CERTIFIED COPY

CONNECTICUT SITING Council

STATE OF CONNECTICUT

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 Public Comment Hearing (Teleconference), on Thursday, May 18, 2022, beginning at 6:30 p.m.

Held Before:

JOHN MORISSETTE, Member and Presiding Officer

| 1 | Appearances: |
|----|--|
| 2 | Council Members: |
| 3 | JOHN MORISSETTE, (Hearing Officer) |
| 4 | |
| 5 | BRIAN GOLEMBIEWSKI, |
| 6 | DEEP Designee |
| 7 | |
| 8 | QUAT NGUYEN, |
| 9 | PURA Designee |
| 10 | |
| 11 | ROBERT HANNON, |
| 12 | Temporary designee for Member Daniel P. Lynch, Jr. |
| 13 | |
| 14 | ROBERT SILVESTRI |
| 15 | |
| 16 | Council Staff: |
| 17 | MELANIE BACHMAN, ESQ., |
| 18 | Executive Director and Staff Attorney |
| 19 | |
| 20 | ROBERT MERCIER |
| 21 | Siting Analyst |
| 22 | |
| 23 | LISA FONTAINE, |
| 24 | Fiscal Administrative Officer |
| 25 | |

| Appearances:(cont'd) |
|---------------------------------|
| For COMMUNITY POWER GROUP, LLC: |
| MURTHA CULLINA |
| One Century Tower |
| 265 Church Street, 9th Floor |
| New Haven, CT 06510 |
| By: BRUCE L. MCDERMOTT, ESQ. |
| BMcDermott@murthalaw.com |
| 203.772.7787 |
| |
| And: RAQUEL HERRERA-SOTO, ESQ. |
| RHerreraSoto@murthalaw.com |
| 203.772.7736 |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |

1 (Begin: 6:30 p.m.)

THE HEARING OFFICER: Good evening, ladies and gentlemen. Can everyone hear me okay?

VOICES: Yes.

THE HEARING OFFICER: Great. Thank you.

This hearing is called to order this

Thursday, May 18, 2023 at 6:30 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; and Robert

Silvestri.

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 phones and computer audios now. This is a continuation of the remote public hearing that began today at 2 p.m., this

afternoon.

A copy of the prepared agenda is available on the Council's Petition 1558 webpage, along with a record of this matter, the public hearing notice, instructions for public access to this remote public hearing, and the Council's citizens' guide to Siting Council procedures.

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 the Connecticut General Statute Section 4-176 and Section 1650k for the proposed construction, maintenance, and operation of a four-megawatt AC solar-voltaic electric generating facility located at 24 Middle Road in Ellington, Connecticut, and its 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.

Upon this Council's request, the Petitioner erected a sign in the vicinity of the proposed

Petitioner, the type of facility, the remote public hearing date, and contact information for the Council, including website and phone number.

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 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 of property value.

As a reminder to all, off-the-record communications with a member of the Council or a member of the Council's staff upon the merits of this petition is prohibited by law.

This remote comment session is reserved for members of the public who have signed in, in advance to make brief statements. These limited-appearance statements are not subject to questions from the parties or the Council, and members of the public making statements may not ask questions of the parties or the Council.

In accordance with the public hearing notice, and in fairness to everyone who has signed up to speak, these public statements will be limited to three minutes. Please be advised that written comments may be submitted by any person within 30 days of this public hearing.

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

I also wish to note for those who are here and for the benefit of your friends and neighbors who are unable to attend to join us for this public comment session, that you or they may send written statements to the Council within 30 days of the date hereof by mail or by e-mail.

Please be advised that any person may be removed from the remote public comment session at the discretion of the Council.

We ask that each person making a limited-appearance statement in this proceeding to confine his or her statements to the subject matter before the Council, and to avoid unreasonable repetition so that we may hear all the concerns that you and your neighbors may have.

Please be advised the Council cannot answer questions from the public about the proposal.

A verbatim transcript will be made of this hearing and deposited in the Ellington Town Clerk's Office for the convenience of the public.

At this time, I request the Petitioner make a very brief presentation to the public describing the proposed facility. I believe that's Mr. Borkowski who's going to do that.

THE WITNESS (Borkowski): Yes. That would be

Mr. Borkowski, from Community Power Group.

THE WITNESS (Borkowski): Yes, my name is

THE HEARING OFFICER: Thank you. Please continue.

Mr. Borkowski, Michael Borkowski from Community
Power Group. I am the President of Community

Power Group.

Community Power Group has more than 250 megawatts of operating solar and more than 500 megawatts of solar in development in the states of New York, Massachusetts, Connecticut, Delaware, Maryland, Virginia, Illinois, and Colorado.

Projects range in size from 2 acres to a thousand acres, with the majority of those projects being 10 to 30 acres. We focus on environmentally prudent practices including

pollinator-friendly ground cover, agrovoltaics, game fencing, and other items that make a project work in its environment.

This project is a four-megawatt project off Middle Road. It's been selected by the State of Connecticut already for the shared clean energy facility, the SCEF program, which will be providing energy to low- to moderate-income families as well as small businesses.

Interconnection was explored for both Pinney Street as well as Middle Road. Due to certain constraints noted by the utility, the utility instructed us to have the interconnection and access off of Middle Road.

Based on certain feedback from community members earlier during this year, we pushed back the interconnect, the first pole of the interconnect, which was previously at approximately 25 feet off the side of the road, to more than 120 feet. So the first pole would be that much further away.

For reference, the project up the road from this one in East Windsor, those poles are less than 50 feet off the road, and all of its transformer and other equipment are approximately

80 feet off the road.

The transformers for this project will be more than 400 feet from the road, and more than 250 feet from the nearest property line. The inverters are more than 300 feet from the nearest resident, where again the East Windsor was only 80 feet from the road.

Landscape is being proposed. This plan that's currently being shown on the presentation is much more of just a solar placement plan. I believe there is one more slide here that shows where the landscaping would be, which are those green lines. And so that, that is the expected landscaping. It would be with evergreen trees that will grow to 20 to 25 feet high.

Traffic during the construction of the project is expected -- the construction of the project is expected to last approximately four months. The majority of traffic will be approximately four to eight small personal vehicles. The -- there will be approximately eight large truck deliveries throughout the construction period.

The panels that are being used on this facility are made of polycrystalline panels and do

1 not contain the heavy metals that have been 2 identified with thin film panels, and we would not 3 be using those panels. 4 This is a high-level overview of our project. 5 There is more information available through 6 publicly available information. 7 Thank you. 8 THE HEARING OFFICER: Thank you, Mr. Borkowski. 9 We'll now call on Mary Cardin and Michael 10 Taft to make a public statement, followed by Seth 11 Bahler. 12 Mary Cardin and Michael Taft. 13 MARY CARDIN: Hi, my name is Mary Cardin. 14 Can you hear me? 15 THE HEARING OFFICER: Yes, I can hear you fine. 16 Thank you. 17 MARY CARDIN: Okay. I'm going to be speaking on behalf 18 of my husband. We live at 32 Middle Road. 19 think that our house is the closest to the solar 20 panels. It's about 230 feet -- 38 feet from our 21 back property. 22 We're very concerned that this is not an 23 appropriate location for a solar facility. It's in the middle of a residential neighborhood, and 24 25 in the field or plot of property that it's being

placed it's being placed very close to the houses, as opposed to further into the whole property where it would be further away from the houses.

Obviously, this property is going to benefit the developer because they're going to make a lot of money selling this, the solar energy from this property. And we're supportive of solar development, but just not in a location that's so close to where people live.

The impact of this development, both to the neighborhood and the town, the abutters, the people who live across from the entrance road that will be made to go into this facility property is going to last for at least a generation. It's going to alter, you know, the way that people live here.

And I know that there have been reports about the environmental impact, but there's definitely going to be an environmental impact. There's wildlife that uses that property all the time.

We've lived here for 30 years, and it's going to alter that definitively from our experience.

A couple of comments. I listened to almost all of the hearing and got feedback on the small portion that I couldn't be at this afternoon.

And a couple of things -- one of the comments about the noise. This is something that concerns our neighborhood very much, seeing what's happening on the East Windsor end of our road. Our neighbors down there are in distress, and they have to live with horrible noise.

And I know today the comments were that this isn't going to be any more noise than you hear in night nature, but the fact is that this isn't natural noise that we're going to hear, and nobody wants to hear machines.

Six months out of the year there aren't leaves on the trees that are currently in between our houses in this property, and we're going to see this solar facility for six months of the year, and we're probably going to hear it more during those times because there's going to be no foliage on the trees. There's no guarantee that -- that those trees will stay there either, because they're owned by the property owners, so that's another huge concern.

I think that the screening that is being proposed sounds great, but again, if you look at what's happening in East Windsor at the other end of our road, they are living very close to a row

| 1 | of dead evergreen trees. They're brown. |
|----|---|
| 2 | THE HEARING OFFICER: Thank you, Mary Cardin, for |
| 3 | coming out this evening. Unfortunately, your time |
| 4 | ran out. |
| 5 | We'll now continue with the public comments |
| 6 | with Seth Bahler followed by Paul Gilbert. |
| 7 | Seth Bahler, please? |
| 8 | SETH BAHLER: Hi. Can you hear me? |
| 9 | THE HEARING OFFICER: Yes, you're breaking up a little |
| 10 | bit, but we can hear you. Let's give it a shot. |
| 11 | SETH BAHLER: Yeah (unintelligible) |
| 12 | THE HEARING OFFICER: Sorry, Mr. Bahler, you are not |
| 13 | coming in well at all. |
| 14 | SETH BAHLER: (Unintelligible) almost up to the |
| 15 | (unintelligible). Can you skip me by two people |
| 16 | and then I'll speak again? Is that a possibility? |
| 17 | THE HEARING OFFICER: Sure, certainly. We'll come back |
| 18 | to you. We're going to continue and see if you |
| 19 | can get into a spot where you get better |
| 20 | reception. |
| 21 | Okay. We're going to move on to Mr. Paul |
| 22 | Gilbert, followed by |
| 23 | SETH BAHLER: Can you skip me and I'll speak next? Is |
| 24 | that a possibility? |
| 25 | THE HEARING OFFICER: Absolutely. |

1 Okay. Yeah, I'll get --SETH BAHLER: 2 THE HEARING OFFICER: Very good. 3 Mr. Gilbert, are you there? 4 PAUL GILBERT: Yes. Good evening, Mr. Morissette and 5 Council. Can you hear me all right? 6 THE HEARING OFFICER: We can hear you perfectly. 7 Thank you. 8 PAUL GILBERT: Fine. Thank you. I have two brief 9 comments, and they'll be brief. This is regarding 10 prime farmland. I'd like to just begin my 11 comments by sharing a quote from the Connecticut 12 Agriculture Commissioner, Steve Reviczky. 13 Quote, Ellington has considerable working 14 lands that contribute greatly to Connecticut 15 agriculture. Since the proposed facility is being 16 located in prime farmland, a request is being made 17 to place a temporary -- just a temporary 18 moratorium on such sitings, while the legislature 19 is proposing to raise financial caps to pay 20 farmers for farmland preservation. 21 Ellington farmers, again, contribute greatly 22 to the Connecticut agriculture, therefore the 23 prime farmland needs to be preserved. Please consider this request for a moratorium. 24

Secondly, the solar facility operation and

1 maintenance requires oversight and enforcement by 2 an independent agency. In the discussions this 3 afternoon, I didn't pick up on much of that. For 4 example, DEEP requires, from what I understand, 5 like, a one-year inspection now. But I think 6 these facilities need more oversight and 7 maintenance. 8 That's the end of my comments, and thank you. 9 THE HEARING OFFICER: Thank you, Mr. Gilbert. 10 appreciate you coming out this evening. 11 Let's go back to Mr. Bahler to see if he's 12 got a better connection. 13 Mr. Bahler, are you there? 14 SETH BAHLER: Can you give me one more, one more person 15 and then I'll speak? I'm almost off to the farm. 16 THE HEARING OFFICER: Sounds great. 17 We'll now move on to Mr. Jim Dixon. 18 Mr. Dixon, are you with us? 19 JAMES DIXON: Yes, I'm here. Can you hear me? 20 THE HEARING OFFICER: We can hear you. Thank you. JAMES DIXON: 21 Yes. I've been a resident of 38 middle 22 road with my wife for 37 years. We raised our 23 children here and have done extensive upgrades on 24 our house. 25 In the past we've had an attempted siting of

a nuclear waste dump across the street from us, and were told that it would be low level, no more than the sun. We all know that's not true.

And we've had tobacco grown across the street also with overspray onto our property. We find that the soft cell that's trying to be made by a community solar -- we just can't believe what's advertised.

The reason for moving out here on Middle Road was because of the country atmosphere. We've got deer in the spring and summer and fall across the street from us, and behind us. The geese are into the fields both in front and behind us in the fall of the year, and also the turkeys. So there's quite a bit of wildlife here.

We feel that there's a, a better location for a facility such as this. If you look at the community solar website under their current projects, they show they're all out in rural areas, not with neighbors. They don't have houses near them. And it's just -- it's not a good location.

We feel that if you go into new developments, all the power, the power lines and everything are underground. People want to live their lives and

they want to have quality of life, and having an industrial facility such as a solar farm behind them, that belongs in either an industrial park or away from homes, away from people.

I hope you'll take these things into consideration; take a look, come down our road and say to yourself, would I really want to live there and have something such as this behind my house for the next 25 years?

THE HEARING OFFICER: Okay. Well, thank you, Mr.

Dixon. Does that conclude your comments?

JAMES DIXON: Pretty much. Yeah. We're, we're not opposed to solar, and we're not opposed to solar projects such as this, but they need to be in the right place.

I'm not opposed to people putting it on top of their house, but as far as being an abutter, you know, we are opposed to that because it does impact the quality of life.

THE HEARING OFFICER: Thank you so much.

Now we'll move on to Mr. Bahler. Mr. Bahler, did you find a spot? We see you.

SETH BAHLER: Hi. Can you hear me?

Sorry for all the troubles.

THE HEARING OFFICER: No problem. Yes, we can hear you

fine. Go ahead.

SETH BAHLER: Sorry. I'm a fifth-generation farmer.

I'm actually driving a truck right now, hauling
hay. So you've got to make hay when the sun
shines. So sorry I'm a little -- couldn't hear me
earlier.

But -- yeah, I'm just calling -- or thank you for the opportunity for letting me testify. I'm in opposition of this. I'm in opposition of all solar on prime ag soils, like Mr. Gilbert said.

Putting it -- we don't have extra land in Connecticut for farms, and putting solar on that and taking away farmland is wrong. We already struggle to find land to produce safe and healthy food for Connecticut, and so we're in opposition to this.

And I think -- I think it's important to note that, you know, we're trading farmland for solar to think we're doing a great thing to produce clean energy, but Connecticut is a food deficit state. I think if we didn't ship in food from out of state, we would -- Connecticut residents would be out of food within a week.

So I think we have to really consider, you know, keeping farmland, the farmland that we have

left to the farmers that are already farming it, and really trying to focus on rooftops and brownfields.

But we -- we're not opposed to solar. We have solar on a roof and I think solar is a good thing in the right spots, but not on prime ag soil. So that's all I have to say. Thank you.

THE HEARING OFFICER: Thank you, Mr. Bahler.

Now continuing with public statements by Steven Schubert, followed by Gabriel Garza.

Steven Schubert, please?

STEVEN SCHUBERT: Yes, thank you very much. I'd like to make some comments on your Siting Council decision criteria, and factors addressing in the application. And one of them is justification of the chosen site or route in comparison with other alternatives.

My question is, did Community Solar give you other alternatives instead of this site?

Also, I'd like to compare, they're building a big solar farm in East Windsor, and it's 485 acres compared to just 20. And if you do the math, it's not even a half a percent, the acreage, and you're doing 120 megawatts to 4, and it's -- it's even less. So it's like, why are you even bothering?

It's not that much output.

Also on your council decision criteria, it says environmental impact including public health and safety, and scenic, historic and recreational values. Well, you have to consider that, the health issues, et cetera.

Also, my last comment is your responsibilities. And item number two on your responsibilities is to assure the welfare and protection of the people of Connecticut, and that's your -- what you guys should be siting this on.

So those are my comments. And I thank you very much.

THE HEARING OFFICER: Thank you, Mr. Schubert.

The next public statements would be Gabriel Garza, followed by Arlo Hoffman.

GABRIEL GARZA: Thank you. Can you hear me?

THE HEARING OFFICER: Yes, I can hear you. Thank you.

GABRIEL GARZA: Perfect. So good evening, everybody.

My name is Gabe Garza. I own a home near Crystal Lake. And I'm in opposition, not only for the reasons brought up by others, but also for the hidden cost that we would be responsible for.

So a brief background on me. I work in

transmission operations, and I was a transmission operator for several years. So I feel well versed in the pros and cons that solar has as an energy source, as well as the effects that we're currently seeing on our electric grid here in Connecticut.

I'll start off by pointing out two statements in the Eversource distribution impact study that I found worth noting. Also, I'd like to say that after looking into that study, it was performed by a very junior engineer who no longer works at that company.

So that study states that the need for an additional capacitor bank to correct power factor will be at the discretion of the circuit owner, with Eversource being that circuit owner. It's not a matter of if, but when an additional capacitor bank will be required, that cost will come out of our pockets.

Additionally, the report states reverse power flow at a Rockville breaker was substantial during that minimum load, but does not feed into the transmission system.

Well, reverse power flow is not good. It's not how we designed our transmission distribution

and lower due to solar, you know, being installed more and solar expecting to rise triple the size by 2031, addressing reverse power flow will be an expensive issue that us Connecticut residents will be expected to cover as well.

And I'm going to end this with a rhetorical question for the Council pertaining to accountability. It was brought up by -- I saw another member as well. But there are currently no processes, or a lack of process in place to perform -- or to verify that solar farm is performing the required preventative maintenance, on-site safety, relays after installation.

Additionally, the DEEP report talked about a nearby solar farm in East Windsor not honoring their end of the agreement in performing required follow-up maintenance for keeping their vegetation screen alive. And then vegetation screen, you know, as we talked about is vital for helping screen out inverter noises for nearby residents.

So I just ask to seriously think about this and how we're going to hold CPG accountable, you know, if passed, in performing these vital maintenance items so that we can keep our town

safe, beautiful, and our residents' lives
unaffected. Thank you.

THE HEARING OFFICER: Thank you, Mr. Garza.

We'll now continue with public statements by Arlo Hoffman. Mr. Hoffman?

ARLO HOFFMAN: Yes. I'd like to thank the Council for making the time to take your public hearing. I'm a lifelong resident of Ellington. I've been a member of the Ellington Planning and Zoning Commission for over 20 years, many of those years as chairman, and I implore the Siting Council to reject this site.

Based on what I've -- already comments were already made, but I want to reiterate it's an extremely short sighted policy to allow solar arrays on prime farmland. We need farm, prime farmland in Connecticut. We need it in Ellington, and it's just a really poor, poor policy.

Also I'd like to address the Applicant has stated in the past that they support farming, and that sheep grazing is a great thing to do around panels. And I just want the Siting Council to know, this does not happen in the real world. It's certainly not at the scale that they suggest.

I don't think you could find 50 sheep in the

whole town of Ellington, but you can find thousands upon thousands of cows -- and they need feed. And this is corn ground, it's prime ag land, and it's just -- again, it shouldn't be used for solar.

That's what I have to say. And I want to thank you again for the time. Thank you.

THE HEARING OFFICER: Thank you, Mr. Hoffman.

Appreciate it.

Well, that concludes the public statements for this evening, but before closing this hearing the Connecticut Siting Council announces that briefs and proposed findings of fact may be filed with the Council by any party or intervener no later than June 17, 2023.

The submission of briefs or proposed findings of fact are not required by this Council. Rather, we leave it to the choice of the parties and interveners.

Anyone who has not become a party or intervener, but who desires to make his or her views known to the Council may file written statements with the Council within 30 days of the date hereof. The council issues draft finding of facts, and thereafter parties and interveners may

identify errors or inconsistencies between the Council's draft finding of fact and the record. However, no new evidence, no information or no arguments and no reply briefs without permission will be considered by the Council.

A copy of the transcript of this hearing will be filed at the Ellington Town Clerk's Office.

Thank you, everybody, for coming out this evening. I hereby declare this hearing adjourned and thank you for your participation.

Good evening, and thank you again.

(End: 6:58 p.m.)

2

3

4 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

2.0

21

22

23

24

25

CERTIFICATE

I hereby certify that the foregoing 26 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Connecticut Siting Council Remote PUBLIC COMMENT Hearing 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