



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 497

Tuesday, April 13, 2021

2:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

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3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
4. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <https://www.nps.gov/subjects/nationalregister/index.htm>

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12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
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14. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at https://www.epa.gov/sites/production/files/2015-03/documents/best_practices_siting_solar_photovoltaic_final.pdf
15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at https://www.usda.gov/oce/reports/energy/Web_SolarEnergy_combined.pdf
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47. **DOCKET NO. 470B** - NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-PendingMatters/Applications/3_DocketNos400s/Docket-No-470B-NTEKillingly
48. **PETITION NO. 1310A** - Quinebaug Solar, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1301-1310/Petition-No-1310A-CanterburyBrooklyn

49. **PETITION NO. 1313** - DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut. Record and Final Decision, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1311-1320/Petition-No-1313-Simsbury
50. **PETITION NO. 1437** - Burlington Solar One, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility and associated electrical interconnection located at Lot 33, Prospect Street, Burlington, Connecticut. Record, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1431-1440/Petition-No-1437-Burlington-Solar

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101. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <https://www.audubon.org/important-bird-areas/state/connecticut>
102. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
103. MAIL-A-MAP STREET MAP, Burlington, available at http://mailamap.com/street_maps
104. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

C. State Agency comments

1. Council on Environmental Quality Comments, dated February 24, 2021
2. Department of Transportation Comments, received March 8, 2021

II. Appearance by Applicant

Applicant: Burlington Solar One, LLC (BSO)

Representative: Lee D. Hoffman, Esq.
Pullman & Comley LLC

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Burlington Solar One, LLC, received January 22, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Burlington Planning and Zoning Regulations
- b. Town of Burlington 2020 Plan of Conservation and Development
- c. Town of Burlington Inland Wetlands and Watercourses Regulations

2. Applicant's Response to Council's Incomplete Letter, dated January 27, 2021

3. Applicant's Affidavit of Publication, dated February 11, 2021
4. Applicant's Responses to Council Interrogatories, Set One, dated March 16, 2021
5. Applicant's Amended Responses to Council Set One Interrogatory Nos. 2, 13, 30 and 45, dated March 23, 2021
6. Applicant's Sign Posting Affidavit, received March 23, 2021
7. Applicant's Late-Filed Exhibits, dated April 7, 2021

C. Swear Witnesses

1. William Herchel, Chief Executive Officer, Verogy
2. Steven DeNino, Chief Operating Officer, Verogy
3. Bryan Fitzgerald, Director of Development, Verogy
4. Kyle Perry, Engineering Manager, Verogy
5. Robert Hiltbrand, Principal Engineer, R.R. Hiltbrand Engineers & Surveyors
6. Eric Davison, Wildlife Biologist/Owner, Davison Environmental

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.