

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

CERTIFIED

Petition No. 1425

Gaylord Mountain Solar Project 2019, 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
1.9-Megawatt AC Solar Photovoltaic Electric Generating
Facility Located at 360 Gaylord Mountain Road in
Hamden, Connecticut, and Associated Electrical
Interconnection

Zoom Remote Council Meeting (Teleconference),
on Tuesday, November 17, 2020, beginning at 2 p.m.

H e l d B e f o r e :

JOHN MORISSETTE, Member and Presiding Officer

1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **QUAT NGUYEN,**

6 **PURA Designee**

7
8 **ROBERT HANNON,**

9 **DEEP Designee**

10
11 **ED EDELSON**

12 **MICHAEL HARDER**

13 **DANIEL P. LYNCH, JR.**

14
15
16 **Council Staff:**

17
18 **MELANIE BACHMAN, ESQ.,**

19 **Executive Director and Staff Attorney**

20
21 **FRED CUNLIFFE,**

22 **Siting Analyst**

23
24 **LISA FONTAINE,**

25 **Fiscal Administrative Officer**

1 A p p e a r a n c e s:(cont'd)

2 For Gaylord Mountain Solar Project 2019, LLC

3 (Petitioner):

4 ROBINSON & COLE, LLP

5 280 Trumbull Street

6 Hartford, Connecticut 06103-3597

7 By: KENNETH C. BALDWIN, ESQ.

8 KBaldwin@rc.com

9 860.275.8200

10
11 For the South Central Connecticut Regional Water

12 Authority (Intervener):

13 MURTHA CULLINA

14 One Century Tower

15 265 Church Street, 9th Floor

16 New Haven, Connecticut 06510

17 by: BRUCE MCDERMOTT, ESQ.

18 BMcdermott@murthalaw.com

19 203.772.7787

20
21 For the Town of Hamden:

22 BRENDAN SHARKEY, ESQ.

23

24

25

1 THE HEARING OFFICER: Good afternoon, everyone. This
2 remote public hearing is called to order this
3 Tuesday, November 17, 2020, at 2 p.m. Can
4 everyone hear me okay?

5 Thank you. My name is John Morissette,
6 Member and Presiding Officer of the Connecticut
7 Siting Council. Other members of the Council are
8 Robert Hannon, designee for Commissioner Katie
9 Dykes, Department of Energy and Environmental
10 Protection; Mr. Nguyen, designee for Chairman
11 Marissa Paslick Gillett, Public Utility Regulatory
12 Authority; Mr. Ed Edelson; Mr. Michael Harder;
13 Mr. Daniel P. Lynch, Jr.

14 Members of the staff are Melanie Bachman,
15 Executive Director and Staff Attorney; Fred
16 Cunliffe, Supervising Siting Analyst; and Lisa
17 Fontaine, Fiscal Administrative Officer.

18 Please be aware there is currently a
19 statewide effort to prevent the spread of
20 coronavirus. This is why the Council is holding
21 this remote public hearing, and we ask for your
22 patience. If you haven't done so already I ask
23 that everyone please mute their computer audio
24 and/or telephone now.

25 This hearing is held pursuant to the

1 provisions of Title 16 of the Connecticut General
2 Statutes and of the Uniform Administrative
3 Procedures Act upon the petition from Gaylord
4 Mountain Solar Projects 2019, LLC, for a
5 declaratory ruling pursuant to Connecticut General
6 Statutes Section 4-176, and Section 16-50K for the
7 proposed construction, maintenance and operation
8 of a 1.9-megawatt AC solar photovoltaic electric
9 generation facility located at 360 Gaylord
10 Mountain Road, in Hamden, Connecticut.

11 This petition was received by the Council on
12 August 7, 2020.

13 The Council's legal notice of the date and
14 time of this remote public hearing was published
15 in the New Haven Register on October 2, 2020.
16 Upon this Council's request the petitioner erected
17 a sign at the proposed permanent access drive to
18 the site of Gaylord Mountain Road so as to inform
19 the public of the name of the petitioner, the type
20 of the facility, the remote public hearing date
21 and contact information for the Council by website
22 and the phone number.

23 As a reminder to all, off-record
24 communication with the Council or a member of the
25 Council's staff upon the merits of this petition

1 is prohibited by law.

2 The parties and interveners to this
3 proceeding are as follows, the Petitioner, Gaylord
4 Mountain Solar Project 2019, LLC, represented by
5 Kenneth Baldwin, Esquire. The Intervener is South
6 Central Connecticut Regional Water Authority, RWA,
7 represented by Bruce McDermott Esquire.

8 We will proceed in accordance with the
9 prepared agenda, a copy of which is available on
10 the Council's Petition Number 1425 webpage along
11 with a record to this matter, a public hearing
12 notice, instructions for the public access to this
13 remote public hearing, and the Council's citizens
14 guide to siting procedures.

15 Interested persons may join any session of
16 this public hearing to listen, but no public
17 comments will be received during the 2 p.m.
18 evidentiary session. At the end of the
19 evidentiary session we will recess until 6:30 for
20 the remote public comment session. Please be
21 advised that any person may be removed from the
22 remote evidentiary session or public comment
23 session at the discretion of the Council.

24 The 6:30 p.m. public comment session will be
25 reserved for members of the public who have signed

1 up in advance to make brief statements into the
2 record.

3 I wish to note that the petitioner, parties
4 and interveners, including their representatives
5 and witnesses are not allowed to participate in
6 the public comment session.

7 I also wish to that those who are listening,
8 and for the benefit of your friends and neighbors
9 who are unable to join us for the remote public
10 comment session, that you and they may send
11 written statements to the Council within 30 days
12 of the date hereof either by mail or by e-mail,
13 and such written statements will be given the same
14 weight as if spoken during the remote public
15 comment session.

16 A verbatim transcript of this remote public
17 hearing will be posted on the Council's Petition
18 Number 1425 webpage and deposited with the towns'
19 clerk's office in Hamden and Bethany for the
20 convenience of the public.

21 Please be advised that the Council does not
22 issue permits for stormwater management. If the
23 proposed project is approved by the Council the
24 Department of Energy and Environmental Protection
25 stormwater permit is independently required. DEEP

1 could hold a public hearing on any stormwater
2 permit application.

3 The Council will take a 10 to 15-minute break
4 at a convenient juncture around 3:30 p.m. We will
5 continue with statements by public officials,
6 Mayor Curt Leng, then followed by Assistant Town
7 Attorney Brendan Sharkey. And then Town Planner
8 Daniel Kops.

9 Mayor Leng, please proceed.

10 Is Mayor Leng Available?

11
12 (No response.)

13
14 **THE HEARING OFFICER:** Okay. We'll continue with
15 Assistant Town Attorney Brendan Sharkey.

16 Attorney Sharkey, are you available?

17 **MR. SHARKEY:** Yes. Thank you, Mr. Chair.

18 I come to this application and to this
19 meeting today with some experience on a number of
20 different fronts. In the first place, I'm an
21 Assistant Town Attorney in Hamden, which is a
22 position I've held for several years. So I'm a
23 town official in that respect.

24 I also come as a former state representative
25 for this district with knowledge of both the

1 Siting Council and the district where this is
2 being located. But prior to my service in the
3 State Legislature I also served as an attorney who
4 represented applicants in front of the Connecticut
5 Siting Council. In the telecom world that's where
6 actually Attorney Baldwin and I first met each
7 other back in the day.

8 I think as you know, and for those who are
9 watching from the public, this procedure from the
10 Siting Council perspective is designed to
11 determine whether or not there is a demonstrated
12 public need for this particular application, and
13 whether that need supersedes or is in excess of
14 what other environmental impact might be imposed
15 by this particular installation.

16 And it's on that front that I think the Town
17 of Hamden takes the position that the
18 environmental impact and the impact on the
19 community does not outweigh -- or it does outweigh
20 the public need that might be fulfilled by this
21 installation.

22 I think it's fair to say -- I also come at
23 this, I should mention, with some experience in
24 the renewable energy world. And I do know that it
25 is generally -- and I'm happy to cite some other

1 policy documents that have been created by DEEP
2 and others through the years -- that the
3 installation of a solar array on property that is
4 currently foresting is the least preferable
5 application of solar, ground-mounted solar
6 generally in the state.

7 The preference, I think it's fair to say from
8 a public perspective, for ground-mounted solar is
9 on existing landfills, on brown fields, obviously
10 on rooftops where applicable, and also abandoned
11 farmland which may or may not have other chemical
12 or environmental residual in contamination on the
13 site.

14 Those are preferable because they're already
15 cleared. They're already not in use at the time
16 and they don't have any particular -- solar
17 panels, ground mounted don't have a particular
18 environmental impact on those types of properties.

19 But when you are talking about clearcutting
20 acres, many acres of existing forestland for the
21 installation of solar you are talking about an
22 environmental impact inherently that is not
23 preferable. It's not preferred, I think, by state
24 policy and it's certainly not preferred I think by
25 the public. And I think that it's fair to say

1 that that's where the Town of Hamden comes down on
2 this.

3 The power to be produced, yes, will be solar,
4 will be renewable, but it will have no benefit to
5 the Town of Hamden in spite of what the
6 application indicates, that this is somehow a
7 benefit to the Town.

8 As indicated in the petition, this, all the
9 power to be derived from this solar installation
10 will be sold to Southern Connecticut State
11 University, which for the most part is in New
12 Haven. A portion of the southern campus is in
13 Hamden, but this is not enuring to the benefit of
14 Hamden residents or ratepayers. This is going
15 directly to a particular source.

16 And while we can say that there's a general
17 societal benefit associated with installing solar
18 as much as possible wherever possible, I think
19 it's a misnomer to say that this is somehow going
20 to be a benefit to the Town of Hamden or it's
21 residents.

22 So given all that I think -- and I believe
23 you're going to hear tonight at the public session
24 this evening evidence from those who have been
25 following this locally and who are interested in

1 offering up their own perspective on this, that
2 there will be other specific impacts as a result
3 of this clearcutting and installation that I don't
4 think is reflected in the petition as submitted to
5 the Council at this point.

6 So it's for those reasons, while we
7 appreciate the applicant's efforts as required by
8 statute to do outreach to the Town, to the town
9 leaders and to the neighbors, I think it's fair to
10 say that there is virtual unanimity, you know,
11 within the Town that this is not the right
12 location for this installation.

13 And specifically within the Siting Council's
14 purview, the environmental impact certainly
15 outweighs the public benefit that might be
16 realized by installing the solar facility at this
17 particular location.

18 So I realize that Mayor Leng is not here at
19 this point, but I think that also reflects -- I
20 think it's fair to say that I can speak on his
21 behalf with regard to that particular -- to my
22 particular comments and I'm happy to answer any
23 other questions that the councilmembers or the
24 petitioner may have.

25 Before I leave, too, I would just ask for one

1 piece of clarification -- which I'm sorry that I
2 don't know the answer to this, but I didn't see it
3 in the petition as to whether -- because the
4 entity who will receive the power will be a state
5 government entity in the form of Southern
6 Connecticut was this application being installed
7 under the State's virtual net metering program
8 which allows for solar to be offered to either
9 state or municipal off-takers?

10 That's just a question that I would have for
11 the petitioner when the time is appropriate.

12 With that, I will conclude my remarks.

13 Thank you, Mr. Chairman.

14 **THE HEARING OFFICER:** Thank you, Attorney Sharkey.

15 Is it your understanding that Mayor Leng will
16 not be joining us?

17 **MR. SHARKEY:** I have not heard from him one way or the
18 other. I don't know if Town Planner Kops has
19 received any other information about that, but I
20 will check out, check him out to see if he is
21 planning to attend, in the Town Planner is going
22 to be offering comments following mine.

23 **THE HEARING OFFICER:** Very good. Thank you.

24 And we will continue with the Town Planner
25 Daniel Kops. Your comments, please?

1 DANIEL KOPS: Good afternoon, Mr. Chairman and
2 honorable members of the Siting Council.

3 THE HEARING OFFICER: Good afternoon.

4 DANIEL KOPS: Can you hear me?

5 THE HEARING OFFICER: Yes. Again, thank you.

6 DANIEL KOPS: Slightly more than a year ago the Hamden
7 Planning and Zoning Commission approved its
8 ten-year plan of conservation and development, the
9 POCD. The document recognizes the need to
10 increase sustainability efforts including
11 expanding the use of renewable energy sources,
12 such as solar energy and wind power.

13 And in fact, Hamden has welcomed solar energy
14 projects including one at the town transfer
15 stations, another at Hamden well fields, and a
16 third atop a parking garage -- but that doesn't
17 mean that any and all energy projects are
18 beneficial for Hamden.

19 And the POCD contains other relevant
20 environmental goals as well; enhancing our tree
21 canopy in order to reduce runoff by soil erosion
22 and help recharge groundwater supplies, protecting
23 steep slopes from developmental pressures and
24 protecting plant and animal habitats.

25 The POCD stresses the importance of trees,

1 noting there are environmental, economic and
2 health benefits. Trees are essential, improving
3 drinking water quality, reducing flooding and
4 providing essential wildlife habitat which is why
5 the plan recommends strategies for both protecting
6 existing trees and planting many more.

7 The proposed solar photovoltaic electric
8 generating facility on Gaylord Mountain Road would
9 destroy a substantial area of core forest,
10 precisely what the POCD states shouldn't be done,
11 and it would impose several costs the Hamden
12 community will ultimately have to bear.

13 The site is steeply sloped. There's a
14 substantial risk of stormwater runoff causing
15 flooding and erosion. The fact that the site lies
16 within the Mill River watershed means the area is
17 of particular concern.

18 The project is also located very close to
19 five wetland areas putting them at risk of
20 degradation, especially wetland number five. The
21 destruction of the twelve-plus acres of woodlands
22 will contribute to the acceleration of climate
23 change while eliminating essential plant and
24 animal habitat, and compromising a significant
25 portion of core forest.

1 The removal of the trees will also eradicate
2 a key portion of a critical wildlife corridor
3 impeding, greatly impeding migration of wildlife
4 between the Naugatuck State Forest and Sleepy
5 Giant State Park. And of course, of immediate
6 concern to the owners of neighboring residential
7 properties, the project will adversely affect both
8 their quality of life and housing values.

9 Not only is this application not supported by
10 Hamden's POCD, it's also inconsistent with state
11 environmental policies. It ignores Connecticut's
12 state policy regarding environmental
13 sustainability as expressed in Public Act 17-218,
14 which encourages use of landfills and brownfields,
15 as better alternatives as Mr. Sharkey just pointed
16 out.

17 That public act also requires a
18 comprehensive environmental review by CT DEEP,
19 which doesn't appear to have been carried out.
20 The supporting analysis presented by the applicant
21 is inadequate. The analysis of alternative sites
22 not surprisingly identified other locations that
23 were deficient, but it's not a convincing argument
24 and it begs the question of what are the other
25 alternatives that would not destroy over twelve

1 acres of forest? It's hard to believe that there
2 aren't other suitable such sites. The 30-plus
3 acre tire pond on State Street in Hamden is one
4 such example.

5 The environmental assessment submitted by the
6 applicant omits an analysis of the project's
7 impact on the previously mentioned critical
8 wildlife corridor and minimizes the significance
9 of the core forest. Details such as the proposed
10 type of revegetation seed mix used are
11 questionable.

12 Not surprisingly there's considerable
13 opposition to the application. You've already
14 received letters in opposition from the Hamden
15 Planning and Zoning Commission, the Inland
16 Wetlands Commission, the Open Space Commission,
17 Tree Commission, and the Hamden Land Trust as well
18 as an initial letter of concern from Mayor Curt B.
19 Leng who will be sending you another letter
20 stating his opposition to the project shortly, and
21 you've received a petition signed by over a
22 thousand people against the project.

23 You've also received a petition for
24 intervener status from the South Central Regional
25 Water Authority, and you'll certainly hear more

1 from the public tonight during the public input
2 session. The fact is you'll be hard pressed to
3 find any resident in Hamden who supports this
4 project. The reasons for the opposition are
5 clear, the project is highly likely to have the
6 types of adverse impacts I've noted.

7 It's true, the communities do sometimes
8 proceed with projects that have known adverse
9 impacts, but they normally do so because there are
10 benefits that outweigh the economic, social and
11 environmental costs. Unfortunately that's not the
12 case here. There would be no appreciable benefit
13 to Hamden.

14 The generated electricity is to be sold to
15 universities within the state university system.
16 The project won't even provide electrical power to
17 Hamden. Given its 1.9-megawatt size, its
18 contribution to the state system will also be
19 somewhat limited, nor will it benefit the
20 environment. Destroying a substantial area of
21 pristine forest in order to produce a limited
22 amount of solar energy doesn't result in an
23 environmental win-win.

24 I therefore respectfully request that you
25 deny this application, and I thank you and

1 appreciate your consideration of our concerns.

2 THE HEARING OFFICER: Thank you, Town Planner Mr. Kops.

3 At this time I'll call upon Mayor Curt Leng
4 one more time.

5
6 (No response.)

7
8 THE HEARING OFFICER: Mr. Kops, do you know if he's
9 going to be attending?

10 DANIEL KOPS: I do not know, sir. I didn't hear back
11 from him.

12 THE HEARING OFFICER: Okay.

13 Okay. Well, we're going to have to move on.
14 So that concludes the statements from public
15 officials, but we will move onto item C under the
16 agenda, administrative notice taken by the
17 Council.

18 I wish to call your attention to those items
19 shown on the hearing program marked as Roman
20 number 1C, items 1 through 96.

21 Does the petitioner or the intervener have an
22 objection to the items that the Council has
23 administratively noticed?

24 Attorney Baldwin?

25 MR. BALDWIN: We're set. No objection.

1 THE HEARING OFFICER: Thank you. Attorney McDermott?

2 MR. McDERMOTT: No objection. Thank you.

3 THE HEARING OFFICER: Thank you. Accordingly, the
4 Council hereby administratively notices these
5 existing documents. We will now continue with the
6 appearance by the Petitioner.

7 Will the Petitioner present its witness panel
8 for the purpose of taking the oath?

9 Attorney Bachman will administer the oath.

10 MR. BALDWIN: Thank you, Mr. Morissette.

11 Again for the record, Ken Baldwin with
12 Robinson & Cole on behalf of the Petitioner,
13 Gaylord Mountain Solar Project 2019, LLC, and DSD
14 Renewables, LLC.

15 Our witness panel consists of four
16 representatives from the petitioner, Gaylord
17 Mountain Solar. They include John Bamman, a
18 senior project manager; Amol Kapur, a senior sales
19 manager, Jenny Nicolas, the development project
20 manager; and Matt Gabor, a professional engineer
21 and senior project manager with the petitioner.

22 From All Points Technologies we have some
23 familiar faces for you. First, Michael Libertine,
24 the Director of Siting and Permitting with All
25 Points Technologies; Matt Gustafson, who's a

1 forester and registered soil scientist; and last
2 but not least, Brad Parsons who is a professional
3 engineer and the project engineer with All Points
4 on behalf of the petitioner.

5 And I would offer them at this time to be
6 sworn.

7 THE HEARING OFFICER: Thank you.

8 Attorney Bachman?

9 J O H N B R A M M A N,

10 A M O L K A P U R,

11 J E N N Y R. N I C O L A S,

12 B R A D L E Y J. P A R S O N S,

13 M I C H A E L L I B E R T I N E,

14 M A T T H E W G U S T A F S O N,

15 M A T T H E W S. G A B O R,

16 called as witnesses, being first duly sworn
17 by the Executive Director, were examined and
18 testified under oath as follows:

19
20 THE HEARING OFFICER: Very good. Thank you.

21 MR. BALDWIN: Mr. Morissette, we have eight exhibits
22 listed in the hearing program, and then I would
23 like to add a ninth exhibit. Those exhibits are
24 listed in the hearing program under Roman two,
25 under the appearance of the petitioner, sub B.

1 They include the petition itself submitted on
2 August 7th, the petitioner's responses to the
3 Council's interrogatories dated October 20th, the
4 petitioner's sign posting affidavit dated
5 November 3rd, the prefiled testimony of John
6 Bamman and Brad Parsons both dated November 10th.
7 And then some resumes from some of our witnesses
8 Amol Kapur and Jenny Nicolas, as well as Matt
9 Gabor.

10 And then our ninth exhibit was something we
11 filed today. We've noted a reference in the
12 environmental assessment, which is a part of
13 Exhibit 1, to a stormwater management report that
14 was supposed to be attached under a separate
15 cover, but due to an oversight was not.

16 So we are thankful that that was discovered
17 today, and we appreciate the cooperation of the
18 Council in adding that as a ninth exhibit. And
19 again, that's a stormwater management report
20 prepared by All Points Technologies dated August
21 2020.

22 And I offer them for identification purposes
23 at this time subject to verification by the
24 witnesses.

25 **THE HEARING OFFICER:** Thank you. Please verify the

1 exhibits by the appropriate sworn witness.

2 MR. BALDWIN: Thank you. Unless there's objection by
3 the Council or the Intervener I'd like to verify
4 the witness as a panel, understanding that certain
5 witnesses are only responsible for certain of the
6 exhibits.

7 But in the interests of time and
8 administrative efficiencies we'll do this as a
9 panel.

10 THE HEARING OFFICER: Thank you. Please continue.

11 MR. BALDWIN: So let me ask the witness panel, did you
12 prepare or assist in the preparation of the
13 existing listed in the hearing program under Roman
14 2B, items 1 through 9? Mr. Libertine?

15 THE WITNESS (Libertine): Yes.

16 MR. BALDWIN: Mr. Gustafson?

17 THE WITNESS (Gustafson): Yes.

18 MR. BALDWIN: Mr. Parsons?

19 THE WITNESS (Parsons): Yes.

20 MR. BALDWIN: Ms. Nicolas?

21 THE WITNESS (Nicolas): Yes.

22 MR. BALDWIN: Mr. Gabor?

23 THE WITNESS (Gabor): Yes.

24 MR. BALDWIN: Mr. Bamman?

25 THE WITNESS (Bamman): Yes, we did.

1 MR. BALDWIN: Mr. Kapur? Amol, we can't hear you.

2
3 (No response.)
4

5 MR. BALDWIN: We're having trouble hearing Mr. Kapur.

6 Why don't we proceed?

7 And do you have any amendments or
8 modifications to offer to any of those exhibits at
9 this time? Mr. Libertine?

10 THE WITNESS (Libertine): I do not.

11 MR. BALDWIN: Mr. Gustafson?

12 THE WITNESS (Gustafson): No.

13 MR. BALDWIN: Mr. Parsons?

14 THE WITNESS (Parsons): No.

15 MR. BALDWIN: Ms. Nicolas?

16 THE WITNESS (Nicolas): No.

17 MR. BALDWIN: Mr. Gabor?

18 THE WITNESS (Gabor): No.

19 MR. BALDWIN: Mr. Bamman.

20 THE WITNESS (Bamman): No, I don't.

21 MR. BALDWIN: And we'll try again. Mr. Kapur?

22 We can't hear you, but let the record reflect
23 that the Mr. Kapur said no -- if that's okay, Mr.
24 Chairman.

25 THE HEARING OFFICER: Yes, I recognized his nod of

1 agreement. Thank you.

2 MR. BALDWIN: Perhaps Mr. Kapur, if you could maybe
3 dial in and use audio on your phone maybe we can
4 circumvent around the audio problems that we're
5 experiencing.

6 And is the information contained in those
7 exhibits true and accurate to the best of your
8 knowledge? Mr. Libertine?

9 THE WITNESS (Libertine): Yes.

10 MR. BALDWIN: Mr. Gustafson?

11 THE WITNESS (Gustafson): Yes.

12 MR. BALDWIN: Mr. Parsons?

13 THE WITNESS (Parsons): Yes.

14 MR. BALDWIN: Ms. Nicolas?

15 THE WITNESS (Nicolas): Yes.

16 MR. BALDWIN: Mr. Gabor?

17 THE WITNESS (Gabor): (Inaudible.)

18 MR. BALDWIN: Mr. Gabor, could you repeat that please?

19 THE WITNESS (Gabor): Yes.

20 MR. BALDWIN: Thank you. Mr. Bamman?

21 THE WITNESS (Bamman): Yes.

22 MR. BALDWIN: Mr. Kapur.

23 THE WITNESS (Kapur): Yes.

24 MR. BALDWIN: We gotcha. Okay.

25 And then finally I'll ask the witnesses, do

1 you adopt the information contained in those
2 exhibits as your testimony in this proceeding?

3 Mr. Libertine?

4 THE WITNESS (Libertine): Yes.

5 MR. BALDWIN: Mr. Gustafson?

6 THE WITNESS (Gustafson): Yes.

7 MR. BALDWIN: Mr. Parsons?

8 THE WITNESS (Parsons): Yes.

9 MR. BALDWIN: Ms. Nicolas.

10 THE WITNESS (Nicolas): Yes.

11 MR. BALDWIN: Mr. Gabor? Mr. Gabor?

12 THE WITNESS (Gabor): Yes.

13 MR. BALDWIN: Mr. Bamman.

14 THE WITNESS (Bamman): Yes.

15 MR. BALDWIN: And Mr. Kapur?

16 THE WITNESS (Kapur): Yes.

17 MR. BALDWIN: All right. We're in business.

18 Mr. Morissette, I offer them as full
19 exhibits.

20 THE HEARING OFFICER: Thank you, Attorney Baldwin.

21 Does the Intervener object to the admission
22 of the Petitioner's exhibits.

23 MR. McDERMOTT: No objection. Thank you,

24 Mr. Morissette.

25 MR. BALDWIN: Mr. Morissette, we offer our witnesses

1 for cross-examination by the Council.

2 THE HEARING OFFICER: Thank you. The exhibits are
3 hereby admitted. We will begin cross-examination
4 of the petitioner by the Council starting with
5 Mr. Cunliffe.

6 Mr. Cunliffe?

7 MR. CUNLIFFE: Thank you, Mr. Morissette.

8 I will begin with Attorney Sharkey's query
9 regarding the power offtake going to the
10 Connecticut State University system through our
11 virtual metering. Can you confirm that is the
12 case?

13 THE WITNESS (Bamman): Yes, that is the case.

14 MR. BALDWIN: Mr. Cunliffe, if I could?

15 If the witness, just for everyone's benefit,
16 before you answer the question if you would
17 identify yourself just for the clarity of the
18 record? Thank you.

19 THE HEARING OFFICER: Thank you Mr. Baldwin.

20 MR. CUNLIFFE: Referencing response to Interrogatory 15
21 it stated the nearest adjacent property line to
22 the proposed solar field perimeter fence is
23 approximately 22 feet to the northeast, a parcel
24 identified as 380 Gaylord Mountain Road.

25 On attachment two with the responses of

1 interrogatories it has an aerial view of the site
2 including identifying that parcel of property with
3 a label on it as 360 Gaylord Mountain Road.

4 Could you clarify the address for that
5 property?

6 MR. BALDWIN: Mr. Parsons?

7 THE WITNESS (Parsons): I am pulling up the exhibit
8 right now.

9 I will have to confirm whether or not it is
10 in fact 360 or 380. I will -- if that's something
11 I can get back to you on, it may just be a typo on
12 an address.

13 MR. CUNLIFFE: Thank you. Referring to the response to
14 Interrogatory 39, the response states the facility
15 can be remotely shut down.

16 Can the facility also be shut down manually?

17 THE WITNESS (Gabor): Yes, there's a GOAB switch that
18 can cut power to the plant manually.

19 THE HEARING OFFICER: Please define what a GOAB switch
20 is?

21 MR. CUNLIFFE: Where is the manual switch located?

22 THE WITNESS (Gabor): It's shown on the plans along the
23 access driveway to the south of the parcel.

24 MR. CUNLIFFE: And would this be available for
25 emergency responders to access if need be?

1 THE WITNESS (Gabor): Yes, sir.

2 THE HEARING OFFICER: Mr. Cunliffe, before you continue
3 could the witness please define what a GOAB switch
4 is, for the record?

5 THE WITNESS (Gabor): It's a gang operated air break
6 switch. And it's so you can basically see that
7 the plant is disconnected.

8 MR. CUNLIFFE: What is the slope of the permitted
9 access route?

10 THE WITNESS (Gabor): We're doing it from the All
11 Points data.

12 THE WITNESS (Parsons): Yeah. So we're working on
13 getting that number for you.

14 It's approximately 15 percent.

15 MR. CUNLIFFE: And what would be the surface of that
16 route?

17 THE WITNESS (Parsons): Right now it is proposed to be
18 a processed aggregate gravel base.

19 MR. CUNLIFFE: And did the Petitioner have any
20 discussions with the local emergency responders to
21 determine if the design of that access road is
22 suitable for emergency response vehicles?

23 THE WITNESS (Parsons): We have not had that
24 conversation with the -- the Town.

25 MR. CUNLIFFE: Would there be opportunity to be able to

1 speak with the department before you finalize the
2 design driveway?

3 THE WITNESS (Gabor): Yes. Yes, there would be.

4 MR. CUNLIFFE: Referring to the response to
5 interrogatory 42 it identifies the acreage of
6 clear treeing to be approximately 2.03 acres and
7 acreage of tree clearing in wetlands to be
8 approximately 0.06 acres.

9 Is the 0.06 acres inclusive within the 2.03?
10 Or should it be added, or totaled?

11 THE WITNESS (Parsons): The acreage of the tree
12 clearing in wetlands is not included in the
13 2.03 acres. That actually would be included in
14 the overall acreage of clearing and grubbing, even
15 though that that area is not to be grubbed -- but
16 it's interior of that overall area.

17 MR. CUNLIFFE: All right. Thank you. Referring to the
18 response to Interrogatory 43. To clarify, the
19 trees within the 50-foot buffer to the south
20 currently shade the facility and would cause an
21 approximate 8 percent of energy loss.

22 Is that correct?

23 THE WITNESS (Gabor): That is correct.

24 MR. CUNLIFFE: That was Mr. Gabor on that response?

25 THE WITNESS (Gabor): I'm sorry. Yes.

1 THE HEARING OFFICER: Excuse me, Mr. Cunliffe. Before
2 you continue, I'll just remind everyone to please
3 state your name for the transcriptionist prior to
4 answering the question. Thank you.

5 MR. CUNLIFFE: Would the trees within that 50-foot
6 buffer -- let me restate. Is the 8 percent an
7 average per year for your loss of energy?

8 THE WITNESS (Gabor): This is Matt Gabor with DSD.

9 So it's not average. It's over the entire
10 year. You know, as the sun changes its position
11 in the sky the impacts of the trees are different,
12 but over the course of the year those trees reduce
13 the production by 8 percent.

14 MR. CUNLIFFE: Would the trees within that 50-foot
15 buffer to the south be expected to grow taller and
16 further shade the facility?

17 THE WITNESS (Gabor): This is Matt with DSD. We did
18 not anticipate growth with those trees in that
19 calculation.

20 MR. CUNLIFFE: Would management of those specific trees
21 include tree cutting, trimming, or desire to
22 heights?

23 Is that something that may be anticipated if
24 you were to revisit your production losses?

25 THE WITNESS (Gabor): This is Matt again with DSD. We

1 would like to keep those trees in order to provide
2 screening to that, to the neighbors to the south.
3 We obvious -- you know, we would produce more by
4 cutting them, but we chose to, you know, give a
5 little bit more privacy at our expense.

6 MR. CUNLIFFE: And to maybe provide further visual
7 mitigation, can a row of low-growing evergreens
8 such as red cedar be planted along that north edge
9 of the buffer either now or into the future?

10 THE WITNESS (Gustafson): This is Matthew Gustafson
11 with All Points. We are currently proposing a
12 planted berm which includes a small urban berm as
13 well as planting on top of the evergreens to meet
14 that such goal.

15 MR. CUNLIFFE: So you don't see any need for additional
16 plantings closer to that northern boundary
17 disturbance?

18 THE WITNESS (Gustafson): Based on our preliminary
19 assessments of the visual impacts, the proposed
20 planted berm as it stands will provide a screening
21 to a majority of the facility immediately, and
22 through growth over time will screen more of the
23 facility as the trees obviously increase in height
24 over the next two to five years.

25 MR. CUNLIFFE: Thank you.

1 THE REPORTER: I'm just having a little trouble hearing
2 the last speaker. He's coming in and out. I did
3 get his testimony, but it was a little rought.

4 Thank you.

5 THE HEARING OFFICER: And Mr. Gustafson, your
6 connection seems to be a little off.

7 THE WITNESS (Gustafson): I'll try to call in on my
8 phone to remedy the issue.

9 THE HEARING OFFICER: Thank you.

10 MR. CUNLIFFE: The production value in the shade
11 analysis conducted, is there any concern that
12 maybe in the future you might decide to remove
13 that buffer of trees? Or is that not possible?

14 THE WITNESS (Gabor): This is Matt from DSD.

15 We do not foresee pursuing that option.

16 MR. CUNLIFFE: Along the lines of landscaping, the
17 permanent access road is somewhat missing maybe
18 some plantings along the south side of that road.

19 Is that something that could be looked at to
20 be added?

21 THE WITNESS (Parsons): This is Brad Parsons with All
22 Points. Yes, that is something that could be
23 looked at as being added, however I would like to
24 note that that access road is actually cut in. So
25 the view really should be obstructed just by the

1 fact that it will be lower than the grades
2 adjacent to it on the south side.

3 MR. CUNLIFFE: Understood. Is the clearing on the
4 southwest and northeast areas of the project for
5 shade mitigation?

6 THE WITNESS (Parsons): This is Brad Parsons.

7 Can you be a little more clear on exactly
8 which areas you're -- you're referring to?

9 MR. CUNLIFFE: The southwest area along the fence line,
10 you have the wetland five just inside the fence
11 perimeter. And just outside that fenced area
12 there appears to be some limited disturbance --
13 that seems to be a little large. And that's
14 looking like it's for shade mitigation?

15 THE WITNESS (Parsons): This is Brad Parsons. Yes,
16 that that is correct. That is for -- for
17 additional shade mitigation and removes the
18 potential for additional losses that we're taking
19 elsewhere.

20 MR. CUNLIFFE: And in the northeast corner it appears
21 the limited disturbance goes pretty close to the
22 property just to the north. And it appears that
23 you might be looking at shade mitigation again for
24 the sun coming from the east as it rises?

25 THE WITNESS (Parsons): That -- that is correct as

1 well. That area is also for shade mitigation.

2 MR. CUNLIFFE: Referring to the overall development
3 plan, why is the temporary access road being left
4 in place?

5 THE WITNESS (Parsons): This is Brad Parsons. The
6 temporary access road is being left in place
7 mainly due to the fact that removing it, in our
8 opinion, would have actually caused a potential
9 for more erosion and more disturbance upon
10 completion of the site.

11 And we also felt that it was a possibility
12 for another future, access in the future for
13 maintenance if that was so -- so needed, but was
14 not intended to be a permanent access location for
15 the site.

16 MR. CUNLIFFE: Looking at the plan, the general slope
17 of the road is to the south. How is the runoff
18 for this road controlled?

19 THE WITNESS (Parsons): Brad Parsons with All Points.

20 The runoff for this road is ultimately
21 controlled on the eastern side of the site via the
22 swale and stormwater management basin. The intent
23 of the road as it comes into the site from the
24 Eversource right-of-way and heads to the south is
25 to try and follow existing contours to the best of

1 our abilities with the exception of one location,
2 which is shown on sheet EC-4, where the road does
3 shift slightly to the east to avoid a couple large
4 rock outcroppings that were surveyed in the field
5 and then turned back to follow the existing
6 contours.

7 **MR. CUNLIFFE:** Thank you. Referring to the response to
8 Interrogatory 56, did the DEEP stormwater division
9 make any recommendations regarding a project
10 construction phasing?

11 **THE WITNESS (Parsons):** Again, this is Brad Parsons
12 with All Points. I would say, yes, in -- in
13 essence, DEEP stormwater did make some
14 recommendations with regards to construction
15 phasing, one of those being that we set up some
16 specific construction phasing at the start of the
17 project. And look to ensure that those, that
18 phasing is limited and controlled and that the
19 contractor cannot make adjustments to those, that
20 phasing without having additional conversations
21 with and approval by either DEEP or myself as the
22 engineer of record.

23 Furthermore, ensuring that the phasing
24 follows the 2002 erosion -- DEEP's 2002 erosion
25 and sedimentation control guidelines which calls

1 for the areas of the perimeter to be cleared first
2 and in -- install the erosion control features
3 such as the sediment silt fence or compost filter
4 socks, and then additionally the sediment basins
5 and any swales to control runoff.

6 MR. CUNLIFFE: These processes would also be followed
7 up through a DEEP general permit process as well?

8 THE WITNESS (Parsons): That is -- that is correct.

9 This would either be eligible for -- potentially
10 eligible for a DEEP general permit, or may be
11 required to seek an individual stormwater permit.

12 I would point out that the draft guidelines
13 issued by DEEP in January of this year for solar
14 projects has been amended as of the middle of
15 October. Those guidelines have now been deemed to
16 be in effect for any projects that submit for a
17 general permit after October 1, 2020.

18 So we would be applying to DEEP storm water,
19 but due to the new Appendix I guidelines, this
20 project may not qualify for a general permit, but
21 rather may need to apply for an individual permit.

22 MR. CUNLIFFE: Thank you.

23 THE WITNESS (Bamman): Mr. Cunliffe?

24 MR. CUNLIFFE: Yes.

25 THE WITNESS (Bamman): This is John Bamman, Senior

1 Project Manager with DSD. While on the subject of
2 phasing I would just like to point out that while
3 our phasing speaks specifically to the chronology
4 of the work being done it doesn't specifically tie
5 to any schedule.

6 What I'm trying to say is that the -- the
7 primary reason for the phasing is to enable us to
8 stabilize the site during the construction
9 process. What we're trying to do is establish
10 erosion controls and stabilization to the site
11 before we go in and actually start building the
12 project; that is installing the racking, the
13 electrical modules and so forth.

14 We cannot know certainly what mother nature
15 is going to throw at us next spring assuming we --
16 we get permitting in time to start next spring.
17 But it is our intent to, after phase one, to allow
18 the seed mix and the hydroseed that's applied
19 during phase one to take hold and stabilize.

20 We have built into our schedule a minimum of
21 a month, but are able to extend that, again
22 depending on the climate and the warmth that we
23 experience in the spring. The point being that we
24 will not move forward until we're confident that
25 the intent of the erosion control is being

1 realized to -- to maintain that, that stability.

2 THE WITNESS (Parsons): And Mr. Cunliffe, I think I
3 can -- in regards to the general permit or
4 individual permit, and additionally shedding
5 some -- some more light on -- on the construction
6 phasing and even a little more detail.

7 You know, as -- as I mentioned before this
8 project has been designed to follow the 2002
9 erosion sediment control guidelines, but one thing
10 this project has also been designed to account for
11 is the full drop in a hydraulic soil group for the
12 sizing and calculations associated with the
13 stormwater basin. That is one thing that actually
14 is above and beyond now what is required in
15 appendix I that was recently reissued. That drop
16 in hydraulic soil group is now only half a drop in
17 hydraulic soil group.

18 So we intend to keep this design as is to
19 provide additional stormwater controls both during
20 construction as part of our sediment basin and
21 post construction as part of our stormwater
22 management.

23 Furthermore, in regards to the project itself
24 and some other measures from DEEP stormwater and
25 applying for that, that permit, the project will

1 also be required to post a letter of credit for
2 the duration of construction and up to the
3 issuance of the notice of termination which is
4 required by the -- by the permit, at which time
5 the project is informing DEEP that the stormwater
6 permit is no longer required and that the site has
7 been fully stabilized.

8 Furthermore, just to touch on the access
9 routes and -- and swales, and under phase one that
10 it would be critical that we make sure that we are
11 really just focusing on the perimeter of the site
12 with regards to clearing on phase one, and
13 ensuring that all of our sediment and erosion
14 control measures are installed at that time which
15 includes the swales, sediment basins, permanent
16 access routes and our riprap level spreaders.

17 Exposed surfaces during that phase one
18 construction would be stabilized with either
19 riprap erosion control blankets and hydroseeded
20 with tackifier.

21 Just to give a note on what tackifier is,
22 it's an additional measure that can be placed into
23 the hydroseed measure that allows for the soil to
24 bind together a little bit more and keep that seed
25 mix in place.

1 Additionally it -- we'd also like to note
2 that the general permit, and likely the individual
3 permit will require a weekly inspection for
4 stormwater monitoring and erosion controls which
5 would be occurring through all phases of the
6 project from the start all the way through
7 completion. Those, those weekly inspections will
8 occur up to the point in time when final
9 stabilization has occurred after the construction
10 of the project.

11 So it isn't until all of those measures are
12 installed that the contractor would be able to
13 move on to phase two. So in phase two of the
14 project the remainder of the interior of the site
15 would be clear, would have the trees removed. And
16 the -- those trees would actually flush cut to
17 existing grade. That is one of the things that,
18 you know, we've been in discussion with a little
19 bit more since submittal of the application with
20 some additional contractors.

21 By doing this we would have notes, and this
22 would help to minimize the overall ground
23 disturbance and you know, eliminate the additional
24 possibilities of -- of erosion.

25 At that point in time it should be noted that

1 some tree removal would occur in wetland five.
2 The contractor would not enter the wetland with
3 any -- any machinery to do the -- I'm sorry.
4 Would not enter the wetland with
5 machinery (unintelligible) would work from outside
6 of the wetland limit on the south side of the
7 site.

8 Additionally the contractor would follow the
9 wetland protection plan that was provided as part
10 of the -- the project submittal and guidance from
11 the environmental monitor which is part of the --
12 the wetland protection plan. So in addition to
13 those weekly SWPPP inspections we would also have
14 an environmental monitor who is assigned to the
15 project and is likely performing additional
16 inspections, whether it be monthly or -- or
17 biweekly or additionally as needed, but most
18 likely on a minimum of a monthly basis.

19 So upon the completion of the tree removal
20 the contractor will prep the -- the remainder of
21 the site for hydroseed removing any loose brush or
22 leaf items from the -- from the site and proceed
23 to hydroseed the remainder of the site with a seed
24 mixture including tackifier.

25 Additionally, as in discussions with some of

1 those contractors DSD is considering some
2 suggestions of modifications to the seed mixtures
3 in steeper slope areas that would allow for faster
4 growth and assist in establishment of those areas
5 even sooner.

6 Lastly, after -- after that seed extract is
7 installed, compost filter socks will be placed on
8 grade and installed every 70 to 80 feet or so up
9 the slope on the interior of the site. And the
10 intention is for those to remain through
11 construction and possibly even be left in place
12 after construction to completely decompose in
13 place as -- as they're actually intended to be
14 able to do.

15 In addition to those being on -- on grade,
16 the way that those were actually laid out with the
17 solar panels being turned to face east in this
18 instance on this site and being along the
19 contours -- which was a suggestion of DEEP
20 stormwater group during our conversations with
21 them. We felt that installing this compost filter
22 sock on grade, but also putting it right behind or
23 on top of -- on top of? Up gradient of the
24 racking, that that racking would provide an
25 additional stabilization for the compost filter

1 sock throughout construction, but also it would
2 actually be out of the way of the contractors
3 doing the racking and electrical installation,
4 because at that point in time it would actually be
5 underneath the panels themselves and right up
6 against some additional racking area.

7 And as Mr. Bamman mentioned, the project
8 would then be given sufficient time at least a
9 month to look to establish that turf and help
10 minimize and increase root growth before moving on
11 to phase three of the project. And again, those
12 weekly inspections would be occurring throughout
13 that time.

14 Under phase three the contractor would be
15 installing the solar panels, electrical conduit,
16 electrical equipment and complete the
17 interconnection with United, United Illuminating.
18 Upon completion of the installation of the
19 project's solar components any remaining site work
20 that needed to occur, whether it be filling in a
21 rut, reestablishing some grass seed, repairing any
22 site, elements would be then completed at that
23 time.

24 But also during that time of construction the
25 contractor would also be responsible for

1 maintaining all the erosion control elements as
2 part of the project and that would be what those
3 weekly inspections are designed to do, is identify
4 the elements that require repair and/or
5 maintenance. And those items would also be fixed
6 on an ongoing basis. These would be the final.
7 In phase three these would be the final fixes to
8 then establish a final cover on the site.

9 So the site would, after the hydroseeding,
10 the remainder the interior of the site with the
11 hydroseed on a weekly basis until it has achieved
12 final stabilization which is deemed to be
13 approximately 70 percent grass growth over the
14 entire site. And after that site is finally
15 stabilized then the swales and sediment basins
16 would achieve -- receive a final cleaning and
17 maintenance, and turn them over to a functioning
18 and -- stormwater basin and swale that would occur
19 and remain for -- for the duration of the project.

20 And would also like to note that the Appendix
21 I, revised Appendix I has -- does require that the
22 site be monitored on a monthly basis for a period
23 of two growing seasons prior to the issuance of a
24 notice of termination of -- of the permit by DEEP
25 as well.

1 And I think that's -- that goes into and
2 covers a little more of the phasing items as well.

3 THE WITNESS (Bamman): Mr. Cunliffe, this is John
4 Bamman, just to perhaps piggyback on some of
5 Brad's comments.

6 As Senior Project Manager for this project
7 I've been involved with the development team in
8 the design and engineering of this project. From
9 its early inceptions we made many modifications
10 based on feedback from DEEP in terms of reducing
11 the size of the -- the system, reorienting the
12 rows of modules to cross grade as opposed to
13 perpendicular or angled to the grade.

14 We also removed a number of rows of modules
15 from the steeper areas so that we're, for the most
16 part, building on a 15 percent or less grade.

17 There's -- there's no question that when we
18 first looked at this site, it is a challenging
19 site and we took great care in looking at the --
20 the problems that need to be addressed
21 particularly in -- in regards to stormwater
22 management.

23 My -- my undergraduate degree is in geology
24 and I, I looked at a lot of glacial till and
25 weathered rock in upstate New York for more days

1 than I want to remember. So I'm -- I'm very
2 familiar with the geology of the site buttressed
3 by the six borings that we did in our geotechnical
4 analysis.

5 In my 17 years of building ground-mounted
6 systems I've come to realize that understanding
7 the geology is just the beginning, and that it
8 really informs means and methods to work the
9 existing geology so that we're not fighting mother
10 nature, but more becoming a partner with her to --
11 to control what the glaciers 14,000 years ago
12 weren't really considering when they -- when they
13 withdrew.

14 So as such I feel very much a part of this
15 project, and once construction starts I will
16 transition to construction manager and will be
17 on-site 24/7 during the construction process.

18 We've talked a lot about what the contractors
19 will do and what -- what their responsibilities
20 and their scope of work entails. It's one thing
21 to sign a contract with a contractor. It's
22 another thing to make sure that he does what he's
23 supposed to do, and that's the responsibility
24 of -- of on-site construction control and
25 something that I'll be taking very personally and

1 very specifically during construction.

2 I think it's valuable also to note that DSD
3 is different than a lot of petitioners that
4 perhaps have come before the committee. In
5 contrast to others, and specifically with this
6 project, this is -- I guess we call it a
7 cradle-to-grave project inasmuch as we -- we
8 signed the lease for this property initially.
9 We've -- we've applied for an interconnection
10 agreement with the utility. We've designed,
11 engineered it. We will be subcontracting but
12 managing throughout the construction.

13 And in fact, we will be owning this project
14 for the 20, 25 years of its life. So we're not
15 going to be building this and slapping each other
16 on the back and moving on. We will be becoming
17 neighbors to the abutters in -- in the area in
18 Hamden. And certainly it's been to our benefit
19 and to their benefit that this is built in a
20 sustainable way, that it -- it manages the storm
21 water and the environment as we claim it will,
22 because we're -- we're not going anywhere.

23 So I think that's an important thing to
24 consider as you evaluate our petition.

25 MR. CUNLIFFE: Thank you very much.

1 Mr. Parsons started his answer off with some
2 soil groups and some categorizations that allowed
3 certain calculations to happen. And in concert
4 with those calculations is the entire solar array
5 considered impervious for purposes of these prior
6 calculations?

7 **THE WITNESS (Parsons):** This is Brad Parsons. The
8 entire solar array is -- is not considered
9 impervious for the total of the calculations.
10 That is not a requirement of -- was not a
11 requirement of the guidance, and -- and is also
12 not a requirement of Appendix I.

13 The solar panels are considered impervious
14 for the purposes of calculating water quality
15 volume associated with the site.

16 **MR. CUNLIFFE:** Thank you for the clarification.

17 In reference to response to Interrogatory
18 Number 58, Part C, approximately how many acres of
19 the solar field area are located on slopes between
20 15 and 20 percent?

21
22 (No response.)

23
24 **THE REPORTER:** This is the reporter. Just to confirm,
25 I don't hear any speaking.

1 THE WITNESS (Parsons): Sorry. This is Brad Parsons.

2 That is correct. That is an answer I will -- we
3 will have to get for you, but it is -- it is
4 minimal. We specifically looked at installing the
5 solar panels on grades of 15 percent or less.

6 MR. BALDWIN: Just for clarification, Mr. Cunliffe, to
7 make sure we get the homework assignment right
8 you're talking about question 58C, and just some
9 percentage to back up the minimal statement in the
10 response. Is that correct?

11 MR. CUNLIFFE: Yes. We just wanted to see how many
12 acres in the 15 to 20 percent slope would be
13 developed?

14 On the topic of the 30-day stabilization
15 period, who would be the person to determine that
16 the area is sufficiently stabilized prior to the
17 construction phase?

18 THE WITNESS (Parsons): This is Brad Parsons. I think
19 it would be -- likely it would be myself. I would
20 be the one looking at that. Again, I just want to
21 point out that that 30 days is not intended to
22 achieve what we would consider final
23 stabilization, but enough stabilization where the
24 seed has been able to take hold and germinate
25 which will allow that to continue through the

1 phase three construction.

2 There's -- there's the understanding that
3 some areas of that will need to be repaired upon
4 completion.

5 MR. CUNLIFFE: Thank you. Response to Interrogatory
6 42B stated that there would be some clearing and
7 grubbing, and then Interrogatory 62 stating that
8 there would be root systems in place.

9 At least you've already testified,
10 Mr. Parsons, that you are now planning to cut
11 flush to clear the trees and not disturb the root
12 system?

13 THE WITNESS (Parsons): This is Brad Parsons. That is
14 correct. We are. We are intending to cut the
15 trees flush and not disturb the root system. What
16 I will state is the term "clearing and grubbing"
17 is -- is kind of broadly used in some regards, and
18 especially with regards to -- we are still going
19 to need to somewhat clear and grub the site with
20 regards to making sure that all, as I mentioned
21 the leaf litter and any other areas are cleaned up
22 to -- to take the hydroseed.

23 MR. CUNLIFFE: And I would imagine in locations such as
24 the roads or/and stormwater control features would
25 be subject to that?

1 THE WITNESS (Parsons): Correct.

2 THE WITNESS (Bamman): Mr. Cunliffe? John Bamman
3 again. If I just may add a little detail to the
4 tree removal decisions that we've made? Generally
5 in ground-mount solar installations during the --
6 the tree removal the trees are -- are cut and then
7 the stumps are removed, and that's primarily
8 because over the life of the solar PV system
9 stumps left in the ground tend to rot, decay,
10 causing holes that then make it difficult for
11 subsequent servicing and maintenance of the
12 system.

13 We've determined that based on the geology of
14 this particular site -- and we've -- we've been
15 there quite a bit -- is they -- the amount of
16 glacial till and cobbles as well as small boulders
17 that exist throughout the site, and again as I
18 mentioned earlier, supported by the borings and
19 the geotechnical analysis that was done.

20 The topsoil layer and forest debris is only
21 about twelve inches thick on average throughout
22 the site.

23 So it's our feeling that the benefits to
24 leaving the stumps in place, as it would mitigate
25 further erosion and stormwater issues, would not

1 create the kinds of holes as they decay only
2 because the topsoil layer is so, so thin. And
3 actually if -- if you were to walk the site there
4 is trees that have blown down and it's very clear
5 that the root -- root systems to these trees are
6 all very shallow. They're really being nursed by
7 that top, top layer.

8 So again, it was -- it was something that we
9 kind of batted around and really think that this
10 is the way to go in terms of reducing and
11 minimizing the disturbance during the site
12 preparation.

13 MR. CUNLIFFE: Since the submittal of the responses to
14 the Council's interrogatories, has SHPO provided a
15 response to the petitioner?

16 THE HEARING OFFICER: Mr. Gustafson, you're on mute.

17 THE WITNESS (Gustafson): Is this any better?

18 THE HEARING OFFICER: Yes, thank you.

19 THE WITNESS (Gustafson): Okay. My apologies --
20 (inaudible.)

21 MR. BALDWIN: We just lost you again, Matt.

22 MR. CUNLIFFE: The same thing. You're muted.

23 THE WITNESS (Gustafson): How about now? Okay. All
24 right. I seem to have worked out the coordination
25 between the computer and my phone. My apologies

1 for the -- the delay. To responding again, at
2 this time we have not received a response from
3 SHPO. It has exceeded the 30-day window that's
4 required.

5 But to answer your question, no, we have not
6 received a formal response yet.

7 MR. CUNLIFFE: Referring to the Department of Health
8 letter dated September 8, 2020, does the
9 petitioner intend on adhering to all the
10 recommended mitigation measures?

11 MR. BALDWIN: Just for clarification, Mr. Cunliffe,
12 we're talking about the September 8th comments
13 from Public Health?

14 MR. CUNLIFFE: Correct.

15 MR. BALDWIN: Okay. This might be a combination
16 response from Mr. Gustafson and Mr. Parsons.

17 THE WITNESS (Gustafson): This is Matthew Gustafson. I
18 think I'll start the response by saying, portions
19 of that letter that state our referenced fuel and
20 hazardous materials, containment and remediation,
21 and those such comments are addressed.

22 And the petitioner will adopt -- and are
23 currently adopting as part of our proposed
24 resource protection plan there is a section under
25 that that is specifically -- the specific intent

1 is for spill containment and prevention.

2 In addition, the petitioner is willing to
3 allow the RWA personnel to periodically inspect
4 the project after construction or during
5 construction. And certainly the petitioner will
6 be willing to notify them and make sure they are
7 aware of the start of construction and -- and key
8 phasing of the project.

9 THE WITNESS (Parsons): And this is Brad Parsons. I --
10 again, there was a comment about erosion
11 sedimentation control should be in place and
12 properly maintained as necessary during
13 construction. Those items would occur as required
14 by CT DEEP in the stormwater permit.

15 And additionally the Petitioner has reached
16 out to the RWA prior to starting this project
17 to -- to review that scope, but has yet to have --
18 have a meeting with the RWA on that.

19 MR. CUNLIFFE: Thank you very much.

20 That concludes my questions, Mr. Morissette.

21 THE HEARING OFFICER: Thank you, Mr. Cunliffe.

22 We will now continue with cross-examination
23 with Mr. Harder. Mr. Harder?

24 MR. HARDER: Yes, thank you.

25 Just one preliminary question. I've heard

1 and we've read, I think, in several places
2 references to the anticipated life of the project;
3 I think anywhere from 20 to 35 years.

4 Could someone provide a little bit of
5 clarification on that, or hopefully a lot of
6 clarification on that, you know, what the
7 anticipated life is?

8 **THE WITNESS (Gabor):** This is Matt Gabor from DSD. I
9 can talk a little bit about the project length.

10 So typically the inverters can last for, you
11 know, up to 20 years, but I believe the tariff and
12 virtual metering program are limited to that 15 to
13 20 years. So it is possible for the project to go
14 on longer, but typically the equipment starts
15 to degrade. It's not, you know, as efficient as
16 when it was installed.

17 **MR. HARDER:** So are you saying -- and perhaps you can't
18 say with absolute certainty, but it's likely that
19 the project won't go beyond 15 to 20 years?

20 **THE WITNESS (Gabor):** That is correct, but you know, it
21 just depends on -- we don't have a crystal ball,
22 so it's -- it's tough to say with certainty.

23 **MR. HARDER:** All right. Okay. Most of my questions
24 and comments, I guess, relate to concerns
25 regarding erosion. One quick question that kind

1 of gets into that a little bit -- I'm assuming
2 that, and I think perhaps you indicated in the
3 petition, that the proposal is for those areas of
4 the project site where the trees will be removed.
5 The trees, the felled trees will either be chipped
6 or removed in pieces from the site.

7 Is that correct?

8 THE WITNESS (Parsons): This is Brad Parsons. That is
9 correct.

10 MR. HARDER: Does that apply also to wetland five or
11 any wetlands where, for example -- and what I'm
12 getting to is in response to Interrogatory Number
13 42D. You indicated that if machinery cannot reach
14 into a wetland it would be hand felled.

15 And I guess my question is, if the missionary
16 can't reach in to cut the tree would it be removed
17 by hand? Cut up and removed by hand, I guess? Or
18 would it be left there?

19 THE WITNESS (Parsons): This is Brad Parsons. Wetland
20 five is the only wetland where the trees would be
21 removed. And wetland five's dimensions, while I
22 don't have them off the top of my head, it is a
23 fairly small wetland.

24 And any trees that may need to be cut and
25 fell would fall out of that wetland and main --

1 mainly be able to be cut up and be removed from
2 outside that wetland and --

3 **MR. HARDER:** Okay.

4 **THE WITNESS (Gustafson):** This is Matt Gustafson.

5 The -- the acreage of wetland five is
6 approximately .05 acres, or 2,500 square feet.
7 And the geometry of that wetland is exactly as
8 Brad had mentioned. A feller buncher that would
9 typically be used to clear rest of the facility
10 would likely be able to reach in and remove the
11 few trees that are located within wetland five.

12 In the provision that the feller buncher
13 doesn't feel like it can safely reach in there
14 without potentially tracking into the wetlands,
15 crews would be required to hand fell and similarly
16 hand cut up the trees to remove them, or any other
17 method that similarly does not require machinery
18 to track within the wetlands so that we minimize
19 ground disturbance and that no ground compaction
20 occurs within that wetland resource area.

21 And again, that is exclusively limited to
22 wetland five.

23 **MR. HARDER:** All right. Okay. Thank you. I noted
24 that the original plan, or one of the original
25 plans showed the diversion swale around the entire

1 west side, the entire northern side and part of
2 the east side. And I believe now it's shown just
3 around part of the north and eastern sides of the
4 project area. Why was it changed? Why? Why was
5 the change made? Or what allowed you to make the
6 change, I guess?

7 **THE WITNESS (Parsons):** This is Brad Parsons with All
8 Points. That design was a design by a previous
9 engineering firm. So unfortunately I can't really
10 attest to -- to how that was thought up, but --

11 **MR. HARDER:** But you're saying now that no swale around
12 the western side is needed? Or is it just
13 something that's different?

14 **THE WITNESS (Parsons):** That's correct. This is Brad
15 Parsons. I don't believe that the swale along the
16 western side is needed. All the water will sheet
17 flow, continue to sheet flow over the site to
18 reach the swale on the eastern side or the
19 stormwater basin.

20 **MR. HARDER:** Okay. Thank you. In response to
21 Interrogatory 63, it indicated that proposed
22 swales were designed to minimize cut in, and I'm
23 trying to envision what that means. I assume that
24 means that at least for those areas where there
25 would be no actual cut in, or it would be

1 minimized perhaps.

2 That some of the swale structure, I guess,
3 would be accomplished by construction or adding
4 fill above grade, to construct it above grade.

5 Is that correct?

6 THE WITNESS (Parsons): Yes, that is correct. So what
7 the plans and the grading intended to do here was
8 to cut in a little bit and basically look to try
9 and balance the -- the swale cut and fill. So on
10 the downstream side we do have a slight berm in
11 most cases to assist with ensuring that stormwater
12 controls stay within the swale.

13 MR. HARDER: All right. So in the process of
14 constructing those areas where it's an actual berm
15 above grade or some, some part of it above grade,
16 that would have to be stabilized similar to, maybe
17 even more so because you're going to be collecting
18 running water.

19 But you know, one of the important
20 considerations there is appropriate stabilization
21 of that feature so it doesn't just erode away or
22 it doesn't, you know, promote erosion?

23 THE WITNESS (Parsons): This is Brad Parsons. That's
24 correct. That the swale is being proposed to be
25 lined with -- with riprap stone that will not only

1 prohibit erosion of the swale, but will also help
2 to control velocities in the swale as well.

3 MR. HARDER: Thank you.

4 THE WITNESS (Bamman): Mr. Harder, if I may just
5 interject? John Bamman with DSD.

6 In the discussion of cutting into the -- into
7 the slope for installation of water management's
8 features and -- and roads, it's important for us
9 to note that it's challenging as this site may be
10 in terms of slope and geology and so forth.

11 There is one very positive factor and that is
12 that the contours of the -- of the site are very
13 gradual. And though on the vast majority with the
14 exception of the roads and sediment basin and so
15 forth there will be no cutting and filling and
16 that will also go a long way to mitigating erosion
17 and -- and runoff. I just want to interject that.

18 MR. HARDER: Okay. Thank you. Actually that that
19 raises one of the questions I had about excess
20 material, cut material. I think it did say, and
21 perhaps it was -- this material was this, that
22 which will be removed from road areas.

23 But there apparently will be an excess of --
24 I forget how much it was. Maybe 1500 yards or so
25 of excess cut material. And one of the possible

1 means of dealing with that is to spread it on
2 site. Is that correct? Is that still being
3 considered?

4 **THE WITNESS (Parsons):** This is Brad Parsons with All
5 Points. That is -- so that is correct. With
6 regards to the amount of cut, we did our best
7 to -- we always do our best to try and balance
8 sites wherever possible. That helps to reduce
9 truck traffic and -- to the site to remove and/or
10 import fill.

11 In this case, due to the way we needed to do
12 sizing and proposed the basins, we did end up with
13 a net cut of approximately 1500 yards. We do have
14 the landscape berm that is on site and being
15 proposed. That volume I don't believe is included
16 within that, that total volume there. Or it is a
17 possibility that we could increase the height of
18 that berm slightly as well to lose the remainder
19 of the -- the fill on site, but any excess
20 material would likely be trucked off.

21 **MR. HARDER:** Okay. Thank you. Let's see. It's
22 indicated, I believe, that in the petition that --
23 I think the temporary access roads are proposed to
24 be 15 to 16 feet in width, but the existing
25 12-foot road is adequate.

1 Could you explain why if the existing road of
2 12 feet is adequate why you need to go to 15 to
3 16 feet on the temporary access roads?

4 **THE WITNESS (Parsons):** This is Brad Parsons. The
5 intent there was to go a little wider once we got
6 into site. To enable traffic to pass by each
7 other there's going to be -- while there will be
8 traffic in and out of that road that is existing
9 twelve feet wide, there will be more activity on
10 site itself.

11 And so the intent there was to try and
12 provide a little more width and a little more room
13 and access along that road internal to the site.

14 **MR. HARDER:** So you're saying it's needed to allow
15 vehicle passage. I mean, is that really it, to
16 allow safe passage?

17 **THE WITNESS (Parsons):** It's just there to provide --
18 to provide additional area and additional width
19 for construction. Correct.

20 **MR. HARDER:** Okay. I'm just a little confused. In
21 your response to Interrogatory 56 you said, based
22 upon DEEP input you rotated the proposed panels to
23 be perpendicular to the existing topography. I'm
24 assuming you meant perpendicular to the slope.

25 And I was trying to envision what you meant,

1 and if it was previous to -- the original proposal
2 was that they, you know, so that the drip edges
3 were parallel to the slope.

4 Does that mean that after they are rotated so
5 the panels, the drip edge, I guess, is
6 perpendicular to the slope that they're facing?
7 Given the nature and the topography of the site
8 they're facing more so to the east compared to
9 previously when they might have been facing more
10 to the south which would have resulted in the drip
11 edges being, you know, parallel to the slope? Is
12 that correct? Or am I not envisioning it
13 correctly?

14 **THE WITNESS (Parsons):** This is Brad Parsons again. So
15 I'm reading the response to question number 56.
16 And I believe on line -- on line six where it says
17 that DEEP expressed concerns for that sentence
18 there with the existing slopes on site and the
19 orientation of the array at a zero azimuth.

20 In respects to stormwater runoff due to the
21 proposed effects being, instead of parallel, that
22 should be perpendicular to existing topography.
23 So originally the first few iterations -- and even
24 the first iteration I believe you referred to that
25 we were not involved with -- all had the solar

1 panels at a zero-degree azimuth.

2 There has been some talk and concern about --
3 about drip edge. There is -- it's important to
4 know that these, these panel systems are open
5 systems. There's at least half an inch, sometimes
6 an inch, sometimes more of gap between each panel
7 on each row. So it doesn't function as a roof
8 would in that sense. So water is going to flow,
9 hit the panel, is going to flow off that panel
10 down through the interior of the array.

11 Again, the panels are -- follow the contours
12 of the grade. So they all -- the water will drip
13 off at multiple different locations along the edge
14 of the panel specifically. So the concern with
15 the drip edge is there by some people, however
16 I -- we feel that it is not a major concern, but
17 DSD will make the production numbers work with
18 making this azimuth rotation to now take the drip
19 edge and have that drip edge being parallel to the
20 contours.

21 And so that was the change. So rather than
22 the panels pointing due south where they would
23 receive the -- on a -- I believe we noted in here
24 approximately 72.6-degree azimuth. So essentially
25 the panels are pointing due east and will receive

1 most of their production throughout the early
2 and -- mid part of the days and will not receive
3 as much production during the late, late day
4 hours.

5 MR. HARDER: Okay. Thank you. I appreciate that
6 explanation. How much did that result in a change
7 in the power production, in the anticipated power
8 production from the facility, if any?

9 THE WITNESS (Gabor): This is Matt Gabor of DSD. We
10 can come back with firm numbers, but it was, I'll
11 guess around 5 percent of a decrease.

12 MR. HARDER: Okay. Thank you. I actually was thinking
13 it would have been more, but that's good.

14 I guess the last comment and question, again
15 it gets back to erosion concerns. And a few
16 things, I'll mention a few things.

17 One also making reference to the Town
18 of Hamden Wetland Commission letter, the comment
19 they made and with their concern about separating
20 distance from some of the wetlands and buffers;
21 and in at least the general recommendation that
22 steeper slopes typically call for adherence to
23 more extended buffers -- but that's not really the
24 case here.

25 And also, you know, the provision for a

1 minimum of one month's stabilization time. That
2 that concerns me, I guess. You know, I always
3 wonder what -- the term "stabilization," I always
4 wonder what, what definition of stabilization
5 people have in mind.

6 I think it probably means somewhat different
7 things to different people and I think it -- maybe
8 it was Mr. Parsons that elaborated on it a little
9 bit, but I was a little concerned by what he
10 indicated that it sounded like in it's as much a
11 condition of emergence of the cover crop.

12 And so that you, you would still -- and I
13 think you mentioned also there, there would be
14 need for repair in some cases. And I'm just
15 concerned that after only one month in many,
16 especially on these slopes, that a lot of the site
17 wouldn't be stabilized enough to warrant
18 proceeding with construction and, you know, to
19 really protect against significant erosion
20 problems in the event of significant storms, which
21 obviously we have and we've seen in some other
22 situations, solar farms or other situations in
23 general, construction sites.

24 So I'm hoping that someone could discuss that
25 a little bit and respond to my concern. I know

1 I -- maybe I haven't asked a specific question,
2 but you know that generally the erosion potential
3 for this site is probably my largest concern, and
4 I'm hoping somebody could address that.

5 MR. BALDWIN: Mr. Harder, this is Ken Baldwin. Just to
6 make sure that we get responses to your questions
7 first, first it was regarding the wetlands and the
8 setback issues. I guess that's probably best for
9 Matt Gustafson.

10 And then on the stabilization issue, we'll go
11 back to Mr. Parsons and Mr. Bamman.

12 MR. HARDER: Thank you.

13 THE WITNESS (Gustafson): This is Matthew Gustafson for
14 the record.

15 Regarding wetlands and, I guess, the general
16 concern of the limited ballpark distances to some
17 of these resources, there is kind of a dual
18 discipline response here, but I'll -- I'll take a
19 crack at both of them. And perhaps Brad can fill
20 in where either -- and elaborate where needed.

21 But again, we have some -- we do establish
22 buffers to four of the five on-site resources.
23 Wetland five is the exception to that where we
24 do -- or are proposing clearing within that
25 wetland. However, it should be noted that the

1 minimum buffer distances established are to the
2 limits of clearing and not necessarily to the
3 nearest physical disturbance of the ground.

4 As we have kind of reiterated a number of
5 times, the overall disturbance to the ground aside
6 from the formal tree removal will be limited. And
7 we certainly have taken painstaking efforts to
8 minimize the need for grading that potentially
9 could result in a large-scale disturbance on the
10 site resulting in -- in washouts to any of the
11 approximate wetlands.

12 The smaller buffer distances proposed on this
13 site that are -- are somewhat potentially
14 concerning are mitigated by the fact that most of
15 these resources, certainly three out of the four;
16 wetlands one, five and four are isolated features
17 that do not support wetlands functions or values
18 at any level, at their principal or secondary
19 level.

20 And certainly not to say that protection of
21 those resources is not a high priority. I think
22 we've illustrated in our petition filing through
23 the establishment of a wetland protection plan and
24 the measures therein that we are taking the
25 protection of these resources very seriously.

1 Wetlands two and three that are somewhat
2 higher-quality wetlands that have experienced
3 significant historic disturbance, thereby
4 diminishing their function and value; it comes
5 similarly, again diminished to the other on-site
6 wetland resources. So because of those reasons we
7 felt that large buffers to these wetlands in
8 combination with the very comprehensive erosion
9 and sedimentation control plan that we have
10 proposed was not necessary.

11 Where feasible we have maximized buffer
12 distances and certainly to the wetlands that are
13 of slightly higher-quality, those being two and
14 three, we have slightly larger buffers. And
15 certainly, the area that you see with the
16 smallest buffers to, wetlands four, one, and in
17 the case of wetland five no buffer, those are the
18 wetlands that have probably the least functions
19 and values provided on site.

20 Hopefully that addresses some of the concerns
21 I think you were trying to get at, but certainly
22 if there's any follow-up questions I can try to
23 flesh out any concerns you may have beyond that.

24 **THE WITNESS (Parsons):** I think, Matt -- this is Brad
25 Parsons -- one thing I would like to just add with

1 regards to -- to wetland three as well, mainly
2 the -- the disturbance inside of the upland review
3 area associated with wetland three is as a result
4 of the grading of the swale and stormwater
5 management basin, which I'll touch on there, their
6 functions during the construction piece of things
7 to -- to answer your question, Mr. Harder, on
8 that.

9 But one of the other pieces of this is, we
10 did also look at -- at locating the outlet for
11 that stormwater basin outside of the upland review
12 area as well. So if, you know, reviewing our
13 plans, the swale and majority of the -- almost all
14 of the site that drains to that stormwater
15 management basin drains into the basin, is held
16 into the basin and is ultimately discharged
17 outside that upland review area.

18 So providing some additional protections we
19 could have slid -- just by sliding the -- that
20 outlet control structure another 20 to 30 feet to
21 the north, which there is plenty of room to do
22 there if -- well, it would have caused us to be
23 within that upland review area.

24 So by keeping that outlet structure as far to
25 the south as we were, we were able to discharge

1 outside of the upland review area to allow that
2 flow to head back down where it goes today. All
3 of that water comes down the hill and enters
4 wetland three before ultimately entering a culvert
5 and/or overtop -- overtopping the road and
6 entering on the unnamed intermittent watercourse
7 to the east.

8 Furthermore, just to touch base on your
9 questions with regard to the erosion on-site --

10 **THE HEARING OFFICER:** Thank you, Mr. Parsons, I'm going
11 to interrupt you here for a second. I've kind of
12 held off calling a break. What I'd like to do is
13 call a ten-minute break. We'll come back at 3:55
14 and we'll continue with your response to
15 Mr. Harder's question. So let's do that.

16 Unfortunately, I've waited a little longer
17 than I would have liked, but let's have a ten
18 minute break and we'll continue at 3:55.

19
20 (Pause: 3:45 p.m. to 3:56 p.m.)

21
22 **THE HEARING OFFICER:** Mr. Parsons, thank you for
23 letting us take a break and interrupting your
24 response. If you could, please continue
25 responding to Mr. Harder's question?

1 THE WITNESS (Parsons): Not a problem. Again, Brad
2 Parsons. Just looking to respond further to
3 Mr. Harder's questions here. And by all means, if
4 I miss something please let me know.

5 But I think, you know, the next step we were
6 going to discuss the concerns with erosion, but I
7 also kind of want to tie in the stormwater basins,
8 because it helps from an erosion standpoint as
9 well as from a post-construction stormwater
10 management control.

11 So really the main piece of -- of this is --
12 and your concern with erosion is partially going
13 to be in the phasing, which I think we discussed
14 in a little more detail earlier.

15 And the question with regards to the 30 days
16 of stabilization, maybe it shouldn't necessarily
17 be referred to fully as stabilization, but rather
18 as I was discussing just establishing growth and
19 establishing -- allowing that grass seed to
20 establish, or start to establish a root system.
21 Once that grass seed has started to establish a
22 root system and growth, even though construction
23 vehicles may travel over the top of it or it may
24 get somewhat disturbed during construction, as
25 long as, you know, when it's not dug up and just

1 maybe passed over, it has a very -- a better
2 chance of coming back a lot more quickly after
3 that construction period is over.

4 So the intent of that delay is not to, I
5 would say, get a full establishment of the site in
6 full growth, however but to start the growth and
7 to start that process. Because by doing that it
8 is going to allow for a speedier growth even at
9 the end of the project, and a speedier chance to
10 reach that final stabilization.

11 The other real -- or another good real reason
12 to provide some of that, that stabilization during
13 that phase two time period is once we -- once the
14 racking for the solar panels are installed
15 you're -- we're really limiting the amount of
16 construction traffic and -- and items that can --
17 can really occur, because you have a physical
18 impediment.

19 While that physical impediment being there
20 will alleviate a lot of construction traffic over,
21 give or take, you know, 50 percent or more of the
22 site, well, that's going to allow that grass to
23 continue to establish and continue to grow while
24 the remainder of the modules are being put up and
25 installed, while the electrical wiring is -- is

1 being done.

2 So those things will -- it's another benefit
3 of doing that seeding in an earlier process and
4 giving that that time to establish.

5 The other thing I'd like to point out here
6 that's probably a little bit different than you
7 may have seen in some other solar installations,
8 is by turning the panels themselves to be parallel
9 to the contours we're also using the contours of
10 the slope to the advantage of the system because
11 we're on a, what I'll call, a positive slope for
12 solar.

13 We are basically -- the slope itself is
14 facing towards the east. So it is facing towards
15 where we're looking to get our -- the project is
16 looking to get its most production out of.

17 As a result of facing that direction the
18 inner-row shading -- because as you move from the
19 bottom, or what I'll say, the east of the array
20 and you move to the west side or up the slope,
21 your shading between those rows decreases.

22 So we were -- in order to still maintain
23 production on the site those rows facing -- was
24 decreased significantly. And I believe we're down
25 to eight feet on our inner row spacing -- yes.

1 We're down, we're down to eight feet.

2 Thanks, Matt.

3 We are down to eight feet on our inner row
4 spacing. I bring that up because what it's also
5 going to do is -- is limit the amount of traffic
6 that once the panels and racking is installed the
7 amount of vehicular traffic that is going to
8 really be able to travel through the site is going
9 to be severely limited.

10 So mainly things will be moved around site
11 using a -- most likely a skid steer, a small,
12 mini-track piece of equipment that has the ability
13 to transport materials on site. The benefits of
14 using those types of equipment is that's the same
15 type of equipment you would want to use on a
16 construction of a landfill.

17 It is going to reduce the overall pressure on
18 the site, but it ultimately disperses its load
19 better which therefore it's going to cause less
20 disturbance overall. So some of those factors
21 in -- is why seeding this site in that interim,
22 and even the 30 days, you know, whatever we're
23 able to give it is going to help long term and is
24 going to help even short term from a stabilization
25 and erosion control standpoint.

1 Additionally, those compost filter socks on
2 grade -- on contour backed up by the racking
3 themselves will provide that additional control.

4 Furthermore, we've got our swale and our
5 basin on the downslope side of the site. The
6 stall of the swale and the basin, while they're
7 for permanent stormwater controls, they're also
8 for temporary erosion control measures.

9 So while we're not installing these to --
10 let's put it this way. Erosion control measures
11 from a sediment trap, a sediment basin, if they
12 were specifically just installed and/or designed
13 for that, are really only designed for a ten-year
14 storm event. So in a temporary situation there
15 would be expected sometimes that those, those
16 facilities would have the ability to still
17 discharge some water because they're not designed
18 for a-hundred year storm event.

19 In this case, in this specific spot we are
20 using our permanent stormwater controls to also
21 handle our temporary measures. So our swale that
22 is on the eastern side of the site is capable of
23 handling, actually handling the -- the
24 hundred-year storm event. It does reach the top
25 of the swale, but the hundred-year storm event

1 will pass through the swale, the proposed swale
2 itself and reach the stormwater basin to the
3 south. The stormwater basin to the south is
4 designed to mitigate peak control for up to the
5 hundred-year storm event.

6 So that control will be in place for the
7 duration of construction and prior to any items
8 occurring upstream. So you take all of those
9 factors into account in the additional pieces of
10 DSD being on-site and having an on-site
11 construction manager, the weekly monitoring,
12 ensuring that the contractor is -- is following
13 his -- the construction sequence is supplying
14 means and methods, and is communicating on -- on a
15 consistent basis. All of those things are -- are
16 important.

17 That being said, is this a challenging site?
18 Of course it is. It's been challenging from day
19 one, but we have been able to mitigate it. Just
20 as the, you know, construction of the subdivision
21 to the south occurred on the same type of slope,
22 same type of property, that was able to be
23 installed and -- and functioning as it is today.

24 So by us, you know, installing these
25 stormwater measures on the eastern side of the

1 site, I do believe that those controls will
2 actually help to relieve some of the flooding
3 that -- that Gaylord Mountain Road receives today.

4 I believe you will probably hear, and if not,
5 have heard that -- that wetland three does receive
6 a good amount of water, and that at times it has
7 overtopped the road because there is only a
8 15-inch culvert that leaves the east side of the
9 site and heads to the intermittent watercourse on
10 the eastern side of Gaylord Mountain Road.

11 And by the stormwater basin being installed
12 both during construction and remaining after
13 construction, in controlling the pre versus post
14 runoff to -- the post runoff being west, and the
15 pre-runoff, that the timing and the amount of
16 water against wetland three will be adjusted.

17 And there is the likelihood that with the
18 installation of this stormwater management basin
19 that is also designed to handle a drop in one
20 hydraulic soil group, it will help reduce and help
21 any flooding concerns that are on Gaylord Mountain
22 Road.

23 MR. HARDER: Okay. Thank you. I appreciate that
24 information. That's helpful.

25 Just two very quick followups on what you

1 mentioned. The eight-foot separating distance
2 between the panels, that's edge to edge, the
3 upslope edge of the lower one to the downslope
4 edge of the upper one, basically?

5 THE WITNESS (Parsons): That is correct. This is Brad
6 Parsons. Yes, that is correct.

7 MR. HARDER: Okay. And also you mentioned, I guess,
8 once the racks are installed, you know, that that
9 will, I guess, represent -- or that will, you
10 know, result in kind of a restriction of activity,
11 vehicular activity.

12 What period of time do you anticipate will it
13 take to install all of the racks? Or get to that
14 point where that, you know, that restriction of
15 activity occurs?

16 THE WITNESS (Bamman): Mr. Harder, this is John Bamman
17 with DSD. Let me chime in here. Racking, where
18 we're planning to use a ground screw installation
19 due to the large quantity of cobbles and boulders
20 and so forth on the site, where we'll be actually
21 using a screw that is first predrilled into the --
22 into the geology, and then a screw, an eight-foot
23 long -- it looks like a large wood screw is
24 screwed into the ground.

25 That process for a site this size will take

1 about two weeks, but while those screws are going
2 in, right behind installation of the screws, the
3 racks themselves which are inserted into the screw
4 and fastened to the screw occurs, as I say, right
5 behind the screw installation.

6 So the -- using Brad's term, the impediments
7 to travel down the slope will be in place probably
8 within a four-week period. After, at that point
9 all servicing, all -- all construction travel will
10 be across the slope parallel to the contour lines
11 so that any -- any destruction to the -- to the
12 tackifiers and seed mix that is now germinating
13 will -- will be in a cross -- cross-slope
14 direction, you know, minimizing any potential
15 for -- for sheeting downslope.

16 MR. HARDER: Okay. And maybe this is for Mr. Parsons,
17 but the filter socks -- as soon as the racks are
18 installed are the filter socks installed after
19 that so there they're backed up by the racks? Or
20 are they installed prior?

21 THE WITNESS (Parsons): So this is Mr. Parsons. They
22 are installed prior, actually. So those will be
23 installed right at the same time that the site is
24 receiving the -- the hydroseed and -- and
25 tackifier. But they will be -- they will be

1 surveyed to a point where the ground screw can be
2 installed without needing to -- to remove those
3 compost filter socks.

4 And if they need to be -- to be slid, you
5 know, a few inches one way or the other that is,
6 you know, to the -- to be out of that way, that
7 that's the intention of being able to use those
8 because they can be moved around a little bit
9 more.

10 MR. HARDER: Yeah. Okay. Thank you. And also one
11 last thing just to clarify back to my discussion
12 on the upslope, the western side where there was
13 originally a proposal for the drainage swale.

14 From what you're saying I gather what you
15 mean is there's going to be no disturbance, I
16 guess, where the drainage swale was originally
17 proposed in that area. So it will be just natural
18 sheet flow, I think you mentioned, but without any
19 ground disturbance to change whatever occurs there
20 now.

21 THE WITNESS (Parsons): That -- this is Mr. Parsons.

22 That is correct. The intent was to try to
23 maintain a sheet and show concentrated flow over
24 the site. We do have the proposed construction
25 road that will be going in on that, that western

1 side, but the water will sheet flow over that as
2 well.

3 And the concern that I -- to be honest, that
4 I saw with -- with adding a swale to the western
5 side of -- of the site is you're now channelizing
6 storm water. So you're taking the ability for the
7 ground to function and -- and naturally control
8 stormwater runoff. While this in its final
9 condition will no longer be a wooded condition, I
10 would like to say that it is, you know, the solar
11 array will turn into more of a meadow condition.

12 It is not intended to be a residential
13 manicured green lawn that is fertilized on -- on a
14 consistent basis. That is not the intent here.
15 It's not what DSD is planning. This will function
16 as a meadow. It will be mowed two to three times
17 a year. Maintenance will be limited to when it's
18 required.

19 So again, by -- by installing any additional
20 controls on the -- on the west side, you know,
21 it's actually going to increase runoff and
22 actually speed up the controls because you're --
23 you're channelizing water and getting it to its
24 final location faster.

25 MR. HARDER: Okay. Yes. Thank you for that. I had

1 the same exact concern. That's why I was asking
2 those questions. Well thank you, Mr. Parsons, for
3 that information.

4 And that's all the questions I have right
5 now, Mr. Morissette. Thank you.

6 THE HEARING OFFICER: Thank you, Mr. Harder.

7 MR. BALDWIN: Mr. Morissette?

8 THE HEARING OFFICER: Yes.

9 MR. BALDWIN: Excuse the interruption, sir, but there
10 was a question earlier on in Mr. Harder's
11 cross-examination that I think I would like to
12 have our witnesses get back to, because it was
13 still a little confusing to me.

14 So if Mr. Gabor and Mr. Kapur could
15 address -- this is the issue of the project life
16 and the contract term, and the issues revolving
17 around those two issues. So if I could ask them
18 to expand on that I would appreciate that time.

19 Thank you, sir.

20 THE HEARING OFFICER: Certainly. Please proceed.

21 THE WITNESS (Kapur): Yeah, this Amol all from DSD.

22 I'll start that. So the difference between the 20
23 and 35 years that we made mention of is the
24 contractual term that we have for the lease. So
25 our ability to stay on the property is for 20

1 years. It contains two 5-year extensions as well,
2 which would take us to a 30 years iteration for
3 the lease agreement.

4 There's also another agreement, a 20-year
5 virtual net metering agreement and that's our
6 ability to sell the virtual net metering credits
7 to a state entity. That agreement also had a
8 5-year extension which would take you to 25.

9 Now as a business we assume the operational
10 life of a solar asset to be roughly 35 years. So
11 you've got a bit of a gap between the 20 and the
12 35. Market conventions typically allow, or
13 typically force us to -- to have our contractual
14 terms tied to the -- the underlying program in the
15 state.

16 And so those agreements are 20, 20 years with
17 the ability to extend, and it's our intention and
18 our expectation that the -- the asset would last
19 for at least 35 years. Thank you.

20 **THE HEARING OFFICER:** Thank you for the clarification.

21 Anything else, Attorney Baldwin?

22 **MR. BALDWIN:** No, I think that's the clarification we
23 were hoping to make. Thank you for the
24 accommodation, Mr. Morissette.

25 **MR. HARDER:** Mr. Morissette, this is Mike Harder. Just

1 a follow-up question on that point?

2 THE HEARING OFFICER: Sure. Continue.

3 MR. HARDER: Not knowing the industry and how these
4 things work at least in terms of these contracts
5 and extension opportunities, would you say that
6 it's normally only in extraordinary situations or
7 for extraordinary reasons that the extensions are
8 not granted, or are not utilized?

9 THE WITNESS (Kapur): This is Amol from DSD. So at
10 least in my experience, in our business'
11 experience extensions are -- are typically
12 expected. And so they're typically a pretty, as
13 you said, extraordinary event that would -- would
14 not force you to extend the lease through the
15 subsequent power agreement.

16 MR. HARDER: Okay. Thank you, I appreciate that.
17 That's all I have.

18 THE HEARING OFFICER: Thank you, Mr. Harder.

19 We will continue with cross-examination with
20 Mr. Hannon. Mr. Hannon, please?

21 MR. HANNON: Okay. I'm just trying to figure out how I
22 want to start. I've written down some comments
23 based on the testimony today. So I think I'm
24 going to start there before I actually go in and
25 deal with some of the documents.

1 For this project is there a drop-dead date
2 contractually by when you would need to be up and
3 running?

4 **THE WITNESS (Nicolas):** Hi. This is Jenny Nicolas with
5 DSD. At this point in time the drop-dead date
6 that we have is due to our L-REC performance
7 assurance. And so we would need the system to be
8 up and running by January of 2022. Yeah.

9 **MR. HANNON:** Okay. Thank you. This is just sort of a
10 general question. A comment was made earlier that
11 there's, like, an eight-foot interspacing between
12 the rows. We've had people make presentations to
13 the Council in the past that that's not really a
14 sufficient amount of space to maintain good growth
15 of grass, or whatever type of material is being
16 planted to help stabilize the site.

17 What do you say to that?

18 **THE WITNESS (Parsons):** So this is Brad Parsons. In
19 this case with the direction that these panels are
20 being rotated and the fact that we are facing more
21 or less due east, what will happen along with the
22 additional tilt that -- that's here is the,
23 instead of, like, when they're facing normally
24 to -- to the south and you're getting some of
25 that, you know, passing of the sun to, as I said,

1 to the south of the array, the sun is actually
2 going to pass over the array here.

3 So in the afternoon hours that sun is
4 actually going to shine almost behind the panels
5 and -- and be able to provide some light and --
6 and nutrients from that standpoint there.

7 Additionally I'll say, you know, this year
8 was an exceptional drought. And I can personally
9 say that my yard looked a lot better where I had
10 trees and -- and shade versus not having shade at
11 all. So I do believe that that growth will still
12 continue underneath those panels in this case.

13 MR. HANNON: Okay. Thank you. I just wanted to get
14 something on the record for that.

15 I think Mr. Harder brought up the compost
16 filter sock. They're supposed to be installed, I
17 believe, it's like at a distance of about 75 feet
18 apart.

19 My question is, is that a one-time deal? Or
20 is that something that you'll need to be replacing
21 periodically throughout the life of the project?
22 Because typically those can be left in place. The
23 compost is a nice natural ingredient, but they
24 also break down over time.

25 So I was just wondering if this was a

1 one-time deal when you start construction, or
2 whether or not they would be replaced throughout
3 the life of the project?

4 **THE WITNESS (Parsons):** So this is Brad Parsons. The
5 intent right now is to install them the -- the one
6 time and -- and leave them there with the
7 understanding that the stormwater permit would not
8 be able to receive its notice of termination
9 unless the site is -- is stabilized and -- and no
10 active erosion is occurring.

11 So does, you know, I think the -- and we've
12 all agreed that there's really no reason to remove
13 those and being able to leave them for an extended
14 period of time is -- does have some benefits.
15 There's no negative do it.

16 Adding more later, I'm not sure if you're not
17 seeing any -- if there's no erosion on site the --
18 the need for those types of controls is not really
19 there. That being said, it doesn't mean that
20 it -- it couldn't be something that is -- is
21 looked into further.

22 **THE WITNESS (Bamman):** John Bamman. If I might just
23 add to what Brad just said? In our experience, of
24 course, depending on climate we oftentimes find
25 there, a grass growth under the panels -- than we

1 do in the inter-row area. You know, per Brad's
2 observation on his -- on his lawn and property,
3 the shading because these sites are not irrigated.
4 The shading in certain, as I say, climates and
5 certainly with the summers we've had we would
6 expect that the grass growth will actually be
7 improved underneath the -- underneath the panels
8 themselves.

9 With regard to the filter socks, you know, we
10 routinely install these to -- to help with erosion
11 control during construction. By the time they
12 break down our -- our grasses will be -- probably
13 have mowed, been mowed two to three times due to
14 their height and density. So at that point there
15 would be no need to -- to replace the filter sock.

16 MR. HANNON: Okay. Just to follow up with what you
17 said, so do you plan on using more of a shade
18 grass seed mix on the site?

19 THE WITNESS (Bamman): It's -- it depends on latitude
20 actually. The -- one of the criterion that we
21 like to look at is the rate of growth. Certain
22 fescues grow to greater heights. For maintenance
23 purposes we want to focus on species that grow
24 more densely and -- and stay low to the ground.
25 And those, those tend to be species that -- that

1 like the sunlight. So that's -- that's where we
2 go.

3 And again, these, the bottom of the panels
4 are roughly three feet off the ground. The top of
5 the -- the panels are five to six feet off the
6 ground. So it's -- it's not like we're really
7 creating a cover to the -- to the grass.

8 MR. HANNON: Okay. Thank you.

9 THE WITNESS (Parsons): Mr. Hannon, I just would like
10 to add that the New England semi shade grass and
11 forest mix at this point in time, or something
12 approved and equal by the owner would be used, and
13 that is note number 18 on our erosion and
14 sedimentation control notes plan sheet, sheet
15 number EC-1.

16 THE WITNESS (Gustafson): This is Matthew Gustafson.
17 I'd like to also add that because of our phasing
18 and the intent to stabilize after phase one with a
19 seed mix that will be likely a contractor's mix
20 that has -- probably has more full sunlight type
21 species. So you'll likely see a mix post
22 construction of grasses.

23 To highlight that, no matter what condition
24 we likely have on site, whether it's semi-shade,
25 you know, underneath the panels or in between some

1 of the panels, or full sun or partial sun, you'll
2 likely have the semi-shade mix which we're
3 proposing, you know, to stabilize post
4 construction as well as some of the residual turf
5 grass that are established in the contractor's mix
6 after day one.

7 So it will -- it will likely be a scenario of
8 best of both worlds and whatever grass takes will
9 certainly be the one that dominates in these
10 various shade conditions.

11 MR. HANNON: All right. Thank you.

12 There was a comment made earlier that the
13 swale design that was originally proposed by a
14 different engineering company, it's been modified.

15 Can you give me an idea as to approximately
16 when this latest design change came about?

17 THE WITNESS (Parsons): This is -- this is Brad
18 Parsons. The latest design change came about as
19 soon as we started working on the project.

20 MR. HANNON: Which was when?

21 THE WITNESS (Parsons): Oh, I want to say late
22 December -- or late 2019.

23 MR. HANNON: Okay. All right. Thank you.

24 People were talking about geology and I think
25 things of that nature. I mean, it's highly

1 possible that I may have missed it, but was any
2 geological data submitted as part of the
3 application?

4 THE WITNESS (Parsons): So it was, I believe, included
5 in our response to interrogatories as an
6 attachment. It was originally also included as an
7 appendix to the stormwater report that was --

8 MR. HANNON: Thank you. Okay. I'm going by memory
9 now, so don't necessarily hold me to this because
10 I'm finding out it's not as good as it once used
11 to be.

12 But in working for municipalities a number of
13 years ago one of the things that I believe was
14 sort of common practice is for fire equipment,
15 fire marshals tended to prefer grade 12 percent or
16 less. So I know that you were saying, or somebody
17 mentioned that the slope of the roadway would be
18 about 15 percent. And I believe the comment was
19 made that the town fire department has not been
20 contacted yet to see what their concerns might be.

21 I would maybe strongly suggest that you
22 contact them just to make sure that you're not
23 spinning your wheels on this one, because again
24 the equipment gets heavy. I'm assuming this is a
25 gravel drive. It's not paved, so I don't know how

1 the local fire marshal or the local fire chief is
2 going to feel about that.

3 So that may be something that you want to do
4 sooner rather than later. No need to have to come
5 back with some type of a design change later on if
6 this is something that can be resolved quickly,
7 but that's just sort of a general comment.

8 MR. BALDWIN: We can certainly take that as a homework
9 assignment, Mr. Hannon, and take care of that
10 between now and the next hearing date. Thank you.

11 MR. HANNON: Yeah. I just think it's better for
12 everybody to know what you're dealing with.

13 I will start asking some of my questions
14 based on some of the material that's submitted as
15 part of the applications, but I may be going back
16 and forth on a couple of questions.

17 So for example, initially you were saying
18 this is on page 5 of the petition, site work and
19 land preparations expected to be completed by the
20 end of 2020. How realistic is that today?

21 THE WITNESS (Parsons): This is Brad. I won't speak
22 for John, but I'll say that that's not something
23 that's going to happen by the end of 2020.

24 MR. HANNON: So if this project were approved when
25 would you be looking at trying to start the site

1 work and the preparation?

2 THE WITNESS (Parsons): Again, it's Brad. And John,
3 feel free to jump in after if need be.

4 You know, additionally if this project were
5 approved through the Siting Council we still need
6 to go through the CT DEEP stormwater permitting
7 process.

8 Ideally I think the -- the project would --
9 would be looking to start that sometime in the
10 near future here with John, I would guess, with
11 the intent of trying to start construction with
12 the hope of being late winter, early spring.

13 THE WITNESS (Bamman): I'm sorry, Mr. Hannon.

14 MR. HANNON: Go ahead.

15 THE WITNESS (Bamman): Thank you.

16 No, I was just -- really wanted to clarify
17 that the stabilization of the -- of the site with
18 the -- the tackifiers, the -- the hydro seeding
19 really rely -- relies on mother nature and we
20 all -- we all know that we don't grow grass very
21 well in the wintertime.

22 So even if we were to have permits in our
23 hands today, more than likely we would not plan to
24 start until -- until late winter, early spring.
25 The timing is such that the -- the hydroseed mix

1 would be going down just at the beginning of
2 growing season.

3 MR. HANNON: Okay. So then I'm assuming that the
4 construction and installation of the solar arrays
5 and equipment which was originally maybe scheduled
6 in April, that's also going to be moved back some
7 because of trying to stabilize the site first.

8 Correct?

9 THE WITNESS (Bamman): That's correct. Yes, sir.

10 Mr. HANNON: Okay. And then the next comment on that
11 was the final site stabilization testing and
12 commissioning to be completed by July 15, 2021.
13 So I'm assuming that's also is going to piggyback
14 on some of the other potential delays. Correct?

15 THE WITNESS (Bamman): Yes, sir.

16 Mr. HANNON: Okay. You see, here's kind of where I'm
17 going with this. With the dropdead date, because
18 of the L-REC considerations of January 2022 and
19 based on the comments where it looks as though it
20 may take about a month or so to install the
21 racking, the electrical, the panels, things of
22 that nature; I'm just wondering if there's a
23 possibility of buying more time between
24 stabilizing the site and when you start
25 construction.

1 Because again, if things are moved back some,
2 but you -- you have an extra time period built in
3 for actually dealing with site stabilization that
4 might be to everybody's advantage, but yet still
5 not adversely impact you as far as when you need
6 to be up and operating, you know, with that
7 January 2022 date, you know, assuming the project
8 is approved.

9 So I'm throwing that out as maybe something
10 to think about, because I know Mr. Harder raised
11 the issue about roughly a month of stabilization
12 and I'm not sure that that -- it may be wishful,
13 but I'm not sure it's realistic.

14 So this may be a way to maybe think about how
15 to deal with the overall project with some new
16 timing on it to make sure that as much of the site
17 is stabilized as possible, but that's more of a
18 comment than a question.

19 **THE WITNESS (Nicolas):** This is Jen Nicolas. If I
20 could jump in with the note on extension -- or
21 sorry, with the dropdead date? So we would
22 actually have the possibility to petition PURA,
23 the Public Utilities Regulatory Authority for
24 additional time on that. And extensions that they
25 give are really case by case, but I just -- just

1 wanted to add that.

2 **MR. HANNON:** Yeah. No, I appreciate that, because I
3 mean, it sounds like the processes were approved
4 by the Siting Council. The January 2022 date
5 could be realistic based upon some of the numbers
6 that I've seen.

7 So I'm just wondering if it's not going to
8 take that long to actually construct the project;
9 you can't buy more time upfront to make sure the
10 site is that much more stabilized. So it
11 eliminates potential problems while you're
12 undergoing the construction operation. That's
13 all.

14 I do have a question on page 9 of the
15 petition. And this is open to anybody that
16 attended the DEEP pre-app meeting. Would you care
17 to reflect on the proper date of the meeting?
18 Because May 10th was a Sunday, and I can guarantee
19 you that DEEP staff wasn't working on a Sunday.

20 **THE WITNESS (Parsons):** This is Brad Parsons. That
21 date was actually May 19th. I believe that was
22 referenced in -- or re-referenced in the response
23 to Interrogatory Number 56.

24 **Mr. HANNON:** Okay. It was the 19th. I agree with you.
25 And this ties in with one of the questions that

1 Mr. Cunliffe was asking earlier. I think he was
2 asking to see if there was some kind of mapping or
3 something to show the 15 to 20 percent growth
4 areas with panels.

5 The reason I bring up the DEEP meeting, I
6 mean, you guys had it in your petition, but the
7 reason I'm bringing it up is because at that
8 pre-app meeting the property we were told sloped
9 west to east. And some of the comments were the
10 slopes range from 5 to 30 percent, and there were
11 some areas greater than 30 percent. The slopes on
12 the site are in excess of 12 percent, and some
13 areas more than 25, and areas with deep slopes
14 between arrays that will not have panels, but they
15 may be cleared and graded.

16 So that goes into, you know, part of my
17 question about how much of the site is actually
18 going to be graded. And the comment was there was
19 little cutting or filling -- but I'm just curious
20 as to with some of the steeper slopes.

21 I mean, Fred mentioned the 20 percent, but we
22 know that there are slopes approaching 30, maybe
23 even a little more steepness on them. So I'm
24 trying to figure out how that's going to be
25 handled?

1 THE WITNESS (Parsons): Sure. This is -- this is Brad
2 Parsons. I would say that subsequent to that
3 meeting and in some of our meetings with
4 contractors on site and DSD's further, you know,
5 evaluation from a construction standpoint has
6 probably slightly changed some of the statements
7 that were -- were possibly made at that meeting in
8 the sense of that the grading.

9 There will be no grading within the -- the
10 array area and we are not removing or planning to
11 remove stumps anymore, but rather flush cutting
12 the trees at grade which will eliminate the need
13 for -- for any of that shaping on-site. That
14 would -- that would normally occur when you're
15 removing stumps.

16 Furthermore, I believe that some of those
17 questions and -- and concerns subsequent to that
18 initial meeting with regards to 2 percent slopes
19 was probably another iteration in between to where
20 we are today because we did -- we did take a
21 further look at -- at the percent of grades on
22 site.

23 And while the racking manufacturers can
24 achieve structural racking capabilities up to --
25 up to 30 percent, we did understand the concerns

1 here and we did look to -- to mitigate those
2 concerns.

3 And I think in -- in response to our homework
4 of getting Mr. Cunliffe the percent area on site,
5 we can also provide some of those additional
6 exhibits that were provided to CT DEEP that shows
7 the percent grades on-site and the -- the length
8 to which DSD went to look to avoid those grades on
9 site.

10 Mr. HANNON: That would be appreciated. Thank you.

11 I know that there are five wetlands
12 identified on the site. I think typically the
13 Siting Council has been looking at trying to
14 maintain buffers from wetland areas of
15 approximately a hundred feet. I know there are
16 some that come in narrower. There might be, like,
17 a farm road or something that's been there for
18 years, that type of thing.

19 So with what you're proposing in this
20 project, like 22 feet to wetland one, 25 feet to
21 wetland two, 47 feet to wetland three, 21 feet to
22 wetland four, and zero for wetland five; what I'm
23 concerned about is what kind of issue that might
24 raise for the Council in the future. I mean,
25 we're trying to establish some general protocols.

1 Granted, every site is different.

2 So can you just sort of explain why you
3 didn't try to meet with the hundred? I
4 understand, you know, the sort of quality of the
5 wetland areas, but I'm just wondering if you could
6 please just provide some guidance as to why you
7 didn't stay roughly the hundred feet away from the
8 wetlands?

9 **THE WITNESS (Gustafson):** This is Matthew Gustafson. I
10 guess I'll start by saying that, certainly there
11 have been projects in front of the Council and
12 approved by the Council where that fairly
13 arbitrary hundred-foot buffer has not been met.

14 To your point, you know, those are largely
15 case-by-case basis where sometimes there's
16 existing infrastructure, but a lot of the times it
17 is based on existing quality and function and
18 value of the wetland resources that determine the
19 buffer distance that is appropriate. In this case
20 that is certainly what was taken into account for
21 establishing these buffer distances.

22 So you know, to not beat a dead horse, but
23 you know, most -- the majority of the wetlands on
24 site have been historically degraded in some
25 fashion or another and/or are isolated features

1 that -- that do not support any functions or
2 values that a secondary or principal level has
3 established by the Army Corps of Engineers, so a
4 function of that value protocol.

5 For that reason and in addition to the
6 difficulties of balancing this site from a
7 stormwater perspective as well as protection of
8 these wetlands, it became again a balancing act of
9 where we can push arrays and stormwater features
10 without compromising the integrity of these
11 wetlands. And that balancing act is what, you
12 know, you're currently viewing today as -- as part
13 of this proposal.

14 So certainly I -- I can recognize and -- and
15 appreciate the struggle of the Council to
16 establish a protocol for a buffer distance that
17 they feel comfortable with. Unfortunately, I
18 can't really speak to that all that well just
19 because of the complexity of really from a
20 professional standpoint what buffer distances are
21 appropriate to various types of resources.

22 THE WITNESS (Parsons): Matt, if I could? I'd just
23 like to add a little bit to that. And it's --
24 what I'll add is, you know, while a buffer
25 distance is -- is great, I would state that CT

1 DEEP back in, I believe, it was the late 'nineties
2 actually established some fairly good guidelines
3 for municipalities, specifically actually almost
4 removing the word "buffer," and really focusing in
5 on that, that upland -- upland review area.

6 And as Matt was alluding to, it's really the
7 science behind it so it's -- it's the science
8 behind that wetland. It's the science behind
9 the -- the impacts to that, that upland review
10 area and the impacts to -- to that wetland I think
11 is -- is a key factor in that.

12 And you know, furthermore, you know, reading
13 through that, that document -- which is an
14 interesting piece, is that DEEP in that document
15 further recognized that the Department does not
16 actually have an upland review area that they
17 don't actually acknowledge one for -- for those
18 types of state -- state projects.

19 So it's, again it goes back to what I
20 believe -- and Matt, you can touch on this more
21 than I can, but -- but the science behind the
22 function and values of any specific wetland,
23 whether it be a groundwater seep, or, you know,
24 wet meadow which have it.

25 THE WITNESS (Gustafson): Yeah. So to elaborate and

1 hopefully fully address the question and -- and
2 the nitty-gritty of it, you know, the majority of
3 the wetlands on site, obviously we are working in
4 close proximity to a number of them or directly
5 with them/in them for wetland five.

6 However, in the case of wetlands one, two and
7 four, no drainage from the project is directed
8 towards those wetlands and the existing project
9 wall in the construction condition. To that
10 effect the project wall located in close proximity
11 to those wetlands really does not have a
12 significant material effect and certainly is not
13 expected to result in a significant negative
14 impact to those resources.

15 The other on-site wetlands that we're working
16 obviously within wetland five, and draining
17 towards in wetland three; in the case of wetland
18 five, it being an entirely isolated feature,
19 again, we performed a preliminary function and
20 value assessment on all, all these on-site
21 resources. And as you might suspect in a small
22 isolated feature like wetland five it doesn't
23 support and doesn't really have the potential for
24 ever supporting any functions or values at any
25 level.

1 As such, you know, clearing of it as long as
2 we are not, you know, changing the hydrology, in
3 effect dewatering it, or compacting its surface,
4 affecting its soil profile, the project isn't
5 expected to result in a significant negative
6 impact to wetland five because we aren't going to
7 be diminishing the function and value provided by
8 that wetland.

9 Similarly with wetland three, although it
10 does potentially form more of a headwaters deep
11 system, because of the historic construction of
12 Gaylord Mountain Road, whatever this feature was
13 historically, in its current state it's highly
14 altered. The -- the restricted outfall that Brad
15 mentioned before that drains under Gaylord
16 Mountain Road, whether a condition of it being
17 undersized or just poorly maintained, it's
18 actually resulting in a backwater flood condition
19 seasonally to wetland three. And it's pretty
20 substantially changed the high -- sorry, excuse
21 me. Hydrological period.

22 That's not to say that that doesn't
23 potentially result in more function and values
24 being provided by wetland three, but because of
25 its proximity to Gaylord Mountain Road and a

1 number of residences and the, kind of, the narrow
2 nature and heavy anthropological influences of
3 Gaylord Mountain Road, it also isn't considered to
4 support any functions of values at secondary
5 principal level.

6 So similarly the projects, while located in,
7 you know, within 50 feet just on that outside,
8 50 feet of wetland three is not anticipated to
9 substantially change or diminish those, those lack
10 of functions and values provided.

11 So that's -- that's really the driving force
12 behind, you know, in this case, in this project
13 why buffer distances less than a hundred feet were
14 considered suitable.

15 Mr. HANNON: Okay. Thanks. I just wanted to get
16 something on the record so that, you know, we have
17 something to stand on for future applications
18 should this project get approved.

19 My next question is dealing with page 16 on
20 the application under wetlands. It's the last
21 sentence in that first paragraph. It says, none
22 of these wetland areas will not be adversely
23 impacted -- well, it said by 'ant' project. I
24 mean, that's probably the any project --
25 development activity.

1 But it looks as though there's two negatives
2 in there. So I'm just trying to make sure that
3 what you're trying to say there is the wetlands
4 will not be adversely impacted?

5 VOICES: (Unintelligible.)

6 THE WITNESS (Gustafson): Yeah, that's correct. This
7 says -- the sentence should read and what we are
8 attempting to state is that the proposed project
9 as it stands today is not anticipated to result in
10 a significant negative impact to on-site wetland
11 resources.

12 Mr. HANNON: Okay. I just wanted to make sure. I
13 didn't want to --

14 THE WITNESS (Gustafson): Yeah, thank you for that
15 clarification. It's a good catch.

16 MR. BALDWIN: Mr. Hannon, if I could assist? That same
17 question came up in Interrogatory Number 47. So
18 it has been corrected in the record, but thank you
19 for raising that again.

20 Mr. HANNON: Okay. And looking at the letter submitted
21 by the Department of Public Health, the drinking
22 water section, a couple of things there that are
23 of concern. One of the comments was refueling
24 your vehicles and machinery should take place on
25 an impervious pad with secondary containment

1 designed to contain fuel.

2 Is that something that is being looked at for
3 this project where there would be on-site
4 refueling of vehicles?

5 **THE WITNESS (Bamman):** This is John Bamman again,
6 Mr. Hannon. Yeah, that is correct. And not only
7 refueling of vehicles, but any fuel storage on
8 site during construction will be strictly limited
9 to a fuel containment designed for that, that
10 purpose.

11 **Mr. HANNON:** Yeah, I mean -- and the fuel and other
12 hazardous materials being stored, I mean, that was
13 another issue. Because again, this is a public
14 water supply watershed area. So that does raise
15 some red flags about having some of those types of
16 activities going on there?

17 So I don't know if that's something that you
18 can rethink, but again, to me it raises a red flag
19 when you're talking about a watershed area.

20 **THE WITNESS (Parsons):** This is Mr. Parsons --

21 **MR. HARDER:** I think -- I've got two more quick
22 questions.

23 I'm sorry. Go ahead?

24 **THE WITNESS (Parsons):** I was just going to state that
25 the refueling thing is an issue that we can look

1 into to see if there are any other side options
2 to -- to discuss.

3 **Mr. HANNON:** Thank you.

4 I have two other questions. One, again it
5 goes back to, like, the hundred-foot buffer. I
6 haven't seen the final stormwater general permit,
7 but I thought in Appendix I -- which everybody has
8 been looking at, I thought there was an issue that
9 the agency was taking up if you're closer than a
10 hundred feet.

11 I mean, and I forget what it originally said,
12 so I apologize for that, but I thought that that
13 might have been an issue about getting the general
14 permit. Is that something that you can address,
15 because I thought that was language specifically
16 in the general permit originally?

17 **THE WITNESS (Parsons):** This is -- this is Brad
18 Parsons. So the previous general permit and
19 guidance stated under item number one, and I
20 believe it was 1E, that if a project was
21 disturbing any, any areas within the hundred-foot
22 buffer as they -- as they labeled it there, would
23 be subject to treating the panels as impervious
24 for the purpose of calculating water quality
25 volume.

1 MR. HANNON: Okay.

2 THE WITNESS (Parsons): However, during the -- which to
3 the point this project was -- was designed to do.
4 So since if we looked at this project initially
5 versus it being designed to the guidance that was
6 originally proposed and actually was in the draft
7 permit that was issued for public comment, we are
8 treating the water quality volume and -- and would
9 have met Appendix I at that time.

10 However, subsequent revisions and reissuance
11 of -- of that document in October of this year
12 will require us to potentially look at obtaining
13 an individual stormwater permit for this site.

14 Mr. HANNON: Okay. And then one other comment about
15 the general permit. I thought that one of the
16 other things that the agency was looking at is the
17 possibility of requiring an independent
18 third-party to monitor erosion sedimentation
19 control measures. Is that still in effect?

20 THE WITNESS (Parsons): The new Appendix I actually has
21 changed and is requiring the design professional
22 to be in charge of the overall monitoring at the
23 site.

24 I don't have the language exactly in front of
25 me, but that is something we can -- we can get

1 everybody. But basically the designing
2 professional of the site will be responsible for
3 the monitoring.

4 They will be responsible for monitoring the
5 site once a month, and the other times that site
6 would be monitored by a qualified inspector
7 basically reporting to the design professional or
8 PE. And the PE would be required to stamp and
9 sign every weekly report that is issued for the
10 site going forward.

11 Mr. HANNON: Okay. And then turning into that, is
12 there anything in particular that deals with the
13 larger storms for going out and making sure that
14 all the erosion control measures are still
15 actively working after a large storm? I mean, it
16 may not be sort of the standard scheduled visit.

17 THE WITNESS (Parsons): Yeah. So -- so the standard
18 general permit would require -- does require
19 those, the weekly inspections, but also requires
20 that if a storm event in greater than half of an
21 inch rain -- and this is not just for solar
22 projects.

23 MR. HANNON: Right.

24 THE WITNESS (Parsons): This is for any development
25 project in the state of Connecticut, that any

1 development project within the state of
2 Connecticut requires that the site be inspected at
3 a minimum of weekly, or within 24 hours of a rain
4 event of half inch or more that generates a
5 discharge, but it's -- really anytime you're going
6 to get a rain event of half an inch or more you're
7 going to go out and look at those sites, or you
8 are going to go out and look at those sites in my
9 opinion.

10 Furthermore, I'll state that the
11 general permit also, not only states that it has
12 to be done within 24 hours, it also states that if
13 the storm event, I believe, is greater than half
14 an inch and occurs over the weekend then that
15 storm still needs to be an event, and the site
16 still needs to be monitored within 24 hours of
17 that, that rain event.

18 I believe if it is less than half an inch or
19 around a quarter of an inch, that -- and that
20 occurs over a weekend period. It can happen on --
21 within the first working day following that such
22 event.

23 Mr. HANNON: Thank you very much.

24 I have no additional questions.

25 THE WITNESS (Bamman): Mr. Hannon, this is John, John

1 Bamman. Before you sign off I just wanted to
2 respond.

3 MR. HANNON: Sure.

4 THE WITNESS (Bamman): You had mentioned in the course
5 of your questions developing protocols on the part
6 of the panel for evaluating -- I assume that's for
7 evaluating these types of petitions.

8 Is that right?

9 Mr. HANNON: Yes.

10 THE WITNESS (Bamman): And my -- my comment is simply
11 this is a challenging site, but I just wanted the
12 panel to consider that DSD is a national
13 organization. We're building solar facilities
14 throughout the country.

15 In Connecticut in particular just in the past
16 couple of years we've built more than 14 megawatts
17 worth of solar. We develop, originate, develop.
18 We have our own in-house design engineering
19 facilities. And as I mentioned earlier we build,
20 own, and operate every system that we -- that
21 we -- well, not every, going forward every system
22 that we build.

23 It is our hope that if we're granted this
24 permit and successfully build, own and operate
25 this system in -- in Hamden that that will

1 positively impact the types of protocols that the
2 panel is trying to develop, such that systems even
3 as challenging as this one will be given a
4 chance -- to be built.

5 We're all very passionate about solar
6 renewable energy. And I'm -- I'm a resident of
7 Norwalk, Connecticut. I've been a Connecticut
8 resident all my life and I would just like to see
9 more solar than less.

10 I'm sensitive to the letters, concerns, but
11 in the larger picture I really think it's
12 important that Connecticut do its part and just
13 hope that we can be -- be part of that, that
14 process to -- to expand solar as a result of
15 our -- our positive performance.

16 **THE HEARING OFFICER:** Thank you, Mr. Bamman.

17 We are going to continue with
18 cross-examination with Mr. Nguyen, at which time
19 we will take a break for the evening before we
20 commence the public comment session.

21 Mr. Nguyen?

22 **MR. NGUYEN:** Thank you, Mr. Morissette. I do have a
23 few questions for the panel, anyone in the panel.
24 Response to Interrogatory Number 65, it mentioned
25 a 24-hours monitoring and planned maintenance.

1 The question is, where is the monitoring
2 center located?

3 **THE WITNESS (Bamman):** Mr. Nguyen this is John Bamman
4 again with DSD. Twenty-four hour monitoring is
5 done by -- by a cellular connection to sensors and
6 that are part of the engineered and designed
7 system, the electrical system of the solar farm.

8 That, that data is collected on an ongoing
9 24/7 basis. Software platforms are set up such
10 that if the system ventures outside of certain
11 limits, electrical limits, an alarm is sounded,
12 e-mails are sent and our own end team will
13 respond.

14 So in case you were thinking that perhaps
15 there was someone who was on site 24/7, that's not
16 the case.

17 **MR. NGUYEN:** No. No, I understand. So it will be
18 remotely monitored?

19 **THE WITNESS (Bamman):** Correct. And you put it better
20 than I did.

21 **MR. NGUYEN:** And where is that located?

22 **THE WITNESS (Bamman):** I'm sorry. I'm not
23 understanding.

24 **MR. NGUYEN:** Yes, it's remotely monitored. And the
25 question is where is that monitoring center that's

1 monitoring the system? Where is it located? Is
2 it in Connecticut?

3 THE WITNESS (Bamman): No. The -- there we -- we have
4 as part of our system data acquisition systems
5 which report the performance of the -- of the
6 system on a, as they say, 24/7 basis, that
7 information is -- is uploaded to a cloud so that
8 anyone with access to that platform can download
9 those, the data and will receive alarms.

10 So we have O and M, maintenance and
11 operations personnel all over the country, and
12 depending on who is closest to the site at the
13 particular time they will respond. So there's
14 no -- there's no call center per se.

15 MR. NGUYEN: I see. In terms of the physical
16 maintenance, where would those folks come from?

17 THE WITNESS (Bamman): Well, as I say, we're a national
18 organization. We have maintenance folks all over,
19 you know, cover -- covering the array, the system
20 of -- of solar installations that we've built.

21 I believe in the northeast the majority of
22 our O and M people are in and around the
23 Schenectady or Albany, New York, area where our
24 headquarters are. So their response time would
25 be -- be coming down from Albany.

1 MR. NGUYEN: So in case of an emergency folks are
2 coming down from New York?

3 THE WITNESS (Bamman): Yeah, I'm not -- I'm not
4 absolutely sure. I could get back to you to
5 answer that more specifically.

6 THE WITNESS (Nicolas): Just to add to that. This is
7 Jenny Nicolas with DSD. I mean, I think it
8 depends what kind of an emergency. If it's an
9 event where first responders would need to be
10 called that would certainly be the first course of
11 action and we would be training first -- local
12 first responders and giving them a tour of the
13 site and understanding of what would need to be
14 done, how to turn the system off should an event
15 occur.

16 But for certain issues, as John said, we use
17 a software platform that can be monitored wherever
18 you are and give notification if the system is not
19 performing to a certain level.

20 MR. NGUYEN: And I apologize. To follow up just so I'm
21 clear, you said that in case of an emergency. For
22 example, shutdown the facility, you would depend
23 on the local respondent? Is that what you're
24 saying?

25 THE WITNESS (Gabor): I can add a little. This is Matt

1 from DSD. I can add a little context to that.

2 There is a re-closer on-site that can be
3 tripped offline from anywhere, but it's also
4 microprocessing the electricity that's going
5 through it. If it recognizes a fault condition
6 it's going to trip off-line automatically and
7 require, you know, five minutes of healthy
8 electricity to ultimately turn back on.

9 So in addition to manual shutdown we can also
10 be shut down from fault events and also from the
11 controls of someone on our -- on our team.

12 MR. NGUYEN: In the case of commercial power failure,
13 does the facility automatically shut down?

14 THE WITNESS (Gabor): This is Matt from DSD again.

15 Yes, the -- our inverters -- rely on a grid
16 voltage. So if the grid is, you know, a blackout
17 or shut down for whatever reason, our inverters
18 are automatically turning off.

19 MR. NGUYEN: On page 12 of the petition it's indicated
20 that during the construction of the project higher
21 levels of noise are anticipated, but it will be
22 conducted during the normal working hours.

23 Is that right?

24 THE WITNESS (Bamman): Yeah, that's -- that is correct.

25 Our normal building hours are from 7 a.m. to

1 3 p.m., Monday through Friday, but certainly those
2 can be adjusted as -- as local ordinances may --
3 may require.

4 **MR. NGUYEN:** Yes, in your petition it's actually
5 indicated that the normal working hours are from
6 7 a.m. to 7 p.m., Monday through Saturday.

7 So which one would be correct that are
8 considered normal working hours?

9 **THE WITNESS (Bamman):** I guess I should have read our
10 petition. I -- I'd have to get back to you,
11 Mr. Nguyen.

12 **MR. NGUYEN:** And for whatever, it's indicated on the
13 petition that it's from 7 a.m. to 7 p.m., Monday
14 through Friday and that's defined as normal
15 working hours.

16 And it just seemed to me that Saturday is the
17 weekend. And so to the extent that it's normal
18 working hours, that doesn't seem normal to me. So
19 you said you were going to check with the local?

20 **THE WITNESS (Parsons):** This is -- this is Brad
21 Parsons. I think I can. I can answer that
22 question, as well for John here.

23 As well it's, you know, really we -- we
24 define these working hours 7 a.m. to 7 p.m.,
25 Monday through Saturday with -- with the

1 understanding that we were under an obligation to
2 meet an in-service date per the -- the L-REC of
3 January 2022.

4 So providing some additional work hours or
5 ability for work hours in, you know, even on
6 Saturday was something that we were proposing. It
7 doesn't necessarily mean that the work will be
8 occurring every Saturday or that it will occur to
9 seven o'clock on -- on every night. It is really
10 more giving the ability to -- to have those
11 workhours to meet the required in-service date
12 that is imposed on us by -- by the utility.

13 I believe Jenny did -- did mention it before.
14 That is something that can be petitioned to PURA
15 for an extension, but again there is a process
16 to -- to get that extension as well.

17 MR. NGUYEN: You mentioned about PURA. I don't
18 understand. You would need PURA's permission for
19 that?

20 THE WITNESS (Parsons): Jenny, can you handle that, the
21 PURA permission for extension?

22 THE WITNESS (Nicolas): Sure. Yeah, this is Jenny with
23 DSD. So in the event in order we have our L-REC
24 assurance performance obligation and we're
25 required to have our system commercially

1 operational by January of 2022.

2 In the event that we're not able to do that,
3 we have the opportunity to petition PURA for an
4 extension. So we are hoping that we will be able
5 to place this in service before then, but we do
6 have the opportunity to go through PURA if we need
7 to.

8 MR. NGUYEN: When you say PURA, you're talking about
9 the Public Utilities Regulatory Authority agency?

10 THE WITNESS (Nicolas): Yeah, that's correct.

11 MR. NGUYEN: I work for PURA, and I'm not quite clear
12 if PURA regulated solar installation.

13 MR. BALDWIN: Mr. Nguyen, I think what Ms. Nicolas was
14 saying that they have authority over the
15 L-REC/Z-REC contracts that are a part of the
16 project, and any -- any change to the terms of
17 those contracts would require PURA approval.

18 MR. NGUYEN: Now to the extent of the normal working
19 hours, is it regulated by local officials?

20 THE WITNESS (Bamman): John Bamman here. I would just
21 offer that DSD would be amenable to limiting
22 working hours to accommodate the panel -- the
23 committee.

24 MR. BALDWIN: And typically in my experience,
25 Mr. Nguyen, It's the Siting Council that sets

1 those hours of operation. And we would adhere to
2 those hours of operation established.

3 **THE WITNESS (Parsons):** This is -- this is Brad
4 Parsons. I -- I would like to state that on
5 page 92 of the environmental assessment the Town
6 does have an active noise ordinance, however
7 construction noise is exempt during daytime hours
8 which actually is 7 a.m. to 7 p.m. at night.

9 **MR. NGUYEN:** Okay. That's all I have, Mr. Morissette.

10 Thank you.

11 **THE HEARING OFFICER:** Thank you, Mr. Nguyen. Before we
12 break --

13 **THE WITNESS (Kapur):** Sorry.

14 **THE HEARING OFFICER:** Yes?

15 **THE WITNESS (Kapur):** Sorry this is Amol from DSD. I
16 was just going to ask if I can interject just to
17 follow up on one of the questions that was
18 previously asked? But I can wait until after the
19 break if you'd like.

20 **THE HEARING OFFICER:** This evening is for public
21 comment only. You will not have a chance to
22 testify or answer questions at that time. So if
23 it's a quick response, please do so. Otherwise,
24 we'll wait until the next hearing.

25 **THE WITNESS (Kapur):** Yeah, if you don't mind? So

1 again, Amol from DSD. Just on the O and M and the
2 maintenance questions.

3 So at this stage we haven't chosen our O and
4 M provider, but typically what we do is we will
5 use either a national or a regional vendor to help
6 maintain the system.

7 So we have an asset management group that's
8 based in Schenectady, New York, but -- but for
9 this project here we'll have a local -- or at
10 least a national vendor that will have a local
11 representative in and around the area, typically
12 in driving range of the system, if required.

13 THE HEARING OFFICER: Very good. Thank you for that
14 clarification.

15 Attorney Baldwin, you have a laundry list of
16 items that need to be addressed for our next
17 hearing. Would you like to review them?

18 MR. BALDWIN: Sure. We can do that. And please let me
19 know if I've missed any.

20 We have to try and clarify the address for
21 some of the adjacent parcels, whether it's 360 or
22 380 Gaylord Mountain Road.

23 There were a couple of responses that we will
24 follow up on regarding grades at the facility on
25 the property, and perhaps even provide the Council

1 with a graphic presentation of where those slopes
2 are located. I may have jumped ahead a little
3 bit.

4 On the issue of the driveway and the grade of
5 15 percent, it came up twice where we were to
6 reach out to the local emergency service folks and
7 get their feedback on the grade of the driveway.

8 I think I originally had a homework
9 assignment regarding the project life, but I think
10 we did get the additional clarification from
11 Mr. Gabor and Mr. Kapur on that issue.

12 THE HEARING OFFICER: Yes, I agree to that.

13 MR. BALDWIN: I think the issue regarding the drip edge
14 and the fact that it was previously perpendicular,
15 now parallel to the slope was addressed through
16 the interrogatory response and the clarification
17 of that issue.

18 I have some additional clarification
19 regarding the stormwater benefits and the
20 stormwater calculations comparing meadows to tree
21 cover as an issue that came up during the
22 discussion.

23 We've already discussed the slope
24 illustration. We discussed the fire department,
25 contacting the emergency service professionals in

1 town.

2 I think what I wrote down as a homework
3 assignment also on the issue of the schedule, and
4 there were some questions regarding the schedule
5 and how it might be adjusted based on where we are
6 in the process today.

7 I thought it might be helpful if we gave some
8 additional thought to that and scoped out a
9 schedule based on perhaps a best-case scenario if
10 construction of start knowing that we have the
11 cushion built into the process as was described by
12 Mr. Bamman. That might help illustrate that
13 construction schedule and how additional time is
14 built into the process.

15 There was -- and it goes along with the
16 slopes question, but there was a question
17 regarding how much of the site is actually going
18 to be graded, and where other material in the
19 steeper slopes would be going on the property.

20 We will get some follow-up information on the
21 refueling and fuel storage on the property in
22 response to Mr. Hannon's question.

23 And then some additional information
24 regarding the exact language from the general
25 permit regarding independent party inspections and

1 clarifications, or monitoring of the property --
2 although, I think Mr. Parsons did address that,
3 but we'll confirm that once we see the transcript.

4 And then I think Mr. Kapur's last comment, I
5 have another homework assignment regarding
6 emergency response from the company, where those
7 folks would come from and I think Mr. Kapur's
8 follow-up question -- follow-up response did
9 address that issue.

10 Those are the homework assignments that I
11 have, Mr. Morissette. I don't know if I missed
12 any?

13 **THE HEARING OFFICER:** I have one more. The panel did
14 provide an answer, and it has to do with the loss
15 of power from the shifting orientation of the
16 panels.

17 The answer was 5 percent, but it was not an
18 affirmative. You can check that to see if you
19 want to correct that or not.

20 **MR. BALDWIN:** Very good.

21 **THE HEARING OFFICER:** Thank you, Attorney Baldwin.

22 So the Council will now recess until
23 6:30 p.m., at which time we will commence the
24 public comment session of this remote public
25 hearing.

1 **Thank you, everyone. We'll see you at 6:30.**

2
3 **(End: 5:19 p.m.)**
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I hereby certify that the foregoing 128 Pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Zoom Remote Council Meeting (Teleconference) in Re: CONNECTICUT SITING COUNCIL PETITION NO. 1425, GAYLORD MOUNTAIN SOLAR PROJECT 2019, 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 1.9-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY LOCATED AT 360 GAYLORD MOUNTAIN ROAD IN HAMDEN, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on November 17, 2020.



Robert G. Dixon, CVR-M 857
Notary Public
BCT Reporting, LLC
55 Whiting Street, Suite 1A
Plainville, CT 06062
My Commission Expires: 6/30/2025

I N D E X

WITNESSES

PAGE

John Bamman
Amol Kapur
Jenny R. Nicolas
Bradley J. Parsons
Michael Libertine
Matthew Gustafson
Matthew S. Gabor 21

EXAMINATION

Page

By Mr. Baldwin 23
By Mr. Cunliffe 27