

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 525

Greenskies Clean Energy, LLC Application for a
Certificate of Environmental Compatibility and
Public Need for the Construction, Maintenance, and
Operation of a 4.75-megawatt-AC Solar Photovoltaic
Electric Generating Facility and Associated
Equipment Located on Two Parcels at 54 Jeremy Hill
Road, North Stonington, and Parcel No. 90-1-1 Jeremy
Hill Road, Stonington, Connecticut and Associated
Electrical Interconnection.

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

H e l d B e f o r e:

JOHN MORISSETTE, Member and Presiding Officer

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

Councilmembers:

JOHN MORISSETTE, (Hearing Officer)

BRIAN GOLEMBIEWSKI,

DEEP Designees

QUAT NGUYEN,

PURA Designee

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

90 State House Square

Hartford, Connecticut 06103-3702

By: LEE D. HOFFMAN, ESQ.

LHoffman@pullcom.com

860.424.4315

(Begin: 2:00 p.m.)

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

ATTORNEY HOFFMAN: Yes, sir.

THE HEARING OFFICER: Thank you. This public hearing is called to order this Tuesday, October 22, 2024, at 2 p.m. My name is John Morissette, member and Presiding Officer of the Connecticut Siting Council.

Other members of the Council are Brian Golembiewski, designee for Commissioner Katie Dykes of the Department of Energy and Environmental Protection; Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority; Khristine Hall; Bill Syme.

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

1 provisions of Title 16 of the Connecticut General
2 Statutes and of the Uniform Administrative
3 Procedure Act upon an application from Greenskies
4 Clean Energy, LLC, for a certificate of
5 environmental compatibility and public need for
6 the construction, maintenance, and operation of a
7 4.75-megawatt AC solar photovoltaic electric
8 generating facility and associated equipment
9 located on two parcels at Jeremy Hill Road in
10 North Stonington and Stonington, Connecticut, and
11 the associated electrical interconnection.

12 This application was received by the Council
13 on July 25, 2024. The Council's legal notice of
14 the date and time of this public hearing was
15 published in The Day on August 17, 2024.

16 Upon this Council's request, the Applicant
17 erected a sign in the vicinity of the proposed
18 site so as to inform the public of the name of the
19 Applicant, the type of the facility, the public
20 hearing date, and contact information for the
21 Council, including 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 the proceeding
2 are as follows, the Applicant, Greenskies Clean
3 Energy, LLC, and its representative Lee D.
4 Hoffman, 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 525 webpage, along
8 with the record of this matter, the public hearing
9 notice, instructions for public access to this
10 public hearing, and the Council's citizens guide
11 to Siting Council procedures.

12 Interested persons may join any session of
13 this public hearing to listen, but no public
14 comments will be received during the 2 p.m.
15 Evidentiary 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 members of the public who have signed
23 up in advance to make brief statements into the
24 record. I wish to note that the Applicant,
25 parties, and interveners, including their

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

4 I also wish to note 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 e-mail or by 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 the public hearing
13 will be posted on the Council's Docket Number 525
14 webpage and deposited in the Stonington and North
15 Stonington Town Clerk's office for the convenience
16 of the public.

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

19 We have two motions to take care of before we
20 start the hearing -- the Applicant's motion for
21 protective order dated October 9, 2024. Attorney
22 Bachman may wish to comment.

23 Attorney Bachman, good afternoon.

24 ATTORNEY BACHMAN: Good afternoon, Mr. Morissette.

25 Thank you.

1 On October 9th, the Applicant filed a motion
2 for protective order pursuant to General Statute
3 Section 1-210(b) and 16-50o, related to the
4 disclosure of the financial terms contained within
5 the lease agreement, and staff recommends
6 approval.

7 THE HEARING OFFICER: Thank you, Attorney Bachman.

8 Is there a motion?

9 MR. NGUYEN: I move it for approval.

10 THE HEARING OFFICER: Thank you, Mr. Nguyen.

11 Is there a second?

12 MS. HALL: I'll second.

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

14 We have a motion by Mr. Nguyen to approve the
15 motion for protective order, and we have a second
16 by Ms. Hall. We'll now move to discussion.

17 Mr. Nguyen, any discussion?

18 MR. NGUYEN: No discussion.

19 THE HEARING OFFICER: Thank you.

20 Ms. Hall, any discussion?

21 MS. HALL: No discussion. Thank you.

22 THE HEARING OFFICER: Thank you.

23 Mr. Syme, any discussion?

24 MR. SYME: No discussion. Thank you.

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

1 discussion.

2 We'll now move to the vote. Mr. Nguyen, how
3 do you vote?

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

5 THE HEARING OFFICER: Thank you.

6 Mr. Golembiewski?

7 MR. GOLEMBIEWSKI: Vote to approve. Thank you.

8 THE HEARING OFFICER: Thank you.

9 Ms. Hall?

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

11 THE HEARING OFFICER: Thank you.

12 Mr. Syme?

13 MR. SYME: Vote to approve. Thank you.

14 THE HEARING OFFICER: Thank you. And I vote to
15 approve. We have a unanimous decision. The
16 motion for protective order is approved.

17 The second motion on the agenda is the
18 Applicant's objection to Council Interrogatory
19 Number 54, dated October 9, 2024. Attorney
20 Bachman may wish to comment.

21 Attorney Bachman?

22 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

23 In response to interrogatory number 54,
24 Greenskies did submit the report, however they
25 objected to the submission of the cost of the

1 forester's report on the basis that it's beyond
2 the scope of a certificate. And as pointed out by
3 Greenskies in their response to question number
4 eleven, this is an application for a certificate,
5 and it is under General Statute Section 16-50g,
6 which includes the Council's mission, which is to
7 balance the public benefit for any jurisdictional
8 facility at the lowest reasonable cost to the
9 consumers with any impacts to the environment.

10 Greenskies does claim that the forester's
11 report or cost thereof is a trade secret. And
12 hence, staff recommends that the objection be
13 overruled and that the cost factor be submitted
14 under the protective order that the Council just
15 approved. Thank you.

16 THE HEARING OFFICER: Thank you, Attorney Bachman.

17 Is there a motion?

18 MS. HALL: I will make a motion to deny the objection
19 to the interrogatory, and to further include the
20 information requested under the protective order
21 that we just included.

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

23 Is there a second?

24 MR. GOLEMBIEWSKI: I'll second.

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

1 We have a motion by --

2 ATTORNEY HOFFMAN: Mr. Morissette, may I be heard on
3 this objection since it was my objection?

4 THE HEARING OFFICER: Attorney Bachman, is that
5 appropriate protocol under this scenario?

6 ATTORNEY BACHMAN: At this point, Mr. Morissette,
7 certainly Attorney Hoffman could have requested
8 protected treatment of the cost information. He
9 didn't, and so my recommendation is that it be
10 protected and submitted.

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

13 We will continue, Attorney Hoffman.

14 ATTORNEY HOFFMAN: Thank you.

15 THE HEARING OFFICER: Okay. We have a motion by
16 Ms. Hall to deny the objection to the Council's
17 Interrogatory Number 54 and to include the
18 information under the protective order previously
19 approved under the agenda, and we have a second by
20 Mr. Golembiewski.

21 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. Golembiewski, any discussion?

1 MR. GOLEMBIEWSKI: I have no discussion. Thank you.

2 THE HEARING OFFICER: Thank you.

3 Ms. Hall?

4 MS. HALL: No discussion. Thank you.

5 THE HEARING OFFICER: Thank you.

6 Mr. Syme?

7 MR. SYME: No discussion. Thank you.

8 THE HEARING OFFICER: Thank you. And I have no
9 discussion. We'll now move to the vote.

10 Mr. Nguyen, how do you vote?

11 MR. NGUYEN: I vote to approve the motion to deny.

12 THE HEARING OFFICER: And include it in the protective
13 order?

14 MR. NGUYEN: Yes.

15 THE HEARING OFFICER: Thank you.

16 Mr. Golembiewski?

17 MR. GOLEMBIEWSKI: I vote to approve the motion.

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

19 Ms. Hall?

20 MS. HALL: I vote to approve. Thank you.

21 THE HEARING OFFICER: Thank you.

22 Mr. Syme?

23 MR. SYME: I vote to approve. Thank you.

24 THE HEARING OFFICER: Thank you. And I also approve
25 the motion. The motion is approved. The

1 objection to the council interrogatory is denied,
2 and the information will be included in the
3 protective order approved in the previous motion.
4 Very good. Thank you.

5 We'll now move on to administrative notices
6 taken by the Council. I wish to call your
7 attention to those items in the hearing program
8 marked as Roman numeral 1C, items 1 through 107.

9 Does any party or intervener have any
10 objection to the items that the Council has
11 administratively noticed?

12 Attorney Hoffman, good afternoon.

13 You're on mute, sir.

14 ATTORNEY HOFFMAN: So I am. Sorry about that.

15 No objection, sir.

16 THE HEARING OFFICER: Thank you. Accordingly, the
17 Council hereby administratively notices these
18 existing documents.

19 We'll now continue with appearance of the
20 Applicant. The Applicant will present its witness
21 panel for purposes of taking the oath, and we'll
22 have Attorney Bachman administer the oath.

23 Attorney Hoffman, please present your witness
24 panel.

25 ATTORNEY HOFFMAN: Certainly. So our witnesses for

1 today are Gabe Rusk of Greenskies Clean Energy;
2 Jean-Paul La Marche, also of Greenskies Clean
3 Energy; Steven Kochis of VHB; and Seth Taylor also
4 of VHB.

5 THE HEARING OFFICER: Attorney Bachman, please
6 administer the oath.

7 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

8 The witnesses, please raise your right hand.

9 G A B R I E L R U S K,

10 J E A N - P A U L L A M A R C H E,

11 S T E V E N K O C H I S,

12 S E T H T A Y L O R,

13 called as witnesses, being sworn by

14 THE EXECUTIVE DIRECTOR, were examined and

15 testified under oath as follows:

16
17 THE HEARING OFFICER: Thank you, Attorney Bachman.

18 Attorney Hoffman, please begin by verifying
19 all the exhibits by the appropriate sworn
20 witnesses.

21 ATTORNEY HOFFMAN: Certainly, sir. Thank you.

22 Mr. La Marche, we'll start with you. I will
23 be referencing the exhibits for identification,
24 which are listed in the hearing program B1, which
25 is the application and all attachments and

1 bulk-filed exhibits thereto; B2, which is the
2 Applicant's response to council interrogatories;
3 and B3, the Applicant's responses to council
4 interrogatories, set two.

5 Are you familiar with these three exhibits
6 that I just listed?

7 THE WITNESS (La Marche): Yes, I am.

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

10 THE WITNESS (La Marche): Yes, they are.

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

13 THE WITNESS (La Marche): No, I do not.

14 ATTORNEY HOFFMAN: And do you adopt them as your full
15 sworn testimony in this matter?

16 THE WITNESS (La Marche): Yes, I do.

17 ATTORNEY HOFFMAN: And Mr. Rusk, I will ask you the
18 same questions for exhibits that are labeled 2B,
19 one through three.

20 Are you familiar with those exhibits?

21 THE WITNESS (Rusk): Yes, I am.

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

24 THE WITNESS (Rusk): Yes, they are.

25 ATTORNEY HOFFMAN: And do you have any changes to them

1 as you sit here today?

2 THE WITNESS (Rusk): No, I do not.

3 ATTORNEY HOFFMAN: And do you adopt them as your full
4 sworn testimony in today's proceeding?

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

6 ATTORNEY HOFFMAN: Mr. Kochis, we're going to skip you
7 and move to Mr. Taylor.

8 Mr. Taylor, are you familiar with the
9 exhibits that are listed as 2B, one through three?

10 THE WITNESS (Taylor): Yes, I am.

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

13 THE WITNESS (Taylor): Yes, they are.

14 ATTORNEY HOFFMAN: And do you have any changes to them
15 here today?

16 THE WITNESS (Taylor): No.

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

19 THE WITNESS (Taylor): I do.

20 ATTORNEY HOFFMAN: Mr. Kochis, I skipped you because
21 there's a fourth exhibit which is the signposting
22 affidavit dated October 21, 2024, which is listed
23 as 2B4.

24 And so for you I'm going to ask you if you're
25 familiar with Exhibits 2B, 1 through 4?

1 THE WITNESS (Kochis): Yes, I am.

2 ATTORNEY HOFFMAN: And are those exhibits accurate to
3 the best of your knowledge and belief?

4 THE WITNESS (Kochis): Yes, they are.

5 ATTORNEY HOFFMAN: And do you have any changes to those
6 exhibits as you sit here today?

7 THE WITNESS (Kochis): No, I do not.

8 ATTORNEY HOFFMAN: And do you adopt them as your full
9 sworn testimony in this proceeding?

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

11 ATTORNEY HOFFMAN: Mr. Morissette, with that, I would
12 ask that the Council adopt the application 2B1,
13 the responses, the first set of responses to the
14 Council's interrogatories 2B2, the second set of
15 responses to the Council's interrogatories 2B3,
16 and the signposting affidavit that is listed as
17 2B4 as full exhibits in this matter.

18 THE HEARING OFFICER: Thank you, Attorney Hoffman.

19 The exhibits are hereby admitted.

20 We will now begin with cross-examination of
21 the Applicant by the Council, starting with
22 Mr. Mercier, followed by Mr. Nguyen.

23 Mr. Mercier, good afternoon.

24 MR. MERCIER: Good afternoon. Thank you.

25 I'm going to begin by simply just going

1 through the responses to the Council interrogatory
2 set one. There's quite a bit of information
3 there. We can just simply go through that
4 document, and I'm going to start with
5 interrogatory number two.

6 In this response, it mentioned a Ms. Candy
7 Vorra, and she asked about screening and some
8 concerns she had. And do you have Ms. Vorra's
9 address? And where is her property located in
10 relation to the proposed site?

11 THE WITNESS (Rusk): I do not have her address on hand,
12 but I can provide that information after the
13 break.

14 MR. MERCIER: Okay. We'll come back to that one.

15 I'll just continue with this interrogatory
16 response. It does mention that, you know,
17 Greenskies pursues screening if necessary from her
18 property.

19 I wasn't sure if anybody has examined -- I
20 know you don't know the address -- but examined
21 her property and determined if there was going to
22 be some type of year-round or seasonal view from
23 her property. And if so, would there be a
24 screening plan for that property?

25 THE WITNESS (Rusk): We did not hear from Ms. Vorra on

1 this proposal, but I believe there was some
2 discussion prior in 2021 about the impact,
3 although there wasn't a formal visual analysis or
4 anything like that to my knowledge.

5 MR. MERCIER: From her property, you mean. Correct?

6 THE WITNESS (Rusk): Right, from her property.

7 THE HEARING OFFICER: Okay. Just in regards to the
8 site in general, are there any properties that may
9 have a year-round view of this facility?

10 THE WITNESS (Rusk): I'm going to defer to Steve Kochis
11 on that question.

12 THE WITNESS (Kochis): This is Steve Kochis, VHB.

13 I would anticipate that the two closest
14 abutters to the east would likely have some view
15 of the elements of the facility year round.

16 MR. MERCIER: When you say elements, do you mean the
17 fence? The solar panel?

18 THE WITNESS (Kochis): Project infrastructure, which
19 could include fence and/or solar panels.

20 MR. MERCIER: I didn't see any landscaping proposed on
21 the site plans, unless I missed it.

22 Is there a preliminary plan at this point for
23 those two properties that may have year-round
24 views?

25 THE WITNESS (Kochis): There's -- there's no proposed

1 landscaping plan with screening plantings prepared
2 at this time.

3 MR. MERCIER: Okay. So is that something Greenskies
4 would entertain if the project was approved, some
5 type of landscaping for those two locations?

6 THE WITNESS (La Marche): Yeah, we'd be happy to do
7 that.

8 MR. MERCIER: And I assume maybe something more, you
9 know, of a staggered arrangement as some of the
10 recent projects have been going forward, rather
11 than just a single row of evergreens.

12 Typical plans now include some type of
13 staggered arrangement to provide some depth.
14 Would that be feasible?

15 THE WITNESS (La Marche): I believe that should be
16 feasible. I mean, I think we would want to
17 provide screening that is the most value to the
18 people that we are screening the view for.

19 So, typically I like to work with them
20 directly as it is explicitly for them, but in
21 general, yes, that is feasible.

22 MR. MERCIER: When you say, work directly, do you -- if
23 one of the residents didn't actually express any
24 concern, would you go knock on their door or send
25 a letter saying, we propose screening, this is

1 what we propose?

2 THE WITNESS (La Marche): Yeah, typically we contact by
3 mail and not by knocking on doors.

4 MR. MERCIER: And just to go to the back to that -- I'm
5 sorry. You said abutters to the east, is that
6 correct, that may have year round views?

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

8 THE WITNESS (Rusk): And just to jump in here, Candy
9 Vorra lives at 113 Jeremy Hill, North Stonington.
10 She'd be able to see the access road, but we don't
11 believe she would be able to see the solar.

12 THE WITNESS (Kochis): Just to add some color, the two
13 addresses referenced to the east which would
14 likely have year-round views would be 97 and 99
15 Jeremy Hill Road.

16 MR. MERCIER: Thank you. I don't have that address in
17 front of me. However, I'm looking at, you know,
18 the overall site plan. There's -- you have your
19 long field there with the solar arrays, you know,
20 stretched north to south.

21 And to the north of the main array, there's
22 an abutting property. It looks like it has some
23 evergreens on that. Is that one of the parcels or
24 is that not -- it's slightly east to the small
25 extension of the project, but it's mostly to the

1 north. Would that property have views at all,
2 seasonal views or year round?

3 THE WITNESS (Kochis): This is Steve Kochis, again.

4 It's -- it's not anticipated. It's not
5 anticipated that the residents would have seasonal
6 views -- sorry, year-round views to the facility.
7 We've -- we've been out on site during the winter
8 and you can't see their residence. So by
9 reciprocity, the residence is not going to be able
10 to see our facility.

11 Although, I will contend that there may be
12 portions of the property, the southern portion of
13 that property you're referencing which may have
14 views of the facility.

15 MR. MERCIER: Thank you. Give me a moment.

16 Okay. I just want to clarify that was number
17 100A Jeremy Hill Road is the property I was
18 talking about.

19 THE WITNESS (Kochis): That's my understanding as well,
20 yeah.

21 MR. MERCIER: All right. Thank you. Moving on to
22 interrogatory response number 32. This has to do
23 with an interconnection review by ISO New England,
24 and the response stated there was a transmission
25 pre-screen that was completed.

1 Did ISO New England perform the pre-screen,
2 or is there some type of questionnaire or tool
3 that Greenskies uses to determine whether it has
4 to go to ISO? Or is that handled by Eversource?

5 I'm just trying to get a sense of how that is
6 accomplished.

7 THE WITNESS (La Marche): Yeah, it is not handled by
8 Greenskies. So we work directly with Eversource
9 for all of the interconnection. And there is --
10 that there's communication and needing some level
11 of view -- review that take place between ISO New
12 England and Eversource.

13 Exactly what they do to have this conclusion
14 that no further transmission study is required, I
15 don't know. That they call it a level-zero study,
16 or a pre-screen.

17 MR. MERCIER: Okay. Thank you. I'm going to move on
18 to number -- interrogatory 48. This had to do
19 with the northern long-eared bat.

20 And the response referenced a map called
21 northern long-eared bat area of concern in
22 Connecticut to assist with Federal Endangered
23 Species Act compliance, and it was dated March
24 2019. And I believe you submitted that with your
25 US Fish and Wildlife Service IPaC rules review.

1 But DEEP also maintains another map titled
2 the Connecticut northern long-eared bat
3 observations by town, and it had a date of July
4 2023. That was a map link that's included on the
5 Council's administrative notice item list. On
6 that map, it shows Stonington as having known bat
7 activity.

8 So I'm just trying to get a sense of why
9 wasn't this updated map used for your Fish and
10 Wildlife Service determination?

11 THE WITNESS (Taylor): Well, the northern long-eared
12 bat has two kind of criteria. So one is the
13 hibernacula, which are very specifically
14 designated areas within the state. And as we
15 stated in our response, that nearest known
16 hibernacula is about 45 miles to the west in North
17 Blanford -- Branford, I'm sorry. And then there's
18 also areas in which certain trees' maternity
19 roosting nests are protected.

20 And so NDDB protects those areas
21 specifically. And so when we contacted NDDB and
22 they issued an issue -- a statement of no effect,
23 we made the presumption, I think the correct
24 presumption, that there are no maternity roosting
25 nest trees within the immediate area of the -- of

1 the project's proposed siting.

2 MR. MERCIER: Okay. I wasn't sure if you were aware of
3 the other map. And if so, I'm just trying to
4 determine what the origin was, or why it's even
5 published just because it does show something,
6 some type of activity there in Stonington.

7 THE WITNESS (Taylor): Yeah, no. So -- so we are aware
8 of this, but at the end of the day, it -- it's
9 NDDDB's determination of effect and no effect. And
10 they made their determination of no effect.

11 And we presented that to the Council as
12 NDDDB's and CT DEP's determination that there will
13 be no effect of northern long-eared bat in the
14 exact area from that evidence.

15 MR. MERCIER: Thank you.

16 Just in your experience -- just for my
17 knowledge, I haven't seen the National Diversity
18 Database letter with the northern long-eared bat
19 on it. Have you, your company come across that
20 for any project?

21 THE WITNESS (Taylor): Of one of effect? No. No, I
22 haven't. Not in -- not in my experience, no, but
23 they're also few and far between.

24 MR. MERCIER: Thank you. For the Natural Diversity
25 Database letter itself, there was a renewal letter

1 placed in the application which expired, you know,
2 June 18th this year. Was there a subsequent
3 renewal request, or a new request for
4 determination for this project?

5 THE WITNESS (Taylor): There hadn't been since that
6 time, no.

7 MR. MERCIER: As part of your general permit process,
8 would you be required to submit an updated letter?

9 THE WITNESS (Taylor): So on the -- on the moment of
10 submittal, that determination letter by NDDB is
11 definitive. So those do not at that point then
12 need to be updated at the point of submittal.

13 MR. MERCIER: Thank you for that response.

14 I was looking at response number 55, and I
15 believe it stated that you haven't actually
16 submitted a general permit yet.

17 THE WITNESS (Taylor): That's for the stormwater permit
18 that I'm talking about for the submission to the
19 Siting Council.

20 MR. MERCIER: Oh, okay. So you didn't update the
21 letter just because you submitted the application
22 to the Siting Council.

23 THE WITNESS (Taylor): Correct.

24 MR. MERCIER: Which predates the expiration date.

25 THE WITNESS (Taylor): As I am aware, yes.

1 THE WITNESS (Kochis): I believe -- Gabe, correct me if
2 I'm wrong -- that that may be -- that may be an
3 incorrect response on our part, Gabe. Because I
4 believe we did submit an application for a
5 stormwater general permit on June 17, 2024.

6 THE WITNESS (Rusk): Yeah, I -- I don't know if it was
7 June -- it was -- I think it was June 17th or June
8 16th.

9 THE WITNESS (Kochis): Yeah. So Mr. Mercer, I think
10 for the record, we may want to say that that
11 interrogatory response was incorrect.

12 MR. MERCIER: Okay. I just heard two different dates
13 thrown out there, June 17th and I think he said
14 16th. There's just -- please check that and get
15 back when you're able as to what date it was
16 filed, please?

17 I'm going to move on to interrogatory number
18 49, and there's -- associated with that was
19 numbers 15 and 51. This had to do with potential
20 agricultural activities at the site. Reading
21 through the application, I saw the agricultural
22 plan and I see that there might be some crop
23 plantings, harvesting, or raising of chicken,
24 geese, and other fowl at the site.

25 Now, is that an activity the landowner

1 intends to do? Or is that going to be a
2 third-party farmer that would use the site?

3 THE WITNESS (Rusk): That's an activity that the
4 landowner who is an experienced farmer would do.

5 MR. MERCIER: As part of that, and I think it was
6 interrogatory 49, it talked about raising up the
7 panels to a minimum of 36 inches to allow for some
8 agricultural activity.

9 Is that something Greenskies intends to do
10 for this particular site? Or is that still going
11 to be discussed with the landowner as to what type
12 of agricultural activity would be performed,
13 whether it's plants or raising of chickens and
14 geese?

15 THE WITNESS (La Marche): In general, our intent
16 continues to be to raise the height of the modules
17 to that general level, assuming that this project
18 would be approved by the Siting Council and we
19 move to the next stage of the detailed
20 construction design where we define the exact
21 structural aspect of the foundations.

22 We would work with the landowner and the
23 farmer to determine if that should be, you know,
24 36 inches or 30 inches, or slightly higher and,
25 you know, figure out what the exact right number

1 is.

2 MR. MERCIER: Is the potential increase in height above
3 ground of the panels, is that something in the
4 lease? I mean, is there a set limit it can go to?
5 Or can you raise it up, you know, 60 inches from
6 the lowest edge?

7 THE WITNESS (La Marche): I do -- I know that there
8 have been projects that have raised it
9 substantially high, but that's not feasible for
10 this specific project.

11 MR. MERCIER: Right, I was just wondering if there was
12 a limit. So if you raise it up, you know, four
13 feet or another foot, you know, it could
14 potentially increase visibility from someone, an
15 abutter. Is that correct?

16 THE WITNESS (La Marche): Yes, I think, you know, for
17 every bit that it is higher it could increase
18 visibility, but we're not talking about raising it
19 more than, you know, a little bit more maybe than
20 the 36 inches.

21 If there's no benefit to us it just adds cost
22 and complexity, and we wouldn't want to do it.

23 MR. MERCIER: Okay. Thank you.

24 Regarding the raising of chickens and geese
25 and other fowl species, would that lead to the

1 soiling of the panels? You know, they're climbing
2 on or resting on top, on top of the panels? I
3 mean, would that require, like, frequent washings?
4 And who would be responsible for that activity, if
5 so?

6 **THE WITNESS (La Marche):** Greenskies would be
7 responsible for O and M on the solar aspect in
8 terms of any washing needed for the modules.

9 From my experience of seeing similar use
10 cases, there has not been -- foul have not caused
11 excessive soiling on modules.

12 **MR. MERCIER:** Okay. Thank you.

13 If there was the raising of fowl, would they
14 require some type of shelter, or a chicken coop,
15 or something within the fenced array?

16 How would they be managed at night?

17 **THE WITNESS (La Marche):** I think we would leave those
18 details to the farmer/landowner. That is -- that
19 is his expertise.

20 **MR. MERCIER:** If there was a shelter or something like
21 that, I'm assuming it's made out of wood. Does it
22 have to be a certain distance from the array
23 equipment and maybe inverters, and things of that
24 nature?

25 **THE WITNESS (La Marche):** I mean, it would. We would

1 obviously not want it in front of the modules to
2 cause shading. So, from that perspective, yes.

3 From an equipment perspective of electrical
4 gear, as long as it follows any C code and is, I
5 think, more than the, you know, three or four feet
6 of clearance that's required then there's --
7 there's not a limitation on that.

8 MR. MERCIER: Regarding the perimeter fence, sometimes
9 we -- sometimes there's a gap at the bottom to
10 allow small wildlife to get in. I'm assuming for
11 this particular project it would be, you know,
12 almost flush with the ground to keep out any
13 predators if there was fowl raised.

14 Is that correct?

15 THE WITNESS (La Marche): I would say -- (inaudible).

16 THE REPORTER: This is the Reporter. I just lost the
17 end of his statement after, I would say.

18 THE HEARING OFFICER: Thank you. Mr. La Marche, you
19 cut out right in the middle of your response.

20 THE WITNESS (La Marche): I was saying that either,
21 yes, I agree it would have to be flush with the
22 ground, or that there would be an internal fence
23 to maintain an enclosure of the fowl.

24 MR. MERCIER: Thank you. I'm going to move on to
25 interrogatory number 55. This had to do with we

1 just talked about the stormwater design, and I
2 understand that you actually met with them down --
3 back in 2021. Since that time were there any
4 changes to the stormwater plan before you
5 submitted it for a general permit?

6 THE WITNESS (Kochis): There were -- there were no --
7 there were no significant modifications to the
8 stormwater plan based on any correspondence from
9 the CT DEEP stormwater group.

10 And I do want to add for the record for
11 clarification -- I just want to pull up what that
12 interrogatory number was. I want to correct the
13 interrogatory that said we had not submitted for
14 our stormwater general permit.

15 We did receive word from -- from CT DEEP that
16 they received our stormwater general permit
17 application on June 17th, 2024.

18 MR. MERCIER: Okay. Thank you.

19 I'll move on to number 56, 57 and 58. These
20 all have to do with vernal pool questions. These
21 are all the vernal pool questions.

22 And just to discuss this a little bit more,
23 I'm actually going to use a photograph in Exhibit
24 F, attached to the interrogatory. Is that with
25 the photo log? It's -- please go to photo number

1 one. That just shows the access road going into
2 the site.

3 Looking at the photo, I believe we're facing
4 westward. Is that correct? Yes, okay, there's
5 the arrow. I have to look at that direction
6 thing.

7 So looking at this photo, to the right, is
8 that where vernal pool number one and two are?

9 Is that correct?

10 THE WITNESS (Kochis): Yes, yeah.

11 MR. MERCIER: It just says wetlands, but I believe
12 that -- okay. Yeah. Thank you.

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

14 MR. MERCIER: And wetland two would be to the left. Is
15 that correct?

16 I want to make sure I got my bearing.

17 THE WITNESS (Kochis): That that's correct. What --
18 what likely happened here was that was a
19 contiguous wetland corridor. And many, many years
20 ago when -- when the farmer put the road in, it --
21 it bisected the wetland.

22 MR. MERCIER: Right, and just to clarify that road
23 there, that was also an approved location for a
24 future subdivision. I mean, that was a potential
25 road location, you know, a road for future

1 subdivision. Is that correct?

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

3 MR. MERCIER: Okay. Looking at the picture, what
4 upgrades are necessary to this existing road? I
5 see you're not going to pave and remove any trees.
6 However, what type of substrate you're going to
7 put down -- you're going to put any ditches in, or
8 side slopes? What exactly will happen here when
9 you build the road?

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

11 I -- I think the -- the anticipation is that
12 the road is plenty wide to -- to serve for the
13 construction of the facility and the operations
14 and maintenance that will need to take place. So
15 we're definitely not looking to widen it at all
16 into the wetlands.

17 We're not looking to change the side slopes.
18 We really, in all of this, just don't want to
19 affect the -- directly affect the wetlands or the
20 hydrology to them. I think what will ultimately
21 likely happen with this road is it will be top
22 dressed with gravel.

23 MR. MERCIER: Does that include, like, a sand
24 component?

25 THE WITNESS (Kochis): Yeah, it could. It could be

1 some -- some semblance of soil, which -- which
2 would be part sand and -- sand and gravel.

3 MR. MERCIER: Okay. Is there any type of stream, like,
4 that goes -- that connects the two wetlands?

5 I understand, you know, they built it through
6 the wetlands at the time, but was there any type
7 of water flowing, or a location where it could
8 have flowed?

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

10 We have not found any evidence that there's
11 any culvert that goes under that road or anything,
12 nor is there any semblance of a stream crossing;
13 that there's no evidence that water either crosses
14 under or across the road. It, in all likelihood,
15 seeps below it.

16 MR. MERCIER: Okay. I understand spotted salamander
17 and wood frog were found in the vernal pools to
18 the right of the road. Just generally, do spotted
19 salamanders typically avoid, like, gravel roads
20 more so than, say, wood frog?

21 THE WITNESS (Taylor): No, this -- I mean -- I mean,
22 they -- they, you know, in there, in their nature
23 they would interpret a gravel road as almost a,
24 you know, a normal gravel aspect of the -- of the
25 forest.

1 So as long as there aren't barriers put in
2 front of them, like high retaining walls or
3 something along those lines, they'll -- they'll
4 cross the gravel road really without a problem,
5 especially in that close vicinity. We don't
6 anticipate impact from that.

7 MR. MERCIER: Okay. Thank you.

8 I'm going to move on to number 74, and this
9 had to do with vegetation at the site. For areas
10 outside the perimeter fence, would that just be
11 mechanical vegetation control by Greenskies?
12 There's no agricultural component out there that
13 you propose. Correct?

14 THE WITNESS (La Marche): Can you say the region again?

15 Did you say outside the fence?

16 MR. MERCIER: That's right.

17 THE WITNESS (La Marche): Outside the fence, well, I
18 guess I would -- I would just make -- distinguish
19 between the lease area and the not-lease area.

20 So anywhere within the lease area is
21 generally the control of the solar projects,
22 Greenskies. Within that area, there's the
23 agricultural section that would be within the
24 project area, the -- the array area, and that
25 would be managed by the tenant farmer or the

1 landowner.

2 Anywhere that use is not taking place but
3 within the lease area would be Greenskies'
4 responsibility. And yes, in that case, it would
5 simply be mechanical mowing.

6 MR. MERCIER: Okay. Thank you.

7 Moving on to number 80, this had to do with
8 removal of the project and different financial
9 mechanisms. And I guess on page 21 of the
10 interrogatory, that's when your response actually
11 starts.

12 On page 21, you responded to the four types
13 of financial mechanisms that could be used for
14 decommissioning. Which of these four would most
15 likely have the highest cost to ratepayers? I'm
16 not sure if you've examined that type of cost
17 factor, but if you have any information, please
18 provide.

19 THE WITNESS (La Marche): I -- I don't feel like I have
20 the information to comment on how it would impact
21 ratepayers.

22 MR. MERCIER: For the first one, decommissioning
23 provisions and land lease agreements, it talks
24 about increased upfront costs, difficulty in
25 securing financing and additional project costs

1 onto the ratepayers.

2 Now, with these items, upfront costs,
3 financing issues, and additional ratepayer costs,
4 would that also apply to the other three? Or how
5 would they -- excuse me.

6 Would that apply to the other three?

7 THE WITNESS (La Marche): I think in general, speaking
8 very generally, added project costs will increase
9 the related cost of energy that would be sold.

10 Specifically, in terms of bonds versus letter
11 of credits and trusts, there's -- there's many
12 layers of -- between the energy costs and the --
13 those items, and exactly how they all interact
14 with each other. And thus, then the impact on the
15 energy cost is not something that I have the
16 expertise to comment on right now.

17 MR. MERCIER: Thank you.

18 I'm going to reference the lease --

19 THE WITNESS (Rusk): Um --

20 MR. MERCIER: Go ahead.

21 THE WITNESS (Rusk): Yeah, this is Gabe Rusk.

22 I just wanted to confirm that we did submit
23 the stormwater payment on the 17th of June.

24 MR. MERCIER: Thank you.

25 Attached to the interrogatory responses,

1 there was Exhibit B. It was the lease agreement,
2 and on page 5 it talked about removal security.
3 Is that term "removal security" synonymous with a
4 decommissioning bond?

5 THE WITNESS (La Marche): Gabe, can you answer that
6 one?

7 THE WITNESS (Rusk): Yes. The answer is yes.

8 MR. MERCIER: Thank you.

9 Can you just summarize what your obligations
10 are under the lease provisions related to
11 decommissioning? Exactly what do you have to do,
12 and how is it paid for?

13 THE WITNESS (Rusk): I -- so I know that we have to
14 bring our -- the property back to the original
15 state it was in when we began, before we began the
16 project.

17 MR. MERCIER: And would that removal security portion
18 of the lease, that that would cover -- that
19 provides assurance that you have, or whoever owns
20 the project will have money to decommission it?

21 Is that how it's structured?

22 THE WITNESS (Rusk): So in the event we didn't do that,
23 the landowner would have access to bond money.

24 So, yes.

25 MR. MERCIER: Thank you.

1 Just a couple random questions here. How are
2 the tracker motors powered? Some projects have a
3 solar panel attached to the motor, or others have
4 an electrical connection to the pad. What would
5 have happened in this particular facility?

6 THE WITNESS (La Marche): We actually have not
7 specified the exact manufacturer yet, so I cannot
8 answer with certainty.

9 But based off of what we are looking at right
10 now, it would be powered by -- it would not be
11 powered by a solar panel. It would be powered by
12 its own dedicated electrical circuit.

13 MR. MERCIER: Thank you.

14 In application page 3, it talked about a
15 schedule with construction beginning sometime in
16 2024, operation by 2025. What is your deadline so
17 you have to have the commercial operation in
18 accordance with your SCEF agreement?

19 THE WITNESS (La Marche): I don't know off the top of
20 my head. I believe it's 2026, and I think at this
21 point it would be unlikely that we would start
22 construction in 2024.

23 MR. MERCIER: All right. Okay. Thank you. I don't
24 have any other questions. Thank you very much.

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

1 We'll now continue with cross-examination of
2 the Applicant by Mr. Nguyen, followed by
3 Mr. Golembiewski.

4 Mr. Nguyen, good afternoon.

5 MR. NGUYEN: Good afternoon, Mr. Morissette. And good
6 afternoon, all. Thank you, Mr. Mercier, for many
7 of his questions. I just have a couple.

8 With respect to referencing the application
9 on page number 8, the company indicated that it
10 has created an advanced agricultural co-use plan.
11 And I know a lot of discussion has been discussed
12 regarding the plan, but if you could summarize
13 what is the company plan with respect to an
14 advanced agricultural co-use plan as stated in
15 your application?

16 THE WITNESS (La Marche): So our plan for the
17 agricultural use is to work with, directly with
18 the landowner who would be the farmer on site as
19 well. And the farmer, slash, landowner would have
20 an agricultural product and a farming activity
21 that would include various types of fowl.

22 The exact species is not a hundred percent
23 defined, but, you know, in the order of ducks,
24 chicken, geese, turkey, that that type of animal.
25 We would like to work with the landowner as well

1 to make sure that there are the appropriate types
2 of grasses and forbs and flowers to provide
3 erosion control, you know, perennial plants, soil
4 improvement, all those types of things to
5 perfect -- protect the prime farmland soils as
6 well as support the fowl, fowl grazing.

7 MR. NGUYEN: Speaking about soil, in your interrogatory
8 number 52 it's indicated that the notion that the
9 Applicant is required to conduct and submit a
10 vegetation and soil management plan prepared by a
11 soil scientist and a soil health assessment
12 performed by a soil scientist, and it further
13 indicated that this would be costly.

14 So do you care to comment on what would be
15 the cost to hire a scientist to perform a soil
16 test in this context?

17 THE WITNESS (La Marche): I would -- I don't have the
18 exact number available right now. You know, I
19 think we could look at the quotes that we have and
20 provide -- provide a general number.

21 Recalling from memory, it is in the range of,
22 like, 15 to 25 thousand for -- for the package of
23 work that would be required. But that is -- that
24 is from my memory.

25 MR. NGUYEN: And to the extent that, you know, go --

1 thinking about going further on this test, and you
2 indicated that it's not necessary.

3 So do you care to comment on why it's not
4 necessary, again, for this particular project and
5 for this particular site?

6 THE WITNESS (La Marche): Well, the intent is to work
7 with the landowner, as we said, and have fowl
8 grazing/farming on site. And based off of our
9 conversations with the landowner who would be the
10 farmer, they do not need that, that they could
11 conduct their operations without that information.

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

13 And now that's all I have, Mr. Morissette.

14 THE HEARING OFFICER: Thank you, Mr. Nguyen.

15 We'll now continue with cross-examination of
16 the Applicant by Mr. Golembiewski, followed by
17 Ms. Hall.

18 Mr. Golembiewski, good afternoon.

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

20 Good afternoon, everyone. I have just a few
21 questions. The first one is regarding the vernal
22 pool -- vernal pools at the site and the
23 stormwater basins.

24 I saw in the interrogatories that the, I
25 guess, the explanation that the basins would not

1 be decoys for breeding pools -- was that they
2 would be mowed and cleared of vegetation. I guess
3 my question on that is -- or at least my
4 experience, and then my question is that wood
5 frogs will lay eggs in ruts in forestry roads.

6 So I guess my question then is, are these
7 detention basins designed to have standing water
8 after storm events for significant periods of
9 time?

10 THE WITNESS (Kochis): I'll field that one. Just
11 looking up the test pit results, we did perform
12 test pits and percolation testing in each of the
13 basin locations. Let me just give a broad
14 overview of them.

15 So in all of the -- all of the basins were
16 designed and -- and put at elevations above the
17 redoximorphic or modeling features, which would be
18 the seasonal high groundwater. And at those
19 levels we were getting perc -- percolation rates
20 up to anywhere between one and five inches an
21 hour.

22 So I think it is anticipated, based on the
23 results of those geotechnical test pits that we
24 dug in the basin locations and at the proper
25 elevations, that these basins will not hold

1 standing water past a day or so.

2 MR. GOLEMBIEWSKI: Okay. All right. And I guess
3 leading to my next question, so your opinion is
4 that having some type of permanent wildlife
5 barrier essentially to the migrating amphibians
6 would be unnecessary for at least the basins
7 closest to the three vernal pools?

8 THE WITNESS (Taylor): Yeah, so that -- that would be
9 my opinion. I mean, if you -- if you excluded
10 them from those areas by putting in, you know,
11 heightened walls, then perhaps they could then
12 make it around to the -- to the northern areas
13 where the, you know, those vernal pool -- pools
14 are, but they could also be prohibited from making
15 it to them.

16 So I think by allowing, you know, like, once
17 construction is -- once construction is -- is
18 complete and the gravel road is down, the
19 amphibians will be able to move back into the
20 vernal pools. Will there be ones that move into
21 the detention basins, you know, even though we've
22 removed all of the, you know, the woody debris
23 around them, the flat rocks? Yes, some will make
24 it there.

25 But as long as it is -- as long as those

1 vernal pools remain untouched, which is the plan,
2 then I think that they'll remain in a general
3 state in which they're in now, and the -- and the
4 amphibians will still use them above the 90th
5 percentile. I mean, that -- that that's my guess.

6 Is it foolproof? No, but I mean -- I mean,
7 you could do a million things to create walls to
8 direct them into those vernal pools, and they
9 could walk in and they could walk right out.

10 I mean, it's just -- as long as those vernal
11 pools are -- remain intact, which they will, and
12 the attractive habitat is removed around the
13 detention and infiltration basins, and if those
14 infiltration basins do drain with, you know, an
15 inch to five inches an hour, that open water will
16 not be there to attract them.

17 MR. GOLEMBIEWSKI: Okay. Do you believe any of the
18 major migratory, I guess, routes would cross the
19 arrays?

20 THE WITNESS (Taylor): So within the area where there
21 are the arrays, there's -- there's vernal pools to
22 the west, and then -- there's one vernal pool to
23 the west. There's one vernal pool -- there's two
24 vernal pools to the northeast.

25 Will it make a difference from the existing

1 conditions to arrays installed? I -- I don't
2 think it will. I don't think it will be
3 prohibitive to migratory, especially if --
4 especially if the areas aren't just maintained as,
5 you know, one-inch, you know, lawn like someone's,
6 you know, someone's front yard would be. It would
7 be, you know, maintained in some sort of
8 habitat-conducive or agricultural-conducive
9 habitat.

10 I think they'll still move through it.

11 MR. GOLEMBIEWSKI: Okay. Would you recommend a vernal
12 pool sort of protection plan for during
13 construction to have some type of seasonal
14 restriction, and then maybe some exclusionary
15 fencing potentially?

16 THE WITNESS (Taylor): Yeah, so I think that you could
17 recommend, especially along the access route to
18 the -- and coming into the site. You could put up
19 a silt fence and hay bales to prevent any sort of
20 siltation of the vernal pools.

21 But the reality is, is that as long as you
22 have those, that those protections should be --
23 should be put in. But during active construction,
24 yeah, it will -- it will probably affect the
25 vernal pools for a season perhaps, but they'll --

1 they'll return.

2 As long as the vernal pools are -- remain in
3 their existing state and aren't silted, as it
4 were, then they'll -- they'll -- the amphibians
5 will return to those vernal pools.

6 MR. GOLEMBIEWSKI: Okay. My last question is a totally
7 different subject. For the interconnection, there
8 are -- I think there are four poles, and they're
9 sort of spaced. And maybe it is kind of connected
10 to the vernal pool. It seems like they're spaced
11 to sort of avoid the vernal pool area.

12 Would putting interconnection equipment on
13 pads instead of on poles, would that potentially
14 increase -- have an increased impact on the vernal
15 pools there?

16 THE WITNESS (Taylor): I'm -- you know, I'm not sure.
17 As -- as long -- as long as any and all of the
18 amphibians can move up and around, whether they
19 have pads or not, then it's not going to prohibit
20 usage of the vernal pools.

21 I mean, I suppose if the -- if the pads, you
22 know, I don't know, are a foot above, perhaps.
23 Right? But I -- I think as long as they're -- I
24 think as long as, however they are, that as long
25 as they're level with the ground, then they

1 should -- should not be prohibitive to movement.

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

3 Those are all my questions, Mr. Morissette.

4 Thank you.

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

6 We'll now continue with cross-examination of
7 the Applicant by Ms. Hall, followed by Mr. Syme.

8 Ms. Hall, good afternoon.

9 MS. HALL: Good afternoon, everyone. I'm intrigued by
10 the agricultural co-use. I'm new to the Council,
11 so -- but I have never seen a fowl grazing co-use
12 proposal before.

13 How much of the area do you expect to be used
14 for the fowl grazing?

15 THE WITNESS (La Marche): So the intent is to have, I
16 guess, two -- two aspects to that question. First
17 is we will have either perennial grasses, forbs,
18 plants, that type of thing, and/or fowl grazing in
19 the prime farmland soils area as a minimum. So,
20 that area will definitely include it.

21 Aside from that, the other area will be up to
22 the landowner and -- and the landowner/farmer in
23 how much room they want and would be up for, you
24 know, expansion or decreasing based off of their
25 needs.

1 MS. HALL: Okay. So what I'm gathering just from
2 listening to the questions that have gone before
3 is that this is pretty much a concept at this
4 point, and you haven't -- there hasn't been any
5 real definition.

6 It does -- it sounds like you're not --
7 nobody knows quite how much of the area will be
8 used for fowl grazing. Is that correct? Because
9 it seems -- I mean, the three acres, three and a
10 half acres seems very big.

11 THE WITNESS (La Marche): I guess, I -- we are. We are
12 trusting in the landowner/farmer as our partner in
13 this, that they will, you know, that they are the
14 expert in this. Right? They -- they already have
15 cattle operations. They have existing farming
16 operations. They -- they understand this much
17 better than we do.

18 So we have not created a detailed plan
19 separate from them, and we are trusting that they
20 will come up with a detailed, viable plan and make
21 this work. So, yes, you are right. The exact
22 acreage and the exact specifications are not fully
23 defined at this time.

24 And from -- from our perspectives, yes, it's
25 generally a concept, but I also know that this

1 general concept has been done on other solar
2 projects with success.

3 MS. HALL: Okay. So what I think I hear you saying is
4 that really all we can count on is that you are
5 going to be planting grasses on this area.

6 THE WITNESS (La Marche): You can count on that. We
7 will be planting grasses, flowers, forbs, the
8 perennial plants as discussed, and working
9 directly with the farmer to allow them to farm it
10 how they need to for fowl purposes.

11 Exactly what they do, I cannot say.

12 MS. HALL: Okay. Because it also strikes me that what
13 you plant may depend on whether or not a specific
14 part of the area is going to be used for the fowl
15 grazing.

16 THE WITNESS (La Marche): I agree.

17 MS. HALL: Okay. All right. Thank you for that.

18 You acknowledge the truth, that about all
19 that can be done if there were to be a wildfire,
20 or a fire of some sort is to keep the area around
21 the edge wet. And you acknowledge that you don't
22 know what the water -- how far away the water
23 connections are.

24 Are you open to working with the local
25 community to ensure that they have the capacity to

1 keep the vegetation wet around the edge of the
2 facility should a fire break out?

3 THE WITNESS (La Marche): Yeah, I think it's the --
4 it's the same answer as, you know, when we spoke a
5 couple of weeks ago on the other project. We
6 will -- we'll be happy to work with them.

7 I don't know what those details are. I am
8 not the fire department. We haven't had those
9 conversations yet -- yet. But yes, we will work
10 with them.

11 MS. HALL: Okay. Thank you. My questions about the
12 wetlands and vernal pools have been answered. So
13 I think that's all for me.

14 Thank you.

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

16 We'll now continue with cross-examination of
17 the Applicant by Mr. Syme.

18 Good afternoon, Mr. Syme.

19 MR. SYME: Good afternoon.

20 I did have -- most of mine have, you know,
21 things like the marsh have been talked about. But
22 I'm just trying to get a feel for the project. I
23 mean, just looking at the site map for the photo
24 application, it looks like this parcel is
25 primarily surrounded by deciduous trees and

1 whatnot. So it's -- for the most part, it's going
2 to be hidden from public view from the road that
3 passes by.

4 Can someone just give me just a little bit
5 more explanation of the site? Because I've tried
6 looking at the pictures to get a good feel for it.
7 That's kind of what I'm looking for. I guess I'm
8 going to have --

9 THE WITNESS (Rusk): Yeah.

10 MR. SYME: I'm just trying to get a better view/picture
11 of how the site is. Is it primarily surrounded by
12 forest trees and it's kind of an open space in the
13 middle? Because it doesn't seem like you're
14 clearing space to make the project, but it's -- is
15 it kind of like an open space within, like, a
16 forested area? Or how does --

17 THE WITNESS (Kochis): I can handle that answer, Gabe.

18 Steve Kochis, VHB.

19 The area going back, going back in time
20 maybe -- maybe about plus or minus ten years ago
21 was -- was a forest, was a deciduous forest. It
22 always has had a small outcropping of evergreens
23 in the middle, which -- which I think you can see
24 on the aerial and -- and we're proposing to remove
25 as part of the project.

1 The area was cleared, like I said, plus --
2 plus or minus ten years ago in anticipation of the
3 subdivision, but also by the landowner. A little
4 bit unclear to us why it was cleared, but -- but I
5 think it could have been that the landowner was,
6 when they purchased it, they cleared it in
7 anticipation of farming activities there, but
8 ultimately have decided to lease the area to
9 Greenskies for solar.

10 So I would say, you know, today as the site
11 exists, it's -- it's a largely cleared area with
12 small underbrush. The majority -- that's the
13 majority of the project area. There is a small
14 outcropping of evergreen trees, which we're
15 proposing to clear. And much of the surrounding
16 area is deciduous forest.

17 MR. SYME: Okay. Thank you. Yeah, it kind of --
18 that's kind of what I thought by looking at the
19 pictures and whatnot, that this was, you know, an
20 area that was cleared earlier and then whatever
21 project was abandoned, or it was never farmed, or
22 whatever was done.

23 So the perimeter of the property for
24 primarily -- so if I'm driving down Jeremy Hill
25 Road, my chances of seeing this project are slim

1 to none?

2 THE WITNESS (Kochis): That's -- that's probably
3 correct. I would say the visibility of the
4 project from Jeremy Hill Road would be very, very
5 small.

6 MR. SYME: Okay. Thank you. That's my only question
7 really from -- for today.

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

9 Okay. I want to -- I'd like to follow up on
10 the wetlands discussion, wetlands and vernal pool
11 discussion, and I'm using figure eight.

12 My first question is -- you've got wetland
13 three and then wetland two. Would it be
14 advantageous to install a culvert to improve the
15 flow of water between wetlands three and two?

16 THE WITNESS (Kochis): Seth, do you want to take that
17 one from a hydrology perspective?

18 THE WITNESS (Taylor): Well, yeah. So I mean, I think
19 it kind of goes both ways. As Steve Kochis had
20 kind of stated before, that there may or may not
21 be a buried culvert under there. We don't know,
22 but the -- but the water is primarily restricted
23 in -- on the northern section. So if you -- which
24 actually creates conditions for wetlands and for
25 vernal pools.

1 So if you install a culvert, I mean,
2 depending on at the height at which you install
3 it, you could actually drain out the northern
4 section. By installing a gravel road, there will
5 be some sort of transport of water, at least
6 underneath the road, as opposed to installing, you
7 know, a paved road, which, you know, and then
8 there would be no movement of water.

9 I think the way in which it's proposed is
10 actually going to continue to allow the wetland --
11 the wetlands in the north and the vernal pools in
12 the north to continue to sustain themselves with
13 some water still moving to the south, and then
14 sustaining those wetlands to the south.

15 So actually, the way that it's -- it just
16 happens to be -- have been created is actually
17 beneficial to both the north and the south
18 wetlands and vernal pools.

19 THE HEARING OFFICER: Okay. Were the vernal pools a
20 result of the road being installed, in other
21 words?

22 THE WITNESS (Taylor): Likely. Likely.

23 THE HEARING OFFICER: Okay.

24 THE WITNESS (Taylor): I mean, we'd have to go back in
25 time to really -- to figure that out, but as long

1 as the road isn't proposed to be removed, there's
2 kind of no point in taking that approach.

3 I mean, the improvement to gravel is really
4 going to allow the wetlands and the vernal pools
5 to continue to exist as they were and allow access
6 to the site unimpeded as, you know, for
7 maintenance throughout the years.

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

9 THE WITNESS (Taylor): Sure.

10 THE HEARING OFFICER: That's helpful.

11 There are two interconnection poles right at
12 the entrance, and my interpretation is that then
13 you go underground through the two interconnection
14 poles that are into the site near the transformer
15 pad. Is that correct?

16 THE WITNESS (La Marche): I know it is correct that
17 there are two poles at the front and two poles
18 interior.

19 I cannot recall if the connection between
20 them is above ground or below ground, but I'm
21 pulling up the electrical design to look at it
22 right now.

23 THE HEARING OFFICER: It appears to be underground
24 primarily because there's no poles between them.

25 That's a long distance for --

1 THE WITNESS (La Marche): Yes. Yeah, you're correct.
2 They're underground and they are -- they
3 transition to below ground at the interior pole,
4 and then transition to above ground again at the
5 riser pole by the road.

6 THE HEARING OFFICER: Great.

7 THE WITNESS (La Marche): Yeah.

8 THE HEARING OFFICER: Okay. And then you go into a
9 transformer and inverter -- no, a transformer pad.

10 Can you tell me what the distance of that
11 transformer pad is to the property to the north?

12 THE WITNESS (La Marche): Steve, are you able to
13 measure that on camera?

14 THE WITNESS (Kochis): Yeah, I've already measured it.
15 It's approximately 160 feet.

16 THE HEARING OFFICER: Good. Thank you.

17 And then you have another transformer pad to
18 the southwest, and that's all underground between
19 the two transformer pads. And your meter
20 equipment is on the northern -- northern pad, or
21 on both?

22 THE WITNESS (La Marche): Northern.

23 THE HEARING OFFICER: Northern pad? Okay. Great.
24 Thank you.

25 I have a question relating to the noise

1 study. If I look at the noise study results,
2 which are on page 7 -- in particular to R04, now
3 that's well below the state level at 40.4. But
4 then I compare that to, let's say, R02.

5 Now, clearly -- clearly, R04 is much closer
6 to that transformer pad than R02, but the
7 difference in the noise levels are not that
8 significant.

9 THE WITNESS (Kochis): I think I can address that.

10 THE HEARING OFFICER: You knew this was coming. Right?

11 THE WITNESS (Kochis): I was prepared on the noise
12 study questions.

13 THE HEARING OFFICER: Thank you.

14 THE WITNESS (Kochis): Every individual tracker motor
15 has also been modeled in this study.

16 THE HEARING OFFICER: Yeah?

17 THE WITNESS (Kochis): And so it's -- that those would
18 be the diamond-shaped red symbols.

19 THE HEARING OFFICER: Uh-huh.

20 THE WITNESS (Kochis): And so those are providing noise
21 and are going -- I'm saying anecdotally here, but
22 those are -- those are primarily what's providing
23 the noise at R02, is -- is the tracker motors that
24 are closest right there.

25 So while the transformers and the inverters

1 do have a louder sound footprint directly at their
2 generation --

3 THE HEARING OFFICER: Yeah?

4 THE WITNESS (Kochis): It's -- I would say to answer
5 your question, it's largely the tracker motors
6 that are creating the sound at R02.

7 THE HEARING OFFICER: Okay. All right. Well, that
8 makes sense now that I look at it. And you have a
9 row of tracker motors right in the general area of
10 R02 and EL4, and only one to the south on R04.
11 Okay. Great. That makes sense. Thank you.

12 I would like to go to figure seven. It has
13 to do with prime land soil, prime farmland soil.
14 Now, figure seven, if I understand it right, the
15 brown in the center of the site is prime land,
16 prime farmland. And then the farmland of
17 statewide importance is the -- I'll call it the
18 purplish.

19 Now, in response to question number --
20 interrogatory number 53, it says -- how many acres
21 of prime land farm soil would be impacted by the
22 development of the proposed project? And it says
23 approximately 2.26.

24 So what am I missing here?

25 THE WITNESS (Rusk): I can speak to that.

1 THE HEARING OFFICER: Because I think your 7 looks like
2 more than 2.26.

3 THE WITNESS (Rusk): I think it -- I believe it should
4 be 22.6, and not 2.26.

5 THE HEARING OFFICER: Oh. Okay. Well, that doesn't
6 quite make sense either, but that's closer than
7 what I would think.

8 So the site itself is 21.5 and .2. So,
9 that's 21.7 in total. Is that right?

10 THE WITNESS (Rusk): Let's see here.

11 THE WITNESS (Kochis): Just to add some color, the
12 total limit of work of the project is about 28 and
13 a half acres. So, just to --

14 THE HEARING OFFICER: Okay.

15 THE WITNESS (Kochis): -- lend some credence to the --
16 to the 22 acres of disturbance to the prime
17 farmland.

18 THE HEARING OFFICER: Okay. So the fenced area is not
19 the limit of work, though. Is it?

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

21 THE HEARING OFFICER: So the 22 --

22 THE WITNESS (Kochis): The limit of work would be
23 inclusive of all clearing and stormwater basins
24 and construction areas needed, swales, any --
25 inclusive of things outside the fence as well.

1 THE HEARING OFFICER: Okay. And what is the fenced
2 area? Is that the 21.7?

3 THE WITNESS (Rusk): Yeah, that would be the 21.7.

4 THE HEARING OFFICER: Okay. All right. So your
5 amended response to number four is the
6 two-point -- no, 53, excuse me. The approximately
7 2.26 acres should be 22.6 acres. Is that correct?

8 THE WITNESS (Rusk): I believe so. I'd like to make
9 sure that that number is correct, though,
10 before -- before saying yes. But it should be
11 in -- in the realm of that.

12 THE HEARING OFFICER: Okay. I'll give you a minute.

13 THE WITNESS (Kochis): Yeah, if we want to come back to
14 that, I can. I will measure it in the meantime.

15 THE HEARING OFFICER: Okay. Well, we're pretty much
16 ready to wrap it up.

17 THE WITNESS (Kochis): Okay.

18 Then I'll get it in short order.

19 THE HEARING OFFICER: All right. You have another
20 question as to -- two other questions that are
21 outstanding. One is Ms. Vorra's address.

22 THE WITNESS (Rusk): Yeah, I believe I provided that
23 earlier. Her address is 113 Jeremy Hill Road.

24 THE HEARING OFFICER: 113. Okay. Thank you.

25 And then we had a discussion about the cost

1 of the soil scientists. Is the 15 to 20K the
2 response that you want to put on the record at
3 this point?

4 THE WITNESS (La Marche): Yes, it is.

5 THE HEARING OFFICER: Okay. Thank you. All right.

6 The only thing we have outstanding is the prime
7 farmland acreage.

8 THE WITNESS (Kochis): I'm working on it. I probably
9 just need about 50 seconds.

10 THE HEARING OFFICER: Okay. Well, in the meantime,
11 we're going to go back through the Councilmembers
12 and see if they have any follow-up questions. And
13 then we'll wrap it up for the day.

14 Mr. Mercier, any follow-up?

15 MR. MERCIER: No, thank you.

16 THE HEARING OFFICER: Thank you.

17 Mr. Nguyen, any follow-up questions?

18 MR. NGUYEN: Yes, actually, Mr. Morissette. It's not a
19 follow-up, but it's a different question.

20 Referencing the CEQ comment, it's suggesting that
21 the notification also applies to North Stonington.

22 Has the company looked into that
23 recommendation, and what is your thought on that?

24 THE WITNESS (Rusk): I think I need to pull up this
25 specific recommendation.

1 We have, to my knowledge, not discussed
2 whether or not to require that notice be given to
3 the town of North Stonington, but I think we'd be
4 open to doing that.

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

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

7 Mr. Golembiewski, any follow-up?

8 THE WITNESS (Kochis): I have that. I have that
9 response to the prime farmland. Sorry to cut in.

10 THE HEARING OFFICER: Thank you.

11 THE WITNESS (Kochis): I think for the record, we would
12 like to say that the project, as currently
13 designed within the proposed limits of work that
14 are displayed, we're anticipating that
15 approximately 20 acres of prime farmland will be
16 within that footprint.

17 THE HEARING OFFICER: Very good. Thank you,
18 Mr. Kochis.

19 Okay. Mr. Golembiewski, any follow-up
20 questions?

21 MR. GOLEMBIEWSKI: I have no follow-up questions,
22 Mr. Morissette. Thank you.

23 THE HEARING OFFICER: Thank you.

24 Ms. Hall, any follow-up questions?

25 MS. HALL: Just a small follow-up question to the

1 discussion about North Stonington, and that is
2 whether or not you had notified the church that's
3 just to the north in North Stonington as well?

4 THE WITNESS (Rusk): I would have to pull up the
5 abutter list.

6 Lee, do you know off the top of your head?

7 ATTORNEY HOFFMAN: I'm pulling up that same abutter
8 list.

9 THE WITNESS (Kochis): I do see that North Stonington
10 Bible Church was on our certified abutter's
11 mailings.

12 MS. HALL: Thank you.

13 THE HEARING OFFICER: Very good.

14 Anything else, Ms. Hall?

15 MS. HALL: Nothing else. Thank you.

16 THE HEARING OFFICER: Thank you.

17 Mr. Syme, any followup?

18 MR. SYME: I have none. Thank you.

19 THE HEARING OFFICER: Thank you.

20 All right. I have one followup. What would
21 happen if there's a conflict between the fowl
22 grazing and the solar operation? How would the
23 conflict be resolved?

24 THE WITNESS (La Marche): By conflict, do you mean that
25 there were issues that the fowl were causing to

1 the solar project?

2 THE HEARING OFFICER: Yes.

3 THE WITNESS (La Marche): I guess it's somewhat --
4 somewhat of a general question. So, I'll try to
5 answer it generally, in that we would try to find
6 a solution that allowed both to operate
7 continuously moving forward.

8 You know, it is -- it is important that the
9 solar is operational, that we are meeting our
10 contracts to deliver energy, but it's also
11 important that we make good on our commitments and
12 work with the landowner and the farmer. So, we
13 would prioritize them to find solutions to both.
14 And I, you know, I don't want to speak to -- for
15 the landowner/farmer, but that we would find
16 mutual compromises.

17 Obviously, there's a contract and the legal
18 aspect of and -- and all of that, but, you know, I
19 don't -- I don't want to speak to that because I'm
20 not a lawyer.

21 THE HEARING OFFICER: Very good. Thank you.

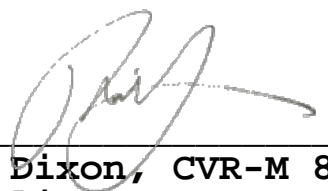
22 Okay. That concludes our hearing for this
23 afternoon. The Council will recess until 6:30
24 p.m., at which time we will commence with the
25 public comment session of this public hearing.

1 Thank you, everyone, and have a good evening.
2 We'll see you at 6:30. Thank you.

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4 (End: 3:27 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 67 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. 525, GREENSKIES CLEAN ENERGY, LLC APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 4.75-MEGAWATT-AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY AND ASSOCIATED EQUIPMENT LOCATED ON TWO PARCELS AT 54 JEREMY HILL ROAD, NORTH STONINGTON, AND PARCEL NO. 90-1-1 JEREMY HILL ROAD, STONINGTON, CONNECTICUT AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on October 22, 2024.



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

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