

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 PETITION NO. 1589

5 Petition from USS Somers Solar, LLC for a
6 declaratory ruling, pursuant to Connecticut
7 General Statutes, Section 4-176 and Section
8 16-50k, for the proposed construction, maintenance
9 and operation of a 3.0-megawatt AC solar
10 photovoltaic electric generating facility located
11 at 360 Somers Road, Ellington, Connecticut, and
12 associated electrical interconnection

13 VIA ZOOM AND TELECONFERENCE

14 Public Comment Session held on Tuesday,
15 December 5, 2023, beginning at 6:30 p.m.,
16 via remote access.

17 H e l d B e f o r e :

18 JOHN MORISSETTE, Presiding Officer

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25 Reporter: Lisa L. Warner, CSR #061

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

2
3 **Council Members:**

4 **ROBERT SILVESTRI**

5 **DANIEL P. LYNCH, JR.**

6 **Council Staff:**

7 **MELANIE BACHMAN, ESQ.**

8 **Executive Director and Staff Attorney**

9 **IFEANYI NWANKWO**

Siting Analyst

10 **LISA FONTAINE**

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13
14 **For USS Somers Solar, LLC:**

PULLMAN & COMLEY, LLC

90 State Street

15 **Hartford, Connecticut 06103-3702**

Phone: 860.424.4315

16 **BY: LEE D. HOFFMAN, ESQ.**

lhoffman@pullcom.com

17
18 **Also present:**

DAN CSAPLAR, USS Somers Solar, LLC

19 **Public Speakers:**

BRETT MICKELSON

20 **ARLO HOFFMAN**

DOUG HENDRIX

21 **MARK KRASINSKI**

GREGORY RAMEKA

22 **MICHELE RAMEKA**

23
24 **Zoom co-host: Aaron Demarest**

25

1 MR. MORISSETTE: Good evening, ladies
2 and gentlemen. This public comment session is
3 called to order this Tuesday, December 5, 2023, at
4 6:30 p.m. My name is John Morissette, member and
5 presiding officer of the Connecticut Siting
6 Council. Other members of the Council are Daniel
7 P. Lynch, Jr. and Robert Silvestri.

8 Members of the staff are Melanie
9 Bachman, executive director and staff attorney;
10 Ifeanyi Nwankwo, siting analyst; Lisa Fontaine,
11 fiscal administrative officer; and Dakota
12 LaFountain, clerk typist.

13 If you haven't done so already, I ask
14 that everyone please mute their computer audio
15 and/or telephones now.

16 This is a continuation of a public
17 hearing that began at 2 p.m. this afternoon. A
18 copy of the prepared agenda is available on the
19 Council's Petition 1589 webpage, along with the
20 record of this matter, the public hearing notice,
21 instructions for public access to this public
22 hearing, and the Council's Citizens Guide to
23 Siting Council Procedures.

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 USS Somers
3 Solar, LLC for a declaratory ruling, pursuant to
4 Connecticut General Statutes, Section 4-176 and
5 Section 16-506k, for the proposed construction,
6 maintenance and operation of a 3.0-megawatt AC
7 solar photovoltaic electric generating facility
8 located at 360 Somers Road in Ellington,
9 Connecticut, and associated electrical
10 interconnection. This petition was received by
11 the Council on August 23, 2023.

12 The Council's legal notice of the date
13 and time of this public hearing was published in
14 The Journal Inquirer on November 13, 2023. Upon
15 this Council's request, the petitioner erected a
16 sign in the vicinity of the proposed site so as to
17 inform the public of the name of the petitioner,
18 the type of facility, the public hearing date, and
19 contact information for the Council, including
20 website and phone number.

21 Please be advised that the Council does
22 not issue permits for stormwater management. If
23 the proposed project is approved by the Council,
24 the Department of Energy and Environmental
25 Protection, DEEP, Stormwater Permit is

1 independently required. DEEP could hold a public
2 hearing on any Stormwater Permit application.

3 Please also be advised that the
4 Council's project evaluation criteria under the
5 statute does not include consideration of property
6 values.

7 As a reminder to all, off-the-record
8 communication with a member of the Council or a
9 member of the Council staff upon the merits of
10 this petition is prohibited by law.

11 This public comment session is reserved
12 for members of the public who signed up in advance
13 to make brief statements. These limited
14 appearance statements are not subject to questions
15 from the parties or the Council, and members of
16 the public making statements may not ask questions
17 of the parties or the Council.

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

24 I wish to note for those who are here
25 and for the benefit of your friends and neighbors

1 who are unable to join us for this public comment
2 session that you or they may send written
3 statements to the Council within 30 days of the
4 date hereof by mail or by email. Please be
5 advised that any person may be removed from the
6 public comment session at the discretion of the
7 Council.

8 We ask each person making a limited
9 appearance statement in this proceeding to confine
10 his or her statements to the subject matter before
11 the Council and to avoid unreasonable repetition
12 so that we may hear all of the concerns you and
13 your neighbors may have. Please be advised that
14 the Council cannot answer questions from the
15 public about the proposal.

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

19 At this time, I request the petitioner
20 to make a brief presentation to the public
21 describing the proposed facility. I believe
22 Attorney Hoffman is making that presentation.

23 Attorney Hoffman.

24 MR. HOFFMAN: Thank you, Mr.
25 Morissette. I am not making that presentation,

1 but I'm introducing Dan Csaplar from USS Somers
2 Solar who will be.

3 MR. MORISSETTE: Thank you, Attorney
4 Hoffman.

5 Mr. Csaplar, please continue.

6 DAN CSAPLAR: Yes. Thank you. Can
7 everyone hear me?

8 MR. MORISSETTE: Yes.

9 MR. CSAPLAR: Awesome. Thank you very
10 much. My name is Dan Csaplar. I'm here
11 representing US Solar. We are representing JLM
12 Associates who owns the Town of Ellington Airport
13 which is located off of Somers Road. We're
14 proposing a 3-megawatt solar facility on the
15 project.

16 To give you a little background on who
17 we are. We are, again, US Solar. We develop,
18 construct, maintain and own these small community
19 solar arrays and construct them at no cost to the
20 property owner. We're based out of Minnesota but
21 have offices in Connecticut, Boston and Virginia
22 and have built roughly 85 to 90 of these projects
23 to date.

24 So why this property? We reached out
25 to JLM Associates because their parcel is a

1 desirable location for solar. The parcel is
2 clear, flat, dry, and next to existing Eversource
3 infrastructure or 3 phase. The property owner
4 reciprocated interest in pursuing a solar project
5 on this property. So we have two pathways to go
6 through. We need to go through Eversource as well
7 as the permitting process with the Siting Council
8 which is why we're all here.

9 So to give a little background on the
10 site itself, again, we're proposing a 3-megawatt
11 AC solar facility. This will take up roughly 19.2
12 acres of the parcel. Here it's outlined in
13 purple. The solar facility will be sited on the
14 northern portion of the parcel. We had originally
15 intended for the array to be 4 megawatts in size,
16 but have since downsized by 1 megawatt or roughly
17 13 acres to appease the parachutists group and the
18 town's wishes.

19 So the arrays itself will utilize a
20 single access tracker mounting system. So
21 essentially what this does is this technology
22 follows the sun throughout the day. So you can
23 think of the arrays as being tilted towards the
24 east during the morning and then the west towards
25 the end of the day.

1 We enclose our arrays by a 7-foot tall
2 farm style fence. We also utilize wooden posts.
3 And we think this meshes better with the
4 surrounding community. We like to be as minimally
5 invasive as possible, so the panels are just pile
6 driven into the ground and we use a gravel access
7 road which will run out east from Somers Road as
8 depicted in this photo.

9 The construction period for the array
10 will take roughly seven months and then, you know,
11 the array just kind of sits there and creates
12 electricity. We'll send out an operation and
13 maintenance team roughly every quarter to clean
14 off the panels and to make sure everything is
15 looking neat and tidy.

16 So in a nutshell, it's a very simple
17 project and will create clean electricity for at
18 least 20 years. So that's all I have at this
19 time. And thank you very much for your time.

20 MR. MORISSETTE: Thank you, Mr.
21 Csaplar.

22 We'll now call on Brett Mickelson to
23 make a public statement followed by Arlo Hoffman.

24 Brett Mickelson, please.

25 BRETT MICKELSON: Hello.

1 MR. MORISSETTE: Good evening.

2 MR. MICKELSON: My name is Brett
3 Mickelson. I am the president of Connecticut
4 Parachutists, Incorporated, otherwise known as
5 CPI. For a little background, CPI has been in
6 existence since 1962, and we have been at
7 Ellington Airport since 1970.

8 As Mr. Durocher stated in his written
9 testimony, we're not just the skydiving club at
10 CPI -- or at the airport, but we're actually
11 actively the manager and have been since 2017 of
12 the airport property. We're not just bystanders.
13 We're in a long-term lease with an option to
14 purchase. We do intend to exercise our option to
15 purchase, as Mr. Durocher said in his testimony,
16 and we expect that the US Solar contract will be
17 in our ownership, therefore, our position should
18 carry additional weight.

19 I also want to respond to something
20 that was stated by US Solar in their
21 interrogatories. They said that CPI agreed to the
22 development of the solar array. And we did
23 verbally agree to a maximum 10-acre installation
24 at the original time that it was proposed. We
25 never agreed in writing. And we were unaware that

1 the footprint had changed until we saw the
2 application had been submitted to the town.

3 Upon further questioning, we learned
4 that the proposed acreage was double the size that
5 we had originally agreed upon. It was nearly 30
6 acres at that time, more than double the size.
7 And only after directly approaching US Solar were
8 we able to even negotiate a smaller footprint
9 which is still twice the size of the original
10 proposal that we had reviewed. We do not agree to
11 having solar on these lands on this property in
12 the way that it's currently constituted despite
13 what you're being told today.

14 I would also like to respond quickly to
15 some other testimony from Mr. Durocher, both
16 written and verbal. Mr. Durocher says that
17 vertical speeds of skydivers are at or near zero
18 when they're landing. Doug Hendrix, who's on the
19 agenda, will speak more to this. But anybody
20 who's ever seen any skydiver land can tell you
21 that that is not true. Even large tandem canopies
22 that are carrying members of our community are
23 moving forward at a rate of speed fast enough that
24 the safest and most recommended method of landing
25 is to slide in rather than trying to stand up.

1 We also want to respond to
2 Mr. Durocher's assertion that we have 10,000 feet
3 in order to make our decisions about where we're
4 going to land. The fact is that we exit at or
5 above 10,000 feet, but we do not deploy our
6 parachutes until around 3,000 feet, and every
7 second limits you're available safe options if you
8 can't make it back to the designated landing zone.

9 I also want to address one final thing
10 which is that Mr. Durocher asserted that the
11 runway extension plans have been scrapped by CPI,
12 and this is inaccurate. We do very much intend to
13 extend the runway. (TIME ELAPSED)

14 MR. MORISSETTE: Thank you,
15 Mr. Mickelson. Unfortunately, your time has
16 expired. But again, please provide written
17 comments, if you so choose to. We would be happy
18 to entertain your comments.

19 We'll now call on Arlo Hoffman followed
20 by Doug Hendrix.

21 Arlo Hoffman, please.

22 ARLO HOFFMAN: Hi.

23 MR. MORISSETTE: Good evening.

24 MR. HOFFMAN: I'm Arlo Hoffman. I'm
25 chairman of the Planning and Zoning Commission in

1 Ellington, and I'm here tonight to speak out
2 against this project.

3 The Town of Ellington has spent over a
4 million dollars to bring sewer service to this
5 parcel. That was to service the existing
6 industrial businesses that are there and for
7 future growth of the town. We've got a
8 substantial investment. It's outlined in our plan
9 of conservation and development. And this is
10 taking away from the opportunity to bring business
11 to Ellington which that is an industrial zoned
12 property and it's key industrial zoned property.
13 That's number one.

14 Second is a much bigger issue is the
15 safety issue which I think our last caller was
16 trying to make. We cannot allow a solar panel
17 construction at the end of an active runway or in
18 a parachute drop zone. It is not safe. There
19 will be loss of life. In the past few years we
20 had several planes on landing overshoot that
21 runway. It's a short runway. It needs to be
22 expanded. And that will be done, I believe, by a
23 prudent owner of the property.

24 And I believe, just thankfully, when
25 they did overrun, they would run into that grass

1 field and at minimal damage, no loss of life, no
2 big damage to the plane for sure, but it could be
3 much, much worse. It would not be safe to do
4 that. Where these panels are proposed, this is
5 not a good --

6 And I will repeat one other point I've
7 made in the past. Again, you're using up current,
8 some good farmland there. It is industrial zoned.
9 It's planned industrial for the growth of the
10 town. This thing should be denied by the Council.
11 Thank you.

12 MR. MORISSETTE: Thank you, Mr.
13 Hoffman. We'll now call upon Doug Hendrix
14 followed by Mark Krasinski.

15 Mr. Hendrix.

16 DOUG HENDRIX: Hello, my name is Doug
17 Hendrix. I serve as the safety and training
18 advisor at Connecticut Parachutists. This
19 position is appointed by our governing body, the
20 United States Parachute Association, to ensure the
21 highest level of safety for all.

22 I've been a skydiver for almost 12
23 years and accumulated 3,500 skydives. At the
24 Ellington Airport I have jumped during every month
25 of the year in many different weather conditions,

1 and I've personally witnessed skydives at this
2 airport almost weekly for a decade. I'm here
3 today to discuss the safety concerns the proposed
4 solar array presents to skydivers.

5 First, I would like to address the
6 statement provided by the FAA. The FAA's comments
7 only relate to aircraft and do not apply to
8 parachutes. In fact, the FAA has no expertise in
9 day-to-day parachute operations. The FAA only
10 regulates skydiving aircraft and skydiving
11 equipment. Therefore, the FAA cannot speak to the
12 safety of skydivers in regards to the solar
13 proposal. There is no evidence currently
14 presented that argues the solar array and
15 skydivers can safely coexist.

16 Second, for my statement and the
17 statement from the United States Parachute
18 Association, we are serving as the subject matter
19 experts to provide evidence as to why the solar
20 array causes significant hazards for skydivers.
21 It is always the intention of every jump to land
22 at a predetermined location, but sometimes the
23 target is missed. This can be due to a variety of
24 reasons, however common reasons include unexpected
25 winds or clouds, parachute malfunctions, or simply

1 inexperienced skydivers learning how to fly a
2 parachute.

3 This is an occurrence that sometimes
4 happens in which a skydiver will have a routine
5 emergency landing in an alternate landing area.
6 There can be little time to choose a location. On
7 a typical skydive my parachute gives me less than
8 60 seconds from opening to landing. When
9 alternate landings occur, it typically occurs on
10 airport property due to the proximity to the drop
11 zone in a relatively flat area free of obstacles
12 and trees. Many times this happens in the
13 proposed solar array location. In fact, I have
14 landed in this exact area several times over my
15 skydiving career.

16 Skydivers often do not realize and not
17 make it back to their intended landing area until
18 it's too late. If a skydiver found themselves in
19 this area, they'd be forced to choose between the
20 solar array, trees or a potential collision with
21 an airborne aircraft. Landing accidents are the
22 number one cause of skydiving deaths. If and when
23 a skydiver is forced to land in the solar array,
24 this could cause serious injury or death. Modern
25 parachutes are designed to land gracefully;

1 however, they can have significant forward speed
2 upon landing. My parachute can travel up to 50
3 miles an hour across the ground at the time of
4 landing.

5 Without a sufficient runway to land a
6 parachute, a skydiver can impact an obstacle at a
7 high rate of speed which presents a substantial
8 risk to the human body. If a skydiver landed with
9 injuries, it would be very challenging to provide
10 that immediate first aid as access would be
11 limited to the site, never mind potentially
12 hazardous. I present this evidence as a local
13 subject matter expert which echoes the message
14 from our governing body, the United States
15 Parachute Association.

16 In summary, the solar array presents
17 serious safety concerns for our skydivers. Thank
18 you for your time and consideration.

19 MR. MORISSETTE: Thank you, Mr.
20 Hendrix. We'll now call upon Mark Krasinski
21 followed by Gregory Rameka.

22 Mr. Krasinski, please. Take yourself
23 off mute, please. Thank you.

24 MARK KRASINSKI: Okay. Don't count
25 that as my time. Thank you, John. My name is

1 Mark Krasinski. I am an active skydiver at CPI,
2 but I'm also an active pilot for 25 years, and I
3 own a Piper single engine airplane. My main
4 concern is the danger of runway excursions, so I
5 disagree with this plan. In the 30 years at
6 Ellington Airport I have seen four excursions. In
7 all four cases I saw the planes run into the
8 fields off the end of the runway and luckily
9 everyone walked away. In one of the cases it was
10 due to fuel starvation. The others were due to
11 errors on landing or takeoff procedures.

12 The definition of an accident is an
13 unintentionally caused event. Accidents will
14 happen. The concern is what is the result of an
15 accident. The solar company has suggested a
16 500-foot runway clear zone. At 80 miles an hour,
17 which is the landing speed of a typical aircraft,
18 it will only take 4.2 seconds for an aircraft to
19 be at the solar structure from the end of the
20 runway.

21 The FAA defines a runway safety area as
22 an RSA. On the FAA website, faa.gov, where it
23 talks about runway excursions and RSA it states,
24 and I quote, Airport operators determine the
25 dimensions of each runway's RSA by incorporating

1 all available land within the runway standard RSA
2 dimensions that is capable of supporting safety
3 area characteristics. The FAA has provided
4 letters stating that the current structures do not
5 exceed obstacle obstruction standards. CPI is
6 becoming -- is in the process of becoming an
7 airport operator. We feel just meeting the
8 minimal RSA dimensions is not appropriate. Would
9 any of you have your son or daughter take a roller
10 coaster ride that only meets the minimum safety
11 requirements? That's just a bad idea.

12 It's a matter of statistics and time.
13 Another airplane will have a runway excursion, and
14 instead of running off into a field it will run
15 into a solar structure causing a preventable
16 catastrophic conclusion. With such an active
17 flight environment at the Ellington Airport, this
18 structure will be better suited somewhere else.
19 Our accidents may be not preventable because,
20 again, it is an unintentional caused event, but
21 the conclusion of the accident being either, one,
22 a simple run off the field; or number two, a
23 catastrophic collision with a solar structure is
24 up to you, the Siting Council. Thank you for your
25 time.

1 MR. MORISSETTE: Thank you, Mr.
2 Krasinski. We'll now call upon Gregory Rameka
3 followed by Michele Rameka.

4 Gregory.

5 GREGORY RAMEKA: Good evening. My
6 camera is not working this evening.

7 MR. MORISSETTE: That's fine.

8 MR. RAMEKA: I am here to speak out
9 against this project. It is at the bottom of a --
10 oh, there it goes. It is at the bottom of a
11 residential neighborhood. As previously stated,
12 sewer has been run out to this for industrial
13 purposes. And honestly, I look at any kind of tax
14 dollar investment into properties that it can be
15 used for any benefit of the town. And I don't see
16 any benefit of this specifically going towards the
17 people that live here in Ellington. There's been
18 no words about power savings to anybody. We don't
19 know where the power is actually going to end up
20 going that's generated from this. We don't know
21 where these panels are being made. We don't know
22 if US steel is being made. We don't know if this
23 is going to support any local jobs or support
24 anybody locally here. I think all it is is just a
25 land grab to try to make power using China

1 technology that's outdated. And then when they're
2 scrapped, it's a toxic waste that's just going to
3 end up laying there, and they're not going to do
4 anything with it, and there's just going to be
5 toxic waste in our backyard.

6 On top of that, right now that land is
7 being utilized as a farm. They plant crops on it.
8 And that's food for us in one way or another.
9 Ellington is known as a farming community, and I
10 think we should continue to support that. And I
11 thank you for your time.

12 MR. MORISSETTE: Thank you, Mr. Rameka.
13 We'll now call upon Michele Rameka.

14 MICHELE RAMEKA: Hi. I pretty much
15 have the same thing that Greg said. I mean,
16 obviously we are both the homeowners at our house,
17 and we don't agree. I did sit through the 2
18 o'clock meeting. Excuse the dogs behind us. I
19 did sit through this 2 o'clock meeting, and I did
20 find some discrepancies that the solar company did
21 try to explain as best as they could what was
22 going on. But the quarterly, one of the problems
23 I have is the quarterly maintenance on it. I know
24 it's every 90 days, but they were very unsure of
25 that at first. And someone had asked during the

1 day at the 2 o'clock meeting what's the traffic
2 going to be like, the construction zone, and it
3 was made clear towards the end of the meeting what
4 was going to happen, but I did not put full faith
5 into the fact that they didn't have the answers up
6 front. So that was a concerning factor for me
7 that it seemed very confusing and unsure when they
8 were first trying to explain it, and that's an
9 issue for me. So thank you for your time tonight.

10 MR. MORISSETTE: Thank you,
11 Mrs. Rameka. Thank you for coming out. And thank
12 you everyone for coming out this evening and
13 providing us with your comments. We very much
14 appreciate it.

15 So that concludes the comments, public
16 comment session for this evening. Before we close
17 this hearing, the Connecticut Siting Council
18 announces that briefs and proposed findings of
19 fact may be filed with the Council by any party or
20 intervenor no later than January 4, 2024. The
21 submission of briefs or proposed findings of fact
22 are not required by this Council, rather, we leave
23 it to the choice of the parties or intervenors.

24 Anyone who has not become a party or
25 intervenor but who desires to make his or her

1 views known to the Council, may file written
2 statements with the Council within 30 days of the
3 date hereof.

4 The Council will issue draft findings
5 of fact, and thereafter parties and intervenors
6 may identify errors and inconsistencies between
7 the Council's draft findings of fact and the
8 record. However, no new information, no new
9 evidence, no arguments and no reply briefs without
10 our permission will be considered by the Council.

11 Copies of the transcript of this
12 hearing will be filed with the Ellington Town
13 Clerk's Office.

14 I hereby declare this hearing
15 adjourned. And thank you everyone for your
16 participation. Have a good evening, and thank you
17 again.

18 (Whereupon, the hearing adjourned at
19 6:56 p.m.)
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1 CERTIFICATE FOR REMOTE HEARING

2
3
4 I hereby certify that the foregoing 23 pages
5 are a complete and accurate computer-aided
6 transcription of my original stenotype notes taken
7 before the CONNECTICUT SITING COUNCIL of the
8 PUBLIC COMMENT SESSION IN RE: PETITION NO. 1589,
9 Petition from USS Somers Solar, LLC for a
10 declaratory ruling, pursuant to Connecticut
11 General Statutes, Section 4-176 and Section
12 16-50k, for the proposed construction, maintenance
13 and operation of a 3.0-megawatt AC solar
14 photovoltaic electric generating facility located
15 at 360 Somers Road, Ellington, Connecticut, and
16 associated electrical interconnection, which was
17 held before JOHN MORISSETTE, PRESIDING OFFICER, on
18 December 5, 2023.
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Lisa L. Warner, CSR 061
Court Reporter