CERTIFIED COPY

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Petition No. 1443

SR North Stonington, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the proposed construction, maintenance and operation of a 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection.

VIA ZOOM AND TELECONFERENCE

Remote Public Hearing held on Tuesday, June 8, 2021, beginning at 2 p.m. via remote access.

H e l d B e f o r e:

JOHN MORISSETTE, Presiding Officer

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

Council Members:

ROBERT HANNON
Designee for Commissioner Katie Dykes
Department of Energy and Environmental Protection

QUAT NGUYEN
Designee for Chairman Marissa Paslick Gillett
Public Utilities Regulatory Authority

ROBERT SILVESTRI

DANIEL P. LYNCH, JR.

LOUANNE COOLEY

EDWARD EDELSON

Council Staff:

MELANIE BACHMAN, ESQ.
Executive Director and Staff Attorney

MICHAEL PERRONE
Siting Analyst

LISA FONTAINE
Fiscal Administrative Officer

For Petitioner SR North Stonington, LLC:
ROBINSON & COLE LLP
280 Trumbull Street
Hartford, Connecticut 06103-3597
BY: KENNETH C. BALDWIN, ESQ.
JONATHAN H. SCHAEFER, ESQ.

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

For Town of North Stonington:
SUISMAN, SHAPIRO, WOOL, BRENNAN, GRAY & GREENBERG, P.C.
20 South Anguilla Road
P.O. Box 1445
Pawcatuck, Connecticut 06379
BY: ROBERT A. AVENA, ESQ.

Also present: Aaron Demarest, Zoom co-host

****All participants were present via remote access.**

MR. MORISSETTE: This remote public hearing is called to order this Tuesday, June 8, 2021, at 2 p.m. My name is John Morissette, member and presiding officer of the Connecticut Siting Council. Other members of the Council are Robert Hannon, designee for Commissioner Katie Dykes, the Department of Energy and Environmental Protection. Quat Nguyen, designee for Chairman Marissa Paslick Gillett, the Public Utilities Regulatory Authority. Robert Silvestri, Daniel P. Lynch, Jr., Louanne Cooley, and Edward Edelson.

Members of the staff are Melanie Bachman, executive director and staff attorney; Michael Perrone, siting analyst; and Lisa Fontaine, fiscal administrative officer.

As everyone is aware, there is currently a statewide effort to prevent the spread of the Coronavirus. This is why the Council is holding this remote public hearing, and we ask for your patience. If you haven't done so already, I ask that everyone please mute their computer audio and their telephones now.

This hearing is being held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative

Procedure Act upon a petition from SR North Stonington, LLC for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the proposed construction, maintenance and operation of a 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection. This petition was received by the Council on February 25, 2021.

The Council's legal notice of the date and time of this remote public hearing was published in The Day on April 28, 2021. Upon this Council's request, the petitioner erected a sign near the proposed access road off the southern side of Providence New London Turnpike so as to inform the public of the name of the petitioner, the type of facility, the remote public hearing date, and contact information for the Council, which included the website and phone number.

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

this petition is prohibited by law.

The parties and intervenors to the proceeding are as follows: The petitioner, SR North Stonington, LLC, represented by Kenneth C. Baldwin, Esq. and Jonathan H. Schaefer, Esq. of Robinson & Cole LLP. The party is the Town of North Stonington represented by Robert A. Avena, Esq. of Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.

We will proceed in accordance with the prepared agenda, a copy of which is available on the Council's Petition No. 1443 webpage, along with the record of this matter, the public hearing notice, instructions for public access to this remote public hearing, and the Council's Citizens Guide to Siting Council Procedures. Interested persons may join any session of this public hearing to listen, but no public comments will be received during the 2 p.m. evidentiary session.

At the end of the evidentiary session, we will recess until 6:30 p.m. for the remote public comment session. Please be advised that any person may be removed from the remote evidentiary session or public comment session at the discretion of the Council. The 6:30 p.m.

public comment session will be reserved for members of the public who signed up in advance to make brief statements into the record.

I wish to note that the petitioner, parties and intervenors, including their representatives and witnesses, are not allowed to participate in the public comment session.

I also wish to note for those who are listening, and for the benefit of your friends and family who are unable to join us for the remote public comment session, that you or they may send written statements to the Council within 30 days of the date hereof by mail or email, and such written statements will be given the same weight as if spoken during the remote public comment session.

A verbatim transcript of this remote public hearing will be posted on the Council's Petition No. 1443 webpage and deposited with the North Stonington Town Clerk's Office for the convenience of the public.

Please be advised that the Council does not issue permits for stormwater management. If the proposed project is approved by the Council, a Department of Energy and Environmental Protection

(DEEP) Stormwater Permit is independently required. DEEP will hold a public hearing on any stormwater -- could hold a public hearing on any stormwater application.

Please also be advised that the Council's project evaluation criteria under the statute does not consider -- include consideration of property values.

We will take a 10 to 15 minute break at a convenient juncture around 3:30 p.m.

I wish to call your attention to those items shown in the hearing program marked Roman Numeral I-B, Items 1 through 102. Does the petitioner or any party or intervenor have an objection to the items that the Council has administratively noticed?

Attorney Baldwin.

MR. BALDWIN: No objection, Mr. Morissette.

MR. MORISSETTE: Thank you, Attorney Baldwin.

Attorney Avena.

MR. AVENA: No objection.

MR. MORISSETTE: Thank you, Attorney Avena.

Accordingly, the Council hereby administratively notices these existing documents.

(Council's Administrative Notice Items I-B-1 through I-B-102: Received in evidence.)

MR. MORISSETTE: We'll now move on to the appearance by the petitioner. Will the petitioner present its witness panel for the purposes of taking the oath? Attorney Bachman will administer the oath.

MR. BALDWIN: Thank you, Mr. Morissette. Again, Kenneth Baldwin and Jonathan Schaefer with Robinson & Cole on behalf of the petitioner, SR North Stonington, LLC. Our witness panel today will consist of several folks, some familiar faces, some not so familiar, but let me introduce them to you. To my immediate left is Mr. Dean Gustafson with All-Points Technology. To Dean's left is Mr. Dennis Quinn. Dennis is with Quinn Ecological, LLC. Next to Mr. Quinn is Peter Candelaria, a professional engineer, the chief development officer with Silicon Ranch. Next to Mr. Candelaria is Ali Weaver, the director of project development with Silicon Ranch. And last but not least -- I'm sorry, not last yet -- Matt Brawley, a civil engineer with HDR, the project

engineers. And then on the phone who is not able to join us in Hartford today is Vincent Ginter, an acoustical engineer with Urban Solutions Group, again on behalf of the project team. And I would offer our witnesses to be sworn at this time, Mr. Morissette.

MR. MORISSETTE: Thank you, Attorney Baldwin.

Attorney Bachman.

MS. BACHMAN: Thank you, Mr. Morissette. Could the witnesses please raise their right hand?

P E T E R C A N D E L A R I A,

A L I W E A V E R,

D E A N G U S T A F S O N,

D E N N I S Q U I N N,

M A T T H E W B R A W L E Y,

V I N C E N T G I N T E R,

called as witnesses, being first duly sworn by Ms. Bachman (remotely), were examined and testified on their oaths as follows:

MS. BACHMAN: Thank you.

MR. MORISSETTE: Thank you, Attorney Bachman.

Please begin by verifying all the

exhibits by the appropriate sworn witnesses.

DIRECT EXAMINATION

MR. BALDWIN: Thank you, Mr. Morissette.

The hearing program under Roman II, Section B, lists four exhibits submitted by the petitioner. There are numerous, as the Council I'm sure is aware, there are numerous subsections and attachments to those exhibits, but there are four exhibits. And we'll ask our witness panel to verify those exhibits in response to the following questions: Did you prepare, assist in the preparation, and are you familiar with the information contained in the exhibits listed in the hearing program under Roman II, Subsection B?

Mr. Gustafson.

THE WITNESS (Gustafson): Dean Gustafson. Yes.

MR. BALDWIN: Mr. Quinn.

THE WITNESS (Quinn): Dennis Quinn. Yes.

MR. BALDWIN: Mr. Candelaria.

THE WITNESS (Candelaria): Peter Candelaria. Yes.

MR. BALDWIN: Ms. Weaver.

THE WITNESS (Weaver): Ali Weaver. Yes.

MR. BALDWIN: Mr. Brawley.

THE WITNESS (Brawley): Matt Brawley. Yes.

MR. BALDWIN: Mr. Ginter.

THE WITNESS (Ginter): Vince Ginter. Yes.

MR. BALDWIN: Do you have any corrections, amendments or clarifications that you want to offer to the Council this afternoon as it relates to any of those exhibits?

Mr. Gustafson.

THE WITNESS (Gustafson): Dean Gustafson. Yes, I'd like to offer a clarification. A few of the exhibits have been prepared by others. I've reviewed those reports, in particular Applicant Exhibit U, the wetlands and habitat report, and I am in agreement with the existing conditions, information contained in that report. With respect to the project's impacts to those resources, the project design has been significantly modified since the date of that report. I was responsible for drafting several of the interrogatory responses that evaluated

resource impacts based on the current design which updates the information contained in Exhibit U.

The Siting Council has previously allowed petitions for consultants to adopt previous consultants' work, for example, please refer to more recent Petitions 1427 and 1378.

MR. BALDWIN: Thank you.

Mr. Quinn, any modifications, amendments to offer at this time?

THE WITNESS (Quinn): Dennis Quinn. No.

MR. BALDWIN: Mr. Candelaria.

THE WITNESS (Candelaria): Peter Candelaria. No.

MR. BALDWIN: Ms. Weaver.

THE WITNESS (Weaver): Ali Weaver. No.

MR. BALDWIN: Mr. Brawley.

THE WITNESS (Brawley): Matt Brawley. No.

MR. BALDWIN: Mr. Ginter.

THE WITNESS (Ginter): Vince Ginter. No.

MR. BALDWIN: Is the information contained in those exhibits with the modification and the clarifications true and accurate to the

best of your knowledge?

Mr. Gustafson.

THE WITNESS (Gustafson): Dean Gustafson. Yes.

MR. BALDWIN: Mr. Quinn.

THE WITNESS (Quinn): Dennis Quinn. Yes.

MR. BALDWIN: Mr. Candelaria.

THE WITNESS (Candelaria): Peter Candelaria. Yes.

MR. BALDWIN: Ms. Weaver.

THE WITNESS (Weaver): Ali Weaver. Yes.

MR. BALDWIN: Mr. Brawley.

THE WITNESS (Brawley): Matt Brawley. Yes.

MR. BALDWIN: Mr. Ginter.

THE WITNESS (Ginter): Vince Ginter. Yes.

MR. BALDWIN: And do you adopt the information in these exhibits as your testimony in this proceeding?

Mr. Gustafson.

THE WITNESS (Gustafson): Dean Gustafson. Yes, I do.

MR. BALDWIN: Mr. Quinn.

THE WITNESS (Quinn): Dennis Quinn. Yes, I do.

MR. BALDWIN: Mr. Candelaria.

THE WITNESS (Candelaria): Pete Candelaria. Yes, I do.

MR. BALDWIN: Ms. Weaver.

THE WITNESS (Weaver): Ali Weaver. Yes.

MR. BALDWIN: Mr. Brawley.

THE WITNESS (Brawley): Matt Brawley. Yes, I do.

MR. BALDWIN: Mr. Ginter.

THE WITNESS (Ginter): Vince Ginter. Yes, I do.

MR. BALDWIN: Mr. Morissette, I offer them as full exhibits.

MR. MORISSETTE: Thank you, Attorney Baldwin. Does the town object to the admission of the petitioner's exhibits, Attorney Avena?

MR. AVENA: Attorney Avena. No, the town does not.

MR. MORISSETTE: Thank you. The exhibits are hereby admitted.

(Petitioner's Exhibits II-B-1 through II-B-4: Received in evidence - described in index.)

MR. MORISSETTE: We will now begin with cross-examination of the petitioner by the Council starting with Mr. Perrone.

CROSS-EXAMINATION

MR. PERRONE: Thank you, Mr. Morissette.

What is the total estimated cost of the proposed project? I can repeat that. It may have froze. The total proposed cost of the project?

THE WITNESS (Candelaria): So this is Peter Candelaria on behalf of Silicon Ranch. I don't have that at my fingertips, but I can gather that information for you shortly.

MR. PERRONE: Okay. Generally, has the cost changed because of the revisions?

THE WITNESS (Candelaria): Yes. Peter Candelaria. Yes, it has. We've invested in a new module type of, the actual solar module. So we've taken the painstaking effort to identify another product that would help us further reduce the footprint and impacts that this project has and have invested in a higher wattage module which

helps further reduce those challenges that we've been trying to address.

MR. PERRONE: Do you have the total linear feet of fence for the proposed project?

THE WITNESS (Candelaria): This is Peter Candelaria. No, I do not, but that's something that we can identify.

MR. PERRONE: Okay. And the other part of that question is comparing that to the original proposed project, so original total length of fence versus revised.

Moving on, on page 8 of the petition I see that the petitioner is proposing inch and a quarter mesh for the fence. Why is the inch and a quarter mesh proposed?

THE WITNESS (Candelaria): This is Peter Candelaria with Silicon Ranch. And I apologize, I'm just taking notes as we go here, so bear with me. The fence proposal is made under what is generally considered the standard guideline for solar photovoltaic power plants by NESC code. So what we try to do is maintain that guideline, and really it's done with the intent of protecting the public from themselves. We want to keep curious neighborhood children out of the

facility. There's daylight, there's active electric products back there, and we want to be able to protect people from entering the site. So that's a standard fence design that we've used for that purpose.

MR. PERRONE: Okay. Referencing page 9 of the interrogatories, there was mention of stone walls. And my question is, could the stone walls be reconstructed and perhaps new stone walls built using material from on site to address the concerns of the neighbors?

THE WITNESS (Weaver): This is Ali Weaver. Yes, those discussions have been had, and we're still exploring that as well and open to continue exploring that.

MR. PERRONE: Do you have a general idea where you would be looking at stone wall construction at this time?

THE WITNESS (Weaver): We've talked about it specifically with those neighbors that will have year-round views of the project, which I think are listed in Question 10 of the interrogatories. Give me one moment, please. Yes, those neighbors are listed in the response to Question 10 of the interrogatories.

MR. PERRONE: Okay. And on the response to Council Interrogatory 40, which is on page 41 of the interrogatories, the petitioner is proposing ground screws to fasten the panels. And I saw that on page 2 of the geotech report they had mentioned W6 by 12 steel piles. My question is, why were ground screws chosen for this project?

THE WITNESS (Candelaria): This is Peter Candelaria, Silicon Ranch. The ground screws were chosen due to the potential for rock on that site. So we've got real challenges with subsurface rock that the ground screws will perform better.

MR. PERRONE: And referencing the response to Interrogatory 50, which is attachment 16, the O&M plan, I see there's no plans for snow removal. And my question is, would you need to plow your access drives to keep them accessible for maintenance purposes?

THE WITNESS (Candelaria): This is Peter Candelaria, Silicon Ranch. It's not necessarily a requirement to plow those drives unless we have a maintenance issue that we need to tend to. It would have to be something -- it

would not be planned. It's not a normal planned activity.

MR. PERRONE: Moving on to the topic of the electrical interconnection, from the petition originally there was mention of three poles. Based on the revised design, would we still be looking at 50 feet for the pole heights?

THE WITNESS (Candelaria): Yes. This is Peter Candelaria. The interconnection design will remain the same.

MR. PERRONE: And how many meters would be installed, would the full output of the facility go through one meter?

THE WITNESS (Candelaria): That's correct, one meter.

MR. PERRONE: I'd like to move on to the point of interconnection, the POI, and I see that is just south of Providence New London Turnpike. What I didn't see on the plans was how the solar arrays would connect to each other to accommodate one POI. Could you explain how that works?

THE WITNESS (Candelaria): So this is Peter Candelaria with Silicon Ranch. We'll aggregate all of our inverters into a piece of

switchgear, and it's shown on our site plan. And on the site plan, if you look, it's got the descriptor MV, which is medium voltage, switchgear, so MV switchgear.

MR. PERRONE: But to get from the solar arrays to that switchgear area would you underground it?

THE WITNESS (Candelaria): Yeah, underground. This would be underground for this project, yes, sir.

MR. PERRONE: Because I'm not seeing the underground route. I'm just wondering the general directions in case you need to cross wetlands or if you're going around that.

THE WITNESS (Weaver): Mr. Perrone, this is Ali Weaver. We can start on the northwest array, if we could, please. The MV, it's kind of hard to see on the printout, but it's in a light blue color that follows the access road accessing those arrays, and it heads south just on the east side of that access road to cross over -- well, excuse me, then it diverts east just a bit along Route 184 before it crosses the road at an aggregated point. Do you follow where -- and then on the northeastern array the MV route again in

light blue is on the east side of that access road and then heads west along Providence New London to aggregate with the same MV route from the northwestern array to cross the road there. If you go to the southeastern array, the MV cable sits in the northwest corner of that array to cross the wetland that's there and heads into the north -- or, excuse me, the southeastern array along that access road and up heading north into the point of interconnection.

MR. PERRONE: For the four array areas do you have an approximate AC megawatts on each one?

THE WITNESS (Weaver): We can get that for you.

MR. PERRONE: Okay.

THE WITNESS (Brawley): Mr. Perrone, this is Matt Brawley. I have the fence numbers that you were asking for.

MR. PERRONE: Sure.

THE WITNESS (Brawley): The original layout had 15,433 linear feet of fencing. The new layout has 13,967 linear feet of fencing.

MR. PERRONE: Thank you. On to the agriculture topic. Could any crops be cultivated

underneath the panels; and if so, what height of the panels would be necessary?

THE WITNESS (Weaver): Typically we don't cultivate crops. Specifically we'd prefer to use a native seed mix, and that's to help facilitate our Regenerative Energy Program. Typically the panel heights need to be a minimum of 2 feet, and that's also to be able to deploy just a standard mower as well for vegetative maintenance.

MR. PERRONE: And looking at the top of page 11 of the interrogatories, in the rare case that an herbicide is required, it would target specific weed species and follow the grazing restrictions set by USDA. My question is, what is in the grazing restrictions to protect the sheep from the areas treated by herbicides?

THE WITNESS (Weaver): We'll need to follow up with you on that.

MR. PERRONE: Okay. Back to the fence topic. With a 2 inch gap at the bottom, would that be a risk for the sheep with regard to predators?

THE WITNESS (Candelaria): This is Peter Candelaria of Silicon Ranch. We have not

had an issue with predators due to the 2 inch gap on the fence in any other locations across the U.S.

MR. PERRONE: Would the sheep be located in separate paddocks with no gap at the bottom?

THE WITNESS (Candelaria): So the sheep, as they enter, we have a controlled barrier that goes around the areas so that we limit the amount of space they occupy during, you know, a three-day rotation through each array block, and, you know, they're maintained within that region. We come in and outfit the array to have the appropriate barriers established for the sheep so that we can confine them within those regions as they rotate through the property.

MR. PERRONE: Turning to page 12 of the interrogatory responses, the project would impact two-tenths of an acre of forest free of the edge effects. So the 0.2 acre, how does that number compare with the original configuration?

MR. BALDWIN: I'm sorry, Mr. Perrone, could you repeat the question? You're on page 12 of the interrogatory responses?

MR. PERRONE: Yes. In roughly the

middle of the page, the project will impact approximately two-tenths of an acre area of forest free of edge effects, so the impacted area two-tenths for non-edge forest. And my question is, how does that two-tenths number compare with the original configuration, would it be comparable or different?

THE WITNESS (Weaver): It would be a decrease, Mr. Perrone, but I don't know the exact number. I'd have to go back to the original petition to find the first number.

MR. PERRONE: Okay. But the original is something more than the two-tenths?

THE WITNESS (Weaver): Correct.

MR. PERRONE: Okay. Moving on to response to Council Interrogatory 37, it gets into vernal pools. Is it correct to say the 100 foot vernal pool envelopes would be avoided for all vernal pools?

THE WITNESS (Gustafson): Dean Gustafson. Yes, that's correct. The project no longer creates any disturbance within the 100 foot vernal pool envelope for any of the 11 vernal pools identified on the property.

MR. PERRONE: With regard to the

critical terrestrial habitat for Vernal Pool 1 and Vernal Pool E, the post-construction exceeds 25 percent on those two?

THE WITNESS (Gustafson): Yeah, even with the redesign. And the 25 percent developed threshold on the critical terrestrial habitat is a reference to the best development practices by Calhoun and Klemens. So with respect to that, the project does reduce the amount of -- significantly the amount of activity within the critical terrestrial habitat of those two vernal pools, but it still exceeds 25 percent. And as alluded to in Interrogatory Number 37, an analysis was performed in accordance with the Army Corps' vernal pool best management practices, particularly for those two pools, to determine what effect the project is going to have on the critical directional corridors.

So the BMPs that the Corps applies and is also referenced in the Siting Council's administrative notice number 89 which adopts the Corps' BMPs, we took a look at the important directional corridors associated with those two vernal pools and determined that the directional corridors for each of those pools, which are

aligned with the forested wetland corridors and adjoining interlinking terrestrial habitats, that those directional corridors are going to be maintained with the redesign and there will be no adverse effect to those vernal pool habitats as a result.

MR. PERRONE: And just to have the numbers, if you have it handy, do you have the post-construction CTH numbers for Vernal Pool 1 and Vernal Pool E for the revised?

THE WITNESS (Gustafson): Again, Dean Gustafson. Unfortunately I don't have those numbers at my fingertips, but I will follow up with you on that at a later time.

MR. PERRONE: Okay. Returning to the interrogatories, page 8. This is related to the noise topic, the bottom of page 8, "not only do existing trees not provide a significant noise reduction, but none of the other factors involved in determining noise impact will remain unchanged." My question is, is the petitioner saying that the factors involved in determining the noise impacts will change?

THE WITNESS (Ginter): This is Vince Ginter from Urban Solution Group, the consultants.

Can you repeat the question?

MR. PERRONE: Sure. At the bottom of page 8 of the interrogatories and in the middle of the last paragraph it says "none of the other factors involved in determining noise impact will remain unchanged," and it uses as examples topography, proximity to the roads and receptor locations. Is the petitioner saying that the factors that determine noise impact will not change?

THE WITNESS (Ginter): So essentially what's happening is when we're looking at the noise impact, we're not talking about the facility sources. We're talking about removal of trees and the ambient noise levels due to the roadways, the I-95 and Route 184. And essentially there, I mean, we need to be very specific when we're looking at the noise impacts, we really need to talk about it on a specific receiver basis. But in general, when it comes to trees and foliage and this sort of thing, for the way that the solar facility is going to be laid out and the way that the receivers, the houses, are going to be laid out, and given the topography in the area, generally speaking, like I say, we can dig down

into specific receivers, but generally speaking, the trees that are being removed don't have a significant impact to cause an audible increase in noise level. And we define audible as generally taken as a 3 decibel to 5 decibel increase, but I'm taking it as kind of the lower end of that, 3 decibels is just the threshold of being able to tell that there is a difference at all.

And when we're looking at tree lines, it actually takes a very significant tree line difference, a depth of roughly 100 meters, 328 feet, to kind of make a difference, and it's got to be dense, you can't see through any kind of portion of it. And even then it's really the trees that are very close to the source and the trees that are very close to the receiver that make the difference. The trees in the middle don't make near as much of a difference. And there's several reasons for that, and it has to do with whether or not we're talking about an upper diffracting atmosphere, what we call a homogeneous versus kind of a straight through, or a downward diffracting atmosphere which we would have in something, a condition like a temperature inversion.

But again, generally speaking, the trees in the middle don't make anywhere near as much of a difference as the trees along the roadside source and the trees along the edges of the individual houses themselves. So when it comes to topography, that's not going to change. When it comes to the roadways and whatnot, that's not going to change. And given all those elements and given the facts of what I just outlined with how the tree attenuation works in general, no, I don't see any of those things changing, and therefore it's not going to have a significant difference.

MR. PERRONE: Regarding the noise impact assessment, which is attachment N of the petition, given the revisions to the project, are the analyses in that report still accurate?

THE WITNESS (Ginter): So, strictly speaking, the transformers have changed locations and some of the inverters as well, along with the solar panel layout from when the -- I'm sorry, this is Vince Ginter speaking, Urban Solution Group, acoustic consultant -- enough of it has changed, strictly speaking. No, the results of a new analysis would be slightly different.

However, given that the trees are treated as acoustically transparent and given that we're taking a very, kind of a low temperature, kind of a nice cool evening night to be conservative, the impact of the facility noise sources themselves are so low, and well below the limit set by the Connecticut DEEP regulation, strictly speaking, the results are not valid. But I don't see significant changes at any of the receiver points just because all of the noise sources associated with the project are very, very low which is very typical of solar type projects.

MR. PERRONE: Thank you. Moving on to response to Interrogatory 10, and that's related to attachment 6, and that is a figure that has distances to property lines and adjacent residences. That's for the revised project. Would it be possible to get a similar exhibit for the originally proposed project?

THE WITNESS (Weaver): This is Ali Weaver. No problem.

MR. PERRONE: Moving on to the stormwater topic. Has the petitioner had any further discussions with DEEP regarding stormwater?

THE WITNESS (Brawley): This is Matt Brawley. We actually have a pre-application meeting tomorrow for the revised layout.

MR. PERRONE: And as far as other topics related to DEEP, have you had any discussions with DEEP regarding posting sheep at the site, how that may potentially impact --

THE WITNESS (Weaver): Not specifically.

MR. PERRONE: And any discussions thus far with DEEP regarding dam safety?

THE WITNESS (Weaver): After the initial pre-application meeting, the intention was from September of 2020, the intention was to have a follow-up meeting with the DEEP dam safety group, which unfortunately did not occur. But given the redesign of the facility, we expect to have that consultation after the pre-application meeting tomorrow.

MR. PERRONE: Thank you. That's all I have.

MR. MORISSETTE: Thank you, Mr. Perrone. We will now continue with cross-examination by Mr. Edelson.

Mr. Edelson.

MR. EDELSON: Thank you, Mr. Morissette. I apologize, but at the very beginning when Mr. Baldwin was asking Mr. Gustafson about the documents and the exhibits, I guess I got used to the idea that people just said, just affirm. Could Mr. Gustafson repeat what he said there with regard to the exhibits and what has changed? And I apologize, I just was expecting you to give a perfunctory answer.

THE WITNESS (Gustafson): Sure, I'd be happy to. Dean Gustafson. So I had offered a clarification to the exhibits. So a few of those exhibits have been prepared by others. I've reviewed these reports, in particular Applicant Exhibit U, which is the Wetlands and Habitat Report. I am in agreement with the existing conditions, information contained in that report. With respect to the project's impacts to those resources, the project design has been significantly modified since the date of that report. I was responsible for drafting several of the interrogatory responses that evaluated resource impacts based on the current design which updates information contained in Exhibit U.

The Siting Council has on previous

petitions allowed for consultants to adopt previous consultants' work, for example, please refer to more recent Petitions 1427 and 1378.

MR. EDELSON: Thank you very much.

THE WITNESS (Gustafson): You're welcome.

MR. EDELSON: So I'd appreciate a little clarification on the land ownership. There apparently are a number of parcels, and the ownership of those parcels is not clear to me. And I would like to know who owns each of the parcels and what is the, let's say, relationship between SR and those particular parcels. In other words, are these owned outright, or are they owned through subsidiaries that you're affiliated with in some way, or are they third-party, or I should say arms-length agreements, I assume lease agreements? Again, clarification of who are the property owners and what's their relationship to the petitioner.

THE WITNESS (Weaver): Mr. Edelson, this is Ali Weaver. All five parcels are owned by Silicon Ranch Corporation for which SR North Stonington, LLC is a wholly-owned subsidiary of. So SR North Stonington, LLC will have a ground

lease executed with Silicon Ranch for the duration, if not longer, for the life cycle of the project.

MR. EDELSON: Now, on the GIS map for the Town of North Stonington it has a different ownership name, and I could look it up, but is that because the subsidiaries have recently purchased this property or is it just a different name? Do you know what I'm referring to in terms of the ownership?

THE WITNESS (Weaver): No, sir, I don't, but Silicon Ranch as the corporation will retain ownership. SR North Stonington will not be a vested real estate interest owner in the project, or, excuse me, in the property itself.

MR. EDELSON: So the name I'm seeing is, I'm not sure I'm pronouncing it correctly, Congeries Realty. Is that a prior owner, as far as you know, or that's not a name that sounds familiar? I see some shaking of heads.

MR. SCHAEFER: If you allow me, Mr. Edelson, I believe that's the property south of I-95.

MR. EDELSON: Okay. And that's not included in this?

THE WITNESS (Weaver): No, sir.

MR. EDELSON: My mistake. Questions about the term of the project. I believe in some places it talks about 40 years. And I'm trying to get my arms around that because it seems to me, in my reading of the narrative, there were different references to different time frames. So is the 40 years your expectation of the life of the panels you're purchasing?

THE WITNESS (Weaver): Yes, sir.

MR. EDELSON: And that's what the manufacturer is now saying, 40 years?

THE WITNESS (Weaver): Yes, sir.

MR. EDELSON: With the degradation that's noted in the narrative?

THE WITNESS (Weaver): Correct.

MR. EDELSON: Do you have plans to replace any of these over the course of the 40 year project, or it's you will stay with them throughout other than damage or malfunction?

THE WITNESS (Candelaria): Mr. Edelson, this is Peter Candelaria. So we do not plan to replace them during that term. So the 40 year design life basis is the minimum life span of that facility. And those modules will produce beyond

that term. So we are, you know, make assessments what to do at that point in time, but the degradation of the newer modules are so minimal that they could operate well beyond that timeline.

MR. EDELSON: Well, that's very good news. I'm not sure I had heard that before, and that really helps the economics, I would say, of all of these projects if we can see that type of degradation improved. So although you refer to decommissioning, that's not necessarily what will happen in year 40. Again, if I understood what you said, as long as these keep producing, you'll keep churning out kilowatt hours and sell them as best you can, but your existing PPA is only for 20 years?

THE WITNESS (Weaver): Yes, sir.

MR. EDELSON: The intention is come year 18 or something like that, renegotiate with whoever the company is here in Connecticut, that period of time?

THE WITNESS (Candelaria): Correct.

MR. EDELSON: Thank you. I just wanted to, we've had some conversations on these projects about the overhead connections. Clearly, you have an overhead connection here, and I think you

referred to the idea that the reliability improvements about going underground were so small it wasn't worth the expense. And I'm just curious if, from a visibility point of view, if the town felt that this would be important or if abutting property owners thought it was important, would you be willing to receive their financial input to help pay for that? In other words, if they came and said this is important to us, it's got a value to it, we're willing to pay for that, would you be open to that idea?

THE WITNESS (Candelaria): Mr. Edelson, are you referring to the interconnection tie line back to the substation?

MR. EDELSON: I believe so. These are the poles that need to be put and --

THE WITNESS (Candelaria): Right.

MR. EDELSON: -- or overhead connection with poles along the road there?

THE WITNESS (Candelaria): This is Peter Candelaria with Silicon Ranch. We would be open to that conversation. My primary concern would be with Eversource and the amount of time that an adjustment like that would have on the project's overall schedule.

MR. EDELSON: Okay.

THE WITNESS (Weaver): Mr. Edelson, if I can add in as well. This is Ali Weaver. Eversource will own the line back to the substation, and so undergrounding that line would be at their discretion as well.

MR. EDELSON: But if you were to -- at this point if you were to, if the Council was to ask you to do that because of visibility, that would have a financial cost to you, or to the project?

THE WITNESS (Weaver): Yes.

THE WITNESS (Candelaria): That's correct.

MR. EDELSON: And that's my understanding. So even though Eversource is involved, it would be your nickel?

THE WITNESS (Weaver): That's correct.

MR. EDELSON: And I think I can assume from your answer no one has offered to help compensate you for any expense related to going underground?

THE WITNESS (Weaver): That's correct, no one has, no.

MR. EDELSON: And do you have an

estimate, a ballpark estimate, I'm not looking for a real precise number, of what that would cost? I'm trying to balance that out against the visibility issue.

THE WITNESS (Weaver): Of just undergrounding the line, just that component?

MR. EDELSON: Right, not having the overhead, not having the poles, and basically going underground.

THE WITNESS (Candelaria): Mr. Edelson, this is Peter Candelaria. I do not. I've learned that the numbers in Connecticut are very different from other parts of the country, so I'm not even going to venture a guess here. I'd prefer to call back to Eversource to better understand what those numbers would look like.

MR. BALDWIN: Mr. Edelson, I'm sorry, could I ask just for a clarification to make sure that I'm understanding the question properly? You're talking about the interconnection line that would come from the project to the nearest substation as a part of the Eversource distribution system? Because I believe currently the proposal is to use existing overhead distribution lines to get to that substation. And

so I guess the question that I have, Mr. Edelson, is, are you suggesting that -- you're not suggesting that all of those distribution lines go underground, just the interconnection line from this facility?

MR. EDELSON: This was what was in the narrative in Section 3.5 called Interconnection, and at the bottom of, let's say, page 10 referred to, it says, after the connection -- this is kind of like the last paragraph on that page. "After the connection passes under the fence line, it enters the switchgear, and then transitions overhead via a single riser pole. Pole-mounted metering will be located at the transition point. While an underground route to Eversource's distribution system may be more reliable, the relative magnitude of reliability improvement in comparison to an overhead solution is expected to be minimal and would not warrant the additional cost and disturbance."

The reason for my question is, in prior applications there has been concern, not applications of SR, concern about the visibility of what I understood to be those poles related to that interconnection. So maybe I'm

misunderstanding what I'm reading, it would not be the first time, but that's what I'm referring to. And I understand, you know, the petitioner say, when we look at reliability and trading off reliability and cost, it didn't pass the muster test, it didn't pass the economic test, but there is often a visibility question, more of a qualitative assessment, if you will. And I was trying to get some facts there and some numbers to kind of understand if we were really concerned about that and the cost and who's the beneficiary.

THE WITNESS (Weaver): Mr. Edelson, this is Ali Weaver. So I guess to clarify my previous statement then, that is correct, the three utility poles that are expected to be installed will be the only three new poles. Eversource will be utilizing the existing right-of-way and route that they have from the substation to the project property, and then be installing just the three new poles on the petitioner's property. Those will be owned by Eversource. So the statement would still remain the same, which is that we would need to work with Eversource in this conversation, but yes, we would be open to having that conversation for

undergrounding, if needed. I don't know though, I think we would still need to look into the cost component of what it would take to underground those and can get back to you after talking with Eversource.

MR. EDELSON: Okay. So in the narrative there was some discussion that seemed counter to my understanding, and maybe you can help explain this, and this has to do with the statement that these solar panels, in terms of what they generate as power, corresponds to the peak demand. And my understanding is that the peak power production of the solar panels is more in the midday, you know, 10 a.m. to 2, 3 p.m., but peak demand is much more geared towards the evening as peak demand happens mostly for residential purposes. So could you help clarify why you say, I think, basically saying that these supply and demand peaks correlate very well? Again, as I explained, my understanding is they don't often really do that.

THE WITNESS (Candelaria): Mr. Edelson, this is Peter Candelaria with Silicon Ranch. So our peak production is generally going to be coincident with a good portion of the peak demand,

so it's not going to cover peak demand in its entirety, you know, it's an intermittent resource. We don't control our fuel, but it does take out a good portion of that peak demand that's typically going to be coincident with higher temperatures and air-conditioning load, et cetera. So we're able to reduce the amount of peak capacity to a certain hour to a smaller degree of utilization of what it would have been otherwise.

MR. EDELSON: All right. Well, I feel like the statement in the narrative was a lot more aggressive, and maybe too aggressive. So shaving off, overlapping is one thing, but I think the statement there was a little more about a higher correlation.

Switching back though or feeding off on that, you indicated that you would be interested in participating in the ISO New England forward capacity market, but, to be clear, you have not yet ever applied for that?

THE WITNESS (Weaver): That's correct.

MR. EDELSON: You only plan to do that at what point?

THE WITNESS (Candelaria): So Mr. Edelson, this is Peter Candelaria with Silicon

Ranch. We have to have a conversation with our offtaker first, the actual PPA counterparty, before we can enter the product for other solicitations. They likely have title to that capacity, so they may be the participant in that auction, not us, but we need to have some conversations with them before entering any sort of request.

MR. EDELSON: Because of the PPA, you kind of feel like you're almost a third party to that application?

THE WITNESS (Candelaria): Correct. Generally speaking, PPAs will sign three priority attributes, energy, capacity and the renewable RECs.

MR. EDELSON: Okay. I want to turn back to something Mr. Perrone brought up, and that's snow removal. And in this case, though, I'm really thinking about the panels themselves. We've heard many people say, well, the snow will be removed naturally if there's snowfall and no effort to go out there to do that, but we saw months ago, like six months ago the case in Texas where snow remained on many of the solar panels and that really interfered with the capacity of

the area. Have you looked into any approaches to looking at snow removal on the panels in the event that we have a combination of a heavy snowfall followed by a deep freeze?

THE WITNESS (Candelaria): Mr. Edelson, we have not. So our facilities are not part of that type of critical infrastructure requirement yet where we're providing lights in the event of a system outage or something along those lines, similar to what happened with Texas. In fact, utilities force us to go offline if other generation resources are out. So we are not permitted to black start the grid. So, in the event of that type of critical system failure, we're not, currently solar is not permitted to provide that type of emergency response. And the way we've approached the facilities currently is to allow for that snow to manage to melt naturally and will come back to operate when it's appropriate. You know, if there was a change in how systems operate and electric systems want to look at solar as that type of resource, we can easily look at opportunities to improve that type of emergency response.

MR. EDELSON: Okay. I think at this

point those are all the questions I have, Mr. Morissette. So thank you very much. I'll turn it back to you.

MR. MORISSETTE: Thank you, Mr. Edelson. We will now continue with cross-examination by Mr. Nguyen.

Mr. Nguyen, please.

MR. NGUYEN: Thank you. Can you hear me? Thank you, Mr. Morissette.

Just a few questions. If I could ask the company to pay attention to page number 12 of the narrative.

MR. BALDWIN: Is this the application narrative, Mr. Nguyen?

MR. NGUYEN: Yes. Right in the middle of the page it's indicated that the Facilities Study is the final step prior to receiving an interconnection agreement, interconnection authorization, installation, commissioning tests and final approval to energize the system. So the question is, who would authorize that approval to energize the system?

THE WITNESS (Candelaria): Mr. Nguyen, this is Peter Candelaria with Silicon Ranch. The grid operator, so Eversource as the

interconnection utility, would authorize us to energize the facility. They will come out, they'll do some phase checks, and they go through a series of QA/QC type of operations and safety measures and checks, and they will be the party to authorize us to start pushing electrons onto their grid.

MR. NGUYEN: Okay. If I could ask you to turn to page 35 of the interrogatory responses, answer, response to Interrogatory Number 33. The question for number 33 asks are there any wells on this site or in the vicinity of the site; and if so, how would the petitioner protect the wells and/or water quality from construction impacts. And the answer I saw with that, there are no drinking water wells on the project site. But at the end of that paragraph it indicated it wasn't clear from the information provided whether each of the wells identified are used for the supply of residential drinking water. Do you see that?

THE WITNESS (Weaver): Yes.

MR. NGUYEN: I'm curious as to, so are there any drinking wells on the site or you just don't know the information?

THE WITNESS (Weaver): This is Ali

Weaver. There are not any water wells on site that are used for drinking water.

MR. NGUYEN: But then it indicated it is not clear from the information provided whether each of the wells identified are used for the supply of residential drinking water, and that confused me. I hope you can clarify that for me.

THE WITNESS (Weaver): Mr. Nguyen, I think that was in reference to the abutters' properties. Those wells, it's unclear whether water wells on the abutting properties were used for drinking water or not.

MR. NGUYEN: And does the company have any intention to find out?

THE WITNESS (Weaver): No. We pulled the information from, we consulted with Ledge Light Health District, and then had the information verified by the local water utility, but that information was not included in that.

MR. NGUYEN: Do you have any intention to find out whether or not those wells are used for supply of residential drinking water?

THE WITNESS (Weaver): Not at this time.

THE WITNESS (Gustafson): Mr. Nguyen,

Dean Gustafson. If I can just expand upon the response. With respect to protecting the aquifer protection area and any potential surrounding wells, during construction of the facility various best management practices will be employed. Those will include a spill prevention plan, temporary stormwater controls, and extensive erosion and sedimentation control measures which will mitigate any potential impacts to the aquifer during construction.

MR. NGUYEN: Okay. And I'm not sure if the information is in the record, but what are the proposed construction hours and days for this project?

THE WITNESS (Weaver): Mr. Nguyen, if you'll let me, I think we have it in the petition, but let me just double check. Mr. Nguyen, we're proposing 7 a.m. to 7 p.m. Monday through Saturday and then Sundays only as required.

MR. BALDWIN: Just for reference, Mr. Nguyen, that information is included in the petition which is the petitioner's Exhibit 1 on page 18.

MR. NGUYEN: I'm sorry, what page?

MR. BALDWIN: 18.

MR. NGUYEN: And you mentioned about if it's necessary on Sunday. What are you referring to, what is considered necessary?

THE WITNESS (Weaver): It's only in instances during construction if we're doing, a lot of times for our electrical testing those need to be repeated for days, consecutive days, one after another, in order to pass performance testing before we can actually push power to the grid and hit commercial operation date. So a lot of times during that time period we'll need to work on Sundays in order to meet those requirements.

THE WITNESS (Candelaria): Mr. Nguyen, this is Peter Candelaria with Silicon Ranch. Other times are when the utility is also restricting, like, say, if there's an outage restriction, they don't want to disrupt business in order to integrate our interconnection system, so we may have to have a crew out there on Sunday. It's happened on occasion, we'll have some weekend work in order to accommodate high load, high demand periods of time.

MR. NGUYEN: Okay. Thank you very much. That's all I have, Mr. Morissette. Thanks.

MR. MORISSETTE: Thank you, Mr. Nguyen. We will now continue with cross-examination by Mr. Silvestri.

Mr. Silvestri.

MR. SILVESTRI: Thank you, Mr. Morissette. I'd like to begin with the Spill Response and Notification Procedures document that you have marked as "draft." And the first question I have for you on that is, who are, or maybe who is, Miller Brothers?

THE WITNESS (Candelaria): Mr. Silvestri, Miller Brothers is the EPC firm that we're working with. This is Peter Candelaria. Miller Brothers is the EPC firm we're working with to help us construct the facility. They're our construction partner for the project.

MR. SILVESTRI: So they would be on site throughout construction; is that correct?

THE WITNESS (Candelaria): That's correct.

MR. SILVESTRI: Okay. Second question I have, is Lisa Rancitelli an employee of Miller Brothers?

THE WITNESS (Candelaria): Mr. Silvestri, this is Peter Candelaria. I am not

familiar with that name. I can certainly find out.

MR. SILVESTRI: Yeah, it's on the first page of that document under reporting procedures which is why I asked the question.

A related question I have on that, it basically says if she cannot be reached the site supervisor can make initial determination of the severity of the incident. So the related question I have, is the site supervisor a Miller Brothers employee?

THE WITNESS (Candelaria): Mr. Silvestri, that is correct, Miller Brothers will be the responsible party for the site. They will maintain the response, the supervision, to construct the facility.

MR. SILVESTRI: All right. So the outlier that we have is whether Lisa Rancitelli is an employee of Miller Brothers?

THE WITNESS (Candelaria): Correct.

MR. SILVESTRI: Okay. Turning to page 2 of that document, we have Liquid Waste Containment as a subtitle. And Item Number 3 says, "Chemical substances should be stored in proper containers to minimize the potential for a

spill. Whenever possible, chemicals should be kept in closed containers and stored so they are not exposed to stormwater." My question, what chemicals would be stored on site?

THE WITNESS (Candelaria): Mr. Silvestri, we don't use many chemicals on site other than what you would use to maintain the operating vehicles. It might be some lubricants and things for the pile driver machines, you know, some grease and things for the heavy equipment during construction, and maybe some spray paint and such for marking utilities and that sort of thing.

THE WITNESS (Weaver): Mr. Silvestri.

MR. SILVESTRI: I don't know --

THE WITNESS (Weaver): Sorry. This is Ali Weaver. If I could direct you down to Question Number 34, I think we reference here what our expected sources on site is just to be fuel storage, which we expect to be located in the laydown area which is on the south side of Route 184 on the northwest corner of that array, as where we would expect to have three 500 gallon above storage tanks in this location, and each tank will be double walled and will use secondary

containment.

MR. SILVESTRI: I want to come back to that topic at the end of my questions for you. Again, I saw chemical substances. Chemical to me is a little bit different from petroleum type products which is why I had posed the question.

Let me move on, however. Under the next section on page 2 you have "Liquid Waste Release Events." You do have a misspelling of Miller Brothers. I'll just point that out. But the more important note I have is under Spill Clean Up on number 2 it says, "If the spill is contained by the primary containment, no cleanup is needed." What does that mean?

THE WITNESS (Candelaria): So Mr. Silvestri, if you have primary and secondary containment and the spill is contained within the primary containment, you're not going to need cleanup beyond, you know, dealing with a primary containment spill. Does that make sense?

MR. SILVESTRI: No. If you could give me an example of what you might be talking about for primary containment, it might make sense.

THE WITNESS (Candelaria): So what we've done -- I can use fuel storage as an

example. Sometimes we'll have double bermed stored fuel where they're lined in double, yeah, double lined, double bermed storage. If our tank spills and it's in the primary containment area within that first spill area, containment area, we're going to back that, deal with that area, but we don't necessarily need to deploy an abatement program or anything outside of the containment zone beyond that.

MR. SILVESTRI: Wouldn't that raise a red flag, though, that something is going on within that piece of equipment that you have that really needs attention before the primary containment might be breached and then it goes maybe to secondary containment or otherwise?

THE WITNESS (Candelaria): So the primary containment vessel would obviously be replaced or dealt with, repaired if you are to continue use of it if you know it's leaking.

MR. SILVESTRI: All right. Like I said, let me come back to this document at the end of my questions because I do have a few more, but I do want to get onto a couple of things that were not talked about earlier by other Council members.

Let me refer you to the response to

Interrogatory Number 10 which is the property lines and abutters. If you could pull that document up along with the drawings and the maps that are there, it would be quite helpful. The first area I'd like to talk about is Area 4. And in Area 4 there is a 104 foot setback that's identified in red, but there appears to be other structures at 476 Providence New London Turnpike, at least they're kind of in gray in that drawing. Could you tell me what those other structures are?

MR. BALDWIN: Mr. Silvestri, could I just make sure that we're all on the same page? This is an attachment to the interrogatory responses that we're talking about?

MR. SILVESTRI: Yeah, number 10.

MR. BALDWIN: Number 10.

MR. SILVESTRI: And if my computer didn't crash, I'd be able to give you specifics, but I've got to wait for that to come back.

MR. MORISSETTE: I think it's attachment 6.

MR. BALDWIN: Thank you. Attachment 6 of the interrogatory responses. Thank you.

Do you have that?

THE WITNESS (Weaver): Yes. I'm sorry,

Mr. Silvestri, can you just repeat the question?

MR. SILVESTRI: Yeah. Again, starting with Area 4, there is a red line that has 104 feet which seems to be from either the fence line or the property line to some building at 476 Providence New London Turnpike. But if I look at that shading that's there, there appears to be other structures at that property that are located closer to the fence line and property line, and I'm curious what those other structures are.

THE WITNESS (Weaver): Sure. This is Ali Weaver. The building that's closest to the property line there in gray is the horse stable, it's an open shelter for a horse, and then there is a dog kennel type of facility that the landowner, to our knowledge, has several dogs on site that utilize kind of an outside facility there.

MR. SILVESTRI: So the 104 feet is to the residence at that --

THE WITNESS (Weaver): That's correct.

MR. SILVESTRI: Okay. Thank you. Let me stay with this area, and you might have answered this question, but I'll pose it again. What type of fence is proposed for that northern

boundary that abuts 476 Providence New London Turnpike?

THE WITNESS (Weaver): We're suggesting a 6 foot chain link fence with 1 foot three-strand barbed wire for the entire facility.

MR. SILVESTRI: And the mesh, again, is one and a quarter inch; is that correct?

THE WITNESS (Weaver): Yes, sir.

MR. SILVESTRI: Is any landscaping proposed for that area to screen the views of either the fence using panels or other types of landscaping?

THE WITNESS (Weaver): We've been in discussions with that neighbor in ongoing conversations about different mitigation for not only long term but for construction as well. Those are ongoing discussions.

MR. SILVESTRI: So that's an open item still?

THE WITNESS (Weaver): Yes, sir.

MR. SILVESTRI: All right. Will a fence that's only a half a foot from the property boundary cause potential problems with either installation or future maintenance and upkeep?

THE WITNESS (Weaver): No, sir.

MR. SILVESTRI: All right. If sheep are grazing in Area 4, would they be roaming up to the fence line?

THE WITNESS (Weaver): So within the array we'll have another smaller wired fence put up. It's unclear, we don't have plans at this point as to where the smaller systems will be installed within that facility. So I would say, you know, if we don't have a -- if we have a fence up to that line, then, yes, technically the sheep could go up to that point.

MR. SILVESTRI: All right. So what --

THE WITNESS (Candelaria): Mr. Silvestri, just for further clarification. It's not likely. So we're likely to use the area between the fence and the array for vehicle travel, so that's not an area that typically has vegetation growth. We will typically utilize an aggregate base for those areas so that we can traverse around the array. I don't know if you can see on the drawing, but there's a little bit of a, it kind of looks like stone, it's a hatching that they use in that area. So the sheep are generally going to be penned within the footprint of the array itself and not necessarily out to the

extent of the fence, if that makes sense.

MR. SILVESTRI: No, I hear you, and I can see that on my drawing. But the question or concern that I have is, is there a potential for dogs, as you mentioned there's a kennel on the other side of the fence, so is there a question for dogs to see the sheep and cause all sorts of problems? The bottom line on that is what could be done to, say, make the sheep less visible or that whole area less visible, especially to the kennels and the dogs that are there?

THE WITNESS (Weaver): Understood. We've been in discussion with that neighbor. And I think, generally speaking, we, every project has their own land management assigned to it, and so what we've described in our application here as part of our Regenerative Energy Program is that sheep could potentially be used on site as a part of that system. Based on the feedback that we receive today and ongoing conversations with neighbors, we may ultimately decide that sheep aren't the best resource for us out here and may not deploy them, or it could be that they don't fit well within a specific array system. So those are conversations that we'll continue to have and

receive feedback from that specific neighbor, and of course the Siting Council, to make that final determination on the best land management program for the site.

MR. SILVESTRI: Yeah, that was kind of a follow-up question that I had. Because in looking at some of the responses to the interrogatories, what you had just mentioned now about the sheep, the question I was going to pose to you is will sheep actually be used on site, and it sounds like that's still up in the air.

THE WITNESS (Weaver): It's up in the air to the extent that, you know, we continue to have these conversations with the Council and with the town and with our neighbors. We're offering it as something that we see as a potential for this site, and so we would recommend the use of, however, we want to make sure that, you know, we're working within our community as well. And because of the unique situation having the dogs on the other side of the fence there at 476 Providence New London, and then we've got two other kennels adjacent in other locations as well, we may come out of these conversations deciding it may not be the best location. So that's the

reason it would still be up in the air. I think we're suggesting we do think it would be a good project to have the sheep.

MR. SILVESTRI: But it could also be a possibility that maybe you don't want to put sheep in Area 4, but the other three areas might be suitable, or some combination of that; would that be correct?

THE WITNESS (Weaver): Absolutely. We're flexible.

MR. SILVESTRI: All right. I didn't want to jump this far ahead, but on the topic of the sheep you do have the Integrated Vegetation Management Plan. Does that include pollinator plantings?

THE WITNESS (Weaver): Some of our projects do include pollinator plantings. This project specifically does not.

MR. SILVESTRI: Okay. Thank you for the answer. Because the follow-up I had, if you were going to say yes it would have pollinator plantings, I was curious if there is a potential for the sheep to eat the existing pollinator plants, but if you're not going to plant them, then that question would be kind of moot at this

point.

Let me pose two other questions on sheep, if I may. If you do have sheep there, would they be present overnight?

THE WITNESS (Weaver): Yes.

MR. SILVESTRI: And if you do have sheep there, how would the sheep be cared for and potentially evacuated in the event of a fire?

THE WITNESS (Weaver): Good question. So we work with local ranchers on all of our facilities that we deploy sheep at. We'll use local ranchers that are usually within the community or directly adjacent to, so that way if there is any type of emergency there's a quick deployment response in order to address that. In the event that, you know, fires are not very common at our facilities, so I can't speak to a scenario where we've been able to address that specifically, but of course time would be of the essence.

MR. SILVESTRI: So the sheep would be there unattended?

THE WITNESS (Candelaria): This is Peter Candelaria, Mr. Silvestri. So they will be attended during the day. We have a shepherd out

there during the day while they're on site, and also maintain a, it sounds kind of silly, but a sheep dog that's out there with them as well for protection against other --

THE WITNESS (Weaver): Wildlife.

THE WITNESS (Candelaria): -- other carnivores or predators that are out there. So we do maintain protection for the sheep while they're there. They spend three days in each portion of the array, so they rotate through on a pasture based type of grazing, and then they roll back out to whichever farm we're working with to help us facilitate the grazing.

MR. SILVESTRI: But the shepherd and the sheep dog would only be there during the daytime?

THE WITNESS (Candelaria): The dog, I believe, stays overnight. The shepherd is only there during the day.

MR. SILVESTRI: Okay. And what happens with the sheep overnight, do they get put into a pen or do they continue to roam?

THE WITNESS (Candelaria): They roam within that penned up area. We've got them confined to a pretty small area while they're

working through the different segments of the array. We'd be happy to show -- we can provide some photographs of a similar installation, if you'd like to see that.

MR. SILVESTRI: I think you do have some other types of call them Late-Files, if you will, that will be coming. I'd appreciate seeing that one. But again, related to that, should something happen at night, and let's say it's a fire, how would you know and how would somebody be able to get to the solar farm in a rapid manner and evacuate the sheep?

THE WITNESS (Weaver): This is Ali Weaver. The facilities are remotely monitored 24/7/365. So overnight we're using a third-party remote monitoring system that's helping us. And we can get down to the specific module when we have an outage of where the issue is coming from, so we know very quickly if something is happening. In that instance we would be working with our third-party vendor, our on-team O&M -- our in-house O&M team as well who would be on call for that specific night and would be working with the sheep vendor directly for a response.

THE WITNESS (Candelaria): This is

Peter Candelaria. I can add a little more color. So we have a network operations center in Nashville. That Network Operations Center is also mirrored with whichever local O&M provider we'll be working with. Within that screen when we're grazing -- we have the entire country up on our screens up there -- you'll see little, we have a little sheep logo, and that tells us that that particular facility is being grazed at that moment in time. Then you can zoom into that particular facility, and then you can see within that facility that you can zoom in and you'll see within that facility where the sheep are currently grazing.

So in the event we get an alarm, and it can happen at any time, we're monitored 24/7. So if we get an alarm that there's an event, we can notify all the appropriate parties to respond to that event appropriately. So we've got somebody on site, we've got -- if there's an individual on site, a person, or sheep, whatever happens to be there, we can notify the emergency personnel, the actual farmer, if it's an overnight issue, for the farmer to come out and respond to help get the sheep out of the site, but we've got all of that

remote capability for our entire network.

MR. SILVESTRI: That's intriguing, and I'm glad I asked the question. So you can actually monitor the sheep on site. Would that be through cameras or some other types of means?

THE WITNESS (Candelaria): So the way we've got it set up is as the farmers check into the site, we tag along within our network, our SCADA system that that particular facility is being grazed, and then that turns our little logos on, it sounds kind of silly, but it helps us distinguish what's going on out there. And so we have a little sheep logo hovering over that facility. And some of these facilities can be hundreds of acres. So having one logo across that space may not be very helpful when you're trying to coordinate electricians and other disciplines to come in and do work. So we've come up with a good scheme so that within that array those farmers are checking into those specific components of the work through the facility, and then the operators know to make those adjustments as they're working through it. If that makes sense. I don't know if I'm doing a good job of explaining this, but it's a lot easier to show you

on a screen.

MR. SILVESTRI: No, I appreciate your response. I'm learning a little bit more about sheep monitoring and site monitoring, if you will, so I do appreciate your response on that one.

Let me leave the sheep for the time being and go back to the response to Interrogatory Number 10, and I believe you said attachment 6 that went along with that one. We talked about Area 4. Right now I want to look at Area 2, if you could pull up the little graphic on that one for me. On Area 2 I have a similar question. There is a house that's at 477 Providence New London Turnpike kind of right in the southeast corner of the property line. It's marked at about 82 feet away from the property line, if you could see that. And the question I have for you, is landscaping proposed either through fence slats or other types of vegetation to try to screen that area from the solar array?

THE WITNESS (Weaver): This is Ali Weaver. We are currently working with that neighbor to develop a landscaping visual mitigation plan specific to that property, in fact, discussions as early as today, so that's

still in progress.

MR. SILVESTRI: Thank you for that response. Let me continue with two other areas that are here. If I look at Area 1, again, the fence I assume would be the same. We have the property at 435 Providence New London Turnpike. Are discussions going on with that particular neighbor also about landscaping?

THE WITNESS (Weaver): They are, yes, sir.

MR. SILVESTRI: Okay. Thank you. And then a bigger question related to Area 1. Why are the two sections of panels in that area bifurcated as opposed to being more closely together?

THE WITNESS (Brawley): This is Matt Brawley. That area has a significant topo feature in there that would require a significant amount of grading work to be done. And as an effort to reduce our disturbance on the site, we've tried to reduce the amount of grading that we were going to do so it would have less impacts on erosion control and stormwater and everything else down the line.

MR. SILVESTRI: Thank you. I couldn't pick that up from that particular drawing, but I

had to pose that question. Thank you.

Let me turn also to Area 3. And again, a similar question. You have a property at 454 Providence New London Turnpike. Are discussions also going on with that particular property owner about landscaping as well?

THE WITNESS (Weaver): This is Ali Weaver. We have reached out to that neighbor, and they declined a meeting.

MR. SILVESTRI: Okay. Thank you. And also with that area, am I correct that the stormwater basin will now be relocated somewhat north and away from that vernal pool with the redesign?

THE WITNESS (Brawley): This is Matt Brawley. Yes, if you look at attachment 2 of the revised map, yes, the blue outline of the basin is where it was originally, and it's been shifted north to the red outline to pull it outside of the vernal pool.

MR. SILVESTRI: Got you. That's what I thought. Thank you for that clarification.

Okay. Now I'd like to turn to what I have marked as attachment 2, Exhibit 2, and I believe this is from the interrogatories. It's

the comparison map.

THE WITNESS (Brawley): Yes.

MR. SILVESTRI: A question for you. Area 4, would that be accessed from Boombridge Road, is that correct?

THE WITNESS (Brawley): This is Matt Brawley. Yes, that is using an existing what's like a farm access road that we would just be upgrading to provide access there. That way we're not doing any crossings of the creek and Wetland E to get to that portion.

MR. SILVESTRI: But there are at least two crossings there currently; is that correct?

THE WITNESS (Brawley): Yes.

MR. SILVESTRI: And what would be done to, or does anything have to be done to improve that road for construction vehicle access, et cetera?

THE WITNESS (Brawley): Both of the current culverts that are located on that entrance would not meet the current CT DEEP standards, so we will be upgrading them to arch culverts and openings that would meet the current DEEP standards.

MR. SILVESTRI: Arch is proposed for

both of the crossings, arch culverts?

THE WITNESS (Brawley): Yes.

MR. SILVESTRI: Okay. Thank you. Let's see, the next question I have goes to drawing PV-101 which I believe also came in from the interrogatory set.

MR. BALDWIN: Say the attachment, Mr. Silvestri.

MR. SILVESTRI: Counselor, I'm not sure. My computer didn't come back yet.

MR. MORISSETTE: I believe it's attachment 1.

MR. BALDWIN: Thank you.

MR. SILVESTRI: It's array details, PV-101. And again, I apologize that my computer is having a hard time coming back. Do you have that one?

MR. BALDWIN: Yes.

MR. SILVESTRI: Okay. First of all, the box A-2, I just want to make sure that that signifies Wetland 2 as opposed to what we're looking at as Area 1. Is that correct?

THE WITNESS (Gustafson): Mr. Silvestri, this is Dean Gustafson. That is a wetland identifier A-2.

MR. SILVESTRI: Okay. Thank you on that one. But again, a related question that I had before about Area 4, how will Wetland 2 be crossed to gain access to Area 1?

THE WITNESS (Brawley): This is Matt Brawley. Wetland A-2, we are proposing a box culvert that we will submerge 25 percent of it below the bottom of the stream. And that's really so we can provide fewer permanent impacts. Because to put in a large enough arch to get the required flow through that area, we'd have to put fill in to fill around the arch, whereas with a box we can get the more rectangular opening to get the required flow.

MR. SILVESTRI: Is there an existing crossing there now?

THE WITNESS (Brawley): No, there is no existing crossing.

MR. SILVESTRI: Okay. So that would be a box, and that would be new?

THE WITNESS (Brawley): Correct.

MR. SILVESTRI: Okay. Thank you. All right. Moving on to the redesign, in the original submittal we had it was 455 watt panels, 28,971 panels. We now have 475 watt panels being

proposed. How many panels?

THE WITNESS (Weaver): This is Ali Weaver. It's 29,625.

MR. SILVESTRI: So the number of panels went up?

THE WITNESS (Weaver): Yes.

MR. SILVESTRI: I'm confused. If we had 455 panels originally, watt panels, and there were 28,971 of them, if you come in with higher wattage panels wouldn't you have less panels to install?

THE WITNESS (Candelaria): So this is Peter Candelaria. The array, the module capacity corresponds to the DC capacity. That doesn't necessarily translate into the AC capacity. We're ideally going be operating in a more efficient manner. So the challenges that we have on this particular site is we needed to mitigate as much tree clearing as possible for purposes of shading and to also condense our footprint to deal with the environmental constraints. As a result of those constraints, what ends up happening is our yield gets impacted because we're having to deal with more shading. In order to compensate for some of that yield impact, we're having to spend

more money on a bit more modules to compensate for that loss of production due to the shading, if that makes sense.

THE WITNESS (Weaver): The row-to-row spacing decreased, if I can add on. The row-to-row spacing decreased as a part of that. And so in order to increase the size of the DC system, we had to add on extra modules.

MR. SILVESTRI: So how many modules again are you proposing with the redesign?

THE WITNESS (Weaver): 29,625. And that's on that same exhibit that you had referenced there in the legend under project details, six rows down.

MR. SILVESTRI: All right. Follow me on the math here. Originally 455, 28,971. If I do the math on that, I come out with 13.86 megawatts DC. If I take 475 watt panels and do a reverse calculation, I come out with 28,632 panels that would give me the same amount of DC. What am I missing?

THE WITNESS (Candelaria): The shading impact. So what happens is if we're able to -- there's something in the solar industry we call the ground coverage ratio, so the amount of, the

more space there is between the modules, the less shading impact there's going to be between from the module row in front to the module row behind it. So the further we can space them out, the more optimal yield we have. In order to make this site work, we had to condense this down and narrow the spacing between the arrays. So what ends up happening is the array in front will shade the array behind it, so we're losing yield. So when it's shaded you're not producing power. So in order to make up for that yield, we had to go to a higher density module and install a few more in a tighter space to deal with the impact of the loss of the shading.

MR. SILVESTRI: I can understand the decrease in space between the panels, but let me pose a follow-up question to that. If I read correctly, there were two new parcels that were purchased to accommodate the redesign. So if we have more panels coming into play because of shading, what did the additional two parcels do to try to move things around?

THE WITNESS (Weaver): To clarify, the two parcels were added on in 2018, so before any of the design efforts were underway. The parcels

were added on after the field investigations had kicked off and it became clear that there were going to be significant environmental constraints on the southern parcel that would warrant the need for additional land.

MR. SILVESTRI: So that was all with the original design, those two parcels?

THE WITNESS (Weaver): That's correct.

MR. SILVESTRI: Okay. Let me pose another follow-up to what we were just discussing. If we go back to the narrative, the original narrative that was submitted, and I'm looking at page 16 at this point, what is meant by "Due to the constrained usable area for siting PV panels at the site"?

THE WITNESS (Weaver): I'm sorry, can you repeat which page you're on again? Did you say 18?

MR. SILVESTRI: 16, one-six, and this is the original submittal, the narrative.

THE WITNESS (Weaver): And I'm sorry, can you redirect me to which sentence you're referring to?

MR. SILVESTRI: Bear with me.

THE WITNESS (Weaver): I found it, "Due

to the constrained usable area," you're referring to that sentence?

MR. SILVESTRI: Yeah, basically what I'm looking for is an explanation as to what is meant by "Due to the constrained usable area for siting PV panels at the site."

THE WITNESS (Weaver): The intent of that sentence is really to be an overarching statement about all of the constraints on site, so that's a mixture of environmental constraints, topography, geotechnical considerations, any archeological considerations, kind of the culmination of those items. Within the PV array itself, because in this redesign we've gone outside of the wetland area, really the biggest constraint for us in that space is going to be topography and the proximity of our panels from one another.

MR. SILVESTRI: So whatever constraints might have been present, it appears that you're trying to overcome those by a number of methods, again, moving things around, moving away from wetlands, moving away from vernal pools, looking at the shading, et cetera; is that correct?

THE WITNESS (Weaver): That's correct.

These higher wattage modules have really allowed us the ability to do that.

MR. SILVESTRI: I want to change gears a little bit, and there might be a little repetition here based on what Mr. Perrone and Mr. Edelson had asked you, so bear with me on this one. Just to verify, within the project fence line will all the electrical connections be underground?

THE WITNESS (Candelaria): Mr. Silvestri, this is Peter Candelaria. With the exception of the switchgear, so the switchgear is pad mounted, but it's enclosed, it's an enclosed piece of gear, you know, it's safe to touch, it's grounded, all of that business. The DC to DC wiring behind the modules will be above grade, obviously, but those are the little string wires that are behind the modules and fit up with the racking. All of the other cabling goes underground and terminations are made. And this is a string system, so there will be cables coming up into our screen inverters, that's above ground, but it's in the actual inverter hardware itself. There aren't just cable terminations above grade, if that's what you're asking.

MR. SILVESTRI: And again, we're going to head to the fence line but it's going to be underground, correct?

THE WITNESS (Candelaria): Correct. Our DC cabling is intended to be underground, within the footprint of the array will be underground. The only overhead is going to be coming from Eversource.

MR. SILVESTRI: Okay. But after the fence line, if I have it correct, the connection transfers to a single riser pole, also correct?

THE WITNESS (Candelaria): Let me verify because I understood it to be a three pole lineup.

MR. SILVESTRI: Well, after that it seems that the three 50 foot poles come into play, but I want to make sure what comes first.

THE WITNESS (Candelaria): Okay. So there's a three pole lineup that's overhead. Our system goes to a piece of switchgear up to a single pole, that's correct, and then there's a three pole lineup for the meter and disconnect from Eversource.

MR. SILVESTRI: Okay. And how do those three 50 foot poles come into play, what would be

connected to them or how do you connect to them?

THE WITNESS (Candelaria): So those are Eversource's, that's Eversource's equipment, and those poles would house their disconnect switch, will house a recloser, and will house a meter.

MR. SILVESTRI: Would each pole have a meter?

THE WITNESS (Candelaria): No, sir, it would just have one meter.

MR. SILVESTRI: One meter.

THE WITNESS (Candelaria): So each pole typically holds a piece of hardware, a meter, one is going to have a disconnect switch, one is going to have a recloser.

MR. SILVESTRI: Okay. And all that, the three poles and all the equipment on there would be owned by Eversource, correct?

THE WITNESS (Candelaria): That's correct.

MR. SILVESTRI: So your point of transfer would be that single pole riser?

THE WITNESS (Candelaria): That's right. Let me double check how it's drafted here. It has a single pole riser coming off of our -- it's on the low side of the -- or the high side of

our primary, of our switchgear.

MR. SILVESTRI: Okay. Thank you. And I forgot how we left off with Mr. Edelson. I think he had asked what is the projected additional cost for total undergrounding that. I forgot how we left off with that though.

THE WITNESS (Candelaria): Yes. So that's going to be -- so I think this is a bit more complicated than what you all are considering. This isn't a line that's solely focused for our facility. This line, it's on existing structures. So if you're going to want to put the entire -- all the circuits that these poles are supporting underground, it's going to be a pretty complicated exercise because we don't know what Eversource is feeding off of that existing corridor and those existing structures. So they may have to go through some -- this is going to be a pretty substantial effort. This is not something that is likely to be done without significant cost and disruption.

MR. SILVESTRI: No, understood, but again, visual impacts are also another part of it, but I'll let it go at that. I think between Mr. Perrone, Mr. Edelson and myself there might be

some follow-up questions by other Council members, but I'm going to move on to a couple other topics that I have.

All right. New topic for you, and this deals with the small cemetery that's located in the westerly portion of the site. Is that an active cemetery?

THE WITNESS (Weaver): Can you define what you mean by "active," Mr. Silvestri? Are people visiting it?

MR. SILVESTRI: Well, two things, I mean, are people still being buried there, and do people come and visit?

THE WITNESS (Weaver): No, people are not still being buried there, and, to my knowledge, there has been no one to visit since we've been the property owner.

MR. SILVESTRI: Okay. Then a related question I have, was ground penetrating radar used in the perimeter of the cemetery to potentially locate unmarked graves?

THE WITNESS (Weaver): I'm not sure, Mr. Silvestri. I'll have to get back to you.

MR. SILVESTRI: What I'm trying to figure out is, you mentioned a 100 foot setback,

and I didn't know if that was presumptive or if there was actual some underground work with ground penetrating radar that kind of set that out, so yeah --

THE WITNESS (Weaver): I'm sorry, Mr. Silvestri. I could offer up how we came up with that buffer that might be helpful. It was in discussions from our archeological specialist with SHPO, with CT SHPO, about the location of the cemetery, and we had offered to them that, you know, a 100 foot setback from there should hopefully be more than sufficient to make sure there would be no disturbance, and SHPO had agreed with us at that time. It was more of an informal buffer set.

MR. SILVESTRI: Okay. Thank you. Then I'd like you to turn to page 25 of the narrative, and this is the original submittal. And a quote I have is REMA's R-E-M-A's, botanist conducted a moderate-intensity survey for the Low -- I can't read my own writing -- Frostweed. So the question I have was, what is a "moderate-intensity survey"?

THE WITNESS (Gustafson): Mr. Silvestri, Dean Gustafson. Typically, you know, a moderate-intense survey is, you know, looking at

potential habitat for the species, in this case Low Frostweed, and seeing if there are any occurrences within the potential habitat zones. High intensity would be setting up, you know, a grid system across the entire site, doing transects and plots on a, you know, whatever, 10 meter, a 30 meter grid pattern.

So the reason why they did a moderate-intensity survey is that the area of potential Low Frostweed habitat is in the southern portion of the site associated with the former sand and gravel activity, and that area will not be disturbed by the project and will be conserved, so that level of survey was deemed sufficient.

MR. SILVESTRI: Thank you, Mr. Gustafson. Also though, the related question I had, is there a quote/unquote low intensity survey?

THE WITNESS (Gustafson): I mean, typically we would never qualify anything as low intensity, so at least in my mind, no, there wouldn't be.

MR. SILVESTRI: Okay. You mentioned this was moderate, you mentioned about the high. I just had to ask if there was a low. Thank you.

Let me stay with that narrative, page 29 this time, and Mr. Gustafson, this is probably also for you. Page 29 comments that the site has approximately 34 acres of wetland area. Can you identify or verify how many individual wetlands contribute to that 34 acres?

THE WITNESS (Gustafson): I mean, I can get back to you on the area, but it's compiled within the mapping that's provided to the Council and the surveys. I mean, there are a number of small isolated wetlands that have been provided individual identifiers, and that's really for the purposes of description, but a lot of those small wetland systems are kind of contained within larger wetland corridors. So I'm not sure exactly what you're asking for in your question. So if you could clarify it, I can maybe answer it a little bit better.

MR. SILVESTRI: How many individual wetlands, 10, 12, 15?

THE WITNESS (Gustafson): I can count them up and provide you an answer in a moment.

MR. SILVESTRI: All right. Let me move on. You might be able to do that during the break and get back to us. But I do have a related

question though, because on that same page it continues that the project is expected to have a direct impact on less than 4,000 square feet. So the follow-up questions I have are two: First of all, which wetlands will be subject to a direct impact, and overall how has that changed with the redesign?

THE WITNESS (Gustafson): Again, Dean Gustafson. There are three wetland crossings proposed for the project that will result in direct wetland impacts. Those are the only direct wetland impacts proposed for the project. And those occur at Wetland A-2, which in the wetland mapping it's identified as Area 1, A-1, or the impact area. And that was originally 1,136 square feet of impact. That's been reduced to 628 square feet. And that's associated with some redesign of the crossing structure to ensure that we're maintaining natural stream crossing design standards in accordance with the Connecticut DEEP fisheries guidance.

The second impact area is Wetland B/1B as identified as Area 1, impact Area 1, A-3. That is an existing woods road crossing that has a damaged culvert that will be upgraded with an

arch, 9 foot arch culvert. The original impact area was 2,334 square feet at that location. That has been reduced to 2,092 square feet with the improvements to the design crossing.

And then finally Wetland A/1A, as impact Area 1, A-4, again, that's on the same existing woods road, it's a separate wetland crossing. That will replace an existing culvert. And that area has been -- was originally 279 square feet, and with the arch culvert, the 10 foot arch culvert that will span that area, there will be no direct impacts, so zero.

So the original total wetland impacts area was 3,749 square feet. That has been reduced to 2,720 square feet now.

MR. SILVESTRI: Very good. Thank you. The numbers that you just quoted, were they in the redesign and answers to the interrogatory, or is that something that we'd ask you to put together and submit to us?

THE WITNESS (Gustafson): No, that is in the interrogatory responses. And if you give me a moment, I can identify which question it responded to.

MR. SILVESTRI: No, I can find it.

Again, those came in late, in my opinion, that I just didn't have the chance to tabularize that.

All right. Let me move on. And I'd like to talk about spadefoot toads, if there's somebody that could talk about spadefoot toads.

THE WITNESS (Quinn): This is Dennis Quinn. I can speak on the spadefoot toad.

MR. SILVESTRI: Thank you. How does one survey for spadefoot toads?

THE WITNESS (Quinn): This is Dennis Quinn. There's a few methods that you can use to survey for spadefoot toads. Some of the older methodologies would employ things like pitfall traps where you would install silt fencing and then bury buckets into the ground so the toads would go up against the silt fence and fall into those traps. Over the past decade I've developed some new methodologies. The most effective methodology is using nighttime eyeshine surveys with high output, high 1,000 lumen LED headlamps, and these illuminate the eyes of the spadefoot at night. So if you're going out to survey for these during the appropriate conditions when the spadefoot would expect to be active, their eyes will illuminate and make their detectability very,

very easy.

MR. SILVESTRI: How about sound, anything used to detect the sounds of spadefoot toads?

THE WITNESS (Quinn): Again, Dennis Quinn. Yes, you can use sound to detect spadefoot toad; however, using audible recording devices to detect spadefoots isn't really a good method primarily because their breeding choruses are the only times that you will hear them, audibly be able to hear a spadefoot toad. And their breeding is very sporadic. They may not even breed every year. And unlike many other amphibians, they do not have a breeding season. Their breeding can begin as early as the end of April and occur any time through the end of August. So being able to time when an audible survey would be conducted would be very difficult to do. Your best option on actually detecting the presence of spadefoots would be to do the nighttime eyeshine surveys because you could skip a year or two in between breedings. And if you're only using audible methodologies to detect spadefoots, if they don't breed on that year or any subsequent year, you would miss the presence of spadefoots on the site.

MR. SILVESTRI: Very good. Thank you. And when you do your nighttime surveys, you wait at least 30 minutes after sunset or a longer period of time?

THE WITNESS (Quinn): Dennis Quinn. We typically wait approximately 30 minutes. We find that, you know, it depends on how the sun is going up and coming throughout the season, but 30 minutes after dark they tend to get active around 9:30 p.m. at night, depending on the weather conditions, the nighttime air temperatures. If it's a little bit cooler out, they tend to be active a little bit later, but usually around 9 to 9:30 p.m. is when you start to see activity. That activity typically continues for a window of about three to four hours tailing off sometimes around 1 or 2.

And I should make clear, when I say "tailing off," the spadefoots are still active through the morning hours. It's just their detectability goes far down because they're an ambush predator. Once they settle into where they're going to ambush their prey for the night, their detectability gets very difficult. You need to catch them when they're actively seeking out

the area that they're going to use to hunt down prey for the night.

MR. SILVESTRI: Thank you. And the results of your May survey were?

THE WITNESS (Quinn): To date we have conducted seven spadefoot surveys. This has been an extremely difficult season for spadefoot detection primarily because it's been a very dry season, but also we've been plagued with a lot of very cold nighttime temperatures. Fortunately this past weekend, the weekend of the 28th, we had some very heavy rains come through. The North Stonington area had just under a cumulative of 3 inches of rain, and spadefoots did become active in North Stonington.

So we've been detecting them at two known sites in North Stonington since the 31st of August -- I'm sorry, the 31st of May -- and they began breeding in three towns in Connecticut starting June 1st continuing through June 2nd. They bred in Lisbon, Connecticut at two sites, one site in Plainfield, Connecticut, and two sites in Canterbury, Connecticut. No breeding was detected in the Town of North Stonington, although breeding conditions were basically the same as they were in

the three towns we did document breeding, so we would expect that if breeding was to have happened it probably should have happened in North Stonington during this period. To date we have not detected spadefoots on the subject property.

MR. SILVESTRI: Very good. Thank you for your response. I have two other questions for you. One of them is quick, one of them might be a little bit longer, but not on the topic of spadefoot toads, but thank you again for your response.

THE WITNESS (Quinn): You're welcome.

MR. SILVESTRI: Back on Interrogatory Number 48, the question was asked as to what the width of the road was needed post-construction, and the answer came back at 16 feet. The question I have is what's the minimum road width required for construction?

THE WITNESS (Candelaria): So Mr. Silvestri, this is Peter Candelaria. During construction we can get away with effectively no roads during construction. We're constructing all that from zero. So the roads are really only required for installation of the inverter pads, for the inverters themselves, and even those we're

bringing in some pretty heavy equipment. I mean, really 8 foot wide is what you need at a minimum of developed road to get, you know, heavy equipment in and clearance to unload, but you do need to have at least 8 foot prepped surface in an area to get those guys turned around and out of the site.

MR. SILVESTRI: Okay. Thank you.

MR. MORISSETTE: Mr. Silvestri, before you continue, I'd like to have a break at this point and we can come back and finish up with your questions.

MR. SILVESTRI: Sure. No problem, Mr. Morissette.

MR. MORISSETTE: Very good. Let's go to 10 after 4, and we will reconvene. Thank you, everyone.

(Whereupon, a recess was taken from 3:53 p.m. until 4:10 p.m.)

MR. MORISSETTE: We'll now continue with cross-examination by Mr. Silvestri.

Mr. Silvestri, thank you for --

MR. SILVESTRI: Thank you, Mr. Morissette. No, no problem. Thank you.

MR. LYNCH: Mr. Morissette, before Mr.

Silvestri starts.

MR. MORISSETTE: Yes, Mr. Lynch.

MR. LYNCH: They are installing a new security system in the office today and the feds finally got down to my end of the office, so they're kicking me out. So I apologize. And I'm sorry for interrupting Mr. Silvestri, but I'll catch you on the next go-around.

MR. MORISSETTE: Very good. Thank you, Mr. Lynch.

MR. SILVESTRI: Very good. During the break that we just had my computer decided to cooperate and came back, and I could actually go back into the interrogatory responses that we received. So I'm able to access the numbers that we talked about with Mr. Gustafson with the wetland impact. You do have other homework assignments. Could you possibly put those numbers in a tabular form just to show what was predicted from the original design and what the redesign would show?

THE WITNESS (Gustafson): Yes, Dean Gustafson, that would not be a problem to follow up. And yes, our interrogatory response number 2 provided a summation, but it did not provide the

itemization, so we'll follow up with that.

MR. SILVESTRI: Thank you. Like I said, I did get it back and I went through that, so I appreciate it.

To continue, I want to go back to the original narrative that was submitted with the petition, this time on page 30. And if you could pull that up and look at the very last paragraph on that page it has, "In large part, the ability to conserve all 11 vernal pools at the site is due to the petitioner's willingness to acquire two additional parcels which allowed the project to be repositioned to the north and further away from the majority of the vernal pools." And a question that I have for you, were any other parcels investigated to potentially move things like access roads and/or panels further away from the property lines?

THE WITNESS (Weaver): This is Ali Weaver. Yes, they were. Ultimately what we landed on was that the two parcels to the north provided us enough property to work around the environmental constraints that were expected, you know, amongst other things, like you mentioned, the access roads as well given, you know, in the

closest proximity to those southern parcels.

MR. SILVESTRI: But you investigated but decided that nothing else would come into play?

THE WITNESS (Weaver): Correct. There were only frankly a few other options for parcels directly adjacent to us that we could expand on for this project. Given the few options, the parcels to the north were the best fit, but the analysis was completed. Thank you.

MR. SILVESTRI: Got you. Thank you for your response. And as mentioned earlier, I did want to get back to the spill prevention plan, the three 500 gallon above-ground tanks that were mentioned as well. So I think this is my last set of questions for this particular topic. What's proposed for fuel storage, first of all, in those three 500 gallon above-ground storage tanks?

THE WITNESS (Weaver): What type of fuel would be in the storage tanks?

MR. SILVESTRI: Yes.

THE WITNESS (Weaver): It's diesel, Mr. Silvestri.

MR. SILVESTRI: I'm sorry?

THE WITNESS (Weaver): Diesel is

proposed to be the fuel in the tanks which will be just utilized for the equipment on site.

MR. SILVESTRI: So diesel fuel, okay.

THE WITNESS (Weaver): Yes, sir. And if I may, I can confirm, going back to one of your previous questions about Lisa Rancitelli being an employee of Miller Brothers, we did confirm that during the break.

MR. SILVESTRI: Thank you for that as well. Getting back to the tanks, what type of firefighting materials would be present in the event of a fire?

THE WITNESS (Candelaria): Mr. Silvestri, this is Pete Candelaria. We do maintain fire extinguishers at the containment areas for firefighting purposes. Beyond that I'd have to go back and reference our spill containment plan and emergency response plans to see what additional fire protection equipment we may have, but I do know that we maintain fire extinguishers there.

MR. SILVESTRI: At present there's nothing specific in your draft spill response procedure for those tanks. But has fuel storage been discussed with the local fire marshal and

fire department?

THE WITNESS (Weaver): This is Ali Weaver. We plan to have a conversation and likely a training if the local fire department wishes. Typically we'll set up those conversations in every jurisdiction that we have a project just before construction actually commences. So we have a conversation about protocol during construction, then also long term during the O&M phase as well. Those protocols will differ.

MR. SILVESTRI: But at this point as far as those three tanks go, no discussion has occurred yet with the fire marshal?

THE WITNESS (Weaver): That's correct. And I'll note too that those tanks are temporary just during construction, so the fire extinguishers that are proposed are temporary in nature with those while they're on site as well.

MR. SILVESTRI: Understood. Has placement of the tanks been discussed with the Connecticut Department of Energy and Environmental Protection?

THE WITNESS (Weaver): I would expect that that conversation will occur during the pre-application meeting tomorrow for this

redesign.

MR. SILVESTRI: I would definitely bring it up. I remember back that we have in Connecticut the Connecticut Aquifer Protection Area Program Municipal Manual that's issued by the Connecticut DEEP. I believe there might be a permit or registration that goes along with that. But if I recall correctly, apparently any regulated activity involving the dispensing of oil or petroleum from an above-ground tank with an aggregate volume of 2,000 gallons or less would need dispensing to take place solely on a paved surface which is covered by a roof, that you would have the double wall tanks, but they would need overfill alarms, and that they also call for above-ground piping. Within that Connecticut Aquifer Protection Area Program Municipal Manual there's also a model hazardous spill response plan that I think would be of great value.

So my recommendation to you at this point, if you're going to meet with DEEP, I would definitely bring this up about the storage and the Connecticut Aquifer Protection Area Program Municipal Manual, as well as looking at that response plan that they have as a model in that

document and see how everything pieces together.

THE WITNESS (Weaver): Thank you.

MR. SILVESTRI: Mr. Morissette, I'm all set with my questions. Thank you.

MR. BALDWIN: Mr. Morissette, if I might interrupt. Also during the break Ali Weaver did touch on one of the homework assignments from the earlier session. There were a couple more items that, if you don't mind, we could address very quickly to touch on a few other homework assignments.

MR. MORISSETTE: Certainly. That would be good. Thank you.

MR. BALDWIN: Okay. Mr. Candelaria and Ms. Weaver, there were three items we discussed. Could you handle those?

THE WITNESS (Weaver): Sure. Mr. Perrone, I think you asked a question about what the USDA grazing restrictions were for herbicides with sheep as one of your earlier questions. And we looked into this, and the grazing restrictions are product specific, so depending on the herbicide that was deployed, it would depend on that specific herbicide. And the restrictions are actually included just on the product label on the

product itself, and so we would be consulting. Of course, if there were additional questions or consultation that we felt was necessary, we would absolutely consult with the USDA directly as well.

MR. PERRONE: Thank you.

THE WITNESS (Candelaria): Mr. Perrone, this is Peter Candelaria. One of the questions you had was with respect to the project cost. What we're seeing as the current project cost, based on the adjustments we've made to accommodate some of the design considerations, we're looking in the range of 12 to $15 million currently with what we're anticipating the project cost to be based on some of the adjustments that we've made. And hopefully that helps to address that question.

Separately both you and Mr. Silvestri have asked about putting a portion of the above-grade system below grade. And for clarification, I just want to make sure we're on the same page. Are we talking about the three poles that the utility is bringing, the new poles, the three 50 foot poles, about putting those underground, was that the question?

MR. MORISSETTE: Yes. We were referring to the interconnection point going to

the distribution system. So it would be the three poles and the one point of interconnection pole. So it would a total of four poles, if possible.

THE WITNESS (Candelaria): Okay. So technically, yes, we can put those into a similar piece of switchgear. It would be the same sort of, it's like a green box. From the outside it looks like the same kind of green box you see on any street corner or, you know, behind a big Walmart or something like that. So let us work with Eversource. I think that's something that we can work to accommodate without much disruption.

MR. MORISSETTE: Very good. Anything else, Attorney Baldwin?

THE WITNESS (Gustafson): Dean Gustafson. Just one last thing. Mr. Silvestri had a question about how many wetlands were located on the subject property. There are a total of 25 different wetlands being identified with the majority of those features located in the southern portion of the project area.

MR. MORISSETTE: Thank you, Mr. Gustafson. Anything else?

MR. BALDWIN: I think that's all. Thank you, Mr. Morissette. I appreciate the

accommodation.

MR. MORISSETTE: Thank you, Attorney Baldwin. We will now continue to cross-examine by Mr. Hannon.

MR. HANNON: Thank you. I'm just glad that I don't have a 30 second delay today.

My first question, it's been discussed a little bit, but I'm taking a little different tact on it. There was dialogue about the cemetery, and I believe there was a comment that since the petitioner has owned the property they haven't seen anybody out there. However, given the proposed project, if somebody were to visit, how would they get access?

THE WITNESS (Weaver): We could work with that person to likely access somewhere near. If you look to the southwestern array, I think that that would be the most logical space. There you'll see that there is a space between the proposed limit of disturbance and our property line that I think that we would look to have access I think would be the most direct route. Cranberry Bog Road is also to the west, southwest there. There has been some overgrowth that's kind of occurred in that area, so it is a bit thick to

get through by foot. You would have to walk through there. You certainly wouldn't be able to drive. So I think those are the two options that we would explore.

MR. HANNON: Okay. Thank you. On page 7 of the original submittal there's a comment, "some earth work is proposed throughout the project area in order to control stormwater runoff and meet equipment tolerances." Given the changes in the plan, is that statement still consistent?

THE WITNESS (Brawley): This is Matt Brawley. What we have done is, you know, with the equipment changes we have been able to increase the slope that we can build upon, but there are still areas of the site that have to be graded to place the racking equipment on along with grading for conveyance ditches and stormwater basins and a clean water diversion berm in the north.

MR. HANNON: Thank you. On page 8 of the original submittal it talks about the entire project will be surrounded by a 7 foot chain linked fence topped with one foot of barbed wire in accordance with National Electric Safety Code standards, the regulations. The town has mentioned that they would prefer to see fencing

that's more consistent with what's done in that general neighborhood. What's your comment to that?

THE WITNESS (Candelaria): Mr. Hannon, this is Peter Candelaria with Silicon Ranch. We would be open to some discussions to see if there's some opportunities to come up with something that provides a better aesthetic, but the real challenge is just making sure that we secure the facility and protect the citizens from the risk of electrocution. I mean, that's our biggest worry and concern that a curious kid may find his way into the site.

THE WITNESS (Weaver): If I can add on, Mr. Hannon. There has been historical trespassing on the southern parcels particularly. We ended up installing a gate last summer, June or July of 2020, installed a gate off of Boombridge Road where most of the access has been occurring, and since the installation of that gate we've seen evidence through additional illegal dumping and trash, track marks, that likely there still is some access that's occurring. And so given the historical trespassing and having the facility on site, I think we are wanting to make sure that

we're taking extra precautions here in the neighborhood.

MR. HANNON: Okay. Thank you.

THE WITNESS (Weaver): And if I may, Mr. Hannon, I apologize, one more comment. We did provide a response in the interrogatories. On Question 3 we provided a detailed response there on the fencing as well.

MR. HANNON: Okay. Thank you. Sort of following up on what Mr. Silvestri was asking about earlier, I have to admit I was kind of surprised about three 500 gallon above-ground tanks being proposed on the site. Because some of the comments earlier, so for example on page 15, some hazardous substances are required to be used or stored on the site during construction or operation of the project, including gasoline or diesel-powered equipment. And I noticed that on the July, or, I'm sorry, the June 1st submittal it talks about all chemical and petroleum products contained or stored on site, excluding those contained within vehicles and equipment, will be provided with an impermeable containment which will hold at least 110 percent of the volume of the target container or 10 percent of the total

volume of all the containers in the area, whichever is larger. So I have to admit, I was kind of taken aback by three 500 gallon fuel tanks being proposed on site. I'm just trying to figure out what's the rationale for that?

THE WITNESS (Candelaria): Mr. Hannon, this is Peter Candelaria. The rationale is only for temporary use during the civil work. So we've got about 90 days of civil, heavy civil work that we need to do to get the site graded. We would probably have those fuel tanks out there for a portion of that 90 days. I don't know that we would even utilize a full 90 day duration. It might be out there for 30 to 60 days to facilitate the heavy equipment that would be on site during that period. It's really just to make ease of the work for workflow. It just helps to have the fuel on site rather than trucking it in for each individual vehicle.

THE WITNESS (Weaver): And condense it, if I may add on. You know, as we look at our schedule, it allows us to kind of continue operations as opposed to having to stop to refuel, bringing, likely, trucks in to refuel the equipment. So it just ends up dragging -- or the

duration of construction does increase a bit when we start to add in things like off site fuel, but we can absolutely look at that further, if needed.

MR. HANNON: Again, part of the reason why I'm even bringing it up, because the town is talking about a water supply protection overlay zone, so this to me does not sort of coexist with that zone that the town has identified. So I'm just saying it's a concern to me that this is being proposed in such a sensitive area. I mean, that's sort of my comment on it.

On page 16 of the original submittal, it talks about the proposed layout results in an average annual shading loss of approximately 2 percent, which I think was primarily related to trees. But given the comments made earlier, is what are you now looking at as far as the average annual shading loss because it sounds like the panels are being moved closer together so the front panel is now going to be shading a little bit of the rear panel, so how much are you losing in that respect?

THE WITNESS (Weaver): Give us just one minute, if you can. Mr. Hannon, on Question Number 28 of the interrogatory set we did talk

about the presence of shading and the trees that were estimated there, but I see that we haven't broken down the overall shading analysis of what we're expecting for the project. So we'll need to look into that number and can get back to you.

MR. HANNON: Thank you. And the reason I'm asking is, because now, because of the revised layout, does that mean that there's less shading and so fewer trees need to come down and maybe there's more shading because of the panels being closer together. That's why I was asking.

THE WITNESS (Weaver): Sure. And I can actually speak to that piece and then can still follow up with a number, if I may. The project redesign has an overall reduced footprint of 3 acres. So the originally submitted design was 47 acres. This design, new design, is 44 acres. So we are -- now that means 3 additional acres of trees will remain. We have chosen to take on more shading, the project will take on more shading, you know, as a part of the project production, and that's why we're seeing the increase AC to DC ratio in an effort to leave up more trees and cause less environmental disturbance. So I'll follow up with that number to get that quantity

for you.

MR. HANNON: Okay. Thank you. And it sounds like that may also address a question that Mr. Silvestri had earlier about how you have more panels than the previous proposal. So I think that may explain a little bit of that too. Thank you.

The sand and gravel, former sand and gravel operations, are you seeing any issues like with ATVs over there, or is it more likely, as mentioned earlier, with illegal dumping, and what is the proposal to try to minimize any of those activities?

THE WITNESS (Weaver): This is Ali Weaver. We've seen a little bit of both, just evidence of there's certainly illegal dumping that we're still dealing with on site that we're cleaning up still, but I would say historically just finding tracks from ATVs and bikes as well, then I would say also just comments from some of our neighbors and their information that they've provided to us as well. On an ongoing basis during construction one of the first things that will happen is the fence will go up, and that's an effort to keep, you know, protect our materials

before we have anything delivered and dropped off and to make sure that we have that safety around the project site as well. We expect with those fences and that gate that it will be, hopefully no one can trespass at that point. Now what we have are, it's just one gate across the access road, and there are some gaps in some of the stone walls that are currently being used as a perimeter for the property that, you know, you can realistically still climb over.

MR. HANNON: Thank you. I want to deal with the land management approach, I mean, I've got some questions on that. You talked about as part of the program local and/or regional ranches are contracted to provide an adaptive multi-paddock sheep grazing. So one is, has any local or regional rancher been hired or are you still under negotiations with somebody?

THE WITNESS (Weaver): We have talked with a few local ranchers. We have not hired a specific rancher yet. I think we're waiting to see what final land management plan comes out of these discussions and with our neighbors before we select our final vendor.

MR. HANNON: Okay. Thanks. On the

next few questions I'm kind of looking for, I guess, a better definition. So I'm not sure what the annual ecological monitoring program is and how that would inform managers of outcomes of management decisions. I'm not even sure what that really means, so can you provide some input on that?

THE WITNESS (Candelaria): Mr. Hannon, we have a very detailed manual. This is Peter Candelaria. We have a very detailed manual on our land management practices that we can share with you all to help you better understand how that is monitored, measured and managed.

THE WITNESS (Weaver): Ultimately, the brief answer we can provide for you, though, is the concept of regenerative energy is that by utilizing a mixture of sheep grazing and really trying to get off of mechanical tools to mow the grass and to take care of the weeds, that allows for us to increase carbon sequestration in the soil, and that increase can be quantified. And so what's referenced in that sentence is really that quantification of the soil diversification that's occurring.

MR. HANNON: Okay. Because I think the

answer that you just gave went to what my next question would have been, can you sort of describe what the Regenerative Energy System is, so I think you answered that, so thank you.

Again, you know, one of the, I guess, concerns I have, and I'm not sure how to deal with it, is because you're talking about bringing in sheep, and I think Mr. Silvestri had raised this issue earlier, as you also talked about in the plans, in particular, in the Vegetation Management Objectives 3.3.1.1, "Control methods include mechanical and biological vegetation removal as well as appropriate use of herbicide for noxious and invasive weed control." And I'm just trying to get a handle on the coexistence of sheep and the use of herbicides on the site. So I guess I'm still having a little bit of difficulty wrapping my head around that one.

THE WITNESS (Weaver): If I may, I should note, our preference is never to use herbicides. We only deploy it when we're told we have to by the state in an effort to control a noxious weed. So I guess we're just trying to be transparent in the fact that we may be asked to do that at some point down the road at which we would

need to.

MR. HANNON: In the erosion and sediment control documents and in comparing what's actually on some of the maps, it's my understanding that the primary use of erosion control measures will be establishing silt fencing, and I think in some locations close to the wetlands you're talking about putting in a double row of silt fencing. Just from a practical perspective and what I've seen over the years, is silt fencing, I do not trust close to wetland areas, I don't think it's very effective. But yet I notice in the details you do talk about something along the lines of straw wattles, I forget exactly how you labeled it there, but that's something I think that's more of standard practice now using that rather than silt fence. Is that something that you're willing to go back and take a closer look at to prevent the movement of sedimentation towards or into the wetland areas?

THE WITNESS (Brawley): Mr. Hannon, this is Matt Brawley. I think what we're doing is our primary erosion control is going to be sediment basins, and we have conveyance ditches

getting all the water to those basins. The main purpose for the silt fence is to catch anything that's on the outside of those ditches that's disturbed or downhill of the sediment basins and everything else, just as a secondary preventative measure from the primary practices that we have installed.

MR. HANNON: Well, if I'm not mistaken, there are some areas where you're proposing a double filter fence pretty close to wetland areas where you're doing work upgradient of that, and that's what I'm primarily concerned about, what was provided on the maps.

THE WITNESS (Brawley): I believe the only places that we have that are next to conveyance ditches, on the outside of the conveyance ditches.

MR. HANNON: Okay. I mean, I can go back and take a look at it, but that's kind of where I was coming from on that.

THE WITNESS (Gustafson): Mr. Hannon, Dean Gustafson. If I can expand upon Mr. Brawley's response. Again, we'll certainly look at incorporating a compost filter sock with the silt fence and using that as a means for

perimeter controls. One of the purposes of using the silt fence, and I understand your reservations on relying upon silt fencing or even double rows of silt fencing without additional protection, is that we do have, particularly in the southern portion of the site, we do have three listed rare species, so we're going to be relying on the silt fence as an isolation barrier for any movement of those organisms into the construction zone. But your point is taken. We will look at using a compost filter sock in combination with silt fence to take care of both concerns.

MR. HANNON: I think everybody would feel a little bit better if that was the practice, so thank you.

I do want to talk a little bit about stormwater. My understanding is, based on the original submittal on October 20, 2020, the petitioner registered with DEEP for the stormwater general permit; is that correct?

THE WITNESS (Weaver): Yes.

MR. HANNON: Okay. And then as part of the submittal that came in, Mr. Candelaria signed off on 9/30/20 that they were applying under the stormwater general permit which was effective

October 1, 2019; is that correct?

THE WITNESS (Weaver): That's correct.

MR. HANNON: Okay. So when that was in fact done, was Appendix I included in the calculations, or Attachment I, because I know that's been discussed with solar projects in the last year, year and a half, and I know that that was effective in December. So I'm just curious if when the stormwater general permit was submitted if the requirements in I were also included with that plan.

THE WITNESS (Brawley): This is Matt Brawley. Yes, the original permit submittal included the guidance document, Appendix I, at that point. Now, the updated revised plans have taken into account the actual Appendix I that was put in the general permit and taken into account the few changes that was applied to it, but yes, both submittals took into account Appendix I.

MR. HANNON: Okay. So the submittal that was just dropped off at the Siting Council I think June 1st and the plans were revised, those are really being revised based on the final stormwater general permit?

THE WITNESS (Brawley): Correct, those

take into account the final general stormwater permit regulations.

MR. HANNON: Okay. In looking at some of the maps, I notice you've got the details in here for the three box culverts that you're putting in, and I know there's a description for putting in, it looks like, a riprap area in Area 2, I believe it is, as part of the roadway where there is a drainage swale I think that exists. Is that correct? I mean, it doesn't look as though it's been identified as a wetland area or an intermittent stream, so I'm assuming it's just like a drainage swale that occurred naturally over time based on the contours.

THE WITNESS (Brawley): I believe so. I think that's part of the stone walls that run on both sides of Wetland A-2.

MR. HANNON: Looking at map C-400, which is where I found the notation, but that area is not identified as a wetland area, there is a wetland area, I think it's C-2, that's located a little bit to the west of that. So based on the elevation, I'm assuming it's flowing from east to west, but again, it's not identified as a wetland area, at least I'm not seeing it on the plan as

such. I may have missed it someplace else but --

THE WITNESS (Brawley): This is Matt Brawley again. What there was is that's a depressed area that was between two stone walls, and in one part of it is the Wetland C-2. But what we have is, you know, there is water flowing through that area, you know, and the amount of water is fairly low there, so we're just putting a low water crossing on that road to just allow the water to keep flowing without having to put in pipes or do any amount of fill work or to change that area.

MR. HANNON: Okay. Thank you. And then also looking at Map C-400, looking at area, I think it's still Area 1, yeah, so the area that's identified is Area 1. The question that I have is, it looks as though you're proposing to put a drainage swale in almost the entire southern boundary of that area which will deposit into the detention basin and that flows to the southwest. So my question is, will there be a problem with cutting off water, diverting water from the natural overland flow from Vernal Pool Number 1?

THE WITNESS (Brawley): This is Matt Brawley again. The only areas that we will be

catching in that swale will actually be within the fence line. On the outside of the fence line we're putting a diversion berm, a clean water diversion berm that will be directing the water coming in from off site over to that wetland area.

MR. HANNON: Okay. I'm losing you on that one because what I'm seeing is there's a swale going in, and it pretty much runs almost along the fence line. It bulges out a little bit when you get to the cul-de-sac that's being proposed in that area. So that's going to be, it looks like intercepting almost all of the flow within the solar panel area which typically flowed towards Vernal Pool 1. So am I missing something there?

THE WITNESS (Brawley): No, you're correct in that we're containing the approximately one acre that's within the solar panel area because we have to treat one inch of water quality volume over that area. What we're doing though is there's a large area off site to the north flowing onto the site that makes its way down through our site and into that wetland area that does the majority of feeding that wetland and vernal pool. What we're doing is creating a diversion berm out

of the north fence line to direct that water back over to the wetland and keep it from coming onto our property onto the array and into that ditch where it would get removed from the wetland.

MR. HANNON: Thank you. Just sort of following up with the same type of questions, I was looking at in Area 3 I'm also curious as to how that might impact Vernal Pool E as far as water that's being diverted away, I guess, or around the vernal pool going towards the detention basin in the southeastern corner of that area. You've got another berm around -- sorry, detention basin at the north end of it which the water is being disposed of towards the north and northwest. So the only thing that's coming down towards Vernal Pool E might be out of stormwater basin 1B.

So I'm just curious about that because at the same time on Area 4 it looks as though you've got the drainage swales in around the western part and the southeastern part all draining into the basin which will be diverting water away from Vernal Pool E. So I'm just curious as to whether or not there could be an adverse impact on Vernal Pool E.

THE WITNESS (Brawley): This is Matt

Brawley again. On Area 3 the basin to the southeast, Basin 1C, only collects water that went out of the area in that specific quadrant. None of that water that we're collecting in 1C would have made it to Vernal Pool E. The same way with stormwater basin 1A, all that area drained towards the road originally. The only water that drained towards Vernal Pool E we are collecting in 1B and putting back in the system north of Vernal Pool E where it will still get that water.

MR. HANNON: Okay. Then what about Area 4, because it looks like the topography there it drains over towards Vernal Pool E? And if I'm reading it correctly, I mean, you've got the swales on the west and the southeastern, basically the entire side goes into Storm Basin 5, you've got the gravel swales going in there, and then the outlet is south on the berm, and that's well below where Vernal Pool E is. So I'm just curious if that's going to create any problems there.

THE WITNESS (Brawley): On Area 4, the part that does drain west towards Vernal Pool E, actually there is a current small drainage area that starts flowing south about right where we put the road. So we just moved that channel inside

the road and kept bringing it south. On the eastern portion of it most of that still does drain to the south. And, you know, we're still trying to keep it in the water going through the same watershed discharge points as what it would do pre as much as possible.

MR. HANNON: I mean, looking at an 8 and a half by 11 sheet when it should be 24 by 36, you may not catch all the details, so that's kind of where I'm coming from on that.

I'm assuming that whatever may be planted on the site, grasses or whatever may be there, is all going to be native in origin?

THE WITNESS (Weaver): That's correct, yes.

MR. HANNON: And then, Dean, this may be for you because it was in the REMA report. It talks about the impacts on Vernal Pool 1 and Vernal Pool E, and it talks about how, I think the wood frog breeding in those areas may go down a little bit, but one of the issues earlier was that the number of vernal pools in the southern part of the property might have been more conducive to the salamanders, I think the spotted salamander. Is that correct? I mean, do you see with the work

that's being proposed here any potential problems with either the spotted salamander or the wood frogs?

THE WITNESS (Gustafson): Mr. Hannon, Dean Gustafson. The impact analysis that REMA provided in their report doesn't reflect the current design. And so we did take a look at the impacts to the highest productive vernal pools, Vernal Pool 1 and E, and we provided a detailed response in Interrogatory Question Number 37. But I'll kind of summarize some of the improvements that were made.

Originally there were encroachments to both pools in the 100 foot vernal pool envelope, which I know you understand is a pretty sensitive area where any disturbance should be avoided, that has been accomplished with the redesign. In addition, the amount of activity in proximity to both vernal pools, you know, the buffers have been increased significantly. For example, for Vernal Pool 1 there's now a 327 foot buffer to the northeast to that solar array and a 360 foot buffer to the northwest to that solar array. And then similarly for Vernal Pool E, the buffer zone has been expanded 150 feet to the limit of

disturbance, 205 feet to the actual fence to the southwest solar array, and over 400 feet to the east.

And so when you look at those, the redesign, sensitivity to kind of encroachment into the vernal pool envelope and the critical terrestrial habitat and the significant improvements that have been made with the redesign, and also as we enumerated in our response to Interrogatory Number 37, looking at the principle directional corridors that are being supported by those vernal pool habitats and how the project avoids those principle corridors, we don't expect an adverse effect to the breeding populations to either the wood frog or spotted salamander.

MR. HANNON: Okay. Thanks. And sort of following up on a comment you made about now the setbacks. In looking at the maps, it looks as though there are still some areas that may have roughly a 25 foot buffer from the wetlands; is that correct?

THE WITNESS (Gustafson): So the areas where we do have, and there's only a couple, and maybe Mr. Brawley can explain exactly the

locations, but the only areas where we have left only a 25 foot buffer are in areas where the facility does not drain towards those wetland features. Essentially the wetlands don't provide any conveyance from the project area in those locations of any runoff.

THE WITNESS (Brawley): This is Matt Brawley. Yes, that's correct. Anywhere where the wetland is downgradient from our site we are providing a 50 foot buffer. Now, it's my understanding if there are some places we could go to a 25 foot if we provided 90 percent sediment removal, but I do not believe on this site we have any of those.

MR. HANNON: Looking at map C-501, it looks as though there's basically a 25 foot wetland buffer running along the northwestern boundary line of Area 2, and then it also runs on the eastern and southeastern side of Area 1. So, I mean, those two areas, I mean, I'm seeing a 25 foot wetland buffer. And when you follow that along where some of the construction is, I mean, you'll see it, some of the area extends out the 50 feet a little further, and I see where that makes a difference, but there are a couple of spots up

there that it's 25 feet, and as you said, there are some that are 50, and you've moved some to the 100. Now, I understand that you're trying to expand the buffer areas, but there's still some that are relatively narrow.

I mean, I guess for the most part I'm done. One of the things I was debating whether I wanted to do was ask some -- well, actually maybe a couple quick questions -- was whether or not I wanted to raise some of the issues from the town. But seeing as how the town is going to be a party to this, I think I may leave part of that to them and let them sort of defend their position on that.

But again, just going back, I want to make sure that I heard this earlier because I'm looking at some of the details on map C, or page C-506, and you do identify the basins -- the problem when you get older and the plans get smaller -- you identify dam crest in the details. I'm assuming that's why people were asking you whether or not you've had the discussions with DEEP about a dam registration need. And is that something that's going to be discussed with them tomorrow? You said you had a meeting with them

tomorrow?

THE WITNESS (Brawley): This is Matt Brawley. If a representative of the dam safety board is on the call, we will be discussing it with them. We wanted to set up a call with them after the previous design. I believe the top of dam is just synonymous with top of berm for a sediment basin.

MR. HANNON: Okay. But sometimes what you say is important; the words do matter. So looking at some of the proposed basins, I think it would be advisable that you do talk to the folks in the dam program to see whether or not these may have to be registered. So that's just a friendly piece of advice. So I think with that I'm probably done. Thank you.

MR. MORISSETTE: Thank you, Mr. Hannon. I think it's about time we're going to conclude for the day. The Council will recess until 6:30 p.m. at which time we will commence with the public comment session of this remote public hearing. With that, we will end for today. Thank you very much, everyone.

(Whereupon, the witnesses were excused and the hearing adjourned at 4:57 p.m.)

CERTIFICATE FOR REMOTE HEARING

I hereby certify that the foregoing 130 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the REMOTE PUBLIC HEARING IN RE: PETITION NO. 1443, SR NORTH STONINGTON, LLC PETITION FOR A DECLARATORY RULING, PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 4-176 AND SECTION 16-50k, FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 9.9-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY ON FIVE PARCELS LOCATED NORTH AND SOUTH OF PROVIDENCE NEW LONDON TURNPIKE (STATE ROUTE 184), WEST OF BOOMBRIDGE ROAD AND NORTH OF INTERSTATE 95 IN NORTH STONINGTON, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, PRESIDING OFFICER, on June 8, 2021.

Lisa L. Warner, CSR 061
Court Reporter
BCT REPORTING SERVICE
55 WHITING STREET, SUITE 1A
PLAINVILLE, CONNECTICUT 06062

I N D E X

WITNESSES: (Sworn on page 10)
PETER CANDELARIA
ALI WEAVER
DEAN GUSTAFSON
DENNIS QUINN
MATTHEW BRAWLEY
VINCENT GINTER

PETITIONER'S EXHIBITS
(Received in evidence)

**All exhibits were retained by the Council.