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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Petition No. 1558

Petition from Community Power Group, LLC, for a Declaratory Ruling, Pursuant to Connecticut General Statutes 4-176 and 16-50k, for the Proposed Construction, Maintenance and Operation of a 4-megawatt AC Solar Photovoltaic Electric Generating Facility Located at 24 Middle Road, Ellington, Connecticut, and Associated Electrical Interconnection

Zoom Remote Council Meeting (Teleconference), on Thursday, May 18, 2023, beginning at 2 p.m.

H e l d B e f o r e:

JOHN MORISSETTE, Member and Presiding Officer

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

Council Members:

JOHN MORISSETTE, (Hearing Officer)

BRIAN GOLEMBIEWSKI,
DEEP Designee

QUAT NGUYEN,
PURA Designee

ROBERT HANNON,
Temporary designee for Member Daniel P. Lynch, Jr.

ROBERT SILVESTRI

Council Staff:

MELANIE BACHMAN, ESQ.,
Executive Director and Staff Attorney

ROBERT MERCIER
Siting Analyst

LISA FONTAINE,
Fiscal Administrative Officer

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

For COMMUNITY POWER GROUP, LLC:

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(Begin: 2 p.m.)

THE HEARING OFFICER: Good afternoon, ladies and gentlemen. Can everyone hear me okay? Very good. Thank you.

I'd like to call this remote public hearing to order this Thursday, May 18, 2023, at 2 p.m. My name is John Morissette, member and presiding officer of the Connecticut Siting Council.

Other members of the Council are Brian Golembiewski, designee for Commissioner Katie Dykes of the Department of Energy and Environmental Protection; Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority.

We have Robert Silvestri; and Robert Hannon, temporary designee for member Daniel P. Lynch, Jr.

Members of the staff are Melanie Bachman, Executive Director and Staff Attorney; Robert Mercier, siting analyst; and Lisa Fontaine, fiscal administrative officer.

If you haven't done so already, I ask that everyone please mute their computers' audio, and/or telephones now. Thank you.

This hearing is held pursuant to the

provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act, upon a petition from Community Power Group, LLC, for a declaratory ruling pursuant to Connecticut General Statutes Section 4-176 and 1650k for the proposed construction, maintenance, and operation of a four-megawatt AC solar voltaic electric generating facility at 24 Middle Road in Ellington, Connecticut, and its associated electrical interconnection.

This petition was received by the Council on January 30, 2023. The Council's legal notice of the date and time of this remote public hearing was published in the Journal Inquirer on April 2, 2023.

On this Council's request, the Petitioner erected a sign in the vicinity of the proposed site 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, including the website and phone number.

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

this petition is prohibited by law.

The parties and intervenors to the proceeding are as follows. The Petitioner, Community Power Group, LLC, represented by Bruce L. McDermott, Esquire, and Raquel Herrera-Soto, Esquire, from Murtha Cullina, LLP.

We will proceed in accordance with the prepared agenda, a copy of which is available on the Council's Petition Number 1558 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's 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, the parties, and interveners, including the 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 benefits of your friends and neighbors who are unable to join us for this remote public comment session, that you or they may send written statements to the Council within 30 days of the date hereof, either by mail or by e-mail, and such written statements will be given the same weight as if spoken during the remote public comment session.

A verbatim transcript of the remote public hearing will be posted on the Council's Petition Number 1558 webpage, and deposited with the Ellington 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 -- a DEEP stormwater permit is independently required. DEEP could hold public

hearings on any stormwater permit application.

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

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

We'll now move on to administrative notices taken by the Council. I wish to call your attention to those items shown on the hearing program marked as Roman numeral 1B, items 1 through 99.

Does the Petitioner have any objection to the items that the Council has administratively noticed? Mr. McDermott?

MR. McDERMOTT: Thank you, Mr. Morissette.

No objections from Community Power Group to the administrative notice list.

THE HEARING OFFICER: Thank you, Attorney McDermott.

Accordingly, the Council hereby administratively notices these existing documents. We will now continue with the appearance of the Petitioner.

Will the Petitioner present its witness panel for purposes of taking the oath? We will have Attorney Bachman administrate the oath when you're

ready. Attorney McDermott, please begin.

MR. McDERMOTT: Thank you, Mr. Morissette. Bruce McDermott from the law firm Murtha Cullina. I'm joined by my colleague Raquel Herrera-Soto.

And I'm going to ask Ms. Herrera-Soto to undertake the introduction of the Witnesses and the introduction of the exhibits into the record, if that's okay with you, Mr. Morissette?

THE HEARING OFFICER: Certainly, Attorney McDermott.

Attorney Soto, please continue?

MS. HERRERA-SOTO: Good afternoon, Councilmembers.

THE HEARING OFFICER: Unfortunately, we're getting a lot of feedback through your microphone.

MS. HERRERA-SOTO: Good afternoon, Councilmembers, council staff, and Attorney Bachman. Raquel Herrera-Soto from Martha Cullina on behalf of the Petitioner, Community Power Group, LLC.

The witness panel today for the Petitioner consists of the following. Mr. Michael Borkowski, founder of Community Power Group, LLC; Ms. Amberli Young, senior project manager with Community Power, LLC; and Eric LaBatte from All Points Technology Corporation.

The panel is ready to be sworn.

THE HEARING OFFICER: Thank you, Attorney Herrera-Soto.

Attorney Bachman?

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

Do you solemnly swear or sincerely affirm as the case may be that the evidence you shall give concerning this case is the truth, the whole truth, and nothing but the truth, so help you God upon penalty of perjury?

MICHAEL BORKOWSKI: I do.

AMBERLI YOUNG: I do.

ERIC LaBATTE: I do.

MS. BACHMAN: Thank you.

M I C H A E L B O R K O W S K I,

A M B E R L I Y O U N G,

E R I C L a B A T T E,

called as witnesses, being sworn by THE EXECUTIVE DIRECTOR, were examined and testified under oath as follows:

MS. BACHMAN: Thank you.

THE HEARING OFFICER: Thank you, Attorney Bachman.

Attorney Herrera-Soto, please begin by verifying all the exhibits by the appropriate sworn witnesses.

MS. HERRERA-SOTO: Mr. Borkowski, regarding Exhibit

Number 1, which is the company's petition for a declaratory ruling and all associated attachments; Exhibit Number 2, which is the Petitioner's community efforts submission dated March 9, 2023; Exhibit Number 3, which is the Petitioner's responses to council interrogatories, set one, dated March 22, 2023; Exhibit Number 4, the Petitioner's response to Council Interrogatory Number 36, dated April 7, 2023; and Exhibit Number 5, the Petitioner's responses to council interrogatories, set two, dated April 25, 2023; are you familiar with those exhibits?

THE WITNESS (Borkowski): Yes, I am.

MS. HERRERA-SOTO: Did you prepare or assist in the preparation of those exhibits?

THE WITNESS (Borkowski): Yes, I did.

MS. HERRERA-SOTO: Do you have any changes or corrections to offer in connection to those exhibits?

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

MS. HERRERA-SOTO: And do you adopt those exhibits in this proceeding?

THE WITNESS (Borkowski): Yes, I do.

MS. HERRERA-SOTO: Regarding Exhibit Number 6, which is the Petitioner's signed posting affidavit dated

May 4, 2023, Ms. Young, did you sign that affidavit?

THE WITNESS (Young): Yes, I did.

MS. HERRERA-SOTO: Do you have any changes or corrections to offer in connection to that affidavit?

THE WITNESS (Young): No, I do not.

MS. HERRERA-SOTO: And do you adopt that as an exhibit in this proceeding?

THE WITNESS (Young): I do.

MS. HERRERA-SOTO: So with that, Mr. Morissette, I move that Exhibit Numbers 1 through 6 be admitted as full exhibits in this proceeding.

THE HEARING OFFICER: Thank you, Attorney Herrera-Soto.

The exhibits are hereby admitted. Thank you.

We'll now begin with cross examination of the Petitioner by the Council, starting with Mr. Mercier, followed by Mr. Silvestri.

Mr. Mercier?

MR. MERCIER: Thank you. I'm going to begin by reviewing the first set of interrogatory responses. These are dated March 22nd, and I'm going to begin with response number four. That had to do with how the site is defined.

Included with that response was a diagram.

It's in the back of the document. It's actually on PDF page 48, if you're using the Council's web link. It's an aerial image of the site with various dashed lines and solid lines. So I'll begin with, actually, the diagram.

So just to confirm, is the red line on this diagram -- it's marked solar site on the diagram.

Is the red line the host property boundary?

THE WITNESS (Borkowski): I'm pulling it up right now.

I'm looking at it.

And yes, the red line is the boundary line.

MR. MERCIER: Okay. And then the yellow dashed line with the hatching and that, that is what you're going to call the facility site. Is that correct?

THE WITNESS (Borkowski): Yes, that is correct.

MR. MERCIER: Okay. Now with that facility site as defined by the yellow dashed lines, does that have its own lease with the landowner?

THE WITNESS (Borkowski): Yes, that is. Yes, that is a lease with the landowner.

THE HEARING OFFICER: Mr. Mercier, if I may interrupt here for a moment?

MR. MERCIER: Sure.

THE HEARING OFFICER: If folks could identify themselves when answering questions, that would be

helpful for the Court Reporter. Thank you.

THE WITNESS (Borkowski): Yes. So this is Mike Borkowski with Community Power Group, who is the one responding to Mr. Mercier's questions.

MR. MERCIER: And so continuing on with this map, there's the green box at the north end of the site, and I believe that is the community garden, slash, beekeeper area. Correct?

THE WITNESS (Borkowski): Yes, correct.

That's Mr. Borkowski again.

MR. MERCIER: Now, would that area have its own separate lease, separate from the lease of the solar facility site?

THE WITNESS (Borkowski): That is covered under a different component of the lease, and outside of the solar facility leased area.

MR. MERCIER: Okay. So it still would be under your "control," for lack of a better word?

THE WITNESS (Borkowski): Yes, but separate from the solar leased area.

MR. MERCIER: Okay. Thank you.

Staying with this diagram, I'm going to ask a couple of questions about Interrogatory 17 as part of this set, and that interrogatory had to do with the inverter locations?

THE WITNESS (Borkowski): Yes.

MR. MERCIER: And with the inverter location response, it basically said, you know, the Community Power Group would make every effort to locate them towards the interior of the site.

THE WITNESS (Borkowski): Yes?

MR. MERCIER: And it states that they would be installed at the end of the panel columns.

What do you mean by the term, "column?"

Are you talking in the rows themselves, or something else?

THE WITNESS (Borkowski): Yeah -- yeah, so this is Mr. Borkowski responding to those questions. And the columns are -- the solar columns are situated -- or the solar panels are situated in columns, and those inverters are sprinkled throughout the solar farm at the ends of each column based on however many panels are coming together that go into one particular inverter.

MR. MERCIER: Okay. Looking at the solar site on this map there's a middle aisle, I'll call it, that kind of bisects the site horizontally.

THE WITNESS (Borkowski): Yes.

MR. MERCIER: In the north -- north section, south section. Is the intent to place them along that

aisle at each end of each row, whether they're northern rows or southern rows?

THE WITNESS (Borkowski): Yes, the intent is to do it within that middle row.

MR. MERCIER: Would there be circumstances where the inverters may be placed closer to the, I'll just say, north side, the fencing up in that direction near the transformers? Or maybe even along the east side towards the fence?

THE WITNESS (Borkowski): So, it is in the -- the interest of the design to keep the inverters as close to the panels as possible, because the further away from the panels they are, you have losses, and so we want to invert it into AC electric as soon as possible to limit the amount of losses. So we do want them as close to the panels as possible, inherently, just from an efficiency standpoint.

Could it be that closest to the panel means that it is at the end of a column on the north side of the facility? Potentially, there might be one or two there, but it really comes down to being as close to the panels that are being inverted as possible.

MR. MERCIER: For the situation you just spoke about,

what would be the factor? Why would you have to place them, we'll just say, one or two along the north end of the -- I'll call them columns now -- along the columns near the northern fence, rather than the interior location we talked about earlier?

THE WITNESS (Borkowski): Yeah. So there's an approximate, you know, ten columns per inverter, and that's an approximate just to give an example.

And so depending on where that ten columns actually ended, you know, whether it's at the top of -- because it's a string that goes through the column. So depending on where that actually ended would determine where that inverter would be.

Now these inverters, they do -- they -- they really don't make any noise at all. So it's -- there they're just a small kind of sub-inverter.

MR. MERCIER: Are there fans? Or any -- are there fans associated with these inverters?

THE WITNESS (Borkowski): No.

MR. MERCIER: Okay. So would they emit, like, a buzzing noise? I mean, there is a noise characteristic level, and I'm just trying to figure out what, what causes the noise itself if it's not a fan or something else like that.

THE WITNESS (Borkowski): Let me just -- I just want to look the actual decibels up on a piece of paper right now so that I can give that to you.

Hold on one moment while I look at that.

So it is 65 decibels at 1 meter from an individual inverter. At the property line we calculated it to be 30 decibels at the closest point, which is the -- from a sound perspective, 30 decibels is the same as the noise you would hear in a rural night.

MR. MERCIER: Thank you. I understand that. My concern is just any type of noise that isn't there now. You know, if you have a number of these inverters near each other, you know, it could amplify.

THE WITNESS (Borkowski): Right --

MR. MERCIER: (Unintelligible) -- response.

THE WITNESS (Borkowski): Sure.

Can I add to that response, Mr. Mercer?

MR. MERCIER: Sure. Thank you.

THE WITNESS (Borkowski): Sure. So this -- this -- the -- there is another solar facility in the area that for whatever reason put all their inverters 80 feet from the road all in a little line. It's actually inefficient electrical design.

As a part of this application we are not proposing to do that. We are proposing to have our inverters spread out, dispersed throughout the entire solar facility, and not be in any one concentrated area. So that we -- we wouldn't have any of that consolidation of inverter equipment in any one particular area.

And therefore, the noise from any particular inverter would not be amplified. And therefore, in any property line you wouldn't be able to discern the difference between a quiet night and the solar facility.

MR. MERCIER: Okay. Thank you. Staying with this diagram, there's, you know, there's a row of what looks like evergreens or something along the north property line and the northwest property line?

THE WITNESS (Borkowski): Yes.

MR. MERCIER: I wouldn't say property line, excuse me, the solar site itself. It looks like you're going to do some plantings.

THE WITNESS (Borkowski): Yes.

MR. MERCIER: And actually, that's the next diagram that shows the plantings.

THE WITNESS (Borkowski): Yeah.

MR. MERCIER: The 15 feet, and they spread and stay 16

feet apart. What type of plantings are you proposing here? Are they some type of evergreen?

THE WITNESS (Borkowski): Yes, those are green giant evergreen trees that grow fairly quickly and to, you know, I think a 20- to 25-foot height. It's located on the north side of the facility, so we don't really have any concerns with shading or anything like that.

So we did put some robust evergreens along that front corridor.

MR. MERCIER: Do you have information as to what the height would be at planting?

THE WITNESS (Borkowski): We typically, and I believe in this application, have put plantings of four to six feet so that we have -- we find that that has the greatest living rate.

You know, when you're transporting plants that start getting bigger, especially when they have root balls that typically spread wide, that if you transplant them when they're too large, you have a higher mortality rate because they -- they don't grow as well.

So on the majority of our solar facilities we do four to six foot, which we find is a good balance with root ball and long-term growth rates.

MR. MERCIER: Now, once the plantings, you know, are installed what's your inspection protocol to ensure survivability?

THE WITNESS (Borkowski): So we have somebody that goes out there, you know, for the first several years, every, you know, couple months, especially over the summer months for maintenance, and just checking on the general facility.

And so during that growth time they would be inspected two to three times per year.

MR. MERCIER: Say if there was a couple that died off for whatever reason and you would have to -- would you replace them, first of all?

THE WITNESS (Borkowski): Yes.

MR. MERCIER: And if so, what's the opportune planting time to do that?

THE WITNESS (Borkowski): The opportune time for replanting is in the fall or early in the spring to maximize their growth and -- and potential for not having any further issues with the -- with the tree and location.

MR. MERCIER: Okay. The life of this project, I believe, is 20, 25 years. And so would there be annual inspections every year, you know, past the initial growing stage to ensure these are --

THE WITNESS (Borkowski): Yes.

MR. MERCIER: And I believe you said they might get to a height of 25 feet or so?

THE WITNESS (Borkowski): Yes.

MR. MERCIER: Is there any reason you would have to take them down at a certain height or --

THE WITNESS (Borkowski): No. No.

MR. MERCIER: Okay. Now, looking at the, again, the north side of the proposed fence where you have the shrubs in the northwest corner there, is it possible to put any type of solid fencing there in addition to the landscaping, just in case there's any minor noise issue that could arise from the inverters?

Even though it may pass, but just to maybe deflect some noise away if there is noise?

THE WITNESS (Borkowski): It is possible for us to put a different type of fencing there. Traditionally, we have gone out of our way in this project to put in what's called game fencing, which is a fencing that is typically seen in more agricultural settings where you have cows or sheep, and the like.

And so, it really -- from other projects we've gotten feedback that it really

de-commercializes a solar facility and makes it much more of an agricultural-oriented project. Amazing what a difference a fence can make.

It's much easier with a chain-link fence to have it be more of, you know, have screening in it that might provide some type of auditory buffer.

You know, in this situation, you know we could certainly swap those things out. I don't know that -- you know, we -- we could work if that's important. I don't know that those tradeoffs are worthwhile, but we can -- we could work with you if that were something that was important.

MR. MERCIER: Okay. Thank you. Staying with the diagram, I'm looking at the -- it looks like there's two, two transformers at a pad, you know, near where the access road comes off Middle Road right next to the site.

Is there any type of lighting associated with that, either night lighting that goes on all the time, or on a timer? Or no lighting at all?

THE WITNESS (Borkowski): No lighting at all.

MR. MERCIER: I'm going to go up one page back to where it says solar site again. That was talked about earlier with the dashed lines.

And on the right-hand side it says, number one. And when I was reading the materials associated with the petition, it was Exhibit B, which was the distribution impact study. And right where this number one was, there was an interconnection line that ran from a transformer that ran to Pinney Street.

And then there was a second transformer up where it is now that ran to Middle Road. And it seems like when you submitted the petition, the design changed to have both transformers near Middle Road and one interconnection point.

So what was the reason why the Pinney Road interconnection wasn't abandoned as it was laid out in the Exhibit B?

THE WITNESS (Borkowski): Yeah, so we --

MR. MERCIER: Yeah?

THE WITNESS (Borkowski): When we had filed the interconnection, we had indicated to the utility that there were two potential points of interconnect, either on Pinney or Middle.

The utility then conducted its study and came back to us suggesting that based on the electrical infrastructure, as the utility sees it, that their strong preference was for it to be off of Middle.

I don't under -- I don't know all the electrical reasons for that. They don't tell us that. They're just, by law, chartered to evaluate different points of interconnection and -- and then push forward with what they, the utility, think is best.

And so they pushed us onto the Middle Road point of interconnect. And from that point forward, all the studies were conducted from -- from Middle Road and all, you know -- yes.

MR. MERCIER: Okay. Thank you for the explanation.

Now the map shows the main access to the site for off Middle Road. Is it possible just to use a temporary access for construction purposes that extends off Pinney Street, you know, through that, that field or along the edge of the field and maybe around the proposed basin to the site, rather than having construction traffic going down Middle Road?

THE WITNESS (Borkowski): Sure. So a couple points that I'd like to highlight for that, Mr. Mercer, is one, if we do come off of Pinney Road, we would be -- have to establish a road across that farm field, which would stress that a portion of the ag, you know, an agricultural portion of that

field. And the owner's intent is to continue to maintain that for agricultural purposes.

The other component is in order for us to have access coming out from that area, we would have to do some -- take down some, some trees to obtain access from Pinney going through that, you know, kind of buffer area where there are trees to get up to the hill.

And then there's -- there's a little bit of a hill there, too, that would require some additional, probably additional sediment control and other types of implications of having large trucks and the likes coming on and off that area. And so it -- it would be quite an undertaking to do that.

That said, I think there, there can be some misconceptions as to how much construction traffic there is for these facilities. For the most part, it's just small vehicles, pedestrian vehicles, whether they be small trucks or cars where people are coming to work there, you know, anywheres from, you know, typically in the -- around four trucks. You know, a car is -- maybe as much as eight, but there's not a lot of regular traffic.

And then there are periodic deliveries of

equipment where you perhaps have a larger truck that's delivering panels or delivering racking, but they're limited in number. There's approximately eight of those that would happen during the four-month construction period, and they would be spread out.

So you wouldn't have, like, a line of trucks given at any one point in time. It would kind of be like one truck would come, deliver the racking, go, and a couple weeks later maybe you get the panels coming in.

So we don't anticipate any large incremental traffic inconveniences or stresses on that, that roadway.

MR. MERCIER: Okay. Let me just recap what you said there. So for traffic, you're looking for construction work when you're installing the panels and racking system; you're going to have maybe four to eight trucks associated with workers?

THE WITNESS (Borkowski): Yeah --

MR. MERCIER: Or cars for that matter? Okay.

Vehicles?

THE WITNESS (Borkowski): Yeah.

MR. MERCIER: Where would they be parking?

THE WITNESS (Borkowski): Yeah, they'll be parking just along the access road that we establish.

MR. MERCIER: Okay. And you know, the workers are there. Then you're going to have shipments of panels, and I think you said about eight trucks of panels, roughly?

THE WITNESS (Borkowski): Kind of spread out over the four-month construction period, yeah.

MR. MERCIER: Right. Then you'll have -- how about the racking, the motorized racking?

How many truckloads do you need for that?

THE WITNESS (Borkowski): That's incorporated in all that.

MR. MERCIER: Okay. And how about the inverters?

THE WITNESS (Borkowski): Yeah, that those are actually really small. So that's not even like a large truck that they get to work in.

MR. MERCIER: Okay.

THE WITNESS (Borkowski): It's almost, you know, it's like a small UPS type truck.

MR. MERCIER: Would other equipment include -- would you need like an excavator? Or a bulldozer, you know, a racking rig?

What other types of equipment might you need?

THE WITNESS (Borkowski): Yeah, so there will be some

land moving devices that come in to establish the water retention facilities that are being proposed -- or not the water retention, but the, you know, the -- the water, the water, stormwater management solutions that we've suggested here. They would be there for a short period of time.

The other relatively small device is -- is not much larger than a forklift, and that's what's utilized to put the -- the poles in the ground, to pound the poles in the ground.

And there is, you know, kind of a small crane. I've used the word "crane" lately, but it's, you know, not too dissimilar from, like, a crane that's used to cut a branch high up in a tree, kind of that size of the vehicle. That just brings -- to drop the transformers in place.

And that's really the extent of the large equipment that would be utilized at the facility over the four-month period.

MR. MERCIER: Thank you.

Referring to the crane, I believe in the interrogatory set two, I think it was number 53, there was something about an FAA form 7460 that you were going to submit to the Federal Aviation Administration for use of the temporary crane.

Has that been submitted, and was the response received?

THE WITNESS (Borkowski): I'd like to refer to Ms. Young to answer that question.

THE WITNESS (Young): Yes, this is Amberli Young, Community Power Group. I apologize for the reverb -- (unintelligible).

THE WITNESS (Borkowski): Turn yours off and just speak loudly.

THE WITNESS (Young): Okay. Apologies, everyone.

So we did file those air hazard forms with the FAA, and received no hazard predicted for our temporary construction impact of the small crane.

MR. MERCIER: Thank you. I think the last question I have has to do with a seed mix at the site. And I believe the intent is to use -- the intent is to have a sheep grazing occur at the site.

Is that correct?

MS. HERRERA-SOTO: That, that is our suggestion, yes.

MR. MERCIER: And that so the seed mix inside the solar field, that would include, you know, forage-type species for the sheep as well as maybe some pollinators?

MS. HERRERA-SOTO: Yes.

MR. MERCIER: Okay. What seed mix would be used in the

stormwater basins? Is that a wetland seed mix?

Or is it going to be too dry to support that?

MS. HERRERA-SOTO: I'd like to ask Eric, if you're prepared to answer that question?

THE WITNESS (LaBatte): Sure. This is Eric LaBatte with All Points Technology Corporation.

The -- the seed mix -- well, the intent of the basin is not to remain wet. It's to remain dry. So we wouldn't have a wetland mix in there. It would be just a standard sort of mix.

We could get you the actual cut sheet for it, I guess, later on today, if that's acceptable. It's not described in our drawings, but it wouldn't be a wetland mix.

MR. MERCIER: I don't think I need the cut sheet. I just wanted to know what it would be. Just like a wildflower-type mix or, you know, a turf grass or something, you know, just to kind of get the general sense of what it might be.

But you could answer that later if you don't have it.

THE WITNESS (LaBatte): No. I mean, I can't specifically give you the exact specifications of it, but it would be a grassy mix. I don't -- the intent wouldn't be to have wildflowers or -- or a

wetland mix, just typical, like, meadow grass mixture.

MR. MERCIER: Okay. Thank you.

I have no other questions at this time. Thank you very much.

THE HEARING OFFICER: Thank you, Mr. Mercier.

We will now continue with cross-examination of the Applicant by Mr. Silvestri, followed by Mr. Nguyen. Mr. Silvestri, good afternoon.

MR. SILVESTRI: Good afternoon, Mr. Morissette. Thank you. And good afternoon, everyone.

I'd like to start just looking briefly at drawing OS-1. And the verification I'm looking at for my question, when you look at the white dots to the east and to the west of the proposed solar area, I just want confirmation that those are the wetland delineation flags. Is that correct?

THE WITNESS (Borkowski): This is Mike Borkowski for the Community Power Group answering the question.

I'm just pulling up those documents right now so I can confirm.

MR. SILVESTRI: Uh-huh.

THE WITNESS (Borkowski): And I'll be back with you in just one moment.

Sorry. Could you just repeat that drawing?

MR. SILVESTRI: OS, dash, 1. That's the overall site plan.

THE WITNESS (Borkowski): Yes, I can confirm that those white -- those flags that you see is the wetland delineation.

MR. SILVESTRI: Very good, thank you.

And for confirmation, there's going to be two transformers also. Correct?

THE WITNESS (Borkowski): That is correct.

MR. SILVESTRI: The location of those, looking at drawing OS-1, would they be just south of the turnaround and the access road?

THE WITNESS (Borkowski): Yes.

MR. SILVESTRI: Great.

And how much oil would each transformer hold?

THE WITNESS (Borkowski): That is a good question. I might have to be -- get back to the Council with the answer to that question.

MR. SILVESTRI: Yeah, possibly if you could look at that during the break and get back to us afterwards, I'd appreciate that.

Now my followup on that is, transformers typically do not have secondary containment. So the question on the transformers, will they be equipped with low-level oil alarms?

THE WITNESS (Borkowski): We will have to get back to you with the answer to that question as well.

MR. SILVESTRI: All right. My concern is, how would you know if the transformers are leaking oil? And a low-level alarm would give you that information.

But related to that with the transformers, would the ground adjacent to or around the transformers be somehow sloped or maybe somewhat bermed there?

If there is any leak of oil, that it would impede the flow from going one way or another?

THE WITNESS (Borkowski): That is a good question.

We -- we typically have those transformers.

So a couple of things to unpack there. One, if there is an oil issue with the transformer, it immediately turns off. So we would know if there is any type of an issue from that perspective, and we would immediately send somebody out.

We also put the transformers on a cement slab, and then that cement slab has some stone around it as well, from a containment perspective. We -- all of our solar facilities, we've never had an issue like that, but it doesn't mean it's not a good question, and we will look it up for you.

MR. SILVESTRI: No, that's appreciated.

Staying on the oil business, I may have missed it, but I did not see a spill prevention control and countermeasure plan, other than a few brief notes that were in Appendix N of the application.

Was an SPCC included in your submittals?

THE WITNESS (Borkowski): I don't believe it was.

MR. SILVESTRI: Okay. Is it your intention then to store fuels on site during construction?

THE WITNESS (Borkowski): There's no intention to store fuels on site during construction.

MR. SILVESTRI: Okay.

Would you have spill response materials?

THE WITNESS (Borkowski): Our contractor would be required to have spill response materials.

MR. SILVESTRI: Workers would be trained in appropriate response actions?

THE WITNESS (Borkowski): Yes, they would be.

MR. SILVESTRI: And would you also have contact information in the event that a spill happens for a disposal contractor, appropriate state/federal notifications, et cetera?

THE WITNESS (Borkowski): Yes, that would be -- yes.

MR. SILVESTRI: So all that could actually be put into an SPCC should the project be approved?

THE WITNESS (Borkowski): Yes, sir.
MR. SILVESTRI: Okay. Thank you.
Moving on to the response to Interrogatory Number 25. It states in part the solar inverters as well as two transformers will generate noise.
A related question I have is, do the trackers emit any type of noise?
THE WITNESS (Borkowski): The trackers have a very slight noise when they do make their -- for a short period of time as they make their movements throughout the course of the day.
It is a very low noise, less than that of the inverters, and certainly the transformer.
MR. SILVESTRI: The noise tends to be additive.
Would that increase, I believe you mentioned, the 30 dBA number?
THE WITNESS (Borkowski): So that increase, it would have the potential to have a very slight increase. The way noise works -- I'm sure you know, the voice, the -- it's a complicated formula, but 30 -- if the inverter were 30 decibels and the -- the movement from the panel were 30 decibels, which it wouldn't be, it doesn't equal 60.
It just is -- it's a long calculation that adds just a couple of decibel points to it, but

there would be some very small incremental amount of noise.

MR. SILVESTRI: Okay. No. Thank you for that response. I'm just going to make a quick note.

Okay. Moving down the line for my questions, if you could turn to the response for Interrogatory Number 28? It talks about a temporary electric fence would be installed.

What do you mean by, temporary?

THE WITNESS (Borkowski): Yeah, so it's a part of the sheep grazing. It would be just a fence that is electrified to keep the sheep away from the fence, and would only be utilized during the time when sheep are -- are in that area.

And so it is utilized within the facility, because the way sheep grazing works is you don't just let them into the total solar facility and they graze the whole thing. You have blocks within the solar facility.

So I believe it's split into five different blocks. The sheep would be put into block number one. They would graze that one small area, and the electric fence would keep them -- so in essence, it's kind of on two or three sides of a block to keep them in that one area.

They'd graze it for the appropriate period of time, a couple weeks. Then they would open up the next block, and they would sit inside -- again, this small electric fence that would sit inside the solar array.

MR. SILVESTRI: Well, two related questions. When you mentioned blocks, as you would move sheep from, say, block one to block two, do you also move the electric fence from block one to block two?

THE WITNESS (Borkowski): Yes, the electric fence makes block, one and then it gets opened up and pushed over to make block two.

MR. SILVESTRI: And just for clarification, the electric fence would only be used when you have sheep on site. So if you don't need the sheep, you wouldn't have the fence?

THE WITNESS (Borkowski): That's right.

MR. SILVESTRI: Now I understand temporary. Thank you.

THE WITNESS (Borkowski): Yes.

MR. SILVESTRI: What would be the power source for that fence?

THE WITNESS (Borkowski): So there is some local -- local power at that solar facility. It's very low voltage. So there's an outlet somewhere in the solar facility that it would be tied to.

MR. SILVESTRI: So it's basically a plug-in?

THE WITNESS (Borkowski): Yes.

MR. SILVESTRI: Okay. And that power source would operate regardless of what the solar panels are producing, or not producing?

THE WITNESS (Borkowski): Absolutely, yes.

MR. SILVESTRI: Thank you. Moving on to Interrogatory 30. And part of this you've answered for Mr. Mercier, but just a clarification.

When you have the Exhibit 1-5-1 that shows the green line or border that represents the location of the evergreens that you mentioned, for clarification, would they be planted within the proposed fence line or outside the proposed fence line?

THE WITNESS (Borkowski): Outside the proposed fence line.

MR. SILVESTRI: Outside? Okay. Being outside, would they be animal resistant to, say, things like deer?

THE WITNESS (Borkowski): Yes. So the types of specie plants that we would get are those that are undesirable to deer. So an arborvitaes, for instance, is not something you would want to plant there. And that's why we choose the type that we

do that the deer do not like eating.

MR. SILVESTRI: And again, with the answer you provided Mr. Mercier about inspections, you'd also be looking for any type of animals getting into the evergreens?

THE WITNESS (Borkowski): Yes.

MR. SILVESTRI: Thank you. Also with Exhibit 1-5-1, a curiosity question. How is the location of the bee habitat chosen?

THE WITNESS (Borkowski): That is chosen by the bee person that is designated for this, and so it's what they think is best.

MR. SILVESTRI: Do you know if it was from an access standpoint to get into and tend to bees, or something else?

THE WITNESS (Borkowski): Let me defer that question to Amberli Young of Community Power Group.

MR. SILVESTRI: Thank you.

THE WITNESS (Young): Yes. The main reason for that area was access. A secondary -- or we did consider whether that area was close enough to a water source for the pollinators, which would be the man-made pond, and we felt it was close enough despite being farther away than, say, all the way on the western side of the site.

But for access reasons, it was most preferable to be on that, in that area.

MR. SILVESTRI: Thank you for that response as well.

Okay. Going to the response for Interrogatory Number 32, this is the manure issue.

Let me preface first that while I used to have award-winning vegetable gardens, I'm not a farmer. But instinctively, I would think that any type of fertilizer that's used for corn or other crops, such as manure, would be tilled into the ground.

And if I'm correct on that, wouldn't there be a difference in the quality of stormwater between tilled manure, say, for corn, versus random surface deposits from sheep?

THE WITNESS (Borkowski): One would expect that there would be -- I can appreciate the difference that you are talking about. These are not year-round sheep.

But yes, the -- the answer to your question is it is different than if it were tilled in.

MR. SILVESTRI: Now, what I'm looking at is to try to verify the statement that this is much lower than would be expected to be deposited on site during the typical harvest year for the corn crop

currently being farmed. So when you make a comparison like that, I'm trying to verify that, yeah, indeed, that would be true.

THE WITNESS (Borkowski): Yes, that -- yes, it -- it would. It is less than would be the amount of manure that would be put on the field if it were to be continued to be cropped.

MR. SILVESTRI: Okay. I'm going to make the note on that as well. Thank you.

Okay. Let's move to Interrogatory 42, and this talks about the decommissioning aspect of it -- but I'm curious on the basin areas. And I think I saw it, but I'd just like verification.

Is there a plan for disposal of the sediment from the basin areas? And that would be both from an ongoing maintenance procedure, if you will, and also prior to grading the berms back into the basins during decommissioning.

THE WITNESS (Borkowski): For that, the answer to that question, I would like to turn to Mr. LaBatte of All Points.

THE WITNESS (LaBatte): So there isn't a plan that's specific to where the material that would be excavated for the basins would be located. If you look at the cover sheet to the set of plans that

were submitted to the Council, you'd see there is a net. It's about 3,000 cubic yards of -- of cut.

And that would be utilized to create the berms for the basin, and the rest would be utilized where needed to adjust grades as they're doing construction.

The intent isn't to change the grades of the site overall. That material could be spread as needed and utilized as needed on the site.

MR. SILVESTRI: And if you cleaned out the basins, would you take that material and also try to spread it somewhere on the site?

THE WITNESS (LaBatte): Yeah, I mean, that the -- that would -- that's generally the intent. We don't anticipate that there's going to be an overwhelming amount of material.

But that, you know, things happen during construction and that's why the basins are in place -- but the material would be spread. It's not our expectation that it would be removed from the site, and I don't think it's the expectation of CPG that the material will be removed from the site.

So I think that's the -- the most concise way to answer to that question.

MR. SILVESTRI: Now should the project be approved, we mentioned earlier in response to Mr. Mercier's question about the trees, that you'd have some type of personnel coming back to investigate the site.

Would they also be looking at the basins and checking to make sure that the basins are okay, et cetera?

THE WITNESS (Borkowski): This is Mr. Borkowski speaking again. And yes, that would be a part of their annual inspection or their periodic inspection.

MR. SILVESTRI: By periodic, would that also happen in the event that we have a deluge of rain, say, seven-plus inches or so in a short period of time?

THE WITNESS (LaBatte): This is Eric LaBatte. If I may interject and respond to that? As an obligation to the permitting requirements with DEEP, we are obligated to visit the site weekly during construction to make sure that all erosion and sedimentation controls are maintained.

And if we see anything that's, you know, looks like it could be degrading or it's not serving its useful purpose, we have to remind the contractor to replace or repair, or add measures

to make sure that there is no erosion or sedimentation issues associated with the site.

And that does continue monthly for two growing seasons post-construction. So there will be people out there looking at the site to make sure there's no -- there's nothing nefarious going on, or there's -- there's no degradation related to our erosion and sedimentation control.

MR. SILVESTRI: When you say two growing seasons, is that two years?

THE WITNESS (LaBatte): Yeah. That's my understanding, yes. While we're still in the process of going through, there are -- haven't been many that have been fully completed on our end yet, but I do believe it's two full years.

We could get clarification and -- and provide you with an exact answer.

MR. SILVESTRI: No -- that that would help. And the reason I bring this up; let's say it was about two years ago in my area here, we got hit with an awful lot of rain in a very, very short period of time, possibly seven-plus inches, that with runoff from different roads and fields and everything else the road actually turned brown from all the sediment that was coming down.

And that would be my concern, too, that if there is some type of deluge, as I'll call it, that there would be provisions to go out to whatever solar farms that are there and say, okay, we're going to check everything through and make sure it's all right. This is way after construction.

Would you agree that that would be a prudent measure?

THE WITNESS (LaBatte): It's -- we are obligated to the requirements of DEEP, and it is -- it's two, two years post construction. So it's 24 inspections that we have to do after the site has been, I guess, finished with all construction-related activities.

MR. SILVESTRI: Not to belabor it, but what happens if you get this deluge in the third year?

THE WITNESS (LaBatte): I cannot speak on behalf of -- of what DEEP requires. We are obligated, like I said, of the 24 months. Things happen everywhere.

So I -- I just can't speak to what happens in the third year.

MR. SILVESTRI: Yeah. Again, I wouldn't look at this as a DEEP requirement necessarily, but just as a, I want to maintain what I have, a good neighbor

type policy, et cetera. That's why I bring that up, that I'd like to make sure if this is approved, that somehow if there is a big deluge of rain, that it's looked at and attended to. So I'm going to leave it at that. Thank you.

THE WITNESS (Borkowski): If I may just add one quick point to that?

You know, after -- I think perhaps after the second year, the vegetation is established at that point. And so you have a much different ground profile than -- than if it were closer to construction where there might be some sediment runoff.

MR. SILVESTRI: I do hear what you're saying. Again, I look at it as a precautionary measure.

So thank you.

THE WITNESS (Borkowski): Understood. Understood.

MR. SILVESTRI: If you could turn to the response to Interrogatory Number 43, please?

And I'll start off that information that we typically receive from applicants concerning the TCLP, the toxicity characteristic leaching procedure, it actually includes testing methodology, the results of each leachable metal, a comparison to the regulatory limits that exist,

the quality control data.

But all I see is the letter that was provided by Jinko, if I'm pronouncing that correctly, and attached as Exhibit CSC 1-43-1 -- and it's void of any of that information.

Do you have such information that would give you the testing methodology, results of each leachable metal, comparison to regulatory limits, et cetera?

THE WITNESS (Borkowski): That is something that we can run down. It is a polycrystalline panel, which they all have the same profile. It is the thin film panels that are the ones that are problematic, and as a part of this application we are not proposing those panels.

MR. SILVESTRI: And again, I have no idea what the metal content would be, which is why I'm requesting that information.

THE WITNESS (Borkowski): Understood.

We will provide that to you.

MR. SILVESTRI: Thank you. This is kind of related to Interrogatory 43 in a way, but also it's within Exhibit O of the application. There is a two-page press release, I'll call it, about Jinko's solar first PV recycling network. And I have two

questions for you.

Have you used Jinko, or perhaps a similar company in the past for any type of PV recycling?

THE WITNESS (Borkowski): To -- we have not. We have not. Our oldest facility at this point is twelve years old, and so we have not had to recycle any panels.

MR. SILVESTRI: Have you had any panels that might have experienced breakage during installation that you had to not put them in and do something with them?

THE WITNESS (Borkowski): No, we have not.

MR. SILVESTRI: Okay. Thank you. All right. Moving down the line I have, the next one is Interrogatory 45.

Let me start off that I didn't see much information on the single-axis trackers, so my next set of questions is going to concern them.

How are the trackers actually powered?

THE WITNESS (Borkowski): We have not finalized the tracker system that will be utilized. It will either be via little tiny solar panels that are actually hunter/trackers themselves, or it will be from the electric that's being generated by the solar facility rerouted back into the tracker system.

MR. SILVESTRI: So somehow you would draw, if I understand correctly, from the solar panels one way or another as opposed to trying to have an electrical interconnection, say, from what we talked about with the electric fence.

Would that be correct?

THE WITNESS (Borkowski): Yes.

MR. SILVESTRI: Okay. Any idea what the draw on the system would be for the trackers?

THE WITNESS (Borkowski): It's de minimis, but I do not know the exact number.

MR. SILVESTRI: Okay. The calculations that you provided as far as what you expect from output from the solar panels, did that take into account whatever might be lost from the trackers?

THE WITNESS (Borkowski): Yes, it did.

MR. SILVESTRI: Thank you. Now is the rotating mechanism for the trackers, is it internal to the trackers themselves? Or is it attached to the racks that the panels are fastened to?

How does that mechanism actually work?

THE WITNESS (Borkowski): It's a very -- just very standard mechanical feature of just two gears, that -- that as one gear turns, it turns the panels at a set time and distance.

MR. SILVESTRI: So it's gear driven, as opposed to chain driven?
THE WITNESS (Borkowski): Yes.
MR. SILVESTRI: Thank you. And do the trackers or the gears require any type of periodic maintenance?
THE WITNESS (Borkowski): We have not experienced any issues with trackers on our other systems.
MR. SILVESTRI: And that's over a twelve-year period, I think you mentioned before?
THE WITNESS (Borkowski): We've only been using trackers probably for five years.
MR. SILVESTRI: Five years? Okay. Thank you.
Now with the trackers, what are you looking at for the degree of rotation?
THE WITNESS (Borkowski): So typically it's 52 degrees in either direction.
MR. SILVESTRI: In either direction?
THE WITNESS (Borkowski): Yeah.
MR. SILVESTRI: And --
THE WITNESS (Borkowski): When I say either direction, I mean, facing east to being flat, to facing west.
MR. SILVESTRI: Understood.
THE WITNESS (Borkowski): Yes.
MR. SILVESTRI: Thank you. And going back to the response about the snow removal, in the event of a

forecasted snowstorm the panels would rotate themselves at the onset of snow?

Did I, kind of, understand that correctly? Or would you have to somehow get the panels to move?

THE WITNESS (Borkowski): Yeah, so there is a weather tracking system attached to the -- that's a part, integrated with the tracking system.

MR. SILVESTRI: Uh-huh?

THE WITNESS (Borkowski): That anticipates a variety of weather events and puts the panels in a safe position.

MR. SILVESTRI: When you say, safe position, would it go back to 52 degrees? Or would they actually be perpendicular to the ground?

THE WITNESS (Borkowski): They -- they would be parallel to the ground, usually. Typically parallel to the ground.

In certain snow events, it might be different, but -- and/or hail events, but for wind conditions, it's parallel to the ground. And then for other types of things, it's -- it's different positioning, whatever they determine is optimal for a specific area.

MR. SILVESTRI: Okay.

THE WITNESS (Borkowski): I think west, sometimes it's 90 degree, you know, parallel for snow systems because you have such high wind characteristics. I believe in the northeast, it's a little bit different where you have less of a wind dynamic, and it's just a different type of weather -- snow, typically, so.

MR. SILVESTRI: The wind, I can understand that you'd want to be parallel with the ground, but for snow --

THE WITNESS (Borkowski): Yeah.

MR. SILVESTRI: For snow, I don't think you'd want to do that, because all the snow would land on top of the panel that you want to somehow get more perpendicular.

THE WITNESS (Borkowski): Yes, and -- and I believe that's right for the most part, but there is some instances, depending on whatever the snow, where it may be best that it is parallel. And then you tilt it at a certain time later, just if it's going to be a high wind situation, whatever.

I don't know exactly all the algorithms that go into that, but there is a lot of smart programming that happens to maximize the -- minimize the damage to any panels and maximize

their life expectancy.

MR. SILVESTRI: And that feature would be built into each tracking system?

THE WITNESS (Borkowski): Yes, it's a holistic part of the tracker dynamic.

MR. SILVESTRI: Okay. And again, I'm not familiar with it, but I do have one other question for you.

THE WITNESS (Borkowski): Sure.

MR. SILVESTRI: Do you know how that feature differentiates, if you will, between snow and rain, or pollen buildup, or anything else that might accumulate on a panel?

THE WITNESS (Borkowski): Yeah, so -- so rain without a high wind event is really not all that impacted, but I don't have a detailed answer.

I could get a more detailed answer for you by looking at our systems. There, there are algorithms associated to that. I just don't know them off the top of my head.

MR. SILVESTRI: And that's why I asked the question, because I never ran across it before. So I'll thank you for that one, too.

THE WITNESS (Borkowski): Yeah, for sure.

MR. SILVESTRI: Two other questions I have for you. The second to the last one deals with

Interrogatory 48.

And if I could reference the response to that Interrogatory Number 48, and also to Interrogatory 20, has there been any additional communication with Eversource to restudy the project to reduce the number of utility poles and to use pad-mounted equipment to avoid perhaps the -- what I'll call the proliferation of such poles?

THE WITNESS (Borkowski): Yes. So we can't do anything to eliminate the amount of protective equipment which drives a number of poles needed. That is a standard as set by the utility.

We did move the poles back significantly from where they were. I think they were originally 25 feet off the road. We have since pushed them more than a hundred feet off the road on the latest plan set that you have to put them as far back into the field as we could.

MR. SILVESTRI: Thank you for that response. And if Eversource is listening, again, I've seen their guidelines from time to time, but I do know that pad-mounted equipment has been used successfully, and successfully deployed in the past.

So I'll close that section just with that comment, but thank you.

The last one I have for you is the response to Interrogatory Number 50. And you kind of answered this one with Mr. Mercier, but when you say you didn't want to go out to Pinney Street because any type of undergrounding would interfere with agricultural use of the field on the east side of the property; if I look at drawing OS-1, the field that you're talking about is that cleared area, if you will, way on the east side?

THE WITNESS (Borkowski): So the -- I'm sorry.

Could you repeat your question? I was briefing myself on 50.

MR. SILVESTRI: Yeah, I'm looking at OS-1 and I'm trying to figure out the field that you mentioned, that you'd interfere with agricultural use if you went underground to connect with the solar farm and Pinney Street.

And I think you're talking about that, that open area that's just to the southeast of the proposed solar farm. Is that correct?

THE WITNESS (Borkowski): That is correct, yes.

MR. SILVESTRI: Okay. Very good. Okay. Aside from some homework answers that we talked about, Mr. Morissette, that's all I have.

And I thank you.

THE WITNESS (Borkowski): Thank you.

THE HEARING OFFICER: Thank you, Mr. Silvestri.

So we have three open questions from Mr. Silvestri, one relating to the transformer oil, including alarms and the slope of the transformer pad. We have -- the second would be the TCLP comparison results. And the third would be, I'll call it the information on the positioning devices relating to the wind.

Mr. Silvestri, did I get that one correct?

MR. SILVESTRI: Yes, Mr. Morissette. Thank you.

THE HEARING OFFICER: Thank you. So what we would like to do is have these questions answered during the break, which we'll take around 3:30.

Two of the responses, one and three, I think would be something you could get. Number two, the TCLP comparison results, if you have that information, I think we would like to see it read into the record.

Our intent here is to close the record today and not hold an additional hearing and have to open the hearing for late-filed exhibits. So, if we can accomplish that, Attorney Herrera-Soto, that would be appreciated.

Thank you.

With that, we will continue cross-examination of the Petitioner by Mr. Nguyen, followed by Mr. Golembiewski. Mr. Nguyen?

MR. NGUYEN: Thank you, Mr. Morissette, and good afternoon, everyone. Just a few questions, regarding the system monitoring and maintenance.

First of all, the petition states that the system can be monitored remotely. Is that right?

THE WITNESS (Borkowski): Yes. This is Mike Borkowski of Community Power Group answering the question.

The answer is, yes.

MR. NGUYEN: And where is the remote center located? Is it in state? Is it out of state?

THE WITNESS (Borkowski): It's a web-based system. So, it can be monitored from anywhere. The central monitoring location at this point in time is anticipated to be in New York.

MR. NGUYEN: And I understand that there's a lot of information that's been discussed regarding monitoring, but if you could summarize what can be monitored specifically?

THE WITNESS (Borkowski): Yes. So, we monitor the panels down to the string. So strings are generally to be monitored down to about 27 panels, where we can see if a particular string of panels

is not performing properly.

And so that would stand out, because you see all the strings' performance next to each other, and if there was a particular string that wasn't performing like all the others, then you would identify, hey. There's a problem going on there.

And that problem might be that one panel got unplugged or, you know, perhaps one of the tracker -- the columns is not functioning properly and it's not following the sun the same as all the others are. And that would all stand out in the performance of any particular set of strings.

So it's really measured based on, is the output of a particular string performing like the rest of them, or historical? And that then flags that there's some kind of an issue, at which point we would have our local electrician, who's on call, go out to the site and explore what might be happening in that particular string.

MR. NGUYEN: Can the system be shut down remotely in case of emergency?

THE WITNESS (Borkowski): Yes.

MR. NGUYEN: Or someone has to be on site?

THE WITNESS (Borkowski): No, it can be shut down remotely.

MR. NGUYEN: You mentioned about the local contractors. Does the company have an in-house staff, or maintenance staff?

THE WITNESS (Borkowski): It does, but we contract. We have an in-house monitoring, but the maintenance is done by local contractors.

MR. NGUYEN: And one last question regarding contact. Now I know you spoke earlier about maintaining a contact in case of emergency. CSC-129, you mentioned that the Petitioner is happy to schedule a training with local emergency responders.

THE WITNESS (Borkowski): Not for the --

MR. NGUYEN: It's under construction. So the question is, now after the construction on a regular, annual, would there be any training or contact with the local responders?

THE WITNESS (Borkowski): So, we are available for training at the request of the local safety authorities.

We typically just do one training up front, provide them -- ensure that they have proper access to the facility, and that information is given to them and they are trained with it to the extent that in the future they need follow-up training, there's a change in personnel, we are

certainly available to do that.

MR. NGUYEN: And you certainly will update that contact list -- if you will, or should there be any personnel changes?

THE WITNESS (Borkowski): Yes.

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

THE HEARING OFFICER: Thank you, Mr. Nguyen. We will now continue with cross-examination of the Petitioner by Mr. Golembiewski, followed by Mr. Hannon. Mr. Golembiewski?

MR. GOLEMBIEWSKI: Thank you, Mr. Morissette. Good afternoon to everyone.

Based on the Witnesses, I'm not sure who to ask what, but hopefully someone will pick up the answer.

I believe the first question would be to Mr. LaBatte, I believe. And this is a follow-up to Mr. Silvestri's question. I think you answered to one of his questions that there would be 3,000 cubic yards of excavation at the site to complete the development.

THE WITNESS (LaBatte): What we calculated was approximately, per the cover sheet on the drawings, 43,065 -- I mean, sorry, 4,365 cubic

yards of cut, 1,250 cubic yards of fill with a net delta of approximately 3,115 cubic yards of cut that would be spread on the site.

MR. GOLEMBIEWSKI: Okay. And when you say, spread on the site, that would be for berms and some of the stormwater features and such, and you are confident that you can essentially spoil it on site? There's enough area to do that?

THE WITNESS (LaBatte): I mean, that's the intention for -- for the berms. I mean, generally speaking, you're able to -- to spread that around.

And sometimes these, these fields have ruts between the rows of crops -- and just to get it evenly spread so that the stormwater can sheet flow appropriately where the basins are located.

There are ways to just make sure that the grading patterns are mimicked to existing conditions and they spread the material around accordingly, and then put the seed mix on top of it after the fact.

MR. GOLEMBIEWSKI: Okay. And so as part of the phasing these additional soils would be temporarily stockpiled and protected per ENS guidelines.

And then as your phasing goes, you would have certain areas where you would be essentially

excavating, temporarily storing. And then as you move through the site you'd be playing this sort of game of, this is where we're going to excavate, this is where we're going to, you know, increase grades or whatever.

THE WITNESS (LaBatte): Yeah, I mean, if -- if you look at the drawings that were submitted, we -- we really only have two areas of excavation associated with the two basins. There really isn't -- the intent is not to change the grade patterns of the site.

So it's not really a game, per se. There is no intention to do any excavation throughout the majority of the site.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): It's primarily contained to those two areas, and we have stockpiles shown on the ENS plans.

MR. GOLEMBIEWSKI: Yeah, and so you believe you can spoil right in then, those excavation areas? Or are you going to have to spread in the area where the arrays are?

THE WITNESS (LaBatte): As I mentioned, there could be some of that material spread in the areas where the arrays are in the event that -- that the

conditions lend themselves to that.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): Like I said, as they drive equipment on them and just from the row crops themselves there could be inundations in the -- in the land. And so they can use that material to spread it out evenly to keep the drainage patterns.

MR. GOLEMBIEWSKI: Okay. And then any areas where you spoil, you know, clearly they'll be disturbed at that point. The ENS controls will be modified or adapted to however you spread the material?

THE WITNESS (LaBatte): Yeah, there's perimeter ENS measures as shown on the drawings. We don't anticipate any.

The site has pretty gentle slopes across it. So we really don't anticipate much in the way of erosion, but yeah --

MR. GOLEMBIEWSKI: But you guys -- but don't you have to break up the site into sort of smaller, you know, perimeter alone is not going to do it for you. Right?

THE WITNESS (LaBatte): Well, that's why the basins are there. They're to be utilized as temporary sediment basins as well. So the water will be

directed to them when it rains. And the perimeter controls really at the end of the day are what will govern.

So yes, while -- while the site may be broken up and worked on in phases, those basins are meant for the water to be directed. They have baffles in them. They are to be cleaned out.

It's all outlined in the drawings.

MR. GOLEMBIEWSKI: Okay.

So phasing-wise, those will go in first then?

THE WITNESS (LaBatte): Uh-huh. Yes.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): As you see, we have -- the erosion control plans are set up in a phased manner, and the first phase is to -- to construct those basins and to install the perimeter controls.

MR. GOLEMBIEWSKI: Okay. So ultimately you are balancing cut, cuts and fills on site with no export of material?

THE WITNESS (LaBatte): Well again, I can't speak to what happens during construction and from the means and methods of it, but the hope and expectation is that while there will be a net excess of material, they would be able to spread

that around on site.

MR. GOLEMBIEWSKI: Okay. Because I did see in the decommissioning plan, some type of amount of money that it's going to be estimated to restore the site.

So I would have to look back at that calculation, but if you, say, took ten triaxial loads of material out, then you'd have to bring ten triaxial loads of material back in. Yes?

THE WITNESS (LaBatte): Correct.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): I mean, I cannot speak -- I would like Mr. Borkowski to answer this part, but it's my understanding that he would prefer not to take however many triaxial loads of material off the site if they didn't have to, so.

MR. GOLEMBIEWSKI: Okay. So you did state already that the stormwater runoff collection systems are going to maintain the existing drainage patterns, which essentially drained the site -- as far as I can see, drains to the southwest.

Part of it drains to the southwest, and part of it drains to the southeast?

THE WITNESS (LaBatte): Correct.

MR. GOLEMBIEWSKI: Okay. And then the basins

themselves are designed to have some type of storm runoff retention, or at least detention.

So that peak runoff is, as I saw it, was less for all storms. Is that correct?

THE WITNESS (LaBatte): Yeah, it's substantially less.

MR. GOLEMBIEWSKI: Yeah.

THE WITNESS (LaBatte): And just to add a little color to the conversation in regards to the basins, they're both equipped with a low-flow orifice that allows, during smaller storm events, making sure water will always leave the basins.

We aren't accounting for any infiltration into the ground, so it's a very conservative design. And there they're both also equipped with emergency spillways in the event during higher storm events --

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): -- to be utilized, so.

MR. GOLEMBIEWSKI: It does appear the soils would be, I guess, okay for infiltration. And I did see you do have some infiltration swales proposed. So there will be infiltration.

So you -- so you're right. So you will be over-designed then, for at least that purpose?

THE WITNESS (LaBatte): Yeah, and then also you have to

remember the DEEP has some stringent requirements. They instituted what they refer to as Appendix I to the stormwater manual.

And so we have to -- not to get too, I guess, technical here, but we have to, I guess, upgrade the runoff coefficient numbers when we do our design to -- to account for what they would consider to be an increase in, I guess, volume of water as it -- as it travels to the basin.

So I think --

MR. GOLEMBIEWSKI: You mean, from the panels are considered sort of impervious in a model?

THE WITNESS (LaBatte): No, they actually don't.

The DEEP does not account for the panels themselves to be impervious, so.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (LaBatte): But it's a ground cover increase in runoff coefficient.

MR. GOLEMBIEWSKI: All right. Well, thank you.

Other than a wetland delineation and a wetland assessment, were there any other biological surveys done on site?

THE WITNESS (Borkowski): No.

MR. GOLEMBIEWSKI: Okay. So no one assessed the current usage of the site for wildlife and

connectivity, and any type of use of the site?

THE WITNESS (Borkowski): Hold on one minute. I just want to look at our records again to make sure I've reviewed what's been submitted. If you bear with me one minute while I look at that?

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (Borkowski): So we did do a DEEP review and a U.S. Fish and Wildlife review that came back with no findings. Therefore, it wasn't necessary for us to hire an independent third-party group to do any further explorations.

MR. GOLEMBIEWSKI: Yeah, and that's in regards to, like, state listed or federally listed species. Right?

THE WITNESS (Borkowski): Yes.

MR. GOLEMBIEWSKI: Yeah, but I mean, if you just Google solar development and wildlife, there's all sorts of, you know, here you're supposed to look at how wildlife currently traveled through the site. Like in this case, you have two, two wetland corridors; you have two areas of forested connected blocks, especially along the western side. And so, you know, I would think you would at least try to assess what's currently walking through.

And I guess my question is, is the fencing going to allow certain land mammals to go through the site?

Because they do have -- they are now in other states looking at wildlife permeable fencing that allows smaller mammals to go through the site.

THE WITNESS (Borkowski): Yes, so the game fencing that we utilize does allow for smaller animals to go through it.

MR. GOLEMBIEWSKI: Okay.

THE WITNESS (Borkowski): That requirement is a seven-foot fence, which in all fairness, many deer can jump, but we also find that the incremental evergreen vegetation that we provide does actually provide incremental habitat for larger mammals.

But given that we -- there is open area that goes all around it, we're not cutting off any corridors. It might, you know, funnel them a little bit more right along the fence line if they don't feel like hopping in, but it does not curtail any, any movements that we've seen.

MR. GOLEMBIEWSKI: And are you aware of any bird species that would not want to fly over such a development?

THE WITNESS (Borkowski): No, we often find that the

bird species the most part really like the incremental perches for them to be on, but that we don't have any issues with them flying overhead or -- or anything like that that you might find in a different solar concentrated facility where there are issues.

This is not that type of solar facility.

MR. GOLEMBIEWSKI: Okay. I guess moving on to the prime farmland soils.

My understanding is that the Department of Agriculture have essentially signed off on the project provided that you implement a co-use plan, and that if for whatever reason you cannot implement that, you would need to go back to them to, I guess, update it or revise it.

Is that correct?

THE WITNESS (Borkowski): They have signed off on the notion of our co-use. I can check the letter again to see if there are any requirements to go back to them in the event that we were not able to do that going forward, but we are certainly more than willing to do that.

MR. GOLEMBIEWSKI: Okay. Moving on, how long will construction last until you're ready to essentially, I guess, start the generation?

THE WITNESS (Borkowski): So the construction period is generally about four months in total from beginning to end. For a facility of this size, we've -- we've developed approximately, and have operating approximately 250 megawatts worth of solar facilities. The majority of those are between a half a megawatt to ten megawatts, so we've done a lot of these.

But what we find is that the construction period really only lasts, you know, that four-month period, but it takes a couple extra months for the utility to do their work and interconnect.

So it may sit there for another two to four months while they finish up their work. So many times it's anywheres up to eight months, kind of, before it's operational and when we break ground.

MR. GOLEMBIEWSKI: Okay. And then after that sort of 6 to 8 months of, say, high activity, what is the, say, the level of activity at the site for the next 25 years?

THE WITNESS (Borkowski): Yeah, very minimal. The first couple of years we have somebody going out there more in the once-a-month category to look at either one of the water features to ensure that

they're functioning properly, or do some grazing, or you know, work with the sheep perhaps.

After that and things have been established, that they're working and functioning, really they show up on a periodic basis to really look out for the sheep and make sure what's going on there and/or just a general check-in.

Or the, you know, local electrician might go there to make sure, you know, if there was an issue that was alerted with the panel. In all those situations it is just a pedestrian-oriented vehicle that would approach there and not any, you know, major construction, or oriented activity.

Less traffic than if they were homed there, sure.

MR. GOLEMBIEWSKI: Thank you. I did read that there's no proposal to clear any trees, or limb any existing trees. Is that true?

THE WITNESS (Borkowski): That is true.

MR. GOLEMBIEWSKI: I quickly looked at the plan and I did see a drip line on, I guess, that's probably the existing canopy. It did not look like there was any, like, soil compaction or damage that would occur within the drip line. Is that also true of the development of these, I guess, if you

want to call it the perimeter trees, especially around the northern, western and southern ends?

THE WITNESS (Borkowski): Yes, that those areas will have minimal impaction, really, just from equipment associated with planting the trees, which is typical in those instances and/or some of these water retention features that have to be built where there would be an impact associated directly with those.

MR. GOLEMBIEWSKI: So you wouldn't think that you would increase any mortality of, or the vigor of any of these existing trees?

THE WITNESS (Borkowski): No, not at all.

MR. GOLEMBIEWSKI: Okay. All right. I guess I want to get into a little bit of visibility. I did see here your visual impact study and are you confident that -- and I'm talking primarily of the residences around, I guess it's like 25 -- between 25 and 40 Middle Road and 9 and 11 Heather Road.

Do you believe that the proposed evergreen plantings should at least offset, or provide a year-round buffer to the, I guess the infrastructure that you're putting in?

THE WITNESS (Borkowski): Yes, we do believe that, especially from the standpoint that those homes

are directly north of the facility. So you're not getting a side view from either the east-west view where you might have a little bit more of an impact. You're kind of looking right down a line, so the visual impact is minimal.

And then for the homes on the western edge, they're actually -- the elevation is quite a bit lower there for them, and this is, you know, kind of up on the ridge, which then, you know, kind of lends itself to more screening with the existing -- the vegetation that's already there you know, the way the angles and everything else like that work.

MR. GOLEMBIEWSKI: Okay. I did see, I guess, a glare study or statement. Can you kind of explain what that is and what was the ultimate conclusion?

THE WITNESS (Borkowski): Yeah, so we -- we do do solar farms at airports. So we are one of the few vendors, solar developers that are well-versed in software that is a requirement of the FAA and validated by the FAA to accurately predict any glare.

And so these simulations, actually, that we put together calculate where throughout the entire time of the year, given the geolocation of that

solar facility and where the sun is in relation to it, the angle of the panels throughout the course of the day, and literally run the simulation associated with the sun and the angle of the panels all throughout the course of the day to reflect, to show where there might be reflections at any given point in time for a specific point.

And so we have -- we did that along the roadways and at the homes and determined that there would be no reflective glare coming off those panels given their -- there their various angles and the sun position at any point in time.

MR. GOLEMBIEWSKI: Okay. Thank you.

I know noise has been mentioned already, but I just want to confirm that the noise daytime and nighttime would meet current, I guess if you want to say, state guidelines.

I don't know if there's local zoning noise regulations, but I'm assuming that that's the case.

THE WITNESS (Borkowski): This solar farm will meet all the state guidelines. I don't believe there are any local guidelines.

We have heard some folks -- there's another solar farm that's right up the road from this

one -- during other information gathering sessions. Individuals had expressed some concerns.

That solar facility, all of its equipment is anywheres from 50 to 80 feet off the road. Ours is four times that, and at least three times that from any residential property line, and four times that times any residential dwelling.

So we are very confident in that individuals will not be impacted by the noise and have done, you know, that, those different things to -- to determine and assure that.

MR. GOLEMBIEWSKI: Is there any difference in the operation of the equipment between day and night?

THE WITNESS (Borkowski): Yes, there is.

Thank you for asking this question.

So at nighttime the solar panels are not rotating. So any noise associated to those does not exist. At nighttime the transformer is not transforming, because there's no power coming out of it. So there's no noise associated with that, and the same with the inverter.

So the solar farms really at night are, you know, not that they make much noise otherwise, but at night even less. So there is a difference

between night and day.

MR. GOLEMBIEWSKI: Great. I'm getting to the end.

I did notice a statement in the decommissioning plan that the site will be restored to a state similar to pre-construction condition.

THE WITNESS (Borkowski): Yeah.

MR. GOLEMBIEWSKI: Does that mean it would be farmable fields again, arable fields?

THE WITNESS (Borkowski): Absolutely, it will be farmer-farmable fields, yes.

MR. GOLEMBIEWSKI: Okay. And then I think I already heard that the stormwater systems would then be removed because they would be unnecessary if you essentially put it to pre-construction?

THE WITNESS (Borkowski): Yes, that is something that the landowner at that time would have to determine whether they wanted it, or didn't want it anymore.

But they could easily, you know, be flattened out in essence.

MR. GOLEMBIEWSKI: Okay. All right.

Mr. Morissette, that's all my questions.

THE HEARING OFFICER: Thank you, Mr. Golembiewski.

We will now take a 15-minute break and -- not quite 15 minutes, 14 minutes. We will come back

at five of four, at 3:55 to continue with our hearing this afternoon.

And there are, again, three open items that we need responses for from the Petitioner, and we hope to have those responses when we come back from our break. So thank you, everyone.

We'll see you at 3:55. Thank you.

(Pause: 3:41 p.m. to 3:55 p.m.)

THE HEARING OFFICER: We're back. Thank you, everyone.

Is our Court Reporter with us?

THE REPORTER: Yes, I am ready, and on the record.

THE HEARING OFFICER: Very good. Thank you.

Okay. Let me see. Attorney Herrera-Soto, do you have responses to the three open questions?

MS. HERRERA-SOTO: Yes, we do, Mr. Morissette.

Actually, Attorney McDermott is going to be delivering the responses.

THE HEARING OFFICER: Thank you.

Attorney McDermott?

MR. McDERMOTT: Thank you, Mr. Morissette.

Mr. Borkowski, during the break, or in prior to it, did you have an opportunity to consider the questions about whether or not there is oil in the

transformers? And if so, what did you determine?

THE WITNESS (Borkowski): Yes. Thank you, Mr. McDermott, for that question. We did have an opportunity to look at our transformers and confirm the oil, and that there is various oil alarms, including a low-level oil alarm, an oil surge alarm, and an oil temperature alarm.

And that built into our SPCC will be procedures for any leaks or spills.

MR. McDERMOTT: Thank you. And how are those alarms monitored?

THE WITNESS (Borkowski): They are able to be monitored remotely.

MR. McDERMOTT: Thank you.

And Ms. Young, did you have an opportunity to consider the question about -- that was related to the press release from Jinko about the TCLP of the panels?

THE WITNESS (Young): Yes, we did locate the study methodology and results that were referenced in the -- in the press release from Jinko.

And the summary of the results is that there were no concentrations of any of the subject chemicals greater than the regulatory limits.

MR. McDERMOTT: Great.

THE HEARING OFFICER: Attorney McDermott, if I may interrupt here for a moment? I believe Attorney Bachman may have a comment on this matter.

Attorney Bachman?

MS. BACHMAN: Thank you, Mr. Morissette.

Considering the TCLP test results, such information is certainly subject to change. If the project is approved between permitting and procurement, certainly we could consider different types of panels by different manufacturers, possibly higher wattage panels that could reduce the footprint of the solar facility.

And if we're fortunate enough by that period, perhaps we'll have invisible panels, but the selection of the panel type is a business decision, and if the project is approved we can ensure the toxicity characteristic leaching procedure results are in compliance with the criteria.

Thank you.

THE HEARING OFFICER: Thank you, Attorney Bachman.

Attorney McDermott, please continue.

MR. McDERMOTT: Thank you, Mr. Morissette.

We also, during the break, Mr. LaBatte had an opportunity to look at the question about the seed

mix that will be used in the basins, and he just wanted to expound upon his answer previously given.

So, Mr. LaBatte, what did you wish to say on that topic?

THE WITNESS (LaBatte): Again, Eric LaBatte with All Points Technology Corporation.

The seed mix for the basins is noted on sheet DN-2 in the site plans, detail one. And the mix will be a New England erosion control, slash, restoration mix for moist sites on the bottom of the basins; and then a New England erosion control, slash, restoration mix for dry sites on the side slopes of the basins.

The only other thing I wanted to clarify, too, was in regards to the post-construction inspections, and the question was raised regarding the -- the growing seasons. A growing season per DEEP is made up of two seeding seasons. Seeding seasons are from April through June, and then from August through October.

So it's two of those. A growing season is two of the seeding seasons. We need to do it for two growing seasons. So as I mentioned before, it is two years, but that is the minutiae of the --

the answer. It's the detail.

So there you have it.

MR. McDERMOTT: Thank you very much.

Mr. Morissette, I believe that's the end of our homework assignment report.

THE HEARING OFFICER: Attorney McDermott, I believe you had one more. It had to do with the tracking system.

MR. McDERMOTT: Oh, yes. Thank you. You're right. I have an e-mail on that. That's why I was off -- I was off message on that.

So Mr. Borkowski, you had an opportunity to look into the question about the tracking?

THE WITNESS (Borkowski): Yes, I did, Mr. McDermott. Thank you.

So we looked at the standard protocol under a variety of extreme weather conditions for the best tracking positioning. And so when you have a hurricane situation, the action is to move all trackers to maximum tilt angle facing east or west for whatever wind direction that is prevailing at that moment, but to have the panels actually facing the wind.

In a hailstorm, again you would want to have all trackers to maximum tilt angle to minimize the

hail impact, so it would not be facing. It would be the kind of opposite direction that the hail is at.

For wind stow, again for lower wind is obviously very similar to hurricane wind, where you have the panels facing into the wind so that they're, in essence, being pushed downward.

For snow, you would have all tracker -- trackers put in maximum tilt angle to dump the snow, and then normal tracking resumes, kind of, immediately after the snow.

And then for flood conditions, which probably are not really all that pertinent here, you would have -- but you would have a flat panel positioning to have maximum flood ground clearance.

MR. McDERMOTT: Thank you very much.

I believe that concludes it then, Mr. Morissette.

THE HEARING OFFICER: Thank you, Attorney McDermott, and thank you for the witness panel for obtaining those answers during the break.

Mr. Silvestri, does that satisfy your open questions?

MR. SILVESTRI: Thank you, Mr. Morissette. Very

appreciative that the transformers will have oil surge, temperature, and low-level alarms, as well as the remote monitoring. So thank you for that response.

I appreciate the comment on the TCLP, as well as Attorney Bachman's comment about the selection of the type of panels, should that change going forward as well. And I appreciate the information also on the different tilts that are being affected by weather conditions with the trackers, and also the clarification on the growing seasons.

So yes, appreciate the responses.

Thank you again.

THE HEARING OFFICER: Thank you, Mr. Silvestri.

We'll now continue with cross-examination of the Petitioner by Mr. Hannon, followed by myself.

Mr. Hannon, good afternoon.

MR. HANNON: Good afternoon. Thank you, Mr. Morissette. Good afternoon, everybody. Before I get into some of my questions, I'd like to follow up with Mr. Borkowski on a couple of questions raised by Mr. Silvestri.

I'm a little confused in terms of how these paddocks may be set up. And the reason I say that is because, based on the submittal by Community

Power Group in terms of the solar project considerations, you talk about three fence lines will be installed in order to create five distinct paddocks within the solar project area.

But the way you were describing it sounded like you would set up one paddock, sort of disassemble and relocate it another place. So it looks as though these paddocks are more permanently located. So can you explain the difference there?

THE WITNESS (Borkowski): Yes. Thank you for that question, Mr. Hannon.

So this, our understanding of the fencing would be that there would be a panel or -- or pens that would be moved over a period of time with those sheep.

There could be an instance where the sheep maintainer determines it's more labor efficient for the fences to remain put, and that -- that it's easier for him to move the sheep in an unfettered way. As the solar operator, we are indifferent as to how they would like to do that.

MR. HANNON: And again, my issue here is looking at figure one. I mean, it specifically identifies the three distinct lines that would delineate the

five paddocks.

THE WITNESS (Borkowski): Yes.

MR. HANNON: And based on the language I'm reading, it sounds as though that will be done.

So I'm just trying to clarify.

THE WITNESS (Borkowski): So I think those lines are fixed. Like, there were a lot of math and calculation that goes into the size of those different pens.

And let me read that one section again to clarify and make sure that those, whether they are temporary or permanent per the instructions that we got from our anticipated grazer.

MR. HANNON: That's fine.

THE WITNESS (Borkowski): Give me one minute.

MR. HANNON: No problem.

(Pause.)

THE WITNESS (Borkowski): So I think the, perhaps, confusion in what I had indicated earlier is that the sheep are, generally speaking, only in the facility for two weeks, two times a year.

And so during those two weeks, those five pens are set up at one -- all at the same time, but then they are removed when those sheep are not there.

MR. HANNON: No -- thank you. Because that actually leads into my next question -- which you kind of answered indirectly, was looking at the numbers.

And this is Interrogatory 1-32. It states that there's expected four pounds of manure daily and about 300 to 325 pounds of manure deposited on the site per year. I'm dividing that, you know, by the number of sheep.

So 325 pounds divided by four is, like, only 81 days. So initially I was assuming the sheep were going to be there a lot longer. So if you're saying they're only going to be there basically 28 days, then the numbers that are in Interrogatory 1-32 make a whole lot of sense to me.

THE WITNESS (Borkowski): Got it. Very good question.

MR. GOLEMBIEWSKI: So -- and then following up a little bit on a question that Mr. Golembiewski raised, if you look at the Department of Agriculture letter, the paragraph in the second page in the middle says, based on statements provided in CPG's letter dated January 21, 2022, the only significant ground disturbance caused by the project will be an access road approximately 20 feet in length, extending from Middle Road south to the solar array.

There will be no grading, cutting or filling, topsoil removal or other actions associated with the project's installation and ultimate decommission after 20 to 30 years.

So if I heard correctly, I think there's a little over 3,000 cubic yards that may actually get moved around on the site, which seems to indicate something a little bit different than what the Department of Agriculture was basing their decision on.

THE WITNESS (Borkowski): Yes. So that, that letter was provided before the requirement associated with Connecticut stormwater management requirements.

MR. HANNON: Okay. Thank you.

On the application, page 11, it talks about racking is pile driven, which I fully understand, but I have two questions on that.

One is, I didn't see anywhere where it identified the depth of the piles. I mean, I think typically we're dealing with eight or nine feet. Is that similar to what you're proposing here?

THE WITNESS (Borkowski): Yes, our -- our depths are anywhere from six to twelve feet, based on, you

know, final kind of soil conditions. And we do, kind of, load testing to ensure it meets certain wind profiles that it can handle.

But yes, it is almost always in that, that, you know, six, seven, eight, nine-foot range.

MR. HANNON: Okay. And then I was just curious, have any test pits been dug out there? Because this is New England and agricultural land, usually you'll see the top 9, maybe 18 inches of soil moved around -- but do you have any idea what's actually under the soil?

Because I'll dig a 6-inch trench in my yard and take out 15-inch diameter rocks. So I'm just wondering if you guys are making plans that if there are some problems on part of the site for pile driving, if you'd have to use some type of screw technology to install them?

THE WITNESS (Borkowski): Yes. Mr. Hannon, again that's a very good question. So we do expect that there will be a certain resistance in driving the piles. In those instances, we do drill and screw the piles into whatever that resistance might be.

And we do anticipate that a certain amount of that happens on every site.

MR. HANNON: Okay. Thank you.

Also in the opening of the application, like, page 13, 14, things of that nature, there are a number of comments that are made where the existing wetlands are maybe a little bit more than a hundred feet away from the proposed construction activities.

But I do have a question on that, because in looking at map EC-10, it looks as though -- I mean, this is the area where it's on the western side of the property that the detention basin is going.

And based on the scale being 1 inch equals 40 feet, I mean, it looks as though the proposed detention basin is well within a hundred feet of the wetlands. So I'm just curious about that?

THE WITNESS (Borkowski): Yes, the -- I understand that question. We had interpreted it, rightfully or wrongfully, to be associated with the solar equipment and not the detention facilities that are otherwise being there to protect the, you know, those -- those wetlands from any overflow.

So that was not in the setback determination.

MR. HANNON: Okay. And then on page 14, it also goes on to say, as such there will be no impact to wetlands and watercourses, and a vernal pool

analysis is not applicable.

I'm not raising a question about vernal pools, but what I am raising a question about is on page 4 of the wetlands delineation report. It talks about -- the first paragraph on page 4. It says, the line along the pond was heavily overgrown with multi-floor rows; included jewelweed along the waterline.

The pond occupies approximately one acre and appears to be shallow, two to four feet deep. It was covered with duckweed and likely provides some functions as amphibian breeding habitat.

So my question to you is whether or not you have considered putting any type of protective fencing around that detention basin so it doesn't act as a decoy pond to what the wetlands scientist apparently is saying is an amphibian breeding habitat.

THE WITNESS (Borkowski): Gotcha. Again, a very astute question. The understanding that I have -- and perhaps Mr. LaBatte could further opine on this, is that those detention facilities are not designed to be wet, and bio-retention facilities in any way.

So that would not result -- the expectation

is that would not result in a false habitat, perhaps, for these, these species.

MR. HANNON: Well, just to put things in an historical perspective, last year I did not get all the water off of our swimming pool and we had frogs breeding in the pool cover. And there were tadpoles galore on top of the pool cover.

So it doesn't take a whole lot of time for these frogs or other amphibians to create the problem. So it's something you may want to consider.

I mean, we've had this come up in the past, and on things where maybe it's going to be like an 18-inch fence around the detention basin just to make sure the amphibians don't get in there. You get a heavy water, and you're like, Mr. Silvestri was talking about a seven-inch rainfall. The water is not going to drain out in a couple of hours. It's going to take time.

So it just may be something that you want to consider going forward so that you're not creating a decoy pool or decoy pond for the amphibians.

THE WITNESS (Borkowski): Thank you.

MR. HANNON: One of the things that I did see in the report on page 16, which I really thought was kind

of cool, was having the Connecticut state beekeeper putting some of the honeybees on site, but also trying to come up with some answers to research questions. I think that's a very admirable thing to do. So I was very happy to see something like that.

I had a question about the fences. They're eight feet tall, but I think I found one of the diagrams and it looks as though some of the small animals are actually able to go through that or pass there.

Because what we've had done in the past with some of the solar projects is fences have been raised about maybe six inches above the ground to allow for some critters to get through, so -- and I'm not that familiar with the agricultural fence, so if you could maybe clarify that a little more for me?

THE WITNESS (Borkowski): Yeah, so the -- the wire -- the agricultural fence is a fence specifically designed to keep large cattle, sheep, other types of species contained, while at the same time allowing for smaller species to go through it.

So generally speaking, the mesh is about a six-inch mesh. And so it allows for those things

to move freely through the fence.

MR. HANNON: Okay. Thank you. I don't know if there's any literature out there, but has anybody done an analysis of the drainage associated with the sheep paddocks, and what that may or may not do with water quality?

And the primary reason I'm raising the question is because of the two open swales on the east and western part of the site, I believe, or at least draining the water that way.

I'm just curious if there are any studies out there where you can pull together some research just to make sure that we're not running into any problems here.

THE WITNESS (Borkowski): Yeah, so there's the -- the combination of the year-round coverage and deep coverage of ground cover that will be present acts as certainly a filtering agent before things get down to those water retention facilities.

But it's certainly something that could be a part of the monitoring that's already slated to transpire.

MR. HANNON: Okay. Thank you.

A comment on an Interrogatory Siting Council Question Number 1-39. It talks about the

response. It says, if necessary, based on field conditions, straw bales can be added to the upslope side of the silt fence. My preference would be to include the hay bales, but that's just a personal preference, and seeing as how you folks offered.

The only other question that I have right now is I was looking at the operations and maintenance manual, and on page 12, which is the system maintenance, 7.0 system maintenance, the question that I have for you is, you talk about in 7.1 in grounds maintenance, visually inspect perimeter fencing for damage and then report as observed.

But what I didn't see anywhere in here, and I know we talked about it, was needing to maintain some vigilance over the first two years of the growing season to make sure that the grass is growing or everything is growing.

But after we get past the second year, we have a heavy rainfall, stuff happens, areas wash out; so I'm just wondering if also including in that would be as people are walking around the site checking the perimeter fencing for damage, they can also check to see if there's any erosion that's occurred, and then go ahead and address

that as soon as they see it rather than let it fester and create a major problem for people later on down the road?

THE WITNESS (Borkowski): Yes, that's a good observation and enhancement for our manual, for sure. So it's, I think, something they do, but not documented.

MR. GOLEMBIEWSKI: Okay. Thank you.

Mr. Morissette, that concludes my questions.

THE HEARING OFFICER: Thank you, Mr. Hannon. And good afternoon, everyone. It's my turn to ask some questions. I'm going to start it off having to do with noise.

I'm curious as to whether there's an option to put noise panels around the transformers, and whether that would be helpful to minimize the noise for the abutting residential areas?

THE WITNESS (Borkowski): It's certainly something we can consider doing. That you know, sometimes what we've also done in the past is put some incremental landscaping right there. But you know, a wooden fence going around the outside edge would probably be a really thoughtful, and certainly an okay thing for us to do.

THE HEARING OFFICER: Great. I think that would be

helpful. Thank you.

I'm following up on Mr. Hannon's question relating to the hundred feet on page 13 of the narrative. Section four, it talks about the hundred feet outside the limits of construction, and then it continues on page 14 to talk about the intermittent watercourse as well.

Is that what you were referring to in your response to Mr. Hannon, that construction activities actually are taking place within the hundred feet, having to do with the stormwater features versus that statement?

THE WITNESS (Borkowski): Yes, that is -- yes, that is an accurate reflection of what I was contemplating in that statement.

THE HEARING OFFICER: Great. Thank you.

Okay. I'd like to go through a couple of interrogatories in set one. The first is CSC-1-11. And it refers to, in the response, it says the address nearest residence to the solar perimeter is 38 Middle Road. We actually got a letter from the resident at 32 Middle Road.

My first question, did anybody have any discussions with Mrs. Carden, I believe her name is?

THE WITNESS (Borkowski): I believe they were part of a meeting that we held with some local members where they provided us comments.
THE HEARING OFFICER: Okay.
THE WITNESS (Borkowski): They were a part of that meeting.
THE HEARING OFFICER: All right. Well, she specifically discussed the poles along the entrance to the facility, and was quite concerned about that.

Did you address her concerns at all?

THE WITNESS (Borkowski): Yes, that was the basis for us moving the poles from, I believe, 25-foot from the road to more than a hundred-foot from the road. So it was a result of that meeting and those comments that that change to the plan set was made.
THE HEARING OFFICER: Okay. The attachment CSC 1-11, which is extremely difficult to read, shows the distances from the -- I believe it's the property line?
THE WITNESS (Borkowski): Yes.
THE HEARING OFFICER: So 38 Middle Road is 239 feet.
THE WITNESS (Borkowski): Yes.
THE HEARING OFFICER: 28 -- I'm sorry, 32 is. And then

28 is 240, 60?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: Okay. So in this drawing, I believe, or this exhibit, the little dots along the access road are the poles. Correct?

THE WITNESS (Borkowski): The black dots along the access road are the poles. And what you are looking at reflects the -- that is the old plan set, where it was, I believe, 25 feet off the property line -- is where that first pole comes in.

That has now been moved to, I believe, a little over a hundred feet back.

THE HEARING OFFICER: Okay.

THE WITNESS (Borkowski): That was after this interrogatory was there, but is reflected in the plan that has been subsequently provided to the Council.

THE HEARING OFFICER: Okay. And that plan was filed with your pre-filed information. Is that correct?

THE WITNESS (Borkowski): Perhaps Mr. Mc -- yes, that was, yes.

THE HEARING OFFICER: Okay. All right. We'll go there in a minute.

So now we're significantly further back.

THE WITNESS (Borkowski): Yeah.
THE HEARING OFFICER: I'll look at that here in a second. So the access road, do you have an estimate of how many feet the access road is to the 28 Middle Road property line?
THE WITNESS (Borkowski): Yes, I do.
It is approximately 75 feet.
THE HEARING OFFICER: Seventy-five feet? And then another, let's say 16 for the road would be about 90, 91 feet to the -- maybe 95 feet to the actual interconnection facilities, I'll call it?
THE WITNESS (Borkowski): Yes.
THE HEARING OFFICER: Okay. All right. I also noticed that the vegetation stops approximately in the middle of 28 Middle Road, adjacent to the garden -- I'll call it the community garden.
Is there any reason why it didn't continue and so go on --
THE WITNESS (Borkowski): There's not --
THE HEARING OFFICER: Excuse me. Go ahead.
THE WITNESS (Borkowski): Yeah. So that it was originally there for the -- because the community garden would be there, and there was some opposition by the neighbors expressed to the notion of a community garden and not wanting other

people there.

In the event that's removed, our expectation would be and our statement is that the screening would continue along that property line.

THE HEARING OFFICER: Okay. So it would continue along the property line?

THE WITNESS (Borkowski): Yes, yes.

THE HEARING OFFICER: Would it end at the road, or would it continue down to Middle Road?

THE WITNESS (Borkowski): Hold on for one minute while I look at the updated plan for that.

THE HEARING OFFICER: Great. Thank you.

(Pause.)

THE WITNESS (Borkowski): Yeah, so those trees would continue around the corner up to the, and just beyond the area where the first interconnect pole is.

THE HEARING OFFICER: Okay. All right.

So that whole area would be green --

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: -- with additional plantings?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: Okay. All right. I'm going to move on to CSC 1-21. You say here that a transmission study was needed. Do you know why?

THE WITNESS (Borkowski): It's a really good question. We did not think it was needed. The utility forced us to do the extraordinarily expensive transmission study to tell us that there was no need for a transmission study because there was no impact.

THE HEARING OFFICER: Interesting. Okay. All right. Okay. We're going to jump to the interconnection. You mentioned -- you responded to Mr. Silvestri's question about contacting Eversource. I wasn't sure of your response, whether it was an affirmative that you did or did not contact Eversource and ask them about pad mount and undergrounding your interconnection facilities?

THE WITNESS (Borkowski): We have not contacted them about pad -- pad mounting the equipment. That would result in a change to our current interconnection agreement that would likely put -- that would put us having to refile and have it be studied with that.

THE HEARING OFFICER: I'm not sure it would need to be restudied, because your input into the system is going to be unchanged -- but it would require a new design. I would agree with that.

And we have seen that Eversource has been willing to reconsider the designs, and have gone with underground and pad-mount equipment. So contacting Eversource may be in the best interest of this project to see what can be done here.

Looking at set number two, CSC-49, we asked for the price estimates of overhead versus underground, and no estimates were provided. Have you had an opportunity to re-look at that?

THE WITNESS (Borkowski): We do have the cost for the overhead interconnect.

THE HEARING OFFICER: Yeah?

THE WITNESS (Borkowski): Hold on, let me just -- I've got to find them.

THE HEARING OFFICER: Well, you actually responded in the introductory. I have the cost for the overhead.

THE WITNESS (Borkowski): Gotcha.

THE HEARING OFFICER: I'm more interested in the cost of going underground.

THE WITNESS (Borkowski): Yes, we do not have that without formally requesting it from the utility.

THE HEARING OFFICER: Well, in your experience is it double?

THE WITNESS (Borkowski): So in our experience -- so

the -- it's -- we have not done it in Connecticut.

We have done it in New York. We have done it in Illinois.

As it relates to the primary equipment associated with the interconnect, it's approximately a 50 percent increase.

THE HEARING OFFICER: Okay. So going to the exhibit associated with the one line diagram?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: I want to make sure I understand.

All right. We'll also use that in conjunction with the pre-file site plan. I want to go over each of the poles that you're presenting. As you may be catching on here, I have a problem with the interconnection.

Okay. First of all, before we do that, let's look at the visual impact study, and we're going to go to view number one. And it shows the one, two, three, four, five -- five distribution poles.

And that's what the person in 28 Middle Road will be looking at, but you also have said that you've moved this back a hundred feet or 75 feet, if that's correct. So you're probably at the fourth pole. Is that estimating correctly?

THE WITNESS (Borkowski): I'm sorry, Mister --

Councilmember Morissette. Could you -- when you said, we're at the fourth pole, what was that in reference to?

THE HEARING OFFICER: Okay. I'm looking at the visual impact study.

THE WITNESS (Borkowski): Yes, sir?

THE HEARING OFFICER: View number one, the rendering for the facility from Middle Road.

THE WITNESS (Borkowski): Yes?

THE HEARING OFFICER: Okay. So there are five poles there?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: And this was, the first pole was originally at 25 feet off the road?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: And that's what this represents?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: Okay.

THE WITNESS (Borkowski): The first -- let me -- give me one second to confirm this.

(Pause.)

THE WITNESS (Borkowski): So yeah, that first pole that you kind of see in the corner, that's actually in the public right of way. And then the four poles are the utility interconnect poles. I believe

there's only four on this interconnect. Many utilities require five, but I think Eversource only requires four. And so that second pole is actually 25 feet off.

And so under our new plan, our fourth pole -- our first pole will be -- the pole all the way out in the distance will be the first pole.

THE HEARING OFFICER: Okay. All right. So if I look at the access drive to the right?

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: There's going to be screening planted along this edge of the property. Correct?

THE WITNESS (Borkowski): Yes. And starting just before that first pole, which -- otherwise the fourth pole here, because that's where the first pole will be.

The fifth pole, I should say, the one that's all the way in the distance is going to be, in essence, your first pole. This first pole that you're seeing is just a normal telephone pole along the -- along the roadway in the public right of way.

THE HEARING OFFICER: Okay. All right. But the vegetation screening is going to come all the way down to the first utility pole?

Did I misunderstand that?

THE WITNESS (Borkowski): Yeah, so the first pole you see in that picture that's on the right, that is just a standard Eversource utility pole right there. And then you go one, two, three -- four poles. That's the one way in the distance. That is going to be the first pole.

The three poles in the middle will not exist, and the vegetative screening will start just before that pole way out in the distance. There's a natural kind of berm that kind of exists along that roadway already.

We hadn't anticipated bringing the vegetative screening that far forward. We could if that were something the Council thought was important, but those utility poles will no longer be there to be screened anymore. It will just be like an everyday wire that is there.

THE HEARING OFFICER: Thank you for that clarification. That's something to consider, whether it needs to be -- vegetation screening needs to come further down that area towards Middle Road, I'm not sure about that at this point.

Okay. If we could look at exhibit CSC-47-1, which is the one-line diagram?

THE WITNESS (Borkowski): Okay.

THE HEARING OFFICER: Okay. First of all, how many inverters are going to be installed in total?

THE WITNESS (Borkowski): Thirty-two.

THE HEARING OFFICER: Thirty-two? Okay.

THE WITNESS (Borkowski): And those inverters are, you know, approximately the size of, like, a 25-inch TV screen.

THE HEARING OFFICER: Right. Thank you.

Okay. So, if I look at the interconnection facility, starting with lightning arrester and riser pole -- so, that's one pole.

Then we have three -- and I want to make sure I got this right. We have three additional poles for generation, disconnect, a fused circuit, lighting arrester, and generating disconnect switch.

Is that one pole, or is that three poles?

THE WITNESS (Borkowski): That's one pole, those three items.

THE HEARING OFFICER: Okay. So that's pole number two. All right. And then we've got the utility meter pole. That's pole number three. And then we have the utility re-closer pole. That's number four.

THE WITNESS (Borkowski): Yeah.

THE HEARING OFFICER: Okay. And then you have pole number five, which is the utility riser where you interconnect with the utility?

THE WITNESS (Borkowski): Yeah. So would it help, be helpful for me to walk through those poles and their placements?

THE HEARING OFFICER: Certainly, that would be great.

THE WITNESS (Borkowski): Okay. Great. So we'll have one pole that is at the entranceway for that picture that we showed, which is just a normal pole that kind of has a T-drop down. So that's where we tap into the main wires.

So that's where we tap into the main wires, and then that extends a hundred feet and it goes to the utility re-closer pole. That's the -- the first pole with equipment hanging on it. Then it goes another approximately 25 feet, where you have the utility meter pole. And then it goes another 25 feet, and you have the generator disconnect pole.

And then it goes probably about 75 feet, where there will be a pole right by the transformers, and that's the riser pole. And that basically brings the wire up from the transformers to the hot -- same height as the other poles.

THE HEARING OFFICER: And that would be right by the transformer bay?

THE WITNESS (Borkowski): That would be by the transformer pad, yeah.

THE HEARING OFFICER: Yeah. Okay. Well, that's helpful to better understand what you're proposing for the interconnection facilities.

THE WITNESS (Borkowski): Yeah.

THE HEARING OFFICER: I appreciate that. Okay. Let me just check to see if there's anything else.

(Pause.)

THE HEARING OFFICER: There was a comment by DEEP concerning coyotes. Is the fencing that you're proposing a result of that?

Or is it helpful in that regard, or not?

THE WITNESS (Borkowski): I'm sorry. Who was the person who submitted the comment?

Did you reference?

THE HEARING OFFICER: The Department of Environmental Protection, DEEP.

THE WITNESS (Borkowski): I don't remember that comment off the top of my head.

THE HEARING OFFICER: His basic comment was, the fence needs to be strong enough to keep coyotes out, especially with sheep. And it should eliminate

the six-inch gap underneath to allow for access.

THE WITNESS (Borkowski): Yes.

THE HEARING OFFICER: But I was curious as to how did that get addressed -- or did it get addressed?

THE WITNESS (Borkowski): Those are interesting points.

So the -- so what they're suggesting in that is if you put six inches underneath the fence for a small game, it's easy for a coyote to dig under and get underneath. We are not proposing that.

So it was a point of clarification that because our fence has the -- it's a game fence already, that six-inch mesh allows the small game to go through, but would not allow a coyote to go through. And so we can put the fence to the bottom, eliminating the ability for coyotes to circumvent its protection for the sheep.

THE HEARING OFFICER: Very good. Well, thank you for your responses. That concludes my questions for this afternoon.

So with that, we'll conclude the hearing for today.

MR. SILVESTRI: Mr. Morissette?

THE HEARING OFFICER: Yes, Mr. Silvestri?

MR. SILVESTRI: I'd like to piggyback on your comment on that visual impact study, the first picture, if

I may?

THE HEARING OFFICER: Certainly. We'll actually go through the Council and ask for any follow-up questions. That's a good idea, but please continue, Mr. Silvestri.

MR. SILVESTRI: If I understand correctly, the first pole on the very left is an existing pole.

Is that correct?

THE WITNESS (Borkowski): No, but that is -- it is not an existing pole, but it is a pole that would be no different than poles that already exist along that road.

So what -- what happens is the existing poles are usually either between 150 or 300 feet apart, but I don't think there's a pole exactly where we need it.

Hold on one second -- actually, let me confirm that. So it's a great question. Let me confirm it. Bear with me one --

(Pause.)

THE WITNESS (Borkowski): Correct -- correction. That is an existing pole. What would happen to it is we would just have a T-drop down on it that would send it out, give the ability to send it out to the field.

MR. SILVESTRI: Okay. So that pole is existing?
THE WITNESS (Borkowski): Yes.
MR. SILVESTRI: The new proposal for poles, you have the next three would be eliminated. Correct?
THE WITNESS (Borkowski): Yes, that's right.
MR. SILVESTRI: So the one in the very background would be the first pole that you would put in?
THE WITNESS (Borkowski): Yes.
MR. SILVESTRI: Where would be the other three?
THE WITNESS (Borkowski): Behind that. So it would just be -- pushed everything out into the field, as opposed to along the road.
MR. SILVESTRI: Would they go back to where the solar panels are? Or would they curve to the right down the road?
THE WITNESS (Borkowski): They would go back to where the solar panels are.
MR. SILVESTRI: Gotcha. Okay. And then when Mr. Morissette was talking about the screening, there's red poles, which I guess are a fence that comes up there. Would the screening actually be where those red poles are?
THE WITNESS (Borkowski): Let me just pull up that picture again and look at it.
MR. SILVESTRI: Yeah, this is number one.

(Pause.)

THE WITNESS (Borkowski): Those poles in the background are the game fence.

MR. SILVESTRI: Uh-huh.

THE WITNESS (Borkowski): And yes, there would be some screening -- hold on, let me just -- I want to look at -- I want to be accurate.

So there is no screening currently proposed right where those red poles are right now.

MR. SILVESTRI: Okay. So you'd be able to look through the access road and see basically what you have in that visualization?

THE WITNESS (Borkowski): That's right. That's right.

MR. SILVESTRI: But there's a potential to put evergreens where that fence is?

THE WITNESS (Borkowski): Absolutely, yes. Yes.

MR. SILVESTRI: Okay. Thank you.

Mr. Morissette, thank you for the followups.

THE HEARING OFFICER: Thank you, Mr. Silvestri.

Mr. Mercer, do you have any followups?

MR. MERCIER: I do not. Thank you.

THE HEARING OFFICER: Thank you, Mr. Mercer.

Mr. Nguyen, any follow-up questions?

MR. NGUYEN: I do not. Thank you.

THE HEARING OFFICER: Thank you.

Mr. Golembiewski, any follow-up questions?

MR. GOLEMBIEWSKI: Mr. Morissette, I do not. Thank you.

THE HEARING OFFICER: Thank you.

Mr. Hannon, anything?

MR. HANNON: I do not have any additional questions. Thank you.

THE HEARING OFFICER: Thank you. And I'm all set as well.

THE WITNESS (Borkowski): Mr. Morissette?

THE HEARING OFFICER: Yes, Mr. Borkowski?

THE WITNESS (Borkowski): Just one quick comment just to respond to Mr. Silvestri's last question.

As the Council considers the screening along that red fence and whether that's something that it feels is appropriate, sometimes the best screening can just be right along the road right there because it gives you kind of the greatest long-term latitude.

So just as you're -- if you're evaluating the need for that screening, it could be either along the fence way in the background or closer to the road. We would be either open to either of those options as the Council sees in the public's best interest.

THE HEARING OFFICER: Thank you for that comment. We appreciate that. Very good. Thank you.

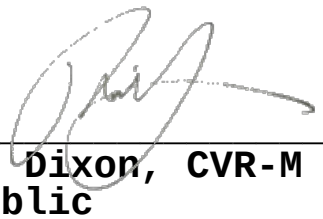
So the Council will recess until 6:30 p.m., at which time we will commence with the public comment session of this remote public hearing.

So thank you, everyone. We will see everyone at 6:30 p.m. for the public comment session.

(End: 4:46 p.m.)

CERTIFICATE

I hereby certify that the foregoing 117 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting in Re: PETITION NO.: 1558, PETITION FROM COMMUNITY POWER GROUP, LLC, FOR A DECLARATORY RULING, PURSUANT TO CONNECTICUT GENERAL STATUTES 4-176 AND 16-50K, FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 4-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY LOCATED AT 24 MIDDLE ROAD, ELLINGTON, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on May 18, 2023.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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