major equipment like
13 that.

14 THE HEARING OFFICER: Okay. Great.

15 Okay. I also understand that as part of this
16 project Eversource needs you to upgrade one mile
17 of the distribution circuit going underground
18 through Fawn Meadow Lane.

19 At the end of Fawn Meadow Lane does it go
20 north up Orchard Avenue, or south?

21 THE WITNESS (La Marche): By it, you mean the feeder
22 path back to the substation?

23 THE HEARING OFFICER: Yes. What is it? 23 kV?

24 THE WITNESS (La Marche): Gabe, do you have that
25 information readily available, or should I open

1 the impact study?

2 THE WITNESS (Rusk): I do not have that readily
3 available.

4 THE WITNESS (La Marche): Okay.

5 THE HEARING OFFICER: Okay. That's not important.

6 So, anyways. So, you're going to go -- so
7 from the meter box to the end of Fawn Meadow Lane,
8 I'd say that's probably -- what? A quarter of a
9 mile, and then you've got to go another three
10 quarters of a mile up or down Orchard Avenue?

11 THE WITNESS (La Marche): I think that is approximately
12 correct.

13 THE HEARING OFFICER: Yeah. So, at a high level that's
14 okay.

15 Now I take it that the conduits within the
16 street, that it's going to cause some damage to
17 the streets as far as digging and burying, and
18 also paving. Have those discussions been had with
19 Eversource and the Town?

20 THE WITNESS (La Marche): I don't know what
21 conversations Eversource and the Town have had.

22 THE HEARING OFFICER: Okay. And as far as
23 interruptions to the community?

24 THE WITNESS (La Marche): I mean, my understanding of
25 Eversource's process is those details are worked

1 out in their facility study, as they call it,
2 which is really their detailed design of the
3 interconnection equipment and the process.

4 THE HEARING OFFICER: Right.

5 THE WITNESS (La Marche): We have not received that at
6 this time.

7 THE HEARING OFFICER: Okay. When do you expect to
8 receive the facility study?

9 THE WITNESS (La Marche): Very soon.

10 THE HEARING OFFICER: Okay.

11 THE WITNESS (La Marche): I don't have any hard date.
12 They're usually not exactly on time, but it is
13 due.

14 THE HEARING OFFICER: Okay. Great. Well, nice work on
15 your interconnection design. I embrace it fully.
16 Thank you.

17 THE WITNESS (La Marche): Thank you.

18 THE WITNESS (Rusk): This is Gabe Rusk.

19 We'll be heading south down Orchard.

20 THE HEARING OFFICER: South? Okay.

21 Okay. I think that pretty much takes care of
22 everything that I had on my list, and I thank the
23 other Councilmembers and Mr. Mercier for covering
24 the wetlands, the ag landscaping, and the other
25 issues that have been brought up today.

1 So that concludes my questioning. I
2 understand that Mr. Mercier may have a followup.

3 Mr. Mercier?

4 MR. MERCIER: Yes, thank you.

5 You know there's a previous discussion, I
6 think, with Mr. Golembiewski regarding the prime
7 farmland soils and Greenskies' intent to preserve
8 those to the extent possible, you know, through
9 plant farming or for pollinator habitat.

10 But one thing I did note -- I kind of asked
11 about this earlier was, you know, the access road
12 extends along that north fence line. That's right
13 through prime farmland soil. Given that there's a
14 limited amount of prime farmland soil at this
15 site, I mean, I know you were going to discuss
16 whether to relocate the road or not.

17 But I just want to know if that road is
18 actually necessary -- and just remove it from the
19 prime farmland soil?

20 Is that possible, or can you do that?

21 THE WITNESS (La Marche): I think that's a good point,
22 and I think we should plan on that. You know, I
23 don't -- it's hard to say a hundred percent things
24 like -- like this promptly, but that makes
25 complete sense to me.

1 MR. MERCIER: Okay. Thank you.

2 I have no other questions.

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

4 Since we have a little bit of time, I'll go
5 through the Councilmembers one more time to see if
6 there's any follow-up questions considering the
7 additional questions that were asked.

8 Mr. Nguyen, any additional questions?

9 MR. NGUYEN: No. Thank you, Mr. Morissette.

10 THE HEARING OFFICER: Thank you.

11 Mr. Golembiewski, any followup?

12 MR. GOLEMBIEWSKI: I have no additional questions.

13 Thank you, Mr. Morissette.

14 THE HEARING OFFICER: Thank you.

15 Mr. Carter?

16 MR. CARTER: No additional questions. Thank you.

17 THE HEARING OFFICER: Thank you.

18 Ms. Hall?

19 MS. HALL: No additional questions. Thank you.

20 THE HEARING OFFICER: Great.

21 Mr. Syme?

22 MR. SYME: No additional questions. Thank you.

23 THE HEARING OFFICER: Great. Thank you.

24 Thank you, and I have no additional questions
25 as well.

1 So that concludes our hearing for this
2 afternoon. The Council will recess until 6:30
3 p.m., at which time we will commence with the
4 public comment session of this public hearing.

5 And thank you, everyone, for your
6 participation this afternoon, and have a good
7 evening. See you at 6:30.

8 THE WITNESS (La Marche): Thank you.

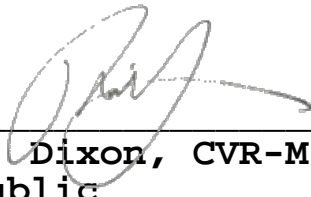
9 THE WITNESS (Rusk): Thank you.

10 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.

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12 (End: 4:21 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 95 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. 524, GREENSKIES CLEAN ENERGY, LLC, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 4.625-MEGAWATT-AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT FAWN MEADOW LANE (PARCEL NO. 029-018D), WOODBURY, CONNECTICUT AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on October 3, 2024.


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

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