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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

LSE SERPENS LLC (LODESTAR ENERGY)  
APPLICATION

The following pages are representative of a  
hearing, before Elisa Ferraro, Court Reporter, License  
233, via Teleconference on Thursday, June 5, 2025,  
commencing at 2:00 p.m.

HELD BEFORE: JOHN MORISSETTE, Presiding Officer of  
Connecticut Siting Council

1 A P P E A R A N C E S:

2 VIA ZOOM

3 CONNECTICUT SITING COUNCIL  
4 10 Franklin Square  
5 New Britain, Connecticut 06051

6 **Members:**

7 Brian Golembiewski  
8 Quat Nguyen  
9 Michael Perrone  
10 Chance Carter  
11 Bill Syme

12 **Staff:**

13 Melanie Bachman, Esquire  
14 Dakota LaFountain

15 **FOR THE CITY OF TORRINGTON:**

16 Murtha Cullina  
17 265 Church Street  
18 New Haven, Connecticut 06510  
19 BY: BRUCE McDERMOTT, ESQUIRE

20 **FOR THE APPLICANT:**

21 Pullman & Comley  
22 90 Statehouse Square  
23 Hartford, Connecticut 06103  
24 BY: LEE HOFFMAN, ESQUIRE  
25 BY: LIANA FEINN, ESQUIRE

26 **Applicant Panel Members:**

27 Jeff Macel, Sam Valone, Matthew Sanford, Michael Gagnon

## Transcript Legend

[sic] - Exactly as said.

[phonetic] - Exact spelling not provided.

- Break in speech continuity and/or interrupted sentence.

- [...] - Indicates omission of word[s] when reading OR trailing off and not finishing a sentence.

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1 [On the record 2:00 p.m.]  
2  
3  
4

5 VICE CHAIRMAN MORISSETTE: Two being.  
6  
7

8 Good afternoon everyone. Can everybody hear me  
9 okay? Ladies and gentlemen, this public  
10 hearing is called to order on this Thursday,  
11 June 5, 2025 at 2:00 p.m. My name is John  
12 Morissette, vice chair of the Connecticut  
13 Siting Council. Other members of the Council  
14 are Brian Golembiewski, designee for  
15 Commissioner Katie Dykes of the Department of  
16 Energy and Environmental Protection; Quat  
17 Nguyen, designee for Chairman Marissa Paslick  
18 Gillett of the Public Utility Regulatory  
19 Authority; Chance Carter and Bill Syme.

20 Members of the staff are Executive Director  
21 Melanie Bachman, Siting Analyst Michael Perrone  
22 and administrative support, Dakota LaFountain.

23 If you haven't done so already, I ask that  
24 everyone please mute their computer audio  
25 and/or telephones now. This is hearing is held  
pursuant to the provisions of Title 16 of the  
Connecticut General Statutes and of the Uniform  
Administrative Procedure Act upon an  
application from LSE Serpens LLC (Lodestar

1 Energy) for the Certificate of Environmental  
2 Compatibility and Public Need for the  
3 construction, maintenance and operation of a  
4 three-megawatt AC solar photovoltaic electric  
5 generating facility and the associated  
6 equipment on 13 parcels located south of West  
7 Hill Road in Torrington, Connecticut and the  
8 associated electrical interconnection.

9 A complete application was received by the  
10 Council on April 7, 2025. The Council's legal  
11 notice of the date and time of this public  
12 hearing was published in the Republican  
13 American on April 19, 2025. Upon this  
14 Council's request, the applicant erected a sign  
15 in the vicinity of the proposed site as to  
16 inform the public in the name of the applicant,  
17 the type of the facility, public hearing date  
18 and contact information for the Council,  
19 including the website and phone number.

20 As a reminder to all, off the record  
21 communication with a member of the Council or a  
22 member of the Council's staff upon the merits  
23 of this application is prohibited by law. The  
24 parties and interveners to the proceeding are  
25 as follows:

1                   The applicant, LSE Serpens LLC, also known  
2                   as Lodestar Energy, its representatives Lee  
3                   Hoffman, Esquire, Kathryn Boucher, Esquire,  
4                   Liana Feinn, Esquire of Pullman & Comley LLC.

5                   The party, City of Torrington, its  
6                   representative Bruce McDermott, Esquire,  
7                   represented by Harris Beach Murtha & Cullina.

8                   We'll proceed in accordance with the  
9                   prepared agenda, a copy of which is available  
10                  on the Council's website, along with a record  
11                  of this matter, a public hearing notice,  
12                  instructions for public access to this public  
13                  hearing and the Council's Citizens Guide to  
14                  siting Council's Procedures. Interested  
15                  persons may join any session of the public  
16                  hearing to listen, but no public comments will  
17                  be received during the 2:00 p.m. evidentiary  
18                  session. At the end of the evidentiary  
19                  session, we will recess until 6:30 p.m. for the  
20                  public comment session. Please be advised that  
21                  any person may be removed from the evidentiary  
22                  session or the public comment session at the  
23                  discretion of the Council. The 6:30 p.m.  
24                  public comment session is reserved for members  
25                  of the public who have signed up to make brief

1 statements into the record. I wish to note  
2 that the applicant parties and interveners,  
3 including their representatives, witnesses and  
4 members are not allowed to participate in the  
5 public comment session. I also wish to note  
6 that those who are listening and for the  
7 benefit of your friends and neighbors who are  
8 unable to join us for the public comment  
9 session that you or they may send written  
10 statements to the Council within 30 days of the  
11 date hereof either by mail or by email and such  
12 written statements will be given the same  
13 weight as if spoken during the public comment  
14 session. A verbatim transcript of this public  
15 hearing will be posted on the Council's website  
16 and deposited with the Torrington City Clerk's  
17 office for the convenience of the public. The  
18 Council will take a 10- to 15-minute break at a  
19 convenient juncture at around 3:30 p.m.

20 We have one motion, motion number one, LSE  
21 Serpens LLC's motion for protective order in  
22 response to Council's interrogatory number 17,  
23 Lease Agreement Financial Terms, dated May 29,  
24 2025. Attorney Bachman may wish to comment?  
25 Attorney Bachman, good afternoon.

1 MS. BACHMAN: Good afternoon, and thank  
2 you Vice Chair Morissette. Pursuant to General  
3 Statute Section 16-50o and Council  
4 interrogatory number 17, Lodestar Energy  
5 submitted a motion for protective order for the  
6 purchase and sale agreement financial terms  
7 which are exempt from public disclosure under  
8 the Freedom of Information Act; and therefore  
9 staff recommends proof. Thank you.

10 VICE CHAIRMAN MORISSETTE: Thank you,  
11 Attorney Bachman. Is there a motion?

12 MR. CARTER: Mr. Vice Chair, I move that  
13 we approve the motion for a protective order.

14 VICE CHAIRMAN MORISSETTE: Thank you,  
15 Mr. Carter. Is there a second?

16 MR. GOLEMBIEWSKI: I'll second.

17 VICE CHAIRMAN MORISSETTE: Thank you,  
18 Mr. Golembiewski. We have a motion by  
19 Mr. Carter to approve the motion for protective  
20 order and we have a second by Mr. Golembiewski.

21 We will now move to discussion.

22 Mr. Golembiewski, any discussion?

23 MR. GOLEMBIEWSKI: I have no discussion,  
24 Vice Chair Morissette.

25 VICE CHAIRMAN MORISSETTE: Thank you.

1                   Mr. Nguyen, any discussion?

2                   MR. NGUYEN: Good afternoon. No  
3                   discussion.

4                   VICE CHAIRMAN MORISSETTE: Thank you, and  
5                   good afternoon. Mr. Carter, good afternoon.  
6                   Any discussion?

7                   MR. CARTER: Good afternoon, Mr. Vice  
8                   Chair I have no discussion. Thank you.

9                   VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
10                  Syme, good afternoon. Any discussion?

11                  MR. SYME: I have no discussion.

12                  VICE CHAIRMAN MORISSETTE: We will now  
13                  move to the vote. Mr. Golembiewski, how do you  
14                  vote?

15                  MR. GOLEMBIEWSKI: I vote to approve.  
16                  Thank you.

17                  VICE CHAIRMAN MORISSETTE: Thank you.  
18                  Mr. Nguyen?

19                  MR. NGUYEN: I vote to approve.

20                  VICE CHAIRMAN MORISSETTE: Thank you.  
21                  Mr. Carter?

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

23                  VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
24                  Syme?

25                  MR. SYME: I vote approval.

1 VICE CHAIRMAN MORISSETTE: Thank you. I  
2 also vote for approval. We have a unanimous  
3 decision. Motion for protective order is  
4 approved.

5 We will now move on to administrative  
6 notices taken by the Council. I'll call your  
7 attention to those items shown in the hearing  
8 program marked as Roman numeral IC, items 1  
9 through 105. Does any party or intervener have  
10 an objection to the items that the Council has  
11 administratively noticed?

12 Attorney Hoffman, good afternoon.

13 MR. HOFFMAN: Good afternoon. Can you  
14 hear me okay, Mr. Vice Chairman?

15 VICE CHAIRMAN MORISSETTE: Yes, I can.  
16 Thank you. I can't see you too well though.

17 MR. HOFFMAN: I don't know why that is.

18 VICE CHAIRMAN MORISSETTE: We can see you,  
19 but it's -- I think it's the angle trying to  
20 cover the whole room. Just make sure that  
21 everybody identifies themselves properly.

22 MR. HOFFMAN: I'm adjusting the camera.

23 VICE CHAIRMAN MORISSETTE: Much better.  
24 Thank you.

25 MR. HOFFMAN: Certainly, sir. Mr.

1                   Morissette, thank you. We have exhibits.

2                   First let me introduce the witness panel, if I  
3                   may.

4                   VICE CHAIRMAN MORISSETTE: Attorney  
5                   Hoffman, we're not quite there yet.

6                   MR. HOFFMAN: You're right. I'm sorry.  
7                   No objection to the administrative notice.

8                   VICE CHAIRMAN MORISSETTE: Thank you.  
9                   Attorney McDermott, good afternoon.

10                  MR. McDERMOTT: Good afternoon, Mr. Vice  
11                  Chair and members of the Council and staff. On  
12                  behalf of the City of Torrington, we have no  
13                  objection to the administrative notice list. I  
14                  might take this opportunity, Mr. Morissette,  
15                  while I have the microphone just to state I  
16                  have one administrative matter I'd like to  
17                  handle before we begin the evidentiary part of  
18                  today's hearing.

19                  VICE CHAIRMAN MORISSETTE: Certainly. Go  
20                  right ahead.

21                  MR. McDERMOTT: Are you finished with  
22                  your --

23                  VICE CHAIRMAN MORISSETTE: Let me just  
24                  finish here. Accordingly, the Council hereby  
25                  administratively notices the existing

1 documents, so the Roman numeral IC, items 1  
2 through 105 are adopted.

3 Go ahead, Attorney McDermott.

4 MR. McDERMOTT: Thank you, Mr. Vice Chair,  
5 and again good afternoon. Bruce McDermott from  
6 Harris Beach Murtha Cullina on behalf of the  
7 City of Torrington. Sir, I begin with a slight  
8 apology for the timing of this discussion but  
9 it was only last night when I was preparing for  
10 today's hearing that I had a solid block of  
11 time in which I could review the record in this  
12 proceeding and I have identified a procedural  
13 defect which in the City's opinion means that  
14 today's hearing cannot go forward. As the  
15 Council is aware, Connecticut General Statute  
16 Section 16-50L provides that at least 60 days  
17 prior to the filing of an application with the  
18 Council that an applicant is to consult with a  
19 municipality or municipalities and that  
20 consultation, as you are aware, includes a good  
21 faith effort to meet with the CEO and the  
22 provision of various technical reports  
23 regarding public need, site selection and the  
24 environmental effects of the proposed facility.

25 On March 28, pursuant to a letter -- well,

in response to a letter from the Council, March 28, the applicant did file materials that were provided to the City of Torrington and the Town of New Hartford. In that filing, it indicates that the municipal consultation began on October 8th of 2024. Unfortunately, the applicant's municipal consultation filing does not meet the statutory requirements. As the Council is aware, in Public Act 24-144, that section 16-50L, the amendment became effective on October 1st of 2024, a week before the municipal consultation period was initiated by the applicant. The amendment to Section 16-50L in Public Act 24-144 provided that In addition to the chief elected official, the applicant needs to make a good faith effort to meet with the legislative bodies of the municipalities as well as a member of the legislature in whose assembly or senate district the facility is located. That did not happen.

Additionally, the legislative body, as well as the legislative members, are to receive the same technical reports regarding the site selection process, the environmental effects and the public need. So those same studies are

1 to have gone to the legislative bodies, as well  
2 as the legislative members. That also did not  
3 happen. So a proper municipal consultation is  
4 a prerequisite to the filing of an application.  
5 That did not happen here. As a result, the  
6 applicant should not have been able to file the  
7 application and the Council should not have  
8 accepted the application. There is nothing in  
9 the statute or in Public Act 24-144 that  
10 enables the Council to waive the municipal  
11 consultation requirements in Section 16-50L.  
12 As the applicant has failed to meet its  
13 obligations and has deprived the legislative  
14 body and the members of the legislature of the  
15 opportunity to review the application or at  
16 least the materials and reports associated with  
17 it prior to the filing of the application by  
18 the applicant, the Council must reject the  
19 application. At such time as the applicant  
20 undertakes the appropriate municipal  
21 consultation with the CEOs and legislative  
22 bodies and the elected officials, as well as  
23 obviously meeting the various other procedural  
24 requirements that are a prerequisite to the  
25 filing of the application, only then can the

1 applicant submit an application to the Council.

2 Again, I'll end where I began, Mr. Vice  
3 Chair, which is that it was only last night at  
4 a decent hour that I came across this  
5 information. I do not mean to kind of  
6 blindswope the Council with this at this late  
7 day, but if I had the opportunity to put it in  
8 writing, I obviously would have and consider  
9 both by you and by the applicant's Council but  
10 I stand to answer any questions you might have  
11 or to enter into any other discussion. Thank  
12 you.

13 VICE CHAIRMAN MORISSETTE: Thank you,  
14 Attorney McDermott. Attorney Hoffman, would  
15 you like to take a minute and go off the record  
16 to digest what Mr. McDermott has just proposed  
17 or laid on us here.

18 MR. HOFFMAN: I don't believe I need to go  
19 off the record for that, Mr. Morissette.

20 VICE CHAIRMAN MORISSETTE: Okay. Please  
21 proceed. Do you have any comments?

22 MR. HOFFMAN: I do have comments on that,  
23 Mr. Morissette. First and foremost, I think  
24 that counsel has ignored the local outreach and  
25 public notice information that was included not

1 only via attachment but also in the application  
2 itself. We met with not only the mayor of the  
3 City of Torrington, but the mayor presides as  
4 Chairman over the City Council and that meeting  
5 began -- this was filed on March 13th of 2025  
6 and the municipal consultation began on  
7 October 11, 2024, well before the 60-day  
8 requirement, recognizing that the new  
9 requirements of 16-50L were required. In  
10 addition, it should be noted that the mayor of  
11 Torrington is also is the Chairman of the  
12 Torrington City Council. Lodestar then met  
13 with the City's planning board at the City's  
14 request and was not requested to meet with  
15 anyone other than Mayor Carbone. For the City  
16 to now say that we haven't fulfilled our duties  
17 for municipal consultation is in my opinion  
18 somewhat disingenuous. Moreover, as noted on  
19 page 13 of the application, Lodestar attempted  
20 to meet with the legislative delegation. On  
21 November 24 and December 6, we were able to  
22 speak with Senator Honig by telephone.  
23 Representative Case never answered any of our  
24 entreaties. But we delayed our filing in order  
25 to give those legislators who represent the

district time to answer -- time to provide us with any questions and to ask about the application. We provided the materials to the Council in accordance with 16-50L and the Council determined this complete.

VICE CHAIRMAN MORISSETTE: Thank you,  
Attorney Hoffman. Attorney McDermott, go  
ahead.

MR. McDERMOTT: Based on that, unfortunately Attorney Hoffman has done nothing to actually help his cause. The mayor is -- yes, she is part of the Torrington City Council. There are six other members of that council. Attorney Hoffman did not indicate that those members were contacted. There is also the Board of Selectmen of New Hartford. Attorney Hoffman made no reference to meetings with the Board of Selectmen of that municipality and the elected officials of that -- the legislative delegation of that town as well. So there's still -- by Attorney Hoffman's admission, there's still a defect in the municipal consultation requirements pursuant to the recently passed legislation.

MR. HOFFMAN: I didn't make any mention of

1 the Town of New Hartford, but the selectmen  
2 were met with in the town of New Hartford as  
3 indicated in the application. Moreover,  
4 Mr. McDermott doesn't represent the Town of New  
5 Hartford, she represents the City of  
6 Torrington.

7 MR. McDERMOTT: I'm making a factual  
8 argument, I'm not representing myself as  
9 representing New Hartford. I think I'm allowed  
10 to mention that municipality without being a  
11 representative of that municipality.

12 VICE CHAIRMAN MORISSETTE: At this point,  
13 I'm going to have Attorney Bachman weigh in on  
14 this as well. Attorney Bachman?

15 MS. BACHMAN: Vice Chair Morissette, given  
16 the lateness of the objection and understanding  
17 that it takes time to review the record and the  
18 City did come in a little late as a party, at  
19 this point, given that we have members of the  
20 public who took time off from work to be here  
21 this afternoon and to speak this evening for  
22 this hearing, I say that we should proceed with  
23 the hearing and allow attorneys McDermott and  
24 Hoffman to brief the issue within the timing of  
25 a second continued evidentiary hearing or a

1 regularly scheduled council meeting to take up  
2 what I believe to be an objection from  
3 Mr. McDermott on the meeting agenda. Either  
4 way, I think the issue should be briefed, but  
5 this hearing should continue. Thank you.

6 MR. HOFFMAN: One other thing if I may,  
7 now looking at the language --

8 MS. BACHMAN: Attorney Hoffman?

9 MR. HOFFMAN: Yes.

10 MS. BACHMAN: Could you just hold for a  
11 moment. I believe Vice Chair Morissette is  
12 frozen. He may not be capturing this entire  
13 conversation. Until we resolve his technical  
14 difficulties and he did just drop off the  
15 meeting, so give us a moment to get him back  
16 on. There he is. Feel free to continue.

17 VICE CHAIRMAN MORISSETTE: Can you hear me  
18 okay? Attorney Hoffman, I cut off right when  
19 you were getting started.

20 MR. HOFFMAN: Thank you. Mr. Vice Chair,  
21 I didn't really say anything particularly  
22 noteworthy. But the other thing that I would  
23 point out, and I appreciate Attorney Bachman's  
24 potential solution for this, but the other  
25 thing that I would point out is 16-50L

1 subparagraph F doesn't require absolute  
2 adherence to every last touchstone as Attorney  
3 McDermott is making it out. It requires good  
4 faith efforts to meet with the various  
5 officials that Attorney McDermott has laid out  
6 and I do believe that based on pages 12 through  
7 14 of the application, as well as the  
8 supplemental materials, the applicant has met  
9 that standard. I am of course happy to brief  
10 that further as Attorney Bachman suggested,  
11 should the Council request that.

12 VICE CHAIRMAN MORISSETTE: Thank you,  
13 Attorney Hoffman. I believe that briefing is  
14 the appropriate avenue and that will allow you  
15 the opportunity to document your position, and  
16 also Attorney McDermott to document his  
17 position as well and we'll take a look at it at  
18 the continuation hearing at a further date.

19 With that, we will continue. Thank you  
20 everyone. I will now continue with the  
21 appearance by the applicant. Will the  
22 applicant present its witness panel for the  
23 purpose of taking the oath. Attorney Bachman  
24 will administer the oath. Attorney Hoffman.

25 MR. HOFFMAN: I would like to introduce

1 our panel. I just want to make sure that  
2 Mr. Bajcek is on the line. There he is. Very  
3 good. We have with us my colleague Liana Feinn  
4 immediately to my left, around from her, is Sam  
5 Valone and Jeff Macel from the applicant LSE  
6 Serpens; they're employees of Lodestar. And  
7 then to my right, we have Michael -- I'm sorry,  
8 Matthew Sanford is immediately to my right and  
9 Michael Gagnon further down towards the camera.  
10 I would ask that the witnesses be sworn in.

11 VICE CHAIRMAN MORISSETTE: Thank you,  
12 Attorney Hoffman. Attorney Bachman, please  
13 swear in the witnesses.

14 MS. BACHMAN: Thank you, Vice Chair  
15 Morissette. Could the witnesses please raise  
16 their right hand.

17 [Whereupon, All Witnesses, were duly sworn  
18 by Attorney Bachman.]

19 VICE CHAIRMAN MORISSETTE: Please verify  
20 the exhibits by the sworn witnesses.

21 MR. HOFFMAN: We have several exhibits for  
22 identification. They're listed in the hearing  
23 program Roman numeral II, letter B. They  
24 include B1, the application for the certificate  
25 of environmental compatibility and public need

1 and all of the attachments labeled A through G  
2 under B1. In addition, the proof of service to  
3 the Office of Consumer Counsel, dated March 19,  
4 2025; the materials provided to the City of  
5 Torrington and the Town of New Hartford, dated  
6 March 28, 2025; the affidavit of publication in  
7 the Republican American, dated April 7, 2025;  
8 the sign posting affidavit, dated May 29, 2025;  
9 and finally the responses to the Council's  
10 interrogatories in this docket, dated May 29,  
11 2025.

12 And I will ask the witnesses to swear to  
13 these exhibits at this time. So, Mr. Gagnon,  
14 I'll start with you. Did you prepare or cause  
15 to be prepared the exhibits listed in the  
16 hearing program as I've just listed them in  
17 Roman numeral II, letter B, items 1 through 6?

18 MR. GAGNON: Yes, I did.

19 MR. HOFFMAN: Are they accurate to the  
20 best of your knowledge?

21 MR. GAGNON: Yes, they are.

22 MR. HOFFMAN: Do you have any changes to  
23 those exhibits today?

24 MR. GAGNON: I do not at this time.

25 MR. HOFFMAN: Do you adopt them as your

1 sworn testimony today?

2 MR. GAGNON: Yes.

3 MR. HOFFMAN: Mr. Sanford, I'll ask you  
4 the same questions. Did you prepare or cause  
5 to be prepared the exhibits in Roman numeral  
6 II, letter B, items 1 through 4 and item 6?

7 MR. SANFORD: Yes, I did.

8 MR. HOFFMAN: Are those exhibits accurate  
9 to the best of your knowledge?

10 MR. SANFORD: Yes, they are.

11 MR. HOFFMAN: Do you have any changes to  
12 those exhibits?

13 MR. SANFORD: Not at this time.

14 MR. HOFFMAN: Do you adopt them as your  
15 sworn testimony?

16 MR. SANFORD: Yes, I do.

17 MR. HOFFMAN: Mr. Macel, I will ask you  
18 the same questions. Did you prepare or cause  
19 to be prepared the exhibits listed in Roman  
20 numeral II, letter B, items 1 through 4 and  
21 item 6?

22 MR. MACEL: Yes, I did.

23 MR. HOFFMAN: And are they accurate to the  
24 best of your knowledge?

25 MR. MACEL: Yes, they are.

1                   MR. HOFFMAN: Do you have any changes to  
2 them today?

3                   MR. MACEL: None. No, I do not.

4                   MR. HOFFMAN: Do you adopt them as your  
5 sworn testimony?

6                   MR. MACEL: Yes, I do.

7                   MR. HOFFMAN: Miss Valone, similar  
8 questions for you. Did you prepare or cause to  
9 be prepared the items listed in Exhibit Roman  
10 numeral II, letter B, items 1 through 4 and  
11 item 6?

12                  MS. VALONE: Yes, I did.

13                  MR. HOFFMAN: Are they accurate to the  
14 best of your knowledge?

15                  MS. VALONE: Yes, they are.

16                  MR. HOFFMAN: Do you have any changes to  
17 those exhibits?

18                  MS. VALONE: No, I do not.

19                  MR. HOFFMAN: Do you adopt them as your  
20 sworn testimony today?

21                  MS. VALONE: Yes, I do.

22                  MR. HOFFMAN: Finally, Mr. Bacjek, I'll  
23 ask you, are you familiar and did you prepare  
24 or cause to be prepared the items listed in  
25 Roman number II, letter B, items 1, 3 and 6?

1                   MR. BACJEK: Yes, I did.

2                   MR. HOFFMAN: Are those exhibits accurate  
3                   to the best of your knowledge?

4                   MR. BACJEK: Yes, they are.

5                   MR. HOFFMAN: Do you have any changes to  
6                   those exhibits today?

7                   MR. BACJEK: No, I don't.

8                   MR. HOFFMAN: Do you adopt those exhibits  
9                   as your sworn testimony?

10                  MR. BACJEK: Yes, I do.

11                  MR. HOFFMAN: Mr. Morissette, with that, I  
12                  would ask that the exhibits be adopted as full  
13                  exhibits for evidentiary purposes.

14                  VICE CHAIRMAN MORISSETTE: Thank you,  
15                  Attorney Hoffman. Does any party or intervener  
16                  object to the admission of the applicant's  
17                  exhibits? Mr. McDermott?

18                  MR. McDERMOTT: No objection. Thank you.

19                  VICE CHAIRMAN MORISSETTE: Thank you. The  
20                  exhibits are hereby admitted. We will now  
21                  begin with cross-examination of the applicant  
22                  by the Council, starting by Mr. Perrone,  
23                  followed by Mr. Golembiewski.

24                  Mr. Perrone, good afternoon.

25                  MR. PERRONE: Thank you, Mr. Vice Chair.

**CROSS-EXAMINATION BY MR. PERRONE**

Q We'll begin with the response to interrogatory 8, does the proposed project have one contract for its full output?

A This is Sam Valone speaking. Yes, there is one NRES contract for the entire output of this project.

Q Is that -- is that [inaudible.] Could an actual wooded buffer of trees be included along the eastern property line between the facility and abutting properties?

A [Mr. Macel.] I'll refer this question to Sam Valone.

A This is Sam Valone speaking. So, the eastern boundary near the other properties is a very narrow stretch of that parcel and all we have there is the access road and a stormwater basin is required to control the stormwater. And then the panels start a little bit below that and we have a vegetative buffer. We have screening plantings proposed there between the closest residents and the panels as well as a privacy screen. It will be a black mesh fabric that will go on the fence, so visibility will be extremely low.

Q Also looking at the eastern limits of the site, could the drainage swale be relocated from the eastern side to the western side?

1           A     This is Jeff Macel of Lodestar Energy. I'll  
2 refer this to Mike Gagnon.

3           A     Just to introduce myself, Michael Gagnon. That  
4 easterly drainage swale is designed to intercept the  
5 runoff from site predominantly the east, roughly the  
6 eastern third of the site so that location really needs to  
7 remain to provide stormwater attenuation in compliance  
8 with the construction general permit by DEEP.

9           Q     Moving on to the equipment pad layout.  
10          According to the revised noise analysis, there's two  
11         transformers and 20 inverters. Does that mean one  
12         transformer and ten inverters per pad?

13          A     Sam Valone speaking. Yes, that is correct.

14          Q     For a given pad, would the transformer be pad  
15         mounted in the inverter bank of ten would be elevated?

16          A     This is Jeff Macel, Lodestar. Could you  
17         rephrase the question?

18          Q     Sure. For a given equipment pad, we have one  
19         transformer and ten inverters. Would the transformer be  
20         on the pad and the bank of ten inverters, would those be  
21         elevated or would the inverters be on the pad as well?

22          A     [Mr. Macel.] The transformers are mounted  
23         directly to the concrete pads. Inverters are typically  
24         elevated two to three feet off of the concrete pad to  
25         allow for airflow and cooling, per the manufacturer's

1 specifications.

2 Q Also on the inverter topic, referencing a  
3 response to interrogatory 22, the pads are at least  
4 200 feet from the property lines. Do you have the actual  
5 distance, the closest distance from an inverter pad to the  
6 nearest property line?

7 A [Mr. Macel.] I can refer this to Mike Gagnon of  
8 SLR. Give me a moment. The distance -- Mike Gagnon,  
9 again for the record, the distance from the equipment pad  
10 to the southerly property line is about 342 feet.

11 Q Okay. Moving on to the electrical  
12 interconnection. Referencing page 11 of the petition,  
13 approximately how tall would the five B poles be?

14 A Sam Valone speaking. I would say about 30 to  
15 40 feet.

16 Q Would Lodestar reduce the number of poles  
17 required?

18 A [Ms. Valone.] We have a signed executed  
19 interconnection agreement with Eversource and that is  
20 their required number of poles. So, we cannot break the  
21 contract and change the configuration without a restudy.

22 Q Moving on to response to interrogatory 31  
23 regarding the use of pad mounted equipment. Approximately  
24 how much would a restudy and use of pad mounted equipment  
25 cost?

1           A        [Ms. Valone.] A restudy would cost about  
2       \$80,000 and could take potentially up to two to three  
3       years. And at that point, we would be breaking our NRES  
4       contract which dictates that we must be in service three  
5       years from the date of signature. Did that answer your  
6       question, or is there anything else?

7           Q        Pad mounted equipment, I know that will be  
8       subject to the study. Do you have an estimate on what pad  
9       mounted equipment would cost?

10          A        [Ms. Valone.] I would estimate about \$200,000,  
11       but I'm not an engineer so I cannot say for certain.

12          Q        Moving on to code compliance. Would the  
13       proposed project comply with the Connecticut State  
14       Building Code?

15          A        [Ms. Valone.] Yes, it would.

16          Q        The National Fire Protection Association  
17       standards?

18          A        [Ms. Valone.] Yes, it will.

19          Q        And National Electrical Safety Code, as  
20       applicable?

21          A        [Ms. Valone.] Yes.

22          Q        Moving on to traffic. Would construction  
23       vehicles access the site off of West Hill Road and utilize  
24       the proposed access route?

25          A        [Ms. Valone.] They will, yes.

1                   Q     What types of vehicles and trucks would be  
2     utilized during the construction process?

3                   A     [Mr. Macel.] Typically during the construction  
4     process, small service vehicles will utilize the site for  
5     installation of electrical equipment. There will be a  
6     one-time delivery of solar modules, which will be  
7     delivered by semi-trailers and there will also a post  
8     driving machine delivered by load bed.

9                   Q     How would traffic be managed during active  
10    construction?

11                  A     This is Jeff Macel with Lodestar. In our  
12    consultation with the town engineer, Paul Kundzins, there  
13    was no need to for a police officer dispatch to be  
14    utilized; however, they have been used in certain  
15    circumstances. Engineer Kundzins pointed out that the  
16    line of sight here on this road was very good with no  
17    turns in the road and visibility from both sides.

18                  Q     What measures would Lodestar utilize to assure  
19    that all construction activities remain within the limits  
20    of the service and do not encroach on the gas pipeline  
21    right-of-way?

22                  A     Jeff Macel, Lodestar. All of our work would be  
23    performed within the limits of clearing in compliance with  
24    the permits issued. We would engage engineers and our  
25    current civil engineers to stake the site in order to

1 ensure that those are clearly marked and delineated for  
2 any of the construction crews for limits of clearing.

3 Q Moving on to response to interrogatory 34, an  
4 updated site plan was provided under Exhibit 4. Could you  
5 describe the provisions that were made in the updated site  
6 plans?

7 A Mike Gagnon with SLR. So, essentially the only  
8 revision that was made to the plan is the stormwater basin  
9 out by West Hill Road. We adjusted the northwest and then  
10 the gas pipeline.

11 Q Turning to the revised site plan, SP-1, what is  
12 the reason for the large stormwater basin near the site  
13 entrance?

14 A Mike Gagnon with SLR. So, that big stormwater  
15 basin is necessary, again, and is situated based on the  
16 existing topography of the site and also takes in what I'm  
17 going to call the panhandle of the site which is developed  
18 with the access road and the solar panels and as such is  
19 necessary to provide both peak flow reduction or  
20 attenuation and water quality requirements in accordance  
21 with DEEP's construction general permit. And again, a  
22 summary of that analysis is provided in our Stormwater  
23 Management Report, which is included in the documents.

24 Q Turning to site plan SP-2, could you explain why  
25 the design has one large basin at the southern end of the

1 site instead of two?

2           A Again, Mike Gagnon with SLR. That basin is  
3 situated to the extent of intercepting peak runoff in this  
4 instance from the majority of the site so there is a  
5 divide that runs north-south kind of on the easterly third  
6 of the site. As I had mentioned previously, the area to  
7 the east of that divide gets into these smaller stormwater  
8 basin that's located along the easterly property line  
9 whereas the larger basin to the south intercepts the  
10 runoff from the rest of the site. Again, we situated that  
11 basin to be away from the steep slope that exists at the  
12 southwest portion of the site and also for protection of  
13 the existing gas line easement. Therefore, we could only  
14 provide one stormwater basin at this location.

15           And one other thing to add is the basin, we  
16 conducted a series of test pits as required to ensure the  
17 suitability of that basin with respect to seasonal high  
18 groundwater as well as the presence of any ledge. The  
19 basin was formerly situated further to the west and was  
20 subsequently moved due to the presence of ledge at the  
21 southwest corner area.

22           Q Was there any potential to have a smaller basin  
23 in the vicinity of test pit three?

24           A Again, Mike Gagnon. We looked at that. I  
25 believe we encountered rock at that location as well.

1           Q     Are any check swales proposed within the  
2     northern part of the swale to reduce stormwater velocity?

3           A     [Mr. Gagnon.] If I may ask, you are referring  
4     to the stormwater swale that runs along the westerly side  
5     of the property?

6           Q     Yes.

7           A     [Mr. Gagnon.] Yeah, there will be a series of  
8     check dams that will be employed during construction until  
9     such time that that swale is stabilized.

10          Q     Moving on to wildlife, regarding the bat boxes.  
11     I understand there placed in a forested area. And looking  
12     at the response to interrogatory 50, the guidance had  
13     indicated exposure to moderate solar radiation. Is that  
14     why the bat boxes were not put out in the open, to keep  
15     the solar radiation down?

16          A     For the record, this is Matt Sanford, SLR. That  
17     is correct, Mr. Perrone. They were situated in shaded,  
18     wooded areas to reduce the propensity for solar radiation  
19     related to the location of those bat boxes.

20          Q     Moving on to fire safety. Response to  
21     interrogatory 39, the nearest fire hydrant is  
22     approximately 3,000 feet to the west. Did Lodestar have  
23     any discussions with the fire department regarding whether  
24     it would be feasible to obtain water from that hydrant in  
25     the event of a fire, or would it be necessary to use

1 tanker trucks?

2 A This is Sam Valone from Lodestar Energy. We did  
3 reach out to the fire department earlier this week and I  
4 have not gotten a response back from them, but we do plan  
5 to continue to reach out and we always like to meet with  
6 the fire department before construction and have training  
7 sessions and discuss hydrant locations and all of that.

8 Q Moving on to water quality. Referencing the  
9 response to interrogatory 52 and also comments from DPH,  
10 could you identify any design features to protect  
11 groundwater quality?

12 A [Mr. Macel.] Could you clarify the question  
13 please? In what respect groundwater quality? From  
14 rainfall?

15 Q With respect to petrol, drinking water or wells,  
16 subsurface water in the vicinity of the site.

17 A [Mr. Macel.] I'm not sure I understand the  
18 question, but I'll certainly refer to our civil engineers  
19 if they may have a response.

20 A Mike Gagnon, SLR, for the record. If I could  
21 just respond to that with respect to the civil  
22 construction improvements. I think first of all we would  
23 employ all of the necessary sedimentation erosion control  
24 practices that are shown on the drawings to minimize any  
25 contamination as a result of silt, of latent runoff from

1 the site. Additionally, the permanent BMPs that are  
2 proposed on the site, that being particularly the  
3 stormwater management basins, are designed to provide a  
4 certain retention volume from runoff from the site again  
5 to comply with the DEEP water quality requirements for  
6 this project.

7 Q Moving to the noise topic. With the revised  
8 noise analysis under Exhibit 3 of the interrogatories,  
9 page 5, it notes that All equipment was assumed to operate  
10 during the daytime. Does any of the equipment emit noise  
11 at night?

12 A Sam Valone speaking from Lodestar. No, it does  
13 not, just during the daytime.

14 Q Referencing the response to interrogatory 35 and  
15 57, does the approved DEEP general permit include the Dam  
16 Safety program registration?

17 A [Mr. Gagnon.] It does not at this time. We  
18 intend to reach out to Dam Safety as part of this project  
19 to get their concurrence that it doesn't require a Dam  
20 Safety permit.

21 Q Moving on to interrogatory 59, which is geotech.  
22 Could you briefly describe the process for a geotechnical  
23 analysis?

24 A Mike Gagnon again, SLR. We did prepare a  
25 geotechnical engineering study for this project and really

1 that's required for these projects, not only for the  
2 suitability of the construction associated with the  
3 arrays, as well as the incidental improvements that are  
4 required. But I think SLR was instrumental, as I had  
5 mentioned previously, of conducting test pits in the  
6 vicinity of the stormwater basins, again as required by  
7 DEEP, to ensure that there wasn't any issues associated  
8 with ledge or groundwater.

9 Q Moving on to response to interrogatory 69, which  
10 is decommissioning bonds. Lodestar would post a bond to  
11 cover decommissioning costs. Is it correct to say that  
12 the bond would not be required to be associated with prime  
13 farmland soil because the prime farmland soils are outside  
14 the limits of disturbance?

15 A Sam Valone from Lodestar. Yes, that is correct.

16 MR. PERRONE: Thank you, Mr. Vice Chair.

17 That's all I have for Lodestar.

18 VICE CHAIRMAN MORISSETTE: Continue to  
19 cross-examination by Mr. Golembiewski, followed  
20 by Mr. Nguyen. Mr. Golembiewski, good  
21 afternoon.

22

23 CROSS-EXAMINATION BY MR. GOLEMBIEWSKI

24 Q I have several questions. I guess, good  
25 afternoon, panel. My first question/comment is that I

1 notice throughout the application and interrogatories,  
2 there's reference to a residential subdivision and there's  
3 even a table that compares impacts. My question is, why  
4 is that in the application?

5 A Thank you for your question. This is Jeff Macel  
6 from Lodestar. The subject property for this array was  
7 previously approved as a residential subdivision with 13  
8 individual lots and tree clearing, an access road,  
9 stormwater controls and associated utilities. The  
10 comparison that is made in the application demonstrates  
11 the lower impact of a solar array versus the subdivision  
12 that was previously approved. In fact, the previously  
13 approved subdivision showed tree clearing of up to  
14 23.2 acres, while the solar array is 19.2 acres of tree  
15 clearing. This was included for informational purposes to  
16 demonstrate our conversations with the town planner,  
17 Jeremy Leifert, who preferred this application with less  
18 sprawling, clearing and land use to the solar array.

19 Q But you realize we have no -- we don't have any  
20 regulatory authority for anything other than the solar  
21 project, yes?

22 A [Mr. Macel.] Yes, we do.

23 Q So you're saying that you could make it worse is  
24 what you're telling me than what you've proposed. If we  
25 say no, you could do something worse? Is that sort of

1 what you're saying?

2 A [Mr. Macel.] That was not our intention. We  
3 were not the developer of record of that parcel. When we  
4 signed the option to purchase this land, this was what the  
5 previous owner had gotten approved on site. Our intention  
6 was to show this was less impactful than what was  
7 previously approved by the City of Torrington.

8 Q Thank you. I'm referring to DEEP's letter. It  
9 was dated May 29, 2025. In the letter, it stated that  
10 DEEP staff were not granted access to conduct a site  
11 visit. Is that true?

12 MR. HOFFMAN: Give us one moment.

13 VICE CHAIRMAN MORISSETTE: Attorney  
14 Hoffman, you're not on mute. We can hear your  
15 discussion.

16 MR. HOFFMAN: I thought we were muted.

17 VICE CHAIRMAN MORISSETTE: No. We can  
18 hear you.

19 MR. HOFFMAN: We'll step outside.

20 A Sam Valone from Lodestar. I personally was not  
21 reached out to and Jeff Macel was not reached out to by  
22 DEEP.

23 A [Mr. Macel.] We have no knowledge of that  
24 request at this time.

25 Q Okay. I'll move on. Are these numbers correct?

1 The project will have 19.2 acres of tree clearing, of  
2 which 10.9 acres are considered core forest and 8.3 is  
3 edge forest?

4 A [Ms. Valone.] Yes, those numbers are correct.

5 Q Did you have any direct consultation with DEEP  
6 Forestry Division staff on the impacts to the core forest?

7 A [Mr. Macel.] We did. We had several phone  
8 calls and a pre application meeting on this. And we  
9 reviewed any potential prior habitats for any wildlife.  
10 And I can actually refer this to SLR for some of those  
11 priority habitat consultations.

12 A For the record, Matt Sanford, SLR. In terms of  
13 priority habitats, the national database program  
14 identifying core forest has more of the habitats on the  
15 site. In discussions with the national program, the only  
16 topic that was brought up in their file on termination  
17 letter was managing the site for pollinator species on the  
18 long-term management site in terms of vegetation. And  
19 lastly, the third item that provide habitat, wildlife  
20 habitat fencing that is compatible to smaller-sized  
21 species to be able to go under the fencing. That was in  
22 terms of the requirements for State of Connecticut  
23 database program for both wildlife and for habitats.

24 Q Did you have any direct emails or phone calls  
25 with or correspondence with DEEP Forestry Division staff?

1           A       [Mr. Macel.]  We did.  And I can reference our  
2 emails and give the dates if they're not in our  
3 application.

4           Q       I would appreciate that.  Moving on, I'm  
5 referring back to that same letter that DEEP submitted.  
6 It states that It is important to note that the majority  
7 of the project site consists of large core forest and the  
8 remainder consists of edge forest.  DEEP's Forestry  
9 Division visited the project site in 2023 and made  
10 observations that the project site is within a large  
11 greater than 500-acre block of forest described as highly  
12 resilient and ecological integrity.  Currently this intact  
13 forest block provides significant habitat for various  
14 state, federal listed species.  Do you have any response  
15 to that statement?

16          A       For the record, Matt Sanford, SLR.  As relates  
17 to federal and state listed species, from a federal  
18 perspective, the only species that were identified for the  
19 U.S. Fish & Wildlife Service information planning and  
20 coordination tool were the Northern Long-eared Bat, as  
21 well as the Tricolored Bat and the candidate species know  
22 as the Monarch Butterfly.  The existing habitat that is on  
23 the site, which is a mixed mesic broadleaf universe  
24 forest, would provide viable habitat for both the Northern  
25 Long-eared Bat, as well as the Tricolored Bat.  The

1 existing habitat where the proposed facility would occur  
2 does not provide habitat for the candidate Monarch  
3 Butterfly species. The adjacent gas easement does, but  
4 the area where the proposed facility would occur does not  
5 currently not provide habitat for that.

6 Secondly, from a state listed species  
7 perspective, as identified by the Natural Diversity Data  
8 Base Program, the one species that they identified in  
9 their letter was Northern Long-eared Bat. Again, that  
10 habitat does exist on the site and we are complying with  
11 requirements of the Natural Diversity Data Base program as  
12 it relates to clearing activities, not conducting those  
13 clearing activities between April 15 and October 31, as  
14 well as providing additional opportunities for bat boxes  
15 to support both Northern Long-eared Bat roosting and  
16 Tricolored Bat roosting.

17 Q Okay. Thank you. I'll move on from that issue.  
18 As I read the interrogatories, I saw that the total cut  
19 for the project is 9,808 cubic yards, total fill is 3,394  
20 cubic yards, and there's a net cut of 6,414 cubic yards  
21 and that excess will be removed off the site. That seems  
22 like a lot of earthwork. Is there a lot of grading other  
23 than the detention basins on the site? I didn't see in  
24 the site plans any specific grading identified in the  
25 array areas.

1           A    Mike Gagnon, with SLR.  So, you are correct.  
2    Most of that earthwork is a result of the cut that is  
3    required for the stormwater basins so that is where most  
4    of that material comes from.  There is some incidental  
5    grading that's going to have to occur to cut in the  
6    drainage swales.  Speaking of the drainage swale, as well  
7    as the one to the east, the site itself, it is intended to  
8    leave the topography the same as existing conditions.  So  
9    there will be no grading on the site itself other than  
10   what's required to fill any holes as a result of stump  
11   removal or that sort of thing.

12          Q    Okay.  I've seen quite a few of these.  It does  
13    seem like there's quite a bit of stormwater basin storage  
14    required for this project.

15                   VICE CHAIRMAN MORISSETTE:  We've lost  
16    Mr. Golembiewski.  We'll give him a minute.  He  
17    cut out.

18                   VICE CHAIRMAN MORISSETTE:  Attorney  
19    Bachman, are we stable?  Should we log off and  
20    come back in?

21                   [Technical Difficulties.]

22                   MS. BACHMAN:  Thank you, Vice Chair  
23    Morissette.  We're submitting a report to Zoom  
24    now.  We've completed a report.

25                   VICE CHAIRMAN MORISSETTE:  Shall we

1 continue, Attorney Bachman?

2 MS. BACHMAN: If Mr. Golembiewski is  
3 prepared to continue.

4 MR. GOLEMBIEWSKI: I'm on my phone. My  
5 connection went down also. I don't know. I'm  
6 on my phone. I'm happy to continue.

7 MS. BACHMAN: Mr. Golembiewski, just a  
8 warning. You are still showing up.

9 MR. GOLEMBIEWSKI: If you want to move on,  
10 I'll move out off my phone and try to reenter  
11 through my desktop. Okay?

12 MS. BACHMAN: Why don't we remove you from  
13 your --

14 MR. GOLEMBIEWSKI: Yes, do that.

15 MS. BACHMAN: I will do that. Thank you.

16 MR. HOFFMAN: Mr. Morissette, while we  
17 have this break in the action and until  
18 Mr. Golembiewski is fully back on, can we  
19 revisit the question regarding DEEP's access  
20 because we have more information on that,  
21 DEEP's access to the site?

22 VICE CHAIRMAN MORISSETTE: Certainly.

23 Mr. Golembiewski, are you on? Can you hear us?

24 MR. GOLEMBIEWSKI: I'm still on. Yes, I  
25 can hear you.

1 VICE CHAIRMAN MORISSETTE: Attorney

2 Hoffman is going to address the question about  
3 DEEP's access.

4 MR. HOFFMAN: Miss Valone will address it.

5 VICE CHAIRMAN MORISSETTE: Miss Valone?

6 A Thank you. Sam Valone speaking. We would be  
7 happy to do a site visit with DEEP at a convenient date  
8 and time that would work for them.

9 Q Thank you.

10 VICE CHAIRMAN MORISSETTE: Mr.  
11 Golembiewski, the floor is yours.

12 MR. GOLEMBIEWSKI: I'm going to continue  
13 on my phone.

14 VICE CHAIRMAN MORISSETTE: Yes. Please  
15 continue. You're on mute.

16 MR. GOLEMBIEWSKI: Okay. Sorry.

17 BY MR. GOLEMBIEWSKI:

18 Q I was cut off questioning about the stormwater  
19 basins and swales and whether there was any increase in  
20 runoff from the project that required that amount of  
21 infrastructure, new infrastructure.

22 A Again, Mike Gagnon, with SLR. So, the  
23 stormwater management basins were designed to comply with  
24 DEEP's stormwater requirements for this particular site.  
25 And I think the sole reason for the magnitude of the

1 stormwater basins realistically is a combination -- is  
2 really a result of the change in cover from a forested  
3 condition or a, you know, a wooded condition to  
4 essentially a meadow with the arrays. So as such, the  
5 analysis showed that there was a pretty significant  
6 increase in runoff as a result of the change in cover so  
7 therefore we had to provide the necessary storage via  
8 stormwater basins in order to reduce the peak flows from  
9 the site. So in effect, under proposed conditions, we  
10 were able to actually reduce the peak runoff flows from  
11 the site for all existing conditions. Not significantly,  
12 but that's really the reason.

13 Q Okay. I had a question for you. I noticed at  
14 least the two southern basins and some of the swales are  
15 very close to the property lines. Is there any risk of  
16 these basins failing onto an abutting property?

17 A [Mike Gagnon.] We don't believe so. So  
18 typically, you know, and I'll refer to the largest basin  
19 which is the one to the south labeled as basin 120. You  
20 know, we located it far enough away from the property  
21 lines so we're able to provide the necessary embankment on  
22 the backside as to minimize those chances of failure. In  
23 addition to that, we've provided the material and  
24 construction requirements I believe -- give me a second.  
25 But anyway, typically as part of this project, we'll

1 specify the type of material as well as compaction  
2 requirements for any formation of embankments to ensure  
3 that they are stable for this purpose.

4 Q Okay. I had a question and there is I think  
5 it's sheet SP-2, there is an infiltration trench that is  
6 shown sort of like in the I want to say maybe -- it's not  
7 in the panhandle but it's sort of where the panhandle  
8 meets sort of the larger wider array area.

9 A [Mike Gagnon.] Correct.

10 Q What is that for? It kind of seems like it's  
11 floating out there on its own. I just was wondering why  
12 that was proposed?

13 A Absolutely. Again, Mike Gagnon, SLR. So, that  
14 was proposed at the request of Chris Stone from the  
15 Stormwater Division of DEEP. And really that is to  
16 promote the runoff from the site and essentially  
17 infiltrate it back into the ground. And really that's  
18 predominantly because of the orientation of the array  
19 panels with respect to existing grade; it's kind of a mix  
20 it's not totally perpendicular, but it's more or less at a  
21 skew. So Chris had requested that we provide some means  
22 of infiltration of sheet flow to essentially mitigate that  
23 condition. So that is shown on sheet SP-2 and the detail  
24 for that is shown on -- give me a second. The  
25 infiltration trench detail is on SD-1 at the bottom of the

1 page.

2 Q I saw that. I thought these soils were hardpan  
3 soils so I didn't think there would be infiltration.

4 A [Mike Gagnon.] There will be some degree,  
5 although minimal. You know, we feel that there will be  
6 some degree of infiltration, particularly during lower  
7 precipitation events. Again, this feature was provided  
8 again at the request of DEEP Stormwater.

9 Q Okay. I had one question about the Tennessee  
10 gas pipeline. I know that you moved one of your northern  
11 basin off of the right-of-way entirely. But I had a  
12 question as to did you ever reach out to them to get sort  
13 of like a no objection letter?

14 A This is Jeff Macel at Lodestar. We are not  
15 located anywhere on their easement area and in fact, we  
16 will own the underlying parcel under there so at this  
17 point, we have not spoken to them. But we don't encroach  
18 in any way, shape or form on their parcel legally or from  
19 a stormwater or land use perspective.

20 Q As long as you're not on their right-of-way,  
21 whatever activities occur right up against it, there's an  
22 assumption that there's no impact at all to their line?

23 A [Mr. Macel.] I wouldn't say there's an  
24 assumption that there's no impact. There are design  
25 standards that we fulfill to ensure that there will be no

1 impact on their use.

2 MR. GOLEMBIEWSKI: That's all I have, Vice  
3 Chair Morissette. Thank you.

4 VICE CHAIRMAN MORISSETTE: Thank you,  
5 Mr. Golembiewski. We will now have continuing  
6 cross-examination by Mr. Nguyen, followed by  
7 Mr. Carter. Mr. Nguyen, good afternoon.

8 MR. NGUYEN: Good afternoon, Vice Chair,  
9 and good afternoon panel. Just one quick  
10 follow up.

11

12 CROSS-EXAMINATION BY MR. NGUYEN

13 Q This relates to the DEEP letter May 29. For the  
14 record, I think it might be a typo. Maybe it should be  
15 May 9. But that's something I just wanted to clarify with  
16 the company real quick.

17 Mr. Golembiewski asked about why ERSI, which is  
18 DEEP staff, was not granted for access. You gave the  
19 answer that you did not reach out by DEEP. I also  
20 understand that you indicated that you are willing to  
21 visit the site with DEEP. But just for the record, I'm  
22 looking at page two of that letter and that's the last  
23 paragraph. It said that ERSI requested permission from  
24 the applicant for a site visit by email on April 1, 2025,  
25 but did not receive a response. Could you please respond

1 to that?

2 A [Mr. Macel.] Yes. Thank you for the question,  
3 Mr. Nguyen. We -- both Miss Valone and I are unaware of  
4 this request, which is why we consulted separately. We  
5 are unaware and if this was sent via email and was not  
6 received by us and got lost inside Lodestar, that is, you  
7 know, a possibility. And we would happily grant DEEP  
8 access to the site at any time. It appears that this did  
9 not reach a human who is overseeing this project and  
10 unfortunately that might be a possibility, but we're going  
11 to look into that immediately after this meeting.

12 Q Okay. Thank you. Thank you, panel.

13 MR. NGUYEN: That's all I have, Vice  
14 Chair. Thank you.

15 VICE CHAIRMAN MORISSETTE: Thank you,  
16 Mr. Nguyen. We will now continue  
17 cross-examination by Mr. Carter, followed by  
18 Mr. Syme. Mr. Carter, good afternoon.

19 MR. CARTER: Good afternoon, Mr. Vice  
20 Chair, and good afternoon to the panel and good  
21 afternoon to the public. I don't think I'll  
22 spend too much time because my fellow council  
23 members have done a great job with questioning,  
24 along with staff.

**CROSS-EXAMINATION BY MR. CARTER**

Q     But I do want to reference the letter that was sent by the Council March 26, 2025, looking specifically at comment number three at the public water supply and spill prevention. It does appear that the proposed site is within drinking supply watershed and it also appears that the Council recommended that the applicant notify the MDC and provide them with a contact as well as providing the MDC with the specs. I also took a look at the operations and maintenance plan and found that the MDC was not listed at all in any of this spill prevention or emergency.

Does the applicant, one, have any awareness of any communication with MDC during the project design and is the applicant willing to include the MDC based on comments received by the Council on the water quality?

A Thank you for that question. This is Jeff Macel. I will let Mr. Gagnon reply to the water quality issues and the design of the project in conformance thereto. With regard to reaching out to the MDC, we would be happy to agree to that condition if that is something that would please the Council. Mr. Gagnon, do you want to --

**A**      *Absolutely, Jeff. Again, Mike Gagnon, SLR. As*

1 I had previously mentioned, we addressed the water quality  
2 issue, particularly during construction with the E&S or  
3 erosion and sedimentation control practices as specified  
4 on the drawings to provide the necessary controls during  
5 construction, as well as permanent stabilization of the  
6 site as necessary, which will be accomplished with a  
7 pollinator seed mix. And in addition, the permanent  
8 controls with respect to water quality will be employed by  
9 the stormwater management basins by providing the  
10 necessary retention volume at the bottom of the basins to  
11 comply with the water quality volumes from the site. And,  
12 you know, both of those elements were reviewed by DEEP as  
13 part of the construction general permit application.

14 MR. CARTER: Mr. Vice Chair, that's all  
15 that I have.

16 VICE CHAIRMAN MORISSETTE: Thank you,  
17 Mr. Carter. We'll continue with  
18 cross-examination by Mr. Syme, followed by  
19 myself. Mr. Syme, good afternoon.

20 MR. SYME: Good afternoon everybody. To  
21 be honest, I don't really have questions. A  
22 couple of things were addressed earlier.  
23 Looking over the application, nothing really  
24 stuck out to me. I think I'm good. Thank you  
25 all very much.

1 VICE CHAIRMAN MORISSETTE: Thank you, Mr.  
2 Syme. At this point, we're going to take a  
3 13-minute break and come back at 3:35 and we  
4 will continue with cross-examination by myself  
5 and we'll continue with the hearing this  
6 afternoon. See everybody at 3:35.

7 [Off the record 3:21 p.m.]

8 [Back on the record 3:35 p.m.]

9

10 CROSS-EXAMINATION BY VICE CHAIRMAN MORISSETTE

11 Q Good afternoon panel. I would like to start my  
12 questioning with drawing SP-1. My question is as it  
13 relates to the interconnection. I see that there's six  
14 proposed trees, I believe those are trees, that parallel  
15 the interconnection facilities. Is that correct? Is that  
16 the landscaping?

17 A Yes, that is correct. This is Sam Valone from  
18 Lodestar.

19 Q Is there a reason why it stops short after the  
20 second pole and doesn't continue to the fifth pole?

21 A Sam Valone from Lodestar again. There is  
22 already some natural wooded buffer there and past that  
23 point where we're proposing screening, we think that the  
24 existing buffer is sufficient to reduce visibility.

25 Q Is there also buffer behind the proposed trees

1 that you're proposing to install?

2 A There is some buffer, a thin layer of trees.

3 That's why we are adding the screening to enhance it.

4 Q Very good. Referring to interrogatory number  
5 31, the question says Has Lodestar had any discussions  
6 with Eversource regarding the use of pad mounted equipment  
7 in lieu of pole mounted equipment? Explain. Your  
8 response doesn't answer the question. It basically says  
9 Well, you have an executed agreement and therefore you  
10 can't do it. Did you have any discussions about pad  
11 mounted equipment with Eversource?

12 A Sam Valone from Lodestar. We have had  
13 conversations with Eversource over the years about pad  
14 mounted equipment. It is more expensive than pole  
15 mounted. I believe I said about \$200,000 or more earlier,  
16 which that would not work with this project economics as  
17 also as I referred to before this interconnection  
18 agreement is for pole mounted and so switching to pad  
19 mounted would require a complete restudy adding time and  
20 additional expenses that we cannot afford.

21 Q So the answer is no, is that correct, you did  
22 not specifically talk to Eversource about pad mounted  
23 equipment in this facility?

24 A [Ms. Valone.] We have had conversations with  
25 Eversource in general, not specifically about this

1 project, but just in general Eversource projects in  
2 Connecticut if we can do pad mounted equipment and they  
3 had referred to the higher costs.

4 Q When you talked to them about pad mounted  
5 equipment, are you talking about the utility side and the  
6 customer side or just the customer side?

7 A Just the customer side. Eversource will not  
8 make their equipment on pads, strictly poles.

9 Q Understood. But there's no restriction for you  
10 to request and to have installed customer side pad mounted  
11 equipment?

12 A [Ms. Valone.] That is correct. It is just  
13 again more expensive and would not fit into this project  
14 budget.

15 Q When you say 200k, is that for the customer side  
16 pad mounted equipment?

17 A Let me step in. This is Jeff Macel with  
18 Lodestar. All of the equipment you see aboveground is  
19 utility owned. Once you reach the final pole, everything  
20 goes underground, from Lodestar on. There is nothing  
21 owned by Lodestar that's aboveground in the front. The  
22 customer leader poles, the three poles, what equipment is  
23 on those? Customer load break, customer reclose, customer  
24 riser. They need to be serviced by Eversource though so  
25 we don't have a choice than to leave those aboveground.

1 And let me clarify that I've been on the interconnection  
2 working group in Connecticut for over five years. This  
3 has been a difficult discussion with Eversource for that  
4 entire time period. This is not a new issue. We've  
5 worked painstakingly as an industry because this is  
6 something that comes up in every application. It's  
7 literally not feasible to have Eversource address these.  
8 In our 42 projects located in Connecticut, Massachusetts  
9 and New York, we have one project in Massachusetts where  
10 we have gotten National Grid to agree to pad mounted  
11 switch gear.

12 Q It's interesting because UI doesn't agree with  
13 you.

14 A [Mr. Macel.] Agreed. And we proposed in our  
15 application to the Council here, as well for UI. UI is a  
16 different animal. They're owned by Avangrid. It is a  
17 utility by utility question. And as I pointed out,  
18 National Grid was willing to do it on Nolan Drive in Great  
19 Barrington, Massachusetts, but in all our other 41  
20 projects, we've been unable to get pad mounted gear  
21 located.

22 Q I understand that the issue is related to  
23 Eversource being receptive to the idea of utilizing pad  
24 mount equipment. I understand the difficult questions and  
25 discussions around that. Now, you say that if you went to

1 pad mount equipment, let's assume that you go to pad mount  
2 equipment on the customer side, why do you think it's  
3 going to go back for a restudy and will take two to three  
4 years and \$80,000?

5 A Sam Valone from Lodestar. I think it would go  
6 to restudy because our interconnection agreement is  
7 specifically for this site plan that we have proposed,  
8 which includes all of these overhead poles. So changing  
9 the configuration would be a material change and  
10 Eversource would typically require us to start from  
11 scratch and go to restudy. This project also required a  
12 ISO New England level 3 interconnection study, which we  
13 completed. And if we had to restudy, we would have to  
14 review that and those studies are taking approximately two  
15 years.

16 Q Taking from pole to pad mount, technically  
17 you're still putting 3-megawatts on the grid. So from a  
18 grid support perspective, it's the same thing. I don't  
19 understand why they would have to restudy it, why it would  
20 cost \$80,000 and why it would take two to three years.  
21 But I suppose that's a question for Eversource, not you  
22 guys.

23 I'm going to switch gears. Thank you for those  
24 responses. I would like to go to I think it's section 7A  
25 of the application related to the environmental study,

1 specifically figure six where it shows the core forest.

2 On figure six, you show the edge forest, which is the I'll  
3 call it the reddish at 8.3 acres; is that correct?

4 A For the record, Matt Sanford, SLR, yes, that's  
5 correct.

6 Q The green, is that 10.9?

7 A [Matt Sanford.] Yes. For the record, there's  
8 two green colors on this particular figure number six.  
9 The dark green color located to the east, yes, is 10.9.

10 Q And the green to the west, is that medium core  
11 forest? Is that what that is?

12 A [Matt Sanford.] Yes, that's correct.

13 Q Thank you. I'm a little colorblind so bear with  
14 me.

15 The application on page 14, the bottom of the  
16 page, there's a statement that says Many of the American  
17 Beech trees exhibit signs of Beech leaf disease and  
18 forested habitat areas appear to have been used for timber  
19 harvesting in recent years, as well as far back as 1930  
20 where historical aerial images show the property was used  
21 for agricultural harvesting purposes during that time. On  
22 figure six, is there some way to show where that area was?

23 A This is Matt Sanford from SLR. I'm not sure  
24 entirely in terms of the question of what -- there was  
25 multiple items that you had stated. Which particular item

1 are you looking for to add to the map or show on the map?

2 Q I'm looking at areas that were used for  
3 agricultural and timber harvesting purposes as stated in  
4 your application.

5 A [Matt Sanford.] I can speak to the timber  
6 harvesting now. It's demonstrated in some of the photos  
7 that are in the attached photo log of the application.  
8 Timber harvesting has happened on the entire site over the  
9 years. In those photos, you'll see old cut stumps. The  
10 age of the timber harvesting is not entirely known at this  
11 time. In terms of the agricultural, we can look at the  
12 1934 aerial and certainly provide that as part of new  
13 documentation as it relates to agricultural practices on  
14 the site historically.

15 Q Okay. Did the agricultural take place over the  
16 entire site or was it limited to certain areas? Do you  
17 know offhand?

18 A [Matt Sanford.] I don't know offhand.

19 Q So that's 1934. If you could provide that as a  
20 late file, I would appreciate it, and any type of  
21 information on the timbering as well on the areas that it  
22 encompassed. Do you know if the timbering also was on the  
23 entire site or just portions of the site?

24 A Again, for the record, Matt Sanford from SLR.  
25 Based on our field investigations over the course of the

1 last year or so, there is evidence of timber harvesting on  
2 the entire site because cut stumps still remain in various  
3 locations across the site.

4 Q Thank you. Does it go beyond the site or is it  
5 pretty much --

6 A Again, for the record, Matt Sanford, SLR. Our  
7 investigations were focused in on our site of the  
8 property. We stayed within the property lines. We did  
9 not venture outside of the site. I will say that there  
10 is, based from our view, specifically along the southern  
11 property line, there is ongoing timber harvesting  
12 currently. There was downed trees. You could tell from  
13 the distance, there was logging roads off in the distance.  
14 So yes, there is some timber harvesting ongoing at offsite  
15 of our project site to the south.

16 Q Great. Thank you. I'd like to turn to figure  
17 eight in the same section. It's basically surrounding  
18 features. My first question is, what is to the east of  
19 the site? Is that just a -- is that the large core forest  
20 as well?

21 A For the record, Matt Sanford, SLR. So, east of  
22 our site is actually the Camp Workcoeman, it's a Boy Scout  
23 camp. And yes, part of their camp is in the large core  
24 forest.

25 Q So that entire area is Camp Workcoeman?

1 MR. HOFFMAN: Workcoeman, sir.

2 VICE CHAIRMAN MORISSETTE: Thank you.

3 BY VICE CHAIRMAN MORISSETTE:

4 Q That's a pretty large camp. Then you have Cedar  
5 Swamp Wildlife area down to the south. What is to the  
6 south of the direct site?

7 A Directly south -- again, Matt Sanford, for the  
8 record, from SLR. Directly south of the site is private  
9 property, privately owned property.

10 Q Is that part of the core forest as well?

11 A Yes. Yes, it is, sir.

12 Q Cedar Swamp, is that considered core forest? Do  
13 you know?

14 A Yes. Again, for the record, Matt Sanford, SLR.  
15 Cedar Swamp Wildlife area is part of the core forest.

16 Q So, that's part of the 500 acres large core  
17 forest? How far north --

18 A [Matt Sanford.] Yes.

19 Q How far north does that go?

20 A So, again, for the record, Matt Sanford, SLR.  
21 When they define large core forest, it's 500 acres or  
22 more.

23 Q Um, hum.

24 A [Matt Sanford.] So the large core forest in  
25 this particular case would stop behind the residences that

1 are located on West Hill Road because in those areas,  
2 there's several houses to the east of our site. That  
3 would convert large core forest to edge forest because of  
4 the clearing associated with lawns and their properties.  
5 So our block large core forest ends right about where  
6 those houses are along the east side of West Hill Road.

7 Q Okay. West Hill Road is the dividing line  
8 between --

9 A [Matt Sanford.] Correct.

10 Q -- the core forest and then is there a  
11 northern side?

12 A Yes, sir. For the record, Matt Sanford, SLR.  
13 There is core forest, additional core forest located north  
14 of West Hill Road. But from the core forest that is on  
15 our property and/or on our project site and adjacent to  
16 the property site, it stops at West Hill Road because  
17 there's a roadway, fragmentation, as well as the houses  
18 that are along that part of the road.

19 Q Okay. Then you have the gas transmission line  
20 that creates the edge core forest. So, I'll call it the  
21 southerly large core forest. How large is that?

22 A [Matt Sanford.] I don't have that particular  
23 number in terms of the total core forest south of the  
24 property.

25 Q Referring to south of West Hill Road?

1           A    [Matt Sanford.] Yeah, I don't have the total  
2        number for that core forest off the top of my head.

3           Q    Is that something you can get?

4           A    [Matt Sanford.] That is something we can  
5        certainly provide.

6           Q    What I'm looking for is -- what I'm trying to  
7        figure out is what, if any, impact is the 10.9 acres of  
8        loss of large core forest in comparison to its entirety?  
9        So your project is 10.9 acres of a larger core forest.  
10      And what impact, if any, does the loss of that core forest  
11     have? Describe that for me here today.

12     A    So, I think -- Matt Sanford, for the record,  
13    SLR. Your first question, in terms of the comparison of  
14    acreage from our particular project site and the limited  
15    disturbance compared to the overall core forest can't be  
16    answered until some numbers are calculated.

17     Q    Yes. We'll take that as a late file.

18     A    [Matt Sanford.] To the second point, in terms  
19    of impacts to core forest, due to clearing, the project  
20    proposes to clear core forest in the amount of 10.9 acres.  
21    That would be removed from its core forest block. And  
22    again, I think one of the important things to note is that  
23    the conversion from core forest to a meadow in this  
24    particular case is going to help increase pollinator  
25    pathways for some of the listed species that were

1 identified by the U.S. Fish and Wildlife Service, as well  
2 as the Connecticut DEEP. So the first answer is yes,  
3 there's a loss of core forest. The second answer is,  
4 there is some mitigation that's associated with a project  
5 like this in terms of a solar facility. It's different  
6 than a residential development or commercial development  
7 in that regard in that it does provide mitigation measures  
8 for the wildlife species, the list of wildlife species  
9 that were identified by both U.S. Fish and Wildlife  
10 Service and the Connecticut DEEP Natural Diversity  
11 Program.

12 Q Okay. Thank you for that. I think that  
13 concludes my questioning. Thank you, panel. Thank you  
14 for your answers. That concludes my questioning for this  
15 afternoon.

16 We will now continue with cross-examination of  
17 the applicant by the City of Torrington. Attorney  
18 McDermott, good afternoon.

19 MR. McDERMOTT: Thank you, Mr. Vice Chair.

20  
21 CROSS-EXAMINATION BY MR. McDERMOTT

22 Q I'd like to begin as a followup to  
23 Mr. Golembiewski's question regarding the amount of forest  
24 impact that the company believes would have taken place at  
25 the subdivision. I'm not sure who answered the question,

1 but I believe the answer was that the now expired  
2 subdivision would have impacted 23, a little bit more than  
3 23 acres of forest. Was that correct, according to  
4 somebody's testimony?

5 A [Mr. Macel.] That's correct, up to 23.2 acres.

6 Q Just for clarification, in your response to  
7 interrogatory 15, you say At least 16.1 acres of tree  
8 clearing is required for the improved 2005 Greystone  
9 Subdivision site plans. Can you help reconcile the  
10 difference between your response in interrogatory 15 and  
11 your response to Mr. Golembiewski about the 23 acres  
12 please?

13 A [Mr. Macel.] Absolutely. The original sponsor  
14 of the development was Jim Bobinski and he used a plan of  
15 development which included clearing trees around what I'll  
16 call a reasonable fall area for the residences. Typically  
17 those areas are up to a hundred feet to ensure that no  
18 limbs or trees fall on any residences. He was the one who  
19 provided the 23.2-acre number to us. In our interrogatory  
20 response, we did a barebones calculation, including site  
21 access road installation and the creation of just bear  
22 minimum clearing and that's where we arrived at the 16.1  
23 acre.

24 Q Thank you. The reason for bringing in the  
25 subdivision and all is you're trying to demonstrate that

1 your project would have less of an impact or less tree  
2 clearing than the subdivision?

3 A [Mr. Macel.] That's correct.

4 Q But you would agree with me that your proposed  
5 project has two times the amount of tree clearing as the  
6 project that you proposed in Hamden, which was denied by  
7 the Council last year; correct?

8 MR. HOFFMAN: Objection. That calls for a  
9 legal conclusion. Moreover, that petition was  
10 recently appealed by Lodestar and Lodestar won  
11 that decision.

12 MR. McDERMOTT: Sir, Vice Chair, it  
13 absolutely does not require a legal discussion.  
14 It requires the company to be able to read both  
15 the staff report and the letter that  
16 accompanied the staff report in Petition 1627  
17 from last August, so there is no legal  
18 conclusion. And further, the fact that there  
19 has been an appeal or not does not render the  
20 Council's determination that the proposed site  
21 would have a substantial adverse environmental  
22 effect regarding forest clearing irrelevant.

23 MR. HOFFMAN: First off, you did ask for a  
24 legal conclusion. If you want to include the  
25 staff report as part of an administratively

1 noticed material, I have no objection to that,  
2 Mr. McDermott. But secondly, you should be  
3 aware that on this Monday, June 2, Judge Henry  
4 Cohen from the bench reversed the Council's  
5 decision on that petition.

6 MS. BACHMAN: Attorney Hoffman, I don't  
7 think that's a correct characterization of what  
8 Judge Cohen had decided and an order has yet to  
9 be issued by Judge Cohen to my knowledge. But,  
10 general speaking, and keep it brief, that case  
11 was remanded back to the Siting Council. Thank  
12 you.

13 MR. HOFFMAN: I used the wrong word,  
14 Attorney Bachman. You are exactly correct.  
15 The order was issued by the Court on Wednesday,  
16 the written order was issued on Wednesday. And  
17 it's a remand, you are correct.

18 VICE CHAIRMAN MORISSETTE: Attorney  
19 McDermott, perhaps you could ask the question  
20 in a nonlegal perspective.

21 BY MR. McDERMOTT:

22 Q There's a forest going to be cleared in your  
23 Petition 1627 in Hamden.

24 A [Mr. Macel.] If my recollection serves me  
25 correctly, approximately 7 acres.

1 Q What was the Siting Council's -- that's fine.  
2 I'll get on with that. Thank you.

3 Interrogatory number 16 asks for the length of  
4 the lease agreement with the host parcel owner. And your  
5 response is that Lodestar will be purchasing the property  
6 from the host in the event that the project moves forward.  
7 That is a correct statement?

8 A [Mr. Macel.] Lodestar will be working with an  
9 affiliate who will purchase the property, that is correct.

10 Q Would you like to clarify your answer in number  
11 16?

12 A [Mr. Macel.] Yes, we're happy to do that via a  
13 written supplement after this proceeding.

14 Q The affiliate that you're talking about is  
15 Colony Honey LLC?

16 A [Mr. Macel.] That is correct.

17 Q So Colony Honey will own the property?

18 A [Mr. Macel.] That is correct.

19 Q Does Lodestar have any site control currently as  
20 it relates to the property?

21 A [Mr. Macel.] Yes, Lodestar has -- well, the  
22 applicant has an option to lease from Colony Honey.

23 Q So is the lease in the record?

24 A [Sam Valone.] It is not, no.

25 Q What is the length of the lease with the host

1 owner? I'm sorry, let's rephrase the question slightly.

2 What is the length of the lease agreement with Colony  
3 Honey?

4 A [Sam Valone.] It is 45 years.

5 Q Could we have that as a late file exhibit, the  
6 option and the lease?

7 A [Mr. Macel.] Yes, we could provide that.

8 Q Thank you. In Exhibit 2 to the interrogatory  
9 responses includes the real estate purchase contract. It  
10 also includes a first amendment to that purchase contract.  
11 Exhibit A Concept Plan has been redacted. Why was that  
12 redacted?

13 A [Mr. Macel.] We requested confidential  
14 information on it because it contains proprietary  
15 information about our designs.

16 MR. McDERMOTT: Mr. Chairman, there was  
17 nothing in the motion that identifies that.

18 The motion for protective order related only to  
19 financial information, so I'd ask that the  
20 company submit the concept plan and if Attorney  
21 Hoffman so desires, I'm happy to sign the  
22 confidentiality agreement so I can review the  
23 concept plans attached to the purchase  
24 agreement.

25 VICE CHAIRMAN MORISSETTE: Attorney

1 Bachman, what do you suggest in this situation?

2 Attorney McDermott signs the nondisclosure  
3 agreement and reviews the concept plan?

4 MS. BACHMAN: Vice Chair Morissette, I  
5 think it would be preferable if we had a  
6 separate motion for protective order for  
7 proprietary information because Attorney  
8 McDermott is correct that protective order that  
9 was issued earlier this afternoon related  
10 specifically to the financial terms of the  
11 purchase and sale agreement. Perhaps the  
12 applicant could file a request for a protective  
13 order and allow Attorney McDermott to review  
14 the information upon signing a nondisclosure  
15 agreement before it's taken up by the Council.

16 MR. HOFFMAN: We would be amenable to  
17 that, Mr. Morissette.

18 VICE CHAIRMAN MORISSETTE: Very good.  
19 Thank you, Attorney Hoffman.

20 MR. McDERMOTT: Thank you, Mr. Vice Chair.

21 BY MR. McDERMOTT:

22 Q Turning to the applicant Exhibit 3, the  
23 materials provided to the City of Torrington and the Town  
24 of New Hartford during municipal consultation. Under the  
25 facility description paragraph in the October 9, 2024

1 letter to the City of Torrington mayor, you say that Only  
2 19.6 acres of tree clearing will take place. Why do use  
3 the word "only"?

4 A [Ms. Valone.] We use the word only because the  
5 total property is 41 acres and 19 acres is less than half  
6 of that.

7 Q Of the 41 acres, how many will be allocated to  
8 the project and how many will be retained by the current  
9 owner?

10 A [Ms. Valone.] So Lodestar's affiliate Colony  
11 Honey is going to purchase the entire 41 acres.

12 Q So 19 will be cleared, but how much of the 41  
13 will be used for the project?

14 A [Ms. Valone.] 19.2 acres is the total limit of  
15 clearing and the total use for the project. The other  
16 22 acres will remain forested.

17 Q So every aspect of the project area will involve  
18 tree clearing; is that correct?

19 A [Ms. Valone.] Yes.

20 Q Have you undertaken a survey of the trees? In  
21 other words, are you able to say how many are above six or  
22 greater than six inches in diameter at breast height?

23 A [Mr. Macel.] We have not at this time.

24 Q When will you? You say at this time. That  
25 suggests that you will be doing it.

1           A     [Mr. Macel.] If it is a requirement for us as  
2 part of our permits, we will perform a survey of trees.

3           Q     Will you accept that as a condition of approval,  
4 that you conduct a survey and indicate to the Council the  
5 number of trees greater than six -- one foot and two foot?

6           A     [Mr. Macel.] If it is a legal requirement for  
7 us or if the Council sees fit that we should do a survey,  
8 we would accept that.

9           Q     Okay. Thank you. Would you be willing to  
10 undertake that survey in advance of the field review by  
11 the DEEP Forestry Division?

12          A     [Mr. Macel.] We'd like to clarify some of the  
13 previous discussions of this morning or this afternoon.  
14 We met with DEEP Forestry Division in September of 2023,  
15 we did not have that information available earlier today,  
16 to discuss some of the core forest conditions. I'm going  
17 to refer this to Sam Valone to provide the personnel with  
18 whom we met and further information.

19          A     Thank you, Jeff. Sam Valone speaking. Lodestar  
20 met with Chris Martin and David Beers from DEEP Forestry  
21 on September 28, 2023 via a Zoom call to discuss this  
22 project and forestry. And two of their recommendations  
23 were to consult with the NDDDB, which we did, and identify  
24 any species of concern, which, as Matt Sanford has  
25 indicated, we identified the Northern Long-Eared Bat and

1 the Monarch Butterfly and have implemented or proposed  
2 mitigation efforts, which DEEP has accepted.

3 Additionally, they suggested that we keep the  
4 solar panels and solar array 300 feet from any wetland to  
5 avoid disturbance and we have done that in this design.

6 Q Thank you. Where is that information located  
7 that you were just providing? Is that a correspondence  
8 with DEEP or is that just some notes?

9 A [Ms. Valone.] It was notes from a Zoom call.

10 VICE CHAIRMAN MORISSETTE: We have a  
11 request for a late file for emails and  
12 documentations related to discussions with  
13 Forestry.

14 MR. McDERMOTT: Thank you. That's Mr.  
15 Golembiewski's request?

16 VICE CHAIRMAN MORISSETTE: Yes, that's  
17 correct.

18 BY MR. McDERMOTT:

19 Q In the DEEP letter to the Siting Council, dated  
20 May 29, 2025, DEEP indicates that The forest is a mix of  
21 deciduous and coniferous trees which range in diameter  
22 breast height of up to two feet. Do you agree with that  
23 statement?

24 A This is Jeff Macel with Lodestar. Deciduous and  
25 coniferous trees exist at the site. I can't speak to

1                   their diameter.

2                   Q     Further on in the DEEP letter, it says DEEP and  
3                   the Siting Council may consider impacts on wildlife,  
4                   wetlands, as well as air and water quality when the  
5                   elimination of core forest is proposed.

6                   Did any of the environmental studies that were  
7                   conducted by the project as part of this application  
8                   include that type of consideration?

9                   A     This is Jeff Macel, Lodestar. There are  
10                   considerable materials in the application that address  
11                   that. I will refer initially to Matt Sanford some of  
12                   those questions and also refer to Sam Valone as well to  
13                   point out in the application the water and environmental  
14                   studies that were performed and provided as part of the  
15                   application.

16                   Q     Thank you.

17                   A     This is Matt Sanford, SLR, for the record. I  
18                   will discuss the matter as it relates to wetlands and  
19                   impacts to wetlands. Wetlands on the site are located  
20                   along the western portion of the property. They are a  
21                   combination of seasonal seeps, rivulets, wetland forest  
22                   consisting of Yellow Birch, Red Maple, Eastern Hemlock and  
23                   some White Pines. Those wetlands flow from east to west  
24                   downslope and into Cedar Swamp Brook which flows from  
25                   north to south along the western property line.

1                   From an impact standpoint, our project is more  
2 than 500 feet from those resources. Typically as wetlands  
3 scientists, which I'm a professional wetlands scientist,  
4 as well as a wetlands soil scientist, but we evaluate  
5 potential impacts to resources such as wetlands and  
6 watercourses. We are looking at clearing zones in  
7 proximity to wetlands and watercourses. We are providing  
8 a more than adequate buffer to those resources by the  
9 proposed facility. The second item, as a wetlands  
10 scientist, that we typically look at is What are the  
11 hydrologic impacts associated with the watersheds? Are we  
12 changing the watersheds that contribute water to those  
13 wetlands resources or watercourses? As Mike Gagnon has  
14 explained, from SLR, on testimony this afternoon, the  
15 reasons why the basins are located in the area they are is  
16 to maintain those hydrologic sources to not only the  
17 uplands that they drain to, but also the ultimate areas  
18 where they drain essentially to the lowest point in the  
19 landscape, which is the wetlands and watercourses. That's  
20 number three. And number two -- number three, we  
21 typically look at any site type of development is Has  
22 there been appropriate sediment erosion controls proposed  
23 on the particular project to protect the downstream  
24 wetlands and watercourse resources? Again, as Mike Gagnon  
25 has explained through testimony this afternoon, those

1 sediment erosion controls meet DEEP requirements and  
2 standards and will adequately protect the down gradient  
3 well into the watercourses on the site.

4 Q Okay. Thank you. That doesn't exactly answer  
5 my question though. The question regards whether -- in  
6 the DEEP letter, it says that DEEP and the Siting Council  
7 shall consider impacts on wildlife, wetlands and water and  
8 air quality when the elimination of core forest is  
9 proposed. You didn't mention wildlife once.

10 Did SLR have an opportunity to consider the  
11 impact on wildlife of the removal of almost 20 acres of  
12 forest?

13 A For the record, this is Matt Sanford from SLR.  
14 Mr. McDermott, I believe I've addressed this question this  
15 afternoon already as it relates to wildlife and those  
16 impacts to wildlife; Northern Long-Eared Bat, the  
17 Tricolored Bat, Monarch have been identified as the  
18 species of concern. We talked extensively about all three  
19 species. This afternoon I will quickly summarize those  
20 topics. For the Northern Long-Eared Bat and Tricolored  
21 Bat, they are a species that does utilize forested areas.  
22 They also utilize open meadows. For mitigation purposes  
23 associated with the Northern Long-Eared Bat, as well as  
24 the Tricolored Bat, we have proposed a series of nest  
25 boxes to be placed in and around the proposed facility.

1 You will see that we're also utilizing or adhering to the  
2 tree clearing requirements or restrictions that are both  
3 recognized by U.S. Fish and Wildlife Service, as well as  
4 the Connecticut DEEP Natural Diversity Data Base Program.  
5 Those clearing restrictions include no clearing during the  
6 active roosting season, which is between April 15 and  
7 October 31. We have stated in our documents that there  
8 will be no clearing at those times. In addition, we have  
9 provided the nest boxes for those species. Lastly, in  
10 terms of the other candidate species that's been listed by  
11 the U.S. Fish and Wildlife Service of the Monarch  
12 Butterfly, as I stated earlier in the testimony, that the  
13 Monarch Butterfly habitat, they do not use the forested  
14 areas in this area. They are looking for nectar producing  
15 plants. The only area that they would use on this  
16 particular site would be the gas corridor. We do not have  
17 any activities within that gas easement. Lastly, I would  
18 add to that is that after the facility has cleared the  
19 trees on site, the area is to be converted to a pollinator  
20 meadow and that pollinator meadow also includes an  
21 extensive planting plan for native pollinator plants,  
22 specifically the common milkweed which is the host plant  
23 for the Monarch Butterfly, as well as many other insects.  
24 So we believe that the case of the Monarch Butterfly that  
25 the actual project will actually enhance the pollinator

1 pathway for that particular candidate species.

2 Q Thank you. I appreciate that you answered the  
3 question previously and you just answered it. But you  
4 still have not answered my question. The question -- I  
5 don't know why you're focusing on bats and butterflies.  
6 The question has to do with wildlife. Is it your  
7 testimony that only bats and butterflies exist on the 19,  
8 almost 20 acres and that there's no other impact to any  
9 other wildlife?

10 A Matt Sanford, for the record. In terms of the  
11 other wildlife species that are located on this property  
12 are typical species, whitetail deer, black bear, red fox,  
13 raccoon, common squirrel, Eastern chipmunk, probably  
14 Eastern coyote, all of those species are common species  
15 within Connecticut as well as within the City of  
16 Torrington. The project proposes to clear a forested  
17 area. Those species would still utilize the areas outside  
18 of the fence line of the solar facility. And we do not  
19 see, or in my professional opinion, do not see any  
20 significant adverse effects to those wildlife species  
21 based on this proposed facility.

22 Q Thank you. In the letter from Lodestar to the  
23 Torrington mayor in October, you, LSE, says -- the letter  
24 says that LSE expects that all other environmental effects  
25 from the proposed facility will be minimal. That's under

1 the heading No Substantial Environmental Effects. That  
2 paragraph does not discuss tree removal as I can see.  
3 Correct me if you disagree with that. I'm wondering if  
4 you include the removal of the 19 acres of forest, whether  
5 you would say there was an adverse environmental effect  
6 from the tree removal?

7 A Sam Valone speaking for Lodestar Energy. You  
8 are correct that Lodestar did not mention the removal of  
9 trees in that letter that you referred to to Mayor Carbone  
10 on October 9, 2024; however, this was discussed with  
11 Eleanor Carbone in person and we also provided Eleanor  
12 Carbone and the City with a copy of the full application  
13 when we submitted and we notified them and they have  
14 access to Exhibit 7, the environmental assessment where we  
15 discussed core forest.

16 Q Thank you. Maybe I could ask the  
17 representatives from LSE to answer that question though  
18 since the sentence says LSE expects that the other  
19 environmental effects of the proposed facility will be  
20 minimal. My takeaway from that is that someone at LSE has  
21 said they don't expect there to be -- they expect the  
22 environmental effects to be minimal. I'm asking whether  
23 that includes their consideration of removal of almost  
24 19 acres of forest and then their conclusion that the  
25 environmental effects will be minimal?

1 MS. BACHMAN: Attorney McDermott, I  
2 apologize, but it appears that the applicant  
3 witness panel dropped off the call while you  
4 were asking that question. Give them a moment  
5 to get back on, if you don't mind. Thank you.

6 MR. McDERMOTT: Not at all.

7 VICE CHAIRMAN MORISSETTE: Attorney  
8 Bachman, perhaps we can review the late filings  
9 while we're waiting. If the panel is not back  
10 here shortly, we'll call it a day. There they  
11 are. Attorney Hoffman, you back with us?

12 MR. HOFFMAN: We're back on audio, Mr.  
13 Morissette, but we do not have visual. Can you  
14 see us?

15 VICE CHAIRMAN MORISSETTE: We can see you.

16 MR. HOFFMAN: I'm willing to forge ahead  
17 for the next 30 minutes or so without being  
18 able to see anybody as long as you can see us.  
19 It would appear that our monitor has died.

20 VICE CHAIRMAN MORISSETTE: We'll continue  
21 with Attorney McDermott's questioning.

22 MR. HOFFMAN: I'm going to step out for a  
23 moment and talk to my chief professional, but  
24 Miss Feinn can take it if there are any issues.  
25 I have no problem with that.

1 VICE CHAIRMAN MORISSETTE: Thank you.

2 Attorney McDermott, please continue.

3 BY MR. McDERMOTT:

4 Q I kind of died, but I'll just repeat.

5 Miss Valone was helpful in answering my question about  
6 whether the forests were included within the new  
7 substantial environmental effect whether the conclusion  
8 would be the same. I'm trying to redirect the question to  
9 the company's consultants, who, as the sentence says that  
10 LSE expects that other environment effects on the proposed  
11 facility will be minimal. So to the company's -- I'm  
12 sorry. Miss Valone, can I ask the consultants whether  
13 they -- I know LSE is not a consultant. Can I ask whether  
14 the consultants believe based on the inclusion of the core  
15 forest or the forest impact whether they believe proposed  
16 environmental effects will be minimal?

17 A This is Matt Sanford of SLR, for the record.

18 There will be a loss of core forest as part of the  
19 project. And in my opinion, that acreage of 10.9 acres of  
20 core forest is not significant in the realm of how I agree  
21 with the statement that it is of minimal impact.

22 Q Okay. Thank you. Regarding site selection, the  
23 same letter says that LSE performs a comprehensive  
24 analysis when selecting sites. Is that analysis reduced  
25 to writing?

1           A     This is Jeff Macel with Lodestar Energy.  Can  
2 you clarify what you mean by reduced to writing?  Is our  
3 internal process recorded somewhere?  Is that your  
4 question?

5           Q     It indicates that you did an analysis.  I was  
6 just trying to figure out if that analysis was reduced to  
7 writing.  Do you have a site selection study, a site  
8 selection report?

9           A     [Mr. Macel.]  Yes.  We have multiple internal  
10 site searches and reports that we compile.  I believe one  
11 was at least through a description contained in our  
12 application on page five under the Site Selection Process.

13          Q     Page five of the site selection.  To the  
14 company, would it be possible to provide as a late file  
15 the site selection analysis that went into the selection  
16 of this particular property?

17          A     Sam Valone for Lodestar.  There was an  
18 interrogatory question asking about site selection in  
19 which we expanded on our answer.  I'm trying to find the  
20 number.  Bear with me one moment.  It's interrogatory  
21 question 11, asking us to further expand on the Brownfield  
22 sites that we reviewed.  We did expand on that answer.  If  
23 you look at the DEEP Brownfield inventory list for  
24 suitable sites and narrowed it down based on acreage and  
25 build-ability.

1           Q     Would the company be willing to provide as a  
2 late file the site selection analysis?

3           A     [Ms. Valone.] Beyond that, I would believe that  
4 is proprietary information and we would not be able to  
5 provide it. But I'll let Jeff Macel expand on that.

6           A     [Mr. Macel.] If there's specific information  
7 you're looking for, I think we'd be happy to provide  
8 information with respect to an aspect of it; however,  
9 providing our kind of what we consider our site search and  
10 selection process, there's a number of analyses that go  
11 into that which would have to be heavily redacted.

12           MR. McDERMOTT: Well, Mr. Chairman, as you  
13 know, I've appeared before the Council for  
14 several decades I guess. My clients have, and  
15 applicants have throughout the years, always,  
16 not always, but frequently produced site  
17 selection studies in which they indicate which  
18 other sites were looked at and why those  
19 particular sites were rejected. I would ask  
20 that those sites be provided and unredacted  
21 nonconfidential form. Obviously your call.

22           VICE CHAIRMAN MORISSETTE: In my time with  
23 the Council, I have not seen a site selection  
24 analysis protected. I will ask Attorney  
25 Hoffman on his opinion and then I will to

1                   Attorney Bachman.

2                   MR. HOFFMAN: I think that there's two  
3                   different things here. Attorney McDermott  
4                   first asked for a site selection analysis,  
5                   which frankly, I haven't seen ever provided  
6                   because that involves criteria and weighing of  
7                   various and sundry factors which I do think  
8                   would be propriety both to this client as well  
9                   to other providers.

10                  When Mr. McDermott refined his request the  
11                  second time where he was asking for which sites  
12                  we considered and which sites we ultimately  
13                  rejected, that I have seen frequently and I  
14                  don't see the need to redact that information.  
15                  I think it depends on specifically what  
16                  Attorney McDermott is asking for, Mr.  
17                  Morissette.

18                  VICE CHAIRMAN MORISSETTE: Thank you,  
19                  Attorney Hoffman. Attorney Bachman?

20                  MS. BACHMAN: Mr. Morissette, as part of  
21                  the application process, Attorney McDermott and  
22                  Attorney Hoffman are correct that there is a  
23                  requirement to identify alternative sites and  
24                  why they may or may not be feasible or were  
25                  rejected. Given Mr. Macel's response,

1                   certainly before the next prefile deadline, if  
2                   there are portions of the site selection  
3                   process or analysis that are deemed to be  
4                   proprietary and confidential, it can certainly  
5                   be taken up with a motion for protective order  
6                   with the other motion for protective order for  
7                   the concept plan which is also proprietary and  
8                   confidential.

9                   VICE CHAIRMAN MORISSETTE: Thank you,  
10                  Attorney Bachman. With that, as Attorney  
11                  Hoffman had stated, we see site selection  
12                  information constantly. It's part of the  
13                  process at this point, as well describing the  
14                  properties that are looked at. So at minimum,  
15                  that should be filed. To the extent that  
16                  there's detailed analysis that is deemed to be  
17                  proprietary, then I'll leave it to the  
18                  applicant to determine whether they want to  
19                  file it protected or not.

20                  Mr. McDermott?

21                  VICE CHAIRMAN MORISSETTE: Thank you very  
22                  much. That works for me very nicely, Mr. Vice  
23                  Chair.

24                  BY MR. McDERMOTT:

25                  Q        Does the company understand the homework

1 assignment?

2 MR. HOFFMAN: I would submit that we do  
3 not. But look -- I'm looking for clarification  
4 from Mr. McDermott as to what he's looking for.

5 MR. McDERMOTT: I'm looking for exactly  
6 what the Vice Chair just indicated,  
7 Mr. Hoffman.

8 VICE CHAIRMAN MORISSETTE: Attorney  
9 Hoffman, would you like me to repeat it?

10 MR. HOFFMAN: Yes please. Thank you.

11 VICE CHAIRMAN MORISSETTE: To the extent  
12 that a site selection analysis was performed or  
13 a study was performed identifying the  
14 properties in which that were considered, a  
15 report identifying them and the reasons why  
16 they weren't selected and if there are any  
17 analyses associated with it, that would be  
18 helpful and the applicant would like to file it  
19 as protected, they can do so.

20 MR. HOFFMAN: Thank you. That's clear.

21 VICE CHAIRMAN MORISSETTE: Attorney  
22 McDermott, please continue.

23 MR. McDERMOTT: Thank you very much.

24 BY MR. McDERMOTT:

25 Q A question of clarification. Interrogatory

1 response number 12 in response to the Council's question  
2 that if a facility operates beyond the terms of the NRES  
3 agreement, will Lodestar decommission or seek other  
4 revenue mechanisms for the power produced? And you say  
5 that you would continue to operate and seek other revenue  
6 mechanisms. What does the term revenue mechanisms refer  
7 to?

8 A Sam Valone for Lodestar Energy. So right now we  
9 have a revenue contract with Eversource through the  
10 statewide NRES Program. That revenue contract goes for 20  
11 years. Once that expires, we have to wait to see if there  
12 is a successor program to the NRES Program, which would  
13 allow us to continue to operate. At this time, there is  
14 no existing successor program; however, we will seek other  
15 contracts and other programs at that time.

16 Q Okay. Thank you. Other revenue mechanisms just  
17 means other programs similar to or the same as the NRES  
18 Program. It would be another State RFP Program?

19 A [Ms. Valone.] Yes, exactly.

20 Q Do you need any type of access agreement or  
21 lease or any other, well, let's say a license or easement?  
22 Do you need any license or easement from the City of  
23 Torrington for this project?

24 A [Ms. Valone.] None that I'm aware of.

25 Q None that you're aware of?

1           A       [Ms. Valone.]   None that I'm aware of.

2           Q       Again, referring to the October 9, 2024 letter  
3        to the mayor, no page number. Under the section Benefits  
4        of the Proposed Facility, on the paragraph that's right  
5        above the No substantial environmental effects paragraph,  
6        you say that The facility will support Connecticut's  
7        efforts to cut greenhouse gas emissions and decrease air  
8        pollution caused by odoriferous and fossil fuel power  
9        plants. Is that just a general statement or is that based  
10      on some type of analysis that you did to show that you  
11      essentially offset emissions from fossil fuel power  
12      plants?

13       A       This is Jeff Macel from Lodestar. In our  
14      original application on page three, we speak to  
15      specifically the State's energy policies and how it will  
16      support them. I'll refer you to that portion. I'm happy  
17      to read from this, if you prefer. Additionally,  
18      Connecticut has a baseload to -- each of its electric  
19      distribution companies has a baseload to provide to its  
20      customers and this will be part of that baseload, which  
21      will then be generated from a clean source as opposed to a  
22      source procured through normal mechanisms, which include a  
23      ground power or conventional fossil fuel component. So it  
24      is based on that general concept.

25       Q       I see. Which substation will this project

1 interconnect?

2 A Give me one moment. It was an interrogatory  
3 question. Sam Valone from Lodestar. It will connect to  
4 the substation 5R Canton.

5 Q 5R Canton?

6 A Yes.

7 Q Is that a distribution or a transmission  
8 substation?

9 A It's a distribution substation. This is Jeff  
10 Macel.

11 Q What is the size of that substation?

12 A [Ms. Valone.] I do not know off the top of my  
13 head, but I can look it up and tell you a bit later.

14 Q Okay. In response to interrogatory 4F from the  
15 Siting Council, you indicate that The facility will  
16 enhance reliability by enabling local substations to  
17 maintain operation in the event of [inaudible.] or power  
18 generation. Is that in specific reference to the  
19 substation you just identified?

20 A [Ms. Valone.] That is correct, yes.

21 Q What is that statement that I just read? What  
22 analysis or study is that based on?

23 A This is Jeff Macel with Lodestar Energy. The  
24 Canton substation has a high side which connects to a  
25 transmission line. That transmission line provides power

1 to the high side which steps down at the distribution sub  
2 and then it's fed out through feeders to different  
3 locations. Distributive generation such as this solar  
4 facility provides power on this distribution feeders so  
5 that if there is a transmission outage, power can still  
6 flow. So it is a general concept that it powers generated  
7 at a distribution level if there is a higher outage, the  
8 substation can remain online and continue to deliver power  
9 to off takers.

10 Q This is a general statement you're making. It's  
11 not based on any study or analysis or input from  
12 Eversource?

13 A [Mr. Macel.] This is a general truth to  
14 distributive generation. If you'd like us to provide in a  
15 supplemental filing some information to support that, we'd  
16 be happy to.

17 MR. McDERMOTT: Yes, I would like that,  
18 Mr. Vice Chair.

19 BY MR. McDERMOTT:

20 Q My next question, the following line says that  
21 Solar energy generates most electricity during daylight  
22 hours. What percentage is generated during nighttime?

23 A Sam Valone for Lodestar. It is a hundred  
24 percent generated during daytime hours.

25 Q Why did you say most?

1           A       [Ms. Valone.] That may have been a  
2 typographical error.

3           Q       What's the capacity factor of the proposed  
4 project?

5           A       [Ms. Valone.] I believe it is 21.7 percent, but  
6 I'm verifying in the interrogatories.

7           Q       21.7, you're correct. It's in response number  
8 26. How is that number assigned and how does that compare  
9 to state average, if you know?

10          A       [Ms. Valone.] This was calculated by one of  
11 Lodestar's electrical engineers through a detailed TD  
12 system analysis. I cannot speak to how that compares to  
13 other facilities in the area. I would have to further  
14 consult with our engineer.

15          Q       The generating capacity essentially that it's  
16 generating electricity 21 percent of the time. Is that  
17 what the capacity factor is?

18          A       [Ms. Valone.] I believe so, yes. If Jeff Macel  
19 has anything to expand, he's welcome.

20          A       [Mr. Macel.] That's my general understanding.

21          Q       Going back to our prior discussion about this  
22 project being able to -- or enabling local substations to  
23 maintain operation in the event of an upstream fault, that  
24 would be true only in the situation where the facility is  
25 generating electricity, that 21 percent of the time;

1 correct?

2 A [Mr. Macel.] That's correct.

3 Q There's no battery storage contemplated for this  
4 project; is that correct?

5 A [Ms. Valone.] That is correct.

6 Q In response to interrogatory 4A, you say This  
7 proposed facility is quote, a key contributor to the  
8 reliability of the State's electric power supply. What  
9 makes it a key contributor and how is that different from  
10 any other solar project that might be before the Siting  
11 Council?

12 A This is Jeff Macel of Lodestar. For all the  
13 reasons set forth in our response in the application to  
14 drive the statewide goals, it is a key contributor.  
15 Distributive generation is a key component of the energy  
16 goals and for those reasons, that's why that statement is  
17 included.

18 Q If this project is not built, what impact do you  
19 think it would have on the reliability of the State's  
20 power supply?

21 A [Mr. Macel.] I can't speak to that at this  
22 point.

23 Q Can you explain to the Council how this project  
24 will reduce congestion at substations?

25 A This is Jeff Macel at Lodestar. To explain the

1 general dynamic that the Canton substation has a upstream  
2 transformer where it pulls down from the transmission  
3 level and then distributes out through its distribution  
4 feeders, distributive generation obviates the need for  
5 that intersection. To make that a little more clear, the  
6 power doesn't have to come from a transmission line, down  
7 through a transformer to a substation and out through that  
8 feeder, it is put where the power is used. So in this  
9 situation, at the intersection of West Hill Road and East  
10 Torringford Road, the power would be delivered in closer  
11 proximity to the City of Torrington were there's adequate  
12 load for this generation source to service. So, the power  
13 will not have to step down from the transmission line in  
14 Canton, travel 9 miles out Route 44 and then be  
15 distributed to the places where it's needed in the city.

16 Q Are you aware of any statement or other  
17 information from Eversource that it identifies the Canton  
18 substation as a congested substation or did you make that  
19 determination on your own?

20 A [Mr. Macel.] Congestion -- I'm not aware of any  
21 study from Eversource on that substation.

22 Q How does this project improve grid stability  
23 during peak demand?

24 A This is Jeff Macel with Lodestar Energy. For  
25 the same reasons I just mentioned. It delivers power

1 where it's needed. It doesn't rely on substations to bank  
2 the power and then distribute it out during the feeder --  
3 excuse me, through the feeder during times of need.

4 Q In response to interrogatory 4B from the Siting  
5 Council, you indicate that This facility has been deemed,  
6 quote, the most competitive. Where is that title located?  
7 How was it deemed most competitive? And can you produce  
8 that as a late file exhibit please?

9 A Actually, I can answer the question now. This  
10 is Jeff Macel, Lodestar. The Connecticut procurement  
11 process for NRES and SCEF is a reverse Dutch auction where  
12 you bid in a price point and the low price is the winner  
13 of the procurement. In this situation, Lodestar was  
14 awarded this project through that reverse Dutch auction  
15 process. The NRES and SCEF programs are embodied in  
16 Connecticut General Act 19-35.

17 Q When you say it's the most competitive in its  
18 class, that was just for the projects that were presented  
19 in the August NRES solicitation?

20 A Correct. And I can provide you with the  
21 specific -- the auctions are held twice a year for NRES.  
22 For the year that this won, it was the most competitive in  
23 that year's solicitation.

24 Q Thank you. How many projects were selected in  
25 that solicitation?

1           A    I couldn't provide that here, but we can  
2            certainly provide it afterwards.

3           A    This is Sam Valone from Lodestar. I need to  
4            verify that it was about three or four projects in its  
5            category.

6           Q    So the three or four in the category, you were  
7            the deemed, in your opinion, the most competitive. Those  
8            three or four were selected or those were just bid in?

9           A    [Ms. Valone.] There were three or four that  
10            were selected out of probably ten, maybe more. I need to  
11            verify. The ones that were selected, including ours, were  
12            the most competitive.

13           Q    Thank you. I think the previous testimony was  
14            you were most competitive because your price was the  
15            lowest. Is that a fair statement?

16           A    [Mr. Macel.] That's correct.

17           Q    Do you know what the delta was between you and  
18            the next selected known company?

19           A    [Ms. Valone.] I do not have that information  
20            right now in front of me.

21           MR. McDERMOTT: Can I get that as a late  
22            file, Mr. Vice Chairman?

23           VICE CHAIRMAN MORISSETTE: Could you  
24            repeat that please?

25           MR. McDERMOTT: I guess the August

1 solicitation of year two for the NRES Program,  
2 I guess the easiest thing would be to provide a  
3 listing of the selected projects' pricing. I  
4 guess I looked at the panel to make sure I  
5 captured that; right?

6 A [Ms. Valone.] Yes. That makes sense.

7 VICE CHAIRMAN MORISSETTE: Is that  
8 something that's publicly available?

9 A [Ms. Valone.] Yes, it is.

10 VICE CHAIRMAN MORISSETTE: Please  
11 continue.

12 MR. McDERMOTT: Crossing out a few  
13 questions I think the Council members and staff  
14 asked, Mr. Vice Chair, I'm out of questions.  
15 Thank you very much. Thank you to the panel.

16 VICE CHAIRMAN MORISSETTE: Thank you,  
17 Attorney McDermott.

18 That concludes our hearing for this  
19 afternoon. Before we recess, I would like to  
20 go over the late files. Attorney Hoffman, the  
21 Council has requested three late files, the  
22 first one being the correspondence and emails  
23 from the Forestry Department, any documentation  
24 about discussions. The second would be any  
25 evidence relating to agriculture and tree

1 harvesting; the 1934 aerial photos were  
2 suggested. The third being a comparison of the  
3 site to the total core forest in which it is  
4 encompassed.

5 The City of Torrington has requested a  
6 revised response to CSC number 16, a copy of  
7 the option lease agreement, the site selection  
8 study.

9 MR. HOFFMAN: Mr. Morissette, that lease  
10 agreement, is that part of late file four or is  
11 that a separate late file, as far as you're  
12 concerned?

13 VICE CHAIRMAN MORISSETTE: I have it as a  
14 separate late file.

15 MR. HOFFMAN: Okay.

16 VICE CHAIRMAN MORISSETTE: Site selection  
17 study or analysis, identifying the sites that  
18 were reviewed and the reasons why they were not  
19 selected. We have the size of substation 5R  
20 Canton, supplemental data on -- or supplemental  
21 data and analysis on the reliability. And  
22 number six would be the August solicitation or  
23 list of the projects and pricing.

24 MR. HOFFMAN: I believe that's eight in  
25 total, sir.

1 VICE CHAIRMAN MORISSETTE: It's actually  
2 nine, but I included three, four in Siting  
3 Council and six for Torrington.

4 MR. HOFFMAN: You're counting reliability  
5 as a separate?

6 VICE CHAIRMAN MORISSETTE: Yes. And we  
7 discussed the concept plan and whether a new  
8 motion for protective order would be provided.

9 MR. HOFFMAN: Correct.

10 VICE CHAIRMAN MORISSETTE: Attorney  
11 Bachman, does that agree with your list?

12 MS. BACHMAN: Mr. Vice Chair Morissette,  
13 it does agree with my list. I have one  
14 additional request from staff, if possible, for  
15 any information related to the geotechnical  
16 analysis with respect to the response to  
17 interrogatory number 59. I think we had  
18 testimony this afternoon that it's been  
19 completed so any updated information would be  
20 appreciated as a late file. Thank you.

21 VICE CHAIRMAN MORISSETTE: Thank you.  
22 Attorney Hoffman.

23 MR. HOFFMAN: Mr. Vice Chair, I would ask  
24 for what we think the due date for that is  
25 going to be?

1 VICE CHAIRMAN MORISSETTE: I'll ask  
2 Attorney Bachman what the due date on that  
3 should be.

4 MS. BACHMAN: Thank you, Vice Chair  
5 Morissette. The continuation date we have set  
6 for this proceeding is July 22 and so the  
7 deadline for the late files and the additional  
8 prefiled testimony or exhibits would be  
9 July 15.

10 VICE CHAIRMAN MORISSETTE: Very good.  
11 Thank you, Attorney Bachman. Attorney Hoffman,  
12 anything else?

13 MR. HOFFMAN: No, Mr. Morissette. Thank  
14 you.

15 VICE CHAIRMAN MORISSETTE: That concludes  
16 our hearing for this afternoon. The Council  
17 will recess until 6:30 p.m. at which time we  
18 will commence with the public comment session  
19 of this public hearing. Thank you everyone.  
20 Enjoy your dinner.

21 [Hearing adjourned 4:58 p.m.]  
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24  
25

1 STATE OF CONNECTICUT

:  
2

: CHESHIRE

3 COUNTY OF NEW HAVEN

:  
4

I, Elisa Ferraro, LSR, and Notary Public for the  
5 State of Connecticut, do hereby certify that the  
6 preceding pages of the Siting Council's hearing were  
7 stenographically recorded by me on Thursday, June 5, 2025,  
8 commencing at 2:00 p.m.

I further certify that I am not related to  
9 the parties hereto or their counsel, and that I am not  
10 in any way interested in the events of said cause.

12 Dated at New Haven, Connecticut, this 17th day  
13 of June 2025.



14 \_\_\_\_\_  
15 Notary Public

17 My Commission Expires: December 31, 2026.

18 License No. 233

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