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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 Tuesday, July 22, 2025, commencing at 2:00 p.m.

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

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

[VIA ZOOM]

CONNECTICUT SITING COUNCIL  
10 Franklin Square  
New Britain, Connecticut 06051

Members:

Brian Golembiewski  
Quat Nguyen  
Michael Perrone  
Chance Carter  
Bill Syme  
Khristine Hall  
Daniel Lynch

Staff:

Melanie Bachman, Esquire  
Lisa Fontaine  
Michael Perrone, Siting Analyst

FOR THE CITY OF TORRINGTON:

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BY: MICHAEL MAGISTRALI, ESQUIRE

FOR THE APPLICANT:

Pullman & Comley  
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Hartford, Connecticut 06103  
BY: LEE HOFFMAN, ESQUIRE

Applicant Panel Members:

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 VICE CHAIRMAN MORISSETTE: Good afternoon  
4 ladies and gentlemen. Can everybody hear me  
5 okay? Thank you. This continued evidentiary  
6 hearing session is called to order this  
7 Tuesday, July 22, 2025 at 2:00 p.m. My name is  
8 John Morissette, vice chair of the Connecticut  
9 Siting Council. If you haven't done so  
10 already, I ask that everyone please mute their  
11 computer audio and/or telephones now. Thank  
12 you. A copy of the prepared agenda is  
13 available on the Council's website, along with  
14 the record of this matter, the public hearing  
15 notice, instructions for public access to this  
16 public hearing and the Council's Citizens'  
17 Guide to Siting Council's Procedures.

18 Other members of the counsel are  
19 Mr. Golembiewski, Mr. Nguyen, Mr. Carter, Miss  
20 Hall, Mr. Syme and Mr. Lynch. Members of the  
21 staff are Executive Director Melanie Bachman,  
22 Siting Analyst Michael Perrone and  
23 Administrative Support Lisa Fontaine.

24 This evidentiary session is the  
25 continuation of the public hearing held on

1 June 5, 2025. It is held pursuant to the  
2 Provisions of Title 16 of the Connecticut  
3 General Statutes and of the Uniform  
4 Administrative Procedure Act on an application  
5 from LSE Serpens LLC for a Certificate of  
6 Environmental Compatibility and Public Need for  
7 the construction, maintenance and operation of  
8 a 3.0-megawatt AC solar photovoltaic electric  
9 generating facility and associated equipment on  
10 13 parcels located south of West Hill Road in  
11 Torrington, Connecticut and the associated  
12 electrical interconnection.

13 A verbatim transcript will be made  
14 available of this hearing and deposited with  
15 the Torrington City Clerk's office for the  
16 convenience of the public. The Council will  
17 take a 10- to 15-minute break at a convenient  
18 juncture around 3:30 p.m.

19 We have two motions to take care of this  
20 afternoon. The first motion on June 5, 2025,  
21 the City of Torrington submitted an objection  
22 to the application as defective due to lack of  
23 notice. Attorney Bachman may wish to comment.  
24 Attorney Bachman, good afternoon.

25 MS. BACHMAN: Good afternoon. Thank you,

1 Vice Chair Morissette. During the June 5, 2025  
2 evidentiary hearing session, the City objected  
3 to the application due to lack of notice under  
4 General Statute Section 16-50L(f), effective  
5 October 1st of 2024. The revised statute  
6 requires applicants to make good faith efforts  
7 to meet with the chief elected official and the  
8 legislative body of the host municipality and  
9 the legislators representing the municipality  
10 and provide them with a copy of any technical  
11 reports concerning public need, site selection  
12 and the environmental effects of the proposed  
13 facility. The Council deferred a ruling on the  
14 objection to allow the parties to address the  
15 issue in briefs. LSE and the City submitted  
16 briefs on July 15, 2025.

17 The City claims LSE's technical reports  
18 and municipal and legislative consultations did  
19 not comply with the requirements of the revised  
20 statute. LSE claims it made good faith efforts  
21 in its consultations and did comply with the  
22 requirements of the revised statute. The  
23 statute does not define the phrase "good faith  
24 efforts." Given the proposed facility was  
25 selected in the nonresidential energy solutions

1 program, there is a rebuttable presumption of  
2 public benefit for the proposed facility under  
3 General Statute Section 16-50K and there is  
4 only one site for the proposed facility.

5 Therefore, staff recommends the City's  
6 objection be denied in part, as it relates to  
7 the technical reports granted in part, as it  
8 relates to the municipal and legislative  
9 consultations for which this proceeding would  
10 remain open for LSE to submit additional  
11 municipal and legislative consultation  
12 materials no earlier than September 22nd of  
13 2025. Thank you.

14 VICE CHAIRMAN MORISSETTE: Thank you,  
15 Attorney Bachman. With that, is there a  
16 motion?

17 MS. HALL: I'll make a motion to deny the  
18 City's request vis-a-vis -- I'm sorry, help me.  
19 To deny the request, vis-a-vis, the substance  
20 of the technical report, having found a good  
21 faith effort, but to accept the motion,  
22 vis-a-vis, the notice to the local legislative  
23 body. Did I get that right?

24 VICE CHAIRMAN MORISSETTE: The  
25 consultations. Yes. Is there a second?

1 MR. GOLEMBIEWSKI: Second. I'll second.

2 VICE CHAIRMAN MORISSETTE: Thank you, Mr.  
3 Golembiewski. We have a motion by Miss Hall to  
4 deny in part the technical aspect of the motion  
5 and to approve the consultation with the  
6 legislative body, and I believe the Town as  
7 well, by way of a second by Mr. Golembiewski.  
8 We will now move to discussion.

9 Mr. Golembiewski, any discussion?

10 MR. GOLEMBIEWSKI: I don't have any  
11 discussion. Thank you.

12 VICE CHAIRMAN MORISSETTE: Thank you.  
13 Mr. Nguyen, any discussion?

14 MR. NGUYEN: No discussion. Thank you.

15 VICE CHAIRMAN MORISSETTE: Mr. Carter, any  
16 discussion?

17 MR. CARTER: No discussion. Thank you.

18 VICE CHAIRMAN MORISSETTE: Miss Hall, any  
19 discussion?

20 MS. HALL: I think this is exactly the  
21 right result. As I read through the materials,  
22 it did strike me that the efforts to reach out  
23 to the local legislative body were lacking.  
24 Having been a selectman and a member of a local  
25 legislative body, just telling the head of that



1 legislative body, that -- just meeting with  
2 that person and asking them should they do  
3 more, I do not think meets with the statute's  
4 provisions. This is a new statute, new  
5 requirements and, unfortunately, I think that  
6 the applicant has gotten caught in making new  
7 law. But I back this result.

8 VICE CHAIRMAN MORISSETTE: Thank you, Miss  
9 Hall. Mr. Syme, any discussion?

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

11 VICE CHAIRMAN MORISSETTE: Thank you. I  
12 concur with the recommendation by staff with  
13 the due date of September 22, 2025.

14 We'll now move to the vote. Mr.  
15 Golembiewski, how do you vote?

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

18 VICE CHAIRMAN MORISSETTE: Thank you.  
19 Mr. Nguyen, how do you vote?

20 MR. NGUYEN: I vote to approve.

21 VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
22 Carter, how do you vote?

23 MR. CARTER: To approve. Thank you.

24 VICE CHAIRMAN MORISSETTE: Miss Hall, how  
25 do you vote?

1 MS. HALL: To approve.

2 VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
3 Syme, how do you vote?

4 MR. SYME: Vote approval.

5 VICE CHAIRMAN MORISSETTE: Thank you. And  
6 I also vote approval. We have a unanimous  
7 decision. The motion by Miss Hall, seconded by  
8 Mr. Golembiewski, is approved.

9 Moving on to the second motion.

10 MR. HOFFMAN: Mr. Morissette, before you  
11 move on, I want to make sure that I understand  
12 the deadline. We need to complete that task no  
13 later than September 22?

14 VICE CHAIRMAN MORISSETTE: That is my  
15 understanding, but I'll have Attorney Bachman  
16 confirm. Attorney Bachman?

17 MS. BACHMAN: Thank you, Vice Chair  
18 Morissette. It's actually no earlier than  
19 September 22, because that's exactly 60 days  
20 from today's date.

21 VICE CHAIRMAN MORISSETTE: Thank you,  
22 Attorney Bachman. Attorney Hoffman, anything  
23 else?

24 MR. HOFFMAN: I do need to clarify what  
25 we're being asked to do. We will certainly do

1       it, but we need to do the conferring during  
2       that period, but we don't come back to the  
3       Siting Council until September 22 after it's  
4       complete or do we wait until September 22 and  
5       then start the conferral process? I want to  
6       make sure that we all have in our heads exactly  
7       what it is we need to be doing.

8               VICE CHAIRMAN MORISSETTE: I don't think  
9       you want to wait until September 22, but I'll  
10      have Attorney Bachman confirm the schedule for  
11      you. Attorney Bachman?

12             MS. BACHMAN: Thank you, Vice Chair  
13      Morisette. I agree with you, I wouldn't  
14      recommend that any delay until September 22 to  
15      start. I would start today, possibly in  
16      consultation with the City and the legislative  
17      body, they may decide that they would waive or  
18      note earlier than requirement and with consent  
19      from both parties certainly, submit it no  
20      earlier than September 22. If not, and it's  
21      submit it, then the final decision deadline for  
22      the Connecticut Siting Council due to this  
23      delay.

24             [Technical Difficulties.]

25             VICE CHAIRMAN MORISSETTE: Attorney

1       Bachman, you were breaking up on the end. I  
2       want to make sure that Attorney Hoffman is  
3       clear on the expectation.

4               MR. HOFFMAN: Unfortunately, I am not  
5       because she did break up.

6               VICE CHAIRMAN MORISSETTE: Attorney  
7       Bachman?

8               MS. BACHMAN: My apologies. Basically I  
9       was saying if the parties consult and there's  
10      consent to submit materials before the 22nd  
11      jointly, that would be acceptable. But if the  
12      City is not interested in jointly submitting  
13      materials to waive that 60-day requirement, the  
14      materials shouldn't be submitted until on or  
15      after September 22nd of 2025.

16              We also need an extension from the  
17      applicant for the final decision date because  
18      this delay may interfere with that 180-day  
19      deadline, so we will ask for an extension after  
20      this hearing.

21              VICE CHAIRMAN MORISSETTE: Thank you,  
22      Attorney Bachman.

23              MR. HOFFMAN: Understood. Thank you, Mr.  
24      Morissette. Thank you, Miss Bachman.

25              VICE CHAIRMAN MORISSETTE: Very good.

1 Okay. We'll now move on to the second motion.  
2 On July 15, 2025, LSE submitted a motion to  
3 amend the June 5, 2025 protective order issued  
4 by the Council to include late file Exhibit 5  
5 lease agreement financial terms.

6 Attorney Bachman, do you wish to comment?

7 Attorney Bachman?

8 MS. BACHMAN: Thank you, Vice Chair  
9 Morissette. Pursuant to General Statute  
10 Section 16-500 and late filed Exhibit 5  
11 requested by counsel, LSE submitted a motion to  
12 amend the June 5, 2025 protective order issued  
13 by the Council for the purchase and sale  
14 agreement financial terms to include the lease  
15 agreement financial terms between LSE and  
16 Colony Honey, which are also exempt from public  
17 disclosure under the Freedom of Information Act  
18 and therefore staff recommends that motion be  
19 granted. Thank you.

20 VICE CHAIRMAN MORISSETTE: Thank you,  
21 Attorney Bachman. Is there a motion?

22 MS. HALL: I'll make a motion to accept  
23 the amendment to the protective order.

24 VICE CHAIRMAN MORISSETTE: Thank you, Miss  
25 Hall. Is there a second?

1 MR. CARTER: Second.

2 VICE CHAIRMAN MORISSETTE: Thank you,  
3 Mr. Carter. We have the motion by Miss Hall to  
4 accept the amend the protective order to  
5 include the lease agreement financial terms and  
6 we have a second by Mr. Carter. We'll now move  
7 to discussion. Mr. Golembiewski, any  
8 discussion?

9 MR. GOLEMBIEWSKI: No discussion. Thank  
10 you.

11 VICE CHAIRMAN MORISSETTE: Thank you.  
12 Mr. Nguyen, any discussion?

13 MR. NGUYEN: No discussion. Thank you.

14 VICE CHAIRMAN MORISSETTE: Thank you.  
15 Mr. Carter, any discussion?

16 MR. CARTER: No discussion. Thank you.

17 VICE CHAIRMAN MORISSETTE: Thank you.  
18 Miss Hall, any discussion?

19 MS. HALL: No discussion. Thank you.

20 VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
21 Syme, any discussion?

22 MR. SYME: I have none.

23 VICE CHAIRMAN MORISSETTE: Thank you. And  
24 I have no discussion. We'll now move to the  
25 vote. Mr. Golembiewski, how do you vote?

1 MR. GOLEMBIEWSKI: I vote to approve.

2 Thank you.

3 VICE CHAIRMAN MORISSETTE: Thank you.

4 Mr. Nguyen?

5 MR. NGUYEN: To approve.

6 VICE CHAIRMAN MORISSETTE: Thank you.

7 Mr. Carter?

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

9 VICE CHAIRMAN MORISSETTE: Thank you.

10 Miss Hall?

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

12 VICE CHAIRMAN MORISSETTE: Thank you. Mr.  
13 Syme?

14 MR. SYME: Vote approval.

15 VICE CHAIRMAN MORISSETTE: I also vote to  
16 approve the motion to amend the June 5, 2025  
17 protective order. We can continue with the  
18 appearance of the applicant in accordance with  
19 the Council's June 9, 2025 continued  
20 evidentiary hearing memo. We will continue  
21 with the appearance of the applicant to verify  
22 the new exhibits marked as Roman numeral II,  
23 items B8 on the hearing program.

24 Attorney Hoffman, please begin by  
25 identifying the new exhibits you have filed in

1       this matter and verifying the exhibits by the  
2       appropriate sworn witnesses.

3               MR. HOFFMAN: Thank you, Mr. Morissette.  
4       I think you've correctly identified them. They  
5       are in the hearing program at Roman numeral II,  
6       letter B, item 8. They are late filed exhibits  
7       1 through 11, dated July 15, 2025.

8               And, Mr. Macel, I would ask if you are  
9       familiar with the late filed exhibits numbered  
10      1 through 11?

11              MR. MACEL: Yes, I'm familiar with the  
12      exhibits.

13              MR. HOFFMAN: And did you prepare them or  
14      cause to have them be prepared?

15              MR. MACEL: Yes, I caused them to be  
16      prepared.

17              MR. HOFFMAN: And are they accurate to the  
18      best of your knowledge?

19              MR. MACEL: Yes, they are accurate to the  
20      best of my knowledge.

21              MR. HOFFMAN: And do you have any changes  
22      to them today?

23              MR. MACEL: No, I do not.

24              MR. HOFFMAN: And you adopt them as your  
25      sworn testimony in today's hearing?



1 MR. MACEL: Yes, I do.

2 MR. HOFFMAN: Miss Valone, I have the same  
3 questions for you.

4 Did you prepare or cause to be prepared  
5 late filed exhibits 1 through 11?

6 MS. VALONE: Yes, I did.

7 MR. HOFFMAN: And are they accurate to the  
8 best of your knowledge?

9 MS. VALONE: Yes, they are.

10 MR. HOFFMAN: And do you have any changes  
11 to them here today?

12 MS. VALONE: I do not.

13 MR. HOFFMAN: And do you adopt them as  
14 your sworn testimony here today?

15 MS. VALONE: Yes, I do.

16 MR. HOFFMAN: Mr. Gagnon, I'll ask you the  
17 same questions.

18 Did you prepare or assist in the  
19 preparation of late filed exhibits 1 through  
20 11?

21 MR. GAGNON: Yes, I did.

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

24 MR. GAGNON: Yes, they are.

25 MR. HOFFMAN: Do you have any changes to

1           them here today?

2           MR. GAGNON:   I do not.

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

5           MR. GAGNON:   I do.

6           MR. HOFFMAN:   And, Mr. Sanford, I'll ask  
7 you the same questions.

8           Did you prepare or assist in the  
9 preparation of late filed exhibits 1 through  
10 11?

11          MR. SANFORD:   Yes, I did.

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

14          MR. SANFORD:   Yes, they are.

15          MR. HOFFMAN:   Do you have any changes to  
16 them here today?

17          MR. SANFORD:   I do not.

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

20          MR. SANFORD:   Yes, I do.

21          MR. HOFFMAN:   With that, Mr. Morissette, I  
22 would ask that late filed exhibits 1 through 11  
23 item Roman numeral II, letter B, number 8 be  
24 adopted as full exhibits in this hearing.

25          VICE CHAIRMAN MORISSETTE:   Thank you,

1 Attorney Hoffman.

2 I'll remind everyone that you are under  
3 oath from the last hearing and please identify  
4 yourself before answering any questions. With  
5 you all being in the same room, it is difficult  
6 at times to tell who is speaking and for the  
7 benefit of the court reporter, that would be  
8 helpful.

9 Does any party or intervenor object to the  
10 admission of the new exhibits?

11 Attorney McDermott, good afternoon.

12 MR. McDERMOTT: Mr. Morissette, no  
13 objection from the City of Torrington.

14 VICE CHAIRMAN MORISSETTE: Very good.  
15 Thank you. The exhibits are hereby admitted.  
16 We will continue with cross-examination of the  
17 applicant on the new exhibits by the Council,  
18 starting with Mr. Perrone, followed by Mr.  
19 Golembiewski. Mr. Perrone, good afternoon.

20 MR. PERRONE: Good afternoon, Mr. Vice  
21 Chair.

22  
23 CROSS-EXAMINATION BY MR. PERRONE

24  
25 Q Turning to the municipal consultation filing,

1 dated March 28, the cover letter on page two, the drainage  
2 report and updated site plan were provided to the City on  
3 February 5, 2025. Has the City expressed any remaining  
4 concerns about the proposed stormwater management system  
5 for the proposed facility?

6 MR. HOFFMAN: Apparently our microphone  
7 was muted.

8 A This is Sam Valone speaking for the record. No,  
9 the City has not expressed any further concerns.

10 Q Has the City provided any comments on the  
11 revised site plans that are in Exhibit 4 attached to the  
12 interrogatory responses?

13 A [Sam Valone.] No, they have not.

14 Q Referencing page two of the application,  
15 19.2 acres of the site post parcels would be removed from  
16 the Public Act 490 classification if the solar project is  
17 approved. How many acres would have been removed from  
18 Public Act 490 if it were developed as a residential  
19 subdivision?

20 A This is Sam Valone speaking for the record.  
21 Approximately 23.2 acres would be removed from Public Act  
22 490 if it was a residential subdivision.

23 Q Turning to page 14 of the application and late  
24 file Exhibit 1, representatives from which DEEP divisions  
25 were present during the pre application meeting held on

1 August 26, 2024?

2 A Sam Valone speaking. I'm going to need a few  
3 minutes to look that up. We have representatives from  
4 DEEP National Diversity Database, from DEEP Stormwater  
5 Program, from the Dam Safety Program, the Environmental  
6 Review and Strategic Initiatives, and I believe that is  
7 it.

8 Q Moving on to late filed Exhibit number 3, the  
9 core forest area map. What are the uses and approximate  
10 acreage of the non forest areas that are identified in  
11 red?

12 A For the record, this is Matt Sanford. The areas  
13 identified in red on the core forest area map were outside  
14 of the project area. They mostly consist of areas that  
15 have cleared, some may be structures, but I do not have  
16 those areas for you today.

17 Q I'll move on to late file Exhibit number 5.  
18 This is the lease with Colony Honey. Paragraph 15. The  
19 section is called Agricultural Host. That states that the  
20 owner must qualify for a portion of the electricity  
21 credits under the NRES program. What is meant by the  
22 requirement for documentation of owners' farming operation  
23 at or near the property?

24 A This is Jeff Macel with Lodestar Energy. Under  
25 the NRES program, a agricultural host is able to virtually

1 net meter electricity that are generated on site. Those  
2 sites can be sent remotely to a municipality, a state  
3 entity or another agricultural entity in the same load  
4 zone as the site is located. In this case, Eversource.  
5 The agricultural host in this case, Colony Honey, is an  
6 agricultural entity that engages in apiary and apiary is a  
7 beekeeping operation. So that entity utilizes electricity  
8 in its agricultural operation and is able to serve as the  
9 agricultural host entity for this project.

10 Q Would the apiary be located outside of the  
11 project footprint, but still on the host property?

12 A [Jeff Macel.] The apiary can be located  
13 anywhere in Eversource's service territory. It does not  
14 need to be located on the subject property.

15 Q And last question about that section. What  
16 qualifies as a farming operation and how is at or near the  
17 property defined under the program?

18 A Again, Jeff Macel, Lodestar Energy. The  
19 agricultural operation can occur on the property as a  
20 behind the meter operation or virtually anywhere within  
21 Eversource's service territory.

22 Q Moving on to late file Exhibit number 9, what is  
23 the timeline or project milestones associated with the  
24 NRES program for its contract?

25 A This is Sam Valone speaking. The project

1 milestones associated with the NRES contract are that the  
2 project must be in service three years from the date that  
3 the NRES contract was signed.

4 Q Moving on to late file Exhibit 11, a formal  
5 geotechnical study would be performed closer to the start  
6 of construction. What would be involved in that process?

7 A This is Jeff Macel of Lodestar Energy. An  
8 initial geotechnical analysis has been performed on the  
9 sites to locate the stormwater basins and the  
10 appropriateness for digging those basins to ensure  
11 adequate drainage from them. At the time when the project  
12 will be constructed, an additional geotechnical survey  
13 will be conducted in order to determine the foundations  
14 that would be appropriate for this project. There are  
15 several foundations, ground screws or driven piers that  
16 would be suitable. That survey will help to determine the  
17 embedment depths for that during construction.

18 Q Would it also determine the type of posts?

19 A [Jeff Macel.] Correct. Ground screw or driven  
20 pier as the appropriate foundation.

21 Q Moving on to the June 5 transcript. On page 34,  
22 Lodestar reached out to the City fire department during  
23 the week of June 5. Has Lodestar received any response or  
24 input from the fire department, be it fire safety or  
25 training or fire water availability?

1           A       This is Sam Valone speaking. No, I have not  
2 received any correspondence back from them.

3           Q       Referencing application Exhibit 2 under  
4 Equipment Specs, the solar panel spreadsheet is for panels  
5 that are 525- to 550-watts. What is the specific wattage  
6 proposed?

7           A       This is Sam Valone speaking. It is  
8 approximately 4350 kilowatts DC in total.

9           Q       On a per panel basis, what would we be looking  
10 at, be it 530 or 540?

11          A       Sam Valone speaking. 540-watts per module.

12          Q       Moving on to page 90 of the transcript, there's  
13 discussion about capacity factor. And Lodestar had  
14 testified that with a capacity factor of 21.7, that meant  
15 that the facility would be generating electricity about  
16 21 percent of the time. Would it be more correct to say  
17 that over the course of a year, the annual megawatts is  
18 equivalent to running it the full 3-megawatts 21.7 percent  
19 of the time?

20          A       This is Jeff Macel of Lodestar Energy. Yes,  
21 that is correct.

22          Q       I have one last question on the energy topic --  
23 two more questions. Late file Exhibit 7, paragraph 3, The  
24 solar arrays would reduce the amount of electricity that  
25 needs to be imported through the transmission network into



1 the substation. Is it correct to say that the project  
2 output could reduce up to 3-megawatts of net load on a  
3 distribution system?

4 A This is Jeff Macel of Lodestar Energy. Yes,  
5 that is correct.

6 Q Would that in turn reduce substation and  
7 transmission loads?

8 A [Jeff Macel.] Yes, that is correct.

9 Q That's all I have. Thank you.

10 VICE CHAIRMAN MORISSETTE: Thank you,  
11 Mr. Perrone. We'll now continue with  
12 cross-examination of the applicant by Mr.  
13 Golembiewski, followed by Mr. Nguyen. Mr.  
14 Golembiewski, good afternoon.

15 MR. GOLEMBIEWSKI: Good afternoon, Vice  
16 Chair.

17  
18 CROSS-EXAMINATION BY MR. GOLEMBIEWSKI  
19

20 Q I really only have one question and referring to  
21 the late file exhibits, my question is essentially what do  
22 you want me to take out of your late file Exhibits 2 and 3  
23 in my assessment of the material impact to core forest? I  
24 guess what are you trying to explain and/or, you know,  
25 sort of describe in that impact on core forest?

1           A       This is Sam Valone speaking for the record. I  
2 think the overall summary in question two and three is  
3 that we're trying to say the impact to core forest is very  
4 minimal. There's only 10.9 acres out of 600 -- 10.9 acres  
5 that we're affecting out of the 671-acre large core forest  
6 block, so there's plenty of room for animals in that  
7 habitat to migrate to other places. It's only 1.6 percent  
8 of that total area, and also in the past, this property  
9 has been logged. Parts of it were not core forest at a  
10 certain time. And I'll let Matt speak to any more if he  
11 wants to add additional detail on the environmental part.

12           A       This is Matt Sanford speaking. So, specifically  
13 the maps from 1934 were requested by the Council as part  
14 of exhibit filing. What the exhibit demonstrates on the  
15 1934 conditions map as part of Exhibit 2B demonstrates  
16 that the site has historically been disturbed and part of  
17 that is obviously due to agricultural practices that were  
18 performed prior to 1934 and probably into the late 1930s,  
19 1940s. As you can also see on that map, it demonstrates  
20 that the site at one time was likely pasture, as reasons  
21 being the rock walls that have been set up in a grid  
22 pattern that are shown on this particular map, likely  
23 areas that supported sheep raising probably in the 1800s.  
24 So that map there was part of the exhibit to demonstrate  
25 that the site has been disturbed in the past. As part of

1 this, photo logs were also provided as evidence that the  
2 site has been logged in the past. Many stumps are still  
3 present in the forest floor.

4 In addition to that, some of the photos also  
5 demonstrate that the southern part of the large core  
6 forest is in fact young growth trees, primarily birches,  
7 gray birch black birch and yellow bitch. Those trees and  
8 size, DBH size, only vary from anywhere from 4 to 8 inches  
9 DBH, which is relatively small for a core forest habitat  
10 facility, demonstrating that the area has been cleared  
11 even probably more recently than what's demonstrated in  
12 the 1934 aerial.

13 In terms of the core forest map itself, which is  
14 called Core Forest Area Map, I believe that's referenced  
15 as Exhibit 3, as Sam Valone had pointed out, this map  
16 demonstrates or shows that the area to be disturbed within  
17 the large core forest is located at the very northwest  
18 corner of the core forest as defined or delineated by the  
19 Connecticut DEEP. It's not occurring within the center  
20 part of the forest as shown on this image where there's  
21 red dots or red polygons where there's already been  
22 activities in this large core forest block. This area to  
23 the northwest is considered minimal, in my professional  
24 opinion, in terms of clearing of core forest on private  
25 property. And as Sam Valone had alluded to, and I will

1 reiterate, is that the wildlife that is using this  
2 particular area or may be using this particular area has a  
3 large percentage of large core forest that remains intact,  
4 both east and south of the proposed facility.

5 MR. GOLEMBIEWSKI: Thank you. That's all  
6 I have.

7 VICE CHAIRMAN MORISSETTE: Thank you, Mr.  
8 Golembiewski. We'll continue with  
9 cross-examination by Mr. Nguyen, followed by  
10 Mr. Carter. Mr. Nguyen, good afternoon.

11 MR. NGUYEN: Good afternoon, Mr. Vice  
12 Chair. Many questions have been asked so I  
13 don't have any. Thank you.

14 VICE CHAIRMAN MORISSETTE: Very good.  
15 Thank you, Mr. Nguyen. We'll continue  
16 cross-examination by Mr. Carter, follow by Miss  
17 Hall. Mr. Carter, good afternoon.

18 MR. CARTER: Good afternoon, Mr. Vice  
19 Chair, and good afternoon all. I don't have  
20 any further questions either, so thank you.

21 VICE CHAIRMAN MORISSETTE: Thank you,  
22 Mr. Carter. We will continue with  
23 cross-examination with Miss Hall, followed by  
24 Mr. Syme. Miss Hall, good afternoon.

25 MS. HALL: Just a quick question.

CROSS-EXAMINATION BY MS. HALL

Q On the summary of the late filed exhibits, number three, entitled Comparison of the Total Acreage of Core Forest at the Proposed Facility Site, Total Larger Core Forest and Additional Information. Excuse me. There's a statement at the end of that that says The loss of 1.6 percent of the area in this tract is not considered significant, given its proximity to an existing utility corridor and single-family residential homes. I don't know what that means. Who says it's not significant and tell me the context for this?

A This is Matt Sanford for the record. Sure. That statement is based on my 25 years as an ecologist working in areas of core forest and areas of habitats similar in nature. It's my professional opinion as stated earlier that this 1.6 percent is negligible in terms of its impact on the actual core forest and the wildlife that currently utilizes the core forest.

The last parts of that statement are to also identify that this large core forest is on the immediate edge of residential properties near the transmission line.

Q Okay. I'm not sure I'm in agreement with that, but I accept your explanation. That's all thank you.

VICE CHAIRMAN MORISSETTE: Thank you, Miss

1 Hall. Now we'll continue with  
2 cross-examination by Mr. Syme. Good afternoon,  
3 Mr. Syme.

4 MR. SYME: Hello everybody. I have  
5 nothing to question today. Thank you.

6 VICE CHAIRMAN MORISSETTE: Thank you, Mr.  
7 Syme.

8  
9 CROSS-EXAMINATION BY VICE CHAIRMAN MORISSETTE  
10

11 Q Good afternoon, Panel, and thank you for the  
12 late files. I would like to start with late file number  
13 two having to do with the Early Forest Succession and the  
14 Absence of Late Successional Forest Species. I'll use the  
15 Exhibit 2C as a guide so you can help me understand it a  
16 little better. Since the forest shows signs as the photos  
17 indicate of early forest succession and with the absence  
18 of the late successional forest species, does it diminish  
19 the value of the large core forest at all?

20 A For the record, this is Matt Sanford. In terms  
21 of diminishment, no. It changes the type of habitat that  
22 would be associated with some of the different wildlife  
23 species that have been identified through the U.S. Fish &  
24 Wildlife Service, specifically the bats of the trees that  
25 are in these early successional forested areas, the

1 birches, etc. their size class or age class are not  
2 indicative of being able to provide certain habitat for  
3 certain species. In terms of what we typically find in  
4 more mature forests, older forests, as indicated in our  
5 response, typically we find more oak trees, hickories and  
6 maples. In this particular forest, the current site  
7 primarily has birches. Not only the birches I've  
8 described in terms of age class on the southern part of  
9 the site, but there are larger birches as you move further  
10 north into the site, it has American beech which is  
11 currently undergoing beech disease so many of the beeches  
12 that are in this forest are diseased and actually dying so  
13 there is going to be a loss of that particular species  
14 most likely within this forest. The other dominant tree  
15 in this forest is white pine trees, one of the species  
16 that makes up part of the mature forest but when you look  
17 at the actual totality of species in the forest, oaks,  
18 hickories and maples are lower numbers in this forest  
19 area.

20 Q As far as wildlife is concerned, does that  
21 matter as far as early succession versus fully mature?

22 A This is Matt Sanford for the record. It all  
23 depends. Different trees at different age classes provide  
24 different habitat types or habitat areas for wildlife.  
25 Some wildlife prefers larger trees and more mature trees.

1 Some wildlife like the early successional forest. So it's  
2 hard to say that one particular forest type in this is  
3 more prevalent for a certain group of wildlife species --  
4 I shouldn't say that. It's hard to distinguish at this  
5 point without doing additional surveys as to whether or  
6 not which species are using which habitat type in this  
7 particular site. I will say in general though, as was  
8 documented in our June testimony, the typical species that  
9 are found in this particular habitat area primarily are  
10 common species such as black bear, white-tail deer, red  
11 Fox, bobcat, raccoon, possum, chipmunk, squirrel. And  
12 then in terms of some of the reptiles, certainly garter  
13 snake, black rat snake and then obviously there's a bunch  
14 of birds that can be found in these areas. So, where  
15 they're using particular sites is based on the species and  
16 based on their habitat likes.

17 But again, I think important to note with the  
18 clearing of the 10.9 acres of large core forest, many of  
19 those species that I've mentioned will end up moving or  
20 migrating and using other habitats that are adjacent to  
21 the site. And lastly, I will say about wildlife and these  
22 habitats is that the conversion from a forest environment  
23 to a meadow environment will actually increase the  
24 wildlife diversity of habitat type or some wildlife  
25 species that I didn't mention in my previous testimony a



1 second ago. Those species would include a lot of our  
2 pollinator insects, rabbits, some of our smaller mammal  
3 species such as field mice, voles, moles; they prefer more  
4 of these meadow environments. Also some of the insect  
5 flying birds would also be utilizing that meadow habitat  
6 as compared to the forest habitat.

7 So to answer your question again, it all varies  
8 on the habitat types and what wildlife species are using.

9 Q Very good. Thank you. Thank you for that  
10 explanation. Going to the 1934 aerial image, I take it  
11 that back in 1934, this area was not considered core  
12 forest based on your response to I think it was question  
13 two. Am I interpreting that right?

14 A For the record, Matt Sanford. Yes, correct.

15 Q Moving to image 2C, now the area is classified  
16 as core forest -- large core forest. There's a dotted  
17 line around the facility designating the more than  
18 300 feet mark. I'm not quite sure what that is trying to  
19 designate. Is that what you're calling edge forest?

20 A For the record, Matt Sanford. Yes, that would  
21 be in 1934 considered part of the edge forest, yes.

22 Q So --

23 A [Matt Sanford.] Let me clarify.

24 Q Yes. Thank you.

25 A There is no large core forest in 1934. The

1 300-foot line was put on there just to show areas outside  
2 of the property line.

3 Q Okay. What I'm trying to understand is that  
4 this is all designated as large core forest at this time.  
5 Isn't part of it though an edge forest? If I can go to  
6 Exhibit 3, maybe that will be helpful.

7 A For the record, Matt Sanford. Yes. So there is  
8 edge forest on the site and part of our proposed facility  
9 does clear edge forest. The edge forest begins at each  
10 edge of the transmission corridor blinds, so where the  
11 transmission corridor has been cleared up to that edge  
12 begins edge forest for 300 feet both east and west on the  
13 map that you're referencing. So yes, there is edge forest  
14 currently on this site and it is part of our clearing as  
15 part of the proposed facility besides large core forest.

16 Q If I look at Exhibit 3, if I look on both sides  
17 of the gas transmission right-of-way, there's a, I'm  
18 assuming it's 300 feet. Up to the grid green, the lighter  
19 portion is the edge and then the dark green that starts  
20 where the large core forest is?

21 A Matt Sanford. Yes, you are correct.

22 Q So, if I look at your site, approximately to the  
23 west, the west portion of your site is edge forest and  
24 then the east portion is part of the large core forest,  
25 that's the 10.9 acres; is that correct?

1           A     Matt Sanford.  Yes, you are correct.

2           Q     Thank you.  That's helpful.  Very good.  That  
3 concludes my questions.

4           MR. GOLEMBIEWSKI:  Vice Chair, could I  
5 follow up on your question?

6           VICE CHAIRMAN MORISSETTE:  Certainly.  Go  
7 right ahead, Mr. Golembiewski.

8  
9           RE CROSS-EXAMINATION BY MR. GOLEMBIEWSKI

10  
11          Q     If we refer back to that same graphic, the core  
12 forest area map, is it 1.6 percent, that's just the loss  
13 of that dark green.  That doesn't -- that's not exactly  
14 what's going to happen to the core forest or the edge  
15 forest in that area.  Is that true?

16          A     For the record, Matt Sanford.  Yes.  The  
17 1.6 percent is directly on our site in terms of clearing  
18 of core forest.

19          Q     Correct.  So wouldn't the impact be at least  
20 larger -- I don't want to say much larger.  It's going to  
21 be larger because where you're clearing that 1.6 percent  
22 of the dark green, that edge of clearing is going to be  
23 where the new edge forest begins; correct?

24          A     For the record, Matt Sanford.  Yes, there would  
25 be -- if you were to extrapolate out past the property

1 line, there will be conversion of large core forest to  
2 edge forest around the eastern and very southeastern parts  
3 of the property, correct.

4 Q I can't do the math in my head right now, but  
5 just eyeballing it, it looks like it would be, you know, I  
6 don't want to say maybe close to similar in the area that  
7 would be converted so not only would there be that loss of  
8 core forest, there would be a conversion around  
9 essentially like you said sort of the boot, if you want to  
10 call it the boot area. Then I guess my question to you  
11 also is the clearing on the project that's currently in  
12 the edge, would that convert some of the green area to the  
13 east to edge also? If you're clearing the current edge,  
14 does that actually -- where you're clearing the edge and  
15 not clearing the core forest, would that move in 300 feet  
16 also?

17 A For the record, Matt Sanford. Yes. Part of  
18 that northeastern boot quarter, yes. I believe that's  
19 what you're also referencing in that section for your  
20 question.

21 Q So basically as you're depicting it, you're not  
22 depicting the overall change to the core forest in  
23 essence, you're just depicting just the direct clearing of  
24 the dark green core forest?

25 A For the record, Matt Sanford. Yes, you are

1 correct.

2 Q I guess, you know -- I guess, you know --  
3 opinions on, you know, core forest and such, so I know the  
4 emails, there is a statement in there from a DEEP forester  
5 that it is a material impact to the core forest. I guess  
6 you voice a difference of opinion, so you're saying it is  
7 not a material effect to the large core forest there?

8 A [Matt Sanford.] So based on my opinion, as an  
9 ecologist, not as a forester, which I believe was the  
10 statement that you're referencing, as an ecologist, my  
11 opinion the clearing of 10.9 acres of this 671-acre block  
12 is not a significant impact from my perspective.

13 Q As you say, like ecologist, so you're saying as  
14 you balance out many different types of, you know, ants,  
15 [inaudible.] and not specifically speaking for say like  
16 forest interior birds, specifically?

17 A [Matt Sanford.] Yes, correct. I believe the  
18 forester may have been referencing the actual clearing of  
19 the trees and the change in their opinion from what  
20 they're considering large core forest to now what would be  
21 edge forest, or in our case would be meadow, yes, in my  
22 opinion, the diversity of the wildlife that's out there  
23 currently today, whether it's forest birds, whether it's  
24 the ants that you described and other insects and other  
25 wildlife species, they will not be utilizing that

1 particular area on the proposed facility anymore, but they  
2 will be migrating to areas both east and south of the  
3 site.

4 Q When you say they're migrating, I mean they're  
5 basically would have to -- that's not as easy as said  
6 potentially for some of these individuals; correct? They  
7 would have to potentially kick someone else out of their  
8 territory.

9 A Well -- for the record, Matt Sanford. I don't  
10 know if I would say that it becomes a territorial change  
11 where they're kicking one another out per se. Certainly I  
12 don't believe that that 10 acres is a sizable area that  
13 would have a large number of let's use the example of  
14 forest dwelling birds as your example earlier, so I don't  
15 tend to agree with that statement about kicking out, they  
16 would have to kick out other I guess competitors or  
17 species in order for them to move to the east and south.

18 Q Okay. Thank you. Thank you, Mr. Morissette.

19 VICE CHAIRMAN MORISSETTE: Thank you, Mr.  
20 Golembiewski. I actually have a follow-up  
21 question now that Mr. Golembiewski followed up  
22 on his line of questioning.

23 RECROSS-EXAMINATION BY MR. MORISSETTE

24  
25 Q If I understood it correctly, what we have is we

1 have 19.2-acre site; 10.9 acres is core forest, 8.3 acres  
2 is edge forest. Do I have that right?

3 A For the record, Matt Sanford. Yes correct.

4 Q So my question is, with the elimination of  
5 10.9 acres of core forest, how many acres of new edge  
6 forest will be created?

7 A For the record, Matt Sanford. I don't have that  
8 specific number outside of the property that you're asking  
9 for.

10 Q Well, isn't it merely the edge, the distance on  
11 the edge times 300 per your square foot?

12 A [Matt Sanford.] Yes, you are correct in terms  
13 of the measurement of how it would be calculated.

14 Q Is that something you can calculate between now  
15 and the end of the hearing?

16 A I believe we can. Mr. Gagnon?

17 Q Let's leave it at that. Let see what you can do  
18 because I think that would be an interesting number to  
19 have. Okay. Thank you. Thank you for those responses.

20 VICE CHAIRMAN MORISSETTE: We'll now  
21 continue with cross-examination of the  
22 applicant by the City of Torrington. Attorney  
23 McDermott, good afternoon.

24 MR. McDERMOTT: Good afternoon, Mr. Vice  
25 Chair. Thank you very much.

1 CROSS-EXAMINATION BY MR. McDERMOTT

2  
3 Q Mr. Macel, at the June 5 hearing when I was  
4 asking for a late file number six, there was an exchange  
5 between you and me, the advice chairman and your counsel  
6 and part of the issue was you were concerned I believe  
7 that analysis associated with the site selection would  
8 need to be protected. In fact, at transcript page 85, you  
9 said, And if there are any analysis associated with it,  
10 that would be helpful and -- I'm sorry, I apologize. A  
11 few pages before that, page 82, you said, There's a number  
12 of analysis that go into that which would need to be  
13 heavily redacted. In your late file six, I don't see any  
14 analysis or a motion for protection of those. Does that  
15 mean that there simply was not any analysis done.

16 A [Jeff Macel.] Yes, that's correct. We don't  
17 have any record of the analyses that were performed.

18 Q Okay. Thank you. Turning to late file six, the  
19 pages aren't numbered, I'll say towards the end of late  
20 file six in your kind of summary of it, you indicate that  
21 there were six sites that were further identified for  
22 consideration, two in Torrington, One in Wolcott, one in  
23 New Hartford, North Windham and Putnam. The next two  
24 paragraphs give some explanations as to why some of those  
25 projects were eliminated. There's no discussion of the I



1 guess other Torrington property. Can you describe why  
2 that project was or that site was eliminated from  
3 consideration?

4 A [Jeff Macel.] When you say the other Torrington  
5 property, do you mean the one that was included on this  
6 list or the one that we had gone through Sighting Council  
7 for a petition?

8 Q Let's make it a little easier. The address of  
9 the property we're talking about here is on West Hill  
10 Road; correct?

11 A Correct.

12 Q What is the address of the other Torrington  
13 property?

14 A Lovers Lane.

15 Q Thank you. Why was the Lovers Lane property  
16 eliminated from consideration?

17 A This is Sam Valone speaking for the record. I  
18 think that the other Torrington site is actually not  
19 referring to Lovers Lane, it's East Tarringford Road and  
20 there were access issues with that parcel. It would be  
21 difficult to construct an access road to access the solar  
22 array, as well as some tile issues with the property so we  
23 did not move forward with it.

24 Q Thank you, Miss Valone. I caught East. What  
25 was the name?

1           A     [Sam Valone.]   Torrington Street.

2           Q     Torrington.   Thank you.   Can you provide the  
3 addresses of the other properties, the Wolcott property?

4           A     [Sam Valone.]   That one I do not have on hand  
5 with me, but I can find it by the end of this meeting.

6           Q     The New Hartford property?

7           A     [Sam Valone.]   Same with that one.   I don't have  
8 any of those addresses on hand.

9           Q     Just make it a little easier, if you can provide  
10 the addresses of all the properties other than the  
11 Torrington properties, that would be helpful.

12          A     [Sam Valone.]   Yes.   Will do.

13          Q     Thank you.   So you indicated in late file six  
14 that you screen parcels using ecriteria, one of which is  
15 topography and that sites that have slopes over 20 percent  
16 are generally unsuitable for development.   You eliminated  
17 one of the Torrington properties I believe because of  
18 topography, or the other Torrington properties.   Did I get  
19 that right?

20          A     Yes.   Sam Valone speaking for the record.   The  
21 access road on that other Torrington property did have  
22 difficult topography to put in access road, so yes,  
23 topography is one issue.

24          Q     What was the slope of the access road?

25          A     [Sam Valone.]   I cannot recall that at this

1 moment.

2 Q Was it greater than 20 percent?

3 A [Sam Valone.] Likely there were sections that  
4 were greater than 20 percent, but again, I don't have  
5 those numbers directly in front of me.

6 Q Any topography issues with any of the other five  
7 properties?

8 A Sam Valone for the record. The other ones, the  
9 best I can recall they did not have topography issues but  
10 had issues related to wetlands or interconnection as we  
11 wrote in late file Exhibit six.

12 Q Okay. Among your site selection criteria, I  
13 don't see reference to general kind of -- I'll say general  
14 environmental impacts. Why is that?

15 A Sam Valone speaking for the record. We included  
16 screens for wetlands, national diversity database areas,  
17 which include sensitive species as well as prime farmland,  
18 soils and core forest, so all of those would qualify as  
19 environmental factors.

20 Q Regarding wetlands, you say that you avoid sites  
21 with excessive wetlands. What is the definition of  
22 excessive?

23 A [Sam Valone.] Ideally we do not like to impact  
24 any wetlands so we would not build in a wetland or within  
25 a 50-foot buffer of that wetland.

1 Q So excessive means any?

2 A [Sam Valone.] Not necessarily any, but I would  
3 say the more contiguous area where you can put contiguous  
4 solar panels and not have them broken up by wetlands the  
5 more ideal. In this case, we have 19.2 acres with no  
6 wetlands in there, so I would consider this site as not  
7 having extensive wetlands.

8 Q For the North Windham property, you indicated  
9 you eliminated from consideration due to wetlands; is that  
10 correct?

11 A [Sam Valone.] Yes.

12 Q What was the size of the wetland impact?

13 A [Sam Valone.] I do not have that number off the  
14 top of my head.

15 Q Were there any other properties that impacted  
16 wetlands?

17 A [Sam Valone.] I believe that the Wolcott site  
18 included wetlands. Again, I do not have those numbers in  
19 front of me.

20 Q Okay. You see in late file six you say that  
21 Wolcott had extensive network of wetlands?

22 A [Sam Valone.] Yes.

23 Q Regarding prime farmland, soils and core forest,  
24 you indicate that you minimize impacts to prime farmland  
25 and core forest whenever possible. Is that just you don't

1 develop in the prime farmland or core forests or is there  
2 another technique to minimize impacts?

3 A Sam Valone speaking here. I mean in an ideal  
4 world, yes, you don't develop, but there are also lots of  
5 methods to reduce the impact on this specific site. For  
6 instance, as Matt Sanford was discussing, we are clearing  
7 10.9 acres of the entire large core forest area which, in  
8 his ecological opinion, is not a big impact for those  
9 species there. Methods to reduce impact on prime farmland  
10 are good soil and erosion control measures with stormwater  
11 runoff. You can propose agricultural co-use programs and  
12 there's also a decommissioning plan that is required for  
13 these sites that will return them back to a steady state  
14 after the panels are removed from the site.

15 Q Thank you. When you say overlap is often  
16 unavoidable, does that mean that there are times when  
17 you're willing to develop notwithstanding the fact that  
18 you're impacting either prime farmland, soils or core  
19 forest?

20 A [Sam Valone.] There are times when we do need  
21 to develop on land classified as prime farmland or core  
22 forest, but we do consider the extent of the impact and  
23 the ways that we can mitigate that impact.

24 Q Why is it that you're willing to develop on  
25 prime farmland, soils and core forest but not on wetlands

1 or other areas?

2 A This is Jeff Macel with Lodestar. Wetlands are  
3 generally prohibited in terms of developing on. Prime  
4 farmland and core forests are allowable in Connecticut.  
5 There are just different thresholds and mitigation  
6 techniques that we have to undergo in order to do that.

7 Q What's your cite for the fact that you cannot  
8 develop on wetlands?

9 A [Jeff Macel.] What's our site for it? The  
10 Wetland Protection Act prohibits development without  
11 replication in certain instances and impacts required for  
12 most solar arrays would be cost prohibitive and excessive  
13 in terms of the replication that would be required.

14 Q It's your testimony that there are no solar  
15 projects or other transmission substations, any other  
16 projects that are built on wetlands in the state?

17 MR. HOFFMAN: Objection. Counsel is  
18 characterizing the witness' testimony. That  
19 was his testimony. It stands on his own.

20 MR. McDERMOTT: I'm mischaracterizing his  
21 testimony, but that is his testimony? I'm not  
22 following.

23 MR. HOFFMAN: Mr. Macel testified to what  
24 he testified to. I object to your  
25 characterization of it, Mr. McDermott.

1 BY MR. McDERMOTT:

2 Q Mr. Macel, please tell me why you cannot develop  
3 on a wetland parcel.

4 A I'll restate my testimony. The Wetland  
5 Protection Act requires replication of wetlands. The size  
6 of solar -- if you're going to impact any wetland area,  
7 the size of solar arrays is large enough that it would be  
8 cost prohibitive or otherwise impractical for us to  
9 replicate that amount of wetlands on the sites we're  
10 looking at utilizing.

11 Q Thank you, Mr. Macel. Miss Valone, you seem to  
12 be the person on late file six so I guess I'll ask you.  
13 Regarding proximity to neighbors, for each of the sites,  
14 what is the proximity of the project to the neighbors,  
15 such that you minimize potential land use conflicts?

16 A This is Sam Valone speaking. Ideally just in  
17 general, we like to reduce visibility to the extent that  
18 it's practical and in this case we believe that the site  
19 is set back from neighbors quite well, you cannot see the  
20 solar arrays from the road and we have additional proposed  
21 vegetative screening to further reduce visibility.  
22 Another thing we consider is the proximity of the  
23 equipment pad to the neighbors and in this case the  
24 equipment pad is, if my memory is correct, over 300 feet  
25 from abutting residences.

1           Q     Thank you.  Regarding the other five projects,  
2     can you describe the impact to the neighbors?

3           A     I would say, Sam Valone speaking for the record,  
4     if I'm recalling correctly, I believe that all of those  
5     other sites were much smaller in acreage than this site  
6     and so the solar array to get to the same 3-megawatts of  
7     size that we're proposing on this site would have had to  
8     encompass a greater percentage of those sites and  
9     therefore they're closer to the property lines and likely  
10    closer to other residences.

11          Q     How close was the closest residence?

12          A     [Sam Valone.]  I don't have those numbers in  
13    front of me today.

14          Q     Do you have those numbers?

15          A     [Sam Valone.]  I could go back and calculate  
16    them.  Yes, I could calculate them, yes.

17               MR. McDERMOTT:  Mr. Morissette, I guess  
18    I'm pausing.  I know there's a dislike of  
19    asking for late files at late file hearings.  
20    Is the plan that there will be another hearing  
21    or -- I don't want to create one and I  
22    obviously will move on if you're not going to  
23    have another hearing.  If we are, maybe I would  
24    take Miss Valone up on her offer there.

25               VICE CHAIRMAN MORISSETTE:  I'll ask



1 Miss Valone whether that can be calculated  
2 during the break. I prefer not to take late  
3 files.

4 A Sam Valone. No, I would not have enough time to  
5 calculate that during the break.

6 MR. McDERMOTT: Thank you, Mr. Morissette.  
7 That's fine.

8 VICE CHAIRMAN MORISSETTE: Thank you.

9 BY MR. McDERMOTT:

10 Q I know one of the projects was eliminated  
11 because there was difficulty interconnecting with a  
12 distribution line, but outside of that one project, did  
13 any of the other projects have interconnection issues?

14 A Sam Valone speaking for the record. No. The  
15 other sites were eliminated before we completed  
16 interconnection studies due to the mentioned reasons in  
17 question six.

18 Q Thank you. For this project, I believe you got  
19 your interconnection agreement on December of 2024. When  
20 was that filed?

21 A Sam Valone speaking for the record. I can find  
22 that at the break. I don't have that date off the top of  
23 my head.

24 Q In the application on page five, you indicated  
25 that there were 55 sites that you looked at, 45 of them

1 were ruled out for various reasons. If my math is right,  
2 that leaves 10. You indicate here that you kind of moved  
3 six of those on for further analysis I guess. What  
4 happened to the other four?

5 A Sam Valone for the record. It could have been  
6 any combination of factors listed in this response. It  
7 could have been interconnection, wetlands, endangered  
8 species, any of the above.

9 Q For six of the projects, you indicated why using  
10 the criteria those were eliminated, but you didn't do that  
11 for the other four. May I ask why?

12 A Sam Valone speaking. We conducted this analysis  
13 several years ago and we went back and dug through our  
14 records to find all of this. I was able to find  
15 information on six sites. I don't have detailed notes on  
16 why the other four sites were eliminated.

17 Q Do you have notes on why the 45 sites were  
18 eliminated?

19 A [Sam Valone.] Generally -- not on each one of  
20 the sites specifically, but generally we do a large scale  
21 screen of interconnection and we can see which sites are  
22 along open distribution lines and which are along lines  
23 that are at capacity and we will blanket eliminate say 20  
24 of those sites at once.

25 Q Did you have a table or some other kind of

1 written document that kind of takes your various criteria  
2 and compares them across the six projects, you know, like  
3 check box for which ones are good in terms of wetlands  
4 impacts, which ones are bad, something that lays out your  
5 analysis in let's say a summary form? You mentioned you  
6 went back and looked at things. I'm wondering what you're  
7 looking at and why that could not be produced as part of  
8 your analysis.

9 Can I ask what Attorney Hoffman just showed you,  
10 Miss Valone?

11 MR. HOFFMAN: No, you may not.

12 MR. McDERMOTT: Chairman Morissette, I saw  
13 Mr. Hoffman slip a paper to Ms. Valone with I  
14 don't know what, but it seems a little  
15 inappropriate. I just wonder if we could ask  
16 what that was?

17 MR. HOFFMAN: It was a question I asked  
18 Miss Valone. It's attorney-client privilege,  
19 Mr. Morissette.

20 VICE CHAIRMAN MORISSETTE: Yes, I would  
21 assume it would be attorney-client privilege.  
22 Attorney Bachman, do you have a comment on  
23 attorney-client privileged information being  
24 exchanged between Attorney Hoffman and his  
25 client?

1 MS. BACHMAN: Thank you, Vice Chair  
2 Morissette. Certainly the attorney is there to  
3 guide their client and the witness panel to  
4 provide information that builds a record of  
5 substantial evidence. I believe that Attorney  
6 Hoffman and Attorney McDermott, when their  
7 clients are being cross-examined, do have the  
8 ability as their attorney under the privilege  
9 to slip notes or ask to go off the record to  
10 have a discussion. Thank you.

11 VICE CHAIRMAN MORISSETTE: Thank you.

12 BY MR. McDERMOTT:

13 Q Regarding late file nine in response to  
14 interrogatory number four from the Council, you indicated  
15 that the facility, Quote, is the most competitive in its  
16 class. Then in late file nine, you now say that the  
17 project is the second lowest in its category. Do I take  
18 that to mean that the response to interrogatory number  
19 four should be amended?

20 A This is Sam Valone speaking. Yes, you could say  
21 that, that we should not have used the words the most  
22 competitive in interrogatory number four. It is among the  
23 most competitive, as we said in late file nine.

24 Q You go on in late file nine to say that the  
25 project was the second lowest price in its category.

1 Category meaning, the low emissions category?

2 A [Sam Valone.] Yes.

3 Q So there are three in that category; correct?

4 A [Sam Valone.] Yes.

5 Q And your project is number two?

6 A [Sam Valone.] Correct.

7 Q You say the project met the criteria to qualify  
8 both under the low emission and the large zero emission  
9 category. Why -- do you know why it was selected under  
10 the low emission category and not the large zero emission  
11 category?

12 A Sam Valone speaking for the record. You choose  
13 the category that you apply to and we applied to the low  
14 emission category.

15 MR. McDERMOTT: Thank you. Mr. Vice  
16 Chair, give me one second to look at notes  
17 here. I may be finished. Indeed I am. Thank  
18 you, Mr. Vice Chair. I'm finished. No further  
19 questions.

20 VICE CHAIRMAN MORISSETTE: Thank you,  
21 Attorney McDermott. We'll take a recess now  
22 and we'll come back at 3:35. We have three  
23 questions that are outstanding, the calculation  
24 of the new edge forest, the addresses for the,  
25 I believe, it's six sites and then the date in

1       which the interconnection agreement was signed.  
2       Attorney Hoffman, do you think that's enough  
3       time or do you want a little longer?

4               MR. HOFFMAN: I don't know if it's enough  
5       time. I'm going to look at the witness panel.  
6       But before I do that, is it the date that the  
7       interconnection agreement was signed or the  
8       date that the interconnection agreement was  
9       submitted? I thought I heard submitted, not  
10      signed.

11              VICE CHAIRMAN MORISSETTE: Attorney  
12      McDermott, was it signed or submitted?

13              MR. McDERMOTT: Submitted.

14              VICE CHAIRMAN MORISSETTE: Thank you,  
15      Attorney Hoffman, for clarifying.

16              MR. GOLEMBIEWSKI: And Mr. Morissette,  
17      Vice Chair, I think when you said you wanted  
18      the change or conversion to edge forest, it  
19      would actually affect core forest also. So  
20      it's not just a change to the edge, it's the  
21      change to the overall what would be considered  
22      actual core forest versus edge also, so it's  
23      both.

24              VICE CHAIRMAN MORISSETTE: It's actually  
25      the conversion of core forest to edge forest;

1 is that correct?

2 MR. GOLEMBIEWSKI: Yes, correct. So it's  
3 kind of both, yup.

4 VICE CHAIRMAN MORISSETTE: Thank you for  
5 that clarification. Attorney Hoffman, are we  
6 good?

7 MR. HOFFMAN: I believe we are, Mr.  
8 Morissette.

9 VICE CHAIRMAN MORISSETTE: Very good.  
10 We'll see everybody at 3:35. Thank you.

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

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

13 VICE CHAIRMAN MORISSETTE: We are back on  
14 the record. We have outstanding questions to  
15 be answered. Start with the new edge forest  
16 conversions from core to edge forest.

17 A For the record, Matt Sanford. So, looking  
18 outside of the proposed facility cleared line, extending  
19 that 300 feet outside of the that northeast or south sides  
20 of the boot, as we'll call it, that equates to a  
21 conversion from large core forest of 13.98 acres to edge  
22 forest.

23 VICE CHAIRMAN MORISSETTE: 13.9?

24 A [Matt Sanford.] Yes.

25 VICE CHAIRMAN MORISSETTE: Thank you.

1       Next we have the addresses of the six  
2       facilities I think it was.

3       A       Yes. This is Sam Valone speaking for the  
4       record. Number one is 63 North Windham Road in Windham,  
5       Connecticut. Number two is 906 Tarringford East Road in  
6       Torrington, Connecticut. The third is 580 Hawkins Road in  
7       Putnam, Connecticut. The fourth is 791 West Hill Road,  
8       Torrington, Connecticut. The fifth is Shelton Ave. Lot  
9       167 in Wolcott, Connecticut. And the sixth is our site  
10      under discussion, 291 West Hill Road, Torrington,  
11      Connecticut.

12           VICE CHAIRMAN MORISSETTE: Very good.

13      Thank you. And the next is when was the  
14      interconnection agreement request for  
15      interconnection agreement submitted?

16      A       Sam Valone for the record. The request for  
17      interconnection was submitted April 7th of 2023.

18           VICE CHAIRMAN MORISSETTE: Very good.

19      Thank you everyone for working through the  
20      break to obtain those answers. Okay. We'll  
21      now continue with the appearance or we'll  
22      commence with the appearance of the City of  
23      Torrington. Will the City of Torrington  
24      present its witness panel for purposes of  
25      taking the oath. Attorney Bachman will



1 administer the oath. Attorney McDermott?

2 MR. McDERMOTT: Mr. Morissette, we have no  
3 witnesses.

4 VICE CHAIRMAN MORISSETTE: Okay. Very  
5 good. That takes care of the rest of the  
6 agenda for this afternoon. The evidentiary  
7 record will remain open. The Council announces  
8 that the evidentiary record in this matter will  
9 remain open for the applicant to submit the  
10 municipal and legislative consultation material  
11 had associated with the City's June 5, 2025  
12 objection to the application no earlier than  
13 September 22, 2025. A copy of the municipal  
14 and legislative consultation material will be  
15 available on the Council's website. Also, the  
16 evidentiary record will remain open for the  
17 applicant to submit the late file exhibits  
18 requested by the Council during this hearing  
19 session this afternoon, of which there were  
20 none. A copy of the late file exhibits will be  
21 available on the Council's website.

22 Please note that anyone who has not become  
23 a party or intervenor but who desires to make  
24 his or her views known to the Council may file  
25 written statements to the Council until the

1 public comment period closes. Copies of the  
2 transcript of this hearing will be deposited in  
3 the Torrington City Clerk's office.

4 I hereby declare this hearing adjourned  
5 and thank you everyone for your participation.  
6 Have a good evening. Thank you everyone.

7 [Hearing adjourned 3:40 p.m.]  
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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 Tuesday, July 22, 2025,  
8 commencing at 2:00 p.m.

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

12 Dated at New Haven, Connecticut, this 23rd day  
13 of July 2025.

14   
15 Notary Public

16  
17 My Commission Expires: December 31, 2026.

18 License No. 233  
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