

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1572

East Windsor Solar Two, LLC, Petition for a
Declaratory Ruling, Pursuant to Connecticut General
Statutes §4-176 and §16-50k, for the Proposed
Construction, Maintenance and Operation of a
4.0-Megawatt AC Solar Photovoltaic Electric Generating
Facility Located at 31 Thrall Road, East Windsor,
Connecticut, and Associated Electrical Interconnection

Zoom Remote Council Meeting (Teleconference),
on Thursday, September 7, 2023, beginning at 2 p.m.

H e l d B e f o r e :

JOHN MORISSETTE, Member and Presiding Officer

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

2 **Council Members:**

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

4
5 **BRIAN GOLEMBIEWSKI,**

6 **DEEP Designee**

7
8 **QUAT NGUYEN,**

9 **PURA Designee**

10
11 **ROBERT HANNON**

12 **ROBERT SILVESTRI**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.,**

16 **Executive Director and Staff Attorney**

17
18 **MICHAEL PERRONE**

19 **Siting Analyst**

20
21 **LISA FONTAINE,**

22 **Fiscal Administrative Officer**

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

2 **For East Windsor Solar II, LLC (EWS2):**

3 **ROBINSON & COLE, LLP**

4 **280 Trumbull Street**

5 **Hartford, Connecticut 06103**

6 **By: KENNETH C. BALDWIN, ESQ.**

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9
10 **For The Town of East Windsor:**

11 **UPDIKE, KELLY & SPELLACY, P.C.**

12 **Goodwin Square**

13 **225 Asylum Street, 20th Floor**

14 **Hartford, Connecticut 06103**

15 **By: ROBERT M. DeCRESCENZO, ESQ.**

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1 (Begin: 2 p.m.)

2
3 THE HEARING OFFICER: Good afternoon, ladies and
4 gentlemen. Can everyone hear me okay?

5 Very good. Thank you so much.

6 This public hearing is called to order this
7 Thursday, September 7, 2023, at 2 p.m. My name is
8 John Morissette, Member and Presiding Officer of
9 the Connecticut Siting Council.

10 Other members of the Council are Brian
11 Golembiewski, designee for Commissioner Katie
12 Dykes of the Department of Energy and
13 Environmental Protection; Quat Nguyen, designee
14 for Chairman Marissa Paslick Gillett of the Public
15 Utilities Regulatory Authority; Robert Hannon; and
16 Robert Silvestri.

17 Members of the staff are Melanie Bachman,
18 Executive Director and Staff Attorney; Michael
19 Perrone, Siting Analyst; and Lisa Fontaine, Fiscal
20 Administrative Officer.

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

24 This hearing is held pursuant to the
25 provisions of Title 16 of the Connecticut General

1 Statutes and of the Uniform Administrative
2 Procedure Act upon a petition from East Windsor
3 Solar II, LLC, for a declaratory ruling pursuant
4 to the Connecticut General Statutes Section 4-176
5 and Section 16-50k for the proposed construction,
6 maintenance, and operation of a 4 megawatt AC
7 solar voltaic electric generating facility located
8 at 31 Thrall Road in East Windsor, Connecticut,
9 and the associated electrical interconnection.

10 This petition was received by the Council on
11 May 5, 2023. The Council's legal notice of the
12 date and time of this public hearing was published
13 in the Journal Inquirer on June 26, 2023.

14 Upon this Council's request, the Petitioner
15 erected a sign in the vicinity of the proposed
16 site so as to inform the public of the name of the
17 petitioner, the type of the facility, the public
18 hearing date, and contact information for the
19 Council, including the website and phone number.

20 As a reminder to all, all off-the-record
21 communications with a member of the Council or a
22 member of the council staff on the merits of this
23 petition is prohibited by law.

24 The parties and interveners in the
25 proceedings are as follows. East Windsor Solar

1 II, LLC, represented by Kenneth C. Baldwin, Esq.,
2 of Robinson and Cole, LLP; the party, the Town of
3 East Windsor, represented by Robert M.
4 DeCrescenzo, Esq., of Updike, Kelly and Spellacy,
5 PC.

6 We will proceed in accordance with the
7 prepared agenda, a copy which is available on the
8 Council's Petition Number 1572 webpage, along with
9 the record of this matter, the public hearing
10 notice, instructions for public access to this
11 remote public hearing, and the Council's citizens
12 guide to Siting Council procedures.

13 Interested persons may join in any session of
14 this public hearing to listen, but no public
15 comments will be received during the 2 p.m.
16 evidentiary session.

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

22 At 6:30 p.m., the public comment session will
23 be reserved for members of the public who have
24 signed up in advance to make brief statements into
25 the record. I wish to note that the petitioner,

1 parties and intervenors, including their
2 representatives and witnesses are not allowed to
3 participate in the public comment session.

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

12 The verbatim transcript of this public
13 hearing will be posted on the Council's Petition
14 Number 1572 webpage and deposited with the East
15 Windsor Town Clerk's Office for the convenience of
16 the public.

17 Please be advised that the Council does not
18 issue permits for stormwater. If the proposed
19 project is approved by the Council, a Department
20 of Energy and Environmental Protection, DEEP
21 stormwater permit is independently required. DEEP
22 could hold a public hearing on any stormwater
23 permit application.

24 Please also be advised that the Council's
25 project evaluation criteria under the statute does

1 not include the consideration of property value.

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

4 We'll now move to administrative notices
5 taken by the Council. I wish to call your
6 attention to those items in the hearing program
7 marked Roman numeral 1B, items 1 through 101.

8 Does the petitioner or any party or
9 intervener have an objection to the items that the
10 Council has administratively noticed?

11 Attorney Baldwin, good afternoon.

12 MR. BALDWIN: We have no objection.

13 THE HEARING OFFICER: Thank you, Attorney Baldwin.

14 Attorney DeCrescenzo, any objections?

15 MR. DeCRESCENZO: No objection.

16 THE HEARING OFFICER: Thank you.

17 Accordingly, I hereby administratively notice
18 these existing documents.

19 We'll now move onto the appearance by the
20 petitioner. Will the petitioner present its
21 witness panel over the purposes of taking the
22 oath? Attorney Bachman will administer the oath.

23 Attorney Baldwin, please begin by verifying
24 all exhibits by the appropriate sworn witnesses --
25 after the oath.

1 MR. BALDWIN: Good afternoon, everyone.

2 Kenneth Baldwin with Robinson & Cole on
3 behalf of the applicant, East Windsor Solar II,
4 LLC.

5 Our witness panel today consists of five
6 members. To my far left, I'll start -- my far
7 right, I'll start there -- is Robert Burns,
8 professional engineer with All Points Technology
9 and the project engineer.

10 Next to me on my right, your left is Dean
11 Gustafson, a senior wetland scientist and
12 professional soil scientist with All-Points
13 Technology.

14 To my left is Bryan Fitzgerald, the Director
15 of Development with East Windsor Solar II, LLC.

16 Next is Brad Parsons, a professional engineer
17 and the Director of Design and Permitting with
18 East Windsor Solar II, LLC.

19 And then to the far left, your right, is Andy
20 Roland, a senior project manager and environmental
21 engineer with WSP.

22 And I offer them to be sworn at this time.

23 THE HEARING OFFICER: Thank you, Attorney Baldwin.

24 Attorney Bachman?

25 MS. BACHMAN: Thank you, Mr. Morissette.

1 B R A D L E Y J . P A R S O N S ,
2 B R Y A N F I T Z G E R A L D ,
3 A N D Y R O L A N D ,
4 R O B E R T B U R N S ,
5 D E A N G U S T A F S O N ,

6 called as witnesses, being sworn by
7 THE EXECUTIVE DIRECTOR, were examined and
8 testified under oath as follows:
9

10 MR. BALDWIN: I have six exhibits listed in the hearing
11 program under Roman two, subsection B. They
12 include the petition with all of its associated
13 exhibits and figures, dated May 5, 2023; the
14 petitioner's responses to the Council
15 Interrogatory Set 1, dated July 18, 2023; the
16 petitioner's sign posting affidavit, dated August
17 24, 2023; the petitioner's responses to the Town
18 of East Windsor Interrogatories, dated August
19 31st, 2023; the petitioner's environmental and
20 community noise assessment, dated August 31st,
21 2023, concluded by WSP.

22 And I should explain just ahead of time when
23 we were preparing for the hearing we ran into a
24 problem with the expert we were planning to bring
25 from Brooks Acoustics who provided the initial

1 noise report that was included in the petition.
2 We got WSP involved.

3 Mr. Roland completed a supplemental report
4 which we submitted into the record, and Mr. Roland
5 is here today to answer any questions regarding
6 noise from the proposed facility.

7 And our last Exhibit Number 6 is the
8 petitioner's witness resumes, which we submitted
9 to the Council on August 31st.

10 And I offer them, subject to verification by
11 the witness panel.

12 If I could ask our witness panel then, did
13 you -- we'll do this as a panel, as we typically
14 do, Mr. Morissette.

15 Did you prepare or assist in the preparation
16 of the exhibits listed in the hearing program
17 under Roman two, subsection B, items one through
18 six? Mr. Burns?

19 THE WITNESS (Burns): I did.

20 MR. BALDWIN: Mr. Gustafson?

21 THE WITNESS (Gustafson): Yes.

22 MR. BALDWIN: Mr. Fitzgerald?

23 THE WITNESS (Fitzgerald): I did.

24 MR. BALDWIN: Mr. Parsons?

25 THE WITNESS (Parsons): I did.

1 MR. BALDWIN: And Mr. Roland?

2 THE WITNESS (Roland): I did.

3 MR. BALDWIN: Do you have any corrections,
4 modifications or amendments to offer to any of
5 those exhibits?

6 Mr. Burns?

7 THE WITNESS (Burns): No.

8 MR. BALDWIN: Mr. Gustafson?

9 THE WITNESS (Gustafson): One small correction in
10 Applicant Exhibit 1, the petition narrative on
11 page 27. It's the tenth line from the top that
12 starts with development criteria.

13 And the missing word in the following
14 sentence that reads, additionally the proposed
15 facility does result in removal of intact forest,
16 the word "not" should be inserted between "does"
17 and "result."

18 So it should read, additionally the proposed
19 facility does not result in removal of any intact
20 forest.

21 MR. BALDWIN: Thank you.

22 THE WITNESS (Gustafson): Yeah, you're welcome.

23 MR. BALDWIN: Mr. Fitzgerald, any amendments or
24 modifications to offer?

25 THE WITNESS (Fitzgerald): No.

1 MR. BALDWIN: Mr. Parsons?

2 THE WITNESS (Parsons): No.

3 MR. BALDWIN: And Mr. Roland?

4 THE WITNESS (Roland): No.

5 MR. BALDWIN: And with those modifications, is the
6 information contained in those exhibits true and
7 accurate to the best of your knowledge?

8 Mr. Burns?

9 THE WITNESS (Burns): Yes.

10 MR. BALDWIN: Mr. Gustafson?

11 THE WITNESS (Gustafson): Yes.

12 MR. BALDWIN: Mr. Fitzgerald?

13 THE WITNESS (Fitzgerald): Yes.

14 MR. BALDWIN: Mr. Parsons?

15 THE WITNESS (Parsons): Yes.

16 MR. BALDWIN: Mr. Roland?

17 THE WITNESS (Roland): Yes.

18 MR. BALDWIN: And do you adopt the information
19 contained in those exhibits as your testimony in
20 this proceeding?

21 Mr. Burns?

22 THE WITNESS (Burns): Yes.

23 MR. BALDWIN: Mr. Gustafson?

24 THE WITNESS (Gustafson): Yes.

25 MR. BALDWIN: Mr. Fitzgerald?

1 THE WITNESS (Fitzgerald): Yes.

2 MR. BALDWIN: Mr. Parsons?

3 THE WITNESS (Parsons): Yes.

4 MR. BALDWIN: Mr. Roland?

5 THE WITNESS (Roland): Yes.

6 MR. BALDWIN: I offer them as full exhibits,

7 Mr. Morissette.

8 THE HEARING OFFICER: Thank you, Attorney Baldwin.

9 Does the Town object to the admission of the
10 petitioner's exhibits? Attorney DeCrescenzo?

11 MR. DECRESCENZO: No objection.

12 THE HEARING OFFICER: Thank you.

13 The exhibits are hereby admitted.

14 We will now begin with the cross-examination
15 of the petitioner by the Council, starting with
16 Mr. Perrone, followed by Mr. Silvestri.

17 Mr. Perrone?

18 MR. PERRONE: Thank you, Mr. Morissette.

19 Referencing the response to Council
20 Interrogatory 35, do the tracker motors operate
21 and produce noise continuously? Or do they
22 operate intermittently to adjust the panels
23 periodically during the day?

24 THE WITNESS (Parsons): Parsons. The tracker motors
25 operate intermittently during the day very, very

1 slowly when they're moving, unless they need to go
2 to stow mode, but that takes a matter of seconds.
3 So that's still technically kind of an
4 intermittent operation there.

5 MR. PERRONE: So they make periodic adjustments rather
6 than a slow continuous.

7 Regarding the electrical interconnection,
8 does the existing electrical distribution on
9 Thrall Road, do you have three phase?

10 THE WITNESS (Parsons): Yes, we do.

11 MR. PERRONE: What is the line voltage of the proposed
12 electrical interconnection?

13 THE WITNESS (Parsons): Brad Parsons. 23 kV.

14 MR. PERRONE: Regarding the interconnection, could the
15 number of poles be reduced by utilizing
16 pad-mounted equipment rather than pole-mounted
17 equipment?

18 THE WITNESS (Parsons): The pad-mounted equipment could
19 not be used, mainly because most of the equipment
20 that's being required is -- is required by
21 Eversource, and there, they're their poles.

22 THE HEARING OFFICER: Just as a reminder, could you
23 please state your name before responding for the
24 record? Thank you.

25 THE WITNESS (Parsons): Sorry. Brad Parsons.

1 MR. PERRONE: Regarding the proposed access drive, do
2 you have an approximate linear length for total
3 access length?

4 THE WITNESS (Burns): Yeah, this is Robert Burns from
5 APT. The -- the length of the access drive is 920
6 feet from the street to the end.

7 MR. PERRONE: And turning to response to Council
8 Interrogatory 48, the racking posts would be
9 installed to an approximate depth of about ten
10 feet.

11 How would the racking posts be driven into
12 the ground?

13 THE WITNESS (Parsons): Parsons. The racking posts
14 would be driven into the ground with your -- your
15 standard pile drive equipment.

16 MR. PERRONE: And what if you hit subsurface
17 resistance, such as ledge?

18 Would you drill through it?

19 THE WITNESS (Parsons): Where we -- again, Brad
20 Parsons. This could -- there could be a
21 possibility where we would drill through it.
22 However, there are other, other measures that
23 could be taken into account to deal with the
24 refusal method as well. That could be a concrete
25 pad at the surface to deal with any lateral

1 movement as a result of the lack of depth.

2 MR. PERRONE: With regard to the proposed fence, as
3 mentioned in response to Council Interrogatory 44,
4 could you describe the features of the farm-style
5 livestock fence versus the proposed chain-link
6 fence?

7 THE WITNESS (Parsons): This is Brad Parsons. This
8 chain length fence is -- is a standard chain-link
9 fence, and it would be at a height of -- we had it
10 at a height of seven feet. I believe we had a
11 privacy mesh along the front side.

12 An ag -- ag-style fence usually consists of
13 wood posts and a lighter gauge fencing material
14 than your standard chain-link fence.

15 MR. PERRONE: Do you know the approximate cost
16 difference between the farm-style livestock fence
17 versus the chain link?

18 THE WITNESS (Parsons): The agricultural fence is
19 probably actually 25 to 30 percent less. Again,
20 Brad Parsons -- 25 to 30 percent less than the
21 chain-link fence.

22 But with the agricultural fence, I'd just
23 like to add that we would not be able to provide
24 any screening, mesh screening on that.

25 MR. PERRONE: With regard to construction, what types

1 of vehicles would be arriving at the site, and
2 approximately how many per day during
3 construction?

4 **THE WITNESS (Parsons):** Brad Parsons. You'd have
5 various different types of equipment arriving at
6 site, mainly pickup trucks. You'd have equipment
7 such as the pile drive equipment, a smaller
8 excavator for any of the trenching and access road
9 construction.

10 You would also have delivery trucks, whether
11 they're semis or box trucks, dropping off and
12 unloading equipment. As far as the number of
13 trips per day, it's probably something I need to
14 just investigate and get back to you on that.

15 **MR. PERRONE:** And for construction crews and staff,
16 where would they park?

17 **THE WITNESS (Parsons):** They would park along, on the
18 site, along the -- the access road.

19 **MR. PERRONE:** How frequently would the site be visited
20 for maintenance purposes?

21 **THE WITNESS (Parsons):** The site would be visited for
22 maintenance purposes probably anywhere for a
23 couple times a year, depending on the need and at
24 site, and if there are any -- any issues. But
25 mainly the most visits would likely be by the

1 sheep grazer during the time of year when the
2 sheep are on site, as they would be checking on
3 the flock frequently.

4 MR. PERRONE: Approximately how frequently would the
5 sheep be visited?

6 THE WITNESS (Parsons): It could be daily. It could
7 be -- again, Brad Parsons. It could be daily. It
8 could be two to three times a week, probably May
9 through October.

10 MR. PERRONE: With the project participating in the
11 SCEF program, would the electrical energy and RECs
12 be sold to Eversource per the tariff terms
13 agreement?

14 THE WITNESS (Fitzgerald): Bryan Fitzgerald. Yes,
15 that's correct. Electricity and RECs would be
16 delivered to Eversource per the terms and
17 conditions of the tariff agreement.

18 MR. PERRONE: Referencing page 8 of the petition, what
19 was the output capacity of the project on the same
20 distribution circuit that was dropped from the
21 interconnection queue?

22 THE WITNESS (Fitzgerald): This is Bryan Fitzgerald.
23 Brad, I believe it was about two megawatts AC of
24 nameplate capacity that was ahead of us in the
25 queue that was dropped.

1 MR. PERRONE: And how is the project consistent with
2 the state plan of conservation and development?

3 THE WITNESS (Fitzgerald): Fitzgerald. I would say
4 that the -- the project is consistent with the
5 State's plan as it relates to the energy goals,
6 the -- the comprehensive energy strategy of the
7 State of Connecticut, as it is a new electric
8 generating resource that is zero emission or class
9 one.

10 Meaning that it's not going to produce any --
11 any air emissions while in operation, while
12 producing clean renewable energy.

13 MR. PERRONE: Referencing the response to Council
14 Interrogatory Number 4, which is the cost of the
15 project, is that cost number inclusive of the
16 electrical interconnection?

17 THE WITNESS (Fitzgerald): Fitzgerald. That cost
18 number is inclusive of the electrical
19 interconnection.

20 MR. PERRONE: Referencing the response to Council
21 Interrogatory 33, EWST notes that it's not aware
22 of any specific media required to suppress a fire
23 at a solar facility. Would water be used for fire
24 suppression in such a situation?

25 THE WITNESS (Parsons): Parsons. Yes, it's our

1 understanding that water would be used,
2 potentially be used in a fire suppression
3 situation, but usually it's mainly containing any
4 fires around the site.

5 MR. PERRONE: My next questions are related to
6 visibility. Referencing the response to Council
7 Interrogatory 44, privacy mesh is proposed along
8 Thrall Road.

9 If we look at sheet OP-2, could you indicate
10 where the privacy mesh begins and ends?

11 THE WITNESS (Parsons): Mr. Perrone, brad Parsons
12 again. So the intention would be for the privacy
13 mesh to begin at the -- if we're looking at sheet
14 OP-2, the privacy mesh would begin at the -- the
15 gates of the facility where the access road is,
16 and would extend to the east along the fence,
17 along the frontage of Thrall Road, along the
18 backside of the landscaping, all the way to the --
19 to the north corner of the -- of the facility near
20 where the callout says, existing tree line,
21 typical.

22 MR. PERRONE: And why were those sections selected for
23 the privacy mesh?

24 THE WITNESS (Parsons): Those sections were selected
25 for the privacy mesh to provide additional

1 screening for the site, where natural vegetation
2 is -- is not being maintained or does not,
3 actually does not exist. Again, Brad Parsons.

4 MR. PERRONE: With respect to the proposed landscape
5 plantings, would they be replaced if they were to
6 die off?

7 THE WITNESS (Parsons): Parsons, yes, those -- those
8 plantings would be replaced if they were to die
9 off.

10 MR. PERRONE: How frequently would there be inspections
11 of the condition of the plantings?

12 THE WITNESS (Parsons): Mr. Perrone, this is Brad
13 Parsons. I think the condition of the plantings
14 would be inspected on a more frequent basis,
15 probably monthly on their initial, once they were
16 initially planted to ensure that the existing
17 health is maintained and that they're receiving
18 the appropriate water.

19 Once they've gone through and established
20 after that, they would be inspected on a periodic
21 basis when we do our -- our inspections of the
22 entire site as part of our -- our regular O and M
23 maintenance.

24 MR. PERRONE: Turning to the viewshed map, Pierce
25 Memorial Park is located to the west, and it's

1 shaded in orange for the seasonal visibility area.

2 Could you describe the views of the facility
3 from Pierce Memorial Park?

4 **THE WITNESS (Parsons):** Brad Parsons. I think, you
5 know, the idea of the -- the viewshed map and the
6 seasonal visibility is understanding that there
7 are -- there are significant tree lines in between
8 the facility and Pierce Memorial Park, both on our
9 subject property as well as to the west.

10 So with full leaf off, could somebody stand
11 in one spot and -- and stare and potentially catch
12 a glimpse of the facility? Yes, but it's not, you
13 know, in full view of the facility. So that's why
14 we -- we've kind of said seasonal visibility is
15 possible.

16 **MR. PERRONE:** Would those leaf-off views between the
17 trees, hypothetically, would they be the upper
18 sections of the panels and the poles, or a direct
19 view?

20 **THE WITNESS (Parsons):** It's really a direct -- I think
21 that the way that this viewshed map is intended to
22 be is that the viewshed is taken from the -- from
23 the top of the panels themselves and projected
24 out.

25 So anything basically from the top of the

1 panels down has the potential of -- of being
2 visible as part of this viewshed map.

3 MR. PERRONE: Could you describe the visibility of the
4 facility from the Village of Windsorville?

5 THE WITNESS (Parsons): Mr. Perrone, this is Brad
6 Parsons. We don't believe that there's really
7 going to be any real visibility from the -- the
8 Village of Windsorville.

9 Again, the -- the seasonal visibility
10 through -- through existing vegetation, both on
11 and off site is fairly significant once you get
12 further away from -- from the project, as well as
13 just what you physically see with -- with the
14 naked eye at a specific -- specific distance.

15 So I think this viewshed map, one thing it
16 doesn't take into account is -- is what that is.
17 So could somebody stand there and see it?
18 Potentially, but it would take some hard stairs to
19 really understand that once you get past a certain
20 distance.

21 MR. PERRONE: And my last question, referencing the
22 letter from the Department of Agriculture dated
23 March 23rd, would EWS2 keep agricultural co-use
24 operating for the life of the project?

25 THE WITNESS (Fitzgerald): Fitzgerald. Yes, East

1 Windsor Solare II would keep agricultural co-use
2 operating for the life of the project.

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

4 THE WITNESS (Fitzgerald): Thank you.

5 THE HEARING OFFICER: Thank you, Mr. Perrone.

6 We'll now continue with cross-examination by
7 Mr. Silvestri, followed by Mr. Golembiewski.

8 Mr. Silvestri, good afternoon.

9 MR. SILVESTRI: Good afternoon, Mr. Morissette, and
10 good afternoon, everyone.

11 I'd like to start with a continuation on what
12 Mr. Perrone was asking about the landscape
13 plantings. And I'm looking at figure three,
14 proposed conditions that actually has the
15 landscape plantings in green.

16 A question I have for you, on the eastern
17 side why doesn't the landscape planting continue
18 further north along the fence?

19 THE WITNESS (Parsons): Mr. Silvestri, this is Brad
20 Parsons. The -- the thought process there was
21 that once you get up to basically the middle half
22 of that fence, was that the -- the existing trees
23 along the eastern side will help protect that, the
24 visibility in that corner from -- from the
25 majority of what you could see from Thrall Road,

1 especially as you're driving by.

2 MR. SILVESTRI: Now, would that also be the case on the
3 very top corner, if you will, of where the fence
4 is heading in a westerly direction for the house
5 that's in the far northeast corner?

6 THE WITNESS (Parsons): Mr. Silvestri, I think our
7 intention here was that all of the existing
8 vegetation on site around the facility, with the
9 exception of some -- some minor clear, clearing or
10 tree trimming to get the utility poles in, would
11 remain on this site.

12 MR. SILVESTRI: Okay. Two related questions. The
13 house directly near the access road on Thrall
14 Road, there's no landscape plantings behind it.

15 Any reason behind that?

16 THE WITNESS (Parsons): That existing house behind
17 Thrall Road is -- there's actually a barn right
18 behind it. And so where -- where we kind of stop
19 the plantings is right in line with that barn.
20 And so we don't believe that there, there's really
21 much visibility beyond the barn from the house as
22 well.

23 MR. SILVESTRI: Okay. The one final question on this
24 figure. Moving further west, there there's
25 nothing for landscape plantings at all along that

1 western border. Any reason behind that?

2 THE WITNESS (Parsons): Again, Mr. Silvestri, Brad
3 Parsons. We're maintaining the existing
4 vegetation along all of the other sides of the
5 facility, and that was the rationale of -- of not
6 having any additional plantings.

7 MR. SILVESTRI: Okay. Now, thank you for your
8 responses on that.

9 What I'd like to do now is turn to the
10 interrogatory responses that are dated July 18,
11 2023. And I'd like to start with number 15 and
12 number 16, if you could have both of those in
13 front of you? And let me know when you're ready.

14 THE WITNESS (Parsons): This is Brad Parsons. Ready,
15 sir.

16 MR. SILVESTRI: Okay. On number 15 it has the nearest
17 property line is approximately 42 feet to the
18 west, and then it has the nearest off-site
19 residence is approximately 150 feet to the
20 southeast. And if we shift to number 36, it has
21 the nearest property line is 300 feet to the
22 north.

23 So I'm confused between three numbers that
24 are there, and could you explain the differences
25 regarding the nearest property line?

1 THE WITNESS (Parsons): Yes, Mr. Silvestri. Brad
2 Parsons again. So the -- the answer to number 15
3 was specific to the facility itself and the fence
4 line of that facility.

5 But the response to the interrogatory, the
6 other interrogatory was specific to the equipment
7 on site. So the noise generating equipment on
8 site, sir.

9 MR. SILVESTRI: Equipment, being what?

10 THE WITNESS (Parsons): Again, Brad Parsons.

11 Inverters, transformers, the equipment area.

12 MR. SILVESTRI: Okay. So 300 feet from the inverters
13 and transformers, et cetera. Then going back, you
14 have 42 feet to the west is from the fence line,
15 and 150 feet to the southeast is another fence
16 line. Is that correct?

17 THE WITNESS (Parsons): Mr. Silvestri -- Mr. Silvestri,
18 yes, that is correct.

19 MR. SILVESTRI: Okay. And I'm not sure if I've seen
20 it. So if it's there, I apologize for repeating
21 it, but with that nearest offsite residence at 150
22 feet to the southeast, what's the worst case noise
23 propagation calculation in dBA?

24 THE WITNESS (Roland): Mr. Silvestri, this is Andy
25 Roland here. Are you referring to the property

1 across Thrall Road?

2 Or the property adjacent to the southeast?

3 MR. SILVESTRI: Well, I'd have to say whatever you
4 identified as the nearest offsite residence at 150
5 feet to the southeast.

6 THE WITNESS (Parsons): Across the street.

7 THE WITNESS (Roland): That would be that one across
8 the street. We -- we did not model noise at that
9 receptor. The noise model was conducted on the
10 four closest residential receptors from --
11 measured from the distance of the inverters, which
12 are located near the center of the site at the end
13 of the access road.

14 And those four residential receptors'
15 locations in order of them --

16 MR. SILVESTRI: And the -- go ahead.

17 THE WITNESS (Roland): The order of them are 55 Thrall
18 Road, which is what our noise report refers to as
19 the southeast, their most residential receptor; 57
20 Thrall Road, which is to the northeast; 17 Thrall
21 Road, which is to the southwest at the cut in on
22 the property line; and 19 Thrall Road, which is
23 out to the northwest.

24 MR. SILVESTRI: And for those four residences, the
25 noise propagation calculations were based on where

1 the inverters and transformers are located and the
2 distance from them.

3 THE WITNESS (Roland): Yes, that was the rationale.

4 This is Andy Roland with WSP. That was the
5 rationale for selecting those four locations to
6 model the north street.

7 MR. SILVESTRI: Offhand, do you have the distances for
8 the four that you just mentioned, the 55, 57, 17,
9 and 19?

10 THE WITNESS (Roland): We do. This is Andy Roland with
11 WSP.

12 And again, I'm referencing exhibit --
13 Petitioner's Exhibit Environmental and Community
14 Noise Assessment dated August 31st, 2023. And I'm
15 referencing the distances listed on page 3 of that
16 report, which lists four monitoring locations
17 indicated as PL-1, PL-2, PL-3, PL-4.

18 And you can also look at a figure, figure two
19 of that exhibit, which is PDF page 18. And the
20 distances are as follows; 1,070 feet to PL-1, 820
21 feet to PL-2, 430 feet to PL-3, and 720 feet to
22 PL-4.

23 MR. SILVESTRI: I copy that. Thank you.

24 Okay. Let me move to Interrogatory Number 40
25 and its response. This interrogatory dealt with

1 the 12 volt battery attached to the solar charger
2 to power the electric fence.

3 The question I have for you is under what,
4 say, meteorological conditions would the battery
5 not be able to produce power? For example, if you
6 had three consecutive cloudy days, or four, do you
7 have any idea what the cutoff might be that this
8 battery would not have power enough to supply the
9 electric fence?

10 **THE WITNESS (Roland):** Mr. Silvestri, I think we'd have
11 to look at potentially -- I think it should
12 provide enough battery or timeline, but I would
13 say the other thing is that it's pretty -- mainly
14 for the sheep and keeping them corralled.

15 And as far as -- as part of the daily
16 observations or -- or bi-daily observations of the
17 sheep by the shepherd, they would be able to know
18 if that was powered or not, and if that battery
19 needed to be replaced or -- or recharged based off
20 of the, you know, their visits and maintenance of
21 the site.

22 **MR. SILVESTRI:** Is this a lead acid, kind of like a car
23 battery?

24 **THE WITNESS (Roland):** I would say it's probably, could
25 be something similar to that, but it also could be

1 a lithium ion battery as well, you know, whatever
2 the sheep grazer has available to them from --
3 from that fence manufacturer as well.

4 MR. SILVESTRI: Okay, thank you.

5 And if we go back to the application under
6 attachment one, I have a question on the trackers.

7 Are they self-powered or grid-powered?

8 THE WITNESS (Parsons): This is Brad Parsons. Trackers
9 are grid-powered.

10 MR. SILVESTRI: So there would be some type of tie-in,
11 if you will, to the distribution system that will
12 power up the trackers and not have it come from
13 the solar production itself?

14 Would that be correct?

15 THE WITNESS (Parsons): Mr. Silvestri, this is Brad
16 Parsons. That, I guess, is somewhat correct. If
17 the power -- if the trackers are generating at
18 that point in time and the -- the system is
19 pushing power onto the grid, the tracker motors
20 could be taking power from the solar panels
21 themselves.

22 However, if they need to be powered, they
23 would get that, ultimately get that power from the
24 grid, too, if necessary from that panel as well.

25 MR. SILVESTRI: Okay. Kind of a related question then.

1 You had an estimate that the project is expected
2 to produce more than 7.57 megawatt hours of energy
3 in its first year of operation. Would you include
4 the electrical losses that the trackers might pull
5 from the solar panel in your estimate?

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

7 So yes, that -- that estimate, not only does
8 that include electrical losses that the tracker
9 motors might pull, but it also includes electrical
10 losses from the transformers as well as any of the
11 medium voltage cable, shading from any of the
12 trees that are remaining in place around the site
13 as well.

14 So all the losses associated with the system
15 are -- are included in that estimate.

16 MR. SILVESTRI: Okay. Thank you for your response.

17 I want to turn right now to the stormwater
18 basin for a question or two. And when I look at
19 the existing stormwater basin, there's apparently
20 an outlet control structure that's noted in
21 Appendix B. This is the drawing plan of land
22 sheet one of one.

23 Am I correct in that, first of all, that it's
24 an outlet control structure? And if I'm correct,
25 what's the nature of that control structure?

1 THE WITNESS (Burns): This is Robert Burns from APT.

2 That structure is, by all accounts, a
3 drywell. It was full of debris. So we have not
4 assumed that it's an outlet structure, and we've
5 modeled the pond without its use.

6 MR. SILVESTRI: Okay. So any, any water that would
7 flow out would just flow by this, this drywell,
8 supposedly?

9 THE WITNESS (Burns): It's fine to have the stormwater
10 infiltrate.

11 MR. SILVESTRI: Okay. Then if you could turn to both
12 drawing OP-1, which is the overall locus plan, and
13 drawing O-P2, the partial site plan? It seems
14 that both equipment pads will be installed within
15 a portion of the existing stormwater basin.

16 Is that correct?

17 THE WITNESS (Parsons): Mr. Silvestri, this is Brad
18 Parsons. I can take that. So it -- it will be
19 the areas where the -- the inverters are. So
20 there, they're actually mounted on racks
21 equipment.

22 So while it is an equipment pad, per se,
23 there they're rack mounted equipment. So they
24 will be sitting up off -- off of the ground.

25 MR. SILVESTRI: Okay. Then when it has -- I've got to

1 blow up my drawing here. Where it has gravel
2 equipment pad, how does that differ from what you
3 just mentioned about racks?

4 **THE WITNESS (Parsons):** Again, Brad Parsons. So the
5 gravel equipment pad goes around where -- where
6 the inverters are going. So that longer, smaller
7 rectangle inside of that area is -- is where the
8 inverter racks would go.

9 And we tend to just install a gravel pad
10 around those mainly just because we've got, you
11 know, a decent amount of foot traffic right there
12 as those are getting installed and maintained.

13 And then additionally, you'll see that the --
14 the concrete equipment pads are further to the
15 south on -- on that same drawing, south of those
16 two longer rectangular pads. And that's where
17 the -- the transformer and any other AC electrical
18 equipment would be -- would be located.

19 **MR. SILVESTRI:** So the transformers are on concrete.

20 The inverters are on racks. Correct?

21 I didn't hear the response.

22 **THE WITNESS (Parsons):** Sorry, Mr. Silvestri. Again,
23 Brad Parsons. That that is correct. The
24 transformers are on concrete and the inverters on
25 racks with -- with gravel at their base.

1 MR. SILVESTRI: Okay. And one transformer each per
2 pad. So two transformers all together?

3 THE WITNESS (Parsons): Brad Parsons. Yes, sir.

4 MR. SILVESTRI: Okay. In the event of a transformer
5 oil leak, what measures would you have in place to
6 prevent the oil from reaching the stormwater basin
7 and potentially going somewhere that we don't want
8 it to go?

9 THE WITNESS (Parsons): This is Brad Parsons. Mr.
10 Silvestri. So these, these transformers will be
11 using Fr3 oil. It's a biodegradable oil actually
12 derived from -- from vegetable oil. So it's not
13 your standard mineral oil that's been used in
14 transformers previously.

15 So -- but if this were to -- if those
16 transformers were to leak for any -- any reason,
17 likely based on the grades there, the transformers
18 would actually flow, that leakage would likely
19 flow into those gravel pads around the inverters
20 themselves and likely be contained in -- in that
21 area before reaching the -- the actual stormwater
22 basin.

23 MR. SILVESTRI: Do you know how much oil the
24 transformers would contain at this point?

25 THE WITNESS (Parsons): Again, this is Brad Parsons. I

1 do not know that exact number at this point.

2 MR. SILVESTRI: Okay. Just a comment from me.

3 Basically, everything could be biodegradable.

4 It's just a question of time. To me, oil is oil,
5 but I hear what you're saying about the certain
6 type of oil that would be used there.

7 But moving on, will the transformers be
8 equipped with low level alarms?

9 THE WITNESS (Parsons): Mr. Silvestri, this is Brad
10 Parsons. I don't believe we will have low level
11 alarms on -- on the transformers.

12 MR. SILVESTRI: All right. So if you have a leak, how
13 are you going to know that it's leaking if you
14 don't have any alarms?

15 THE WITNESS (Parsons): You get an idea because the
16 system itself will start operating in -- in a
17 manner that it doesn't typically operate in. And
18 our systems are monitored 24/7 by -- by a DAS
19 system, which is our -- our system that we have in
20 internally.

21 And so we would get alarms that the system
22 is -- is not operating correctly. Obviously, the
23 voltage would change or -- or we'd just get a
24 reduction in power based on the transformers not
25 operating at their -- their capacity that they

1 should be.

2 And that would alert our -- our maintenance
3 techs to go out and likely investigate the site if
4 they can't see any other issues on -- on that DAS
5 system, like an inverter being down.

6 MR. SILVESTRI: But up to a certain point, you'd have
7 no idea that the transformer or transformers would
8 be leaking until something shows you that there's
9 not a good operation with the solar panels.

10 THE WITNESS (Parsons): Correct at this time.

11 MR. SILVESTRI: Is it your intention to store any fuels
12 on site, either during construction or during
13 operation?

14 THE WITNESS (Parsons): It is not -- not our intention
15 to store any fuels on site.

16 I do maybe want to add to one thing we could
17 look at, is just putting kind of a concrete curve
18 lip around that said concrete pad. That's enough
19 to contain the -- any potential oil spill from --
20 from the transformer as well.

21 MR. SILVESTRI: If this project happens to be approved,
22 you might want to look at low level alarms. So
23 I'm going to leave that part of it at that.

24 But I'm going to go back to drawing GN-2,
25 which is your environmental notes. And would it

1 be your intention to modify the spill prevention
2 portion of that to include contact information for
3 regulatory agencies, spill cleanup contractors,
4 local responders and the like?

5 THE WITNESS (Parsons): Mr. Silvestri, this is Brad
6 Parsons. Yes, we would -- could definitely be
7 able to modify that plan to include those items.

8 MR. SILVESTRI: And you'd have worker training as well
9 to go along with that, correct?

10 THE WITNESS (Parsons): Yes, sir.

11 MR. SILVESTRI: Okay. Going back to one of the
12 questions that Mr. Perrone had asked you about
13 Eversource and pad-mounted equipment, did you
14 actually work with Eversource to look at
15 pad-mounted equipment along the interconnection to
16 reduce the number of poles?

17 THE WITNESS (Fitzgerald): Yeah. Mr. Silvestri, this
18 is Bryan Fitzgerald. We did work with Eversource
19 during our interconnection approval stage on the
20 pad-mounted equipment, the -- the pole-mounted
21 equipment.

22 And what Brad Parsons mentioned in response
23 to Mr. Perrone's question I think, kind of,
24 summarized it, because the crux was the required
25 Eversource equipment is producing more poles

1 than -- than we are with our required equipment.
2 And their equipment needs to be pole-mounted.

3 MR. SILVESTRI: I heard your reply. I've seen
4 Eversource come up with pad-mounted equipment in
5 the past, and there just seems to be a back and
6 forth on that. But right now, I'll just thank you
7 for your reply.

8 I'd like to go back to tracker operations for
9 a couple of moments. Is the rotary mechanism for
10 the trackers, is it internal to the trackers or
11 external?

12 THE WITNESS (Parsons): Brad Parsons. It is -- it's
13 located in the middle of each tracker itself, and
14 it is -- it's basically a Sleuth drive motor.

15 So it's -- it sits in the center, and then
16 you have two torque tubes coming out of either
17 end, and that motor drives both of those torque
18 tubes that drives each of a half of the tracker.

19 MR. SILVESTRI: So it's more gear driven as opposed to
20 chain drive?

21 THE WITNESS (Parsons): Yes, sir, Mr. Silvestri. It
22 is. It is gear-driven. It's -- it is a Sleuth
23 motor.

24 MR. SILVESTRI: Okay. And do they, the trackers
25 require any maintenance or greasing, or anything

1 else while they're in operation, or over a period
2 of time?

3 **THE WITNESS (Parsons):** It's my understanding that --
4 that those motors are -- are completely contained.
5 It does not require any, any greasing or
6 maintenance with regards to that over time.

7 **MR. SILVESTRI:** Okay. Thank you.

8 In the event of a forecasted snow event,
9 would you be able to tilt the panels to be
10 perpendicular to the ground so you wouldn't have
11 any snow accumulation on top of the panels?

12 **THE WITNESS (Parsons):** There's actually the tracker --
13 again, Brad Parsons. The tracker is -- is only
14 designed to go up to 55 degrees. Right? But we
15 have what we call the -- the algorithm inside the
16 tracking mechanism there would basically dump snow
17 at a certain point.

18 So if it -- if we do get any snow buildup, it
19 will -- it will go all the way to that 55 degree
20 tilt. If it still feels anything on that tracker
21 itself, it's my understanding that it will go
22 fully back to the other side as well to -- to try
23 and do it, a dump it that way.

24 And again, being that the panels are -- are
25 glass there, you're likely going to get most of

1 that snow sliding, sliding off of it as well.

2 MR. SILVESTRI: So if I understand correctly, you kind
3 of have an automatic weather tracking system, if
4 you will, for snow that will respond accordingly.

5 THE WITNESS (Parsons): Yes.

6 MR. SILVESTRI: All right. I believe my last question
7 at this point; have you had any panels, say, from
8 previous installations that experienced breakage
9 either during construction or in operational use?

10 And if so, what did you do with those panels?

11 THE WITNESS (Parsons): This is -- this is Brad
12 Parsons. Again, yes, we've -- we've definitely
13 experienced breakage of panels as a result of, you
14 know, construction and/or delivery.

15 A lot of times you may find a panel broken in
16 one of the crates after delivery. And those are
17 disposed of in accordance with -- with any federal
18 or state regulations.

19 MR. SILVESTRI: When you mentioned disposed of, would
20 they have been recycled? Or would they have gone
21 to landfill?

22 THE WITNESS (Parsons): I don't have an answer to that.
23 They may have been recycled, but they could also
24 have gone to a landfill, I know.

25 MR. SILVESTRI: Okay. Thank you.

1 Mr. Morissette, I believe that's all I have
2 at this time. Thank you and thank the panel for
3 your responses.

4 **THE HEARING OFFICER:** Thank you, Mr. Silvestri.

5 We'll now continue with cross-examination by
6 Mr. Golembiewski followed by Mr. Hannon. Good
7 afternoon, Mr. Golembiewski.

8 **MR. GOLEMBIEWSKI:** Good afternoon, Mr. Morissette. I'm
9 going to, I guess, start my questioning primarily
10 about the storm basin, stormwater management
11 basin.

12 I guess I'm not sure who to direct this
13 question to -- probably to the stormwater
14 engineer. But based on what I can tell from the
15 plans, there is no design for it. Am I missing a
16 set of plans? Because I don't really see any
17 there, and I don't really know what the top
18 elevation of the -- so, all right. Here's my
19 question. How does the storm basin work?

20 **THE WITNESS (Burns):** Robert Burns with APT. The storm
21 basin works exactly the way it works today.
22 That's an existing basin that the stormwater will
23 flow overland to, and the water will infiltrate
24 into the ground.

25 And the stormwater report is included in the

1 packet. And all the comps are there, as well as
2 the elevations for the different year storms,
3 existing and proposed.

4 MR. GOLEMBIEWSKI: So I'm on the plan sheet and I see a
5 line, I believe, that is supposed to represent the
6 limits of the stormwater basin. It's like a two
7 dots dash.

8 THE WITNESS (Burns): So Robert Burns, again. That's
9 really just for graphical purposes. The top of
10 that basin is dependent on what storm you're
11 analyzing it for.

12 MR. GOLEMBIEWSKI: Okay.

13 THE WITNESS (Burns): But it is approximately there.
14 It sort of falls in the 213 contour on our side,
15 but really the top of the -- the basin itself for
16 proposed conditions, even in the a hundred-year
17 storm is down around to 12.7, so.

18 THE WITNESS (Parsons): Mr. Golembiewski, this is Brad
19 Parsons. If I could add to that as well? If you
20 could take these, direct attention to EC-5 of the
21 plan sheets, this might help understand what's
22 going on out there a little bit more?

23 In essence, what we have is there's already a
24 stormwater basin on -- on site. Right? And we've
25 modeled, modeled the set basin. So if you said --

1 that said stormwater basin.

2 So, if you look at -- at that EC -- EC-5, if
3 you have it in front of you, you'll see where the
4 existing stormwater line is. And you'll see on
5 the far western side of that, that page where the
6 stormwater line is, you can kind of see that it
7 really is almost right at that 213 contour that --
8 that Mr. Burns was representing.

9 So, if you kind of go north of that, that 213
10 contour, just to the north of where -- where the
11 LOD is, you'll see those contours actually start
12 to go up right there.

13 So there's actually a natural berm on this
14 site to the north between the -- the limits of
15 disturbance in the facility and -- and that
16 wetlands to -- to the north. So that berm, you
17 know, tends to vary in elevation depending on --
18 on where you are on site.

19 So as you kind of work your way towards the
20 eastern side, you can kind of see that berm --
21 berm drops down a bit, and you'll see right where
22 that 211 contour is at the -- the smallest, the
23 lowest part of the basin and the drywell structure
24 that's called out there? You'll see just to the
25 north of that, north of the LOD, you'll see that

1 215 contour there as well.

2 So, again, it's just an existing berm along
3 that northern backside of the parcel. So really
4 there, there's no stormwater basin to grade in
5 because, in essence there there's already one
6 there. And we're further mitigating the -- the
7 stormwater controls by changing from a row crop
8 cover type of tobacco or other row crops to just a
9 standard meadow.

10 MR. GOLEMBIEWSKI: Okay. You know, so how the basin
11 functions, say, during a hundred-year storm event,
12 what elevation would that represent in the basin?

13 THE WITNESS (Parsons): So, today, the hundred-year
14 storm when we model it is at about 213.3.

15 MR. GOLEMBIEWSKI: Okay.

16 THE WITNESS (Parsons): Once we have redone the --
17 redid the surface with meadow type grasses, we ran
18 it and the proposed hundred-year elevation is
19 212.69.

20 MR. GOLEMBIEWSKI: Okay.

21 THE WITNESS (Parsons): So we're actually reducing the
22 runoff to that basin.

23 MR. GOLEMBIEWSKI: And then the panels and the other
24 equipment then would likely not be flooded during
25 a hundred-year storm event.

1 THE WITNESS (Parsons): No, there they're right on the
2 edge, I would say.

3 MR. GOLEMBIEWSKI: Okay. So the fence would be?

4 THE WITNESS (Parsons): I think that's fair. Yeah, I
5 think that's fair.

6 MR. GOLEMBIEWSKI: So the fence goes across? Okay.

7 So there is no plan -- so there's no plan to
8 have any type of overflow from the basin, a
9 formalized overflow?

10 THE WITNESS (Burns): This is Robert Burns. No, sir,
11 there's not.

12 MR. GOLEMBIEWSKI: Okay. Okay. Staying with sort of
13 the runoff, I guess, subject, I noticed in one of
14 the interrogatories or in the report you said that
15 there would not be, I believe, any drip panel,
16 drip -- soil, additional protection from erosion
17 from panel drip. And I was just wondering if you
18 could explain why?

19 THE WITNESS (Burns): The grades out there and the seed
20 mix we're going to plant, the vegetated cover that
21 they will not be needed. And that they're tracker
22 type panels, maybe Brad, you can add on that a
23 little bit.

24 THE WITNESS (Parsons): Yeah. Mr. Golembiewski, this
25 is Brad Parsons again. So again, on top of what

1 Mr. Burns stated there, as well as these being
2 tracker panels, that the drip edge is -- is
3 constantly moving over -- over the course of the
4 day. So that, that's another reason as well.

5 MR. GOLEMBIEWSKI: So they're not permanently in one
6 location, so not one line will form. So there
7 they're moving.

8 So sort of dependent on where they are and
9 when it rains, you would not get the drip in the
10 same exact location.

11 THE WITNESS (Parsons): That's correct, Mr.

12 Golembiewski. Brad Parsons.

13 MR. GOLEMBIEWSKI: I guess one more question regarding
14 stormwater. The basin itself will not hold water
15 for more than, say, just after a storm event.

16 Or for how long?

17 I guess the question may be, how long after,
18 say, a hundred-year storm event would water sit in
19 the basin?

20 THE WITNESS (Burns): This is Robert Burns again. I

21 don't have an answer for that. It's something I
22 would have to get back to you.

23 MR. GOLEMBIEWSKI: But you are characterizing it as an
24 infiltration basin that will not have permanent
25 water in it?

1 THE WITNESS (Burns): Yes, sir.

2 MR. GOLEMBIEWSKI: So, currently, water there -- it's
3 generally dry, currently.

4 THE WITNESS (Burns): I think that's fair. Robert --
5 this is Robert Burns, yes.

6 THE WITNESS (Parsons): And again, Mr. Golembiewski,
7 this is Brad Parsons, yes. And I think the intent
8 here is that that site is going to function as it
9 does today, as we kind of discussed about the --
10 the basin and the existing contours that are
11 there.

12 You know, really it's -- it's a dry site as
13 it is today, and our calculations are basically
14 showing -- showing the same in that regards.

15 MR. GOLEMBIEWSKI: And the outlet is not a functioning
16 outlet, the feature that says catch basin top?

17 THE WITNESS (Burns): That's correct. This is Robert
18 Burns. Yes, that's correct.

19 MR. GOLEMBIEWSKI: Okay.

20 THE WITNESS (Gustafson): Dean Gustafson. I can add a
21 little bit to this discussion. During our wetland
22 investigation, we took a close look at the
23 existing stormwater basin, and by all field
24 indications and surface evidence that basin does
25 not appear to hold water for any significant

1 period of time, and -- and it's pretty free
2 draining soils underneath it.

3 It's -- there's a lot of glacial
4 lacustrine -- I mean, glacial fluvial material,
5 some coarse sand and gravel underneath that. So
6 it appears to drain pretty -- infiltrate pretty
7 quickly.

8 MR. GOLEMBIEWSKI: Okay. And there's no chance that
9 any type of water would overflow and flow towards
10 the vernal pools that were identified to the
11 northwest?

12 THE WITNESS (Gustafson): As we looked at kind of the
13 north end of that basin, that natural berm, and
14 there's no evidence of any surface flows coming
15 from that basin towards the north, towards the
16 potential vernal pools in the wetland system.

17 MR. GOLEMBIEWSKI: Okay. Is there -- sticking with, I
18 guess, that line of questioning, the area for the
19 development, the habitat there would not -- is it
20 your opinion that any type of amphibian migration
21 to the vernal pools would be going through? Is
22 that a likely area for migration?

23 THE WITNESS (Gustafson): Dean Gustafson. We did take
24 a close look at what the anticipated primary
25 vectors of migration from the two potential vernal

1 pools. You know, that's a good distance north of
2 the closest facility.

3 And the areas to the south including the
4 project area are all maintained, cultivated
5 agricultural field habitat, which is really not
6 supportive of any of the obligate vernal pool
7 species such as spotted salamander and wood frog.
8 It would be considered either suboptimal or
9 non-habitat.

10 There is no mature forest cover in those
11 areas. So the vectors of migration are
12 anticipated to be kind of east and west from those
13 potential vernal pools, and also to the north.
14 And those are all forested terrestrial habitats,
15 and also forested wetland habitats.

16 And I'll just direct you to our response to
17 in Applicant Exhibit 4, our response to the Town
18 of Windsor interrogatories. We included an
19 attachment noted as figure six, and that provides
20 the vectors of migration on that figure.

21 MR. GOLEMBIEWSKI: Okay. Great. That's all I have,
22 Mr. Morissette. Thank you.

23 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

24 We'll now continue with cross-examination by
25 Mr. Hannon, followed by myself. Mr. Hannon, good

1 afternoon.

2 MR. HANNON: Good afternoon, Mr. Morissette. Thank
3 you.

4 I want to sort of stay on the same path that
5 Mr. Golembiewski and Mr. Silvestri were following.
6 So I guess as it relates to the equipment pads
7 that you're talking about, do you have sort of a
8 spot elevation as to what those gravel pads will
9 be at? I mean, it will be above the 213
10 elevation, or you may have a different opinion as
11 to what constitutes a gravel pad?

12 So I'm just curious if you have a sort of a
13 spot elevation you anticipate there?

14 THE WITNESS (Burns): This is Robert Burns. The
15 elevations will be matching what the existing
16 elevations are out there right now.

17 MR. HANNON: Okay. So it will be at ground level,
18 which means that under certain circumstances a
19 portion of the mount could be underwater.

20 Correct?

21 THE WITNESS (Parsons): And yeah, this is Brad Parsons.
22 Yeah, I think, you know, a portion of the
23 structure, the mounting structure racking that
24 holds up the inverters, the bottom part of that
25 could -- could be underwater, but those inverters

1 are sitting, you know, three to four feet above --
2 above existing grade. And that's why there wasn't
3 really much, much concern with that.

4 I think we potentially also have some
5 availability onsite to -- to shift that, those
6 areas to the south slightly as well.

7 MR. HANNON: Thank you. That helped clarify.

8 Also sticking with what was discussed as far
9 as the elevations go, because I'm looking at EC-5
10 and EC-6. It looks as though the 215 elevation is
11 north of the bulk of the detention basin, but it
12 also curves around so that it covers the eastern
13 portion.

14 So you do have a 215-foot elevation where the
15 lower portion of the basement is probably a little
16 under 211-foot elevation. But just out of
17 curiosity, it sounds like what I'm hearing is that
18 you have no intention of doing anything with the
19 drywell to make it work, but yet on page EC-5 it
20 talks about the existing drywell, the contractors
21 to clean it out, clean out the structure and add
22 proposed silt back and hay bale.

23 So it sounds like that may still be
24 functioning, or it will be functioning during this
25 whole process?

1 THE WITNESS (Parsons): -- with all points. Yes,
2 that's the idea. Once we clean it out and
3 determine what it is, it will function the way it
4 functions today, or the way it should be
5 functioning.

6 MR. HANNON: Okay. And one of the things I did not
7 see, do you happen to have a spot elevation for a
8 top of frame for the drywell?

9 THE WITNESS (Parsons): No, sir. The surveyors didn't
10 pick up a spot elevation. It looks like it's -- I
11 don't see it. I don't know.

12 MR. HANNON: Yeah, I didn't see anything marked
13 anywhere. So I was just curious about that.

14 I want to go to page 27 in the petition. And
15 I think this goes to a comment that Mr. Gustafson
16 made saying that the facility would be located
17 entirely within the cultivated agricultural field
18 that represents suboptimal terrestrial habitat for
19 obligate vernal pool species, and that the
20 agricultural field is considered suboptimal due to
21 the lack of forest cover.

22 So I think that what Mr. Gustafson was saying
23 is that because of that, it's unlikely that you
24 would have any of the potential amphibians
25 crossing, I'm assuming, through the pond or

1 through the basin and into what is currently the
2 agricultural field. Is that correct?

3 THE WITNESS (Gustafson): Yes, that's -- that's
4 correct. We don't anticipate any significant
5 migration out of those vernal pools or the nearby
6 terrestrial habitat to the north into that field,
7 because it is essentially non habitat for those
8 species.

9 And further to the south of this property is
10 existing residential and agricultural properties.
11 So there's -- there's really no incentive for
12 migration across that field.

13 MR. HANNON: Okay. But then in the same paragraph, you
14 go to say, in fact, the conversion of the
15 cultivated field to permanent meadow habitat under
16 the surrounding solar facility represents an
17 improvement to the CTH.

18 The addition of the meadows habitats
19 vegetation would provide an improved level of
20 cover for any dispersing herpetofauna that may
21 wander into the solar facility. This habitat
22 conversion also eliminates potential mortality of
23 those species due to current conflicts with
24 farming implements.

25 So to me, the way I'm reading that is it

1 looks as though by going in and doing some of the
2 seeding, that that may actually open up some of
3 the area to some of the critters that could be at
4 the vernal pool. And it could actually have them
5 moving more towards the field because it may no
6 longer be suboptimal.

7 **THE WITNESS (Gustafson):** That's -- that's correct.

8 It's -- it's less specific for the obligate vernal
9 pool species such as wood frog and salamander who
10 are going to rely heavily on the terrestrial
11 habitat, but other associated herpetofauna such
12 as, you know, turtles and snakes and -- and
13 whatnot that are inhabiting and utilizing some of
14 that terrestrial and wetland habitat further to
15 the north, you could certainly have those species
16 encroach into the edge of the field.

17 And under current conditions there, you know,
18 they're subject to injury or mortality from
19 agricultural -- agricultural use of the property,
20 and also to heavier levels of predation because of
21 the open nature of the cultivated field.

22 Those factors would -- would certainly be
23 improved with the development of this solar
24 facility and the installation of a native
25 pollinator friendly seed mix to permanently

1 stabilize the areas in and around the solar
2 facility.

3 MR. HANNON: Well, thank you.

4 THE WITNESS (Gustafson): You're welcome.

5 MR. HANNON: Then on page 28, under hydraulic
6 alterations, second paragraph, the existing
7 stormwater management area would not be considered
8 a decoy pool or sink feature that potentially
9 could affect breeding amphibians intercepted on
10 their way to the nearby vernal pool. Why not?

11 THE WITNESS (Gustafson): Dean Gustafson. As I had
12 indicated earlier to Mr. Golembiewski's question
13 regarding the basin, our field indications are
14 that that basin drains and infiltrates any
15 stormwater runoff fairly quickly.

16 We didn't see any field evidence of, you know
17 surface standing or vegetation standing, any drift
18 lines to that nature. So this is what we would
19 characterize as a dry basin. And if, you know,
20 during heavy storm events, you know, there, any
21 water that would collect in that area would drain
22 the soils fairly rapidly.

23 And therefore, we wouldn't consider the
24 existing basin -- even the existing basin a decoy
25 pool. And as noted earlier in testimony from

1 Mr. Burns, that you know, with the change of cover
2 type we're improving the conditions, the runoff
3 conditions from existing conditions.

4 So there would be less of a chance of it
5 operating as a possible decoy pool.

6 MR. HANNON: Thank you.

7 THE WITNESS (Gustafson): You're welcome.

8 MR. HANNON: The next question really isn't directly
9 related to page 30, but seeing as how it talks
10 about soils and geology I thought I'd raise it
11 here.

12 My understanding is the property is currently
13 being used for growing tobacco. Is that correct?

14 THE WITNESS (Fitzgerald): Bryan Fitzgerald. I believe
15 they grew rye hay out there this year.

16 MR. HANNON: Okay. And the reason I'm asking, because
17 I'm wondering if any soil analysis has been done
18 for potential hazardous materials. I mean, having
19 worked with projects up in that part of the state,
20 some of the pesticide results and chemicals that
21 are used for tobacco fields can tend to be rather
22 intense.

23 So I'm just wondering if any analysis has
24 been done there to determine the soil
25 characteristics and whether or not they may be

1 potentially hazardous?

2 **THE WITNESS (Parsons):** This is brad Parsons. I can
3 speak to that.

4 So while we haven't had a phase one ESA
5 completed for this site, we have had phase one
6 ESAs completed for sites of similar nature in the
7 area. And those phase-ones have identified the
8 same concerns that you just raised.

9 However, it is our intent here -- it will
10 always be our intent not to remove any soil from
11 the property. And if we were to have to, part of
12 that phase one would be having to have some type
13 of soil management plan to do that.

14 But in this case, we're -- we're not grading,
15 performing any grading on the site. Any
16 excavation would really be limited to the
17 installation of the access road. Any of the
18 trenches would be filled back in. So -- so any
19 limited excavation would be spread on site and
20 further stabilized to avoid any removal of soil.

21 **MR. HANNON:** Yeah, I just know it's been a concern for
22 a number of people. And sometimes what ends up
23 happening is even dust blowing off of the site can
24 adversely impact surrounding properties. So just
25 needing to be sure that that's something that's

1 taken care of. Thank you.

2 On page GN-2, the environmental notes,
3 resource protection measures, I have a question
4 on -- I think it's number five. So it talks about
5 the use of herbicides and pesticides at the
6 facilities shall be minimized.

7 Can you give me an idea as to why pesticides
8 and herbicides might be used on site, and how that
9 can possibly linger on the site? And what impact
10 that might have on the sheep being brought in?

11 THE WITNESS (Fitzgerald): Fitzgerald. Once -- if the
12 project were to move forward and once East Windsor
13 Solar II were to take possession of the property
14 through the commencement of the lease and proceed
15 with construction, East Windsor Solar II would not
16 use herbicides or pesticides under any
17 circumstance for any vegetative management.

18 All vegetative management would be completed
19 through sheep grazing throughout the life of the
20 project. So again, the project would not use any
21 herbicides or pesticides while in operation.

22 MR. HANNON: Okay. Thank you. Also in the
23 application, there's the letter from the
24 Commissioner over at Department of Agriculture.
25 And it talks about -- it concludes that this

1 project will not materially effect the status of
2 project -- or project land as prime farmland with
3 the use of the sheep on the property.

4 So I guess the question I have related to
5 that is, given the response, or the question and
6 response in the Siting Council Interrogatories
7 Number 13. And it states that -- it states the
8 property owner will retain land development rights
9 to develop a cemetery in the future, and the
10 conditions that the property would need to be
11 returned to. It was basically what that owner
12 currently wants.

13 But if they're using it as, or proposing to
14 use it as a cemetery, why does it matter if there
15 are sheep on this site or not? Because it doesn't
16 sound like the property is going to revert back to
17 farmland.

18 THE WITNESS (Fitzgerald): Fitzgerald. And I think I
19 could clarify maybe a couple of points here
20 written in this response. The landowner for the
21 property is the Catholic Cemetery Association of
22 Arch Diocese of Hartford.

23 While the property has been in agricultural
24 production in the past and they're pursuing a
25 potential solar project here that continues

1 agricultural production through the life of that
2 project, some of the underlying themes in working
3 with the landowner -- and knowing that I can't
4 speak directly for them because I'm not them -- is
5 that they -- they tend to try and preserve the
6 ability to put a cemetery at the properties that
7 they own if the event arises in the future where
8 they would look to do so.

9 They're an organization that thinks for the
10 extreme long-term, for eternity, for example.
11 They like to try and retain development rights of
12 their properties in order to have the ability to
13 install a cemetery at some point in the future if
14 the need arises for it.

15 MR. HANNON: So then the use of the sheep at this site
16 would be that at the end of whether it's the 20,
17 30, 40-year window, that the property would be
18 reverting back to a potential agricultural use.

19 Is that the intent? And then what the
20 diocese might do that may be something beyond that
21 scope?

22 THE WITNESS (Fitzgerald): Fitzgerald. I think that's
23 precisely correct. Our goal throughout the useful
24 life of the solar project would be to try and
25 retain and even potentially improve the soil

1 characteristics there through the -- through the
2 use of the sheep grazing plant.

3 So when decommissioning comes at some point
4 in the future post-useful life, the ability for
5 the project to return to another type of
6 agricultural use is there and available.

7 MR. HANNON: Okay. Thank you. The last question I
8 have, I believe -- if I can find it -- has to do
9 with the plan for the sheep. And if I'm reading
10 this correctly, this is on page 6 of 8, in tab J.

11 So it talks about -- it looks as though maybe
12 roughly 43 sheep grazing in the 4 paddocks. So
13 I'm assuming that it's roughly 2.4 sheep per acre.
14 Each of the four sections is about 4.9 acres, give
15 or take a little bit for the paddock, and they
16 would be grazing 15 days in each paddock. So the
17 45-day rest period.

18 So for example, you start in paddock one. 15
19 days are up, they move to paddock two. That gives
20 paddock 1 sort of the 45 days to refurbish itself.
21 And I'm assuming there would be, like, what? Two
22 seasons at the site. Does that sound correct?

23 THE WITNESS (Fitzgerald): Fitzgerald. That does sound
24 correct. And again, I will add that the sheep
25 grazing plan is developed in conjunction with our

1 sheep farming partners here in Connecticut. And
2 they reserve the ability to see how things are
3 from a season-to-season basis.

4 I would assume this year, for example,
5 compared to last year, maybe the continued growth
6 due to the rain that we've had would -- would keep
7 them out there throughout the growth season. I
8 could be mistaken there, but as compared to a
9 season like last year where we had a bit of a
10 drought mid season.

11 But yes, I believe here the point you're
12 making is correct.

13 MR. HANNON: Okay. Thank you.

14 I think Mr. Morissette, that does it for me
15 on the questions today.

16 THE HEARING OFFICER: Very good. Thank you,
17 Mr. Hannon.

18 I'll start with my questions. I'd like to go
19 back to the discussion about noise quickly, just
20 for some clarification here. In the response to
21 question number 36 we talked about the 300 feet to
22 the north. And I'm trying to reconcile it with
23 the table in the report on page 3. And I believe
24 that the 300 feet would be associated with PL-2,
25 which indicates it's 820 feet.

1 And Mr. Roland, I think it is? Could you try
2 to clarify what I'm missing here?

3 **THE WITNESS (Fitzgerald):** If I could just step in and
4 Andy can further clarify that. I think that 300
5 feet was done to the closest property line to the
6 north. And then Andy, I think you can talk about
7 the receptors and those distances that you used
8 there.

9 **THE WITNESS (Roland):** Yeah, this is Andy Roland with
10 WSP.

11 **THE HEARING OFFICER:** The -- the distance, that first
12 distance, Mr. Morissette, that you're referring
13 to, can you direct me to the interrogatory
14 question response?

15 **MR. HANNON:** Number 36. I think what I'm hearing is
16 that the 300 feet is not part of your report.

17 It's something different.

18 **THE WITNESS (Roland):** This is Andy Roland with WSP. I
19 just want to confirm, so we're talking about
20 those, the right locations to use.

21 Okay. So I think where we're -- this is Andy
22 Roland with WSP again. The -- the property line,
23 I believe that is referred to as the 300-foot or
24 perhaps the nearest property line is the property
25 line directly to the north of the equipment pads,

1 the inverter equipment. And there is no residence
2 there.

3 And where I refer to the WSP noise report,
4 the distances are to the nearest property lines on
5 a straight line path between the inverter pad
6 locations and those residential property lines
7 with residents.

8 THE HEARING OFFICER: Okay. Great. All right, I
9 understand it now. Thank you.

10 Okay. Mr. Roland, while I have you -- so BAC
11 did the first analysis. And I want to make sure I
12 understood what was said at the beginning of the
13 hearing, that the noise analysis was redone
14 primarily -- that's my understanding. Correct me
15 if I'm wrong -- was redone primarily because
16 someone from BAC was not available to testify.

17 Did I understand that correctly?

18 THE WITNESS (Parsons): This is Brad Parsons. Yes,
19 that that is -- that is correct. And I can let
20 Mr. Roland speak to the rationale behind -- behind
21 him running that report and analysis as well.

22 THE HEARING OFFICER: Okay. Before he does that, so
23 the BAC analysis had determined that the noise
24 levels at property lines were very low.

25 And Mr. Rowland's analysis, in his study he

1 says he was very conservative in his analysis, and
2 the noise levels are higher than BAC's.

3 So in your discussion, Mr. Roland, can you
4 just explain in your conservative analysis what
5 shifted from BAC to your analysis to conclude
6 that, yes, it is a little bit higher, and I'll
7 leave it at that? If you could please?

8 THE WITNESS (Roland): Mr. Morissette, this is Andy
9 Roland, WSP. So we were contacted and contracted
10 by Verigy on this project, as Brad mentioned, due
11 to some scheduling conflicts or some inability to
12 testify here.

13 We were provided with the BAC acoustical
14 report from April of 2023, and our first task was
15 to -- we were asked -- was review that and
16 provide -- provide our opinions.

17 And this varies from acoustical consultant to
18 acoustical consultant. I believe the BAC report
19 to be a bit too -- to give credit to a bit too
20 many, too many factors that I do not normally do
21 in terms of attenuations over distances.

22 And you, you are correct in that the BAC
23 report reported a very low nine decibel impact
24 from the site at the -- what it deemed to be the
25 nearest residential property line, which is I

1 referred to -- we referred to at WSP as PL-4 in
2 our report, which is the residential property to
3 the -- the west of the -- the inverter panels.

4 In looking at that number, there are some --
5 there are some factors used in the BAC report,
6 namely an attenuation accounted for, for
7 vegetation, which I tend in the Northeast not to
8 assume in any sort of modeling analysis due to the
9 fact that vegetation varies from season to season.
10 That was -- that was one particular factor that
11 BAC took credit for, whereas our report didn't.

12 It was also some discrepancies as to how --
13 how models are run, sound pressure versus sound
14 power. I don't think we need to get into the
15 technicalities of that. That's -- that's
16 explained in the report, but otherwise we -- we
17 uncovered a couple of attenuation metrics that we
18 chose not to use to predict the maximum
19 conceivable sound level from the site, and
20 determined it to remain in compliance with the CT
21 DEEP noise regulation, despite the fact that we
22 are quite conservative.

23 **THE HEARING OFFICER:** Very good. Thank you for that
24 explanation.

25 Okay. What I'd like to do is I'd like to

1 turn to partial site plan OP-2. I have a couple
2 of questions associated with that. My first
3 question is -- let's see. To the west, the limit
4 of disturbance from the fence line is -- it
5 appears to be quite extensive. Is there a reason
6 for that?

7 Also, on the east side, it's the same thing.

8 THE WITNESS (Burns): Burns with APT. The limited
9 disturbance on those two sides were mainly because
10 they will be seeded. There's no actual work being
11 taken place there, but that area will be seeded,
12 so we included it as a limited disturbance.

13 THE HEARING OFFICER: Okay. Thank you.

14 THE WITNESS (Burns): You're welcome.

15 THE HEARING OFFICER: Okay. Moving to the front of the
16 facilities along Thrall Road, can you tell me what
17 the distance is from the road to the fence line?

18 THE WITNESS (Burns): Robert Burns, again.

19 It's 50 feet.

20 THE HEARING OFFICER: 50 feet?

21 THE WITNESS (Burns): Yes, sir.

22 THE HEARING OFFICER: Okay. And then to the --

23 THE WITNESS (Burns): I'm sorry. That's to the
24 property line.

25 THE HEARING OFFICER: Okay. Along Thrall Road, where

1 the landscaping is, from the road to the fence
2 line.

3 THE WITNESS (Burns): I don't remember offhand.

4 THE WITNESS (Parsons): Yes, Mr. Morissette, just one
5 moment. I'll have that.

6 THE HEARING OFFICER: Great, thank you.

7 I'm also looking for the distance between
8 that and the actual solar panels.

9 THE WITNESS (Parsons): Yeah. So Mr. Morissette, this
10 is Brad Parsons. So the distance to the -- to the
11 edge of road -- from the edge of road to -- to the
12 fence line is approximately 75 feet, and then the
13 distance from the edge of the road to the solar
14 panels is approximately 95 feet.

15 THE HEARING OFFICER: 95 feet? Okay. Well, I was
16 curious as to whether pushing it back is something
17 that could be accomplished, and the pros and cons
18 of doing that or not doing that.

19 So for example, maybe going to a hundred
20 feet; go to the fence line, move the fence line
21 another 25 feet. Any reaction?

22 THE WITNESS (Parsons): I think, you know, there is --
23 Brad Parsons, again. I think there is, you know,
24 where the issues come into play is how, how the
25 layout of these -- these trackers can tend to

1 work.

2 And so by doing that, while it could happen
3 in -- in some cases, in some, some instances, as
4 we kind of move more towards the eastern half of
5 that, that array, as you were to shift that to --
6 to the north, we would start to impact the
7 existing vegetation on the north side potentially
8 with some -- with some of those trackers there.

9 So while it could happen potentially in
10 certain cases there, there were spots where it
11 was -- was a little difficult there. So we -- we
12 did try to maintain a consistent consistency as
13 well along that, that frontage.

14 **THE HEARING OFFICER:** All right. Well, considering you
15 have additional space to the west and the east,
16 you could conceivably go wider and push it back an
17 additional 20 feet, 25 feet, to provide a little
18 bit more buffer to Thralls Road.

19 **THE WITNESS (Parsons):** This is Brad Parsons. With
20 regards to that, again, with -- with keeping the
21 existing vegetation both on -- on the -- on the
22 eastern and southwestern and some western sides of
23 the site, basically that the shading profile comes
24 into play here.

25 And so -- so by shifting and -- and moving

1 those, those panels over actually provides some
2 additional impacts with regards to -- to
3 production. And even though those are already
4 taken into account, we're already taking into
5 account some production losses with -- with
6 regards to shading.

7 So any further -- further pushes in either
8 direction further makes those panels not -- not
9 produce the energy they -- they should be
10 producing.

11 THE HEARING OFFICER: Okay. Fair enough. Yeah, in a
12 drawing it looks -- it doesn't look like it's 75
13 feet. It looks something much less.

14 Okay. All right. Concerning the
15 interconnection, we have eight 40-foot
16 distribution poles along the driveway, somewhat
17 concealed by the -- I think it's a shed and a
18 barn, if I am reading that correctly.

19 I disagree with the statement that was
20 provided earlier that Eversource can't or
21 prefers -- they probably prefer overhead pole
22 interconnects, but they certainly have the ability
23 to do pad mounts.

24 What I would like to do is to go to the
25 aerial photograph number 18, please? That's

1 associated with the field review.

2 MR. BALDWIN: These are in the interrogatory response
3 that you're referring to?

4 MR. HANNON: Yes. Yes, thank you.

5 MR. BALDWIN: This is photo 18?

6 MR. HANNON: Aerial photo 18.

7 THE WITNESS (Parsons): Yes, Mr. Morissette. I think
8 we have that.

9 THE HEARING OFFICER: Thank you. So the way I'm
10 reading this is you've got the shed right on the
11 right-hand side of the photograph, and the
12 interconnect is going to go to the left of that
13 shed. And it's going to come down and
14 interconnect with this pole on Thrall Road. So
15 there's a line of trees there.

16 So my first question is, to what extent are
17 those trees going to be trimmed back and removed
18 to accomplish the eight poles?

19 THE WITNESS (Parsons): The trees would be minimally
20 trimmed back and/or removed I believe in a
21 response to one of the interrogatories. And I
22 find that we had an acreage associated with that,
23 the amount of tree removal.

24 MR. HANNON: Associated with the interconnect?

25 THE WITNESS (Parsons): With the interconnect, yes,

1 sir.

2 MR. HANNON: Okay. So -- go ahead.

3 THE WITNESS (Burns): I was going to say -- it's Robert
4 Burns. And we -- in the interrogatories, we said
5 it was a tenth of an acreage.

6 MR. HANNON: Okay.

7 THE WITNESS (Burns): Approximately.

8 MR. HANNON: All right. So where there's -- there's an
9 area that there's no trees on the side of the
10 barn. So that's primarily where the six poles
11 will go. Is that correct? Or is it further?

12 THE WITNESS (Parsons): Parsons, yes. Yes, correct.

13 THE HEARING OFFICER: Okay. So that last pole will we
14 have to angle to the structure that is on Thrall
15 Road?

16 MR. BALDWIN: Clarification, Mr. Morissette? You said
17 a structure that is not on Thrall road?

18 THE HEARING OFFICER: No, that is. It's a distribution
19 pole to the left.

20 THE WITNESS (Parsons): Yeah. So -- so Mr. Morissette,
21 this is Brad Parsons. So yeah, I think the intent
22 right now is to actually come off of that existing
23 pole.

24 MR. HANNON: Yeah?

25 THE WITNESS (Parsons): That is right there over

1 twenty-eighty -- at number 2087 and tie, and tie
2 into -- into that.

3 MR. HANNON: Right. Okay. So that will be an angle
4 from the last pole, and it won't be a straight
5 line. It will be an angle, the last structure.

6 THE WITNESS (Parsons): A slight angle to that, to that
7 last structure. Correct.

8 THE HEARING OFFICER: Yes. Okay. All right. So I
9 think I understand.

10 That distribution line, is there any upgrades
11 that's necessary on the 23 kV?

12 THE WITNESS (Fitzgerald): Fitzgerald. The upgrades
13 that happen to the distribution circuit are a
14 re-conductor-ing of an aerial cable that is
15 further downstream, or further south towards
16 Barber Hill Road -- I'm sorry. Excuse me, towards
17 the Barber Hill Substation.

18 There is not any upgrading to the existing
19 three-phase circuit directly on Thrall Road.

20 THE HEARING OFFICER: Okay. So the upgrades have
21 already taken place?

22 THE WITNESS (Fitzgerald): The thrall road has -- has
23 already taken place, and there's just a small bit
24 of aerial cable that needs to get re-conductor-ed
25 south, close to the Barber Hill Substation.

1 THE HEARING OFFICER: Okay. So that circuit goes back
2 to Barber Hill?

3 THE WITNESS (Fitzgerald): Yes, sir.

4 THE HEARING OFFICER: Okay. Were there any operational
5 contingencies, constraints that were put on the
6 project?

7 THE WITNESS (Fitzgerald): Fitzgerald. Not to my
8 knowledge. There were not any operational
9 constraints.

10 THE HEARING OFFICER: Okay. Thank you. All right.
11 That concludes my questioning for this afternoon.
12 Thank you, everybody, for your responses.

13 What we will do now is we're going to take a
14 12-minute break. We'll be back at 3:50, and then
15 we'll continue with cross-examination by Attorney
16 DeCrescenzo.

17 Okay. Thank you, everyone.

18
19 (Pause: 3:38 p.m. to 3:50 p.m.)
20

21 THE HEARING OFFICER: Is the Court Reporter back with
22 us?

23 THE REPORTER: Yes, I am here, and we are on the
24 record.

25 THE HEARING OFFICER: Very good. Thank you.

1 MR. BALDWIN: Mr. Morissette? Excuse interruption,
2 please?

3 THE HEARING OFFICER: Yes, Attorney Baldwin?

4 MR. BALDWIN: We had some informal homework assignments
5 that at least we thought might be appropriate to
6 address. If we could do that before the Town
7 begins their cross, that might be appropriate?

8 MR. HANNON: Okay. I have one open item. Did you have
9 others? I have the trucks per day.

10 MR. BALDWIN: We had a couple others. We had a total
11 of four that we'd like to address, if we could?

12 THE HEARING OFFICER: Okay. Please continue?

13 MR. BALDWIN: Or maybe it's three. One of them is the
14 number of trucks per day.

15 Mr. Parsons has a response to that -- or
16 Mr. Fitzgerald.

17 THE WITNESS (Fitzgerald): Mr. Morissette, this is
18 Bryan Fitzgerald. In regard to Mr. Perrone's
19 question on trucks per day, we are looking at
20 approximately 16 trucks over about a two to
21 three-week period in total that would encompass
22 the site mobilization and during the construction
23 period.

24 We're anticipating about five trucks for
25 racking equipment. These are deliveries received

1 at the site and this would be a flatbed semi, for
2 example. That's five trucks over that two to
3 three-week period.

4 We have about seven trucks for the solar
5 modules themselves, and that's in 40-foot shipping
6 containers unloaded onsite, and then shipping
7 containers taken back offsite. And then two other
8 trucks again, flatbed semi style for transformers,
9 inverters, fencing materials, wire rolls, pretty
10 much your balance of system equipment there. So
11 16 total.

12 MR. BALDWIN: Thank you.

13 MR. HANNON: Very good. Thank you.

14 MR. BALDWIN: Mr. Parsons, Mr. Silvestri asked about
15 the capacity of the transformer oil containment
16 period. And also touched on potentially
17 protection alarm systems. Could you respond a
18 little bit further to that question?

19 THE WITNESS (Parsons): Yes. Again, this is Brad
20 Parsons. So -- so we had -- we have two
21 transformers on site. One is a 1000 kVA
22 transformer. That has approximately 354 gallons
23 of -- the Fr3 oil. And then we have one 3000 kVA
24 transformer that has approximately 550 gallons of
25 Fr3 oil.

1 Additionally, you know, we -- we intend to
2 investigate the ability to add a leak detection to
3 our monitoring system, as well as potentially
4 looking at backup, a concrete curtain containment
5 along around our equipment pad as well.

6 MR. BALDWIN: Thank you. Going back quickly to
7 Mr. Hannon's question regarding the location of
8 the transformer and inverter pads and their
9 location within the limits of the defined
10 location, is there something you can do from a
11 project design perspective to change that?

12 THE HEARING OFFICER: Attorney Baldwin, we're hearing a
13 lot of background noise.

14 THE REPORTER: This is the reporter. Agreed.

15 MR. BALDWIN: Sorry about that, Mr. Morissette. Let me
16 repeat that question if I could.

17 This relates to Mr. Hannon's question
18 regarding the transformer pads and the inverter
19 pads being within the limits, at least in parts
20 within the limits of the stormwater basin shown on
21 that plan.

22 Mr. Parsons, do you have any additional
23 information to add on that point?

24 THE WITNESS (Parsons): Yes, this is Mr. Parsons. We
25 can shift that, those transformer and equipment

1 pads directly due south approximately 25 to 50
2 feet with no wind, and therefore being completely
3 outside that stormwater basin.

4 MR. BALDWIN: And then lastly, Mr. Morissette, also
5 with respect to a question or line of questions
6 that Mr. Hannon asked regarding soil conditions on
7 the property and dust during construction.

8 For anyone on the witness panel could you
9 talk a little bit about dust control measures
10 during construction and other features that would
11 help control any dust from the property?

12 THE WITNESS (Parsons): Yes, this is Mr. Parsons.

13 So -- so in addition to dust control during
14 construction, as required by -- by the general
15 permit, I think Mr. Hannon was -- was referring
16 to, you know, concerns with -- with pesticide, you
17 know, the herbicides and contamination in that, in
18 that dust.

19 One thing that -- that would be different on
20 this site is obviously we would not be turning
21 over the soil on -- on a yearly basis for any type
22 of crop planting, and would have stabilization
23 over the entire site as required for the general
24 permit.

25 So as far as from the life of the system,

1 too, we would ultimately reduce the amount of dust
2 that -- that may happen on site currently as a
3 result of, you know, bare soils due to, you know,
4 fallow crop fields.

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

6 Those were the questions we'd like to ask.

7 THE HEARING OFFICER: Very good. Thank you, Attorney
8 Baldwin.

9 Okay. With that, we'll continue with
10 cross-examination of the petitioner by the Town of
11 East Windsor. Attorney DeCrescenzo, if you would
12 please?

13 MR. DeCRESCENZO: Good afternoon, members of the panel
14 and members of the Council. I'm attorney Robert
15 DeCrescenzo from the firm of Updike, Kelly and
16 Spellacy, representing the Town of East Windsor.
17 We have a few questions that we would like you to
18 respond to.

19 The first is, I want to focus on the
20 screening along Thrall Road, the proposed
21 screening along Thrall Road. What is the distance
22 of the frontage of the project along Thrall Road?

23 THE WITNESS (Parsons): This is Brad Parsons. You
24 know, measuring it on -- on OP-2, the distance
25 from along Thrall Road from the corner of the --

1 the start of the LOD to the other corner of -- of
2 the LOD is approximately 915 feet.

3 MR. DeCRESCENZO: Okay. And could you describe the
4 current condition along that stretch of road right
5 now in terms of the view into the site?

6 THE WITNESS (Parsons): Brad Parsons. The current
7 condition along Thrall -- Thrall Road right now
8 is -- is an existing farm field with trees on the
9 northern side of that, that field.

10 MR. DeCRESCENZO: And could you describe for me the
11 proposed screening of the area along Thrall Road?

12 THE WITNESS (Parsons): Yeah. So -- so the proposed
13 screening -- again, Brad Parsons -- includes the
14 addition of an 8-foot chain-link fence as part of
15 the petition plans originally with a privacy mesh
16 along the -- the face of that on Thrall Road,
17 as -- as discussed previously with response to
18 Mr. Perrone's question.

19 And then additionally, we are proposing two
20 rows of evergreen plantings staggered on a 10-foot
21 on center planting along the frontage there
22 allowing for, you know, visibility and reduced
23 visibility to the -- to the site.

24 MR. DeCRESCENZO: And how tall would these evergreens
25 be when they're first planted?

1 THE WITNESS (Parsons): This is Brad Parsons. They
2 will probably be approximately 6 to 8 feet in
3 height.

4 MR. DeCRESCENZO: And you're proposing to plant them 10
5 feet apart? Was that a yes?

6 THE WITNESS (Parsons): This is Brad Parsons. Yes,
7 sir, they would -- they would be planted
8 approximately 10 feet apart on -- on center.

9 MR. DeCRESCENZO: Will they be planted on grade?

10 THE WITNESS (Parsons): This is Brad Parsons. Yes,
11 they are intended to be planted on grade.

12 MR. DeCRESCENZO: Okay. So for a good long time you'll
13 be able to see right through them to the fence.

14 Is that correct?

15 THE WITNESS (Parsons): Again, this is Brad Parsons.
16 For -- for a period of time until they reach a
17 larger maturity you will be able to -- to see to
18 the fence, and that was the intention of the
19 existing, of adding the privacy mesh on the rear
20 side of the fence.

21 MR. DeCRESCENZO: And what is the height at maturity of
22 these, the height and width of these plantings at
23 maturity?

24 THE WITNESS (Parsons): The height and width of the --
25 the plantings at -- at maturity, the width of the

1 plantings get to be approximately 10 feet,
2 filling -- filling those gaps, and ideally get to
3 a mature height of 15 to 20 feet.

4 MR. DeCRESCENZO: And can you describe -- you say
5 evergreen. What species of evergreen are they?

6 THE WITNESS (Burns): This is Bob Burns from APT. On
7 DN-1, on the typical planting detail there is a
8 list of tree species that can be chosen from.

9 MR. DeCRESCENZO: Will they be one uniform type of tree
10 along all 900 feet?

11 THE WITNESS (Burns): I think that's yet to be
12 determined.

13 MR. DeCRESCENZO: And I thought I heard that there
14 won't be any kind of berm. It's just planting on
15 grade. Is that it?

16 THE WITNESS (Burns): That's correct.

17 MR. DeCRESCENZO: And could you describe for me what
18 the fence is? What material is it made out of?
19 What color is it, and how -- it's eight feet high,
20 I think I heard you say?

21 THE WITNESS (Burns): Again, Robert Burns from APT.

22 It is a seven foot high chain-link fence,
23 which will have a mesh on the -- along Thrall
24 Road.

25 MR. DeCRESCENZO: What color will it be? Will it be

1 the typical galvanized fence that you see
2 everywhere?

3 THE WITNESS (Parsons): This -- this is Brad Parsons.
4 On DN-1, the fence is called out as -- as black
5 vinyl chain-link fence. So it will be a black
6 vinyl fence, not -- not a galvanized. And while
7 the majority of the site will be seven feet, the
8 area in -- along the frontage of Thrall Road will
9 be -- will be eight feet high.

10 MR. DeCRESCENZO: And these panels you're talking
11 about, are these the slats that go between the
12 links in the chain-link fence?

13 THE WITNESS (Parsons): Again, the intent is not to
14 actually install the slats, but actually to
15 install a privacy mesh on the backside, yeah.

16 MR. DeCRESCENZO: So what you're proposing, today you
17 see a farm field, and when you're done with this
18 screening you're going to see approximately 900
19 feet of a chain-link fence with some form of
20 uniform planting in front of it.

21 Is that what you're proposing?

22 THE WITNESS (Parsons): When we're -- when we're done,
23 we're going to have a hundred -- over 170
24 plantings along the frontage of this site, as well
25 as the chain-link, black vinyl chain-link fence

1 with the privacy mesh on the inside of that.

2 MR. DeCRESCENZO: And how far from the road will the
3 plantings be?

4 THE WITNESS (Parsons): The plantings will be -- again
5 Brad Parsons will be approximately -- from the
6 edge? From the edge of road, sir.

7 MR. DeCRESCENZO: The edge of road, yes.

8 THE WITNESS (Parsons): From the edge of road, that the
9 plantings will be approximately about 50 feet
10 from -- from the edge of road.

11 MR. DeCRESCENZO: And how does the elevation change
12 from Thrall Road down into the site? Is Thrall
13 Road higher or lower than the site?

14 THE WITNESS (Parsons): Brad Parsons, again. The
15 elevation of -- of the site varies within -- from
16 Thrall Road. It actually heads slightly up as you
17 head into the site. It peaks around the middle
18 slightly at a very light grade, and then heads
19 back down to the -- to the rear where the
20 stormwater basin is.

21 MR. DeCRESCENZO: And along the edge of the site that's
22 perpendicular to Thrall Road, you're not proposing
23 any form of screening?

24 MR. BALDWIN: Could we get some clarification? Do you
25 mean, right along the property line?

1 MR. DeCRESCENZO: Well, that's another question. I'm
2 looking at figure three, proposed conditions, page
3 10 of the application.

4 And I see a black -- a thick black line.

5 And my reading of that, is that the
6 delineated wetland boundary? Or is that the
7 property line?

8 THE WITNESS (Parsons): That's the property line, sir.

9 Brad Parsons. That's the property line.

10 MR. DeCRESCENZO: Okay. Is there a line that
11 distinguishes the property line from the lease
12 line?

13 THE WITNESS (Parsons): There's not -- there's not a
14 distinguishing of the property line versus the
15 lease line on this plan.

16 MR. DeCRESCENZO: So that black thick line is
17 essentially the lease line?

18 THE WITNESS (Parsons): This is Brad Parsons. No.

19 MR. DeCRESCENZO: Where is the lease line?

20 THE WITNESS (Parsons): The lease line will ultimately
21 be approximately the -- the limits of the -- the
22 facility and/or fence line, or on the items that
23 we need to maintain inside that, that area.

24 MR. DeCRESCENZO: Will the screening be within the
25 lease area, or within the property area?

1 THE WITNESS (Parsons): This is Brad Parsons. The
2 screening will be within the -- the lease area and
3 on -- and on site.

4 MR. DeCRESCENZO: Okay. And that house along Thrall
5 Road, is that the unoccupied house owned by the
6 property owner?

7 THE WITNESS (Parsons): This is Brad Parsons. Yes.

8 MR. DeCRESCENZO: And I think you testified earlier and
9 in your application materials, you're disclaiming
10 any responsibility for the maintenance of that
11 house?

12 THE WITNESS (Parsons): That falls out, outside of our
13 lease and outside of our permit.

14 MR. DeCRESCENZO: Was there any thought given to
15 including that within the lease line and taking
16 responsibility for the exterior maintenance of the
17 house?

18 THE WITNESS (Parsons): Parsons. No.

19 MR. DeCRESCENZO: So getting back to the question of
20 screening, on the right side of the site, as
21 depicted in figure three, I don't see any
22 indication of any screening whatsoever, other than
23 what's the existing condition of the existing
24 foliage.

25 Is that correct?

1 THE WITNESS (Parsons): Brad Parsons. I guess I would
2 say, that's depending on how you're looking at
3 that, that's slightly incorrect.

4 Looking at proposed conditions on -- on
5 figure three, if we look at where approximately
6 that, the house and barn are on the -- the lower
7 half of the site where the -- the green circles
8 start, that green represents the landscaping.

9 That landscaping continues to the east and
10 northeast along the -- the proposed fence line.
11 And once it gets to the -- the eastern,
12 southeastern corner of the -- the facility on the
13 far eastern side, that screening turns directly
14 north and heads north approximately half, half of
15 the fence line in -- in that location, and is, you
16 know, done so to additionally screen that facility
17 from Thrall Road as you're heading south on
18 Thrall -- Thrall Road from that property corner
19 looking -- looking into the site.

20 And the existing vegetation along that
21 easterly -- easterly property line would be
22 maintained.

23 MR. DeCRESCENZO: Have you submitted a typical section
24 of the proposed screening along Thrall Road in
25 greater detail than just the elevation, proposed

1 elevations that I've seen in the materials?

2 THE WITNESS (Burns): This is Bob Burns from APT. No.

3 THE WITNESS (Parsons): Actually, if I could interject
4 one minute please, sir?

5 MR. DeCRESCENZO: Sure.

6 THE WITNESS (Parsons): Actually, if you look at
7 Exhibit N -- or attachment N of the petition
8 itself, there are photo sims that -- that were
9 provided for the -- for the facility. And so if
10 you look at the first photo on page 4 of 9 of that
11 petition, that is actually looking east towards
12 the site from -- from middle north.

13 It's more north on the site from Middle Road
14 itself and shows that, that screening of the
15 facility on -- on sheet five of nine, of appendix
16 N.

17 MR. DeCRESCENZO: But you haven't prepared scaled
18 drawings like you'd see with a site plan submittal
19 where you show a section of the landscaping with
20 detailed callout for type of species of plantings
21 and locations of those species.

22 You haven't done that?

23 THE WITNESS (Parsons): You know, we have. We have,
24 sir. I think DN -- DN-2 shows the actual detail,
25 typical detail in the plan set.

1 MR. BALDWIN: (Unintelligible) -- on that?

2 THE WITNESS (Parsons): Yeah, so that is attachment --

3 MR. BALDWIN: This is Petitioner's Exhibit 1,
4 attachment, or appendix B.

5 THE WITNESS (Parsons): And sheet DN-2.

6 MR. DeCRESCENZO: When you said earlier that the exact
7 details of the plantings haven't been determined.

8 THE WITNESS (Parsons): The species of the plants are
9 listed in that, in that detail on DN -- DN-2.

10 MR. DeCRESCENZO: Okay. And what are they?

11 THE WITNESS (Parsons): They are listed as Spartan
12 Juniper, Brandon's Arborvitae, Emerald Green
13 Arborvitae, Star Powered Juniper, Gillette, Swiss
14 Stone Pine, Iowa Juniper, Sunkist Arborvitae, and
15 Dragon Lady Holly.

16 MR. DeCRESCENZO: So a lot of arborvitae, right?

17 How many arborvitae, versus other plantings?

18 THE WITNESS (Parsons): Those are -- this is Brad
19 Parsons, again. Those, those were the list of
20 plantings that we had -- that we have chosen. The
21 intention was to be able to provide, you know, try
22 and provide year-round screening with arborvitae
23 type plantings.

24 And per the site plans, as mentioned earlier,
25 we have over 170 plantings along the frontage.

1 MR. DeCRESCENZO: But are 150 of those arborvitae? Or
2 I'm trying to get an idea of how much arborvitae
3 you're going to be planting along Thrall Road.

4 THE WITNESS (Parsons): I think it -- it's really kind
5 of depends on, we've got the list of species
6 there. And sometimes it's a matter of what can
7 be -- being fully stocked from -- from a nursery,
8 so.

9 But the intention is to have leaf on, you
10 know, non-deciduous plantings to provide
11 year-round screening.

12 MR. BALDWIN: I think that the testimony that you
13 heard, Mr. DeCrescenzo, is that the exact species
14 that would be planted would be selected from that
15 list provided on the plan sheet reference.

16 MR. DeCRESCENZO: Yes, and my concern is, who will
17 select it? And when will it be selected, and what
18 kind of input will there be in the diversity of
19 plantings along that very long stretch of Thrall
20 Road?

21 THE WITNESS (Parsons): I think that, that will be
22 partially selected at the time of construction
23 based on -- on availability as well of plantings
24 that can be sourced for the site.

25 MR. DeCRESCENZO: So right now, the residents of East

1 Windsor drive along Thrall Road and they see a
2 meadow or a field. And someday if this is
3 approved, they'll see some long stretch of
4 plantings that they'll have no idea, or no input
5 into how that's designed.

6 Is that what you're telling us?

7 **THE HEARING OFFICER:** If I may interrupt? The project
8 will be filing a D and M plan as part of their
9 detailed plans for construction.

10 And part of that D and M plan will most
11 likely require them to file a landscape plan in
12 which the Council will deliberate and rule on
13 whether it's appropriate or not.

14 **MR. DeCRESCENZO:** Right.

15 **THE HEARING OFFICER:** And at that point in time, if the
16 Town so chooses to provide input, it would be
17 appropriate.

18 **MR. DeCRESCENZO:** Okay. Thank you. That's very
19 helpful.

20 But right now, there is no plan for a berm to
21 further enhance the screening along Thrall Road.
22 Is that true? Is that correct?

23 **THE WITNESS (Parsons):** That that is correct.

24 **MR. DeCRESCENZO:** And why?

25 Why not put a planted berm there.

1 THE WITNESS (Parsons): This is Brad Parsons. It
2 required us to bring soil to the site. I think we
3 had to actually excavate a significant amount of
4 soil for the construction of some type of
5 stormwater basin. That would have been a good,
6 good place to be able to use -- use that said
7 soil.

8 But right now that that would actually
9 increase the amount of actual potential
10 disturbance and the amount of trucks that we would
11 need to bring to the site to install said berm.

12 MR. DeCRESCENZO: So discussing that right now, you
13 testified there's essentially no excavation to be
14 undertaken on the site. Is that correct?

15 THE WITNESS (Parsons): There is no significant
16 excavation for the construction of -- again, Brad
17 Parsons -- for the construction of any type of
18 stormwater basin. The only excavation on site is
19 limited to trenching and the construction and
20 installation of the access road.

21 MR. DeCRESCENZO: And I think I heard you testify and
22 the materials show that you haven't done any
23 environmental testing on the site.

24 Is that correct?

25 THE WITNESS (Parsons): At this point in time, we have

1 not done a phase one ESA.

2 MR. DeCRESCENZO: But in your application, you recite
3 the fact that at some point in its history, the
4 site was a tobacco farm, right?

5 THE WITNESS (Parsons): Yes, sir. Again, Brad Parsons.

6 I think in response to Mr. Hannon's questions
7 earlier, you know, phase one ESAs have been done.
8 We have done phase one ESAs on similar, similar
9 sites, which had former tobacco fields, which
10 obviously show a high, high concentration of
11 herbicides and pesticides --

12 THE HEARING OFFICER: Excuse me for one moment.

13 Attorney Baldwin, we're hearing some
14 background noise again. Whoever is shuffling
15 papers or whatever, could they please halt until
16 the hearing is over?

17 Thank you.

18 MR. DeCRESCENZO: So you haven't done any testing on
19 this site, but you're familiar with testing on
20 similar sites. And on similar sites, the testing
21 shows that there are high levels of pesticides and
22 herbicides that are potentially hazardous
23 materials. Is that correct? Did you respond?
24 Because if you did, I didn't hear you.

25 I think the witness panel is muted.

1 THE REPORTER: This is the Reporter. I don't -- oh.

2 MR. BALDWIN: Can you hear us now?

3 THE HEARING OFFICER: Yes, we can hear you.

4 THE WITNESS (Parsons): Okay. Sorry about that.

5 Again, this is Brad Parsons. We have not
6 done any physical testing of the soil on site
7 or -- or previous sites. We've done phase one
8 ESAs to identify the potential for contaminants.

9 Those phase one ESAs identify the potential
10 for contaminants, one of those being the fact in
11 the use of herbicides and pesticides that is
12 prevalent in -- in the farm fields in -- in the
13 area.

14 And so as a result those, those come up and
15 basically it states that if any soil is to be
16 removed from site, that we would need to deal with
17 a soil management plan at -- at that point in time
18 to deal with any potential contaminants.

19 But our -- our intent is not to remove any
20 soil from this site, as such not requiring the
21 need for soil testing.

22 MR. DECRESCENZO: How many posts will you be installing
23 as a part of the project?

24 THE WITNESS (Parsons): This is Brad Parsons. I don't
25 have the exact number right this second, but

1 approximately 1500.

2 MR. DeCRESCENZO: 1500 posts to support the solar
3 array?

4 THE WITNESS (Parsons): That is correct, sir.

5 MR. DeCRESCENZO: And I think I heard you testify
6 earlier those posts will be driven into the ground
7 for ten feet.

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

9 That's correct, sir.

10 MR. DeCRESCENZO: Okay. And I think I read that the
11 water supply in this area consists solely of
12 private wells. Correct?

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

14 That's our understanding.

15 MR. DeCRESCENZO: And I don't see any evidence that
16 you've done any pre-construction well testing?

17 THE WITNESS (Parsons): This is Brad Parsons. That is
18 correct. We haven't done any, any
19 pre-construction well testing because we're not
20 going to -- as discussed in response to one of the
21 interrogatories, we don't view any of the items
22 that we are going to bring onto site to -- to
23 cause any contamination as a result of our
24 construction.

25 MR. DeCRESCENZO: But if there is contamination in the

1 ground, which you don't know whether there is or
2 not in the soil, and you drive fifteen hundred
3 posts into the ground to a depth of ten feet,
4 isn't it logical to understand the water table or
5 the nature of the soils, or any of that
6 information given that you're surrounded by
7 private wells?

8 MR. BALDWIN: Mr. Morissette, I'm going to object to
9 the question. It calls for speculation.

10 I think our Witnesses have responded to the
11 best of their ability as it relates to these
12 questions.

13 MR. DeCRESCENZO: Counsel, I agree it calls for
14 speculation, but only because you haven't done any
15 testing. And I think the Council should
16 absolutely require that the normal soil testing be
17 done here.

18 I mean, you simply have no idea where the
19 water table is. You don't know the nature of the
20 soils. You don't know where the wells are. You
21 don't know if they're upgrading or downgrading.

22 You have no idea what impact this project may
23 have on those private wells.

24 And it doesn't seem logical to me that there
25 will be no infiltration from your project

1 construction period, and even the operational
2 period when you're driving fifteen hundred posts
3 into the ground at a depth of ten feet. Yeah,
4 it's speculation. That's my point.

5 THE HEARING OFFICER: Well, it's been determined that
6 the extent that they've done or haven't done
7 testing, and they have testified to that.

8 MR. DeCRESCENZO: Yes.

9 THE HEARING OFFICER: And that's on the record.

10 So please continue.

11 MR. DeCRESCENZO: Thank you. I will move on.

12 You also have in your materials that you are
13 not proposing to post a decommissioning bond.

14 Is that correct?

15 THE WITNESS (Parsons): Correct.

16 MR. DeCRESCENZO: And explain why you've chosen not to
17 propose a decommissioning bond?

18 THE WITNESS (Fitzgerald): Mr. DeCrescenzo, this is
19 Bryan Fitzgerald. We are bound through our lease
20 agreements with the landowner to fully
21 decommission and remove the array come the end of
22 term or face legal action.

23 It effectively acts as a decommissioning
24 assurance, and the point that us as the owner of
25 the project are legally bound to complete that

1 decommissioning.

2 MR. DeCRESCENZO: Understood. Were those leases
3 submitted as part of the application?

4 THE WITNESS (Fitzgerald): I do not believe so.

5 This is Bryan Fitzgerald.

6 MR. DeCRESCENZO: And those leases are contracts
7 between private parties. Is that correct?

8 So if your application is approved as
9 submitted on the area of decommissioning, there
10 is -- you're proposing no surety that can be
11 enforced by any public agency to make sure 25 or
12 35 years from now you decommission the project as
13 you're proposing. Is that correct?

14 THE WITNESS (Fitzgerald): That is correct, as we are
15 again legally bound by the obligations in our
16 contracts to do so.

17 MR. DeCRESCENZO: So long as those contracts aren't
18 amended or changed or revised. Correct?

19 THE WITNESS (Fitzgerald): That's correct. And I
20 wouldn't assume a landowner would amend a contract
21 to give the tenant the latitude to do something of
22 that nature.

23 MR. DeCRESCENZO: And we haven't seen the leases, so we
24 don't know. But there's no -- I assume there's no
25 prohibition in these private leases prohibiting

1 this landowner from selling its fee interest to
2 some other landowner that may not be as interested
3 in decommissioning. Is that correct?

4 **THE WITNESS (Fitzgerald):** Bryan Fitzgerald. And we're
5 happy to share these sections of the lease
6 agreement. We've shared them on numerous
7 occasions with the Siting Council in other dockets
8 at issue.

9 **MR. BALDWIN:** Mr. Morissette, I would also point out
10 that the petition itself in appendix D includes a
11 full decommissioning and restoration plan. And
12 we've also responded to the decommissioning bond
13 question in response to Council Interrogatory
14 Number 14.

15 **THE HEARING OFFICER:** Yes, thank you. Attorney
16 Baldwin, that is on the record.

17 Please continue.

18 **MR. DeCRESCENZO:** In your application, you state that
19 you believe your project is inconsistent with East
20 Windsor's plan of conservation and development.

21 Is that correct?

22 **MR. BALDWIN:** Inconsistent or consistent?

23 Mr. DeCrescenzo, I'm sorry.

24 **MR. DeCRESCENZO:** Consistent with the plan of
25 conservation and development.

1 THE WITNESS (Parsons): That that's correct,
2 Mr. DeCrescenzo. This is Brad Parsons.

3 On page 16 of the petition, the petition
4 states, the project conforms to the Town of East
5 Windsor's 2016 Plan of Conservation and
6 Development, which includes among its primary
7 goals to promote additional local sustainability
8 initiatives, including solar power, renewable
9 energy, and reduction in greenhouse gas emissions
10 in the town.

11 Among these specific areas identified in
12 the -- in this plan of conservation and
13 development, considering allowing solar farms as
14 primary use throughout East Windsor; that's on
15 pages 93 and 94 of the Town's plan of conservation
16 and development, is consistent with that as
17 Section 101 of East Windsor's Solar Zoning
18 Regulations also encourages energy conservation
19 and the use of solar, and other renewable forms of
20 energy.

21 MR. DeCRESCENZO: Can you tell me whether that
22 encouragement of solar is for industrial-sized
23 solar facilities such as being proposed? Or is it
24 limited to solar facilities within the zone that
25 are more consistent with the zone?

1 MR. BALDWIN: As to the question, I don't know that my
2 witnesses can speak to that level of detail in the
3 plan.

4 The section of the application that
5 Mr. Parsons just referred to is taken right from
6 the Plan of Development. It speaks for itself.

7 MR. DeCRESCENZO: In what zone is this site in, do you
8 know that?

9 THE WITNESS (Parsons): Mr. DeCrescenzo, this, this
10 site is in zone R3.

11 MR. DeCRESCENZO: So it's a residential three zone.
12 Correct?

13 THE WITNESS (Parsons): That is correct.

14 MR. DeCRESCENZO: Is it your position that a
15 utility-sized solar facility like the one being
16 proposed is consistent with the residential nature
17 of everything else in the zone?

18 THE WITNESS (Fitzgerald): This is Bryan Fitzgerald.
19 And when you phrase it like that, maybe not, but
20 what we're doing here is more than just installing
21 a utility-scale solar farm.

22 We're also continuing agricultural use across
23 the property where we're stopping the use of
24 herbicides and pesticides across that land for the
25 next 20 years at least.

1 So when -- when you think of the other
2 factors that include a continued agricultural use
3 with no herbicide or pesticide use, I would tend
4 to think that maybe we are consistent with some of
5 that land use type.

6 MR. DeCRESCENZO: But you would agree with me that this
7 is basically an industrial use. Correct?

8 THE WITNESS (Fitzgerald): It's an industrial use --
9 and again, this is Bryan Fitzgerald -- simply
10 because we're not just putting panels here and
11 walking away and putting crushed stone underneath
12 the array, or just running mowers through there.

13 We are continuing the agricultural use on
14 that land. And if you -- if you consider, you
15 know, sheep farming, industrial use across a
16 parcel across the street with no solar on it, then
17 maybe.

18 MR. DeCRESCENZO: Could you describe to me the sheep
19 farming aspect of this plan?

20 THE WITNESS (Fitzgerald): A typical solar project,
21 think of the parcel as it sits today. If you put
22 solar -- if you put solar out there with no sheep,
23 you have to control the vegetation. You have to
24 control the growth.

25 In a traditional means and methods, you would

1 run in there with mowers or other mowing equipment
2 and simply trim and cut the grass like individuals
3 do with their lawns on -- on a weekly basis. The
4 sheep farm -- the sheep are there to alleviate the
5 need for that.

6 So the host farm brings in their sheep. The
7 project is providing feed for those sheep in the
8 form of its meadow that's grown within the array,
9 and the sheep are transferred from paddock to
10 paddock within the project area to control the
11 vegetation in a more sustainable means and methods
12 than using traditional mowers.

13 So there the sheep farmers are doing the same
14 thing they would do at their home farms, but
15 they're doing it across a broader, broader
16 portfolio of real estate. You could argue land
17 that they wouldn't otherwise have access to
18 because maybe they can't compete with lease rates
19 that rye hay and tobacco are paid.

20 MR. DeCRESCENZO: How long do the sheep stay on the
21 property?

22 THE WITNESS (Fitzgerald): The sheep are typically on
23 property from end of April, early May through
24 October. And they could be rotated on and off
25 during the year for different reasons.

1 MR. DeCRESCENZO: So it's your testimony that the use
2 of sheep to graze as part of the landscaping plan
3 mitigates the industrial nature of the proposed
4 development.

5 THE WITNESS (Fitzgerald): That's effectively what I'm
6 getting at, because there's more than just the
7 component of putting solar out there and running
8 away from it, and then using, you know, typical
9 tractors and mowers to handle the vegetation.

10 And again, that's -- that's my opinion.

11 THE WITNESS (Parsons): I would also state that -- this
12 is Brad Parsons. That you know, when you think of
13 typical industrial nature, if you're thinking of
14 an Amazon distribution warehouse, you know, or
15 some type of factory -- right? Where you're
16 paving for parking, you're installing a building.

17 You are taking land that is, you know, a farm
18 field and turning it in to impervious area. You
19 know, that, to us, would be more of an industrial
20 use than what is being proposed as part of this
21 project.

22 MR. DeCRESCENZO: Would you agree with me that the
23 proposed screening along Thrall Road is more
24 consistent with an industrial development than a
25 residential development?

1 THE WITNESS (Parsons): I think that maybe is the
2 subject -- subject to somebody's opinion.

3 MR. DeCRESCENZO: Tell me about the interconnection
4 system. Does it require the installation of
5 utility poles?

6 THE WITNESS (Fitzgerald): Bryan Fitzgerald. Yes.

7 MR. DeCRESCENZO: Or are you proposing the installation
8 of utility poles?

9 THE WITNESS (Fitzgerald): Correct. Per the
10 interconnection guidelines with Eversource Energy,
11 we would have to install utility poles for our
12 equipment and Eversource's equipment to support
13 the operations of the project.

14 MR. DeCRESCENZO: And what do those poles look like and
15 how tall are they?

16 THE WITNESS (Fitzgerald): They would be your standard
17 40 to 45-foot utility poles with -- with
18 three-phase infrastructure at the top of them that
19 maybe you saw today driving north.

20 MR. DeCRESCENZO: I think one of the members of the
21 Council asked if there was a way to avoid the
22 installation of those poles and make the
23 interconnection at ground level. Did I hear that
24 right?

25 THE WITNESS (Fitzgerald): Bryan Fitzgerald. You may

1 have heard it partially right. In our experience
2 working with Eversource across almost 50 to 60
3 megawatts of approved interconnections over the
4 last few years, we haven't been presented with an
5 option by Eversource where we haven't uncovered an
6 option from Eversource that completely alleviates
7 the use of poles.

8 MR. DeCRESCENZO: So how many poles will need to be
9 installed to make the interconnection?

10 THE WITNESS (Fitzgerald): This is Bryan Fitzgerald.

11 Eight utility poles would have to be
12 installed to complete the interconnection.

13 MR. DeCRESCENZO: Eight 40-foot poles that aren't there
14 today. Is that correct?

15 And where would they be located?

16 THE WITNESS (Parsons): Mr. DeCrescenzo, if you're
17 referencing post figure -- proposed figure three,
18 which is the proposed conditions figure, they
19 are shown. They are shown on that figure there --

20 MR. DeCRESCENZO: Yeah, I don't see them. I guess I
21 don't see them very well because I only have an
22 eight and a half by eleven view of it.

23 THE WITNESS (Fitzgerald): So you could also view them
24 on the drawings, if you have those drawings as
25 well. I can direct you to the location on there,

1 but if I were to look at figure three in the
2 bottom, kind of, southwest corner of -- of the
3 site, that the larger black line around the site,
4 you'll see the yellow in that area, the yellow
5 lines and dots with the -- and those are the
6 locations of the -- the proposed utility poles.

7 MR. DeCRESCENZO: So they're right along Thrall Road.

8 Is that correct. Or adjacent to Thrall Road?

9 THE WITNESS (Parsons): That is correct. They're
10 adjacent to Thrall Road, where the existing
11 electrical infrastructure is located.

12 MR. DeCRESCENZO: Now, have you done a glare study for
13 the panels? First of all, how many panels are you
14 installing again?

15 THE WITNESS (Parsons): We're installing approximately
16 9,932 panels.

17 MR. DeCRESCENZO: And these panels will move on the
18 framework. Is that correct?

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

20 That is correct.

21 MR. DeCRESCENZO: And have you done any glare study to
22 determine whether or not the panels in the fixed
23 position, or any of the movable positions will
24 create a glare condition for the surrounding
25 residential areas?

1 THE WITNESS (Parsons): This is Brad Parsons. We have
2 not conducted a full glare study on this project,
3 but it is our understanding that with the existing
4 vegetation and the angles of the sun, that we
5 don't expect there to be any, any glare issue on
6 site.

7 MR. DeCRESCENZO: And how can the people of East
8 Windsor be assured of that if there's no glare
9 study?

10 THE WITNESS (Parsons): The panels themselves, that
11 they are -- they -- they actually have, like, a
12 tempered glass to them. So that they're not --
13 they're almost like an anti-glare film on the
14 panels themselves as well.

15 MR. DeCRESCENZO: So that, that's all you can offer in
16 terms of your submission for issues of glare
17 pollution, that you don't think there will be any?
18 Is that what you're saying?

19 MR. BALDWIN: I believe that's the testimony, yes.

20 MR. DeCRESCENZO: Okay. Now, what about a training
21 plan for local emergency management people in East
22 Windsor? I know it's referenced in the
23 application. Do you have a specific plan on how
24 to train East Windsor first responders in case
25 there's some sort of accident, or other sort of

1 calamity on site?

2 THE WITNESS (Parsons): We don't have a specific plan
3 in place. We wait until the -- the project is
4 fully -- fully constructed. We make sure we have
5 all of our -- our types of equipment and such that
6 we're using on their locations and how to
7 disconnect those in place.

8 And once that's done, we will provide the --
9 the first responders with any opportunity for
10 training that they -- that they would like.

11 MR. DeCRESCENZO: Would you be willing to purchase for
12 the Town of East Windsor specific equipment that
13 may be needed for this type of development?

14 MR. BALDWIN: I'm going to object to the question.

15 It's outside the scope of this proceeding, talking
16 about emergency service equipment.

17 MR. DeCRESCENZO: Okay. That's fair enough.

18 Will that be included in the D and M plan?

19 MR. BALDWIN: The type of emergency service equipment
20 that the Town might need?

21 MR. DeCRESCENZO: No, no, no. The training plan for
22 local first responders.

23 THE WITNESS (Parsons): This is Brad Parsons. If we
24 need to -- if that wants to be provided prior to
25 the start of construction, we can. We can

1 Obviously provide that and make sure that it's
2 updated upon completion of construction as well.

3 MR. DeCRESCENZO: Now on the issue of noise, there's
4 been a lot of questioning from the Council about
5 this. And I'm unclear of this.

6 Was there a study done specific to this site?

7 THE WITNESS (Parsons): This is Brad Parsons. I will
8 let Andy speak to specifics that were -- were done
9 for the site.

10 But as noted, we -- in addition to the noise
11 study that was included in the filing of the
12 petition, you know, a subsequential noise study
13 done by WSP, which is exhibits for identification
14 Number 5 Petition's Environmental Community Noise
15 Assessment, dated August 31, 2023, was also
16 provided that was completed by WSP. So, yes.

17 THE WITNESS (Roland): This is Andy Roland with WSP.

18 And to answer your question, Mr. DeCrescenzo, both
19 studies were, in fact, conducted for this site
20 specifically.

21 MR. DeCRESCENZO: Thank you. Have you had any
22 discussions with the property owner about any
23 willingness to enter into any agricultural
24 easements on other properties in East Windsor to
25 offset the use of this site for the next 35 years?

1 MR. BALDWIN: Mr. Morissette, this question was asked
2 and answered in the interrogatory responses
3 provided to the Town specifically. I would refer
4 Mr. DeCrescenzo to that response.

5 THE HEARING OFFICER: Which response was it, Attorney
6 Baldwin?

7 MR. BALDWIN: It's question 21.

8 THE HEARING OFFICER: Thank you, Attorney Baldwin.

9 Mr. DeCrescenzo, please refer to the response
10 to 21.

11 MR. DeCRESCENZO: Yeah, in that response you state that
12 you're unaware of any plans by the site owner to
13 offer agricultural easements across other lands
14 that it owns in East Windsor. I guess my
15 question, and following up on our interrogatory
16 question is whether you would be willing to
17 undertake that initiative?

18 I mean, we're losing a lot of farmland here
19 for a very long time. I direct your attention to
20 Figure 2, existing conditions. And on that you
21 depict two types of farmland, prime farmland
22 soils, and then statewide important farmland
23 soils. Can you tell me how large the prime
24 farmland soil area is on the site?

25 MR. BALDWIN: Mr. Morissette, again I would refer

1 Mr. DeCrescenzo to the Department of Agriculture
2 letter dated March 23, 2023, in which they
3 identify the amount of prime farmland soil as 18.1
4 acres.

5 MR. DeCRESCENZO: How much is it?

6 MR. BALDWIN: 18.1 acres.

7 THE HEARING OFFICER: Thank you, Attorney Baldwin.

8 MR. DeCRESCENZO: In looking at your application and
9 other submissions, there will be direct visibility
10 from some of the homes surrounding the site after
11 the project is built. Did I read that correctly?

12 THE WITNESS (Fitzgerald): Mr. DeCrescenzo, this is
13 Bryan Fitzgerald.

14 Yes, I believe you read that correctly.

15 MR. DeCRESCENZO: And could you tell us on referring to
16 figure two -- excuse me, figure three, which homes
17 will have direct visibility into the site?

18 THE WITNESS (Parsons): Mr. DeCrescenzo, this is --
19 this is Brad Parsons. I'd actually like to refer
20 you to exhibit -- or attachment N -- N10 of the
21 petition, which shows in the photo viewshed which
22 areas will have visibility, potential seasonal
23 visibility through the site.

24 And mainly, the -- the major visibility is
25 the properties located to the southeast along

1 Thrall Road.

2 MR. DeCRESCENZO: Yeah, and the way I'm looking at
3 figure three, you're not proposing any screening
4 there. Is that correct?

5 THE WITNESS (Parsons): I would say that's incorrect,
6 Mr. DeCrescenzo. This is Brad Parsons. That's
7 exactly where we're proposing the screening. All
8 along that area in yellow to mitigate the
9 visibility, and then again going back to -- to
10 that same appendix N, existing photo 1 and
11 proposed photo 1, pages 4 and 5 of that PDF
12 showing -- showing that existing and then proposed
13 photo simulation.

14 MR. DeCRESCENZO: I guess I'm not seeing it on figure
15 three. I'm looking at the house in the left-hand
16 corner, two or three houses in the left-hand
17 corner of the picture, or the figure that are
18 along Thrall Road; that there's existing
19 vegetation there, but it doesn't appear that
20 you're adding anything to that along the fence
21 line. Am I reading that incorrectly?

22 THE WITNESS (Parsons): No, no. That that would be
23 correct, Mr. DeCrescenzo. We're -- we're showing
24 that existing vegetation that exists along that
25 southern property line will -- will be maintained

1 in that section.

2 I would also like to point out that the
3 contours themselves actually go -- go up along
4 that section as well as you get to the southern
5 property line there. So here our -- actually, on
6 top of the vegetation, there is almost an existing
7 berm along that southern property line that here
8 you're specifically referring to.

9 MR. DeCRESCENZO: And is that a deciduous vegetation,
10 or evergreen, or a mixture? Or what is it?

11 THE WITNESS (Parsons): It's my understanding, it's a
12 mixture. Brad Parsons.

13 MR. DeCRESCENZO: Okay. Certainly, during some months
14 of the year, it will not be as effective in
15 visually screening the site as it may be in the
16 middle of the summer.

17 Am I depicting that correctly?

18 THE WITNESS (Parsons): If that is correct, it may
19 have -- it may have some limited seasonal,
20 seasonal views there.

21 MR. DeCRESCENZO: Well, you would agree with me that
22 you do have the room, it looks like, to put a
23 visual barrier along your fence line in that area
24 to help screen off your solar array from those
25 homes during periods of the year when the

1 deciduous existing screen doesn't do the job.

2 THE WITNESS (Parsons): That there may be some, some
3 ability for that, however, you know, the contours
4 on that, that southern side there when -- when I
5 look at -- at the survey that was done for the
6 property, the elevations on that, on that southern
7 side significantly increase as you're -- you're
8 moving to -- to the south there, so -- and then
9 ultimately come back down towards, towards Thrall
10 road.

11 And so you almost have an existing natural --
12 natural berm in that location. And in my --

13 MR. DeCRESCENZO: But the project site is higher than
14 the elevation of the homes. Correct?

15 THE WITNESS (Parsons): It could be slightly -- but it
16 could be slightly, and that maybe -- again, there
17 may be some seasonal views at the end of the day,
18 correct.

19 MR. DeCRESCENZO: Okay. And getting back to the
20 concept of protecting an offsetting amount of
21 farmland somewhere else in East Windsor, have you
22 considered entering into any agreements with other
23 land owners to provide the Town of East Windsor
24 with an agricultural open space easement of a like
25 amount to offset for this, this proposed project?

1 THE WITNESS (Parsons): I would say -- this is Brad
2 Parsons -- the letter from the Department of
3 Agriculture that Mr. Baldwin referred to earlier
4 dated March 23, 2023, you know, specifically says
5 that such project will not necessarily affect the
6 status of such land as prime farmland.

7 Additionally, we are proposing -- Bryan can
8 talk about it in more detail. We are proposing
9 the use to continue farming the site as a
10 livestock grazing, and that is farming.

11 MR. DECRESCENZO: Yes, but it's going to have 9,000
12 solar panels on it for 35 years. And what we're
13 asking, the Town is asking is have you considered
14 mitigating the effect of the industrial type
15 development you're proposing in the R3 zone by
16 protecting land elsewhere from a similar type
17 development?

18 MR. BALDWIN: To the question, first of all, we've
19 responded to the question in the interrogatory
20 responses. And again, based on the testimony
21 provided, the Department of Agriculture has
22 determined that this will not adversely impact
23 farmland, prime farmland, and statewide important
24 farmland at the property.

25 So mitigation is not necessary.

1 MR. DeCRESCENZO: So the answer is no? Okay.

2 MR. BALDWIN: I just refer you to the record,
3 Mr. DeCrescenzo, that information is -- we
4 responded to the question in the interrogatories
5 and we rely on the letter from the Department of
6 Agriculture.

7 MR. DeCRESCENZO: Understood.

8 THE HEARING OFFICER: Thank you, Attorney Baldwin.

9 They've answered the question, so let's move on.

10 MR. BALDWIN: Thank you.

11 THE HEARING OFFICER: Thank you.

12 MR. DeCRESCENZO: I have no further questions at this
13 time.

14 THE HEARING OFFICER: Very good. Thank you, Attorney
15 DeCrescenzo.

16 We will now continue with the appearance of
17 the Town of East Windsor. Will the Town present
18 its witness panel for the purpose of taking the
19 oath?

20 And we will have Attorney Bachman taking the
21 administrative oath.

22 MR. DeCRESCENZO: Yes, we have one witness, Jason
23 Bowsza, who is the First Selectman of the Town of
24 East Windsor.

25 THE HEARING OFFICER: Thank you.

1 Attorney Bachman, would you swear in the
2 witness, please?

3 MS. BACHMAN: Thank you, Mr. Morissette.

4 (FIRST SELECTMAN) J A S O N B O W S Z A,
5 called as a witness, being sworn by
6 THE EXECUTIVE DIRECTOR, was examined and
7 testified under oath as follows:

8
9 THE HEARING OFFICER: Thank you, Attorney Bachman.

10 Please begin by verifying all the exhibits by
11 the appropriate sworn witness.

12 MR. DeCRESCENZO: Mr. Bowsza, you submitted a letter to
13 the Siting Council. I'd ask you to review that
14 letter and indicate whether or not that is in your
15 writing?

16 THE WITNESS (Bowsza): Yes, sir, it is.

17 MR. DeCRESCENZO: I offer it as a full exhibit.

18 THE HEARING OFFICER: Anything else? You have four
19 exhibits listed in the hearing program.

20 MR. DeCRESCENZO: Yes, I'm sorry, I apologize. We also
21 have the interrogatory responses, the Planning and
22 Zoning Commission comments dated May 4th, the
23 request for party status, and Town's request for
24 public hearing.

25 We'd offer those as full exhibits.

1 THE HEARING OFFICER: Thank you.

2 MR. DeCRESCENZO: Thank you. Is First Selectman Bowsza
3 accepting those as his testimony?

4 THE WITNESS (Bowsza): I do.

5 MR. DeCRESCENZO: Very good. Does the petitioner
6 object to the admission of the Town of East
7 Windsor's exhibits?

8 Attorney Baldwin?

9 MR. BALDWIN: Mr. Morissette, did you hear me?

10 I'm sorry, I said no objection.

11 THE HEARING OFFICER: Very good, thank you. The
12 exhibits are hereby admitted.

13 We'll now begin with cross-examination of the
14 Town of East Windsor by the Council, starting with
15 Mr. Perrone, followed by Mr. Silvestri.

16 Mr. Perrone?

17 MR. PERRONE: Thank you, Mr. Morissette. First
18 Selectman Bowsza, my questions will be centered on
19 your letter and also the 2016 Town Plan of
20 Conservation and Development.

21 THE WITNESS (Bowsza): Okay.

22 MR. PERRONE: Referring to the Town's letter, on page
23 2, second paragraph, it states the project would
24 disrupt the Town's scenic road loop, and it
25 references the Town Plan of Conservation and

1 Development. On page 20 of the POCD, at the
2 bottom of the page, it states the beginnings of a
3 scenic loop road have also been envisioned.

4 My question is, what further action has the
5 Town taken since 2016 to establish the scenic
6 loop?

7 THE WITNESS (Bowsza): That would be the purview of the
8 Planning and Zoning Commission.

9 MR. PERRONE: Looking at the conceptual scenic road
10 loop in the POCD on page 22, is it the intent to
11 have an additional layer of scenic road regulation
12 along this entire conceptual route?

13 THE WITNESS (Bowsza): The regulations, again, are
14 subject to the Planning and Zoning Commission.
15 We'll say that two years ago, as part of the
16 Town's strategy to allocate our American Rescue
17 Plan Act funds, we sent out a community-wide
18 survey to about 9,000 residences and got about 700
19 responses back.

20 Included in those responses were a high
21 priority on passive recreation, esthetics,
22 beautification within the town, walkways, biking
23 trails, hiking trails.

24 So it does -- the plan of conservation and
25 development continues to be representative of

1 where the interests of the community are as
2 recently as that survey.

3 MR. PERRONE: The project site is zoned residential.
4 How would the residential zoning of that site
5 affect the conceptual scenic road loop?

6 THE WITNESS (Bowsza): It would fit in within it.

7 MR. PERRONE: Are there zoning regulations in place
8 that offer protections to the conceptual scenic
9 road loop?

10 THE WITNESS (Bowsza): Yes.

11 MR. PERRONE: How would the project affect the
12 conceptual scenic road loop, given that
13 landscaping is proposed to mitigate views of the
14 facility?

15 THE WITNESS (Bowsza): I think as came up during
16 Attorney DeCrescenzo's cross-examination, the type
17 of landscaping that is proposed would be
18 disruptive to what we're trying to work towards.

19 You know, a thousand-foot wall of arborvitae
20 along an area that's traditionally farming and
21 agriculture doesn't run in concert with what the
22 natural landscape is, and what the heritage is and
23 what the -- the culture of that area is.

24 It becomes a wall by another name.

25 MR. PERRONE: On page 25 of the POCD, it states that

1 the Town should consider a scenic road ordinance.
2 Has the town developed and implemented such an
3 ordinance?

4 THE WITNESS (Bowsza): No.

5 MR. PERRONE: Are there any scenic roads adjacent to
6 the site?

7 THE WITNESS (Bowsza): Yes.

8 MR. PERRONE: Could you identify those?

9 THE WITNESS (Bowsza): Well, let me -- let me ask, can
10 you -- can you define scenic? Is there a specific
11 definition? Or is it based on the typical
12 topography and landscaping in the area?

13 MR. PERRONE: A locally designated scenic road.

14 THE WITNESS (Bowsza): So I would consider Clark Road,
15 Frog Hollow Road, Miller Road, Rockville Road, all
16 to be scenic and they're all adjacent to the --
17 the subject site.

18 MR. PERRONE: Has the Town developed village plans as
19 recommended by the POCD on page 40?

20 THE WITNESS (Bowsza): Yes.

21 MR. PERRONE: According to the POCD, the conceptual
22 Windsorville Village District Plan does not
23 contain the site parcel on page 43. Was the
24 village plan boundary modified to include the site
25 parcel after the POCD was issued?

1 THE WITNESS (Bowsza): No, but let me clarify what
2 those maps are -- are talking about. So East
3 Windsor is made up of five villages. There's
4 Melrose, Broad Brook, Windsorville, Scantic, and
5 Warehouse Point. Those five comprise East
6 Windsor.

7 What -- what these maps indicate is if you
8 were to basically Google Windsorville Center, that
9 is what would pop up is that intersection there.
10 But in terms of family heritage, it's more
11 expansive than that.

12 The same thing holds true with Broad Brook.
13 The same thing holds true with the other three
14 villages as well. There is -- there are very
15 unique characteristics about each of the five
16 villages.

17 And while -- and I'll also tell you quite
18 honestly, the subject parcel that you're talking
19 about with Petition 1572 barely is not in what is
20 referenced in -- in page 43. It's actually -- I
21 believe it's the adjacent parcel to it.

22 So I mean, you're really talking about a
23 distinction of Google Maps.

24 MR. PERRONE: There was discussion earlier about
25 landscape plantings and fence design. With

1 respect to the project, does the Town have any
2 preferences on fence design?

3 **THE WITNESS (Bowsza):** Well, so your question is
4 predicated on the notion we're supportive of the
5 project, which we are not. So our preference
6 would be that there be no screening at all,
7 because there is -- there is no fence design at
8 all, because there is actually no project there.

9 That said, I'll answer the question I think
10 you asked, which is if there were to be something
11 there, we want something that would be
12 aesthetically compatible with the existing area as
13 can be, something that's unobtrusive, something
14 that's natural, something that looks like it
15 belongs there, not something that looks like it
16 was placed there.

17 But that said, I'm still not saying that
18 we're in any way interested in seeing it there at
19 all. We like the -- the esthetics as they are.

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

21 **THE HEARING OFFICER:** Thank you, Mr. Perrone.

22 We'll now continue with cross-examination by
23 Mr. Silvestri, followed by Mr. Golembiewski.

24 Mr. Silvestri?

25 **MR. SILVESTRI:** Thank you, Mr. Morissette.

1 Good afternoon, First Selectman Bowsza.

2 **THE WITNESS (Bowsza):** Hello. How are you, sir?

3 **MR. SILVESTRI:** We're doing okay, thank you. I just

4 wanted to follow up on your letter on page 2.

5 This is a letter dated September 6th. And if you

6 go down to the very end of the fourth paragraph,

7 there's two sentences -- or two concepts that I

8 want to discuss with you. One of them is the

9 aesthetic degradation that you mentioned.

10 Could you define that a little bit for me?

11 **THE WITNESS (Bowsza):** You're talking about the fourth

12 paragraph of the letter, or the fourth paragraph

13 of the page?

14 **MR. SILVESTRI:** Fourth paragraph of page 2. It begins

15 with, the Town has been working collaboratively.

16 **THE WITNESS (Bowsza):** Yeah. Okay. So when these

17 projects go in, they -- they materially change the

18 way that a community looks, or that a

19 neighborhood, where they're sited looks. And what

20 we're working with, there is a group of concerned

21 citizens with whom we are working closely to make

22 sure that we're considering all of the concerns of

23 the people that I represent.

24 And one of the concerns is that many of us,

25 myself included, live in East Windsor because of

1 its rural charm, because of the small-town feel,
2 the open agricultural fields. And what we're
3 seeing is, particularly in the case of East
4 Windsor, is for whatever reason we have become a
5 magnet for these solar developments, and it's --
6 it's against our will, and it's changing the way
7 that we all view our own community.

8 It's changing the reason why many people live
9 here. And we're trying to -- to work
10 collaboratively between the Town's resources and
11 the -- the interests of our citizens to express to
12 you folks as the decision makers that we -- we
13 don't like this. We have been asked to do more
14 than is rightfully imposed on any one community.

15 So that's what I'm trying to get to with the
16 use of the phrase "aesthetic degradation."

17 **MR. SILVESTRI:** So in a sense, if I understand
18 correctly, if it's not rural, it would be in the
19 category of aesthetic degradation?

20 **THE WITNESS (Bowsza):** In that section of town, yes.

21 But if it were along -- if there were some sort of
22 a development along Route 5 or along Route 140,
23 which are our two economic development designated
24 areas, we'd be more open to that because that fits
25 with the concept of smart growth. That fits with

1 where we all understand the type of commercial
2 development need go.

3 In the Melrose section, really the Broad
4 Brook section and in the Windsorville section, if
5 you're going to see development there, it's --
6 it's most appropriately housing.

7 It's -- we prefer it to stay open and
8 farmland, but if there's going to be development
9 of some sort, it's residential that's appropriate
10 with the -- the contours and the feelings of those
11 areas. Along 140 and along Route 5, those are
12 major commercial -- commercial quarters for us.
13 And so if there were a development along those,
14 there's a different response from the community
15 because it's expected there.

16 It's not expected in this area when you have
17 people who five, six, seven years ago bought homes
18 and they expected they're going to have the views
19 that they are accustomed to. And maybe someday
20 they're going to get some neighbors and there will
21 be some kids throwing a baseball in the backyard.

22 They don't expect to live next door to a
23 power plant.

24 MR. SILVESTRI: Then going back to a response that you
25 gave to Mr. Perrone a few minutes ago, you

1 mentioned the thousand-foot wall of Arborvitae. I
2 would take it that, in your opinion, that would
3 fall into the aesthetic degradation category for
4 this area. Correct?

5 THE WITNESS (Bowsza): Correct. And it just doesn't
6 fit there. It just doesn't look like this is what
7 nature made for us and how we have been stewards
8 of that area. It looks more like somebody put
9 this here and they're hiding something.

10 And I can point to real world examples where
11 you can see the same thing. If you're familiar
12 with Palisade -- Palisades Avenue -- Palisado
13 Avenue in the town of Windsor, if you're driving
14 by it, there's a property that's about two acres
15 in width that is a wall of Arborvitae. And it
16 looks righteously out of place with the rest of
17 that historic neighborhood.

18 And the reason that that wall of Arborvitae
19 is there is because somebody actually is hiding
20 something behind it. There they're storing some
21 sort of construction or landscape equipment in an
22 otherwise residential area. We don't want that
23 here.

24 MR. SILVESTRI: No. Thank you for that response as
25 well.

1 One other question I have for you goes back
2 to that fourth paragraph again where you mentioned
3 groundwater contamination. And I'd just like a
4 clarification on that as to what you might be
5 looking at or thinking about for groundwater
6 contamination.

7 THE WITNESS (Bowsza): Well, I -- I think this was
8 addressed in one of Attorney DeCrescenzo's
9 cross-examination questions. Most of that --
10 well, actually all of that portion of
11 Windsorville, to my knowledge, is on private
12 wells.

13 And so if groundwater -- if there's
14 groundwater contaminants that gets into wells that
15 are the result of 1500 puncture wounds into the
16 soil, that creates a very righteous public health
17 concern amongst people who again had an
18 opportunity not to expect that to be a problem for
19 them.

20 And you know, so we're -- we are concerned
21 about vulnerability of drinking water. And it's
22 very expensive, nigh prohibitive, to run city
23 water to all aspects of East Windsor.

24 We're doing a project now where we're going
25 to extend city water by a little less than -- a

1 little less than probably 1200 feet. That's going
2 to cost us about \$5 million to get it all the way
3 out to where this project may impact people. And
4 there's -- there are many homes in the area. It
5 would be -- it would be just an unattainable task.

6 MR. SILVESTRI: Very good. Thank you for your
7 responses.

8 Mr. Morissette, that's all the questions I
9 have. And I thank you.

10 THE HEARING OFFICER: Thank you, Mr. Silvestri.

11 We'll now continue with cross-examination by
12 Mr. Golembiewski. Mr. Golembiewski?

13 MR. GOLEMBIEWSKI: Thank you. Mr. Morissette.

14 I have no questions.

15 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

16 First Selectman Bowsza, I do not have any
17 questions either. Thank you for your time and the
18 responses to the questions that we have had here
19 this afternoon.

20 We will now continue with cross-examination
21 of the Town of East Windsor by the petitioner,
22 Attorney Baldwin.

23 MR. BALDWIN: I have a couple of questions. Mr.

24 Bowsza, I think I heard some conflicting testimony
25 as it relates to the scenic road issue that was

1 asked earlier. There was discussion about
2 Mr. Perrone's question that the conceptual scenic
3 road plan and the plan of development, and you
4 said -- I thought you said that there was -- no
5 such regulations have been developed since 2016.

6 You said it was in the purview of the
7 Planning and Zoning Commission?

8 THE WITNESS (Bowsza): I didn't say whether -- I didn't
9 say whether or not they had been adopted. I
10 simply said they were in the purview of the
11 Planning and Zoning Commission, not the Board of
12 Selectmen.

13 MR. BALDWIN: Then you said that the zoning regulations
14 to protect scenic roads was in place. Can you
15 identify which section of the regulations that is?

16 THE WITNESS (Bowsza): If I said that, I misstated
17 that, because that is not what I had intended to
18 say -- nor is it what I believe I did say.

19 MR. BALDWIN: Okay. So there, there are no scenic road
20 ordinances or regulations in place currently in
21 the Town of East Windsor?

22 THE WITNESS (Bowsza): There are no scenic road
23 ordinances, which I can speak to, because that
24 isn't the purview of my board. I cannot speak to
25 what is -- what in the purview of the Planning and

1 Zoning Commission. That was the distinction I was
2 making, sir.

3 MR. BALDWIN: As of your knowledge, Thrall Road today
4 is not a designated scenic road in the Town of
5 East Windsor. Correct?

6 THE WITNESS (Bowsza): What do you mean by designated?

7 MR. BALDWIN: Has the Town of East Windsor designated
8 Thrall Road as a scenic road, formally?

9 THE WITNESS (Bowsza): If you mean, have we put a sign
10 up saying that this is like a village district?

11 The answer to that is no.

12 MR. BALDWIN: And again, there's no ordinance in place
13 that identifies Thrall Road as a scenic road in
14 the town of East Windsor?

15 THE WITNESS (Bowsza): That is correct.

16 MR. BALDWIN: Thank you.

17 Just a quick question about your concern for,
18 I think the term you used was "this area of town."
19 Not far from this area of town are two other
20 projects that the Siting Council approved. One of
21 them in Docket 492 is the Gravel Pit Solar
22 Facility. That's a facility that is encompassing
23 and developing 485 acres of East Windsor property.

24 Did you express any concerns about wells,
25 impacts of development of groundwater in that

1 docket? And if so, I see a letter in the docket
2 that refers -- from you, that states that the Town
3 of East Windsor strongly supported that project.

4 Were you concerned about the wells and
5 groundwater for the 485-acre gravel pit solar
6 project?

7 **THE WITNESS (Bowsza):** So it's important to recognize
8 the distinction between where this property is in
9 relation to residences and where the gravel pit
10 solar project is in relation to residences.

11 Particularly, there is -- the gravel pit
12 project is located in its closest proximity to a
13 major area of residential units on -- on a very
14 old, either a brownfield landfill or a gravel pit,
15 which is where it gets its name from.

16 That the northern half of that project is all
17 brownfield contaminated area, that that is away
18 from most residences. It's not changing any
19 esthetics. It's not changing any neighborhood
20 feel. It's -- it's mostly obstructed from public
21 view.

22 This is something that is going to have a
23 material impact on the way people view their homes
24 and -- and are having their homes viewed.

25 **MR. BALDWIN:** In the gravel pit solar record is a

1 letter from the Department of Agriculture that
2 says that the project will convert approximately
3 230 acres of prime farmland, existing agricultural
4 uses for growing crops and feed corn, shade
5 tobacco and vegetables as a part of that
6 development.

7 230 of the 485 acres is prime farmland, and
8 yet you strongly supported that project?

9 THE WITNESS (Bowsza): For -- for the reasons that I
10 stated about the gravel pit itself, but also
11 because of the attractive nuisance that that
12 parcel had provided to illegal ATV use and other
13 illicit activities, to including locations where
14 people would be trespassing and in one instance
15 someone was, a young 15-year-old girl was killed
16 there riding -- riding an ATV.

17 The parcel itself was too expansive for any
18 one police department or any -- several police
19 departments to be able to cordon off. And so one
20 of the requirements that's put -- put in place by
21 Federal Electric Regulatory Commission is that the
22 project be screened, be fenced.

23 And so that will curtail what has been a
24 public safety and a public health nuisance to the
25 Town for -- I'm going to say 30 years, probably

1 longer. It -- it is a problem.

2 MR. BALDWIN: Proposed as a part of its approval of
3 this project, a requirement through the D and M,
4 the development and management plan, a requirement
5 that East Windsor Solar II investigate area wells,
6 proximity to area wells, and establish a plan for
7 evaluation of those wells to avoid impacts.

8 Would you be supportive of that condition?

9 THE WITNESS (Bowsza): I think that absolutely should
10 be a condition.

11 MR. BALDWIN: Thank you.

12 I have no further questions, Mr. Morissette.

13 THE HEARING OFFICER: Thank you, Attorney Baldwin and
14 thank you First Selectman Bowsza.

15 That concludes our hearing for this
16 afternoon. The Council will recess until 6:30
17 p.m. At which time we will commence with the
18 public comment session of this public hearing.
19 Thank you everyone, and enjoy your dinner.

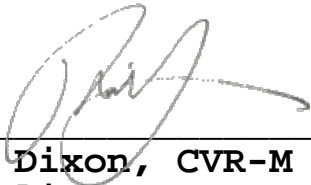
20 And we will see you at 6:30.

21
22 (End: 4:46 p.m.)
23
24
25

1
2 STATE OF CONNECTICUT
3 CONNECTICUT SITING COUNCIL
4

5 Petition No. 1572
6

7 I hereby certify that the foregoing 138 pages
8 are a complete and accurate computer-aided
9 transcription of my original verbatim notes taken
10 of the remote teleconference meeting in Re:
11 PETITION NO.: 1572, EAST WINDSOR SOLAR II, LLC,
12 PETITION FOR A DECLARATORY RULING, PURSUANT TO
13 CONNECTICUT GENERAL STATUTES §4-176 AND §16-50K,
14 FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND
15 OPERATION OF A 4.0-MEGAWATT AC SOLAR PHOTOVOLTAIC
16 ELECTRIC GENERATING FACILITY LOCATED AT 31 THRALL
17 ROAD, EAST WINDSOR, CONNECTICUT, AND ASSOCIATED
18 ELECTRICAL INTERCONNECTION, which was held before
19 JOHN MORISSETTE, Member and Presiding Officer, on
20 September 7, 2023.
21

22 
23 _____
24 Robert G. Dixon, CVR-M 857
25 Notary Public
My Commission Expires: 6/30/2025

1 INDEX

2 WITNESSES PAGE
3 Bradley J. Parsons
4 Bryan Fitzgerald
5 Andy Roland
6 Robert Burns
7 Dean Gustafson 10

8 EXAMINERS
9 By Mr. Baldwin 11, (77)
10 By Mr. Perrone 14
11 By Mr. Silvestri 25
12 By Ms. Golembiewski 43
13 By Mr. Hannon 52
14 By The Hearing Officer (Morissette) 64
15 By Mr. DeCrescenzo 81

16 WITNESS PAGE
17 (First Selectman) Jason Bowsza 120

18 EXAMINERS
19 By Mr. DeCrescenzo 120
20 By Mr. Perrone 121
21 By Mr. Silvestri 127
22 By Mr. Baldwin 132