



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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Hearing Program

Petition No. 1572

Thursday, September 7, 2023

2:00 p.m./6:30 p.m.

Zoom Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

**FEDERAL**

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at [http://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at [https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE\\_Outage\\_Report-05-31-12.pdf](https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf)
7. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>

8. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2023*, March 16, 2023, available at <https://www.eia.gov/outlooks/aeo/>
9. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2022*, March 2022, available at [https://www.eia.gov/outlooks/aeo/pdf/electricity\\_generation.pdf](https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf)
10. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at [https://www.epa.gov/sites/production/files/2015-04/documents/handbook\\_siting\\_repowering\\_projects.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf)
12. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
13. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Advisory\\_Circular\\_70\\_7460\\_1M.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf)
16. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Evaluation of Glare as a Hazard for General Aviation Pilots on Final Approach*, July 2015 available at [https://www.faa.gov/data\\_research/research/med\\_humanfacs/oamtechreports/2010s/meda/201512.pdf](https://www.faa.gov/data_research/research/med_humanfacs/oamtechreports/2010s/meda/201512.pdf)
17. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at <https://www.faa.gov/sites/faa.gov/files/airports/environmental/FAA-Airport-Solar-Guide-2018.pdf>
18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Review of Solar Energy System Projects on Federally-Obligated Airports*, May 11, 2021, available at <https://www.federalregister.gov/documents/2021/05/11/2021-09862/federal-aviation-administration-policy-review-of-solar-energy-system-projects-on-federally-obligated>
19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

## **REGIONAL**

20. ISO-NEW ENGLAND, INC., *Operational Fuel-Security Analysis*, January 17, 2018, available at [https://www.iso-ne.com/static-assets/documents/2018/01/20180117\\_operational\\_fuel-security\\_analysis.pdf](https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf)
21. ISO-NEW ENGLAND, INC., *2021 Regional System Plan*, November 2, 2021, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
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23. ISO-NEW ENGLAND, INC., *2022-2031 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2022, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
24. ISO-NEW ENGLAND, INC., *2023-2032 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2023, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
25. ISO-NEW ENGLAND, INC., *2021 Regional Electricity Outlook*, March 2020, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
26. ISO-NEW ENGLAND, INC., *2022 Regional Electricity Outlook*, July 2022, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
27. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2022 Annual Markets Report*, June 5, 2023, available at <https://www.iso-ne.com/static-assets/documents/2023/06/2022-annual-markets-report.pdf>
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29. ISO-NEW ENGLAND, INC., *Final 2023 PV Forecast*, April 28, 2023, available at [https://www.iso-ne.com/static-assets/documents/2023/04/2023\\_pv\\_forecast\\_final.pdf](https://www.iso-ne.com/static-assets/documents/2023/04/2023_pv_forecast_final.pdf)
30. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
31. ISO-NEW ENGLAND, INC., *New England's Capacity Auction Closes with Adequate Power System Resources for 2025-2026*, March 9, 2022, available at [https://www.iso-ne.com/static-assets/documents/2022/03/20220309\\_pr\\_fca16\\_initial\\_results.pdf](https://www.iso-ne.com/static-assets/documents/2022/03/20220309_pr_fca16_initial_results.pdf)
32. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER22-\_\_\_\_-000*, March 21, 2022, available at [https://www.iso-ne.com/static-assets/documents/2022/03/fca\\_16\\_results.pdf](https://www.iso-ne.com/static-assets/documents/2022/03/fca_16_results.pdf)

33. ISO-NEW ENGLAND, INC., *New England's Forward Capacity Auction Closes with Adequate Power System Resources for 2026/2027*, March 10, 2023, available at [https://www.iso-ne.com/static-assets/documents/2023/03/20230310\\_pr\\_fca17\\_initial\\_results\\_final.pdf](https://www.iso-ne.com/static-assets/documents/2023/03/20230310_pr_fca17_initial_results_final.pdf)
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## STATE

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35. CONNECTICUT SITING COUNCIL, PETITION 754 - *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at [https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update\\_final\\_s.pdf](https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf)
36. CONNECTICUT SITING COUNCIL, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at [https://portal.ct.gov/-/media/CSC/1\\_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments\\_s.pdf](https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf)
37. CONNECTICUT SITING COUNCIL, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at [https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket\\_346/whiteprFINALpdf.pdf](https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket_346/whiteprFINALpdf.pdf)
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39. **DOCKET NO. 492** – Gravel Pit Solar Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, available at [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-492-Gravel-Pit-Solar\\_East-Windsor](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-492-Gravel-Pit-Solar_East-Windsor)
40. **DOCKET NO. 497** – Burlington Solar One, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 3.5-megawatt-AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection. Record and Final Decision, available at [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-497---Burlington-Solar-One](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-497---Burlington-Solar-One)

41. **DOCKET NO. 505** – Haddam Quarter Solar, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 2.8-megawatt-AC solar photovoltaic electric generating facility located south of Haddam Quarter Road and north of Johnson Lane, Durham, Connecticut and associated electrical interconnection. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/4\\_DocketNos500s/Docket-No-505](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-505)
42. **PETITION NO. 1426** - DG Connecticut Solar III, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One)
43. **PETITION NO. 1558** – Community Power Group 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-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1501-1600/PE1558](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1558)

**Department of Energy and Environmental Protection**

44. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised November 2007, *available at* [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654)
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47. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective February 8, 2018, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq., *available at* [https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title\\_22aSubtitle\\_22a-174/](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-174/)

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**Department of Public Health**

58. STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH, *Electric and Magnetic Fields (EMF): Health Concerns Fact Sheet*, revised April 2008, *available at* [https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental\\_health/eoha/pdf/EMFFactSheet2008pdf.pdf?la=en](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/EMFFactSheet2008pdf.pdf?la=en)

**Department of Transportation**

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60. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Utility Accommodation Manual*, February 2009, *available at* <https://portal.ct.gov/-/media/DOT/documents/dutilities/ACCOMODATIONpdf.pdf>
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**Other State Agencies**

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75. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
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77. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).

#### **TECHNICAL**

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## MAPS

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99. MAIL-A-MAP STREET MAP, East Windsor, available at [http://mailamap.com/street\\_maps](http://mailamap.com/street_maps)
100. UNITED STATES GEOLOGICAL SURVEY, National Map Viewer, available at <https://apps.nationalmap.gov/viewer/>

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C. CGS §16-50k Core Forest and Prime Farmland Determinations

1. Department of Energy and Environmental Protection No Material Impact to Core Forest Determination Letter, dated March 8, 2023
2. Department of Agriculture No Material Impact to Prime Farmland Determination Letter, dated March 23, 2023

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II. Appearance by Petitioner: East Windsor Solar Two, LLC (EWS2)

Representative: Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by East Windsor Solar Two, LLC, received May 5, 2023, and attachments.
2. Petitioner's Responses to Council Interrogatories, Set One, dated July 18, 2023
3. Petitioner's Sign Posting Affidavit, dated August 24, 2023.
4. Petitioner's Responses to Town of East Windsor Interrogatories, dated August 31, 2023.
5. Petitioner's Environmental & Community Noise Assessment, dated August 31, 2023
6. Petitioner's Witness Resumes, received August 31, 2023

C. Swear Witnesses

1. Bradley J. Parsons, P.E. PMP, Director of Design and Permitting, East Windsor Solar Two LLC
2. Bryan Fitzgerald, Director of Development, East Windsor Solar Two LLC
3. Andy Roland, Senior Project Manager, Environmental Engineer, WSP
4. Robert Burns, P.E., All-Points Technology Corp. P.C.
5. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
  2. Town of East Windsor
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III. Appearance by Party: Town of East Windsor (TOWN)

Representative: Robert M. DeCrescenzo, Esq.  
Updike, Kelly & Spellacy, P.C.

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Town's Planning and Zoning Commission Comments, dated May 4, 2023
2. Town's Request for Party Status, dated May 12, 2023
3. Town's Request for Public Hearing, dated May 23, 2023
4. Town's Pre-filed Testimony of First Selectman Jason E. Bowsza, dated September 6, 2023

C. Swear Witness.

1. Jason Bowsza, First Selectman, Town of East Windsor

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner

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IV. Closing by Connecticut Siting Council.