



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1410

Tuesday, October 20, 2020

2:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Motions.

C. Administrative Notice taken by Council

**FEDERAL**

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at [http://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
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](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf)
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11. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2020*, January 29, 2020, available at <https://www.eia.gov/outlooks/aeo/>
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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20. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

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30. ISO-NEW ENGLAND, INC., *The Challenge of Ensuring System Reliability Through Wholesale Markets as the Resource Mix Evolves*, November 17, 2016, available at [http://www.necbc.org/content/pages/Gordon-van-Welie\\_ISO-NE\\_NECBC\\_11\\_17\\_2016\\_final.pptx.pdf](http://www.necbc.org/content/pages/Gordon-van-Welie_ISO-NE_NECBC_11_17_2016_final.pptx.pdf)

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35. ISO-NEW ENGLAND, INC., *Final 2019 PV Forecast*, April 29, 2019, available at <https://www.iso-ne.com/static-assets/documents/2019/04/final-2019-pv-forecast.pdf>
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46. **PETITION NO. 1347a** – GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX)

**Department of Energy and Environmental Protection**

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**Other State Agencies**

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## **MAPS**

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94. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <https://www.audubon.org/important-bird-areas/state/connecticut>
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D. State Agency comments

E. Municipal comments

1. Town of Stonington Planning and Zoning Commission Comments, received July 2, 2020

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II. Appearance by Petitioner

Petitioner: Greenskies Clean Energy, LLC (GCE)

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

A. Administrative Notice.

1. CONNECTICUT SITING COUNCIL PETITION NO. 1398 - LSE Pictor, 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 1.99-megawatt AC solar photovoltaic electric generating facility on an approximately 104 acre parcel located off of Platt Hill Road, Winchester, Connecticut and associated electrical interconnection. Record, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1391-1400/Petition-No-1398-LSE-Pictor-LLC\\_Winchester](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1391-1400/Petition-No-1398-LSE-Pictor-LLC_Winchester)
2. Leila Al-Hamoodah et. al. "An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations," *available at* [https://emp.lbl.gov/sites/default/files/property-value\\_impacts\\_near\\_utility-scale\\_solar\\_installations.pdf](https://emp.lbl.gov/sites/default/files/property-value_impacts_near_utility-scale_solar_installations.pdf), May 2018
3. SOLAR ENERGY INDUSTRIES ASSOCIATION, "Solar and Property Value," *available at* <https://www.seia.org/research-resources/solar-and-property-value>
4. Kirkland, Richard C. "Grandy Solar Impact Study." Kirkland Appraisals, 25 Feb. 2016, *available at* <https://www.southtripleysolar.com/wp-content/uploads/2020/09/Kirkland-Grandy-Solar-Impact-Study.pdf>
5. NATIONAL RENEWABLE ENERGY LABORATORY. "Top Five Large-Scale Solar Myths. State, Local, and Tribal Governments Blog," 3 Feb. 2016, *available at* <https://www.nrel.gov/state-local-tribal/blog/posts/top-five-large-scale-solar-myths.html>
6. CohnReznick, LLP, Adjacent Property Values Solar Impact Study: A Study of Eight Existing Solar Facilities, 10 Jun. 2020, *available at* <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs51-1594387599-78782.pdf>

7. CohnReznick, LLP, Adjacent Property Values Solar Impact Study: A Study of Nine Existing Solar Facilities, 30 May 2018, *available at* [https://www.oglecounty.org/document\\_center/planning%20&%20zoning/Solar%20Ad%20Hoc%20Committee/PV%20Impact%20Studies/CR%20-%20SunVest%20Solar%20%20Solar%20Farm%20Impact%20Study%20\(Rreport%20Date%205-30-2018\).pdf](https://www.oglecounty.org/document_center/planning%20&%20zoning/Solar%20Ad%20Hoc%20Committee/PV%20Impact%20Studies/CR%20-%20SunVest%20Solar%20%20Solar%20Farm%20Impact%20Study%20(Rreport%20Date%205-30-2018).pdf)
8. CohnReznick, LLP, Adjacent Property Values Solar Impact Study: A Study of Six Existing Solar Facilities (Working Draft), 5 May 2020, *available at* [https://www.innergex.com/wp-content/uploads/2020/05/CohnReznick-Proposed-Paeahu-Solar-Property-Value-Impact-Study\\_Draft\\_May-2020.pdf](https://www.innergex.com/wp-content/uploads/2020/05/CohnReznick-Proposed-Paeahu-Solar-Property-Value-Impact-Study_Draft_May-2020.pdf)
9. Lines, Andrew. "Property Impact Study: Solar Farms in Illinois." Mcleancounty.gov, Nexia International, 7 Aug. 2018, *available at* <https://www.mcleancountyil.gov/DocumentCenter/View/13192/Patricia-L-McGarr--Property-Value-Impact-Study?bidId=>

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by Greenskies Clean Energy, LLC, pursuant to Connecticut General 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 Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection., received June 4, 2020, and attachments.
2. Petitioner Responses to Council Interrogatories, Set One, dated July 23, 2020
3. Petitioner Responses to Douglas Hanson Interrogatories, Set One, dated August 20, 2020
4. Sign Posting Affidavit of Michael R. Gagnon, dated September 15, 2020
5. Petitioner Responses to Council Interrogatories, Set Two, dated September 24, 2020
6. Petitioner Responses to Douglas Hanson Interrogatories, Set Two, dated September 24, 2020
7. Petitioner Responses to Proponents for Responsible Emplacement of Stonington Solar Interrogatories, dated September 24, 2020
8. Pre-filed Testimony of Gina L. Wolfman, dated September 24, 2020
9. Pre-filed Testimony of Megan B. Raymond, dated September 24, 2020
10. Pre-filed Testimony of Michael R. Gagnon, dated September 24, 2020
11. Petitioner Late-filed Exhibits and Clarifications, dated October 13, 2020
  - a) Attachment 1 - NRCS Hydrologic Soil Group Map - East and West Side
  - b) Attachment 2 - Sediment Storage Analysis
  - c) Attachment 3 - Revised Permit Drawings
  - d) Attachment 4 - Equipment Pad Calculations
  - e) Attachment 5 - TCLP Report
  - f) Attachment 6 - Canadian Solar Letter to Gina L. Wolfman, dated August 6, 2020

C. Swear Witnesses

1. Gina L. Wolfman, Senior Developer and Permitting Specialist, Greenskies Clean Energy, LLC
2. Ryan Linares, Greenskies Clean Energy, LLC
3. Jean-Paul La Marche, Greenskies Clean Energy, LLC
4. Megan B. Raymond, Principal Scientist and Manager of Wetlands and Waterways, Milone & MacBroom, Inc.
5. Michael R. Gagnon, Senior Project Specialist, Civil Engineering, MMI, Milone & MacBroom, Inc.

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

E. Cross Examination.

1. Council
2. Douglas Hanson
3. Proponents for Responsible Emplacement of Stonington Solar (PRESS)

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III. Appearance by Party/CEPA Intervenor:

Douglas Hanson (Hanson)

Representatives:

Jonathan E. Friedler, Esq.  
Michael S. Bonnanno, Esq.  
Geraghty & Bonnanno, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Hanson Request for Party Status, dated July 2, 2020
2. Hanson Request to Either Modify or Confirm Party Status to Include Notice of CEPA Intervention, dated August 17, 2020
3. Hanson Responses to Petitioner Interrogatories, dated September 24, 2020
4. Hanson Responses to Petitioner Supplemental Interrogatories, dated September 24, 2020
5. Pre-filed Testimony of Douglas Hanson, dated September 24, 2020
6. Pre-filed Testimony of David F. Tusia, Sr., dated September 24, 2020

C. Swear Witnesses

1. Douglas Hanson
2. David F. Tusia, Sr., Ion Imaging

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

E. Cross Examination.

1. Council
2. Petitioner
3. PRESS

IV. Appearance by Party/CEPA Intervenor:

Proponents for Responsible  
Emplacement of Stonington Solar, Inc.  
(PRESS)

Representative:

Emily A. Gianquinto, Esq.  
EAG Law, LLC

A. Administrative Notice.

1. COUNCIL ON ENVIRONMENTAL QUALITY (CEQ). December 4, 2015. Digging Connecticut...while Protecting Its Waters and History: Recommendations for Reducing Impacts of Earthmoving (discussion draft), *available at*: <https://portal.ct.gov/-/media/CEQ/Stormwater-and-Earthmoving-Report---Discussion-Draft-12-02-15.pdf>
2. CEQ. 2016. Minutes of the Jan. 27, 2016 meeting, *available at*: <https://portal.ct.gov/CEQ/Meetings-and-Agendas/Minutes/January-27-2016-Minutes>
3. CEQ. 2020. 2019 CEQ Annual report, *available at*: <https://portal.ct.gov/-/media/CEQ/CEQ-Annual-Report-2019-Final.pdf?la=en>.
4. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION (CT DEEP). General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, *available at*: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>
5. CT DEEP. Proposed Reissuance with Modifications of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (GP), *available at*: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>
6. CT DEEP. 2020. Construction Stormwater Permitting: Rain Happens! Presentation by DEEP Stormwater Section, Jan. 8, 2020, *available at*: <https://www.cbia.com/wp-content/uploads/2020/01/CBIA-CTDEEP-stormwater.pdf>
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8. IER. 2017. Will Solar Power Be at Fault for the Next Environmental Crisis? *available at*: <https://www.instituteforenergyresearch.org/uncategorized/will-solar-power-fault-next-environmental-crisis/#:~:text=Regardless%2C%20the%20waste%20disposal%20issues%20regarding%20solar%20panels%20are%20enormous.&text=Further%2C%20while%20nuclear%20units%20can,in%20the%20next%20few%20decades>

9. Minnesota Stormwater Manual, Stormwater management for solar projects and determining compliance with the NPDES construction stormwater permit, *available at*:  
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10. Petition by Town of New Milford for Declaratory Ruling in the Matter of Candlewood Solar, LLC (directed to DEEP). Feb. 2020, *available at*:  
<https://www.crameranderson.com/wp-content/uploads/2020/03/2.27.20-Final-Petition-for-Declaratory-Ruling.pdf>
11. Prume, K., J. Viehweg et al. 2018. Guideline. Assessing Fire Safety Risks in Photovoltaic Systems and Developing Safety Concepts for Risk Minimization. (Translated from the German Second Ed. of July 2015), *available at*:  
[https://www.energy.gov/sites/prod/files/2018/10/f56/PV%20Fire%20Safety%20Fire%20Guideline\\_Translation\\_V04%2020180614\\_FINAL.pdf](https://www.energy.gov/sites/prod/files/2018/10/f56/PV%20Fire%20Safety%20Fire%20Guideline_Translation_V04%2020180614_FINAL.pdf)
12. Robinson, S.A., and G.A. Meindl. 2019. Potential for leaching of heavy metals and metalloids from crystalline silicon photovoltaic systems. J. Nat. Res. Dev. 2019, 09:19-24, *available at*: <https://www.jnrd.info/2019/05/10-5027-jnrd-v9i0-02/>
13. Schaffler, M. Siting Solar Projects: The Right Power in the Right Place. Saving Land Fall 2019:14-17, *available at*: <https://www.landtrustalliance.org/news/harnessing-power-sun#:~:text=Siting%20Solar%20Projects%3A%20The%20Right%20Power%20in%20the%20Right%20Place&text=Drawing%20on%20their%20ecological%20expertise,wetlands%20and%20productive%20agricultural%20areas>
14. STATE OF CONNECTICUT V. WOODS HILL SOLAR, LLC ET AL., Consent Order #COWRSW18003, dated Nov. 27, 2018.
15. TOWN OF EAST LYME INLAND WETLANDS AGENCY. Corrected letter to GRE re: Vote to Continue Cease, Desist and Restore Order issued to GRE. June 11, 2015.
16. TOWN OF EAST LYME INLAND WETLANDS AGENCY. Revised Cease, Desist and Correct Restore issued to GRE re: Antares solar field. Apr. 7, 2014.
17. TOWN OF NEW MILFORD V. CONNECTICUT SITING COUNCIL ET AL., Docket No. HHB-CV-19-6053213-S. Record, *available at*: <http://civillinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV196053213S>
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19. TOWN OF STONINGTON, Zoning Map Atlas (Sept, 19, 2017), *available at*:  
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20. TOWN OF STONINGTON, Groundwater Protection Overlay District (GPOD) & Aquifer Protection Area (APA), *available at*: [https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/file/file/zoning\\_map\\_atlas\\_2017\\_gppod.pdf](https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/file/file/zoning_map_atlas_2017_gppod.pdf)



21. TOWN OF STONINGTON, Open Space plan (August 2007), *available at*:  
[https://www.stonington-ct.gov/sites/g/files/vyhlif3851/f/file/file/open\\_space\\_plan.pdf](https://www.stonington-ct.gov/sites/g/files/vyhlif3851/f/file/file/open_space_plan.pdf)
22. TOWN OF STONINGTON, Plan of Conservation and Development (May 7, 2015), *available at*: [https://www.stonington-ct.gov/sites/g/files/vyhlif3851/f/file/file/2015\\_pocd\\_final\\_version.pdf](https://www.stonington-ct.gov/sites/g/files/vyhlif3851/f/file/file/2015_pocd_final_version.pdf)
23. U.S. ENVIRONMENTAL PROTECTION AGENCY & NATIONAL RENEWABLE ENERGY LABORATORY, Screening Sites for Solar PV Potential, *available at*:  
[www.epa.gov/sites/production/files/2015-04/documents/solar\\_decision\\_tree.pdf](http://www.epa.gov/sites/production/files/2015-04/documents/solar_decision_tree.pdf)
24. STONINGTON LAND TRUST, Anguilla Grande Preserve. Available at:  
<https://www.stoningtonlandtrust.org/anguillagrande-preserve>
25. AVALONIA LAND CONSERVANCY, Perry Natural Area, *available at*:  
<https://avalonia.org/preserves/perry-natural-area/>
26. EASTERN CONNECTICUT CONSERVATION DISTRICT, Anguilla Brook Bacteria Trackdown & Watershed-Based Plan, Bacteria Monitoring Report (Jan. 28, 2020), *available at*:  
[https://conservect.org/eastern/wp-content/uploads/2020/02/17-04-Anguilla-Brook-WBP-Bacteria-Sampling-Report\\_final\\_w\\_attachments.pdf](https://conservect.org/eastern/wp-content/uploads/2020/02/17-04-Anguilla-Brook-WBP-Bacteria-Sampling-Report_final_w_attachments.pdf)
27. EASTERN CONNECTICUT CONSERVATION DISTRICT, Anguilla Brook Bacteria Trackdown & Watershed-Based Plan, Watershed Streamwalk Report (Jan. 28, 2020), *available at*:  
<https://conservect.org/eastern/wp-content/uploads/2020/02/17-04-Anguilla-Brook-WBP-Streamwalk-Report-w-attachments.pdf>
28. CT DEEP, Aquifer Protection Area Program. *available at*:  
<https://portal.ct.gov/DEEP/Aquifer-Protection-and-Groundwater/Aquifer-Protection/Aquifer-Protection-Program>
29. Connecticut State Fire Prevention Code §§ 11.12.3, 11.12.3.2, 11.12.3.3, *available at*  
[https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1301-1400/PE1347A/SaveTheRiverSaveTheHills/pe1347a-20200825-STRSTHadminnotice-firecode.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1347A/SaveTheRiverSaveTheHills/pe1347a-20200825-STRSTHadminnotice-firecode.pdf)
30. Kuffner, A. Study: Solar projects driving down home values in R.I suburbs. Providence Journal, Sept. 30, 2020, *available at*: <https://www.providencejournal.com/news/20200930/study-solar-projects-driving-down-home-values-in-ri-suburbs>
31. Gaur, Vasundhara and Corey Lang. Property Value Impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island. Sept. 29, 2020, *available at*:  
<https://web.uri.edu/coopext/files/PropertyValueImpactsOfSolar.pdf>

B. Exhibits for Identification.

1. PRESS Request for Party Status and Notice of CEPA Intervention and Request for Public Hearing, dated July 31, 2020
2. PRESS Responses to Petitioner Interrogatories, dated September 24, 2020
3. Pre-filed Testimony of Mary Ann Canning McComiskey, dated September 24, 2020

4. Pre-filed Testimony of Rhandi Lee, dated September 24, 2020
  - a) Rhandi Lee Correspondence to the Council, dated June 29, 2020
  - b) Rhandi Lee Map of Wells Near Elmridge Correspondence, dated July 22, 2020
5. Pre-filed Testimony of Steven D. Trinkaus, dated September 24, 2020
6. Supplemental Pre-filed Testimony of Steven D. Trinkaus, dated September 29, 2020

C. Swear Witnesses

1. Mary Ann Canning McComiskey
2. Rhandi Lee
3. Steven D. Trinkaus

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

E. Cross Examination.

1. Council
2. Petitioner
3. Douglas Hanson

V. Continuation or Closing by Connecticut Siting Council.