

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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GREENSKIES CLEAN ENERGY, LLC Petition for)	
a Declaratory ruling, pursuant to Connecticut General)	Petition N. 1410
Statutes §4-176 and §16-50k, for the Proposed)	
construction, maintenance and operation of a 3.0)	
megawatt AC solar photovoltaic electric generating)	
facility on two parcels at the Elmridge Golf Course)	
located to the east and west of North Anquilla Road)	
at the intersection with Elmridge Road, Stonington,)	DECEMBER 10 , 2020
Connecticut and associated electrical interconnection.)	
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INTERVENOR’S POST-HEARING BRIEF

Douglass Hanson, an Intervenor in Petition No. 1410 (“Petition”), filed by Greenskies Clean Energy, LLC (“Greenskies”) submits this post-hearing brief pursuant to the Connecticut Citing Council’s briefing schedule deadline.¹

I. Introduction

By way of brief factual introduction, Mr. Hanson and his family reside at 6 Woodlawn Court, Pawcatuck, CT 06379. The Hanson residence is immediately to the south of the “eastern array” of the solar panels that Greenskies desires to construct. A clear illustration of this can be found in the pre-filed testimony of David Tusia (“Tusia Testimony”) at page 24.² The Hanson residence, circled in yellow, is in clear close proximity of the proposed eastern array, set forth therein directly from Greenskies own petition.

¹ Mr. Hanson is aware, and the Council confirmed, that a brief is not a requirement of any party to the Petition. Mr. Hanson is also aware that the Council is intimately familiar with the facts surrounding this matter. Therefore Mr. Hanson will keep his brief to the points he considers to be salient to his objections to the Petition.

² Each evidentiary submission made by Mr. Hanson was admitted as a full exhibit.

The proposed project is to permit this site as an appropriate location of a 3.0 megawatt AC solar photovoltaic electricity generating facility - both on an eastern and western array. As the Council is aware, the site is located on the Elmridge Golf Course in Stonington, Connecticut. In the pictures submitted during the public hearing, it was clear to see that the current landscape at Elmridge Golf Court is a beautiful bucolic New England setting. A setting that Mr. Hanson testified was a big part of the draw of buying his home at that location.

The installation of these panels at this location, however, has the effect of destroying the visual aesthetic of what Mr. Hanson now sees from his home. The power plant, as proposed on a golf course that is hundreds of acres, places the panels in a location that is unreasonably close to the Hanson home, especially in light of the fact that a number of different equally appropriate locations on the site exist. The Council heard the testimony about other locations being available, and was provided with no explanation as to why the Petitioner did not pursue those other options, other than to dismiss the idea due to the fact that the Petitioner preferred the current location.

II. The Petition's Failure

As the Council is aware, the Counsel "shall not grant a certificate, either as proposed or as modified by the Council, unless it shall find and determine:"

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife;

(Emphasis added) Conn. Gen. Stat. Ann. § 16-50p (West). In this regard, the Council must note that the Petition fails.

A. Visual Impact on the Hanson Residence.

Mr. Hanson's expert, David Tusia, convincingly testified that the Petitioner put forth misleading photographic evidence of what the arrays would look like from Mr. Hanson's home. In their petition, Greenskies included photographs that were manipulated and distorted to attempt to inaccurately portray the visual proximity of the array from the Hanson property line. Mr. Tusia's photographs, his pre-filed testimony, as well as Mr. Hanson's own photos and video, submitted in his supplemental exhibits, clearly demonstrated how close the eastern portion of the power plant would be to his home. Under C.G.S. § 16-50p, Greenskies is required to specifically address *every* significant adverse effect. To date, Greenskies has failed to do so, thereby failing to meet their burden.

Mr. Hanson, however, clearly demonstrated that what Greenskies *did* submit, was misrepresentative and inaccurate. The border between Mr. Hanson's property and the eastern array is bare (without foliage) much of the year. Mr. Hanson will be forced to look at solar panels from every level of his home. The Council has an obligation to force Greenskies to address this issue, and to date, Greenskies has demonstrated no willingness to do so.

B. Audio Impact on the Hanson Residence.

Early on in the first portion of the evidentiary hearing, it was clear that Greenskies' failure to complete an audio study was a concern not just to Mr. Hanson, but also to the Council. The Petitioner subsequently decided to include a limited sound study of the eastern array. However, one of the most obvious audio nuisances that this project would result in was completely ignored by Greenskies.

The project is on an active golf course; with golfers hitting balls by the foursome alongside Mr. Hanson's property all day long. Greenskies failed to account for, or even admit, that there is

potential impact noise from golf balls hitting the arrays. To date, Petitioner has not expressed any willingness to perform a complete and comprehensive noise analysis to capture the true noise impact of installing a solar facility on an active golf course. This violates PA 17-218 and C.G.S. 16-50p, which requires a distinct specification (measurement) for every significant adverse effect (in this case noise pollution) in order for it to be considered by the Council

- III. The Council permitted evidence of home value to be introduced but denied Mr. Hanson the opportunity to testify as to his opinion *after* the subject was introduced by the Petitioner.

During the hearing, the Council was clear to point out to the intervenors that they may not bring up diminution of property value as evidence at the hearing. However, the Council then allowed the Petitioner's counsel to discuss the matter. When pressed to allow a rebuttal, noting the record that a homeowner *is* permitted to opine as to his own property value the Council suggested that the relevant law be addressed in the parties' brief.

To be clear, homeowners *are* allowed to testify as to that diminution as well as to their opinion that the loss in value is attributable to the maintenance of a private nuisance by a defendant. *Pestey v. Cushman*, 259 Conn. 345, 363–64, 788 A.2d 496 (2002). It is also clear that homeowners are allowed to testify as to their opinion of fair market value. *McCahill v. Town & Country Associates, Ltd.*, 185 Conn. 37 at 41, 440 A.2d 801; *Moore v. Sergi*, 38 Conn.App. 829, 839–40, 664 A.2d 795 (1995).

If permitted to reply, Mr. Hanson would have stated that it is his opinion that the proposed facility would have considerable impact on the value of his property in the order of 10-12%, assuming the property could be sold at all. Based on a current property value of \$750,000, this translates to approximately \$75,000 to \$90,000 reduction in value.

IV. This Petition Would Set A Dangerous Precedent

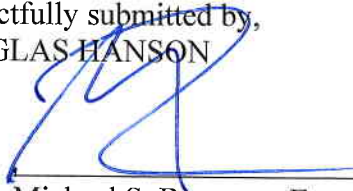
A serene golf course nestled among a suburban neighborhood landscape is no place for a power plant. To allow this type of petition to succeed, among residential homes, in the literal middle of an operating golf course enterprise, would practically obviate any standard upon which a plan such as this should be denied. This Council has a responsibility to hold petitioners such as Greenskies to some standard that protects the public.

III. Conclusion

Greenskies' petition should be denied. Petitioner fails to meet its burden set forth by statute. The submission set forth misleading information and misrepresented the impact on Mr. Hanson's property. Moreover, it fails to supply the Council with enough information, as required by statute, to specifically address the concerns set forth by the intervenor.

Respectfully submitted by,
DOUGLAS HANSON

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CERTIFICATION

I hereby certify that on this 10th day of December, 2020 that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

The Citing Council siting.council@ct.gov
with paper copy to
Connecticut Siting Council
State of Connecticut
Ten Franklin Square
New Britain, CT 06051

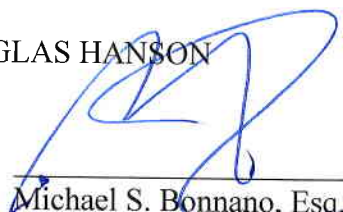
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